AGENDA

CITY OF ORMOND BEACH, FLORIDA

CITY COMMISSION MEETING

April 16, 2024

6:00 PM

Mayor Bill Partington

Zone 1 - Commissioner Lori Tolland
Zone 2 - Commissioner Travis Sargent
Zone 3 - Commissioner Susan Persis
Zone 4 - Commissioner Harold Briley

COMMISSION CHAMBERS
22 South Beach Street, Ormond Beach, FL 32174
Phone: 386-677-0311 Web: www.ormondbeach.org

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1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. Ike Leary

B. National Crime Victims' Rights Week

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting - April 2, 2024

7. CONSENT AGENDA

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

A. **RESOLUTION NO. 2024-56**: A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING FUNDING FOR THE CONSTRUCTION OF A STORMWATER PUMP STATION AND FORCE-MAIN ALONG FLEMING AVENUE; RATIFYING

THE EXECUTION OF AN AGREEMENT; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

B. **RESOLUTION NO. 2024-57**: A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE CITY AND THE STATE OF FLORIDA DEPARTMENT OF COMMERCE REGARDING FUNDING FOR DESIGN WORK AND PRE-DEVELOPMENT ACTIVITIES FOR A DOWNTOWN COMMUNITY CENTER; AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS INCIDENTAL THERETO FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

C. **RESOLUTION NO. 2024-58**: A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #1-2024 TO THAT CONTRACT AWARDED TO AUSTIN OUTDOOR, LLC D/B/A YELLOWSTONE LANDSCAPE REGARDING GROUNDS MAINTENANCE SERVICES, BY INCREASING THE CONTRACT PRICE BY $14,237.00; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Robert Carolin, Leisure Services Director, (386) 676-3279*

D. **Construction & Demolition Franchise Renewal for Hubbard Construction Company dba Mid Florida Materials**

Staff Contact: *Kevin Gray, Deputy Public Works Director, (386) 676-3325*

Disposition: Approve as recommended in the City Manager staff report dated April 16, 2024.

E. **City Manager's Monthly Report, April 2024**

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

Disposition: Accept as information as recommended in the City Manager staff report dated April 16, 2024.

8. PUBLIC HEARINGS

A. **ORDINANCE NO. 2024-02:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 1.33± ACRES, LOCATED ALONG BENTON STREET, NORTH OF ATLANTIC ROAD (VOLUSIA COUNTY PARCEL NUMBERS 3136-01-34-0220 AND 3136-01-01-0022) FROM 'MEDIUM DENSITY RESIDENTIAL" TO "LOW INTENSITY COMMERCIAL"; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

B1. **ORDINANCE NO. 2024-03:** AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE ONE PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 147.94 ACRES LOCATED AT 20 TOMOKA OAKS BOULEVARD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL IDENTIFICATION NUMBER: 3242-07-00-0010 FROM PRD, PLANNED RESIDENTIAL DEVELOPMENT TO R-2, SINGLE-FAMILY LOW DENSITY; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(OPTION 1)**

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

B2. **RESOLUTION NO. 2024-64**: A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA, APPROVING AN ORDER OF DENIAL, DENYING A REQUEST BY TRIUMPH OAKS OF ORMOND BEACH I, LLC, TO REZONE 147.94 ACRES GENERALLY LOCATED AT 20 TOMOKA OAKS BOULEVARD FROM PLANNED RESIDENTIAL DEVELOPMENT ("PRD") TO SINGLE-FAMILY LOW DENSITY RESIDENTIAL (R-2); AND SETTING FORTH AN EFFECTIVE DATE. **(OPTION 2)**

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

C. **RESOLUTION NO. 2024-59**: A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING "TOMOKA CHRISTIAN CHURCH", LOCATED AT 1450 HAND AVENUE WITHIN THE SR, SUBURBAN RESIDENTIAL ZONING DISTRICT, TO ALLOW THE CONSTRUCTION OF A STANDALONE TWO-STORY BUILDING OF APPROXIMATELY 20,000 SQUARE FEET; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

D. **RESOLUTION NO. 2024-60**: A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "7-ELEVEN CONVENIENCE STORE" LOCATED AT 3 NORTH YONGE STREET; TO ALLOW TWO ELECTRONIC CHANGEABLE COPY SIGNS FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

E. **RESOLUTION NO. 2024-61**: A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "7-ELEVEN CONVENIENCE STORE" LOCATED AT 460 SOUTH ATLANTIC AVENUE; TO ALLOW AN

ELECTRONIC CHANGEABLE COPY SIGN FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

F. **RESOLUTION NO. 2024-62**: A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "7-ELEVEN CONVENIENCE STORE" LOCATED AT 1546 WEST GRANADA BOULEVARD; TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGN FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

G. **RESOLUTION NO. 2024-63**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A MURAL OWNERSHIP AGREEMENT TO ALLOW A MURAL TO BE INSTALLED ON THE WEST FACING WALL OF THE BUILDING LOCATED AT 51 WEST GRANADA BOULEVARD, BETWEEN THE CITY OF ORMOND BEACH; BILL JONES, HIGHLANDER CORPORATION (BUILDING OWNER); AND BETH O'CONNOR (ARTIST); AND SETTING FORTH AN EFFECTIVE DATE.

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

9. SECOND READING OF ORDINANCES

A. **ORDINANCE NO. 2024-01:** AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 20, 2024; PROVIDING FOR AND CALLING A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 5, 2024; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

10. REPORTS, SUGGESTIONS, REQUESTS

11. ADJOURNMENT

Website Address – www.ormondbeach.org

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

to be based.



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Phone: 386-677-0311



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

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

MINUTES
ORMOND BEACH CITY COMMISSION
HELD AT CITY HALL COMMISSION CHAMBERS

April 2, 2024	**7:00 p.m.**	**Commission Chambers**

Present: Mayor Bill Partington, Commissioners Lori Tolland, Travis Sargent, Susan Persis and Harold Briley, City Manager Joyce Shanahan, City Attorney Randy Hayes, Assistant City Manager Claire Whitley, and City Clerk Susan Carroll Dauderis.

A G E N D A

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. Graham Johnston

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting - March 19, 2024

7. CONSENT AGENDA

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

A. **RESOLUTION NO. 2024-50:** A RESOLUTION AMENDING THE CITY COMMISSION MEETING SCHEDULE FOR THE MONTH OF APRIL, 2024; PROVIDING FOR AN EXCEPTION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

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

B. **RESOLUTION NO. 2024-51:** A RESOLUTION ACCEPTING A PROPOSAL FROM A.M. WEIGEL CONSTRUCTION, INC. FOR CONSTRUCTION MANAGEMENT SERVICES REGARDING THE ORMOND BEACH SPORTS COMPLEX BASEBALL NETTING REPLACEMENT PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

C. **RESOLUTION NO. 2024-52:** A RESOLUTION ACCEPTING A WARRANTY DEED FROM ADJ HUNTERS RIDGE, LLC, FOR PROPERTY WITHIN THE GROVESIDE AT ORMOND STATION (F/K/A CELEDINE) SUBDIVISION, A PORTION OF THE HUNTER'S RIDGE DEVELOPMENT OF REGIONAL IMPACT LOCATED IN FLAGLER COUNTY, FOR LIFT STATION PURPOSES; AND SETTING FORTH AN EFFECTIVE DATE.

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

D. **RESOLUTION NO. 2024-53:** A RESOLUTION AUTHORIZING THE EXECUTION OF AN ELECTRIC VEHICLE CHARGING EQUIPMENT AGREEMENT WITH FLORIDA POWER & LIGHT FOR THE INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS IN CITY HALL PARKING LOT; AUTHORIZING THE EXECUTION OF AN EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT; AUTHORIZING THE PURCHASE OF PROJECT

SPECIFIC INSURANCE; AND SETTING FORTH AN EFFECTIVE DATE.

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

E. **RESOLUTION NO. 2024-54:** A RESOLUTION ACCEPTING A PROPOSAL FROM AVCON, INC., TO PERFORM AN AERONAUTICAL SURVEY AND PREPARE AN OBSTACLE ACTION PLAN FOR THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Steven Lichliter, Airport Manager, (386) 615-7019*

F. **2024 Parking Restoration**

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

Disposition: Approve as recommended in the City Manager staff report dated April 2, 2024.

8. PUBLIC HEARINGS

A. **RESOLUTION NO. 2024-55:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR “FOUNTAIN VIEW, PHASE 1C”, SHOWN WITHIN PHASE 1 OF THE PLANTATION OAKS PLANNED RESIDENTIAL DEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

9. FIRST READING OF ORDINANCES

A. **ORDINANCE NO. 2024-01:** AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 20, 2024; PROVIDING FOR AND CALLING A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 5, 2024; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. REPORTS, SUGGESTIONS, REQUESTS

11. ADJOURNMENT

M I N U T E S

Item #1 – Meeting Call to Order

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

Item #2 – Invocation

Evangelist John Jeyaseelan, Bethel Ministries, provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Graham Johnston

Mayor Partington proclaimed April 2, 2024 as a day to recognize and celebrate Graham Johnston for his contributions to the community.

Commissioner Persis expressed her support and presented Mr. Graham with a key to the city.

Item #5 – Audience Remarks

Mr. Alan Burton, 915 Ocean Shore Boulevard, requested the Commission consider integrating the ReGrow the Loop initiative with the city's five-year Capital Improvement Program (CIP). He reviewed a five-year plan comparing to the work completed at Vadner Park.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes from the March 19, 2024, meeting had been sent to the Commission for review and posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated hearing no corrections, the minutes would stand approved as presented.

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of the March 19, 2024, City Commission meeting minutes.

The motion passed by voice vote.

Item #7 – Consent Agenda

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

Commissioner Sargent requested Items 7D and 7E be pulled from the Consent Agenda

Commissioner Persis moved, seconded by Commissioner Tolland, for approval of the consent agenda, absent Items 7D and 7E.

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Item #7D – Electric Vehicle Charging Equipment Agreement With FPL

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-53

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ELECTRIC VEHICLE CHARGING EQUIPMENT AGREEMENT WITH FLORIDA POWER & LIGHT FOR THE INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS IN CITY HALL PARKING LOT; AUTHORIZING THE EXECUTION OF AN EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT; AUTHORIZING THE PURCHASE OF PROJECT SPECIFIC INSURANCE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of Resolution No. 2024-53 as read by title only.

Commissioner Sargent inquired if after the ten-year period would the easement defer back to the city; whereby, Mr. Shawn Finley, Public Works Director, explained typically it

would not automatically defer back to the city but the easement could be written that way. Commissioner Sargent expressed concerns regarding usage due to the location of the stations; whereby, Mr. Finley stated Florida Power and Light (FPL) selected the location due to needs. Commissioner Sargent inquired if FPL would put a solar panel shade structure; whereby Mr. Peter Martinez, FPL, stated there was a separate program for solar power and noted FPL could work with staff to review separate options.

Commissioner Tolland and Commissioner Briley expressed support of the solar power noting concerns on location.

Call Vote:	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Item #7E – Work Auth - Aeronautical Survey & Obstruction Analysis Services

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-54

A RESOLUTION ACCEPTING A PROPOSAL FROM AVCON, INC., TO PERFORM AN AERONAUTICAL SURVEY AND PREPARE AN OBSTACLE ACTION PLAN FOR THE ORMOND BEACH MUNICIPAL AIRPORT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION AND PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Daryl Hickman, 323 River Vale Lane, reviewed his relation to the Ormond Beach Municipal Airport (airport) and expressed support of the survey.

Ms. Connie Colby, 108 Roble Lane, expressed concerns on the item and the airport. She inquired about the survey boundaries, fencing, special permit, and the Aviation Advisory Board meetings.

Ms. Sharon Trescott, 689 Pineland Trail, unincorporated Volusia County, asked questions regarding the survey, potential future studies, flooding, off airport obstructions, runway slopes and the city and Volusia County overlays on her property.

Mr. Michael Rogers, 667 Pineland Trail, unincorporated Volusia County, discussed the importance of the item and expressed concerns of the boundaries of the survey and Federal Aviation Administration (FAA) guidelines.

Mr. Arthur Armstrong, 77 Emerald Oaks Lane, shared concerns regarding the Florida Department of Transportation (FDOT) guidelines regarding the item, nearby neighborhoods, public involvement at the airport, and airport funds.

Commissioner Sargent read an email from Ms. Karin Augut expressing concerns on the item, runway approach obstructions, FAA grant requirements, and funding.

Mr. Jack Thompson, AVCON, Inc., addressed concerns regarding the boundaries of the survey, reviewed the maps and diagrams from the agenda packet and discussed the obstacle action plan that would be created.

Commissioner Tolland confirmed the study was compliant with FAA and FDOT; whereby, Mr. Thompson confirmed. She inquired if the surveys completed would be aerial and ground surveys; whereby, Mr. Thompson confirmed.

Commissioner Sargent inquired about the use of data from 2011; whereby, Mr. Steven Lichliter, Airport Manager, explained the data was submitted by FDOT, noting the airport updates the data submitted to FAA on an annual basis. Commissioner Sargent thanked the residents for their comments.

Commissioner Tolland inquired about the fencing and special permit; whereby, Mr. Lichliter explained FDOT conducted an annual airport licensing inspection noting, due to the obstructions, the airport was operating under a special permit. He stated in the city's CIP there was a three-year security upgrade project for the airport which included new fencing.

Commissioner Persis moved, seconded by Commissioner Sargent, for approval of Resolution No. 2024-54 as read by title only.

Call Vote:	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
Carried.	Mayor Partington	Yes

Comments on the Consent Agenda

There were no further comments on the Consent Agenda.

Item #8 – Public Hearings

Item #8A – Fountain View, Phase 1C, Preliminary Plat

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2024-55

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR "FOUNTAIN VIEW, PHASE 1C", SHOWN WITHIN PHASE 1 OF THE PLANTATION OAKS PLANNED RESIDENTIAL DEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Steven Spraker, Planning Director, explained the item was a preliminary plat for 140 lots on approximately 90 acres within the Plantation Oaks development, noting the streets were private and would connect with the existing Phase 1. He discussed the preservation areas and reviewed the overall development map. He stated the Planning Board recommended approval.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of Resolution No. 2024-55 as read by title only.

Commissioner Persis stated the item was consistent with the land use designation and the city's comprehensive plan, noting the project did not adversely impact environmentally sensitive areas.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Item #9 – First Reading of Ordinances

Item #9A – Ordinance Calling 2024 Regular City Election

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2024-01

AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 20, 2024; PROVIDING FOR AND CALLING A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 5, 2024; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of Ordinance No. 2024-01, on first reading, as read by title only.

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Item #9 – Reports, Suggestions, Requests

Events, Updates and Requests
Ms. Joyce Shanahan, City Manager, reviewed upcoming meetings, workshops, and events. She provided updates on the Performing Arts Center and other city projects.

Ms. Claire Whitley, Assistant City Manager, reminded the Commission of an upcoming retirement and provided a status update regarding a worker compensation claim and pension ordinance change.

Commissioner Tolland discussed mental wellness, statistics regarding local drug overdoses, Native Plant Month and events she attended. She requested the Commission consider remarks made by Mr. Burton as she was very interested in including the initiative in the CIP; whereby, Ms. Shanahan noted it could be discussed at the upcoming CIP workshop for 2025. She emphasized the importance of finding the right person to hire after Performing Arts Center Supervisor Marc Schwartz retires.

Commissioner Sargent inquired if staff set a meeting with the Volusia County Schools Superintendent; whereby, Ms. Shanahan stated the Superintendent was out of town then VCS had spring break, noting she would be reaching out again to schedule a meeting soon. He explained concerned residents approached him regarding dogs on the beach and the rules not being enforced; whereby, Ms. Shanahan stated staff could reach out to Volusia County regarding enforcement. He expressed support of the city's first responders and thanked them for their hard work.

Commissioner Persis discussed events she attended and her support for ReGrow the Loop. She inquired if the Commission would be interested in adding utility line undergrounding in the 2025 CIP; whereby, the entire Commissioner agreed to discuss further with more information.

Commissioner Tolland and Mr. Finley noted it was a costly project.

Commissioner Briley expressed support of the underground utility lines and potentially adding the Interstate 95 and US Highway 1 area to a Community Redevelopment Agency (CRA) area. He discussed events he attended and other upcoming events.

Volusia County Council Member Troy Kent discussed ReGrow the Loop and dogs on the beach pilot programs. He informed the Commission two Volusia County ECHO grants were approved at the Volusia County Council meeting for the City of Ormond Beach and expressed his support of the city's commitment to the ECHO program.

Commissioner Briley clarified his comments from the earlier workshop, noting he was supportive of the overnight docking at Cassen Park and his concerns regarding security, safety, and timing of the trial phase.

Item #10 – Adjournment

The meeting was adjourned at 8:23 p.m.

APPROVED: April 16, 2024

BY: _____
Bill Partington, Mayor

ATTEST:

Susan Carroll Dauderis,
City Clerk

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 7.A

Section:	CONSENT AGENDA		
Item Category:	Consent - Resolution	**Res./Ord. No:**	2024-56
Strategic Goal:	Water Quality & the Environment - Other		
Department:	Economic Development		
Subject:	Acceptance of FDEP Grant Agreement Fleming Avenue Storm-water Pump Station and Force-main		
Summary:	The Central Park area of the City is prone to stormwater flooding and has a history of stormwater flooding complaints from affected residents. Due to a significant flooding event in 2009, the City undertook a number of major capital improvement projects to reduce the incidence of flooding. These projects include the interconnection of the five Central Park Lakes, upgrades to the Bennet Lane Pump Station and enhanced automated controls for the pumping system. These improvements have made significant progress in reducing flood effects within the Central Park neighborhoods; careful management of the lake levels by City staff, in conjunction with these projects, has improved the situation for many residents. This project will complete the recommended improvements and allow for greater control of the lake levels during times of extreme weather events through the construction of a storm-water pump station and force-main along Fleming Avenue, as identified in the City's Stormwater Master Plan and Five-year Capital Improvement Plan. In 2023, the City Commission recognized this need and included a legislative priority and appropriations request from the State Legislature. The aim was to secure one-third of the funds necessary for construction, while the remaining funds would be made available through FEMA grant and City funds. For State Fiscal Year 2023-2024, the Florida Legislature appropriated $5,350,000 from the General Revenue Fund of the General Appropriation Act to the City of Ormond Beach to construct a 90 Cubic Feet per Second pump station, and associated electrical/generator, a 36-inch force-main, and outfall structure, and reclaimed augmentation		

	stations. The augmentation stations are to offset potential nutrient loading of the river in the event of a storm drawdown.
Financial Impact:	The total cost for this project is estimated at $16,000,000. The City has received a funding commitment for this project from the State Legislature in the form of a general appropriation in the amount of $5,350,000. Last fall, staff submitted a grant request and are awaiting funding for FEMA's Hazard Mitigation Grant Program (HMGP) for funding in the amount of $9,420,900 and are awaiting a decision. The city's share is estimated to be approximately $1,229,100 from Stormwater Fund 107.
Citizen Impact:	This project will positively impact the residents of Ormond Beach by further reducing the likelihood of flooding in the Central Park area of Ormond Beach.
Recommended Action (Staff, Advisory Board and/or Other):	Staff recommends retroactive approval of a State of Florida Department of Environmental Protection Grant Agreement for the Fleming Avenue Pump Station and Force Main.
Staff Contact:	Brian Rademacher, Economic Development Director, (386) 676-3266
Attachments:	1. 24-56 FDEP Grant- Fleming Ave (P24-0056G) 2. Ormond Beach Pump Station and Force Main FL DEP_LPA0599 - Agreement
Approval:	Kelly McGuire, Finance Director 4/8/2024 Claire Whitley, Assistant City Manager 4/9/2024 Joyce Shanahan, City Manager 4/11/2024

RESOLUTION NO. 2024-56

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING FUNDING FOR THE CONSTRUCTION OF A STORMWATER PUMP STATION AND FORCE-MAIN ALONG FLEMING AVENUE; RATIFYING THE EXECUTION OF AN AGREEMENT; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the City desires to construct a 90 Cubic Feet per Second (CFS) pump station, an associated electrical/generator, a 36-inch force-main, an outfall structure, and reclaimed augmentation stations along Fleming Avenue (the "Project"), and

WHEREAS, the total Project cost is estimated to be $16,000,000, and

WHEREAS, the City has received a grant award from the Florida Department of Environmental Protection ("FDEP") in the amount of $5,350,000, and

WHEREAS, City staff has submitted a grant application under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program for grant funding in the amount of $9,420,900 for the Project, and is awaiting notification of the grant award, and

WHEREAS, the City Manager has certified that funds in the estimated amount of $1,229,100, representing the remaining Project cost, have been appropriated to the credit of the Stormwater Fund and have not been appropriated for any other purpose, and

WHEREAS, the Mayor and City Manager executed the grant agreement ("Agreement") with the FDEP on December 5, 2023, now therefore,

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

SECTION ONE. The City Commission hereby ratifies the Mayor and City Manager's execution of the Agreement between the City and the Florida Department of Environmental Protection regarding funding of the Project. A copy of said Agreement is attached hereto and incorporated herein by reference.

SECTION TWO. The Mayor and City Manager are hereby authorized and directed to execute any and all documents that are necessary and incidental for the City to accept the grant award.

SECTION THREE. The City Manager hereby certifies that funding in the amount of $1,229,100, for the Project will be derived from the Stormwater Fund.

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

APPROVED AND AUTHENTICATED this 16th day of April, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Standard Grant Agreement

This Agreement is entered into between the Parties named below, pursuant to Section 215.971, Florida Statutes:

1. Project Title (Project): **Ormond Beach Pump Station & Force Main**
Agreement Number: **LPA0599**

2. Parties: **State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000** (Department)

Grantee Name: **City of Ormond Beach** Entity Type: **Local Government**

Grantee Address: **22 South Beach Street, Ormond Beach, Florida 32174** FEID: **59-6000398** (Grantee)

3. Agreement Begin Date: **Upon Execution**
Date of Expiration: **September 30, 2026**

4. Project Number: *(If different from Agreement Number)*
Project Location(s): **Lat/Long (29.2648,-81.0641)**

Project Description: **The Grantee will construct a 90 CFS pump station, and associated electrical/generator, a 36-inch force main, an outfall structure, and reclaimed augmentation stations.**

5. Total Amount of Funding: **$ 5,350,000.00**

Funding Source?	Award #s or Line Item Appropriations:	Amount per Source(s):
☒ State ☐Federal	**LP, GAA LI 1705A, FY 23-24, GR**	$ **5,350,000.00**
☐ State ☐Federal		$
☐ Grantee Match		$
	Total Amount of Funding + Grantee Match, if any:	$ **5,350,000.00**

6. Department's Grant Manager
Name: **Daronathan Do** or successor
Address: **Florida Dept. of Environmental Protection**
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Phone: **(850)-245-2860**
Email: **Daronathan.Do@FloridaDEP.gov**

Grantee's Grant Manager
Name: **Alex Schuman** or successor
Address: **City of Ormond Beach**
22 South Beach Street
Ormond Beach, Florida 32174
Phone: **(386)-676-7078**
Email: **Alex.schumann@ormondbeach.org**

7. The Parties agree to comply with the terms and conditions of the following attachments and exhibits which are hereby incorporated by reference:

☒ Attachment 1: Standard Terms and Conditions Applicable to All Grants Agreements
☒ Attachment 2: Special Terms and Conditions
☒ Attachment 3: Grant Work Plan
☒ Attachment 4: Public Records Requirements
☒ Attachment 5: Special Audit Requirements
☐ Attachment 6: Program-Specific Requirements
☐ Attachment 7: Grant Award Terms (Federal) *Copy available at https://facts.fldfs.com, in accordance with §215.985, F.S.
☐ Attachment 8: Federal Regulations and Terms (Federal)
☐ Additional Attachments (if necessary):
☒ Exhibit A: Progress Report Form
☐ Exhibit B: Property Reporting Form
☒ Exhibit C: Payment Request Summary Form
☐ Exhibit D: Quality Assurance Requirements
☐ Exhibit E: Advance Payment Terms and Interest Earned Memo
☐ Exhibit F: Common Carrier or Contracted Carrier Attestation Form PUR1808
☐ Additional Exhibits (if necessary):

8.	The following information applies to Federal Grants only and is identified in accordance with 2 CFR 200.331 (a) (1):
Federal Award Identification Number(s) (FAIN):	
Federal Award Date to Department:	
Total Federal Funds Obligated by this Agreement:	
Federal Awarding Agency:	
Award R&D?	☐ Yes ☐N/A

IN WITNESS WHEREOF, this Agreement shall be effective on the date indicated by the Agreement Begin Date unless another date is specified in the grant documents.

City of Ormond Beach **GRANTEE**

By Bill Partington *(Authorized Signature)* December 5, 2023 Date Signed

Bill Partington, Mayor

Print Name and Title of Person Signing

State of Florida Department of Environmental Protection **DEPARTMENT**

By Angela Knecht Digitally signed by Angela Knecht Date: 2023.12.12 16:35:03 -05'00' Secretary or Designee Date Signed

Angela Knecht, Director, Division of Water Restoration Assistance

Print Name and Title of Person Signing

☒ Additional signatures attached on separate page.

DWRA Additional Signatures

Daronathan Do Digitally signed by Daronathan Do
Date: 2023.12.11 10:13:13 -05'00'

Daronathan Do, DEP Grant Manager

Mitch Holmes Digitally signed by Mitch Holmes
Date: 2023.12.12 14:57:51 -05'00'

Mitch Holmes, DEP QC Reviewer

Grantee Additional Signatures

Joyce A. Shanahan, City Manager

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STANDARD TERMS AND CONDITIONS
APPLICABLE TO GRANT AGREEMENTS

ATTACHMENT 1

1. Entire Agreement.

This Grant Agreement, including any Attachments and Exhibits referred to herein and/or attached hereto (Agreement), constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior agreements, whether written or oral, with respect to such subject matter. Any terms and conditions included on Grantee's forms or invoices shall be null and void.

2. Grant Administration.

a. Order of Precedence. If there are conflicting provisions among the documents that make up the Agreement, the order of precedence for interpretation of the Agreement is as follows:
   i. Standard Grant Agreement
   ii. Attachments other than Attachment 1, in numerical order as designated in the Standard Grant Agreement
   iii. Attachment 1, Standard Terms and Conditions
   iv. The Exhibits in the order designated in the Standard Grant Agreement

b. All approvals, written or verbal, and other written communication among the parties, including all notices, shall be obtained by or sent to the parties' Grant Managers. All written communication shall be by electronic mail, U.S. Mail, a courier delivery service, or delivered in person. Notices shall be considered delivered when reflected by an electronic mail read receipt, a courier service delivery receipt, other mail service delivery receipt, or when receipt is acknowledged by recipient. If the notice is delivered in multiple ways, the notice will be considered delivered at the earliest delivery time.

c. If a different Grant Manager is designated by either party after execution of this Agreement, notice of the name and contact information of the new Grant Manager will be submitted in writing to the other party and maintained in the respective parties' records. A change of Grant Manager does not require a formal amendment or change order to the Agreement.

d. This Agreement may be amended, through a formal amendment or a change order, only by a written agreement between both parties. A formal amendment to this Agreement is required for changes which cause any of the following:
   (1) an increase or decrease in the Agreement funding amount;
   (2) a change in Grantee's match requirements;
   (3) a change in the expiration date of the Agreement; and/or
   (4) changes to the cumulative amount of funding transfers between approved budget categories, as defined in Attachment 3, Grant Work Plan, that exceeds or is expected to exceed twenty percent (20%) of the total budget as last approved by Department.
   A change order to this Agreement may be used when:
   (1) task timelines within the current authorized Agreement period change;
   (2) the cumulative transfer of funds between approved budget categories, as defined in Attachment 3, Grant Work Plan, are less than twenty percent (20%) of the total budget as last approved by Department;
   (3) changing the current funding source as stated in the Standard Grant Agreement; and/or
   (4) fund transfers between budget categories for the purposes of meeting match requirements.
   This Agreement may be amended to provide for additional services if additional funding is made available by the Legislature.

e. All days in this Agreement are calendar days unless otherwise specified.

3. Agreement Duration.

The term of the Agreement shall begin and end on the dates indicated in the Standard Grant Agreement, unless extended or terminated earlier in accordance with the applicable terms and conditions. The Grantee shall be eligible for reimbursement for work performed on or after the date of execution through the expiration date of this Agreement, unless otherwise specified in Attachment 2, Special Terms and Conditions. However, work performed prior to the execution of this Agreement may be reimbursable or used for match purposes if permitted by the Special Terms and Conditions.

4. Deliverables.

The Grantee agrees to render the services or other units of deliverables as set forth in Attachment 3, Grant Work Plan. The services or other units of deliverables shall be delivered in accordance with the schedule and at the pricing outlined in the Grant Work Plan. Deliverables may be comprised of activities that must be completed prior to Department making payment on that deliverable. The Grantee agrees to perform in accordance with the terms and conditions set forth in this Agreement and all attachments and exhibits incorporated by the Standard Grant Agreement.

5. Performance Measures.

The Grantee warrants that: (1) the services will be performed by qualified personnel; (2) the services will be of the kind and quality described in the Grant Work Plan; (3) the services will be performed in a professional and workmanlike manner in accordance with industry standards and practices; (4) the services shall not and do not knowingly infringe upon the intellectual property rights, or any other proprietary rights, of any third party; and (5) its employees, subcontractors, and/or subgrantees shall comply with any security and safety requirements and processes, if provided by Department, for work done at the Project Location(s). The Department reserves the right to investigate or inspect at any time to determine whether the services or qualifications offered by Grantee meet the Agreement requirements. Notwithstanding any provisions herein to the contrary, written acceptance of a particular deliverable does not foreclose Department's remedies in the event deficiencies in the deliverable cannot be readily measured at the time of delivery.

6. Acceptance of Deliverables.

i. Acceptance Process. All deliverables must be received and accepted in writing by Department's Grant Manager before payment. The Grantee shall work diligently to correct all deficiencies in the deliverable that remain outstanding, within a reasonable time at Grantee's expense. If Department's Grant Manager does not accept the deliverables within 30 days of receipt, they will be deemed rejected.

ii. Rejection of Deliverables. The Department reserves the right to reject deliverables, as outlined in the Grant Work Plan, as incomplete, inadequate, or unacceptable due, in whole or in part, to Grantee's lack of satisfactory performance under the terms of this Agreement. The Grantee's efforts to correct the rejected deliverables will be at Grantee's sole expense. Failure to fulfill the applicable technical requirements or complete all tasks or activities in accordance with the Grant Work Plan will result in rejection of the deliverable and the associated invoice. Payment for the rejected deliverable will not be issued unless the rejected deliverable is made acceptable to Department in accordance with the Agreement requirements. The Department, at its option, may allow additional time within which Grantee may remedy the objections noted by Department. The Grantee's failure to make adequate or acceptable deliverables after a reasonable opportunity to do so shall constitute an event of default.

7. Financial Consequences for Nonperformance.

a. Withholding Payment. In addition to the specific consequences explained in the Grant Work Plan and/or Special Terms and Conditions, the State of Florida (State) reserves the right to withhold payment when the Grantee has failed to perform/comply with provisions of this Agreement. None of the financial consequences for nonperformance in this Agreement as more fully described in the Grant Work Plan shall be considered penalties.

b. Invoice reduction

If Grantee does not meet a deadline for any deliverable, the Department will reduce the invoice by 1% for each day the deadline is missed, unless an extension is approved in writing by the Department.

c. Corrective Action Plan. If Grantee fails to correct all the deficiencies in a rejected deliverable within the specified timeframe, Department may, in its sole discretion, request that a proposed Corrective Action Plan (CAP) be submitted by Grantee to Department. The Department requests that Grantee specify the outstanding deficiencies in the CAP. All CAPs must be able to be implemented and performed in no more than sixty (60) calendar days.

    i. The Grantee shall submit a CAP within ten (10) days of the date of the written request from Department. The CAP shall be sent to the Department's Grant Manager for review and approval. Within ten (10) days of receipt of a CAP, Department shall notify Grantee in writing whether the CAP proposed has been accepted. If the CAP is not accepted, Grantee shall have ten (10) days from receipt of Department letter rejecting the proposal to submit a revised proposed CAP. Failure to obtain Department approval of a CAP as specified above may result in Department's termination of this Agreement for cause as authorized in this Agreement.

    ii. Upon Department's notice of acceptance of a proposed CAP, Grantee shall have ten (10) days to commence implementation of the accepted plan. Acceptance of the proposed CAP by Department does not relieve Grantee of any of its obligations under the Agreement. In the event the CAP fails to correct or eliminate performance deficiencies by Grantee, Department shall retain the right to

require additional or further remedial steps, or to terminate this Agreement for failure to perform. No actions approved by Department or steps taken by Grantee shall preclude Department from subsequently asserting any deficiencies in performance. The Grantee shall continue to implement the CAP until all deficiencies are corrected. Reports on the progress of the CAP will be made to Department as requested by Department's Grant Manager.

iii. Failure to respond to a Department request for a CAP or failure to correct a deficiency in the performance of the Agreement as specified by Department may result in termination of the Agreement.

8. Payment.

a. Payment Process. Subject to the terms and conditions established by the Agreement, the pricing per deliverable established by the Grant Work Plan, and the billing procedures established by Department, Department agrees to pay Grantee for services rendered in accordance with section 215.422, Florida Statutes (F.S.).

b. Taxes. The Department is exempted from payment of State sales, use taxes and Federal excise taxes. The Grantee, however, shall not be exempted from paying any taxes that it is subject to, including State sales and use taxes, or for payment by Grantee to suppliers for taxes on materials used to fulfill its contractual obligations with Department. The Grantee shall not use Department's exemption number in securing such materials. The Grantee shall be responsible and liable for the payment of all its FICA/Social Security and other taxes resulting from this Agreement.

c. Maximum Amount of Agreement. The maximum amount of compensation under this Agreement, without an amendment, is described in the Standard Grant Agreement. Any additional funds necessary for the completion of this Project are the responsibility of Grantee.

d. Reimbursement for Costs. The Grantee shall be paid on a cost reimbursement basis for all eligible Project costs upon the completion, submittal, and approval of each deliverable identified in the Grant Work Plan. Reimbursement shall be requested on Exhibit C, Payment Request Summary Form. To be eligible for reimbursement, costs must be in compliance with laws, rules, and regulations applicable to expenditures of State funds, including, but not limited to, the Reference Guide for State Expenditures, which can be accessed at the following web address: https://www.myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/state-agencies/reference-guide-for-state-expenditures.pdf.

e. Invoice Detail. All charges for services rendered or for reimbursement of expenses authorized by Department pursuant to the Grant Work Plan shall be submitted to Department in sufficient detail for a proper pre-audit and post-audit to be performed. The Grantee shall only invoice Department for deliverables that are completed in accordance with the Grant Work Plan.

f. State Funds Documentation. Pursuant to section 216.1366, F.S., if Contractor meets the definition of a non-profit organization under section 215.97(2)(m), F.S., Contractor must provide the Department with documentation that indicates the amount of state funds:

i. Allocated to be used during the full term of the contract or agreement for remuneration to any member of the board of directors or an officer of Contractor.

ii. Allocated under each payment by the public agency to be used for remuneration of any member of the board of directors or an officer of the Contractor.

The documentation must indicate the amounts and recipients of the remuneration. Such information must be posted on the State's the contract tracking system and maintained pursuant to section 215.985, F.S., and must be posted on the Contractor's website, if Contractor maintains a website.

g. Interim Payments. Interim payments may be made by Department, at its discretion, if the completion of deliverables to date have first been accepted in writing by Department's Grant Manager.

h. Final Payment Request. A final payment request should be submitted to Department no later than sixty (60) days following the expiration date of the Agreement to ensure the availability of funds for payment. However, all work performed pursuant to the Grant Work Plan must be performed on or before the expiration date of the Agreement.

i. Annual Appropriation Contingency. The State's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. This Agreement is not a commitment of future appropriations. Authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of Department if the Legislature reduces or eliminates appropriations.

j. Interest Rates. All interest rates charged under the Agreement shall be calculated on the prevailing rate used by the State Board of Administration. To obtain the applicable interest rate, please refer to: www.myfloridacfo.com/Division/AA/Vendors/default.htm.

k. Refund of Payments to the Department. Any balance of unobligated funds that have been advanced or paid must be refunded to Department. Any funds paid in excess of the amount to which Grantee or subgrantee is entitled under the terms of the Agreement must be refunded to Department. If this Agreement is funded with federal funds and the Department is required to refund the federal government, the Grantee shall refund the Department its share of those funds.

9. Documentation Required for Cost Reimbursement Grant Agreements and Match.

If Cost Reimbursement or Match is authorized in Attachment 2, Special Terms and Conditions, the following conditions apply. Supporting documentation must be provided to substantiate cost reimbursement or match requirements for the following budget categories:

a. Salary/Wages. Grantee shall list personnel involved, position classification, direct salary rates, and hours spent on the Project in accordance with Attachment 3, Grant Work Plan in their documentation for reimbursement or match requirements.

b. Overhead/Indirect/General and Administrative Costs. If Grantee is being reimbursed for or claiming match for multipliers, all multipliers used (i.e., fringe benefits, overhead, indirect, and/or general and administrative rates) shall be supported by audit. If Department determines that multipliers charged by Grantee exceeded the rates supported by audit, Grantee shall be required to reimburse such funds to Department within thirty (30) days of written notification. Interest shall be charged on the excessive rate.

c. Contractual Costs (Subcontractors). Match or reimbursement requests for payments to subcontractors must be substantiated by copies of invoices with backup documentation identical to that required from Grantee. Subcontracts which involve payments for direct salaries shall clearly identify the personnel involved, salary rate per hour, and hours spent on the Project. All eligible multipliers used (i.e., fringe benefits, overhead, indirect, and/or general and administrative rates) shall be supported by audit. If Department determines that multipliers charged by any subcontractor exceeded the rates supported by audit, Grantee shall be required to reimburse such funds to Department within thirty (30) days of written notification. Interest shall be charged on the excessive rate. Nonconsumable and/or nonexpendable personal property or equipment costing $5,000 or more purchased for the Project under a subcontract is subject to the requirements set forth in chapters 273 and/or 274, F.S., and Chapter 69I-72, Florida Administrative Code (F.A.C.) and/or Chapter 69I-73, F.A.C., as applicable. The Grantee shall be responsible for maintaining appropriate property records for any subcontracts that include the purchase of equipment as part of the delivery of services. The Grantee shall comply with this requirement and ensure its subcontracts issued under this Agreement, if any, impose this requirement, in writing, on its subcontractors.

   i. For fixed-price (vendor) subcontracts, the following provisions shall apply: The Grantee may award, on a competitive basis, fixed-price subcontracts to consultants/contractors in performing the work described in Attachment 3, Grant Work Plan. Invoices submitted to Department for fixed-price subcontracted activities shall be supported with a copy of the subcontractor's invoice and a copy of the tabulation form for the competitive procurement process (e.g., Invitation to Bid, Request for Proposals, or other similar competitive procurement document) resulting in the fixed-price subcontract. The Grantee may request approval from Department to award a fixed-price subcontract resulting from procurement methods other than those identified above. In this instance, Grantee shall request the advance written approval from Department's Grant Manager of the fixed price negotiated by Grantee. The letter of request shall be supported by a detailed budget and Scope of Services to be performed by the subcontractor. Upon receipt of Department Grant Manager's approval of the fixed-price amount, Grantee may proceed in finalizing the fixed-price subcontract.

   ii. If the procurement is subject to the Consultant's Competitive Negotiation Act under section 287.055, F.S. or the Brooks Act, Grantee must provide documentation clearly evidencing it has complied with the statutory or federal requirements.

d. Travel. All requests for match or reimbursement of travel expenses shall be in accordance with section 112.061, F.S.

e. Direct Purchase Equipment. For the purposes of this Agreement, Equipment is defined as capital outlay costing $5,000 or more. Match or reimbursement for Grantee's direct purchase of equipment is subject to specific approval of Department, and does not include any equipment purchased under the delivery of services to be completed by a subcontractor. Include copies of invoices or receipts to document purchases, and a properly completed Exhibit B, Property Reporting Form.

f. Rental/Lease of Equipment. Match or reimbursement requests for rental/lease of equipment must include copies of invoices or receipts to document charges.

g. Miscellaneous/Other Expenses. If miscellaneous or other expenses, such as materials, supplies, non-excluded phone expenses, reproduction, or mailing, are reimbursable or available for match or reimbursement under the

terms of this Agreement, the documentation supporting these expenses must be itemized and include copies of receipts or invoices. Additionally, independent of Grantee's contract obligations to its subcontractor, Department shall not reimburse any of the following types of charges: cell phone usage; attorney's fees or court costs; civil or administrative penalties; or handling fees, such as set percent overages associated with purchasing supplies or equipment.

h. Land Acquisition. Reimbursement for the costs associated with acquiring interest and/or rights to real property (including access rights through ingress/egress easements, leases, license agreements, or other site access agreements; and/or obtaining record title ownership of real property through purchase) must be supported by the following, as applicable: Copies of Property Appraisals, Environmental Site Assessments, Surveys and Legal Descriptions, Boundary Maps, Acreage Certification, Title Search Reports, Title Insurance, Closing Statements/Documents, Deeds, Leases, Easements, License Agreements, or other legal instrument documenting acquired property interest and/or rights. If land acquisition costs are used to meet match requirements, Grantee agrees that those funds shall not be used as match for any other Agreement supported by State or Federal funds.

10. Status Reports.

The Grantee shall submit status reports quarterly, unless otherwise specified in the Attachments, on Exhibit A, Progress Report Form, to Department's Grant Manager describing the work performed during the reporting period, problems encountered, problem resolutions, scheduled updates, and proposed work for the next reporting period. Quarterly status reports are due no later than twenty (20) days following the completion of the quarterly reporting period. For the purposes of this reporting requirement, the quarterly reporting periods end on March 31, June 30, September 30 and December 31. The Department will review the required reports submitted by Grantee within thirty (30) days.

11. Retainage.

The following provisions apply if Department withholds retainage under this Agreement:

a. The Department reserves the right to establish the amount and application of retainage on the work performed under this Agreement up to the maximum percentage described in Attachment 2, Special Terms and Conditions. Retainage may be withheld from each payment to Grantee pending satisfactory completion of work and approval of all deliverables.

b. If Grantee fails to perform the requested work or fails to perform the work in a satisfactory manner, Grantee shall forfeit its right to payment of the retainage associated with the work. Failure to perform includes, but is not limited to, failure to submit the required deliverables or failure to provide adequate documentation that the work was actually performed. The Department shall provide written notification to Grantee of the failure to perform that shall result in retainage forfeiture. If the Grantee does not correct the failure to perform within the timeframe stated in Department's notice, the retainage will be forfeited to Department.

c. No retainage shall be released or paid for incomplete work while this Agreement is suspended.

d. Except as otherwise provided above, Grantee shall be paid the retainage associated with the work, provided Grantee has completed the work and submits an invoice for retainage held in accordance with the invoicing procedures under this Agreement.

12. Insurance.

a. Insurance Requirements for Sub-Grantees and/or Subcontractors. The Grantee shall require its sub-grantees and/or subcontractors, if any, to maintain insurance coverage of such types and with such terms and limits as described in this Agreement. The Grantee shall require all its sub-grantees and/or subcontractors, if any, to make compliance with the insurance requirements of this Agreement a condition of all contracts that are related to this Agreement. Sub-grantees and/or subcontractors must provide proof of insurance upon request.

b. Deductibles. The Department shall be exempt from, and in no way liable for, any sums of money representing a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the Grantee providing such insurance.

c. Proof of Insurance. Upon execution of this Agreement, Grantee shall provide Department documentation demonstrating the existence and amount for each type of applicable insurance coverage ***prior to*** performance of any work under this Agreement. Upon receipt of written request from Department, Grantee shall furnish Department with proof of applicable insurance coverage by standard form certificates of insurance, a self-insured authorization, or other certification of self-insurance.

d. Duty to Maintain Coverage. In the event that any applicable coverage is cancelled by the insurer for any reason, or if Grantee cannot get adequate coverage, Grantee shall immediately notify Department of such cancellation and shall obtain adequate replacement coverage conforming to the requirements herein and provide proof of such replacement coverage within ten (10) days after the cancellation of coverage.

e. Insurance Trust. If the Grantee's insurance is provided through an insurance trust, the Grantee shall instead add the Department of Environmental Protection, its employees, and officers as an additional covered party everywhere the Agreement requires them to be added as an additional insured.

13. Termination.

i. Termination for Convenience. When it is in the State's best interest, Department may, at its sole discretion, terminate the Agreement in whole or in part by giving 30 days' written notice to Grantee. The Department shall notify Grantee of the termination for convenience with instructions as to the effective date of termination or the specific stage of work at which the Agreement is to be terminated. The Grantee must submit all invoices for work to be paid under this Agreement within thirty (30) days of the effective date of termination. The Department shall not pay any invoices received after thirty (30) days of the effective date of termination.

ii. Termination for Cause. The Department may terminate this Agreement if any of the events of default described in the Events of Default provisions below occur or in the event that Grantee fails to fulfill any of its other obligations under this Agreement. If, after termination, it is determined that Grantee was not in default, or that the default was excusable, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of Department. The rights and remedies of Department in this clause are in addition to any other rights and remedies provided by law or under this Agreement.

iii. Grantee Obligations upon Notice of Termination. After receipt of a notice of termination or partial termination unless as otherwise directed by Department, Grantee shall not furnish any service or deliverable on the date, and to the extent specified, in the notice. However, Grantee shall continue work on any portion of the Agreement not terminated. If the Agreement is terminated before performance is completed, Grantee shall be paid only for that work satisfactorily performed for which costs can be substantiated. The Grantee shall not be entitled to recover any cancellation charges or lost profits.

iv. Continuation of Prepaid Services. If Department has paid for any services prior to the expiration, cancellation, or termination of the Agreement, Grantee shall continue to provide Department with those services for which it has already been paid or, at Department's discretion, Grantee shall provide a refund for services that have been paid for but not rendered.

v. Transition of Services Upon Termination, Expiration, or Cancellation of the Agreement. If services provided under the Agreement are being transitioned to another provider(s), Grantee shall assist in the smooth transition of Agreement services to the subsequent provider(s). This requirement is at a minimum an affirmative obligation to cooperate with the new provider(s), however additional requirements may be outlined in the Grant Work Plan. The Grantee shall not perform any services after Agreement expiration or termination, except as necessary to complete the transition or continued portion of the Agreement, if any.

14. Notice of Default.

If Grantee defaults in the performance of any covenant or obligation contained in the Agreement, including, any of the events of default, Department shall provide notice to Grantee and an opportunity to cure that is reasonable under the circumstances. This notice shall state the nature of the failure to perform and provide a time certain for correcting the failure. The notice will also provide that, should the Grantee fail to perform within the time provided, Grantee will be found in default, and Department may terminate the Agreement effective as of the date of receipt of the default notice.

15. Events of Default.

Provided such failure is not the fault of Department or outside the reasonable control of Grantee, the following non-exclusive list of events, acts, or omissions, shall constitute events of default:

a. The commitment of any material breach of this Agreement by Grantee, including failure to timely deliver a material deliverable, failure to perform the minimal level of services required for a deliverable, discontinuance of the performance of the work, failure to resume work that has been discontinued within a reasonable time after notice to do so, or abandonment of the Agreement;
b. The commitment of any material misrepresentation or omission in any materials, or discovery by the Department of such, made by the Grantee in this Agreement or in its application for funding;
c. Failure to submit any of the reports required by this Agreement or having submitted any report with incorrect, incomplete, or insufficient information;
d. Failure to honor any term of the Agreement;
e. Failure to abide by any statutory, regulatory, or licensing requirement, including an entry of an order revoking the certificate of authority granted to the Grantee by a state or other licensing authority;
f. Failure to pay any and all entities, individuals, and furnishing labor or materials, or failure to make payment to any other entities as required by this Agreement;

g. Employment of an unauthorized alien in the performance of the work, in violation of Section 274 (A) of the Immigration and Nationality Act;
h. Failure to maintain the insurance required by this Agreement;
i. One or more of the following circumstances, uncorrected for more than thirty (30) days unless, within the specified 30-day period, Grantee (including its receiver or trustee in bankruptcy) provides to Department adequate assurances, reasonably acceptable to Department, of its continuing ability and willingness to fulfill its obligations under the Agreement:
    i. Entry of an order for relief under Title 11 of the United States Code;
    ii. The making by Grantee of a general assignment for the benefit of creditors;
    iii. The appointment of a general receiver or trustee in bankruptcy of Grantee's business or property; and/or
    iv. An action by Grantee under any state insolvency or similar law for the purpose of its bankruptcy, reorganization, or liquidation.

16. Suspension of Work.

The Department may, in its sole discretion, suspend any or all activities under the Agreement, at any time, when it is in the best interest of the State to do so. The Department shall provide Grantee written notice outlining the particulars of suspension. Examples of reasons for suspension include, but are not limited to, budgetary constraints, declaration of emergency, or other such circumstances. After receiving a suspension notice, Grantee shall comply with the notice. Within 90 days, or any longer period agreed to by the parties, Department shall either: (1) issue a notice authorizing resumption of work, at which time activity shall resume; or (2) terminate the Agreement. If the Agreement is terminated after 30 days of suspension, the notice of suspension shall be deemed to satisfy the thirty (30) days' notice required for a notice of termination for convenience. Suspension of work shall not entitle Grantee to any additional compensation.

17. Force Majeure.

The Grantee shall not be responsible for delay resulting from its failure to perform if neither the fault nor the negligence of Grantee or its employees or agents contributed to the delay and the delay is due directly to acts of God, wars, acts of public enemies, strikes, fires, floods, or other similar cause wholly beyond Grantee's control, or for any of the foregoing that affect subcontractors or suppliers if no alternate source of supply is available to Grantee. In case of any delay Grantee believes is excusable, Grantee shall notify Department in writing of the delay or potential delay and describe the cause of the delay either (1) within ten days after the cause that creates or will create the delay first arose, if Grantee could reasonably foresee that a delay could occur as a result; or (2) if delay is not reasonably foreseeable, within five days after the date Grantee first had reason to believe that a delay could result. **THE FOREGOING SHALL CONSTITUTE THE GRANTEE'S SOLE REMEDY OR EXCUSE WITH RESPECT TO DELAY**. Providing notice in strict accordance with this paragraph is a condition precedent to such remedy. No claim for damages, other than for an extension of time, shall be asserted against Department. The Grantee shall not be entitled to an increase in the Agreement price or payment of any kind from Department for direct, indirect, consequential, impact or other costs, expenses or damages, including but not limited to costs of acceleration or inefficiency, arising because of delay, disruption, interference, or hindrance from any cause whatsoever. If performance is suspended or delayed, in whole or in part, due to any of the causes described in this paragraph, after the causes have ceased to exist Grantee shall perform at no increased cost, unless Department determines, in its sole discretion, that the delay will significantly impair the value of the Agreement to Department, in which case Department may: (1) accept allocated performance or deliveries from Grantee, provided that Grantee grants preferential treatment to Department with respect to products subjected to allocation; (2) contract with other sources (without recourse to and by Grantee for the related costs and expenses) to replace all or part of the products or services that are the subject of the delay, which purchases may be deducted from the Agreement quantity; or (3) terminate Agreement in whole or in part.

18. Indemnification.

a. The Grantee shall be fully liable for the actions of its agents, employees, partners, or subcontractors and shall fully indemnify, defend, and hold harmless Department and its officers, agents, and employees, from suits, actions, damages, and costs of every name and description arising from or relating to:
    i. personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by Grantee, its agents, employees, partners, or subcontractors; provided, however, that Grantee shall not indemnify for that portion of any loss or damages proximately caused by the negligent act or omission of Department;
    ii. the Grantee's breach of this Agreement or the negligent acts or omissions of Grantee.

b. The Grantee's obligations under the preceding paragraph with respect to any legal action are contingent upon Department giving Grantee: (1) written notice of any action or threatened action; (2) the opportunity to take over and settle or defend any such action at Grantee's sole expense; and (3) assistance in defending the action at Grantee's sole expense. The Grantee shall not be liable for any cost, expense, or compromise incurred or made by Department in any legal action without Grantee's prior written consent, which shall not be unreasonably withheld.

c. Notwithstanding sections a. and b. above, the following is the sole indemnification provision that applies to Grantees that are governmental entities: Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of section 768.28, F.S. Further, nothing herein shall be construed as consent by a state agency or subdivision of the State to be sued by third parties in any matter arising out of any contract or this Agreement.

d. No provision in this Agreement shall require Department to hold harmless or indemnify Grantee, insure or assume liability for Grantee's negligence, waive Department's sovereign immunity under the laws of Florida, or otherwise impose liability on Department for which it would not otherwise be responsible. Any provision, implication or suggestion to the contrary is null and void.

19. Limitation of Liability.

The Department's liability for any claim arising from this Agreement is limited to compensatory damages in an amount no greater than the sum of the unpaid balance of compensation due for goods or services rendered pursuant to and in compliance with the terms of the Agreement. Such liability is further limited to a cap of $100,000.

20. Remedies.

Nothing in this Agreement shall be construed to make Grantee liable for force majeure events. Nothing in this Agreement, including financial consequences for nonperformance, shall limit Department's right to pursue its remedies for other types of damages under the Agreement, at law or in equity. The Department may, in addition to other remedies available to it, at law or in equity and upon notice to Grantee, retain such monies from amounts due Grantee as may be necessary to satisfy any claim for damages, penalties, costs and the like asserted by or against it.

21. Waiver.

The delay or failure by Department to exercise or enforce any of its rights under this Agreement shall not constitute or be deemed a waiver of Department's right thereafter to enforce those rights, nor shall any single or partial exercise of any such right preclude any other or further exercise thereof or the exercise of any other right.

22. Statutory Notices Relating to Unauthorized Employment and Subcontracts.

a. The Department shall consider the employment by any Grantee of unauthorized aliens a violation of Section 274A(e) of the Immigration and Nationality Act. If Grantee/subcontractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement. The Grantee shall be responsible for including this provision in all subcontracts with private organizations issued as a result of this Agreement.

b. Pursuant to sections 287.133, 287.134, and 287.137 F.S., the following restrictions apply to persons placed on the convicted vendor list, discriminatory vendor list, or the antitrust violator vendor list:

   i. Public Entity Crime. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a Grantee, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, F.S., for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

   ii. Discriminatory Vendors. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

   iii. Antitrust Violator Vendors. A person or an affiliate who has been placed on the antitrust violator vendor list following a conviction or being held civilly liable for an antitrust violation may not submit a bid, proposal, or reply on any contract to provide any good or services to a public entity;

may not submit a bid, proposal, or reply on any contract with a public entity for the construction or repair of a public building or public work; may not submit a bid, proposal, or reply on leases of real property to a public entity; may not be awarded or perform work as a Grantee, supplier, subcontractor, or consultant under a contract with a public entity; and may not transact new business with a public entity.

iv. Notification. The Grantee shall notify Department if it or any of its suppliers, subcontractors, or consultants have been placed on the convicted vendor list, the discriminatory vendor list, or antitrust violator vendor list during the life of the Agreement. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list and the antitrust violator vendor list and posts the list on its website. Questions regarding the discriminatory vendor list or antitrust violator vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity, at (850) 487-0915.

23. Compliance with Federal, State and Local Laws.

a. The Grantee and all its agents shall comply with all federal, state and local regulations, including, but not limited to, nondiscrimination, wages, social security, workers' compensation, licenses, and registration requirements. The Grantee shall include this provision in all subcontracts issued as a result of this Agreement.

b. No person, on the grounds of race, creed, color, religion, national origin, age, gender, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.

c. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

d. Any dispute concerning performance of the Agreement shall be processed as described herein. Jurisdiction for any damages arising under the terms of the Agreement will be in the courts of the State, and venue will be in the Second Judicial Circuit, in and for Leon County. Except as otherwise provided by law, the parties agree to be responsible for their own attorney fees incurred in connection with disputes arising under the terms of this Agreement.

24. Build America, Buy America Act (BABA) - Infrastructure Projects with Federal Funding.

This provision does not apply to Agreements that are wholly funded by Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act. Also, this provision does not apply where there is a valid waiver in place. However, the provision may apply to funds expended before the waiver or after expiration of the waiver.

If applicable, Recipients or Subrecipients of an award of Federal financial assistance from a program for infrastructure are required to comply with the Build America, Buy America Act (BABA), including the following provisions:

a. All iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

b. All manufactured products used in the project are produced in the United States-this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

c. All construction materials are manufactured in the United States-this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

25. Investing in America

Grantees of an award for construction projects in whole or in part by the Bipartisan Infrastructure Law or the Inflation Reduction Act, including the following provision:

i. Signage Requirements

a. Investing in America Emblem: The recipient will ensure that a sign is placed at construction sites supported in whole or in part by this award displaying the official Investing in America emblem and must identify the project as a "project funded by President Biden's Bipartisan

Infrastructure Law" or "project funded by President Biden's Inflation Reduction Act" as applicable. The sign must be placed at construction sites in an easily visible location that can be directly linked to the work taking place and must be maintained in good condition throughout the construction period.

The recipient will ensure compliance with the guidelines and design specifications provided by EPA for using the official Investing in America emblem available at: https://www.epa.gov/invest/investing-america-signage.

b. Procuring Signs: Consistent with section 6002 of RCRA, 42 U.S.C. 6962, and 2 CFR 200.323, recipients are encouraged to use recycled or recovered materials when procuring signs. Signage costs are considered an allowable cost under this assistance agreement provided that the costs associated with signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the official Investing in America emblem or EPA logo or seal) into the appropriate non-English language(s). The costs of such translation are allowable, provided the costs are reasonable.

26. Scrutinized Companies.

i. Grantee certifies that it is not on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel. Pursuant to section 287.135, F.S., the Department may immediately terminate this Agreement at its sole option if the Grantee is found to have submitted a false certification; or if the Grantee is placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement.

ii. If this Agreement is for more than one million dollars, the Grantee certifies that it is also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in section 287.135, F.S. Pursuant to section 287.135, F.S., the Department may immediately terminate this Agreement at its sole option if the Grantee is found to have submitted a false certification; or if the Grantee is placed on the Scrutinized Companies with Activities in Sudan List, or Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.

iii. As provided in subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions, then they shall become inoperative.

27. Lobbying and Integrity.

The Grantee agrees that no funds received by it under this Agreement will be expended for the purpose of lobbying the Legislature or a State agency pursuant to section 216.347, F.S., except that pursuant to the requirements of section 287.058(6), F.S., during the term of any executed agreement between Grantee and the State, Grantee may lobby the executive or legislative branch concerning the scope of services, performance, term, or compensation regarding that agreement. The Grantee shall comply with sections 11.062 and 216.347, F.S.

28. Record Keeping.

The Grantee shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with United States generally accepted accounting principles (US GAAP) consistently applied. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five (5) years following the completion date or termination of the Agreement. In the event that any work is subcontracted, Grantee shall similarly require each subcontractor to maintain and allow access to such records for audit purposes. Upon request of Department's Inspector General, or other authorized State official, Grantee shall provide any type of information the Inspector General deems relevant to Grantee's integrity or responsibility. Such information may include, but shall not be limited to, Grantee's business or financial records, documents, or files of any type or form that refer to or relate to Agreement. The Grantee shall retain such records for the longer of: (1) three years after the expiration of the Agreement; or (2) the period required by the General Records Schedules maintained by the Florida Department of State (available at: http://dos.myflorida.com/library-archives/records-management/general-records-schedules/).

29. Audits.

a. Inspector General. The Grantee understands its duty, pursuant to section 20.055(5), F.S., to cooperate with the inspector general in any investigation, audit, inspection, review, or hearing. The Grantee will comply with this duty and ensure that its sub-grantees and/or subcontractors issued under this Agreement, if any, impose this requirement, in writing, on its sub-grantees and/or subcontractors, respectively.

b. Physical Access and Inspection. Department personnel shall be given access to and may observe and inspect work being performed under this Agreement, with reasonable notice and during normal business hours, including by any of the following methods:
    i. Grantee shall provide access to any location or facility on which Grantee is performing work, or storing or staging equipment, materials or documents;
    ii. Grantee shall permit inspection of any facility, equipment, practices, or operations required in performance of any work pursuant to this Agreement; and,
    iii. Grantee shall allow and facilitate sampling and monitoring of any substances, soils, materials or parameters at any location reasonable or necessary to assure compliance with any work or legal requirements pursuant to this Agreement.

c. Special Audit Requirements. The Grantee shall comply with the applicable provisions contained in Attachment 5, Special Audit Requirements. Each amendment that authorizes a funding increase or decrease shall include an updated copy of Exhibit 1, to Attachment 5. If Department fails to provide an updated copy of Exhibit 1 to include in each amendment that authorizes a funding increase or decrease, Grantee shall request one from the Department's Grants Manager. The Grantee shall consider the type of financial assistance (federal and/or state) identified in Attachment 5, Exhibit 1 and determine whether the terms of Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. For federal financial assistance, Grantee shall utilize the guidance provided under 2 CFR §200.331 for determining whether the relationship represents that of a subrecipient or vendor. For State financial assistance, Grantee shall utilize the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website: https:\\apps.fldfs.com\fsaa.

d. Proof of Transactions. In addition to documentation provided to support cost reimbursement as described herein, Department may periodically request additional proof of a transaction to evaluate the appropriateness of costs to the Agreement pursuant to State guidelines (including cost allocation guidelines) and federal, if applicable. Allowable costs and uniform administrative requirements for federal programs can be found under 2 CFR 200. The Department may also request a cost allocation plan in support of its multipliers (overhead, indirect, general administrative costs, and fringe benefits). The Grantee must provide the additional proof within thirty (30) days of such request.

e. No Commingling of Funds. The accounting systems for all Grantees must ensure that these funds are not commingled with funds from other agencies. Funds from each agency must be accounted for separately. Grantees are prohibited from commingling funds on either a program-by-program or a project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another project. Where a Grantee's, or subrecipient's, accounting system cannot comply with this requirement, Grantee, or subrecipient, shall establish a system to provide adequate fund accountability for each project it has been awarded.
    i. If Department finds that these funds have been commingled, Department shall have the right to demand a refund, either in whole or in part, of the funds provided to Grantee under this Agreement for non-compliance with the material terms of this Agreement. The Grantee, upon such written notification from Department shall refund, and shall forthwith pay to Department, the amount of money demanded by Department. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the original payment(s) are received from Department by Grantee to the date repayment is made by Grantee to Department.
    ii. In the event that the Grantee recovers costs, incurred under this Agreement and reimbursed by Department, from another source(s), Grantee shall reimburse Department for all recovered funds originally provided under this Agreement and interest shall be charged for those recovered costs as calculated on from the date(s) the payment(s) are recovered by Grantee to the date repayment is made to Department.
    iii. Notwithstanding the requirements of this section, the above restrictions on commingling funds do not apply to agreements where payments are made purely on a cost reimbursement basis.

30. Conflict of Interest.

The Grantee covenants that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.

31. Independent Contractor.

The Grantee is an independent contractor and is not an employee or agent of Department.

32. Subcontracting.

a. Unless otherwise specified in the Special Terms and Conditions, all services contracted for are to be performed solely by Grantee.
b. The Department may, for cause, require the replacement of any Grantee employee, subcontractor, or agent. For cause, includes, but is not limited to, technical or training qualifications, quality of work, change in security status, or non-compliance with an applicable Department policy or other requirement.
c. The Department may, for cause, deny access to Department's secure information or any facility by any Grantee employee, subcontractor, or agent.
d. The Department's actions under paragraphs b. or c. shall not relieve Grantee of its obligation to perform all work in compliance with the Agreement. The Grantee shall be responsible for the payment of all monies due under any subcontract. The Department shall not be liable to any subcontractor for any expenses or liabilities incurred under any subcontract and Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under any subcontract.
e. The Department will not deny Grantee's employees, subcontractors, or agents access to meetings within the Department's facilities, unless the basis of Department's denial is safety or security considerations.
f. The Department supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State. A list of minority-owned firms that could be offered subcontracting opportunities may be obtained by contacting the Office of Supplier Diversity at (850) 487-0915.
g. The Grantee shall not be liable for any excess costs for a failure to perform, if the failure to perform is caused by the default of a subcontractor at any tier, and if the cause of the default is completely beyond the control of both Grantee and the subcontractor(s), and without the fault or negligence of either, unless the subcontracted products or services were obtainable from other sources in sufficient time for Grantee to meet the required delivery schedule.

33. Guarantee of Parent Company.

If Grantee is a subsidiary of another corporation or other business entity, Grantee asserts that its parent company will guarantee all of the obligations of Grantee for purposes of fulfilling the obligations of Agreement. In the event Grantee is sold during the period the Agreement is in effect, Grantee agrees that it will be a requirement of sale that the new parent company guarantee all of the obligations of Grantee.

34. Survival.

The respective obligations of the parties, which by their nature would continue beyond the termination or expiration of this Agreement, including without limitation, the obligations regarding confidentiality, proprietary interests, and public records, shall survive termination, cancellation, or expiration of this Agreement.

35. Third Parties.

The Department shall not be deemed to assume any liability for the acts, failures to act or negligence of Grantee, its agents, servants, and employees, nor shall Grantee disclaim its own negligence to Department or any third party. This Agreement does not and is not intended to confer any rights or remedies upon any person other than the parties. If Department consents to a subcontract, Grantee will specifically disclose that this Agreement does not create any third-party rights. Further, no third parties shall rely upon any of the rights and obligations created under this Agreement.

36. Severability.

If a court of competent jurisdiction deems any term or condition herein void or unenforceable, the other provisions are severable to that void provision, and shall remain in full force and effect.

37. Grantee's Employees, Subcontractors and Agents.

All Grantee employees, subcontractors, or agents performing work under the Agreement shall be properly trained technicians who meet or exceed any specified training qualifications. Upon request, Grantee shall furnish a copy of technical certification or other proof of qualification. All employees, subcontractors, or agents performing work under Agreement must comply with all security and administrative requirements of Department and shall comply with all controlling laws and regulations relevant to the services they are providing under the Agreement.

38. Assignment.

The Grantee shall not sell, assign, or transfer any of its rights, duties, or obligations under the Agreement, or under any purchase order issued pursuant to the Agreement, without the prior written consent of Department. In the event of any assignment, Grantee remains secondarily liable for performance of the Agreement, unless Department expressly waives such secondary liability. The Department may assign the Agreement with prior written notice to Grantee of its intent to do so.

39. Compensation Report.

If this Agreement is a sole-source, public-private agreement or if the Grantee, through this agreement with the State, annually receive 50% or more of their budget from the State or from a combination of State and Federal funds, the

Grantee shall provide an annual report, including the most recent IRS Form 990, detailing the total compensation for the entities' executive leadership teams. Total compensation shall include salary, bonuses, cashed-in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real-property gifts, and any other payout. The Grantee must also inform the Department of any changes in total executive compensation between the annual reports. All compensation reports must indicate what percent of compensation comes directly from the State or Federal allocations to the Grantee.

40. Execution in Counterparts and Authority to Sign.

This Agreement, any amendments, and/or change orders related to the Agreement, may be executed in counterparts, each of which shall be an original and all of which shall constitute the same instrument. In accordance with the Electronic Signature Act of 1996, electronic signatures, including facsimile transmissions, may be used and shall have the same force and effect as a written signature. Each person signing this Agreement warrants that he or she is duly authorized to do so and to bind the respective party to the Agreement.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Special Terms and Conditions
AGREEMENT NO. LPA0599

ATTACHMENT 2

These Special Terms and Conditions shall be read together with general terms outlined in the Standard Terms and Conditions, Attachment 1. Where in conflict, these more specific terms shall apply.

1. Scope of Work.
The Project funded under this Agreement is Ormond Beach Pump Station & Force Main. The Project is defined in more detail in Attachment 3, Grant Work Plan.

2. Duration.
a. Reimbursement Period. The reimbursement period for this Agreement begins on July 1, 2023 and ends at the expiration of the Agreement.
b. Extensions. There are extensions available for this Project.
c. Service Periods. Additional service periods are not authorized under this Agreement.

3. Payment Provisions.
a. Compensation. This is a cost reimbursement Agreement. The Grantee shall be compensated under this Agreement as described in Attachment 3.
b. Invoicing. Invoicing will occur as indicated in Attachment 3.
c. Advance Pay. Advance Pay is not authorized under this Agreement.

4. Cost Eligible for Reimbursement or Matching Requirements.
Reimbursement for costs or availability for costs to meet matching requirements shall be limited to the following budget categories, as defined in the Reference Guide for State Expenditures, as indicated:

Reimbursement	Match	Category
☐	☐	Salaries/Wages
		Overhead/Indirect/General and Administrative Costs:
☐	☐	a. Fringe Benefits, N/A.
☐	☐	b. Indirect Costs, N/A.
☒	☐	Contractual (Subcontractors)
☐	☐	Travel, in accordance with Section 112, F.S.
☐	☐	Equipment
☐	☐	Rental/Lease of Equipment
☐	☐	Miscellaneous/Other Expenses
☐	☐	Land Acquisition

5. Equipment Purchase.
No Equipment purchases shall be funded under this Agreement.

6. Land Acquisition.
There will be no Land Acquisitions funded under this Agreement.

7. Match Requirements
There is no match required on the part of the Grantee under this Agreement.

8. Insurance Requirements

Required Coverage. At all times during the Agreement the Grantee, at its sole expense, shall maintain insurance coverage of such types and with such terms and limits described below. The limits of coverage under each policy maintained by the Grantee shall not be interpreted as limiting the Grantee's liability and obligations under the Agreement. All insurance policies shall be through insurers licensed and authorized to issue policies in Florida, or alternatively, Grantee may provide coverage through a self-insurance program established and operating under the laws of Florida. Additional insurance requirements for this Agreement may be required elsewhere in this Agreement, however the minimum insurance requirements applicable to this Agreement are:

a. Commercial General Liability Insurance.
The Grantee shall provide adequate commercial general liability insurance coverage and hold such liability insurance at all times during the Agreement. The Department, its employees, and officers shall be named as an additional insured on any general liability policies. The minimum limits shall be $250,000 for each occurrence and $500,000 policy aggregate.

b. Commercial Automobile Insurance.
If the Grantee's duties include the use of a commercial vehicle, the Grantee shall maintain automobile liability, bodily injury, and property damage coverage. Insuring clauses for both bodily injury and property damage shall provide coverage on an occurrence basis. The Department, its employees, and officers shall be named as an additional insured on any automobile insurance policy. The minimum limits shall be as follows:

$200,000/300,000	Automobile Liability for Company-Owned Vehicles, if applicable
$200,000/300,000	Hired and Non-owned Automobile Liability Coverage

c. Workers' Compensation and Employer's Liability Coverage.
The Grantee shall provide workers' compensation, in accordance with Chapter 440, F.S. and employer liability coverage with minimum limits of $100,000 per accident, $100,000 per person, and $500,000 policy aggregate. Such policies shall cover all employees engaged in any work under the Grant.

d. Other Insurance. None.

9. Quality Assurance Requirements.

There are no special Quality Assurance requirements under this Agreement.

10. Retainage.

No retainage is required under this Agreement.

11. Subcontracting.

The Grantee may subcontract work under this Agreement without the prior written consent of the Department's Grant Manager except for certain fixed-price subcontracts pursuant to this Agreement, which require prior approval. The Grantee shall submit a copy of the executed subcontract to the Department prior to submitting any invoices for subcontracted work. Regardless of any subcontract, the Grantee is ultimately responsible for all work to be performed under this Agreement.

12. State-owned Land.

The work will not be performed on State-owned land.

13. Office of Policy and Budget Reporting.

The Grantee will identify the expected return on investment for this project and provide this information to the Governor's Office of Policy and Budget (OPB) within three months of execution of this Agreement. For each full calendar quarter thereafter, the Grantee will provide quarterly update reports directly to OPB, no later than 20 days after the end of each quarter, documenting the positive return on investment to the state that results from the Grantee's project and its use of funds provided under this Agreement. Quarterly reports will continue until the Grantee is instructed by OPB that no further reports are needed, or until the end of this Agreement, whichever occurs first. All reports shall be submitted electronically to OPB at env.roi@laspbs.state.fl.us, and a copy shall also be submitted to the Department at legislativeaffairs@floridaDEP.gov.

14. Common Carrier.

a. Applicable to contracts with a common carrier – firm/person/corporation that as a regular business transports people or commodities from place to place. If applicable, Contractor must also fill out and

return PUR 1808 before contract execution] If Contractor is a common carrier pursuant to section 908.111(1)(a), Florida Statutes, the Department will terminate this contract immediately if Contractor is found to be in violation of the law or the attestation in PUR 1808.

b. Applicable to solicitations for a common carrier – Before contract execution, the winning Contractor(s) must fill out and return PUR 1808, and attest that it is not willfully providing any service in furtherance of transporting a person into this state knowing that the person unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The Department will terminate a contract immediately if Contractor is found to be in violation of the law or the attestation in PUR 1808.

15. Additional Terms.
None.

Any terms added here must be approved by the Office of General Counsel.

ATTACHMENT 3
GRANT WORK PLAN

PROJECT TITLE: Ormond Beach Pump Station & Force Main

PROJECT LOCATION: The Project will be located in the City of Ormond Beach within Volusia County; Lat/Long (29.2648,-81.0641).

PROJECT BACKGROUND: The Central Park area of Ormond Beach (Grantee) has experienced chronic stormwater flooding and has a history of stormwater flooding complaints. The area contains several lakes which were interconnected after a significant flooding event in May 2009, however the lakes continue to experience water levels reaching over the banks. This project will provide regional flood control with the installation of a pump station to draw down the Central Park lake system prior to large storm events, and to provide additional storm attenuation volume. The pump station will discharge to the Halifax River via stormwater piping along the Fleming Avenue corridor.

PROJECT DESCRIPTION: The Grantee will construct a 90 Cubic Feet per Second (CFS) pump station, and associated electrical/generator, a 36-inch force main, an outfall structure, and reclaimed augmentation stations. The augmentation stations are to offset potential nutrient loading of the river in the event of a storm drawdown.

TASKS: All documentation should be submitted electronically unless otherwise indicated.

Task 1: Construction

Deliverables: The Grantee will construct a 90 CFS pump station, and associated electrical/generator, a 36-inch force main, an outfall structure, and reclaimed augmentation stationsin accordance with the construction contract documents.

Documentation: The Grantee will submit: 1) a copy of the final design; 2) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; and 3) a signed Engineer's Certification of Payment Request.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by, and all documentation received by, the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Construction	Contractual Services	$5,350,000	10/01/2024	04/30/2026
		Total:	$5,350,000		

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Public Records Requirements

Attachment 4

1. **Public Records.**

a. If the Agreement exceeds $35,000.00, and if Grantee is acting on behalf of Department in its performance of services under the Agreement, Grantee must allow public access to all documents, papers, letters, or other material, regardless of the physical form, characteristics, or means of transmission, made or received by Grantee in conjunction with the Agreement (Public Records), unless the Public Records are exempt from section 24(a) of Article I of the Florida Constitution or section 119.07(1), F.S.

b. The Department may unilaterally terminate the Agreement if Grantee refuses to allow public access to Public Records as required by law.

2. **Additional Public Records Duties of Section 119.0701, F.S., If Applicable.**
For the purposes of this paragraph, the term "contract" means the "Agreement." If Grantee is a "contractor" as defined in section 119.0701(1)(a), F.S., the following provisions apply and the contractor shall:

a. Keep and maintain Public Records required by Department to perform the service.

b. Upon request, provide Department with a copy of requested Public Records or allow the Public Records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, F.S., or as otherwise provided by law.

c. A contractor who fails to provide the Public Records to Department within a reasonable time may be subject to penalties under section 119.10, F.S.

d. Ensure that Public Records that are exempt or confidential and exempt from Public Records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the Public Records to Department.

e. Upon completion of the contract, transfer, at no cost, to Department all Public Records in possession of the contractor or keep and maintain Public Records required by Department to perform the service. If the contractor transfers all Public Records to Department upon completion of the contract, the contractor shall destroy any duplicate Public Records that are exempt or confidential and exempt from Public Records disclosure requirements. If the contractor keeps and maintains Public Records upon completion of the contract, the contractor shall meet all applicable requirements for retaining Public Records. All Public Records stored electronically must be provided to Department, upon request from Department's custodian of Public Records, in a format specified by Department as compatible with the information technology systems of Department. These formatting requirements are satisfied by using the data formats as authorized in the contract or Microsoft Word, Outlook, Adobe, or Excel, and any software formats the contractor is authorized to access.

f. **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, F.S., TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE CONTRACT, CONTACT THE DEPARTMENT'S CUSTODIAN OF PUBLIC RECORDS AT:**

Telephone: **(850) 245-2118**
Email: public.services@floridadep.gov
Mailing Address: **Department of Environmental Protection**
ATTN: Office of Ombudsman and Public Services
Public Records Request
3900 Commonwealth Boulevard, MS 49
Tallahassee, Florida 32399

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Special Audit Requirements
(State and Federal Financial Assistance)

Attachment 5

The administration of resources awarded by the Department of Environmental Protection *(which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the agreement)* to the recipient *(which may be referred to as the "Recipient", "Grantee" or other name in the agreement)* may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

MONITORING

In addition to reviews of audits conducted in accordance with 2 CFR Part 200, Subpart F-Audit Requirements, and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by DEP Department staff, limited scope audits as defined by 2 CFR 200.425, or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in 2 CFR §200.330

1. A recipient that expends $750,000 or more in Federal awards in its fiscal year, must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F. EXHIBIT 1 to this Attachment indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the federal awards expended in its fiscal year, the recipient shall consider all sources of federal awards, including federal resources received from the Department of Environmental Protection. The determination of amounts of federal awards expended should be in accordance with the guidelines established in 2 CFR 200.502-503. An audit of the recipient conducted by the Auditor General in accordance with the provisions of 2 CFR Part 200.514 will meet the requirements of this part.

2. For the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508-512.

3. A recipient that expends less than $750,000 in federal awards in its fiscal year is not required to have an audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F-Audit Requirements. If the recipient expends less than $750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F-Audit Requirements, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other federal entities.

4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at https://sam.gov/content/assistance-listings.

PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year of such recipient (for fiscal years ending June 30, 2017, and thereafter), the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, F.S.; Rule Chapter 69I-5, F.A.C., State Financial Assistance; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this form lists the state financial assistance awarded through the Department of Environmental Protection by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than $750,000 in state financial assistance in its fiscal year (for fiscal year ending June 30, 2017, and thereafter), an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than $750,000 in state financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).

4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at https://apps.fldfs.com/fsaa for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at http://www.leg.state.fl.us/Welcome/index.cfm, State of Florida's website at http://www.myflorida.com/, Department of Financial Services' Website at http://www.fldfs.com/and the Auditor General's Website at http://www.myflorida.com/audgen/.

PART III: OTHER AUDIT REQUIREMENTS

(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)

PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with 2 CFR Part 200, Subpart F-Audit Requirements, and required by PART I of this form shall be submitted, when required by 2 CFR 200.512, by or on behalf of the recipient directly to the Federal Audit Clearinghouse (FAC) as provided in 2 CFR 200.36 and 200.512

   A. The Federal Audit Clearinghouse designated in 2 CFR §200.501(a) (the number of copies required by 2 CFR §200.501(a) should be submitted to the Federal Audit Clearinghouse), at the following address:

By Mail:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

Submissions of the Single Audit reporting package for fiscal periods ending on or after January 1, 2008, must be submitted using the Federal Clearinghouse's Internet Data Entry System which can be found at http://harvester.census.gov/facweb/

2. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department of Environmental Protection at one of the following addresses:

By Mail:
Audit Director
Florida Department of Environmental Protection
Office of Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:
FDEPSingleAudit@dep.state.fl.us

B. The Auditor General's Office at the following address:

Auditor General
Local Government Audits/342
Claude Pepper Building, Room 401
111 West Madison Street
Tallahassee, Florida 32399-1450

The Auditor General's website (http://flauditor.gov/) provides instructions for filing an electronic copy of a financial reporting package.

3. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at one of the following addresses:

By Mail:
Audit Director
Florida Department of Environmental Protection
Office of Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:
FDEPSingleAudit@dep.state.fl.us

4. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with 2 CFR 200.512, section 215.97, F.S., and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

5. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with 2 CFR 200, Subpart F-Audit Requirements, or Chapters 10.550 (local governmental entities) and 10.650 (non and for-profit organizations), Rules of the Auditor General, should indicate the date and the reporting package was delivered to the recipient correspondence accompanying the reporting package.

PART V: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of the award and this Agreement for a period of **five (5)** years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of **three (3)** years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

EXHIBIT – 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Note: If the resources awarded to the recipient represent more than one federal program, provide the same information shown below for each federal program and show total federal resources awarded

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program A	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
				$	
Federal Program B	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
				$	

Note: Of the resources awarded to the recipient represent more than one federal program, list applicable compliance requirements for each federal program in the same manner as shown below:

Federal Program A	First Compliance requirement: i.e.: (what services of purposes resources must be used for)	
	Second Compliance requirement: i.e.:(eligibility requirement for recipients of the resources)	
	Etc.	
	Etc.	
Federal Program B	First Compliance requirement: i.e.: (what services of purposes resources must be used for)	
	Second Compliance requirement: i.e.: (eligibility requirement for recipients of the resources)	
	Etc.	
	Etc.	

Note: If the resources awarded to the recipient for matching represent more than one federal program, provide the same information shown below for each federal program and show total state resources awarded for matching.

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:					
Federal Program A	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category
Federal Program B	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

Note: If the resources awarded to the recipient represent more than one state project, provide the same information shown below for each state project and show total state financial assistance awarded that is subject to section 215.97, F.S.

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
State Program A	State Awarding Agency	State Fiscal Year[1]	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Department of Environmental Protection	2023-2024	37.039	Statewide Water Quality Restoration Project - LI 1705A	$5,350,000	140047
State Program B	State Awarding Agency	State Fiscal Year[2]	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category

Total Award	$5,350,000	

Note: List applicable compliance requirement in the same manner as illustrated above for federal resources. For matching resources provided by the Department for DEP for federal programs, the requirements might be similar to the requirements for the applicable federal programs. Also, to the extent that different requirements pertain to different amount for the non-federal resources, there may be more than one grouping (i.e. 1, 2, 3, etc.) listed under this category.

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [https://sam.gov/content/assistance-listings] and/or the Florida Catalog of State Financial Assistance (CSFA) [https://apps.fldfs.com/fsaa/searchCatalog.aspx], and State Projects Compliance Supplement (Part Four: State Projects Compliance Supplement [https://apps.fldfs.com/fsaa/state_project_compliance.aspx]. The services/purposes for which the funds are to be used are included in the Agreement's Grant Work Plan. Any match required by the Recipient is clearly indicated in the Agreement.

[1] Subject to change by Change Order.
[2] Subject to change by Change Order.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Exhibit A
Progress Report Form

DEP Agreement No.:	LPA0599
Project Title:	Ormond Beach Pump Station & Force Main
Grantee Name:	City of Ormond Beach
Grantee's Grant Manager:	
Reporting Period:	Select Quarter - Select Year

Provide the following information for all tasks identified in the Grant Work Plan:
Summarize the work completed within each task for the reporting period, provide an update on the estimated completion date for each task, and identify any anticipated delays or problems encountered. Use the format provided below and use as many pages as necessary to cover all tasks. Each quarterly progress report is due no later than twenty (20) days following the completion of the quarterly reporting period.

Task 1: Select Task Title

- **Progress for this reporting period**:
- **Identify delays or problems encountered**:

Task 2: Select Task Title

- **Progress for this reporting period**:
- **Identify delays or problems encountered**:

Task 3: Select Task Title

- **Progress for this reporting period**:
- **Identify delays or problems encountered**:

Task 4: Select Task Title

- **Progress for this reporting period**:
- **Identify delays or problems encountered**:

Task 5: Select Task Title

- **Progress for this reporting period**:
- **Identify delays or problems encountered**:

Completion Status for Tasks

Indicate the completion status for the following tasks, if included in the Grant Work Plan. For construction, the estimated completion percentage should represent the work being funded under this Agreement.

Design (Plans/Submittal): 30% ☐, 60% ☐, 90% ☐, 100% ☐

Permitting (Completed): Yes ☐, No ☐

Construction (Estimated): _____ %

This report is submitted in accordance with the reporting requirements of the above DEP Agreement number and accurately reflects the activities associated with the project.

_____ _____

Signature of Grantee's Grant Manager
(Original Ink or Digital Timestamp)

Date

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Exhibit C
Payment Request Summary Form

The **Payment Request Summary Form** for this grant can be found on our website at this link:

https://floridadep.gov/wra/wra/documents/payment-request-summary-form

Please use the most current form found on the website, linked above, for each payment request.

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 7.B

Section:	CONSENT AGENDA		
Item Category:	Consent - Resolution	**Res./Ord. No:**	2024-57
Strategic Goal:	Transportation & Community Development - Determine the best redevelopment option for church property and enhance temporary use and signage		
Department:	Economic Development		
Subject:	Acceptance of Florida Commerce Grant - Design of a Downtown Community Center		
Summary:	The need for a downtown community center is incorporated in the Downtown Master Plan Update of 2019, and aligns with the City's economic goals by providing a large venue in the downtown area that will serve as a focal point for gatherings and events. The community center will provide a space for cultural, historical and community events, serving residents, businesses, and visitors to the downtown area. By attracting people to the downtown area, the City anticipates a significant boost to the local economy. In 2023, the City Commission, in furtherance of this priority, included a legislative priority and appropriations request from the State Legislature. The aim was to secure half of the funds necessary for the first phase of a downtown community center, which involves the site design and engineering. For State Fiscal Year 2023-2024, the Florida Legislature approved the City's request and appropriated $783,059 from the General Revenue Fund of the General Appropriation Act to the City of Ormond Beach for the Downtown Community Center Project. Funding under this agreement will be used for design and pre-development activities, which will provide the essential steps needed for the project to move forward. The estimated cost for this phase is $1,566,118 and would be split evenly, with 50% coming from the appropriations request and 50% from the City of Ormond Beach general revenue or CRA fund. This agenda item is limited to accepting the previously requested legislative funding for this project and does not make a determination or commitment regarding specific location or design. A City Commission workshop is scheduled for May 7, 2024, to discuss the future use of city-		

	owned property at 56 N. Beach Street, purchased in 2018 and initially considered as the location for this project. At that workshop, staff will provide an overview and background of the property at 56 N. Beach Street as it pertains to this project and discuss exploring other uses for that property, as well as alternative locations for the proposed community center. Additional information and opportunities for discussion will be scheduled as needed to facilitate City Commission direction needed for staff to move forward within the scope of allocated funding. Because the original grant has a performance period from July 1, 2023, through June 30, 2024, the Florida Commerce Department has requested the City sign this original agreement, with the State's proposed budget for 2024-2025 including language for the expended balance of funds for this project to be appropriated for Fiscal Year 2024-2025. Once the appropriation is moved to Fiscal Year 2024-2025, an amendment will be brought before the Commission to update the contract with the new performance period, allowing for completion of the design project.
Financial Impact:	The total cost for this project is approximately $1,566,118. The City has received a funding commitment for this project from the State Legislature in the form of a General Appropriation in the amount of $783,059. The City's remaining matching funds of $783,059 will be derived from the City's general revenue fund.
Citizen Impact:	Accepting state funds for site design and engineering of a downtown community and event center in Ormond Beach, Florida has several positive impacts on citizens. It enhances local infrastructure, creating a vibrant hub for cultural and recreational activities. It stimulates economic growth, attracting visitors and businesses.
Recommended Action (Staff, Advisory Board and/or Other):	Staff recommends approval of the Florida Commerce Grant for the Design of a Downtown Community Center.
Staff Contact:	Brian Rademacher, Economic Development Director, (386) 676-3266
Attachments:	1. 24-57 FL Dept Commerce Grant (P24-0058G) 2. Grant Agreement State of Florida Commerce Dept. HL188
Approval:	Kelly McGuire, Finance Director 4/1/2024 Claire Whitley, Assistant City Manager 4/3/2024 Joyce Shanahan, City Manager 4/11/2024

RESOLUTION NO. 2024-57

A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE CITY AND THE STATE OF FLORIDA DEPARTMENT OF COMMERCE REGARDING FUNDING FOR DESIGN WORK AND PRE-DEVELOPMENT ACTIVITIES FOR A DOWNTOWN COMMUNITY CENTER; AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS INCIDENTAL THERETO FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to enter into a Grant Agreement ("Agreement") with the State of Florida, Department of Commerce for funding assistance in the amount of $783,059 for design and pre-development activities for a downtown community center (the "Project"), and

WHEREAS, the total cost of the Project is $1,566,118, and

WHEREAS, the City Manager has certified that funding for the city's matching portion of the Project is available from the General Revenue Fund in the amount of $783,059 and has not been appropriated for any other purpose, now therefore,

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

SECTION ONE. The Mayor and the City Manager are hereby authorized and directed to execute an Agreement between the City and the State of Florida Department of Commerce regarding funding for the Project. A copy of said Agreement is attached hereto and incorporated herein by reference.

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

APPROVED AND AUTHENTICATED, this 16th day of April, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

DocuSign Envelope ID: 32D6DEEA-1861-486B-9261-DAAA52D4AAE3

GRANT AGREEMENT
STATE OF FLORIDA
DEPARTMENT OF COMMERCE

THIS GRANT AGREEMENT NUMBER HL188 ("Agreement") is made and entered into by and between the State of Florida, Department of Commerce ("Commerce"), and the City of Ormond Beach ("Grantee"). Commerce and Grantee are sometimes referred to herein individually as a "Party" and collectively as "the Parties".

WHEREAS, Commerce has the authority to enter into this Agreement and distribute State of Florida funds ("Award Funds") in the amount and manner set forth in this Agreement and in the following Attachments incorporated herein as an integral part of this Agreement:

- Attachment 1: Scope of Work
- Attachment 2 and Exhibit 1 to Attachment 2: Audit Requirements
- Attachment 3: Audit Compliance Certification
- Attachment 4: Minority and Service-Disabled Veteran Business Enterprise Report

WHEREAS, the Agreement and its aforementioned Attachments are hereinafter collectively referred to as the "Agreement", and if any inconsistencies or conflict between the language of this Agreement and its Attachments arise, then the language of the Attachments shall control, but only to the extent of the conflict or inconsistency;

WHEREAS, Grantee hereby represents and warrants that Grantee's signatory to this Agreement has authority to bind Grantee to this Agreement as of the Effective Date and that Grantee, through its undersigned duly authorized representative in his or her official capacity, has the authority to request, accept, and expend Award Funds for Grantee's purposes in accordance with the terms and conditions of this Agreement;

NOW THEREFORE, for and in consideration of the covenants and obligations set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties intending to be legally bound hereby agree to perform the duties described herein in this Agreement as follows:

A. AGREEMENT PERIOD

This Agreement is effective as of July 1, 2023 (the "Effective Date") and shall continue until the earlier to occur of (a) June 30, 2024 (the "Expiration Date") or (b) the date on which either Party terminates this Agreement (the "Termination Date"). The period of time between the Effective Date and the Expiration Date or Termination Date is the "Agreement Period."

B. FUNDING

This Agreement is a cost reimbursement Agreement. Commerce shall pay Grantee up to Seven Hundred Eighty-Three Thousand Fifty-Nine Dollars and Zero Cents ($783,059.00) in consideration for Grantee's performance under this Agreement. Commerce shall not provide Grantee an advance of Award Funds under this Agreement. Any advance payment under this Agreement is subject to section 216.181(16), F.S. Travel expenses are not authorized under this Agreement. Commerce shall not pay Grantee's costs related to this Agreement incurred outside of the Agreement Period. In conformity with s. 287.0582, F.S., the State of Florida and Commerce's performance and obligation to pay any Award Funds under this Agreement is contingent upon an annual appropriation by the Legislature. Commerce shall have final unchallengeable

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authority as to both the availability of funds and what constitutes an "annual appropriation" of funds. Grantee shall not expend Award Funds for the purpose of lobbying the Legislature, the judicial branch, or a state agency. Grantee shall not expend Award Funds to pay any costs incurred in connection with any defense against any claim or appeal of the State of Florida or any agency or instrumentality thereof (including Commerce); or to pay any costs incurred in connection with the prosecution of any claim or appeal against the State of Florida or any agency or instrumentality thereof (including Commerce), which Grantee instituted or in which Grantee has joined as a claimant. Grantee shall either (i) maintain Award Funds in a separate bank account, or (ii) expressly designate in Grantee's business records and accounting system that the Award Funds originated from this Agreement. Grantee shall not commingle Award Funds with any other funds. Commerce may refuse to reimburse Grantee for purchases made with commingled funds. Grantee's costs must be in compliance with all laws, rules, and regulations applicable to expenditures of State funds, including the Reference Guide for State Expenditures (https://www.myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/state-agencies/reference-guide-for-state-expenditures.pdf?sfvrsn=b4cc3337_2).

C. ELECTRONIC FUNDS TRANSFER

Within 30 calendar days of the date the last Party has signed this Agreement, Grantee shall enroll in Electronic Funds Transfer (EFT) from the State's Chief Financial Officer. A copy of the Authorization form can be found on the vendor instruction page at: https://www.myfloridacfo.com/Division/AA/Vendors/ . Any questions should be directed to the Direct Deposit/EFT Section of the Division of Accounting and Auditing at (850) 413-5517. Once enrolled, invoice payments shall be made by EFT.

D. MODIFICATION

If, in Commerce's sole and absolute determination, changes to this Agreement are necessitated by law or otherwise, Commerce may at any time, with written notice of all such changes to Grantee, modify this Agreement within its original scope and purpose. Grantee shall be responsible for any due diligence necessary to determine the impact of the modification. Any modification of this Agreement requested by Grantee must be in writing and duly signed by all Parties in order to be enforceable.

E. AUDIT REQUIREMENTS AND COMPLIANCE

1. **Florida Single Audit Act - Section 215.97, Florida Statutes ("F.S.")**. Grantee shall comply with all applicable provisions of s. 215.97, F.S., s. 215.971, F.S., and Attachment 2 and Exhibit 1 to Attachment 2: Audit Requirements. Grantee shall perform the deliverables and tasks set forth in Attachment 1, Scope of Work. Grantee may only expend Award Funds for allowable costs resulting from obligations incurred during the Agreement Period. Grantee shall refund to Commerce any: (1) balance of unobligated Award Funds which have been advanced or paid to Grantee; or (2) Award Funds paid in excess of the amount to which Grantee is entitled under the terms and conditions of this Agreement and Attachments hereto, upon expiration or termination of this Agreement.

2. **Audit Compliance**. Grantee understands and shall comply with the requirements of s. 20.055(5), F.S. Grantee agrees to reimburse the State for the reasonable costs of investigation the Inspector General or other authorized State official incurs for investigations of Grantee's compliance with the terms of this or any other agreement between the Grantee and the State which results in the suspension or

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debarment of Grantee. Grantee shall not be responsible for any costs of investigations that do not result in Grantee's suspension or debarment.

F. RECORDS AND INFORMATION RELEASE

1. **Records Compliance**. Commerce is subject to the provisions of chapter 119, F.S., relating to public records. Any document Grantee submits to Commerce under this Agreement may constitute public records under the Florida Statutes. Grantee shall cooperate with Commerce regarding Commerce's efforts to comply with the requirements of chapter 119, F.S. Grantee shall respond to requests to inspect or copy such records in accordance with chapter 119, F.S., for records made or received by Grantee in connection with this Agreement. Grantee shall immediately notify Commerce of the receipt and content of any records request by sending an e-mail to PRRequest@commerce.fl.gov within one (1) business day after receipt of such request. Grantee shall indemnify, defend, and hold Commerce harmless from any violation of Florida's public records laws wherein Commerce's disclosure or nondisclosure of any public record was predicated upon any act or omission of Grantee. As applicable, Grantee shall comply with s. 501.171, F.S. Commerce may terminate this Agreement if Grantee fails to comply with Florida's public records laws. Grantee shall allow public access to all records made or received by Grantee in connection with this Agreement, unless the records are exempt from s. 24(a) of Article I of the State Constitution or s. 119.07(1), F.S.

2. **Identification of Records**. Grantee shall clearly and conspicuously mark all records submitted to Commerce if such records are confidential and exempt from public disclosure. Grantee's failure to clearly mark each record and identify the legal basis for each exemption from the requirements of chapter 119, F.S., prior to delivery of the record to Commerce serves as Grantee's waiver of a claim of exemption. Grantee shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for as long as those records are confidential and exempt pursuant to Florida law. If Commerce's claim of exemption asserted in response to Grantee's assertion of confidentiality is challenged in any court of law, Grantee shall defend, assume, and be responsible for all fees, costs, and expenses in connection with such challenge.

3. **Keeping and Providing Records**. Commerce and the State have an absolute right to view, inspect, or make or request copies of any records arising out of or related to this Agreement. Grantee has an absolute duty to keep and maintain all records arising out of or related to this Agreement. Commerce may request copies of any records made or received in connection with this Agreement, or arising out of Grantees use of Award Funds, and Grantee shall provide Commerce with copies of any records within 10 business days after Commerce's request at no cost to Commerce. Grantee shall maintain all books, records, and documents in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all expenditures of Award Funds. For avoidance of doubt, Grantee's duties to keep and provide records to Commerce includes all records generated in connection with or as a result of this Agreement. Upon expiration or termination of this Agreement, Grantee shall transfer, at no cost, to Commerce all public records in possession of Grantee or keep and maintain public records required by Commerce to perform the service. If Grantee keeps and maintains public records upon completion of this Agreement, Grantee shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to Commerce, upon request from Commerce's custodian of records, in a format that is compatible with the information technology systems of Commerce.

4. **Audit Rights.** Representatives of the State of Florida, Commerce, the State Chief Financial Officer, the State Auditor General, the Florida Office of Program Policy Analysis and Government Accountability or representatives of the federal government and their duly authorized representatives shall have access to any of Grantee's books, documents, papers, and records, including electronic

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storage media, as they may relate to this Agreement, for the purposes of conducting audits or examinations or making excerpts or transcriptions.

5. **Single Audit Compliance Certification.** Annually, within 60 calendar days of the close of Grantee's fiscal year, Grantee shall electronically submit a completed Audit Compliance Certification (a version of this certification is attached hereto as Attachment 3) to audit@commerce.fl.gov. Grantee's timely submittal of one completed Audit Compliance Certification for each applicable fiscal year will fulfill this requirement for all agreements between Commerce and Grantee.

6. **Ensure Compliance**. Grantee shall ensure that any entity which is paid from, or for which Grantee's expenditures will be reimbursed by, Award Funds, is aware of and will comply with the aforementioned audit and record keeping requirements.

7. **Contact Custodian of Public Records for Questions.**

   IF THE GRANTEE HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE GRANTEE'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS by telephone at (850) 245-7140, via e-mail at PRRequest@commerce.fl.gov, or by mail at Department of Commerce, Public Records Coordinator, 107 East Madison Street, Caldwell Building, Tallahassee, Florida 32399-4128.

G. TERMINATION AND FORCE MAJEURE

1. **Termination due to Lack of Funds:** In the event funds to finance this Agreement become unavailable or if federal or state funds upon which this Agreement is dependent are withdrawn or redirected, Commerce may terminate this Agreement upon no less than 24 hour written notice to Grantee. Commerce shall be the final authority as to the availability of funds and will not reallocate funds earmarked for this Agreement to another program thus causing "lack of funds." In the event of termination of this Agreement under this provision, Grantee will be paid for any work satisfactorily completed prior to notification of termination. The lack of funds shall not constitute Commerce's default under this Agreement.

2. **Termination for Cause:** Commerce may terminate the Agreement if Grantee fails to: (1) deliver the services within the time specified in the Agreement or any extension; (2) maintain adequate progress, thus endangering performance of the Agreement; (3) honor any term of the Agreement; or (4) abide by any statutory, regulatory, or licensing requirement. The rights and remedies of Commerce in this clause are in addition to any other rights and remedies provided by law or under the Agreement. Grantee shall not be entitled to recover any cancellation charges or lost profits.

3. **Termination for Convenience:** Commerce, by written notice to Grantee, may terminate this Agreement in whole or in part when Commerce determines in Commerce's sole and absolute discretion that it is in Commerce's interest to do so. Grantee shall not provide any deliverable pursuant to Attachment 1: Scope of Work after it receives the notice of termination, except as Commerce otherwise specifically instructs Grantee in writing. Grantee shall not be entitled to recover any cancellation charges or lost profits.

4. **Grantee's Responsibilities Upon Termination:** If Commerce issues a Notice of Termination to Grantee, except as Commerce otherwise specifies in that Notice, Grantee shall: (1) Stop work under this Agreement on the date and to the extent specified in the notice; (2) complete performance of such part of the work Commerce does not terminate; (3) take such action as may be necessary, or as Commerce may specify, to protect and preserve any property which is in the possession of Grantee

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and in which Commerce has or may acquire an interest; and (4) upon the effective date of termination, Grantee shall transfer, assign, and make available to Commerce all property and materials belonging to Commerce pursuant to the terms of this Agreement and all Attachments hereto. Grantee shall not receive additional compensation for Grantee's services in connection with such transfers or assignments.

5. **Force Majeure and Notice of Delay from Force Majeure.** Neither Party shall be liable to the other for any delay or failure to perform under this Agreement if such delay or failure is neither the fault nor the negligence of the Party or its employees or agents and the delay is due directly to acts of God, wars, acts of public enemies, strikes, fires, floods, or other similar cause wholly beyond the Party's control, or for any of the foregoing that affects subcontractors or suppliers if no alternate source of supply is available. However, in the event of delay from the foregoing causes, the Party shall take all reasonable measures to mitigate any and all resulting delay or disruption in the Party's performance obligation under this Agreement. If the delay is excusable under this FORCE MAJEURE AND NOTICE OF DELAY FROM FORCE MAJEURE section, the delay will not result in any additional charge or cost under the Agreement to either Party. In the case of any delay Grantee believes is excusable under this FORCE MAJEURE AND NOTICE OF DELAY FROM FORCE MAJEURE section, Grantee shall notify Commerce in writing of the delay or potential delay and describe the cause of the delay either: (1) within 10 calendar days after the cause that creates or will create the delay first arose, if Grantee could reasonably foresee that a delay could occur as a result; or (2) within five calendar days after the date Grantee first had reason to believe that a delay could result, if the delay is not reasonably foreseeable. THE FOREGOING SHALL CONSTITUTE GRANTEE'S SOLE REMEDY OR EXCUSE WITH RESPECT TO DELAY. Providing notice in strict accordance with this FORCE MAJEURE AND NOTICE OF DELAY FROM FORCE MAJEURE section is a condition precedent to such remedy. Commerce, in its sole discretion, will determine if the delay is excusable under this FORCE MAJEURE AND NOTICE OF DELAY FROM FORCE MAJEURE section and will notify Grantee of its decision in writing. No claim for damages, other than for an extension of time, shall be asserted against Commerce. Grantee shall not be entitled to an increase in the Agreement price or payment of any kind from Commerce for direct, indirect, consequential, impact, or other costs, expenses or damages, including but not limited to costs of acceleration or inefficiency arising because of delay, disruption, interference, or hindrance from any cause whatsoever. If performance is suspended or delayed, in whole or in part, due to any of the causes described in this FORCE MAJEURE AND NOTICE OF DELAY FROM FORCE MAJEURE section, after the causes have ceased to exist, Grantee shall perform at no increased cost, unless Commerce determines, in its sole discretion, that the delay will significantly impair the value of the Agreement to Commerce or the State, in which case, Commerce may terminate the Agreement in whole or in part.

H. BUSINESS WITH PUBLIC ENTITIES

Grantee is aware of and understands the provisions of s. 287.133(2)(a), F.S., and s. 287.134(2)(a), F.S. As required by s. 287.135(5), F.S., Grantee certifies that it is not: (1) listed on the Scrutinized Companies that Boycott Israel List, created pursuant to s. 215.4725, F.S.; (2) engaged in a boycott of Israel; (3) listed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to s. 215.473, F.S.; or (4) engaged in business operations in Cuba or Syria. Commerce may immediately terminate this Agreement if Grantee submits a false certification as to the above, or if Grantee is placed on the Scrutinized Companies that Boycott Israel List, engages in a boycott of Israel, is placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or has engaged in business operations in Cuba or Syria.

I. CONTINUING DISCLOSURE OF LEGAL PROCEEDINGS

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Prior to execution of this Agreement, Grantee must disclose in a written statement to Commerce's Agreement Manager all prior or on-going civil or criminal litigation, investigations, arbitration or administrative proceedings (collectively "Proceedings") involving this Agreement. Thereafter, Grantee has a continuing duty to promptly disclose all Proceedings upon occurrence. This duty of disclosure applies to Grantee's or subcontractor's officers and directors when any Proceeding relates to the officer or director's business or financial activities. Details of settlements that are prevented from disclosure by the terms of the settlement may be annotated as such. Grantee shall promptly notify Commerce's Agreement Manager of any Proceeding relating to or affecting the Grantee's or subcontractor's business. If the existence of such Proceeding causes the State concern about Grantee's ability or willingness to perform the Agreement, then upon Commerce's request, Grantee shall provide to Commerce's Agreement Manager all reasonable assurances that: (i) Grantee will be able to perform the Agreement in accordance with its terms and conditions; and (ii) Grantee and/or its employees, agents, or subcontractor(s) have not and will not engage in conduct in performing services for Commerce which is similar in nature to the conduct alleged in such Proceeding.

J. ADVERTISING AND SPONSORSHIP DISCLOSURE

1. **Limitations on Advertising of Agreement.** Commerce does not endorse any Grantee, commodity, or service. Subject to chapter 119, F.S., Grantee shall not publicly disseminate any information concerning this Agreement without prior written approval from Commerce, including, but not limited to mentioning this Agreement in a press release or other promotional material, identifying Commerce or the State as a reference, or otherwise linking Grantee's name and either a description of the Agreement or the name of Commerce or the State in any material published, either in print or electronically, to any entity that is not a Party to this Agreement, except potential or actual authorized distributors, dealers, resellers, or service representatives.

2. **Disclosure of Sponsorship**. As required by s. 286.25, F.S., if Grantee is a nongovernmental organization which sponsors a program financed wholly or in part by state funds, including any funds obtained through this Agreement, it shall, in publicizing, advertising, or describing the sponsorship of the program, state: "Sponsored by (Grantee's name) and the State of Florida, Department of Commerce." If the sponsorship reference is in written material, the words "State of Florida, Department of Commerce" shall appear in the same size letters or type as the name of the organization.

K. RECOUPMENT OF FUNDS

1. **Recoupment**. Notwithstanding anything in this Agreement to the contrary, Commerce has an absolute right to recoup Award Funds. Commerce may refuse to reimburse Grantee for any cost if Commerce determines that such cost was not incurred in compliance with the terms of this Agreement. Commerce may demand a return of Award Funds if Commerce terminates this Agreement. The application of financial consequences as set forth in the Scope of Work is cumulative to any of Commerce's rights to recoup Award Funds. Notwithstanding anything in this Agreement to the contrary, in no event shall the application of any financial consequences or recoupment of Award Funds exceed the amount of Award Funds, plus interest.

2. **Overpayments.** If Grantee's (a) noncompliance with this Agreement or any applicable federal, state, or local law, rule, regulation or ordinance, or (b) performance or nonperformance of any term or condition of this Agreement results in (i) an unlawful use of Award Funds; (ii) a use of Award Funds that doesn't comply with the terms of this Agreement; or (iii) a use which constitutes a receipt of Award Funds to which Grantee is not entitled (each such event an "Overpayment"), then Grantee shall return such Overpayment of Award Funds to Commerce.

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3. **Discovery of Overpayments**. Grantee shall refund any Overpayment of Award Funds to Commerce within 30 days of Grantee's discovery of an Overpayment or receipt of notification from Commerce that an Overpayment has occurred. Commerce is the final authority as to what may constitute an Overpayment of Award Funds. Refunds should be sent to Commerce's Agreement Manager and made payable to the "Department of Commerce." Should repayment not be made in a timely manner, Commerce may charge interest at the lawful rate of interest on the outstanding balance beginning 30 days after the date of notification or discovery.

4. **Right of Set-Off.** Commerce and the State shall have all of its common law, equitable, and statutory rights of set-off, including, without limitation, the State's option to withhold for the purposes of set-off any moneys due to Grantee under this Agreement up to any amounts due and owing to Commerce with respect to this Agreement, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this Agreement, plus any amounts due and owing to the State for any other reason. The State shall exercise its set-off rights in accordance with normal State practices, including, in cases of set-off pursuant to an audit, the finalization of such audits by the State or its representatives.

L. INSURANCE

Unless Grantee is a state agency or subdivision as defined in s. 768.28(2), F.S., Grantee shall provide and maintain at all times during this Agreement adequate commercial general liability insurance coverage. A self-insurance program established and operating under the laws of the State of Florida may provide such coverage.

Grantee, at all times during the Agreement, at Grantee's sole expense, shall provide commercial insurance of such a type and with such terms and limits as may be reasonably associated with this Agreement, which, as a minimum, shall be: workers' compensation and employer's liability insurance in accordance with chapter 440, F.S., with minimum employer's liability limits of $100,000 per accident, $100,000 per person, and $500,000 policy aggregate. Such policy shall cover all employees engaged in any Agreement work.

Grantee shall maintain insurance coverage of such types and with such terms and limits as may be reasonably associated with this Agreement, as required by law, and as otherwise necessary and prudent for the Grantee's performance of its operations in the regular course of business. The limits of coverage under each policy maintained by Grantee shall not be interpreted as limiting Grantee's liability and obligations under this Agreement. All insurance policies shall be through insurers licensed and authorized to write policies in Florida, and such policies shall cover all employees engaged in any Agreement work. Grantee shall maintain any other insurance required in the Scope of Work. Upon request, Grantee shall produce evidence of insurance to Commerce.

Commerce shall not pay for any costs of any insurance or policy deductible, and payment of any insurance costs shall be Grantee's sole responsibility. Providing and maintaining adequate insurance coverage is a material obligation of Grantee, and failure to maintain such coverage may void the Agreement, at Commerce's sole and absolute discretion, after Commerce's review of Grantee's insurance coverage when Grantee is unable to comply with Commerce's requests concerning additional appropriate and necessary insurance coverage. Upon execution of this Agreement, Grantee shall provide Commerce written verification of the existence and amount for each type of applicable insurance coverage. Within 30 calendar days of the effective date of the Agreement, Grantee shall furnish Commerce proof of applicable insurance coverage by standard ACORD form certificates of insurance. In the event that an insurer cancels any applicable coverage for any reason, Grantee shall immediately notify Commerce of such cancellation and shall obtain adequate replacement coverage conforming to the requirements herein and provide proof of such replacement coverage within 15 business days after the cancellation of coverage. Copies of new insurance certificates must be provided to Commerce's Agreement Manager with each insurance renewal.

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M. CONFIDENTIALITY AND SAFEGUARDING INFORMATION

Each Party may have access to confidential information made available by the other. The provisions of the Florida Public Records Act, Chapter 119, F.S., and other applicable state and federal laws will govern disclosure of any confidential information received by the State of Florida.

Grantee must implement procedures to ensure the appropriate protection and confidentiality of all data, files, and records involved with this Agreement.

Except as necessary to fulfill the terms of this Agreement and with the permission of Commerce, Grantee shall not divulge to third parties any confidential information obtained by Grantee or its agents, distributors, resellers, subcontractors, officers, or employees in the course of performing Agreement work, including, but not limited to, security procedures, business operations information, or commercial proprietary information in the possession of the State or Commerce.

Grantee shall not use or disclose any information concerning a recipient of services under this Agreement for any purpose in conformity with state and federal law or regulations, except upon written consent of the recipient or the responsible parent or guardian of the recipient when authorized by law.

When Grantee has access to Commerce's network and/or applications, in order to fulfill Grantee's obligations under this Agreement, Grantee shall abide by all applicable Commerce Information Technology Security procedures and policies. Grantee (including its employees, subcontractors, agents, or any other individuals to whom Grantee exposes confidential information obtained under this Agreement), shall not store, or allow to be stored, any confidential information on any portable storage media (*e.g.*, laptops, thumb drives, hard drives, *etc.*) or peripheral device with the capacity to hold information. Failure to strictly comply with this provision shall constitute a breach of Agreement.

Grantee shall immediately notify Commerce in writing when Grantee, its employees, agents, or representatives become aware of an inadvertent disclosure of Commerce's unsecured confidential information in violation of the terms of this Agreement. Grantee shall report to Commerce any Security Incidents of which it becomes aware, including incidents sub-contractors or agents reported to Grantee. For purposes of this Agreement, "Security Incident" means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of Commerce information in Grantee's possession or electronic interference with Commerce operations; provided, however, that random attempts at access shall not be considered a security incident. Grantee shall make a report to Commerce not more than seven business days after Grantee learns of such use or disclosure. Grantee's report shall identify, to the extent known: (i) the nature of the unauthorized use or disclosure, (ii) the confidential information used or disclosed, (iii) who made the unauthorized use or received the unauthorized disclosure, (iv) what Grantee has done or shall do to mitigate any detrimental effect of the unauthorized use or disclosure, and (v) what corrective action Grantee has taken or shall take to prevent future similar unauthorized use or disclosure. Grantee shall provide such other information, including a written report, as Commerce's Information Security Manager requests.

In the event of a breach of security concerning confidential personal information involved with this Agreement, Grantee shall comply with s. 501.171, F.S., as applicable. When notification to affected persons is required by statute, Grantee shall provide that notification, but only after receipt of Commerce's written approval of the contents of the notice. Defined statutorily, and for purposes of this Agreement, "breach of security" or "breach" means the unauthorized access of data in electronic form containing personal data. Good faith acquisition of personal information by an employee or agent of Grantee is not a breach, provided the information is not used for a purpose unrelated to Grantee's obligations under this Agreement or is not subject to further unauthorized use.

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N. PATENTS, COPYRIGHTS, AND ROYALTIES

1. All legal title and every right, interest, claim or demand of any kind, in and to any patent, trademark or copyright, or application for the same, or any other intellectual property right to, the work developed or produced under or in connection with this Agreement, is the exclusive property of Commerce to be granted to and vested in the Florida Department of State for the use and benefit of the state; and no person, firm or corporation shall be entitled to use the same without the written consent of the Florida Department of State. Any contribution by Grantee or its employees, agents or contractors to the creation of such works shall be considered works made for hire by Grantee for Commerce and, upon creation, shall be owned exclusively by Commerce. To the extent that any such works may not be considered works made for hire for Commerce under applicable law, Grantee agrees, upon creation of such works, to automatically assign to Commerce ownership, including copyright interests and any other intellectual property rights therein, without the necessity of any further consideration.

2. If any discovery or invention arises or is developed in the course or as a result of work or services performed with funds from this Agreement, Grantee shall refer the discovery or invention to Commerce who will refer it to the Department of State to determine whether patent protection will be sought in the name of the State of Florida.

3. Where activities supported by this Agreement produce original writings, sound recordings, pictorial reproductions, drawings, or other graphic representations and works of any similar nature Commerce has the right to use, duplicate, and disclose such materials in whole or in part, in any manner, for any purpose whatsoever and to allow others acting on behalf of Commerce to do so. Grantee shall give Commerce written notice when any books, manuals, films, websites, web elements, electronic information, or other copyrightable materials are produced.

4. Notwithstanding any other provisions herein, in accordance with s. 1004.23, F.S., a State University is authorized in its own name to perform all things necessary to secure letters of patent, copyrights, and trademarks on any works it produces. Within 30 calendar days of same, the president of a State University shall report to the Department of State any such university's action taken to secure or exploit such trademarks, copyrights, or patents in accordance with s. 1004.23(6), F.S.

O. INFORMATION TECHNOLOGY RESOURCE

Grantee shall obtain prior written approval from the appropriate Commerce authority before purchasing any Information Technology Resource (ITR) or conducting any activity that will impact Commerce's electronic information technology equipment or software, in any way. ITR includes computer hardware, software, networks, devices, connections, applications, and data. Grantee shall contact the Commerce Agreement Manager listed herein in writing for the contact information of the appropriate Commerce authority for any such ITR purchase approval.

P. NONEXPENDABLE PROPERTY

1. For the requirements of this Nonexpendable Property section of the Agreement, "nonexpendable property" is the same as "property" as defined in s. 273.02, F.S., (equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature).

2. All nonexpendable property, purchased under this Agreement, shall be listed on the property records of Grantee. Grantee shall inventory annually and maintain accounting records for all nonexpendable property purchased and submit an inventory report to Commerce with the final expenditure report. The records shall include, at a minimum, the following information: property tag identification number,

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description of the item(s), physical location, name, make or manufacturer, year, and/or model, manufacturer's serial number(s), date of acquisition, and the current condition of the item.

3. At no time shall Grantee dispose of nonexpendable property purchased under this Agreement without the written permission of and in accordance with instructions from Commerce.

4. Immediately upon discovery, Grantee shall notify Commerce, in writing, of any property loss with the date and reason(s) for the loss.

5. Grantee shall be responsible for the correct use of all nonexpendable property Grantee purchases or Commerce furnishes under this Agreement.

6. A formal Agreement amendment is required prior to the purchase of any item of nonexpendable property not specifically listed in Attachment 1: Scope of Work.

7. Upon the Expiration Date of this Agreement, Grantee is authorized to retain ownership of any nonexpendable property purchased under this Agreement; however, Grantee hereby grants to Commerce a right of first refusal in all such property prior to disposition of any such property during its depreciable life, in accordance with the depreciation schedule in use by Grantee. Grantee shall provide written notice of any such planned disposition and await Commerce's response prior to disposing of the property. "Disposition" as used herein, shall include, but is not limited to, Grantee no longer using the nonexpendable property for the uses authorized herein, the sale, exchange, transfer, trade-in, or disposal of any such nonexpendable property. Commerce, in its sole discretion, may require Grantee to refund to Commerce the fair market value of the nonexpendable property at the time of disposition rather than taking possession of the nonexpendable property.

Q. REQUIREMENTS APPLICABLE TO THE PURCHASE OF OR IMPROVEMENTS TO REAL PROPERTY

In accordance with s. 287.05805, F.S., if funding provided under this Agreement is used for the purchase of or improvements to real property, Grantee shall grant Commerce a security interest in the property in the amount of the funding provided by this Agreement for the purchase of or improvements to the real property for five years from the date of purchase or the completion of the improvements or as further required by law.

Upon the Expiration Date of the Agreement, Grantee shall be authorized to retain ownership of the improvements to real property set forth in this Agreement in accordance with the following: Grantee is authorized to retain ownership of the improvements to real property so long as: (1) Grantee is not sold, merged or acquired; (2) the real property subject to the improvements is owned by Grantee; and (3) the real property subject to the improvements is used for the purposes provided in this Agreement. If within five years of the termination of this Agreement, Grantee is unable to satisfy the requirements stated in the immediately preceding sentence, Grantee shall notify Commerce in writing of the circumstances that will result in the deficiency upon learning of it, but no later than 30 calendar days prior to the deficiency occurring. In such event, Commerce shall have the right, within its sole discretion, to demand reimbursement of part or all of the funding provided to Grantee under this Agreement.

R. CONSTRUCTION AND INTERPRETATION

The title, section, and paragraph headings in this Agreement are for convenience of reference only and shall not govern or affect the interpretation of any of the terms or provisions of this Agreement. The term "Agreement" means this Agreement together with all attachments and exhibits hereto, as the same may from time to time be amended, modified, supplemented, or restated in accordance with the terms hereof.

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The use in this Agreement of the term "including" and other words of similar import mean "including, without limitation" and where specific language is used to clarify by example a general statement contained herein, such specific language shall not be deemed to modify, limit, or restrict in any manner the construction of the general statement to which it relates. The word "or" is not exclusive and the words "herein," "hereof," "hereunder," and other words of similar import refer to this Agreement, including any Exhibits and Attachments, and not to any particular section, subsection, paragraph, subparagraph, or clause contained in this Agreement. As appropriate, the use herein of terms importing the singular shall also include the plural, and vice versa. The reference to an agreement, instrument, or other document means such agreement, instrument, or other document as amended, supplemented, and modified from time to time to the extent permitted by the provisions thereof and the reference to a statute means such statute as amended from time to time and includes any successor legislation thereto and any regulations promulgated thereunder. All references to "$" shall mean United States dollars. The term "Grantee" includes any person or entity which has been duly authorized to and has the actual authority to act or perform on Grantee's behalf. The term "Commerce" includes the State of Florida and any successor office, department, or agency of Commerce, and any person or entity which has been duly authorized to and has the actual authority to act or perform on Commerce's behalf. The recitals of this Agreement are incorporated herein by reference and shall apply to the terms and provisions of this Agreement and the Parties. Time is of the essence with respect to the performance of all obligations under this Agreement. Each Party has read and understands this Agreement. In the event an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the Parties, and no presumption or burden of proof shall arise favoring or disfavoring any Party by virtue of the authorship of any of the provisions of this Agreement.

S. CONFLICT OF INTEREST

This Agreement is subject to chapter 112, F.S. Grantee shall disclose the name of any officer, director, employee, or other agent who is also an employee of the State. Grantee shall also disclose the name of any State employee who owns, directly or indirectly, more than a 5% interest in Grantee or its affiliates.

T. GRANTEE AS INDEPENDENT CONTRACTOR

Grantee is at all times acting and performing as an independent contractor. Commerce has no ability to exercise any control or direction over the methods by which Grantee may perform its work and functions, except as provided herein. Nothing in this Agreement may be understood to constitute a partnership or joint venture between the Parties.

U. EMPLOYMENT ELIGIBILITY VERIFICATION – E-VERIFY

1. E-Verify is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, Employment Eligibility Verification, to determine the eligibility of all new employees hired to work in the United States. There is no charge to employers to use E-Verify. The Department of Homeland Security's E-Verify system can be found at: https://www.e-verify.gov/.

2. In accordance with section 448.095, F.S., the State of Florida expressly requires the following:

a) Every public agency and its contractors and subcontractors shall register with and use the E-Verify system to verify the work authorization status of all newly hired employees. A public agency or a contractor or subcontractor thereof may not enter into a contract unless each party to the contract registers with and uses the E-Verify system.

b) An employer shall verify each new employee's employment eligibility within three (3) business days after the first day that the new employee begins working for pay as required under 8

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C.F.R. 274a. Beginning July 1, 2023, a private employer with 25 or more employees shall use the E-Verify system to verify a new employee's employment eligibility.

3. If an entity does not use E-Verify, the entity shall enroll in the E-Verify system prior to hiring any new employee or retaining any contract employee after the effective date of this Agreement.

V. NOTIFICATION OF INSTANCES OF FRAUD

Upon discovery, Grantee shall report all known or suspected instances of Grantee, or Grantee's agents, contractors or employees, operational fraud or criminal activities to Commerce's Agreement Manager in writing within 24 chronological hours.

W. NON-DISCRIMINATION

Grantee shall not discriminate unlawfully against any individual employed in the performance of this Agreement because of race, religion, color, sex, physical handicap unrelated to such person's ability to engage in this work, national origin, ancestry, or age. Grantee shall provide a harassment-free workplace, with any allegation of harassment to be given priority attention and action.

X. ASSIGNMENTS

Grantee shall not assign, subcontract, or otherwise transfer its rights, duties, or obligations under this Agreement, by operation of law or otherwise, without the prior written consent of Commerce, which consent may be withheld in Commerce's sole and absolute discretion. Commerce is at all times entitled to assign or transfer its rights, duties, or obligations under this Agreement to another governmental entity in the State of Florida. Any attempted assignment of this Agreement or any of the rights hereunder by Grantee in violation of this provision shall be void *ab initio*.

Y. ENTIRE AGREEMENT; SEVERABILITY

This Agreement, and the attachments and exhibits hereto, embodies the entire agreement of the Parties with respect to the subject matter hereof. There are no provisions, terms, conditions, or obligations other than those contained in this Agreement; and this Agreement supersedes all previous communications, representations, or agreements, either verbal or written, between the Parties. If a court of competent jurisdiction voids or holds unenforceable any provision of this Agreement, then that provision shall be enforced only to the extent that it is not in violation of law or is not otherwise unenforceable, and all other provisions shall remain in full force and effect. This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute one and the same instrument. If any inconsistencies or conflict between the language of this Agreement and its Attachments arise, then the language of the attachments shall control, but only to the extent of the conflict or inconsistency.

Z. WAIVER; GOVERNING LAW; ATTORNEYS' FEES, DISPUTE RESOLUTION

1. **Waiver.** No waiver by Commerce of any of provision herein shall be effective unless explicitly set forth in writing and signed by Commerce. No waiver by Commerce may be construed as a waiver of any failure, breach, or default not expressly identified by such written waiver, whether of a similar or different character, and whether occurring before or after that waiver. No failure by Commerce to exercise, or delay in exercising, any right, remedy, power or privilege under this Agreement may be construed as a waiver thereof; nor shall any single or partial exercise of any right, remedy, power or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power or privilege. The rights and remedies set forth herein are cumulative and not exclusive.

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2. **Governing Law.** The laws of the State of Florida shall govern the construction, enforcement, and interpretation of this Agreement, regardless of and without reference to whether any applicable conflicts of laws principles may point to the application of the laws of another jurisdiction. The Parties expressly consent to exclusive jurisdiction and venue in any state court located in Leon County, Florida, and waive any defense of forum non conveniens, lack of personal jurisdiction, or like defense. IN ANY LEGAL OR EQUITABLE ACTION BETWEEN THE PARTIES, THE PARTIES HEREBY EXPRESSLY WAIVE TRIAL BY JURY TO THE FULLEST EXTENT PERMITTED BY LAW.

3. **Attorneys' Fees, Expenses.** Except as set forth otherwise herein, each of the Parties shall pay its own attorneys' fees and costs in connection with the execution and delivery of this Agreement and the transactions contemplated hereby.

4. **Dispute Resolution.** Commerce shall decide disputes concerning the performance of the Agreement, and Commerce shall serve written notice of same to Grantee. Commerce's decision shall be final and conclusive unless within 21 calendar days from the date of receipt, Grantee files with Commerce a petition for administrative hearing. Commerce's final order on the petition shall be final, subject to any right of Grantee to judicial review pursuant to chapter 120.68, F.S. Exhaustion of administrative remedies is an absolute condition precedent to Grantee's ability to pursue any other form of dispute resolution; provided however, that the Parties may employ the alternative dispute resolution procedures outlined in chapter 120, F.S.

AA. INDEMNIFICATION

If Grantee is a state agency or subdivision, as defined in s. 768.28(2), F.S., pursuant to s. 768.28(19), F.S., neither Party indemnifies nor insures or assumes any liability for the other Party for the other Party's negligence.

1. Grantee shall be fully liable for the actions of its agents, employees, partners, or subcontractors and shall fully indemnify, defend, and hold harmless the State and Commerce, and their officers, agents, and employees, from suits, actions, damages, and costs of every name and description, including attorneys' fees, arising from or relating to personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by Grantee, its agents, employees, partners, or subcontractors; provided, however, that Grantee shall not indemnify, defend, and hold harmless the State and Commerce, and their officers, agents, and employees for that portion of any loss or damages the negligent act or omission of Commerce or the State proximately caused.

2. Further, Grantee shall fully indemnify, defend, and hold harmless the State and Commerce from any suits, actions, damages, and costs of every name and description, including attorneys' fees, arising from or relating to violation or infringement of a trademark, copyright, patent, trade secret or intellectual property right; provided, however, that the foregoing obligation shall not apply to Commerce's misuse or modification of Grantee's products or Commerce operation or use of Grantee's products in a manner not contemplated by this Agreement. If any product is the subject of an infringement suit, or in Grantee's opinion is likely to become the subject of such a suit, Grantee may, at Grantee's sole expense, procure for Commerce the right to continue using the product or to modify it to become non-infringing. If Grantee is not reasonably able to modify or otherwise secure for Commerce the right to continue using the product, Grantee shall remove the product and refund Commerce the amounts paid in excess of a reasonable fee, as determined by Commerce in its sole and absolute discretion, for past use. Commerce shall not be liable for any royalties.

3. Grantee's obligations under the two immediately preceding paragraphs above, with respect to any legal action are contingent upon the State or Commerce giving Grantee (1) written notice of any action or threatened action, (2) the opportunity to take over and settle or defend any such action at Grantee's

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sole expense, and (3) assistance in defending the action at Grantee's sole expense. Grantee shall not be liable for any cost, expense, or compromise incurred or made by the State or Commerce in any legal action without Grantee's prior written consent, which shall not be unreasonably withheld.

4. The State and Commerce may, in addition to other remedies available to them at law or equity and upon notice to Grantee, retain such monies from amounts due Grantee as may be necessary to satisfy any claim for damages, penalties, costs and the like asserted by or against them. The State may set off any liability or other obligation of Grantee or its affiliates to the State against any payments due Grantee under any Agreement with the State.

BB. CONTACT INFORMATION FOR GRANTEE AND COMMERCE CONTACTS

Grantee's Payee:	**Grantee's Agreement Manager**:
City of Ormond Beach	Loretta Moisio
Post Office Box 217	22 South Beach Street
Ormond Beach, FL 32175-0217	Ormond Beach, FL 32174
Phone: 386-676-3315	Phone: 386-676-3315
Email: Loretta.moisio@ormondbeach.org	Email: Loretta.moisio@ormondbeach.org

Commerce's Agreement Manager:
Bridgett Jackson
107 East Madison Street, B047
Tallahassee, Florida 32399
850-245-7459
850-245-7170
Bridgett.Jackson@commerce.fl.gov

CC. NOTICES

The Parties' respective contact information is set forth in the immediately preceding paragraph and may be subject to change at the Parties' discretion. If the contact information changes, the Party making such change will notify the other Party in writing. Where the term "written notice" is used to specify a notice requirement herein, said notice shall be deemed to have been given (i) when personally delivered; (ii) when transmitted via email, if the sender on the same day sends a confirming copy of such notice by certified or registered mail; (iii) the next business day following the day on which the same has been delivered prepaid to a recognized overnight delivery service; or (iv) the third business day following the day on which the same is sent by certified or registered mail, postage prepaid, with return receipt.

[Remainder of page left intentionally blank; Attachments to follow after signature page]

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IN WITNESS THEREOF, and in consideration of the mutual covenants set forth above and in all attachments hereto, the Parties, through their duly authorized representatives, sign this Agreement and represent and warrant that they understand the Agreement and Attachments' terms and conditions as of the Effective Date.

FLORIDA DEPARTMENT OF COMMERCE		**CITY OF ORMOND BEACH**	
By	_____ Signature	**By**	_____ Signature
	J. Alex Kelly		**Bill Partington**
Title	**Secretary**	**Title**	**Mayor**
Date	_____	**Date**	_____

Approved as to form and legal sufficiency, subject only to full and proper execution by the Parties.

OFFICE OF GENERAL COUNSEL
DEPARTMENT OF COMMERCE

By: _____

Approved Date: _____

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ATTACHMENT 1
SCOPE OF WORK

A. PROJECT DESCRIPTION: For State Fiscal Year 2023-2024, the Florida Legislature appropriated Seven Hundred Eighty-Three Thousand Fifty-Nine Thousand Dollars and Zero Cents ($783,059.00) in Specific Appropriation line 2336A, from the General Revenue Fund of the General Appropriation Act ("GAA") to the City of Ormond Beach (Grantee) for the City of Ormond Beach – Downtown Community Center Project (Project).

Funding under this agreement will be used for design and pre-development activities for the construction of downtown community center. The completion of these design and pre-development activities will provide the essential steps needed for the project to be considered shovel ready. The community center will provide a space for cultural, historical and community events, serving both the residents and visitors to the downtown area.

B. GRANTEE RESPONSIBILITIES Grantee shall, in addition to all other requirements set forth in the Agreement and this Scope of Work, perform the following activities:

a) Complete and the following design and pre-development activities
   1) Surveys, including but not limited to
      i. Boundary Survey
      ii. Topographic Survey
      iii. Geotechnical Survey
   2) Public Engagement and Outreach – conduct a minimum of one (1) public meeting to solicit input on the design and development of the community center
   3) Complete and submit to Commerce's Agreement Manager a copy of the final design, engineering and construction plans for the project
   4) Permitting

b) Provide Commerce copies of all contracts and subcontracts entered into in furtherance of the project, for which Grantee is seeking reimbursement under this Agreement. All such contracts and subcontracts must be procured in compliance with the Grantee's policies and procedures, and with applicable law.

c) In performing under this Agreement, Grantee shall comply with all applicable laws, rules, and regulations, including but not limited to any applicable requirements of Chapter 255, Florida Statutes.

d) Provide a minimum of Seven Hundred Eight-Three Thousand Fifty-Nine Dollars and Zero Cents ($783,059.00) in other match as match for the Project, by the end of the Agreement period. Grantee shall provide a letter and supporting documentation to Commerce's Agreement Manager which demonstrates that the Grantee met its match requirements, including, but not necessarily limited to: the source of the contribution; the amount of each contribution and provide a summary of all match contributions. Commerce reserves the right to request any additional documentation Commerce deems necessary to support the Grantee's claim that it has met the match requirement. Commerce shall retain five percent (5%) of the total grant award as a financial consequence if Grantee fails to provide proof of match funds.

C. COMMERCE'S RESPONSIBILITIES: Commerce shall monitor progress, review reports, conduct site visits as determined necessary by Commerce, and process payments to Grantee.

D. DELIVERABLES: Grantee agrees to provide the following services as specified:

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Deliverable No. 1 Design and Pre-Development Activities		
Tasks	**Minimum Level of Service**	**Financial Consequences**
Grantee shall complete the design and pre-development activities in accordance with Section B.a) of this Scope of Work.	Grantee may request reimbursement upon completion of a minimum of one (1) task in accordance with Section B.a) of this Scope of Work. Task completion shall be evidenced by submission of the following documentation: a. Copies of surveys in accordance with Section B.a).1); b. For public meetings, in accordance with Section B.a)2), provide a copy of the meeting notice, agenda, any handouts, and sign-in sheets; c. Copy of final design, engineering and construction plans in accordance with Section B.a)3) d. Copy of permits in accordance with Section B.a)4); and e. Invoice package in accordance with Section 6 of this Scope of Work.	Failure to complete the Minimum Level of Service will result in non-payment.
		Deliverable $783,059.00
TOTAL AWARD NOT TO EXECEED: $783.059.00		

E. REPORTING:

1. Quarterly: Grantee shall provide a quarterly report listing all progress relating to the Deliverables in Section D. Quarterly reports are due to Commerce within 30 calendar days after the end of each quarter, until submission of the final invoice package. The ending dates for each quarter of the program year are September 30, December 31, March 31, and June 30. The quarterly report shall include a summary of project progress, indicating percentage of completion of each Deliverable, and all additional reports which are required pursuant to this Agreement, including but not limited to, reports documenting the positive return on investment to the State that results from Grantee's project and its use of Award Funds. The summary shall also include any issues or events occurring which affect the ability of the Grantee to meet the terms of this Agreement. **If all required reports and copies are**

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not sent to Commerce or are not completed in a manner acceptable to Commerce, payments may be withheld until the reports are properly completed or otherwise allowable by law.

2. Minority and Service-Disabled Veteran Business Enterprise Report: Grantee shall provide a Minority and Service-Disabled Veteran Business Enterprise Report (Attachment 4) with each invoice summarizing the participation of certified and non-certified minority and service-disabled veteran subcontractors and material suppliers for that period and the project to date. Grantee shall include the names, addresses, and dollar amount of each certified and non-certified Minority Business Enterprise and Service-Disabled Veteran Enterprise participant. Commerce's Minority Coordinator can be reached at (850) 245-7455 to answer concerns and questions.
3. Close-out Report: No later than 60 calendar days after the Agreement ends or is terminated, Grantee shall provide copies of all paid invoices to document completed work.

F. INVOICE SUBMITTAL AND PAYMENT SCHEDULE: Commerce shall pay Grantee in accordance with the following schedule in the amount identified per deliverable in Section D above. The deliverable amount specified does not establish the value of the deliverable. In accordance with the requirements of s. 215.971(1), F.S., and the **Audit Requirements and Compliance** section of this Agreement, Grantee and its subcontractors may only expend funding under this Agreement for allowable costs resulting from obligations incurred during the Agreement period.

1. Grantee shall provide no more than one invoice quarterly for all services rendered during the applicable period. Grantee shall submit invoices as set forth below to be eligible to receive and retain payment for the performance of duties and completion of deliverables set forth above. Grantee shall submit all documentation necessary to support Grantee's expenditures. Commerce may request any information from Grantee that Commerce deems necessary to verify that Grantee has performed the services for which payment is requested. Grantee's submission of each invoice package is Grantee's certification that it has performed the services and incurred the costs in compliance with all applicable laws and the terms of this Agreement. Grantee will provide invoices in accordance with the requirements of the Reference Guide for State Expenditures available at: https://www.myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/state-agencies/reference-guide-for-state-expenditures.pdf?sfvrsn=b4cc3337_2 . Invoices must be legible and must clearly reflect the performance for which payment is sought. Payment does not become due under this Agreement until Commerce accepts and approves the invoiced deliverable(s) and any required report(s). At Commerce's option, Grantee may submit invoices electronically. Grantee shall submit its final invoice for payment to Commerce no later than 60 days after this Agreement ends and Commerce may, at Commerce's sole and absolute discretion, refuse to honor any requests for payment submitted after this deadline.
2. Invoices must contain Grantee's name, address, federal employer identification number or other applicable Grantee identification number, the Agreement number, the invoice number, and the invoice period. Grantee shall submit the following documents with the itemized invoice:
   - **a**. A cover letter signed by Grantee's Agreement Manager certifying that the costs being claimed in the invoice package: (1) are specifically for the project represented to the State in the budget appropriation; (2) are for one or more of the components as stated in Section D, Deliverables, of this Scope of Work; (3) have been paid or that professional services have been rendered in a rural community or rural area of opportunity as defined in section 288.065(2), F.S.; and (4) were incurred during the Agreement period;
   - **b.** Grantee's invoices shall include the date, period in which work was performed, amount of reimbursement, and work completed to date;
   - **c.** A certification by a licensed engineer using AIA forms G702 and G703, or their substantive equivalents, certifying that the project, or a quantifiable portion of the project, is complete; if applicable
   - **d.** Before and after photographs of the completed work; if applicable
   - **e.** A copy of all supporting documentation for vendor payments;
   - **f.** A copy of the cancelled check(s) specific to the project; and

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g. A copy of the bank statement that includes the cancelled check.

3. The State may require any other information from Grantee that the State deems necessary to verify that the services have been rendered under the Agreement.

4. All documentation necessary to support payment requests must be submitted with Grantee's invoice for Commerce's review.

5. Grantee's invoice and all documentation necessary to support payment requests must be submitted into Commerce's Subrecipient Enterprise Resource Application (SERA). Further instruction on SERA invoicing and reporting, along with a copy of the invoice template, will be provided upon execution of the Agreement.

6. If the Grantee is a county or municipality that is a rural community or rural area of opportunity as those terms are defined in s. 288.0656(2), the payment of submitted invoices may be issued for verified and eligible performance that has been completed in accordance with the terms and conditions set forth in this Agreement to the extent that federal or state law, rule, or other regulation allows such payments. Upon meeting either of the criteria set forth below, the Grantee may elect in writing to exercise this provision.

a. A county or municipality that is a rural community or rural area of opportunity as those terms are defined in section 288.0656(2), F.S., that demonstrates financial hardship; or

b. A county or municipality that is a rural community or rural area of opportunity as those terms are defined in s. 288.0656(2), F.S., and which is located in a fiscally constrained county, as defined in section 218.67(1), F.S. If the Grantee meets the criteria set forth in this paragraph, then the Grantee is deemed to have demonstrated a financial hardship.

G. RETURN ON INVESTMENT: Grantee is required to provide, on or before October 31, 2023, an initial report identifying actual returns on investment by fiscal year for state funding previously received (if applicable), as well as projected positive returns the state will receive by providing Grantee funding through this Agreement.

1. Beginning at the end of the first full quarter following execution of this Agreement, Grantee shall provide quarterly update reports directly to Commerce's Agreement Manager documenting the positive return on investment to the state that results from the Grantee's project and its use of monies provided under this Agreement.

2. Quarterly update reports shall be provided to Commerce's Agreement Manager within 30 calendar days after the end of each quarter thereafter until Grantee is instructed that no further reports are needed.

H. FINANCIAL CONSEQUENCES FOR FAILURE TO TIMELY AND SATISFACTORILY PERFORM: Failure to complete all deliverables in accordance with the requirements of this Agreement, and most particularly the deliverables specified above in Section D, Deliverables, will result in Commerce's assessment of the specified financial consequences. If appropriate, should the Parties agree to a corrective action plan, the plan shall specify additional financial consequences to be applied after the effective date of the corrective action plan. This provision for financial consequences shall in no manner affect Commerce's right to terminate the Agreement as provided elsewhere in the Agreement.

- End of Attachment 1 (Scope of Work) -

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Attachment 2
AUDIT REQUIREMENTS

The administration of resources awarded by Commerce to the recipient (herein otherwise referred to as "Grantee") may be subject to audits and/or monitoring by Commerce as described in this Attachment 2.

MONITORING. In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F - Audit Requirements, and section 215.97, Florida Statutes (F.S.), as revised (see AUDITS below), monitoring procedures may include, but not be limited to, on-site visits by Commerce staff, limited scope audits as defined by 2 CFR §200.425, or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate with any monitoring procedures or processes deemed appropriate by Commerce. In the event the Commerce determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by Commerce staff to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

AUDITS.

PART I: FEDERALLY FUNDED. This part is applicable if the recipient is a state or local government, or a nonprofit organization as defined in 2 CFR §200.1.

1. A recipient that expends $750,000 or more in federal awards in its fiscal year must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements. EXHIBIT 1 to this form lists the federal resources awarded through Commerce by this agreement. In determining the federal awards expended in its fiscal year, the recipient shall consider all sources of federal awards, including federal resources received from Commerce. The determination of amounts of federal awards expended should be in accordance with the guidelines established in 2 CFR §§200.502-503. An audit of the recipient conducted by the Auditor General in accordance with the provisions of 2 CFR §200.514 will meet the requirements of this Part.
2. For the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in 2 CFR §§200.508-512.
3. A recipient that expends less than $750,000 in federal awards in its fiscal year is not required to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements. If the recipient expends less than $750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than federal entities).

PART II: STATE FUNDED. This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year of such recipient (for fiscal years ending June 30, 2017, and thereafter), the recipient must have a state single or project-specific audit for such fiscal year in accordance with section 215.97, F.S.; Rule Chapter 69I-5, F.A.C., State Financial Assistance; and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this form lists the state financial assistance awarded through Commerce by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from Commerce, other state agencies, and other nonstate entities. State financial assistance does not include federal direct or pass-through awards and resources received by a nonstate entity for federal program matching requirements.

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2. For the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of section 215.97(8), F.S. This includes submission of a financial reporting package as defined by section 215.97(2), F.S., and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than $750,000 in state financial assistance in its fiscal year (for fiscal years ending June 30, 2017, and thereafter), an audit conducted in accordance with the provisions of section 215.97, F.S., is not required. If the recipient expends less than $750,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of section 215.97, F.S., the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than state entities).

PART III: OTHER AUDIT REQUIREMENTS.

(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of state financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)

N/A

PART IV: REPORT SUBMISSION.

1. Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F - Audit Requirements, and required by Part I of this form shall be submitted, when required by 2 CFR§200.512, by or on behalf of the recipient directly to the Federal Audit Clearinghouse (FAC) as provided in 2 CFR §200.1 and §200.512. The FAC's website provides a data entry system and required forms for submitting the single audit reporting package. Updates to the location of the FAC and data entry system may be found at the OMB website.
2. Copies of financial reporting packages required by Part II of this form shall be submitted by or on behalf of the recipient directly to each of the following:

   a. Commerce at each of the following addresses:

   Electronic copies (preferred):
   Audit@commerce.fl.gov

   or

   Paper (hard copy):
   Department of Commerce
   MSC # 75, Caldwell Building
   107 East Madison Street
   Tallahassee, FL 32399-4126

   b. The Auditor General's Office at the following address:

   Auditor General
   Local Government Audits/342
   Claude Pepper Building, Room 401
   111 West Madison Street
   Tallahassee, Florida 32399-1450

   The Auditor General's website (https://flauditor.gov/) provides instructions for filing an electronic copy of a financial reporting package.

3. Copies of reports or the management letter required by Part III of this form shall be submitted by or on

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behalf of the recipient directly to:

Electronic copies (preferred): Audit@commerce.fl.gov	or	Paper (hard copy): Department of Commerce MSC # 75, Caldwell Building 107 East Madison Street Tallahassee, FL. 32399-4126

4. Any reports, management letters, or other information required to be submitted Commerce pursuant to this agreement shall be submitted timely in accordance with 2 CFR §200.512, section 215.97, F.S., and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
5. Recipients, when submitting financial reporting packages to Commerce for audits done in accordance with 2 CFR 200, Subpart F - Audit Requirements, or Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

PART V: RECORD RETENTION. The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five (5) years from the date the audit report is issued, or five (5) state fiscal years after all reporting requirements are satisfied and final payments have been received, whichever period is longer, and shall allow Commerce, or its designee, CFO, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to Commerce, or its designee, CFO, or Auditor General upon request for a period of five (5) years from the date the audit report is issued, unless extended in writing by Commerce. In addition, if any litigation, claim, negotiation, audit, or other action involving the records has been started prior to the expiration of the controlling period as identified above, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the controlling period as identified above, whichever is longer.

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EXHIBIT 1 to Attachment 2

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

State Project ***DEPARTMENT OF COMMERCE; CSFA 40.038; DIVISION OF COMMUNITY DEVELOPMENT - $783,059.00***

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

1. ACTIVITIES LIMITED TO THOSE IN THE SCOPE OF WORK

NOTE: List applicable compliance requirements

NOTE: 2 CFR § 200.331, as revised, and s. 215.97(5), F.S., require that the information about Federal Programs and State Projects included in Exhibit 1 be provided to the recipient.

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Attachment 3

AUDIT COMPLIANCE CERTIFICATION

Grantee Name: _____
FEIN: _____
Grantee's Fiscal Year: _____
Contact Person Name and Phone Number: _____
Contact Person Email Address: _____

1. Did Grantee expend state financial assistance, during its fiscal year, that it received under any agreement (e.g., agreement, grant, memorandum of agreement, memorandum of understanding, economic incentive award agreement, etc.) between Grantee and the Department of Commerce (Commerce)? ____ Yes ____ No

If the above answer is yes, also answer the following before proceeding to item 2:

Did Grantee expend $750,000 or more of state financial assistance (from Commerce and all other sources of state financial assistance combined) during its fiscal year? ____ Yes ____ No

If yes, Grantee certifies that it will timely comply with all applicable state single or project-specific audit requirements of s. 215.97, Florida Statutes, and the applicable rules of the Department of Financial Services and the Auditor General.

2. Did Grantee expend federal awards, during its fiscal year that it received under any agreement (e.g., agreement, grant, memorandum of agreement, memorandum of understanding, economic incentive award agreement, etc.) between Grantee and Commerce? ____ Yes ____ No

If the above answer is yes, also answer the following before proceeding to execution of this certification:

Did Grantee expend $750,000 or more in federal awards (from Commerce and all other sources of federal awards combined) during its fiscal year? ____ Yes ____ No

If yes, Grantee certifies that it will timely comply with all applicable single or program-specific audit requirements of 2 CFR Part 200, Subpart F, as revised.

By signing below, I certify, on behalf of Grantee, that the above representations for items 1 and 2 are true and correct.

_____ _____
Signature of Authorized Representative Date

_____ _____
Printed Name of Authorized Representative Title of Authorized Representative

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ATTACHMENT 4 - DEPARTMENT OF COMMERCE

Office of Procurement

CONTRACTOR MONTHLY MINORITY & VETERAN BUSINESS ENTERPRISE REPORT

(Company Name, Street Address, City & Zip Code)

Commerce Contract Number:

Commerce Project Name:

Contract Amount
$0.00

MBE Participation Amount: **MBE Percentage**
$0.00

DV Participation Amount: **DV Percentage**
$0.00

Contract Vendor Invoice # 0 **Date (mm dd, yyyy**

MINORITY BUSINESS ENTERPRISE (MBE)

** Include consultants, sub-contractors, travel agents, etc. who provided services on this project.

** Minority Business Enterprise	Description	** MBE Status	State Certified MBE (Yes or No)	MBE Contract $ Amount	$ Amount this Invoice	Total Paid	Balance Due	Project Type (Commodities or Contractual Services)
				$ -	$ -	$ -	$ -	
				$ -	$ -	$ -	$ -	
				$ -	$ -	$ -	$ -	
				$ -	$ -	$ -	$ -	
			TOTALS	$ -	$ -	$ -	$ -	
							$ -	

** **Certified MBE:** **H** - African American **I** - Hispanic **J** - Asian/Hawaiian **K** - Native American **M** - American Women

** **Non-Certified MBE:** **N** - African American **O** - Hispanic **P** - Asian/Hawaiian **Q** - Native American **R** - American Women

FLORIDA VETERAN BUSINESS ENTERPRISE (VBE)

* Include consultants, sub-contractors, travel agents, etc. who provided services on this project.

* Florida Veteran Business Enterprise	Description	* V Status	State Certified V Business (Yes or No)	V Contract $ Amount	$ Amount this Invoice	Total Paid	Balance Due	Project Type (Commodities or Contractual Services)
				$ -	$ -	$ -	$ -	
				$ -	$ -	$ -	$ -	
				$ -	$ -	$ -	$ -	
				$ -	$ -	$ -	$ -	
			TOTALS	$ -	$ -	$ -	$ -	
							$ -	

* **Certified V:** **W** - Veteran Business * **Non-Certified V:** **Y** - Veteran Business

INCLUDE THIS FORM WITH YOUR INVOICE

Commerce Form Version 06/23/2023

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 7.C

Section:	CONSENT AGENDA		
Item Category:	Consent - Resolution	**Res./Ord. No:**	2024-58
Strategic Goal:	Quality of Life - Other		
Department:	Leisure Services		
Subject:	Amendment to the City's existing contract with Yellowstone Landscape		

Summary:

This is a request to approve an amendment to the City's existing contract with Yellowstone Landscape in the amount of $14,237 for additional services to the grounds maintenance contract.

Staff works closely with the contractor, Yellowstone Landscape, to ensure the City receives the best grounds maintenance services at the best possible price. The contract stipulates additional costs will be in accordance with the executed contract's unit costs or as otherwise negotiated by City staff for additional site maintenance, not presently included within the contract. Staff conducted due diligence between past and current sites to assure that the City is receiving full value.Listed below are the services to be added onto the existing contract.

Current Contract Amount	**$1,925,991.30**
NEW SERVICES AREAS	
A1A medians (newly developed safety medians)- 39 services for (9) new medians	
($291/month)	$3,492
Doug Thomas Way extension- 29 services for new roadway extension	
($665/month)	$7,980
Pineland Trail sidewalk- 3 services for new sidewalk	
($80/month)	$960

	<table><tr><td>**2329 Bonnie View Dr. north side fence line maintenance- 11 services and 1 shrub trimming**</td><td></td></tr><tr><td>($150.42/month)</td><td>$1,805</td></tr><tr><td>**GRAND TOTAL OF CONTRACT AMENDMENT**</td><td>**$14,237**</td></tr><tr><td></td><td></td></tr><tr><td>**TOTAL ADJUSTED CONTRACT PRICE**</td><td>**$1,940,228.30**</td></tr></table>
Financial Impact:	The requested amendment will result in an adjustment of $14,237 for a full contract price of $1,940,228.30. Funding for these services is shared by Fund 001 - General Fund, Fund 401 - Water/Wastewater Fund, Fund 104 - Community Redevelopment Fund, Fund 108 - Airport Fund, and Fund 460 - Solid Waste Fund. Sufficient funding is available to approve the requested amendment.
Citizen Impact:	Residents, businesses, and visitors benefit by the City providing attractive, safe, functional City property and parks for all to enjoy.
Recommended Action (Staff, Advisory Board and/or Other):	Staff recommends the City Commission approve the $14,237 amendment to the Yellowstone Landscape contract.
Staff Contact:	Robert Carolin, Leisure Services Director, (386) 676-3279
Attachments:	1. 24-58 Yellowstone Grround Maint Adj (P24- 0062G) 2. Amendment 1-2024 3. A1A Medians proposal 4. Doug Thomas Extension proposal 5. Pineland Trail Sidewalk proposal 6. 2329 Bonnie View Drive proposal 7. Justifications for Contract Amendment 1 8. Addendum
Approval:	Kelly McGuire, Finance Director 4/8/2024 Claire Whitley, Assistant City Manager 4/8/2024 Joyce Shanahan, City Manager 4/11/2024

RESOLUTION NO. 2024-58

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #1-2024 TO THAT CONTRACT AWARDED TO AUSTIN OUTDOOR, LLC d/b/a YELLOWSTONE LANDSCAPE REGARDING GROUNDS MAINTENANCE SERVICES, BY INCREASING THE CONTRACT PRICE BY $14,237.00; AND SETTING FORTH AN EFFECTIVE DATE.

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

SECTION ONE. The Mayor and the City Manager are hereby authorized and directed to execute Amendment to Contract #1-2024 to that Contract between the City and Austin Outdoor, LLC d/b/a Yellowstone Landscape, as authorized by Resolution No. 2012-89, to account for additional service areas not listed within the original contract. The said Amendment, a copy of which is attached hereto and incorporated herein by reference, increases the Contract Price by $14,237.00.

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

APPROVED AND AUTHENTICATED this 16th day of April, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

Amendment to Contract
No. 1-2024

CONTRACT: Grounds Maintenance Services

Date Issued: October 1, 2012

CITY OF ORMOND BEACH
22 South Beach St
Ormond Beach, FL 32174

CONTRACTOR
Yellowstone Landscape
PO Box 849
Bunnell, FL 32110

You are directed to make the following changes to the Contract Documents:

Increase the Contract Price from $ 1,925,991.30 to $ 1,940,228.30

Original Contract Price: $1,092,387.00

Adjustments prior to this amendment: $847.841.30

Purpose of Amendment Additional staff-approved grounds maintenance sites and services as follows:

Pineland Trail Sidewalk Edging	$ 960.00
Bonnie View Dr. mowing (Northside only)	$ 1,805.00
New A1A medians	$ 3,492.00
Doug Thomas Way extension	$ 7,980.00

Total Amendment to Contract **$14,237.00**

Contract Price with all adjustments: $1,940,228.30

CITY OF ORMOND BEACH

RECOMMENDED:

By: _____
Robert Carolin
Leisure Services Director

APPROVED:

_____
Bill Partington
Mayor

ATTEST: _____
Joyce A. Shanahan
City Manager

APPROVED:

_____
Yellowstone Landscape

_____
Title

_____
Printed Name

A1A Medians (New Medians from Granada to Harvard Dr.)
Exhibit A
Landscape Management Service Pricing Sheet

Core Maintenance Services

Mowing & Clean Up & Detailing *Includes mowing, edging, string-trimming & clean up* *39 visits*	$3,240.00
IPM - Fertilization & Pest Control *Fertilization/Fungicide/Insecticide/herbicide/weed control*	$252.00

Grand Total Annual	$3,492.00
Monthly	$291.00

Client Initial: _____

Excellence in Commerial Landscaping

Doug Thomas Extension
Exhibit A
Landscape Management Service Pricing Sheet

Core Maintenance Services

Mowing & Clean Up & Detailing	$7,980.00

Includes mowing, edging, string-trimming & clean up

29 visits

Includes monthly inspections with reports

Grand Total Annual	$7,980.00
Monthly	$665.00

Client Initial: _____

Excellence in Commerial Landscaping

Pineland Trail Sidewalk
Exhibit A
Landscape Management Service Pricing Sheet

Core Maintenance Services

Edge & Clean up	$960.00
Includes edging & clean up	
3x per year	

Grand Total Annual	$960.00
Monthly	$80.00

Client Initial: _____

Excellence in Commerial Landscaping

2329 Bonnie View Drive
Exhibit A
Landscape Management Service Pricing Sheet for Additional Areas Added

Core Maintenance Services

Mowing & Clean Up *Includes mowing, string-trimming and Clean up - 11 times per year*	$915.00
One Time Per Year Cut Back *Includes Heavy Cutback of Brazilian Pepper in October*	$890.00

Grand Total Annual	$1,805.00
Monthly	$150.42

Client Initial: _____

Creating premier properties. Building lasting relationships

Justifications for Contract Amendment 1-2024

New A1A medians – (9) newly constructed safety crosswalk medians. Providing (39) grounds maintenance services per year. Equal service level with existing A1A medians.

Doug Thomas Way extension – newly constructed roadway completing the loop of Doug Thomas Way. Providing (29) grounds maintenance services per year. Equal service level with existing Doug Thomas Way areas.

New Pineland Trail sidewalk – newly constructed sidewalks along the southern portion of Pineland Trial. Proving (3) grounds maintenance services per year. Adequate services level to keep sidewalk free and clear of debris & plant growth. Similar service level compared to the West 40 sidewalk maintenance.

2329 Bonnie View Dr. lot – mowing and brush trimming along northern fence line with residential property. Providing (11) grounds maintenance services per year, plus a (1) time per year heavy trimming of shrub/tree growth to maintain a 5' ft buffer.
Utility Managers comments – "This property is the former site of a potable water tower that was removed from service and taken down many years ago. In the past, Utility crews would periodically go to the address and perform yard maintenance when staff was available. Unfortunately, with Utilities Staff increased workload, staff has been unable to perform this maintenance for the last few years. This has resulted in the property taking on an unkempt appearance. In the interests of being a good neighbor, it is believed that a professional touch in the landscaping maintenance is the best option. In talking with the property owner next door, she is concerned that the growth is going to damage her fence. She also mentioned that the area is sometimes used by the homeless."

Addendum -Summary of Contract Additions

Item #	Site Name	Address	Acreage or # of Medians	# of Mowing Class	# of Irrigation Zones	Total Cost
1	Pineland Tr. Sidewalk Edgeing	Pineland Tr. (South End)	N/A	Edging Sidewalk (3) per year	N/A	**$ 960.00**
2	Bonnie View Drive lot	2329 Bonnie View Dr.	.05 Acre	Mowing- (11-D) per year & (1) Vegitation cut back. Northside Only	N/A	**$ 1,805.00**
3	New A1A medians	A1A medians	9 medians	(39-A) per year	0	**$ 3,492.00**
4	Doug Thomas Way extension	Doug Thomas Way	3.5 Acres	(29-B) per year	0	**$ 7,980.00**
						$ 14,237.00

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 7.D

Section:	CONSENT AGENDA		
Item Category:	Consent - Disposition Item	**Res./Ord. No:**	
Strategic Goal:	Public Safety - Other		
Department:	Public Works		
Subject:	Construction & Demolition Franchise Renewal for Hubbard Construction Company dba Mid Florida Materials		
Summary:	On March 11, 2024, Hubbard Construction Company dba Mid Florida Materials (Hubbard), submitted a construction and demolition roll-off services franchise agreement renewal application, affidavit of acknowledgment of business type, and a nonrefundable renewal fee of $1,500. Hubbard's existing franchise will expire on April 18, 2024. Hubbard acknowledges the per-pull charge of $48.95 to be remitted by the tenth day of the month accompanied by appropriate documentation. Hubbard offers 10-, 20-, 30-, and 40-yard roll containers. The principal owners have extensive background in the recycling and solid waste industry and staff expects a high level of customer satisfaction.		
Financial Impact:	Revenues from this nonexclusive franchise agreement will be $5,000 from the receipt of the annual franchise fee, $1,500 from the renewal fee, and approximately $2,500 from pull charges, which will be applied to fund 460 - Solid Waste Fund.		
Citizen Impact:	The franchising of waste haulers ensures that these businesses operate within the requirements of the City. Having multiple authorized haulers provides a varied selection from which to choose.		
Recommended Action (Staff, Advisory Board and/or Other):	Staff intends to renew the non-exclusive franchise agreement for collection and disposal of construction and demolition debris to Hubbard Construction Company dba Mid Florida Materials from April 18, 2024 to April 18, 2025.		

Staff Contact:	Kevin Gray, Deputy Public Works Director, (386) 676-3325
Attachments:	1. Hubbard renewal app
Approval:	Kelly McGuire, Finance Director 3/20/2024 Claire Whitley, Assistant City Manager 3/21/2024 Joyce Shanahan, City Manager 3/25/2024

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

Check One

☐ New ☒ Renewal ☐ Transfer ☐ Modification

Application Information:

Name: Hubbard Construction Company dba Mid Florida Materials

Address: P.O. Box 547217

City/State/Zip Code: Orlando, FL 32854

Phone Number: 321-303-2852

Contact Name: Mike Stacey

Contact Email: mike.stacey@hubbard.com

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

Franchise Application Requirements
And Requirement Checklist

PFO ☑ 1. Name(s) and business address(es) of principal officers and stockholders and other persons having financial or controlling interest in any partnership or corporation;

PFO ☑ 2. Names(s) and business address(es) of local managing officers of any publicly owned corporation having more than 25 shareholders;

PFO ☑ 3. Proof that corporation is in good standing in the State, and if not a Florida corporation, proof that applicant is qualified to do business in the State of Florida;

☐ 4. If applicant is other than a corporation, and is operating under a fictitious name, applicant shall be required to submit information that such fictitious name is registered and held by applicant;

PFO ☑ 5. List of type, number, and complete description of all equipment to be used by applicant for providing safe and efficient services;

PFO ☑ 6. Description or listing of the applicant's and its related entity's experience in the collection of construction and demolition debris;

PFO ☑ 7. List of all franchises awarded to the applicant and the status of those franchises;

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

NA ☐ 8. List of all franchises applied for which were not granted during the previous five-year period;

PFD ☑ 9. Written response to selection criteria as follows:

1. The public need for the proposed franchise or franchise transfer
2. The financial ability of the applicant to perform
3. Such other matters or information regarding the applicant or proposed franchise that the City Commission may determine relevant in its legislative discretion;

PFD ☑ 10. Applicant shall maintain in full force and effect the insurance coverages required by Exhibit "A" of City of Ormond Beach Resolution No. 2021-144 and any subsequent amendments thereto. Commercial General Liability coverage shall be $1 million each occurrence, $1 million aggregate products and completed operations and $50,000 fire damage (any one fire).

NA ☐ 11. An applicant for an initial franchise, or a material modification of an existing franchise, or a transfer of a franchise shall file the original and ten (10) copied of the application with the City Clerk, or his or her designee. Any transfer of more then twenty-five (25) percent of the ownership of the franchisee shall be deemed to be a "transfer of a franchise."

PFD ☑ 12. Contemporaneously with the filing of an application for an initial franchise, the applicant shall remit to the City a nonrefundable application fee in the amount of two thousand five hundred dollars ($2,500.00); and contemporaneously with the filing of an application for a material modification of an existing franchise, or a transfer of a franchise, the applicant shall remit to the City, unless otherwise prohibited by law or waived by the City, a nonrefundable application fee in the amount of one thousand five hundred dollars ($1,500.00). "Material modification" shall mean a change in any term or condition that substantially or materially affects any right or obligation of the franchisee or City under a franchise.

PFD ☑ 13. Within ten (10) business days after the filing of an application, the applicant shall furnish a complete copy of the application to all other collectors of construction and demolition debris that have franchises in the City. The copy shall be furnished by personal delivery or sent by certified mail, return receipt requested, to the principal business office of such other collectors of construction and demolition debris.

Definitions:

1. Applicant: a person or corporation applying to the City of Ormond Beach for a non-exclusive franchise to provide construction and demolition roll-off containers and/or collect construction and demolition debris within the City for hire, remuneration or other consideration.

2. Franchisee: person or corporation to whom the City has issued a non-exclusive franchise to provide roll-off containers for construction and demolition services and/or to provide construction and demolition debris collection and disposal services to properties in the City.

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

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

Hubbard Construction Company dba Mid Florida Materials
Applicant name (print or Type)

X P. Hubbard Jr
Applicant signature

3/08/2024
Application submission date

Penny Boyer 3/11/2024
Application received by date

Penny Boyer 209341 2/29/2024
Application fee received by check number check date

3/14/24
Approved City Manager/designee signature date

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

Affidavit
ACKNOWLEDGMENT OF BUSINESS TYPE

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

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

BUSINESS ADDRESS OF APPLICANT:

Address: 1936 Lee Road #300

City: Winter Park State: FL Zip: 32789

Telephone No.: 407-645-5500 Fax No.: N/A

Federal ID No.: 59-0594298

SIGNATURE OF APPLICANT:

If an Individual: _____, doing business
Signature

as _____

If a Partnership: _____ by: _____,
General Partner Signature

If a Corporation: Hubbard Construction Company dba Mid Florida Materials
Corporate Name

(a Florida Corporation)

by: _____
Signature

Title: Senior Vice President, CFO and Secretary

Attest: _____ (SEAL)
Dirk D. Story, Assistant Corporate Secretary

NOTARY PUBLIC: _____

STATE OF: Florida COUNTY OF: ORANGE
The foregoing instrument was acknowledged before me this day of the year , by P. Frederick O'Dea Jr
who is (are) personally known to me or who has produced as identification and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE: _____

NOTARY NAME, PRINTED, TYPED, OR STAMPED: Amanda Stacy

Commission Number: HH377438 My Commission Expires: 05/22/2027

AMANDA STACY NOTARY PUBLIC MY COMMISSION EXPIRES 5-22-2027 STATE OF FLORIDA COMMISSION NUMBER HH 377438

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 7.E

Section:	CONSENT AGENDA		
Item Category:	Consent - Disposition Item	**Res./Ord. No:**	
Strategic Goal:	Governance - Other		
Department:	City Manager		
Subject:	City Manager's Monthly Report, April 2024		
Summary:	The following reports provide information regarding the City's finances and capital improvement projects, building permits and development activity, and economic development activities and trends.		
Financial Impact:	None		
Citizen Impact:	None		
Recommended Action (Staff, Advisory Board and/or Other):	This report is for informational purposes. Additional information provided upon request.		
Staff Contact:	Joyce Shanahan, City Manager, (386) 676-3200		
Attachments:	1. Financial Status Report - February 2024 2. Capital Improvements Projects, Status Report - March 2024 3. Economic Development Report - March 2024 4. Development Activity Report - March 2024 5. Building Permit Activity - March 2024		
Approval:	Kelly McGuire, Finance Director 4/1/2024 Claire Whitley, Assistant City Manager 4/2/2024 Joyce Shanahan, City Manager 4/11/2024		

Monthly Financial Status Report
February 2024

This report provides the City Commission with an update of the financial status of the City's operating funds. The purpose of the report is to identify any significant variances from the adopted budget and to identify any adverse trends and their implications for the current and future years' budgets.

The first table following this introduction provides a summary of the revenues and expenditures to date by fund. Additional detail by fund type is provided in subsequent tables.

Revenues at or above 42% benchmark is favorable, while expenses at or below the 42% benchmark is also favorable.

The airport fund has revenue and expense impacts from FAA grants.
The Impact Fee funds experienced an increase in revenue due to new subdivision (Ridge Haven).

Budget Summary

Fund	Final Budget	YTD Actual Revenues	YTD %	YTD Actual Expenses	YTD %
001 - General Fund	43,461,840	23,498,427	54%	17,851,254	41%
104 - Community Redevelopment	1,609,825	1,219,282	76%	125,088	8%
106 - Ormond Crossing	329,996	222,472	67%	-	0%
107 - Stormwater	4,478,430	1,144,535	26%	998,551	22%
108 - Airport	2,725,948	122,672	5%	164,735	6%
109 - Local Law Enforcement Trust Fund	-	10,028	0%	1,621	0%
110 - Economic Development Fund	-	5,445	0%	-	0%
115 - Recreation Facility Fee	57,225	18,874	33%	71,009	124%
205 - Financing Debt Service	803,545	334,810	42%	78,131	10%
211 - Debt Service 2005 CIP Note	162,000	65,415	40%	2,868	2%
220 - Debt Service GOB 2010	392,114	345,189	88%	37,724	10%
301 - General Capital Improvement	1,614,840	495,946	31%	1,204,491	75%
302 - General Equipment & Vehicle	290,000	196,138	68%	31,595	11%
305 - Public Safety Vehicle & Equip	2,455,000	786,406	32%	323,458	13%
308 - Transportation	2,121,284	787,501	37%	1,360,333	64%
310 - Recreation Impact Fee	100,000	99,083	99%	-	0%
316 - Local Roads Impact Fee	50,000	424,097	848%	-	0%
317 - Facilities Renewal & Replacement	808,736	773,890	96%	221,481	27%
318 - Stormwater Impact Fee	50,000	22,076	44%	-	0%
319- Police Impact Fees	-	8,712	0%	-	0%
320- Fire Impact Fees	-	10,913	0%	-	0%
322 - Leisure Services Capital Fund	1,149,749	450,438	39%	12,002	1%
401 - Water/Wastewater Operating Fund	24,006,719	9,370,519	39%	10,186,987	42%
408 - Water/Wastewater E&V Fund	250,000	113,697	45%	-	0%
409 - Water/Wastewater Capital	7,000,000	1,467,818	21%	736,331	11%
414 - Water/Wastewater Consolidated Debt	5,209,000	1,753,750	34%	656,266	13%
433 - Reuse Impact Fee Fund	-	7,809	0%	11,876	0%
434 - Water Impact Fee	2,772,500	297,003	11%	75,151	3%
435 - Wastewater Impact Fee	675,000	579,549	86%	62,075	9%
460 - Solid Waste	13,285,500	7,394,621	56%	4,027,910	30%
502 - Workers Compensation	806,612	355,471	44%	355,167	44%
504 - General Liability	2,455,253	1,071,134	44%	1,795,475	73%
Total	**$ 120,121,116**	**$ 53,453,720**	**44%**	**$ 40,391,579**	**34%**

General Fund Revenues

Ad valorem Taxes- Annual revenue is estimated at $16 million and is based on the taxable value ($4.6 billion) and the General Fund operating millage (3.761). Actuals to date are $14 million of the budgeted amount.

Utility Taxes- The City levies a utility tax of 10% on electric and gas sales. To date, the City has collected $1.86 million

Communication Taxes – Communication service taxes collected as of February 2024 are $467,253.

Business Tax –Business tax collections amounted to $42,814. The majority of business taxes are collected in the last quarter of the fiscal year.

Licenses, Permits and Franchise Fees – This revenue source includes building permits, plan review and franchise fees. The City has franchise fee agreements which require electric and natural gas providers to remit 6% of gross sales to the City. Payments made to the City for franchise fees often occur several months after they are collected by FPL and other providers. Collections through February 2024 are $1.6 million.

Intergovernmental – This revenue source includes municipal revenue sharing and sales tax. Through February 2024, the City received a total of $1.7 million in this category. This category was impacted by the COVID Pandemic in previous years.

Charges for Services – This category includes Leisure Services user charges and additional revenue from contracts for right of way mowing, traffic signal maintenance, and street lighting. The Volusia County Library is no longer charged as it has been in previous years in this category. The City received $508,000 in this category through February.

Fines and Forfeitures – Traffic, code enforcement, and court fines make up this revenue category. Revenues were $19,470 as of February 2024.

Miscellaneous Revenue – Interest and internal service charges for Fleet and Engineering are included in this revenue category. Revenues collected were $874,000

Transfers In –Transfers have been recorded in the amount of $2.4 million.

General Fund Revenues - February 2024

	Final Budget	YTD FY 2023-24	Remaining Budget	% of Budget	YTD FY 2022-23	$ FY Variance	% FY Variance
Property Tax	$ 16,188,466	$ 14,073,816	$ 2,114,650	86.9%	$ 13,077,781	$ 996,035	7.62%
Utility Taxes	4,585,000	1,862,244	2,722,756	40.6%	1,549,821	312,423	20.16%
Communication Tax Receipts	1,700,000	467,253	1,232,747	27.5%	433,990	33,263	7.66%
Business Tax	283,500	42,814	240,686	15.1%	51,196	(8,382)	-16.37%
Licenses, Permits & Fees	5,184,350	1,613,245	3,571,105	31.1%	1,117,132	496,113	44.41%
Intergovernmental	5,256,300	1,658,462	3,597,838	31.6%	1,715,605	(57,143)	-3.33%
Charges for Services	858,138	508,437	349,701	59.2%	381,741	126,696	33.19%
Fines & Forfeitures	73,000	19,470	53,530	26.7%	29,230	(9,760)	-33.39%
Miscellaneous Revenues	3,553,765	873,805	2,679,960	24.6%	975,119	(101,314)	-10.39%
Transfers In	5,709,321	2,378,880	3,330,441	41.7%	1,991,295	387,585	19.46%
Use of Fund Balance	70,000	-	70,000	0.0%	-	-	0.00%
	$ 43,461,840	$ 23,498,427	$ 19,963,413	54.1%	$ 21,322,910	$ 2,175,517	10.2%

General Fund Reserve – This category includes commitments made by the City Commission by resolution or Commission comments at the City Commission meeting.

Purpose	Amount	CC Meeting Date	Approval Process
NOVA Sports Field Reconstruction	$70,000.00	9/20/2023	Original Budget

General Fund Expenditures

Personnel Services - This category includes wages and benefits paid by the City. Personnel services account for $28.2 million of the General Fund gross budget. Expenditures through February 2024 were $11.7 million.

Operating Expenditures - This category includes $13 million for maintenance contracts, utilities, tools, fuel, insurance, supplies and contracts for service with community agencies. Through February 2024, $5.4 million has been spent.

Grants and Aids - This category includes contributions made to not for profit organizations which were budgeted at $201,000. $21,832 has been expended year to date.

Transfers Out – The budget for transfers from the General Fund to other funds is $1.7 million with $687,000 million made through February 2024.

Financial Status Report:
February 2024

General Fund Expenditures - February 2024

	Final Budget	YTD FY 2023-24	Remaining Budget	% of Budget	YTD FY 2022-23	$ FY Variance	% FY Variance
City Commission	$ 398,297	$ 157,880	$ 240,417	39.6%	$ 191,654	$ (33,774)	-17.62%
City Administration	766,686	296,171	470,515	38.6%	273,392	22,779	8.33%
Support Services	436,052	181,856	254,196	41.7%	174,413	7,443	4.27%
City Attorney	897,617	486,665	410,952	54.2%	313,478	173,187	55.25%
Legislation & Policy	2,498,652	1,122,571	1,376,081	44.9%	952,937	169,634	17.80%
Finance	1,126,785	450,687	676,098	40.0%	390,043	60,644	15.55%
Information Technology	1,661,794	1,039,009	622,785	62.5%	445,452	593,557	133.25%
Human Resources	610,162	238,566	371,596	39.1%	257,013	(18,447)	-7.18%
Planning	815,894	302,897	512,997	37.1%	268,219	34,678	12.93%
Building Inspections	1,208,177	518,696	689,481	42.9%	404,539	114,157	28.22%
Police Administration	1,197,397	438,368	759,029	36.6%	367,345	71,023	19.33%
Police Operations	7,508,510	3,386,039	4,122,471	45.1%	2,724,985	661,054	24.26%
Community Outreach	620,646	223,873	396,773	36.1%	196,435	27,438	13.97%
Criminal Investigations	1,527,310	650,829	876,481	42.6%	506,941	143,888	28.38%
Community Services	444,250	181,435	262,815	40.8%	175,446	5,989	3.41%
Records	193,324	74,580	118,744	38.6%	60,315	14,265	23.65%
Neighborhood Impr.	496,897	140,183	356,714	28.2%	145,682	(5,499)	-3.77%
Police	11,988,334	5,095,308	6,893,026	42.5%	4,177,149	918,159	21.98%
Fire	7,363,742	3,067,153	4,296,589	41.7%	2,818,368	248,785	8.83%
Streets	2,622,263	956,164	1,666,099	36.5%	934,776	21,388	2.29%
Engineering	1,251,822	457,615	794,207	36.6%	447,738	9,877	2.21%
Fleet	1,823,290	623,104	1,200,186	34.2%	707,663	(84,559)	-11.95%
Public Works	5,697,375	2,036,883	3,660,492	35.8%	2,090,177	(53,294)	-2.55%
Economic Development	410,971	156,468	254,503	38.1%	189,633	(33,165)	-17.49%
Building Maintenance	937,759	409,101	528,658	43.6%	414,134	(5,033)	-1.22%
Administration	819,430	308,726	510,704	37.7%	258,085	50,641	19.62%
Nova Recreation	376,439	160,621	215,818	42.7%	121,355	39,266	32.36%
S. Ormond Neigh. Center	384,201	140,840	243,361	36.7%	116,151	24,689	21.26%
Athletic Fields Mnt.	1,657,484	644,115	1,013,369	38.9%	548,724	95,391	17.38%
Parks	2,650,336	960,358	1,689,978	36.2%	930,868	29,490	3.17%
Environmental Learning	205,132	77,185	127,947	37.6%	60,194	16,991	28.23%
The Casements	389,713	177,767	211,946	45.6%	126,425	51,342	40.61%
Performing Arts Center	299,738	141,891	157,847	47.3%	110,326	31,565	28.61%
Senior Center	118,154	24,560	93,594	20.8%	32,336	(7,776)	-24.05%
Community Events	246,067	69,321	176,746	28.2%	65,979	3,342	5.07%
Leisure Services	8,084,453	3,114,484	4,969,969	38.5%	2,784,577	329,907	11.85%
Grants & Aid*	91,528	21,832	69,696	23.9%	48,223	(26,391)	-54.73%
Transfers	1,718,073	686,700	1,031,373	40.0%	935,970	(249,270)	-26.63%
Contingency	185,900	-	185,900	0.0%	-	-	0.00%
	$ 43,461,840	$17,851,254	$ 25,610,586	41.1%	$15,762,300	$ 2,088,954	13.25%

Downtown Redevelopment Trust

Revenues – Budgeted revenues are comprised of City, County, Hospital, and special district property taxes levied on property within the Downtown Redevelopment boundaries and amount to $1.6 million consisting of $653,000 in transfers into this fund. $1.2 million has been received as of February 2024. The growth in miscellaneous income is due to the increase of interest.

Expenditures – A total of $125,000 has been expended for capital projects and service contracts (Ormond Main Street and property improvement grants).

Downtown Redevelopment Fund Revenues - February 2024

	Final Budget	YTD FY 2023-24	Remaining Budget	% of Budget	YTD FY 2022-23	$ FY Variance	% FY Variance
Grant	$ -	$ -	$ -	0.0%	$ -	$ -	0.0%
Local Units	956,586	906,892	49,694	94.8%	822,397	84,495	10.3%
Miscellaneous	500	40,415	(39,915)	8083.1%	-	40,415	0.0%
Transfers In	652,739	271,975	380,764	41.7%	175,180	96,795	55.3%
Use of Fund Balance	-	-	-	0.0%	-	-	0.0%
	$ 1,609,825	$ 1,219,282	$ 390,543	75.7%	$ 997,577	$ 221,705	22.22%

Downtown Redevelopment Fund Expenditures

	Final Budget	YTD FY 2023-24	Remaining Budget	% of Budget	YTD FY 2022-23	$ FY Variance	% FY Variance
Planning	$ 131,050	$ 35,350	$ 95,700	27.0%	$ 35,350	$ -	0.0%
Public Works	86,976	3,840	83,136	4.4%	23,982	(20,142)	-84.0%
Grants	200,000	-	200,000	0.0%	-	-	0.0%
Leisure Services	264,500	85,899	178,601	32.5%	71,334	14,565	20.4%
Contingency	927,299	-	927,299	0.0%	-	-	0.0%
	$ 1,609,825	$ 125,088	$ 1,484,737	7.8%	$ 130,666	$ (5,578)	-4.27%

Stormwater Fund

Revenues – The primary revenue source is stormwater user fees. User fees were budgeted at $2.6 million with $1.1 million received through February 2024 along with $62,000 in miscellaneous income. The growth in miscellaneous income is due to the increase of interest.

Expenditures – The budget for stormwater expenses is $4.5 million with $998,000 spent to date.

Stormwater Fund Revenues - February 2024

	Final Budget	YTD FY 2023-24	Remaining Budget	% of Budget	YTD FY 2022-23	$ FY Variance	% FY Variance
Grants	$ -	$ -	$ -	0.0%	$ -	$ -	0.00%
Stormwater Fees	2,575,000	1,082,438	1,492,562	42.0%	1,078,646	3,792	0.35%
Miscellaneous	50,000	62,097	(12,097)	124.2%	43,435	18,662	42.97%
Intergovernmental	-	-	-	0.0%	-	-	0.00%
Use of Fund Balance	1,853,430	-	1,853,430	0.0%	-	-	0.00%
	$ 4,478,430	$ 1,144,535	$ 3,333,895	25.6%	$ 1,122,081	$ 22,454	2.00%

Stormwater Fund Expenditures

	Final Budget	YTD FY 2024-24	Remaining Budget	% of Budget	YTD FY 2022-23	$ FY Variance	% FY Variance
Maintenance	4,031,830	892,721	3,139,109	22.1%	668,017	224,704	33.64%
Engineering Support	$ 192,607		$ 192,607	0.0%	$ -	$ -	0.00%
Transfers Out	253,993	105,830	148,163	41.7%	92,350	13,480	14.60%
Contingency	-	-	-	0.0%	-	-	0.00%
	$ 4,478,430	$ 998,551	$ 3,479,879	22.3%	$ 760,367	$ 238,184	31.32%

Water and Wastewater Fund

Revenues – The primary revenue sources are water and sewer user fees. User fees were budgeted at $22.2 million with $9.1 million collected year to date. The revenue also includes $461,792 budgeted for transfers, of which $192,000 has been received.

Expenditures – Operating expenses for utility billing and water/wastewater public works services is budgeted in the amount of $24 million with $10 million expended to date. The budget also includes $10.9 million in expected transfers, of which $4.6 million have been used in as of February.

Water/Wastewater Fund Revenues - February 2024

	Final Budget	YTD FY 2023-24	Remaining Budget	% of Budget	YTD FY 2022-23	$ FY Variance	% FY Variance
Water/Sewer Charges	$ 22,187,000	$ 9,143,353	$ 13,043,647	41.2%	$ 8,732,645	$ 410,708	4.70%
Miscellaneous	60,000	23,187	36,813	38.6%	28,777	(5,590)	0.00%
Transfers In	461,792	192,415	269,377	41.7%	177,455	14,960	8.43%
Intergovernmental	-	11,564	-	0.0%	-	11,564	0.00%
Use of Fund Balance	1,297,927	-	1,297,927	0.0%	-	-	0.00%
	$ 24,006,719	$ 9,370,519	$ 14,647,764	39.0%	$ 8,938,877	$ 431,642	4.83%

Water/Wastewater Fund Expenditures

	Final Budget	YTD FY 2023-24	Remaining Budget	% of Budget	YTD FY 2022-23	$ FY Variance	% FY Variance
Utility Billing	$ 1,869,278	$ 781,865	$ 1,087,414	41.8%	$ 741,385	$ 40,480	5.46%
Water Production	4,323,844	1,939,134	2,384,710	44.8%	1,456,981	482,153	33.09%
Water Distribution	1,581,713	607,517	974,196	38.4%	569,872	37,645	6.61%
Wastwater Treatment	3,728,573	1,598,279	2,130,294	42.9%	1,261,904	336,375	26.66%
Wastewater Collection	1,577,833	707,908	869,925	44.9%	568,906	139,002	24.43%
Transfers Out	10,925,478	4,552,285	6,373,193	41.7%	4,731,320	(179,035)	-3.78%
Contingency	-	-	-	0.0%	-	-	0.00%
	$ 24,006,719	$ 10,186,987	$ 13,819,732	42.4%	$ 9,330,368	$ 856,619	9.18%

Solid Waste Fund

Revenues – The primary revenue source is solid waste franchise and user fees. To date, $7.4 million has been received.

Expenditures – Personnel, operating, capital expenses and transfers budgeted for 2024 are $13.2 million. $4 million has been expended as of February. Year to year variance due to Hurricane Ian expenses.

Solid Waste Fund Revenues - February 2024

	Final Budget	YTD FY 2023-24	Remaining Budget	% of Budget	YTD FY 2022-23	$ FY Variance	% FY Variance
Franchise Fees	$ 2,394,500	$ 618,219	$ 1,776,281	25.8%	$ 728,634	$ (110,415)	-15.15%
User Fees	10,890,000	4,781,241	$ 6,108,759	43.9%	3,617,459	1,163,782	32.17%
Miscellaneous	1,000	(2,732)	$ 3,732	-273.2%	91	(2,823)	-3102.32%
Intergovernmental	-	1,997,893	$ (1,997,893)	0.0%	-		0.00%
Use of Fund Balance	-	-	$ -	0.0%	-	-	0.00%
	$ 13,285,500	$ 7,394,621	$ 5,890,879	55.7%	$ 4,346,184	$ 1,050,544	24.17%

Solid Waste Fund Expenditures

	Final Budget	YTD FY 2023-24	Remaining Budget	% of Budget	YTD FY 2022-23	$ FY Variance	% FY Variance
Collection & Disposal	$ 9,816,266	$ 2,893,137	$ 6,923,129	29.5%	$ 4,992,099	$ (2,098,962)	-42.05%
Recycling	1,482,796	422,492	1,060,304	28.5%	484,306	(61,814)	-12.76%
Engineering		-	-	0.0%	-	-	0.00%
Transfers Out	1,709,480	712,280	997,200	41.7%	559,985	152,295	27.20%
Contingency	276,958	-	276,958	0.0%	-	-	0.00%
	$ 13,285,500	$ 4,027,910	$ 9,257,590	30.3%	$ 6,036,390	$ (2,008,480)	-33.27%

CIP Status Report as of March 28, 2024

Project Name	Grant Funded	Phase	Timeline		Budget		
			Percent Complete	Date Complete	Budget Amount	Contract Amount	Percent Spent
Fund 104 - TIF							
Cassen Park Improvements		Design/Bidding	60%		$ 203,000	$ 202,155	55%
		Construction	0%		$ 865,000		
		Total			$ 1,068,000	$ 202,155	
Downtown Upgrades/Improvements City Hall Landscaping		Design/Bidding	100%			In-House	
		Construction	40%		$ 60,000	$ 154,699	0%
		Total			$ 60,000	$ 154,699	
Downtown East Granada Utility Undergrounding		Design/Bidding	100%		$ 20,000	$ 27,500	100%
		Construction	10%		$ 100,000	$ 991,928	3%
		Total			$ 120,000	$ 1,019,428	
Downtown Sidewalk Banding		Design/Bidding	75%				
		Construction	0%				
		Total					
Fund 107 - Stormwater							
Fleming Avenue Stormwater Improvements	HMGP	Design/Bidding	100%				
		Construction	0%			$ 2,118,530	
		Total			$ -	$ 2,118,530	
Stormewater In-Line Check Valves	SJRWMD	Design/Bidding	95%			In-House	
		Construction	0%				
		Total			$ -	$ -	
Fund 110 - Economic Development							
Business Park Drive Ph II	FL Commerce & FDOT	Design/Bidding	100%		$ 195,000	$ 104,695	100%
		Construction	0%		$ 1,112,000	$ 2,855,055	0%
		Total			$ 1,307,000	$ 2,959,750	
Fund 301 - General Fund							
PD HVAC Upgrades		Design/Bidding	100%	7/19/2022	$ 37,000	$ 37,416	86%
		Construction	40%		$ 225,000	$ 598,596	35%
		Total			$ 262,000	$ 636,012	
South Ridgewood Sidewalk East Side	CDBG	Design/Bidding	95%			In-House	
		Construction			$ 130,000		
		Total			$ 130,000	$ -	
Fund 308 - Transportation							
Doug Thomas Way Extension		Design/Bidding	100%		$ 90,000	$ 88,800	100%
		Construction	50%		$ 792,000	$ 908,015	0%
		Total			$ 882,000	$ 996,815	
Traffic Signal Maintenance		Design/Bidding	100%			In-House	
		Construction	0%		$ 71,500	$ 24,743	0%
		Total			$ 71,500	$ 24,743	

CIP Status Report as of March 28, 2024

Project Name	Grant Funded	Phase	Timeline		Budget		
			Percent Complete	Date Complete	Budget Amount	Contract Amount	Percent Spent
Fund 317 - Facility R & R Fund							
Outdoor Fitness Station-Nova Community Park		Design/Bidding	100%	5/16/2023		In-House	
		Construction	95%		$ 97,000	$ 96,735	0%
		Total			$ 97,000	$ 96,735	
Central Park Overlook Replacement		Design/Bidding	100%			In-House	
		Construction	0%		$ 40,000	$ 56,993	
		Total			$ 40,000	$ 56,993	
OBSC Baseball Netting Replacement		Design/Bidding	95%			In-House	
		Construction	0%		$ 70,000		
		Total			$ 70,000	$ -	
Fund 322 - Leisure Services Capital Fund							
Nova Community Park Ballfields 2-5	ECHO (pending)	Design/Bidding	78%		$ -	$ 15,720	78%
		Construction	0%		$ 340,000		
		Total			$ 340,000	$ 15,720	
OBSC LED Softball Quad Lighting	ECHO (pending)	Design/Bidding			$ -		
		Construction	0%		$ 800,000		
		Total			$ 800,000	$ -	
Fund 409 - Water/Wastewater System Improvements							
Shadow Crossings Reuse Pump Facility Upgrades		Design/Bidding	100%		$ 46,000	$ 46,390	52%
		Construction	33%		$ 240,000	$ 283,029	33%
		Total			$ 286,000	$ 329,419	
Lift Station Backup Pumps	HMGP	Design/Bidding	95%			In-House	
		Construction	0%				
		Total			$ -	$ -	
WTP Aeration Structure Rehab		Design/Bidding	0%		$ 2,200,000	$ 94,479	0%
		Construction	0%				
		Total			$ 2,200,000	$ 94,479	
WRF Upgrades		Design/Bidding	100%		$ 136,000	$ 135,642	100%
		Construction	10%		$ 2,000,000	$ 1,068,700	0%
		Total			$ 2,136,000	$ 1,204,342	
2-In Water Main Replacement Ph IV North Peninsula		Design/Bidding	100%	2/6/2024	$ 200,000	$ 199,872	90%
		Construction	0%		$ 2,600,000	$ 2,503,478	0%
		Total			$ 2,800,000	$ 2,703,350	
SR40 FM Addition to WM Loop		Design/Bidding	81%		$ 75,000	$ 104,275	81%
		Construction	0%		$ -		
		Total			$ 75,000	$ 104,275	

CIP Status Report as of March 28, 2024

Project Name	Grant Funded	Phase	Timeline		Budget		
			Percent Complete	Date Complete	Budget Amount	Contract Amount	Percent Spent
Fund 433 - Reuse Impact Fee Fund							
Airport Road Reclaimed Water Main PH 2 - Topographic Route Survey	SJRWMD & FDEP	Design/Bidding	100%		$ 150,000	$ 81,840	100%
		Construction	0%				
		Total			$ 1,100,000		
Fund 434 & 435 - Water/Wastewater Impact Fee Funds							
Hudson Wellfield Expansion		Design/Bidding	84%		$ 300,000	$ 292,964	84%
		Construction	0%		$ 1,300,000		
		Total			$ 1,600,000	$ 292,964	
Septic to Sewer - Oak, Magnolia & Bonita	FDEP	Design/Bidding	5%		$ 160,000	$ 148,079	1%
		Construction	0%		$ 1,440,000		0%
		Total			$ 1,600,000	$ 148,079	
WRF Ultraviolet Disinfection Conversion	FDEP (const only)	Design/Bidding	66%		$ 270,000	$ 272,800	66%
		Construction	0%		$ 2,430,000		0%
		Total			$ 2,700,000	$ 272,800	
Hurricanes IAN & NICOLE - FEMA							
Hurricane Ian-Shade Structure Replacements		Design/Bidding	100%			In-House	
		Construction	70%		$ -	$ 146,100	55%
		Total			$ -	$ 146,100	
Hurricane Ian-ARBP Seawall		Design/Bidding	15%			$ 93,965	14%
		Construction	0%		$ -		
		Total			$ -	$ 93,965	
Hurricane Ian-ARBP Stair Replacement		Design/Bidding	100%			In-House	
		Construction	100%		$ -	$ 24,868	0%
		Total			$ -	$ 24,868	
Annual Projects Fund 107 - Stormwater							
Stormwater Construction - Arbor Drive South		Design/Bidding	100%			In-House	
		Construction	100%		$ 250,000	$ 185,804	100%
		Total			$ 250,000	$ 185,804	
Stormwater Construction - Amsden Drainage Abandonment		Design/Bidding	100%			In-House	
		Construction	0%			$ 61,250	0%
		Total			$ -	$ 61,250	
Annual Projects Fund 308 - Transportation							
2024 Roadway Resurfacing		Design/Bidding	95%			In-House	
		Construction			$ 750,000		
		Total			$ 750,000	$ -	
2023 Sidewalk Repair/Replacement Spring Meadows		Design/Bidding	100%			In-House	
		Construction	100%		$ 302,500	$ 108,714	90%
		Total			$ 302,500	$ 108,714	

CIP Status Report as of March 28, 2024

Project Name	Grant Funded	Phase	Timeline		Budget		
			Percent Complete	Date Complete	Budget Amount	Contract Amount	Percent Spent
Annual Projects Fund 409 - Water/Wastewater System Improvements							
2023 Lift Station Rehabilitation 11M & OBSC3		Design/Bidding	100%	5/2/2023		In-House	
		Construction	20%		$ 350,000	$ 398,250	16%
		Total			$ 350,000	$ 398,250	
2023 Lift Station Rehabilitation - 4P Construction deferred to FY 24/25		Design/Bidding	70%		$ 165,000	$ 164,612	70%
		Construction	0%				
		Total			$ 165,000	$ 164,612	

Misc Non-CIP Projects

Breakaway Trails Bridge Repair

Hull Road Sturctural Evaluation

Fiber Optic Franchise Utilities

Economic Development Monthly Report

March, 2024

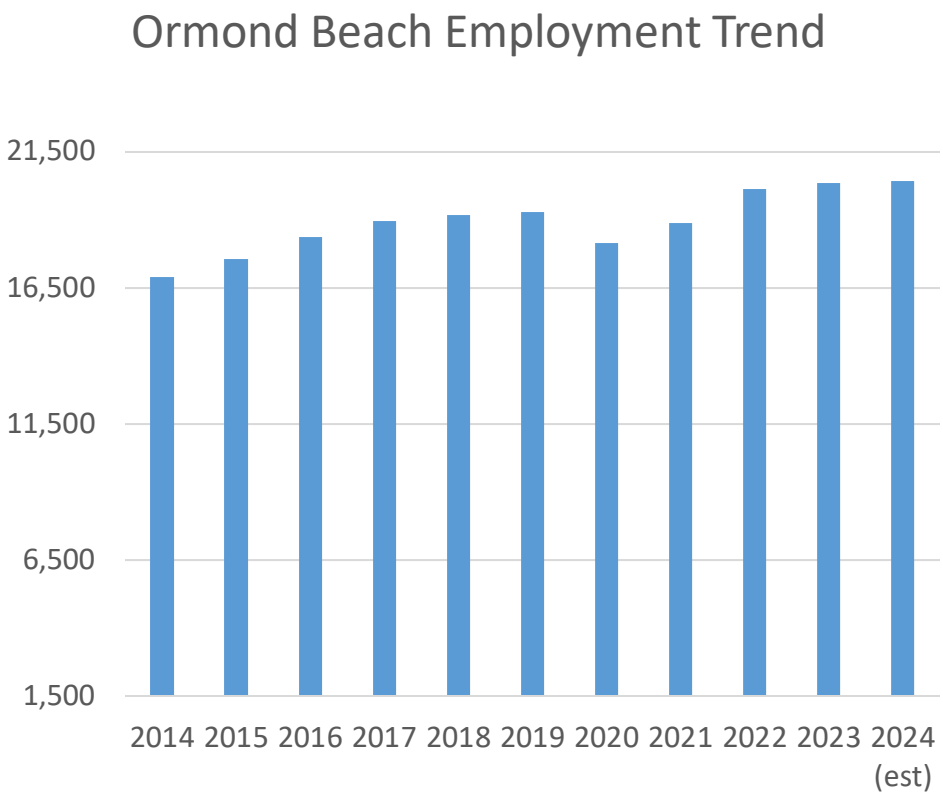
Ormond Beach February Employment

20,434

This is up 1.9% from last year

Ormond Beach Unemployment Rate

3.4%



Notes and Updates:

- **Employment for February** was 20,434 up 1.6% from the same month last year. The unemployment rate is 3.4%. After three years of robust year-over-year improvement in employment, 2023 saw an uptick of 1.75% over the previous year, a possible signal the job market is beginning to cool off. Since January 2024 employment was up 58.

- **The Economic Development Department concluded** the Spring 2024 StartUp and Grow Ormond FastTrac program. 12 local businesses graduated and participated in a graduation celebration where they pitched their businesses and received a certificate of completion. Coordination is underway for a second session in the near future.

- **The City Commission recently** approved the acceptance of a $1.6 million Florida Jobs Growth Grant Fund from Florida Commerce. These funds will allow for the construction of Business Park Drive in the Business Park, providing for a secondary collector road allowing for improved logistics and growth by businesses in the park. The Airport Business Park is the City's major employment center for target industry like advanced manufacturing. Construction is estimated to begin in late Spring 2024.

- **Doing Business in Ormond Beach** is updated with new content and available for download on the City's website. Hard copies are available in the Economic Development Department. The perfect guide for any business starting or growing a business in Ormond Beach. Doing Business Here | City of Ormond Beach, FL - Official Website

RESIDENTIAL PROJECTS	
A	121 East
B	Archers Mill Phase 1 - Preliminary Plat
C	Archers Mill Phase 2 - Final Plat
D	Archers Mill Phase 3 - Preliminary Plat
E	Archers Mill Phase 4 - Preliminary Plat
F	Archers Mill Phase 5 - Preliminary Plat
G	Archers Mill Phase 6 - Final Plat
H	Bradford Lakes - Preliminary Plat
I	Bradford Park - Preliminary Plat
J	Enclave - Preliminary Plat
K	Fountain View - Amenity Center
L	Fountain View Phase 1B -Final Plat
M	Fountain View Phase 1C - Preliminary Plat
N	Fountain View Phase 1D - Preliminary Plat
O	Fountain View Phase 1E - Preliminary Plat
P	Fountain View Phase 1F - Preliminary Plat
Q	Ormond Enclave (FKA Courtyards)
R	Plantation Oaks - 2C
S	Plantation Oaks - 2D
T	Regal Multifamily
U	Ridgehaven - Final Plat
V	Rivell Subdivision
W	Tattersall at Tymber Creek
X	Tides Edge - Preliminary Plat
Y	Tides at Ormond Beach - Final Plat
Z	Tomoka Reserve - ZMA to R-2
AA	Tymber Creek Apartments
COMMERCIAL PROJECTS	
1	200 East Granada Blvd Parking Lot
2	7-Eleven - Electronic Changeable Copy Signage
3	7-Eleven - Electronic Changeable Copy Signage
4	7-Eleven - Electronic Changeable Copy Signage
5	Beach House Graphics
6	Complete Cardiology Expansion
7	Culvers Restaurant
8	Ellianos OB Granada Blvd
9	Germfree Driveway Expansion
10	Goodwill Donation Express
11	Halifax Paving Office
12	Hull Road RV & Boat Storage
13	IHOP
14	MetroNet
15	Mister Car Wash
16	North Interchange Industrial Flex Space
17	North Interchange Self Storage
18	Ocean Club Ormond Beach
19	Ormond Beach Holdings LLC
20	Ormond Beach Self Storage
21	Ormond Central Self Storage
22	Ormond Gateway Revision
23	PO OB - Neighborhood Commerical
24	Public House Restaurant
25	Revella at Ormond Beach ALF
26	Shell Gas Station
27	Shoppes at Granada Pointe
28	Splash Car Wash
29	Stor - It
30	Tomoka Christian Church
31	Valiant Diner Phase 4
32	Walgreens/Commerical Area Improvements
33	Walgreens Revisions
34	Wawa
35	Wawa
ORMOND BEACH - UTILITY PROVIDER ONLY	
36	Woodsprings Suites
37	Amberwoods
38	Baileys by the Sea
39	Beachview Cove
40	Brookside at Ormond Station
41	Corinthian Villas
42	Gardens Side Phase 2
43	Hunters Ridge Storage Site
44	Iris Subdivision (Flagler)
45	Ocean Shore Plaza Sewer
46	Regency Plaza Condominium
47	Sands Point Condominium
48	Surf Side Club South
49	Surf Style
50	Woodside
51	Villas at Spanish Waters

CITY OF ORMOND BEACH COMMERCIAL AND RESIDENTIAL DEVELOPMENT REPORT

Legend

- Residential Sites
- Commercial Sites
- Utility Provider Only

Plantation Oaks Blvd
Airport Rd (C.R. 2813)
N Beach St (C.R. 4011)
Halifax River
Atlantic Ocean
Tymber Creek Rd (C.R. 2813)
Williamson Blvd (C.R. 4090)
Clyde Morris Blvd (C.R. 483)
Hand Ave
S. Center St
S. Beach St (C.R. 4011)

1 0.5 0 1 Miles

Prepared By: City of Ormond Beach G.I.S. Department - April 1, 2024

City of Ormond Beach Commercial Development Report, as of April 1, 2024

Applications, site plans, and public hearing documents may be viewed at the Planning Department website: http://fl-ormondbeach.civicplus.com/index.aspx?NID=247

Change in project status | **Project nearing completion** | **Projects reviewed this month**

#	Project	Description	Application Date	1st Review	2nd Review	3rd Review	4th Review	Neigh-borhood meeting	Advisory Board	City Commis-sion	Final Approval	DO Expiration	LDC Extension Expiration	Building Permit Info	Building Permit Value	Eng. Permit	Eng. Permit Constr. Value	Under Construc tion	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
1	**200 E. GRANADA BLVD. PARKING LOT** 200 East Granada Boulevard SPRC-2024-000020	Re-striping of existing paved parking lot	02.29.24	03.15.24	In Review			NA	NA	NA				Not applied	Not applied	Not applied	Not applied			E = Zev Cohen & Associates O = MDSS, Inc.
2	**7-ELEVEN, ELECTRONIC CHANGEABLE COPY SIGNAGE** 3 North Yonge Street PZ-2024-000016	Installation of an electronic changeable copy sign for gas prices within existing monument signage	02.07.24					NA	03.19.24	04.16.24				Not applied	Not applied	Not applied	Not applied			A = Independent Sign and Lighting 7-Eleven Inc.
3	**7-ELEVEN, ELECTRONIC CHANGEABLE COPY SIGNAGE** 1546 West Granada Boulevard PZ-2024-000017	Installation of an electronic changeable copy sign for gas prices within existing monument signage	02.07.24					NA	03.19.24	04.16.24				Not applied	Not applied	Not applied	Not applied			A = Independent Sign and Lighting 7-Eleven Inc.
4	**7-ELEVEN, ELECTRONIC CHANGEABLE COPY SIGNAGE** 460 South Atlantic Avenue PZ-2024-000018	Installation of an electronic changeable copy sign for gas prices within existing monument signage	02.07.24					NA	03.19.24	04.16.24				Not applied	Not applied	Not applied	Not applied			A = Independent Sign and Lighting 7-Eleven Inc.
5	**BEACH HOUSE GRAPHICS** 7/9 East tower Circle PZ# 2023-027	Expansion on an existing site of 11,500 square feet and associated site improvements	02.15.23	02.23.23	04.06.23			Not applicable	Not applicable	Not applicable	04.17.23	04.17.25		In review	$1,293,471	Issued 09.14.23	$137,720	85%		E = Mark Dowst & Associates, Inc. O = Beach House Graphics ARC = BPF Design Inc.
6	**COMPLETE CARDIOLOGY EXPANSION** 1240 West Granada Boulevard PZ# 2022-090	Enclosing of the former bank drive through with new building square footage totaling 4,326 square feet and associated site improvements. Total building square footage = 12,714. Acreage = 1.49.	07.29.22	08.14.22	11.21.22			Not applicable	Not applicable	Not applicable	12.13.23 revision 07.25.23	12.13.25		Issued 04.01.23	$1,726,850	Issued 03.15.23	$58,000	35%		E = Zev Cohen & Associates, Inc. O = Complete Cardiology, LLC ARC = BPF Design Inc.
7	**CULVER'S RESTAURANT** 655 West Granada Boulevard PZ# 2023-008	Construction of a 4,460 square foot drive-thru restaurant on a vacant 3.04 acre parcel. Part of Granada Pointe PBD.	11.04.22	11.20.22	12.23.22	02.01.23	02.21.23	Not applicable	Not applicable	Not applicable	02.27.23	02.27.25		Pending Issuance	$2,000,000	Not applied	Not applied			E = Newkirk Engineering, Inc. O = Granada Pointe Investors, LLC APP = Jemini Investments, LLC
8	**ELLIANOS OB GRANADA BLVD** 353 West Granada Boulevard SPRC-2024-000011	Re-purpose portion of existing Winn-Dixie parking lot to construct an ±800 sf free standing dual drive through only coffee shop with added drive isles, handicap space, and utility services.	01.04.24	01.31.24				Not applicable	Not applicable	Not applicable				Not applied	Not applied	Not applied	Not applied			E = Gmuer Engineering O = Kjump, Inc.
9	**GERMFREE DRIVEWAY EXPANSION** 4 Sunshine Boulevard PZ-23-00000087	Addition of two new driveways to existing facility	09.29.23	10.10.23				Not applicable	Not applicable	Not applicable	11.06.23			In review	$178,000	Approved	$83,000	0%		E = Mark Dowst & Associates, Inc. O = Griffin Fund 3 Bidco, Inc.
10	**GOODWILL DONATION EXPRESS** 1425 W. Granada Boulevard SPRC-2024-000024	Concept plan - addition of free standing canopy on north end of building and parking striping modifications	03.21.24	In Review				Not applicable	Not applicable	Not applicable				Not applied	Not applied	Not applied	Not applied			APP = Slam Collaborative APP = Goodwill Industries of Central Florida O = West Granada Center LLC
11	**HALIFAX PAVING OFFICE** 860 Hull Road PZ# 2023-013	Construct a new 8,800 square foot office. Property currently in unincorporated Volusia County.	12.20.22	01.17.23	03.27.23	05.02.23		Not applicable	Not applicable	Not applicable	06.06.23	Under Constr.		Issued 07.21.23	$1,500,000	Issued 06.09.23	$390,000	90%		E = Parker Mynchenberg & Associates, Inc. O = Halifax Paving
12	**HULL ROAD RV & BOAT STORAGE** 835 Hull Road PZ# 2023-065	Storage of RV and boats. 20 parking spaces on 0.90 acres. Re-permit of expired site plan.	05.31.23					Not applicable	Not applicable	Not applicable	05.31.23	Under Constr.		Not applicable	Not applicable	Issued 06.21.23	$26,450	0%		E = Newkirk Engineering, Inc. O = B Mill Inc
13	**IHOP** 675 West Granada Boulevard PZ# 2023-023	IHOP restaurant consisting of 3,550 square feet on 1.52 acres.	02.05.23	02.17.23	03.30.23	05.09.23	06.21.23	Not applicable	Not applicable	Not applicable	01.02.24			Early Review	Not applicable	Not applied	Not applied			E = Newkirk Engineering, Inc. APP = Sunshine Restaurant Partners O = Granada Pointe Investors, LLC
14	**METRONET** 124 South Yonge Street PZ# 2023-002	Proposed 344 square foot concrete unmanned fiberoptic communication hut.	10.28.22	11.15.22	01.17.23			01.23.23	Not applicable	Not applicable	1.27.23	Under Constr.		Issued 02.24.23	$180,000	Issued 02.02.23	$180,000	90%		E = Metro Fibernet LLC O = Coast to Coast Construction

* Highlighted projects indicate change in status (such as SPRC approval, CC approval, building permits issued, or CO issued).

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Change in project status | **Project nearing completion** | **Projects reviewed this month**

#	Project	Description	Application Date	1st Review	2nd Review	3rd Review	4th Review	Neigh-borhood meeting	Advisory Board	City Commis-sion	Final Approval	DO Expiration	LDC Extension Expiration	Building Permit Info	Building Permit Value	Eng. Permit	Eng. Permit Constr. Value	Under Construc tion	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
15	**MISTER CAR WASH** 49 South Yonge Street PZ# 2023-045	Modifications to existing car wash. Close driveway entrance on US1, add vacuum stalls, add landscaping.	03.29.23	04.06.23	05.12.23	08.25.23		Not applicable	06.08.23 (Approved)	07.18.23 (Approved)	09.06.23	09.06.25		Issued 03.12.24	$10,000	Issued 12.01.23	$250,000	0%		E - Caprine O = National Retail Properties, LP
16	**NORTH INTERCHANGE INDUSTRIAL FLEX SPACE** 520 Flagler Road PZ# 2022-076	Proposed two 11,999 square foot industrial flex space buildings on 2.34 acres and associated site improvements.	06.29.22	07.18.22	08.16.22	09.01.22		Not applicable	09.08.22, Recommended for Approval (5-0)	10.18.22 (Approved) & 11.01.22	11.17.22	11.17.24		Not applied	Not applied	Not applied	Not applied			E = Newkirk Engineering, Inc. O = BHT Holdings, LLC
17	**NORTH INTERCHANGE SELF STORAGE** 540 Flagler Road PZ# 2022-075	Proposed 4-story self storage facility (110,900 square feet) with 28 RV and boat parking spaces on 3.40 acres and associated site improvements.	06.30.22	07.18.22	08.17.22	09.01.22		Not applicable	09.08.22, Recommended for Approval (5-0)	10.18.22 (Approved) & 11.01.22	11.22.22	11.22.24		Not applied	Not applied	Not applied	Not applied			E = Newkirk Engineering, Inc. O = BHT Holdings, LLC
18	**OCEAN CLUB ORMOND BEACH** 88 South Atlantic Avenue PZ# 2019-026	Demolition of existing building (10,866 SF) and construction of a new retail shop (8,596 SF)and related site improvements.	01.15.19	01.31.19	06.06.19	06.03.21		06.19.19	07.11.19	08.20.19 & 11.05.19 - (Approved)	08.08.21	Under Constr.		Issued 11.03.22	$1,800,000	Issued 12.07.22	$549,000	98%		E = The Performance Group O = 88 South Atlantic, LLC
19	**ORMOND BEACH HOLDINGS LLC** 251 South Atlantic Avenue PZ #22-018(b)	Proposed five story, 95,700 square foot hotel with 137 rooms, associated driveways, parking (108 spaces east of SRA1A and 62 spaces west of SRA1A) stormwater, utilities, signage, lighting, landscaping, public sidewalk and ADA beach access, and hotel related beach access	03.09.22	04.04.22	06.13.22	08.24.22	09.07.22; 01.31.23	09.14.22	12.05.22 Approved 5-0	01.10.23 & 01.24.23 (Approved)	05.24.23	05.24.25		Issued 02.29.24	$34,000,000	In Review	$1,400,000			E = Parker Mynchenberg & Associates, Inc. APP/O = Ormond Beach Holdings, LLC
19	**ORMOND BEACH HOLDINGS LLC AMENDMENT** 251 South Atlantic Avenue PZ #22-018(b)	Planned Development Amendment to remove the requirement for inclusion of beach approach improvements	12.26.23	01.17,24	In Review - needs CC approval			02.19.24	03.14.24	Tentatively 05.07.24 & 05.21.24				See Above	See Above	See Above	See Above			E = Parker Mynchenberg & Associates, Inc. APP/O = Ormond Beach Holdings, LLC
20	**ORMOND BEACH SELF STORAGE** 490 N. U.S. Highway 1 PZ #2023-021	Proposed 166,423 of storage square footage on 24.28 acres and associated site improvements.	01.27.23	02.20.23	06.07.23	Revision submitted		Not applicable	Not applicable	Not applicable	10.28.23	10.28.25		In review	A =$9,039,174 B= $240,741 C= $665,681 D= $294,240 E= $294,240 F= $9,796,008 G= $1,035,710	Not applied	Not applied			E = Mark Dowst & Associates, Inc. O = TSO Ormond Beach, LP ARC = Smith Boland Architects, LLC
21	**ORMOND CENTRAL SELF STORAGE** 768 West Granada Boulevard PZ# 2022-092	Proposed three story building for a 106,140 square foot climate controlled self-storage facility. Overall building square footage allowed of 131,140 on 8.73 acres.	08.07.22	08.25.22	11.20.22	12.17.22		09.13.22 and 10.20.22	12.08.22 - Approved 5-0	01.24.23 (Approved) & 02.07.23	02.10.23	02.10.25		Issued 10.19.23	$13,488,271	Issued 10.19.23	$523,892	50%		E = Newkirk Engineering, Inc. APP = Ormond Beach Dunamis Storage, LLC O = Ormond Central Investors, LLC
22	**ORMOND GATEWAY REVISION** 1670 North U.S. Highway 1 PZ# 2023-025	Development of an eight lot commercial subdivision and associated site improvements.	02.07.23	02.20.23				Not applicable	03.09.23 Approved	04.18.23 Approved				Not applied	Not applied	Not applied	Not applied			E = Zev Cohen & Associates, Inc. O = Destination Interchange, LLC
23	**PO OB - NEIGHBORHOOD COMMERCIAL** 1730 Plantation Oaks Boulevard SPRC-2024-000023	Construction of a 2-story, 25,520 squar5e foot building with air conditioned storage on 2nd floor	03.13.24	In Review				Required	Required	Required				Not applied	Not applied	Not applied	Not applied			E = Parker Mynchenberg & Associates, Inc.
24	**PUBLIC HOUSE RESTAURANT** 1113 & 1117 North U.S. Highway 1 PZ-23-00000048	Proposed 6,316 square foot restaurant and site improvements	04.26.23	05.11.23	08.04.23	11.22.23		10.30.23	Not applicable	Not applicable	01.12.24			Not applied	Not applied	Not applied	Not applied			E = Engineered Permits, Inc. O = Lee Munizzi
25	**REVELLA AT ORMOND BEACH ALF** 1211 West Granada Boulevard PZ# 2021-073	150 resident Assisted Living Facility, 120,501 SF on 5.54 acres and associated site improvements	05.29.21	06.27.21	08.31.21			06.28.21	Not applicable	Not applicable	09.28.21	Under Constr.		Issued 11.08.22	$29,723,266	Issued 04.26.22	$2,184,284	90%		E = Mark Dowst & Associates, Inc. O = 1245 Blvd. Investors, LLC APP = Ormond Beach Investments, LLC
26	**SHELL GAS STATION** 1628 West Granada Boulevard PZ-2024-000036	Special Exception for ECC at 1628 W. Granada Blvd. for the sale of gasoline	03.07.24					Not applicable	04.11.24	To be determined				Not applied	Not applied	Not applied	Not applied			APP = Aluminum Plus
27	**SHOPPES AT GRANADA POINTE** 550 West Granada Boulevard PZ-23-00000082	Construction of a 21,114 square foot building on 2.52 acres within the Granada Pointe development and associated site work.	09.22.23	10.06.23	11.18.23	01.12.24		Not applicable	Not applicable	Not applicable	02.16.24	02.16.26		In review	$2,030,000	Not applied	Not applied			E = Newkirk Engineering, Inc. O = Granada Pointe Investors, LLC ARC = BPF Design, Inc.
28	**SPLASH CAR WASH** 55 North Nova Road PZ# 2022-041	Redevelopment of a 2.53 acre parcel of a vacant church for a full service car wash with a 9,956 square foot building.	04.27.22	05.11.22	06.06.22	07.29.22	08.10.22	Not applicable	06.09.22 Approved	07.19.22 & 08.03.22 Approved	05.16.23	Under Constr.		Issued 06.08.23	1,500,000	Issued 05.08.23	$976,942	100%		E = Upham Engineering O = Port Orange Investors, LLC APP = Ormond Car Wash Investments, LLC

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Change in project status | **Project nearing completion** | **Projects reviewed this month**

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29	**STOR-IT** 1405 North US Highway 1 PZ# 2022-096	Proposed indoor self-storage facility of 123,534 square feet (three stories) on 5.26 acres and associated site improvements.	08.11.22	08.29.22	11.09.22	03.21.23		11.17.22	12.08.22 Approve 5-0	01.24.23 (Approved) & 02.07.23	04.20.23	Under Constr.		Issued 10.17.23	$7,000,000	Issued 06.13.23	$821,773	30%		E = Parker Mynchenberg & Associates, Inc. O = Vanacore Commercial Property, Inc.
30	**TOMOKA CHRISTIAN CHURCH** 1450 Hand Avenue SPRC-2024-000005	Proposed construction of a new ±20,000 square feet 2 story building for a thrift shop, food pantry and care center to include the associated infrastructure	12.07.23	12.21.23	02.29.24	In Review		02.22.24	03.14.24	04.16.24				Not applied	Not applied	Not applied	Not applied			E = Zev Cohen & Associates O = Tomoka Christian Church
31	**VALIANT DINER, Phase 4** 15 W Tower Circle PZ-22-027	Phase 4 building of 11,500 square feet	Previously approved					Not applicable	Not applicable	Not applicable	11.14.22	Under Constr.		Issued 12.21.23	$1,279,800	Approved	$150,000	15%		E = Zev Cohen & Associates, Inc. O = Valiant Equipment, LLC
32	**WALGREENS/COMMERCIAL AREA IMPROVEMENTS** 2001 West Granada Boulevard PZ# 2022-038	Modifications to the access to West Granada Boulevard and stormwater improvements to Walgreens site	03.21.22	04.05.22	04.22.22	06.03.22	06.28.22	Not applicable	Not applicable	Not applicable	07.14.22	07.14.24		Not applied	Not applied	Not applied	Not applied			E = Newkirk Engineering, Inc.
33	**WALGREENS REVISIONS** 2001 West Granada Boulevard SPRC-2024-000013	Modifications to the access to West Granada Boulevard and stormwater improvements to Walgreens site	02.05.24	03.06.24	03.22.24									Not applied	Not applied	Not applied	Not applied			E = Newkirk Engineering, Inc.
34	**WAWA** 1670 North U.S. Highway 1 PZ# 2023-076	Pending submittal. Proposed 6,119 square foot convenience store with 20 fueling stations and associated site improvements.	08.01.23	08.15.23				Not applicable	Not applicable	Not applicable				Early Review	Not applied	Not applied	Not applied			E = Kelly, Collins & Gentry, Inc. APP = WaWa, Inc. O = Destination Interchange, LLC
35	**WAWA** 1670 North U.S. Highway 1 PZ-2024-000005	Special Exception for authorization of an electronic display feature for gasoline pricing for the proposed WaWa	12.07.23	01.04.24				Not applicable	03.14.24	Tentatively 05.07.24				Not applied	Not applied	Not applied	Not applied			E = Kelly, Collins & Gentry, Inc. APP = WaWa, Inc. O = Destination Interchange, LLC
36	**WOODSPRINGS SUITES** 1119 Benton Street PZ-2024-000015	Comprehensive Plan map amendment from Medium Density Residential to Low Intensity Commercial	02.16.24	03.06.24				Not applicable	03.14.24	04.16.24 & 05.07.24				Not applied	Not applied	Not applied	Not applied			E = Germana Engineering

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Ormond Beach is Utility Provider Only																				
37	**AMBERWOODS** Flagler County PZ-23-00000078	Utility connection, Flagler County for 40 lots on 14.39 acres	07.31.23	08.15.23	11.06.23	12.18.23		Outside City	Outside City	Outside City	01.12.24	01.12.26		Not applicable	Not applicable	Not applied	Not applied			E = Alann Engineering Group O = U.S. Capital Alliance, LLC
38	**BAILEYS BY THE SEA** 2360 Ocean Shore Boulevard SPRC-2024-000003	Utility connection, Ormond By the Sea, 5 multi-family buildings units with 32 total units	11.02.23					Outside City	Outside City	Outside City	11.26.23	Under constr.		Not applicable	Not applicable	Issued 11.05.2023	Utilities - $15,861.68	5%		O = Trisha Bailey E = Kimley-Horn & Associates APP = Jeannimarie, LLC
39	**BEACHVIEW COVE** 2960 Ocean Shore Boulevard PZ #2021-094	Utility connection of 28 lots on 7.81 acres in Ormond by the Sea area.	08.19.21	09.06.21	10.01.21	10.31.21	09.24.23 revision	Outside City	Outside City	Outside City	11.22.21	Under constr.		Not applicable	Not applicable	Issued 10.18.2023	$711,679.47	35%		E = Alliant engineering, Inc. O = Seagate Communities, LLC
40	**BROOKSIDE AT ORMOND STATION** Flagler County SPRC-2024-000004	Flagler County utility connection, 162 lots on 53.16 acres	11.21.23	12.11.23	In Review			Outside City	Outside City	Outside City				Not applicable	Not applicable	Not applied	Not applied			E = Alann Engineering Group O = U.S. Capital Alliance, LLC
41	**CORINTHIAN VILLAS** PZ# 2023-011 1926 Ocean Shore Boulevard	Utility connection for existing multi-family development.	11.29.22	12.06.22	07.10.23			Outside City	Outside City	Outside City	08.08.23	Under constr.		Not applicable	Not applicable	Issued 09.15.23	$356,177	0%		E = Clearwater Solutions, LLC O = Corinthian Villas
42	**GARDEN SIDE, PHASE II** Flagler County SPRC-2024-000021	Flagler County utility connection,89 lots on 40.145 acres	03.05.24	In Review				Outside City	Outside City	Outside City				Not applicable	Not applicable	Not applied	Not applied			E = Alann Engineering Group O = U.S. Capital Alliance, LLC
43	**HUNTER'S RIDGE STORAGE SITE** 2730 Airport Road PZ# 2022-100	Flagler County utility connection for self-storage facility. Building square footage = 102,214 on 10.44 acres	09.19.22	09.27.22				Outside City	Outside City	Outside City	12.20.22	Under constr.		Not applicable	Not applicable	Issued 08.03.23	$22,590	20%		E = Alann Engineering Group O = Preston Court II, LLC
44	**IRIS SUBDIVISION (FLAGLER)** PZ# 2021-071 Flagler County	Utility connection for 76 single-family homes. Flagler County (Hunter's Ridge).	05.12.21	06.07.21	10.29.21			Outside City	Outside City	Outside City	01.10.22	Under constr.		Not applicable	Not applicable	Issued 11.02.23	$809,314	90%		E = Alann Engineering Group O = U.S. Capital Alliance, LLC
45	**OCEAN SHORE PLAZA SEWER** 1452 Ocean Shore Boulevard SPRC-2024-000025	Construction of new private lift station to connect to city sewer in Ormond by the Sea	03.21.24	In Review				Outside City	Outside City	Outside City				Not applicable	Not applicable	Not applied	Not applied			E = Parker Mynchenberg & Associates, Inc. O = Ocean Shore Plaza
46	**REGENCY PLAZA CONDOMINIUM** 1415 Ocean Shore Boulevard PZ# 2022-104	Sewer connection for an existing 133 multi-family condominium.	09.13.22	09.27.22				Outside City	Outside City	Outside City	11.07.22	11.07.24		Not applicable	Not applicable	Approved	$257,165	25%		E = Saltus Engineering, Inc. O = Regency Plaza Condominium
47	**SANDS POINT CONDOMINIUM** 1167 Ocean Shore Boulevard PZ# 2022-103	Sewer connection for an existing 20 multi-family condominium.	10.03.22	10.22.22				Outside City	Outside City	Outside City	11.14.22	11.14.24		Not applicable	Not applicable	Issued 11.03.23	$148,490	80%		E = Robert Marshall. P.E. O = Sands Point Condominium
48	**SURFSIDE CLUB SOUTH** 1133 Ocean Shore Boulevard #PZ-23-086	Sewer connection for an existing 76 multi-family condominium.	09.29.23	10.10.23				Outside City	Outside City	Outside City				Not applicable	Not applicable	Not applied	Not applied			E = Saltus Engineering, Inc. O = Surfside Club South Condo Association
49	**SURF STYLE** 1054 Ocean Shore Boulevard PZ# 2022-006	Volusia County project. Development of a 10,890 building. SPRC review is for the utility connection.	11.16.21	11.29.21				Outside City	Outside City	Outside City	01.10.22	01.10.24		Not applicable	Not applicable	Not applied	Not applied			E = Zev Cohen and Associates, Inc. O = 1054 Ocean Shores Blvd, LLC
50	**WOODSIDE** PZ-23-00000090 Flagler County	Utility connection for 63 single-family homes. Flagler County (Hunter's Ridge).	10.19.23	11.06.23	03.04.24	In Review		Outside City	Outside City	Outside City				Not applicable	Not applicable	Not applied	Not applied			E = Alann Engineering Group O = U.S. Capital Alliance, LLC
51	**VILLAS AT SPANISH WATERS** 2120 Ocean Shore Boulevard PZ# 2023-053	Volusia County project. Provide utilities for an 18 unit townhome project	05.04.23					Outside City	Outside City	Outside City	05.24.23	05.24.25		Not applicable	Not applicable	Not applied	Not applied			E = The Performance Group O = Coquina Dunes, LLC

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City of Ormond Beach Residential Development Report, as of April 1, 2024

#	Project	Description	Application Date	1st Review	2nd Review	3rd Review	4th Review	Neigh-borhood meeting	Advisory Board	City Commis-sion	Final Approval	DO Expiration	LDC Extension Expiration	Eng. Permit	Eng. Permit Constr. Value	Under construc-tion	E or Arc = Project Engineer or Architect O = Owner A = Applicant
A	**121 EAST** 121 East Granada Boulevard PZ-22-00000098	. Proposed multi-story multi-family development of 24 units	08.12.22	09.01.22	05.17.23	08.23.23		03.14.23	06.08.23 (Approved)	07.18.23 & 08.01.23 (Approved)				Not applied	Not applied		E = Zev Cohen & Associates, Inc. O = Dime Rock Properties, LLC
B	**ARCHER'S MILL PHASE 1, PRELIMINARY PLAT** Plantation Oaks Boulevard PZ #2022-091	94 single-family lots on 42.38 acres, Plantation Oaks PRD (Phase 3)	08.01.22	08.22.22	10.18.22	01.10.23		Not Required	12,05.22 (Approved)	01.10.23 (Approved)	02.22.23; Revision 11.24.23	Under construction		Issued 02.22.23	$4,920,754.00	100%	E = Parker Mynchenberg & Associates, Inc. O = Forestar USA Real Estate Group Inc.
C	**ARCHER'S MILL PHASE 2 PRELIMINARY PLAT** 313 Bracer Way PZ# 2023-051	68 lots on 25.53 acres, Plantation Oaks PRD (Phase 3)	05.01.23	05.22.23	08.08.23	09.11.23		Not Required	06.08.23 (Approved)	07.18.23 (Approved)	11.10.23			Issued 11.27.23	$1,883,146.98	35%	E = Parker Mynchenberg & Associates, Inc. O = Forestar USA Real Estate Group Inc.
C	**ARCHER'S MILL PHASE 2 FINAL PLAT** 313 Bracer Way PZ-2024-000033	68 lots on 25.53 acres, Plantation Oaks PRD (Phase 3)	03.08.24	In Review				Required	Required	Required				See Preliminary Plat	See Preliminary Plat	See Prem. Plat	E = Parker Mynchenberg & Associates, Inc. O = Forestar USA Real Estate Group Inc.
D	**ARCHER'S MILL PHASE 3 PRELIMINARY PLAT** 3016 Bonspiel Drive PZ# 2023-052	59 lots on 22.42 acres, Plantation Oaks PRD (Phase 3)	05.01.23	05.24.23	08.08.23	09.15.23		Not Required	06.08.23 (Approved)	07.18.23 (Approved)	10.17.23	10.17.25		Not applied	Not applied		E = Parker Mynchenberg & Associates, Inc. O = Forestar USA Real Estate Group Inc.
E	**ARCHER'S MILL PHASE 4 PRELIMINARY PLAT** 3150 Arch Avenue PZ# 2023-059	111 lots on 51.56 acres, Plantation Oaks PRD (Phase 3)	05.19.23	06.29.23	09.19.23			Not Required	08.10.23 (Approved)	09.20.23 (Approved)	10.30.23			Not applied	Not applied		E = Parker Mynchenberg & Associates, Inc. O = Forestar USA Real Estate Group Inc.
F	**ARCHER'S MILL PHASE 5 PRELIMINARY PLAT** 3343 Bonspiel Drive PZ# 2023-060	114 lots on 92.71 acres, Plantation Oaks PRD (Phase 3)	05.19.23	06.29.23	09.18.23			Not Required	08.10.23 (Approved)	09.20.23 (Approved)	10.17.23			Issued 11.27.23	$1,225,490.57	20%	E = Parker Mynchenberg & Associates, Inc. O = Forestar USA Real Estate Group Inc.
G	**ARCHER'S MILL PHASE 6 PRELIMINARY PLAT** 3665 Bonspiel Drive PZ# 2023-061	78 lots on 46.54 acres, Plantation Oaks PRD (Phase 3)	05.19.23	07.10.23	09.18.23			Not Required	08.10.23 (Approved)	09.20.23 (Approved)	10.17.23			Issued 11.27.23	$2,668,369.85	20%	E = Parker Mynchenberg & Associates, Inc. O = Forestar USA Real Estate Group Inc.
G	**ARCHER'S MILL PHASE 6 FINAL PLAT** 3665 Bonspiel Drive PZ-2024-000035	78 lots on 46.54 acres, Plantation Oaks PRD (Phase 3)	03.08.24	In Review				Required	Required	Required				See Preliminary Plat	See Preliminary Plat	See Prem. Plat	E = Parker Mynchenberg & Associates, Inc. O = Forestar USA Real Estate Group Inc.
H	**BRADFORD LAKES PRELIMINARY PLAT** 140 Bradford Lakes Way PZ-23-00000042	80 single-family lots on 53.12 acres, Plantation Oaks PRD (Phase 4)	03.23.23	05.01.23, 1st 07.19.23 2nd	09.15.23, 3rd	11.22.23, 4th 02.07.24 5th	02.29.24	Not Required	08.10.23 (Approved)	09.20.23 (Approved)	03.08.24			Pending	$3,586,560.00		E = Parker Mynchenberg & Associates, Inc. O = Ridge Land Holdings, LLC
I	**BRADFORD PARK PRELIMINARY PLAT** 1175 Bradford Park Way SPRC-2024-000012	180 townhomes and associated site improvements on 25.31 acres.	07.06.23	07.31.23	09.15.23	10.19.23 3rd 12.21.23 4th	In Review	Not Required	01.11.24	2.20.23	03.04.24			Pending	$2,855,823.00		E = Parker Mynchenberg & Associates, Inc. O = Ridge Land Holdings, LLC
J	**ENCLAVE PRELIMINARY PLAT** 475 North Tymber Creek Road PZ# 2023-066	12 lots on 26.17 acres.	06.05.21	06.15.23	08.08.23			Not Required	09.14.23 (Approved)	10.17.23 (Approved)				Not applied	Not applied		E = Zev Cohen & Associates, Inc. APP = Paylin Tymber 1 and 2, LLC
K	**FOUNTAIN VIEW, AMENITY CENTER** 1400 Fountain View Street SPRC-2024-000022	Modification to approved site plan. A 5,040 square foot amenity center with pool and associated improvements	03.07.24	In Review				Not Required	Not Required	Not Required							E = Parker Mynchenberg & Associates, Inc. O = Plantation Oaks of Ormond Beach, LLC

* Highlighted projects indicate change in status (such as SPRC approval, CC approval, building permits issued, or CO issued).

City of Ormond Beach Residential Development Report, as of April 1, 2024

#	Project	Description	Application Date	1st Review	2nd Review	3rd Review	4th Review	Neigh-borhood meeting	Advisory Board	City Commis-sion	Final Approval	DO Expiration	LDC Extension Expiration	Eng. Permit	Eng. Permit Constr. Value	Under construc-tion	E or Arc = Project Engineer or Architect O = Owner A = Applicant
L	**FOUNTAIN VIEW PHASE 1B, PRELIM. PLAT** 1700 Plantation Oaks Boulevard PZ-23-00000084	137 lots on 77.91 acres Plantation Oaks PRD (Phase 1)	09.22.23	10.15.23	12.12.23	1.29.24		Not Required	01.11.24	2.20.23	02.27.24	Under construction		Issued 02.29.24	$4,090,127.00	10%	E = Parker Mynchenberg & Associates, Inc. O = Plantation Oaks of Ormond Beach, LLC
L	**FOUNTAIN VIEW PHASE 1B, FINAL PLAT** 1700 Plantation Oaks Boulevard PZ-23-00000084	Final Plat 137 lots on 77.91 acres, Plantation Oaks PRD (Phase 1)	01.29.24	03.06.24				Not Required	04.11.24	Tentatively 05.21.24				See Preliminary Plat	See Preliminary Plat		E = Parker Mynchenberg & Associates, Inc. O = Plantation Oaks of Ormond Beach, LLC
M	**FOUNTAIN VIEW PHASE 1C, PRELIM. PLAT** 1160 Fountain View Street SPRC-2024-000007	141 lots on 90.33 acres, Plantation Oaks PRD (Phase 1)	12.11.23	01.10.24	03.01.24			Not Required	02.08.24	04.02.24				Not applied	Not applied		E = Parker Mynchenberg & Associates, Inc. O = Plantation Oaks of Ormond Beach, LLC
N	**FOUNTAIN VIEW PHASE 1D, PRELIM. PLAT** 1789 Houmas Street SPRC-2024-000016	103 lots on 62.14 acres, Plantation Oaks PRD (Phase 1)	02.08.23	03.15.24				Not Required	04.11.24	Tentatively 05.21.24				Not applied	Not applied		E = Parker Mynchenberg & Associates, Inc. O = Plantation Oaks of Ormond Beach, LLC
O	**FOUNTAIN VIEW PHASE 1E, PRELIM. PLAT** 1587 Nottoway Circle SPRC-2024-000017	110 lots on 36.20 acres, Plantation Oaks PRD (Phase 1)	02.08.23	03.18.24				Not Required	04.11.24	Tentatively 05.21.24				Not applied	Not applied		E = Parker Mynchenberg & Associates, Inc. O = Plantation Oaks of Ormond Beach, LLC
P	**FOUNTAIN VIEW PHASE 1F, PRELIM. PLAT** 1130 Evelyton Lane SPRC-2024-000018	97 lots on 32.13 acres, Plantation Oaks PRD (Phase 1)	02.08.23	03.21.24				Not Required	04.11.24	Tentatively 05.21.24				Not applied	Not applied		E = Parker Mynchenberg & Associates, Inc. O = Plantation Oaks of Ormond Beach, LLC
Q	**ORMOND ENCLAVE (FKA COURTYARDS)** 135 North Yonge Street PZ# 2021-079	Construct 64 unit multi family apartment complex.	06.17.21	07.09.21	10.19.22	05.08.23	06.17.23	08.15.21; 01.17.23	06.08.23 (Approved)	07.18.23 (Approved) & 08.01.23 (Approved)				Not applied	Not applied		E = Parker Mynchenberg & Associates, Inc. O = CST Holdings, LLC ARC = BPF Design
R	**PLANTATION OAKS, 2C** 2124 Esplanada Drive PZ# 2020-025	Development of 121 lots on 63.12 acres. Manufactured home phase. Plantation Oaks PRD (Phase 2)	12.14.17	2.07.18	07.17.18			Volusia County approval	Volusia County approval	Volusia County approval	09.20.18	Under construction	Under construction	Issued 09.17.21	$3,044,572	70%	E = Parker Mynchenberg & Associates, Inc. O = Plantation Oaks of Ormond Beach, LLC
S	**PLANTATION OAKS, 2D** 2258 Chretien Drive PZ# 2020-026	Development of 84 units on 27.32 acres. Manufactured home phase. Plantation Oaks PRD (Phase 2)	12.14.17	02.12.18	08.24.18			Volusia County approval	Volusia County approval	Volusia County approval	09.20.18	Under construction	Under construction	Issued 09.17.21	$1,784,746	65%	E = Parker Mynchenberg & Associates, Inc. O = Plantation Oaks of Ormond Beach, LLC
T	**REGAL MULTIFAMILY** 215 Williamson Boulevard PZ# 2022-047	Redevelopment of 310 multi-family units on 12 acres	04.22.22	05.11.22	07.20.22	09.21.22	10.19.22 11.20.22 12.11.22 02.02.23	Not Required	06.09.22 (Approved)	07.19.22 & 08.03.22 (Approved)	02.01.23	02.01.25		Not applied	Not applied		O = Southwest I-95, LLC E = Newkirk Engineering APP = LIV Development
U	**RIDGEHAVEN PRELIMINARY PLAT** 1066 Cliffhaven Court PZ# 2022-061	84 duplex units and 202 single-family lots within a Planned Residential Development on 103.45 acres	05.23.22	06.13.22	10.14.22	12.20.22	02.03.23 07.26.22 09.20.23	Complete d	04.13.23 (Approved)	05.16.23 & 06.06.23 (Approved)	10.17.23 Revision 02.01.24	Under construction		Issued 12.21.23	$6,950,757	25%	O = Meritage Homes of Florida, Inc. E = Parker Mynchenberg & Associates, Inc.
V	**RIDGEHAVEN FINAL PLAT** 1066 Cliffhaven Court PZ-2024-000009	84 duplex units and 202 single-family lots within a Planned Residential Development on 103.45 acres	01.16.24	02.19.24				Not Required	03.14.24	05.07.24 & 05.21.24				See Preliminary Plat	See Preliminary Plat		O = Meritage Homes of Florida, Inc. E = Parker Mynchenberg & Associates, Inc.
W	**RIVELL SUBDIVISION** 100 Rivell Trail SPRC-2024-0000014	Residential subdivision converting one 5.16 acre lot into 4 lots of record	02.05.24	03.07.24				Not Required	Required	Required							E = Newkirk Engineering, Inc O = Marie Lilienstern

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City of Ormond Beach Residential Development Report, as of April 1, 2024

#	Project	Description	Application Date	1st Review	2nd Review	3rd Review	4th Review	Neigh-borhood meeting	Advisory Board	City Commis-sion	Final Approval	DO Expiration	LDC Extension Expiration	Eng. Permit	Eng. Permit Constr. Value	Under construc-tion	E or Arc = Project Engineer or Architect **O = Owner** **A = Applicant**
X	**TATTERSALL AT TYMBER CREEK** Tymber Creek Road and Airport Road PZ# 2023-041	Preliminary Plat for a 129 lot subdivision and associated site improvements.	03.14.23	05.01.23	11.14.23	1.29.24	03.06.24	01.18.24	02.08.24	Tentatively 05.07.24				Not applied	Not applied		E = Zev Cohen & Associates, Inc. O = Tymber Sky, LLC & Enclave of Tymber Creek LLC APP = Paylin Tymber 1 and 2, LLC
Y	**TIDES EDGE PRELIMINARY PLAT** 300 South Atlantic Avenue PZ# 2022-018	Preliminary plat for 15 single-family lots.	05.31.22	06.13.22	09.07.22	11.20.22		09.14.22	12,05.22	01.10.23 & 01.24.23	03.27.23			Approved	$718,460	20%	E = Parker Mynchenberg & Associates, Inc. O = Ormond Beach Holdings, LLC
Z	**TIDES AT ORMOND BEACH FINAL PLAT** 300 South Atlantic Avenue PZ# 2023-062	Final Pat for 15 single-family lots.	05.24.23	06.06.23	10.03.23	10.30.23		Not Required	03.14.24	05.07.24 & 05.21.24				See Preliminary Plat	See Preliminary Plat		E = Parker Mynchenberg & Associates, Inc. O = Ormond Beach Holdings, LLC
AA	**TOMOKA RESERVE, ZMA TO R-2** 20 Tomoka Oaks Boulevard PZ#23-054	Zoning Map Amendment from PRD to R-2 if the Tomoka Reserve development order amendment is denied.	05.04.23	06.01.23				Not Required	01.11.24 Denial	04.16.24 First reading				Not applied	Not applied		O = Triumph Oaks of Ormond Beach I, LLC E - Zev Cohen & Associates, Inc. APP = Cobb Cole
BB	**TYMBER CREEK APARTMENTS** 2011 West Granada Boulevard SPRC -2024-000015	270 multi-family units and associated site improvements on a vacant 19.62 acre parcel.	12.07.21	3.4.24				06.08.22	12.08.22 Denial (5-0)	05.16.23 & 06.06.23 (Approved)	03.20.2024			Not applied	Not applied		E - Newkirk Engineering O = VCP Ormond Beach, LLC ARC = English Associates, Inc.

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Planning public hearing items

City Commission items					
File Number	**Item**	**Description**	**Planning Board**	**City Commission, 1st reading or only**	**City Commission, 2nd reading**
NA	Groveside at Ormond Station (f/k/a Celadine) Lift Station dedication	The purpose of this item is for the City of Ormond Beach to accept a deed for a public lift station within Groveside at Ormond Station (f/k/a Celadine).	NA	**04.02.2024**	NA
SPRC-2024-007	Fountain View, Phase 1C Preliminary Plat	This is an application from Plantation Oaks of Ormond Beach, LLC, for a preliminary plat for 141 single-family lots on 90.33 acres. The Fountain View, Phase 1C subdivision is located 1160 Fountain View Street and is a part of parcel 3124-00-00-0020.	02.08.24 (Approved)	**04.02.2024**	NA
ZMA 2023-054	Tomoka Reserve, Zoning Map Amendment	This is an application submitted by Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC, for a zoning map amendment from PRD, Planned Residential Development to R-2, Single-Family Low Density for approximately 147.94 acres located at 20 Tomoka Oaks Boulevard.	Denied (7-0) 01.11.2024	**04.16.2024**	**To be determined**
PZ-2024-004	Tomoka Christian Church, Special Exception	This is a request by Tomoka Christian Church, for a Special Exception amendment to allow new construction of a stand-alone, two-story building of approximately 20,000 square feet at the Tomoka Christian Church property to include a care center, thrift shop, food pantry and associated site improvements. The area for the project improvements is 1.82 acres and is located at 1450 Hand Avenue. The Tomoka Christian Church property is a total of 23.04 acres and the original Special Exception was approved with Ordinance 2008-102. The property has a zoning designation of SR, Suburban Residential.	03.14.2024 Approved (6-0)	**04.16.2024**	NA
PZ-2024-019	Mural at 51 West Granada Boulevard	A request from Rayna Dunlop, Fern & Fable Books, with the authorization of the property owner, Highlander Corporation to paint a mural at 51 West Granada Boulevard.	OBADB 03.19.2024 Approved (8-0)	**04.16.2024**	NA
PZ-2024-016	7-Eleven Electronic Changeable Copy Signage, 3 North Yonge Street, Special Exception	This is a request submitted by Independent Sign and Lighting, LCC, on behalf of the property owner, for a Special Exception to allow two (2) electronic changeable copy signs for the retail prices of gasoline at the 7 Eleven convenience store located at 3 North Yonge Street. There are no other site or building improvements proposed.	03.14.2024 Approved (5-1)	**04.16.2024**	NA
PZ-2024-017	7-Eleven Electronic Changeable Copy Signage, 460 South Atlantic Avenue, Special Exception	This is a request submitted by Independent Sign and Lighting, LCC, on behalf of the property owner, for a Special Exception to allow two (2) electronic changeable copy signs for the retail prices of gasoline at the 7 Eleven convenience store located at 460 South Atlantic Avenue. There are no other site or building improvements proposed.	03.14.2024 Approved (5-1)	**04.16.2024**	NA
PZ-2024-018	7-Eleven Electronic Changeable Copy Signage, 1546 West Granada Boulevard, Special Exception	This is a request submitted by Ormond Beach Holdings, LLC, for a final plat of the subdivision of 3.49 acres into fifteen (15) single-family lots and associated site improvements. The subject property includes a portion of 264 South Atlantic Avenue, 225 Magnolia Avenue, and 300 South Atlantic Avenue.	03.14.2024 Approved (5-1)	**04.16.2024**	NA
PZ-2024-015	Woodsprings Suites, Comprehensive Plan Land Use Map Amendment	This is a request submitted by Ridge Land Holdings, LLC and RCM Properties, LLC, property owners, for a Small-Scale Comprehensive Plan Land Use Map amendment for an approximately 1.33 acres located at Benton Street and Atlantic Avenue, Volusia County Parcel Identification Numbers (3136-01-34-0220, 3136-01-01-0022, and 3136-0134-0140), from “Medium Density Residential” to “Low Intensity Commercial”. The property is within the North U.S. 1 Interlocal Service Boundary Agreement (ISBA) area that contain land use conditions of a maximum of 8 units per acre and a maximum Floor Area Ratio that shall not exceed 0.50 for Retail and 0.55 for all other Nonresidential uses.	03.14.2024 Approved (6-0)	**04.16.2024**	**05.07.2024**
PP-23-041	Tattersall at Tymber Creek, Preliminary Plat	This is an application submitted by Paylin Tymber 1 and 2, LLC, property owner, for a Preliminary Plat for a 129-lot subdivision titled Tattersall at Tymber Creek on approximately 84.22 acres. The subdivision was issued a development order with Ordinance 2022-33 for a 129-lot subdivision under certain conditions. The Tattersall at Tymber Creek subdivision is located at 304 North Tymber Creek Road, 370 North Tymber Creek Road, and 2099 Airport Road.	02.08.24 (Approved)	**05.07.2024**	NA

Note: City Commission items are based upon the best information available as of the publishing of this report. City Commission agendas are available at: https://ormondbeach.iqm2.com/citizens/default.aspx?. For additional information, please contact the Planning Department via e-mail at comdev@ormondbeach.org or by telephone at (386) 676-3238.

Planning public hearing items

City Commission items					
File Number	**Item**	**Description**	**Planning Board**	**City Commission, 1st reading or only**	**City Commission, 2nd reading**
PZ-2024-006	Ormond Beach Holdings, LLC, Planned Business Development Amendment	This is a request submitted by Robert A. Merrell, III, Esquire, Cobb Cole, on behalf of the property owner, Ormond Beach Holdings, LLC, to amend the Planned Business Development, approved with Ordinance 2023-05, to amend the development order for the site by removing a proposed sidewalk/beach walkover access improvement that was illustrated to become part of the adjacent Volusia County beach approach. No other amendments to the approved PBD development order are proposed. The subject property is a total of approximately 2.95 acres and is located at 251 South Atlantic Avenue (approximately 2.19 acres) and a portion of the property at 264 South Atlantic Avenue (approximately 0.76 acres).	03.14.2024 Approved (6-0)	**05.07.2024**	**05.21.2024**
PZ-2024-005	WaWa #5437, Electronic Changeable Copy Signage, 1670 North U.S. Highway 1, Special Exception	This is a request submitted by Joseph Posey, Storch Law Firm, for a Special Exception to allow electronic changeable copy monument signs for the retail prices of gasoline and alternative signage standards at the WaWa convenience store. The subject property is located at 1670 North U.S. Highway 1 and is lot 2 of the proposed Ormond Gateway commercial subdivision.	Approved (5-1)	**05.07.2024**	
PZ-2023-062	Tides Edge at Ormond Beach Subdivision, Final Plat	This is a request submitted by Ormond Beach Holdings, LLC, for a final plat of the subdivision of 3.49 acres into fifteen (15) single-family lots and associated site improvements. The subject property includes a portion of 264 South Atlantic Avenue, 225 Magnolia Avenue, and 300 South Atlantic Avenue.	03.14.2024 Approved (6-0)	**05.07.2024**	**05.21.2024**
LDC 2024-011	Land Development Code Amendment, R-4, R-5, and R-6 zoning district amendments	This is an administrative amendment to the Land Development Code (LDC), Chapter 2, District and General Regulations, Article II, District Regulations: Section 2-17(B)(12)(b)(d), 2-18(B)(12)(b)(d), 2-19(A), 2-19(B)(12)(b)(d) to (1) amend the rear yard setbacks from 25' to 20' for all uses except townhouses in the R-4, Single-Family Cluster & Townhouse, R-5, Multifamily Medium Density, R-6, Multifamily Medium-High Density zoning districts, (2) clarify street side corner label in the R-4, Single-Family Cluster & Townhouse, R-5, Multifamily Medium Density, R-6, Multifamily Medium-High Density zoning districts , and (3) amend the purpose section for the R-6, Multifamily Medium-High Density zoning district.	03.14.2024 Approved (6-0)	**05.07.2024**	**05.21.2024**
PZ-2024-009	RidgeHaven Subdivision, Final Plat	This is a request submitted by Meritage Homes of Florida, Inc., for a final plat of a subdivision consisting of 84 duplex lots and 202-lot, single-family lots on approximately 103.45 acres, titled RidgeHaven. The RidgeHaven subdivision is located south of Plantation Oaks Boulevard, east of Addison Drive, north of the Village of Pine Run subdivision, and west of the Plantation Oaks subdivision and includes the following Volusia County parcel numbers: 3136-01-01-0011, 3136-01-01-0012, 3136-01-33-0110, 3136-01-25-0010, 3136-01-24-0060, 3136-01-33-0080, 3136-01-01-0020, 3136-01-23-0060, and 3136-01-24-0050.	03.14.2024 Approved (6-0)	**05.07.2024**	**05.21.2024**
NA	ISBA Resolution to Volusia County	This is a Resolution related to the Interlocal Service Boundary Agreement area. On January 19, 2024, City staff received Volusia County Resolution 2023-156, which initiated the process to amend the Interlocal Service Boundary Agreement. Resolution 2023-156 contains two parts: (1) Expansion of the land area of the Interlocal Service Boundary Agreement to include the property at 874 Hull Road and (2) Extension of the Interlocal Service Boundary Agreement for an additional ten (10) years from the expiration of the current Interlocal Service Boundary Agreement. The city Resolution shall only support the renewal of the ISBA for a period of ten years.	NA	**05.07.2024**	**NA**

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Board of Adjustment and Appeals - April 6, 2024		
PZ-2024-023	88 Wye Drive	This is an application from William Lenssen, Sarsum Recta Const., LLC., agent on behalf of the property owner of 88 Wye Drive. The subject property is zoned as R-3, (Single-Family Medium Density). The applicant is requesting a side yard variance to allow construction of a 4' wide sidewalk on the south side of the single-family residence. Section 2-50(y)(1) of the Land Development Code requires that no patio, deck or sidewalk shall be closer than five (5) feet to the side interior property line. A variance of 4 feet to the required interior side yard setback of 5 feet is requested for a final interior side yard setback of 1 foot in order to construct a 4' wide sidewalk on the south side of the single-family residence.

Planning public hearing items

Planning Board - April 11, 2024		
PZ-23-077	Water Supply Work Plan, Comprehensive Plan amendment	This is an administrative request to amend the Comprehensive Plan related to the Water Supply Work Plan, including text amendments to the (1) Utilities Element, (2) Conservation Element, (3) Capital Improvements Element and adoption of the Water Supply Plan as Appendix A to the Utilities Element.
PZ-24-010	Fountain View, Phase 1B, Final Plat	This is an application submitted from Plantation Oaks of Ormond Beach, LLC, for a final plat for a 137-lot single-family subdivision on approximately 63.22 acres. The Fountain View, Phase 1B subdivision, part of Phase 1 of the Plantation Oaks Planned Residential Development, located on the west side of Plantation Oaks Boulevard. The subdivision land area is part of an overall parcel at 1700 Plantation Oaks Boulevard.
SPRC-24-016	Fountain View, Phase 1D, Preliminary Plat	This is an application submitted from Plantation Oaks of Ormond Beach, LLC, for a preliminary plat for 103 single-family lots on 62.14 acres. The Fountain View, Phase 1D subdivision, part of Phase 1 of the Plantation Oaks Planned Residential Development, located on the west side of Plantation Oaks Boulevard. The subdivision land area is part of an overall parcel at 1700 Plantation Oaks Boulevard.
SPRC-24-017	Fountain View, Phase 1E, Preliminary Plat	This is an application submitted from Plantation Oaks of Ormond Beach, LLC, for a preliminary plat for 110 single-family lots on 36.19 acres. The Fountain View, Phase 1E subdivision, part of Phase 1 of the Plantation Oaks Planned Residential Development, located on the west side of Plantation Oaks Boulevard. The subdivision land area is part of an overall parcel at 1700 Plantation Oaks Boulevard.
SPRC-24-018	Fountain View, Phase 1F, Preliminary Plat	This is an application submitted from Plantation Oaks of Ormond Beach, LLC, for a preliminary plat for 97 single-family lots on 32.13 acres. The Fountain View, Phase 1F subdivision, is part of Phase 1 of the Plantation Oaks Planned Residential Development, located on the west side of Plantation Oaks Boulevard. The subdivision land area is part of an overall parcel at 1700 Plantation Oaks Boulevard.
PZ-24-024	1628 West Granada Boulevard, Special Exception for Electronic Changeable Copy Signage	This is an application submitted from Aluminum Plus, on behalf of the property owner, Monica Investment Group, Inc., for a Special Exception to allow for one (1) electronic changeable copy sign for retail prices of gasoline at the Shell Convenience store located at 1628 West Granada Boulevard.
PZ-24-038	Interlocal Service Boundary Agreement (ISBA) renewal	This is an administrative request to renew the North U.S. 1 Interlocal Service Boundary Agreement (ISBA). The North U.S. 1 Interlocal Service Boundary Agreement was adopted in 2014, amended in 2019 (Plantation Oaks – first amendment), and 2021/2022 (RidgeHaven – second amendment). The administrative request seeks a ten (10)-year renewal and does not amend any other portions of the North U.S. 1 Interlocal Service Boundary Agreement.
PZ-24-040	Land Development Code Amendment, Stout-MacDonald House name change to Local Landmark List	An administrative request to amend the Land Development Code (LDC), Chapter 2, District and General Regulations, Article VI, Overlay Districts, Section 2-71, Historic districts and landmarks, subsection (k), Ormond Beach Historic Landmark List, number (31) to amend the name of the historic landmark at 38 East Granada Boulevard from the MacDonald House to the Stout-MacDonald House.
PZ-24-039	Capital Improvements Element	This is an administrative amendment to update the Capital Improvements Schedule of the Capital Improvements Element of the City of Ormond Beach Comprehensive Plan consistent with the adopted Capital Improvement Plan in accordance with State law. This update does not include any text changes to the goals, objectives and policies of the Capital Improvements Element.
PZ-24-004	Zoning Districts Review	An administrative action to review the Ormond Beach zoning districts, including the uses of the B-1, B-2, B-4, B-5, and B-6 zoning districts, definition of uses and conditional & special exception criteria. Any recommended changes would require a separate action as a Land Development Code amendment
The Planning Board agenda is available at: https://www.ormondbeach.org/224/Planning-Board. For additional information, please contact the Planning Department via e-mail at comdev@ormondbeach.org or by telephone at (386) 676-3238.		

PERMIT ISSUANCE SUMMARY (03/01/2024 TO 03/28/2024)
FOR CITY OF ORMOND BEACH

Permit Type	Permit Work Class*	Permits Issued	Square Feet	Valuation	Fees Paid
Building Non-Residential	Detached Accessory Structure	5	584	$102,098.40	$1,713.07
	Dock/Seawall	1	996	$0.00	$93.25
	Electrical	8	0	$185,430.00	$2,607.14
	Exterior	7	7,563	$188,232.00	$2,568.56
	Gas	1	0	$2,500.00	$187.63
	Interior Build Out	3	17,217	$2,560,129.00	$13,309.33
	Mechanical	11	25,350	$533,986.56	$3,311.05
	New Construction	1	4,443	$2,000,000.00	$350.00
	New Construction, Addition	1	150	$5,000.00	$207.00
	Plumbing	2	5,250	$32,495.00	$462.88
	Pool/Spa	1	0	$290,000.00	$2,452.92
	Reroof	7	93,302	$401,327.00	$3,373.48
	Signage	8	254	$47,257.00	$1,323.76
	Utility Connection Permit (UCP)	1	0	$0.00	$6,420.00
	BUILDING NON-RESIDENTIAL TOTAL:	**57**	**155,109**	**$6,348,454.96**	**$38,380.07**
Building Residential	Demolition, Partial or Interior	1	768	$500.00	$93.25
	Detached Accessory Structure	8	3,944	$230,900.00	$3,199.51
	Dock/Seawall	5	548	$195,500.00	$2,715.65
	Electrical	14	2,712	$41,900.00	$1,322.00
	Exterior	62	11,054	$908,472.38	$13,493.34
	Gas	7	0	$35,942.01	$969.05
	Generator	3	10,679	$5,300.00	$465.25
	Interior	5	7,924	$384,554.00	$3,654.52
	Manufactured/Mobile Home	3	4,194	$67,000.00	$19,486.96
	Mechanical	84	15,100	$1,615,633.00	$6,488.07
	New Construction, Addition	3	219	$178,010.00	$1,701.16
	New, Single Family Residential	8	19,058	$3,226,037.71	$107,567.32
	Plumbing	5	1,650	$40,875.00	$4,748.50
	Pool/Spa	7	2,167	$498,660.00	$6,885.03
	Reroof	108	83,028	$1,943,422.57	$18,809.10
	Screen Enclosure	4	1,721	$53,270.00	$736.59
	Solar	13	250	$421,358.74	$4,304.97
	Utility Connection Permit (UCP)	2	0	$0.00	$10,004.94
	BUILDING RESIDENTIAL TOTAL:	**342**	**165,016**	**$9,847,335.41**	**$206,645.21**
Engineering Residential	Grade & Fill	1	0	$0.00	$101.00
	Seawall Revetment	1	0	$0.00	$110.75
	Tree Removal	23	0	$0.00	$440.00
	ENGINEERING RESIDENTIAL TOTAL:	**25**	**0**	**$0.00**	**$651.75**
Fire Non-Residential	Fire Protection Systems	4	157,218	$231,485.00	$710.50
	Fireworks	1	0	$0.00	$285.00
	FIRE NON-RESIDENTIAL TOTAL:	**5**	**157,218**	**$231,485.00**	**$995.50**
LDC Non-Residential	Non-Residential SPRC Site Improvem	1	0	$1.00	$8,689.43
	Special Event Permit	5	2,400	$1,504.00	$1,025.00
	LDC NON-RESIDENTIAL TOTAL:	**6**	**2,400**	**$1,505.00**	**$9,714.43**
LDC Residential	Garage Sale	48	0	$381.00	$230.00
	LDC	41	0	$280,004.92	$3,015.00

** Double-click the Permit Work Class Name while in the browser to see Permit details for that Work Class.*

PERMIT ISSUANCE SUMMARY (03/01/2024 TO 03/28/2024)

Permit Type	Permit Work Class*	Permits Issued	Square Feet	Valuation	Fees Paid
	LDC RESIDENTIAL TOTAL:	89	0	$280,385.92	$3,245.00
	GRAND TOTAL:	524	479,742	$16,709,166.29	$259,631.96

** Double-click the Permit Work Class Name while in the browser to see Permit details for that Work Class.*

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 8.A

Section:	PUBLIC HEARINGS		
Item Category:	Public Hearing - Ordinances	**Res./Ord. No:**	2024-2
Strategic Goal:	Quality of Life - Other		
Department:	Planning & Building		
Subject:	Woodsprings Suites, Comprehensive Plan Land Use Map Amendment		
Summary:	This is a request submitted by Ridge Land Holdings, LLC, and RCM Properties, LLC, property owners, for a Small-Scale Comprehensive Plan Land Use Map amendment for approximately 1.33 acres located at Benton Street and Atlantic Road, Volusia County Parcel Identification Numbers (3136-01-34-0220, 3136-01-01-0022, and 3136-01-34-0140) from "Medium Density Residential" to "Low Intensity Commercial." The property is within the North U.S. Highway 1 Interlocal Service Boundary Agreement (ISBA) area that contains land use conditions of a maximum of 8 units per acre and a maximum Floor Area Ratio that shall not exceed 0.50 for Retail and 0.55 for all other Nonresidential uses. The subject property is a total of 2.66 acres with a split land use of "Low Intensity Commercial" for 1.33 acres and "Medium Density Residential" for 1.33 acres. The purpose of the Comprehensive Plan Small Scale Land Use Map amendment is to amend the 1.33 acres of "Medium Density Residential" to "Low Intensity Commercial." There has been a conceptual site plan submittal for a four-story hotel of 51,945 square feet with 122 rooms. Based upon the existing split land use and zoning, both this Comprehensive Plan Small Scale Land Use Map amendment and a zoning map amendment would be required. There are also unused alleyways that will require a separate application for right-of-way vacations. The Planning Board reviewed the amendment at the March 14, 2024 meeting and recommended approval by a 6-0 vote. There were no individuals who spoke for or against the Small-Scale Comprehensive Plan Land Use Map amendment.		
Financial Impact:	There is no financial impact as the result of this Small-Scale Comprehensive Plan Land Use Map amendment.		

Citizen Impact:	No citizen impact is expected as the result of this request. The area immediately behind the North U.S. corridor is a transition area where a hotel would be an appropriate use.
Recommended Action (Staff, Advisory Board and/or Other):	The Planning Board recommended **APPROVAL** of the Small-Scale Comprehensive Plan Land Use Map amendment for approximately 1.33 acres located at Benton Street and Atlantic Road, Volusia County Parcel Identification Numbers (3136-01-34-0220, 3136-01-01-0022, and 3136-0134-0140) from "Medium Density Residential" to "Low Intensity Commercial."
Staff Contact:	Steven Spraker, Planning Director, (386) 676-3341
Attachments:	1. 24-02 Woodsprings Suites, Comp Plan LUMA (P24-0050G) 2. Exhibit A, Woodsprings Suites Legal Description 3. Exhibit B, WOODSPRINGS_AMEND_FLU 4. 03.14.2024, Woodsprings Suites Comp Plan Amendment, PB Staff Report(8.5X11) 5. 03.14.2024, DRAFT Planning Board minutes, Woodsprings Suites 6. Ordinance Business Impact Estimate 10-01-23 OB Form - Woodsprings Suites
Approval:	Kelly McGuire, Finance Director 3/20/2024 Claire Whitley, Assistant City Manager 3/21/2024 Joyce Shanahan, City Manager 3/25/2024

ORDINANCE NO. 2024-02

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 1.33± ACRES, LOCATED ALONG BENTON STREET, NORTH OF ATLANTIC ROAD (VOLUSIA COUNTY PARCEL NUMBERS 3136-01-34-0220 AND 3136-01-01-0022) FROM 'MEDIUM DENSITY RESIDENTIAL" TO "LOW INTENSITY COMMERCIAL"; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Ridge Land Holdings, LLC, a Florida Limited Liability Company, and RCM Properties, L.L.C., a Florida Limited Liability Company ("Applicants/Property Owners") are the fee simple owners of certain real property consisting of approximately 2.66 acres located along Benton Street, north of Atlantic Road (Volusia County parcel numbers: 3136-01-34-0220, 3136-01-01-0022, and 3136-01-34-0140), which is legally described and depicted in Exhibit "A" ("Property") attached hereto and incorporated herein, and

WHEREAS, the Property has a split Future Land Use Map designation of "Low Intensity Commercial" for 1.33 acres (Volusia County parcel number: 3136-01-34-0140) and "Medium Density Residential" for 1.33 acres (Volusia County parcel numbers: 3136-01-34-0220 and 3136-01-01-0022), and

WHEREAS, the Applicants/Property Owners have submitted an application to amend the City's Comprehensive Land Use Plan *("Comprehensive Plan"*) by changing the Future Land Use Map designation for a portion of the Property described and depicted in Exhibit "A",

from “Medium Density Residential” to “Low Intensity Commercial” for approximately 1.33 acres, as depicted in Exhibit “B” attached hereto and incorporated herein, and

WHEREAS, the Property is located within the Interlocal Service Boundary Agreement (ISBA) area and Policy 9.1.4. of the Future Land Use Element of the *Comprehensive Plan* states within the “Low Intensity Commercial” land use category that the density shall not exceed 8 dwelling units per acre and the maximum FAR shall not exceed 0.50 for retail and 0.55 for all other nonresidential uses, and

WHEREAS, the City Commission has approved Ordinance No. 90-36, as subsequently amended, adopting a *Comprehensive Plan* in accordance with Part II, Chapter 163, *Florida Statutes*, and

WHEREAS, the proposed *Comprehensive Plan* amendment involves a use of fifty (50) acres or less, and

WHEREAS, the proposed *Comprehensive Plan* amendment does not involve a text change to the goals, policies, and objectives of the City's *Comprehensive Plan*, but only proposes a land use change to the Future Land Use Map for small scale development activity, and

WHEREAS, the proposed *Comprehensive Plan* amendment is not located within an area of critical state concern, and

WHEREAS, the Planning Board, as the City’s local planning agency, duly held a public hearing, with due public notice, and recommends approval of the proposed *Comprehensive Plan* amendment, and

WHEREAS, the City Commission has conducted public hearings on the proposed *Comprehensive Plan* amendment, as described in §163.3184(11), *Florida Statutes*, and

WHEREAS, the City Commission finds that approval of the proposed *Comprehensive Plan* amendment will preserve the internal consistency of the City's *Comprehensive Plan* pursuant to §163.3177, *Florida Statutes*, and

WHEREAS, the proposed *Comprehensive Plan* amendment shall be submitted to the Volusia Growth Management Commission for a determination of consistency in accordance with Section 202.3 of the Charter of Volusia County, Florida, now therefore,

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

SECTION ONE. The foregoing recitals are incorporated herein by reference as the legislative findings of the Ormond Beach City Commission.

SECTION TWO. The Future Land Use designation of that portion of real property totaling 1.33± acres, located along Benton Street, north of Atlantic Road (Volusia County parcel numbers: 3136-01-34-0220, and 3136-01-01-0022), as legally described and depicted in Exhibit "A" and the Future Land Use Map of the City of Ormond Beach *Comprehensive Plan* attached hereto, is hereby changed from "Medium Density Residential" to "Low Intensity Commercial" for approximately 1.33 acres, as described and depicted in Exhibit "B".

SECTION THREE. Policy 9.1.4. of the Future Land Use Element of the Comprehensive Plan regarding the Interlocal Service Boundary Agreement (ISBA) area is applicable to the Property and states within the "Low Intensity Commercial" land use category

that the density shall not exceed 8 dwelling units per acre and the maximum FAR shall not exceed 0.50 for retail and 0.55 for all other nonresidential uses.

SECTION FOUR. In order to make the City of Ormond Beach *Comprehensive Plan*, as hereby amended, available to the public, a certified copy of the enacting Ordinance, as well as certified copies of the City of Ormond Beach *Comprehensive Plan* and the amendments thereto, shall be located in the Planning Department of the City of Ormond Beach. The Planning Director shall also make copies available to the public for a reasonable reproduction charge.

SECTION FIVE. The Planning Director is hereby authorized and directed to transmit copies of this Ordinance, and the public hearing notice within ten (10) business days of the date of approval hereof, to the Volusia County Growth Management Commission in accordance with Section 202.3 of the Charter of Volusia County, Florida; and to the Florida Department of Economic Opportunity, and to any other person or entity requesting a copy.

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

SECTION SEVEN. Pursuant to §163.3187(5)(c), *Florida Statutes*, the effective date of this *Comprehensive Plan* amendment shall be 31 days after the adoption of this ordinance (June 7, 2024); provided, however, that if challenged within 30 days after adoption (June 6, 2024), this *Comprehensive Plan* amendment shall not become effective until the Department of Economic Opportunity or the Administration Commission, if applicable, issues a final order determining that the adopted small scale development amendment is in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act; and pursuant to Section 202.3

of the Charter of Volusia County, Florida will become final upon a certification of consistency from the Volusia Growth Management Commission.

PASSED UPON at the first reading of the City Commission, this 16th day of April, 2024.

PASSED UPON at the second and final reading of the City Commission, this 7th day of May, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

EXHIBIT "A"

From "Medium Density Residential" to "Low Intensity Commercial"

LEGAL DESCRIPTION – Parcel ID: 3136-01-34-0220
(from A1A Survey, Inc. survey – survey date August 16, 2023)

LEGAL DESCRIPTION:

OFFICIAL RECORDS BOOK 8265, PAGE 2179, V.C.R.

LOTS 22, 23 AND 24, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 250, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LAND LYING IN VOLUSIA COUNTY, FLORIDA CONTAINS 35,428 FEET OR 0.813 ACRES MORE OR LESS.

SURVEY DESCRIPTION:

OFFICIAL RECORDS BOOK 8265, PAGE 2179, V.C.R.

LOTS 22, 23 AND 24, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 250, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 24, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 250, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA THENCE NORTH 87 DEGREES 54 MINUTES 07 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 24, A DISTANCE OF 150.55 FEET TO THE NORTHEAST CORNER OF SAID LOT 24 LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF A 15.00 FOOT WIDE UN-NAMED ALLEY; THENCE SOUTH 02 DEGREES 03 MINUTES 18 SECONDS EAST ALONG THE SAID WESTERLY LINE OF ALLEY, A DISTANCE OF 292.89 FEET TO THE SOUTHEASTERLY CORNER OF LOT 22 OF SAID BLOCK 34 LYING AT THE INTERSECTION OF SAID WESTERLY 15.00 FOOT ALLEY AND THE NORTHEASTERLY RIGHT-OF-WAY OF A 15.00 FOOT UN-NAMED ALLEY; THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE NORTH 49 DEGREES 46 MINUTES 16 SECONDS WEST, A DISTANCE OF 260.02 FEET TO A POINT LYING ON THE SOUTHERLY LINE OF BENTON STREET; THENCE NORTH 40 DEGREES 09 MINUTES 49 SECONDS EAST ALONG THE SOUTHEASTERLY LINE OF BENTON STREET, A DISTANCE OF 62.45 FEET; THENCE NORTH 02 DEGREE 07 MINUTES 45 SECONDS WEST ALONG THE SAID RIGHT-OF-WAY OF BENTON STREET, A DISTANCE OF 71.56 FEET TO THE BEGINNING.

LAND LYING IN VOLUSIA COUNTY, FLORIDA CONTAINS 35,428 FEET OR 0.813 ACRES MORE OR LESS.

LEGAL DESCRIPTION – Parcel ID: 3136-01-01-0022
(from A1A Survey, Inc. survey – survey date August 16, 2023)

LEGAL DESCRIPTION:

OFFICIAL RECORDS BOOK 8293, PAGE 874, V.C.R., PARCEL 3

LOTS 25 THROUGH 27, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 27, BLOCK 34, SAID POINT BEING ON THE EASTERLY LINE OF BENTON STREET, A 60 FOOT PARTIALLY OPENED RIGHT OF WAY, RUN THENCE NORTH 87 DEGREES 58'56" EAST ALONG THE NORTHERLY LINE OF LOT 27 FOR A DISTANCE OF 150.00 FEET TO THE WESTERLY LINE OF A 15 FOOT UNNAMED ALLEY; THENCE SOUTH 02 DEGREES 05'06" EAST ALONG SAID WESTERLY LINE FOR A DISTANCE OF 150.00 FEET TO THE SOUTHEAST CORNER OF LOT 25; THENCE SOUTH 87 DEGREES 58'56" WEST ALONG THE SOUTHERLY LINE OF LOT 25 FOR A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER THEREOF AND THE EASTERLY LINE OF BENTON STREET AFORESAID; THENCE NORTH 02 DEGREES 05'06" WEST ALONG SAID EASTERLY LINE OF BENTON STREET FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

LAND LYING IN VOLUSIA COUNTY, FLORIDA CONTAINS 22,513 FEET OR 0.517 ACRES MORE OR LESS.

Existing “Low Intensity Commercial” (LIC)

LEGAL DESCRIPTION – Parcel ID: 3136-01-34-0140
(from A1A Survey, Inc. survey – survey date August 16, 2023)

LEGAL DESCRIPTION:

OFFICIAL RECORDS BOOK 8158, PAGE 879, V.C.R.

PART OF LOTS 14 THROUGH 16, AND ALL OF LOTS 17 THROUGH 21, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGE 250, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 21, SAID BLOCK 34, BEING ALSO THE INTERSECTION OF THE SOUTHEASTERLY LINE OF BENTON STREET, A 60 FOOT PARTIALLY OPENED ROADWAY, WITH THE SOUTHWESTERLY LINE OF AN UNNAMED 15 FOOT ALLEY, RUN THENCE S49 DEGREES 45'19"E ALONG SAID ALLEY FOR A DISTANCE OF 356.03 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY AND TO THE RIGHT ALONG SAID CURVE HAVING A RADIUS OF 663.96 FEET, A CENTRAL ANGLE OF 13 DEGREES 16'24", A CHORD BEARING S28 DEGREES 25'17"W, FOR AN ARC DISTANCE OF 153.81 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 16 AND THE NORTHEASTERLY LINE OF ATLANTIC ROAD, A 60 FOOT RIGHT-OF-WAY; THENCE N49 DEGREES 46'19"W ALONG SAID NORTHEASTERLY LINE OF ATLANTIC ROAD FOR A DISTANCE OF 387.51 FEET TO THE SOUTHEASTERLY LINE OF BENTON STREET AFORESAID; THENCE N40°18'16"E ALONG SAID SOUTHEASTERLY LINE OF BENTON STREET AFORESAID FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

LANDLYING IN VOLUSIA COUNTY, FLORIDA CONTAINS 57,701 SQUARE FEET OR 1.33 ACRES MORE OR LESS.

LOCATION MAP



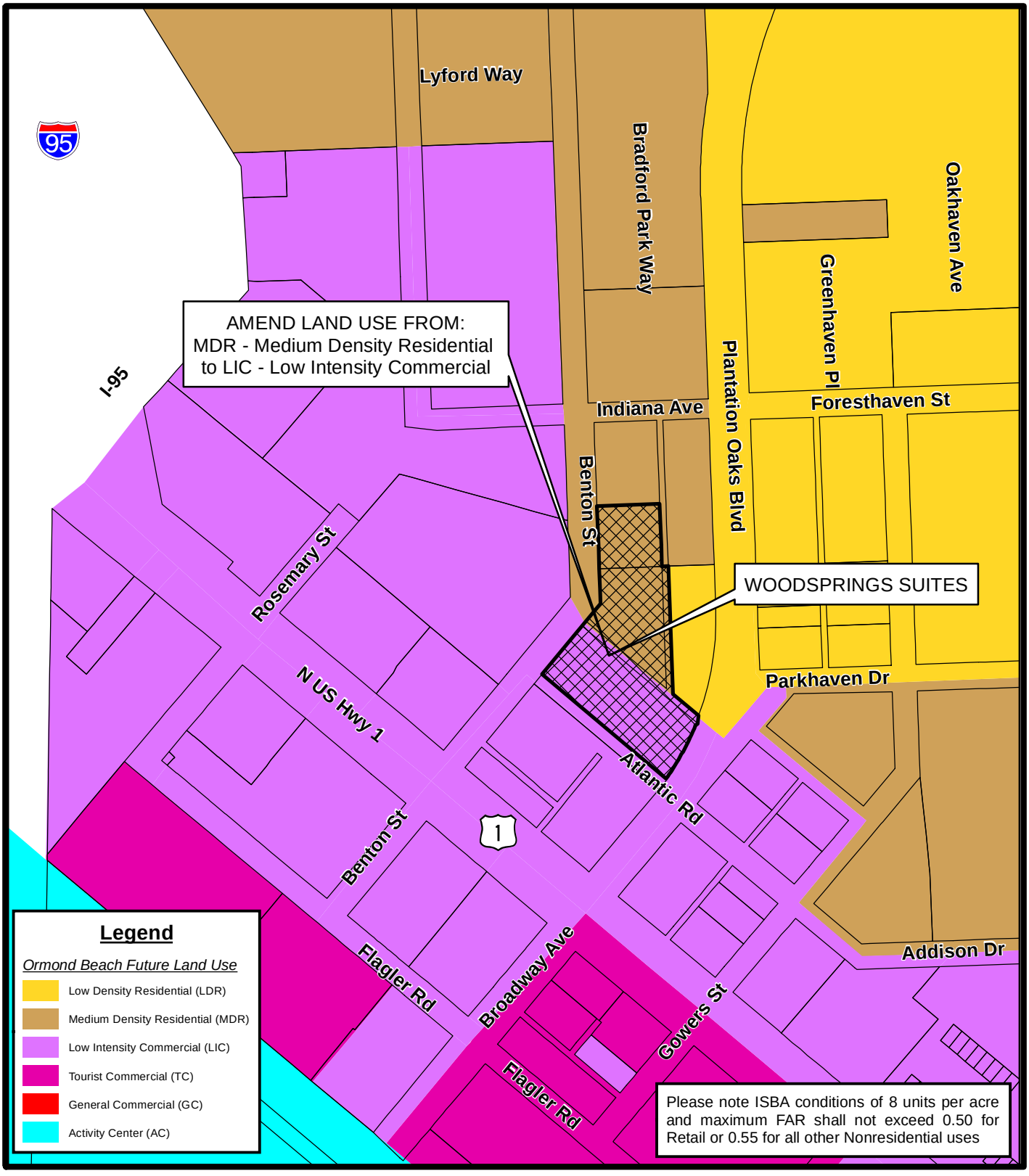
PARCEL ID OF LAND USE CHANGE AREA: 3136-01-34-0220 and 3136-01-01-0022

PARCEL ID OF EXISTING LIC LAND USE 3136-01-34-0140

OWNERS: RIDGE LAND HOLDINGS, LLC & RCM PROPERTIES, LLC

APPLICANTS: RIDGE LAND HOLDINGS, LLC & RCM PROPERTIES, LLC

EXHIBIT "B"



FUTURE LAND USE MAP
WOODSPRINGS SUITES
- Comprehensive Plan Amendment -

Prepared By: The City of Ormond Beach
G.I.S. Department - February 21, 2024

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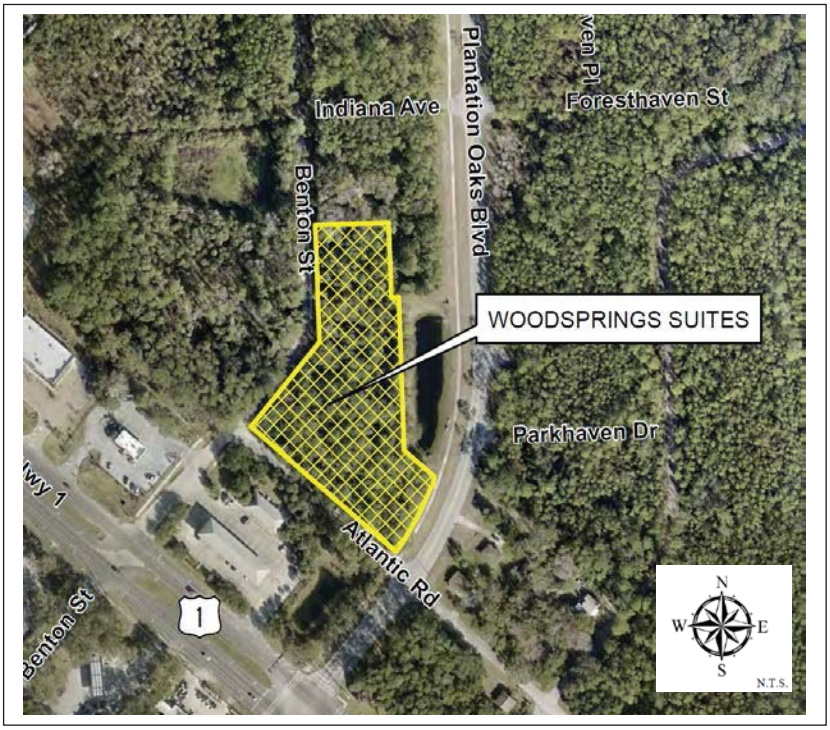
PLANNING BOARD
STAFF REPORT
Woodsprings Suites, Comprehensive Plan Amendment – Land Use Map
Project Number: PZ-2025-015

PLANNING BOARD DATE:	March 14, 2024
TENTATIVE CITY COMMISSION DATE:	April 16, 2024 (first reading), May 7, 2024 (second reading)
APPLICANT:	Ridge Land Holdings, LLC and RCM Properties, LLC, property owners
LOCATION:	Benton Street and Atlantic Road, Volusia County Parcel Identification Numbers (3136-01-34-0220, 3136-01-01-0022, and 3136-0134-0140)
REQUEST:	Small-Scale Comprehensive Plan Land Use Map amendment for an approximately 1.33 acres from "Medium Density Residential" to "Low Intensity Commercial". The property is within the North U.S. 1 Interlocal Service Boundary Agreement (ISBA) area
SITE PLAN REVIEW COMMITTEE RECOMMENDATION:	Approval
STAFF CONTACT:	Steven Spraker, AICP, Planning Director
MAP OF PROJECT AREA:	

SECTION 1, INTRODUCTION:

This is a request submitted by Ridge Land Holdings, LLC, and RCM Properties, LLC, property owners, for a Small-Scale Comprehensive Plan Land Use Map amendment for approximately 1.33 acres located at Benton Street and Atlantic Avenue, Volusia County Parcel Identification Numbers (3136-01-34-0220, 3136-01-01-0022, and 3136-0134-0140) from “Medium Density Residential” to “Low Intensity Commercial”. The property is within the North U.S. Highway 1 Interlocal Service Boundary Agreement (ISBA) area that contain land use conditions of a maximum of 8 units per acre and a maximum Floor Area Ratio that shall not exceed 0.50 for Retail and 0.55 for all other Nonresidential uses.

SECTION 2, BACKGROUND:

The subject property is a total of 2.66 acres with a split land use of “Low Intensity Commercial” for 1.33 acres and “Medium Density Residential” for 1.33 acres. The purpose of the Comprehensive Plan Small Scale Land Use Map amendment is to amend the 1.33 acres of “Medium Density Residential” to “Low Intensity Commercial”.

The subject property is within the North U.S. Highway 1 Interlocal Service Boundary Agreement (ISBA). The North U.S. Highway 1 Interlocal Service Boundary Agreement between the City of Ormond Beach and the County of Volusia established a municipal service area designed to:

- Encourage intergovernmental coordination in planning, service delivery, and boundary adjustments;
- Reduce intergovernmental conflicts and litigation between local governments;
- Promotes sensible boundaries that reduce the costs of local governments;
- Avoid duplicating local services;
- Increase political transparency and accountability; and
- Prevent inefficient service delivery and an insufficient tax base to support the delivery of those services.

The City Commission adopted the original North U.S. Highway 1 Interlocal Service Boundary Agreement (ISBA) on August 19, 2014 per Ordinance No. 2014-27. Volusia County Council adopted the Interlocal Service Boundary Agreement on August 21, 2014 by Volusia County Ordinance No. 2014-12. Ordinance 2015-05 established the land use amendments for the ISBA and was adopted on January 20, 2015. As part of the land use map amendment adoption, a map annotation was included that limits density to eight (8) units per acre and a maximum floor area ratio of 0.50 for retail uses and 0.55 for all other non-residential uses. Ordinance 2015-13 established the city zoning designations for properties within the ISBA and was approved on April 7, 2015.

There has been a conceptual site plan submittal for a four-story hotel of 51,945 square feet with 122 rooms. Based upon the existing split land use and zoning, both this Comprehensive Plan Small Scale Land Use Map amendment and a zoning map amendment would be required. There are also unused alleyways that will require a separate application for right-of-way vacations.

Existing Land Use, "Low Intensity Commercial" – 1.33 acres:

The City of Ormond Beach Comprehensive Plan provides the directive text for the existing City land use of "Low Intensity Commercial" that states the following:

> Purpose: A multi-use land use category to depict those areas of the city that are now developed, or appropriate to be developed, for retail, office and professional services, residential, and restaurants consistent with the surrounding uses, transportation facilities and natural resource characteristics of such areas. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.
>
> Density: Maximum 10 units per acre.
>
> Maximum FAR: 0.6

Policy 9.1.4. of the Future Land Use Element of the Comprehensive Plan contains table 4 that provides land use map annotations as follows:

- Low Intensity Commercial (LIC): Density shall not exceed 8 dwelling units per acre. Maximum FAR shall not exceed 0.50 for Retail or 0.55 for all other Nonresidential uses.

Existing Land Use, "Medium Density Residential" – 1.33 acres:

The City of Ormond Beach Comprehensive Plan provides the directive text for the existing City land use of "Medium Density Residential" that states the following:

> Purpose: To allow a variety of highly aesthetic dwelling units, encouraging the establishment of recreation areas and open space and discouraging look-alike rows of dwellings. MDR also allows the development of relatively low-density duplex, townhouse and multi-family projects which emphasize open space and maintain a low profile, thus maximizing the compatibility with single-family areas. Institutional uses may be permitted in accordance with the maximum floor area ratio.
>
> Density: Minimum 5-12 units per acre except in the Downtown Community Redevelopment Area where 5 - 15 units shall be allowed.
>
> Maximum FAR: 0.3

Proposed Land Use, ""Low Intensity Commercial" – 2.66 acres:

The City of Ormond Beach Comprehensive Plan provides the directive text for the existing City land use of "Low Intensity Commercial" that states the following:

> Purpose: A multi-use land use category to depict those areas of the city that are now developed, or appropriate to be developed, for retail, office and professional services, residential, and restaurants consistent with the surrounding uses, transportation facilities and natural resource characteristics of such areas. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.
>
> Density: Maximum 10 units per acre.
>
> Maximum FAR: 0.6

Policy 9.1.4. of the Future Land Use Element of the Comprehensive Plan contains table 4 that provides land use map annotations as follows:

- Low Intensity Commercial (LIC): Density shall not exceed 8 dwelling units per acre. Maximum FAR shall not exceed 0.50 for Retail or 0.55 for all other Nonresidential uses.

Application process: The proposed land use amendment schedule of the subject property is as follows:

EXHIBIT 1: Tentative land use map amendment schedule:

Action	Date
Planning Board	March 14, 2024
City Commission, 1st Reading	April 16, 2024
City Commission, 2nd Reading	May 7, 2023

After City action, the application is required to be submitted to the Volusia County Growth Management Commission (VGMC) to allow review by other Volusia County jurisdictions. The amendment would also be transmitted to the Department of Florida Commerce.

The following public notices have or are required to occur:

EXHIBIT 2: Public Notice:

Public Notice	Date	Notes
Planning Board	On/before February 29, 2024	300' radius
Newspaper advertisement for Planning Board	On/before March 4, 2024	
Abutter letters for City Commission meetings	On/before April 2, 2024	300' radius
Newspaper advertisement for City Commission, 2nd reading	On/before April 26, 2024	

The project information has also been posted on the city website under the Planning Department at: (1) Development Reports, https://www.ormondbeach.org/247/Development-Projects and (2) Public Hearing Advertisements and Notices, https://www.ormondbeach.org/1000/Public-Hearing-Advertisements-and-Notice.

SECTION 3, ANALYSIS:

The application seeks an amendment from a commercial land use designation to a commercial land use designation with the goal of constructing a hotel (transient lodging) use.

Policy 2.5.2. of the Future Land Use Element of the Comprehensive Plan provides the criteria listed below to review land use amendments:

1. Whether the future land use amendment is consistent with the Comprehensive Plan Goals, Objectives and Policies.

The Interlocal Service Boundary Agreement area contains both commercial and industrial areas. The change to a commercial use is consistent with the city's Comprehensive Plan. The amendment is consistent with the goal, objective, and policies of the Future land Use Element as shown below:

GOAL 1. LAND USE DISTRIBUTION

FUTURE DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHOULD BE DIRECTED IN APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP TO MEET THE LAND USE NEEDS OF THE ANTICIPATED POPULATION, IN A MANNER CONSISTENT WITH SOUND PLANNING PRINCIPLES, THE GOALS, OBJECTIVES AND POLICIES CONTAINED HEREIN, AND THE DESIRED COMMUNITY CHARACTER.

THE FUTURE LAND USE ELEMENT SHOULD ALLOW LIMITED COMMERCIAL EXPANSION, PROMOTE INDUSTRIAL USE, AND MAINTAIN CURRENT RESIDENTIAL DENSITIES IN THE CORE AREA WHILE ESTABLISHING LOWER DENSITIES IN THE PERIMETER AREAS, FOCUSING REDEVELOPMENT IN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA, US1, AND SRA1A, AND PROVIDING A CONTINUED HIGH LEVEL OF OPEN SPACE. FUTURE GROWTH SHALL BE TIMED AND LOCATED TO MAXIMIZE EXISTING PUBLIC INFRASTRUCTURE.

2. Whether the proposed plan amendment meets the criteria established in the Florida Statutes.

In accordance with Chapter 163.3187(1), Florida Statutes, any local government Comprehensive Plan amendments directly related to proposed small-scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local Comprehensive Plan. A small-scale development amendment may be adopted only under the following conditions:

a. The proposed amendment involves a use of 50 acres or fewer.

The subject property is 2.66± acres (less than 50 acres).

b. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's Comprehensive Plan, but only proposes a land use change to the future land use map for a site-specific small-scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small-scale future land use map amendment shall be permissible under this section.

The proposed amendment is solely for the Future Land Use Map and does not propose any text amendments to the City's Comprehensive Plan.

c. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1).

This criterion is not applicable as the site location is not located within an area of state critical concern.

3. Whether the land use is an appropriate use of the land.

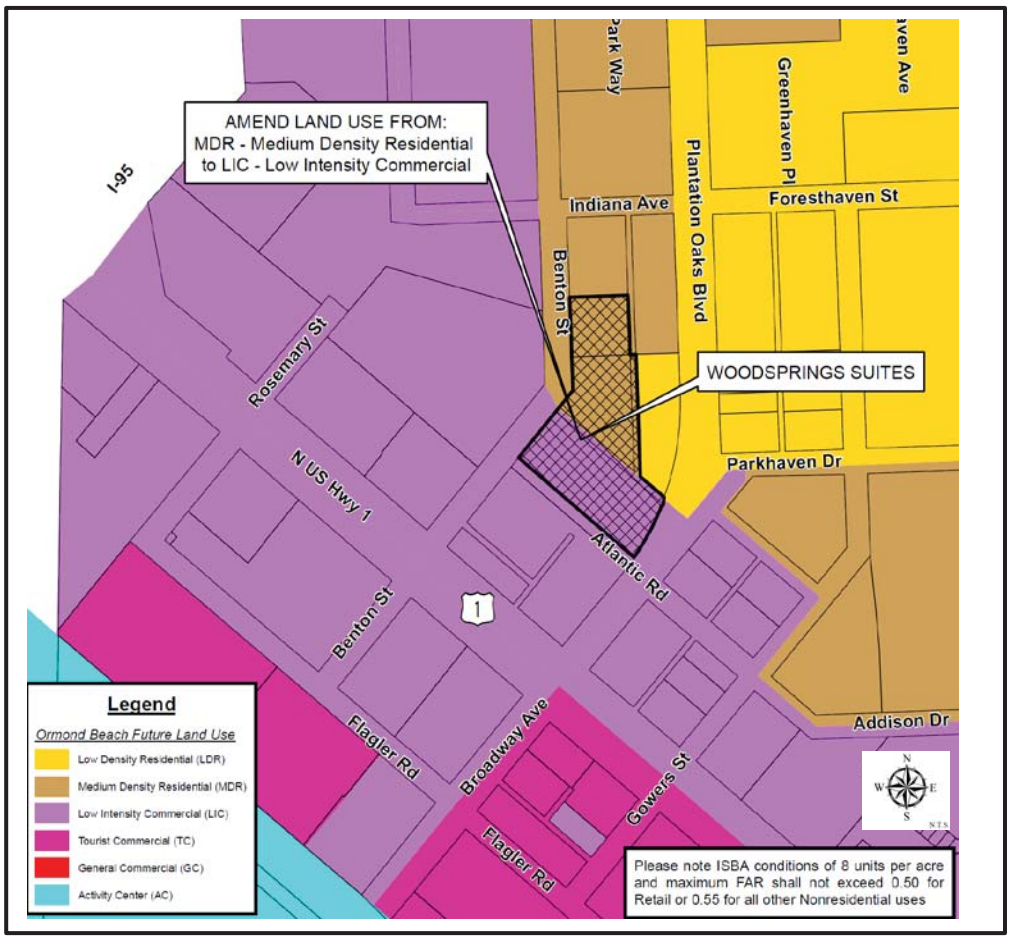
Commercial land use designations exist to the west and east and south across North U.S. Highway 1. The conceptual use of a hotel is consistent with the North U.S. Highway 1 corridor. Additionally, the land area is too far off the North U.S. 1 right-of-way to support a commercial use. The hotel use at four stories would likely be visible to the U.S. 1 corridor without needing the direct frontage other commercial uses would require. The use is also a good transition from the commercial uses along U.S. 1 to the proposed residential uses (duplexes, townhomes, and single-family) further to the north along Plantation Oaks Boulevard.

The adjacent land use designations and zoning classifications are shown in Exhibit 3 and the Existing Future Land Use designations are shown in Exhibit 4 below:

EXHIBIT 3: Land use and zoning designations:

Land Use and Zoning Designations of Adjacent Property			
	Current Land Uses	**Existing Future Land Use Designation**	**Existing Zoning Classifications**
North	Vacant Residential – Townhomes proposed	“Medium Density Residential”	R-4, Single-Family Cluster & Townhouse
South	RaceTrac gas station & Dunkin Donuts	“Low Intensity Commercial”	B-7, Highway Tourist Commercial
West	Vacant	“Low Intensity Commercial”	B-7, Highway Tourist Commercial
East	Plantation Oaks stormwater pond & RidgeHaven subdivision	“Low Density Residential” & “Medium Density Residential”	PRD, Planned Residential Development

EXHIBIT 4: Existing Future Land Use map for the area:



4. Whether there is adequate infrastructure to serve the proposed land use.

The analysis of infrastructure needs for a comprehensive plan amendment is different from a concurrency review for a site plan. The impact analysis examines the maximum expected impacts of the current designation versus the requested designation based on a preliminary development scenario. This analysis is not meant to replace or contradict the findings of a Concurrency Management Review. However, the relative differences between designations can provide useful information in the long-range planning process. The analysis is based on 2.66 acres with the existing land use of “Low Intensity Commercial” and “Medium Density Residential” the proposed land use of “Low Intensity Commercial” for the entire parcel.

EXHIBIT 5: Impact analysis:

Property acreage = 2.66 acres		
Allowed entitlements	**Existing LIC & MDR land use**	**Proposed LIC land use**
Maximum density (residential) units per acre*	8	8
Maximum density (residential)	20 units	20 units
Maximum floor area ratio*	0.55 & 0.30	0.55
Maximum building square footage (SF)	49,245 SF	63,728 SF

*Based upon map annotations in the Interlocal Service Boundary Agreement area

The maximum number of residential uses of 20 units would remain unchanged with the land use amendment. The proposed land use would allow a maximum building size of 63,728 square feet.

EXHIBIT 6: Water and Sewer impact analysis:

Existing		
Land Use	**Water (gallons per day)**	**Sewer (gallons per day)**
"Low Intensity Commercial" & "Medium Density Residential"	7,387	6,279
Proposed		
Land Use	**Water (gallons per day)**	**Sewer (gallons per day)**
"Low Intensity Commercial"	9,559	8,125
INCREASE	**+2,172**	**+1,846**

Notes:

- Commercial/Industrial water = (square feet/100) X 15 gallons of water per day
- Commercial/Industrial sewer = Water gallons per day X 85%

The existing wastewater treatment plant is currently permitted for a rated capacity of 8 million Gallons per Day (MGD) for wastewater influent flow from the sanitary sewer collection system. The most recent annual period average daily flow to the facility is 4.98 MGD. The most recent annual period average daily treated effluent flow for reuse customers is 3.30 MGD. Approved development projects proposed, 0.58 MGD for wastewater treatment added with current wastewater plant flow is estimated at 5.56 MGD at build out. The plant capacity remaining is 2.44 MGD if all approved projects are built out. The LOS for sanitary sewer continues to be met.

The City operates a single water treatment plant having a permitted and rated capacity remaining at 12 million Gallons per Day (MGD). The existing demand for water uses

during the most recent annual period is 5.50 MGD. When the proposed projects of 0.55 for the city's service area are added to the existing demand, the total is 6.05 MGD. There is a remaining capacity of 5.95 MGD if all approved projects are built out. The LOS for potable water service continues to be met.

Traffic:

Below is a theoretical review of traffic impacts.

EXHIBIT 7: Traffic impact analysis:

Existing		
Land Use	**ITE land use category**	**Trip Generation**
"Low Intensity Commercial"	#820, Shopping Center	37.01
"Medium Density Residential"	#565, Day Care	47.62
Total existing land use average daily trips		1,900
Proposed		
Land Use	**ITE land use category**	**Trip Generation**
"Low Intensity Commercial"	#310, Hotel	7.99 per room
Total proposed land use average daily trips		998 (see application)
	NET REDUCTION	**902**

The traffic impacts were performed based upon the known use of the hotel with the project engineer providing a trip generation sheet based on the ITE Trip Generation Manual, 11th Edition. The most intensive use would likely by a retail use, using the trip generation of a Shopping Center (#820). Assuming a 0.50 FAR, the maximum building square footage would be 57,934 resulting in 2,144 average daily trips or an increase of 244 average daily trips in the most intensive scenario.

Traffic capacity exists for the proposed change of the land use from "Medium Density Residential" to "Low Intensity Commercial" for a 1.33-acre portion of the property.

Stormwater Management: The site development of each land development area has designed a stormwater management system.

Solid Waste: Solid waste provision would be addressed at the time of site development.

Schools: The proposed amendment does not increase the residential uses allowed.

Recreation: Ormond Beach has approximately 602 acres of parkland and facilities and the proposed amendment would have no impact on the city recreation level of service. Based on a city population of 44,671 acres and a required 13 acres of parkland per 1,000 residents, 580.72 acres of parkland is required. The city is in the process of acquiring 901 Airport Road to add an additional 18.60 acres of parkland.

Other Services: City police and fire protection services serve this area. The parcel is located within an approximate 4-5-minute response time from emergency facilities. There is no impact to other city services.

5. Whether the proposed map amendment impacts surrounding jurisdictions.

The proposed land use amendment is not expected to impact surrounding jurisdictions. The property is within the Interlocal Service Boundary Agreement area.

SECTION 4, RECOMMENDATION:

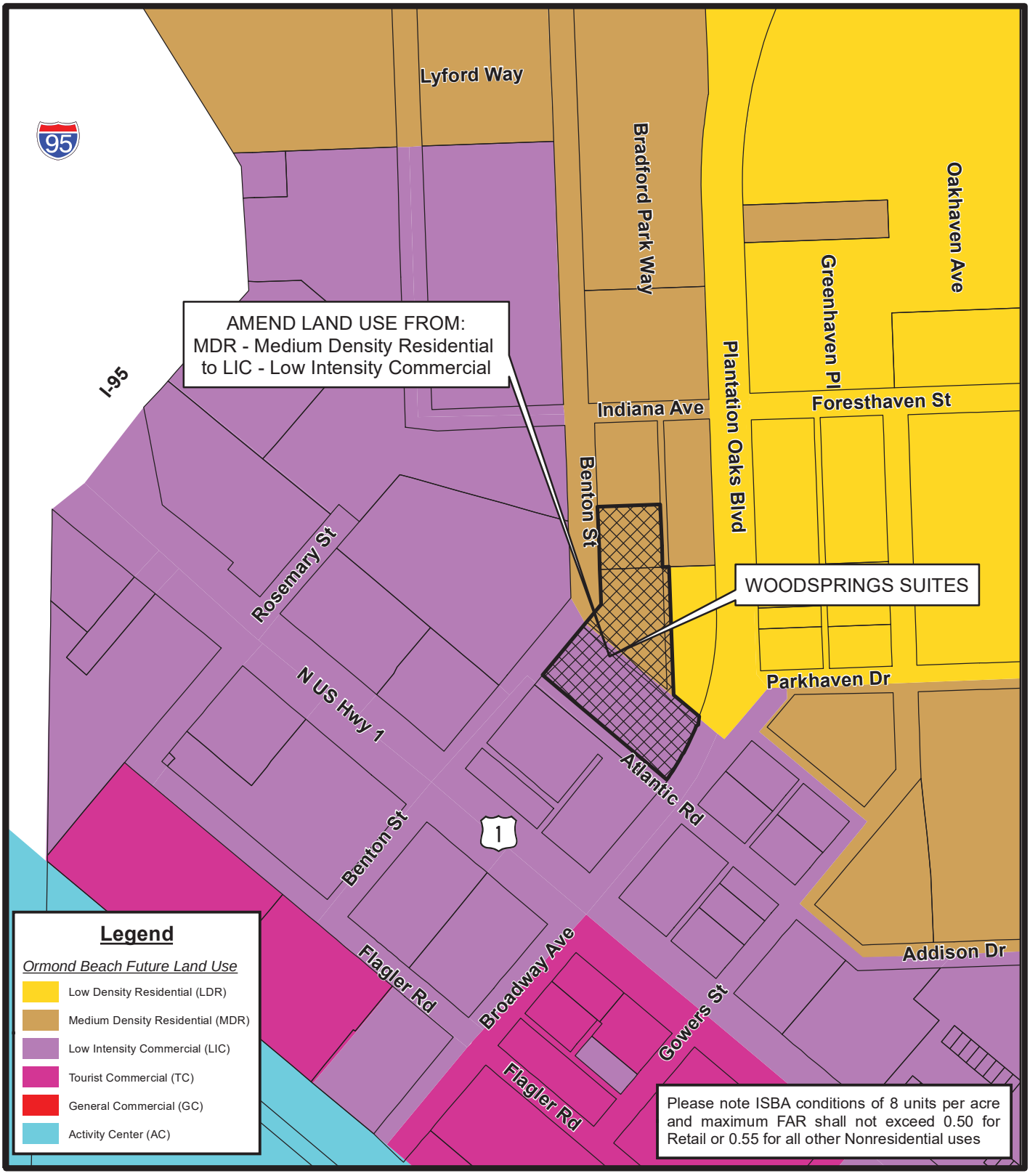
It is recommended that the Planning Board **APPROVE** the Small-Scale Comprehensive Plan Land Use Map amendment for an approximately 1.33 acres located at Benton Street and Atlantic Avenue, Volusia County Parcel Identification Numbers (3136-01-34-0220, 3136-01-01-0022, and 3136-0134-0140) from “Medium Density Residential” to “Low Intensity Commercial”.

Attachments:

Attachment 1: Land Use map
Attachment 2: Other maps
Attachment 3: Applicant submitted information

ATTACHMENT 1

Land Use Map



FUTURE LAND USE MAP
WOODSPRINGS SUITES
- Comprehensive Plan Amendment -

Prepared By: The City of Ormond Beach
G.I.S. Department - February 21, 2024

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ATTACHMENT 2

Other maps



CITY OF ORMOND BEACH ★ FLORIDA ★

AERIAL MAP
WOODSPRINGS SUITES
- Comprehensive Plan Amendment -

Prepared By: The City of Ormond Beach
G.I.S. Department - February 21, 2024

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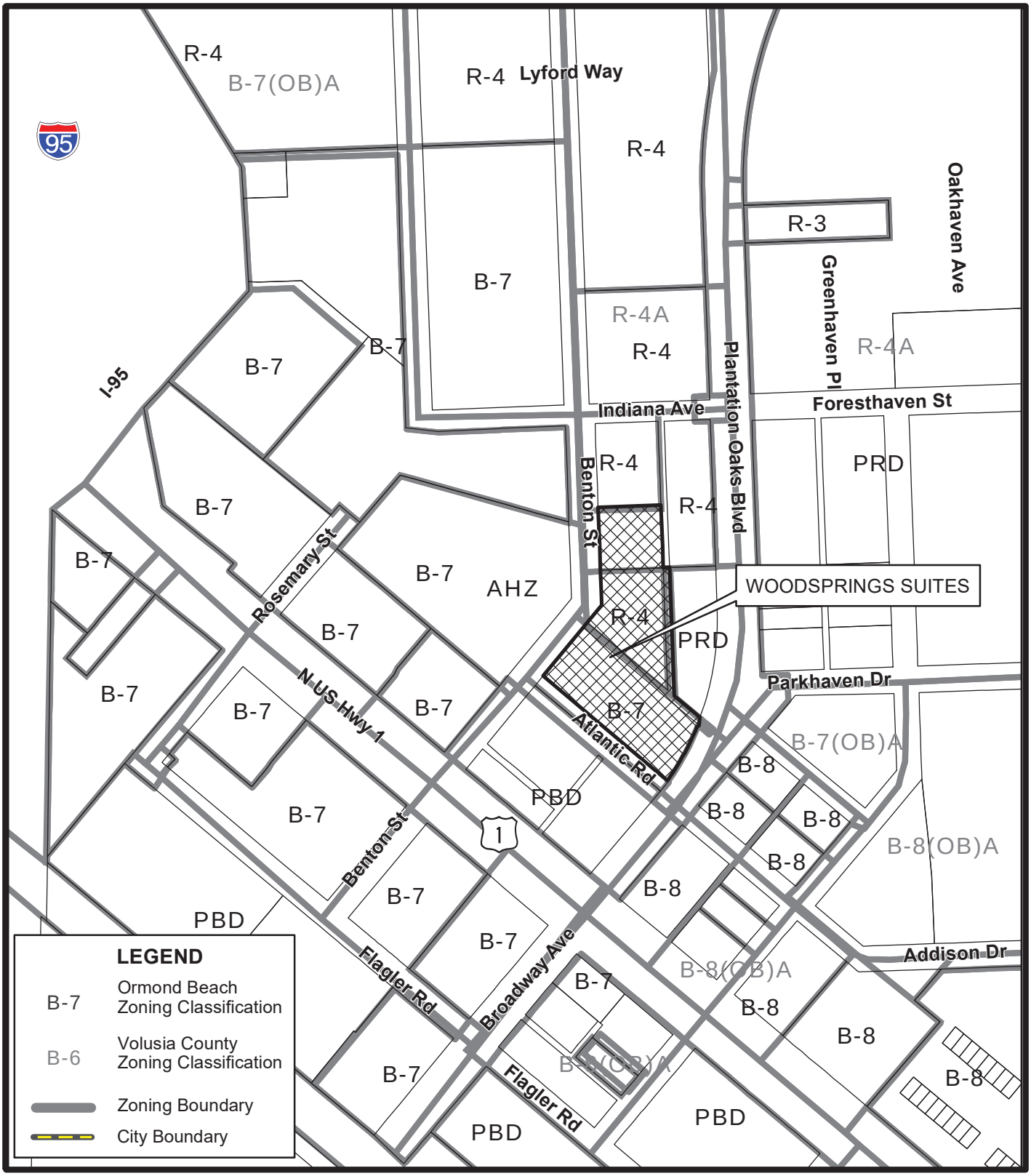

ZONING MAP
WOODSPRINGS SUITES
- Comprehensive Plan Amendment -

Prepared By: The City of Ormond Beach
G.I.S. Department - February 21, 2024

N
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ATTACHMENT 3

Applicant Submitted Information

WOODSPRINGS SUITES-ORMOND BEACH
DETAILED NARRATIVE

REQUEST STATEMENT

Germana Engineering & Associates, LLC proposes a rezone and small comprehensive plan amendment application on behalf of the property owner, RCM Properties, LLC.

The applicant requests a rezone to a PBD, to allow up to 51,945 square feet (122 rooms) of hotel/motel use with 4 habitable stories. A site plan is provided in the submission documents. The applicant intends to connect the proposed development to existing central potable water and sanitary sewer service.

AMENDED SITE DESCRIPTION

The total project area consists of (3) parcels. Alt Key # 7075971, 2470020, 6814767. The existing alleys will be vacated, and the vacated lands will become part of the subject property. Therefore, the existing alleys need to be included in the rezone and land use amendment. A boundary survey of the subject property and a sketch and description of the alleyways have been included in the supplemental documents. Separate legal descriptions are provided for the survey and sketch and description of the alleyways.

EXISTING AND PROPOSED USES

The existing zoning classification is B-7 (1.33 ± acres) and R-4 (1.33 ± acres). A rezone to PBD is requested to allow for the transient lodging development. The existing future land use is LIC (1.33 ± acres) and MDR (1.33 ± acres). The MDR needs to be amended to allow for transient lodging.

LAND USE COMPATABILITY

The proposed tourist oriented hotel development is located near the highway interchange and the rezone and small scale comprehensive plan amendment should satisfy the general intent of the City of Ormond Beach comprehensive plan. The development will have appropriate buffers to adjacent lands as specified in the land development code.

The proposed use, hotel/motel, is appropriate at the proposed location and is compatible with existing and planned uses in the surrounding area. The project will provide sufficient access to support the proposed development intensity.

The intended development will not have an adverse impact on surrounding land uses.

SERVICES AND FACILITIES

POTABLE WATER

An existing 8” water main stub is available for connection southwest of Atlantic Road. A utility availability letter is included in the supplemental documents to illustrate capacity of available for the proposed hotel use.

WOODSPRINGS SUITES-ORMOND BEACH
DETAILED NARRATIVE

SANITARY SEWER

An existing 4" sanitary sewer force main stub is available for connection southwest of Atlantic Road. A utility availability letter is included in the supplemental documents to illustrate capacity is available for the proposed hotel use.

DRAINAGE

The proposed project will provide underground stormwater chambers to meet state water quality and water quantity standards. The stormwater system will meet all applicable elements of the City of Ormond Beach land development code.

SOLID WASTE

The solid waste demand will be consistent with other commercial establishments and the City of Ormond Beach land development code. The proposed development will maintain the level of service.

TRAFFIC

A traffic impact statement has been provided in the supplemental documents. The proposed hotel use will meet the objectives and policies of the City of Ormond Beach comprehensive plan.

MASS TRANSIT

An existing mass transit facility, US1 & I95, is located near the intersection of Flagler Road and US1. No proposed facilities for development of this project.

NATURAL AND HISTORIC RESOURCES

The project site is not listed on the national register of historic places or locally designated historic sites. The project site is not listed on the Florida Master File. No wetlands or outstanding water bodies. No endangered, threatened, or special concern species exist.

CITY OF ORMOND BEACH COMPREHENSIVE PLAN CONSISTENCY

The proposed development will be consistent with the goals, objective, and policies of the City of Ormond Beach comprehensive plan.

#

WOODSPRINGS SUITES-ORMOND BEACH
DETAILED NARRATIVE

PERMITTED USES

Adult Day Care Center
Assisted Living Facility
Business/Professional Office
Business Service
Clubs and Fraternal Organization
Community Residential Home
Convenience Store, Type “A”
Cosmetic tattooing
Dwelling, Duplex
Dwelling, Single-family, Detached
Financial Institution
Funeral home
Hospital
Instructional physical activity
Medical Research Laboratory
Medical Supply/Rental
Mixed Use Development
Nursing Home
Retail Sales and Service
Pharmacy
School, Public
Sexually Oriented Businesses
Transient Lodging
Veterinarian

GERMANA ENGINEERING AND ASSOCIATES, LLC

1120 W. Minneola Avenue
Clermont, Florida 34711
Phone: 352-242-9329
Engineering Firm Registry # 29279

TRAFFIC IMPACT STATEMENT

As shown within the attached site plan, the proposed Woodsprings Suites hotel is located within the City of Ormond Beach. The proposed project consists of a 51,945 square foot (4 story) hotel with 122 rooms.

Trip generation potential for the proposed development was calculated based upon equations contained in the ITE Trip Generation Manual, 11th Edition. Based on land use code, 310, for a hotel with 122 rooms, **Table 1** identifies the projected trip generation for this project. No internal capture or pass-by was assumed in the trip generation calculations.

The proposed development has the potential to generate 998 daily trips, 73 PM peak hour trips, 37 entering, and 36 exiting. **Table 1** illustrates the trip generation calculations for the site.

Table 1: Trip Generation Summary

LAND USE	ITE CODE	ROOMS	DAILY	AM PEAK HOUR			PM PEAK HOUR		
				ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL
Hotel	310	122	998	38	27	65	37	36	73

Sources: ITE Trip Generation Manual, 11th Edition

If you have any questions or need additional information, please do not hesitate to contact me at cgermana@germanaenginering.com or at (352) 242-9329.

GERMANA ENGINEERING AND ASSOCIATES, LLC.

Christopher M. Germana, P.E. (FL)
Manager

BENTON STREET
ORMOND BEACH, FLORIDA

LEGAL DESCRIPTION:

OFFICIAL RECORDS BOOK 8158, PAGE 879, V.C.R.

PART OF LOTS 14 THROUGH 16, AND ALL OF LOTS 17 THROUGH 21, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGE 250, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 21, SAID BLOCK 34, BEING ALSO THE INTERSECTION OF THE SOUTHEASTERLY LINE OF BENTON STREET, A 60 FOOT PARTIALLY OPENED ROADWAY, WITH THE SOUTHWESTERLY LINE OF AN UNNAMED 15 FOOT ALLEY; RUN THENCE S40 DEGREES 45'18"E ALONG SAID ALLEY FOR A DISTANCE OF 356.03 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY AND TO THE RIGHT ALONG SAID CURVE HAVING A RADIUS OF 663.96 FEET, A CENTRAL ANGLE OF 13 DEGREES 16'24", A CHORD BEARING S28 DEGREES 25'17"W, FOR AN ARC DISTANCE OF 153.81 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 16 AND THE NORTHEASTERLY LINE OF ATLANTIC ROAD, A 80 FOOT RIGHT-OF-WAY; THENCE N49 DEGREES 46'19"W ALONG SAID NORTHEASTERLY LINE OF ATLANTIC ROAD FOR A DISTANCE OF 397.51 FEET TO THE SOUTHEASTERLY LINE OF BENTON STREET AFORESAID; THENCE N40°48'16"E ALONG SAID SOUTHEASTERLY LINE OF BENTON STREET AFORESAID FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

LANDLYING IN VOLUSIA COUNTY, FLORIDA CONTAINS 57,701 SQUARE FEET OR 1.33 ACRES MORE OR LESS.

LEGAL DESCRIPTION:

OFFICIAL RECORDS BOOK 8285, PAGE 2179, V.C.R.

LOTS 22, 23 AND 24, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 250, PUBLIC RECORDS OF VOLUSIA, COUNTY, FLORIDA.

LAND LYING IN VOLUSIA COUNTY, FLORIDA CONTAINS 35,428 FEET OR 0.813 ACRES MORE OR LESS.

SURVEY DESCRIPTION:

OFFICIAL RECORDS BOOK 8285, PAGE 2179, V.C.R.

LOTS 22, 23 AND 24, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 250, PUBLIC RECORDS OF VOLUSIA, COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 24, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 250, PUBLIC RECORDS OF VOLUSIA, COUNTY, FLORIDA; THENCE NORTH 87 DEGREES 54 MINUTES 07 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 24, A DISTANCE OF 150.55 FEET TO THE NORTHEAST CORNER OF SAID LOT 24 LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF A 15.00 FOOT WIDE UNNAMED ALLEY; THENCE SOUTH 02 DEGREES 03 MINUTES 18 SECONDS EAST ALONG THE SAID WESTERLY LINE OF ALLEY, A DISTANCE OF 292.89 FEET TO THE SOUTHEASTERLY CORNER OF LOT 22 OF SAID BLOCK 34 LYING AT THE INTERSECTION OF SAID WESTERLY 15.00 FOOT ALLEY AND THE NORTHEASTERLY RIGHT-OF-WAY OF A 15.00 FOOT UNNAMED ALLEY; THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE NORTH 49 DEGREES 46 MINUTES 16 SECONDS WEST, A DISTANCE OF 260.02 FEET TO A POINT LYING ON THE SOUTHERLY LINE OF BENTON STREET; THENCE NORTH 40 DEGREES 09 MINUTES 48 SECONDS EAST ALONG THE SOUTHEASTERLY LINE OF BENTON STREET, A DISTANCE OF 62.45 FEET; THENCE NORTH 02 DEGREE 07 MINUTES 45 SECONDS WEST ALONG THE SAID RIGHT-OF-WAY OF BENTON STREET, A DISTANCE OF 71.56 FEET TO THE BEGINNING.

LAND LYING IN VOLUSIA COUNTY, FLORIDA CONTAINS 35,428 FEET OR 0.813 ACRES MORE OR LESS.

LEGAL DESCRIPTION:

OFFICIAL RECORDS BOOK 8285, PAGE 874, V.C.R., PARCEL 3

LOTS 25 THROUGH 27, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 27, BLOCK 34, SAID POINT BEING ON THE EASTERLY LINE OF BENTON STREET, A 60 FOOT PARTIALLY OPENED RIGHT OF WAY; RUN THENCE NORTH 87 DEGREES 58'56" EAST ALONG THE NORTHERLY LINE OF LOT 27 FOR A DISTANCE OF 150.00 FEET TO THE WESTERLY LINE OF A 15 FOOT UNNAMED ALLEY; THENCE SOUTH 02 DEGREES 03'06" EAST ALONG SAID WESTERLY LINE FOR A DISTANCE OF 150.00 FEET TO THE SOUTHEAST CORNER OF LOT 25; THENCE SOUTH 87 DEGREES 58'56" WEST ALONG THE SOUTHERLY LINE OF LOT 25 FOR A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER THEREOF AND THE EASTERLY LINE OF BENTON STREET AFORESAID; THENCE NORTH 02 DEGREES 03'06" WEST ALONG SAID EASTERLY LINE OF BENTON STREET FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

LAND LYING IN VOLUSIA COUNTY, FLORIDA CONTAINS 22,513 FEET OR 0.517 ACRES MORE OR LESS.

LEGAL DESCRIPTION:

PORTION OF BLOCK 34, NATIONAL GARDENS REVISED, AS RECORDED IN MAP BOOK 10, PAGE 250, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWESTERLY CORNER LOT 21, BLOCK 34, NATIONAL GARDENS REVISED, MAP BOOK 10, PAGE 250, PUBLIC RECORDS OF VOLUSIA, COUNTY, FLORIDA, ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY FOR BENTON STREET, A 60 FOOT WIDE RIGHT-OF-WAY AS NOW LAID OUT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE NORTH 40 DEGREES 11 MINUTES 21 SECONDS EAST, A DISTANCE OF 15.00 TO THE SOUTHWEST CORNER OF LOT 25, BLOCK 34 OF SAID NATIONAL GARDENS REVISED; THENCE DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG THE SOUTHERLY LINE OF SAID LOT 25, SOUTH 49 DEGREES 46 MINUTES 16 SECONDS EAST, A DISTANCE OF 260.04 TO THE SOUTHWEST CORNER OF SAID LOT 22, BLOCK 34; THENCE NORTH 02 DEGREES 08 MINUTES 22 SECONDS WEST, A DISTANCE OF 44.07 FEET TO THE NORTHEASTERLY CORNER OF LOT 24, BLOCK 34 OF SAID NATIONAL GARDENS REVISED; THENCE DEPARTING SAID CORNER OF LOT 24, BLOCK 34 AND OVER AND ACROSS A UNOPEN 15.00 ALLEY, AS SHOWN ON SAID NATIONAL GARDENS REVISED NORTH 87 DEGREES 55 MINUTES 23 SECONDS EAST, A DISTANCE OF 15.19 FEET (DEED 15.00) TO THE NORTHWESTERLY CORNER OF LOT 8, BLOCK 34; THENCE SOUTH 02 DEGREES 08 MINUTES 55 SECONDS EAST, A DISTANCE OF 69.14 FEET TO THE SOUTHWESTERLY CORNER OF LOT 13, BLOCK 34 OF SAID NATIONAL GARDENS REVISED; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 13, BLOCK 34 ALSO BEING A POINT ON THE UNOPEN 15.00 FOOT ALLEY WAY; THENCE ALONG THE SOUTH LINE OF SAID LOT 13, BLOCK 34 THENCE SOUTH 49 DEGREES 48 MINUTES 29 SECONDS EAST, A DISTANCE OF 80.87 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PLANTATION OAKS BOULEVARD, A 100 FOOT WIDE RIGHT-OF-WAY AS NOW LAID OUT ALSO BEING A POINT ON A CURVE; THENCE ALONG SAID CURVE HAVING A DELTA OF 01 DEGREE 11 MINUTES 38 SECONDS, A RADIUS OF 715.23 FEET, THENCE ALONG SAID CURVE OF RIGHT-OF-WAY, A DISTANCE OF 15.74 FEET TO THE NORTHEAST CORNER OF LOT 14, BLOCK 34 OF SAID NATIONAL GARDENS REVISED; THENCE DEPARTING SAID RIGHT-OF-WAY AND ALONG THE NORTHERLY LOT LINE OF LOT 14 NORTH 49 DEGREES 35 MINUTES 05 SECONDS WEST, A DISTANCE OF 305.05 FEET TO THE NORTHEAST CORNER OF LOT 21, BLOCK 34 OF SAID NATIONAL GARDENS REVISED AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 11,192 SQUARE FEET OR 0.279 ACRES MORE OR LESS.

SUMMARY TABLE FOR:
SCHEDULE B, SECTION 2 EXCEPTIONS
TITLE COMMITMENT NO. 7222-6398238
PARCEL 1 (ONE) ONLY

EXCEPTION NUMBER AND RECORDING INFORMATION	AFFECTS SUBJECT PROPERTY	AFFECTED AREA
No. 9 P.B. 10/250	Y	PLOTS AS SHOWN
No. 10 489-29 7/45/11	Y	PLOTS AS SHOWN
No. 11 O.R.B. 5411/3097	Y	PLOTS AS SHOWN
No. 12 O.R.B. 5411/3357	Y	PLOTS AS SHOWN
No. 13 O.R.B. 7476/47	Y	PLOTS AS SHOWN
No. 14 O.R.B. 7852/1759	Y	PLOTS AS SHOWN EXHIBIT "A"
No. 15 2018-196 7852/1741	N	NOTHING TO PLOT

SUMMARY TABLE FOR:
SCHEDULE B, SECTION 2 EXCEPTIONS
TITLE COMMITMENT NO. 7222-6398238
PARCEL 2 (TWO) ONLY

EXCEPTION NUMBER AND RECORDING INFORMATION	AFFECTS SUBJECT PROPERTY	AFFECTED AREA
No. 17 P.B. 10/250	Y	PLOTS AS SHOWN
No. 18 2018-196 7852/1741	N	NOTHING TO PLOT
No. 19 O.R.B. 7852/1759	Y	PLOTS AS SHOWN EXHIBIT "A"

SUMMARY TABLE FOR:
SCHEDULE B, SECTION 2 EXCEPTIONS
TITLE COMMITMENT NO. 7222-6398238
PARCEL 3 (THREE) ONLY

EXCEPTION NUMBER AND RECORDING INFORMATION	AFFECTS SUBJECT PROPERTY	AFFECTED AREA
No. 21 O.R.B. 8217/1844	Y	NOTING TO PLOT
O.R.B. 8293/978	Y	NOTHING TO PLOT
O.R.B. 8293/995	Y	NOTHING TO PLOT
No. 22 P.B. 10/250	Y	PLOTS AS SHOWN
No. 23 O.R. 315/525	N	NOTHING TO PLOT
No. 24 O.R.B. 7476/47	N	DOES NOT PLOT
No. 25 O.R.B. 7488/1948	N	DOES NOT PLOT
No. 26 O.R.B. 8293/980	N	DOES NOT PLOT

GENERAL NOTES:

1. BEARING STRUCTURE ASSUMED (N 40° 12' 04" E) ALONG THE EAST LINE OF LOT 21, BLOCK 34, FOR ANGLE MEASUREMENT ONLY.

2. LEGAL DESCRIPTION PROVIDED BY CLIENT PER FIRST AMERICAN TITLE COMMITMENT NUMBER: 7222-6398238, DATED: MARCH 24, 2023.

3. SURVEYORS DESCRIPTION IS BASED ON MEASURED BEARING AND DISTANCES.

4. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 40' OR SMALLER. ANY USE OF THIS FILE AT A SCALE LARGER THAN STATED, SHALL BE AT THE USER'S OWN RISK.

5. RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS ( ), WHEN DIFFERS FROM MEASURED.

6. FLOOD PLANE CERTIFICATION ACCORDING TO THE FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) F.I.R.M (FEDERAL INSURANCE RATE MAP), COMMUNITY OF CITY ORMOND BEACH, FLORIDA, NUMBER 125136, PANEL NUMBER 12127 C 0184 K DATED: SEPTEMBER 29, 2017. THE PROPERTY IS IN FLOOD ZONE "AH" (EL30) AND FLOOD ZONE "X".

7. DATA SOURCES:

ELEVATIONS REFER TO (NAVD) NORTH AMERICAN VERTICAL DATUM 1988 FEET AND DECIMAL PART THEREOF. BENCHMARK REFERENCE NAVD DATUM OF 1988, BENCHMARK IS A NATIONAL GEODETIC SURVEY (NGS) DESIGNATION: X 266, PID: AQ1050, ELEVATION = 29.48 FEET.

8. HISTORY REFERENCE TO PREVIOUS SURVEY OR HELPER SURVEYS, LINEAGE OF DATA, HORIZONTAL DATA REFERENCES, DATE OF ORIGINAL PLAT.

A.) OFFICIAL RECORDS BOOK 8158, PAGE 879, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
B.) OFFICIAL RECORDS BOOK 8265, PAGE 2710, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
C.) OFFICIAL RECORDS BOOK 8293, PAGE 874, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
D.) OFFICIAL RECORDS BOOK 7803, PAGE 3606, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
E.) REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGE 250, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
F.) REVISED PLAT OF PLANTATION OAKS OF ORMOND BEACH - UNIT 1, AS RECORDED IN MAP BOOK 59, PAGES 138 - 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
G.) BOUNDARY SURVEY PREFORMED BY SLIGER ASSOCIATES, INC., DATED : FEBRUARY 7, 2022, JOB No.: 21-1780.
H.) BOUNDARY SURVEY PREFORMED BY SLIGER ASSOCIATES, INC., DATED : MAY 19, 2022, JOB No.: 22-0676.

9. THE BOUNDARY LINES SHOWN ARE COMPRISED FROM THE SAID INFORMATION ALONG WITH EXISTING MONUMENTATION FOUND IN THE FIELD. SURVEY DOES NOT TERMINE OR REFLECT OWNERSHIP. THERE MAY BE OTHER INFORMATION NOT ON RECORD OR PROVIDED, SUCH AS: DEEDS OR SURVEY HELPERS FROM OTHER THAT ARE NOT ON RECORD TO A1A SURVEYING AT THE TIME OF SURVEY. A1A SURVEYING ATTEMPTS TO CONTACT LOCAL SURVEYORS FOR HELPER SURVEYS. SEE LIMITATIONS.

10. UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN, PER FIELD VISIBLE LOCATIONS OR MARKINGS.

11. LIMITATIONS:

A.) THE CLIENT AND/OR THEIR LEGAL REPRESENTATIVE(S) IS REQUIRED PER FLORIDA STATUTE RULE 5J-17.052(2)(D)(4) AND THE ALTA REQUIREMENTS THAT ALL RECORDED INSTRUMENTS (EASEMENTS, RIGHT-OF-WAYS) & ETC.) THAT APPLIES TO THIS SURVEY MUST BE PROVIDED TO THIS SURVEYOR. SOME INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAY(S), AND OR OWNERSHIP HAVE BEEN FURNISHED TO THE SURVEYOR, PER TITLE COMMITMENT. THERE MAY BE ADDITIONAL RECORDINGS NOT PROVIDED TO THIS SURVEYOR THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY OR A PREVIOUS SURVEY BY OTHERS NOT ON RECORD THAT WERE NOT PROVIDED AT THE TIME OF THIS SURVEY. THIS SURVEYOR RETAINS THE RIGHT TO REVISE HIS OR HER SURVEY WHEN SAID DOCUMENTATION IS PRESENTED.

B.) IT IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND THE FIRM FROM WHICH IS FORMULATED ON HIS / HER BEST KNOWLEDGE, INFORMATION AND BELIEF, AND AS SUCH, DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, LENDER, OR OWNER'S CONTRACTORS OR OTHERS WHICH IS USED AS A BASIS TO FORMULATE THIS SURVEYORS OPINION.

C.) ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY PER FLORIDA STATUES CHAPTER RULE 5J-17.051(3)(5)(6).

D.) THE ACCEPTANCE OF THIS SURVEY AS CERTIFIED FOR THE EXCLUSIVE USE OF NAMES SHOWN HEREON SHALL CONSTITUTE FULFILLMENT OF MY CONTRACTUAL OBLIGATION. "ORIGINAL" AS DEFINED HEREON REFERS TO THE SIGNED AND SEALED GRAPHIC REPRESENTATION OF THE FIELD SURVEY. CAD FILES ARE NOT THE SURVEY AND THESE MAY BE A SURCHARGE FOR THEM.

E.) TAX PARCEL IDENTIFICATION NUMBERS, ADJACENT OWNERS NAME AND ADDRESS WHEN SHOWN, IS TAKEN FROM SAID COUNTY PROPERTY WEB SITE.

F.) TREE INFORMATION:
TREES AS SHOWN ON THE SURVEY IS FOR THE LOCATION AND DIAMETER TAKEN APPROXIMATELY 4 TO 4-1/2 FEET ABOVE GROUND LEVEL (APPROXIMATELY CHEST HEIGHT). THE TREE IDENTIFICATION SHOWN IS USUALLY A COMMONLY KNOWN NAME. HOWEVER, THE ACCURACY OF THE SPECIES OF SAID IDENTIFICATION SHOULD BE IDENTIFIED AND CONSULTED BY AN ARBORIST OR ANY OTHER PROFESSIONAL LICENSED TO IDENTIFY TREES (LANDSCAPE ARCHITECT, ENVIRONMENTALIST, ETC.). IDENTIFICATION IS OUT OF THE EXPERTISE OF A FLORIDA SURVEYOR OR MAPPER, UNLESS THEY POSSESS SUCH CERTIFICATES.

12. PIPE SIZE, MATERIAL AND INVERTS OF SEWER AND DRAINAGE STRUCTURES WERE OBTAINED WHERE ACCESSIBLE. DUE TO THE NATURE OF OBTAINING THE DATA WHERE THE STRUCTURES ARE IN USE AND THE ACTUAL INVERTS ARE OBSCURED, THE INFORMATION OBTAINED MAY BE THE BEST APPROXIMATION OF THE TRUE MEASUREMENTS. IT IS THE RESPONSIBILITY OF THE END USER TO VERIFY THE DIAMETER AND MATERIAL UTILIZING AS-BUILT DRAWINGS OR OTHER RESOURCES PRIOR TO CONSTRUCTION.

13. IN INSTANCES WHERE THE STRUCTURES ARE FULL OF WATER OR EFFLUENT, AND THE INVERTS WERE OBSCURED, THE BOTTOM OF THE STRUCTURE WAS OBTAINED.

14. UNITS OF MEASUREMENT ARE IN U.S. SURVEY FEET AND DECIMAL PARTS THEREOF. WELL IDENTIFIED FEATURES IN THIS SURVEY WERE FIELD MEASURED TO A HORIZONTAL POSITIONAL ACCURACY OF 0.05'. THE ELEVATIONS ON IMPERVIOUS SURFACES WERE FIELD MEASURED TO 0.03' AND ON GROUND SURFACES TO 0.1'.

15. OFFICIAL RECORDS BOOK 724, PAGE 511, SECTION 1, A(1) PAGE 522 DESCRIBES THE VACATION OF THE WESTERLY PORTION OF ATLANTIC ROAD FROM BENTON STREET TO BROADWAY, HOWEVER THE DEED ON FILE DOES NOT REFLECT THAT. AT THIS SAME PAGE IT ALSO DESCRIBES THE EASTERLY 10 FEET OF BENTON STREET FROM NORTHERLY LINE OF U.S. HIGHWAY No.1 NORTHERLY TO THE WESTERLY SIDE OF 15 FOOT ALLEY BETWEEN LOTS 21 AND 22, BLOCK 34.

16. ABBREVIATIONS: Δ = CENTERLINE; A = ARC LENGTH; (C) = CALCULATED; C.A. = COMMON AREA; CM = CONCRETE MONUMENT; C.N.F. = CORNER NOT FOUND; D = DELTA; (D) = DEED; D.E. = DRAINAGE EASEMENT; EL = ELEVATION; EP = EDGE OF PAVEMENT; FD = FOUND; FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION; ID = IDENTIFICATION; INV = INVERT; IP = IRON PIPE; IRC = IRON ROD AND CAP; LB = LICENSED BUSINESS; LS = LICENSED SURVEYOR; (M) = MEASURED; M.B. = MAP BOOK; No. = NUMBER; O.R.B. = OFFICIAL RECORDS BOOK; (P) = PLAT; P.B. = PLAT BOOK; PG = PAGE; P.O.B. = POINT OF BEGINNING; PRM = PERMANENT REFERENCE MONUMENT; PSM = PROFESSIONAL SURVEYOR AND MAPPER; R = RADIUS; R/W = RIGHT-OF-WAY; TRANS = TRANSFORMER; T.O.W. = TOP OF WATER; U.E. = UTILITY EASEMENT; V.C.R. = VOLUSIA COUNTY RECORDS

SHEET 1 OF 2

CERTIFIED TO:
-

TYPE OF SURVEY:
Boundary, Tree and Topographic

REVISIONS:
Revised per City Comments....08/07/23 BR
Revised per City Comments....08/16/23 BR
Added Title Commitment.....08/16/23 BR

SITE ADDRESS: PROJECT:
Benton Street 23-48
Ormond Beach, Florida

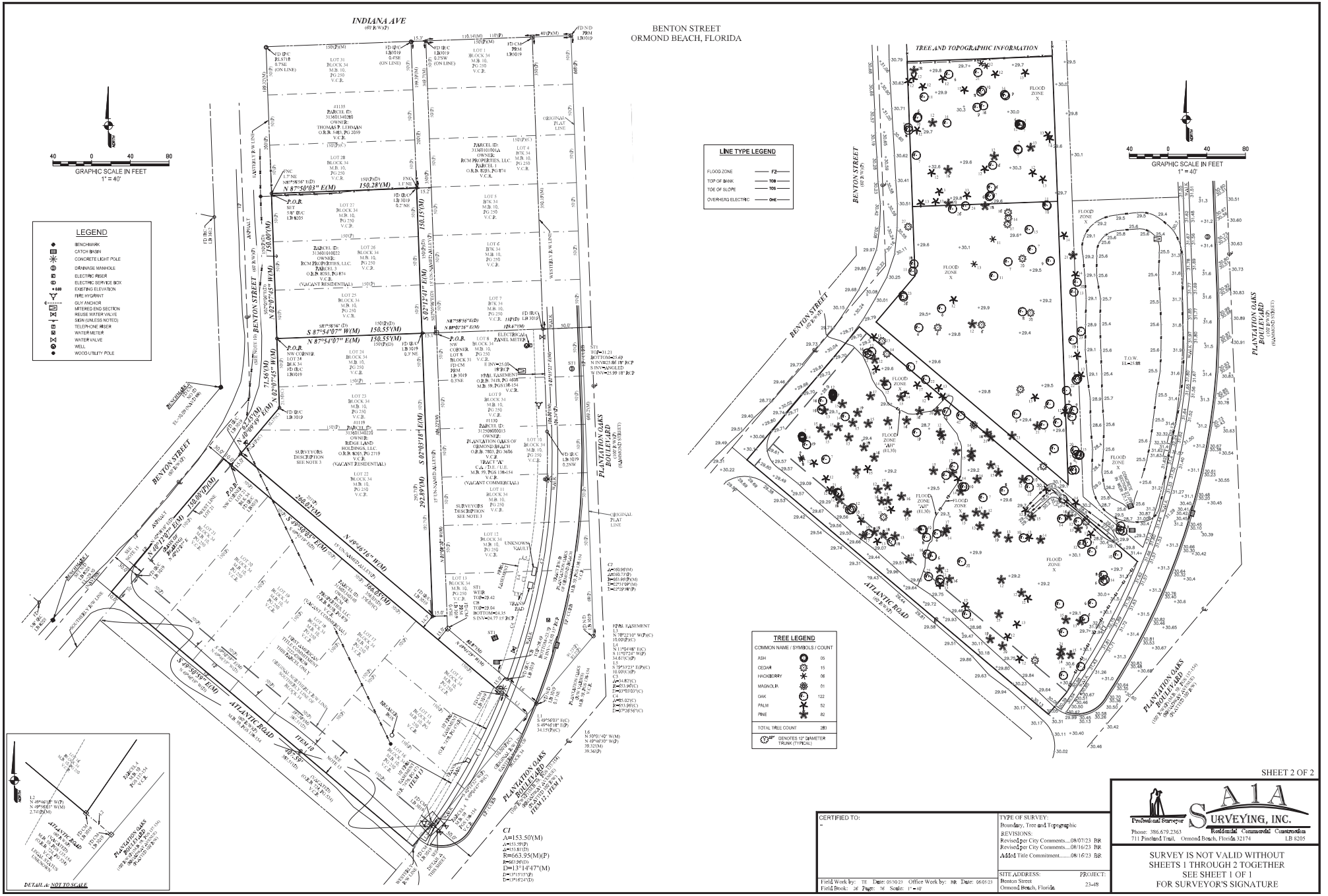
Field Work by: TE Date: 05/30/23 Office Work by: BR Date: 06/05/23
Field Book: 26 Page: 76 Scale: 1" = 40'

Professional Surveyor
A1A SURVEYING, INC.
Residential Commercial Construction
711 Pineland Trail, Ormond Beach, Florida 32174 LB 8205
Phone: 386.679.2363

THE FOREGOING BOUNDARY, TREE AND TOPOGRAPHIC IS CERTIFIED TO MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYOR & MAPPERS, PER CHAPTER 5J-17, SECTION 472.027, FLORIDA STATUTES.

06/05/2023
PSM #6378
David McMillen

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



SHEET 2 OF 2

CERTIFIED TO:
-

TYPE OF SURVEY:
Boundary, Tree and Topographic

REVISIONS:
Revised per City Comments....08/07/23 BR
Revised per City Comments....08/16/23 BR
Added Title Commitment.....08/16/23 BR

SITE ADDRESS:
Benton Street
Ormond Beach, Florida

PROJECT:
23-48

Field Work by: TE Date: 05/30/23 Office Work by: BR Date: 06/05/23
Field Book: 26 Page: 76 Scale: 1" = 40'

A1A SURVEYING, INC.
Professional Surveyor
Residential Commercial Construction
Phone: 386.679.2363
711 Pineland Trail, Ormond Beach, Florida 32174 LB 8205

SURVEY IS NOT VALID WITHOUT
SHEETS 1 THROUGH 2 TOGETHER
SEE SHEET 1 OF 1
FOR SURVEYOR'S SIGNATURE

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Public hearing applications require City Commission action with many types being reviewed by the Planning Board to provide a recommendation. Some public hearing items require site plan review. Please complete the application and fee worksheet. Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.

PROJECT INFORMATION			
Project Type:*	Comprehensive Plan *Complete fee sheet (page 3)		
Project Name:	Woodsprings Suites		
Project Address:	Address not assigned yet		
Volusia County parcel number(s):	313601340220; 313601010022; 313601340140		
Description:	Comprehensive Plan amendment to allow for development of a 122 room Woodspring Suites Hotel.		
Pre-application date:	07-05-2023	Pre-application waiver granted:	

PROJECT COORDINATOR	
Name:	Germana Engineering and Associates, LLC - Christopher Germana
Address:	1120 W. Minneola Avenue
City, State, Zip code:	Clermont, Florida, 34711
Telephone:	352-242-9329, Ext 101
E-mail:	cgermana@germanaengineering.com

APPLICANT INFORMATION			
Same as project coordinator	☑	**Same as property owner**	☐
Name:	Germana Engineering and Associates, LLC - Christopher Germana		
Address:	1120 W. Minneola Avenue		
City, State, Zip code:	Clermont, Florida, 34711		
Telephone:	352-242-9329, Ext 101		
E-mail:	cgermana@germanaengineering.com		

PROPERTY OWNER			
Same as project coordinator	☐	**Same as property owner**	☑
Name:	RCM PROPERTIES, LLC		
Address:	123 MAGNOLIA AVENUE		
City, State, Zip code:	DAYTONA BEACH FL 32114		
Telephone:	386-253-0826		
E-mail:	rickm@ridge-development.com		

VIEW ONLY ACCESS TO PROJECT DOX (Provides viewing access to project)

Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	

CERTIFICATION

By submitting this application, I hereby certify that the information provided is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and the review process for this application. I authorize Ormond Beach staff to access the subject property during typical business hours to review the public hearing application.

Signature: RCM

STATE OF FLORIDA

COUNTY OF Volusia

The forgoing instrument was acknowledged before me this 29th day of november, 20 23, by Richard C Maugeri as President (title*) for Rcm Properties LLC (name of corporation*), who ( ) provided _____ as identification, or (X) who is personally known to me.

Notary Public State of Florida
Melissa A Tardella
My Commission HH 002424
Expires 05/23/2024

Melissa A Tardella

Notary Public, State of Florida

My Commission Expires:

* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

PROPERTY OWNER			
Same as project coordinator	☐	**Same as property owner**	☑
Name:	RIDGE LAND HOLDINGS, LLC		
Address:	123 MAGNOLIA AVENUE		
City, State, Zip code:	DAYTONA BEACH FL 32114		
Telephone:	386-253-0826		
E-mail:	rickm@ridge-development.com		

VIEW ONLY ACCESS TO PROJECT DOX (Provides viewing access to project)

Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	

CERTIFICATION

By submitting this application, I hereby certify that the information provided is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and the review process for this application. I authorize Ormond Beach staff to access the subject property during typical business hours to review the public hearing application.

Signature: RCM

STATE OF FLORIDA

COUNTY OF Volusia

The forgoing instrument was acknowledged before me this 29th day of November, 2023, by Richard C. Maugeri as Manager (title*) for Ridge Land Holdings LLC (name of corporation*), who ( ) provided _____ as identification, or (X) who is personally known to me.

Notary Public State of Florida
Melissa A Tardella
My Commission HH 002424
Expires 05/23/2024

Melissa A Tardella
Notary Public, State of Florida
My Commission Expires:

* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application Fees

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Site plan submittals require the submittal of applications per Ordinance 2021-30, codified in Section 8-10, Application processing fees, of the Code of Ordinances. All applications shall calculate the fees which shall be verified by city staff. **Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.**

PUBLIC HEARING FEES (Ordinance 2021-30 - Section 8-10 of Code of Ordinances)

Check all that apply	SPRC reviews	Fee	Advertising	Total fee
☐	Annexation	No fee	No fee	No fee
☐	Annexation Agreement	No fee	No fee	No fee
☑	Comprehensive Plan, small area amendment	$2,000	$1,025	$3,025
☐	Comprehensive Plan, large-scale amendment	$2,000	$2,250	$4,250
☐	Concurrency, traffic impact analysis	$3,000 (deposit)	NA	$3,000
☐	Development of Regional Impact amendment	$600	$2,250	$2,850
☐	Planned Development	$2,500	$2,400	$4,900
☐	Planned Development, major amendment	$1,000	$2,400	$3,400
☐	Regulatory amendment, zoning map, under 10 acres	$1,500	$850	$2,350
☐	Regulatory amendment, zoning map, over 10 acres	$1,500	$1,650	$3,150
☐	Regulatory amendment, LDC amendment	$1,000	$700	$1,700
☐	Regulatory amendment, LDC amendment (zoning districts)	$1,000	$1,500	$2,500
☐	Special Exception	$850	$850	$1,700
☐	Special Exception, CRA	$400	$850	$1,250
☐	Street vacation	$500	$1,925	$2,425
☐	Subdivision, Preliminary plat	$1,500 plus $25 per lot	NA	$1,500 plus $25 per lot
☐	Subdivision, Final plat	$1,000 plus $25 per lot	$350	$1,350 plus $25 per lot
☐	Subdivision, city surveyor review	Actual costs	NA	Actual costs
☐	Subdivision, Recording of plat	Actual costs	NA	Actual costs
☑	Other: ReZoning			
		TOTALS:		

CITY OF ORMOND BEACH

Public Works Department • Utilities Division • 501 North Orchard Street • Ormond Beach, FL 32174
(386) 676-3220 • Fax (386) 676-3294

December 14, 2023

Ms. Jessica Heiny
Germana Engineering & Assoc
1120 W Minneola Ave.
Clermont, FL 34711

RE: Water and Sewer Service Availability for Parcel 3136-01-34-0140

Dear Ms. Heiny,

The City of Ormond Beach is the utility provider for the above referenced parcel. Our records indicate this property is at the southeast corner of Atlantic Rd. and Benton St. Water and irrigation service can be provided from an 8" water main located on the west side of Atlantic Rd. There is also a 12" water main on Plantation Oaks Blvd. that runs along the south property line.

There is no gravity sanitary sewer service available for this property. There is a 4" force main on the west side of Atlantic Rd. and an 8" force main on the south side of Plantation Oaks Blvd. A lift station would need to be constructed from the property to the force main.

This letter does not obligate the City to provide service without payment of all applicable utility service and connection fees and compliance with all applicable City codes.

If you should need any further clarification, please feel free to contact me at (386) 676-3305.

Sincerely,

Robert C Preis Jr.

Utilities Manager
City of Ormond Beach
386-676-3305
Robert.Preis@ormondbeach.org

8/4/2022 10:34:44 AM Instrument #2022182101 #1 Book:8293 Page:874
Doc Stamps $0.70 Transfer Amt $10.00

Prepared by and return to:

Glenn D. Storch, PA
420 South Nova Road
Daytona Beach, FL 32114-4514
386-238-8383
File Number: **2832-39**

THIS CORRECTIVE WARRANTY DEED IS BEING RECORDED TO CORRECT THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 8217, PAGE 1840, PUBLIC RECORDS OF VOLUSIA COUNTY TO SHOW THE PROPER LEGAL DESCRIPTION.

[Space Above This Line For Recording Data]

Corrective Warranty Deed

This Indenture made this 18 day of July, 2022 between **NGT Transportation, LC, a Florida limited liability company**, and **SNILLOC Family Limited Partnership Number One, a Florida limited partnership,** whose post office address is **2249 Old Dixie Hwy, Ormond Beach, FL 32174** of the County of **Volusia**, State of **Florida**, grantor*, **RCM Properties L.L.C., a Florida limited liability company,** whose post office address is **123 Magnolia Avenue, Daytona Beach, Daytona Beach, FL 32114** of the County of **Volusia**, State of **Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Volusia County**, **Florida**, to-wit:

See Attached "Exhibit A"

Subject to taxes for the year 2022 and all subsequent years.

Subject to easements, restrictions, conditions, and reservations of record, if any, the mention of which shall not serve to reimpose the same.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: 2249 Old Dixie Hwy, Ormond Beach, FL 32174.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

DoubleTime®

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Corey D. Brown

Witness Name: Cayley Garrison

By: _____
John Collins

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [_] online notarization, this 18 day of July, 2022, who [X] is personally known to me or [ ] has produced a driver's license as identification.

[Notary Seal]

Cayley Garrison
Notary Public
Printed Name: _____
My Commission Expires: _____

CAYLEY GARRISON
Notary Public - State of Florida
Commission # HH 170659
My Comm. Expires Aug 29, 2025
Bonded through National Notary Assn.

CAYLEY GARRISON
Notary Public - State of Florida
Commission # HH 170659
My Comm. Expires Aug 29, 2025
Bonded through National Notary Assn.

DoubleTime®

Instrument #2022182101 #3 Book:8293 Page:876

EXHIBIT "A"

PARCEL 1:

PART OF LOTS 1 THROUGH 7, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING WESTERLY OF PLANTATION OAKS BOULEVARD A PROPOSED 100 FOOT RIGHT-OF-WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 34, RUN THENCE SOUTH 02°05'06" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID LOTS 1 THROUGH 7 OF SAID BLOCK 34 TO THE SOUTHWEST CORNER OF LOT 7; THENCE RUN NORTH 87°58'56" EAST ALONG THE SAID SOUTHERLY BOUNDARY LINE OF SAID LOT 7, 110 FEET TO A POINT; THENCE RUN NORTH 02°05'06" WEST A DISTANCE OF 350 FEET TO THE NORTHERLY BOUNDARY LINE OF LOT 1, BLOCK 34; THENCE SOUTH 87°58'56" WEST ALONG SAID NORTHERLY BOUNDARY LINE OF LOT 1 A DISTANCE OF 110 FEET TO THE NORTHWEST CORNER THEREOF AND THE POINT OF BEGINNING.

PARCEL 2:

LOTS 4 THROUGH 7, BLOCK 7, AND LOTS 1 THROUGH 4, BLOCK 21, AS SHOWN ON THE REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA. LESS AND EXCEPT: THAT PORTION OF LOTS 6 AND 7, BLOCK 7 AND THAT PORTION OF LOTS 1 THROUGH 4, BLOCK 21, LYING WEST OF PLANTATION OAKS BOULEVARD RECORDED IN MAP BOOK 59 PAGES 138 THROUGH 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 3:

LOTS 25 THROUGH 27, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 27, BLOCK 34, SAID POINT BEING ON THE EASTERLY LINE OF BENTON STREET, A 60 FOOT PARTIALLY OPENED RIGHT OF WAY, RUN THENCE NORTH 87°58'56" EAST ALONG THE NORTHERLY LINE OF LOT 27 FOR A DISTANCE OF 150.00 FEET TO THE WESTERLY LINE OF A 15 FOOT UNNAMED ALLEY; THENCE SOUTH 02°05'06" EAST ALONG SAID WESTERLY LINE FOR A DISTANCE OF 150.00 FEET TO THE SOUTHEAST CORNER OF LOT 25; THENCE SOUTH 87°58'56" WEST ALONG THE SOUTHERLY LINE OF LOT 25 FOR A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER THEREOF AND THE EASTERLY LINE OF BENTON STREET AFORESAID; THENCE NORTH 02°05'06" WEST ALONG SAID EASTERLY LINE OF BENTON STREET FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

Instrument #2022182101 #4 Book:8293 Page:877 Laura E. Roth, Volusia County Clerk of Court

PARCEL 4:

ALL OF BLOCKS 8 AND 9 TOGETHER WITH THAT PORTION OF BLOCK 10 LYING EAST OF INTERSTATE NO. 95, AND THAT PORTION OF DOWLING STREET LYING EAST OF INTERSTATE NO. 95. ALL IN THE REVISED PLAT OF NATIONAL GARDENS RECORDED ON MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA.

3/10/2022 2:08:14 PM Instrument #2022056863 #1 Book:8217 Page:1840
Doc Stamps $6,300.00 Transfer Amt $900,000.00

Prepared by and return to:
Adolph Joseph Posey, Jr.

Glenn D. Storch, PA
420 South Nova Road
Daytona Beach, FL 32114-4514
386-238-8383
File Number: **2832-39**

Parcel Identification No. **3136-01-01-0022**

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 7 day of March, 2022 between **NGT Transportation, LC, a Florida limited liability company,** whose post office address is **2249 OLD DIXIE HWY, Ormond Beach, FL 32174** and **SNILLOC Family Limited Partnership Number One, aFlorida limited partnership,** whose post office address is **2249 OLD DIXIE HWY, Ormond Beach, FL 32174** of the County of **Volusia**, State of **Florida**, grantor*, and **RCM Properties L.L.C., a Florida limited liability company** whose post office address is **123 Magnolia Avenue, Daytona Beach, FL 32114** of the County of **Volusia**, State of **Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Volusia County, Florida,** to-wit:

See Attached "Exhibit A"

Subject to taxes for the year 2021 and all subsequent years.

Subject to easements, restrictions, conditions, and reservations of record, if any, the mention of which shall not serve to reimpose the same.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

DoubleTime®

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Cayley Garrison

Witness Name: Corey D. Brown

NGT Transportation, LC

By: _____
John Collins, Managing Member

Witness Name: Cayley Garrison

Witness Name: Corey D. Brown

SNILLOC Family Limited Partnership Number One

By: _____
John Collins, Managing Partner

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [_] online notarization, this 7 day of March, 2022 by John Collins, Managing Member of NGT Transportation, LC, on behalf of the company, who [_] is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]

CAYLEY GARRISON
Notary Public - State of Florica
Commission # HH 170659
My Comm. Expires Aug 29, 2025
Bonded through National Notary Assn.

Notary Public

Printed Name: _____

My Commission Expires: _____

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [_] online notarization, this 7 day of March, 2022 by John Collins, Managing Partner on behalf of SNILLOC Family Limited Partnership Number One. He [_] is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]

CAYLEY GARRISON
Notary Public - State of Florida
Commission # HH 170659
My Comm. Expires Aug 29, 2025
Bonded through National Notary Assn.

Notary Public

Printed Name: _____

My Commission Expires: _____

Instrument #2022056863 #3 Book:8217 Page:1842

EXHIBIT "A"

PARCEL 1: (shown as PARCEL 2 on survey)

PART OF LOTS 1 THROUGH 6, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING WESTERLY OF PLANTATION OAKS BOULEVARD A PROPOSED 100 FOOT RIGHT-OF-WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 34, RUN THENCE SOUTH 02°05'06" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID LOTS 1 THROUGH 7 OF SAID BLOCK 34 TO THE SOUTHWEST CORNER OF LOT 7; THENCE RUN NORTH 87°58'56" EAST ALONG THE SAID SOUTHERLY BOUNDARY LINE OF SAID LOT 7, 110 FEET TO A POINT; THENCE RUN NORTH 02°05'06" WEST A DISTANCE OF 350 FEET TO THE NORTHERLY BOUNDARY LINE OF LOT 1, BLOCK 34; THENCE SOUTH 87°58'56" WEST ALONG SAID NORTHERLY BOUNDARY LINE OF LOT 1 A DISTANCE OF 110 FEET TO THE NORTHWEST CORNER THEREOF AND THE POINT OF BEGINNING.

PARCEL 1A:

LOT 7, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING WESTERLY OF PLANTATION OAKS BOULEVARD.

PARCEL 2: (description by Sliger)

LOTS 4 THROUGH 7, BLOCK 7, AND LOTS 1 THROUGH 4, BLOCK 21, AS SHOWN ON THE REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA. LESS AND EXCEPT: THAT PORTION OF LOTS 6 AND 7, BLOCK 7 AND THAT PORTION OF LOTS 1 THROUGH 4, BLOCK 21, LYING WEST OF PLANTATION OAKS BOULEVARD RECORDED IN MAP BOOK 59 PAGES 138 THROUGH 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 3: (shown as PARCEL 5 on Sliger survey)

LOTS 25 THROUGH 27, BLOCK 34, REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 27, BLOCK 34, SAID POINT BEING ON THE EASTERLY LINE OF BENTON STREET, A 60 FOOT PARTIALLY OPENED RIGHT OF WAY, RUN THENCE NORTH 87°58'56" EAST ALONG THE NORTHERLY LINE OF LOT 27 FOR A DISTANCE OF 150.00 FEET TO THE WESTERLY LINE OF A 15 FOOT UNNAMED ALLEY; THENCE SOUTH 02°05'06" ALONG SAID WESTERLY LINE FOR A DISTANCE OF 150.00 FEET TO THE SOUTHEAST CORNER OF LOT 25; THENCE SOUTH 87°58'56" WEST ALONG THE SOUTHERLY LINE OF LOT 25 FOR A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER THEREOF AND THE EASTERLY LINE OF BENTON STREET AFORESAID; THENCE NORTH 02°05'06" WEST

Instrument #2022056863 #4 Book:8217 Page:1843 Laura E. Roth, Volusia County Clerk of Court

ALONG SAID EASTERLY LINE OF BENTON STREET FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

LOTS 1 THROUGH 7, BLOCK 8, PART OF BLOCK 9, AND PART OF BLOCK 10 AND PART OF DOWLING STREET, NATIONAL GARDENS SUBDIVISION, AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 WITH THE SOUTHERLY LINE OF PENNSYLVANIA AVENUE, AN 80 FOOT UNOPENED STREET, RUN THENCE NORTH 88°22 '40" EAST ALONG SAID SOUTHERLY LINE OF UNOPENED PENNSYLVANIA AVENUE FOR A DISTANCE OF 1085.03 FEET TO THE WESTERLY LINE OF BENTON STREET, A 60 FOOT UNOPENED STREET; THENCE SOUTH 02°05'04" EAST ALONG SAID WESTERLY LINE OF BENTON STREET FOR A DISTANCE OF 644.88 FEET TO THE SOUTHERLY LINE OF LOT 7, BLOCK 8; THENCE SOUTH 87°41 '32" WEST ALONG SAID SOUTHERLY LINE OF LOT 7 AND THE SOUTHERLY LINE OF BLOCK 9 FOR A DISTANCE OF 690.30 FEET TO THE WESTERLY LINE OF BLOCK 9; THENCE NORTH 02°06'35" WEST ALONG SAID WESTERLY LINE OF BLOCK 9 FOR A DISTANCE OF 43.99 FEET; THENCE THE FOLLOWING 17 COURSES AND DISTANCES TO THE EASTERLY RIGHT-OF-WAY LINE OF AFORESAID INTERSTATE HIGHWAY 95; NORTH 40°45'34" EAST, 40.03 FEET; NORTH 09°38'23" EAST, 60.35 FEET; NORTH 37°22'28" EAST, 42.29 FEET; NORTH 66°12'50" EAST, 44.29 FEET; NORTH 65°21 '25" EAST, 66.50 FEET; NORTH 53°01 '27" EAST, 68.35 FEET, NORTH 07°53 '37" EAST, 64.56 FEET; NORTH 02°08'36" EAST, 49.41 FEET; NORTH 31 °27'42" WEST, 86.64 FEET; NORTH 55°00'43" WEST, 68.89 FEET; NORTH 74°45'31" WEST, 76.60 FEET; NORTH 87°02'13" WEST, 151.75 FEET; SOUTH 82°52'16" WEST, 57.17 FEET; SOUTH 32°23'55" WEST, 76.05 FEET; SOUTH 12°04'04" WEST, 48.70 FEET; SOUTH 42°46'08" WEST, 65.53 FEET; NORTH 54°32'11" WEST, 120.18 FEET TO THE EASTERLY LINE OF SAID INTERSTATE HIGHWAY 95; THENCE NORTH 17°17'31" WEST ALONG SAID EASTERLY LINE A DISTANCE OF 226.18 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE 60 FOOT UNOPENED RIGHT-OF-WAY OF ROSEMARY STREET.

also described as (on Sliger survey)

ALL OF BLOCKS 8 AND 9 TOGETHER WITH THAT PORTION OF BLOCK 10 LYING EAST OF INTERSTATE NO. 95, AND THAT PORTION OF ROSEMARY STREET LYING EAST OF INTERSTATE NO. 95. ALL IN THE REVISED PLAT OF NATIONAL GARDENS RECORDED ON MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA.

DRAFT

Planning Board minutes from March 14, 2024

ITEM:

PZ-2024-015

Woodsprings Suites

Comprehensive Plan Amendment, Land Use Map

Resolution 2023-109. Mr. Spraker stated that the project is under construction. He stated the final plat is a legal document to subdivide land after constructing improvements or posting a performance bond. Mr. Spraker stated that the final plat was reviewed by the SPRC, City Attorney's Office, and the City Surveyor. He concluded that the SPRC recommends approval of the final plat.

Mr. Spraker stated that the project was awarded an Outstanding Sustainability Initiative from the Surfcoast Chapter of the Florida Planning and Zoning Association in December 2023.

Board Discussion and Questions

Mr. du Moulin asked if the irrigation for the subdivision was drawn from the stormwater pond. Mr. Spraker confirmed that was correct. Mr. du Moulin asked if the stormwater pond was not adequate if there is a secondary well. Mr. Spraker stated that this is correct and there is a well to supplement the stormwater pond if necessary.

Mr. Galloway stated there are a lot of homes getting ready to be built in this area.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Scudiero motioned to approve PZ 2024-009, RidgeHaven Subdivision, Final Plat. Mr. Galloway seconded it. Vote was called, and the motion was approved (6-0).

F. PZ 2024-015, Woodsprings Suites, Comprehensive Plan Land Use Map Amendment

Mr. Spraker stated that this is a request for a Small-Scale Comprehensive Plan Land Use Map amendment for an approximate 1.33 acres located at Benton Street and Atlantic Avenue, from "Medium Density Residential" to "Low Intensity Commercial". He reviewed the process for a land use amendment that includes: (1) review by Planning staff, (2) Planning Board review and recommendation, (3) City Commission action and if approved (4) transmittal to the Volusia County Growth Management Commission and Department of Florida Commerce.

Mr. Spraker reviewed the proposed Future Land Use Map with the amendment. He stated that the map amendment sought to go from "Medium Density Residential" to "Low Intensity Commercial". He stated that the goal of the application is to make the entire project a "Low Intensity Commercial" land use designation in order to construct a hotel. Mr. Spraker reviewed the uses in the area including U.S. Highway 1 and stated the subject property was in a transitional area where a hotel would be appropriate. He continued that the property is within the North U.S. Highway 1 Interlocal Service Boundary Agreement (ISBA) area that contains land use conditions of a maximum of 8 units per acre and a maximum Floor Area Ratio that shall not exceed 0.50 for retail and 0.55 for all other nonresidential uses. Mr. Spraker concluded that staff recommended approval of the land use amendment application.

Board Discussion and Questions

Ms. Shull inquired about the allowed residential density. Mr. Spraker confirmed that a hotel would be reviewed based upon the Floor Area Ratio. He stated that the residential density would apply to single-family houses, townhomes or multi-family uses. Mr. Spraker noted that the project would need a right-of-way (ROW) vacation and a zoning map amendment to Planned Business Development.

Mr. du Moulin asked if the applicant agreed to install a lift station. Mr. Spraker stated that the project is not that far yet and this is a land use map amendment. He stated the application changes colors on a map and determines the appropriateness of a use category. Mr. Spraker stated that there is no site plan with this application and speculated that the project would construct a private lift station. Mr. du Moulin questioned if the applicant would be responsible for that. Mr. Spraker confirmed that the lift station and sewer service is the responsibility of the applicant.

Mr. Galloway inquired to a parcel next to the amendment area. Mr. Spraker confirmed that this area is part of the Benton Street right-of-way.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Jorczak motioned to approve PZ 2024-015, Woodsprings Suites, Comprehensive Plan Land Use Map Amendment. Mr. Galloway seconded it. Vote was called, and the motion was approved (6-0).

G. PZ 2024-016, 7-Eleven Electronic Changeable Copy Signage, 3 North Yonge Street, Special Exception

Ms. Cushing stated that this a request submitted for a Special Exception to allow two (2) electronic changeable copy signs for the retail prices of gasoline at the 7-Eleven convenience store located at 3 North Yonge Street per Section 3-47(G). She stated that there are no other site or building improvements proposed. Ms. Cushing reviewed the development order review process for the Special Exception that included (1) Planning staff review, (2) Planning Board review and recommendation, and (3) City Commission action. She stated that this process is applied to the following two 7-Eleven applications.

Ms. Cushing stated that electronic changeable copy signage for the retail display of gasoline is allowed as a Special Exception. She stated that the application is a face change to modify the manual changeable copy to electronic changeable copy signage. Ms. Cushing stated that the application complies with Section 3-47(G) of the LDC and staff recommended approval of the application.

Board Discussion and Questions

Mr. Jorczak asked staff if the proposed signs would be increased in size.

Ms. Cushing responded that they are simply doing a face change to remove the manual changeable copy sign area to electronic changeable copy sign. She confirmed that there will be no increase in the sign size and the proposed electronic changeable copy area will meet the requirements of Section 3-47(G).

Ordinance Adoption
Business Impact Estimate

Proposed ordinance's number and legal title:

2024-02

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ORMOND BEACH BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 1.33± ACRES, LOCATED ALONG BENTON STREET, NORTH OF ATLANTIC ROAD (VOLUSIA COUNTY PARCEL NUMBERS 3136-01-34-0220 AND 3136-01-01-0022) FROM 'MEDIUM DENSITY RESIDENTIAL" TO "LOW INTENSITY COMMERCIAL"; PROVIDING FOR CONFLICT; AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
    a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
    b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
    c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
    d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City.

   This is a request submitted by Ridge Land Holdings, LLC, and RCM Properties, LLC, property owners, for a Small-Scale Comprehensive Plan Land Use Map amendment for approximately 1.33 acres located at Benton Street and Atlantic Avenue, Volusia County Parcel Identification Numbers (3136-01-34-0220, 3136-01-01-0022, and 3136-0134-0140) from "Medium Density Residential" to "Low Intensity Commercial". The property is within the North U.S. Highway 1 Interlocal Service Boundary Agreement (ISBA) area that contain land use conditions of a maximum of 8 units per acre and a maximum Floor Area Ratio that shall not exceed 0.50 for Retail and 0.55 for all other Nonresidential uses.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, including the following, if any:

   a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;

      None. This is a request for a Comprehensive Plan Future Land Use Map amendment. No compliance costs are anticipated.

   b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

      None. This is a request for a Comprehensive Plan Future Land Use Map amendment. There are no charges or fees proposed.

   c. An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

      None. This is a request for a Comprehensive Plan Future Land Use Map amendment.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

   None. This is a request for a Comprehensive Plan Future Land Use Map amendment.

4. Any additional information the City determines may be useful.

   (This section may include: methodology or data used to prepare the Business Impact Estimate, e.g., City staff solicited comments from businesses as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail/email, posting on the City's website, public workshop, etc.; efforts made to reduce the potential fiscal impact on businesses; and state the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals or businesses) and, therefore, the proposed ordinance does not affect only businesses.)

   No business impacts proposed. The item was advertised by U.S. mail to abutting property owners and newspaper advertisements. Information on the application is also on the city's website.

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 8.B

Section:	PUBLIC HEARINGS		
Item Category:	Public Hearing - Ordinances	**Res./Ord. No:**	2024-3
Strategic Goal:	Transportation & Community Development - Other		
Department:	Planning & Building		
Subject:	Tomoka Reserve, Zoning Map Amendment		
Summary:	This is an application submitted by Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC, for a zoning map amendment to rezone the Tomoka Oaks golf course land consisting of approximately 147.94 acres, from PRD, Planned Residential Development to R-2, Single-Family Low Density. The former Tomoka Oaks golf course land is situated within the Tomoka Oaks residential subdivision. The physical and historical connection of these two properties present unique circumstances regarding the developer's proposed development of the golf course land. Development of the golf course land under PRD, Planned Residential Development zoning, and not the R-2 Single-Family Low Density zoning district, can better satisfy the goals and objectives of the City's Comprehensive Plan and the requirements of the Land Development Code to achieve a harmonized development of the golf course land in a manner that will lessen the impacts on adjacent neighborhoods. Within the packet, the following information is included: 1. Planning staff's report; 2. Applicant's submittal; 3. Zoning maps and zoning district analysis; 4. Correspondence on the application; 5. Tomoka Oaks HomeOwner's Association analysis of application, including two planner's analysis; 6. Letter from project attorney, Karl J. Sanders dated January 10, 2024; and 7. Janaury 11, 2024 Planning Board minutes. The Planning Board reviewed the zoning map amendment at the January 11, 2024 meeting. The applicant's attorney, the Tomoka Oaks HomeOwner's Association, and residents addressed the Planning		

	Board. The Planning Board meeting minutes are part of the project packet attached. The Planning Board recommended denial of the zoning map amendment by a 7-0 vote.
Financial Impact:	There is no budget impact as the result of this application for the zoning map amendment.
Citizen Impact:	Members of the public, City staff, the Planning Board, and City Commission have recognized the unique and special characteristics of theTomoka Reserve property. The zoning map amendment application received written comments and public comments at the Planning Board meeting.
Recommended Action (Staff, Advisory Board and/or Other):	The Planning Board recommended **DENIAL** of the application for a zoning map amendment from PRD, Planned Residential Development to the R-2, Single-Family Low Density and to maintain the existing PRD, Planned Residential Development zoning for the Tomoka Reserve property.
Staff Contact:	Steven Spraker, Planning Director, (386) 676-3341
Attachments:	1. 24-03 ZMA Ordinance, Tomoka Reserve 2. Exhibit A, Tomoka Reserve Legal Description 3. EXHIBIT B, AMENDTOMOKA_RESERVE_ZONING 4. 01.11.2024, Tomoka Reserve Zoning Map Amendment, PB Staff Report (8.5X11) 5. 01.11.2024, DRAFT Planning Board minutes, Tomoka Reserve, Zoning Map Amendment 6. Tomoka Reserve ZMA, Correspondence after packet (01.03.24 to 01.11.24) 7. Tomoka Reserve ZMA, Correspondence, 01.12.2024 to 04.08.2024 8. November 7, 2023, Tomoka Reserve PRD CC Item 9. November 7, 2023, CC Minutes 10. 2006-17, City Commission item, Tomoka Golf Village (3) 11. Ordinance Business Impact Estimate 10-01-23 OB Form - Tomoka Reserve, DO
Approval:	Kelly McGuire, Finance Director 4/3/2024 Claire Whitley, Assistant City Manager 4/8/2024 Joyce Shanahan, City Manager 4/11/2024

ORDINANCE NO. 2024-03

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE ONE PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 147.94 ACRES LOCATED AT 20 TOMOKA OAKS BOULEVARD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL IDENTIFICATION NUMBER: 3242-07-00-0010 FROM PRD, PLANNED RESIDENTIAL DEVELOPMENT TO R-2, SINGLE-FAMILY LOW DENSITY; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Triumph Oaks of Ormond Beach I, LLC, a Florida limited liability company ("Property Owner") is the fee simple owner of certain real property consisting of approximately 147.94 acres located at 20 Tomoka Oaks Boulevard, (Volusia County Property Appraiser parcel identification number: 3242-07-00-0010) Ormond Beach, Florida, which is legally described and depicted in Exhibit "A" ("Property") attached hereto and incorporated herein, and

WHEREAS, the Property Owner has submitted an application to the city to re-zone the Property from PRD, Planned Residential Development, to R-2, Single-Family Low Density, and

WHEREAS, the Property to be re-zoned is more than ten contiguous acres, consisting of approximately 147.94 contiguous acres, and

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

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

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

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

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

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

SECTION TWO. Paragraph C, Official Zoning Map, of Section 2-01, Established, of Article I, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the *Land Development Code* of the City of Ormond

Beach, Florida is hereby amended by amending the Official Zoning Map, to change the zoning designation of one parcel located at 20 Tomoka Oaks Boulevard, Volusia County Property Appraiser parcel identification number: 3242-07-00-0010, as more particularly described and depicted in Exhibit "A" from PRD, Planned Residential Development, to R-2, Single-Family Low Density as shown and depicted in Exhibit "B".

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

SECTION FOUR. This Ordinance shall be effective immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 16th day of April, 2024.

PASSED UPON at the second reading of the City Commission, this 7th day of May, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

\\ORMONDBEACH\DFS\DEPT\LEGAL\CITY COMMISSION ITEMS\ORDINANCE\2024\04-16-24\24-03 ZMA ORDINANCE, TOMOKA RESERVE.DOCX\

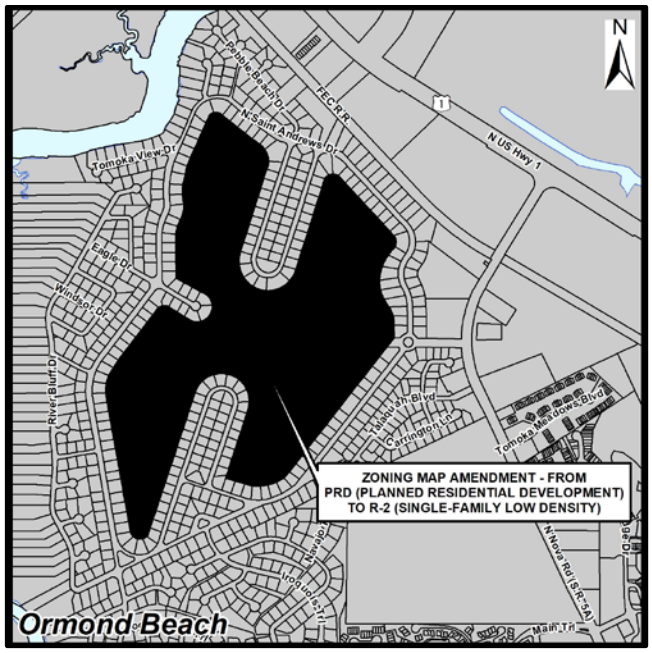
EXHIBIT "A"

LEGAL DESCRIPTION
(from Sliger & Associates, Inc. survey – survey date April 13, 2021)

PROPERTY DESCRIPTION:

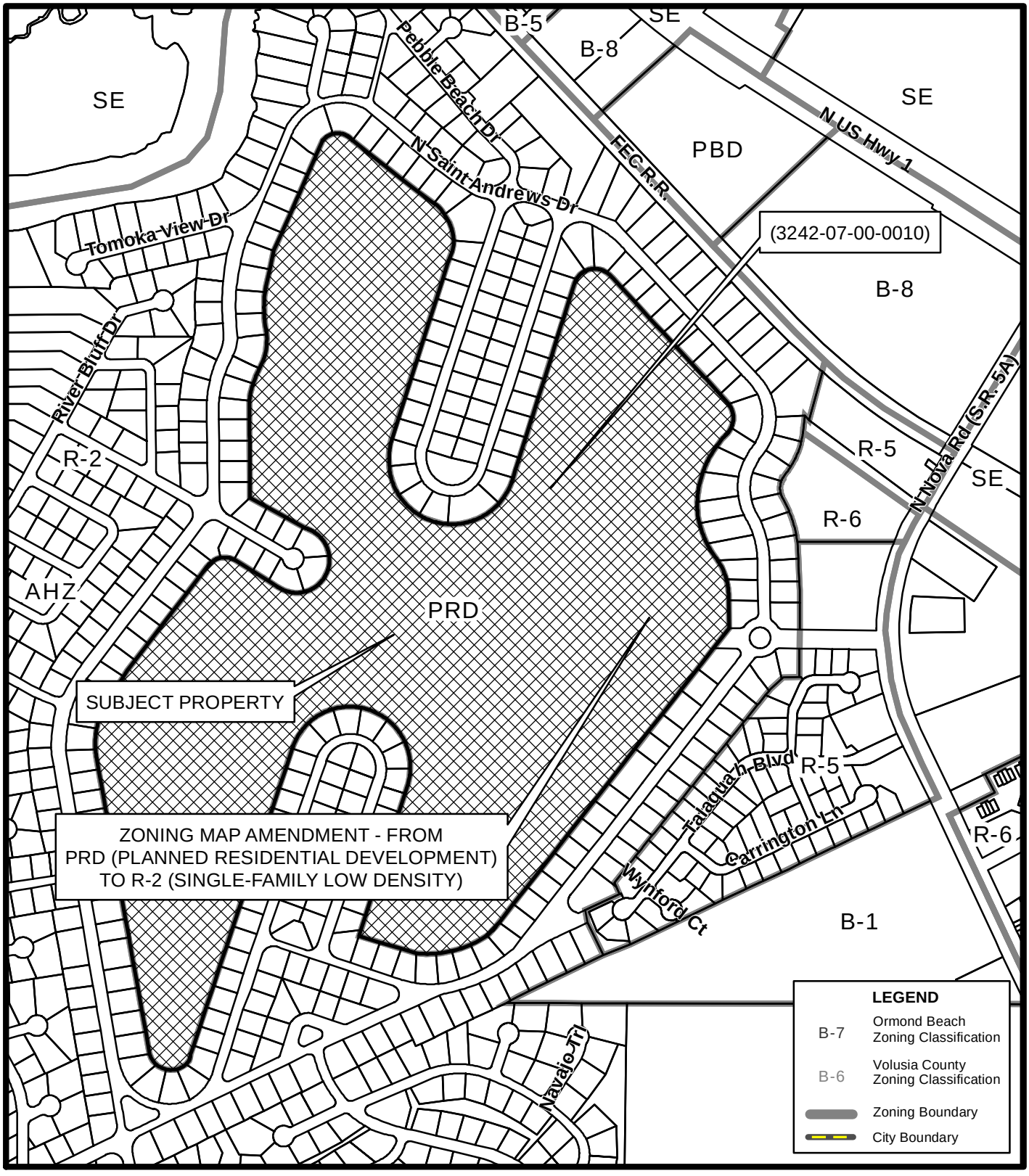
SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LOCATION MAP



PARCEL ID: 3242-07-00-0010
OWNER: TRIUMPH OAKS OF ORMOND BEACH I LLC
APPLICANT: TRIUMPH OAKS OF ORMOND BEACH I LLC
ADDRESS: 20 TOMOKA OAKS BOULEVARD, ORMOND BEACH, FL 32174

EXHIBIT "B"



ZONING MAP AMENDMENT
TOMOKA RESERVE
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - December 14, 2023

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W E
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PLANNING BOARD
STAFF REPORT
Tomoka Reserve, Zoning Map Amendment
Project Number: ZMA 2023-054

PLANNING BOARD DATE:	January 11, 2024
TENTATIVE CITY COMMISSION DATES:	To be determined
APPLICANT:	Robert A. Merrell III, Esquire, Cobb Cole, on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC
LOCATION:	20 Tomoka Oaks Boulevard
REQUEST:	Zoning map amendment from PRD, Planned Residential Development to R-2, Single-Family Low Density for approximately 147.94 acres
PLANNING STAFF RECOMMENDATION:	Denial of the zoning map amendment to the R-2, Single-Family Low Density zoning district
STAFF CONTACT:	Steven Spraker, AICP, Planning Director
MAP OF THE PROJECT AREA:	

SECTION 1, INTRODUCTION:

This is an application submitted by Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC, for a zoning map amendment to rezone the Tomoka Oaks golf course land consisting of approximately 147.94 acres, from PRD, Planned Residential Development to R-2, Single-Family Low Density. The former Tomoka Oaks golf course land is situated within the Tomoka Oaks residential subdivision. The physical and historical connection of these two properties present unique circumstances regarding the developer's proposed development of the golf course land. Development of the golf course land under PRD, Planned Residential Development zoning, and not the R-2 Single-Family Low Density zoning district, can better satisfy the goals and objectives of the City's Comprehensive Plan and the requirements of the Land Development Code to achieve a harmonized development of the golf course land in a manner that will lessen the impacts on adjacent neighborhoods.

SECTION 2, HISTORICAL OVERVIEW:

The development of Tomoka Oaks golf course and Tomoka Oaks residential subdivision both began in approximately 1961. Historical records show a symbiotic connection between the properties from the very beginning, with uses that were intended to complement each other. The City's official zoning map, certified by the city clerk on March 7, 1967, based on a 1956 zoning ordinance (Ordinance 56-29), shows residential lots around the perimeter of the golf course. The 1967 (1956) zoning map is attached as ATTACHMENT 1. The zoning map shows a road system around the perimeter of the golf course that included Tomoka Oaks Boulevard, which extended from State Road 5A (Nova Road) to the traffic circle; and the traffic circle/diamond that provided connecting roadway links to St. Andrews Drive, Oakmont Drive, Tomoka View Drive, and the golf course itself. The configuration of the traffic circle on the 1967 (1956) zoning map is significant because it remains the same today as it did more than 60 years ago. An inference can be drawn that the road system and traffic circle were intended primarily to serve the limited development of residents who lived in Tomoka Oaks subdivision and others who enjoyed the golf course amenity.

The golf course opened for play in approximately 1962 as an 18-hole golf course and related uses that included a clubhouse, cart barn, and maintenance barn. The zoning map shows that Tomoka Oaks subdivision and the golf course were in an "R-2-A" zoning district. In 1963, Tomoka Oaks, Inc., conveyed by warranty deed to Ralph R. Frederick, trustee, all of the Sam Sneed Golf and Country Club. The warranty deed contained several conditions, including covenants that the property be used in perpetuity as a golf course and country club; providing Tomoka Oaks, Inc., a right of first refusal to purchase the property in the event Mr. Frederick intended to sell the property; and providing that in the event the property ceased to be used exclusively as a golf course and related uses, and the property was not sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc., or Tomoka Oaks Homeowners Association, then the property would automatically revert back to Tomoka Oaks, Inc. The records indicate that Tomoka Oaks, Inc., intended to liquidate and dissolve as a corporate entity, and therefore, in 1970 its board of directors approved a resolution releasing Tomoka Oaks Inc.'s right of first refusal to purchase the property under the warranty deed, and further releasing (effective on December 13, 1973) its interest in the property under the reverter clause. A release was

subsequently executed in 1971. Notwithstanding the release by Tomoka Oaks, Inc., of its interests under the warranty deed in and to the golf course property, the golf course was continuously and exclusively used for nearly 60 years by residents of Tomoka Oaks subdivision and the general public as a golf course and/or open space amenity.

In 2006, attorney Rob Merrell, on behalf of a developer-client, requested the zoning for the Tomoka Oaks golf course land be changed to PRD, Planned Residential Development to allow the construction of a low impact development. A low impact development under PRD, Planned Residential Development zoning could best preserve the unique characteristics and historical connection between the golf course property and Tomoka Oaks subdivision because development of the golf course land would have a direct and immediate impact on residents of Tomoka Oaks subdivision and neighboring subdivisions. The City Commission approved the PRD rezoning request and approved a development order (by Ordinance 2006-17) authorizing the construction of 119 multi-family townhomes and condominiums, three single-family residences, a nine-hole redesigned golf course and driving range, tennis facility, maintenance area, spine road, and parking. The approval included a condition that the developer provide restrictive covenants to ensure the use of the nine-hole golf course in perpetuity; and further required the consent of the City Commission for any release of the restrictive covenant. The approval by the City Commission allowed the applicant to develop the golf course property in a manner that preserved the sense of open space that residents of Tomoka Oaks subdivision had enjoyed, and relied upon, for decades. The PRD, Planned Residential Development development order expired in 2014. The Tomoka Oaks golf course land has been zoned PRD, Planned Residential Development for over 17 years.

SECTION 3, RECENT BACKGROUND:

Triumph Oaks of Ormond Beach I, LLC acquired the Tomoka Oaks golf course land in 2021. It did so with full knowledge that the land was zoned PRD, Planned Residential Development. In 2022, Triumph Oaks of Ormond Beach I, LLC submitted to the City, through its attorney Rob Merrell, an application for a development order under the existing PRD, Planned Residential Development zoning. The applicant is seeking approval to construct 276 residential lots of various widths ranging from sixty feet (60') to eighty feet (80'). Upon considering the evidence and testimony that was presented at a public hearing held on November 7, 2023, including the recommendation of the Planning Board, the City Commission voted unanimously to remand the matter back to the Planning Board for further proceedings to address concerns regarding density, lot size, natural buffer, compatibility with surrounding neighborhoods, ingress and egress, traffic, and pedestrian safety. Subsequent to the non-final action taken by the City Commission to remand the proposed PRD development application back to the Planning Board, the applicant notified the City, through its attorney, that it would not participate in further proceedings on the remand and withdrew the PRD development application. Instead, the applicant advised the City that it would pursue an application to rezone the golf course land from PRD, Planned Residential Development to R-2, Single-Family Low Density. The applicant has indicated that if R-2, Single-Family Low Density zoning district is approved, it intends to construct single-family homes on the golf course land with essentially the same or similar density and number of lots that it has proposed with its PRD development application, and without addressing the concerns that have been identified by the City Commission that are the subject of the remand action taken by the City Commission on the applicant's

PRD development application. The actions taken by Triumph Oaks of Ormond Beach I, LLC, show an unwillingness by the applicant to address concerns that have been identified by the Planning Board, the City Commission, and the residents of Tomoka Oaks subdivision.

SECTION 4, APPLICATION FOR DEVELOPMENT UNDER PRD ZONING:

At a public hearing on July 13, 2023, the Planning Board reviewed the project application submitted under the PRD, Planned Residential Development zoning for the issuance of a development order that included 276 residential lots that included 50', 60', and 80' wide lots under certain conditions. The Tomoka Oaks HOA is a party intervenor in the proposed PRD development application that was submitted by Triumph Oaks of Ormond Beach I, LLC. The Planning Board completed portions of the public hearing and the meeting was continued until August 21, 2023.

On August 16, 2023, the applicant provided to the Planning staff a revised plan that included 60' wide lots (117), 80' wide lots (101), 90' wide lots (10), and 100' wide lots (46). City staff advised the Planning Board that the new information provided on August 16, 2023, should be considered a material change to the original application, and that it had not been reviewed by Planning staff and other interested people, nor had it been publicly advertised. At the August 21, 2023, Planning Board meeting, the Planning Board concurred with staff and continued the matter to a meeting to be held on September 26, 2023.

At the public meeting held on September 26, 2023, the Planning Board reviewed the revised site plan. The City's Planning staff determined that two primary issues remained unresolved: lot widths along the perimeter of the golf course, and the proposed 50-foot landscape buffer plantings and irrigation. In addition to the applicant's representatives, approximately twenty residents spoke at the meeting. The residents who addressed the Planning Board discussed the unique history and characteristics of the golf course property, how the proposed development would negatively impact the sense of open space they have enjoyed for over 60 years, and how the increased density would strain the neighborhood road system, including the traffic circle that was intended to serve a limited development. The Planning Board voted unanimously (7-0) to recommend to the City Commission that the applicant's proposed development application be denied, and offered the following guidance:

1. **Density**. Each board member expressed concern with the proposed number of lots. Board members indicated support of the SPRC recommendation of 100-foot wide lots on the perimeter. Additionally, some board members believed that all the lots (including interior lots) should be wider and have additional square footage. Board members discussed a wide range of allowed lots with most members in favor of a range between 220 and 240 lots.
2. **50 foot buffer**. Board members stated that there should be a type 6 buffer where gaps exist and irrigation to newly planted landscape material.
3. **Traffic**. Board members stated that the traffic analysis is flawed based upon evidence and testimony provided and their experiences. Specific discussions included:

   A. The existing diamond of Saint Andrews Drive and Tomoka Oaks Boulevard;

B. Impacts to Tomoka Oaks and the Trails subdivision;

C. Intersection impacts at Main Trail and West Granada Boulevard; and

D. Timing of the traffic signal at Nova Road and Tomoka Oaks Boulevard.

4. **Architectural design**. Board members sought a wide variety of architectural elevations. The comment of "no cookie cutter" homes was provided. The Board focused on the distance for houses that could repeat building styles.
5. **Driveways**. Board members discussed a desire to have a longer driveway in order to stack vehicles on the home lots and not have on-street parking.

The Planning Board members discussed the benefits to developing the golf course property under the PRD, Planned Residential Development zoning as a means to minimize impacts on adjacent neighborhoods, while also providing an opportunity to the applicant to harmonize the development of the golf course consistent with the historical and unique characteristics of the golf course, similar to the goals that were achieved by the 2006 PRD development order.

The City Commission considered the applicant's application for a development order under the PRD, Planned Residential Development zoning at a public hearing on November 7, 2023. After considering the evidence and testimony that was presented by the applicant, the party-intervenor, and residents, the City Commission voted unanimously (5-0) to remand the matter back to the Planning Board for further proceedings to address several issues including density, traffic, compatibility with surrounding neighborhoods, lot sizes, and the natural buffer. The City Commission took note of the fact that the golf course land (approximately 148 acres) is located in the center of an existing residential development, Tomoka Oaks subdivision; and that the development of the land posed significant challenges. The City Commission recognized that development of the golf course land under PRD, Planned Residential Development zoning provided the best opportunity to minimize negative impacts on adjacent neighborhoods, similar to the goals that were achieved by the 2006 PRD development order. The Planning Board and City Commission minutes are included in ATTACHMENT 6.

The applicant has apparently abandoned efforts to develop the golf course land under the existing PRD, Planned Residential Development zoning. The applicant has, instead, filed this application to rezone the subject property from PRD, Planned Residential Development to R-2, Single-Family Low Density zoning district. If approved, the applicant intends to develop the subject property under R-2, Single-Family Low Density zoning with the same or similar plans that have been considered by the Planning Board and City Commission under the PRD, Planned Residential Development zoning. The applicant hopes to avoid addressing the concerns that have been identified by the City Commission under the applicant's PRD, Planned Residential Development development application.

SECTION 5, APPLICATION FOR THE ZONING MAP AMENDMENT:

The process to rezone the subject property to R-2, Single-Family Low-Density zoning, is described below. The Tomoka Oaks HOA has requested to participate as a party-intervenor regarding the applicant's application to rezone the golf course land from PRD, Planned Residential Development to R-2, Single-Family Low Density.

EXHIBIT 1: Zoning map amendment process

Reviewing entity/action	Date	Required advertising
Planning Board	**January 11, 2024**	**1. Mail notice, 300' radius.** **2. Newspaper advertisement.**
City Commission	Tentatively, February 20, 2023 & March 5, 2023	1. Mail notice, 300' radius. 2. Newspaper advertisement.

In summary, the zoning map amendment seeks to change the zoning allowances for the property. Under the R-2 Single-Family Low Density zoning district single-family, detached residences are allowed as a permitted use. The permitting of a single-family subdivision would require the following steps:

1. Review of the Site Plan Review Committee;
2. Planning Board review of the Preliminary Plat;
3. City Commission action on the Preliminary Plat;
4. Construction of subdivision improvements (typically in phases);
5. Planning Board review of the Final Plat:
6. City Commission action on the Final Plat;
7. Recording of the plat; and
8. Construction of individual single-family houses.

This process requires technical administrative review by the City's Site Plan Review. The process does not allow review and approval by the Planning Board and City Commission.

SECTION 6, ANALYSIS:

The uses around the subject property are as follows:

EXHIBIT 2: Land uses and zoning abutting Tomoka Reserve

Direction	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
South	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
East	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
West	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density

The subject property was platted in 1961 as the Sam Snead Golf and Country Club. The city designated land use is “Low Density Residential” and the zoning is PRD, Planned Residential Development. The existing land use allows several uses, including a golf course and single-family homes. Section 2-02, Future land use map designations and zoning districts of the Land Development Code provides the compatible zoning districts to the “Low Density Residential” land use as follows:

EXHIBIT 3: Compatible zoning districts

Comprehensive Plan Future Land Use Map Designation	Corresponding Compatible Zoning District
LDR, Low Density Residential	R-1, Residential Estate
	R-2, Single-Family Low Density
	R-2.5, Single-Family Low-Medium Density
	R-3, Single-Family Medium Density
	PRD, Planned Residential Development

Review of compatible zoning districts:

The zoning district maps and sections are included in ATTACHMENT 4 and are reviewed below:

EXHIBIT 4: R-1, Residential Estate zoning district

Section 2-12. R-1, Residential Estate	
Purpose:	The purpose of this zoning district is to provide for both existing and proposed single-family residential development characteristic of the spacious lots currently existing in various areas of the city, particularly along the Halifax River and the Atlantic Ocean, which are considered representative of the original and historic character of the city.
Density:	2.17 units per acre.
Maximum building height:	30’.
Lot requirements:	Minimum lot width = 100’, minimum lot depth = 150’, minimum lot size = 20,000 square feet.
Setbacks:	Front = 30’, Rear = 25’, Sides = 8’ total 20’, special waterbody setbacks.
Existing location of zoning district:	Along both sides of the Halifax River and Ocean Shore Boulevard abutting the Atlantic Ocean.
Staff analysis:	This district has been used along the Halifax River and the Atlantic Ocean. The total lot area requirement is 20,000 square feet. Staff would not recommend the use of this zoning district for the Tomoka Reserve property.

EXHIBIT 5: R-2, Single-Family Low Density zoning district

Section 2-13. R-2, Single-Family Low Density	
Purpose:	The purpose of the Single-Family Low Density (R-2) Zoning District is to protect and encourage the continued development of low density, single-family residential development.
Density:	4.3 units per acre.
Maximum building height:	30'.
Lot requirements:	Minimum lot width = 100', minimum lot depth = none, minimum lot size = 10,000 square feet.
Setbacks:	Front = 30', Rear = 25', Sides = 8' total 20', special waterbody setbacks.
Existing location of zoning district:	1. Beachside – along Halifax Drive and portions of SR A1A. 2. Along both sides of Beach Street. 3. Tomoka Oaks and Trails subdivisions. 4. Along Hidden Hills Drive area. 5. Portions of Tymber Creek subdivision. 6. Arroyo Parkway area.
Staff analysis:	This zoning district requires lot sizes of 100' in width and requires a lot area of 10,000 square feet. The Tomoka Reserve project was previously zoned as R-2, Single-Family Low Density prior to 2006. The residential uses around the Tomoka Reserve project have an R-2, Single-Family Low Density zoning designation. The applicant has requested that the Tomoka Reserve project be designated back to the R-2, Single-Family Low Density zoning district.

EXHIBIT 6: R-2.5, Single-Family Low-Medium Density zoning district

Section 2-14. R-2.5, Single-Family Low-Medium Density	
Purpose:	The purpose of the Single-Family Low-Medium Density (R-2.5) Zoning District is to protect and encourage the continued development of the residential single-family development that has occurred at relatively low densities.
Density:	4.98 units per acre.
Maximum building height:	30'.
Lot requirements:	Minimum lot width = 90', minimum lot depth = none, minimum lot size = 8,750 square feet.
Setbacks:	Front = 30', Rear = 20', Sides = 8' total 20', waterbody = 30'.

Section 2-14. R-2.5, Single-Family Low-Medium Density (continued)	
Existing location of zoning district:	1. Beachside north of Granada Boulevard, between Ocean shore Boulevard and North Halifax Drive. 2. Portions of Tymber Creek subdivision. 3. Arroyo Parkway area, between Santa Ana Avenue and South Center Street.
Staff analysis:	This zoning district requires a lot area of 8,750 square feet. The R-2.5, Single-Family Low-Medium Density zoning district was originally designed for the beachside area and was utilized for the annexed areas of Arroyo Parkway and the Tymber Creek subdivision. Staff would not recommend the use of this zoning district for the Tomoka Reserve property.

EXHIBIT 7: R-3, Single-Family Medium Density zoning district

Section 2-15. R-3, Single-Family Medium Density	
Purpose:	The purpose of the Single-Family Medium Density (R-3) Zoning District is to stabilize and protect the residential characteristics of existing medium density, single-family neighborhoods and to promote and encourage a suitable environment for family life.
Density:	5.05 units per acre.
Maximum building height:	30’.
Lot requirements:	Minimum lot width = 75’, minimum lot depth = 115’, minimum lot size = 8,625 square feet. Special standards allow 7,500 square foot lots.
Setbacks:	Front = 25’, Rear = 20’, Sides = 8’ total 20’, waterbody = 30’.
Existing location of zoning district	1. Beachside south of Granada Boulevard, between South Atlantic Avenue and Riverside Drive. 2. Mainland – Beach Street to US1, Central Park area, subdivisions near Granada Boulevard. 3. Breakaway Trails (planned development overlay). 4. Ormond Lakes (planned development overlay).
Staff analysis:	This zoning district requires a lot area of 8,625 square feet. The R-3 zoning district is the core single-family residential development zoning district. Staff would not recommend the use of this zoning district for the Tomoka Reserve property because of the smaller lot sizes allowed.

EXHIBIT 8: PRD, Planned Residential Development zoning district

Section 2-35. PRD, Planned Residential Development	
Purpose:	The purpose of the PRD, Planned Residential Development District classification is to provide more flexibility with regard to land use, density and dimensional standards, and other requirements of this Land Development Code, to encourage developments that incorporate innovative concepts of site planning, coordinated architectural and functional design, higher level of amenities, increased amounts of open space, recreation and landscaping, and a better living environment overall.
Density:	Site specific holding analysis required.
Maximum building height:	Specified within the development order.
Lot requirements:	Specified within the development order.
Setbacks:	Specified within the development order.
Existing location of zoning district:	1. Tomoka Reserve (vacant); 2. Pineland. 3. Southern Pines, 4. River Oaks. 5. Tattersall (vacant). 6. Chelsea Place. 7. Ormond Grande. 8. Cupola at Oceanside. 9. Cypress Trails.
Staff analysis:	The Planned Residential Development zoning district was formerly an overlay and became its own zoning district in 2004. The zoning district allows design flexibility, requires a holding capacity analysis for density, additional preservation areas, recreational areas, and common open space. The Planned Residential Development zoning district is a negotiated zoning district. This is the existing zoning on the Tomoka Reserve property.

The Land Development Code provides a list of compatible zoning districts that is discussed above. In Planning staff's opinion, the R-2.5, Single-Family Low-Medium Density and R-3, Single-Family Medium Density zoning districts are not appropriate for the Tomoka Reserve property based on smaller lot sizes and lack of consistency with the surrounding residential properties. The R-1, Residential Estate zoning district is a larger lot zoning district of 20,000 square feet that has historically been used along the Halifax River and the Atlantic Ocean. If the intent of the zoning map amendment is to require larger lots, this zoning district would allow just over two units per acre.

The Exhibit below reviews zoning development standards of the proposed zoning district (R-2, Single-Family Low Density) and the existing zoning district (PRD, Planned Residential Development).

EXHIBIT 9: Zoning standards of existing and proposed zoning districts

Standard	R-2 zoning	PRD zoning
Lot Size:	100’ lot width – 10,000 square feet lot area	R-2, Single-Family Low-Medium Density zoning district used as a basis. Can seek varying lot sizes
Setbacks:	Front yard setback of 30’, rear yard setback of 25’, side yards setbacks of a minimum of 8’ to total 20’ between both setbacks, and a side corner setback of 20’	Established within the development order
Building coverage:	35%	Established within the development order
Building height:	30’	Established within the development order
Natural preservation:	15% required	20% required
Buffer area:	6’ buffer abutting single-family residential development	Established within the development order
Perimeter setback required:	Not required	40’
Recreation facilities:	Not required	90 square feet per lot
Off-site improvements:	Not required	Can be negotiated as part of the development order
Architectural standards:	Not required	Required
Fence standards:	Not required	Required

In the public hearings regarding the applicant’s application to develop the golf course land under PRD, Planned Residential Development zoning, many speakers, including the applicant’s representatives, and members of the Planning Board and City Commission all acknowledged that the Tomoka Oaks golf course property is a one-of-a-kind property with a unique history and community characteristics. It is significant to note that, historically, there does not appear to have been a similar type of development in Ormond Beach. The proposed development of the golf course land is unique. It is one-of-a-kind, and it poses significant challenges.

A common theme at each of the public hearings for the PRD development application

was that the Planned Residential Development zoning is the most appropriate zoning under which development of the golf course land should occur. Development of the golf course land under PRD, Planned Residential Development zoning is better suited to accomplish the goals and objectives of the City's Comprehensive Plan and Land Development Code regulations. The opinion of the Planning staff is that the existing PRD, Planned Residential Development zoning is the most appropriate zoning for the Tomoka Oaks golf course property.

SECTION 7, CRITERIA FOR REZONING:

Section 1-15(d)(3) of the Land Development Code provides that nonplanned development rezonings shall be reviewed based on the development order criteria contained in subsection (e) of that section. It is important to note that many of the development order criteria envision a site plan or some type of development. A zoning map amendment does not include a site plan or development plan. A zoning map amendment in essence changes colors on the zoning map that would then allow a menu of options as conditional, and Special Exception uses, and specific dimensional standards. An analysis of the applicant's request to rezone the subject property from PRD, Planned Residential Development to R-2, Single-Family Low-Density zoning district is provided below:

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

   The applicant asserts (ATTACHMENT 3) that the development of the golf course property under R-2 zoning would result in density of the development that is identical to adjacent properties. The existing Planned Residential Development zoning provides an opportunity to harmonize the development standards and impacts from the development of this unique piece of land in a manner that will lessen adverse impacts on other properties. It should be noted that a specific site development plan is not included as part of the applicant's rezoning application (and one is not required), notwithstanding the applicant's stated intention to develop the golf course land in accordance with the proposed development plan that was submitted under the PRD, Planned Residential Development zoning. It should be noted that upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission expressed concern regarding negative impacts from the proposed development. The PRD, Planned Residential Development zoning best satisfies this condition.

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

   The property is designated "Low Density Residential" on the City's Future Land Use Map. The Future Land Use Element of the Comprehensive Plan states:

   Low Density Residential (LDR)

   Purpose: To protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: up to 4.3 units per acre

Maximum FAR: 0.2

The following is a list of the Comprehensive Plan Objectives and Policies pertaining to the proposed residential development:

Future Land Use Element

GOAL 1. LAND USE DISTRIBUTION

FUTURE DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHOULD BE DIRECTED IN APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP TO MEET THE LAND USE NEEDS OF THE ANTICIPATED POPULATION, IN A MANNER CONSISTENT WITH SOUND PLANNING PRINCIPLES, THE GOALS, OBJECTIVES AND POLICIES CONTAINED HEREIN, AND THE DESIRED COMMUNITY CHARACTER.

THE FUTURE LAND USE ELEMENT SHOULD ALLOW LIMITED COMMERCIAL EXPANSION, PROMOTE INDUSTRIAL USE, AND MAINTAIN CURRENT RESIDENTIAL DENSITIES IN THE CORE AREA WHILE ESTABLISHING LOWER DENSITIES IN THE PERIMETER AREAS, FOCUSING REDEVELOPMENT IN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA, US1, AND SRA1A, AND PROVIDING FOR A CONTINUED HIGH LEVEL OF OPEN SPACE. FUTURE GROWTH SHALL BE TIMED AND LOCATED TO MAXIMIZE EXISTING PUBLIC INFRASTRUCTURE.

OBJECTIVE 1.1. RESIDENTIAL LAND USE

Ensure the availability of adequate lands to meet the residential land use needs of the community.

POLICY 1.1.3.

Preserve the character of existing neighborhoods by not allowing intrusion of land uses that would threaten to alter the neighborhood character and by encouraging voluntary rehabilitation and sound maintenance programs in viable neighborhoods which are capable of self-renewal and establishing code enforcement or public redevelopment activities in areas not capable of self-renewal.

POLICY 1.1.5.

Encourage innovative design measures for new residential developments and ensure that adequate provision is made for neighborhood facilities suitable to the type of development proposed.

POLICY 1.1.6.

Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach.

POLICY 1.1.14.

Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit-oriented development, and walkable residential areas.

POLICY 2.4.7.

Encourage cluster development which promotes the efficient use of open space and reduces development costs, in areas where services and facilities exist or are planned.

Housing Element

GOAL 1. HOUSING SUPPLY

ENSURE THE AVAILABILITY OF SAFE AND ADEQUATE HOUSING UNITS OF DIFFERENT TYPES, SIZES, AND PRICE RANGES TO MEET THE NEEDS OF ALL CURRENT AND FUTURE RESIDENTS.

OBJECTIVE 1.1. HOUSING SUPPLY

The City shall continue to facilitate the private production of a housing supply, including adequate sites for mobile homes or manufactured housing and low and moderate-income housing, which will meet future community needs and offset housing deficiencies as noted in this Element.

OBJECTIVE 1.2. PROVISION OF ADEQUATE SERVICES AND FACILITIES

Each existing housing development and residential neighborhood along with all new housing development shall meet the existing adopted level of service standards.

POLICY 1.2.1.

The general residential development pattern in the city should be in accord with the community's growth strategy for residential densities, as stipulated within the Future Land Use Element.

The R-2, Single-Family Low Density, and existing PRD, Planned Residential Development zoning are consistent with the "Low Density Residential" land use. The zoning districts of R-1, R-2.5, and R-3 are also consistent. However, the goal of the zoning map amendment is to assign *the most appropriate* zoning based on the unique and special characteristics of the golf course land. It should be noted that upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission acknowledged that the PRD zoning is the most appropriate zoning for this unique, one-of-a-kind property, to mitigate negative impacts. The PRD, Planned Residential Development zoning designation best satisfies this condition.

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

The zoning map amendment does not include a site development plan and this criterion is not applicable. The subject property does not have any on-site wetlands

and is not located within floodplain “A” or “AE”. Development of the Tomoka Oaks golf course property would require an environmental analysis.

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

   The applicant asserts that:

   > “Design of the project is intended to promote a residential neighborhood featuring a variety of aesthetically pleasing home types and design, in order to promote a diverse, architecturally rich neighborhood that will complement the existing variety demonstrated in the Tomoka Oaks neighborhood.”

   Although R-2, Single-Family Low-Density zoning district *may* be consistent with abutting residential development, the existing PRD, Planned Residential Development zoning district provides an opportunity to develop a *better* overall subdivision design with standards for recreation, open space, and natural preservation.

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

   A zoning map amendment does not generally consider concurrency for public facilities, such as roads, utilities or schools. A zoning map amendment would eventually result in the applicant submitting preliminary and final plats that would include a concurrency review of all public facilities, including roads and traffic. However, it should be noted that during the public hearings on the applicant’s PRD, Planned Residential Development application, significant concern was expressed by residents regarding the ability of the existing road system, including the traffic circle, to accommodate additional traffic from the proposed development. Upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission expressed a desire that the adequacy of the existing road system within Tomoka Oaks subdivision be addressed.

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

   A zoning map amendment does not consider traffic impacts because a site plan is not required. However, it should be noted that upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission expressed concern regarding ingress and egress, traffic, traffic patterns, and pedestrian safety.

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

   A zoning map amendment does not require or include a site plan. However, it should be noted that upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission expressed concern regarding the functional use of space.

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

   A zoning map amendment does not require or include a site plan. However, it should be noted that upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission expressed concern regarding traffic, traffic patterns, and the safety of pedestrians.

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

   A zoning map amendment does not require or include a site plan. This criterion would not be applicable to the zoning map amendment.

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

    The testimony and evidence submitted at the public hearing may be considered.

SECTION 8, RECOMMENDATION:

Neighborhood meetings regarding the proposed Tomoka Reserve project began in the summer of 2021. The proposed development of the golf course land has undergone several public hearings before the Planning Board and City Commission for the issuance of a development order under the PRD, Planned Residential Development zoning. Members of the public, City staff, Planning Board, and City Commission have recognized the unique and special characteristics of the golf course land. After the City Commission voted to remand the matter back to the Planning Board, the applicant withdrew the PRD development application and is now seeking to amend the PRD, Planned Residential Development zoning to R-2, Single-Family Low Density. The developer intends to pursue development of the former golf course land under the R-2, Single-Family Low Density zoning district with the same or similar plans that the developer proposed under the PRD development application. The review of a development plan for the golf course under R-2, Single-Family Low Density zoning requires a technical administrative review by the City's Site Plan Review Committee and Preliminary and Final Plat reviews by the Planning Board or City Commission. Rezoning the golf course land to the R-2, Single-Family Low Density zoning district would eliminate the opportunity provided by PRD, Planned Residential Development zoning district to harmonize the challenges presented by the proposed development of the former golf course land in a manner that best satisfies the goals and objectives of the City's Comprehensive Plan and Land Development Code regulations.

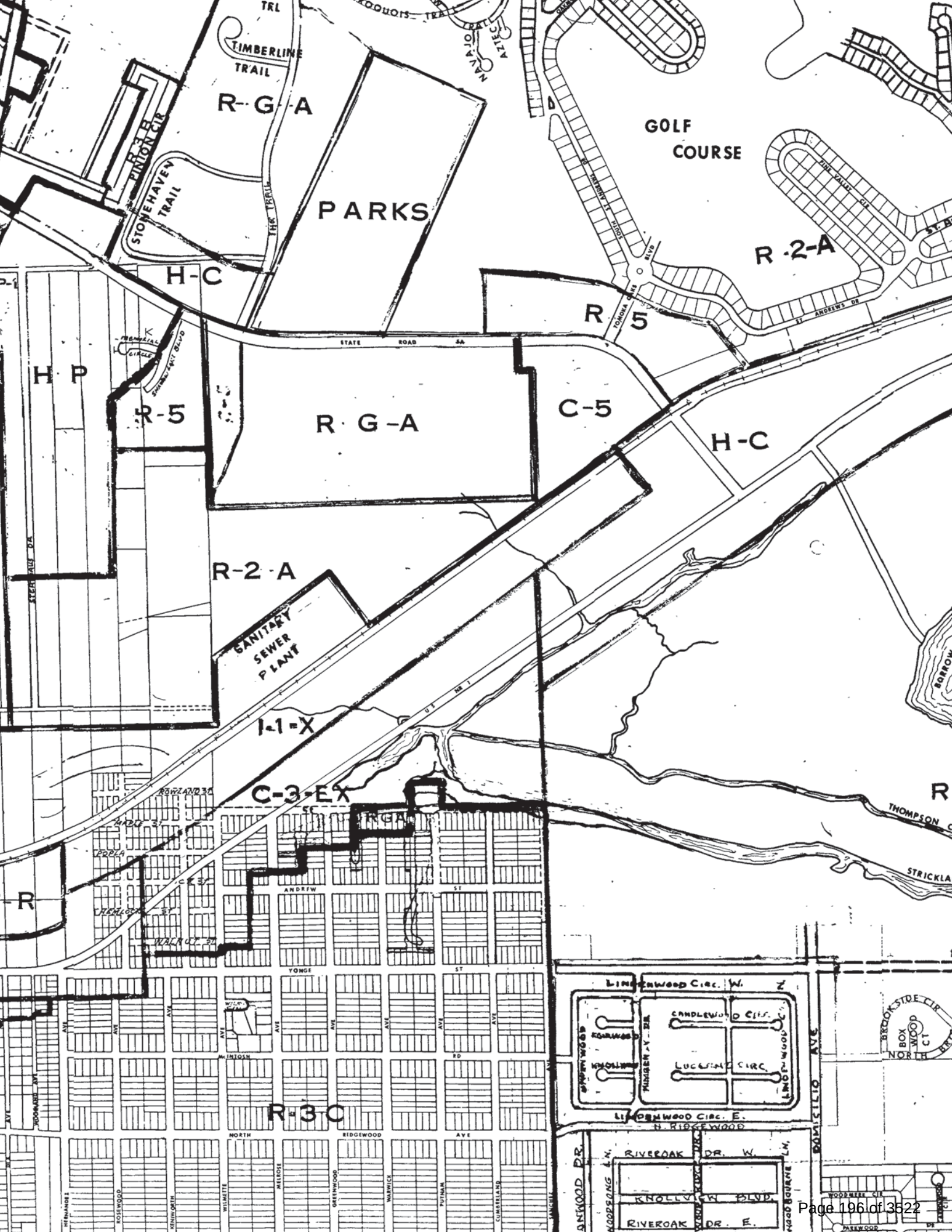
The opinion of the City's Planning staff is that the existing PRD, Planned Residential Development zoning for the former golf course property should be preserved for the reasons stated in this staff report and based upon the unique characteristics of the property, including the existing developed residential pattern around the golf course property. Planning staff's opinion and recommendation is further supported by the analysis in this report and conclusions provided in criteria 1, 2, 4, 5, 6, 7 and 8, above.

It is recommended that the Planning Board **deny** the applicant's request to rezone the property from PRD, Planned Residential Development to the R-2, Single-Family Low Density and to maintain the existing PRD, Planned Residential Development zoning for the subject property.

Attachments:
Attachment 1: 1956 zoning map
Attachment 2: Project maps
Attachment 3: Application information
Attachment 4: Zoning maps and zoning districts
Attachment 5: Correspondence received on the zoning map amendment
Attachment 6: Past minutes on the PRD application

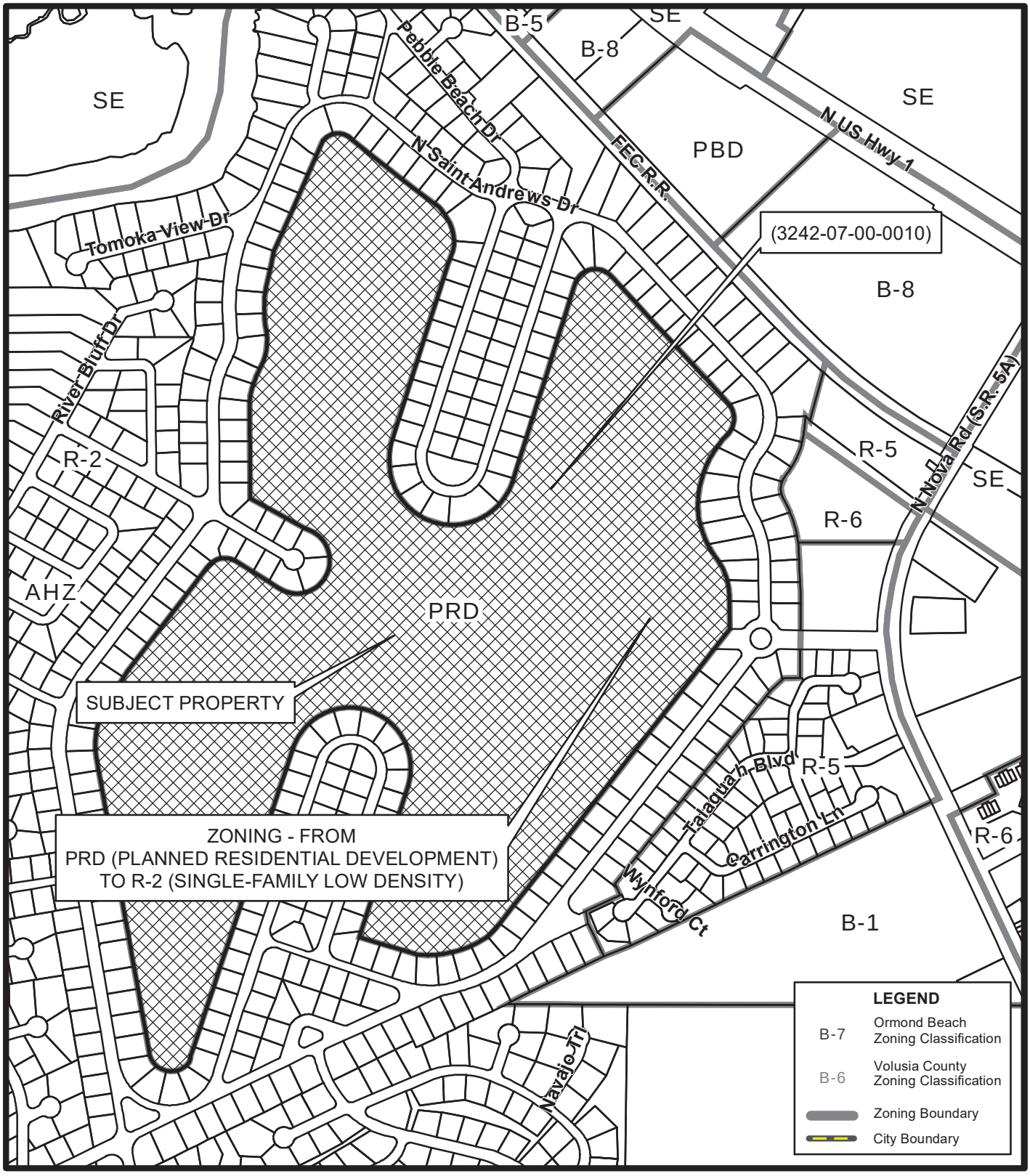
ATTACHMENT 1

1956 zoning map


TIMBERLINE TRAIL
R-G-A
PINION CIR
STONEHAVEN TRAIL
PARKS
GOLF COURSE
R-2-A
H-C
R 5
STATE ROAD 5A
H P
R-5
R G-A
C-5
H-C
R-2-A
SANITARY SEWER PLANT
I-1-X
C-3-EX
ROWLAND ST
MAPLE ST
POPLA
HEMLOCK ST
WALNUT ST
ANDREW ST
YONGE ST
McINTOSH RD
R-3-C
NORTH RIDGEWOOD AVE
LINDENWOOD CIRC. W.
CANDLEWOOD CIRC.
LUCERNE CIRC.
LINDENWOOD CIRC. E.
N. RIDGEWOOD
RIVEROAK DR. W.
KNOLLVIEW BLVD.
RIVEROAK DR. E.
DOMICILIO AVE
THOMPSON
STRICKLA
BROOKSIDE CIR
NORTH
WOODMERE CIR
PARKWOOD

ATTACHMENT 2

Project Maps



ZONING MAP
TOMOKA RESERVE
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - December 14, 2023

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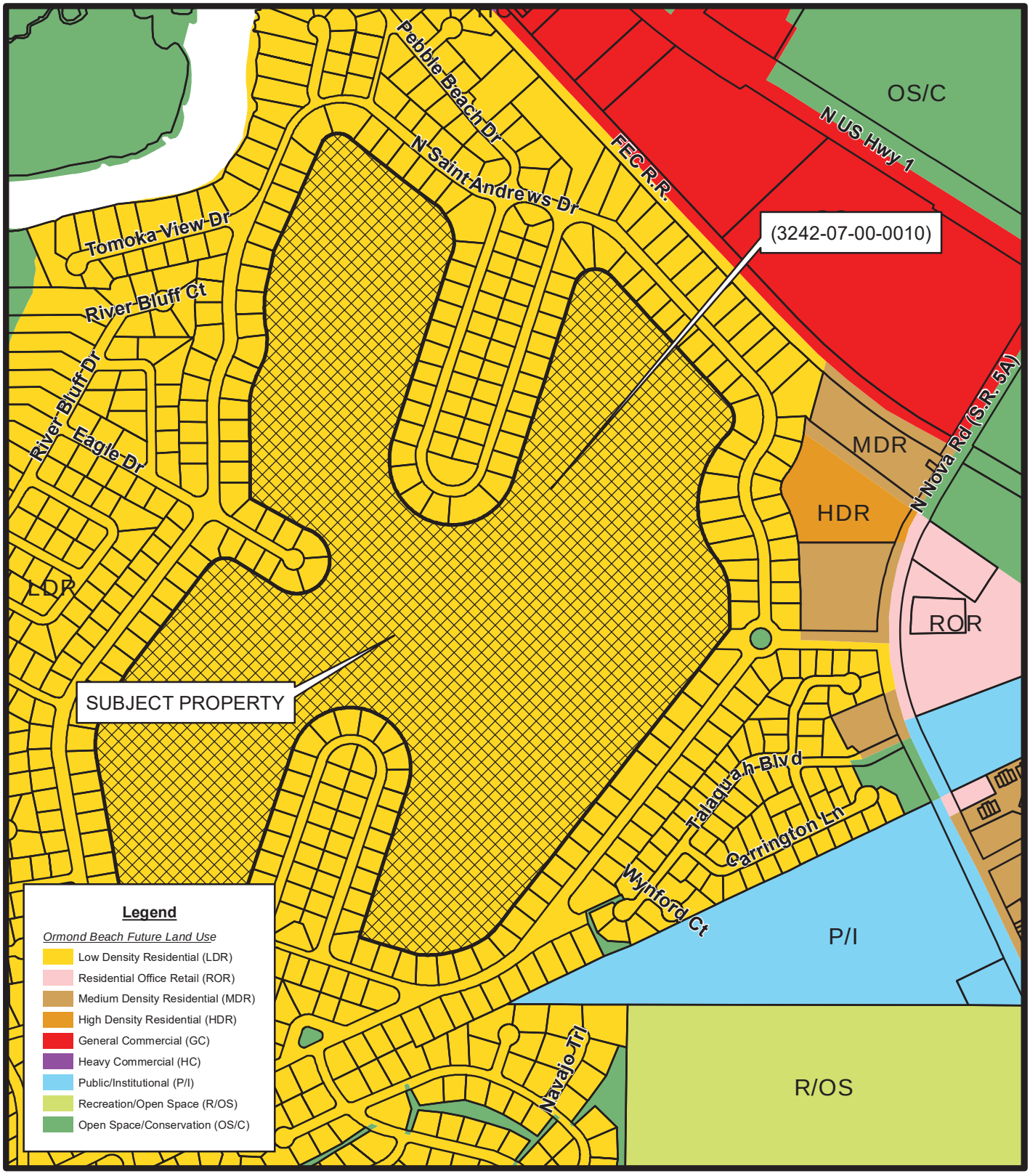

FUTURE LAND USE MAP
20 TOMOKA OAKS BLVD
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - May 4, 2023

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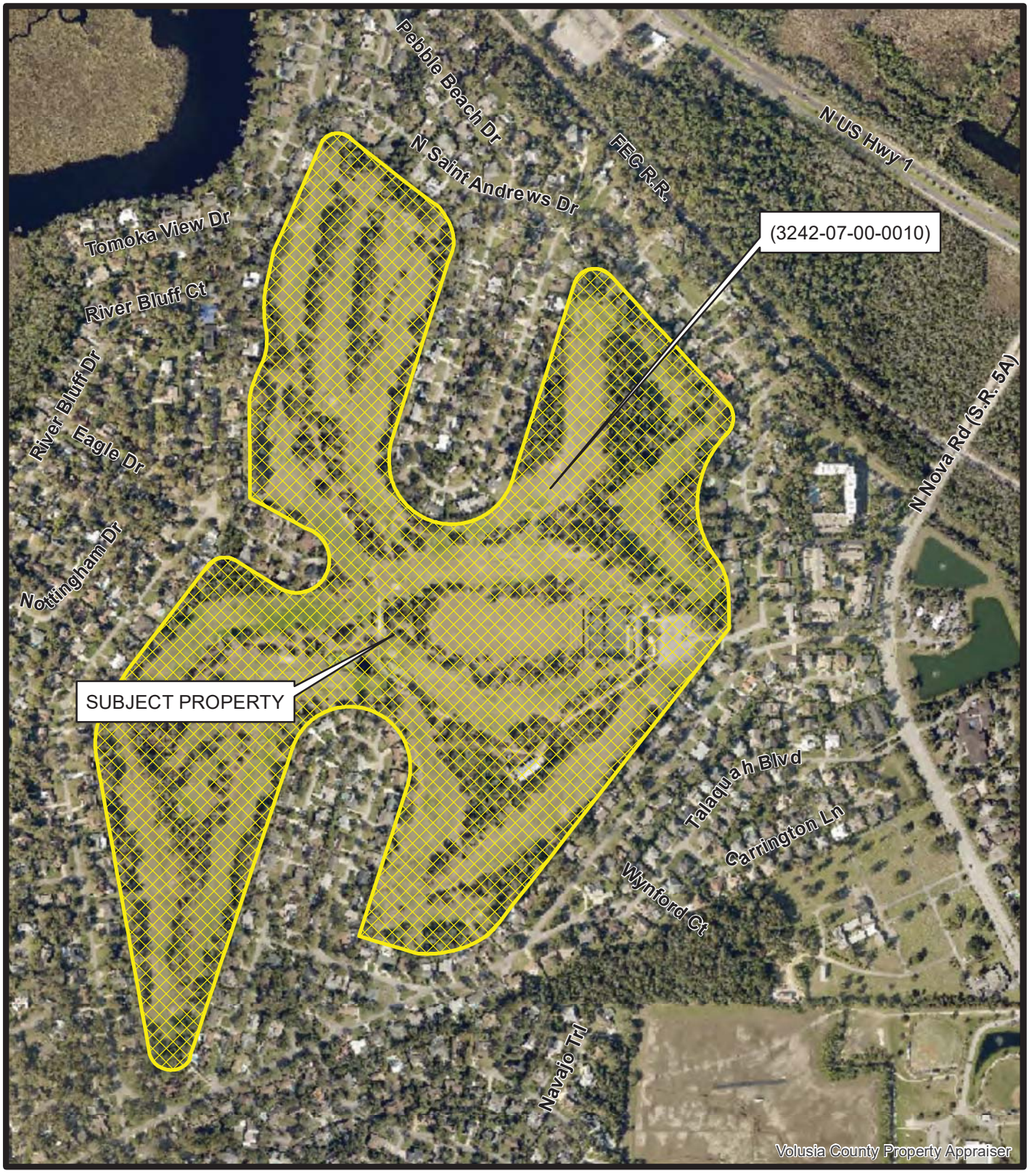

AERIAL MAP
20 TOMOKA OAKS BLVD
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - May 4, 2023

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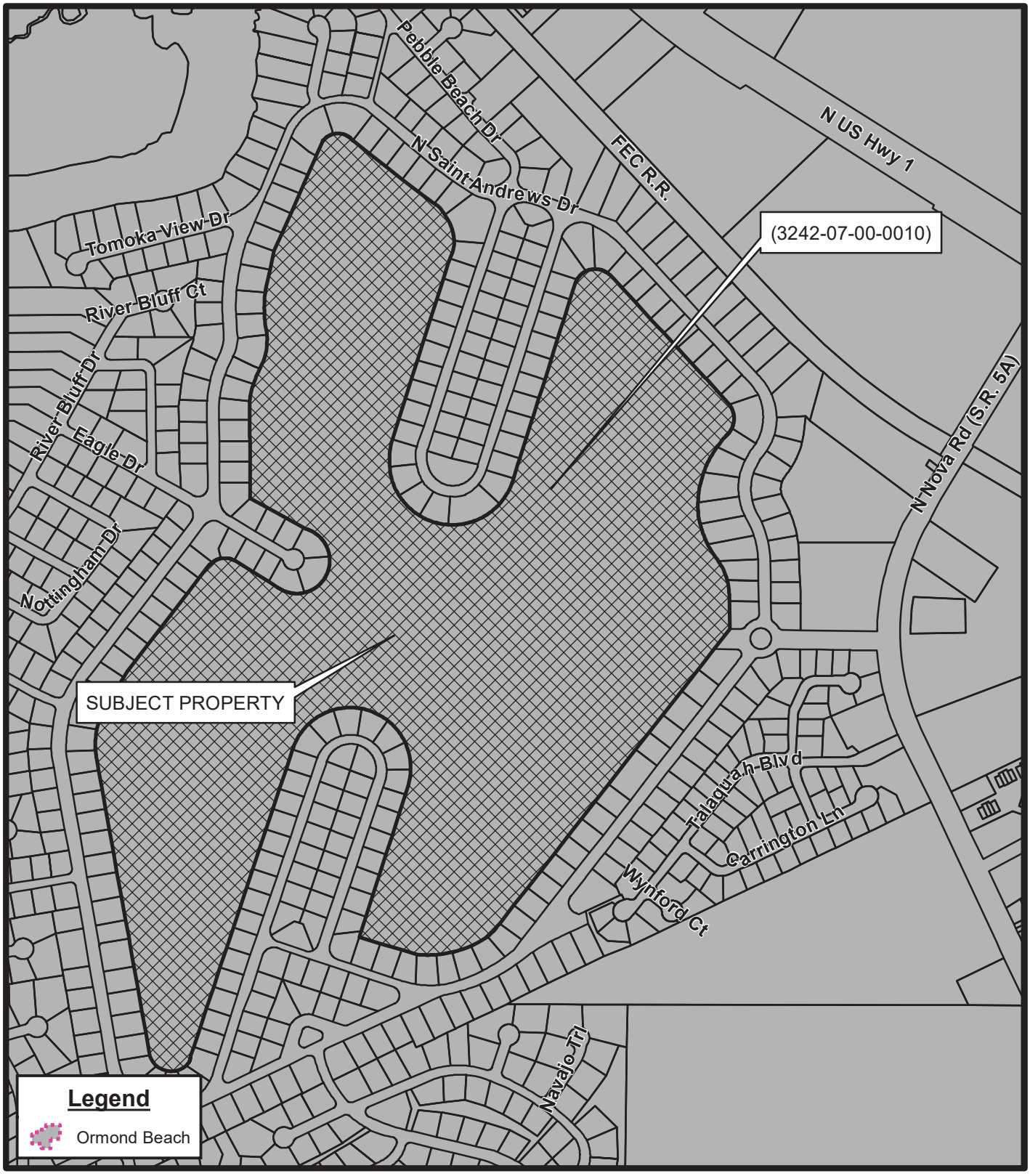

LOCATION MAP
20 TOMOKA OAKS BLVD
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - May 4, 2023

N
W E
S
N.T.S.

ATTACHMENT 3

Application information

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznapstajler
Matthew S. Welch
Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
Holly W. Zitzka
Jessica L. Gow
Nika K. Hosseini
Sydney V. Cichon
Brandon T. Byers
Baylee D. Bunyard
Anne M. Kehrli
James P. Love III

COBB COLE
Attorneys at Law
Since 1925

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

OF COUNSEL
Larry D. Marsh

RETIRED
William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

May 4, 2023

VIA HAND DELIVERY & ELECTRONIC UPLOAD

Steven Spraker
Planning Director
City of Ormond Beach
22 S. Beach Street
Ormond Beach, FL 32174

Re: Triumph Oaks of Ormond Beach I, LLC
R-2 Rezoning – Tomoka Reserve
20 Tomoka Oaks Boulevard, Ormond Beach, FL

Dear Steven:

It is this Firm's pleasure to represent Triumph Oaks of Ormond Beach I, LLC (Owner) in connection with their request for R-2 Rezoning of the property located at 20 Tomoka Oaks Boulevard. Applicant intends to develop the 147+/- acre property as a residential development project, as further detailed in the project narrative statement included herein.

In connection with our SPRC Pre-Application meeting held on January 5, 2022, please find enclosed the following:

1. Project Narrative Statement;
2. Public Hearing Application;
3. Application fee in the amount of $3,150.00;
4. Notarized Authorization of Owner;
5. Sunbiz Information;
6. Property Appraiser Information Card;

7. Copy of Deed; and

8. Survey/Legal Description.

* * * * *

If you have any questions regarding this request, please don't hesitate to contact me. We look forward to working with you and your staff on this project. We look forward to receiving staff comments as they are available.

Sincerely,

Robert A. Merrell III
Direct Dial (386) 323-9263
Email Rob.Merrell@CobbCole.com
Fax (386) 323-9206

RAM:JLG/ddl
Enclosures
cc: Triumph Oaks of Ormond Beach I, LLC
Zev Cohen & Associates, Inc.



Prepared by
Jennifer Wittorff, an employee of
First American Title Insurance Company
1540 International Pkwy, Suite 1020
Lake Mary, Florida 32746
(407)362-2105

Return to: Grantee

File No.: 12671-2664415

WARRANTY DEED

THIS INDENTURE, executed on **April 23, 2021**, between

EJTS HOLDING, LLC, a Florida limited liability company

whose mailing address is: P.O. Box 1263, Longwood, FL 23752,
hereinafter called the "grantor", and

Triumph Oaks of Ormond Beach I, LLC, a Florida limited liability company

whose mailing address is: 7765 Lake Worth Road #320, Lake Worth, FL 33467,
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

WITNESSETH: The grantor, for and in consideration of the sum of $10.00 and other good and valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, release, convey and confirms unto the grantee, their heirs and assigns, all that certain land situate in **Volusia** County, **FL**, to-wit:

SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Parcel Identification Number: **3242-07-00-0010**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all

persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2020.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

EJTS HOLDING, LLC, a Florida limited liability company

By:_____
Name: Edward Meixsell
Title: Managing Member

Signed, sealed and delivered in our presence:

_____
Witness Signature
Jennifer S. Wittorff
Print Name

_____
Witness Signature
Julissa Holm
Print Name

State of FLORIDA
County of SEMINOLE

The Foregoing Instrument Was Acknowledged before me by means of ☒ physical presence or ☐ online notarization, on 4/23/2021, by **Edward Meixsell, as Managing Member, on behalf of EJTS HOLDING, LLC, a Florida limited liability company**, existing under the laws of the State of **Florida.**

_____
Notary Public

_____
(Printed Name)

JENNIFER S. WITTORFF
Notary Public - State of Florida
Commission # GG 219763
My Comm. Expires May 20, 2022
Bonded through National Notary Assn.

My Commission expires: _____

{Notarial Seal}

Personally Known ☐ OR Produced Identification ☒
Type of Identification Produced a valid driver's license

NOTARIZED AUTHORIZATION OF OWNER

I/WE, TRIUMPH OAKS OF ORMOND BEACH I, LLC as the sole fee simple title holder of the property described as the following Tax Parcel ID Number, 3242-07-00-0010, authorize Cobb Cole Law Firm and/or their consultants, including engineering and design professionals, to act as our agent to seek a Rezoning and/or all regulatory approvals in connection therewith.

TRIUMPH OAKS OF ORMOND BEACH I, LLC, a Florida Limited Liability Company

By: _____ Mgr
Sheldon W. Rubin
Its Manager

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 3 day of May, 2023, by **SHELDON W. RUBIN**, as Manager of **TRIUMPH OAKS OF ORMOND BEACH I, LLC** who is personally known to me or who has produced FL DL (type of ID) as identification and who did not take an oath.

NICHOLLE YARBROUGH
MY COMMISSION # GG 921629
EXPIRES: February 8, 2024
Bonded Thru Notary Public Underwriters

_____
NOTARY PUBLIC – STATE OF Florida

Nicholle Yarbrough
NAME OF NOTARY – TYPED OR PRINTED

COMMISSION NO: _____

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 2998504 **Parcel ID: 324207000010**
TRIUMPH OAKS OF ORMOND BEACH I LLC 20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Parcel Summary

Alternate Key:	2998504
Parcel ID:	324207000010
Township-Range-Section:	13 - 32 - 42
Subdivision-Block-Lot:	07 - 00 - 0010
Owner(s):	TRIUMPH OAKS OF ORMOND BEACH I LLC - FS - Fee Simple - 10
Mailing Address On File:	7765 LAKE WORTH RD #320 LAKE WORTH FL 33467
Physical Address:	20 TOMOKA OAKS BLVD, ORMOND BEACH 32174
Property Use:	9900 - NON AG
Tax District:	201-ORMOND BEACH
2022 Final Millage Rate:	16.3855
Neighborhood:	2679
Business Name:	TOMOKA OAKS GOLF CLUB
Subdivision Name:	SNEAD GOLF & COUNTRY CLUB
Homestead Property:	No

AltKey: 2998504 **Parcel ID: 324207000010**

TRIUMPH OAKS OF ORMOND BEACH I LLC 20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$2,201,855	$2,201,855	$0	$2,201,855	1.5000	$3,302.78
0012	DISCRETIONARY	$2,201,855	$2,201,855	$0	$2,201,855	0.7480	$1,646.99
0011	REQ LOCAL EFFORT	$2,201,855	$2,201,855	$0	$2,201,855	3.2340	$7,120.80
0050	GENERAL FUND	$2,201,855	$2,201,855	$0	$2,201,855	4.8499	$10,678.78
0055	LIBRARY	$2,201,855	$2,201,855	$0	$2,201,855	0.4635	$1,020.56
0520	MOSQUITO CONTROL	$2,201,855	$2,201,855	$0	$2,201,855	0.1781	$392.15
0530	PONCE INLET PORT AUTHORITY	$2,201,855	$2,201,855	$0	$2,201,855	0.0760	$167.34
0058	VOLUSIA ECHO	$2,201,855	$2,201,855	$0	$2,201,855	0.2000	$440.37
0057	VOLUSIA FOREVER	$2,201,855	$2,201,855	$0	$2,201,855	0.2000	$440.37
0065	FLORIDA INLAND NAVIGATION DISTRICT	$2,201,855	$2,201,855	$0	$2,201,855	0.0320	$70.46
0100	HALIFAX HOSPITAL AUTHORITY	$2,201,855	$2,201,855	$0	$2,201,855	0.8606	$1,894.92
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$2,201,855	$2,201,855	$0	$2,201,855	0.1974	$434.65
0180	ORMOND BEACH	$2,201,855	$2,201,855	$0	$2,201,855	3.7610	$8,281.18
0182	ORMOND BEACH I&S 2003	$2,201,855	$2,201,855	$0	$2,201,855	0.0050	$11.01
0184	ORMOND BEACH I&S 2010	$2,201,855	$2,201,855	$0	$2,201,855	0.0800	$176.15
						16.3855	$36,078.50

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$36,078.50
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$36,078.50**
Estimated Tax Amount without SOH:	$36,078.50

AltKey: 2998504 **Parcel ID: 324207000010**

TRIUMPH OAKS OF ORMOND BEACH I LLC 20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2022	$2,201,855	$6,713	$2,208,568	$2,208,568	$0	$2,208,568	$0
2021	$358,000	$697,529	$1,055,529	$1,055,529	$0	$1,055,529	$0
2020	$358,000	$740,177	$1,098,177	$1,098,177	$0	$1,098,177	$0
2019	$358,000	$735,565	$1,093,565	$1,093,565	$0	$1,093,565	$0
2018	$358,000	$747,944	$1,105,944	$1,105,944	$0	$1,105,944	$0
2017	$358,000	$728,914	$1,086,914	$1,086,914	$0	$1,086,914	$0
2016	$358,000	$703,800	$1,061,800	$1,061,800	$0	$1,061,800	$0
2015	$358,000	$692,087	$1,050,087	$1,050,087	$0	$1,050,087	$0
2014	$358,000	$679,021	$1,037,021	$1,037,021	$0	$1,037,021	$0

AltKey: 2998504 **Parcel ID: 324207000010**

TRIUMPH OAKS OF ORMOND BEACH I LLC 20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Land Data

#	Land Use	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
2	9910-OVER 100 AC	A-ACRE		146.06				15075	$2,201,855

Total Land Value: $2,201,855

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description and/or recorded and indexed with the Clerk of the Court. Follow this link to search all documents by owner's name.

Book/Page	Inst #	Sale Date	Deed Type	Q/U	V/I	Sale Price
8036 / 3448	2021096353	04/23/2021	WD-WARRANTY DEED	QUALIFIED	Improved	$2,600,000
6659 / 1525	2011208739	11/22/2011	WD-WARRANTY DEED	QUALIFIED	Improved	$1,500,000
6496 / 4634	2010130574	07/20/2010	WD-WARRANTY DEED	UNQUALIFIED	Improved	$1,800,000
2052 / 1019		02/15/1979	WD-WARRANTY DEED	UNQUALIFIED	Improved	$1,323,000
1768 / 1798		02/15/1975	WD-WARRANTY DEED	UNQUALIFIED	Improved	$730,000

AltKey: 2998504 **Parcel ID: 324207000010**

TRIUMPH OAKS OF ORMOND BEACH I LLC 20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

39-14-32 ALL SNEAD GOLF & COUNTRY CLUB THOMAS FITCH GRANT MB 25 PG 61 PER OR 2052 PG 1019 PER OR 6496 PG 4634 PER OR 6659 PG 1525 PER OR 8036 PG 3448

AltKey: 2998504 **Parcel ID: 324207000010**

TRIUMPH OAKS OF ORMOND BEACH I LLC 20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Permit List

Permit Date	Permit #	Description	Contractor	Amount
08/11/2022	22-6259	DEMOLITION PERMITDEMOLITION OF BUILDINGS, TEN	DOHERTY CONSTRUCTION	$105,000
09/28/2017	17-8085	ELECTRICAL	TOM WINN ELECTRICAL	$2,000
12/01/2010	11-00000962	RE ROOF	COLLIS ROOFING	$29,000
05/12/2006	06-3437		GOLF COURSE SOLUTION	$0
05/11/1993	9302143	ADDITIONS/ALTERATION	NIDY COMPANY	$46,000
10/13/1992	93-0068	ELEC UPGRD/REP/MISC	OWNER	$0
12/06/1991	24261	ADDITIONS/ALTERATION	JERRY JUSTICE	$4,000
08/21/1991	23517	ADDITIONS/ALTERATION	MASTERCRAFT	$1,500
08/08/1991	23416	ADDITIONS/ALTERATION	ALL AIR	$4,500
07/19/1991	23289	ADDITIONS/ALTERATION	JOHN R RYALS	$14,500

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Public hearing applications require City Commission action with many types being reviewed by the Planning Board to provide a recommendation. Some public hearing items require site plan review. Please complete the application and fee worksheet. Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.

PROJECT INFORMATION

Project Type:*	R-2 Rezoning *Complete fee sheet (page 3)		
Project Name:	Tomoka Reserve		
Project Address:	20 Tomoka Oaks Boulevard, Ormond Beach, FL 32174		
Volusia County parcel number(s):	3242-07-00-0010		
Description:	See Attached Narrative.		
Pre-application date:	1/5/2022	Pre-application waiver granted:	

PROJECT COORDINATOR

Name:	Cobb Cole by Robert A. Merrell III, Esquire and Jessica L. Gow, Esq.
Address:	149 S. Ridgewood Avenue, Suite 700
City, State, Zip code:	Daytona Beach, FL 32114
Telephone:	386/323-9263
E-mail:	Rob.Merrell@CobbCole.com

APPLICANT INFORMATION

Same as project coordinator	✔	**Same as property owner**	☐

Name:	Cobb Cole by Robert A. Merrell III, Esquire
Address:	149 S. Ridgewood Avenue, Suite 700
City, State, Zip code:	Daytona Beach, FL 32114
Telephone:	386/323-9263
E-mail:	Rob.Merrell@CobbCole.com

PROPERTY OWNER			
Same as project coordinator	☐	**Same as property owner**	☑
Name:	Triumph Oaks of Ormond Beach I, LLC by Sheldon W. Rubin, Manager		
Address:	7765 Lake Worth Road, #320		
City, State, Zip code:	Lake Worth, FL 33467		
Telephone:	386/323-9263		
E-mail:	Rob.Merrell@CobbCole.com		

VIEW ONLY ACCESS TO PROJECT DOX (Provides viewing access to project)

Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	

CERTIFICATION

By submitting this application, I hereby certify that the information provided is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and the review process for this application. I authorize Ormond Beach staff to access the subject property during typical business hours to review the public hearing application.

Signature: _____

STATE OF FLORIDA

COUNTY OF Volusia

The forgoing instrument was acknowledged before me this 4th day of May, 2023, by Jessca L. Gow, Esquire for Robert A. Merrell III, Esquire as Attorney for Owner (title*) for Triumph Oaks of Ormond Beach 1, LLC (name of corporation*), who ( ) provided _____ as identification, or (✓) who is personally known to me.

DEBORAH D. LACROIX
Commission # HH 237824
Expires April 8, 2026

_____
Notary Public, State of Florida
My Commission Expires:

* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application Fees

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Site plan submittals require the submittal of applications per Ordinance 2021-30, codified in Section 8-10, Application processing fees, of the Code of Ordinances. All applications shall calculate the fees which shall be verified by city staff. **Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.**

PUBLIC HEARING FEES (Ordinance 2021-30 - Section 8-10 of Code of Ordinances)

Check all that apply	SPRC reviews	Fee	Advertising	Total fee
☐	Annexation	No fee	No fee	No fee
☐	Annexation Agreement	No fee	No fee	No fee
☐	Comprehensive Plan, small area amendment	$2,000	$1,025	$3,025
☐	Comprehensive Plan, large-scale amendment	$2,000	$2,250	$4,250
☐	Concurrency, traffic impact analysis	$3,000 (deposit)	NA	$3,000
☐	Development of Regional Impact amendment	$600	$2,250	$2,850
☐	Planned Development	$2,500	$2,400	$4,900
☐	Planned Development, major amendment	$1,000	$2,400	$3,400
☐	Regulatory amendment, zoning map, under 10 acres	$1,500	$850	$2,350
✔	Regulatory amendment, zoning map, over 10 acres	$1,500	$1,650	$3,150
☐	Regulatory amendment, LDC amendment	$1,000	$700	$1,700
☐	Regulatory amendment, LDC amendment (zoning districts)	$1,000	$1,500	$2,500
☐	Special Exception	$850	$850	$1,700
☐	Special Exception, CRA	$400	$850	$1,250
☐	Street vacation	$500	$1,925	$2,425
☐	Subdivision, Preliminary plat	$1,500 plus $25 per lot	NA	$1,500 plus $25 per lot
☐	Subdivision, Final plat	$1,000 plus $25 per lot	$350	$1,350 plus $25 per lot
☐	Subdivision, city surveyor review	Actual costs	NA	Actual costs
☐	Subdivision, Recording of plat	Actual costs	NA	Actual costs
☐	Other:			
		TOTALS:		3,150.00

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

1. *The proposed rezoning requests a density of development that is identical to directly adjacent properties. The existing Tomoka Oaks neighborhood is comprised of 584 single family residential units under the R-2 zoning designation. The proposed rezoning is consistent with the density set forth in the City's Comprehensive Plan for Low Density Residential land uses, which provides for up to 4.3 units/acre.*

   The proposed rezoning does not create undue crowding - the proposed development revitalizes a piece of property formerly used as a failed golf course and provides residential development compatible with surrounding properties.

b. The proposed development is consistent with the comprehensive plan.

1. *The property is located within the Low Density Residential (LDR) Future Land Use Classification. The intent of the LDR classification is to "To protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods." (emphasis added). The category allows a maximum density of up to 4.3 units per acre. The property is targeted for residential development under the Comprehensive Plan. The project will encourage the continued provision of single-family residential areas in areas where urban services exist to support the planned growth.*

2. *In addition to the compatibility with the existing future land use category, the proposed development is consistent with the following goals, objectives, and policies of the City's Comprehensive Plan:*

   POLICY 1.1.6. Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach.
   Response: The proposed development is an infill project designed to create additional housing opportunities for residents in an area where urban services are readily available. The conceptual development would promote compatibility with surrounding home sites on the exterior of the property and allow for additional housing opportunities.

   POLICY 1.1.7. Continuously review and modify development and building regulations to provide for sound residential communities and quality housing.
   Response: The proposed development will be designed and constructed in accordance with the latest development and building regulations at the local and state level, to ensure that the development is comprised of residential homes of a quality and character that will promote a long-lasting, aesthetically pleasing residential neighborhood in one of the City's

core areas, with a community association that will ensure continued protection of the values and aesthetics of the existing and proposed homes.

POLICY 1.1.14. Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit oriented development and walkable residential areas.
Response: The proposed residential development is a residential infill project that repurposes a former golf course property into a walkable, compatible residential neighborhood that complements surrounding single family homes.

POLICY 2.2.1. The City shall limit urban sprawl by directing urban growth to those areas where public facilities and services are available.
Response: As noted herein, the proposed project is located in an area where existing services are in place to support the development.

POLICY 2.2.5. In order to protect natural resources, new development and redevelopment shall be encouraged to infill existing developed areas
Response: The proposed residential development is a residential infill project that repurposes a former golf course property into a walkable, compatible residential neighborhood that complements surrounding single family homes.

POLICY 2.4.10. Direct development towards existing residential communities and planned growth areas already served by infrastructure, to utilize resources that existing neighborhoods offer, thereby conserving open space and natural resources on the urban fringe.
Response: The proposed residential development is a residential infill project that repurposes a former golf course property into a walkable, compatible residential neighborhood that complements surrounding single family homes.

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

The property does not contain any wetland systems, and will be benefitted through the addition of stormwater treatment features, as outlined herein. Development of the property includes the design and use of modern stormwater treatment systems, which will facilitate the removal of phosphorus and nitrogen travelling into the Tomoka River, which is an impaired water body. Redeveloping the site through the use of dry ponds with existing vegetation will help promote the intake and filtration of stormwater and runoff from the property by retaining the water for treatment prior to its outflow into the river. Redevelopment of the site for residential uses will also remediate environmental impacts from the property's former use as a golf course, which can result in impacts to soil from the abundant application of pesticides and fertilizers. Redevelopment of the site will be in

accordance with a Soil Management Plan reviewed and approved by the Florida Department of Environmental Protection.

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

   Design of the project is intended to promote a residential neighborhood featuring a variety of aesthetically pleasing home types and designs, in order to promote a diverse, architecturally rich neighborhood that will complement the existing variety demonstrated in the Tomoka Oaks neighborhood.

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

   Adequate public services exist to support the proposed development.

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

   A traffic impact analysis has been submitted for the proposed development that addresses the transportation needs associated with this development.

g. The proposed development is functional in the use of space and aesthetically acceptable.
h. The proposed development provides for the safety of occupants and visitors.
i. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

   g-i. The rezoning will require compliance with all City requirements for site design and layout under the R-2 zoning designation.

j. The testimony provided at public hearings – *To be determined at time of hearing.*

Detail by Entity Name

Florida Limited Liability Company
TRIUMPH OAKS OF ORMOND BEACH I, LLC

Filing Information

Document Number	L21000120943
FEI/EIN Number	APPLIED FOR
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Effective Date	03/17/2021
State	FL
Status	ACTIVE
Last Event	LC DISSOCIATION MEM
Event Date Filed	04/21/2021
Event Effective Date	NONE

Principal Address

7765 LAKE WORTH ROAD
#320
LAKE WORTH, FL 33467

Mailing Address

7765 LAKE WORTH ROAD
#320
LAKE WORTH, FL 33467

Registered Agent Name & Address

RUBIN, SHELDON W
7765 LAKE WORTH ROAD
#320
LAKE WORTH, FL 33467

Authorized Person(s) Detail

Name & Address

Title MGR

RUBIN, SHELDON W
7765 LAKE WORTH ROAD, #320
LAKE WORTH, FL 33467

Annual Reports

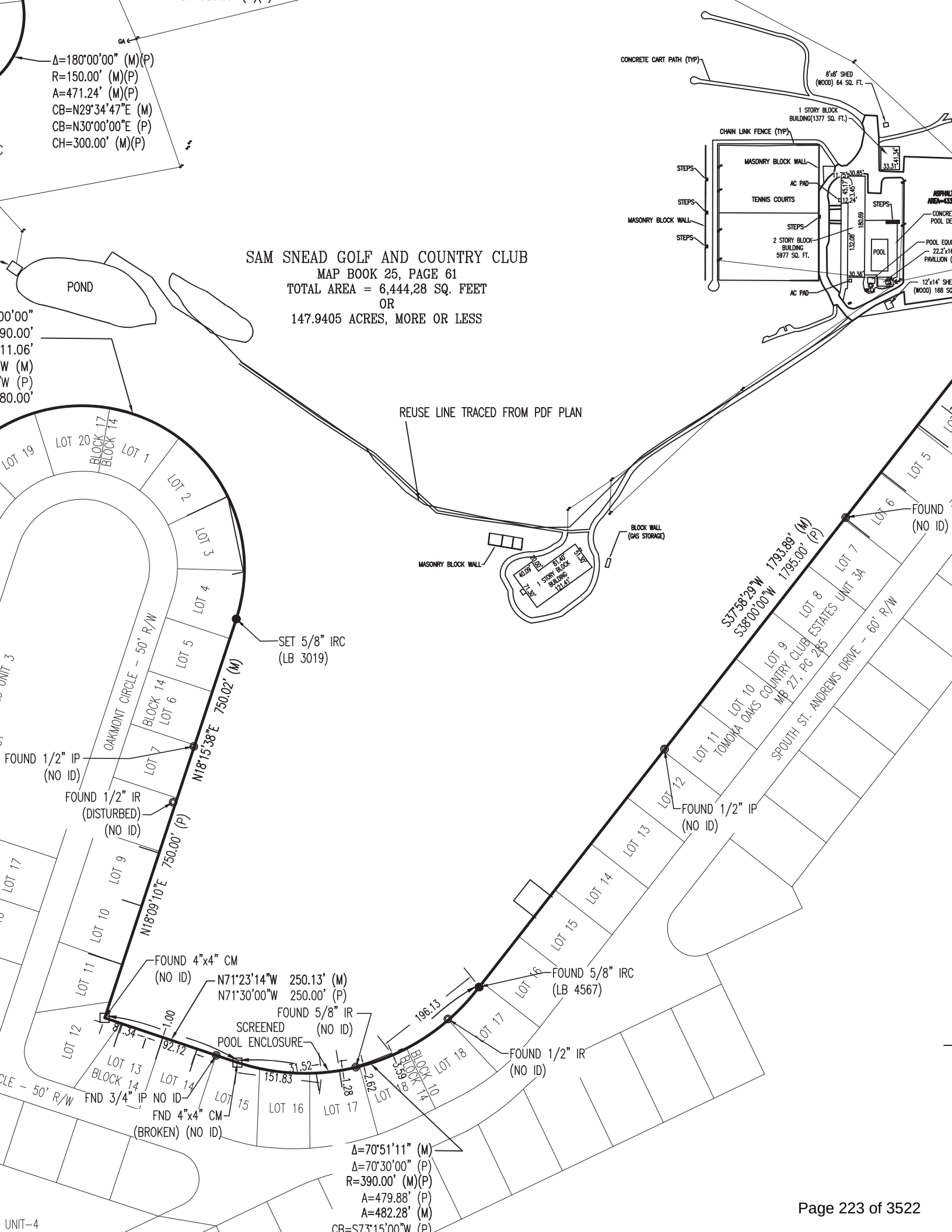
Report Year	Filed Date

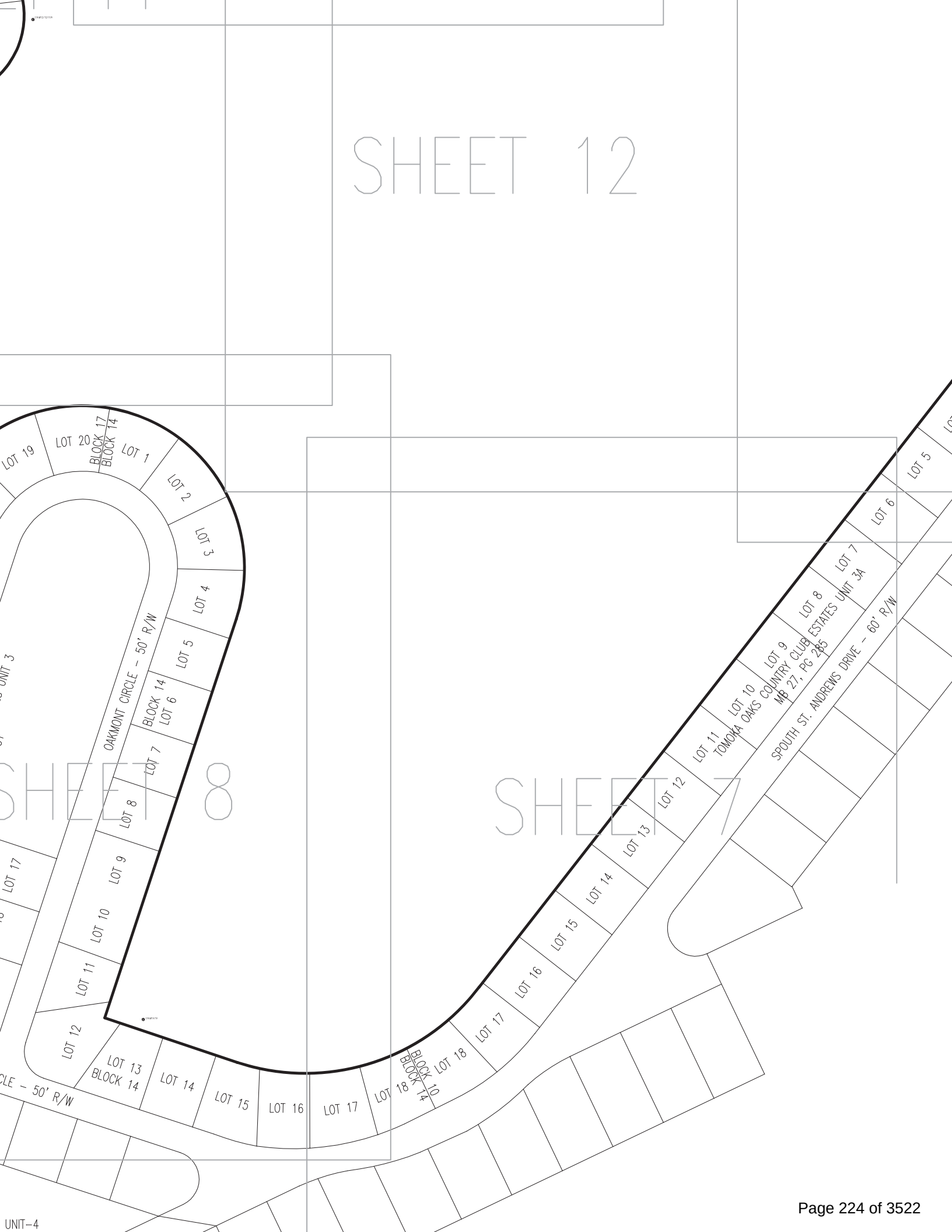
2022	01/25/2022

Document Images

01/25/2022 -- ANNUAL REPORT	View image in PDF format
04/21/2021 -- CORLCDSMEM	View image in PDF format
04/21/2021 -- CORLCDSMEM	View image in PDF format
03/23/2021 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations


Δ=180°00'00" (M)(P)
R=150.00' (M)(P)
A=471.24' (M)(P)
CB=N29°34'47"E (M)
CB=N30°00'00"E (P)
CH=300.00' (M)(P)
SAM SNEAD GOLF AND COUNTRY CLUB
MAP BOOK 25, PAGE 61
TOTAL AREA = 6,444,28 SQ. FEET
OR
147.9405 ACRES, MORE OR LESS
POND
REUSE LINE TRACED FROM PDF PLAN
CONCRETE CART PATH (TYP)
8'x8' SHED (WOOD) 64 SQ. FT.
1 STORY BLOCK BUILDING(1377 SQ. FT.)
CHAIN LINK FENCE (TYP)
MASONRY BLOCK WALL
AC PAD
TENNIS COURTS
STEPS
2 STORY BLOCK BUILDING 5977 SQ. FT.
POOL
BLOCK WALL (GAS STORAGE)
1 STORY BLOCK BUILDING 121.41'
OAKMONT CIRCLE - 50' R/W
BLOCK 17
BLOCK 14
LOT 19
LOT 20
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
BLOCK 10
SET 5/8" IRC (LB 3019)
FOUND 1/2" IP (NO ID)
FOUND 1/2" IR (DISTURBED) (NO ID)
N18°15'38"E 750.02' (M)
N18°09'10"E 750.00' (P)
S37°58'29"W 1793.89' (M)
S38°00'00"W 1795.00' (P)
TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3A MB 27, PG 285
SPOUTH ST. ANDREWS DRIVE - 60' R/W
FOUND 1/2" IP (NO ID)
FOUND 4"x4" CM (NO ID)
N71°23'14"W 250.13' (M)
N71°30'00"W 250.00' (P)
FOUND 5/8" IR (NO ID)
SCREENED POOL ENCLOSURE
FOUND 5/8" IRC (LB 4567)
FOUND 1/2" IR (NO ID)
FND 3/4" IP NO ID
FND 4"x4" CM (BROKEN) (NO ID)
Δ=70°51'11" (M)
Δ=70°30'00" (P)
R=390.00' (M)(P)
A=479.88' (P)
A=482.28' (M)
CB=S73°15'00"W (P)
UNIT-4


SHEET 12
SHEET 8
SHEET 7
LOT 19
LOT 20
BLOCK 17
BLOCK 14
LOT 1
LOT 2
LOT 3
LOT 4
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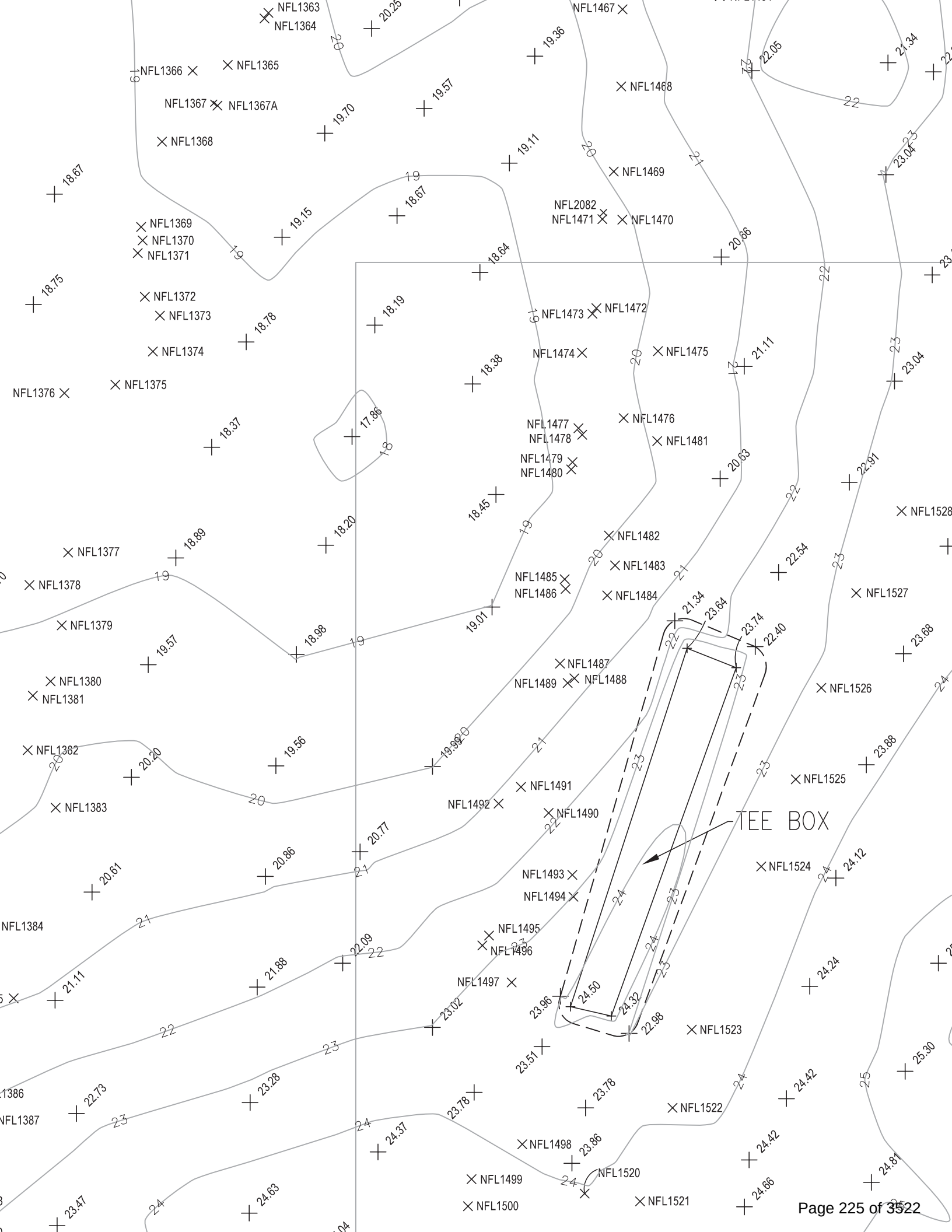
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
BLOCK 14
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
BLOCK 10
BLOCK 14
OAKMONT CIRCLE – 50' R/W
SPOUTH ST. ANDREWS DRIVE – 60' R/W
LOT 10
LOT 11
TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3A
MB 27, PG 285
LOT 9
LOT 8
LOT 7
LOT 6
LOT 5
LOT 17
LOT 16
LOT 15
LOT 14
LOT 13
LOT 12
UNIT 3
CLE – 50' R/W
UNIT–4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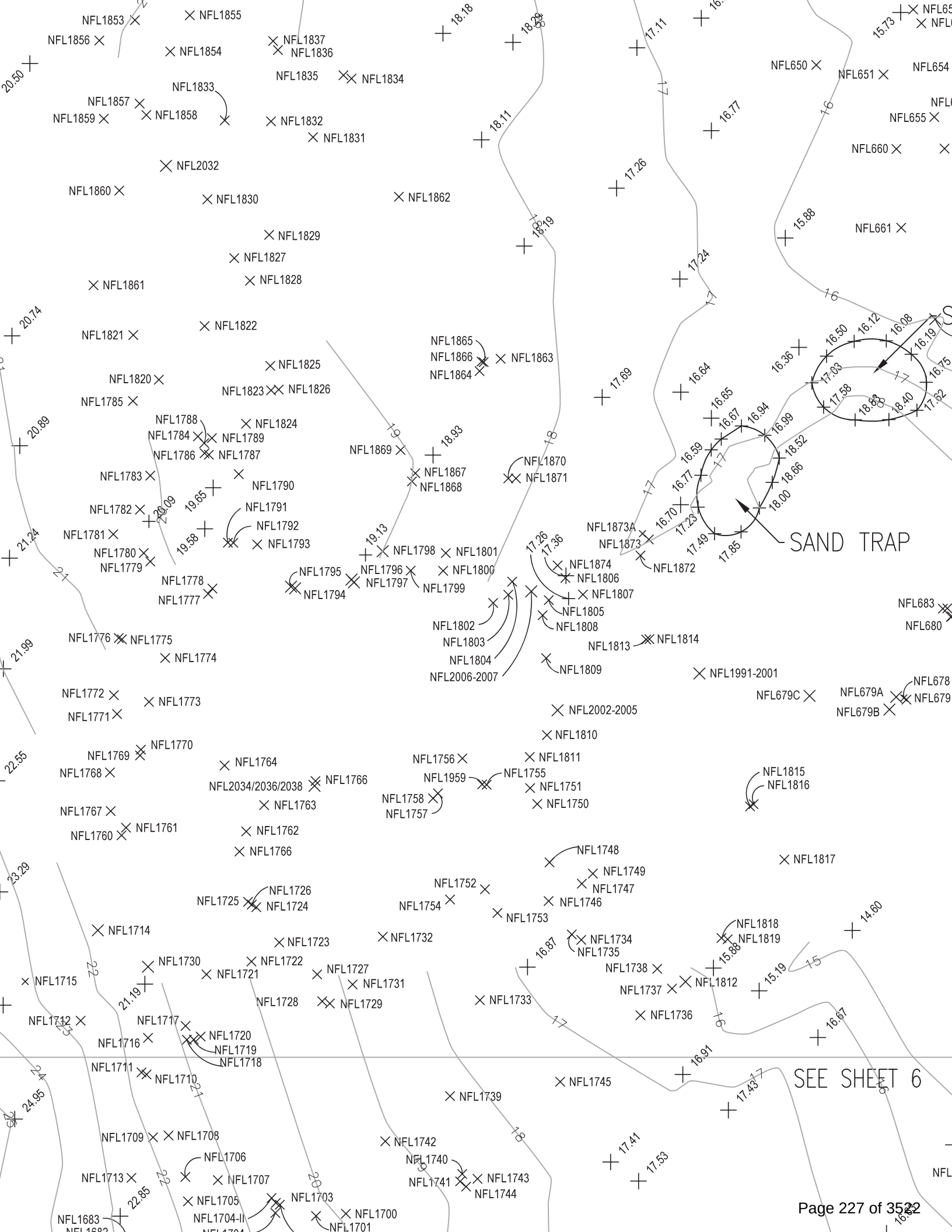
NFL1522
NFL1523
NFL1524
NFL1525
NFL1526
NFL1527
NFL1528
TEE BOX

LOT 21
PINE VALLEY CIRCLE
TOMOKA OAKS COUNTRY CLUB ESTATES
MB.25, PG 57-58
LOT 20
E SHEET 11
SEE SHEET 11
LOT 11
LOT 12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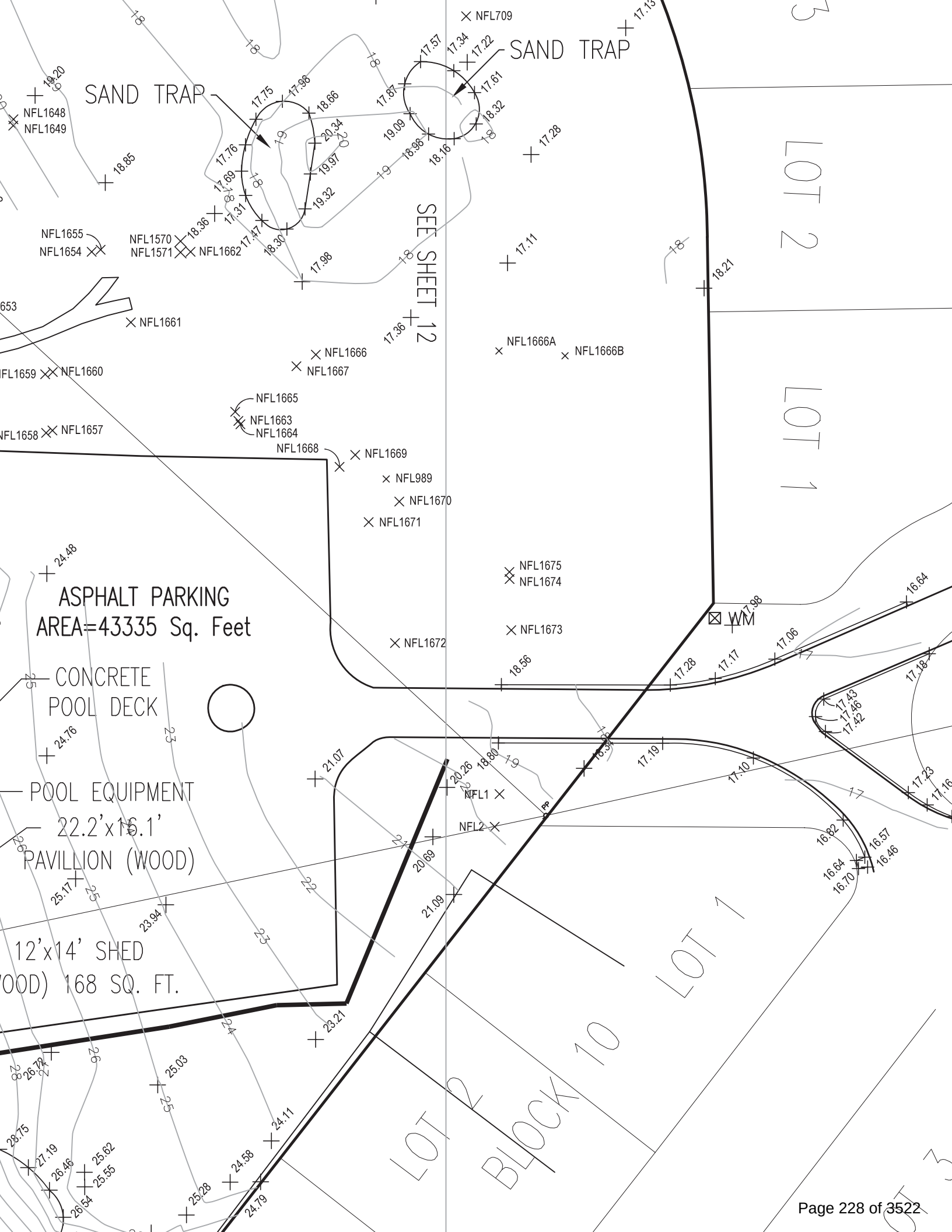
SEE SHEET 6


SAND TRAP
SAND TRAP
SEE SHEET 12
ASPHALT PARKING
AREA=43335 Sq. Feet
CONCRETE
POOL DECK
POOL EQUIPMENT
22.2'x16.1'
PAVILLION (WOOD)
12'x14' SHED
OOD) 168 SQ. FT.
LOT 2
LOT 1
LOT 2
BLOCK 10
LOT 1
WM
PP
NFL709
NFL1648
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NFL1655
NFL1654
NFL1570
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NFL1670
NFL1671
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NFL1673
NFL1674
NFL1675
NFL1666A
NFL1666B
NFL1
NFL2


LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
NFL39
NFL40
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NFL45
NFL46
NFL47
NFL48/49
NFL50
NFL50A
NFL51
NFL52
NFL53
NFL54
NFL55/56
NFL57
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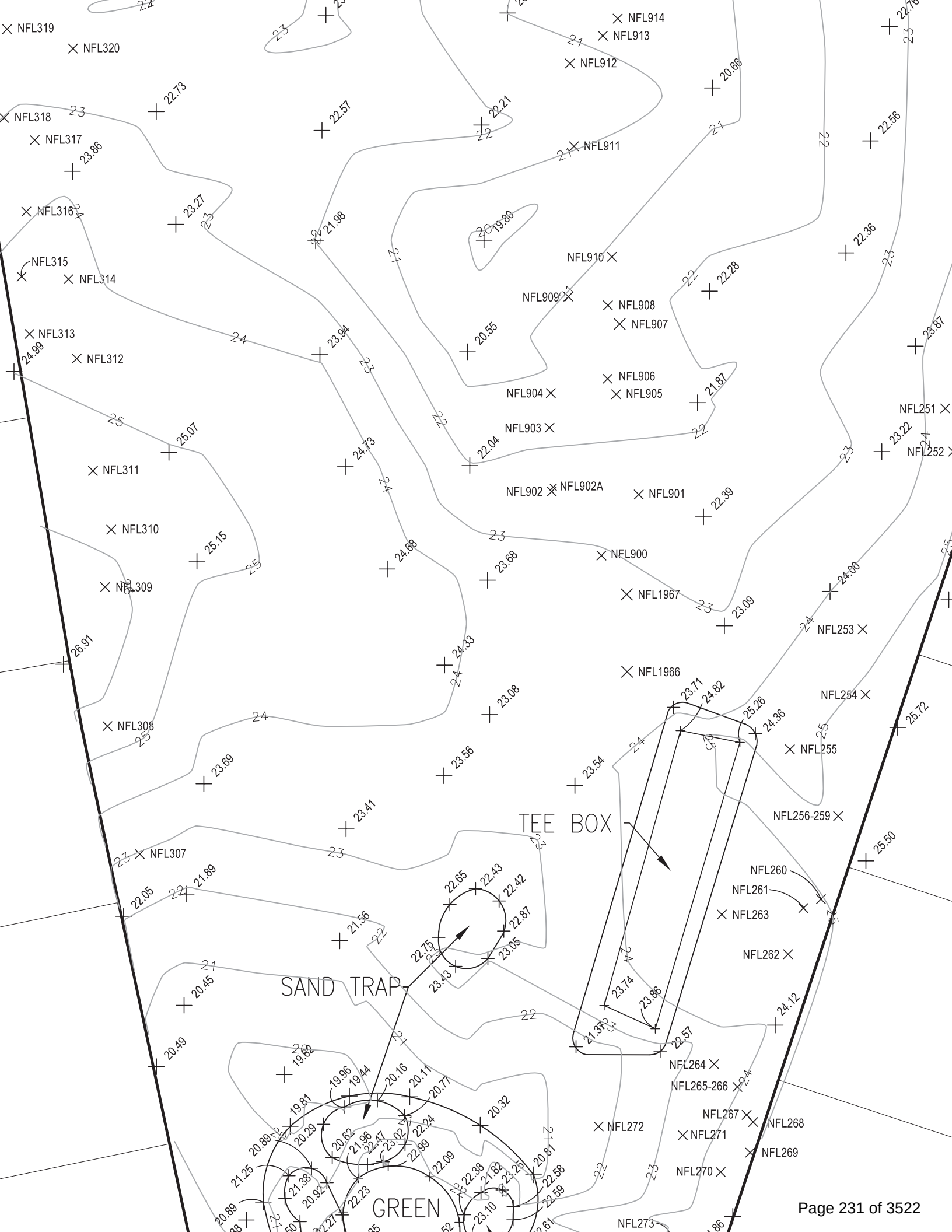
NFL59
NFL60
NFL61
NFL62
NFL63
NFL65
30.85
31.39
30.39
30.95
29.96
29.61
29.71
30.06
30.35
30.13
30.24
31.16
34.73


OAKMONT CIRCLE
LOT 17
LOT 18
LOT 10
LOT 9
LOT 8
LOT 7
BLOCK 14
LOT 6
GREEN
SAND TRAP
NFL150
NFL149
NFL148
NFL147
NFL 146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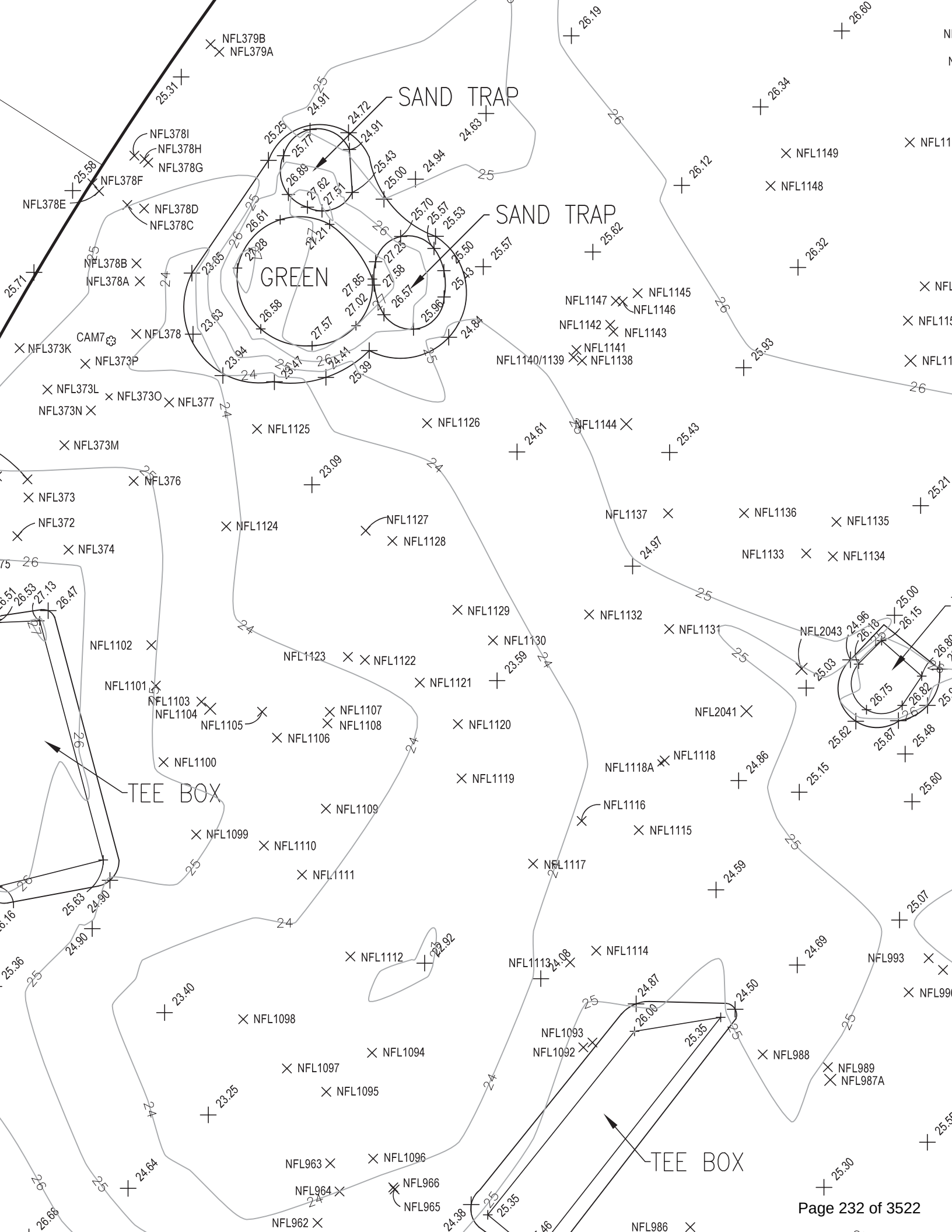
TEE BOX
SAND TRAP
GREEN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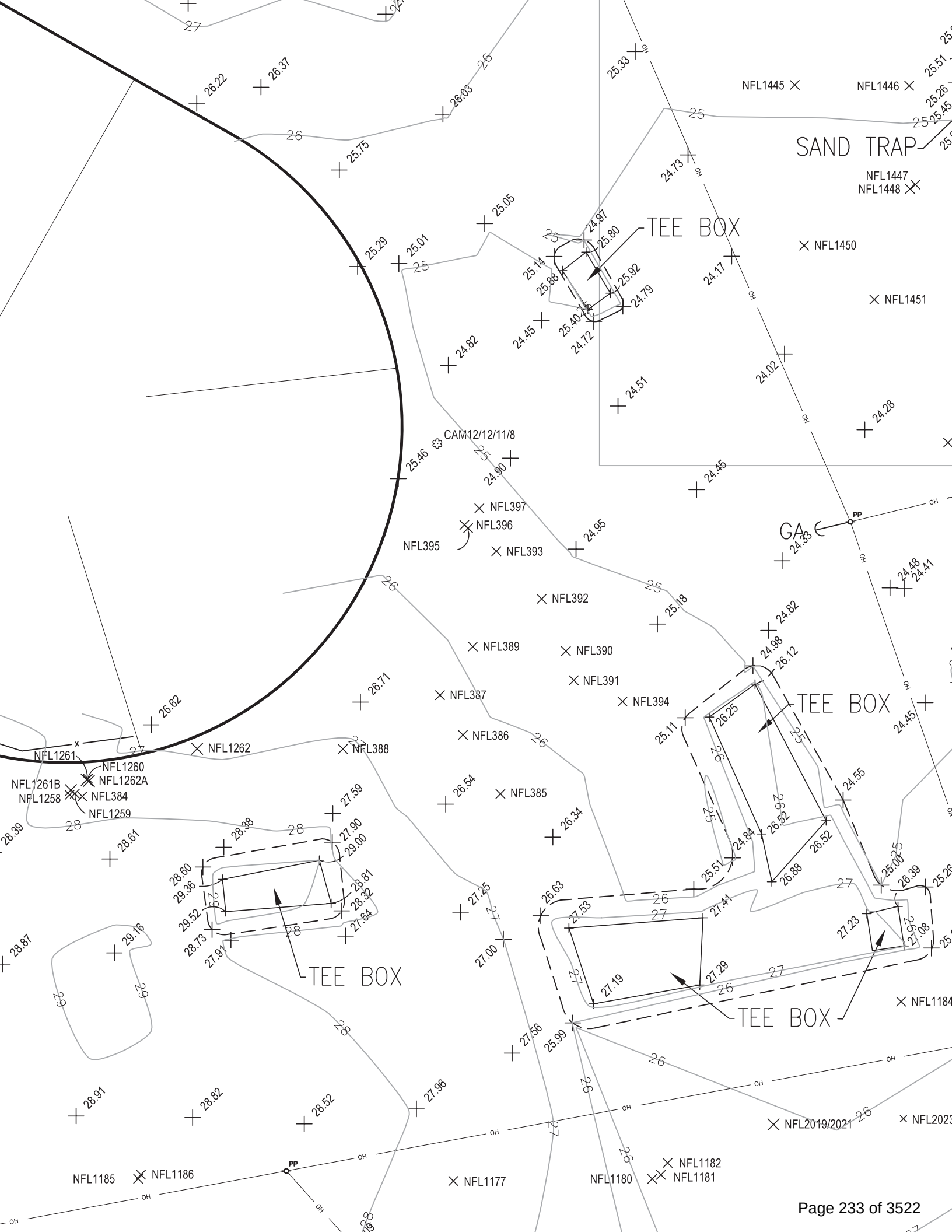
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TEE BOX
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CAM12/12/11/8
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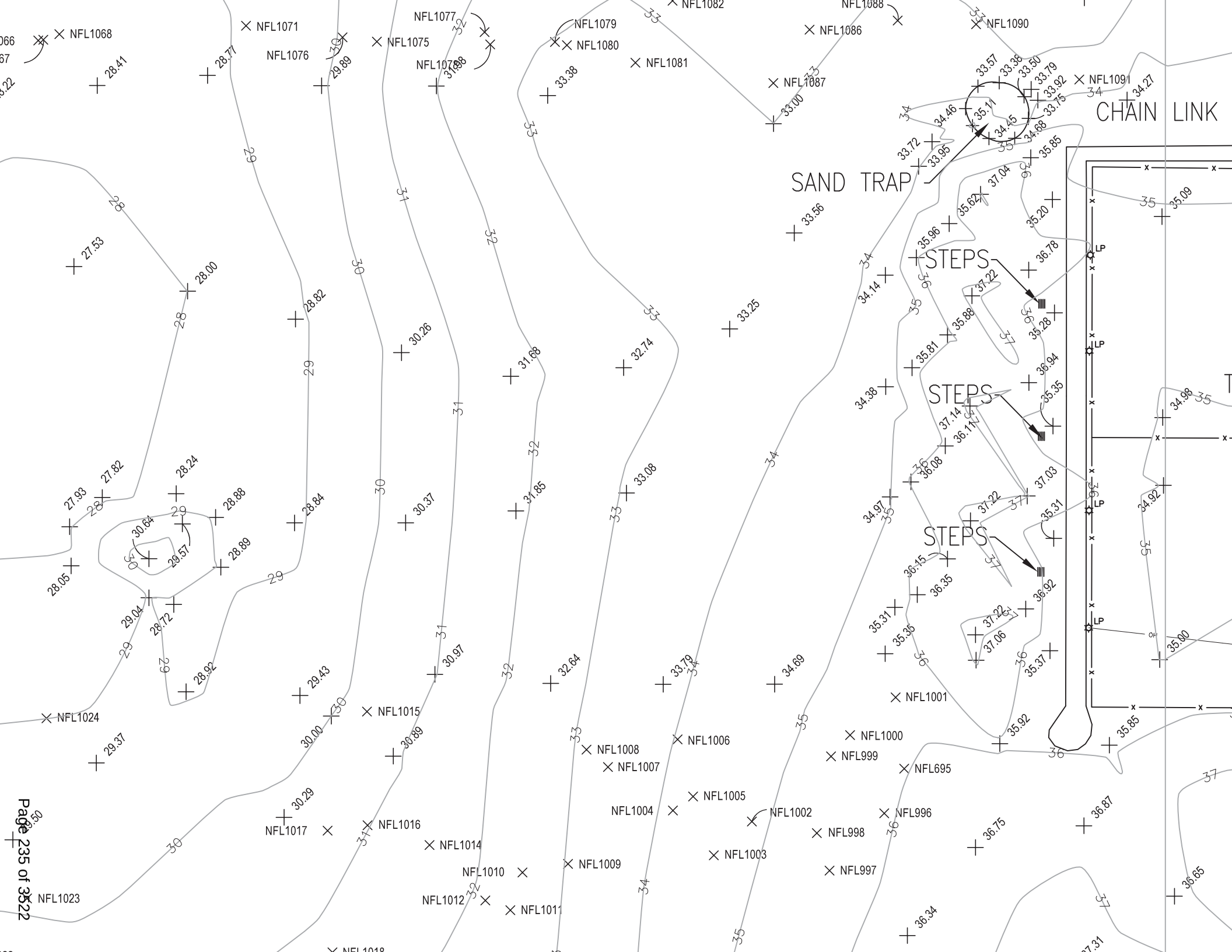
NFL1184
NFL2019/2021
NFL2023
NFL1185
NFL1186
NFL1177
NFL1180
NFL1182
NFL1181
GA
PP
OH

cus laurifolia	Laurel Oak	15	165.13	Good	
l palmetto	Cabbage Palm	15	176.71	Good	
us caroliniana	Cherry Laurel	14	153.93	Good	
us americana	American Elm	23	397.60	Good	
us americana	American Elm	21	346.35	Fair	
cus virginiana	Live oak	19	268.79	Good	
cus laurifolia	Laurel Oak	12	109.36	Good	
cus laurifolia	Laurel Oak	30	706.84	Good	
cus laurifolia	Laurel Oak	19	277.58	Good	
cus virginiana	Live oak	16	188.69	Good	
cus laurifolia	Laurel Oak	28	629.00	Fair	
cus laurifolia	Laurel Oak	17	216.42	Fair	
cus laurifolia	Laurel Oak	12	105.68	Poor	
cus laurifolia	Laurel Oak	16	196.06	Fair	
cus laurifolia	Laurel Oak	18	248.84	Good	
l palmetto	Cabbage Palm	20	314.15	Good	
olia grandiflora	Southern Magnolia	21	336.53	Good	
cus virginiana	Live oak	25	470.15	Good	
cus laurifolia	Laurel Oak	22	380.12	Good	
cus virginiana	Live oak	26	530.91	Fair	
cus virginiana	Live oak	23	415.46	Good	
cus austrina	Bastard white oak	14	160.60	Fair	
cus virginiana	Live oak	27	572.54	Good	
cus virginiana	Live oak	24	463.76	Good	
cus virginiana	Live oak	17	226.97	Good	
cus austrina	Bastard white oak	14	162.86	Fair	
cus virginiana	Live oak	14	160.60	Fair	
cus laurifolia	Laurel Oak	24	444.87	Good	
cus virginiana	Live oak	18	248.84	Poor	
cus virginiana	Live oak	28	503.94	Good	
cus virginiana	Live oak	19	292.54	Good	
cus laurifolia	Laurel Oak	37	1075.18	Good	
cus virginiana	Live oak	19	292.54	Fair	
cus virginiana	Live oak	20	314.15	Fair	
cus myrtifolia	Myrtle Oak	12	113.09	Poor	
ka holly	Ilex x attenuata	14	149.57	Poor	
cus virginiana	Live oak	23	397.60	Fair	
cus laurifolia	Laurel Oak	18	254.46	Fair	
cus virginiana	Live oak	30	683.47	Fair	
cus laurifolia	Laurel Oak	29	660.50	Poor	
cus laurifolia	Laurel Oak	15	176.71	Fair	
cus laurifolia	Laurel Oak	33	829.55	Fair	
cus laurifolia	Laurel Oak	33	834.67	Fair	
cus virginiana	Live oak	29	660.50	Good	
us caroliniana	Cherry Laurel	14	149.57	Good	
cus laurifolia	Laurel Oak	37	1075.18	Poor	
cus laurifolia	Laurel Oak	36	1017.85	Poor	
cus virginiana	Live oak	30	706.84	Fair	
cus austrina	Bastard white oak	12	116.90	Fair	
cus austrina	Bastard white oak	9	63.62	Good	
cus austrina	Bastard white oak	11	100.28	Good	
cus virginiana	Live oak	23	415.46	Good	
cus laurifolia	Laurel Oak	24	437.42	Good	
cus austrina	Bastard white oak	13	136.84	Fair	
cus laurifolia	Laurel Oak	21	359.67	Fair	
cus laurifolia	Laurel Oak	20	314.15	Fair	
cus laurifolia	Laurel Oak	27	551.53	Fair	
cus austrina	Bastard white oak	13	132.73	Good	
cus virginiana	Live oak	14	158.36	Good	
cus virginiana	Live oak	16	188.69	Good	
olia grandiflora	Southern Magnolia	14	153.93	Good	
l palmetto	Cabbage Palm	16	201.06	Good	
cus virginiana	Live oak	15	181.45	Good	
cus austrina	Bastard white oak	16	188.69	Poor	
cus virginiana	Live oak	27	572.54	Fair	
cus virginiana	Live oak	18	254.46	Fair	
cus virginiana	Live oak	24	452.38	Good	
cus virginiana	Live oak	29	660.50	Fair	
cus virginiana	Live oak	19	283.52	Fair	
cus virginiana	Live oak	33	839.79	Good	
cus virginiana	Live oak	27	572.54	Good	
cus virginiana	Live oak	27	551.53	Good	
cus virginiana	Live oak	21	352.98	Good	
l palmetto	Cabbage Palm	16	188.69	Good	
cus virginiana	Live oak	33	855.27	Good	
cus virginiana	Live oak	34	907.89	Good	
cus austrina	Bastard white oak	18	254.46	Fair	
cus virginiana	Live oak	18	260.15	Good	
cus virginiana	Live oak	29	660.50	Good	
s elliottii	Slash Pine	19	283.52	Good	
cus virginiana	Live oak	33	834.67	Good	
cus laurifolia	Laurel Oak	27	572.54	Fair	
s laevigata	Hackberry	15	172.03	Good	
cus virginiana	Live oak	25	502.71	Good	
cus virginiana	Live oak	27	555.70	Poor	Dead, diseased, or dying
cus virginiana	Live oak	27	572.54	Poor	Dead, diseased, or dying
cus laurifolia	Laurel Oak	17	226.97	Fair	
cus laurifolia	Laurel Oak	18	254.46	Fair	
cus virginiana	Live oak	31	754.75	Good	
cus laurifolia	Laurel Oak	30	725.81	Fair	
l palmetto	Cabbage Palm	12	113.09	Good	
l palmetto	Cabbage Palm	10	78.54	Good	
cus laurifolia	Laurel Oak	24	452.38	Poor	
l palmetto	Cabbage Palm	12	113.09	Good	
cus laurifolia	Laurel Oak	35	962.08	Poor	
l palmetto	Cabbage Palm	12	113.09	Good	
cus laurifolia	Laurel Oak	22	380.12	Poor	
cus laurifolia	Laurel Oak	29	660.50	Poor	
l palmetto	Cabbage Palm	12	113.09	Good	
a glabra	Hickory	32	804.22	Fair	
us serotina	Black Cherry	7	38.48	Good	
cus laurifolia	Laurel Oak	26	530.91	Good	
cus laurifolia	Laurel Oak	24	452.38	Good	
s borbonia	Red bay	10	70.88	Good	
s laevigata	Hackberry	11	95.03	Good	
cus virginiana	Live oak	30	706.84	Poor	Dead, diseased, or dying
l palmetto	Cabbage Palm	15	176.71	Good	
cus virginiana	Live oak	26	530.91	Poor	
cus virginiana	Live oak	24	452.38	Poor	
cus virginiana	Live oak	26	514.70	Fair	
cus laurifolia	Laurel Oak	32	804.22	Fair	
cus laurifolia	Laurel Oak	32	804.22	DOD	Dead, diseased, or dying
cus virginiana	Live oak	27	572.54	Poor	Dead, diseased, or dying
cus virginiana	Live oak	28	615.73	Poor	Dead, diseased, or dying
l palmetto	Cabbage Palm	17	226.97	Good	
cus virginiana	Live oak	21	346.35	Fair	
cus virginiana	Live oak	18	240.52	Poor	Dead, diseased, or dying
us caroliniana	Cherry Laurel	10	78.54	Good	
cus virginiana	Live oak	26	530.91	Fair	
l palmetto	Cabbage Palm	17	226.97	Fair	
cus virginiana	Live oak	12	113.09	Good	
cus virginiana	Live oak	33	855.27	Fair	
cus virginiana	Live oak	32	804.22	Poor	
s laevigata	Hackberry	11	95.03	Good	
s laevigata	Hackberry	10	78.54	Good	
l palmetto	Cabbage Palm	12	113.09	Good	
us caroliniana	Cherry Laurel	6	28.27	Good	
us caroliniana	Cherry Laurel	6	28.27	Good	
us caroliniana	Cherry Laurel	6	28.27	Good	
l palmetto	Cabbage Palm	10	78.54	Good	
l palmetto	Cabbage Palm	17	226.97	Good	
l palmetto	Cabbage Palm	12	113.09	Good	
olia grandiflora	Southern Magnolia	7	38.48	Good	
olia grandiflora	Southern Magnolia	7	41.85	Good	
us caroliniana	Cherry Laurel	10	78.54	Good	
innamomum camphora	Camphor Tree		0.00		Mistakenly counted, invasive exotic, does not count
olia grandiflora	Southern Magnolia	14	160.60	Good	
l palmetto	Cabbage Palm	16	201.06	Good	
innamomum camphora	Camphor Tree		0.00		Mistakenly counted, invasive exotic, does not count
cus laurifolia	Laurel Oak	40	1256.60	Poor	
cus virginiana	Live oak	10	268.79	Poor	
cus laurifolia	Laurel Oak	21	346.35	Poor	
l palmetto	Cabbage Palm	20	314.15	Good	
us caroliniana	Cherry Laurel	8	50.26	Good	
cus virginiana	Live oak	44	1520.40	Good	Historic Tree
cus virginiana	Live oak	32	804.22	Good	
l palmetto	Cabbage Palm	14	158.36	Good	
l palmetto	Cabbage Palm	15	172.03	Good	
l palmetto	Cabbage Palm	15	186.26	Good	
l palmetto	Cabbage Palm	18	265.90	Good	
us caroliniana	Cherry Laurel	14	153.93	Good	
us serotina	Black Cherry	12	118.82	Good	
l palmetto	Cabbage Palm	11	88.24	Fair	
cus virginiana	Live oak	16	188.69	Good	
s laevigata	Hackberry	16	206.11	Good	
l palmetto	Cabbage Palm	13	132.73	Good	
us serotina	Black Cherry	10	70.88	Good	
us serotina	Black Cherry	12	114.99	Fair	
a rubra	Red Mulberry	11	95.03	Good	
cus austrina	Bastard white oak	12	118.82	Poor	Dead, diseased, or dying
cus laurifolia	Laurel Oak	19	268.79	Fair	
cus laurifolia	Laurel Oak	18	254.46	Fair	
cus laurifolia	Laurel Oak	23	415.46	Fair	
cus laurifolia	Laurel Oak	29	660.50	Poor	
cus laurifolia	Laurel Oak	22	394.07	Fair	
cus virginiana	Live oak	24	456.15	Good	
cus laurifolia	Laurel Oak	36	1017.85	Fair	
cus laurifolia	Laurel Oak	16	206.11	Fair	
cus laurifolia	Laurel Oak	23	401.14	Poor	
cus virginiana	Live oak	29	660.50	Good	
cus virginiana	Live oak	34	881.39	Fair	
l palmetto	Cabbage Palm	17	226.97	Fair	
cus virginiana	Live oak	26	530.91	Fair	
l palmetto	Cabbage Palm	19	268.79	Fair	
l palmetto	Cabbage Palm	21	346.35	Fair	
l palmetto	Cabbage Palm	25	490.86	Fair	
cus virginiana	Live oak	20	314.15	Fair	
cus laurifolia	Laurel Oak	21	346.35	Good	
cus laurifolia	Laurel Oak	24	444.87	Good	
us sp.	Oak	27	572.54	Fair	
cus laurifolia	Laurel Oak	23	426.37	Fair	
cus laurifolia	Laurel Oak	26	530.91	Poor	
cus laurifolia	Laurel Oak	26	510.69	Fair	
cus laurifolia	Laurel Oak	19	283.52	Fair	
cus laurifolia	Laurel Oak	34	907.89	Fair	
cus laurifolia	Laurel Oak	20	323.65	Poor	
cus laurifolia	Laurel Oak	11	86.59	Fair	
cus laurifolia	Laurel Oak	23	397.60	Poor	
cus virginiana	Live oak	28	620.14	Poor	Dead, diseased, or dying
cus laurifolia	Laurel Oak	25	494.79	Fair	
ex opaca	American Holly	7	36.32	Good	
ex opaca	American Holly	7	39.59	Good	
cus laurifolia	Laurel Oak	36	989.77	Poor	
cus laurifolia	Laurel Oak	23	397.60	Poor	
l palmetto	Cabbage Palm	17	226.97	Fair	
cus laurifolia	Laurel Oak	21	346.35	Poor	
cus virginiana	Live oak	30	725.81	Fair	
cus virginiana	Live oak	27	551.53	Fair	
l palmetto	Cabbage Palm	16	201.06	Good	
cus virginiana	Live oak	23	430.04	Fair	
cus laurifolia	Laurel Oak	20	314.15	Fair	
cus laurifolia	Laurel Oak	17	235.69	Fair	
cus laurifolia	Laurel Oak	24	463.76	Fair	
cus laurifolia	Laurel Oak	32	784.24	Fair	
cus austrina	Bastard white oak	14	153.93	Fair	
cus laurifolia	Laurel Oak	32	778.29	Poor	Dead, diseased, or dying
cus virginiana	Live oak	23	426.37	Fair	
cus virginiana	Live oak	22	363.04	Fair	
cus laurifolia	Laurel Oak	42	1385.40	Fair	
cus laurifolia	Laurel Oak	23	415.46	Good	
Prunus serotina	Black Cherry	8	52.81	Poor	
Prunus serotina	Black Cherry	9	63.62	Poor	
Prunus serotina	Black Cherry	8	47.78	Fair	
cus virginiana	Live oak	20	314.15	Fair	
cus laurifolia	Laurel Oak	24	452.38	Poor	
cus laurifolia	Laurel Oak	58	2642.00	Fair	
Celtis laevigata	Hackberry	21	346.35	Good	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
Celtis laevigata	Hackberry	7	33.18	Good	
cus laurifolia	Laurel Oak	9	56.74	Fair	
cus laurifolia	Laurel Oak	9	56.74	Fair	
cus laurifolia	Laurel Oak	10	78.54	Fair	
cus laurifolia	Laurel Oak	13	132.73	Good	
cus laurifolia	Laurel Oak	17	213.82	Good	
cus virginiana	Live oak	23	419.08	Good	
cus virginiana	Live oak	21	330.05	Good	
cus austrina	Bastard white oak	29	660.50	Good	
cus virginiana	Live oak	38	1134.08	Good	Historic Tree
cus virginiana	Live oak	25	490.86	Good	
Celtis laevigata	Hackberry	8	51.53	Good	
cus virginiana	Live oak	14	153.93	Good	
Sabal palmetto	Cabbage Palm	12	113.09	Fair	
cus virginiana	Live oak	21	359.67	Fair	
Sabal palmetto	Cabbage Palm	14	153.93	Fair	
cus laurifolia	Laurel Oak	22	387.06	Poor	
cus laurifolia	Laurel Oak	11	86.59	Good	
Sabal palmetto	Cabbage Palm	14	151.74	Good	
cus laurifolia	Laurel Oak	9	65.66	Good	
cus laurifolia	Laurel Oak	9	63.62	Good	
Ilex opaca	American Holly	18	240.52	Good	
cus laurifolia	Laurel Oak	11	91.61	Fair	
cus virginiana	Live oak	20	314.15	Good	
cus virginiana	Live oak	27	572.54	Fair	
Prunus serotina	Black Cherry	10	191.13	Fair	
cus virginiana	Live oak	10	70.88	Good	
cus laurifolia	Laurel Oak	11	95.03	Fair	
cus laurifolia	Laurel Oak	28	593.04	Fair	
Prunus serotina	Black Cherry	11	148.24	Fair	
cus virginiana	Live oak	40	1275.52	Good	Historic Tree
cus austrina	Bastard white oak	16	201.06	Fair	
cus laurifolia	Laurel Oak	24	467.58	Fair	
cus virginiana	Live oak	13	132.73	Good	
cus austrina	Bastard white oak	15	176.71	Good	
cus virginiana	Live oak	32	804.22	Good	
cus laurifolia	Laurel Oak	31	754.75	Fair	
cus virginiana	Live oak	20	298.64	Fair	
cus virginiana	Live oak	19	277.58	Good	
cus austrina	Bastard white oak	12	113.09	Fair	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
cus virginiana	Live oak	24	452.38	Poor	Dead, diseased, or dying
cus laurifolia	Laurel Oak	24	452.38	Poor	Dead, diseased, or dying
Celtis laevigata	Hackberry	12	109.36	Fair	
cus virginiana	Live oak	15	165.13	Fair	
cus virginiana	Live oak	34	907.89	Poor	
cus virginiana	Live oak	12	113.09	Fair	
cus virginiana	Live oak	17	226.97	Poor	
Sabal palmetto	Cabbage Palm	16	201.06	Fair	
cus virginiana	Live oak	23	415.46	Poor	
cus laurifolia	Laurel Oak	26	522.78	Poor	
cus virginiana	Live oak	24	452.38	Fair	
cus laurifolia	Laurel Oak	28	615.73	Fair	
Sabal palmetto	Cabbage Palm	12	113.09	Good	
cus laurifolia	Laurel Oak	22	380.12	Good	
cus virginiana	Live oak	26	539.11	Good	
cus laurifolia	Laurel Oak	11	86.59	Good	
cus laurifolia	Laurel Oak	13	128.68	Good	
cus virginiana	Live	31	745.04	Good	
cus virginiana	Live oak	28	615.73	Poor	
cus virginiana	Live oak	26	530.91	Fair	
Sabal palmetto	Cabbage Palm	16	201.06	Fair	
cus laurifolia	Laurel Oak	31	754.75	Good	
cus laurifolia	Laurel Oak	30	706.84	Fair	
cus laurifolia	Laurel Oak	30	692.77	Fair	
cus laurifolia	Laurel Oak	31	740.21	Poor	
cus virginiana	Live oak	19	274.64	Fair	
cus virginiana	Live oak	24	452.38	Good	
cus laurifolia	Laurel Oak	39	1194.56	Good	
cus virginiana	Live oak	34	907.89	Fair	
cus virginiana	Live oak	16	188.69	Poor	
cus virginiana	Live	20	314.15	Good	
cus laurifolia	Laurel Oak	32	804.22	Good/fair	
Sabal palmetto	Cabbage Palm	15	165.13	Good	
Sabal palmetto	Cabbage Palm	21	346.35	Fair	
cus laurifolia	Laurel Oak	34	923.99	Fair	
cus laurifolia	Laurel Oak	14	162.86	Good	
cus laurifolia	Laurel Oak	20	314.15	Poor	
cus laurifolia	Laurel Oak	15	176.71	Poor	
cus laurifolia	Laurel Oak	22	380.12	Good	
cus laurifolia	Laurel Oak	31	754.75	Good	
Laurel	Laurel	19	289.52	Good	
cus virginiana	Live oak	24	452.38	Good	
Sabal palmetto	Cabbage Palm	15	176.71	Poor	
cus virginiana	Live oak	18	254.46	Good	
cus laurifolia	Laurel Oak	19	283.52	Good	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
cus virginiana	Live oak	19	283.52	Fair	
cus virginiana	Live oak	15	176.71	Good	
cus austrina	Bastard white oak	17	229.65	Fair	
cus laurifolia	Laurel Oak	20	298.64	Good	
cus laurifolia	Laurel Oak	12	107.51	Good	
cus virginiana	Live oak	16	193.59	Good	
cus virginiana	Live oak	21	346.35	Fair	
cus laurifolia	Laurel Oak	14	156.14	Good	
cus laurifolia	Laurel Oak	11	96.77	Good	
cus austrina	Bastard white oak	15	165.13	Poor	
cus laurifolia	Laurel Oak	6	31.17	Poor	
ch and cypress	Cupressus × leylandii	12	113.09	Fair	not native
cus myrtifolia	Myrtle oak	7	39.59	Good	
cus virginiana	Live oak	23	415.46	Good	
cus laurifolia	Laurel Oak	17	213.82	Good	
cus laurifolia	Laurel Oak	18	254.46	Fair	
cus laurifolia	Laurel Oak	19	283.52	Fair	
cus laurifolia	Laurel Oak	18	254.46	Fair	
cus laurifolia	Laurel Oak	23	415.46	Fair	
cus laurifolia	Laurel Oak	29	660.50	Poor	
cus laurifolia	Laurel Oak	22	394.07	Fair	
cus virginiana	Live oak	24	456.15	Good	
cus laurifolia	Laurel Oak	36	1017.85	Fair	
cus laurifolia	Laurel Oak	16	206.11	Fair	
cus laurifolia	Laurel Oak	23	401.14	Poor	
cus virginiana	Live oak	29	660.50	Good	
cus virginiana	Live oak	34	881.39	Fair	
l palmetto	Cabbage Palm	17	226.97	Fair	
cus virginiana	Live oak	26	530.91	Fair	
l palmetto	Cabbage Palm	19	268.79	Fair	
l palmetto	Cabbage Palm	21	346.35	Fair	
l palmetto	Cabbage Palm	25	490.86	Fair	
cus virginiana	Live oak	20	314.15	Fair	
cus laurifolia	Laurel Oak	21	346.35	Good	
cus laurifolia	Laurel Oak	24	444.87	Good	
us sp.	Oak	27	572.54	Fair	
cus laurifolia	Laurel Oak	23	426.37	Fair	
cus laurifolia	Laurel Oak	26	530.91	Poor	
cus laurifolia	Laurel Oak	26	510.69	Fair	
cus laurifolia	Laurel Oak	19	283.52	Fair	
cus laurifolia	Laurel Oak	34	907.89	Fair	
cus laurifolia	Laurel Oak	20	323.65	Poor	
cus laurifolia	Laurel Oak	11	86.59	Fair	
cus laurifolia	Laurel Oak	23	397.60	Poor	
cus virginiana	Live oak	28	620.14	Poor	Dead, diseased, or dying
cus laurifolia	Laurel Oak	25	494.79	Fair	
ex opaca	American Holly	7	36.32	Good	
ex opaca	American Holly	7	39.59	Good	
cus laurifolia	Laurel Oak	36	989.77	Poor	
cus laurifolia	Laurel Oak	23	397.60	Poor	
l palmetto	Cabbage Palm	17	226.97	Fair	
cus laurifolia	Laurel Oak	21	346.35	Poor	
cus virginiana	Live oak	30	725.81	Fair	
cus virginiana	Live oak	27	551.53	Fair	
l palmetto	Cabbage Palm	16	201.06	Good	
cus virginiana	Live oak	23	430.04	Fair	
cus laurifolia	Laurel Oak	20	314.15	Fair	
cus laurifolia	Laurel Oak	17	235.69	Fair	
cus laurifolia	Laurel Oak	24	463.76	Fair	
cus laurifolia	Laurel Oak	32	784.24	Fair	
cus austrina	Bastard white oak	14	153.93	Fair	
cus laurifolia	Laurel Oak	32	778.29	Poor	Dead, diseased, or dying
cus virginiana	Live oak	23	426.37	Fair	
cus virginiana	Live oak	22	363.04	Fair	
cus laurifolia	Laurel Oak	42	1385.40	Fair	
cus laurifolia	Laurel Oak	23	415.46	Good	
Prunus serotina	Black Cherry	8	52.81	Poor	
Prunus serotina	Black Cherry	9	63.62	Poor	
Prunus serotina	Black Cherry	8	47.78	Fair	
cus virginiana	Live oak	20	314.15	Fair	
cus laurifolia	Laurel Oak	24	452.38	Poor	
cus laurifolia	Laurel Oak	58	2642.00	Fair	
Celtis laevigata	Hackberry	21	346.35	Good	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
Celtis laevigata	Hackberry	7	33.18	Good	
cus laurifolia	Laurel Oak	9	56.74	Fair	
cus laurifolia	Laurel Oak	9	56.74	Fair	
cus laurifolia	Laurel Oak	10	78.54	Fair	
cus laurifolia	Laurel Oak	13	132.73	Good	
cus laurifolia	Laurel Oak	17	213.82	Good	
cus virginiana	Live oak	23	419.08	Good	
cus virginiana	Live oak	21	330.05	Good	
cus austrina	Bastard white oak	29	660.50	Good	
cus virginiana	Live oak	38	1134.08	Good	Historic Tree
cus virginiana	Live oak	25	490.86	Good	
Celtis laevigata	Hackberry	8	51.53	Good	
cus virginiana	Live oak	14	153.93	Good	
Sabal palmetto	Cabbage Palm	12	113.09	Fair	
cus virginiana	Live oak	21	359.67	Fair	
Sabal palmetto	Cabbage Palm	14	153.93	Fair	
cus laurifolia	Laurel Oak	22	387.06	Poor	
cus laurifolia	Laurel Oak	11	86.59	Good	
Sabal palmetto	Cabbage Palm	14	151.74	Good	
cus laurifolia	Laurel Oak	9	65.66	Good	
cus laurifolia	Laurel Oak	9	63.62	Good	
Ilex opaca	American Holly	18	240.52	Good	
cus laurifolia	Laurel Oak	11	91.61	Fair	
cus virginiana	Live oak	20	314.15	Good	
cus virginiana	Live oak	27	572.54	Fair	
Prunus serotina	Black Cherry	10	191.13	Fair	
cus virginiana	Live oak	10	70.88	Good	
cus laurifolia	Laurel Oak	11	95.03	Fair	
cus laurifolia	Laurel Oak	28	593.04	Fair	
Prunus serotina	Black Cherry	11	148.24	Fair	
cus virginiana	Live oak	40	1275.52	Good	Historic Tree
cus austrina	Bastard white oak	16	201.06	Fair	
cus laurifolia	Laurel Oak	24	467.58	Fair	
cus virginiana	Live oak	13	132.73	Good	
cus austrina	Bastard white oak	15	176.71	Good	
cus virginiana	Live oak	32	804.22	Good	
cus laurifolia	Laurel Oak	31	754.75	Fair	
cus virginiana	Live oak	20	298.64	Fair	
cus virginiana	Live oak	19	277.58	Good	
cus austrina	Bastard white oak	12	113.09	Fair	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
cus virginiana	Live oak	24	452.38	Poor	Dead, diseased, or dying
cus laurifolia	Laurel Oak	24	452.38	Poor	Dead, diseased, or dying
Celtis laevigata	Hackberry	12	109.36	Fair	
cus virginiana	Live oak	15	165.13	Fair	
cus virginiana	Live oak	34	907.89	Poor	
cus virginiana	Live oak	12	113.09	Fair	
cus virginiana	Live oak	17	226.97	Poor	
Sabal palmetto	Cabbage Palm	16	201.06	Fair	
cus virginiana	Live oak	23	415.46	Poor	
cus laurifolia	Laurel Oak	26	522.78	Poor	
cus virginiana	Live oak	24	452.38	Fair	
cus laurifolia	Laurel Oak	28	615.73	Fair	
Sabal palmetto	Cabbage Palm	12	113.09	Good	
cus laurifolia	Laurel Oak	22	380.12	Good	
cus virginiana	Live oak	26	539.11	Good	
cus laurifolia	Laurel Oak	11	86.59	Good	
cus laurifolia	Laurel Oak	13	128.68	Good	
cus virginiana	Live	31	745.04	Good	
cus virginiana	Live oak	28	615.73	Poor	
cus virginiana	Live oak	26	530.91	Fair	
Sabal palmetto	Cabbage Palm	16	201.06	Fair	
cus laurifolia	Laurel Oak	31	754.75	Good	
cus laurifolia	Laurel Oak	30	706.84	Fair	
cus laurifolia	Laurel Oak	30	692.77	Fair	
cus laurifolia	Laurel Oak	31	740.21	Poor	
cus virginiana	Live oak	19	274.64	Fair	
cus virginiana	Live oak	24	452.38	Good	
cus laurifolia	Laurel Oak	39	1194.56	Good	
cus virginiana	Live oak	34	907.89	Fair	
cus virginiana	Live oak	16	188.69	Poor	
cus virginiana	Live	20	314.15	Good	
cus laurifolia	Laurel Oak	32	804.22	Good/fair	
Sabal palmetto	Cabbage Palm	15	165.13	Good	
Sabal palmetto	Cabbage Palm	21	346.35	Fair	
cus laurifolia	Laurel Oak	34	923.99	Fair	
cus laurifolia	Laurel Oak	14	162.86	Good	
cus laurifolia	Laurel Oak	20	314.15	Poor	
cus laurifolia	Laurel Oak	15	176.71	Poor	
cus laurifolia	Laurel Oak	22	380.12	Good	
cus laurifolia	Laurel Oak	31	754.75	Good	
Laurel	Laurel	19	289.52	Good	
cus virginiana	Live oak	24	452.38	Good	
Sabal palmetto	Cabbage Palm	15	176.71	Poor	
cus virginiana	Live oak	18	254.46	Good	
cus laurifolia	Laurel Oak	19	283.52	Good	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
Sabal palmetto	Cabbage Palm	14	153.93	Good	
cus virginiana	Live oak	19	283.52	Fair	
cus virginiana	Live oak	15	176.71	Good	
cus austrina	Bastard white oak	17	229.65	Fair	
cus laurifolia	Laurel Oak	20	298.64	Good	
cus laurifolia	Laurel Oak	12	107.51	Good	
cus virginiana	Live oak	16	193.59	Good	
cus virginiana	Live oak	21	346.35	Fair	
cus laurifolia	Laurel Oak	14	156.14	Good	
cus laurifolia	Laurel Oak	11	96.77	Good	
cus austrina	Bastard white oak	15	165.13	Poor	
cus laurifolia	Laurel Oak	6	31.17	Poor	
ch and cypress	Cupressus × leylandii	12	113.09	Fair	not native
cus myrtifolia	Myrtle oak	7	39.59	Good	
cus virginiana	Live oak	23	415.46	Good	
cus laurifolia	Laurel Oak	17	213.82	Good	
cus laurifolia	Laurel Oak	18	254.46	Fair	
cus laurifolia	Laurel Oak	19	283.52	Fair	
cus laurifolia	Laurel Oak	18	254.46	Fair	
cus laurifolia	Laurel Oak	23	415.46	Fair	
cus laurifolia	Laurel Oak	29	660.50	Poor	
cus laurifolia	Laurel Oak	22	394.07	Fair	
cus virginiana	Live oak	24	456.15	Good	
cus laurifolia	Laurel Oak	36	1017.85	Fair	
cus laurifolia	Laurel Oak	16	206.11	Fair	
cus laurifolia	Laurel Oak	23	401.14	Poor	
cus virginiana	Live oak	29	660.50	Good	
cus virginiana	Live oak	34	881.39	Fair	
l palmetto	Cabbage Palm	17	226.97	Fair	
cus virginiana	Live oak	26	530.91	Fair	
l palmetto	Cabbage Palm	19	268.79	Fair	
l palmetto	Cabbage Palm	21	346.35	Fair	
l palmetto	Cabbage Palm	25	490.86	Fair	
cus virginiana	Live oak	20	314.15	Fair	
cus laurifolia	Laurel Oak	21	346.35	Good	
cus laurifolia	Laurel Oak	24	444.87	Good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ATTACHMENT 4

Zoning maps and zoning districts


1. Knollwood Cir
2. Fairwood Cir
HALIFAX RIVER
ATLANTIC O
Amsden Rd
Golfview Ln
Club Dr
Nicholas Dr
Nicholas Ct
Colonial Cir
Putting Green Ln
Country
Triton Rd
Druid Cir
Atwood Ln
Idlewood Dr
Pinecrest Ln
Riverwood Dr
Wildwood Ave
Neptune Ave
Sundance Trl
Driftwood Ave
Oak Dr
Tanglewood Cir
Hilldale Ave
Treasure Ln
Royal Palm Ave
John Anderson Dr
Landmark Cir
Windward Ln
Oak Grove St
Windward Cir
N. Halifax Dr (C.R. 2803)
Orchard Ln
Hotel St
Witham St
Ocean Shore Blvd (S.R. A1A)
E. Granada Blvd (S.R. 40)
Vining Ct
Coquina Ct
Coquina Ave
Lucky Dr
Bovard Dr
Florence St
Wye Dr
Bosarvey Dr
Seton Trl
Casement Dr
Bosarvey Cir
Willis Dr
Riverside Cir
S. Halifax Dr
Carib Dr
Osceola Ave
Oleeta St
Seminole Ave
Ormond Pkwy
Valencia Dr
Orlen Way
Magnolia Dr
Arlington Way
Byron Ellinor Dr
Riverside Dr
Cedar Rd
Cypress Cir
Bayberry Ct
Mulberry Dr
Flubart Dr
Pine Rd
Rockefeller Dr
Wild Olive Ave
Grandview
Cedar St
Hollywood St
Pinewood St
Magnolia St
River Beach Dr
Ormond Shores Dr
Abby Way
Florida Ave
Northshore Dr
Oriole Cir
Pleasant Dr
Robin Rd
Flamingo Dr
Cardinal Dr
Benjamin Dr
Palmetto Ave
De Leon Dr
Ponce Rd
S. Atlantic Ave (S.R. A1A)
S. Beach St (C.R. 4011)
1. Lewis St
1. E. Ridgewood Ave
2. Grove St
3. Capri Cir
INTRACOAS
Wilmette Ave
Kenilworth Ave
Rosewood Ave
Hernandez Ave
Dix Ave
Charles Ter
Lincoln Ave
Britain Ave
Highland Ave
New
N. Washington St
Corbin Ave
Eileen Butts St
Tomoka Ave
Grove St
Live Oak Ave
Myra Blvd
Central Ave
Midway Laws Ln
Jefferson St
Oleander Pl
Willow Pl
Palm Pl
Washington Pl
Railroad St
FEC R.R.
S. Washington St
S. Ridgewood Ave
Mound Ave
Fairview Ave
Roosevelt Dr
Divsion Ave
Ellsworth Ave
Arbor Drive North
Arbor Drive South
N. Capri Dr
S. Capri Dr
Salvador Pl
Bostrom Ln
Flormond Ave
Rogers Park Dr
Sylvania Pl
McAlister Dr
Riverview Dr
Fred Gamb Way
S. Yonge St (US 1)
Andalusia Ave
Parque Dr
Coolidge Ave
Tropical Ln
CREEK

as of the city, particularly along the Halifax River and the Atlantic Ocean, which are considered representative of the original and historic charac

3	4	5.	6.	7.	8.	9.			
Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Perimeter	Setbacks			
						a. Front	b. Rear	c. Side	d. Street Side/Co
35%	75%	20,000 SF	100'	150'	None	30' (see Additional Front Yard Setbacks listed below)	25'	8' total 20'	20'

back shall be the average building setback of all existing single-family dwelling units within 300' of each side lot line of the lot on which s proposed to be located, minus 10', provided that in no event shall the front yard setback be less than thirty 30'. It shall include arated from the lot in question by any side streets. In the event no single-family dwelling units are located within three hundred feet d front yard shall be thirty feet (30'). For the purpose of this requirement, the three hundred feet (300') shall be measured along a t-of-way line, beginning at the corner of the lot nearest the direction being measured (e.g., for three hundred feet (300') north, begin ding any street rights-of-way within the three hundred-foot (300') distance.

han one principal structure, as defined in Chapter 1, Article III, Section 1-22, located on any adjacent lot within the 300', only the re nearest the front property line will be used to calculate the applicable setback. Principal structure means any structure that is defined in this Land Development Code.

s 9.a.(1) and 9.a.(2) of this section, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may the same building footprint and height as the dwelling unit that it is replacing.

s 9.a.(1) through 9.a.(3) of this section, a structure may encroach into a required front yard setback provided that the new structure is um viewing angle to the right-of-way of not less than 110 degrees from the closest front corner and 130 degrees from the furthest cture on the adjacent lot, as depicted in Exhibit 9.a., and the 30' setback is met.

n 3-15, Coastal Management, shall extend beyond a line projected between the average setback of all buildings within 800' of each ch the proposed building is to be constructed or within a building setback otherwise established under Florida Statutes or Chapter 3, ent Code, whichever is greater. Such line shall run parallel with the street right-of-way line; or

tage Lots (Excluding Oceanfront):

ack from the mean or ordinary high-water line for properties abutting a waterbody shall be the average building setback of all units within 300' of each side lot line of the lot on which the single-family dwelling unit is proposed to be located, minus 5', or as orida Statutes or Chapter 3, Article II, Section 3-16 of this Land Development Code, Surface Waters and Marine Life Habitat, whichever event shall the setback be less than 30'. The rear yard setback line may meander to follow the mean high-water line.

an one principle structure, as defined in Chapter 1, Article III, Section 1-22, located on any adjacent lot within the 300', only the re nearest the mean or ordinary high-water line will be used to calculate the applicable setback. Principle structure means any principle use as defined in this Land Development Code.

a. and b. of this section, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may be built e building footprint and height as the dwelling unit that it is replacing.

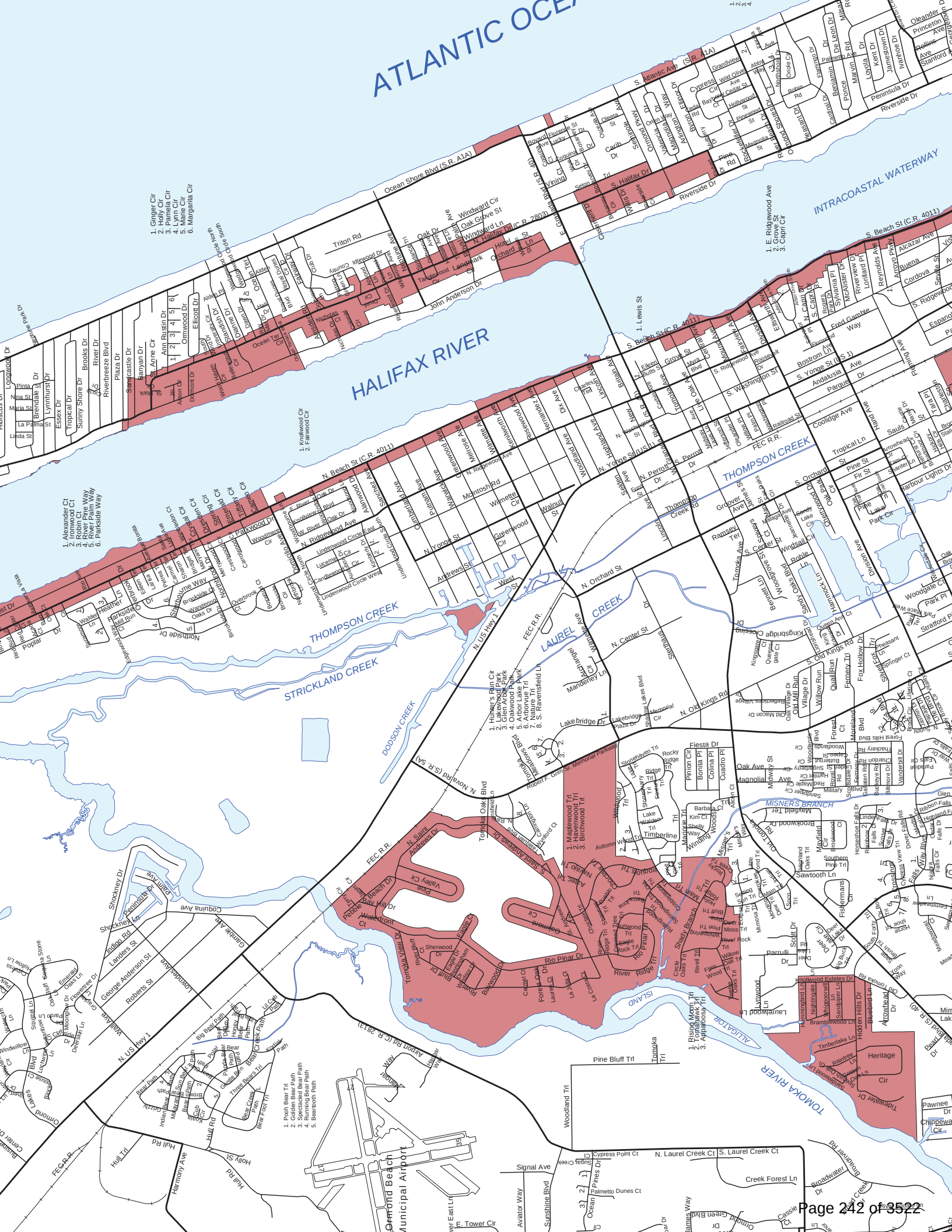
s a. through c. of this section, a structure may encroach into a required waterfront yard setback provided that the new structure is so viewing angle to the waterway of not less than 110 degrees from the closest front corner and 130 degrees from the furthest front on the adjacent lot, as depicted in Exhibit 9.e., and the 30' setback is met.

	D. CONDITIONAL USES	E. SPECIAL EXCEPTION USES	F. OTHER STANDARDS

	3. Foster Home 4. Group Home 5. Parks and Recreation Facilities, Private 6. Parks and Recreation Facilities, Public 7. Public Facilities 8. Public Utilities 9. Telecommunication Tower or Antenna, Camouflaged 10. Water Survival Instruction 11. Wind Energy System		Special corridors and bu article I).3. See condition regulations (chapter 2, units for transient lodgir protect and maintain the zoning district. 5. Single- shall have the following <table><tr><th>Type</th><th>1-Story</th><th>Split Lev</th></tr><tr><td>A</td><td>1,500 SF</td><td>1,800 SI</td></tr></table>

ES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses confor

. No. 2013-13, § 5, 2-5-2013; Ord. No. 2022-15 , § 3, 6-7-2022)


ATLANTIC OCEAN
HALIFAX RIVER
INTRACOASTAL WATERWAY
THOMPSON CREEK
STRICKLAND CREEK
DODSON CREEK
LAUREL CREEK
MISNERS BRANCH
TOMOKA RIVER
ISLAND
ALLIGATOR
Ocean Shore Blvd (S.R. A1A)
S. Atlantic Ave (S.R. A1A)
S. Halifax Dr
Riverside Dr
N. Halifax Dr (C.R. 2803)
S. Beach St (C.R. 4011)
N. Beach St (C.R. 4011)
John Anderson Dr
Ocean Ter
Ocean Trail
Ocean Palm Way
Ocean Walk Village
Ocean Crest Dr
Ocean Dunes Blvd
Ocean Hammock Dr
Ocean Grande Blvd
Ocean Park Blvd
Ocean Breeze Dr
Ocean Cove Dr
Ocean Oaks Dr
Ocean Pines Dr
Ocean Palms Dr
Ocean Ridge Dr
Ocean Village Dr
Ocean Walk Dr
Ocean Wood Dr
Ocean Woods Dr
Ocean Way
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Ocean Cay Crossing Trl
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Ocean Cay Crossing Dr
Ocean Cay Crossing Ln
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Ocean Cay Crossing Ct
Ocean Cay Crossing Pl
Ocean Cay Crossing Trl
Ocean Cay Crossing Path
Ocean Cay Crossing Way
Ocean Cay Crossing Blvd
Ocean Cay Crossing Ter
Ocean Cay Crossing
Ocean Cay Crossing Dr
Ocean Cay Crossing Ln
Ocean Cay Crossing Cir
Ocean Cay Crossing Ct
Ocean Cay

3	4	5.	6.	7.	8.	9.			
Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Perimeter	Setbacks			
						a. Front	b. Rear	c. Side	d. Street Side/Co
35%	75%	10,000 SF	100'	None	None	30' (see Additional Front Yard Setbacks listed below)	25'	8' total 20'	20'

of Sanchez Avenue and north of the centerline of Lorillard Place.

---

backs for any lot of record as of October 3, 1989, and to which these regulations apply, shall not be less than the average building setback of all units within three hundred feet (300') of each side lot line of the lot on which the single-family dwelling unit is proposed to be located provided etback be less than thirty feet (30'). It shall include single-family dwelling units separated from the lot in question by any side streets. In the even located within three hundred feet (300') of both sides, the required front yard shall be thirty feet (30'). For the purpose of this requirement, the easured along a line parallel with the street right-of-way line, beginning at the corner of the lot nearest the direction being measured (e.g., for th at northeast corner), and including any street rights-of-way within the three hundred-foot (300') distance.

han one principle structure, as defined in Chapter 1, Article III, Section 1-22, located on any adjacent lot within the 300', only the setback of the front property line will be used to calculate the applicable setback. Principle structure means any structure that is occupied by a principle use a ent Code.

s 9.a.(1) and 9.a.(2) of this section, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may be built to ding footprint and height as the dwelling unit that it is replacing.

s 9.a.(1) and 9.a.(2) of this section, a structure may encroach into a required front yard setback provided that the new structure is so located as e to the right-of-way of not less than 110 degrees from the closest front corner and 130 degrees from the furthest front corner of the closest st d in Exhibit 9.a., and the 30' setback is met.

Management, shall extend beyond a line projected between the average setback of all buildings within 800' of each side lot line of the lot upon constructed or within a building setback otherwise established under Florida Statutes or Chapter 3, Article II of this Land Development Code, shall run parallel with the street right-of-way line; or

tage Lots (Excluding Oceanfront):

ack from the mean or ordinary high-water line for properties abutting a waterbody shall be the average building setback of all existing single-fa ch side lot line of the lot on which the single-family dwelling unit is proposed to be located, minus 5', or as otherwise established under Florida Section 3-16 of this Land Development Code, Surface Waters and Marine Life Habitat, whichever is greater, provided that in no event shall the ear yard setback line may meander to follow the mean high-water line.

an one principle structure, as defined in Chapter 1, Article III, Section 1-22, located on any adjacent lot within the 300', only the setback of the mean or ordinary high-water line will be used to calculate the applicable setback. Principle structure means any structure that is occupied by a Land Development Code.

s a. and b. of this section, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may be built to the sam ootprint and height as the dwelling unit that it is replacing.

s a. through c. of this section, a structure may encroach into a required waterfront yard setback provided that the new structure is so located a e to the waterway of not less than 110 degrees from the closest front corner and 130 degrees from the furthest front corner of the closest stru d in Exhibit 9.e., and the 30' setback is met.

	D. CONDITIONAL USES	E. SPECIAL EXCEPTION USES	F. OTHER STANDARDS

	3. Foster Home 4. Group Home 5. Parks and Recreation Facilities, Private 6. Parks and Recreation Facilities, Public 7. Public Facilities 8. Public Utilities 9. Telecommunication Tower or Antenna, Camouflaged 10. Water Survival Instruction 11. Wind Energy System	3. Historic Preservation Mixed Use 4. House of Worship	Special corridors and bu article I).3. See condition regulations (chapter 2, units for transient lodgi protect and maintain th zoning district. 5. Sing shall have the following

Type	1-Story
A	1,500 SF
B	1,350 SF

ES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses confo

d. No. 2022-15 , § 4, 6-7-2022)


HALIFAX RIVER
THOMPSON CREEK
LAUREL CREEK
STRICKLAND CREEK
DODSON CREEK
MISNERS BRANCH
ISLAND
ALLIGATOR
TOMOKA RIVER
Ormond Beach Municipal Airport
S. Beach St (C.R. 4011)
N. Beach St (C.R. 4011)
N. US Hwy 1
FEC R.R.
N. Nova Rd (S.R. 5A)
Robert F. Grim Sr. Memorial Parkway
N. Orchard St
S. Orchard St
Thompson Creek Rd
Meadows Blvd
Lakebridge Dr
N. Old Kings Rd
S. Old Kings Rd
Fiesta Dr
Oak Ave
Magnolia Ave
Sawtooth Ln
Timberline
Rio Pinar Dr
River Ridge Trl
Tomoka View Dr
Bay Hill Dr
Pebble Beach Dr
Watertront Ct
Pine Valley Cir
Eagle Ct
Baywood Dr
Pine Bluff Trl
Woodland Trl
Signal Ave
Sunshine Blvd
Aviator Way
Tower East Ln
E. Tower Cir
W. Tower Cir
Doug Thomas Way
Timothy St
Hull Rd
Holly St
Hill Rd
Airport Rd (C.R. 2813)
Big Bear Path
Polar Bear Path
Three Bears Trl
Bear Creek Path
Bear Foot Trl
Pooh Bear Trl
Golden Bear Path
Spectacled Bear Path
Running Bear Path
Beartooth Path
Cypress Point Ct
N. Laurel Creek Ct
S. Laurel Creek Ct
Creek Forest Ln
Broadwater Dr
Broad Creek Cir
River Square Ln
River Vale Ln
Cassie Ct
Ormond Green Blvd
Greenvale Dr
Bryan James Way
Caballero Ct
Cara Bell Ct
Sunset Point Dr
Sandoval Dr
Pineland Trl
Palmetto Dunes Ct
Pine Trail Cir
Ocean Dr
Pines Dr
Sugar Creek Ct
Mirror Lake Dr
Pearl Blvd (S.R. 40)
W. Granada Blvd (S.R. 40)
Cherokee Rd
Pawnee Dr
Apache Trl
Navajo Ave
Chippewa Cir
Tulip Tree Ln
Sylvan Dr
Seminole Dr
Water Oak Ln
Tidewater Dr
Heritage Cir
Timberlake Ln
Raintree Ln
Golden Oak Ln
Sandalwood Ln
Old Tomoka Rd
Knollwood Estates Dr
Bramblewood Ln
Hummingbird Ln
Nightingale Ln
Whippoorwill Ln
Sandpiper Ln
Hidden Hills Dr
Bluebird Ln
Arrowhead Dr
Laurelwood Ln
Lynnwood Ln
Parrulli Dr
Scott Dr
Deer Lake Ct
Deer Lake Dr
Big Buck Trl
Fishermans Cir
Southern Pine Trl
Highland Oaks Trl
Mayfield Cir
Brookwood Ct
Old Tomoka Rd
Winding Woods Trl
Misner's Trl
Misner's Way
Barbara Ct
Kim Ct
Shelly Way
Marjorie Trl
Allen Ct
Timberline Trl
Autumn Wood Trl
Lake Walden Trl
Willowood Trl
Maplewood Trl
Havenwood Trl
Birchwood Trl
Stonehaven Trl
Rocky Ridge Trl
Ridge Trl
Pinion Cir
Bonita Pl
Colina Pl
Cuadro Pl
Meadowbrook Trl
Tomoka Oaks Blvd
Tomoka Oaks Ln
Tomoka Oaks Dr
Saint Andrews Dr
N. Saint Andrews Dr
Bellagio Blvd
Wexford Ct
Lake Tomoka Trl
Nevello Trl
Tomoka Trl
Pine Bluff Dr
Sherwood Dr
Eagle Or
Nottingham Dr
Rivelle Dr
Cattail Ct
Forest Oak Dr
Laurel Ct
La Jolla Ct
La Costa Ct
Oakmont Cir
Oakmont Trl
Oakwood Trl
Eagle Rock Trl
Shady Branch
Rivell Trl
Circle Oaks Trl
Foxwood Trl
Willow Oak Trl
River Rock Trl
Deer Moss Trl
Whispering Pine Trl
Eclipse Trl
Mimosa Trl
Dawn Mist Trl
Misty Ridge Trl
Misty Creek Trl
Misty Oak Trl
Misty Glen Trl
Misty Hollow Trl
Misty Meadow Trl
Misty Brook Trl
Misty Blue Trl
Misty Pine

relatively low densities.

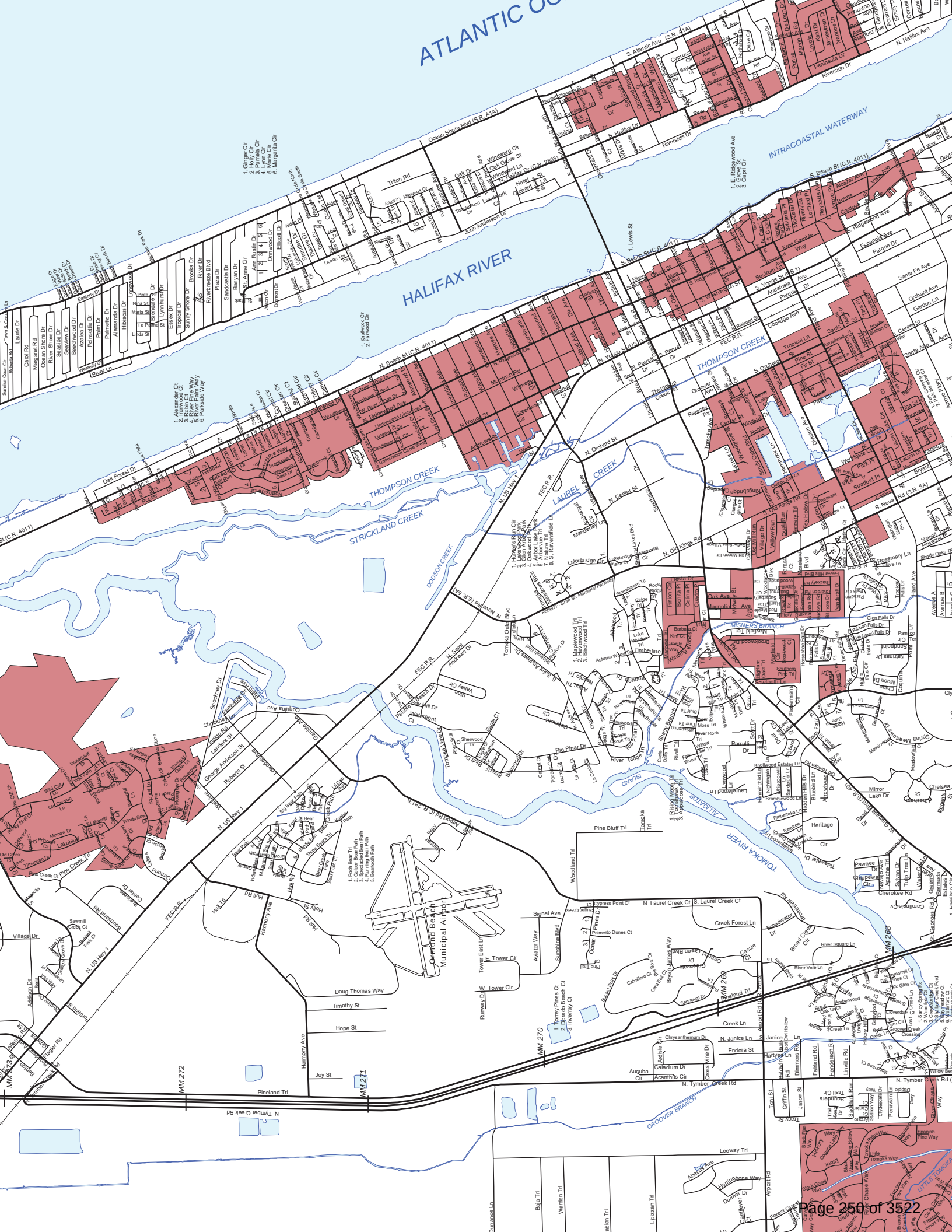
	3	4	5.	6.	7.	8.	9.			
	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Perimeter	Setbacks			
							a. Front	b. Rear	c. Side	d. Stre Side
	35%	75%	8,750 SF	90'	None	None	30'	20'	8' total 20'	20'
		D. CONDITIONAL USES				E. SPECIAL EXCEPTION USES			F. OTHER STAND	

	3. Foster Home 4. Group Home 5. Parks and Recreation Facilities, Private 6. Parks and Recreation Facilities, Public 7. Public Facilities 8. Public Utilities 9. Telecommunication Tower or Antenna, Camouflaged 10. Water Survival Instruction 11. Wind Energy System	3. Historic Preservation Mixed Use 4. House of Worship 5. School, Private	ii).2. Special con (chapter 3, arti special exceptio article IV).4. Use lodging is proh maintain the r zoning district. 5 buildings shall ha floor area:

Type	1
A	1,
B	1,
C	1,

ES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses confor

. No. 2013-13, § 7, 2-5-2013)


ATLANTIC OCEAN
HALIFAX RIVER
INTRACOASTAL WATERWAY
THOMPSON CREEK
STRICKLAND CREEK
DODSON CREEK
LAUREL CREEK
MISNERS BRANCH
TOMOKA RIVER
ISLAND
ALLIGATOR
GROOVER BRANCH
LITTLE TOMOKA
S. Atlantic Ave (S.R. A1A)
Ocean Shore Blvd (S.R. A1A)
N. Beach St (S.R. 4011)
S. Beach St (C.R. 4011)
N. Halifax Ave
S. Halifax Dr
Riverside Dr
John Anderson Dr
N. Halifax Dr (C.R. 2601)
Peninsula Dr
Triton Rd
Oak Dr
Windward Ln
Oak Grove St
Hotel St
Orchard Ln
Ridgewood Ave
S. Ridgewood Ave
Espanola Ave
Alcazar Ave
Granada Blvd
Reynolds Park Rd
Fred Gamble Way
S. Yonge St (U.S. 1)
S. Washington St
Bostrom Ln
Elkcam Blvd
Grove St
Elkcam Cir
Cooldge Ave
Parque Dr
Santa Fe Ave
Orchard Ave
Garden Ln
Antalsia Ave
Tropical Ln
Pine St
Fir St
Saul St
Brooks St
Station Dr
Center St
Windsor Rd
Robin Ln
Tropical Dr
Tropical Trl
Tropical Cir
Tropical Way
Tropical Ct
Tropical Pl
Tropical Ter
Tropical Cove
Tropical Bay
Tropical Shores Dr
Tropical Shores Way
Tropical Shores Ct
Tropical Shores Pl
Tropical Shores Ter
Tropical Shores Cove
Tropical Shores Bay
Tropical Shores Trl
Tropical Shores Cir
Tropical Shores Blvd
Tropical Shores Ln

ote and encourage a suitable environment for family life.

	3	4	5.	6.	7.	8.	9.			
	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Perimeter	Setbacks			
							a. Front	b. Rear	c. Side	d. Stre Side
	35%	75%	8,625 SF	75'	115'	None	25'	20'	8' total 20'	20'
		D. CONDITIONAL USES			E. SPECIAL EXCEPTION USES			F. OTHER STANDARDS		

	3. Cemetery 4. Family Day Care Home 5. Foster Home 6. Group Home 7. Parks and Recreation Facilities, Private 8. Parks and Recreation Facilities, Public 9. Public Facilities 10. Public Utilities 11. Telecommunication Tower or Antenna, Camouflaged 12. Water Survival Instruction 13. Wind Energy System	3. Child Care Facilities 4. Historic Preservation Mixed Use 5. House of Worship 6. Nursing Home 7. School, Private	buffer requirements (chapter and special exception regulat Use of dwelling units for tran order to protect and maint the zoning district. 5. Single-f shall have the following mini The required minimum build residential structures with a ' the official zoning map), may chief building official finds th be occupied by residents whi low- to medium-income as de Department of Housing and U

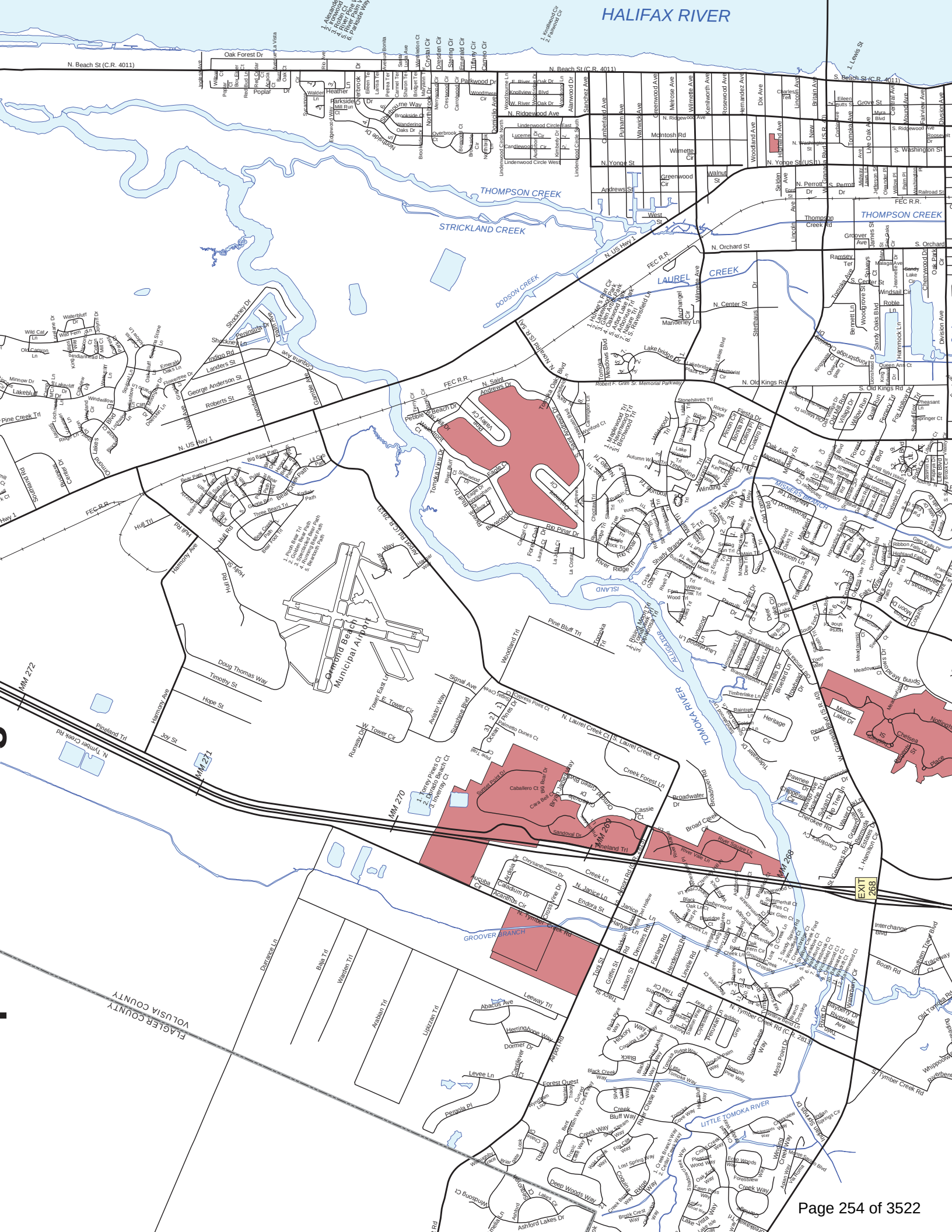
Type	1-Story
A	1,500 SF
B	1,350 SF
C	1,150 SF

ES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses confor

y residential lots located within this district and having a minimum lot area of 7,500 square feet, a minimum width of 75', and are located in area
rations are generally consistent with the 75'/7,500 square foot standard, shall be deemed to be conforming lots, subject to the setback and buffe
mber 31, 1991. Parcels within such districts may be divided into lots having minimum lot areas of 7,500 square feet and minimum widths of 75', p
er requirements of Ordinance No. 78-35. However, where the recorded plat or covenants indicate front yards in excess of current city standards
properly amended prior to the issuance of a building permit.

are less restrictive than the standards listed above are acceptable, provided that they are either shown on the approved plat or a less restrictive
lat.

. No. 2013-13, § 8, 2-5-2013)


HALIFAX RIVER
THOMPSON CREEK
STRICKLAND CREEK
DODSON CREEK
LAUREL CREEK
MISNER'S BRANCH
TOMOKA RIVER
GROOVER BRANCH
LITTLE TOMOKA RIVER
ISLAND
ALLIGATOR
N. Beach St (C.R. 4011)
Oak Forest Dr
Parkwood Dr
N. Ridgewood Ave
S. Ridgewood Ave
N. Yonge St
S. Yonge St (US 1)
Wilmette Cir
Montosh Rd
Andrews St
West St
Greenwood Cir
Walnut St
N. Perrott Dr
S. Perrott Dr
FEC R.R.
Thompson Creek Rd
N. Orchard St
S. Orchard St
N. US Hwy 1
N. Center St
S. Center St
Manderley Ln
Lakebridge Ct
N. Old Kings Rd
S. Old Kings Rd
Robert F. Grim Sr. Memorial Parkway
N. Saint Andrews Dr
Pebble Beach Dr
Heathcrest Ct
Tomoka View Dr
Rio Pinar Dr
Rio Pinar Blvd
Lake Forest Blvd
Lake Tarpon Dr
Lake Sherwood Dr
Lake Andrew Dr
Lake Charles Dr
Lake Ellen Dr
Lake Susan Dr
Lake Mary Dr
Lake Eaton Dr
Lake Lucerne Dr
Lake Dexter Dr
Lake Lizzie Dr
Lake Ashby Dr
Lake Helen Dr
Lake Bess Dr
Lake Nan Dr
Lake Ann Dr
Lake Jessup Dr
Lake Lily Dr
Lake Lotus Dr
Lake Lawsona Dr
Lake Lawsona Cir
Lake Lawsona Ct
Lake Lawsona Pl
Lake Lawsona Ter
Lake Lawsona Trl
Lake Lawsona Way
Lake Lawsona Xing
Lake Lawsona Loop
Lake Lawsona Path
Lake Lawsona Run
Lake Lawsona Walk
Lake Lawsona Wood
Lake Lawsona Grove
Lake Lawsona Hill
Lake Lawsona Park
Lake Lawsona Pond
Lake Lawsona Rock
Lake Lawsona Tree
Lake Lawsona View
Lake Lawsona Water
Lake Lawsona Woods
Lake Lawsona Creek
Lake Lawsona Field
Lake Lawsona Flower
Lake Lawsona Garden
Lake Lawsona Meadow
Lake Lawsona Mountain
Lake Lawsona Valley
Lake Lawsona Village
Lake Lawsona Forest
Lake Lawsona Island
Lake Lawsona Ridge
Lake Lawsona River
Lake Lawsona Stream
Lake Lawsona Summit
Lake Lawsona Canyon
Lake Lawsona Desert
Lake Lawsona Hollow
Lake Lawsona Meadow
Lake Lawsona Mountain
Lake Lawsona Valley
Lake Lawsona Village
Lake Lawsona Forest
Lake Lawsona Island
Lake Lawsona Ridge
Lake Lawsona River
Lake Lawsona Stream
Lake Lawsona Summit
Lake Lawsona Canyon
Lake Lawsona Desert
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Lake Lawsona Meadow
Lake Lawsona Mountain
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Ormond Beach Municipal Airport
Hull Trl
Hull Rd
Hull Rd
Hammock Ave
Doug Thomas Way
Timothy St
Hope St
Joy St
Pineland Trl
Signal Ave
Aviator Way
Sunglow Blvd
Runway Dr
W. Tower Cir
E. Tower Cir
Tower East Ln
Woodland Trl
Pine Bluff Trl
Tomoka Trl
Rising Morning Sun Trl
Applewood Trl
Laughing Loon Ln
Meadowlark Ln
Meadowlark Dr
Meadowlark Cir
Meadowlark Ct
Meadowlark Pl
Meadowlark Ter
Meadowlark Trl
Meadowlark Way
Meadowlark Xing
Meadowlark Loop
Meadowlark Path
Meadowlark Run
Meadowlark Walk
Meadowlark Wood
Meadowlark Grove
Meadowlark Hill
Meadowlark Park
Meadowlark Pond
Meadowlark Rock
Meadowlark Tree
Meadowlark Water
Meadowlark Woods
Meadowlark Creek
Meadowlark Field
Meadowlark Flower
Meadowlark Garden
Meadowlark Meadow
Meadowlark Mountain
Meadowlark Valley
Meadowlark Village
Meadowlark Forest
Meadowlark Island
Meadowlark Ridge
Meadowlark River
Meadowlark Stream
Meadowlark Summit
Meadowlark Canyon
Meadowlark Desert
Meadowlark Hollow
Meadowlark Meadow
Meadowlark Mountain
Meadowlark Valley
Meadowlark Village
Caballero Ct
Cassie Ct
Broadwater Dr
Broad Creek Ct
Sandoval Dr
Cypress Point Ct
Palmetto Dunes Ct
Ocean Palms Ct
Ocean Trail
Torrey Pines Ct
Dorado Beach Ct
Riveria Ct
Cypress Point Dr
Sunset Point Dr
Caballero Ct
Cara Bell Ct
Bay Laurel Way
Cypress Point Way
Sandoval Dr
Pineland Trl
River Sauzalito Ln
River Vale Ln
River Vale Trl
Creek Ln
N. Janice Ln
Endora St
Janice Ln
Harrylee Ln
Dimmers Rd
Fairland Rd
Henderson Rd
Linville Rd
Tomoka Oaks Blvd
Tomoka Oaks Golf Club
Tomoka Oaks Golf Course
Tomoka Oaks Golf Course Clubhouse
Tomoka Oaks Golf Course Pro Shop
Tomoka Oaks Golf Course Restaurant
Tomoka Oaks Golf Course Snack Bar
Tomoka Oaks Golf Course Locker Room
Tomoka Oaks Golf Course Parking Lot
Tomoka Oaks Golf Course Entrance
Tomoka Oaks Golf Course Exit
Tomoka Oaks Golf Course Driving Range
Tomoka Oaks Golf Course Practice Green
Tomoka Oaks Golf Course Putting Green
Tomoka Oaks Golf Course Sand Trap
Tomoka Oaks Golf Course Water Hazard
Tomoka Oaks Golf Course Fairway
Tomoka Oaks Golf Course Rough
Tomoka Oaks Golf Course Tee
Tomoka Oaks Golf Course Green
Tomoka Oaks Golf Course Hole
Tomoka Oaks Golf Course Par
Tomoka Oaks Golf Course Bogey
Tomoka Oaks Golf Course Birdie
Tomoka Oaks Golf Course Eagle
Tomoka Oaks Golf Course Albatross
Tomoka Oaks Golf Course Ace
Tomoka Oaks Golf Course Handicap
Tomoka Oaks Golf Course Slope
Tomoka Oaks Golf Course Rating
Tomoka Oaks Golf Course Yardage
Tomoka Oaks Golf Course Scorecard
Tomoka Oaks Golf Course Tournament
Tomoka Oaks Golf Course League
Tomoka Oaks Golf Course Lesson
Tomoka Oaks Golf Course Membership
Tomoka Oaks Golf Course Fee
Tomoka Oaks Golf Course Cart
Tomoka Oaks Golf Course Rental
Tomoka Oaks Golf Course Shop
Tomoka Oaks Golf Course Store
Tomoka Oaks Golf Course Pro
Tomoka Oaks Golf Course Staff
Tomoka Oaks Golf Course Manager
Tomoka Oaks Golf Course Assistant
Tomoka Oaks Golf Course Director
Tomoka Oaks Golf Course Owner
Tomoka Oaks Golf Course Operator
Tomoka Oaks Golf Course Superintendent
Tomoka Oaks Golf Course Greenskeeper
Tomoka Oaks Golf Course Maintenance
Tomoka Oaks Golf Course Crew
Tomoka Oaks Golf Course Volunteer
Tomoka Oaks Golf Course Member
Tomoka Oaks Golf Course Guest
Tomoka Oaks Golf Course Visitor
Tomoka Oaks Golf Course Public
Tomoka Oaks Golf Course Private
Tomoka Oaks Golf Course Municipal
Tomoka Oaks Golf Course County
Tomoka Oaks Golf Course State
Tomoka Oaks Golf Course Federal
Tomoka Oaks Golf Course Military
Tomoka Oaks Golf Course Veteran
Tomoka Oaks Golf Course Senior
Tomoka Oaks Golf Course Junior
Tomoka Oaks Golf Course Youth
Tomoka Oaks Golf Course Women
Tomoka Oaks Golf Course Men
Tomoka Oaks Golf Course Mixed
Tomoka Oaks Golf Course Couples
Tomoka Oaks Golf Course Family
Tomoka Oaks Golf Course Group
Tomoka Oaks Golf Course Corporate
Tomoka Oaks Golf Course Charity
Tomoka Oaks Golf Course Fundraiser
Tomoka Oaks Golf Course Event

Sec. 2-35. - PRD, Planned Residential Development District.

(a) *In general.* The purpose of the PRD, Planned Residential Development District classification is to provide more flexibility with regard to land use, density and dimensional standards, and other requirements of this Land Development Code, to encourage developments that incorporate innovative concepts of site planning, coordinated architectural and functional design, higher level of amenities, increased amounts of open space, recreation and landscaping, and a better living environment overall.

(b) *Permitted uses.*

(1) *Residential uses.*

a. Permitted uses within PRD districts include all permitted uses listed under the particular zoning district regulations of the district in which the planned development is located.

b. More intense uses (e.g., townhouses in a single-family district, or apartments in a townhouse district) may be allowed, provided that their visual and functional impact on neighboring districts is minimized by providing adequate buffering and screening, and all the requirements of this section are met.

c. Multifamily structures may also be allowed in PRD districts that are in single-family districts, provided that the multifamily structures and associated parking areas are not within two hundred feet (200') of any single-family district adjoining the planned development.

d. For those developments proposed within the SR district, the requirements of that district must also be met.

(2) *Other uses.* The following uses may be allowed in a PRD district, provided that the requirements of article IV of this chapter, conditional uses and special exceptions, and this section are complied with:

a. Clubs and recreation facilities to serve the residents of the project.

b. Daily needs retail and services.

c. Houses of worship.

d. Public schools and parks.

e. Public uses.

Compatible neighborhood commercial facilities and office uses may be permitted within PRDs having a minimum size of thirty (30) acres; however, no more than twenty percent (20%) of the gross area shall be devoted to these uses, including parking. For the purpose of planned development review, the determination of compatible commercial shall be based on the architectural and spatial design of the proposed facility compared to that of the total development and the relationship of the proposed facility to the retail needs of the planned development

residents. Such commercial uses are limited to those listed as principal permitted uses in the B-2, Neighborhood Commercial District. For those developments encompassing land already zoned commercial, a wider range of interpretation will be granted to permit and encourage compatible development. In addition to having adequate access to the thoroughfare system, such commercial area shall, when possible, have internal access to serve the residents of the planned development.

(c) *Density.*

(1) *Allowable densities.* The maximum allowed gross density level of a planned residential development shall vary according to the land use classification assigned to the property on the city's adopted future land use map, subject to the provisions of this section. Where more than one (1) land use classification is included in the project, the least-dense classification shall apply.

(2) *Density bonus.* Except within the SR district, any planned development may qualify for a density increase of up to twenty percent (20%) over the allowed density, as based on the adopted future land use map, provided that the increase will not create the following adverse situations:

a. Adverse impact on neighboring sites or subject site;

b. Traffic congestion in the streets which adjoin the development; or

c. An excessive burden on sewerage, water supply, parks, recreational areas or other facilities which are proposed to serve the development.

(3) *Density and project phasing.* Where a PRD is proposed to be constructed in phases, at no point in the development of the project shall constructed density exceed the overall density per acre approved for the entire project.

(4) *Holding capacity; density.* Density determined in subsection (c)(1) of this section is for gross density purposes only. A more refined methodology for determining the holding capacity of a particular site proposed for development is derived from a three-tiered system based on soil characteristics related to the high seasonal groundwater tables (as derived from the SCS soil classification study); flooding potential as noted on the FEMA, FIRM maps; and the availability of central water and/or central sewer facilities. Table 2 illustrates the relationship between environmental constraints and water and sewer availability when calculating density. This table lists the coefficients for determining density in a matrix.

The procedure for determining holding capacity is as follows:

Step 1: Applicant prepares environmental constraints map for the parcel proposed for development;

Step 2: Calculate the acreage of property within each particular environmental constraints category;

Step 3: Multiply the acreage in each category by a coefficient determined by site-specific environmental constraints and availability of water and sewer as noted in table 2.

Step 4: Sum the totals for each category to achieve the holding capacity for the parcel in terms of maximum potential density.

Once the holding capacity is determined, the developer must prepare plans that are consistent with the holding capacity and environmental constraints of the subject property.

Five (5) distinct environmental constraint categories have been identified and are described below, together with their density allocations.

a. *Very Low.* Areas that lie within the 100-year floodplain and where the seasonal high water table is at or above the surface or areas outside of the 100-year floodplain where the seasonal high water table is six inches (6") or more above the surface. Here, the constraints are seen as being severe, with associated environmental impacts too damaging for community development. Areas in this category are, for the most part, the riverine wetlands and cypress swamps interspersed among the pine flatwoods. Representative soils include the various mucks associated with the wetlands and more established cypress systems. A nominal standard of 0.2 units to the acre (one (1) unit per five (5) acres) is assigned as the maximum achievable density for this category, regardless of the availability of central utilities (facilities are not planned for these areas). In some cases, it is conceivable that a single development site could be located within a five-acre parcel classified entirely as "very low." However, a more likely scenario, particularly for larger parcels, would be the transfer of the density allocation to the more buildable areas of the site.

b. *Low.* Includes soil types with a seasonally high water table that, at times, will reach and exceed the surface. This category includes land that falls within designated 100-year floodprone areas and has a seasonal high water table that does not reach the surface and is not greater than six inches (6") below the surface, or lands where the water table will occasionally be at or above the surface (zero (0) to six inches (6") above) but, for various reasons, is not designated as a 100-year floodprone area. The low category encompasses the more subtle depressional features among the flatwoods. The pine/cypress vegetative community and the depressional variety of the Pomona, Immokalee, and Myakka soil series commonly occur in this category. These lands can tolerate a certain amount of mitigated modification without irreversible environmental damage. The maximum density value for this category is 0.5 units per acre (one (1) unit per two (2) acres) regardless of the availability of utilities. As with the very low category, these levels of development can be achieved only under the ideal circumstances consistent with the criteria for protection of

wetlands that typically occur within this soil category. Therefore, development is not likely to occur at assigned densities within these areas but will probably be transferred to other more suitable on-site uplands.

c. *Medium Low.* These are areas that are within the 100-year floodplain and the seasonal high water table is greater than six inches (6") to twenty-four inches (24") below the surface or those areas that are outside of the floodplain and the seasonal high water table does not reach the surface and is not greater than six inches (6") below the surface. Density ranges in this category are one (1) unit per two (2) acres without infrastructure; one (1) unit per acre with central water only; and three (3) units per acre with both central water and sewer. Depending upon actual vegetative system conditions, these areas may be suitable for limited development or for open space uses with on-site density transfer to more suitable areas.

d. *Medium.* The criteria for designating lands in the medium category is the seasonal high water table greater than six inches (6") below the surface to twenty-four inches (24") below and outside of floodprone areas or is twenty-four inches (24") or greater below surface if in floodprone area. Extensive areas in the western and southern portion of the Pamlico Terrace are in this category. Due to the nearly level terrain in those areas within the floodplain, the water table hovers near the surface for two (2) to three (3) months a year. However, with proper drainage design and adequate infrastructure, development potential can reach up to four (4) units per acre with central water and sewer; one (1) unit per two (2) acres with no central utilities; and two (2) units per acre with central water only. Planned unit developments, with net densities in excess of one (1) unit per acre utilizing either well or septic or one (1) unit per two (2) acres utilizing well and septic may be allowed provided that minimum lot size requirements are not reduced, to achieve maximum potential density. Instead, transfer of density to a portion of the site serviced by a central system will be allowed, provided the proposed development is consistent with the zoning district requirements, level-of-service standards, and compatible with the natural resources.

e. *High.* This category includes lands that are not within a floodprone area and have a water table deeper than twenty-four inches (24") below the surface. These lands generally consist of deep sandy soils and are the most suited for community development. They are in relatively short supply due to the prevailing high water tables and floodprone conditions in the undeveloped perimeter areas of the city and the early development of the deep, sandy ridge areas. Representative soils of this category include the Tavares, Daytona, and DeLand series. Up to six (6) units to the acre (roughly the equivalent of duplex or zero-lot-line development on five thousand (5,000) square foot lots) is achievable with central utilities. With central water only, the maximum density would be

three (3) units per acre if that could be achieved under health department septic standards. The location of package plants is acceptable in the medium and high categories for planned unit developments at the higher densities (e.g., greater than one (1) unit per acre) on an interim basis only where it is not economically feasible (due to and/or sewer service at the time of development. In these cases, the development shall be dry-lined and impact fees paid in advance or bonded for. Without central sewer or water, the maximum density is one (1) unit per two (2) acres (project size in relation to line extension distances) to connect to central water.

Table 1. Density Determinations

Development Potential	None	Water Only*	Water and Sewer
Very Low	0.2	0.2	0.2
Low	0.5	0.5	0.5
Medium Low	0.5	1.0	3.0
Medium	0.5	1.0	4.0
High	0.5	1.0	6.0

* For purposes of computing maximum potential density only; a minimum lot size of 1 acre is required for any development utilizing septic tanks. Connection to central sewer will be required whenever line extensions and appurtenances thereto are deemed economically feasible.

Table 2. Characteristics of Environmental Constraint Categories

Environmental Constraints	100-Year Floodplain	Seasonal High Water Table
Very Low	N/A	At or above the surface
Low	IN	0.1" to 6" below surface

Medium Low	IN	6" to 24" below surface
	OUT	0.01" to 6" below surface
Medium	IN	24"+ below surface
	OUT	6" to 24" below surface
High	OUT	24" + below surface

(d) *Dimensional requirements.*

(1) *Minimum parcel size.*

a. Five acres: SR, R-1, R-2, R-2.5, R-3.

b. One acre: R-4, R-5, R-6.

(2) *Maximum building height.* The maximum building height for a proposed PRD district shall be based on the existing zoning district regulations in which the residential development is located, except that one (1) additional story may be allowed for structures located at least one hundred feet (100') from any development perimeter boundary line abutting a district having a lower height limit. In no case shall any building height exceed seventy-five feet (75') when measured from the average median lot elevation to the highest point of any structure and/or attached services.

(3) *Setbacks.* All structures shall be set back a minimum of forty feet (40') from the project's perimeter boundaries unless natural or manmade features, such as lakes, creeks, wooded or conservation areas are present. Where a project abuts a collector or arterial street, the setback requirement may be increased if an effective buffering treatment cannot be provided between the street and residential use.

(4) *Minimum building spacing.* Building setbacks shall comply with the individual district requirements. Given the possibilities of innovative architectural design, the city commission may alter the minimum for specific designs, provided that the original intent of the spacing requirements is maintained.

(e) *Interior road system.*

(1) All single-family attached and detached dwelling units on individually platted lots shall have access to a street meeting all street standards; provided, however, that up to three (3) dwelling units may utilize a common driveway as long as spatial requirements for parking in chapter 3, article III of this Land Development Code are met.

(2) All streets shall meet all street standards for construction and size, including a commonly-owned easement that meets the normal right-of-way requirements for a street. Some of these requirements may be waived or the right-of-way width may be reduced to forty feet (40') if the streets are proposed as private streets, or if the traffic volume in those streets is two hundred average daily trips (200 ADT) or less.

(3) When a planned development proposes a street which would be a logical extension of the city's collector or arterial street system, the city may require an increase in the right-of-way and/or pavement width and increased construction standards, as necessary.

(f) *Off-street parking.* The off-street parking requirements of chapter 3, article IV of this Land Development Code shall be complied with except as follows:

(1) *Single-family dwelling.*

a. The width of the driveway for an individual dwelling unit may be tapered to below the required width if it is clearly shown on the plan that each automobile may be easily maneuvered for ingress and egress without requiring the relocation of the other vehicle.

b. Up to three (3) single-family cluster-type dwelling units with two-car (2) garages may utilize a common access driveway, provided that the dwelling units shall meet the general parking requirements, and the common utilized portions of the driveway shall not be less than twenty feet (20') wide.

c. For each single-family dwelling located on a forty-foot (40') right-of-way street with a two-car (2) garage, one (1) guest parking space per four (4) dwellings shall be provided. For single-family dwellings with less than a two-car (2) garage, one (1) guest parking space per two (2) dwelling units shall be provided.

d. Guest parking shall be distributed throughout the development to adequately serve all dwelling units.

(2) *Multifamily dwelling.*

a. If garages are provided, the requirements of this section for single-family dwellings shall apply.

b. One (1) guest parking space shall be provided for each two (2) dwelling units, provided, however, if the deed restrictions and covenants prevent the assignment of more than one (1) parking space to each dwelling unit, one (1) guest parking space shall be provided for each four (4) dwelling units.

c. Common parking areas are only allowed in conjunction with multifamily structures or other developments under single or condominium ownership. The land for the common parking area shall not be subdivided from the land which contains the structures it serves. All common parking lots shall be built to the construction standards utilized for streets.

(3)

Offices.

a. One (1) parking space for each of the following:
    1. Two hundred (200) square feet of gross floor area on the first floor;
    2. Two hundred fifty (250) square feet of gross floor area on the second story; and
    3. Three hundred (300) square feet of gross floor area on additional stories; or

b. Vehicle parking deferral. To avoid requiring more parking spaces than is actually needed to serve a development, the city may defer the provision of some portion of the off-street parking spaces required by this Land Development Code if previous experience within the city for such a case or information supplied by the developer suggests that the required number of parking spaces may not be necessary. In such a case, the developer shall provide a deferred parking plan in accordance with the following criteria:
    1. Shall be designed to contain sufficient space to meet the full parking requirements of this Land Development Code, shall illustrate the layout for the full number of parking spaces, and shall designate which are to be deferred.
    2. Shall not assign deferred spaces to areas required for landscaping, transition zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Land Development Code.
    3. Shall describe how the area of deferred parking plan would remain and be maintained in its natural state, and shall include a landscaping plan for the deferred parking area.
    4. Shall include a written agreement with the city that the deferred spaces will be converted to parking spaces that conform to this Land Development Code at the developer's expense should the city determine from experience that the additional parking spaces are needed.
    5. Shall include a written agreement that the developer shall incur the expense of a traffic study to be undertaken by a registered transportation engineer to determine the advisability of providing the full parking requirement should the city determine from experience that the additional parking spaces are needed.

When presented with evidence that the parking is inadequate, the city shall request a study to determine the need of providing the full parking requirement to satisfy the proven demand for parking as discussed in subsection (f)(3)b.5 of this section. Based upon the study and the recommendations of the transportation engineer, the director of planning, the planning board, and the city commission shall determine if the deferred spaces by the developer or retained as deferred parking area. The developer may, at any time, request that the city approve a revised development plan to allow converting the deferred spaces to operable parking spaces.

(g) *Landscaping and utility lines.*

(1) All common open space, parking lot islands, and all land not otherwise developed shall be landscaped in a manner that enhances the appearance of the project.

(2) An underground irrigation system shall be installed in all landscaped areas of the planned development. After installation, the system shall be regularly used and maintained. Landscaped buffer areas shall be provided as required in chapter 3, article I of this Land Development Code, if applicable.

(h) *Recreational facilities.* Areas for passive and active recreation shall be provided. Such areas shall be designed and improved to serve their intended use and shall reflect the recreational needs of the residents of the development. Recreational areas shall meet the following minimum requirements:

(1) They shall be located and designed with adequate access to encourage use by the residents;

(2) Active indoor or outdoor recreation areas, such as swimming pools or community buildings, shall be designed to serve a maximum of three hundred (300) dwelling units;

(3) Thirty (30) square feet of indoor recreation floor area, including exercise rooms, all-purpose space, dining areas and similar uses shall be provided for each dwelling unit, unless waived by the city commission and replaced at a minimum as follows:

a. Subdivisions of two hundred (200) dwelling units or less may provide, at a minimum, an additional thirty (30) square feet per unit of outdoor active recreation space in compliance with this section in lieu of the indoor recreation floor area requirement;

b. Subdivisions that do not provide indoor recreational facilities are not eligible for park and recreation impact fee credits;

c. The open space and/or additional outdoor facilities must be compatible with adjacent properties and the recreational facilities must be consistent with the needs of the project;

d. The planning board and city commission determine, after reviewing the proposed development plan, that the preservation of natural resources and/or provision of additional recreation facilities is appropriate and that indoor recreational facilities can be waived;

(4) Sixty (60) square feet of outdoor active recreation space (exclusive of parking, landscaping, retention/detention ponds and other site features), including pools, pool decks, shuffleboard courts, tennis courts and fishing piers and similar uses, shall be provided for each dwelling unit. Impact fee credits for any specific outdoor recreation site shall be limited to three hundred (300) dwelling units;

(5) Recreation sites which include indoor and outdoor activities shall comply with all general site plan design and construction standards with regard to buffer areas, landscaping, interior landscaping, parking arrangement, lighting, signing, and drainage. Up to fifty percent (50%) of

the required parking may be designed as overflow spaces;

(6) The minimum parcel size of any single active recreational area shall be eight thousand (8,000) square feet in area and no less than eighty feet (80') in its smallest dimension. No designated active recreation area shall be closer than thirty feet (30') to a dwelling unit within the development at its closest point and shall be adequately buffered to reduce noise, glare and visual impacts on adjoining homesites. Active recreation facilities shall not be located in any required buffer area;

(7) Thirty (30) square feet of common accessible, open space shall be provided for each dwelling unit as follows:

a. Common open space shall be available to all the residents of the development. At the option of the developer, subject to the approval of the city commission, common open space may be dedicated to the use of the general;

b. Common open space must be adequately landscaped and irrigated;

c. Natural features worthy of preservation shall be left in a natural state;

d. Water bodies may be utilized to meet twenty-five percent (25%) of the available open space requirement, provided significant recreational use of the waterbody can be demonstrated. Water retention and wetlands areas may not be included in this calculation;

(8) Twenty percent (20%) of the project shall be left in a natural state. This may include designated conservation areas within lots or common areas, but shall not include classified wetlands and required upland buffers;

(9) One (1) on-site parking space shall be provided for each two hundred fifty (250) square feet of indoor recreation area and one (1) such space for each four hundred (400) square feet of active outdoor recreation area. If both types of recreation areas are located on the same site, only the indoor requirement must be met. Applicants requesting a waiver of indoor recreation facilities may request approval of an alternative parking plan as part of the planned residential development application. Alternative parking plans shall be reviewed for consistency with the city's comprehensive plan, this Land Development Code, the Americans with Disabilities Act (ADA) and other applicable regulations.

(i) *Supplemental requirements.*

(1) *Fences.*

a. If fences are not prohibited in the deed restrictions and covenants of the project, a schematic fencing plan shall be incorporated in the development plan.

b. The fencing plans shall clearly illustrate the types of fencing to be allowed and the locations of gates to provide access for safety personnel.

c. Provisions to ensure adequate maintenance of fencing shall be incorporated into the homeowners' association documents.

(2) *Lighting.* Where necessary, additional lighting may be required to supplement street lighting. Where required, such lighting shall be shown on the development plan.

(3) *Deed restrictions and covenants.* No amendment to the deed restrictions and covenants which would alter the design or use of the property and structures shall be made without the written permission of the city.

(4) *Unity of title.* All land included within a PRD shall be under the control of the applicant, whether that applicant is an individual, partnership, or corporation, or group of individuals, partnerships or corporations. Applicants shall present evidence, at the time of application, of unified control of the entire area within the proposed development. The applicant shall provide:

a. An agreement to proceed with the proposed development according to all of the provisions of these regulations;

b. Agreements, contracts, deed restrictions and sureties acceptable to the city commission for completion of the development, or each approved phase of the development, according to the approved plans;

c. Agreements, through the establishment of a homeowners' association, for the continuing operation and maintenance of all such areas, functions, and facilities which are not to be provided, operated or maintained at expense, acceptable to the city commission;

d. An agreement to notify the city, at the same time the development owners are notified, of any proposed amendments to the homeowners' association; and

e. Assurance that binds the applicant's successors in title to any commitments made under subsections (i)(4)b, c and d of this section.

All such agreements and evidence of unified control shall be examined by the city attorney and no approval shall be granted without a certificate by the city attorney that such agreements and evidence of unified control meet the requirements of this section.

(j) *Application and review.*

(1) A written application, consistent with the requirements of article IV of this chapter for PRD shall be made to the planning department, using the application form provided by the city. The application shall be processed as required in chapter 1, article II, administration and enforcement.

(2) Applications shall include the following:

a.

Complete site plan submittal per chapter 4, article I of this Land Development Code, except that final engineering and construction drawings may be withheld pending the issuance of a development order by the city commission.

b. Documentation, including written explanations, drawings and illustrations, demonstrating conformance with subsection (j)(4) of this section.

c. Special studies including, but not limited to, traffic impact study, environmental assessment report, and holding capacity analysis as required by this Land Development Code.

(3) Following approval of rezoning to PRD and issuance of development order, the applicant may submit final site plan drawings or make application for preliminary plat approval in accordance with chapter 4, article II of this Land Development Code.

(4) In considering an application for a PRD, the planning board may recommend approval, approval with conditions, or disapproval and the city commission may base its conditions of approval or denial of the issuance of a development order on the extent to which the development offers site amenities above that normally found for permitted uses in the district with regard to the following:

a. Innovative site design.

b. Coordinated architectural design.

c. Open space, recreation, common areas.

d. Coordinated streetscape elements.

(k) *Adoption/amendments/expiration.* The PRD development order shall be adopted by the city commission in accordance with the provisions of chapter 1, article II of this Land Development Code.

(l) *Exceptions.* A PRD application involving land in the R-4, R-5 and R-6 zoning districts shall be subject to the following in lieu of the standards contained in this section:

(1) *Recreational standard.* None.

(2) *Parking standard.* In lieu of the general parking standards and subsection (f) of this section, the number of dwellings is limited by the requirement of one and one-half (1½) spaces per unit. If located on a transit route, the parking standard may be reduced to one (1) space per unit.

(3) *Setback standard.* Shall be based upon the underlying zoning district.

(Ord. No. 2015-46, § 1, 11-2-2015)

ATTACHMENT 5

Correspondence received on the zoning map amendment

Dennis K. Bayer

Attorney

Dennis K. Bayer, Esq.
dennis@bayerlegal.com

109 South 6th Street, Suite 200
Flagler Beach, FL 32136
Tel: 386-439-2332
Fax: 386-439-6522

December 19, 2023

Sent via U.S. Mail and email to
Steven.Spraker@ormondbeach.org and
Randy.Hayes@ormondbeach.org

Steven Spraker, Planning Director
City of Ormond Beach
22 S. Beach St., Room 104
Ormond Beach, FL 32174

Randy Hayes, City Attorney
City of Ormond Beach
P.O. Box 277
Ormond Beach, FL 32174

Re: Tomoka Oaks Proposed Golf Course R-2 Rezoning

Gentlemen:

I am submitting the attached resolution as legal counsel for Tomoka Oaks Homeowner's Association (Association). This request relates to the current request from the developer to rezone the entire parcel as R-2. My clients are opposed to the rezoning and intend to argue that the competent substantial evidence exists to mandate that any development be done as a planned development. This is based upon the unique location and development history of the property and adjacent lands.

Many of the members reside on the existing fairways and all of the members will be impacted by the proposed development as to issues related to traffic, buffering, impacts on property values, congestion and loss of open space.

The city code, in section 2-210, provides for intervention by affected parties in quasi-judicial hearings. Consequently, the Association seeks to intervene in the planning process and subsequent quasi-judicial proceedings as an intervenor with formal standing status as allowed by

the code. I am submitting a copy to Rob Merrell, legal counsel for the applicant, in order to determine if the applicant has any objection to this petition.

Please let me know if staff has any questions or comments about this petition.

Respectfully submitted,

Dennis K. Bayer

DKB/kh
Enclosure

RESOLUTION OF BOARD OF DIRECTORS OF TOMOKA OAKS HOMEOWNER'S ASSOCIATION

WHEREFORE, the issue of the Tomoka Oaks Homeowner's Association, Inc. ("TOHA") petitioning the city of Ormond Beach ("City") to allow it to intervene in the matter of the development of residences on the now-closed Tomoka Oaks golf course ("Development") in accordance with Section 2-210 of the City codes (("Code") has come before the Board of Directors of the HOA ("Board"); and

WHEREFORE, the Board of the HOA has reviewed the matter and has agreed to request intervention from the City;

WHEREFORE the Board voted by a majority to intervene, it is

RESOLVED AS FOLLOWS:

1. The Board of the HOA formally requests from the City that the HOA be allowed to intervene in the matter relating to the Development. The HOA requests that it be granted all powers and privileges provided under the Code.
2. The HOA requests that the City will confer the HOA as having standing to fully participate in all public hearings and attendant processes associated with the proposed development.

The Resolution approved this 17th day of May, 2022.

TOMOKA OAKS HOMOWNER'S ASSOCIATION, INC.

Kathy Page
Kathy Page
Secretary

John M. Power
John M. Power
President

From:	Denise Corley
To:	Spraker, Steven; bill.parrington@ormondbeach.org; Persis, Susan; Kent, Troy; Tolland, Lori; Sargent, Travis; Briley, Harold; troyrailsback@yahoo.com; mikescud@yahoo.com; doug@weatherguardshutters.com; barry_dumoulin@msn.com; alanjorczak@cfl.rr.com; angieshull1@gmail.com; ggalloway@cbcbenchmark.com
Subject:	Reject Zone Change of Tomoka Oaks Golf Course
Date:	Friday, December 22, 2023 4:31:47 PM

[External Email-Use Caution] - OB/IT Helpdesk

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Dear Steven Spraker, Planning Board Members, City Commissioners and Mr. Mayor,

My name is Denise Corley. I have spoken at planning board meetings and at the Commissioners meeting in regards to the conversion of the open space of the Tomoka Oaks Golf course into a 272 lot gated community PDR.

Instead of substantially lowering the number of lots for the PDR, the developer has submitted a plan that is a direct refusal to listen to the community and elected officials.

Sec. 1-03. - Legislative purpose and intent.

The purpose of the city's Land Development Code is to provide land development regulations that implement the city's comprehensive plan. The comprehensive plan and this Land Development Code are tools that the leaders of the city shall use to protect and maintain a high quality of life for the citizenry of the city. Specifically, this Land Development Code is required to be consistent with the comprehensive plan's goals, objectives and policies concerned with land use; transportation; housing; recreation and open space; conservation; coastal management; public facilities including sanitary sewers, solid waste, drainage, potable water, as well as ground water recharge; intergovernmental coordination; and capital improvements. If any provision of this Land Development Code is found inconsistent with the comprehensive plan, the comprehensive plan shall prevail.

Is the golf course a "ground water recharging area"? How does the St. Johns Water Authority determine this? Is there a case to be made that the land has been Open Space for 60 years and because it is completely surrounded by homes it should remain Open Space and a ground water recharging zone and not hard surfaces as 317 homes would amount to.

I see the developer has hired a speciality lawyer, Karl J. Sanders now to cite city and state development land use laws against the city of Ormond Beach.
How someone who spent 2.6 million (not very much for 147 acres) can disrupt an entire community is what Land Use Codes are written for.

Not all development is good development.

What costs more: a lawsuit or all the expensive infrastructure problems that are going to come from allowing this Zone Change and plan to be approved.

Does Volusia County require wider roads to accommodate specific numbers of lots/houses using those roads as safe entrance and exits and evacuation routes?

#1. The number one issue is too many houses which equals too much traffic, overloading of all community facilities - hospitals, fire departments,police departments and schools.
Keep in mind this is not the only development to be built. Ormond Beach is going to be overwhelmed as soon as all these developments get built and especially what Daytona Beach is doing. Avalon development of 10,000 units!

#2. No evacuation route except through the existing neighbor also using the same exits for evacuation. There must be a way to reject an R-2 zoning on the basis of the lack of a proprietary entrance/exit.

#3. The land is toxic and needs remediation to be safe- this developer moved land in the demolition without any thought to the remediation. Below is the recommended remediation process for the soil on the golf course recommended by the Environmental Report. Who will over see that the remediation is done properly?

2. Soil Management Plan (SMP):
    a. Additional soil assessment within the former course greens is proposed to further define organochlorine pesticide (OCP) impacts. The submittal proposes stockpiling the upper two feet of unsaturated soil from each green into 1,000 cubic yard (cy) stockpiles. Each stockpile will be sampled for total and synthetic precipitation leaching procedure (SPLP) dieldrin and toxaphene analyses, and for total arsenic analyses at a frequency of 5 soil samples per 1,000 cy.
        i. Soil with dieldrin and/or toxaphene residential SCTL exceedances will be disposed of at a licensed landfill facility.
        ii. Soil with concentrations of dieldrin and/or toxaphene above the leachability SCTL but below the residential SCTL will be mixed with clean onsite soil and resampled. Once reuse sample results meet the leachability SCTL the soil will be managed based on corresponding arsenic concentrations.
        iii. Soil with concentrations of dieldrin or toxaphene below residential and leachability SCTLs will be placed within appropriate future land uses based on corresponding arsenic concentrations.

Now is the time to start questioning the legality of changing the 99 year inpurpetuty clause, sold to homeowners for years. Once a PRD always a PRD?
You changed the zoning of heavy industrial zoning. Can you challenge changing the zoning of the Tomoka Oaks Golf Course to Open Space /Recreational?

I am a homeowner and I am responding to the Developers Arguments for an R-2 Zoning code change.

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

1). The proposed development may conform on paper to the LDC but NOT in the Spirit of the Code. It will have negative impacts on the public health, safety, welfare and quality of life for all the neighborhoods that will be affected- Tomoka Oaks, Escondido Condominiums, The Trails and Talaqua.
The proposed zoning change overwhelms the adjacent properties by taking away the major Open Space/ Recreational golf course that those properties have enjoyed for 60 years. The proposed rezoning creates overcrowding on narrow roads and entrance/exits not designed for this amount of traffic.

B. The proposed development is consistent with the comprehensive plan.

1). The Low Density Residential (LDR) Future Land Use Classification, " To protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods". Tomoka Oaks is a desired stable neighborhood and its character will be disastrously affected by the loss of the open space of the golf course and the overcrowding of its roads and one entrance/exit. The property is NOT targeted for residential development under the Comprehensive Plan. The project will overcrowd an area that is seeing too much expansion of residential growth, over running the existing services.
2). Don't forget the existing goals of the City's Comprehensive Plan is to provide open space and recreation which voters continue to cite as a number one priority.

POLICY 1.1.6. Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multifamily) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach. Response: The proposed development is an infill project designed to create additional housing opportunities for residents in an area where urban services are readily available. The conceptual development would promote compatibility with surrounding home sites on the exterior of the property and allow for additional housing opportunities.

1). POLICY 1.1.6 was not intended to remove open space/ recreational areas from existing neighborhoods. In this case the development and zone change will cause undue traffic on narrow roads with no sidewalks the roads of an enclosed neighborhood.

POLICY 1.1.7. Continuously review and modify development and building regulations to provide for sound residential communities and quality housing.

1.) The zoning for the Tomoka Oaks Golf Course should have always been Open Space/ Recreational since homes were sold under the premise of "Golf Course Views".
2). The issue of this development is it is being shoehorned into the center of an existing neighborhood that has enjoyed the Open Space/ Recreational Amenity of trees and non-urbanization for 60 years. The values and aesthetics of the existing neighborhood rests on the open space of the golf course and will be forever diminished by a zone change to R-2.

POLICY 1.1.14. Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit oriented development and walkable residential areas.

Response: 1. The enhanced livability of the Tomoka Oaks neighborhood is equated with the Open Space view of the historic and native trees and abundant wildlife that inhabit the golf course land.
2. The golf course was designed to be the central feature of the Tomoka Oaks neighborhood, 178 homes enjoy these views.
3. I would argue that the "older section" clause in this policy would refer to areas closer to the municipal section of Ormond Beach not the Nova Rd area of Tomoka Oaks and The Trails, which are not urban infill or walkable to the Library for example.

POLICY 2.2.1. The City shall limit urban sprawl by directing urban growth to those areas where public facilities and services are available.

1). It is important the city prioritizes what is in the best interest determining what constitutes urban sprawl and what constitutes overcrowding and urbanization. The answer is NOT to ruin healthy communities.

POLICY 2.2.5. In order to protect natural resources, new development and redevelopment shall be encouraged to infill existing developed areas.

1). Open Space / Recreational land should not be considered infill. Open Space is vital to a healthy community.

POLICY 2.4.10. Direct development towards existing residential communities and planned growth areas already served by infrastructure, to utilize resources that existing neighborhoods offer, thereby conserving open space and natural resources on the urban fringe.

1. When policy 2.4.10 talks about "infrastructure already existing" this presumes current, infrastructureis sufficient for a large development. It is not.

a) The development proposes to use the very access roads of the existing neighborhood NOT designed of 317 more home access.
b) The scant infrastructure on the golf course after all is 147 acres of Open Space; there are no roads, no sidewalks, no sewers, no lighting, no drain pipes, no retention ponds, no water pumps.
c) Instead of complementing the existing neighborhood it will produce urbanization and overcrowding.

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

1) Every hard surface is an affront to the environment, especially here in Florida. As stated "the Tomoka River is already an impaired water body". No matter what dry pond system utilized by 317 homes it will NOT be beneficial to the environment. In fact, the soil management has been ignored when the buildings were removed before the Florida Department of Environmental Protection made its recommendations for remediation. Already toxic soil has been strewn over the land and in the air.
2) The golf course is the high ground in Tomoka Oaks, known to be well draining open space. The existing neighborhood sits below it. Controlling drainage, run-off and toxins is guess work. Perhaps the best remediation for the land is to let it rest for 99 years like the former dump now Nova Creational Center. Who would want their child playing in the dirt where known carcinogens have been used? The remediation process will require just two soil samples for every lot (10,000 sq ft).

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

1) There is nothing more valuable than Open Space or water views in real estate. We bought our property and paid a premium because of the view of the Open Space of the golf course and the beautiful trees.
2)So, YES our property values will be substantially depreciated for the years of construction and then permanently.
3) The whole project will be a nuisance, creating excessive noise, odor and visual impacts to the surrounding neighborhoods.
4) Tomoka Oaks is already complete and the Open Space/ Recreational land provided by the golf course completes the community and there is no need to crowd the community.

E. There are adequate public facilities to serve the development, including, but not limited to, roads, sidewalks,

bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools and playgrounds.

1) There are not adequate facilities now in Ormond Beach.

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

1)Testimony by citizens of Tomoka Oaks, The Trails, Escondido Condominiums, speaks to the reality of the traffic safety in the neighborhood now and adding an estimated 2,700 more trips through the neighborhood from this development will overrun the roads and cause a public hazard and quality of life loss.
2) have you ever gotten a Traffic Report paid for by a Developer that claimed the Developers Project would NOT be allowable?
3) The roads of the existing neighborhood were not designed for 317 more homes. The entrances/exits are too narrow, all the roads will have to be widened essentially turning a quiet neighborhood into a throughway. Does a Developer's project deserve that Taxpayer support?

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

This development overcrowds existing neighborhoods, by putting undue traffic on the neighborhood roads that have no sidewalks and are not designed for more traffic and inadequate entrance and exit and evacuation routes because the entire proposal is inside another subdivision.

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

This statement is unknowable.

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

This is a Zone Change request. No plans related to materials or architectural features have been submitted.

G-I. The rezoning will require compliance with all City requirements for site design and layout under the R-2 zoning designation.

Rezoning of land that has been used as Open Space/Recreational zone for 60 years should be Grandfathered into Open Space/ Recreational especially considering it is surrounded contiguously by existing homes and has only one entrance through the Tomoka Oaks Subdivision.

Please reject this Zoning change and in fact change the zoning to Open Space/Recreational- the developers bought a golf course, if they don't want it, they should sell it.

Thank you
Denise Corley

From: Leah Washington
To: Spraker, Steven
Subject: For Planning Board
Date: Tuesday, December 26, 2023 5:25:56 PM

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Good evening,

I'm shocked and appalled by the actions of the Tomoka Reserve developers. The tantrum they are throwing over not getting their way leads those in our quiet neighborhood of Tomoka Oaks to conclude that they will not be neighborly, and that should be echoed with the planning board as well. We were already concerned about the entrance to our neighborhood as well as the impact to traffic, public works, roadways, utilities, schools, medical services, and more. Now they are intent on making a larger impact on our community out of spite and using threats to get their way. The planning board should make a stand that tantrums don't prove fruitful in this community. They may be used to pushing people around in bigger cities, but pulling these antics here should not be tolerated.

They've said a ton of things so far that we can all see right through. Traffic already backs up past the Escondido entrance even without Tomoka Reserve. The light that is going in at Nova and Tomoka Oaks Blvd is going to prevent construction vehicles from entering there which proves their statements of less than 10% of traffic through the Trails as completely false. Construction equipment utilizing Misner Branch bridge should require a study because a portion of that bridge is already having significant issues with normal use. This could potentially mean that all construction equipment would use the Main Trail and Nova intersection to enter, then over to Iroquois or Rio Pinar to S St Andrews. Their impact to the Trails neighborhood has been vastly misrepresented. This then opens the conversation of what else they have misrepresented in their presentations thus far because we can all see they are gaslighting.

I'm trying to remain hopeful that the planning board will protect our community. Over the last couple of years we have come to know this as home and now that my husband retired from the service, he wants to call it home too. However, our children's safety and wellbeing are our primary concern. If Tomoka Reserve moves forward we know Tomoka Oaks will no longer be the neighborhood we fell in love with and bought into. We already struggle with massive speeding on St Andrews, but the influx of traffic, inaccessibility to the neighborhood, impact on our already struggling ability to access medical services, not to mention how unbelievably difficult the construction will make habitability of our home with my husbands PTSD (literally why we chose an established neighborhood)....I can't stand the thought of leaving our forever home, but it's a reality we are faced with. Please save our neighborhood from Tomoka Reserve.

Thank you,

Leah Washington

From: Darla widnall
To: Spraker, Steven
Subject: Re: Letter to the Observer - please put in Planning Board Packets
Date: Tuesday, January 2, 2024 10:27:22 AM

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Letter to The Observer:

It is interesting to try to follow the reasoning of the developers who bought the Tomoka Oaks golf course property of 147 acres almost three years ago.

Now, instead of 272 homes which the Planning Board and the Commissioners thought were too many, they would like to build 317 homes.

What will the Planning Board say when they receive this latest request from the developers to "increase" the number of homes?

Did something change? Will the one and only 450-foot road leading in and out of Tomoka Oaks "and" the proposed development change to be a wider and longer road? Will the imposition of added traffic and devaluation of the homes in the Tomoka Oaks development and all the affected surrounding developments change?

Will the two-lane roads in Tomoka Oaks and The Trails suddenly become four lanes and sidewalks appear where there are none? Will the homeowners change their minds about missing the beauty of the open space and the golf course that was promised to them in a written, spoken and/or implied agreement?

Will the threatened and protected gopher tortoises relocate to a safer place along with their burrow guests of up to 350 different species who hunker down with them in their burrows? By the way, this is one of the reasons the tortoises are protected, because they provide a home to these grateful guests.

Will this 147 acres on one of the highest elevations in East Volusia with impervious newly constructed houses and streets and sidewalks suddenly soak up water during a storm when the retention ponds fail? Will the Trails welcome the added traffic in their development that was not designed for that volume of traffic? Will the Escondido Condo residents find a way to get out of their one and only driveway?

Will the developers suddenly propose an emergency evacuation plan that will show that we can all get out in a safe and timely manner? It has been almost three years and our concern for the safety of walkers and bicyclists in addition to this missing evacuation plan does not even seem to be on their radar.

It will be interesting to see what has changed.

- Darla Widnall, 7 Shawnee Trail, Ormond Beach

On Tue, Jan 2, 2024 at 7:16 AM Spraker, Steven <Steven.Spraker@ormondbeach.org> wrote:

> Good morning,
>
> Thank you for the e-mail. I cannot open the attachment. Can you please provide in a pdf or

word document? Thank you

Steven

Steven Spraker, AICP

Planning Director

Planning Department

22 South Beach Street, Room 104

Ormond Beach, FL 32174

Direct Line: 386.676.3341

Department: 386.676.3238

Cell: 386.366.1590

Fax: 386.676.3361

E-mail: Steven.Spraker@ormondbeach.org

From: Darla widnall <darlawidnall@gmail.com>
Sent: Saturday, December 30, 2023 3:41 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: Letter to the Observer - please put in Planning Board Packets

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opening attachments or clicking links, especially from unknown senders.

Hi Steven,

Please put my letter to The Observer in everyone's packet. Thank you so much.

- Darla Widnall

Notice: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

TMH CONSULTING, INC.
Community Planning Services

Tom@TMHConsultingInc.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO:	Ormond Beach Planning Board
CC:	S. Spraker, AICP, Planning Director
FROM:	Thomas Harowski, AICP, President
SUBJECT:	Tomoka Reserve Zoning Application
DATE:	December 29, 2023

The developers of the proposed Tomoka Reserve development have abandoned their application for a planned residential development and are seeking standard zoning for the tract requesting R-2 Single Family zoning be applied. The existing Tomoka Oaks Subdivision is zoned R-2, but it is not automatic that rezoning the subject parcel to R-2 is mandatory or even the most appropriate action by the city. This report is being offered to explore other options for consideration. Let's begin with a few statements of fact.

- The subject property is designated as low density residential by the City's comprehensive plan.
- Low density residential allows development up to 4.3 units per acre, but there is no guarantee or firm entitlement that every low-density residential parcel can be developed to the maximum level allowed by the land use classification.
- The current zoning of the subject property is Planned Residential Development (PRD), but there is no active development agreement supporting the zoning designation.
- The eventual zoning assigned to the subject property needs to be consistent with the future land use designation and compatible with the surrounding community.
- The original design of the Tomoka Oaks neighborhood included a residential subdivision and an 18-hole golf course and country club that was integral to the local community and functioned, in part, as community open space.
- For most of its existence the Tomoka Oaks Golf and Country Club included swimming and tennis as well as community space and a restaurant in the clubhouse. Club members and the general public could use the restaurant and many Tomoka Oaks residents enrolled children in the summer camp programs. Neighborhood association meetings were held at the clubhouse, so the facility

was integrated into the neighborhood as a social center as well as being community open space.

- The actual development density of the Tomoka Oaks subdivision is about 1.27 units per acre when the subject property is properly recognized as neighborhood open space per the original subdivision design.

- Regardless of a traffic study finding that the proposed development would meet level of service standards, the Tomoka Oaks neighborhood will still be impacted by a significant level of traffic which will reduce traffic safety and increase hazards for pedestrians and cyclists.

Analysis

The Community Planning Act (F.S. 163.3164 (9)) defines compatibility as:

> "… a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or."

The City of Ormond Beach comprehensive plan supports the state definition with Future Land Use Element Policy 1.1.3 which in part reads "Preserve the character of existing neighborhoods by not allowing the intrusion of land uses that would threaten to alter the neighborhood character…." The fact that a land use type may be the same, say single-family adjacent to single-family, does not mean that the new land use cannot be intrusive if it alters the neighborhood character.

As discussed extensively during the hearings on the applicant's request for PRD approval, the planned construction of new housing on the subject property is a clear intrusion into the Tomoka Oaks neighborhood. The only place where the proposed development does not abut existing houses is literally where the driveway into the former clubhouse is located. This is the "hole in the donut" concept that was extensively discussed and accepted by both the Planning Board and the City Commission as a clear element of impact by the proposed development on the existing neighborhood. Ample evidence of this finding is available in the minutes of the September 26, 2023, meeting. Because of the intrusive nature of the proposed development on the existing neighborhood the requirement for a compatible development demands that impacts from the new development follow a density and lot size compatible with the existing neighborhood and that the project compensate Tomoka Oaks for the loss of community open space.

A zoning designation assigned to a property must be consistent with the comprehensive plan as well as being compatible with the area surrounding the proposed development. Section 2-02 of the City's land development code includes Table 2-2 Future Land Use Map Designations and Compatible Zoning Districts. For low density residential land uses, the table lists the following classifications:

R-1 Residential Estates
R-2 Single Family Low Density
R-2.5 Single-Family Low-Medum Density
R-3 Single Family Medium Density
Planned Residential Development

The following table provides some basic information about each of the classifications that are consistent with the low-density land use and may be compatible with existing developments.

Zoning District	Units/ Acre	Lot Size	Lot Width	Lot Depth	Lot Coverage
R-1	2.17	20,000	100	150	75%
R-2	4.30	10,000	100	NA	75%
R-2.5	4.98	8,750	90	NA	75%
R-3	5.05	8,625	75	NA	75%
PRD	Negotiated				

The current zoning of the property is planned residential development (PRD) which needs to be completed with a development agreement specifying the provisions governing the use and development of the property. While the applicants sought a PRD agreement that was not recommended by the Planning Board, the City Commission did not deny the application, but referred the proposal to the Planning Board for additional refinement. The City Commission has no obligation to abandon the PRD zoning until it is fully demonstrated that no development agreement under the PRD can be approved. Since the proposed project never proceeded to a final vote, there is no affirmative evidence that the submitted proposal or a modified proposal cannot receive approval.

Given the clear disparity between the developed character of Tomoka Oaks and the minimum dimensional standards of the R-2 zoning district, it is clear that the PRD zoning offers the best opportunity to maximize compatibility between the proposed project and the existing neighborhood development. It is clear from the Planning Board public hearings that there is a plan that they would consider acceptable. Note the comments of Mr. Galloway on page 18 of the September 26, 2023, meeting minutes; the comments of Mr. Thomas on page 20; the comments of Mr. Galloway and Mr. Thomas on page 22; and Mr. Galloway again on page 24. These comments suggest a project size of 220 to 250 units would receive serious consideration, and that a range of lot sizes would be acceptable so long as the perimeter lots were predominantly the same size as the R-2 lot minimums.

While rezoning to R-2 would seem to be an easy choice for the subject parcel and would be consistent with the low-density land use, development of the project at minimum R-2 standards is inconsistent and incompatible with the existing Tomoka Oaks neighborhood. The developed density of the neighborhood is 1.27 units per acre; about 25% of the allowable maximum density and about 50% of the proposed project density. Given the direct impact of the proposed development on a significant number of units in

Tomoka Oaks and indirect impacts on the entire neighborhood resulting from increased traffic and lessened safety for pedestrians and cyclists, R-2 is not the best zoning choice.

If density comparison between the current neighborhood and the proposed development is to be the key criterion for compatibility, the table above suggests that R-1 zoning is in fact the most appropriate standard zoning. This choice recognizes that Tomoka Oaks is developed well above the minimum R-2 standards, and that a project that approaches the minimum requirements for R-2 zoning is in fact not compatible with the current neighborhood.

Findings

It is indisputable that PRD zoning offers the best opportunity to maximize compatibility with the current neighborhood while remaining consistent with the comprehensive plan and future land use. The City Commission did not reject the PRD proposal. They expressed concerns about the plan and referred the request to the Planning Board to work on refinements. The applicants elected to abandon the process without the project ever coming to a final vote. It is clear from the Planning Board hearings that there is a path to an acceptable plan under PRD zoning that can be supported for City Commission review. The current zoning is PRD and there is no reason to approve any zoning other than PRD at this point in time.

If standard zoning is to be applied, R-1 density is more consistent with the developed nature of Tomoka Oaks. The resultant project under R-1 would yield a project density closer to the developed character of the neighborhood and it would lessen external impacts from traffic and from reduced public safety.

Commentary on the Application

As part of the application for rezoning, the applicants provided a project narrative that responds to questions posed in the application form and they cite compliance with several comprehensive plan policies. Some of their conclusions and statements in the narrative are debatable. The following comments offer a contrasting perspective given the positions laid out in the preceding analysis.

> *The proposed development conforms to the standards and requirements of this Land Development Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. (From City Application)*

- The applicants align crowding with the maximum density allowed by the future land use classification. The proposed project does fall within the allowable range set by the comprehensive plan, but the proposed project as presented would be about twice as dense as the existing neighborhood. The statement that the proposed development is a reuse of a failed golf course has no impact on the criteria identified in part of the application.

- Keep in mind that the nature of the former golf course property has much more coterminous property with the existing neighborhood than would a more typical new subdivision adjacent to an existing neighborhood.

The proposed development is consistent with the comprehensive plan. (From City application.)

- The requested R-2 zoning is consistent with the comprehensive plan, but it is not the only zoning category that meets the consistency test. The findings of this analysis are that PRD is the best option followed by R-1 Single-family and then R-2 Single Family.

- The applicant's response cites Policy 1.1.6, but the response really misses a key point of the policy. The policy is intended to promote a variety of housing types with duplex, townhouse, and multi-family specifically cited as varied housing types. The proposed development with R-2 single-family does not really respond to this point.

- The applicant's response cites Policy 1.1.7 regarding sound residential communities and quality housing, but the standard zoning option provides no assurance that "the development is comprised of residential homes of a quality and character that will promote a long-lasting, aesthetically pleasing residential neighborhood…" as they claim. Outside of the PRD format there is no vehicle to provide for an affirmative commitment to design and other community enhancements.

- The applicant's narrative repeatedly claims the project as an infill development. This is true in the sense that the project is located within the more developed core area of the city rather than at the outer periphery. However, it has been well established during the many public hearing on this project during the PRD review, that Tomoka Oaks and the former golf course is a unique condition in that the proposed development in entirely consumed within the existing neighborhood and is deserving of a more fine-grained treatment of the border between the two projects to provide at least a minimal level of compatibility.

January 2, 2024

Dear Planning Board Members,

Did you know:

- Tomoka Reserves' zoning map amendment to rezone the Sam Snead Golf and Country Club plat from a PRD to R-2 is in direct conflict with the city's Comprehensive Plan?

- R-2 zoning of this plat violates the major goal of the city's Future Land Use Element?

- And R-2 zoning of the 147 acres is not consistent with Low Density Residential development policies?

Here's why:

In 2006, the Sam Snead Golf and Country Club acreage was zoned PRD to specifically protect Tomoka Oaks residents from R-2 development of the golf course land.

Minutes of the Planning Board meeting from August 10, 2006 (attached) detail just why **PRD 06-32** for the Tomoka Golf Village Planned Residential Development Rezoning received unanimous approval of the city commission, city attorney, applicant attorney, planning board members and city staff. *Meeting highlights demonstrate:*

- The PRD development order would:
    - Locate 119 units in the center of the development thus preventing negative impacts on Tomoka Oaks residents.
    - Reconstruct a portion of the 18-hole golf course and blanket the remaining 18-holes with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

- The project was touted by the 2006 applicant's attorney Rob Merrell as the "poster child" for Smart Growth principles; i.e., clustering condo and townhome units to preserve open space and recreation areas.

- Mr. Merrell stated that by approving the rezoning to PRD, the resulting development order would restrict the open space and golf course area in perpetuity.

- And City Attorney Randy Hayes felt there were enough layers of protection that future development should not be a serious concern. Development Orders ran with the land and protected the project should it be sold or go bankrupt due to market conditions or mismanagement.

The subsequent Development Order dated 10/31/2006 and recorded in Volusia County Book 5944 Page 2183 states:

- The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use.
- The development order was binding upon future owners and ran with the real property.

Although the development order expired on 10/17/2014, the city implicitly recognized the land's perpetuity use to remain a golf course or open recreational area. As stated in item F, page 7 of the development order, if the permit was voided, a new PRD development order shall be considered by the City. There was no automatic rezoning to R-2.

I understand that on 1/11/24 the Planning Board is to review the "appropriateness" of the zoning designation consistent with the "Low Density Residential" land use category. I request the Planning Board recommend denial, and cite the Comprehensive Plan's Future Land Use code as justification.

> https://www.ormondbeach.org/DocumentCenter/View/456/Future-Land-Use---122023-w-map?bidId=
>
> *The major goal of the Future Land Use Element is to achieve the highest quality of life for all the residents of the City, its visitors and businesses by managing growth in a manner that is consistent with sound social, economic, fiscal, and environmental principles. The element reflects existing urban service capacities and constraints, and it also establishes locations where future service improvements will follow.* (page 5)
>
> *The purpose of Low Density Residential is to protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods.* (page 7)

The Sam Snead Golf and Country Club plat is not typical of single-family residential areas. R-2 zoning will violate:

- Policy 1.1.2: Requires the zoning to continue to promote sound planning for the location and design of new residential development in relation to the existing Tomoka Oaks neighborhood. The R-2 application for approximately 317 homes is in direct conflict with the City Commission's request for sound planning demonstrated when the commission remanded the (now withdrawn) PRD for 272 homes back to the Planning Board to decrease the density. Increasing density via R-2 does not represent sound planning.

- Policy 1.1.3 which requires the preservation of the character of the existing Tomoka Oaks neighborhood by not allowing intrusion of land uses that would threaten to alter the

neighborhood character. The R-2 zoning creates a landlocked neighborhood within the center of Tomoka Oaks thus permanently altering Tomoka Oak's character.

Please recommend that the PRD zoning remain in place for the reasons outlined in the approved 2006 PRD: 119 maximum units located in the core with perpetual, protected retention of the 18-hole golf course green space.

Carolyn Davis
Tomoka Oaks

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

August 10, 2006 7:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present

Dr. Beverly Grissom
Al Jorczak
Lynn McCoy
Doug Thomas
Rita Press

Staff Present

Brenda Bates, Recording Technician
Betty Ruger, Minutes Technician
Clay Ervin, AICP, Planning Director
Randy Hayes, City Attorney

Members Excused

Brian Daly

II. INVOCATION

Mrs. Press led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7). A

V. APPROVAL OF MINUTES

The minutes of the June 8, 2006 meeting of the Planning Board were approved as presented.

VI. PLANNING DIRECTOR'S REPORT

Mr. Ervin stated that:

- The list of upcoming meetings provided to the Board included the information regarding the August 17th workshop in DeLand that dealt with the Volusia County's 10-Year Work Program. He said that traffic congestion was a critical issue and one that the board members would have to deal with in their review of development and redevelopment projects. He said the County's Work Program was one element of many that would hopefully be used to improve the local roadway systems. He noted that that meeting was a time-certain item (2:00 pm) on the County Council's agenda.
- Department of Transportation Secretary Denver Stutler would speak at the VCARD (Volusia County Association for Responsible Development) luncheon; he would discuss statewide traffic issues, present and future.

VII. PUBLIC HEARINGS

Chairwoman Press explained to the public that the Planning Board was advisory, and that their decisions, unlike those of the City Commission were not binding. She said that the purpose of board hearing was to hear from the applicant, the City staff and the residents and that the official record of that meeting would then be presented to the City Commission, who would vote on the proposal in two public hearings.

Chairwoman Press explained the meeting process to the public and asked that any speakers identify themselves and limit their comments to five minutes.

A. PRD 06-32: Tomoka Golf Village Planned Residential Development Rezoning

Mr. Ervin said that the application was to rezone 147 acres (the existing Tomoka Oaks Golf Course), which was surrounded by the existing Tomoka Oaks subdivision. He advised that the Land Use designation was Low-density Residential, which allowed a density of up to 4.3 units per acre (4.3 u/ac) and had a current zoning of R-2 (Single-family Low Density), which required lots with a minimum of 10,000 square feet and minimum dimensions of 100' x 100'. He said that the zoning was consistent with the existing homes in Tomoka Oaks and in neighboring developments such as The Trails.

Mr. Ervin recalled that in 2005, the property owners (RTH, Inc., represented by Dr. and Scott Ryals) met with staff and identified their desire to redevelop the golf course so that they could 1) maintain the golf course and 2) generate additional revenue. He said that staff had been surprised to note that the land use and zoning were something other than Open Space/Recreation, typical for such properties, and that the owners had the right to develop the property.

Mr. Ervin acknowledged some confusion expressed by residents of the area and explained that based on the land area, the owners could theoretically develop up to 632 single-family homes; however, because of the size and shape of the property, and the incorporation of roads, stormwater and open area, the number of homes that could be accommodated would realistically be reduced to about 300.

Mr. Ervin said that the applicants had been advised of the concerns of adjoining property owners, noting that the subdivision was one of Ormond's nicer communities and one of the few areas in which homes backed onto a golf course. He said they had relied upon the golf course and bought their properties

believing that the golf course would always be there. He said that because the owners had development rights established by the existing land use and zoning, Staff had identified the concepts of clustering the homes and orienting the units to have the least amount of visual impact.

Mr. Ervin said that staff was also concerned with the possibility of leaving room for future development of the remaining portion of the golf course by clustering the homes; therefore, while the staff recommended approval of the proposal, staff also recommended that the development order blanket the remaining golf course property with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

Mr. Ervin informed the board that the project had been in review with the City for about a year and that the staff focused on ensuring that the development not create negative impacts for the existing neighborhood. He said that they determined that by shifting the existing driving range towards the northwest and concentrating the condominiums around a relocated and revamped clubhouse, the new construction would not be close to the existing homes along the 18th, 9th and 10th holes. He said the project also proposed to locate 35 townhomes towards the northeast portion of the site with access by an entrance road off of Tomoka Oaks Boulevard and to locate two condominium buildings near the updated tennis center.

Mr. Ervin reported that staff had spoken with many residents of the area and noted that for the record, the Board had been provided with a copy of an e-mail from Ms. Linda Lewis, who had expressed concern with the buffering of the three estate lots proposed for the northwest area of the golf course. He said that Ms. Lewis had enjoyed an open space behind her home and was afraid that the location of the easement for a sanitary sewer line would result in the removal of the existing trees. He reported that the City's engineers and applicant had confirmed that they would consider utilizing a directional dig; therefore, there would be no open-earth excavation of the land and the existing trees could be preserved and protected. He said that the applicant would be required to follow through with that requirement.

Mr. Ervin said that the existing residents were concerned with the number of trees that could be impacted by the project; he stated that the applicant met or exceeded the City's tree mitigation standards because of the additional plantings around the buildings that would be utilized as visual buffers. He said that the plans included the tree mitigation calculations that showed number of trees to be removed and the number of trees to be replanted.

Mr. Ervin pointed out that the City required all multi-family buildings to maintain a minimum of 200' from any single-family home and said that the cart paths had been designed for emergency access; they provided an alternative access route to the properties if the spine roads were damaged or otherwise inaccessible. He said that the design also called for decorative pavement leading into the main drive, the townhomes, tennis center, and updated/relocated clubhouse.

Mr. Ervin displayed the plan layout and typical elevations and noted that staff had also required the architecture to be consistent with the existing development in Tomoka Oaks. He showed renderings of the 3-story golf villas and pointed out that there would be underground parking facilities to minimize the amount of impervious surface. He noted that sub-surface parking was possible because the site was very well-drained, with a low water table.

Mr. Ervin acknowledged that Board Member Jorczak and Mr. Larry Stout of the Airport Advisory Board had questioned whether the additional density and intensity proposed might violate the City's Airport Overlay Zone. He explained that Airport Overlay District comprised areas for which there were concerns

regarding noise impacts that would result from the airport. He recalled the overlay issues presented to the Planning Board in the past and said that they had not been able to use the 60 DNL (day and night noise level contour), shown as a star-shaped zone, because it did not meet certain statutory and federal requirements. He said the City instead utilized the "iron cross" contour (a legally defensible method of establishing the noise levels) and stated that the project was located outside both the 60 DNL line and the City's adopted "iron cross" contours.

Mr. Ervin said that per Mr. Jorczak's request, staff looked at source of the noise complaints. He said that such complaints had been documented when the City was embattled with the decision as to whether or not to expand Runway 17-35; he pointed out on the map that the complaints had been identified as closer to the airport than the project location. He said that Mr. Jorczak and Mr. Stout had also questioned if there was a way to ensure that future purchasers of property in the area were aware that they were buying near the municipal airport, i.e. a kind of due diligence warning.

Mr. Ervin said that the staff report included technical analysis to show how the project complied with the city's concurrency requirements (water, sewer, stormwater and roads), identified zoning and land use issues, and summarized why the City staff recommended approval of the project. He reiterated that a number of Tomoka Oaks residents were unhappy with the project because they felt the golf course had not been properly maintained and worried that the project would just increase the problems they faced.

Mr. Ervin explained that Staff had to look at the proposal from a technical perspective in regard to land use and zoning and said that the proposed plan was considerably less intense than what could be developed there. He reiterated that Staff had made the applicant aware of the concerns, made sure that the development was compatible with the neighborhood, had no negative impacts on the existing residents and preserved the golf course. He agreed that it would be wonderful to retain the property as open space, but reminded everyone present that they had to respect the property rights of the property owner, who already had development rights on the property, given the land use and zoning. He emphasized that the proposal de-intensified the project, concentrated the development and ensured that the impacts would be minimal.

Mr. Jorczak asked if there was a mechanism that the City could employ to notify potential purchasers of the proximity to the airport.

Mr. Ervin replied that there was nothing in the City codes to mandate such notification. He said that the Board could identify that as a concern and as a condition for their approval. He said that the applicant could decide to accept the condition; if they chose not to accept it, the City would then have to decide whether to impose the condition as a part of the rezoning request.

Mr. Thomas questioned why there were fewer noise complaints in 2006, than in 2005.

Mr. Robert Hernandez, Ormond Airport Manager, said that voluntary airport procedures and traffic patterns established prior to his tenure tried to limit the air traffic to the north and west sides of the airport as much as possible. He said most of the current complaints were being generated from the area east of the airport, where much of the training was conducted, and that there were a number of homes on that departure corridor. He explained that air traffic expanded and contracted in all directions and that although he would not say that there would be no aircraft over the proposed community, he felt the Tomoka Oaks residents were getting the benefit of the established voluntary procedures for noise control.

Chairwoman Press clarified with Mr. Ervin that the applicants had the right under the current zoning to remove the golf course and develop the entire area with houses, but that the proposed PRD (Planned Residential Development) would limit the residential development to 122 units and would require a conservation easement over the remaining portion of the golf course to prevent future development of that land. She asked if the development order, as proposed, would preclude the applicants from building any more than the 122 approved residential units on that property.

Mr. Ervin concurred.

Chairwoman Press stated for the record that she had requested an on-site review of the proposal and had toured the property with the owners. She said that she had learned that many of the roads would not be paved and asked who would be responsible for maintaining those roads.

Mr. Ervin responded that the maintenance of the roads would be the responsibility of the developer at first, but that the homeowners' association that would be created would ultimately be responsible for the maintenance of all grounds on the project.

Chairwoman Press asked if the roads met City standards.

Mr. Ervin said that the City required roads to be constructed with a 6" sub-base, 6" base and 1.25" of asphalt; he said that roads were generally designed for a 15 to 25-year life. He assured the Chairwoman that those standards applied to the subject roads. He pointed out that the emergency access/cart path type of roads might not be topped with asphalt, but would be stabilized and had to meet minimum standards established by the Code for emergency access areas. He said it was a common practice and had been utilized in other projects, such as Broadwater, Breakaway Trails, Aberdeen, etc. He noted that breakaway fences were utilized in emergency access areas.

Chairwoman Press asked if the order of the project phases could change.

Mr. Ervin responded that the development order would identify the project phases and that the applicants would have to adhere to the phases, as stated. He acknowledged that the residents of Tomoka Oaks were concerned that the applicants would build the residential units without completing the other improvements and said that was the reason for the phasing. He reported that Phase 1 would involve the relocation and construction of a new tennis facility, Phase 1B would include demolition of the existing parking lot and clubhouse, Phase 1C would be the completion of the townhomes, golf and tennis areas, and the clubhouse would be completed in Phase 2B. He noted that the amenities would correlate with the new homes being developed. He also acknowledged that the applicants were being required to upgrade the appearance of the golf course.

Mr. Thomas disclosed that he also toured the facilities and met with the applicant.

Mr. Robert A. Merrell, 150 Magnolia Avenue, Daytona Beach, representing the applicant, stated that he was also a resident of Ormond Beach. He thanked City staff for their very thorough report, particularly with regard to comprehensive plan consistency and code compliance. He stated that the project had evolved into a better product during the year-long process of working with City staff.

Mr. Merrell said that the project was the "poster child" for Smart Growth principles. He explained that the concept of smart growth was predicated upon the belief that the population would continue to grow and that people would continue to move into the area. He said that smart growth addressed the issues of

where people would live and work, the redevelopment of urban areas, clustering development in areas where services were already available (fire stations, police stations, utilities) and clustering to preserve open space and recreation areas.

Mr. Merrell presented slides of the property, some with the proposal super-imposed over the existing development. He pointed out that the development would include demolition and rebuild of the clubhouse and pool area and the tennis center. He explained that the new three-level clubhouse facility would house partial underground golf cart storage; dining areas, kitchen and banquet facilities, a lounge area, pro shop, locker rooms, and surrounding covered porch on the middle level; offices, executive offices, and a sky lounge on the upper level. He added that there would be a tiki bar overlooking the new pool area.

Mr. Merrell pointed out the proposed condominiums and maintenance facility to be located near the tennis center and said that the redevelopment of the golf course would include bridges and new lakes that would store reuse water from the City's effluent plant. He mentioned that there would be fountains and that comfort stations would be constructed for the golfers and would include under-cover golf cart parking and vending machines.

Mr. Merrell explained that 30 two-story townhomes would be constructed at the northeast corner of the property, access to be by way of the road from the main entrance by the clubhouse. He showed the floor plans of both the townhomes, as well as the three-story condominiums with substantial balconies. He added that the three single-family estate lots would be located near Holes 11 and 16.

Mr. Merrell repeated Mr. Ervin's statement that the proposed project was consistent with the comprehensive plan and met all the criteria in the Land Development Code (LDC) for the PRD rezoning. He stated that the existing R-3 residential zoning (Staff note: actual zoning is R-2) and the future land use classification allowed development at up to 4.3 units per acre over the entire 147 acres. He agreed that it was unusual for a golf course to have a residential zoning, saying that they were typically zoned for Recreation/Open Space, with the surrounding homes zoned for residential. He speculated that the original developer wanted to have an exit strategy in case the project did not succeed.

Mr. Merrell thought that the proposal would make the community proud, given the cluster of the residential units and the dramatic improvement of the amenities. He said that the golf course had suffered in the last couple of years because of the 2004 hurricanes, September 11th and the construction of Nova Road. He said that the purpose of the proposal was to reverse that trend. He said many times there were issues that were not raised until the first public hearing; he hoped the residents would be receptive to the plans.

Mr. Thomas stated that he wanted to discuss the traffic study, since the residents of Tomoka Oaks were very concerned about the traffic.

Mr. Merrell agreed that traffic issues were a concern with any new development and restated that they would be adding 122 residential units, even though the property was entitled to far more homes. He said that a traffic analysis completed for the project had considered the anticipated increase in trips, all of the intersections that could be affected and all of the road segments that could be affected. He said that the model used was one that was accepted by the City and the County; that study had indicated that there were no level of service problems. He recognized that there were traffic issues with some projects in the city at present, but that the widening of, and intersection improvements along, Nova Road had helped the

traffic situation in the area of the subject. He reiterated that the project would not cause a level of service problem on any of the intersections or affected roads.

Mr. Thomas asked if the residences would be primarily occupied by full-time residents or whether the applicant anticipated residents for whom the units would be second homes.

Mr. Merrell stated that they felt there would be some part-time residents, but that the traffic analysis was predicated upon full-time residents. He added that even increasing trips at the peak hours did not produce traffic problems.

Mr. Thomas noted that he was trying to ask questions on behalf of the audience, since they had not had an opportunity to look at the traffic study, as had the board members. He asked what the traffic counts could be estimated to be if the property was instead developed with 300 single-family homes.

Mr. Sans Lassiter, President of Lassiter Transportation Group, 123 Live Oak Avenue, Daytona Beach, and resident of Ormond Beach, said that the study was based on a trip generation rate of 119 multi-family dwelling units and three single-family dwelling units. He explained that multi-family, as proposed, was a lower trip generator (about 6-7 trips per unit per day); therefore, the estimated number of daily trips generated by the proposed development was approximately 773. He further explained that 350 single-family residences (about 10 trips per day) could be expected to generate 3,500 daily trips. He concluded that the proposal represented a significant reduction over what could be done otherwise.

Mr. Lassiter agreed with Mr. McCoy that the trips in the study shown as vested were those trips for the development in Tomoka Oaks that had already been approved and for which the consultant had to account.

Mr. Merrell stated for the record that the applicant had agreed to install the utilities in such a way as to not damage the existing trees. He also mentioned that by approving the rezoning to Planned Residential Development, the resulting agreement (development order) would restrict the open space and golf course area in perpetuity; he said that the applicant had agreed to a deed covenant (conservation easement and reciprocal covenant among all of the owners on the property) that would assure that the property would forever remain recreation/open space.

Chairwoman Press questioned the distance from 23 Pine Valley Circle (the home from which one of the photos was taken) to the golf village townhomes.

Mr. Ervin said that the closest point between any single-family residence and a multi-story building would be 225'. He said that the distance was 300' at the location in question, since the dimension was tied to the fairway (225', plus the fairway). He reiterated that the primary focus was to keep the buildings inside the fairways and away from the existing homes.

Mr. Jorczak asked if there would be any mechanism in place that would preclude the subsequent homeowners' association from turning the development into a private operation to exclude the public.

Mr. Merrell said that the Covenants and Restrictions and the condominium association Declaration would prevent that.

Mr. Thomas asked if there was any conceivable way that it could happen.

City Attorney Hayes said that although nothing was 100% guaranteed, he felt there were enough layers of protection that future development should not be a serious concern in the future.

Mr. Merrell said the applicants would agree to include whatever language that the city attorney deemed appropriate and necessary to assure that outcome.

Mr. Thomas understood and said that his concern was because the board and the residents had all heard the word "never" in the past.

Mr. Merrell elaborated on the city attorney's comments, saying that the discourse was in the public record and that coupled with the binding documents, would provide the City with an enforcement mechanism. He said the restriction was as fool-proof as they could make it.

City Attorney Hayes said that the City would make sure that the development order was drafted to make it as difficult as possible to undo.

Dr. Grissom inquired as to who would be responsible for the maintenance of the golf facilities.

Mr. Merrell said that maintenance would continue to be the responsibility of the owners of the golf course. He noted that only the residential units would be sold.

Dr. Grissom asked if the owners, as the condominium association or homeowners association, could have the prerogative to change the Covenants and Restrictions or Declarations of Condominium or any of the parameters include therein.

City Attorney Hayes replied that he did not think they could because it would be a condition of the development order, and would in fact be a violation of the development order, which had perpetual existence. He thought it would also be in violation of the recorded covenants and restrictions. He said that in reality, he did not think it could occur.

Mr. Merrell voiced his opinion that it would arguably require the City to agree to lift the deed covenant.

City Attorney Hayes reiterated his belief that there were enough layers to provide a sufficient safety net.

Mr. Jorczak thanked Mr. Ervin for his efforts to answer the questions regarding the airport issue on short notice. He thought that the applicants might find it beneficial when marketing the properties to promote the airport as an easy way to access their second homes. He remarked that municipal airports everywhere were under assault and felt it was very important that potential purchasers be notified that there was an airport nearby. He mentioned that the airport was a vital tool in shifting the City's tax base away from solely residential properties toward some industrial uses, what the City was hoping to achieve with the proposed Ormond Crossings development and which he felt was important. He said that there would always be noise associated with the airports and said that he anticipated an increase in use of the airport by the new very light jets, since they were more economical for businesses to purchase for both private use and for air taxi services .

Mr. Lewis Slaughter, 53 North St. Andrews Drive, thought that there would need to be a traffic light at the intersection of Tomoka Oaks Boulevard with Nova Road.

Mr. Mark Tolle, 54 Oakmont Circle, asked if there had been an environmental impact study conducted for the property. He reported that the property was currently home to a large breeding population of raptors, including great bard owls, screech owls, scissor-tail kites, swallow-tail kites (a species of special concern for the state of Florida) four species of pileated woodpeckers, and was a migratory stop for painted grosbeaks, American gold finches, etc.

Mr. Ervin said that because the site had already been impacted by development and was surrounded by existing homes, the property did not meet the City's criteria for requiring an environmental assessment report. He said that staff was aware that the area was home to migratory birds and that they had checked with Florida Fish & Wildlife to see whether or not nesting bald eagles or other endangered species had been identified there. He said that unless they had such documentation, a study could not be required; he said staff would seek verification as to whether or not the property was home to the variety of different species identified and whether or not there was a need for additional protections prior to scheduling the item for presentation to the City Commission.

Mr. Tolle referred to Dr. Grissom's comment regarding the ongoing maintenance of the property and said he did not believe that the golf course property was currently being maintained by a professional golf course management company. He opined that the course was in deplorable condition, far beyond simply lack of irrigation; he questioned the ability of RTH to maintain the golf course in an acceptable manner and cited the maintenance equipment and level of maintenance, saying that the course was not very playable and the reason why it was an inexpensive to play there.

Mr. Todd Hendricks, CPH Engineers, 520 Palm Coast Parkway, Palm Coast, said that the firm was the civil engineer for the project. He advised that Mr. Joe Young of Biological Consulting Services had performed an environmental assessment on the project and found no concerns that would prohibit the project from moving forward.

Longtime resident Ms. Susan Reynolds, 17 Oakmont Circle, agreed that the condition of the course was deplorable and likened it to living on a horse pasture in Ocala. She pointed out that any CADD technician could make the renderings of the proposed project look beautiful and noted that the project would require the developers to remove the bulk of the trees. She stated that the existing trees were not maintained and thought that from a safety standpoint they should be required to remove those that had died. She thought that provisions for maintenance of the trees should also be written into the development order. She disagreed that the condition of the course was due to hurricanes, September 11th, or the Nova Road construction.

Ms. Reynolds thought that the proposal was better than allowing 300 homes to be built, but thought that the existing vegetation would also be allowed to die, because the buildings would be constructed over the root systems, which were already stressed.

Mr. Paul Momberger, 100 North St. Andrews Drive, stated that he lived on the 3rd Hole and that he felt the plan included buffers that would negate any impact on the adjacent residents. He noted that part of the reason that the grass did not grow was because there were so many trees. He stated that the infusion of new money for development would bring new life to the golf course and hopefully, help with the maintenance issues. He agreed that it needed to be improved and felt that the proposal was part of the solution. He added that the redevelopment of the clubhouse would also provide social benefits for the community. Mr. Momberger said that he supported the project.

Mr. Adelaide Mathew, 54 South St. Andrews, another longtime resident agreed and said that the 2004 hurricanes had left dead trees that had yet to be taken down. He questioned the proposed underground parking.

Mr. Ervin explained that not all of the parking spaces would be underground. He said that portions of the required condominium parking would be underground and townhome parking would be in garages and on the driveways (above grade).

Mr. Frank Bullard, 115 Rio Pinar Drive, questioned the effect of the new development on the water pressure in the area, which he said often fluctuated by about 30 pounds, depending upon the time of day. He asked if the current residents would be able to utilize the upgraded utilities that would be a part of the new development.

Mr. Ervin said that the development would utilize the existing water mains serving Tomoka Oaks and would have a loop system to maintain the water pressure. He said he had not been aware of a water pressure problem in the area, but assured Mr. Bullard that his comments would be forwarded to the Utilities staff and addressed prior to any City Commission meeting. He mentioned that the City's Fire Department periodically reviewed the water pressure to ensure that there was adequate fire flow pressure throughout the city.

Chairwoman Press again mentioned that the hearing at the advisory board level was a way for the public to ask questions and raise concerns; she encouraged the residents to attend the City Commission meeting, at which time the final decision would be made.

Ms. Sharon Kist, 68 Oakmont Circle, confirmed that there was a water problem in Tomoka Oaks and asked if the new amenities would be available for use by the current residents or whether they would be restricted to use by the owners of the condominiums.

Chairwoman Press said it was her understanding that there would be six tennis courts and assumed that they could be used by the residents.

Ms. Kist asked City staff to check on the water pressure in that area. She remembered that she had once been told that it was a problem at her house, rather the pressure.

Chairwoman Press said she thought that there was a problem with the water pressure throughout the city.

Ms. Christine Goudreau, 115 North St. Andrews Drive, asked about the hours of operation of the courts; she also questioned the light and sound that would emanate from the facility area.

Mr. Ervin said that the hours of operation had been identified by staff, as had the height of the lighting. He said that there were some conflicting requirements, because the police wanted the lighting to be higher and brighter, while staff wanted to keep the lighting lower and less bright. He said that the goal was to prevent spillover lighting onto the properties of the existing residents by utilizing lower lighting, trees and limited hours of operation to prevent the lighting impact.

In response to Mr. McCoy's request, Mr. Ervin advised that whether or not the amenities would be open for use by the residents was a decision to be made by the applicants.

Mr. Jorczak asked if there was a national standard for golf course maintenance and if so, whether it could be applied to the Tomoka Oaks course.

Mr. Ervin said he did not know, but would check into it.

Mr. David Ponitz, 90 North St. Andrews Drive, stated that both Mr. Ervin and Mr. Merrell had done a good job representing the development. He said he was pleased that none of the townhomes or condominium units were directly behind any abutting properties and asked if the development order could include a statement that specified the acreage to remain open space. He thought that perhaps that acreage could be zoned to ensure that it would remain open space.

Mr. Merrell explained that the planned development zoning did differentiate between the residential and recreational components, i.e., it was essentially a custom zoning for the property for which the development order dictated what could or could not be done as a result of the rezoning process. Every individual use (golf course, tennis courts, etc.) would be identified on the plans, which would become a part of that development order.

Mr. Ponitz said that in exchange for special development orders such as that being sought by the applicant, the City had an opportunity to ask for things above beyond what was generally required by the Land Development Code regulations. He asked if the City could ask the applicants to increase the size of the replacement trees.

Chairwoman Press asked the planning director to address the tree mitigation.

Mr. Ervin explained that Mr. Ponitz referred to the City's specific prohibitions regarding tree removal. He said that trees that were removed had to be mitigated; i.e., they had to be replaced. He said that the number of replacement trees was based on the size (diameter) of the tree being removed, not necessarily on a 1:1 basis. He said that protected trees were those 6"-12" in diameter as measured at four feet (4') above grade; replacement trees had to be a minimum 2.5". Specimen trees were those between 12" and 36" in diameter; replacement trees had to be larger, with a fuller canopy. He added that removal of trees over 36" in diameter required City Commission approval. He said because of the size of the project and the existing trees on site and given the proposed landscaping plans, Staff felt it was appropriate to require them to adhere to the City's regular standards as they would for any development.

Mr. Ervin concurred with Mr. Ponitz that the PRD was a discretionary zoning for which the Planning Board and City Commission had the right to ask for mitigation above and beyond what was required by Code. He mentioned that the City's minimum requirements were also specific in regard to native and xeric landscaping, i.e., plantings that could survive in periods of drought. He said that the applicants utilized many different species, such as oaks, pines and magnolias, as well as decorative elements such as crape myrtles, etc., to accentuate the perimeter of the property. He said that some plants would be used in close proximity to the buildings to enhance the architecture being used. He further detailed the proposed landscaping and advised the board that it was within their purview to require an increase in the size of replacement trees if they felt it was justified.

Mr. Lewis Slaughter, 53 North St. Andrews, stated that he was in favor of the project and thought it would be a major asset to the city. He was pleased with the two new lakes that had been dug and said that the reuse water would help the look of the course tremendously. He asked if there could be a light installed at the intersection of Tymber Creek Road and Nova Road.

Mr. Sans Lassiter, Lassiter Transportation Group, said that whether or not a traffic signal would be warranted was the first thing that they had considered, but that they had not been able to show that intersection as warranting a traffic signal. He explained that Nova Road was a State Road and that the DOT (Department of Transportation) had very strict standards for when they would or would not allow a traffic signal; he said that the intersection did not come close to the threshold, mainly because the primary trips to and from the project area were from the south on Nova Road.

Mr. Slaughter stressed his support for the project and said that by their ability to attract more members, they would be in a better position financially to maintain the golf course. He asked if there would be an opportunity, in conjunction with the redevelopment of the golf course, for the adjacent homeowners to connect to the City's reuse system to reduce the need for private groundwater wells in the area.

Mr. Ervin commented to Mr. Ponitz that Mr. Hendrix wanted to discuss the request for upsizing the landscape mitigation.

Mr. Ervin also responded to Mr. Slaughter that the provision of reuse water to the residents adjacent to the golf course would be an expensive City of Ormond Beach public improvement project that would require the expenditure of capital improvement dollars. He said the City Commission had identified the South Peninsula area as the No. 1 priority and said there were other improvements that had been identified for completion in the next 5 -10 years. He said that the extension of the reuse water had not been identified as a capital improvement that could be funded in the next 5-10 years. He said that the City could consider it for future funding and that there might be an opportunity to utilize grants from the Water Management District, but reiterated that it was not currently identified as a priority.

Ms. Zella Wilen, 48 Oakmont Circle, said she was also a long-time resident. She objected to the rezoning request, as well as the request to construct streets across privately-owned business property. She did not want Tomoka Oaks Boulevard to be approved for extension or connection to any planned street. She also objected to the increased traffic that would be created by the new development.

Ms. Wilen referred the Board to the City archives (September and November, 1970); she said that there had been a rezoning issue raised and the homeowners had retained an attorney to argue against the zoning change to R-5. She said that the homeowners had prevailed. She thought that if the proposal proceeded [to the City Commission], the Tomoka Oaks HOA Board of Directors should alert and notify every one of the homeowners in Tomoka Oaks of the rezoning request, not just those within the 300' radius of the project. She said she equated the request for the PRD to the prior request to rezone the property to R-5.

Chairwoman Press pointed out that the meeting would be advertised in the newspaper.

Mr. McCoy noted that the advertisement was countywide.

Dr. Gerald Gibb, 69 North St. Andrews Drive, stated that the traffic report was based on data, [not experience]. He said that the reason that most of the traffic turned southbound on Nova Road because it was too dangerous to turn northbound. He also stated that the construction would occur over a period of time and that construction workers would come and go at the same time as the residents, exacerbating the traffic in the area. He questioned if there was to be a traffic management plan during the construction of the project.

Mr. Lassiter agreed that for the "Existing Condition", the consultants could only count the traffic that did turn, not the traffic that might want to turn but did not. He felt it important that they understand that their

Future Conditions analysis used the Urban Area Model, which distributed traffic without regard to congestion. He explained that the model looked at the major distribution points north and south on Nova Road up to US1 and in other parts of the city to determine the more likely direction traffic would go if there were no congestion. He felt that their analysis was absolutely correct.

Mr. Lassiter also liked the idea of a construction traffic management plan and said that they would recommend identifying routes for the resulting traffic. He reminded the Board that that the 770-trip per day increase was for the buildout of the development, not the construction traffic.

Ms. Leslie Nixon, 36 North St. Andrews Drive, expressed concern with additional traffic trying to negotiate the Tomoka Oaks Boulevard circle near the entrance to the subdivision.

Mr. Lassiter explained that the 770 trips was the number of estimated trips on a daily basis; he said there were 74 in the peak hour. He further explained that typically, the impact study deducted the existing traffic from the traffic proposed for the new development, but instead, the subject analysis assumed the existing traffic would remain. He said that meant that their analysis was overly conservative (predicted too much traffic), but that they wanted to be as conservative as possible. He stated that their analysis also assumed 100% occupancy year-round, which they also knew to be unlikely, but which would also produce conservative numbers.

Ms. Nixon asked for the percent of increase in trips. She wanted to make sure that Staff recognized that the ongoing development along the North US1 corridor would mean additional traffic for Nova Road, making left turns out of the subdivision even more difficult.

Ms. Nixon also asked if the Board could recommend fewer homes, rather than 120 proposed. She thought that the applicants could improve the clubhouse, the golf course and the tennis courts, but scale down the residential portion of the project.

Mr. Ray Sanchez, 12 Pine Valley Circle, stated that the traffic circle was dangerous and confusing, particularly since it was two-way traffic. He questioned the sales prices of the residential units.

Mr. Lassiter responded that because a traffic signal at the intersection with Nova Road was not warranted, the stop sign control was deemed to be adequate. He said that the same was true for traffic internal to the site, which would be less than at Nova Road. He answered that the consultants had not provided a percent of increase resulting from the project, but pointed out that they did not take a deduction either; they simply added the anticipated traffic to it (an over-estimate).

Mr. Jorczak asked if they had given any thought to how the circle could be improved.

Mr. Lassiter said that the circle was analyzed in the current condition. He said they could certainly do so by studying if it would be warranted by the level of delay, would reduce the level of delay, or would make the circle safer.

Mr. Jorczak said that the safety element seemed to warrant that study, regardless of the additional traffic that would be generated from the proposed 122 units. He remarked that the junction might require a different kind of layout.

Mr. Lassiter said that as a traffic engineer, his primary focus was safety. He stated that round-abouts and traffic circles, although becoming more popular, were particularly pedestrian-hostile. He pointed out that

cars did not have to stop, gaps in traffic did not occur, and visibility was lessened because of the lack of time to look left and right. He said that because traffic came from the left, people did not always look to the right for pedestrians. He reiterated that pedestrian safety was one of his major concerns.

Mr. Thomas, a resident of Tomoka Oaks, thought that striping or arrows on the pavement might help drivers negotiate the circle. He thought that there were some simple things that could be done to improve the situation.

Mr. Lassiter said that it was something at which they could look.

Chairwoman Press thought that Mr. Lassiter could work on those things before the item reached the City Commission, since it was a concern to many of the residents.

Dr. Grissom questioned the nature and location of common areas for the new owners.

Mr. Merrell said that would be detailed in the plat, another process they were going through. He said that he did not have exhibits available for the item before the board, but that the common areas would be fully identified in the plat documents.

Dr. Grissom asked if the applicant wanted to respond to the residents' comments regarding the "deplorable condition" of the golf course.

Mr. Merrell said that they intended to address that conditions at the golf course were less than perfect. He said that they also wanted to point out that the golf course was being redeveloped to retrofit reuse water lines throughout the entire irrigation system at a cost of hundreds of thousands of dollars. He said that reshaping the course would also be a huge improvement. He said that together with the residences, the golf club and the tennis facility, it would be a much better place. He thought that the residents would be happy with it.

Mr. Merrell agreed that a CADD drawing could make anything look good, but pointed out that the pictures would be the zoning map for the property. He said that if they wanted to change anything, they would have to reappear before the Board for another advertised public hearing. He said that the reason Staff liked the Planned Residential Development was that they had the ability to negotiate the zoning and had done so to the benefit of the City and pointed out that those things were binding.

Dr. Grissom asked Mr. Merrell if he and the applicant had previously discussed the possibility of increasing the size of the replacement trees used for mitigation.

Mr. Merrell said that their landscape architect, Galen Pugh, had been in dozens of meetings with the City staff and that many changes had been made to the plan to avoid impacting important trees. He said it was a given that the trees would be thinned and that the dead trees would be removed; he said the plan also exceeded the City's Code requirements for landscaping, typical of planned development rezoning negotiations. He reiterated that there had been a great deal of focus by City staff with regard to the trees.

Dr. Grissom stated that she was sensitive to the tree mitigation concerns and recalled her shock when she discovered that the beautiful, healthy trees in Breakaway Trails had been removed and replaced with what amounted to twigs. She thought that they should exceed the current excession, if possible.

Mr. Merrell thought that the issue was avoiding the removal of the trees, rather than with what to replace the existing trees. He noted that a tree survey had enabled them to identify all the important trees and that saving certain trees had required them to redraw the plans several times.

Dr. Grissom said she recognized that the applicants had presented a project that was beautiful. She questioned whether the Board could mandate that the development be sustained in the best possible condition at all times, i.e., in perpetuity.

Mr. Thomas recalled that Hurricanes Charley and Frances had caused the removal of a lot of old, dying and diseased trees, but not before tremendous damage had been done to the homes of the residents. He advised that his daughter, a resident of Ormond Lakes, had been required to save some magnificent oaks on her property, but less than a year later one of those same oaks was costing her $2,000 to remove because it had been diseased and had fallen on her fence. He stated that although he felt mitigation was a good thing in the long run and that he was not in favor of taking out a lot of trees, there were a lot of rotten, dead, sick and diseased trees throughout the city that should be removed.

City Attorney Hayes advised the Chair that he included a provision in all of the development orders that conferred to code enforcement the power to enforce the terms of the development order, as with any other ordinance. He said that the City therefore had the power to keep all projects from falling into disrepair.

Chairperson Press pointed out that it was 9:00 pm and asked that subsequent speakers limit their comments to things that had not already been expressed to the board.

Ms. Linda Larsen Lewis, 231 Rio Pinar, expressed her concern that her property line would be 100 feet from one of the three estate lots behind her property. She said that the trees were the only thing that would visibly buffer her home from her new neighbor and asked for assurance that the trees would remain.

Mr. Ervin reported that he had met with Ms. Lewis the day before and stated that her concerns were the City's concerns. He pointed out the location of the three estate lots and said that those lots would have the minimum lot size, width and setbacks that applied to the existing subdivision. He also pointed out Mrs. Lewis' lot and said that although the distance from the lot line to the proposed lot line was 100', the distance between homes would be 160'. He said that the trees in that area would be preserved by the developer, but cautioned that once sold, the homeowner could take out some of the trees if they met the mitigation requirements. He said that the City had not required a minimum buffer because of distance between the lot and the buildings and the existing landscaping along the perimeter of the Lewis lot line but advised that it was within the purview of the Board to do so if they felt the trees should be protected.

Mr. Jorczak questioned the size of the existing trees.

Mr. Ervin replied that the trees ranged from small saplings to a 40" oak; he noted that there were several historic trees, the majority of which were specimen trees. He said that the tree survey showed only the trees over 6" in diameter (protected trees).

Mr. Jorczak asked if taking those trees would require a separate action from the City.

Mr. Ervin explained that once the three residential lots were sold, the homeowners could request the removal of any tree on their property, the same as any homeowner in the city of Ormond Beach. He said

the number of trees that would have to be replaced would depend on the size of the tree to be removed. He said there was currently nothing in the City's Code or in the project documents that would require minimum tree line buffering on the residential lots.

Mr. Jorczak remarked that he understood, but thought it unlikely that someone buying an estate lot and erecting a big house would then want to take down the trees.

Mr. Ervin replied that it had happened in the past. He recalled Ms. Lewis' question as to whether or not a buffer was to be conserved that could not be touched and stated that the reality was that when the property was transferred, the owners could conceivably remove the trees.

Mr. Jorczak advised Ms. Lewis that taking down a specimen tree in Ormond Beach was a big deal.

Mr. Thomas agreed.

Mr. Ervin pointed out that historic trees were different than specimen trees. He stated that the developer was being required to do a directional dig for the extension to the sanitary sewer so that it a 40" historic oak would not be impacted. He said that there were also 25 – 28" oaks that had been identified for preservation, but wanted it on the public record that they were located within the property to be subdivided; therefore, if the subsequent owners met the mitigation requirements, removal of the trees would be justified.

Dr. Grissom asked how the deed restriction would work.

Mr. Ervin said that if the Board wanted to require a minimum buffer, they could identify, e.g., a 10' perimeter buffer with a tree every so many feet as part of the development order.

Ms. Lewis stated that people did take trees down so that they could have view of the golf course. She acknowledged that tracking 1,100 trees was an overwhelming job, but stated that she had noted a healthy pine and two smaller pines on the property that were not shown on the survey.

Ms. Reynolds asked what protections were in place to prevent the project from going bankrupt either because of mismanagement or because of market conditions. She said that she had seen it happen in far better situations and did not want a situation in which new owners would be allowed to do whatever they wanted just because they were finishing a stalled project. She expressed concern because of the scope of the project and because the owners had not demonstrated the ability to maintain the golf course.

City Attorney Hayes advised the Chair that development orders ran with the land; therefore, the owner of the land (or a subsequent owner) was subject to the requirements of the development order. He said there was no way to know whether or not any particular project would be built out or flounder. He said that the best the City could do was to create a safety net in the development order and ensure that the development occurred in accordance with the requirements of the approval.

City Attorney Hayes confirmed for Ms. Reynolds that the proposal was for a phased project and that the developer would have to complete one phase before starting another.

Long-time resident Ms. Susan Juckett, 311 Rio Pinar Trail, said that her view, which had gone from "lovely" to a lot of dead trees, and would now be of a comfort station (golf course bathroom).

City Attorney Hayes assured Ms. Juckett that any new owners in the future would also be required to preserve the golf course.

Ms. Juckett questioned the time line for all phases to the anticipated completion of the project. She stated that she was concerned with construction noise, dust, etc.

Mr. Ervin said that the construction timeframe identified in the PRD development order would be valid for five (5) years. He said that if Phase I had not been completed in that timeframe, the order would lapse. He said that the conditions would remain in place, but any redevelopment would require that it be brought back for another hearing and, with the existing conditions as minimum standards, any kind of upgrades would have to be to current Code.

Ms. Juckett asked if it would be to Phase I completion or completion of the project.

Mr. Ervin responded that it would be to completion of the project.

Ms. Juckett asked if the tree mitigation would be on-site. She also questioned the impact of new residents on Tomoka Elementary School, shopping facilities, the hospital, as well as the effect they could be expected to have on the water pressure in the area, already low.

Chairperson Press pointed out that the City staff was not aware of the problem and would address it.

Ms. Juckett stated that the problem would get worse before it got better. She found it hard to believe that the developer did not know the price for which they expected to market the units.

Mr. John Randall, 70 Oakmont Circle, recalled that he and his father had cleared their lot by hand and that subsequent generations would be occupying the residence. He questioned what mechanism would ensure that the integrity of the project would be maintained and that the homeowners' association would be able to collect their dues in order to pay the cost of maintaining the things for which they would be responsible. He asked who would be responsible for the property covered by the conservation easements and questioned what would happen if the golf course went belly-up. He also expressed concern with the wildlife habitat that would be lost.

Mr. Randall commended the developer on a great idea, but sought assurance that the dream continued to be a reality in 20 years.

Dr. Grissom said she liked the idea of a deed restriction to protect the property.

Mr. Ervin responded to Mr. Randall's question that the City would have the ability, as with any easement, to access the property for maintenance and then charge the homeowners' association; he likened it to a sort of lien on the property. He said the City had the guarantee that someone would maintain the property and that the HOA would ultimately be financially responsible per code enforcement provisions in the easement documents.

Mr. Ervin said that the conservation/open space easements over the golf course meant that the owner continued to own the golf course property, but restricted the use of the property to a golf course and open space purpose. He said it would be an easement to the City; therefore, the easement could not be released without the approval of the City. He said that the easement would be described around the golf course itself, and that based on the testimony, RTH Corporation would maintain ownership of the golf

course; he said that the areas around the townhomes and condominiums would be identified as common areas for those particular projects. He said that the common areas being used by the condominiums would be owned, maintained and operated by that association, whereas the golf course would be owned, maintained and operated by the RTH, Inc. He said that the City would require that the conservation easement on the golf course be recorded prior to any development. He pointed out that the easement was being created in association with the subdivision plat.

Mr. Jorczak asked if the City had ever required surety bonds to ensure completion of a project.

Mr. Ervin explained that they allowed surety bonds only for subdivision improvements, not for commercial developments. He agreed with the resident who had stated that developers sometimes failed to complete projects and said that in a market-driven economy the market sometimes had to rebound before someone else finished a development. He said that was the reason that the city attorney required recording of a very specific development plan that provided very specific guidelines as to what could be developed on a certain property; a subsequent developer would know exactly what could and could not be done. He explained that traditional zoning allowed for a great deal of options, whereas the PRD was a very specific recorded document of covenant and restrictions that traveled with the land, not the owner. He said it gave the residents of Tomoka Oaks much better protection for future conditions.

City Attorney Hayes said that from a legal standpoint, surety bonds sounded good, but were not practical. He pointed out that the City would not want to have to finish a project in default; it would create a nightmare scenario for the City.

City Attorney Hayes recommended that the Board members voice their comments on the proposal in an effort to solicit a motion. He offered to assist them with any conditions that they might wish to impose with their recommendation.

Mr. Ervin stated that he had summarized for clarification the ten (10) issues that had been brought up by the board members:

1) The City's engineering staff reported no environmental impacts.
   - Determine whether or not an environmental impact or assessment report has been done.
   - Forward a copy to the resident who requested it and include a copy in the City Commission's agenda packet.

2) Traffic conditions:
   - Analyze improvements at the circle that would make it safer (striping, signage, etc.).
   - Ask the applicant to look at other improvements that might be made.
   - Provide signal warrant study background information, i.e., why a signal is not warranted at the intersection of Tomoka Oaks Boulevard and Nova Road

3) Request to upsize the minimum size of the trees for mitigation. *(Mr. Ponitz)*

4) Question the possibility of providing reuse water for lots adjoining the golf course (noted that it was not identified in the City's Capital Improvements Program) - *Mr. Ponitz*

5) Address water pressure issues in Tomoka Oaks and include in the information forwarded to the City Commission.

6) Identify if minimum golf course maintenance standards are available from either a local or national organization. *(Mr. Jorczak)*

7) Clarify the role of the City in establishing the Covenants and Restrictions and the Development Order to ensure that the golf course is protected in perpetuity.

8) Possibility of notice to future purchasers of property in the subdivision of potential for airport impacts. *(Mr. Jorczak)*

9) Address concern regarding the buffering of the estate lots. (*Ms. Lewis)*

10) Documentation to ensure that each phase of the project is completed prior to beginning the next phase; ensure that the complete project will be built out in five years.

Chairwoman Press opened the floor to board comments.

Mr. McCoy pointed out that Mr. Momberger, one of the speakers, was a registered landscape architect and that he had not seemed particularly concerned with the issue of tree mitigation. He also pointed out that Mr. Ponitz, one of the other speakers, was the Utilities Engineer for the City of Daytona Beach. He said that the gentlemen were good at their jobs; therefore, he felt reasonably assured that the landscaping mitigation was well within or surpassed the City codes. He suggested that the many of trees about which the residents were concerned were probably in poor condition and had most likely reached the end of their useful life.

Mr. Thomas said he was also a long-time resident who favored the project. He said that he had sat on the Planning Board for many years and could recognize when the alternative was worse than the plan. He said he did not want 300-400 homes added, when the proposal was for only 122 homes of what he believed would be part-time residents. He felt it was a beautiful plan and that the project would be a great asset to Ormond Beach.

Mr. Thomas referred to the concern expressed by a resident that the survey had missed a large sand pine, and explained that the State did not recognize sand pines as significant trees; therefore, it had not been marked. With regard to the concerns about the project not being completed, he stated that the three best real estate values were: a view, water and a golf course; he thought there would be buyers simply because the property was on a golf course. He restated that the City was tough on the issue of tree removal and reiterated his support for the project with the conditions discussed.

Mr. Jorczak echoed Mr. Thomas' comments and said that he thought it was an upscale project with a lower density than what would otherwise be allowed. He thought it would upgrade the neighborhood and would generate dollars that would help improve the golf course and surrounding amenities. He said that he hoped that the City would consider the concerns raised at meeting and said that he would recommend approval.

Dr. Grissom said she also supported the project and any motion to approve would include any amendments necessary to address the concerns raised. She thought that deed restrictions should be

required for the three estate lots to require that they maintain the tree buffer in order to protect the privacy of abutting property owners.

Chairwoman Press opined that no one would buy the properties unless the golf course was upgraded and felt that the proposal would force those improvements to occur. She said for that reason she believed the project would be good for the area and was an example of Smart Growth.

Mr. Thomas recommended approval of PRD 06-32, with the recommendations by staff. He added that his motion was amendment friendly and clarified that he was including the ten items as listed by the planning director.

Mr. McCoy seconded the motion.

City Attorney Hayes responded to questions by Mr. Jorczak and Mr. McCoy that the [tree] buffer mandated by deed restriction would apply only to the three estate lots. He said that the board could make that a condition of their recommendation.

Mr. Ervin replied to Mr. Thomas that the list of ten items included addressing the traffic circle. He also pointed out that the applicants had already agreed to provide for a minimum 10-foot wide buffer at the rear of the lots, in which there would be a minimum planting of one tree every 30 linear feet with continuous hedge material between the trees. He explained that the buffer for those homes would be required as a part of the development order, either as a private restriction on the individual lots or by mandating that the buffer be placed on the golf course outside those lots. He said that the applicants could make that decision.

Mr. Merrell said that he understood the resident's concern, but said that having buffers between two houses was not typical and that houses backed up to each other in subdivisions all over the city. He said that the applicants were willing to do what Mr. Ervin was proposing, but that it was routinely done as a matter of zoning. He thought that having a provision in the development order was the better way to handle the issue, i.e., the developer would establish the buffer and it would then transfer with the land; subsequent property owners would be responsible for maintaining it. He said that the provision could be enforced through the code enforcement mechanism.

City Attorney Hayes agreed that it would be better to put the onus on the developer as opposed to the property owner.

Mr. Merrell said that the suggested method would require only a code enforcement action rather than a court hearing, should there be a problem with the buffer in the future.

Mr. Thomas agreed to add acceptance of the applicants' voluntary inclusion of the buffer to his motion.

Mr. McCoy reiterated his second.

Ms. Bates called the question, which was approved by unanimous vote.

Mr. Thomas thanked everyone for attending the meeting, participating in the democratic process and helping the board to make their decision.

Mr. Ervin announced that the proposal was tentatively scheduled for the October 3rd City Commission meeting. He advised the residents that they would again be noticed and that an advertisement would again run in the newspaper.

The board voted to close the public hearing.

VIII. MEMBER COMMENTS

There were no member comments.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Clay Ervin, AICP, Planning Director

ATTEST:

Mrs. Rita Press, Chairperson

Minutes transcribed by Betty Ruger.

ATTACHMENT 6

Past minutes on the PRD application

- July 13, 2023, Planning Board
- August 21, 2023, Planning Board
- September 26, 2023, Planning Board
- November 7, 2023, City Commission

ATTACHMENT 6

Past Minutes

Section A

July 13, 2023, Planning Board

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

July 13, 2023 6:00 PM

Calvary Christian Center
1687 West Granada Boulevard
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Claire Whitley, Assistant City Manager
G.G. Galloway	Steven Spraker, Planning Director
Al Jorczak	Becky Weedo, Senior Planner
Mike Scudiero	David Allen, Planning Civil Engineer
Barry du Moulin	Cara Culliver, Landscape Architect
Troy Railsback (Absent)	Robin Gawel, Senior Planner
Doug Thomas, Chair	Sarah Cushing, Senior Planner
	Marcella Miller, Recording Technician
	Randy Hayes, City Attorney

II. INVOCATION

Chairman Thomas led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

Mr. Randy Hayes, City Attorney, explained the process for the public hearing. Attorney Hayes recommended that those individuals who sought to give testimony on the application be sworn in by the Board Secretary and to affirm if they took the Oath when they speak.

Attorney Hayes reviewed an outline of procedural and evidentiary matters regarding Quasi-Judicial proceedings regarding the roles of the City Attorney, Planning Board and explanation of a Quasi-Judicial hearing, competent substantial evidence, Burden of Proof, witness testimonies, and the decision making process of the Planning Board. He added that there are two stipulations that the Planning Board members must vote on to: (1) agree to stipulate that the professionals who will testify on behalf of the parties are qualified to do so, and (2) allow Tomoka Oaks HOA to participate in the proceeding as a "party-intervenor".

Attorney Hayes advised the Board that once moving into the public hearing they must vote on the two stipulations aforementioned.

Chairman Thomas stated that the Planning Board members are their neighbors and are volunteers. He continued that the Board tries to do what is best for them and the City of Ormond Beach, and have no special interest.

Chairman Thomas opened the Public Hearing.

V. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order

Chairman Thomas asked Ms. Miller, Recording Technician, to read the Oath. Ms. Miller read the Oath:

"Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth?"

Mr. Galloway motioned to approve of and accept the following stipulations: (1) the parties agree to stipulate that the professionals who will testify on behalf of the parties are qualified to do so; and (2) allow Tomoka Oaks HOA to participate in the proceeding as a "party-intervenor". Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).

Mr. Steven Spraker, Planning Director, explained the application for the issuance of a development order for the Tomoka Reserve subdivision. The application seeks to allow the issuance of a development order for 276 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The subject property is currently zoned as Planned Residential Development (PRD), and is located at 20 Tomoka Oaks Boulevard.

Mr. Spraker stated that the property has an existing land use of "Low Density Residential" (LDR) which allows a density of up to 4.3 units per acre. He continued that the purpose of the land use is to protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of

such neighborhoods. Mr. Spraker added that institutional uses may be permitted in accordance with the maximum floor area ratio.

Mr. Spraker continued with the explanation of the existing zoning of Planned Residential Development (PRD). In 2006, there was a zoning map amendment that went from R-2, Single-Family Low Density to PRD, Planned Residential Development. A site specific development order was approved for 122 residential units and the reconfiguration of the golf course. Mr. Spraker stated that one of the conditions of approval was to provide the covenant and restrictions on the golf course because in 2006 it was determined that there was no covenant and restrictions. The development order expired. He explained the process for the issuance of a development order began with a neighborhood meeting, in which the property went through two, then Site Plan Review Committee (SPRC), Planning Board and City Commission. Mr. Spraker explained that the development order is a zoning document that provides the number of lots, landscape buffer, and recreational areas. If approved, the next step is the construction plans as preliminary plat, with detailed engineering, landscape buffers, and roadways, which also goes through the process with the SPRC, neighborhood meeting, back to the Planning Board and then on to the City Commission.

Mr. Spraker reviewed the Tomoka Reserve Site Plan. He continued that the project is approximately 148 acres, with 276 proposed units and a density of 1.87 units per acre. He stated that the project seeks to allow a gated vehicular access while allowing pedestrians to still access the project through sidewalks. Mr. Spraker stated that there is an emergency access easement noted on the plan. The project is not in a designated floodplain, and there are no wetlands on the property. He added that an environmental assessment was provided with the project. Mr. Spraker remarked that the site plan is preserving 34 acres and an additional 9 acres for recreation. A key issue expressed through the process is size of the lots, with the proposal of 80' lots in width, 60' lots in width, and 50' lots in width. He continued that there is a proposed 50' buffer around the perimeter of the site (3.3 miles). The project stormwater areas use berms around exiting vegetation which is a low impact development technique. He added that the historic trees on the property are being sought to be preserved and that they provided the required school concurrency and a Traffic Impact Analysis.

Mr. Spraker reviewed key issues included in the staff report, starting with issue 1, the development ability of the former golf course. Mr. Spraker stated the Planning Board packet included an analysis from Ms. Davis, including a letter from Mr. Brent Spain Esquire. Also included in the packet was an analysis from the City Attorney's office and from the applicant's law firm, Cobb Cole. Mr. Spraker explained the position of the city staff that there is no covenant and restrictions that would prevent the site from being used for residential purposes.

Mr. Spraker reviewed issue 2, the lot size compatibility. Mr. Spraker described the R-2 zoning district which was the original zoning on the property and the surrounding area. The R2 zoning district requires a 100'-wide lot width a 10,000 square-foot lot area size. He explained that part of the applicant's Planned Residential Development request is to provide additional buffers, recreation and open space in order to negotiate lot size. They are not increasing the overall density but reconfiguring it in order to provide additional natural preservation and additional buffer and recreation,

according to Mr. Spraker. Staff discussed its similarity to what happened with an area of west Ormond, where there were applications for subdivisions less than 80' in width. These applications were denied and the subdivisions were made to comply with the 80'-wide lots.

Mr. Spraker discussed issue 3, planting of the 50' natural buffer. The applicant is seeking to use the existing vegetation along the perimeter buffer and in the areas that do not have vegetation, they are seeking to do seven trees and 30 shrubs and grasses, per 100 linear feet, clustered in 20' spacing. The irrigation is proposed to be provided by a truck with a water tank and no permanent irrigation. Mr. Spraker continued that the position of the Site Plan Review Committee (SPRC) is that the type 6 buffer which requires seven trees, 70 shrubs and 70 ground covers per 100' linear feet with staggered planting, should be adopted by the Board as it has worked well in other applications. SPRC staff strongly objects to the use of non-permanent irrigation and believes that this will lead to future land use issues and the Homeowners' Association (HOA) would be tasked with doing the irrigation. Mr. Spraker stated the buffer should not be clustered in a 20-foot buffer depth but rather staggered over the 50-foot buffer area in order to allow for proper tree growth and spacing.

Mr. Spraker discussed issue 4, the setback plan. Mr. Spraker stated that the applicant proposed a setback plan and staff provided an analysis in the staff report. Mr. Spraker reviewed the setbacks proposed by the applicant and the recommendations of the SPRC. Staff does support the front porch setbacks, as they have been successful in Chelsea Place.

Mr. Spraker discussed issue 5, Sheet PD6 note on the lot separation. Mr. Spraker explained that the note allowed variation on the buffer width. Staff recommends that the note be amended to state that the 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shown on the site plan. The natural preservation area shall not be modified and shall always be vegetative areas (Option 24 in the staff report). Mr. Spraker stated the language within the development order becomes a contract and when they go to construction that is what needs to be presented in the preliminary plat.

Mr. Spraker discussed issue 6, the traffic. The applicant performed a detailed Traffic Impact Analysis (TIA). City staff had the TIA reviewed by the traffic consultants, Traffic Engineering Data Solutions (TEDS) employed by the city. After requests from citizens at the February neighborhood meeting, the applicant updated the TIA traffic counts to get current counts. The TIA concluded that 96 percent of the project trips used Tomoka Oaks Boulevard and 4 percent used Iroquois Trail for external access. He added that the traffic study found that a traffic signal is warranted at Tomoka Oaks Boulevard and Nova Road. Mr. Spraker stated that the TIA concluded that all local intersections operate at a Level of Service "A" or "B", where the adopted Level of Service is a "D". A proportionate fair share calculation was drafted, which is where state law allows them to contribute their fair share for whatever traffic impacts they have. Mr. Spraker referenced another traffic issue that is part of the SPRC review, the intersection of St. Andrews Drive and Tomoka Oaks Boulevard. The intersection is awkward and does not function well. Mr. Spraker stated staff believed that the applicant should bear some responsibility in the reconfiguration, perhaps through a joint partnership through the impact fee credits.

Mr. Spraker stated that comments were received from residents in that they desire sidewalks on both sides of Tomoka Oaks Boulevard, where the applicant only proposed a sidewalk on one side.

Mr. Spraker discussed issue 7, recreation areas. The development order seeks to provide all outdoor recreational areas with no indoor recreation provided. The project has proposed 9 acres of recreational areas, with final details to occur with the preliminary plat.

Mr. Spraker discussed issue 8, environmental analysis. Mr. Spraker states Ayden Environmental submitted site assessment reports and a Soils Management Plan to the Florida Department of Environmental Protection (FDEP), where all work will be managed by them with the oversight of the FDEP. The FDEP approved the site assessment reports and Soils Management Plan in a letter dated November 16, 2022. Mr. Spraker stated that there are no wetlands on the site and it is not in a designated floodplain, and added that any gopher tortoises onsite will be reviewed at the preliminary plat.

Mr. Spraker stated that the applicant has applied for a R-2 Zoning Map application, separate of the PRD, with the intent that if the PRD is not approved, it would be necessary to ensure that they have zoning. He reiterated that the R-2 zoning allows 100' wide lots with a 10,000 square-foot lot area minimum. The setbacks are 30' in the front yard, with the building coverage at 35 percent. Mr. Spraker stated Planned Developments have additional requirements on the natural preservation, requiring 20 percent whereas the Land Development Code (LDC) requires 15 percent. Mr. Spraker continued that the applicant is proposing a 50' buffer within the Planned Development, when only 6' is required under the R-2 zoning guidelines. Mr. Spraker detailed that the R-2 zoning district does not require a perimeter setback, where the Planned Development requires a 40' perimeter setback. The Planned Development site plan includes 9 acres of recreational area and there is no recreation requirement in R-2 zoning.

Mr. Spraker reviewed the correspondence received throughout the proposed project and advised that a city webpage is maintained that shows each project submittal site plan, in which the information and documents were also enclosed in the Planning Board packet. He explained that concerns received included the topics of lot sizes, lot compatibility, stormwater, buffer widths, impacts to the existing wildlife, and traffic. The correspondence received were included in the packet.

Mr. Spraker explained that when reviewing the PRD criteria, the Planning Board should take into consideration: (1) the application submittal, (2) staff report and SPRC comments, (3) written correspondence provided, (4) criteria of the LDC contained within the staff report, and (5) testimony provided at the Planning Board public hearing. He stated that staff recommends denial of the proposed site plan for the issuance of a development order. He continued that there are items that the applicant can do that would change the recommendation including larger lot sizes, adjusting the buffer in terms of the plantings and irrigation, revisions to the setback plan, participation in the diamond intersection with a diamond reconfiguration

requirement at the construction (preliminary plat) phase of the development, and sidewalk additions be on both sides of Tomoka Oaks Boulevard.

Mr. Spraker concluded with thanking Calvary Christian Center with allowing use of their facility for the public hearing, and reminded everyone that there were comment cards in the back for those wishing to speak on the item.

Board Discussion and Questions

Mr. Jorczak asked for clarification of the statement in the Board packet, specifying that denial of the application may lead to the movement of the R-2 Single-Family Low-Density Zoning Map Amendment to provide the property a zoning designation. Mr. Spraker replied that the property is required by state law to have a zoning. If unable to work through the Planned Residential Development (PRD) process, the property is required to have a zoning designation. Mr. Spraker states the applicant has submitted an application to amend to R-2 which allows single-family lots as an allowed use. Under the R-2 zoning, as long as the application meets the criteria in the LDC, there is nothing that the SPRC can do to deny the application. Mr. Spraker continued that they would be required to have 100' wide lots and 10,000 square feet lot sizes, and have to have stormwater and utilities, and 15 percent natural preservation.

Mr. Scudiero asked Mr. Spraker for clarification based on the 147 acres, what the number of single-family homes would be to fall under the second scenario. Mr. Spraker answered that a site plan is required to calculate the number. It has not been submitted to city staff.

Ms. Shull inquired about the 100' wide lots and if that would be throughout the entire proposed property under the R-2 zoning. Mr. Spraker confirmed yes, but commented that there are certain things that staff cannot require such as increased buffers and recreation. The entire basis of the application is the trade of the increased buffers and the natural area for smaller lots in size.

Chairman Thomas disclosed that he met with the attorney for the applicants, Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, at City Hall on July 12, 2023 to discuss the item.

Applicant's Presentation

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, 2049 S. Ridgewood Avenue, Daytona Beach, and Representative of the developers, thanked the Planning Board and staff for their time. He reiterated the choices that are before the Board, adding the possibility of a custom choice option, if they so desire. He delivered a summary of the project and overview of the rezoning criteria in a PowerPoint presentation, including explanation of the experts testifying about the project and their qualifications.

Mr. Merrell stated that the applicants purchased the property approximately three years ago. Two neighborhood meetings were held as well as other smaller meetings with the HOA and others. He concluded that several revisions have been made to the plan in which Mr. Dwight Durant, Zev Cohen & Associates, will detail.

Mr. Dwight Durant, Zev Cohen & Associates, 300 Interchange Boulevard, stated that the overall plan is for 276 units on 147 acres, where the holding capacity density analysis allows 800 units. He reviewed the site plan and open space plan and explained the benefits of the design, including the water distribution system, versus the golf course fertilizer effects. Mr. Durant continued with details on emergency access. He added that the minimum size lot, surrounding the perimeter of the site is 80' wide by 120' long, which allows additional space between the homes. He continued with information on the lot range widths from 50' to 80', the maintenance plan for the 50' buffer, and the proposed density of 1.87 units per acre. Mr. Durant explained that the open space plan exceeds the LDC standards on preservation areas and that 53 percent of the site is dedicated to landscape buffers, open space, stormwater management systems, and recreation areas. Mr. Durant added that he took the Oath.

Mr. Merrell continued with his presentation and added that he did not take the Oath. He explained the architectural standards of the proposed project, commenting that the neighbors want quality and diversity, similar to what Tomoka Oaks currently has, and that is what is being proposed with the variety of architectural plans.

Mr. Jake Stehr, Zev Cohen & Associates, 300 Interchange Boulevard, began with advising the Board that he took the Oath. He stated that the proposed property 50' landscape buffer is approximately three miles in length. In reference to the buffers, he described the proposed landscape and irrigation plan and remarked that the project requires a six (6') foot landscape buffer which requires two shade trees, 20 shrubs and 20 ground cover per 100 linear feet, and the applicants are proposing seven (7) trees, 30 shrubs and 30 ground cover per 100 linear feet.

Mr. Donald Spence, President and Owner, Native Florida Landscapes, LLC, stated that he is also a Board Certified Master Arborist and Ph.D. of Plant Pathology, University of Florida. Dr. Spence explained that he assisted with performing the tree survey and with the proposed buffer layout design, keeping it as similar to the existing buffer as possible. The layout is designed for a native, drought-tolerant species, that will not need irrigation after establishment.

Mr. Durant reviewed the criteria met in the LDC standards and the compliance of them.

Mr. Mark Karet, Director of Planning and Landscape Architecture, Zev Cohen & Associates, 300 Interchange Boulevard, stated that he took the Oath. He added that he has 35 years of experience in both the public and private sectors, has his Master's Degree in Urban and Regional Planning from the University of Florida, and is also a member of the American Institute of Certified Planners (AICP). Mr. Karet spoke on the project's conformance with the LDC standards and consistency with the Comprehensive Plan. He commented that LDC, Section 2-35(b), deals with more intense uses, such as townhomes and apartment districts, versus what is being presented in the application. He referenced the concern of 'crowding' and noted that the density is less than one half of what is permitted under the Future Land Use designation. The open space and buffers create slight crowding, although more than 50 percent of the site is open space. Mr. Karet added that the property falls in the "Low Density Residential" Future Land Use designation and the proposal aligns with

the land use and LDC, and the application aligns with the goals, policies of the city, supports infill development, and adheres to the intended use of the property.

Mr. Durant explained that the last criteria is on trees and that Mr. Bill Ray, AICP, and Mr. Jeff Flairty, P.E., Environmental and Planning Consultant and Presidents, Ray and Associates, are in attendance for any questions. He concluded that there are no wetlands onsite, and that an Environmental Analysis was performed.

Mr. Michael Hotaling, MAI, Managing Partner, Moody Williams Appraisal Group, 1300 Riverplace Boulevard, Suite 640, Jacksonville, stated that he took the Oath. He continued that he was asked to analyze the home sales as to whether the golf course lots sold for more than the non-golf course lots. Mr. Hotaling advised that he looked through two sets of data from 2021 to current and 2016-2018, and found the only substantial price difference was in the size of the homes. Golf course fronting lots tend to have larger homes, according to Mr. Hotaling, and he found that the gross sales price tends to be higher, but the price per square foot turns out to be lower. He advised that he also analyzed the potential impact of the Planned Development on the existing homes and explained that there has been a paradigm shift in how subdivisions are developed in regulation and the local demand. Smaller lots are being sought after, with smaller yards to mow. The same size house is wanted but with less yard to maintain. More compact neighborhoods with walkability, underground utilities and community amenities are desired. Mr. Hotaling continued that essentially with golf courses, there is a stigma associated, and people pay less for the homes on the golf course because the golf course is closed.

Mr. Sans Lassiter, P.E., President, LTG Engineering and Planning, 1450 West Granada Boulevard, stated that he took the Oath. He stated that he has his Master's Degree in Transportation of Engineering from the University of Florida, and has 45 years of experience. Mr. Lassiter delivered explanation of the traffic analysis, including the warrant for a traffic signal at Tomoka Oaks Boulevard and Nova Road. The development will be going through the proportionate fair share process, with the stacking information and traffic access improvements presented.

Mr. Merrell continued with describing the 9th criteria regarding material and architectural features and standards, which is part of the negotiating process as part of the custom zoning, Planned Residential Development (PRD). He explained the difference from 'by the book' straight zoning. Mr. Merrell commented that the final, 10th criteria is happening now with the expert-testimonies.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, introduced himself with 35 years of experience in land use and zoning and resides in Ormond-by-the-Sea. He added that he has worked on golf course conversion cases. He stated that buffers, location of lot sizes, and compatibility with lot sizes requires flexibility. Mr. Bayer stated that he has met with the developers, consultants, and staff, and expressed his concerns with size of the significantly smaller lots, traffic and infrastructure. He commented that the HOA supports staff's recommendation.

Mr. Thomas Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, stated that he did take the Oath, and has a Master's Degree in City and Regional Planning, and is a member of the American Institute of Certified Planners (AICP), with 50 years' experience in the field. Mr. Harowski continued that he submitted an analysis of the proposed plan and spoke on compatibility between the proposed project and the neighborhood, traffic concerns, and residential design standards. He suggested the proposed project would be the first thing that people see when they go into the community and will be a defining element to the extent that the new homes will give a different impression of the neighborhood which will change Tomoka Oaks and the existing community. He reiterated the plan for bigger houses on smaller lots. The new houses will be more massive in appearance than the most exceptional in size in Tomoka Oaks now. Mr. Harowski expressed his concerns with the design of the proposed houses on the 50'-wide lot homes with the garages all protruding forward. He added that when going down the entrance street, you will see a continuous row of garages on both sides. He continued with 50'-wide lots on the project, they should be consistent. He explained that he has prepared quality alternative designs. Mr. Harowski noted that diversified design is the final element in the characteristic of Tomoka Oaks, and currently they have wood, brick, stucco and stone and the proposed neighborhood presents a more monolithic look, inconsistent with the current neighborhood. He commented on the design of the homes being repeated throughout the proposed development with 16 models throughout. Mr. Harowski referenced the traffic study and expressed his concern as well with the traffic that would come with the project, and stated that all agree a traffic signal is needed at Nova Road and Tomoka Oaks Boulevard, with an excess of 2,700 additional trips per day. He suggested that the applicant should be required to modify the study to reflect the upcoming changes to Nova Road proposed by the Florida Department of Transportation and an updated diamond intersection with an adequate turning radius. Mr. Harowski concluded with his concern about the sidewalks, with one sidewalk being proposed on only one side, commenting that there should be sidewalks for safety on both sides.

Mr. Spraker provided a reminder that anyone interested in speaking to the Planning Board would need to complete a comment card.

Chairman Thomas opened the public comments.

VI. PUBLIC COMMENTS

Each speaker is allowed three (3) minutes to address the Planning Board.

Audience Comments

Ms. Carolyn Davis, 46 Oakmont Circle, introduced herself as a resident of Tomoka Oaks and confirmed that she took the Oath. She commented that her name may be familiar from the staff report. She advised that she writes the Tomoka Oaks Times newsletter. Ms. Davis hired Attorney Brent Spain, Theriaque & Spain Law Firm, who submitted a letter of opinion citing case law, that a golf course property cannot be developed into residential homes. Ms Davis explained Mr. Spain's legal authority in that he received his J.D. from Florida State University (FSU), where he ranked #7 in his class of 214. She continued that his relevant areas of practice include land use and zoning law, land use litigation, and appellate advocacy. Ms. Davis clarified that her

prevention efforts are independent of the volunteer HOA mitigation efforts and expressed that she respects their efforts. She thanked *Jim, Dennis and Tom* for their presentations. Ms. Davis explained that she felt compelled to take a different path, based upon historical and legal records that would prevent development. She added that she noticed that the developers included their resumes and pictures, of ten professionals to lend credibility to their flawed application. She stated that it is important to let the Planning Board know that she has her own list of credible, seasoned professionals, a number higher than ten, it is the homeowners of Tomoka Oaks and the surrounding neighborhoods that purchased homes believing the golf course would always remain a green area within our neighborhood. She asked the homeowners to raise their hands until her speech was over. She stated that she wanted the Board to see the faces of her credible professionals. Ms. Davis advised that she will provide the City Commission hundreds of resumes and signed and return post cards of public opposition. She stated that Tomoka Oaks residents went to her house today as she was writing this speech to personally deliver their post cards. A realtor, Kathy, asked Ms. Davis to tell the Board that even she does not want the proposed project. Ms. Davis concluded that she agrees with the decision of the city staff and Mr. Spain that the Planning Board should recommend denial. Mr. Spain's opinion will continue to have significant relevance for the denying the R-2 application as well.

Ms. Stephanie A. Cox, 1526 Agatha Drive, Deltona, stated that she did not take the Oath but solemnly swears. She continued that she is a resident of Volusia County and is a licensed real estate broker for over 33 years. She explained that she plans to move to Ormond Beach to be closer to her 4-registered voting children. Ms. Cox expressed that she is tired of the growth, traffic, problems with the schools and infrastructure in the city, as well as the traffic that will come if this development is approved.

Mr. Len Gaspary, 7 Oakmont Circle, stated that he lives on the Tomoka Oaks golf course. He elaborated on his career as a home builder in Volusia County, including homes in Tomoka Oaks. He built four houses on the golf course, as well as four to five houses off of the golf course in Tomoka Oaks. Mr. Gaspary commented that when he was new to the neighborhood, the golf course lots were substantially more expensive then off of the golf course lots, and he chose to live at his home based on the fact that it was on the golf course. He added that 36 years ago, he paid a premium for the lot. Mr. Gaspary continued that at one time you had to get your home plans approved by an architectural review board and had to be administered by the people who developed the Trails subdivision to ensure it would fit in with the community. Mr. Gaspary expressed his feelings about if the golf course is closed, it will impact the value of the homes and lots. He feels that there must be a way to mitigate the loss and value of his house, as it changes the complete character of the community by adding 276 lots, which will add almost 800 people when all is said and done. He confirmed that he took the Oath.

Mr. Jeff Boyle, 614 N. Halifax Drive, stated that he is duly sworn and commented on the proposal having consistency issues. Comprehensive Land Use Planning, Goal 2, says that the development must be compatible with nearby homes, lot sizes and density. Policy 1.1.3. - prohibits altering the neighborhood character by squeezing a new subdivision inside an existing subdivision. Policy 2.1.1. - this project allows unsafe traffic flow, with more than 2,700 daily trips. Policy 2.4.6 - protects the environment from excessive tree removals, too much impervious surface and

stormwater that overflows into the Tomoka River. Policy 1.6.4. - states, preserve natural open space in urban areas, do not eliminate 148 acres of that open space. He continued, in the Land Development Code, Section 1-15, prohibits depreciation of adjacent property values and undue crowding. Section 2-35, requires a PRD to provide an indoor recreation amenity that is missing and substantial community benefits that justify code waivers and exemptions sought by the applicant. Mr. Boyle added that legal questions cloud this golf course conversion, early Tomoka Oaks documents promised a golf course "in perpetuity".

Mr. Boyle stated on October 3, 2006, the City Commission granted a 122-unit Tomoka development order with the condition to preserve the golf course. Everyone was unanimous on the decision, including the City Commission, including the current Mayor and two preceding Mayors, the Planning Board, the Planning Director, city staff, and the applicant's attorney all recognized that it implied unwritten golf course protection existed. He continued that in 2014, the United States Court of Appeals, 11th judicial circuit, upheld unwritten implied golf course protections. It does not have to be in writing. Mr. Boyle advised Chairman Thomas, in case law precedent and in city land use codes, we believe that the Board has solid legal grounds to deny this proposed rezoning.

Ms. Denise White, 9 Fox Run Trail, advised that she lives in the Trails subdivision and thanked the Board for their time and efforts and listening to the residents. She expressed her concern with the development is health and safety of everybody. She understands developers rights and knows why they purchased the land, but explained that thousands are impacted by the development by 450' single-road for residents to get in and out of the neighborhood, and takes issues with the traffic analysis stating that only four percent of residents will be going through the Trails. Ms. White stated that the Trails has small two-lane narrow roads that are laden with medians and that she walks the wider roads on Tomoka Oaks Boulevard. She continued that last year the question was raised by Trails residents about overflow traffic. She commented that it will affect all of them. She asked when looking at the map, at the 450' road, how it is reasonable to expect that it is not affecting everybody's lives and health and safety.

Ms. Ashley Dufrene, 118 N. St. Andrews Drive, stated that in Section 1-15, Article II, Administration Enforcement of the Ormond Beach Land Development Code, it is the Planning Board and City Commissioners' duty to ensure that the proposed use will not substantially or permanently depreciate the values of the surrounding property; create a nuisance; or deprive the adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood on the adjoining properties. Ms. Dufrene advised the Board that the current plan in front of them does everything that a proposed use should not. She said that her and her husband purchased their home in 2015 with the vision of raising their family there as generations did before them. They were looking for peace and tranquility being that they lived in major cities (Orlando, Miami, Atlanta and Washington D.C.) prior to settling in Ormond Beach. Ms. Dufrene continued that they were done with big-city-living and fell in love with Tomoka Oaks as they drove down the road and complete strangers would wave 'hello'. She explained that she felt that they were 'home'. She described that as they walked into the open house they were greeted with windows aligning the back of the home to see what they imagined 'old Florida' looked like with beautiful live oak trees lining what was the second fairway of the Tomoka Oaks

Golf Course. It was beauty that they had not seen in so many years living in congested neighborhoods and concrete jungles for all of their lives. They chose to buy the house even at the top of their price-range. Ms. Dufrene stated that they looked at a house on Rio Pinar that was $50,000 less but knew that the Tomoka Oaks home's view of the golf course was worth the extra expense. She added that eight years later, what was once their peace and tranquility as they are expecting their first child, will be destroyed by a wall of homes lining the back of their house, fifty feet from the edge of their pool. She elaborated that the new homes will block their sunrise-view and be replaced with concrete walls that are everywhere you turn nowadays. The wall of homes will not be finalized for years to come, and for the next 5+ years there will be a construction zone surrounding the beautiful land including their sleeping baby. She commented that hammering, pounding, and dust will circulate as they try to enjoy their haven of peace and privacy. Ms. Dufrene concluded that the proposed use must "not create a nuisance; or deprive adjoining properties of adequate light and air; create excess noise, odor, glare, or visual impacts on the neighborhood and adjoining properties." She closed in saying that she hopes that she illustrated that the plan will do everything that it should not. Ms. Dufrene confirmed that she took the oath.

Ms. Michelle C. Zirkelbach, 328 River Bluff Drive, expressed that she cares deeply and passionately about the home as her and her husband built the home and raised their children there. She added that she cares about her neighbors and neighborhood and cares about the City of Ormond Beach. She continued that the proposed development affects everybody as every resident travels on one of the major thoroughfares in the city. Ms. Zirkelbach stated that Ormond has grown extensively since she moved here in 1989 and she realized that a guiding force in the development is the Comprehensive Plan. She continued that the Comprehensive Plan establishes a community's policies and priorities regarding future development while aiming to preserve the environmental features and community character. She remarked that community character is something that Tomoka Oaks has in spades. The compatibility with existing character is something the developer wants the residents to believe is true. She continued that combability is just a buzzword to her at this point. Ms. Zirkelbach stated that the neighborhood is full of individual architectural design an abundance of majestic trees and established homes. She continued expressing her confusion with the applicants' claims that the proposed 50' wide, 60' wide and the 80' wide lots were compatible with the existing 100'+ lots they currently enjoy throughout Tomoka Oaks. Ms. Zirkelbach stated that her and the other residents are confused about the traffic studies. She apprised the Board that she was a former math teacher and is aware that people can make numbers say whatever they want them to, resulting in all Ormond Beach residents suffering the consequences of the traffic. Ms. Zirkelbach commented that she has been reading and studying a lot about the matter at hand and is reminded of when she studied contracts when getting her real estate license in 2004. She remarked that she never had a buyer ask her to find them a house on a 50', 60' or 80'-wide lot. She continued that they are being faced with the developers maximizing profits per acre. Ms. Zirkelbach concluded that all of the residents that raised their hands signed a contract to buy a home in a golf course community or on a golf course. She expressed lack of care about the expert that said that the home values will go up, if her quality of life goes down.

Ms. Ellen L. Cook, 1 Tomoka Oaks Boulevard, Escondido Condominiums, expressed her concern with the traffic, with her condominium building facing Nova Road. She

stated that the only thing that will not prevent anything is if the proposed development will not be built. She elaborated on the traffic that is seen stacked up and said that it is due to the railroad. She said that it does not matter how many cars are coming or going, that everyone has to stop at the railroad track. Ms. Cook remarked that putting up another traffic signal on Tomoka Oaks Boulevard is not going to matter if the railroad is closed and nobody can pass and turn left onto Nova Road or from Nova Road on to Tomoka Oaks Boulevard as everything comes to a halt. A railroad signal will not be in sync with the traffic signal, she said, and added that there will be accidents. Ms. Cook concluded that only the residents in Escondido and Tomoka Oaks know what goes on there and suggested that they pay attention because it is going to be a big issue.

Ms. Adele Shaw, 1 Tomoka Oaks Boulevard, stated that she took the Oath and lives in the Escondido Condominiums and is also concerned about the traffic. She continued that when she sees the word Reserve in the words Tomoka Reserve, she thinks of nature. Ms. Shaw that the city could have purchased the former golf course. Ms. Shaw expressed her dissatisfaction with the project and lack of natural preservation and recreation in it.

Mr. Tom Fitzgibbon, 51 S. St. Andrews Drive, stated that he lives in Tomoka Oaks and is a member of their HOA Board. Mr. Fitzgibbon confirmed he took the Oath. He expressed his concern with the traffic, stating that the new houses will add 600 vehicles or more and more than 2,700 daily trips at a minimum. The development traffic will block Escondido going in. He continued that turning left from Tomoka Oaks Boulevard onto Nova Road is already dangerous, and commented that there will be twice the amount of cars and trucks will make it worse. Mr. Fitzgibbon remarked that the traffic light may take up to two years to install. He continued that the Granada Boulevard, Main Trail-intersection, where LTG is predicting that after the development is built there, that only 18 more cars in the AM peak hour will exit onto Granada Boulevard, and referenced the part of the report that detailed that there will be 600 more vehicles where many will exit through the Trails to Granada Boulevard to Walmart, Lowes and other locations. Taking the Trails route versus Nova Road is about the same travel time. Mr. Fitzgibbon stated that he takes the route through the Trails as it is a nicer route. He expressed his concern with the data and methodology of LTG traffic study. He stated that residents could not hire a traffic expert because no local traffic agencies approved of the development. Mr. Fitzgibbon explained that none of the narrow roads have sidewalks and puts the residents and kids in danger. The Public Works Department has promised to put in speed tables on Tomoka Oaks Boulevard based on a speeding problem that radars, signs and patrols cannot fix. He commented that four houses down from his house, a female pedestrian was killed by a driver. He stated that he saw a city inspector also almost get hit by a speeding car as well as large delivery trucks that speed blindly around cars, clipping overhead wires and trees. Mr. Fitzgibbon asked the Planning Board and City Commissioners to finish the street work before house construction and to plan the possible development correctly to limit injuries and deaths.

Ms. Denise Corley, 51 S. St. Andrews Drive, stated that she took the Oath, opposes the development and spoke on her topics of compatibility and soil. She continued that the 100'-wide lots create spacious feel along with 13 islands. She added that the proposal looks urbanized with 50', 60', 80'-wide lots covering 50 percent of the land and is incompatible. The proposal tells the fact that centrally located smaller homes

are appropriately screened from the existing neighborhood and she continued that it points to the fact that village-homes on 50'-wide lots are less compatible. Ms. Corley continued that the center cavity is not diverse and the area in the north corridor is spacious, larger and upscale, and expressed that the plans for diversity are sketchy. She asked if there are assurances that the houses will be private homes or if it is a corporate rental housing development, and asked if it would be good for Ormond Beach. Ms. Corley remarked that calling the golf course an infill makes it sound as though it is the ghetto in an urban city. She expressed concerns about the soil and asked the Board to take a close reading of the environmental report where it points to several remediation steps that need to be performed for the soil clean up target levels to be met with standards for residential housing. She asked if it can be trusted that the steps will be followed in accordance to the law and if the soil will continue with unacceptable levels of harmful chemicals, be removed offsite or mixed with the other soil. Ms. Corley suggested that the recommendation that the soil will be transported and piled on open space in amenity areas of the proposal is of no comfort to the existing residents. She expressed her concerns with the fertilizers, poisons, animal feces, petroleum products, rubbish in the drainage ponds as well as the airborne toxins released by moving soil as discomforting as well. She touched on the berms, and stormwater drainage ponds on the perimeter of the proposal and those abutting the 50' buffer of the Tomoka Oaks residents, and mentioned that she hopes the berm is not toxic soil piled up behind the homes. Ms. Corley continued that the swales, ditches and dry ponds proposed are known to be mosquito habitats and that Tomoka Oaks residents utilize ground stormwater pipes. She urged that the Board vote no on the proposal.

Ms. Jane Eddy, 306 River Bluff Drive, stated that she took the Oath and read a letter from another Tomoka Oaks resident, Ms. Julie Frebis, who was unable to attend. "I would like to utilize my time this evening to discuss the overall development occurring in the City of Ormond Beach and the lack of critical infrastructure our city currently has to accommodate the needs of its citizens. I recently had to take my mother to the emergency room. She was suffering with a heart condition that without timely treatment could have easily led to a stroke. We went into the ER around noon and waited five hours for a room. Once in the room, we waited another three hours before we saw a doctor. The doctor ordered medication and due to a lack of staff, she was not given the medication until I called a high-level contact at the hospital to get extra attention. Once I called my contact, she was given the medication about 45 minutes later or almost nine hours since arriving at the ER. This concerns me a great deal. What if her condition was worse and she had a stroke? What about our citizens that do not have someone to call? How many of our current citizens are suffering severe medical consequences due to the lack of critical care infrastructure? What about the families when they need care? This is not the hospital's fault. They are working at break-neck speed to expand their services. This is simply due to having too many people move to our town in too short of a time period. It is time to step on the brake pedals. I work as the employee benefits director for a large company in the area and am acutely aware of the lack of other medical providers in our community. You need to be aware that there is a critical shortage of primary care physicians in the area. Most in our community have to wait up to six months to book a new patient appointment with a primary care provider. Also to my knowledge we only have one provider in all of East Florida that serves the under privileged or maternity care. My question to you is what is more important? Additional tax revenue for the city, and

allowing developers to build to the maximum, or the well-being of the Ormond Beach current residents? The right answer is the well-being of our current residents."

Mr. Scott Ryals, 24 Tomoka Oaks Boulevard, stated that prior to his current address he lived at 66 N. St. Andrews Drive. He stated that he had a decision to make when he saw the problems back in 2006/2008. He commented that it was a very difficult decision to put in 122 units on a golf course he played since 1970. He added that he has been in the neighborhood for 50 years. Mr. Ryals said that he knows every chemical that was put on the golf course before and got his first job there. He elaborated on his familiarity with the golf course and club house. He stated if we let a piece of our city do what's happening, to me and my family, you won't think to highly of Ormond Beach. Mr. Ryals stated that he still lives in Tomoka Oaks and he loves it. Mr. Ryals stated that he knows how mitigation takes place with numbers, and how individual freedoms are taken away over time. He stated that he was the one who stated if anything was done to the golf course property that it would remain a golf course. Mr. Ryals commented that he beat his head night and day on how he can do it. He said that they could only put in 122 units with the 2006 development and did not want to make $150 million off the development. They did not want to impact the traffic. He concluded that he hopes his perspective is understood and that he enjoys Tomoka Oaks and plans on staying there. Chairman Thomas commented that Mr. Ryals had taken the Oath.

Mr. Peter Tupas, 332 River Bluff Drive, confirmed he took the Oath. He stated that he has been a resident of Tomoka Oaks for 27 years and has been a real estate broker for 30 years. He disagrees with comment made about the golf course depreciating the value of the homes on it. He added that a lot of people paid a lot of money because the houses are on the golf course. Mr. Tupas commented on the two-lane access on Nova Road and two-lane access going from Main Trail, and adding 600 cars with rush hour, people will be stacked up. Mr. Tupas stated in the real estate business, anything behind houses impacts there value. He remarked that the traffic light may assist getting people on the road but that the access through Tomoka Oaks will be jammed up getting to the traffic light.

Mr. Ned and Lauren Huhta, 30 Pine Valley Circle, introduced himself and his daughter, and stated that he took the Oath and is a second-generation resident. He explained that he lives in a custom built home and is like none other in the neighborhood. He added that he supports the city staff denial and encourages the Board to do so. Mr. Huhta commented on his support of the Tomoka Oaks residents and remarked that the high traffic levels will be a nuisance to all who travel through the area, and believes that it promotes a lower quality of life. He suggests the applicant provide all of the funding for the configuration of the entry area if approved. He requested that if reuse water for irrigation is provided to the project, then re-use water should be provided to existing Tomoka Oaks residents. Miss Huhta confirmed that they took the Oath.

Mr. Richard Goldhair, 21 Cherokee Trail, advised that he took the Oath. He stated he desired to talk about the construction traffic that will likely last three to five years, as well as weekends on Saturdays 7:00 a.m. to 7:00 p.m. He expressed his hope that the 18-wheelers will not be allowed. If they cannot use the Tomoka Oaks entrance, will there be overflow on the two Main Trail entrances, Nova Road and Granada Boulevard. Mr. Goldhair referenced traffic, including large delivery vehicles

contending with pedestrians, skateboarders and bicyclists at the choke point off of Nova Road with the public shopping center on one side and community center on the other side with the possibility of a catastrophic situation. He continued that trucks accessing Granada Boulevard that get to Rio Pinar and Iroquois to get to the new construction site, they will have to go over the Misners Branch bridge. He expressed concern if the bridge can take the excess weight of the construction trucks and increased traffic. He questioned how the proposed project will affect real estate values and insurance premiums.

Ms. Barbara Handsman Doliner, 108 S. St. Andrews Drive, stated that she took the Oath. She explained that her family has had a thumbprint in Volusia County for 83 years and she has been a resident of the Trails and Tomoka Oaks for 35 years. She added that she raised her children there and that they are all registered voters. Ms. Doliner stated that she has been a professional volunteer in the community for 35 years and expressed appreciation to the Planning Board for volunteering. She thanked the residents for working diligently to maintain the neighborhood. She commented that she does not understand why the proposed project and the people behind the project, are so resistant to what the community has to say. Ms. Doliner stated and repeated, that it does not fit the community. She suggested building it in Miami or elsewhere and not in Tomoka Oaks where they do not want 'cookie-cutter' homes. She added that they do not care if gates or sidewalks are included in the proposal, and concluded that the shoe does not fit and this Cinderella will never have the shoe fit, no matter what way it is packaged. It does not fit. Ms. Doliner reiterated the suggestion for 100'-wide lot executive homes with 120 units. At $700,000 per home, she asked if that was enough money to make, what is the issue here. Ms. Doliner concluded that no consideration was given to increasing police, EMTs and Firefighters. She understands the shortage of doctors, the overcrowded hospitals and the going rate of over 7 hours at the emergency department. The shoe simply doesn't fit.

Mr. James Cameron, 39 Laurel Oaks Circle, stated solemnly swore that all of his comments are true in nature. He stated that he in support of the application and has worked with a local pro-business group for a number of years and has worked with the Volusia County Association for Responsible Development. He expressed the importance of all finding a happy medium that everybody can agree to and said that he talked with Planning Board members as well as with people in opposition to the issue. Mr. Cameron pointed out that he has heard a lot of people say that they have a lot of confidence in Planning staff. He concluded that he hopes a custom zoning can be agreed upon between all parties.

Mr. Renny Herrero, 111 N. St. Andrews Drive, stated that he took the Oath. He stated that he has lived in the community his entire life and is part of six generations. His grandfather was born in New Smyrna in 1918 and installed a love for surfing and golf in him. Mr. Herrero continued that he and his wife married and were excited with the expectation of being near a golf course and has played golf in Tomoka Oaks since the 1980s. He commented that he has played almost every golf course around the community and referenced the statements about 21 different golf courses within 20 miles and another questionable comment on four municipal golf courses, and remarked he did not think that it was factual information. Mr. Herrero stated that he can think of about seven golf courses within 20 miles as well as two municipal golf courses and delivered additional information on the popularity of golf courses and

educational opportunities in reviving ones that are run down. He referenced one in Atlanta where businessmen put their ideas together and put together a plan for educational opportunities for a rebuild. Mr. Herrero commented that golf is still popular and there are 60-80 people out on the LPGA Golf Course swinging a club daily even in the summer heat. He remarked that it is outside and beautiful. He added that the idea to relaunch Tomoka Oaks as a standalone 18-hole course without financial support is not financially sound. Mr. Herrero suggested considering other proposals that would keep the golf course. He concluded that the community could be behind the concept of a use that included the golf course in the redevelopment. Mr. Herrero stated to approve this plan is to settle for lack of possibilities and ideas. We can do better.

Ms. Caroline Herrero, 111 N. St. Andrews Drive, stated that she took the Oath. She stated she lived and grew up in Tomoka Oaks, and enjoyed being outside there in its beauty, ran and rode her bike there. She added that now one of her favorite parts of her daily routine is sharing it with her grandmother when they go on their evening walks. She added that they have noticed the growth of Ormond Beach and how it has changed the experience of living here. Miss Herrero continued that the Developer's Economic Impact Study states that all traffic is engineered to go Nova Road via Tomoka Oaks Boulevard with it being said that there are other alternatives and that they are longer. She clarified that if you exit the neighborhood onto Nova Road to get to Granada Boulevard where the traffic light and Main Trail connect, which is the other exit, it measures approximately two miles even and if you take the short cut through the Trails it measures 1.9 miles to get to the same intersection. She commented that it is already tricky for pedestrians and cyclists on the streets and pleaded with the Board not to approve the proposed project with this density.

8:30 p.m. Chairman Thomas announced an 8-minute break.

Mr. Adam Kipi, 52 Pine Valley Circle, stated that he took the Oath. He stated that he does environmental remediation and litigation for a living and spoke on the environmental report and asked the question of if they are going to dig 2' and then fill it in with clean fill straight over the top with the problem of going 2' just straight over the fairways because it is only affecting the fairways. He suggested that there would be other drainage issues. Mr. Kipi commented on the proposed homes and retention areas, suggesting that there will still be sloping, topography and grading issues. He touched on the traffic light and remarked that it will be an issue. He added that unless the main entrance is widened to Nova Road that they will be backed up, even with a roundabout. Mr. Kipi referenced the applicants PRD and then the addition of a part two, and added that when he moved here in 2021 he noticed on google maps still had Tomoka Oaks displaying a golf course and noticed in pictures that it had been neglected for years and had the thought that if it were to come up for sale that the residents can buy it and make it a golf course again. He suggested commercially, to take it back to a golf course and sign a Rehabilitation Completion Order. He referenced Tomoka Oaks as being a community built around a golf course and to possibly sell it to the city, stating that nobody wants the proposal or houses to be right up to the back of their fences. He suggested to go build off of Airport Road in undeveloped land. He expressed that he feels that it is going to look ridiculous and that it is going to be a nightmare.

Mr. Tyler Brown, 90 N. St. Andrews Drive, stated that he took the Oath. He expressed concern with the compatibility with Tomoka Reserve and Tomoka Oaks. He stated the applicant states the density is 1.87 units per acre for the Tomoka Reserve project and 2.09 for the Tomoka Oaks subdivision. He stated he questions these numbers. Mr. Brown stated when looking at the Volusia County Property Appraiser's (VCPA) Website, there are 547 lots in Tomoka Oaks with a land area of 282.85 acres, which he calculated at 1.93 units per acre and not 2.09 units per acre,. He commented that the number does not include roads or the islands in Tomoka Oaks and he did not have access to that specific data on the VCPA website. Mr. Brown remarked that it is the addition of 148 acres of the golf course that Tomoka Oaks was built around that was the core of the neighborhood. The number for Tomoka Oaks drops to 1.27 units per acre, lower than their proposed development, according to Mr. Brown. He then referenced the newspaper article out this morning that stated the number is closer to 1.003 units per acre at 547 homes and 545 acres. Mr. Brown commended city staff for their observation of the project and concluded that with the concerns raised by residents, the city might want to clarify the units per acre issue, and more, prior to when the Planning Board reviews any recommendation one way or another.

Ms. Missy Herrero, 111 N. St. Andrews Drive, asked if Mr. Cameron, who expressed that he was in favor of the development, was a paid witness and if so, should he have identified himself as a paid consultant?

Attorney Hayes replied that there is no evidence of Ms. Herrero's inquiry.

Chairman Thomas added that there is no proof that he was a paid witness.

Ms. Herrero stated that she has been a resident of Ormond Beach for 30 years and is a native Floridian. She commented that she is not against development and understands that they cannot fight it but we do have the power to shape it. Ms. Herrero stated that she heard from the Planning Board before that Ormond Beach residents do not want to share their sand in the sandbox with people moving to Florida. She shared her personal story about her parents illnesses with COVID in January and how she and members of her family work in the hospital, serving the community for decades. Ms. Herrero explained that they went to the hospital and both the hospital and the emergency department were full with no beds. She advised that she took her 87-year old father there for needed fluids and how they waited for eight hours in the hallway. She added that it is not the hospital or the nurses or doctors faults and that they are doing the best they can. She said that they left at midnight and that her father returned the next day by ambulance and he waited another eight hours in the hallway again. Ms. Herrero stated that they left and he continued to deteriorate, and attended an appointment via tele med and then had to return to the hospital for a third time via ambulance and was then admitted. She continued that his health deteriorated to a point that the family decided to go home on Hospice-care. Ms. Herrero reported that they did not have a Hospice nurse for five days because there was a shortage and he died three days later. Ms. Herrero explained that there is no structure for the existing residents and that this is what people are doing that are living and dying in the community today. She concluded that she hopes that the Board does not have the same experience that she did of the real life experience-data presented, and that she took the Oath and recommends denial of the plan.

Mr. Paul Hughes, 4 Lauren Court, stated that he took the Oath and expressed his concern with the missing logic, delivering history on his experience in the community in that he moved back to family here 30 years ago and bought into Tomoka Oaks Country Club and Golf Course, the greenspace, what the neighborhood offered to the kids with the opportunity to ride bikes and enjoy life. He continued that he supports all of the efforts for the greenspace and quality of life the golf course would offer by stopping the proposed development. Mr. Hughes commented that when it was up for sale he was late and offered to write a check for the 150 acres so that it would stop. He added that he thinks that there are enough people there that could come up with the money or use the city's money or other appropriate resources, including the university what would be interested in involvement to bringing it back to a greenspace, golf course, and avoid this. Mr. Hughes suggested if going through with this project design, there will be five to seven years construction with trucks that will exceed 24 tons, attempt to go over the bridge, which will limit the number of entrances into the neighborhood. He spoke on his traffic concerns, expressing his recommendation of denial, stating that there is no physical way to put 30 pounds of potatoes in a five-pound croker sac. Mr. Hughes concluded that it is too much for this community and that they bought what they bought, for the green space and what it was and have paid dearly for it.

Ms. Janice Rose, 21 Eagle Court, stated that she took the Oath and has lived on the golf course for 32 years. She asked for a provision in the Planned Development order that the Tomoka Reserve HOA is required to preserve and maintain the trees and the buffer around the development now and in the future. She continued that if they do not, the residents of Tomoka Oaks should have the right to sue. Ms. Rose commented that she may not have 30 years to see mature trees behind the property.

Ms. Leah Washington, 12 Oakmont Circle, stated that she took the Oath and that her and her family moved to Tomoka Oaks in September of 2020. She added that her husband is off serving his last tour in the military and they decided to settle down in Tomoka Oaks with their kids. She commented that they are going to call it home forever, the purpose of them not going with her husband during his last tour so that their kids can settle down and call their place 'home' in their forever home, in a place where they can grow up with kids and know the kids for longer than three years at a time. Ms. Washington stated that they live in a community that was advertised as a golf course community. She expressed that they are finding as time goes on that the peaceful community is not there anymore and is not going to exist. She explained how difficult it has been to find a pediatrician in the community going through three different pediatricians offices to get care and stay with her health insurance. She continued that specialty care for pediatrics does not exist in the community as they have had to travel to Lake Nona, Lake Mary and Orlando frequently for care. She added that they have gone through four different dental offices as well due to having to circulate insurance companies and not being able to sustain the patient load. They drop certain insurance companies in order to sustain a better count in their practices. Ms. Washington stated that all of this is happening without the development and asked what she is supposed to tell her kids when they cannot get a pediatrician or sick child appointment for three weeks, then in turn having to sit in the Emergency Room (ER) for six hours. She commented that it is negligible of the community to consider the proposed development. Ms. Washington concluded that the Florida Department of Transportation (FDOT) issued their study recently and quoted statistics that started

in 2011 that came after the area was zoned Residential in 2006. She mentioned rezoning of a particular pod of land, she thinks that changes would have had to occurred within the geographic area around the property which prevents the use of the property under its current zoning. She concluded that it seems that the community has proven that it is not possible to continue the residential zoned area and suggests denying the project all together.

Mr. Logan Pigliacampi, 31 S. St. Andrews Drive, stated that he took the Oath. He stated he lives on the golf course and attended today's meeting to witness what has been ongoing for a few years. He stated that he was born and raised here and that the golf course has been critical to his way of life. He continued that he goes to the University of Florida and feels our fundamentals of living, how we want to expand and conquer everything around us, and want to make it industrialized and improve everything, and how in part of that, the beautiful scenery is ruined. Mr. Pigliacampi mentioned that he recently took a trip across the United States and drove through approximately 23 states and noticed how the levels of air pollution and industrialized trucking and fracking contribute to asthma. He explained an experience that he had when he just cleaned his white car and then when going through Georgia, through a town that experienced something like this proposal, noticed his car was pitch black. Mr. Pigliacampi stated that these things affect him and the Tomoka Oaks residents. He concluded that he has to live the next 60-80 years with this world and issued a warning, pleading about industrializing the area. He remarked that the community needs the trees and not just the limited number of required ground cover. Mr. Pigliacampi urged the Board to vote no and said to think about long term consequences, including the lives of area residents, the wildlife, and impacts of construction.

Ms. Darla Widnall, 7 Shawnee Trail, stated that people have been trying to fight the development for two years. She commented that she heads up the people in the Trails that do not want any residential development on the golf course. She continued that the city spent $125,000 for a two-year survey for Parks and Recreation, where they came up with 10 items, greenspace, parks, and a golf course in Ormond Beach, to name a few. Ms. Widnall commented that she is not a golfer but that the Tomoka Oaks Golf Course was a beautiful one and feels that it still could be. She attended the FDOT meeting where there were experts and she elaborated on the proposed 276 homes in the middle of Tomoka Oaks, and west of Interstate 95 on Granada Boulevard where there will be 10,000 homes. Ms. Widnall stated that she advised them to change whatever they are doing to Nova Road because by 2045 due to the possibility of the 10,000 additional homes. She concluded that she did not take the Oath but swears to tell the truth.

Ms. Debbie Gatz, 32 N. St. Andrews Drive, stated that she took the Oath. She has been in Tomoka Oaks for 27 years. She inquired about the Planned Development buffer and existing trees. She added that due to living in Florida with storms, a lot of their trees have gone down. Ms. Gatz expressed concern with her existing buffer left with all of the 80' vines taking over her landscape. She encouraged the Board to look at the Planned Development to see what is in place for their HOA to take care of those buffers that have existing trees. Ms. Gatz thanked her neighbors and elaborated on her history in the area, living in the Trails prior to Tomoka Oaks. Her family walks a lot and when walking with others, people always refer to the diversity of the homes.

Ms. Beth Rabitaille, 22 Rio Pinar Trail, stated that she has lived there for 30 years and commented that the road is busy with drivers that speed down it. She questions how accurate the traffic report is. She concluded that she did not take the Oath but swears to it.

Tomoka Oaks HOA Rebuttal/Summary

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, requested that the Planning Board reflect upon what they heard tonight. When the developers were making their initial application they described this as infill. He continued that this is not infill, but instead the filling of greenspace with a residential development. He further explained that infill is where rundown houses and rundown neighborhoods are taken out and replaced with new development. Mr. Bayer reviewed the history of the property as a golf course since 1963. He commented that it is not a golf course now and it they do not get what they want with a PRD, it will not go straight zoning. He suggested reviewing the staff report and criteria and the issues that the developer needs to answer. Mr. Bayer asked how the buffer will be maintained five years from now when the vines take over all of the trees. Mr. Bayer stated that Mr. Harowski provided design options for the smaller lots. Mr. Bayer acknowledged that the issue of medical care may not be in the Land Development Code for concurrency, but it is a factor should be considered for lower density. This development is building in the heart of the existing Tomoka Oaks subdivisions. He urged the Board to go along with the staff recommendations of denial based upon the lack of information that has been given by the developer.

Applicant's Rebuttal/Summary

Mr. Merrell stated their presentation and design professionals addressed many of the questions brought up tonight. The design professionals provided information on the lot widths and the buffer types. Mr. Merrell stated that they desire to hear from the Planning Board and provide responses as needed. What has been presented are options. At the root of this issue, this property has a residential density and land use, which is an entitlement. Mr. Merrell stated an entitlement is automatic. He continued it is not a choice between nothing and the application. It is up to the Planning Board to look at the list in the staff report and provide direction on the residential development of the property. Mr. Merrell stated that they are looking for direction on the options presented.

Chairman Thomas brought the discussion up to the Board.

Board Discussion and Questions

Ms. Shull asked for clarification about the R-2. Attorney Hayes explained the development application based on the PRD zoning before them today. The R-2 is a different issue and not before the Planning Board at this time, and should not form the basis of the Board decision based on a different issue. Attorney Hayes further explained that depending on the decision of the Board, the developer will have a decision to make whether submitting another application to rezone to R-2, come back before the Planning Board, or submit another application for a PRD development order.

Ms. Shull inquired about the irrigation on the buffer and where that water would be coming from. Mr. Spraker replied that irrigation is recommended by staff. There are two reuse ponds that they are seeking to use reuse water and suggested that a well will most likely be needed to supplement the reuse ponds. Mr. Spraker stated that the irrigation water supply would be part of the preliminary plat.

Ms. Shull asked about the self-amending mention. Mr. Spraker answered that the PD6 detailed the amendment of that language. He reiterated the lot layout language that the project can make the lots wider, for examples a 50' wide lot into a 60' wide lot. Staff has no objection to making lot widths wider and the project could not exceed the overall lot total of 276 units. Mr. Spraker commented that if the Board does not like the architectural standards or if they would like something else regarding the submittal, they can discuss and recommend to change. What has been provided is consistent with other Planned Developments.

Chairman Thomas asked for clarification about irrigation and if staff is seeking in ground irrigation. Mr. Spraker explained that in the landscape proposal it is to establish a natural vegetation that after a certain point, no longer requires water. A truck with water would be used to establish the landscaped areas temporarily. Mr. Spraker commented that the concern is if there is a drought, and the buffer dies, it puts the obligation on the HOA. Staff has never seen a buffer of this size utilizing temporary irrigation.

Mr. Scudiero stated that several speakers referenced putting in a traffic signal and asked for confirmation on if it has been approved. Mr. Spraker replied that the response comments stated that it was presented to the Department of Transportation (DOT) and it was verbally approved and Mr. Lassiter may have additional information.

Mr. du Moulin thanked the Tomoka Oaks HOA. He asked if there is a possibility of a win-win type situation, referencing greenspace solar panel farming that everyone can benefit from. It would be for something other than houses. He asked if housing does go in, if they can go in with increased lot size, such as the Broadwater subdivision for million dollar homes instead. Mr. du Moulin stated he is seeking a solution where everyone wins.

Mr. Galloway disclosed that he has friends on both sides of the equation and has spoken with a few Tomoka Oaks residents, as well as Mr. Durant and Mr. Merrell. He asked for the difference between the 80' wide lot from the proposed 100' wide lots. Mr. Durant explained that with the market of what people want to buy, they are interested in the smaller lot widths. Mr. Durant added that the greenspace is the same for both. Mr. Durant stated that they want this project to be successful He continued to be blunt, our future residents don't want to look into the back of the Tomoka Oaks houses. They desire for the buffer to be successful and believe that the proposed plan will be successful. Mr. DuRant stated there is an existing, non-irrigated buffer out on the property today that we are seeking to replicate. He suggested allowing them to put the buffer in as proposed and that if it does not work out, they will try something else. He reiterated that they do not want to irrigate or fertilize and do not want to have run-off. The project is seeking to replicate what the existing buffer is and if there is a need for security, the project can bond the improvements.

Mr. Galloway asked for additional information on the proposed plans inconsistency with the Comprehensive Plan. Mr. Spraker replied that in the staff report it is not one of the reasons why staff recommended denial. It was not said that the proposed plan is inconsistent with the Comprehensive plan. He clarified that the reason for recommending denial were criteria 1 and 4, consistency with the Land Development Code (LDC), as in section 2-35 is permissive and specifies that, *'you may'* do something. He further explained that the issuance of the development order is a negotiated zoning. The area surrounding the property has 100' wide lots. Mr. Spraker continued that it is understood, the design of the project is to provide the buffer in exchange for smaller lots, which would be fine in the interior of the project, but the perimeter should stay at 100'. He also referred to Mr. Durant's comment on the setbacks at 7.5' for a side yard setback, which is smaller than a typical lot. Mr. Spraker concluded that staff did not recommend denial based upon consistency with the Comprehensive Plan.

Attorney Hayes specified that the staff report identifies the criteria that the proposal before them today should be evaluated.

Mr. Mark Karet, referenced the question as to if the plans are consistent with the Comprehensive Plan. He stated that Ormond Beach has land use categories that clearly would have not allowed residential development on the former golf course property, such as the "Recreation & Open Space" land use designation. Mr. Karet continued that the "Low Density Residential" land use allows residential development. Mr. Karet stated that the staff report indicates a policy that could be used to deny the application based on inconsistency with the Comprehensive Plan. Mr. Karet stated, as detailed earlier, the cited policy cannot be used as a reason for denial. He remarked that in order to deny the use, one would need to determine that the residential use is inconsistent and read words which are not in the policy.

Mr. Galloway stated or require 100' wide lots? Mr. Karet replied that the policy only refers to use and does not address lot sizes. Single-family lots next to single-family lots, regardless of lot size, is the same land use.

Mr. Karet stated in the application of Section 2-35 of the Land Development Code, staff is reading words in the language. He stated that what is being said tonight is that compatibility means that it has to be the same thing and that is not what the modern practice of planning says. Mr. Karet commented that compatibility has to be sensitive to the character of the community. He reiterated that it is infill development which is encouraged throughout the Comprehensive Plan. Mr. Karet states that there are many communities that are eliminating single-family only zoning.

Mr. Galloway stated he understands what Mr. Karet is stating, but there are many individuals tonight and notes that state that either they do not want the project or they want 100' wide lots. Mr. Galloway stated that the application is asking for smaller lot sizes and there are questions about compatibility. Mr. Karet stated that staff is seeking 100' wide lots next to the Tomoka Oaks existing 100' wide lots. Additionally, staff is seeking a type 6 landscape buffer of a 50' width with certain plantings that is typically required with industrial development next to low density residential uses. Mr. Karet re-emphasized that city staff is asking for both the 100' lot width and an indusial size landscape planting plan. Mr. Karet stated as a professional planner, that does not stand up.

Mr. Jorczak spoke on the diversity of the housing in the existing Tomoka Oaks community from the size and type, describing them as impressive in comparison with the newer developments out there or a cookie cutter approach. He commented that the existing community has issues with some of the people that service the neighborhood, such as the landscapers and mail carriers, and does not feel is the safest to get through with the amount of traffic there and the vehicles parked on the street. Mr. Jorczak remarked that it is a phenomenal area that we should be looking for excellence in how the piece of property is developed. He suggested that it needs to be something that blends with the existing area that has a character and a flavor and is not going to be an enclave. Mr. Jorczak commended Mr. Harowski on his research for his presentation and suggested doing a little more in researching if the proposed development should or should not go in. He remarked that he appreciates the time, efforts and money spent on creating the Board packet and all that city staff has done to point out what can be done as far as development options.

Chairman Scudiero made a motion to hold a time-certain vote, no later than 10:55 p.m. Chairman Thomas explained that he does not want to put a time-constraint on this and that it is of his top-5 most important issues ever heard in all his years of being on the Board.

Mr. Merrell stated that they appreciate the comments and expressed that the applicants are taking notes and listening to all Board suggestions. Mr. Merrell stated they are okay with a time certain continuance of the application.

Mr. Galloway stated that he has more questions and cannot vote on the issue tonight. Mr. Merrell stated that the applicant team is not seeking to rush the item and are noting all the comments.

Mr. Galloway asked if the staff recommendation of increasing lots to 100' wide around the perimeter were implemented, what would be the density (the number of units) that would be applying. Mr. Merrell replied that the project has been reviewed for a design using the straight zoning classification with 100'-wide lots, R-2. He stated that the design yielded about the same number of units. Mr. Merrell stated getting rid of the 50' buffer, you gain a lot of real estate, but the product would not be as good. Mr. Merrell stated if the project is required to provide 100' wide lots and a 50' industrial type buffer, it is just not a fair trade. Mr. Galloway stated that the project is developing in the middle of an existing neighborhood and those concerns need to be addressed. Mr. Galloway pondered why the abutting property owners did not purchase the former golf course as a community development district.

Mr. Scudiero asked the applicant, if the Board agrees to adopt all of staff and SPRC's recommendations, what the number of houses would look like. Mr. Merrell stated that they have not done this exercise.

Chairman Thomas referenced the presentation of Mr. Harowski. He asked for the design plan for the 50' wide lots and if they included an alley. Mr. Karet replied that there is room for back loaded alley ways. Chairman Thomas replied that would be the only way that he would vote for 50' lots.

Chairman Thomas asked about the open space and recreation planned for the project. Mr. Stehr answered that there would be a sports field, pavilions, pickle-ball courts,

two playgrounds, pocket parks, and added that the plan has not yet been finalized and additional open space and recreation can be added or modified.

Chairman Thomas referenced the traffic direction in between the fields and the parking lot between the areas and expressed his concern for the children's safety. Mr. Stehr advised that they would take it into consideration.

Ms. Shull inquired about the gates. Mr. Stehr stated that they are requesting electronic access gates for vehicular access only. Pedestrians are able to go through on the proposed sidewalks.

Ms. Shull asked about the lot size and density. She stated that the Tomoka Reserve project appeared to have more homes than the Tomoka Oaks subdivisions. Mr. Stehr referenced the density breakdown based on the LDC that was included in the staff report. Ms. Shull said that she agrees with the 100' wide lots around the perimeter but is unsure about the 50' and 60' wide lots in the interior. Mr. Stehr stated that there are condos and apartments abutting the existing subdivision. Chairman Thomas questioned if these were in the neighborhood. Ms. Shull stated the project is a neighborhood inside of a neighborhood. She stated her goal was to be consistent with what is in the existing neighborhood.

Ms. Shull stated she did not believe that the 50' wide lots are consistent with the neighborhood. Mr. Stehr asked if the multifamily was consistent. Ms. Shull stated that she is providing her feedback on the project.

Ms. Shull discussed the setbacks and stated from her experience, they allow for short driveways, which means cars are parked out in the street. Mr. Stehr replied that it is a 25' setback allowing for two cars in the driveway, and two in the garage. Ms. Shull commented that it is too much house on the lot.

Mr. Durant stated that the existing Tomoka Oaks lots are suffering with not enough room in their backyard, therefore they are trying to give flexibility to be able to sacrifice some of the front. He continued that the setbacks would provide additional distances between subdivisions.

Ms. Shull asked if fencing would be allowed inside of the neighborhood, even for those houses backed up to the buffer. Mr. Stehr confirmed that they are.

Ms. Shull asked why it was mentioned prior that 100' wide lots would not work, but that 80' wide lots can. Mr. Merrell replied that 100' wide lots could work, but they are not as good for the developer, and the 80' wide lots work better for the project. There is a concern that there is not a market for 100' wide lots.

Ms. Shull stated, as a realtor, she believes that 100' wide lots would be very desirable.

Chairman Thomas commented that the 100' wide lots in Tomoka Oaks do not stay on the market very long.

Mr. Carl Velie, property owner, for the proposed Tomoka Reserve development, stated that the value of property that is based on building and the land. The land is 20 to 25 percent of the property value, depending on how urbanized that it is. He remarked the bigger the lot width, the higher the cost of the house will be, based on

the house size. Most of the houses in Tomoka Oaks are selling for $400,000 to $500,000 range, and are 40 to 50 years old. Mr. Velie, stated if the project built a new home on the same sized lots then it would likely be an $800,000 home. Mr. Velie added that proposed houses on a 100' lot with 10,000 square feet in lot size will be substantially higher than the typical house in Tomoka Oaks. He stated that they are trying to match the same value on a smaller lot width with similar lot square footage.

Mr. Velie continued that they think they can sell a few 100' lots but he is not sure if they can sell two hundred of them as quick, and may have to wait 15 years. That is not what the developer wants to do. Mr. Velie stated that he does not think people want to buy million-dollar houses unless they are on the river or ocean. He said the project seeks to create a product that will sell quickly, or as good or better than what is in the neighborhood. He stated that there is a difference compatible and comparable. This project will be compatible with a residential use abutting a residential use. Comparable is going different because these will be new homes with new amenities. Mr. Velie stated that the new construction will result in better built and stronger houses. He expressed concern with have a 100' wide house with a value of $800,000 next to a 60' wide house with a value of $500,000. Mr. Velie stated if they thought that they could sell 100' wide lots, they would be all for it. But they do not think that the project can sell 100' wide lots.

Mr. du Moulin stated that if it is designed correctly it could work. Mr. Velie detailed the constraints of the existing property layout. Mr. Velie suggested that there be a quadrant area or pod where the lots are smaller at 50' or 60' lots. He remarked that the studies the applicants have done show that there is not enough demand for the million dollar homes.

Ms. Shull asked why Mr. Velie believes that they cannot sell 100' wide lots. Mr. Velie responded that the study the project has done there is not enough demand for the million-dollar homes. The concern is that there are not 200 or 250 buyers who can purchase the million dollar homes. Ms. Shull commented that they will go a lot farther with the neighbors if there is a higher quality product in the area. Mr. Velie replied that the proposed homes are planned to sell higher than any in the area, other than the riverfront properties that are in Tomoka Oaks. Mr. Velie stated that the cost per square foot is $250 to $300. For a 2,000 square foot house, that would be $600,000. For a 3,000 square foot house, it will be a million dollars and we do not see that demand in the market. Mr. Velie explained his experience in the area and stated that he moved to Florida in 1954 and moved to Ormond Beach in 1964. He was an appraiser for 40 years and learned the life cycle of a neighborhood. Mr. Velie concluded that it is to their advantage to sell the most expensive house that they can sell. Mr. Velie stated that this development will be new and modern. The newer, more expensive homes would enhance the values in Tomoka Oaks.

Chairman Thomas restated that the public participation is closed.

Chairman Thomas inquired about the 80' wide lots and the comment people do not want to have homes next to smaller homes. He stated on the proposed site plan, there are 80' wide lots across the street from 50' and 60' wide lots. Mr. Velie responded that area is the main road. Mr. Stehr answered that after numerous meetings with the neighborhood, the applicants went back to 80'wide lots by 125', matching the R-2

square footage. The 80' wide lots allow relocation of the garage to the side or to the rear.

Mr. Sheldon Rubin, property owner, added that the setback on the 80' wide lot is 25 percent. He remarked that the 10,000 square foot lots with 80' wide lots on the perimeters plus the 50' and the open space, is quite accommodating. Mr. Rubin questioned that he is not sure why everyone is stuck on the 100' wide lot. Mr. Rubin stated that they will be modern, high-priced housing with benefits and a bigger buffer, in which they agreed to the plantings for. He expressed concern for the disconnect. Mr. Rubin stated through the process there has been a desire to lock down this site plan and show exactly what is desired. He reiterated that we did not have any flexibility with the rules. So, on the inside lots we show 50' wide lots. Mr. Rubin added that if they have to put an alley on some of the 50' wide lots, that they will do so if given the opportunity. There needs to be flexibility in the design. He concluded that it is a superb site plan.

Mr. Jorczak stated that increasing lot widths would decrease the lot total and also reduce the traffic impacts. He asked if there were a catastrophic event and in an emergency evacuation for the entire area, how long would it take to get the residents out with the current road situation, with a huge number of people in a short period of time with limited road structure to do it.

Mr. Lassiter replied that they did not analyze a mass evacuation situation. He confirmed that they did a standard peak hour evaluation. He continued that without a traffic signal it will take a long time. Mr. Lassiter replied that when doing beachside analysis they do have to look at hurricane evacuation times. He continued that there is plenty of advance warning. He confirmed that the traffic analysis showed that the proposed plan works. Mr. Lassiter referenced the traffic signal and advised that what they did to the traffic signal study, and that the Department of Transportation (DOT) approved it with the following two items, (1) peak hour analysis to show that it will not work with a two-way stop; and (2) intersection control evaluation.

Mr. Jorczak expressed concern with overall traffic impacts that the city has experienced. He stated that the options to address traffic are limited based on transportation costs and funding. Mr. Jorczak stated that the Hand Avenue extension has been discussed for many years to alleviate traffic on SR40 and there is no plan to anything soon. Mr. Jorczak stated he hoped that in the planning process some of the citywide traffic problems can be addressed.

Mr. Lassiter stated that beachside developments required to perform a hurricane evacuation analysis. He stated when the PM peak hour analysis shows that it is working well, this is criteria in the hurricane evacuation analysis. Mr. Lassiter stated that the project works in the PM peak hour. Mr. Lassiter referred back to the question on the traffic signal. He stated that a signal warrant analysis was performed and FDOT verbally agreed with the analysis and are requesting the peak hour analysis and an intersection control analysis.

Mr. Jorczak asked if the warrant analysis coordinated with the railroad. Mr. Lassiter stated that is required as part of the study. Mr. Lassiter detailed how traffic signals work with emergency vehicles and train horns.

Chairman Thomas asked Mr. Lassiter if a study was done of the Trails intersection on Route 40. Mr. Lassiter replied that a statement was made earlier that the distance is close but he stated the traffic time was not. The main entrance to Tomoka Reserve is very close to Nova Road and the travel speeds to get out the Main Trail going out to State Road 40 is much slower. Mr. Lassiter stated the distribution is based on the travel time.

Chairman Thomas expressed his concern with the project traffic when going to Tomoka Elementary School at the intersection of the Trails subdivision and SR40. Chairman Thomas detailed the route from the Tomoka Reserve project onto Nova Road and West Granada Boulevard. He stated the left hand turns onto Old Tomoka Road are problematic and do not have long stacking lanes.

Chairman Thomas detailed the issue with the intersection of Main Trail and SR40 and a single lane to go straight or make turning movements. He expressed concern about the increased traffic at this intersection. Chairman Thomas added that the only solution he sees is if the city to make a right-hand turn lane out of the Main Trail onto Granada Boulevard, a southbound right turn (west onto SR40).

Mr. Scudiero accepted that a majority of the traffic from Tomoka Reserve will go to Nova Road based on its proximity. One question has arisen is what would that do to the existing Tomoka Oaks population that now does not want to deal with the backup in the morning onto Nova Road Would residents on South St. Andrews and Rio Pinar, go out through the Trails to avoid the Nova Road backup. Mr. Lassiter explained that because of how the existing homes are built, around the two relative access points, whether Main Trail or Nova Road, 64 percent of all existing traffic that has access to Main Trail and Tomoka Oaks, use Main Trail and 36 percent use Nova Road access. Mr. Lassiter added that because of the location of the proposed project, its primary impact is going to be on Nova Road, a state road, and less impact on Main Trail to SR40.

Chairman Thomas stated that there are approximately 1,000 homes that are in the Trails, 500+ homes in Tomoka Oaks, and now proposing to add 276 more lots, totaling approximately 1,800 homes. Chairman Thomas stated that there would be approximately 1,800 homes with approximately 3,600 vehicles going out three exits through Tomoka Oaks and the Trails.

Mr. Lassiter stated that we counted them all. Mr. Lassiter explained that the traffic analysis process has gone through several rounds of review by the Department of Transportation (DOT), by the City and the City's consultant, as well as the County. He stated that they all agreed we came to the right conclusion based on how traffic studies are conducted.

Chairman Thomas stated he believed that the traffic counting is flawed. Mr. Lassiter stated that traffic counting now uses video which is not flawed and is more accurate.

Ms. Shull asked if the count was done during school times. Mr. Lassiter replied yes. Ms. Shull expressed uncertainty about how the traffic analysis is performed and stated in the manor in which people drive and at the speeds they drive, she does not feel comfortable about adding additional traffic and backups to the Tomoka Oaks and Trails neighborhood areas.

Chairman Thomas inquired about the current City of Ormond Beach population. Mr. Spraker answered approximately 44,000. Mr. Spraker added that the time was approaching to conclude this meeting.

Chairman Thomas asked the Board to share additional closing comments for the applicants.

Mr. Galloway stated what he is hearing are concerns with density. He referenced it as trying to put five pounds of sugar in a one-pound bag. He continued that unless the HOA is willing to come up with a Community Development Fund to buy the property from the property owners, that something will be built there. Mr. Galloway stated that he just does not feel like 276 units is what needs to be put in that donut hole. He stated that there are 500 homes that exist and they bought with the expectation of a golf course. He spoke on the American Dream, the ability to own a home, no matter how large or how much it costs. Mr. Galloway stated that there has to be a happy medium here. The homeowners have to realize that something will be built there or there needs to be a purchase of the property from the HOA and/or residents. Mr. Galloway stated that it should not be my tax dollars paying for a park. Mr. Galloway stated that he hoped that the applicant team is listening tonight.

Mr. Velie replied that when he and the other property owners first started the process, they originally had a different engineering firm that drew up a plan for units and they declined that route as they wanted something consistent with the subdivision. He explained that he took a 1.85 mile circle on Google Earth around the neighborhood over the Trails, from Misners Branch East, Tomoka Oaks Condo North, Escondido, Tahlequah, Tomoka Meadows and Harbor Oaks. He added that he took every plat and platted it out, and found that they have less density than the Trails residential section, not including the Villas, at 1.91 units per acre and Tomoka Oaks is 2.09 units per acre. He further detailed that Mallard's Reach is 2.23 units per acre and Tahlequah is 3.06 units per acre, and considering the entire Trails subdivision is 3.4 units per acre. Mr. Velie concluded that any other subdivision in the city has higher density than what is being proposed with Tomoka Reserve.

Mr. Galloway commented that he values Mr. Spraker and thinks the City of Ormond Beach has the best city Planning Director and believes that the applicants need to reassess and come back. He added that he has faith that something will increase the value of the homes there.

Mr. Jorczak agrees with the city's comments on the issues were appropriate. On some issues, he stated he may have gone further. He continued with remarks on the influx of people moving to the area, and how things are not going to get getter with the hospitals or traffic. He commented that Ormond Beach considers themselves to be a jewel on the east coast and is a special community, therefore should not be augmenting what has been done in other major cities, but should be looking for excellence. Mr. Jorczak concluded that he would like to see a better mix on the lot sizes. He stated the wider lot widths would reduce density and ensure a higher value of houses.

Mr. du Moulin concurred with Mr. Jorczak and stated he would like to see an increase in the lot sizes.

Ms. Shull concurred with Mr. Jorczak as well on the density and lot sizes. She remarked that the homeowners are compromising and know something is going to be built there, and advised the developers to compromise as well and work with them symbiotically. Ms. Shull concluded suggesting for the developers to take into consideration the unique piece of property that it is as well as the interconnected density and traffic.

Mr. Scudiero commented that he would like to see the golf course reopened, but that compromise between the applicants and the homeowners are necessary. He concluded for the applicants to find ways to make it more palatable for everyone. Mr. Scudiero stated a compromise is needed.

Chairman Thomas referenced earlier remarks on the irrigation for the plants and stated that if the applicants cannot abide by staff's suggestions, to at least do a bond so that the homeowners are not stuck with not having the vegetation buffer as promised. He spoke on the 50'-wide lot sizes, and said that he is opposed, but that if the Board agrees with them, he will support if there is an alley and a garage in the back. Chairman Thomas stated that in Venetian Bay, there is a section that is set off by itself and where they do not have garages in the front of the houses. He added that he would love to see 100'-wide lots. He commented that both the developers and the landowners have rights. Chairman Thomas stated that the residents also have rights. Chairman Thomas remarked that whatever goes in is going to be impacting the resident's lives. Chairman Thomas agreed with Mr. Galloway that something will be built and there needs to be compromise. He stated that he understood there are residents who are seeking no development, but he believes that something He concluded that when he moved to the city 50 years ago, the population was approximately 30,000. There has been a growth of 14,000 people, and commented that the traffic reflects more than that.

VII. OTHER BUSINESS

It was discussed that the item requires a continuation for the applicants to bring other ideas and options back for another public hearing in front of the Planning Board and for the Planning Board to have more time for the support decision-making process. It was determined, taking the availability of the Planning Board, staff, and applicants, that the continuation meeting will be held on Monday, August 21, 2023 at 6:00 p.m. (location is to be determined). Mr. Spraker explained that the Planning Board is scheduled to meet on August 10, 2023 for the monthly Planning Board meeting as planned as well.

City Attorney Hayes stated that when the Board resumes this meeting, the item would be where it is now with Board member comments and discussion. The applicant and HOA attorney should be provided an opportunity to provide any updates. City Attorney Hayes stated a motion and a second would be needed for the continuation.

Chairman Thomas entertained a motion for the continuation date.

Mr. Galloway motioned for a continuation of the meeting on August 21, 2023 at 6:00 p.m. with a location to be determined. Ms. Shull seconded it. Vote was called, and the motion was approved (6-0).

VIII. MEMBER COMMENTS

Mr. Jorczak thanked the citizens of Ormond Beach for their input and expressing their opinions.

Ms. Shull thanked the audience members and staff for their input.

Chairman Thomas commented that he is interested in the City of Ormond Beach having another hospital. He added if the zoning could be amended where a hospital could be built taller than seven stories. Mr. Spraker replied that it would be a charter amendment.

IX. ADJOURNMENT

The meeting was adjourned at 10:57 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

ATTACHMENT 6

Past Minutes

Section B

August 21, 2023, Planning Board

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

August 21, 2023 6:00 PM

Tomoka Christian Church
1450 Hand Avenue
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Steven Spraker, Planning Director
G.G. Galloway	David Allen, Planning Civil Engineer
Al Jorczak	Cara Culliver, Landscape Architect
Mike Scudiero	Sarah Cushing, Senior Planner
Barry du Moulin	Marcella Miller, Recording Technician
Troy Railsback	Randy Hayes, City Attorney
Doug Thomas, Chair (arrived at 6:05 p.m.)	

II. INVOCATION

Mr. Railsback led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

V. APPROVAL OF THE MINUTES

Mr. Scudiero motioned to approve the July 13, 2023 Minutes. Mr. du Moulin seconded it. Vote was called, and the motion was approved (7-0).

Chairman Thomas opened the Public Hearing.

Attorney Hayes explained the continuation of the July 13, 2023 Planning Board meeting on Tomoka Reserve and how the meeting ended at the question, answer and decision component of the meeting agenda and where it continues this evening. Attorney Hayes stated that there will be no public comments unless it is the pleasure of the Board and added that the disclosure parts continue to apply. Recent updates have been proposed from the applicants as of last week on August 16th and staff advised that they need more time and have not been able to review the full context of the proposed changes, therefore today is more a material hearing and the issue could be continued to a later date. Recommendations were made for the Chairman to let the applicant, attorney and HOA attorney talk and decide if more time is needed to analyze the new plans.

VI. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order – continuation of the July 13, 2023 meeting

Mr. Spraker, Planning Director, suggested that if the Board is interested in considering the new site plan that there should be a new public hearing for it, as well as advertisement of it, and for it to go through the Site Plan Review Committee (SPRC) and the public hearing. Today the Board has the ability to act on what they heard at the July 13th Planning Board meeting. Mr. Spraker concluded that the Board may want to see something else which will require resubmittal.

Applicant's Opening Remarks

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, representative for the applicant, stated that he respects Mr. Spraker's wish for additional time to analyze the new plan and added that another updated plan was submitted on Friday. He advised the Board that he is interested in feedback from them and to come to a consensus at the next public hearing.

Attorney Hayes remarked that he suggests more of a summary presentation, than a full fledge question and answer discussion which is the purpose of a public hearing.

Chairman Thomas stated that he does not want to get back into a heavy discussion but more a summary of the new proposal and hear from the Homeowners' Association (HOA).

Tomoka Oaks HOA Opening Remarks

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, stated that he too respects Mr. Spraker's decision if the major or material changes require the continuation of the matter. Mr. Bayer added that he would like time to discuss the continued areas of significant disagreement that the

HOA has. He expressed his concern with the July 13th Planning Board meeting closing comment that was made that something will be built on the property but that the project was too dense, and remarked that going from 276 units to 272 units is not a material change in their eyes, and would like to be able to discuss that and other areas of concern.

Applicant's Summary of Changes

Mr. Merrell went over key issues of concern explaining that most of them have been resolved.

Key issue: lots sizes: Mr. Merrell started with the changes with the lot sizes around the perimeter of the development addressing the requested 100'- wide lots around the perimeter, with the request for them to match the existing Tomoka Oaks properties along the perimeter, the 50'- wide lots that were eliminated and now solely 60'- wide lots around the perimeter. He added that the greenspace, road alignments and stormwater ponds are staying the same. Additional 90'- wide lots and 100'- wide lots were added as well along the perimeter, where it was previously 80'- wide lots. Mr. Merrell commented that he does not think that anyone is going to see their neighbors' lot from the backyard with the buffer.

Key issue: Buffer: Mr. Merrell touched on the buffer, plantings, irrigation and maintenance and said that they agree with the number of bushes and understory trees to be planted in a type 6 buffer per staff's suggestion, but want to use a Florida-friendly type landscape that does not have to be frequently watered but more a wild landscape. Regarding a permanent irrigation system, Mr. Merrell expressed that there are other alternatives. He added that they are in agreement to offer a two-year bond if it needs to be replaced.

Key issue: Dimensional standards: Mr. Merrell continued that they are agreeing with staff's requested setbacks and dimensional standards.

Key issue: PD6 note on lot separation: Mr. Merrell continued that they are agreeing with staff's requested note modification on lot separation.

Key issue: Traffic: Mr. Merrell stated that staff requested that the diamond be reconfigured to a circle shape, and the applicants are suggesting a similar shape with rounded edges, allowing better flow as well as adding landscaping in the island. Regarding the proportionate share, it has been decided that the applicants are taking care of it 100 percent on their own. Mr. Merrell added that it was agreed to add sidewalks on both sides of the street. He further explained that it has been agreed to add a provision that says that the applicant will make application for permits for the signal within 30 days of the subdivision approval and such permits will be issued prior to the issuance of the subdivision construction permit, to be sure that the light is put in before anyone is traveling there on the road. Mr. Merrell referenced the architectural design requests and stated that the architectural standard language has been reworked. He continued and spoke on the request for a potential vehicular cut-through at the amenity area and it has since been reconfigured.

Key issues: Neighborhood meeting at preliminary plat: Mr. Merrell stated that the applicants agree to conduct a neighborhood meeting.

Key issues: architectural standards: Mr. Merrell stated that the architectural standards have been updated.

Key issues: amenity space parking lot: Mr. Merrell stated that the site design was amended based on the concern of cut through traffic.

Tomoka Oaks HOA Summary

Mr. Bayer commented that he does not think that the golf course remaining a golf course is near a determination yet and added that if there is a party that feels that the property has to stay a golf course it will be up to the courts to decide and not an issue for him or Mr. Merrell. He continued that the HOA set up a Board that continues to try and negotiate with developers to make the project more compatible, with significant areas of disagreement still existing.

Mr. Bayer brought up an aforementioned comment from the last meeting that this development is having significant impact on the quality of life for the existing tax-paying property owners which is fueling the comments that were made. He referenced the density, and the history of the site, mentioning that the last project proposed and approved by the City of Ormond Beach on this property was 100+ homes and significant open space in 2006, when the recession hit and projects did not get developed. Mr. Bayer added that the site is not urban infill and is a development of open recreational greenspace that has been developed around by homeowners that expect it to remain an open space. He continued that their decision is that the perimeter lots should be 100'- wide and asked staff if it is 100'- wide on the front of the lot and rear of the lot, or just 100'- wide on the rear of the lot and not the front. Mr. Bayer expressed concern with what is being said about the homeowners not even seeing the project because of the buffer and commented that they will be able to see them as secondary impacts, which includes the traffic.

Mr. Bayer touched on the traffic concerns and stated that the traffic study looks at the delays in traffic intersections and does not consider the fact that Nova Road is about to lose lanes under the Department of Transportation (DOT) proposal, or the possible fuel tank storage project. He was pleased with the agreement to the two sidewalks and stated that he hopes that the proposed updated rounded diamond area helps, and looks forward to having third party traffic consultants review it.

Mr. Bayer mentioned the architectural concerns and stated that Mr. Harowski, Certified Planner and Tomoka Oaks resident, worked on language so that they are not cookie-cutter, where every other house looks the same. Mr. Bayer elaborated on the HOA proposal that the same house model may not be used more than three times within a single lot phase and to have more diverse housing, and requests that the architectural plan be enhanced over and above what it is currently.

Mr. Bayer referenced the proposed buffer and explained that in his history in practicing law he has seen where neighbors complain that other neighbors are cutting down the buffer and seek Code Enforcement action and wants to see enforcement action that the property owners abutting the golf course would have the ability to do.

He asked for language pertaining to what happens after the two year bond, as well as the wild versus manicured buffer, and whether the HOA or developers will be responsible for it. Mr. Bayer concluded that with multiple sets of plans that there are still several concerns necessary to make the project more compatible with the interest of the current property owners.

Board Discussion

Chairman Thomas brought the discussion up to the Board. He reviewed the choices before the Board. Chairman Thomas disclosed that he received a phone call from Mr. Barshay. Chairman Thomas stated to Mr. Barshay that they should discuss the project with the homeowners and the HOA. Chairman Thomas commented on the new material with the change of lots, and staff's suggestions and advised the Board that it needed to be decided if it was going to be reviewed as new material or accept the submittal that was discussed on July 13, 2023 and continue on with a recommendation.

Mr. du Moulin stated that he accepts it as new material and should go back to SPRC for review.

Mr. Galloway agreed that it is new material and stated that he talked to people from both sides and hates to prolong it but that staff needs more time and thinks it will be fair to all parties.

Mr. Jorczak concurred with Mr. Galloway and commented that there are still questions to be raised. The overall density and lot sizes need more review. He added that it is an enclave within an enclave and has concerns with the architectural standards.

Mr. Scudiero reviewed the three options of voting it up, vote it down based on the July 13, 2023 meeting only, or continue the meeting and let the new presentation be formally made and legally advertised. He stated that he is not comfortable voting on the previous rendition with another rendition coming. He added that it is probably going to go to court and asked what the attorneys want to do.

Attorney Hayes explained the process and the Planning Boards role in it. The function of the Planning Board is to review the application and determine if the changes are not new material or act on the proposal that was submitted on July 13, 2023, and vote up or down. The new changes, once folded into the application go to City Commission but they lose the benefit of the experience of the Planning Board. Another option suggested is to continue with another meeting date with more discussion before it goes to City Commission.

Mr. Railsback apologized for missing the first Tomoka Reserve meeting and commented that he supports the position of the full benefit of the City Commission being a recommendation for a final plan and encouraged another meeting, incorporating as much of a concession and fine-tuning to benefit the community as well as property owners so that the process is not repeated again. He expressed interest in reducing density with the 100'- wide lots and putting a roundabout design in rather than a diamond.

Ms. Shull concurred with the Board and commented that the project has evolved. She disclosed that she met with Mr. Carl Velie and Mr. Ray Barshay on July 3, 2023 following the first set of plans and now the plans are different. Ms. Shull wants to make sure that all comments are addressed and added that it is not a typical neighborhood and that there needs to be time to address everything. She concluded that the property is infill but not derelict land and is a beautiful property.

Mr. Galloway expressed the importance on whatever decision is made.

Chairman Thomas concurred with Ms. Shull and added that he is glad it is being considered as new material and questioned that if there are changes now, what changes might arise between this meeting and when it goes to City Commission. He suggested making the best attempt and to consider the new material and move forward, giving the applicants a reaction to their recent summation for guidance.

Attorney Hayes stated that it should be general sound advice only and not getting into too much detail.

Ms. Shull stated that there is still too much density and would like to see bigger lots, even with the 60' – wide lots and commented on the congestion. She added that there are too many cars in the area creating congestion. Ms. Shull remarked that something still needs to be worked out with the irrigation for the buffer and added that she agrees that the architectural designs should be different.

Mr. Railsback commented that he has concerns with the density and squeezing a lot of property in and wants to see a more conforming development. He expressed his concerns with the buffer becoming a problem in the future and that there needs to be a requirement for whose responsibility it is to maintain it. Mr. Railsback added that he hopes the irrigation saves on water as well. He added that the architectural design should be controlled, and suggested that they should not be all the same color scheme in the same vicinity. He suggested that the diamond area should be a one-way traffic roundabout.

Mr. Scudiero stated that the changes discussed tonight are a step in the right direction. Mr. Scudiero referenced the density and stated that the compromise between 0 and 276 is not 272 and expressed his hopes that they keep working, commenting that there is not much change.

Mr. du Moulin questioned if it is legally right to build on this land. Mr. du Moulin referenced the past agreements stating the land would be a golf course. Mr. du Moulin stated additional work needs to be done and he wants to ensure that the land is not built on if there are restrictions that only allow a golf course.

Mr. Jorczak expressed that he still has concerns with the enclave within an enclave and suggested that whatever is developed blend in more efficiently with what is already there as far as lot sizes and the density perspective and not inconvenience the surrounding community. He commented on the minimal land left in the City of Ormond Beach. There are over 53 facilities in the community that are funded by the taxpayer, including open spaces and sports areas. Mr. Jorczak added that what is put

into a specialized area with the rest of the community and be an asset to the City of Ormond Beach is going to take all the input they can get from city staff from a technical standpoint and give it a hard look at the economics from the developers standpoint on how the property can be used. Mr. Jorczak concluded that there is more work to do on the proposal.

Mr. Galloway referenced the last Board meeting where 475 homes were approved in Plantation Oaks and explained the difference between the two projects where that land was designed to hold 475 homes. He continued that he is interested in seeing a spreadsheet on how the proposed homes inside of the existing homes will affect those homes' resale value. He added that he is concerned with the buffer and who will be responsible for the maintenance. Further expressing his concern with the buffer, he referenced a swamp area on Clyde Morris Boulevard where the brush behind the homes caught fire approximately six months ago. The number of lots are questionable as well he said. He spoke on development and reiterated that something will go in there and that the question is in the number of homes. Mr. Galloway concluded that it is a possibility that a few key people could go in and offer the developer a price and someone purchase it and then it will be seen what they want to do.

Chairman Thomas elaborated on recent experiences, one relative to the concern of the lot sizes in seeing homes as close as 10' from one another in Jacksonville, Florida. It was discussed and determined that depending on the area, there is 5' to 20' between homes in a subdivision on a 60'- wide lot typically. He continued that he and his wife noticed that traffic was congested going into the Trails from Interstate 40 on Sunday at 1:35 p.m., with eight cars going into the neighborhood and then four of the cars going though to Tomoka Oaks, expressing his concern with the traffic. Chairman Thomas commented that Tomoka Oaks is a traditional neighborhood where you have to search hard and far to find two homes alike and does not like the idea of dropping cookie-cutter homes into a well-established, traditional neighborhood. He added his concern with the density and that he hopes that there are a lot of changes before meeting again.

Attorney Hayes reviewed the available dates to hold the next Tomoka Reserve continuation Planning Board meeting, Tuesday, September 26 or Thursday, September 28, 2023.

Mr. Spraker stated that as part of the motion it is requested to hold a time-certain date before the new plan is submitted to the SPRC, which is requested by staff to be September 6, 2023.

Board discussion ensued and September 26, 2023 was decided upon as the next Planning Board meeting date.

It was discussed that the item requires a continuation for the applicants to bring other ideas and options back for another public hearing in front of the Planning Board and for the Planning Board to have more time for the support decision-making process. It was determined, taking the availability of the Planning Board, staff, and applicants, that the continuation meeting will be held on Tuesday, September 26, 2023 at 6:00 p.m. at Calvary Christian Center. Chairman Thomas asked the residents to keep the

comments to new questions or comments in reference to tonight's meeting and limit speaking time to 1 ½ - 2 minutes.

Chairman Thomas entertained a motion for the continuation date.

Mr. Galloway motioned for a continuation of the meeting on September 26, 2023 at 6:00 p.m., and for all the plans to be submitted to the Planning Department on or before September 6, 2023. Ms. Shull seconded it. Vote was called, and the motion was approved (7-0).

VII. OTHER BUSINESS

No other business was discussed.

VIII. MEMBER COMMENTS

Mr. Jorczak recommended that citizens of Ormond Beach attend the upcoming fuel farm County meeting for the safety of the community.

The Board thanked the staff and thanked everyone for attending.

Chairman Thomas requested for the applicant to choose different colors on the updated project plans.

IX. ADJOURNMENT

The meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

ATTACHMENT 6

Past Minutes

Section C

September 26, 2023, Planning Board

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

September 26, 2023 6:08 PM

Calvary Christian Center
1687 West Granada Boulevard
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Claire Whitley, Assistant City Manager
G.G. Galloway	Steven Spraker, Planning Director
Al Jorczak	Cara Culliver, Landscape Architect
Mike Scudiero	Robin Gawel, Senior Planner
Barry du Moulin	Sarah Cushing, Senior Planner
Troy Railsback	David Allen, Planning Civil Engineer
Doug Thomas, Chair	Randy Hayes, City Attorney
	Marcella Miller, Recording Technician

II. INVOCATION

Chairman Thomas led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

V. APPROVAL OF THE MINUTES

Mr. Jorczak motioned to approve the August 21, 2023 Minutes. Mr. Galloway seconded it. Vote was called, and the motion was approved (7-0).

Chairman Thomas opened the Public Hearing.

Attorney Hayes explained the continuation of the August 21, 2023 Planning Board meeting on Tomoka Reserve. Recommendations were made by staff, Planning Board, and the HOA attorney to allow more time to analyze the previous set of new plans. Tonight, the Planning Board can make a recommendation to the City Commission or request additional information. Attorney Hayes added that the recent material submitted, according to the applicants, is consistent with the Comprehensive Plan and Land Development Code (LDC) regulations and staff disagrees and recommends that the application be denied. He concluded that the witnesses are not required to be re-sworn and directed for those wishing to speak to announce their name and whether or not they have been sworn in.

Chairman Thomas and the Planning Board discussed the allotted speaking time for residents and audience members and it was determined to allow three minutes per person. Chairman Thomas opened the public hearing.

VI. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order – continuation of the July 13, 2023 meeting

Staff Presentation

Mr. Spraker, Planning Director, thanked Calvary Christian Center for hosting the meeting and stated that the application is for the issuance of a development order for the Tomoka Reserve subdivision, at 20 Tomoka Oaks Boulevard. He continued that the existing land use is "Low Density Residential" and the existing zoning is Planned Residential Development (PRD). The zoning district does not have a development order associated with it any longer and has since expired, the reason for the public hearing.

Mr. Spraker continued that the project has gone through two pre-application meetings, the Site Plan Review Committee (SPRC),a neighborhood meeting, and today, the third Planning Board meeting. Mr. Spraker stated that if there is a recommendation tonight, the tentative City Commission meeting date will be November 07, 2023 at Calvary Christian Center. Mr. Spraker explained the issuance of a development order review process. A PRD is a zoning document that shows lots, landscape buffers, open areas, recreational areas, and architectural standards. A PRD does not require engineering construction plans that include stormwater and utilities, which will come later with a preliminary plat. The preliminary plat would go through a neighborhood meeting, Planning Board and City Commission.

Mr. Spraker displayed a recap of the July 13, 2023 site plan with the proposal of 276 units, a mixture of 50', 60', 80' wide lots. He explained the August submittal that was before the Planning Board, with a mixture of 60', 80', 90', and 100' wide lots, but because it was submitted after it was advertised, it required a new public hearing. He continued that the applicant agreed with some SPRC recommendations, including

the building coverage, setbacks, note for lot separation, Tomoka Oaks diamond improvements, sidewalks on both sides of Tomoka Oaks Boulevard, neighborhood meeting for the preliminary plat, the timing of the traffic signal, updated architectural design language and the removal of the cut-through of amenity space parking area.

Mr. Spraker stated that a new site plan was submitted on September 06, 2023, and the changes are primarily the mixture of lot sizes along the perimeter of the boundary of the project of 80' wide lots and interior, 60' wide lots. Other aspects of the site plan that did not change were the gated vehicular access of the subdivision, it is not in the wetlands or floodplain. Mr. Spraker added that other characteristics that did not change were the environmental assessment provided, the 34 acres of natural preservation, recreational areas, 50' buffer around the site, preservation of historic trees, the school concurrency and Traffic Impact Analysis provided.

Mr. Spraker stated that the two remaining key issues are the perimeter lot sizes and the material and irrigation of the 50' buffer. The SPRC continues to recommend 100' wide lots on the perimeter where the site plan shows 80' wide lots as the former and surrounding zoning district of R-2 are 100' wide lots.

Mr. Spraker continued that the existing conditions today with the 3.3 mile buffer in the planting plan states that there are native trees and shrubs that will provide screening between the existing homes and the proposed development. Another existing condition is the existing vegetation to be able to use and gaps of landscaping to be planted, and 70 percent of the 50' buffer with trees and shrubs for visual screening. Mr. Spraker stated that the proposed plan shows that the buffer shall be 50' wide containing five trees and 50 shrubs. No groundcover was proposed in the plan. The existing vegetation would be used for gaps of landscaping to be planted. Mr. Spraker added that watering would be provided by a large water tanker truck, not permanent irrigation. The plan offered a maintenance bond for two years and requires an 80 percent survival rate to release the bond.

Mr. Spraker delivered an overview of staff's recommendations, including the City's Landscape Architect, of a type 6 buffer of seven trees, 70 shrubs, and 70 ground cover plants. The proposed plan does not meet the visual screen requirement of the LDC. He stated that staff is supportive of the use of native/xeric plantings. He added that that the irrigation by water tanker truck does not comply with the LDC. Mr. Spraker expressed concerns with the fact that the watering plan shifts compliance to the future HOA. It can involve additional maintenance and costs, as well as the 2-year bond and 80 percent survival plant rate.

Mr. Spraker reviewed the correspondence that was received and that was also included in the meeting packet. Some of the correspondences included the compatibility with the existing Tomoka Oaks, property value concerns, loss of quality of life, traffic concerns, golf course perpetuity and related uses, the existing configuration of the diamond intersection, Tomoka Reserve HOA concerns, wildlife concerns and buffer concerns.

Mr. Spraker delivered an overview of the Planning Board review criteria consisting of the application submittal, staff report, SPRC comments, written correspondence provided, criteria of the LDC contained within the staff report, and testimony provided at the Planning Board public hearing. He stated that staff recommends denial of the proposed site plan for the issuance of a development order, based on the

perimeter lot sizes and the buffer planting plan. Mr. Spraker continued that if the Planning Board believes that it is appropriate they can recommend approval. Either recommendation of approval or denial goes to the City Commission for the final decision.

Applicant's Presentation

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, representative for the applicant, stated that Mr. Don Spence will speak again on the buffer and Mr. Michael Hoteling, on the lot widths, the two key issues. Mr. Merrell recapped on the PRD due to its custom zoning for the property. He asked the Board for suggested items in negotiation for an agreement.

Key issue: Buffer:

Mr. Don Spence, Master Arborist/Native Plant Expert, Ph.D., Native Florida Landscapes, explained that he has been working with landscaping and native design for 25 years. Three years ago he completed a tree survey for the property and beginning in January, started work on the buffer plan. Mr. Spence stated that it is based on a low density residential and a buffer planting plan that had three or four plants to fill in gaps along the shrubs. He continued that several months later, they got pushback from the City as they wanted a type 6 buffer. He explained the reasons that the team felt it was not appropriate as a type 2 buffer is outlined for low density residential. A type 2 buffer is three trees and 30 shrubs. The team proposed a bonified, meaningful type 4 buffer with five trees and 50 shrubs, to fill in the gaps to provide visual screening between the existing homes and the homes that are proposed to be built. Mr. Spence expressed his concern with the said irrigation requested, as the existing trees and trees to be planted are native and once established over the next six to seven months, will not need it, same as the existing buffer that is not being watered. He stated that the goal is to plant plants that mimic the existing trees in the buffer, claiming that if the tree dies it will be replaced per the two year bond.

Mr. Spence continued reviewing the buffer planting plan and stated that the 50' wide buffer, that would be managed by the HOA, if there are tree problems would not be able to plant across the entire buffer due to many of the homes having fences or walls. In the plan, the center 20' of the buffer would be the planting zone. He continued that trees and shrubs need full sun and cannot be planted underneath of canopies. Mr. Spence stated that space is needed for access (15' on the development side and space for neighbors on the backside). He added that access is needed behind the property lots of the homes built to manage trees and any invasive plant problems, therefore cannot plant across along the entire width of the buffer. Mr. Spence reassured that the plants will be watered and made sure of their survival at 100 percent from the initial plan of 80 percent, after two years. The site will develop in phases and the bonds will follow in phases and long-term maintenance will be driven by the legal agreement that the HOA develops. Mr. Spence reviewed a table that explains the watering phase for the trees and shrubs and stated that the plan meets and exceeds what the University of Florida recommendation is. He continued that they are not willing to dig up the buffer for ground coverings and feel it does not add to the visual screening. He pointed out that a water tanker truck is in the plan for irrigation and backed up his point with the LDC guideline specifying that if using native/xeric plants a permanent irrigation system is not required. Mr. Spence concluded that there is no standard for a type 6 buffer being applied in a residential setting and no example of an industrial buffer design against residential.

Mr. Merrell stated that the proposed buffer plan is well founded and innovative, concurring with Mr. Spence, and added that a permanent irrigation system would tear up the manicured grass.

Key issue: Lot sizes:

Mr. Michael Hoteling, MAI, Managing Partner, Moody Williams Appraisal Group, stated that he has been appraising commercial, residential, subdivision type properties for 20 years. He spoke on the appropriateness of the lot sizes and stated that most of the lots of the homes being proposed are 2,100 to 2,900 square feet and most of the lots that get sold are between 60' wide and 80' wide, with some 100' wide. Mr. Hoteling commented that this will be a nice subdivision where the homes can range from $600,000 to possibly over $1 million. He added that when pricing the homes in Tomoka Oaks three weeks ago, there were no homes for sale that exceeded $700,000, except for those along the water. Mr. Hoteling concluded that what is being proposed to be built will add value to the existing development and not detract from it.

Mr. Merrell stated that the alternative to the custom zoning is straight zoning. The subject property is low density residential in which the zoning classification does not have all of what is being offered through the proposed project. He explained the reason it was decided to go through the PRD process and propose the combination of lots is because the market does not do 'Tomoka Oaks lot sizes' at 100' by 100' anymore. Mr. Merrell added that the applicants wanted the mixture of lot sizes starting at 50' wide lots and a larger landscape buffer for separation. The minimum guidelines for the landscape buffer is required to be 50' and if adding all of the green around the outside it is an average of 129' of greenspace between both properties. Doing straight zoning at a 6' buffer requirement as opposed to the 129'. The straight zoning would have also offered only two trees and 20 shrubs as the landscaping buffer requirement. Mr. Merrell added regarding outdoor recreation, and the open space and parks, that they are a concession as part of the negotiating PRD. Mr. Merrell referenced the architectural standards and how the applicants listened to the neighbors and their dislike of cookie-cutter homes. He touched on the pedestrian connectivity being volunteered, stating that they would add sidewalks out to Nova Road. Mr. Merrell concluded that something is going to be built, whether based on custom zoning or straight zoning.

Board Questions of the Applicant

Mr. Scudiero asked what the average lot square footage is in the existing Tomoka Oaks development versus what the perimeter lots would be with the 80' wide, 90' wide, and 100' wide lot range.

Mr. Dwight Durant, Zev Cohen & Associates, stated that what is being proposed are 80' wide by 120' deep lots, approximately 10,000 square feet, and the existing typical Tomoka Oaks lot is 100' by 120', approximately 10,000 to 12,000 square feet. The inside lots are approximately 7,000 – 8,000 square feet. It was discussed that some of the proposed lots have a different rear width and can be above 10,000 square feet.

Mr. du Moulin inquired about the proposed irrigation of the buffer and if there is a specific amount of time that the water tanker truck would irrigate. Mr. Merrell replied that the detailed proposal and plan is in the board packet materials.

Chairman Thomas asked about the different proposed façades of the homes and asked for clarification on if it is every 4th house before duplicating the same façade,

expressing that he does not like every other house repeating the same design. He added that currently in Tomoka Oaks you will not see two houses within 200', 300' and 400'. Mr. Merrell replied that the same façade cannot be next to each other or across the street, and urged Chairman Thomas and the Board to be specific in what it is exactly that they would like to see. Mr. Merrell clarified that the applicant is not trying to recreate or replicate Tomoka Oaks, an older product and design, but bring forward the quality and variety that they have asked for.

Mr. Railsback referenced the elevations and colors of the homes and stated that they should be not 'cookie cutter' in design. He asked what is being done for the softening of the diamond and if it will be a roundabout instead. Mr. Merrell relied that the diamond is proposed to be reconfigured to an amoeba shape, with rounded corners, allowing better flow for vehicles, including buses, as well as adding landscaping in the island.

Mr. Jake Stehr, Zev Cohen & Associates, read the material included in the recently submitted plans that stated architectural variations in the variety of house sizes designs in the neighborhood is encouraged to facilitate it so that the two adjacent homes on the same side of the street as well as the house across the street and its two adjacent homes have to have a minimum of three different design elements of the following ten elements.

Ms. Shull asked if the plan was referencing different design elements (example brick and siding) or if the whole house is different. Mr. Stehr answered elements such as roof pitch and roof type, the skin/exterior finish material, color, garage orientation and size, porch size and location, number of stories, window sizes and shapes, window location and decorative elements. He concluded that houses cannot be mirrored across the street from one another and that options will be given to future home buyers.

Mr. Galloway asked for clarification on the buffer. Mr. Merrell explained that their idea is to leave the places that already have bushes and trees alone. The reason for not wanting to lay groundcover down is to avoid tearing the ground/landscaping up and put wild landscaping in. Mr. Merrell added that if landscaping was put in along the entire 50' buffer it would not be able to be accessed and maintained, according to Mr. Spence.

Mr. Jorczak inquired about what the average required time for the trees, based on size, that is going to be planted to be able to provide 100 percent screening in all of the areas that trees have not been supplied to fill the gaps. He commented that it will determine if it will be three, five, or ten years before the trees will provide the screening. Mr. Spence replied that different trees grow different ways and it is hard to tell. The trees are designed to provide a canopy and the shrubs will provide the visual appearance between the homes. There is not going to be 100 percent complete vegetative screening, as the code only calls for 40 percent. Mr. Spence concluded that there will be gaps for a while and in time the plants, natives and shrubs will mature and will reseed themselves in the buffer, creating a denser buffer over time.

Ms. Shull asked Mr. Spraker for explanation of the request for the 50' buffer, the irrigation, and type 6 buffer. Mr. Spraker answered that one of the key factors expressed was the buffer and the lot sizes during the pre-application neighborhood meetings and the SPRC meetings. The goal is to provide the buffer to mitigate for some of the loss of the natural buffer that is there today. Tattersall, RidgeHaven, and Tymber Creek Apartments are projects that have natural buffers. He stated that staff

is not against the native or xeric plantings, but are against taking a former golf course, developing it into residential, and leaving gaps in the buffer. He added that Ms. Culliver, Landscape Architect, is available to go through the details of the recommendation if necessary. Mr. Spraker added that staff believes that irrigation is a key source for the plantings.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, expressed his disappointment with the applicant's response to the HOA in negotiating the architectural standards, traffic impacts and buffers. A few of the architectural ideas were agreed upon, but not on having the different architectural styles close to one another. Another HOA request was for buffer enforcement once the two-year performance bond is over. No comments were received back from the applicants regarding if that language was acceptable or not. Mr. Bayer rebutted Mr. Merrell's comment and said that property is currently zoned PRD and the last development proposed that came to the Board was to convert the golf course, which was PRD with part of the property being a golf course, and part of it residential. He spoke on the PRD and R-2 zoning and referenced a Florida Supreme Court case, The Snyder Decision, a landmark land use decision that has been in place in the Florida Supreme Court since 1993. Based on it, he remarked that the City Commission can say that they do not want R-2 zoning and that they want it to stay PRD, given the unique circumstance presented by the property. Mr. Bayer continued that they agree with staffs comments on the issue with the buffer and stated that the buffer is typically required between the new residential development and the existing residential development and are typically at a much higher standard than residential next to residential, as the use is being surrounded, therefore a different buffer requirement. Mr. Bayer referenced the Matanzas Shores Golf Course conversion where they required a lot of different issues with the buffer that was much greater than the standard residential buffers, which is part of the golf course conversion process. He stated that this is not the standard development review and is very unique. Mr. Bayer concluded that the HOA agrees with staff on the 100' wide lots on the perimeter and the type 6 buffer, and the recommendation of denial to the City Commission.

Mr. Tom Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, expressed the resident's frustration with the developments with the late withdraw of the plan that they presented at the last meeting, and the lesser plan submitted. He spoke on the applicants list of concessions in response to staff comments and stated that it did not affect the project in size or layout. The addition of the sidewalks on Tomoka Oaks Boulevard and the modification of the island, he says are basic safety issues. Mr. Harowski commented that the basic issues remain the same since the beginning. He continued that the applicants refuse to apply the staff recommended 100' wide lots on the perimeter or offer reasonable solutions. The threatened alternative of R-2 standard zoning, which requires 100' wide lots throughout seem acceptable to the applicant as an alternative and should be acceptable for a portion of the project. Mr. Harowski remarked that they turned to the design guidelines but still need to include the requirement for diversity in garage door orientation and the way the driveway faces. The compatibility is not having clusters of units that are the same. He remarked that the design that they have seen does not get that point. Mr. Harowski spoke on the important factor of the traffic signal

application and how a 30-day period was mentioned previously and stated that the application should be made promptly.

Audience Comments

Ms. Flavia Cassasola, 21 N. St. Andrews Drive, asked if the proposal gets approved if a moratorium has been considered on the noise level, 24 hours a day/7 days a week, from sunrise to sunset. She mentioned that people walk and bike the neighborhood at all hours of the day and remarked that the Mac tucks can be driving through as well as jack hammers working at all hours of the day and night, including weekends and holidays. Ms. Flavia asked if the construction schedule has been considered. She added that the investors bought the property to make money and that she has been in opposition since the beginning as there has been no compromise in the 272 units. Ms. Cassasola concluded that it is going to impact Tomoka Oaks, the Trails and Talaquah as well as the traffic and recommends denial.

Ms. Ashley Dufrene, 118 N. St. Andrews Drive, said that she took the Oath and reminded the Planning Board that the City of Ormond Land Development Code (LDC), Section 1-18, states that the proposed use will not substantially or permanently create a nuisance, deprive adjoining properties of adequate light and air or create excessive noise, odor, glare or visual impacts on the neighborhood and adjoining properties. Ms. Dufrene remarked that she lives on the golf course and knows that all three of those will happen if the development takes place without the proper guidance that the City and HOA is providing.

Ms. Bonnie Kloepfer, 23 Tomoka Oaks Drive, did not take the Oath prior but does so now. She commented that she is at the mouth of the Tomoka Oaks Golf Course. She added that she has a brand new white house and it will get filthy from the trucks and dirt from construction. She continued that the issue of 1,100 cars per day going back and forth is insane and cannot imagine what the traffic will be like. Ms. Kloepfer commented on their sentiments on trying to make it easy for the residents and their claim of compromising. She expressed her discontent with proposed number of homes. Ms. Kloepfer referenced yesterday's newspaper in regards to the purchases of one million plus homes on the rise in Volusia and Flagler Counties. She concluded her comments with the expression "if you build it, they will come", and said that she would like a proposed development such as Tomoka Estates or Estates of Tomoka Reserve instead of jammed in houses.

Ms. Denise White, 9 Fox Run Trail, The Trails, stated that she took the Oath. She thanked the Board for their time and service. Ms. White added that a reduction of four homes does nothing for the safety, traffic, density or lifestyle issues and changes nothing whatsoever. She remarked that it will impact everyone's lives and safety. Ms. White spoke on the merit of the old adage, "just because you can build does not mean that you should."

Mr. Jeff Boyle, 614 N. Halifax Drive, took the Oath and stated that the data in numbers in Volusia County are causing loss of sight in the big picture. He referenced the Comprehensive Plan policies and goals and remarked that the latest site plan is not compatible with adjacent homes and added that the revisions protect the neighborhood character, and does not guarantee safe traffic flow. Mr. Boyle continued that the revisions do not preserve natural open space. He stated that the golf course should have been zoned Open Space/Recreation, and commented that it is a mystery why it was not. The zonings protect adjacent property rights. Rezonings threaten those rights. Mr. Boyle said that Tomoka Oaks defines everything that is

good about Ormond Beach with a quality environment, quality homes and quality people who have suffered this thread with heroic dignity after paying premium property taxes to the City for over 60 years. Mr. Boyle stated that the revised site plan disrespects the city, the spirit and intent of the land use codes, the residents of the Trails and other nearby communities and the people of Tomoka Oaks. He added that they deserve better. He concluded that the revised plan is not Ormond Beach and is not who they are.

Ms. Ronnie Ranieri, 216 Rio Pinar Trail, swears to the Oath, and expressed her concern with 272 houses with only one point of egress. Another concern expressed is the traffic in the mornings and the safety of the kids that are walking or riding bikes to Tomoka Elementary School and the private Temple school. She commented that it is a tragedy waiting to happen. Ms. Ranieri remarked that reducing the plan by four houses from 276 is not going to work. She added that hundreds of cars are going to be coming out of the neighborhood at rush hour in the morning. Ms. Ranieri commented that most families have two cars and with the number of houses that are proposed, is worried about the kids.

Ms. Connie Colby, 108 Robal Lane, stated that she is concerned about it being a gated community as school busses do not go into gated communities. The children in middle school can walk and ride their bikes but middle school busses will have to come in the community somewhere to pick the kids up and will have to park outside of the gate, near the roundabout which would stop traffic. Ms. Colby continued that in her neighborhood a lot of the parents drive their kids to the bus stop or pick them up in the afternoon which will lead to more people parking along the road, causing a traffic mess. Ms. Colby pointed out that according to one of the maps, and with her experience living in gated communities, there has to be an emergency exit for emergency vehicles and suggests that there be a plan for it. Ms. Colby concluded that a lot of the proposed properties are close together and expressed her concern for boat, trailer, and RV storage on the properties.

Ms. Kelsey Kipi, 52 Pine Valley Circle, vowed to take the Oath, and commented that the reduction of the four homes on the plan is nothing and explained how they made lots slightly larger at the expense of the greenspace. She added that the developers purchased the golf course and asked why it could not a golf course that goes in. Ms. Kipi stated that Tomoka Oaks Golf Course closed due to a lack of maintenance to the course and not a lack of interest in the sport. Two local golf courses, both Halifax Plantation and Riviera, both have waitlists, according to Ms. Kipi. She suggested to restore the course and the membership with follow and profit will be made, and the greenspace will remain. No more angry citizens and no more debating on lot sizes and buffer zones and no more FDEP requirements. Ms. Kipi concluded to restore the course or sell it to someone who is willing to do so.

Ms. Lauren and Mr. Ned Huhta, 30 Pine Valley Circle, stated that they took the Oath. Ms. Huhta stated that she is a third generation resident and her grandfather designed and built their home. She expressed their concern with the signage for Tomoka Reserve and asked for specifics of where the signage will be located. Mr. Huhta added that he grew up in the house. He asked if the reclaimed water is going to be used for the proposed neighborhood residents as well as those around the perimeter. He asked if an adjoining property owner has a say in what is planted in the buffer and can decide on something mutually agreeable. Mr. Huhta remarked that they do not like Magnolia trees.

Ms. Wendy Dedo Findes, 16 Oakmont Circle, stated that she did not take the Oath but does now, and has lived in Tomoka Oaks for 27 years. She asked if the Planning Board has visited the Tomoka Oaks Golf Course or driven through Tomoka Oaks. She added that it is a very quiet, residential community and when the kids are in school, people are walking around quietly. Ms. Dedo Findes stated to build the proposed development inside of the golf course area will be a catastrophe. She said that there are no sidewalks, therefore kids ride their bikes in the narrow streets due to the neighborhood initially tailored to an older community. Ms. Dedo Findes added that the Trails are going to be affected. She spoke on the light at Tomoka Oaks and Nova Road and how it will be a havoc, with only one ingress and one egress through Tomoka Reserve which will spread out through Main Trail, Iroquois, and Rio Pinar. She continued that are a lot more children in the community now, including her 6th grade son at Ormond Beach Middle School (OBMS). She expressed her concern for all of the kids. Ms. Dedo Findes stated that all of this should be of consideration, the children, quality of life, and the environment. Ms. Dedo Findes concluded that wildlife have been displaced because there is nowhere to go with all of the developments.

Mr. Tyler Travis, 888 Willow Run, stated that he rents in Tomoka Oaks, and just moved here from Virginia and elaborated on his experience in a dense, high-traffic area in Virginia and offered a contrary, counter-perspective, expressing his respect for the current residents. He continued that he likes his privacy but is also interested in smaller lot sizes to be able to afford a home. Larger lots and estates would price him out, according to Mr. Travis. He is interested in new construction, and spoke on the architectural designs and how the applicant plans to alternate styles throughout. With townhomes it was only door color or shutter color that changed. Mr. Travis commented on the traffic and said that as long as there are sidewalks and traffic crossing lights, just as he was in a dense area in Virginia and it was not an issue. The kids had to walk to the bus stops, other than the younger kids whose parents took them to school. He added that he has a young child and had no problem playing with them out in the streets in their neighborhood.

Mr. Robert Banker, 1 Tomoka Oaks, #135, Escondido, stated that when the HOA President raised the idea of 276 units going in, the residents wanted it changed. He agreed with the President that then it went down to 272 units, that he did not like it and that it was not much of a change. Mr. Banker continued that he would like to see the number 0, unsure if it will happen. He commented that the applicant stated that they were going to put in $600,000, $800,000, and possibly $1 million homes. Mr. Banker stated that the plan shows a section in the middle similar to appearance as a sardine can which he does not see them being 7', 8', 10', 15' to 20' apart. He suggests that they will not sell for more than $100 to $150,000. A $700,000 will not be next to a $150,000 and still maintain value. He referenced the infrastructure and commented that no one is considering what it will do to the Publix area. Mr. Banker stated that the President commented that something is going in, and he asks why and what is the hurry. He spoke on a unilateral amendment and how the language for it should be stricken. Mr. Banker asked how when the construction is going on with the trucks backing up at the traffic signal, how the traffic will be going in and out.

Ms. Michele Zirkelbach, 328 River Bluff Drive, stated that she swears to the Oath. She thanked the Planning Board members for their time. In reference to time, she added that Mr. Merrell started out his presentation with the remark that a lot of hours have gone into talking about of stuff, and the irony in the statement. She commented

that for every hour that Mr. Merrell has spent, it is a billable hour for him and the residents match him hour for hour times every resident in the neighborhood and have more invested in this in manpower hours and are ready to have a real negotiation. Ms. Zirkelbach stated that when Mr. Merrell sits at the mediation table when someone comes back with a less than 2 percent reduction, he takes it for what it is a slap in the face. She continued that is where they are, 276 homes, down to 272, is not a meaningful move on their part in which finds offensive. She continued, and referenced Chairman's remark on speaking directly to the plan that that represented, and said that she finds it unacceptable. She spoke on the previous proposal approved, keeping parcel greenspace golf course and having less homes and nothing has been proved in terms of traffic. Ms. Zirkelbach stated that if continuing with this back and forth, for the Planning Board or City Commission to ask the hard questions about the traffic study. She stated that when looking at the traffic study and its statement that one car is going to be going to Tomoka Elementary out through Nova Road, that they have more common sense. She concluded that she agrees that something is going to go in there and offered food for thought on the market out there not for smaller lots and commented that Kings Landing subdivision in Port Orange is being brokered by Realty Pros, Mr. Buzzy Porter and Mr. Bill Navarra, whom she esteems, but said they are one acre home sites that are selling for $250, 000, $267, 000 to $278,000. Ms. Zirkelbach stated that if the threat is R-2 zoning and all of the lots being 10,000 square feet that the whole concept should be reconsidered as one-acre lots. One-acre lots is where it is at!

Ms. Missy Herrero, 111 N. St. Andrews Drive, stated that she has lived there for over 30 years and residents have spent thousands of dollars for legal representation to defend their quality of life and safety of their community. She continued that they do not have money to gain in the war of attrition. She said that they have been meeting with different members of the development and Board for over two years. Mr. Ray Barshay was quoted in the newspaper for saying that they just have not been able to tell their story, and Ms. Herrero commented that she does not know what they have been doing for two years. He invited them to see the quality of the product that they wanted to build out at Plantation Bay, on 80' wide lots. Ms. Herrero asked before she took her time to do so, what was behind the 80' wide lots. The answer was a golf course. Ms. Herrero spoke directly to the new plan and said that it is still not compatible in the existing neighborhood. 60' and 80' wide lots does not fit. The proposed buffer is the most inexpensive approach to the buffer. She mentioned a comment brought up by their HOA Attorney, that it is not a neighborhood backed up to a neighborhood, it is a neighborhood where people invested in property and homes on a golf course for views and privacy and are losing that, so the buffer should not be treated as a regular Residential to Residential buffer. Ms. Herrero commented that Mr. Rubin is from South Florida where she grew up, and her friend sent her miles and miles of buffers, dense, diverse, and well-maintained examples, with no water trucks driving along the buffer. She suggested that if it has to be built to some extent that it needs to be done in the best, high-quality possible approach as the reality is that the environmentally-friendly innovative approach is the least expensive and the most profitable for the developer. Ms. Herrero commented that there is information on how when golf courses are developed it affects the value of homes, with experts that say the opposite, and she said that data can be provided for it. She added that they do not have millions of dollars to win on this and they do. She suggested that if someone had time to pick apart the experts, it does not all add up and urged the Board vote no.

Ms. Dale Ryals, 20 Eagle Court, stated that she was not hear at the last meeting to take the Oath. She commented that her husband was in the hospital over the last month at Advent Hospital and when transported by ambulance and admitted to the Emergency Room, where he had to stay for two days due to no available room in the hospital. She continued that the hallways were lined with patients. The hospital claimed that they are not going to improve with only two hospitals. Ms. Ryals stated that when the development order was done the neighborhood was told by the City Commission that the golf course was needed for holding and draining the water to be able to put it back into the aquifer. She added putting rows of the houses with concrete and asphalt roads will have sewer drains and it will end up in the Tomoka Basin. They were told they could not add too many chemicals to the golf course so that it would not get into the Tomoka Basin. Ms. Ryals commented on the million and a half gallon water that had to be added to the reclaimed water, in which 250 of it came from St. Johns, and 250,000 came from her husband's pocket. The mylar-rubber liners was not paid for so her husband had to pay a lot of money to put the liners in, which could be an EPA problem.

Mr. John Rhoades, 39 N. St. Andrews Drive, stated that on his property, the city sewer and water/electricity come in from Nova Road through his yard/easement. He was aware when he purchased the property. He added that the infrastructure is going to have to come in from somewhere through easements or the main road which will tear up roads and create a miserable quality of life. He continued that the traffic and noise will be horrible and wants people to be aware of it when they are coming through resident's yards. Mr. Rhoades concluded that he appreciates the Boards time and trouble.

Mr. Paul Hughes, 4 Lauren Court, stated that he has taken 30 years of Oaths with the Government as an officer and added that his Oath is his bond. He commented that Tomoka Oaks is the body and the donut hole looks more like the large intestines. He remarked that hope is not a good plan for investments and added that there is no detailed entrance, drawing or plans that have put up to the gated, private, profit-motivated, smaller lot community. Mr. Hughes stated that the Escondido neighborhood has not seen any drawings to see how their lives will be altered with all of the underground utilities, sewers, that are max capacity now will all have to be altered at an extreme cost. He spoke on the northeast section where it has been cleared already on the plans and asked how they got a land use variance to alter the neighborhood standard to demolish a house or use for a rear entrance for EMS. Mr. Hughes remarked that he sees the issue with the watering for the plants and claims it will not be water that is treated. He referenced the Misners Branch Bridge and the overweight trucks that will be going over it and asked who will pay the construction costs when it has to be closed down for maintenance. He added that the plans do not include the utilities, and concluded that a person with nothing to hide, hides nothing.

Mr. John Measel, 16 Eagle Court, spoke on not irrigating the buffer and commented that if you do not water grass, you will get nothing but weeds and sandspurs. He added his concern with the traffic diamond and the thought that it will be suitable to add another 500-600 cars daily. He stated that it is not suitable now. Mr. Measel suggested to put a traffic circle and concluded that the traffic will be horrible.

Applicant's Rebuttal

Mr. Merrell thanked the residents for being there and spoke on the number of units that were reduced and stated that it started at 300 and is at 272. He reiterated the

straight zoning concept, the alternative in negotiating the zoning. He referenced the Snyder Case law and stated that it has nothing to do with rezoning of property that is surrounded by the exact same zoning. The limit of what you can ask for was talked about and it was said that you cannot think you are going to get the limit of what the Comprehensive Plan allows. Mr. Merrell referenced Mr. Spraker's report in that the Comprehensive Plan allowance is 4.3 units per acre, 632 units, which was their starting point.

Mr. Merrell referenced Mr. Harowski and thanked him and his input and suggestions on architecture and commented that they did not do all of what was suggested and remarked if the Board wants a particular thing to let the applicants know. On the traffic signal timing, Mr. Merrell remarked that if the light was not put in based on the DOT's timing that they would put the money up to have it built when the permit was issued and Mr. Lassiter will process the FDOT request. Mr. Merrell advised the Planning Board that if they feel differently to make it part of the motion.

Mr. Merrell referenced Ms. Flavia's remarks and stated that they have proposed construction time limits, on the cover sheet of the plan, Monday – Saturday, 7am – 7pm. He advised that it will not be 24/7 and it will not take place on Sundays.

Mr. Merrell refenced Ms. Lauren and Mr. Ned Huhta's inquiries on signage and answered that the plan is to have a sign like what was exhibited at the first hearing, at the entrance to the Tomoka Reserve community, not the entrance to Tomoka Oaks. The City Utility Department will have the answer on reclaimed water. Mr. Merrell stated that they are happy to discuss the types of trees.

Mr. Merrell thanked Mr. Travis for his remarks.

Tomoka Oaks HOA Rebuttal

Mr. Bayer referenced the Board members comments over the last couple of Board meetings that the project is too dense, with no significant reduction, as well as staff's comments on why the Type 6 buffer is appropriate and why it needs to be maintained and irrigated. He remarked that he understands a natural look and does not think it is a natural area with issues. Mr. Bayer spoke on the traffic circle and how it should be a requirement. He added that there has not been any substantive change since the last meeting and based on that he agrees with staff's recommendation of denial with it being time to go to City Commission. Mr. Bayer concluded that he respects the request that it go with the recommendation of the Planning Board of no, that it is not adequate and the way the property should be developed.

Live Stream Update

Mr. Spraker stated that staff is aware the livestream cut out from one link and are not able to re-establish that link. He stated a new live link has been established that is on the city's Facebook page and the city website. He stated he is aware that audience members are getting e-mails and texts and the city Public Information Officer (PIO) is also providing the new link.

Applicant's Rebuttal

Mr. Merrell stated at the end of the day, in response to Mr. Bayer, he pretty much repeated what has been talked about all along which is what to do with the lot sizes and the buffer in terms how it is planted and maintained. Mr. Merrell stated you heard a difference of opinion and they were professional opinions, very well thought out. He stated that there were hopes that the Board listened to them and looked at the

package that was in front of them, because if they said, "yes, but.." Mr. Merrell stated that is the safe route and then the City Commission knows that the Planning Board is willing to say the proposed houses can be built, but on suggested terms. Mr. Merrell continued that if the Planning Board says no for them to say why and explain because there are things in the reasons presented to you that you could say why and that it may not be the type of evidence that is needed to say no. He asked the Board to think about those things.

Break

Chairman Thomas stated that the Board is going to take a break at 8:14 p.m. The meeting resumed at 8:27 p.m.

Board Discussion

Chairman Thomas thanked all of those who spoke and for their input. He stated it is very important that the Board gets that and hopes that they all feel that over the three meetings that they have all been treated with dignity and respect and that true feeling that the Board really does care about their thoughts, wants to hear from them, and considers their opinions. Chairman Thomas stated that he wanted to remind the audience, "we are you - we are no different than you, we are just the volunteer people who sit up here and want to do what is best for our overall community." He thanked the audience for attending and for their participation. Chairman Thomas stated they are bringing the discussion up to the Board and the Board will have the discussion among themselves. He stated that the public hearing is closed, and cannot acknowledge anybody in the audience without the Board asking for them, and commented to please not raise any hands because it is closed for the public participation.

Mr. Jorczak stated that in the staff report it was discussed for the replacement of any of the plantings that may die and the two-year bond being put up to replace those issues. He stated that he noticed in some developments where there are dead trees long after the development has been completed and wondered if the city has any information with respect to developers who are responsible for going to do replacements in a certain time period and what the evidence generally is throughout the community. Mr. Jorczak stated that there have been a lot of developments that he has not gone through after they have been built to see what the propensity is for that to happen irrespective of the information that had been presented as to what it takes for the shrubbery to mature and then survive without any irrigation. Mr. Jorczak inquired if there was any data that could be shared as to an incidence of that happening and the time period to resolve it if another development was under no compunction or no city responsibility to do that replacement.

Mr. Spraker stated that staff does not have any empirical data to answer this question. He stated that typically a subdivision is constructed by a developer with inspections of landscaping at the end of construction to ensure whatever was supposed to be built is there and then it is turned over to a Homeowners' Association (HOA) for maintenance. Mr. Spraker continued if there are complaints about gaps in buffers or dead material, Neighborhood Improvement staff will investigate and look at the approved plans and seek to come to a resolution. The city Landscape Architect is often times included in the review. Mr. Spraker stated that there is a method for enforcement. Attorney Hayes stated that there are conditions in the development order and the obligations for maintenance are with the Homeowners' Association

(HOA). Staff seeks to work with the respective parties to find a solution. Attorney Hayes continued that there are enforcement provisions that code enforcement staff can enforce.

Mr. Jorczak asked if irrigation is a typical part of a development order. Mr. Spraker referenced the example of the Pineland subdivision that used a natural area that did not require new irrigation. He stated that wherever there are landscape plantings there is a requirement for irrigation.

Ms. Shull asked about long-term irrigation for other properties and referenced the applicant's request not to use an irrigation system. Mr. Spraker stated that if it is planted then there is an irrigation system and if it is a natural area, it is already established and no additional irrigation is installed. He referenced the natural areas and wetlands within the Pineland subdivision. Mr. Spraker stated that Tomoka Reserve has areas that will not need irrigation based on the natural areas. He continued that the city Landscape Architect advised that as new landscape material is planted, irrigation is required.

Ms. Shull asked why the plan did not want to include groundcover material and asked Mr. Spraker elaborate. Mr. Spraker stated that a buffer is sought between two developments and the groundcover is a tool to accomplish the buffer. Mr. Spraker stated in staff's opinion, the type 6 is an appropriate buffer. He concluded that if there is a desire to trade groundcover material for more trees or shrubs, that it is possible through the development order process. The groundcover is one of three layers that make up a landscape buffer.

Ms. Shull asked about maintenance and vine maintenance. Mr. Spraker stated that a normal course of maintenance would include managing vines and such material. He explained that he understood that the desire of the buffer is to let it grow natural and that SPRC staff are focused on the gaps in the buffer and filling the gaps. Ms. Shull inquired if the maintenance would be taken over by the HOA. Mr. Spraker confirmed that is correct.

Mr. Scudiero remarked that this is an applicant who appears before us quite often, and the least that can be done is to provide direction. Mr. Scudiero commented that he does not love the plan and did not think that was a secret. He stated that his biggest hang-up is the density. He continued, not just density in general, because of some of the lots being larger throughout the perimeter, commenting at least you cannot always see in other neighborhoods around the city where the density is higher. Mr. Scudiero stated that his concern is the references to the donut, which is not a completely inaccurate description. He stated if you are going to fill the donut in, it has to be with the same material as the rest of the donut. Mr. Scudiero stated his concern here is that the lot sizes, not just lot widths, need to be consistent throughout. He stated that would be his biggest suggestion to the attorney.

Mr. Scudiero added that when you take a neighborhood that is 50 or 60 years old, there is no way to re-create every style of home and architecture as so much has change in that time period. Mr. Scudiero stated that the homes today, even if they are the same square footage, they are vastly different than what was built originally in Tomoka Oaks. Mr. Scudiero continued that it is owed to the surrounding residents to make the development as close as possible – make the donut as contiguous as possible. He added and as consistent as possible. Mr. Scudiero concluded explaining his heartburn is that the development plan does not get anywhere close, especially with the 60' wide lots in the center, to the existing development.

Mr. Railsback commented that he concurred with Mr. Scudiero's comments. He stated that he read the application and all of the submittals. He stated that he previously lived in the Trails and was familiar with this area, which was one of the residents' concerns. He stated that he believed the Board members have a very intimate perspective of that area of the community. Mr. Railsback added that he served on the Quality-of-Life Board and that elements such as traffic and continuity are important to his decision-making process. He stated that in his review he could not ignore the fact that there is an open question of should the property always be a golf course. Mr. Railsback compared it to someone who bought on a lake or on the river and if someone was going to develop a houseboat development behind them. He stated that would invade on their original thought process of where they wanted to live and what they decided to purchase.

Mr. Railsback stated that if something goes in there that is not a golf course, considering the conformity and compatibility discussed and whether concessions were made. He commented that from the perspective of what could go there, 632 units are allowed under the land use and there are other concurrency issues that would pair that number down. Mr. Railsback stated that he is works in the area of HOA/condo unit development and has been thinking of the issues of development and what should of or could have been done that would be better for the surrounding area. He identified parking as an issue. Mr. Railsback expressed concern with so many vehicles with short driveways and two or three cars parking in the street when you have guests. He stated that he did not want this to be an afterthought and wishes there were longer driveways.

Mr. Railsback commented that he would like much less density and how that is his major concern. He offered the estate home concept as an alternative concept that would be more compatible. He continued that it is going to take an established neighborhood with larger lots and homes that are not 7 ½ feet offset from the property line, effectively 156' apart, then something greater than that should be in place, adding that there are no homes in Tomoka Oaks that are 15' apart or that have the same building elevations. Mr. Railsback stated in order to get his support there would need to be enhanced architectural standards that separate similar building elevations and much less density. He remarked that if you have a larger home price per square foot, rather than a ton of smaller homes, you can get to the same range and get a project that is better conforming to the area. Mr. Railsback expressed concerns about the traffic flow, including the thoroughfare leading into Rio Pinar, Iroquois, and Main Trail and out to SR40. He stated it will become a racetrack at different times of the day with safety concerns. Mr. Railsback expressed his concerns with Rio Pinar and North/South St. Andrews Drive. He expressed that a higher density project would provide additional traffic impacts and does not know how that many cars would work through that area.

Mr. Railsback stated he agreed with the donut comments. He stated the new development should be the same design or better. Mr. Railsback expressed support for greater sized lots or a greater size home and the rising tide will bring everything up.

Mr. du Moulin stated he rode his bike from Winding Woods through the area and Tomoka Oaks is a unique community with the houses beautifully maintained with its own character. Mr. du Moulin expressed that he is still shaky on the legal issues on whether or not the former golf course can be built upon. He stated that if the

developers want to be good stewards to their neighbors, the community, and to Ormond Beach that they should consider a larger scope for the housing development. Mr. du Moulin recalled at the last Planning Board meeting that there was a project called the "Enclave" which had larger lots sizes, 12 homes on 26 acres. He stated that the only problem was that it had septic systems and that is not applicable here. He suggested if something was to go on the former golf course, if it legally can go in there, the developers need to expand the acreage per lot.

Mr. du Moulin continued that he was concerned with the traffic and suggests that the traffic studies are flawed. He stated that the Fishkind study was also flawed. Mr. du Moulin expressed additional concerns with the traffic patterns and expressed that the traffic studies do not cut it. He stated the project needs to consider larger lots that would reduce the overall traffic demand and suggested a rotary at Tomoka Oaks Boulevard and Saint Andrews Drive diamond.

Mr. Jorczak stated that he has spent a considerable amount of time reviewing this project and concurs that it is unique. He expressed a concern that the proposed houses would be cookie-cutter homes which is quite a bit different than the existing neighborhood surrounding the project. Mr. Jorczak stated if this project were 5 miles from the center of town, it may be appropriate, but this is dropped into an existing residential subdivision that has an atmosphere. Mr. Jorczak stated that he understood the business model that the developer is working with and what homes that they believe that they can sell. He commented that the elephant in the room for him has been the change in lot size. Mr. Jorczak stated that this property could be even better than the existing Tomoka Oaks homes. He encouraged the developer to take a look at other potential economic models with larger lot sizes. Mr. Jorczak continued that the former golf course is such a unique piece of property and how he would like to see what is already there expanded as opposed to a standard development model.

Mr. Jorczak expressed concerns about traffic from the project and traffic in general. He stated that traffic is a common issue that happens everywhere - the infrastructure does not catch up to the level of development. Mr. Jorczak continued that traffic is astounding and getting worse by the year, and it will continue to get worse. He stated these elements have to be dealt with in a fashion to minimize the effects, including the use of larger lots. He stated that both issues of traffic and density can be helped with larger lots. Mr. Jorczak commented that the land area's limited access should also be considered. He stated that there is not one project before the Planning Board that has not discussed access. He acknowledged that the property will likely be developed in some residential fashion. Mr. Jorczak stated that density, traffic/safety, diversity of building styles, and compatibility with the surrounding neighborhood are all key issues and concerns. He concluded that the comments of the other Board members are valid comments and there needs to be a better job of mitigating the impacts of this development than what is in front of them.

Mr. Galloway commented that he wanted to be clear that he has friends, professionally and long term, on both sides of this equation. Mr. Galloway stated to the resident who asked about the board members familiarity with this area, that he and his family have spent a lot of time in Tomoka Oaks and the Trails.

Mr. Galloway stated he has done research in relation to this application and lots being built in this area. The first thing is that not a single developer has been able to develop to maximum land use density allowed. He added that it seems that developers ask for the moon and we pull back the density. He stated that 60 to 70 percent of the lots that

his company pulled were between 55' and 65' in width. He continued that 30 to 40 percent were 70' to 80' in width. Mr. Galloway stated that they could not find any new subdivisions with 100' wide lots. He stated that a 50' wide lot would probably cost the builder $100,000 today. There are no more $25,000 lots. Mr. Galloway continued that a 100' wide lot, not on the water, would likely cost between $185,000 and $250,000, and then there is the cost of the house construction.

Mr. Galloway recalled he did a tape measurement prior to the meeting and the buffer would go from the stage to the curtain at the end of the seating area. The new house would have a 30' setback, plus the 50' buffer, and the Tomoka Oaks 25' setback. Mr. Galloway stated that there would 115' from house to house. He commented that he never has seen an inner-city neighborhood have that much space between the back of the houses. He expressed his concerns including the potential of neighbors to take down trees.

Mr. Galloway stated that the applicant did what he had asked of them by putting in a combination of lot sizes. He remarked that what they did not do was listen. He continued expressing that everyone has property rights – the developer has property rights and homeowners have property rights – what they did not do was listen to the neighborhood. Mr. Galloway stated that he could vote for this project if it had less density. He continued that he thought that the project would come back with 220, 230, 240 – maybe 250 lots. Mr. Galloway stated he was a little shocked and a little disappointed that the number of lots was not less. He stated he is not sure if they are still asking for the moon or if they will take what the City Commission will give.

Mr. Galloway commented that he believed that something would be built on the property. He continued that there is always an ability to buy property, at the right price, and encouraged residents to continue the purchase option. Mr. Galloway encouraged the HOA and residents to pursue a purchase through a community development bond over 30 years. He stated it would cost about $129 a month per homeowner and that they can buy it. He asked the audience how many individuals would be willing to participate in a purchase. Mr. Galloway stated if the residents bought it, they could decide what to do with the land. He continued to encourage the residents to seek to buy the property. Mr. Galloway concluded that he is for this project, but not at this density.

Mr. Jorczak asked if every single lot was 100' in width, what would that do to reduce the density in terms of the number of lots as it currently sits. Mr. Spraker stated he believes that the applicant has done an analysis and would prefer that the applicant address this question. City staff have not reviewed any plans where all lots are 100' in width. Mr. Spraker speculated that between 280 and 300 lots would be possible. Mr. Spraker stated the applicant would likely have a better answer.

Mr. Jorczak clarified that all the other parameters would be the same. Mr. Merrell questioned which perimeters and Mr. Jorczak stated all of them. Mr. Merrell replied that they have a plan adhering to the Land Development Code that allowed 300 lots. Mr. Jorczak stated that he is not talking about the code. Mr. Merrell continued that the project engineers developed a code compliant plan for the benefit of the property owner and the answer is 300.

Mr. Jorczak stated that he is looking for the 100' wide lot within the context of the PRD application, including the buffer and recreational area. Mr. Merrell stated the question mixes apples and oranges. Mr. Merrell stated a 100' wide project would utilize a different set of standards other than the PRD and the buffers and recreation

areas. Mr. Jorczak stated his fundamental question was within the PRD development plan, if the lots were all 100' in width, what the total number be. Mr. Merrell replied that they do not have the answer to that question and concluded that they mixed the lots up and brought the other things along – these all go together.

Attorney Hayes stated that the lot number question would require other site-specific analysis which is not before the Board tonight. He continued that if it is of belief that the density is too much on this project, then the Board can talk a little bit about it, but that it is a development application under a PRD zoning. Chairman Thomas sought clarification if the question was to maintain the PRD site plan layout and require a minimum lot size of 100' in width and depth. Mr. Railsback stated it would be approximately 240 lots based on the existing lot areas in the site plan. Mr. Galloway questioned if that impacted the buffer. Mr. Railsback replied with the calculated lot sizes in the site plan (60' X 125' and 80' X 125') and then divided by 10,000 square feet which came to approximately 240 lots. Mr. Galloway confirmed that there would still be a 50' buffer.

Ms. Shull reviewed the case studies provided about other golf courses provided by the applicant. She stated the studies looked good with a 9-hole course and how one golf course added estate homes. She continued that one in Boca left the part of the golf course and added a 55+ community with 120 homes. Ms. Shull stated that other things can be done with the property. She expressed that she understood the intention was not to rebuild a golf course. She stated that the other densities are not anywhere near what is being proposed. She stated that she concurred with other board members on the density. Ms. Shull expressed concern that traffic is going to be too much, concerns with children in other neighborhoods with no sidewalks, Tomoka Reserve cut through traffic. She stated that no matter what is said, that it is 600 more cars. Ms. Shull added that the stoplight is an issue and commented that the traffic signal should be in place before the homes are finished, just as the WaWa did the traffic signal first.

Ms. Shull stated that the density is a big concern and how the buffer needs to be installed as a type 6 with irrigation. Ms. Shull remarked that the HOA should not bear the burden of future buffer costs. She added that the ground cover needs to be installed.

Ms. Shull stated that she does not like the different lot sizes of 60' and 80' in width and explained that the lot widths need to be larger. She continued that the length of the driveways and having options for side entry garages are important for neighborhoods. Ms. Shull concluded that if there is not enough parking, individuals will park on the street and the community will not look good.

Chairman Thomas stated that the traffic engineer for the project does a very good job for traffic studies, but the system is so flawed that it is unreal. He continued that the studies are not reality, totally not reality. Chairman Thomas stated the density is a concern, as well as the traffic with the biggest problem coming out Main Trail to West Granada Boulevard. He stated this will be a nightmare. He stated that when the school is rebuilt and how right now coming out of the Trails where there is no bus pickup for elementary kids so they are either taken by their parents or riding bikes – most will go by car. Chairman Thomas asked the traffic engineer if they did the traffic study at school hours with the elementary school at Main Trail to West Granada Boulevard and commented that he doubted it. Chairman Thomas acknowledged the traffic engineer nodded yes, that the study was done. Chairman Thomas stated that people are not going want to wait the time they are going to have to wait because of

the way that intersection is right now you have going out to Granada. He stated that you have people wanting to turn right and you have people wanting to go straight and people wanting to turn left. He continued if somebody wants to turn left, nobody will be able to go anywhere. Chairman Thomas stated especially when school is coming out after people drop their kids off in the morning and people are still trying to get there and to the little Christian School to the west on Granada Boulevard that also has people stacked up waiting to turn right. Chairman Thomas stated that the traffic nightmare in his opinion is not going to be at Tomoka Oaks and Nova Road, but it is going to be a nightmare because people coming out of Tomoka Oaks now are going down on Rio Pinar and turning on Main Trail or on Iroquois. Chairman Thomas stated that the school will have more kids going to it because the school will be bigger. He reiterated that traffic will be a nightmare. He asked who will pay for needed improvements at the intersection and asked if the developer is going to pay for the intersection improvements.

Chairman Thomas asked the acreage of Tomoka Oaks minus the Tomoka Reserve property. He stated that there are over 500 homes in Tomoka Oaks. Mr. Spraker recalled there was a density analysis provided that showed Tomoka Oaks had a density of 2.09 units per acre. The acreage would be 547 homes divided by 2.09 units per acre.

Chairman Thomas stated that he has a problem with the density that has been discussed several times. He agreed with the applicant that there is a demand for 50 and 60' wide lots, but he did not believe that this demand is in the heart of an existing development of 100' wide lots. Chairman Thomas recalled he was on the Board in 2006 and the development plan at that time saved the golf course, allowed 117 condominiums, and three single-family lots. He stated that the 2006 approval recognized the property as a collection point of water to recharge the aquifer. Chairman Thomas stated that he understands times have changed, costs have risen, and housing types have changed. He stated that he wished the project team could come back with a plan similar to the 2006 plans because everyone got what they wanted.

Chairman Thomas added that 117 units will not work and now he can understand 220 to 230 residential units. Chairman Thomas stated that this is zoned as PRD now and it does not necessarily need to change.

Attorney Hayes asked to summarize a few points before answering the question. He stated this is a legal proceeding and there are rules that do apply and explained the Planning Board-role as a decision maker to weigh the competent and substantial evidence that was described at the July meeting. He stated the role of the Planning Board to weigh the testimony provided and determine which evidence is more credible. Attorney Hayes stated the initial burden is on the applicant to establish the application is consistent with the Comprehensive Plan and the requirements of the Land Development Code. The Planning staff's report is part of the evidence to consider. Attorney Hayes continued that application tonight is for a development within the Planned Residential Development zoning designation. The R-2 zoning district is not applicable tonight and may be a future application, but it is not before the Board tonight.

Attorney Hayes stated he wanted to point out some observations and his comments are not testimony. He continued that his role is to provide legal advice and counsel.

Attorney Hayes stated this is a unique piece of property and Tomoka Oaks was designed around this golf course and provided the following observations:

- Tomoka Oaks had an R-2 zoning designation;
- The R-2 zoning district also applied to the former golf course property for decades. The golf course operated for decades. He stated one may ask why was it not zoned separately. Attorney Hayes stated no additional zoning was in place because of restrictive covenants;
- The restrictive covenants for the former golf course were released by the HOA. The protection went away and the land continued to operate as a golf course;
- There was an application in 2005/2006 to rezone the golf course property from R-2 to PRD. This was reviewed by the Planning Board and approved by the City Commission. The approval allowed 119 multi-family units and three single-family units and certain conditions such as a covenant to restrict the use to a golf course with development;
- The 2006 development order expired with no construction. The 2006 covenant for use as a golf course was never recorded.

Attorney Hayes stated that these demonstrate the unique characteristics of this property. He continued that it is another application for development under the PRD zoning. He stated that there is probably a difference in why it is not separated out in the early years as described and how it is his speculation and it can be taken it for what it is worth. Attorney Hayes explained where the Board was and that the Board has to weigh the competent and substantial evidence and if the application is consistent with the Comprehensive Plan and the requirements of the Land Development Code. The initial burden is on the applicant and it shifts over to the HOA. Attorney Hayes stated that the Board gets to make that final determination.

Attorney Hayes stated that if the Board does not believe the application meets the criteria then the motion should be for denial. If it is believed to meet the criteria, then the motion should be for approval, and if it falls somewhere in between, a creative motion can be made, including a denial, and provide conditions. Attorney Hayes concluded that the Board has discretion, because as stated by the applicant, this a negotiated development order.

Chairman Thomas asked if there is a legal requirement if this application does not go through, does the city have to re-zone the property. Attorney Hayes stated that there is no rezoning application before the board. He continued if the Planning Board and the City Commission deny the current application, the question becomes what options does the applicant have. Attorney Hayes stated the applicant can present another PRD site plan under the PRD zoning or they can file an application to rezone the property to R-2. Attorney Hayes stated the rezoning to the R-2 is not before the board tonight.

Chairman Thomas stated he wished the applicant presented something like 2006 with some higher housing numbers. He stated at this point that he has major problems with the application.

Mr. Galloway asked Mr. Railsback what number he calculated if all were 100' wide lots. Mr. Railsback responded 240 lots. Mr. Railsback replied that it could be a little more or less based on the geometry of the property.

Mr. Galloway inquired about his interest of entertaining a motion of accepting the proposal with comments from staff for 240 homes. He stated that would give the applicant a message of where we stand and he always states that he would like to see the lot range between 220 and 240 lots. Attorney Hayes replied that the motion would require new data. Attorney Hayes commented that from what he was understanding the concern is the density. Attorney Hayes continued that a recommendation can be made for denial with details of the reasons for the denial motion so that there is a good factual basis for the recommendation. Attorney Hayes stated the detailed reasons or conditions would allow the applicant to make a decision of how they will move forward or pursue an application to R-2.

Mr. Galloway withdrew his motion.

Chairman Thomas stated his desired range was 220-225 lots. He discussed other lot range potentials and stated he would set the lot range low. He remarked that the City Commission would have some idea of what the Planning Board thought was appropriate and added at 250 lots, it is only a reduction of 22 lots.

Mr. Galloway stated he was putting a lot number out there to let the applicant know the current plan is too many lots. He commented that the City Commission will make the final determination. Chairman Thomas stated it would be in the minutes that they were looking at 220 units. Mr. Jorczak commented that if there is a denial tonight, the number is out there. Mr. Jorczak stated if the applicant wants to go to the City Commission, they can adjust the number to some extent.

Attorney Hayes stated that the Board can approve a motion with reasonable conditions. He added that the question then becomes what is reasonable based on the testimony and evidence presented. Attorney Hayes continued that it appears to that the Board does not like the density and desires something less. He stated that his recommendation is to make a motion to deny and state the reasons into the record this way the applicant has items to consider as they move forward and consider what the Board has stated.

Mr. Railsback stated that what the City Attorney and the applicant are asking the Board to do is to tell the reasons why the Board is denying the application. He provided an example that the Board denies the project because it is more than 230 units, the lack of a rotary circle, and the lots were not a minimum of 100' in width. Mr. Railsback commented that with the recommendations, the applicant could consider the revisions for the City Commission hearing.

Ms. Shull stated that she did not know that every little detail, the sprinkler system, the things that the Planning Department has said, could be put into a motion and expressed that those are the things that the Board would like taken care of. She added that that there was a lot in there that they do not know if it has been taken care of yet because the Planning Department has not had an opportunity to go over it. She continued that they have not had the opportunity to run the numbers to see how many 100' lots could go in there. Ms. Shull concluded that for them to sit there on a calculator and figure that it is around 220 is not a good way to put into a motion.

Chairman Thomas stated that this is true and he could go for no irrigation if the developer would pass the two years and maybe go to 5 or 7+ years that they would guarantee that those would last.

Ms. Shull stated that the motion is going to be three pages long. She stated that the City Commission will know what was discussed, read the notes, and know the points

of concern. Ms. Shull suggested a motion to deny and to please read the Planning Board minutes.

Chairman Thomas stated he believed that each City Commissioner or Mayor that appointed will be calling and seeking information from board members and that is totally legal. He stated that he knows that his commissioner talks to him about a lot of decisions made by the Planning Board.

Attorney Hayes reiterated what he heard and expressed that if he is wrong, for the Board to correct him. What the Board does not like as a basis for denial is:

- Density – believe that it is too much. There was talk about fuzzy numbers that the Board may be comfortable with under an appropriate plan;
- Traffic analysis is flawed based on evidence and testimony that you have heard and in the Boards own experiences;
- The traffic triangle should be a traffic circle; and
- The buffer and whether it should be a natural buffer or some other form of buffer and whether that buffer should have irrigation of some form.

Attorney Hayes asked if there were any other items.

Chairman Thomas stated a concern is the Main Trail and West Granada Boulevard intersection. He continued that is going to be a major problem. Attorney Hayes replied that would all be supported by the minutes and the record.

Attorney Hayes stated that if a motion is made with those parameters based on the evidence in the record that the application could be moved on up to the next level which would be the City Commission. He stated that the City Commission would take all the information under advisement, as they always do, and they will make their own determination after a legal proceeding just as this.

Mr. Railsback asked if the variety of elevations was included. Attorney Hayes stated that it was not, but that it could be included but not necessarily limited, because there are so many things. He reiterated that the Board's recommendation is advisory to the City Commission.

Chairman Thomas asked the Planning Director when the meeting minutes are written up and with the recommendation of the Board, if a synopsis could be included of the reasons that the vote was to deny it so that it would be in print that goes to the Mayor and City Commissioners.

Mr. Spraker explained that the way the minutes are done is more verbatim than a summary so that the entire scope of what is being said is reflected. He continued that staff always does a summary, usually brief, that hits the highlights. He concluded that yes, the minutes can reflect exactly what was said.

Mr. Scudiero stated that he would like to make a motion and if there is a second they can each give their articulated reasons both for the record and for the applicant's benefit.

Board Motion and Discussion

Mr. Scudiero motioned to deny PRD 2022-043, Tomoka Reserve – Issuance of a Development Order. Ms. Shull seconded it.

Chairman Thomas announced that the Board was going into discussion.

Mr. Scudiero stated his summary of concerns:

- Density;
- The plan that the applicant has come up with the buffers;
- An improved traffic rotary at the entrance;
- Instead of the 60, 80, 90 and maybe 100' wide lots, they want them all to be 100' in lot width, just like the rest of the neighborhood.

Mr. Railsback added the desire for a variety of house building elevations, including colors and roofing materials. He stated at least the minimum in the application and if a greater separation was given, his thought was that was another carrot for the City Commission.

Ms. Shull stated her issues are:

- The buffer, a desire to see a type 6 buffer;
- Would like to see the irrigation system to go in;
- Traffic signal to go in;
- Not sure about the diamond and roundabout. She noted that traffic study with the fire truck trying to get around that thing and it bothered her;
- Lot sizes are too much. The 60' wide lots are too crammed into that little space and it does not conform to the rest of the neighborhood that is already there;
- The gated community was a positive; and
- The main thing is the density because of the traffic.

Mr. du Moulin stated that he is concerned with the proposed lot sizes and the rotary.

Mr. Jorczak stated the elephant in the room for him has always been the density and he thought that it had been addressed. He added that he would like to see something less for the lots than what Mr. Railsback calculated in terms of how that is going to fit within the existing community. Mr. Jorczak discussed the architectural styles that the Board talked about and expressed that it would be nice if there was something better defined as to what the flexibility would be. He stated that he supported a no vote and concurs with what the city staff has recommended with respect to irrigation. Mr. Jorczak commented that he would recommend beyond what they had indicated in terms of just the perimeter lots being 100' in frontage. He continued that he believed that there is far less density of homes. He stated what the developer wants to do with respect to reducing that and seeing whether he has an economic model, is something that they will have to work with. Mr. Jorczak concluded that the way it is proposed today, he would vote for denial.

Mr. Galloway stated that he has a problem making them all 100' in width because of the lot radiuses with no way to get 100' wide lots on a curve. He added that he is okay with 100' wide on the back side of the lots. Mr. Galloway stated that he believed that there needed to be a flexibility of 80' and 100' wide lots. He concluded that you cannot get a 100' wide lot in a circle.

Mr. Jorczak stated that you can go above 100' in lot width and that he believed that the fewer number of homes would be better.

Mr. Galloway stated that he thought that it could be done with a combination of 80 and 100' wide lots. He stated that he would hate to tie-string them with 100' wide lots.

Chairman Thomas asked if Mr. Galloway was going to put a ratio on that, and said that what he looked at was that there was ten 100' wide lots and a few 80' wide lots. Mr. Galloway stated that he did not believe that a ratio was needed and that they should let the engineers analyze that. He stated that you can say that there should be more 100' wide lots, but you cannot tie somebody down to put all 100' wide lots in.

Mr. Railsback suggested making the lot deeper with a minimum of 10,000 square feet (80' X 125'). He stated that if you have to squeeze an 80' wide frontage lot, then it needs to be deeper. Mr. Galloway concurred and commented that the Board was doing the schematics and are not engineers. Chairman Thomas stated what we are is neighbors. Mr. Galloway concluded that in this type of property you cannot make all 100' wide lots.

Attorney Hayes sought to refocus the Board. He stated that there is a motion and second for denial. He continued that most of the comments are consistent and some are a little different. Attorney Hayes explained to the Board that you can incorporate the comments as part of the motion and second for supporting purposes of the motion to deny. He stated that these comments are not going to tie anything down specifically. Attorney Hayes restated that the Board's action is a recommendation. He stated if the maker of the motion and the seconder is okay incorporating those comments as a supporting basis for the motion to deny, all of that information would go up to the City Commission.

Chairman Thomas asked for a point of clarification if any member of the Board can call any City Commissioner or Mayor. Attorney Hayes confirmed that there is no Sunshine Law requirement for a member of the Planning Board communicating with a member of the City Commission. Attorney Hayes stated that Planning Board members cannot talk with each other.

Mr. Railsback stated for the minutes that he would like to see longer driveways as parking in the street is going to be an afterthought and that he would be remiss if he did not bring it up. He continued that he is okay with deeper lots and believes that two or three spots are needed plus the garage, not one car hanging into the road.

Attorney Hayes stated that he saw the maker of the motion and the seconder nod their heads to incorporate the item as a supporting basis for the motion.

Chairman Thomas asked if Attorney Hayes had his concerns on the list. Attorney Hayes responded that he did.

Chairman Thomas stated that there is a motion and a second. He stated that the Board has had discussion and asked the recording technician to call the vote. Mr. Galloway asked the motion be repeated. Chairman Thomas stated the motion was to deny the application. Attorney Hayes confirmed that the supporting basis in the Board comments are incorporated. Chairman Thomas asked the recording technician to call the vote.

Vote was called:

Mr. du Moulin: Yes, to deny.
Mr. Scudiero: Yes.
Mr. Railsback: Yes.

Mr. Galloway: Yes.
Mr. Jorczak: Yes.
Ms. Shull: Yes.
Chairman Thomas: Yes.

The motion for denial was approved (7-0).

Chairman Thomas stated that when the Planning Board first started at the first meeting, he told them that this is one of the top five decisions that he had ever been involved in at the Planning Board. He stated that it can now be moved up to the number two slot. Chairman Thomas stated that the only one that proceeded it was voting to tear down the Ormond Hotel to which he regrets to this day.

Chairman Thomas thanked the audience for their patience and courtesy. He stated that these have been the biggest meetings they have had and that they are probably one of the nicest, most respectful groups ever. He stated there has been no hollering or hooting and that he thanked the audience for that because they made the Board's job easier.

VII. OTHER BUSINESS

No other business was discussed.

VIII. MEMBER COMMENTS

No member comments.

IX. ADJOURNMENT

The meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

ATTACHMENT 6

Past Minutes

Section D

November 7, 2023, City Commission

Present: Mayor Bill Partington, Commissioners Lori Tolland, Travis Sargent, Susan Persis and Harold Briley, City Attorney Randy Hayes, Assistant City Manager Claire Whitley and Assistant City Clerk Taylor Lochert.

A G E N D A

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. Hometown Heroes

B. National Native American Heritage Month

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting - October 17, 2023

7. COMMUNITY REDEVELOPMENT AGENCY

A. **RESOLUTION NO. 2023-195**: A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

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

8. CONSENT AGENDA

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

A. **RESOLUTION NO. 2023-195**: A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

B. **RESOLUTION NO. 2023-196**: A RESOLUTION AUTHORIZING A

TO THE ATLANTIC OCEAN ON SATURDAY, NOVEMBER 18, 2023 FROM 8:00 A.M. TO 2:00 P.M.; AND SETTING FORTH AN EFFECTIVE DATE.

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

C. **RESOLUTION NO. 2023-197**: A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL REGARDING FUNDING FOR THE CITY'S VICTIM'S ADVOCATE PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

D. **RESOLUTION NO. 2023-198**: A RESOLUTION ACCEPTING THE QUOTE FROM OWENS ACCREDITATION SERVICES, LLC REGARDING ACCREDITATION SERVICES FOR THE POLICE DEPARTMENT; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Jesse Godfrey, Police Chief, (386) 676-3500*

E. **RESOLUTION NO. 2023-199**: A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF PARTS AND SERVICE FROM PARKSON CORPORATION FOR THE CITY'S AQUA GUARD SELFCLEANING BAR/FILTER SCREEN AT THE WATER RECLAMATION FACILITY; AUTHORIZING THE EXECUTION OF A CONTRACT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*

F. **RESOLUTION NO. 2023-200**: A RESOLUTION AUTHORIZING A WORK AUTHORIZATION AND ADDITIONAL FUNDING TO ANDRITZ SEPARATION, INC. FOR THE REPAIR OF THE CENTRIFUGE UNIT AT THE WATER TREATMENT PLANT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*

G. **RESOLUTION NO. 2023-201**: A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE INSTALLATION OF LED LIGHTING AT THE ORMOND BEACH SPORTS COMPLEX FOR THE SOFTBALL QUAD; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

H. **RESOLUTION NO. 2023-202**: A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE RENOVATION OF BASEBALL FIELDS 2-5 AT THE NOVA COMMUNITY PARK; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT

I. **FEMA Flood Mitigation Assistance Program Grant Application**

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

Disposition: Approve as recommended in the City Manager staff report dated November 7, 2023.

J. **Auto Renewal - Golden Eagle (at Andy Romano Beachfront Park)**

Staff Contact: *Robert Carolin, Leisure Services Director, (386) 676-3279*

Disposition: Approve as recommended in the City Manager staff report dated November 7, 2023.

9. PUBLIC HEARINGS

A. **ORDINANCE NO. 2023-51:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF BENTON STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-08-0010, 3136-01-07-0010, AND 3136-01-01-0021, AND ALONG VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-01-0021 AND 3136-01-21-0050; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

B. **ORDINANCE NO. 2023-52:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF HAMMOND STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE AND NORTH OF PLANTATION OAKS BOULEVARD, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3125-08-00-0014, 3136-01-07-0010 AND 3136-01-01-0021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

C. **ORDINANCE NO. 2023-53:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF ROSEMARY STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-09-0001 AND 3136-01-08-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

RESERVE SUBDIVISION; AUTHORIZING THE DEVELOPMENT OF 272 LOTS ON 147.94+ ACRES TO BE LOCATED AT 20 TOMOKA OAKS BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

A. **ORDINANCE NO. 2023-54:** AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2022-2023 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); PENSION CONTRIBUTION PASS THROUGH FUND (113); RECREATION FACILITY FEE FUND (115); GRANTS FUND (116); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); RENEWAL & REPLACEMENT FUND (409); SOLID WASTE FUND (460); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: *Kelly McGuire, Finance Director, (386) 676-3226*

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

MINUTES

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 6:10 p.m.

Item #2 – Invocation

Chaplain Sam Mercado, Advent Health, provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Hometown Heroes

Mayor Partington presented a proclamation to Deputy Fire Chief Nate Quartier and Police Captain Chris Roos in honor of the Hometown Heroes Military Appreciation Banner program and proclaimed November 2023 as a time to celebrate the Hometown Heroes.

Item #5 – Audience Remarks

Ms. Melissa Horan, 1010 Seashell Court, discussed her experience with public safety concerns in small towns and encouraged the City Commission to mitigate potential risks.

Ms. Rebecca Mangali, unincorporated Volusia County, discussed misconceptions regarding the Belvedere Fuel Terminals and fuel prices.

Mr. Kason McFarren, unincorporated Volusia County, thanked the Commission for their work regarding the Belvedere Fuel Farm.

Ms. Connie Colby, 108 Roble Lane, requested the agenda items have more details on the agenda to help with transparency and discussed the potential relocation of the police station.

Volusia County Council Member Troy Kent, 130 Magnolia Drive, thanked the Commission and staff for their support of the dog friendly beach in Volusia County.

Commissioner Briley thanked Council Member Kent for his work on the dog friendly beach.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the October 17, 2023, meeting had been sent to the Commission for review and were posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated hearing no corrections, the minutes would stand approved as presented.

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of the October 17, 2023, City Commission meetings minutes.

The motion passed by voice vote.

Item #7 – Community Redevelopment Agency

Mayor Partington advised the following items were Community Redevelopment items. He explained the City Commission served as the Community Redevelopment Agency (CRA) of the city and must review the item and make a recommendation as the CRA.

Mayor Partington recessed the City Commission meeting, called the CRA meeting to order, and opened the public hearings at 6:31 p.m.

Item #7A – Granada Boulevard Streetscape Sidewalk Banding Repair Contract Modification

Assistant City Clerk Taylor Lochert read by title only:

RESOLUTION NO. 2023-195

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

Commissioner Persis moved, seconded by Commissioner Sargent, for recommendation of Resolution No. 2023-195, as read by title only.

The motion passed by voice vote.

Mayor Partington closed the public hearing, adjourned the CRA meeting, and reconvened the City Commission meeting at 6:32 p.m.

Item #8 – Consent Agenda

Mayor Partington advised the actions proposed for the items on the Consent Agenda

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Comments on the Consent Agenda

Commissioner Sargent expressed his support of Items 8G and 8H regarding Volusia County ECHO grants for the Sports Complex Softball Quad LED lighting and Nova Community Park Fields restoration.

Item #9 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #9A – Partial Right-of-Way Vacation, Benton Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-51

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF BENTON STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-08-0010, 3136-01-07-0010, AND 3136-01-01-0021, AND ALONG VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-01-0021 AND 3136-01-21-0050; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Ordinance No. 2023-51, on second reading, as read by title only.

Call Vote:	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Item #9B – Partial Right-of-Way Vacation, Hammond Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-52

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF HAMMOND STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE AND NORTH OF PLANTATION OAKS BOULEVARD, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3125-08-00-0014, 3136-01-07-0010 AND 3136-01-01-0021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-52, on second reading, as read by title only.

Call Vote:	Commissioner Persis	Yes

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-53

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF ROSEMARY STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-09-0001 AND 3136-01-08-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-53, on second reading, as read by title only.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Mayor Partington recessed the Public Hearing at 6:37 p.m.

Item #10 – Public Hearings

Item #10A – FY 2022-23 Budget Amendments

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-54

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2022-2023 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); PENSION CONTRIBUTION PASS THROUGH FUND (113); RECREATION FACILITY FEE FUND (115); GRANTS FUND (116); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); RENEWAL & REPLACEMENT FUND (409); SOLID WASTE FUND (460); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2023-54, on second reading, as read by title only.

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Mayor Partington reconvened the Public Hearings at 6:39 p.m.

Item #9D – Tomoka Reserve, Issuance of a Development Order

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-55

DATE.

Mr. Randy Hayes, City Attorney, provided background on the item and noted the item was for an application for a development under a Planned Residential Development (PRD) zoning district. He explained it was a quasi-judicial proceeding, and noted the Commission should review the application against the Land Development Code and Comprehensive Plan, while keeping in mind the relevant evidence. He recommended any witnesses who wished to testify take an Oath. He requested the Commission consider accepting two stipulations including the professionals who would testify on behalf of the parties were qualified to do so and to allow the Tomoka Oaks Home Owners Association (HOA) to participate in the proceeding as a party-intervenor. He reviewed the order of business including time allotment for all involved parties to speak and voting conflicts.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of the two stipulations presented by Mr. Hayes.

Call Vote:	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Commissioner Persis moved, seconded by Commissioner Tolland, to swear in all witnesses who wished to testify.

Call Vote:	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
Carried.	Mayor Partington	Yes

Mayor Partington requested Court Reporter Shilah Blakeney provide the Oath to all who wished to testify.

Ms. Blakeney provided the Oath.

Mr. Spraker reviewed the existing land use, the application process, the process of the development and at what future stages it would go back before the Commission. He discussed the characteristics of the property and proposed designs of the development. He noted the concerns of the residents and the Planning Board's recommendation of denial.

Mr. Rob Merrell, Cobb Cole Law Firm, discussed the Growth Management Act and how it relates to the project and the city's Comprehensive Plan. He discussed the meetings held by the developer and the input provided. He reviewed the developer's team expert qualifications and their reports provided. He discussed the two outstanding items from staff's recommendation including the proposed buffer. He stated there was a pending application for the R-2 zoning to match the Tomoka Oaks subdivision zoning, noting it was not preferred by the developer.

Mr. Dennis Bayer, party-intervenor, expressed appreciation to the developer for working with the residents of the community. He adamantly disagreed with the application of the R-2 application. He discussed the uniqueness of the property and the expectations of the homeowners in the Tomoka Oaks subdivision. He noted the requests the HOA made to the developer, traffic issues, Planning Board recommendation, property entitlements, zoning and potential zoning.

Mr. Tom Harowski, party-intervenor, provided his background and summarized the issues the residents had with the proposed development including compatibility, density, design standards, lot sizing, traffic, and sidewalks.

Ms. Carolyn Davis, 46 Oakmont Circle, thanked Mr. Spraker for his professionalism and

Riverbend Golf Course.

Ms. Denise White, 9 Fox Run Trail, voiced concerns regarding health, safety, welfare, quality of life of the surrounding residents, and traffic.

Mr. Dale Ryals, 20 Eagle Court, explained her concerns regarding lack of hospital infrastructure, density of proposed project, cohesive look, and water use.

Ms. Ashley DuFrene, 118 North Saint Andrews Drive, expressed opposition of the proposed project and voiced concerns regarding density and the R-2 application. She referred to articles within the Land Development Code and provided a photo of her unobstructed view.

Ms. Angie Shull, 110 Deer Lake Circle, discussed her background with the city and expressed concerns regarding density and traffic.

Mr. Dick Reed, 16 Stone Quarry Trail, encouraged the Commission to buy the property and make the land a public golf course.

Mr. Jim Cameron, 39 Laurel Oaks Circle, expressed support of the proposed development.

Ms. Kristin Deaton, 80 Shadowcreek Way, encouraged the Commission to listen to the residents and the Planning Board's recommendation.

Mayor Partington recessed the City Commission meeting at 8:00 p.m.

Mayor Partington reconvened the City Commission meeting at 8:10 p.m.

Mr. Jim Rose, 21 Eagle Court, stated he was the chairman of the Golf Course Committee of the Tomoka Oaks HOA, and provided his background with the project. He requested the Commission deny the developers request.

Mr. Jeff Boyle, 614 North Halifax Drive, discussed the Planning Board's recommendation. He expressed concerns regarding traffic, protected covenants and requested the Commission deny the request.

Ms. Darla Widnall, 7 Shawnee Trail, voiced concerns regarding an emergency evacuation plan and traffic. She provided a handout to the Commission.

Mr. Tyler Brown, 90 North Saint Andrews Drive explained his concerns regarding the density calculations, lot sizes, and conservation space.

Mr. Paul Hughes, 4 Lauren Court, voiced concerns regarding an evacuation route, infrastructure, traffic, and the proposed project being a gated community.

Mr. Paul Maybeck, 15 Pine Valley Circle, summarized an email he sent that was provided to the Commission which included concerns on sidewalks, traffic and removal of trees.

Mr. Rick Rickards, 1 Tomoka Oaks Boulevard, stated he was opposed to the development noting concerns of broken promises.

Mr. Tom Fitzgibbon, 51 South Saint Andrews Drive, expressed concerns regarding property values and traffic.

Ms. Denise Corley, 51 South Saint Andrews Drive, voiced concerns regarding the nature, environment, and quality of life. She encouraged the Commission to vote no on the project.

Ms. Michelle Zirkelbach, 328 River Bluff Drive, stated she provided a handout to the Commission and reviewed concerns regarding density calculations and compatibility.

property values.

Ms. Jessica Vitale, 7 Eagle Drive, indicated concerns regarding project location, density, traffic, construction noise, greenspace, natural buffers, and potential title restrictions.

Ms. Barbara Doliner, 108 South Saint Andrews Drive, expressed concerns regarding the developer and the project.

Ms. Missy Herrero, 111 North Saint Andrews Drive, voiced concerns regarding the density calculations, traffic study, lot sizes, lack of compatibility, and lack of hospital infrastructure.

Mr. Tyler Travis, 888 Willow Run, expressed support of the development.

Mr. Bayer reviewed the Planning Board recommendation, noting concerns of traffic and density.

Mr. Merrell stated he had a team available for any questions. He reviewed potential options if the project was denied.

Commissioner Briley thanked the residents and Mr. Spraker for their work on the project. He questioned if the golf course was originally part of Tomoka Oaks, if the proposed development would be in Tomoka Oaks as its own development and inquired if the development would be considered a re-plat of the existing subdivision; whereby, Mr. Spraker explained the golf course was platted as its own separate parcel and not part of the Tomoka Oaks subdivision. Commissioner Briley expressed concerns regarding the subdivision's ingress and egress; whereby, Mr. Spraker stated there would need to be multiple access points and noted the proposed plan did have an emergency access identified. Commissioner Briley discussed the access points and inquired if The Trails subdivision could be gated; whereby, Mr. Spraker stated that would need to go through the site plan process, amendments to the plats, and homeowners' agreements.

Commissioner Briley asked about the distance between Nova Road and the Escondido apartments; whereby, Mr. Sans Lassiter, Lassiter Transportation Group, reviewed the traffic study and traffic light needs. Commissioner Briley expressed concerns regarding traffic in peak hours and during times the train went through the area.

Mr. Lassiter explained the traffic light would have preemption noting that would help mitigate traffic backups during the times the train went through the area. He reviewed the traffic analysis.

Commissioner Briley discussed the vehicular and pedestrian conflicts within the current subdivisions. He reviewed the weight capacity for the Misner's Trail bridge, expressed concerns for the structure of the bridge and inquired who maintained the bridge; whereby, Mr. Shawn Finley, Public Works Director, indicated the Florida Department of Transportation (FDOT) inspects the bridge annually and the city maintains it.

Commissioner Persis inquired about the time of day the traffic study was completed; whereby, Mr. Lassiter noted it was completed in the morning and afternoon. She stated she traveled to the subdivisions during peak hours and noted the current traffic concerns. She inquired if the developer was willing to significantly reduce the number of homes in the development, increase the lot sizes, and irrigate the buffers; whereby, Mr. Merrell asked what significant meant. Commissioner Persis clarified the prior Commission agreed to 122 homes in 2006; whereby, Mr. Merrell stated the 2006 plan was no longer an option and 122 homes would not work for the project.

Mr. Carl Velie, property owner, explained all the costs associated and noted they needed the number of lots to be profitable, and discussed the landscaping aspect of the buffer of the proposed project.

Commissioner Sargent inquired what the maximum height of the homes would be; whereby, Mr. Merrell stated the same as the R-2 zoning. Commissioner Sargent inquired

Commissioner Tolland inquired about the calculations of the density; whereby, Mr. Spraker stated the calculations for the density of Tomoka Oaks subdivision could not include the 84 acres that had an open-space conservation zoning which did not allow for density. He reviewed the calculations for both subdivisions. She asked about the golf course; whereby, Mr. Hayes stated when the golf course was constructed it had a restrictive covenant which prohibited development, noting it did allow the HOA to release the covenant. He explained the release happened in 1976. She inquired about the natural buffer; whereby, Mr. Don Spence, on behalf of applicant, stated the buffer would take ten years for the trees to reach maturity and the shrubs would take about five years.

The entire Commission disclosed they met individually with the development team and several residents and discussed the types of meetings held.

Mr. Hayes reminded the Commission the item before them was an application for a development order under PRD zoning. He noted the Commission's decision should be based on if the development met the competent substantial evidence standard including conforming to the Land Development Code and Comprehensive Plan, the development will not adversely impact the environment, the development will not substantially or permanently depreciate the value of the surrounding property, adequate public facilities, ingress and egress traffic safety, the development is a functional use of space, provides for safety of occupants and visitors, and the proposed use of materials and architectural features will not adversely impact the neighborhood aesthetics. He reviewed potential options for the Commission.

Commissioner Persis discussed concerns regarding ingress and egress, traffic and environmental impact. She stated she would vote no on the item, and stated she would like to deny the request or send back to the Planning Board for the developers to include a substantial reduction in density, similar to the approved PRD from 2006.

Commissioner Sargent reviewed the issues he had including traffic, pedestrian safety, and density. He stated he would support sending the item back to the Planning Board in hopes of a plan similar to the 2006 approved PRD.

Commissioner Tolland expressed concerns regarding pedestrian safety, compatibility with surrounding neighborhoods, density, natural buffer, and traffic. She indicated support of a plan similar to the 2006 approved PRD.

Commissioner Briley stated concerns for the compatibility, lot sizes, and density. He agreed the item should go back before the Planning Board.

Mayor Partington supported the item being remanded to the Planning Board and expressed concerns regarding density and traffic.

Commissioner Persis moved, seconded by Commissioner Tolland, to remand the item to the Planning Board for further consideration.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Mayor Partington closed the public hearings.

Item #10 – Reports, Suggestions, Requests

Events, Compliments, and Announcements

Ms. Claire Whitley, Assistant City Manager, reviewed upcoming events including a Veterans Day celebration luncheon, HOme for the HOlidays parade, and Ormond Beach MainStreet Riverfest.

Commissioner Tolland thanked residents, staff, and the Planning Board regarding the

Commissioner Persis thanked Mr. Spraker, Mr. Hayes, Ms. Whitley and City Manager Joyce Shanahan.

Commissioner Briley reviewed events he attended including the ribbon cutting for the dog section of the Volusia County beach and Hometown Heroes drive-thru lunch.

Item #11 – Adjournment

The meeting was adjourned at 10:11 p.m.

APPROVED: December 5, 2023

BY: _____
Bill Partington, Mayor

ATTEST:

_____
Susan Carroll Dauderis,
City Clerk

DRAFT

Planning Board minutes from January 11, 2024

ITEM:

ZMA-2023-054

Tomoka Reserve, Zoning Map Amendment

requirements and ensure that the gopher tortoises are in place prior to relocating them and ensure it is done properly. He commented that they would not have a problem if people wanted to go out with them on the site as they have nothing to hide.

Mr. Jorczak referenced the mix of development in the community and the need of affordable housing and asked for the target range of pricing for the townhomes. Mr. Storch replied that the townhomes are estimated to be in the high $200,000s. The affordable housing looks at 30 percent of income being affordable housing and if below the medium scale of housing, then housing can be less than $45,000 per home. Mr. Storch noted to make more affordable housing would be to look at the idea of smaller housing for development. He added that at the same time people can look at things that will create affordability in other manor such as having homes located in areas closer to jobs and shopping so not to pay for the cost of transportation. He concluded that townhouses are amongst the most affordable.

Chairman Thomas opened the hearing up for any public comments. Hearing none, he opened it back up to the Board and entertained a motion.

Mr. Railsback motioned to approve PP 2023-074, Bradford Park subdivision, Preliminary Plat. Mr. Galloway seconded it. Vote was called, and the motion was approved (7-0).

C. ZMA 2023-054, Tomoka Reserve, 20 Tomoka Oaks Boulevard, Zoning Map Amendment

Attorney Hayes reviewed preliminary matters on the item, explaining that the application this time is for rezoning and the sole question is whether the property should be rezoned. He continued that the facts are the same. At prior meetings, the developer's representatives informed the Board that they can pursue an R-2 rezoning application. The Planned Residential Development (PRD) issuance of a development order matter was remanded back to the Planning Board and it was not denied. The applicant has decided to move forward with the rezoning application. Attorney Hayes referenced information from prior public hearings which was also included in the Board packet. He explained the quasi-judicial proceedings, with rules of court that apply. The decision of the Planning Board is an advisory to the City Commission. The burden of proof initially lies with the applicant to demonstrate that the application for rezoning follows the Comprehensive Plan, ordinances and laws, and if so then the burden shifts in opposition by providing competent and substantial evidence that the rezoning should not be applied.

Attorney Hayes stated that the City's code has a mechanism to allow parties who may have a substantially affected interest to intervene as a former party. The Tomoka Oaks Homeowners' Association (HOA) requested party-intervenor status and the consent was given as a stipulation for the PRD issuance of a development order. The HOA filed a request to be treated as a party intervenor in the rezoning request. Attorney Hayes added that he received a letter from the applicant's attorney. He continued that there is a provision in the city Code of Ordinances that does not specify the intervenor status. He added that he did not speak with the attorney for the applicant but did speak with the HOA attorney. He reviewed the Rules of Procedure and added that the residents receive three minutes to speak. If a party is being represented by a spokesperson, additional time may be allotted.

Attorney Hayes stated that witnesses are not required to be sworn in but they can be if the Board so chooses. He suggested that when the proceedings are open for the presentation for the application, the first inquiry should be of the Tomoka Oaks HOA and whether or not they are going to request party intervenor status. If so, it can be handled as a procedural matter and if not, then it would go directly to the Planning Director, then to the 20-minute applicant presentation, and if there is a party-intervenor, then 20 minutes, and if not, can skip right to the presentation, and then the applicant can have the last 10 minutes prior to the vote, followed by questions by the Board and deliberations and decisions by the Board. He explained that during the deliberations and decisions by the Board, several questions can be asked such as procedural matters, points of order, and parliamentary procedures can be asked to the Board but not by the audience.

Chairman Thomas brought the matter to the Board and asked to point out anything that they did not agree with. He continued that this is the fourth time dealing with the piece of property. He suggested to stick by the procedures from the previous three meetings, including the swearing-in.

Chairman Thomas expressed his dissatisfaction regarding the applicants sending a letter out so close to the public hearing with objections and conditions, and the late arrival of the items.

Chairman Thomas opened it up to the Board.

Mr. Scudiero stated that he suggested a time-certain vote so that the Planning Board will know the outcome tonight. He suggested 9:55 p.m. at the latest to be able to be out by 10:00 p.m.

There was further discussion that it may have to be continued if necessary.

Mr. Galloway referenced the late letters that he has not had the opportunity to read and commented that the Planning Board has been put under pressure by developers from out of town and people representing developers. He expressed concern with threats and bullying by them and stated that it is not the way to address the Board, demanding that they stop.

Mr. Steven Spraker, Planning Director, explained the application for a zoning map amendment from Planned Residential Development (PRD), to R-2, Single-Family Low Density, for approximately 147.94 acres located at 20 Tomoka Oaks Boulevard. Mr. Spraker reviewed the history in that the land area was platted in 1961 as a golf course, and that residential lots built around the golf course, developing a symbiotic connection between the golf course land and the residential lots. In 2006, the zoning changed from R-2 Single-Family Low Density to PRD, Planned Residential Development for 119 multi-family units, 3 single-family homes, and preservation of a golf course. In 2014, the Planned Residential Development (PRD) expired. In 2021, Triumph Oaks of Ormond Beach I purchased the golf course land area which had closed. Mr. Spraker continued that in 2023, there was a Planning Board meeting and a City Commission meeting where City Commission remanded the application back to the Planning Board to review concerns including density, traffic, compatibility with surrounding neighborhoods, lot sizes, and the natural buffer. November 21, 2023 the applicant withdrew the PRD, issuance of a Development Order and sought the zoning map amendment to the R-2 Single-Family Low Density zoning district.

Mr. Spraker explained what a zoning map amendment is, detailing how the application seeks to amend the zoning designation from PRD, Planned Residential

Development, to R-2 Single-Family Low Density. The R-2, Single-Family Low Density allows certain uses and dimensional standards. He continued that there are no site plans or other development plans associated with a zoning map amendment.

If approved, development of single-family houses would require:

(1) Review of the Site Plan Review Committee (SPRC);

(2) Preliminary Plat, review by the Planning Board and action by the City Commission;

(3) Final Plat, review by the Planning Board and action of the City Commission.

Mr. Spraker stated that Section 2-02 of the Land Development Code (LDC) provides the compatible zoning districts to the Low Density Residential (LDR) land use. There are five zoning districts by the LDC that are compatible with the LDR land use. The applicant is requesting the R-2, Single-Family Low Density zoning district based on:

(1) The zoning prior to 2006 was the R-2, Single-Family Low Density zoning district;

(2) The surrounding subdivisions are zoned R-2, Single-Family Low Density; and

(3) The R-2, Single-Family Low Density zoning district is consistent with the Low Density Residential land use.

Mr. Spraker elaborated that based on Planning Staff review and discussion, the final points of analysis were that throughout the final process of the PRD and development order, there has been recognition that the Tomoka Reserve property is unique and unusual. He continued that there are not many land areas that are entirely surrounded by 178 single-family homes, referencing the 'hole in the donut' analogy. Mr. Spraker continued, that the goal of a zoning map amendment is to assign the most appropriate zoning based on the unique and special characteristics of the golf course land. He added that within the Planned Residential Development (PRD) zoning, staff believes that the existing Planned Residential Development (PRD) zoning district would provide a better overall subdivision design with the standards for recreation, open space, and natural preservation. The City Commission acknowledged the PRD zoning intent for this unique, one-of-a-kind property, to mitigate negative impacts to those existing properties that had developed with the expectation of a buffer, natural area, next to it. Development of the golf course land under the PRD is better suited to accomplish the goals and objectives of the City's Comprehensive Plan and Land Development Code regulations.

Mr. Spraker concluded that it is recommended that the Planning Board deny the applicant's request to rezone the property from PRD, Planned Residential Development, to the R-2, Single-Family Low Density and to maintain the existing PRD, Planned Residential Development zoning for the subject property.

Applicant's Presentation

Mr. Karl Sanders, Esquire, KJS Law PA, 1102 A1A N., Ste 201, Ponte Vedra Beach, addressed the procedural issues and agreed with sticking with the same procedures in this proceeding. He suggested that his correspondence to Mr. Hayes was misunderstood and added that his communication was designed to ensure Mr. Bayer has enough time as the Board deems necessary to provide a meaningful opportunity

to present his clients objections and concerns. Mr. Sanders referenced his other correspondence and apologized for any offense, stating that they were purely legal issues and were raised to be part of the record in order to be part of any subsequent judicial proceeding and were determined to be the most efficient way to communicate the objections in writing to have in the record.

Mr. Sanders explained that the hearing tonight is on a new application for a zoning map amendment application, and is not meant to rehash the old application. It is being asked to amend the label that is on the official zoning map from PRD and reassign the historical zoning district label that has always been assigned to the property, R-2, to reflect a zoning district that provides the property owners with entitlements to use their property. Mr. Sanders stated there are no zoning entitlements for the property and nothing can be done with the property today due to the fundamental difference between a PRD zoning district and a conventional zoning district. He explained that with a conventional zoning district, the zoning code sets forth what can be done with the property, and it tells you what can be done with those uses, what the development standards are. He added that with a PRD zoning district, it is not a conventional one and is a voluntary, negotiated agreement and currently has no development standards. With a PRD development order, the document that sets forth the development standards for a specific piece of property, but that no longer exists and has since expired. Mr. Sanders remarked that they have to have the same development rights for their property as anyone else. He concluded that they do not know how the property will be ultimately developed in the future, but expressed how they are entitled to have at a minimum, 'something' as property owners.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, addressed the procedural issue on how in during the last process the developers stipulated that they would have party-intervenor status. He stated that he was aware at 4:50 p.m. tonight, that they are objecting to it. Mr. Bayer added that the issue will be raised when they go to City Commission and feels that there is sufficient evidence in his experts' reports that his clients are the "hole in the donut" that is a substantially affected neighborhood. Mr. Bayer referenced one of the experts who have worked on a number of golf courses around the state and their memorandum about how the homeowners have relied in good faith for decades on the representation of the original developer in the city, that it would remain open space and greenspace. He stated that the property taxes have been predicated upon the assumption that his clients and their successors would continue to enjoy the proximity to an outstanding golf course in a serene and attractive, natural setting. Mr. Bayer continued that those statements established at the prior proceedings, clearly establish a standing on behalf of his clients. He advised that it can be addressed further at the City Commission and expressed that he did not appreciate the late notice from Mr. Sanders.

Mr. Bayer stated that he spoke with other land use attorneys in the State of Florida in that there is no state law, no case law, or local regulations, that tell you if a PUD or a PRD expires, that it automatically reverts back to the underlying zoning. This property was zoned R-2 prior to any of the development occurring. He gave an example of a blank canvas and that if R-2 zoning is granted, they can paint the canvas however they want to as long as the R-2 zoning standards are met. There is nothing that the residents can challenge as long as they have the minimum square footage of

lots, stormwater, and other dimensional standards. The Board cannot say that they need to protect more trees or that more buffers need to be provided. If the canvas is painted under a PRD designation, the colors and confines need to be picked out just as the same process before.

Regarding entitlements, Mr. Bayer expounded on the entitlements that are there. The property was purchased in 2006 and the 2006 ordinance states that if the development order ever expired, the right to come in and apply for a new development order is an option. As long as there is a process, which is available to any property owner, when you buy a property with a designation of PRD, you are not being treated any different than any other property owner. Mr. Bayer explained that the applicants could have sought the R-2 rezoning before they took title as a condition of closing but they did not, as they took it encumbered with the PRD designation, meaning that there is no claim that they are not being treated as fairly as any other property owner in Ormond Beach or the State of Florida.

Mr. Bayer touched on the clarity of case law and expressed that he feels no property owner is automatically entitled for a rezoning. They can show that it is compatible with the Comprehensive Plan. He stated that two expert opinions say that R-2 zoning is not compatible with the existing character of the neighborhood and there will be no control over what type of housing goes into the property, adding that if it goes to straight-zoning, the city loses input to the type of construction. Speaking on previous public hearings, Mr. Bayer reminded the Board what they were told that there is no market for 100'- wide lots, and now the entire development is proposed to be 100'-wide lots. He continued that the Board was told by the developers that they wanted the Boards input and views on the development and when they were told that it was too dense, they did not want to hear it, but now came back with this application. Mr. Bayer concluded that Mr. Harowski is going to summarize his position on the issues and that the Board should deny the request for rezoning to R-2.

Mr. Tom Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, delivered an overview of his comments provided to the Board on December 29, 2023, that R-2 zoning is one of five zoning options that the city's code identifies as consistent with low density residential land use. He specified that the question is which of the five is most compatible with the neighborhood. Mr. Harowski continued that the State Statute gives the definition of compatibility, defined as a condition in which land uses and conditions coexist in relative proximity to each other in a stable fashion over time, such that no use or condition is unduly negatively impacted directly or indirectly by another use. Mr. Harowski added that Policy 1.1.3 in the Comprehensive Plan supports it, where it says, "preserve the character of existing neighborhoods by not allowing the intrusion of land uses that would threaten to alter the neighborhood character." He continued that given the fact that an adjacent land use might be similar in type, single-family to single-family, does not mean that they cannot be intrusive or alter the neighborhood character. Mr. Harowski referenced the analogy, "the hole in the donut" characteristic of the property, and elaborated that it illustrates the intrusive nature of the project as it injects into the community, and how the only place where the entire parcel does not abut a single-family house existing in Tomoka Oaks or a lot that has not been developed yet is the driveway into the old golf course property. The requirement for a compatible project demands that impacts from the new development follow density and lot sizes compatible with the existing neighborhood.

In a report Mr. Harowski provided to the Board, he says it identified the density of actual development in Tomoka Oaks at approximately 1.27 units per acre. It's been said that the land use is 4.3 and the R-2 is equivalent with the land use, but is not compatible with the existing situation. He added while in a rezoning to R-2 seems to be an easy choice, the development of the property at R-2 minimum standards, the development will occur well above the development level for the existing housing. He commented that at the minimum R-2 standards, it would be 50 percent greater than the existing neighborhood. Mr. Harowski used density as a comparison between the new and the old neighborhoods. In terms of minimizing the intrusive impacts, the table of consistent zoning classification or R-1 rather than R-2, is the most compatible choice after Planned Residential Development (PRD). Mr. Harowski concluded that the result of a project under an R-1 would be a project density closer to the developed character of the neighborhood and would lessen external impacts from traffic and from induced public safety that would be seen with any sizeable development.

Chairman Thomas asked Ms. Miller, Recording Technician, to read the Oath.

Ms. Miller read the Oath:

"Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth?"

Audience Comments

Ms. Carolyn Davis, 46 Oakmont Circle, Tomoka Oaks, stated that she took the Oath and thanked the Board for their careful review of the R-2 rezoning application. She understands that the applicant is legally offended when the city or residents refer to the property under discussion as a golf course, so instead referred to the property using the name recorded on the plat and in the applicant's warranty deed which legally describe the property as the Sam Snead Golf and Country Club. Included in the packet, she added that in her letter it states that an R-2 rezoning of the Sam Snead Golf and Country Club plat would permanently alter the character of Tomoka Oaks Country Club Estates by locating a new totally land-locked neighborhood in the center of Tomoka Oaks. Ms. Davis continued that an R-2 rezoning violates the city's future land use element detailed in the Comprehensive Plan in Policy 1.1.3, which requires preservation of any bordering neighborhoods' character. While the applicant tries to make the case that they legally have the right to a R-2 rezoning, she disagrees and sites the officially recorded 2006 Tomoka Oaks Golf Village PRD development order. On pages 7-8 of the development order it states that the development order runs with the real property and if the development order expires, the City Commission will reconsider a new PRD application. Ms. Davis commented that the property is not in limbo and nowhere does the now expired development order state that the land use will revert to R-2. She stated that if any Planning Board member desires to state an acceptable density for the Sam Snead Golf and Country Club plat that they hold themselves to the same standards as expert testimony which requires that any number be upheld by competent and substantial evidence and suggested to site the 2006 PRD which was unanimously approved by the 2006 Planning Board, City Commission, Attorney Randy Hayes, and by Mr. Rob Merrell, Esquire, who represented the 2006 applicant and now co-represents the current applicant. The prior PRD recorded 119 maximum units (condos and townhomes), not 119 lots, what she says Mr. Merrell described as the poster child for smart development and concluded that she could not agree more.

Ms. Denise White, 9 Fox Run Trail, The Trails, stated that she took the Oath. She commented that they have been through this quite a few times and agrees with everything that was discussed back in 2006 and 2023, that the development is unique, and PRD is the appropriate zoning for it. She referenced the analogy, "the donut hole in the middle", and how it goes back to the safety, the quality of life, even if not looking at any new pictures, she said that they know that what is allowed versus the PRD limiting and guiding the way forward. Ms White expressed concern with the 450' entrance, and how the PRD allows customization. Ms. White thanked the Board and staff for their time.

Ms. Debbie Brown, 90 N. St. Andrews Drive, Tomoka Oaks, remarked that she used to live in Daytona Beach and stayed out of Ormond Beach politics and elaborated that she did not understand why someone from Jacksonville or Miami is involved. She stated that she encourages the Planning Board to go with staff's recommendation to turn down the R-2 zoning and Tomoka Reserve. She added that Tomoka Oaks was always linked to be a golf course community and that 75 percent of the streets in Tomoka Oaks are named after worldwide golf courses. Ms. Brown continued that developing 317 homes instead of 272 inside an already existing development is already improper. As the owners of Tomoka Oaks have already indicated several times had the willingness to purchase the property only to be ignored and ridiculed. Ms. Brown commented that the owners have been to several meetings with Tomoka Oaks, only to be controlled by the Tomoka Reserve attorneys. In the beginning Tomoka Reserve owners were requesting to not try to overdevelop the land and were requested to have 100' – wide lots adjacent to 100' – wide lots. Ms. Brown directed her comments to Tomoka Reserve representatives and urged them to remember that they purchased a golf course, not vacant land to be developed for profit. She asked what rights she has as a property owner if she does not have any rights.

Ms. Darla Widnall, 7 Shawnee Trail, The Trails, named the roads that would be most affected by the proposed development, Tomoka Oaks Boulevard and Nova Road, and Main Trail and Nova Road, and Main Trail and Granada Boulevard. She suggested that each of the intersections would need at least an extra right turn lane which is required to be 400' in length. Ms. Widnall continued referencing the traffic study in that only one has been done with a follow up traffic study and commented that both were done by Mr. Lassiter's company who were hired by the developers. She added that the City has only hired a traffic engineer from Debary to comment on the traffic studies. The City has not done their own study. Ms. Widnall expressed that it can only be imagined the traffic study paid for by the developers being believed, when they say only 4 percent of traffic will be coming through the Trails. She urged not to be fooled that a traffic signal will help, and that the Florida Department of Transportation has not approved a traffic signal and only said that they would consider it. Ms. Widnall commented that Mr. Lassiter, the traffic engineer, has conflicting beliefs who thinks that a traffic signal is a good thing with the recent PRD application, but also said that he would not recommend a signal at that position because it would cause too many rear-end crashes in his previous analysis completed in 2006. Ms. Widnall referenced the gopher tortoises and remarked that the developers were in violation of state law when they demolished 20,000 square feet of buildings in the golf course without obtaining a gopher tortoise permit.

Mr. Paul Hughes, 4 Lauren Court, Tomoka Oaks, stated that he took the Oath. He continued that he has lived in the neighborhood for approximately 30 years. Mr. Hughes stated that there is a use for the land as-is, and explained that he offered to

buy the golf course when it was up for sale and wanted to put one home on it, but his wife was not happy about the idea. He continued that you can put a single-family home on it and could let the land revert or have a buffer or a golf course for friends, whether it be for one home or one-thousand homes. Mr. Hughes stated that there is precedent in doing so, and how he did so before with a school up in the Panhandle and bought 50 acres so they did not have to worry about the buffers. He commented on the angst in the neighborhood, and elaborated that anyone can come in and buy a piece and commented that no one has determined the value of the affect of all the gyration on the neighbors. He added that people are suffering from all of the anxiety that this is causing. Mr. Hughes stated behind the new iron gates that were installed recently, there is demolition on the property. The parking lot that was historically there had leaded cars on it for years and there are studies that have to be performed before tearing up anything that has leaded gasoline particulates on the ground and does not believe any of that has occurred. Mr. Hughes added that he does not believe that there have been studies of the aftermath of that and the dangers in it and how when the particulates go airborne, pica can be established in small children or people with autoimmune deficiencies, who would have problems with the soils and the airborne particulates that are there now because there is nothing going on. Mr. Hughes remarked that there was no reason to destroy it, but that they tore it down along with the old building and storage warehouse. He added that the soils have been in question since 2006 and there are many people who have a concern with autoimmune deficiencies and were reassured by the attorneys that this was not going to be a problem and how it seems history is repeating itself. Mr. Hughes suggests that the town consider establishing a significant buffer all the way around the golf course until this is resolved along with being properly tested, with all parties agreeing to the testing so that it is a fair decision and study.

Mr. John Measel, 16 Eagle Court, Tomoka Oaks, stated that he took the Oath. He continued that the golf course should have never been allowed to be zoned R-2 due to the density. He added that Mr. Merrell stated that the development team did not think that 317 units would ever be a good fit for this property. Mr. Measel stated that one of the biggest problems with the R-2 zoning is that the majority of houses built on the golf course were built to utilize the golf course as their backyard. You can walk around the edges of the golf course and a majority of houses are sitting at the rear yard setback. Some of the houses have their pools and pool enclosures within inches of the property. Mr. Measel expressed that there is no way that houses can be built that close and that all of the other houses are set back at the bare minimum setback without affecting their property values, even if at the previously mentioned $600,000 houses. The property was previously said to be PRD for a reason, as the streets around Tomoka Oaks were set up for the amount of housing in the area, counting the greenspaces of the golf course. Mr. Measel added that anyone driving the property knows that there is one near-miss a day on the streets with pedestrians or bicyclists getting hit.

Mr. Measel stated that the density is the main issue and added that he knows that the City cannot afford to upgrade St. Andrews North and South, Rio Pinar Trail, Main Trail, or Misners Bridge. He commented that the developer is not going to take on the project. If it insisted on getting a zoning, Mr. Measel suggests giving an R-1 zoning or maintaining a PRD.

Ms. Kristin Deaton, 80 Shadowcreek Way, Breakaway Trails, lifelong Ormond Beach resident, took the Oath and urged the Planning Board to use their conscience

when making the vote. She added that it is a project that they did not like at 272 homes, are definitely not going to like at 317 homes or any other magic number that they come up with. Ms. Deaton stated that there are more viable solutions and trusts that the Board will make the right decision.

Mr. Tom Fitzgibbon, 51 S. St. Andrews Drive, Tomoka Oaks, stated that he took the Oath. He continued that Tomoka Reserve is a pedestrian and traffic safety hazard for the current residents. In and around Tomoka Oaks, the Trails, Escondido Condos, Talaquah, Nova Road and Granada intersections, several years ago, four houses down from his house, a pedestrian was killed by a driver around a blind curve. He added that he saw a city inspector almost hit by a car, and has seen large delivery trucks speed around blind curbs and clip overhead wires and trees many times. Mr. Fitzgibbon commented that none of the Tomoka Oaks old narrow streets have sidewalks. When he walks, runs, or bikes, he said that he is in the streets surrounded by cars and trucks whizzing around him. He commented that the narrow curbing, tree and shrub-lined streets, and traffic islands obstruct views and put kids in danger. Utility trucks park in the street at all times during the day and night, further obscuring sight lines and causing drivers, pedestrians, bikers, baby carriages, and dog walkers to play a deadly form of dodgeball in the traffic. Mr. Fitzgibbon stated that predictions from LTG hired by the developer call into question their data and methodology, adding 600+ cars and 3,000+ trips daily in a two lane road, Tomoka Oaks Boulevard, and a standard stop sign intersection will cause more accidents. He continued that many people will choose to drive on S. St. Andrews Drive and Trails roads and added that their old development was never designed to support the additional traffic that Tomoka Reserve will create. Mr. Fitzgibbon asked the Planning Board and City Commissioners to significantly limit the number of houses to 122, the original 2006 PRD number, and to consider the 2006 PRD the gold standard for any new development. He continued and asked them to require the development to finish street work before house construction begins, including new sidewalks on both sides of Tomoka Oaks Boulevard, require the installation of a traffic light at Nova Road and Tomoka Oaks Boulevard before house construction begins, allow for heavy construction traffic flow, require a comprehensive new traffic study due to the changed development layout and increased number of houses, and to consider saving Tomoka Oaks Golf Course as a public course or other open space use. Once built with houses, he states that it will never be available again. Mr. Fitzgibbon added that Tomoka Reserve is a traffic safety hazard and he appreciates help in limiting the danger to the children and families living there. He concluded that the developer was negotiating the PRD because they realized that the property was unique and they did not think 272 houses was enough, dropped their PRD, and is now claiming that they have no property rights.

Mr. Jeff Boyle, 614 N. Halifax Drive, took the Oath and stated that hundreds of residents, the Planning Board, and City Commission have pleaded for a density reduction for this project. He continued that 272 units were voted down and now the applicants are back seeking a rezoning so that they can build 317 units. He stated that Attorney Sanders called any attempt to reduce that number “an exercise in futility” and has threatened legal action if the City does not approve the rezoning. Mr. Boyle commented that they asked for less development and they gave them 45 units or more and withdrew the promise of a Nova Road traffic signal. He continued that there has been six public hearings since last January, moved from City Hall to local churches to accommodate mass community turnouts and in the 12 month public outcry,

protesting density, increased traffic and impacts on adjacent neighborhood property rights. Mr. Boyle commented that the developers have ignored the citizens protests voiced at a neighborhood meeting, the three Planning Board hearings, a City Commission meeting and here at the Planning Board again tonight. The developers assert compatibility with both a letter and the spirit of the Land Development Code claiming an automatic right to a rezoning that will exempt their property and project from Planning Board and City Commission review. Mr. Boyle stated that we are here because rezonings and approvals are not automatic and require public hearings, public testimony and votes. Applicants have property rights to develop the land but local governments and advisory boards get to decide how. He continued and expressed that the project fails every test and why they had to make threats against our city. Mr. Boyle concluded for the Planning Board to weigh only the facts and reject the rezoning.

Ms. Bonnie Kloepfer, 23 Tomoka Oaks Boulevard, Tomoka Oaks, asked if anything has changed since the last meeting. She asked if 1,100 Tomoka Oaks, Trails, and Escondido residents woke up one morning and expressed that it was a great idea to have at least 1,200 additional vehicles coming in and out one route per day. She asked what the developers have come up with and seriously want to work with the residents. Ms. Kloepfer stated that they have come back with a vengeance and now want to put in their 300+ homes crammed in. She said that no one wants it, including the City Commission because it is not right. Ms. Kloepfer asked what has been fixed and asked if they are supposed to believe that a traffic light at Nova Road is fixing the additional traffic and asked if they came up with another entrance and exit, more schools, more hospitals, doctors or roads. She commented that they have come up with nothing but their "fancy so-called experts", waiving around degrees and no serious solutions to the resident's problems. Ms. Kloepfer commented on an interesting gentleman that showed up at one of the meetings who did not live in the area and thought it was a great idea to cram in all the homes. She added that the applicants have come up with nothing but lots of money and fancy lawyers and they keep trying to fit their big feet into Cinderella's slipper and it does not fit.

Ms. Michelle Zirkelbach, 328 River Bluff Drive, Tomoka Oaks, stated that took the Oath and thanked city staff, Planning Board, City Commission and a host of volunteers including Mr. Jim Rose, Ms. Mary Greenlees, Mr. Tom Fitzgibbon, Ms. Denise Corley, Ms. Carolyn Davis, Mr. Jeff Boyle, Mr. Tyler Brown, Ms. Missy Herrero, and Ms. Ashley Dufrene. Ms. Zirkelbach stated that Ms. Dufrene is not in attendance because she had a beautiful baby girl and was given the authorization to speak on her behalf in saying that she cannot make it as her hands were full. She asked Ms. Zirkelbach to share the following: "I am still opposed to this development. We too have property rights." Ms. Zirkelbach commented that she recalls being in her shoes when they moved into their dreamhouse in Tomoka Oaks with a four year old and two year old. They are in attendance now as a 27 year old and 29 year old. She added that they would say that they had the most amazing childhood. Ms. Zirkelbach stated that she wished the same for Ashley's daughter with carefree walks, bike rides to friends' houses, to be able to listen and watch for the wildlife, hear the sounds of laughter at an amazing game of Manhunt, and says that she is worried that it will not happen and is worried. Common sense tells them that the traffic study is not right and common sense tells them that their roads in Tomoka Oaks are not designed for any amount of additional traffic even remotely close to what the developer is proposing. Ms. Zirkelbach expressed that they have a lifestyle in

Tomoka Oaks and the traffic would severely impact it. She continued that earlier tonight she thought she heard the applicant's new attorney state that the PRD failed. She commented that she did not see it that way and thinks that the PRD process was working and the only thing that failed was their plan to give them what they want, which did not reflect what the residents of Tomoka Oaks or the citizens of Ormond Beach want. Ms. Zirkelbach added that Mr. Ruben has a habit of going in and asking for more after he gets what he initially wants, just as four or five units per acre becomes eight units per acre and six dwelling houses when it was supposed to be four dwelling houses. She added that the wisdom of her 27 year old asks why aren't we trying to build it better. Ms. Zirkelbach concluded that she has her daughters, 7th grade Citizens, project that says what is wanted is open land, space, and not a bunch of junk jammed into a donut hole.

Ms. Mariah Zirkelbach, 328 River Bluff Drive, Tomoka Oaks, stated that she took the Oath and that Tomoka Oaks is a place that has quality over quantity. Quality of living, quality of housing and in her case, quality of childhood. In a world where children are becoming further removed from being children, those who are looking to choose quantity need to reflect. Ms. Zirkelbach commented that her childhood was quality, not just due to her family but because of where she grew up. She explained that her imagination would fly as her and her brother came up with games to stay outside. She continued that she could easily travel house to house without her parents worrying and had the ability to get to Rainbow Park, the shopping center, and the bike trails on her own, where she said that her independence is rooted from. Ms. Zirkelbach stated that as she now looks to purchase her own home, she reflects on the freedom that she had, with the tall oak trees that never seemed to end, endless memories and friendships that ground her in who she is as an adult. She commented that shoving 317 houses where they are not required or necessary is for the purpose to line pockets of those whose pockets are already full. Ms. Zirkelbach concluded that the citizens of the town are entitled to quality of life and the well being of Ormond and sees that there is enough quantity and thinks that it is time for the developers to get back to quality.

Ms. Mary Greenlees, 94 N. St. Andrews Drive, Tomoka Oaks, stated that she took the Oath and has lived at her home for almost 25 years. She said that she strongly opposes the R-2 zoning. She expressed that she feels that it is a missed opportunity and that if they would have been informed of the 2006 PRD expiration that they would not be in the situation. In 2006, she was going through breast cancer treatments and thought 119 townhomes was a great plan, a poster child for smart growth. Then 18 years later, they are asking three times that and offering a 6' buffer. Ms. Greenlees suggested a park option, as she has done research on how a Community Development District (CDD) works and added that existing residents would need a 100 percent "yes" vote. Ms. Greenlees suggested to talk to Mr. Mori Hosseini at Intervest Construction, and added that they have created greenspace, adding value to neighborhoods, and spread the costs to the new lot owners successfully. She commented that the Planning Board recommended that the residents meet with the owners to try and come up with a resolution. She met twice with Mr. Dwight Durant, Mr. Ray Barshay, and two committee members and after five hours and two meetings, the outcome was a reduction of four lots. Ms. Greenlees stated that the project has been in the works for over three years and the Ormond Beach City Commission, Planning Board, Mayor, City Attorney, Assistant City Manager, and Planners have their backs and care about Ormond Beach and she feels that it is the

best she has seen in years. Ms. Greenlees added that there is a new development in Halifax Plantation called Windchase, where homes start at $700,000 with three-car garages built on estate lots and are selling. Tomoka Oaks, The Trails, Escondido, and numerous Ormond Beach residents are vigilant, smart and will continue to support their position. She added that there is not one Ormond Beach resident that is in favor of 317 new homes built in the middle of town. Ms. Greenlees stated to think outside of the box and suggested a mediation as the developers deserve to have a return on investment and added that the real question is how much and how long they are going to have to wait. She stated that she votes for R-1 zoning, estate homes on beautiful lots in the middle of a beautiful town that start at $700,000.

Chairman Thomas asked the applicant if there was any additional testimony to add.

Mr. Sanders stated that he does not have any additional evidence to present to the Board and is available for any questions.

Board Discussion and Questions

Mr. Scudiero commented that he listened to everything that was said and read through the Planning Board meeting packet and spoke on the zoning, rights, and entitlements on the property, and expressed how he likes to know what he is buying. The applicant bought a piece of property with no entitlements and expressed that it seems like a bad idea to then ask for considerations that are not granted within the purchase and property contract that was signed. Mr. Scudiero agrees with staff in denying the request.

Mr. Railsback stated that he shares Mr. Bayer and Mr. Scudiero's thoughts on the matter in that originally the Tomoka Oaks area contemplated what should be there and developed around it. Mr. Railsback referenced the PRD process in what is allowed to be done is working in trying to find something palatable for the community. He stated, the developer voluntarily purchased the property with those labels and entitlements or lack of entitlements. Mr. Railsback concluded that he is not in favor of moving away from the PRD at all.

Mr. du Moulin complimented the resident's logic and referenced Broadwater in that if the area went to an R-1 zoning like Broadwater it would be approximately 75 homes and feels that if these type of estates were developed on the property it would be a jewel for the developer. He added that it would be an increase on property values to the surrounding community as well as Ormond Beach to be able to say that they have another jewel in their community. Mr. du Moulin expressed concern with cramming the number of homes proposed in the area, saturating the infrastructure, as well as the number of homes in Ormond Crossings. He explained that he feels that it will create more issues and is concerned with catastrophic events. He concluded that he thinks that the developers need to take a second look and that they can make a good profit and can use this as an advertisement of a neat community where everyone is a winner. He concluded that he sides with the original PRD and not the R-2 zoning.

Mr. Jorczak stated that his position on the project has not changed. He feels that it is not consistent in character. He expressed that the density issue and what it does to the existing infrastructure and how it was not designed to handle what is being proposed bothers him. Mr. Jorczak expressed that the challenge he has had in the uniqueness of the property is if something were to be done it should be above and beyond what has been done in other communities. He stated that it may be necessary to create a special zoning district for the property that would be translatable across many

communities where golf courses have been in the center of residential developments and they no longer exist. Mr. Jorczak stated that an example may be set on what is done. He added that he cannot support the R-2 rezoning. He continued that the PRD gives the city a tremendous amount of leeway in terms of how it gets developed and is a compromise vehicle to work with the developers and economic development. Mr. Jorczak recommended going beyond a PRD, and to think more in terms about what can be done. He concluded that he cannot support the R-2 zoning designation for the property.

Mr. Galloway referenced property rights and stated that the owner had the right to sell the property and the Tomoka Oaks HOA had the right to buy the property. He mentioned that six to nine months ago there was a way was brought up for the residents to buy the land and put it in on their tax bill over 30 years. The majority did not have interest in doing so. Mr. Galloway stated that there were individuals within the community and the HOA that tried to buy the property. He continued that he is not going to tell the developer what they can and cannot do, but how to try and live within the guidelines. He referenced Mr. Harowski's comments on the units per acreage mentioned and calculated that it would be approximately 187.88 homes, adding that something is going to go in the donut hole. Mr. Galloway stated that he previously could support 222 homes but that after tonight, the most that he can support is what Mr. Harowski said at 187 homes, and not an R-2 zoning. He remarked that he has property rights too as a tax payer and does not want his tax dollars used to buy the property and turn it into a golf course. Mr. Galloway expressed that it is fine if the residents as individuals were interested in buying it and donate the land back to the city to open it up as a golf course.

Ms. Shull concurred with the Board and added that the applicants have a ton of attorneys and experts involved and should have known what they were getting into. She added that the PRD would have been the best way as a voluntary agreement between the developer and the City. Ms. Shull stated that the applicants were advised what was preferred when asked what was wanted at several meetings and four neighborhood meetings and the only change was three to four homes less. She expressed her frustration in the now request of R-2 to put more homes in when it was known that one of the concerns was with the density, and she does not support it. Ms. Shull commented that she does not appreciate the applicant's attorney and other developer threat-letters. She added that the people of the city own and run the city, and elect their City Commissioners in and have a right to say what they want to say.

Chairman Thomas remarked that anyone that knows him must realize that he has the philosophy that the property owner can do what the code says with their property. He continued that when they bought the property it was PRD and that it should remain PRD until a better solution comes up other than R-2. Chairman Thomas spoke on the material and letters that the Planning Board receive and said that they had additional letters on their dais this evening, which are all public record.

Attorney Hayes refocused the Board on the issue before them, the application to rezone the property and drew distinction between the PRD zoning in the development process and traditional zoning, and explaining that the PRD is a flexible zoning district and is intended to allow flexible uses versus a conventional zoning district. He added that the development orders are not negotiated contracts and that the applications are reviewed as any other application for a development order and how conditions for the development order or PRD are not negotiated. Attorney Hayes

stated that the issue before the Planning Board is if the property should be rezoned from PRD to R-2. The burden is on the applicant to produce competent and substantial evidence, not through attorneys' opinions, but through witnesses, testimony and experts to show and demonstrate what they believe the property should be zoned, which was not heard. Attorney Hayes reviewed what was discussed and what the Planning Boards decision should be based on at this point, including the Planning staff's professional staff report and any other competent and substantial evidence the Board believes supports their decision.

Mr. Galloway and Mr. Railsback asked for further clarification. Attorney Hayes suggested that the direction should be turned to who has the burden and if that burden was satisfied and what the evidence was that supports it.

Mr. Scudiero added that the local roads are not equipped to double the traffic that they would see from the R-2 zoning. He sided with the staff recommendation for denial.

Mr. Railsback stated that he does not think that the burden shifted, with no evidence to support R-2. He added that the other testimony that was considered further supports that the mountain for them to climb to establish the R-2 zoning is conforming or should be is not there, and that if the burden shifts, he feels comfortable with the evidence that was provided that support to oppose it.

Mr. Jorczak added that he thinks that the reason for the staff recommendation is sound and does not think that the applicant has met the requirements for the R-2 application. He concurs with the staff's recommendation to the City Commission to recommend denial of rezoning to the R-2 zoning district.

Mr. Galloway concurred with staff and the Board.

Ms. Shull concurred with the Board.

Chairman Thomas stated that this is his 34th year on the Planning Board and he has never had an applicant come back on a Board denial with a reason for the change being *because that is what it used to be*, which he remarked that he feels is not meeting the burden of proof. He concluded that he agrees with the staff reasons for denial.

Mr. Scudiero reiterated and restated his earlier comments and motion, that based on the testimony heard and the recommendation by staff, he expressed concern that the applicant has not shown any evidence to suggest that the traffic concerns are invalid, therefore he motions to follow the staff recommendation and deny the request. It was discussed in a summation that:

(1) The Board does not believe that the applicant has met their burden to provide competent and substantial evidence to show that the property should be rezoned to R-2; and

(2) Notwithstanding, the failure of the applicant to find competent and substantial evidence, it is the Boards position that the HOA opposition, through the testimony of Mr. Harowski, did provide competent and substantial evidence to show why the application should be denied; and

3) Relying on the recommendation of the city staff report.

Mr. Scudiero motioned to deny ZMA 2023-054, Tomoka Oaks Boulevard, Zoning Map Amendment to R-2. Mr. Railsback seconded it. Vote was called, and the motion for denial was unanimous (7-0).

Chairman Thomas asked the Board for any further discussion on the motion.

IX. PUBLIC COMMENTS

None

X. OTHER BUSINESS

None

XI. MEMBER COMMENTS

Mr. Galloway stated that he was in Tallahassee the last two days and expressed concern with being "buffaloed" by three developers in the state. He commented that the Board must do what they did tonight and not fold. He warned them to be prepared because he is seeing it happening all throughout the state. Mr. Galloway urged that it be stopped at the Planning Board and City Commission.

Mr. Jorczak commented that he has been following the activity with the Belvedere lawsuit and added to Mr. Galloway's comments in that the developers are becoming sophisticated in how they approach the entire legal and judicial system before the projects get down to the local level and feels they did their homework and knew the direction they wanted to go and the piece needed to put in place, initiating their local activity. Mr. Jorczak touched on governmental operation, in that governmental bodies get tied up in day-to-day things and need to look further down stream in terms of what is happening in the whole geographical area. He referenced the County and zoning districts that the Board has not looked at or kept up with as far as changes and what is going on with being involved in day-to-day activity and should look at reevaluating things that were done 20 + years ago and get in front of the game in terms of recommending changes in zoning districts and what is being permitted including special exceptions. Mr. Jorczak concluded that time should be reserved to look into the future.

Chairman Thomas suggested that the City hire a position solely to forecast and look at trends and challenges in the cities with all of the people wanting to move to Florida. He commented on thoughts that Florida is overcrowded and how there is open space in the middle of the state due to everyone preferring to live on the coast.

Ms. Shull expressed concern with the Land Development Code (LDC) and the different zoning district histories including their changes over time, as well as changes in cities and developers and ways for the city to help maintain itself. She expressed interest in a review of trends and to look at the desire for the growth of the city and to review zoning district designs.

Mr. du Moulin suggested that the Board have a review and look at what other cities are doing and asked if they have something in place to prevent another carwash, storage facility and/or extra housing to catch it before it is too late.

Mr. Railsback thanked staff and commented that they are ahead of things and added that the review of the Tomoka Reserve meeting item and their position on it was the

Correspondence after the Planning Board publication

From: Loomis Loomis
To: Spraker, Steven
Subject: Tomoka Oaks,
Date: Wednesday, January 3, 2024 10:57:32 PM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr Speaker,

My name is William Loomis and I live at 41 Oakmont Circle in Ormond Beach.
My wife Beverly and I recently sold our home in Arizona and returned to our homes in Northern Vermont and Central New Hampshire. We had spent over 20 years in Arizona and on retirement as we had the homes in New England we had returned home, but with some reservations about winters in Both states. So, four years ago we rented a house in Ormond Beach for three months. We really liked Ormond and decided it would be a Great place to spend our winters. Before the rental period was up we had found and purchased a house in Tomoka Oaks. It was an ideal addition to our Northern Vermont Lake House and our home and land in Central New Hampshire.
We have very much enjoyed our Ormond Beach experience and have been very happy in Tomoka
Oaks, with one exception. At times, exiting Tomoka Oaks via the limited number of exits ie., Nova Road and the Trails is quite difficult due to traffic congestion. But with all the positives regarding Tomoka Oaks we can overlook the traffic issues.

Now however, we look at 317 new homes and +/-
500-600 more vehicles using the same often congested roadways and we are very concerned.
.
Traffic is only one of our concerns. We also are concerned that a developer's quest for money is going to have a deleterious effect on the quality of life for the occupants of Tomoka Oaks.

When we selected Tomoka Oaks as our choice for a home we were looking at the golf course property as an existing buffer against development, just the opposite of what is occurring.

We also are concerned about the reduction in property values and difficulty of resale in Tomoka Oaks as a result of this development.

We are very much AGAINST this development!

Respectfully,

William and Beverly Loomis
41 Oakmont Circle
Ormond Beach

bill.loomis@outlook.com
603-748-4408

In early 2017 we purchased our home on Tomoka Oaks Golf Course. After a few years of looking, we chose Ormond Beach because of the town's beauty, small town feel, history, and uniqueness. We chose Tomoka Oaks for the beauty of the neighborhood and the uniqueness of all the homes in the neighborhood. When we purchased our home, we were aware the golf course was a bit run down. I always envisioned the golf course selling but selling to someone like me who does renovation work. I envisioned the Club House being renovated, having a restaurant open to the public, banquet rooms to rent out for weddings and parties, a beautiful outdoor area for weddings and parties. At that time the owner was not interested in selling. We continuously spoke to neighbors, spoke to the son of the owner, and watched the real estate as to what was going on and if would go up for sale. In the meantime, I was creating a business plan and looking into the financial and investors for the purchase of the golf course. The listing for sale never happened. Then we were informed the golf course sold to a Developer. I will admit, it crushed me. Some may have only seen a rundown building and a rundown golf course that needs to go. I saw a thriving business for the community of Ormond Beach.

In all reality, Developers and their Investors do not care about a community. Its business only and the bottom line is "money and profit". I completely understand this, we run a business and profiting is your survival. It is up to our Officials to make sound decisions as to what is and will be beneficial to the community of Ormond Beach or what is not beneficial to the community of Ormond Beach. We all know the possibilities that when we develop a new area, whether it's a shopping area or housing area, businesses and homeowners move to the newer area leaving a decline in the older area. The older shopping area loses value, rent becomes cheaper, harder to fill stores and either becomes cheap discounted stores or vacant. Older residential areas become less desirable, value of homes decrease and eventually become a low-income area due to the decrease in value. It's hard for me to imagine that happening to Tomoka Oaks but is it possible, yes. Housing development on US1 will place the demand for building grocery stores, gas stations and retail stores going up towards Bunnel due to it won't be convenient to drive to the existing areas. Housing development by Tymber Creeks will place the demand for building grocery stores, gas stations and retail stores on 40 going towards Barbersville due to it won't be convenient to drive to the existing areas.

Over the six years I have seen much developmental growth, not only Ormond Beach but up and down the coast. Don't get me wrong, growth in a community can be a really good thing, however, too much overgrowth can also be a pit to a community. I understand the need for growth in a community. It brings in revenue communities need. I do realize that there is a strong demand for growth in housing due to the high demand of housing from everyone wanting to move from other states. I also realize creating business growth in a community also creates the need for employment opportunities which in returns needs housing for the business demands. The question is: Where and when is it just enough and where and when is it too much, where and when is it beneficial to a community and where and when is it toxic to a community. How much beauty does Ormond Beach want to remove from their community. How much preservation does Ormond Beach want to remove from its community. How much wildlife does Ormond Beach want to displace and be forced to relocate. What does Ormond Beach want in a community? I see the 2023-2027 strategic plan which is mainly generating growth from businesses with a small portion of residential homes. What does Ormond Beach want to see in residential growth in 5 years? What does Ormond Beach want to see in residential growth in 10 years? What happens with Ormond Beach once the moving boom fades away. If we do reach a population of close to 70,000, as projected by Ormond Beach, how will our roads handle the traffic from growth and tourism. Under The

Economic Development Strategic Plan, under Weakness, shows traffic on the first line. What is Ormond Beach's strategic plan on traffic since it is the number one issue under weakness. As I read through the City of Ormond Beach website on Economic Development, Development Projects, PRD and R2 I did notice on the PRD Planned Business Development Zoning Map, Tomoka Reserve is the only development that does not have immediate entering and exiting accesses off a main road. Tomoka Reserve is being built within the inside of an existing subdivision where Tomoka Reserve has to use the roads inside a subdivision to enter and exit to a main road. Besides tax revenue from the additional 45 homes added with R2 Zoning, what is the benefit for the City of Ormond Beach, what is the benefit for the residents of Ormond Beach.

As I sit here writing this, my morning view is watching the sun gleaming through the tress with the Spanish moss glowing in beauty from the sunlight rays. It is heartbreaking to me knowing this will no longer be my morning view while enjoying my coffee. If given a choice, do I want the development behind my home, NO I DO NOT. The residents of Tomoka Oaks, The Trails and Escondido Condos are at the mercy of the Planning Board and City Commissioner's on the decisions they make. The residents of Escondido Condos really get the worst deal of it all, how in the world are they supposed to exit their condo. Who wants to live that traffic fight every day. I personally do see these condos selling out, losing value, and leaving it open to low income. But with all that being said, as this continues to move forward, is it asking too much to not have more homes crammed in, is it asking too much to have the new homes developed with the same lot sizes matching the ones already on the golf course. Is it asking too much to have more than a 6-foot buffer in between our homes. Is it asking too much to not have a nightmare of traffic entering and exiting our community. Is it asking too much for the condos to have a way to exit out. I still can't comprehend, going by the traffic survey, how a red light on Nova Road is going to ease the traffic from 272 or 317 additional homes. We have a diamond shaped island at the entrance on Tomoka Oaks Blvd, how long will N. St. Andrews, S. St Andrews and Escondido Condos have to wait to get on Nova Rd. Of course, there are many more concerns and questions that not only I, but the entire neighborhood has. When I say entire neighborhood, it's not just the homes on the golf course it is the entire neighborhood of Tomaka Oaks, the Trails and Escondido.

I ask myself, would I still feel the same way if this development wasn't in my back yard. Yes, I would. This development is an odd placement for a subdivision. Again, I am not against growth, I believe I would feel differently if there were more access roads entering and exiting the subdivision.

Thank you for your time.

Sincerely,

The Bowman's

From: Tom Fitzgibbon
To: Spraker, Steven
Subject: For Planning Board - Important Green Space for Beautiful Ormond Beach
Date: Thursday, January 4, 2024 11:08:54 AM

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Dear Mr. Spraker and Planning Board -

147 acres of rolling gentle hills covered in grass and beautiful moss waving Oaks surrounding wide fairways. Thousands of memories of the old club house, 18 holes of happiness and misery. Weddings, birthdays and hundreds of other events playing out during spectacular sunsets. Red shouldered hawks shrieking over tortoise, deer, rabbit and fox.

This was the Tomoka Oaks Country Club. And now a Southern Florida developer wants to build 317 houses, driveways and roads. Public golf courses can serve as an important recreational resource for a community, providing a space for residents and visitors to enjoy outdoor activities and engage in physical exercise. They can also serve as a venue for community events and activities, such as tournaments and fundraisers, which can help bring people together and build a sense of community.

In addition to their recreational and social benefits, public golf courses also have economic benefits for a community. They attract visitors from outside the area, who stay in local hotels and eat at local restaurants, which helps support the local economy. They also provide jobs for local residents, including groundskeepers, pro shop attendants, and other staff.

Ormond Beach has no public golf course (we had two courses that welcomed the public — both are closed due to mismanagement) even while golf has made a massive comeback in popularity. Ormond Beach should have a golf course as an amenity for all the people in the community. Young people should get outside and learn golf as an important skill that focuses their talents and minds.

Please preserve the Tomoka Oaks Golf Course as open space for a golf course or some other open space use. Once houses are built, the open space is gone forever

and traffic and taxes increase.

Tom Fitzgibbon - Tomoka Oaks Resident - Beautiful Ormond Beach, Florida

From: nukken
To: Spraker, Steven
Subject: Re: Former Tomoka Oaks Golf Course Redevelopment, distribution list (01.04.2024)
Date: Thursday, January 4, 2024 3:05:17 PM

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Steven,

Thank you for the notice. I have concerns that I have not seen addressed. Is there a side view diagram of the purposed typical road inside the purposed private neighborhood.? For example, 6 foot side walks, each side of road, 50 foot width of road, underground utilities, a typical cross section. Since the map is not to a visable scale and no discernible criteria for roads or exits.., nor are driveways annotated…the driveways may only hold one car. If so, each house would need street parking. If two cars are parked there may not be room for normal two way traffic between the parked cars. Must the garages face the road or sideways to the drive?

I also see , what appears to be walkways and or emergency ingress/egress . If they are walkways, then that's public to private . There has been no variance or other hearings. Where would one find the governing statutes?This should be required in the process of considering zoning.

The "Tomoka reserve" folks have place a different gate at the entrance. While this may be their right, how can the general public go and walk the property as to what they purpose?

Thank you for your time.
Best regards,
Paul Hughes
Nukken1@aol.com

Sent from the all new AOL app for iOS

On Thursday, January 4, 2024, 12:23 PM, Spraker, Steven <Steven.Spraker@ormondbeach.org> wrote:

> Good afternoon,
>
> The Planning Board agenda and packet for the Tomoka Reserve zoning map amendment application is available at the Planning Board webpage: https://www.ormondbeach.org/224/Planning-Board or the project webpage: https://www.ormondbeach.org/1036/Tomoka-Reserve-R-2-Zoning. As a reminder, the meeting location will be at **Tomoka Christian Church at 1450 Hand Avenue,** Ormond Beach, FL 32174 and will start at 6pm. Staff will provide the audio link on the project webpage once the link is available.

Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Monday, December 18, 2023 3:07 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (12.18.2023)

Good afternoon,

The zoning map amendment application for the Tomoka Reserve project is scheduled to be heard at the **January 11, 2024 Planning Board**. The Planning Board meeting location will be at **Tomoka Christian Church at 1450 Hand Avenue,** Ormond Beach, FL 32174 and will start at 6pm. The project webpage for the zoning map amendment is https://www.ormondbeach.org/1036/Tomoka-Reserve-R-2-Zoning. This webpage includes the zoning map amendment application submitted in May.

A zoning map amendment is a request to amend the zoning designation of a property. In this application, there is a request for a change from PRD, Planned Residential Development, to R-2, Single-Family Low Density, for approximately 147.94 acres located at 20 Tomoka Oaks Boulevard. A zoning map amendment does not include a site or development plan and focuses on the appropriateness of the zoning designations consistent with the "Low Density Residential" land use category.

If there is a desire to provide correspondence to be included in the public hearing on the zoning map amendment, please send it to me via e-mail (Steven.Spraker@ormondbeach.org), by mail, or hand delivery (contact information below). Please include "For Planning Board" in the subject of the e-mail.

Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Wednesday, November 22, 2023 11:24 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (11.22.2023)

Good morning,

The Tomoka Reserve project has withdrawn its application for the PRD Development Order for project PRD 2022-043. A request has been made to move forward with their zoning map amendment application from PRD, Planned Residential Development to R-2, Single-Family Low Density. The letter is available on the project webpage at: https://www.ormondbeach.org/1013/Tomoka-Reserve. No date for a Planning Board meeting has been established and updates will be provided on the city's website and through the distribution list. Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

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Ormond Beach, FL 32174
Direct Line: 386.676.3341

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Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Friday, November 3, 2023 3:01 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (11.03.2023)

Good afternoon,

11/03/2023 Update for the Tomoka Reserve project

- City Commission packet is available on the City's website at www.ormondbeach.org/agenda.
- The City Commission audio link (during the meeting) is: https://youtube.com/live/4whfV-AGgPg?feature=share
- Reminder: the City Commission meeting will be held on Tuesday, November 7, 2023 at Calvary Christian Center, 1687 West Granada Boulevard and will start at 6 p.m.

Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

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22 South Beach Street, Room 104
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Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Tuesday, October 24, 2023 5:26 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (10.24.2023)

Good afternoon:

10/24/2023 Update:

Notice of the City Commission meeting has been published in the Daytona Beach News-Journal and abutter letters sent. There have been no updates from the project team to the application submittal since the Planning Board meeting. Any written correspondence for the City Commission packet would need to be submitted on or before October 31, 2023 at 5pm to comdev@ormondbeach.org (please include For City Commission in the subject line). Any correspondence after this time will be provided to the City Commission at the meeting.

Reminders:

1. The meeting will be held at Calvary Christian Center, 1687 West Granada Boulevard and will start at 6 p.m. on November 7, 2023.
2. Project updates will be provided at: https://www.ormondbeach.org/1013/Tomoka-Reserve

Thank you

Steven

Steven Spraker, AICP
Planning Director

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22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Wednesday, October 4, 2023 2:25 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (10.04.2023)

Good afternoon,

10/4/2023 Update: The first reading of the Tomoka Reserve application for

the issuance of the development order is scheduled for **November 7, 2023** as part of the regular City Commission agenda. The meeting will be held at **Calvary Christian Center, 1687 West Granada Boulevard and will start at 6 p.m**. There have been no project updates as of October 4, 2023. Please contact me with any questions.

Thank you

Steven

Steven Spraker, AICP
Planning Director

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22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Friday, September 22, 2023 9:51 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (09.22.2023)

Good morning,

The audio link for the September 26th Planning Board meeting is: https://youtube.com/live/QzTA4geTe_U?feature=share.

The link is also located on the following city webpages:

https://www.ormondbeach.org/1013/Tomoka-Reserve
https://www.ormondbeach.org/224/Planning-Board

Please note that the meeting will be held at **Calvary Christian Center at 1687 West Granada Boulevard**, Ormond Beach, FL 32174 starting at **6:00 pm.** Please contact me with any questions.

Thank you

Steven

Steven Spraker, AICP
Planning Director

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Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Friday, September 15, 2023 7:53 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (09.15.2023)

Good morning,

The Planning Board agenda for the **September 26, 2023** Ormond Beach Planning Board meeting regarding the Tomoka Reserve project to be held at **Calvary Christian Center at 1687 West Granada Boulevard**, Ormond Beach, FL 32174 starting at **6:00 pm** has been posted at: https://www.ormondbeach.org/1013/Tomoka-Reserve. Staff will post the audio link for the Planning Board meeting when available on the project webpage.

Please contact me with any questions.

Thank you

Steven

Steven Spraker, AICP
Planning Director

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22 South Beach Street, Room 104
Ormond Beach, FL 32174

Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Thursday, September 7, 2023 9:26 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (09.07.2023)

Good morning,

The Site Plan Review Committee has received an updated site plan submittal which is available at: https://www.ormondbeach.org/1013/Tomoka-Reserve.

The Tomoka Reserve project has been scheduled for a **September 26, 2023** Ormond Beach Planning Board meeting to be held at **Calvary Christian Center at 1687 West Granada Boulevard**, Ormond Beach, FL 32174 starting at **6:00 pm**. Please note the location as Calvary Christian Center at 1687 West Granada Boulevard. Written comments on the project for inclusion in the packet can be (1) sent to comdev@ormondbeach.org or to my e-mail address (Steven.Spraker@ormondbeach.org) - please include "For Planning Board" in subject line, (2) hand delivered to Room 104 of the Ormond Beach City Hall, or (3) mailed to me at the address provided below. Correspondence provided on/before September 13, 2023 at 5pm would be provided in the packet. Additional correspondence received after September 13th would be provide to Planning Board members separately. Correspondence received “For Planning Board” to date will be provided in the Planning Board packet.

The tentative Planning Board packet distribution date would be September 15, 2023.

Please contact me with any questions.

Thank you

Steven

Steven Spraker, AICP
Planning Director

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22 South Beach Street, Room 104
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Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Thursday, August 17, 2023 11:56 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (08.17.2023)

Good morning,

There are three updates from the Planning Board continuation packet issued August 11, 2023. The first update (Attachment 16) is additional correspondence received from August 10, 2023 to August 16, 2023. The second update (Attachment 17) is additional information provided by the applicant from August 16, 2023. The third update (Attachment 18) is a staff PowerPoint detailing the applicant's responses to staff recommendations. The updates are available on the Tomoka Reserve webpage at https://www.ormondbeach.org/1013/Tomoka-Reserve or the Planning Board webpage.

City staff received additional information (Attachment 17) from the project team for Tomoka Reserve project on August 16, 2023. This material is supplemental to the existing submittal and has not been reviewed by the Site Plan Review Committee. The Planning Board can act upon the original site plan presented at the July 13, 2023 meeting. City staff would advise the Planning Board that the additional information provided August 16, 2023 should be considered a material change. **If there is a desire to alter the site plan presented on July 13, 2023, then an additional Planning Board meeting would need to be conducted with additional review by the Site Plan Review Committee, public notice, and the opportunity for public comments.** It is important to note that the August 21, 2023 Planning Board meeting has been advertised as a continuation of July 13, 2023 with no public/audience comments based upon where the July 13, 2023 meeting stopped. Any material change is required to occur with public notification and a new public hearing.

As a reminder, the Planning Board meeting will be held at **Tomoka**

Christian Church at 1450 Hand Avenue, Ormond Beach, FL, 32174, starting at 6:00 p.m. The link to listen to the audio of the August 21, 2023 Planning Board continuation is: https://youtube.com/live/mCVJh3WI-cg?feature=share.

Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

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E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Sent: Friday, August 11, 2023 12:10 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (08.11.2023)

Good afternoon,

The Planning Board packet for the August 21, 2023 Planning Board continuation of the Tomoka Reserve project is available at: https://www.ormondbeach.org/Archive.aspx?AMID=75 and at the Tomoka Reserve webpage (https://www.ormondbeach.org/1013/Tomoka-Reserve). If there is additional information provided after the public of the Planning Board packet, it would be added to the project webpage.

The link to listen to the audio of the August 21, 2023 Planning Board continuation is: https://youtube.com/live/mCVJh3WI-cg?feature=share.

Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

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Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Wednesday, August 2, 2023 3:10 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (08.02.2023)

Good afternoon,

City staff wanted to provide an update for the August 21, 2023 Planning Board continuation meeting regarding the Tomoka Reserve project. The Planning Board meeting will be held at **Tomoka Christian Church at 1450 Hand Avenue**, Ormond Beach, FL, 32174, starting at 6:00 p.m. City staff continue to update the project webpage at: https://www.ormondbeach.org/1013/Tomoka-Reserve. Attached are two pieces of information on the website regarding the August 21, 2023 Planning Board continuation meeting regarding the process and location.

Please contact me if there are any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

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Department: 386.676.3238

Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Wednesday, July 12, 2023 12:36 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (07.12.2023)

Good afternoon,

For your information:

1. The audio link for the Planning Board meeting is: https://youtube.com/live/ZtdFx0FIdq8?feature=share. This link will be live during the meeting. The link will be added to the Planning Board and Tomoka Reserve webpages.
2. Planning staff has received additional information from the applicant as well as additional correspondence from residents. This information is posted on the project webpage: https://www.ormondbeach.org/1013/Tomoka-Reserve.

Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Monday, July 3, 2023 2:03 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (07.03.2023)

Good afternoon,

The Planning Board staff report is available at: https://www.ormondbeach.org/Archive.aspx?AMID=75 and at the Tomoka Reserve webpage (https://www.ormondbeach.org/1013/Tomoka-Reserve). The webpage has the staff report and attachments that can be viewed/downloaded individually.

Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

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Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Wednesday, June 28, 2023 11:22 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (06.28.2023)

Good morning,

The Site Plan Review Committee (SPRC) comments for this project are available on the Tomoka Reserve webpage (https://www.ormondbeach.org/1013/Tomoka-Reserve). As part of the review process, an amended site plan was provided on June 26, 2023. The amended site plan is also available on the webpage and a summary of the changes are included in the SPRC comments.

Attached and also on the webpage is a location map for Calvary Christian Church for the location of the Planning Board meeting.

Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Thursday, June 22, 2023 2:26 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (06.22.2023)

Good afternoon,

The Tomoka Reserve project has been scheduled for the **July 13, 2023** Ormond Beach Planning Board meeting to be held at **Calvary Christian Center at 1687 West Granada Boulevard**, Ormond Beach, FL 32174 starting at **6:00 pm**. Please note the location as Calvary Christian Center at 1687 West Granada Boulevard. The project website continues to be updated and is: https://www.ormondbeach.org/1013/Tomoka-Reserve. Staff has included a memorandum regarding the meeting process which is attached and available on the project webpage. Also attached is the abutter letter notice for the Tomoka Reserve application which will be mailed tomorrow.

Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Friday, June 9, 2023 10:01 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (06.09.2023)

Good morning,

The Tomoka Reserve project has re-submitted to the Site Plan Review Committee (SPRC) with the intention of being scheduled for the Thursday, July 13, 2023 Planning Board. Final Planning Board agenda determination of the project by the SPRC would occur on or before June 22, 2023. The project submittal is available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. Written comments on the project for inclusion in the packet can be (1) sent to comdev@ormondbeach.org or to my e-mail address (Steven.Spraker@ormondbeach.org) - please include "For Planning Board" in subject line, (2) hand delivered to Room 104 of the Ormond Beach City Hall, or (3) mailed to me at the address provided below. Please contact me with any questions.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238

Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Thursday, May 18, 2023 7:43 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (05.18.2023)

Good morning,

Representatives of the Tomoka Reserve project have requested a time slot with the Site Plan Review Committee (SPRC). The SPRC will meet with Tomoka Reserve project representatives on Wednesday, May 24, 2023 at 10:00 a.m. The SPRC meeting can be attended in person in Room 103, City Commission Conference Room, of the Ormond Beach City Hall at 22 South Beach Street or virtually through ZOOM as follows:

Topic: Ormond Beach Site Plan Review Committee
Time: 10:00 am

Join Zoom Meeting
https://ormondbeach.zoom.us/j/98395178655?pwd=MVFEYXVMa092YjBkN1FCOW9jcFJYUT09

Meeting ID: 983 9517 8655
Passcode: 297336
One tap mobile
+13017158592,,98395178655# US (Washington D.C) 13126266799,,98395178655# +US (Chicago)

Dial by your location
+1 301 715 8592 US (Washington D.C)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
Meeting ID: 983 9517 8655
Find your local number: https://ormondbeach.zoom.us/u/adj1KhY4xx

Project information is available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. Please contact me with any questions.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Friday, May 12, 2023 7:26 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (05.12.2023)

Good morning,

The Site Plan Review Committee (SPRC) has issued a request for additional information which is available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. There are outstanding comments that would require a re-submittal. With a re-submittal in late May/early June, the project would likely be scheduled for the July 13, 2023 Planning Board. A distribution list e-mail would be sent at a later date to confirm the re-submittal.
As part of the last submittal, the project team provided information on the site environmental review. The link below is to the Florida Department of Environmental Protection website (if prompted, select the "public oculus login" link and it should automatically direct you to the documents). https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=hitlist&[freeText=]&[folderName=]&[profile=Cleanup_Remediation]&[creator=]&[entityType=any]&[createdDateTo=]&[catalog=5]&[searchBy=Profile]&[sortBy=Document+Date]&[createdDate=]&{County=_EQ_VOLUSIA}&{District=_EQ_CD}&{Facility-Site+ID=_EQ_ERIC_18037}.
The project team also submitted a Zoning Map Amendment application from Planned Residential Development to R-2, Single-Family Low Density and it is available at: https://www.ormondbeach.org/1036/Tomoka-Reserve-R-2-Zoning. The Zoning Map Amendment would be processed if

the current application for the issuance of a development order is denied to provide the property a zoning designation.

Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Monday, May 1, 2023 11:49 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (05.01.2023)

Good morning,

The city Site Plan Review Committee (SPRC) received the a site plan re-submittal for the former Tomoka Oaks Golf Course property. The submittal is available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. Thank you

Steven

Steven Spraker, AICP
Planning Director

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22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238

Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Wednesday, April 12, 2023 11:13 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: FW: Former Tomoka Oaks Golf Course Redevelopment, distribution list (01.19.2023)

Good morning,

An updated Traffic Impact Analysis has been submitted by the transportation consultant for the Tomoka Reserve project. The documents are available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. No Planning Board or City Commission dates have been established.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361

From: Spraker, Steven
Sent: Thursday, January 19, 2023 10:02 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (01.19.2023)

Good morning,

Cobb Cole, Attorneys at Law, shall conduct neighborhood meetings (notice attached) on **Wednesday, February 8, 2023** during two (2) sessions, one of which will be held at 5:00 p.m. and one session of which will be held at 7:00 p.m. in the sanctuary at Temple Beth-El, located at 579

North Nova Road in Ormond Beach, FL 32174 regarding the application of Triumph Oaks of Ormond Beach I, LLC. The application, submitted as Tomoka Reserve, seeks a Planned Residential Development amendment to allow a single-family residential development on the former golf course located at 20 Tomoka Oaks Boulevard. The information on the project is available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. The project shall require the review and recommendation of the Planning Board and final action by the City Commission. Additional information on the neighborhood meeting can be obtained by contacting Debi LaCroix, CLA, Cobb Cole by telephone at (386) 323-9263 or by email at Debi.LaCroix@cobbcole.com.

The project team has submitted updated site plans and documents regarding the project which are available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. The Site Plan Review Committee review comments would be issued after the neighborhood meeting. No Planning Board or City Commission dates have been established.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361

From: Spraker, Steven
Sent: Thursday, December 15, 2022 10:05 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Cc: Community Development <ComDev@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (12.15.2022)

Good morning,

The project webpage: https://www.ormondbeach.org/1013/Tomoka-Reserve has been updated to include the traffic study review and information on hazardous trees. There has been no site plan resubmittal

to date for the project. Staff continues to update the website page as information for this project is submitted.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Wednesday, September 21, 2022 11:38 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Cc: Community Development <ComDev@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (09.21.2022)

Good morning,

A Traffic Impact Analysis (TIA) has been submitted for Tomoka Reserve project and is available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. There has been no site plan resubmittal to date for the project. Staff continues to update the website page as information for this project is submitted.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Monday, August 8, 2022 11:56 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Cc: Community Development <ComDev@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (08.08.2022)

Good morning,

A demolition application has been submitted and is under review for all structures associated with the former Tomoka Oaks golf course property. Demolition permits are reviewed/issued/inspected by the city's Building Department.

The demolition plan and other project information is available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. There as been no additional submittal to the city Site Plan Review Committee. Please contact me with any questions. Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Site Plans <>
Sent: Thursday, June 2, 2022 11:34 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Cc: Community Development <ComDev@ormondbeach.org>
Subject: FW: Former Tomoka Oaks Golf Course Redevelopment, distribution list (06.02.2022)

Good morning,

Representatives of the Tomoka Reserve project have requested a time slot with the Site Plan Review Committee (SPRC). The SPRC will meet with Tomoka Reserve project representatives on Wednesday, June 8, 2022 at 9:30 a.m. The SPRC meeting can be attended in person in Room 103, City Commission Conference Room, of the Ormond Beach City Hall at 22 South Beach Street or virtually through ZOOM as follows:

Join Zoom Meeting
https://ormondbeach.zoom.us/j/98395178655?pwd=MVFEYXVMa092YjBkN1FCOW9jcFJYUT09

Meeting ID: 983 9517 8655
Passcode: 297336
One tap mobile
+13017158592,,98395178655# US (Washington D.C)
+13126266799,,98395178655# US (Chicago)

Dial by your location
+1 301 715 8592 US (Washington D.C)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
Meeting ID: 983 9517 8655

Project information is available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. Please contact me with any questions.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven <>
Sent: Wednesday, April 13, 2022 4:56 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Cc: Community Development <ComDev@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (04.13.2022)

Good afternoon,

The city Site Plan Review Committee (SPRC) received the first site plan submittal for the former Tomoka Oaks Golf Course property. The submittal is available at: https://www.ormondbeach.org/1013/Tomoka-Reserve. Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Wednesday, March 2, 2022 11:39 AM

To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Cc: 'ComDev@ormondbeach.org' <ComDev@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (03.02.2022)

Good morning,

City staff are in receipt of the Traffic Impact Analysis (TIA) Methodology Letter for this project and have uploaded the document to the city's website: https://www.ormondbeach.org/1013/Former-Tomoka-Oaks-Golf-Course-Property. The Traffic Impact Analysis (TIA) Methodology Letter is a required step to conduct a Traffic Impact Analysis which is required for this project. The project **has not submitted** a site plan to the Site Plan Review Committee or Planned Development amendment application to date. As information is submitted in the future it will be uploaded the city website.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Steven.Spraker@ormondbeach.org <Steven.Spraker@ormondbeach.org>
Sent: Wednesday, January 5, 2022 11:29 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Cc: ComDev@ormondbeach.org
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (01.05.2022)

Good morning,

As a follow-up to this morning's Site Plan Review Committee (SPRC) meeting there were request to provide the two drawings that were discussed during the SPRC meeting. Please find the drawings attached. Please note that these are drawings that were used for site plan

discussion and are not finished documents.

Staff will provide additional information for this project as received to this distribution list. Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Tuesday, December 28, 2021 9:03 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Cc: Community Development <ComDev@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (07.06.2021)

Good morning,

This is a distribution list city staff has assembled based on interest in the former Tomoka Oaks Golf Course redevelopment. If you do not want to be included in future e-mails, please respond **STOP** and staff shall remove your e-mail from this list.

The project team for the former Tomoka Oaks Golf Course has requested a meeting with the Site Plan Review Committee (SPRC). The meeting with the SPRC has been scheduled for Wednesday, January 5, 2022 in Room 103 starting at 9:00 a.m. at the Ormond Beach City Hall, 22 South Beach Street. A Zoom link has been provided at the end of this e-mail for the SPRC meeting.

The SPRC contains members of city staff (Planning, Engineering, Utilities, Building/Fire, and Landscape Architecture) that review development projects. The process for development review is as follows and is also

attached as a flowchart:

1. Submittal/review of SPRC;
2. Neighborhood meeting;
3. Planning Board, review and recommendation; and
4. City Commission, review and action.

To date, a concept plan has not been submitted to the SPRC. Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32175
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

Zoom information

Topic: Ormond Beach Site Plan Review Committee
Time: 9:00 am

Join Zoom Meeting
https://ormondbeach.zoom.us/j/98395178655?pwd=MVFEYXVMa092YjBkN1FCOW9jcFJYUT09

Meeting ID: 983 9517 8655
Passcode: 297336
One tap mobile
+13017158592,,98395178655# US (Washington DC)
+13126266799,,98395178655# US (Chicago)

Dial by your location
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)
Meeting ID: 983 9517 8655
Find your local number: https://ormondbeach.zoom.us/u/aev72smAru

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From: Spraker, Steven
Sent: Tuesday, July 6, 2021 12:22 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (07.06.2021)

Good afternoon,

Please find attached a flyer for the second community meeting for the former Tomoka Oaks Golf Course. The flyer indicates the second community meeting will be held on July 15, 2021 starting at 6 p.m. at the Ormond Beach Performing Arts Center.

Please note that this is not a city meeting, but a pre-submittal meeting hosted by the project design team. There have been no city applications or concept plans submitted for this project. Please contact me with any questions.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32175
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Spraker, Steven
Sent: Monday, May 17, 2021 11:24 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: Former Tomoka Oaks Golf Course Redevelopment, distribution list

Good morning,

This is a distribution list city staff has assembled based on interest in the former Tomoka Oaks Golf Course Redevelopment. If you do not want to be included in future e-mails, please respond STOP and staff shall remove your e-mail from this list.

City staff have been informed that the property owner and their design team have planned three community meetings (flyer attached). The first of the community meetings, Introduction to Development Team and Solicit Input From Citizens, has been scheduled for May 20,2021 at the Ormond Beach Performing Arts Center (399 North U.S. Highway 1) at 4pm and 6pm. For additional information and to make reservations (including the Zoom link) the flyer has provided a telephone number of (386) 323-9244. The dates for the other two meetings have not been determined per the flyer.

Please note that this is not a city meeting, but a pre-submittal meeting hosted by the project design team. There have been no city applications or concept plans submitted for this project. City staff will provide updates, such as an application submittal, through this distribution list and the Planning notification system on our website: https://www.ormondbeach.org/CivicAlerts.aspx?CID=19.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32175
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

Notice: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Dennis K. Bayer

Attorney

Dennis K. Bayer, Esq.
dennis@bayerlegal.com

109 South 6th Street, Suite 200
Flagler Beach, FL 32136
Tel: 386-439-2332
Fax: 386-439-6522

January 4, 2024

Sent via U.S. Mail and email to Steven.Spraker@ormondbeach.org

Steven Spraker, Planning Director
City of Ormond Beach
22 S. Beach St., Room 104
Ormond Beach, FL 32174

RE: Tomoka Reserve Zoning Application

Dear Board Members,

Please consider this memorandum in opposition to the currently proposed R-2 rezoning of the Tomoka Reserve project submitted on behalf of the Tomoka Oaks HOA. Our position is that the property should be developed as a planned unit type development. Both the memorandum by planning expert Tom Harowski and the case law in the case of Florida support this position.

First as to the legal analysis. The seminal decision guiding local governments on land use decision is *Board of County Commissioners, Brevard County vs. Snyder , 627 So. 2nd 469 (Fla. 1993).* In this case, the Supreme Court ruled n favor of the county's denial of a rezoning request from a general use residential designation to a medium density multi-family designation. Both designations were consistent with the county's comp plan for the parcel.

Two key legal conclusions that are applicable to this matter. Initially *Snyder* provides that the local government has discretion to decide the maximum density provided for in the code should not be allowed provided that the developer is given some development approval that is consistent with the comp plan and supported by competent substantial evidence. In the prior hearings before the planning board and the city commission on this project, the city's position was that the property could be developed as a PRD however issues remained to be resolved, like overall density, lot sizes and buffers. The approval was not denied but instead the project was sent back to this planning board for additional consideration of the issues raised during the extended hearing process.

The second aspect of *Snyder* that is applicable relates to the city's authority to maintain the existing PRD designation on Tomoka Reserve. The Supreme Court held that the local government has authority to maintain the existing zoning classification (PRD in our case) where the decision accomplishes a legitimate public purpose and the decision is not arbitrary, discriminatory or unreasonable. As discussed at considerable length in the prior hearings, the

subject property has a long development history intertwined with the development and uses of the current existing neighborhoods. This is the proverbial hole in the middle of the doughnut and not another vacant tract down the road on SR 40. This parcel has historically served as a significant recreational and open space amenity that predates the comprehensive plan. It provides public benefits of storm water retention and wildlife habitat. These factors were all taken into consideration when the property was zoned to PRD in 2006 for a plan that allowed residential and recreational uses on the site. The refusal to rezone as now requested by the developers would take into account the unique location and features that exist which will best be developed as a planned development.

Mr. Harowski has provided competent substantial evidence in his memorandum that overcomes the preliminary analysis that rezoning is consistent with the comp plan as to the issue of density. Density alone is not the dispositive factor, particularly when the R-2 proposal would create a higher density product in the middle of an established neighborhood. A final point to be made relates to the claim that the development of this property can be considered to be "infill". The term infill generically references replacing blighted inner city areas with new development. The Florida statutes (section 163.3164 (49) as the development of vacant parcels in otherwise built up areas where public facilities like sewer systems, roads, schools and recreation areas are currently in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is a FAR of at least 1.0 and vacant and the developable land does not constitute more than ten percent of the area. This project fails several sections of the definition, most significantly that it would destroy recreational open space and the existing densities are well below 5 units per acre.

Accordingly, the Tomoka Oaks HOA respectfully requests that this rezoning be denied and the property be developed under a PRD designation as it currently stands.

Respectfully submitted,

Dennis K. Bayer

DKB/kh

From:	Partington, Bill
To:	Whitley, Claire; Spraker, Steven; Hayes, Randy; Dauderis, Susan
Subject:	Fwd: Tomoka Reserve: Dangerous Streets for Our Families
Date:	Friday, January 5, 2024 3:26:31 PM

Just fyi and to be included in the record of any decisions made on this matter.

Thanks,

Bill
Sent from my iPad

Begin forwarded message:

From: Tom Fitzgibbon <gototom@gmail.com>
Date: January 5, 2024 at 3:16:22 PM EST
To: "Partington, Bill" <Bill.Partington@ormondbeach.org>, Michelle Zirkelbach <michellezirkelbach@adamscameron.com>, Blanche Parks <Blanche@blancheparks.com>, Mike Green <mgreen@kenneytv.com>, Tom Harowski <Tom@tmhconsultinginc.com>, denisejean@gmail.com, John Power <john.daytona1@gmail.com>, Mary Greenlees <mgreenlees94@gmail.com>, Tyler Brown <tlb1720@gmail.com>, James Rose <jameslrose57@gmail.com>, Jack Dunlop <jgdkoi@gmail.com>, Missy Herrero <mmh28@aol.com>, Ashley DuFrene <adufrene7@gmail.com>, Chris Dunlop <Chrisdunlop.db@gmail.com>, Michael Ugarte <Michael.ugarte@gmail.com>, Carolyn Davis <carolyndavis3@gmail.com>, Rob Bridger <rob.bridger48@gmail.com>, Darla Widnall <darlawidnall@gmail.com>
Subject: Tomoka Reserve: Dangerous Streets for Our Families

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor Partington:

As you know, a Southern Florida developer has now applied for R-2 zoning for the old Tomoka Oaks Golf Course, dropping plans for a PRD and increasing the number of houses from 272 to 317. This will clearly increase injuries/deaths for residents and families in and around Tomoka Oaks, The Trails, Escondido Condos, Talaquah, Nova and Granada intersections.

Several years ago, four houses down from our house, a woman pedestrian was killed by a driver. I have seen a city inspector almost get hit by a speeding car. I have seen large delivery trucks speed around blind curves and clip overhead wires and trees many times.

None of our old narrow roads have sidewalks. When I walk, run or bike, I am in the street surrounded by cars and trucks whizzing around me. The narrow, curving, tree/shrub lined streets and traffic islands obstruct driver views and put kids in danger.

Utility trucks park in the street at all times day and night, further obscuring sightlines and causing drivers, pedestrians, bikers, baby carriages, dog walkers, etc. to play a deadly form of dodgeball with traffic. Speed limits are exceeded, by my count, about 50% of the time.

LTG, a traffic firm hired by the developer, predicts that the new development will add only two times as many cars and trucks exiting via Tomoka Oaks Boulevard to Nova during peak morning travel. This seems too low, since the 317 new houses will add 650+ vehicles and more than 3200+ daily trips at a minimum. The development traffic will block Escondido Condos' only entrance.

At the Granada and Main Trails intersection, LTG is predicting that after the development is built, there will only be 18 more peak morning cars exiting onto Granada. Many of us will try to exit through the Trails to Granada to the rebuilt elementary school, Walmart, Lowes and other locations. Taking the Trails route versus Nova is about the same travel time and a lot more beautiful.

These predictions from LTG, hired by the developer, call into question their data and methodology. We could not hire a traffic expert because no one local wanted to question the developer's conclusions and lose future work.

I am asking the Ormond Beach Planning Board and Commissioners to:

1. significantly limit the number of houses to 122, the original 2006 PRD number
2. require the developer to finish the street work before house construction begins
3. require the installation of a light at Nova and Tomoka Oaks Blvd before house construction begins to allow for heavy construction traffic flow
4. require a comprehensive new traffic study due to the changed development layout and increased number of houses.
5. keep considering the 2006 PRD as the gold standard for development
6. please consider saving Tomoka Oaks Golf Course as a public course or other open space use. Once filled with houses it will never be available again.

Thank you for listening,

Tom Fitzgibbon - Tomoka Oaks - Ormond Beach

Ormond Beach Planning Board,

My name is Melonie Caldwell my Husband and I own and reside in Tomoka Oaks on Oakmont Circle, Ormond Beach, FL. I am writing regarding the proposed R-2 Rezoning of 20 Tomoka Oaks Boulevard.

I understand that growth and development are in our future. However, I have major concerns with the Rezoning of Tomka Reserve from PRD to R-2.

In prior meetings the concern of both the Planning Board and City Commissioners was that the proposed development was too dense for the area. If it was to be rezoned to R-2, the original proposal of 272 houses could change to 317 houses. This is going in the opposite direction; from the direct recommendation the developer was given, to decrease the density. The developer stated that decreasing the number of lots just wouldn't work. The fact is it would work, they just don't think their profit would be as high. I am not sure how them not making as much money as they want is the city's problem. They then threatened to rezone the area to R-2, however this is not up to the developer, the area does not have to be rezoned. The request to rezone the area to R-2 can and should be denied.

With only one way in and out of this area, there would be safety concerns for this parcel being zoned as R-2. Being in Florida, national disasters happen quite frequently. With the one way in and one way out, evacuating the area at an R-2 density will create issues. There are only three ways out of Tomoka Oaks, two of which are through the very narrow streets of The Trails. The single entrance into the parcel is located on a small diamond that will get backed up at the inter section Tomoka Oaks Blvd and Nova Road

Rezoning this to R-2 would make this parcel too dense for the area. This is why I oppose the rezoning that is being proposed.

Thank you for your time and consideration.

Best Regards,



Melonie Caldwell
Tomoka Oaks
Ormond Beach, FL

January 7, 2024

To: The City of Ormond Beach
- **City Commissioners**: Mr. Partington, Ms. Persis, Ms. Tolland, Mr. Sargent and Mr. Briley
- **City Staff**: Ms. Shanahan, Mr. Finley, Mr. Gray, Mr. Spraker and Mr. Hayes
- **Planning Board**: Mr. Thomas, Mr. Jorczak, Ms. Shull, Mr. Dumoulin, Mr. Galloway, Mr. Scudiero and Mr. Railsback

Dear Friends of Ormond Beach:

Re: Dangerous Street Infrastructure in The Trails, Ormond Beach, already Exacerbated by Tomoka Oaks and even further with Proposed Tomoka Reserve thru Traffic.

The proposed **Tomoka Reserve** development of the former **Tomoka Oaks Golf Course** has **opened Pandoras Box** regarding the topic of **the Trails already difficult and dangerous traffic situation.** Lots of Trails residents are now, more than ever, voicing their concerns with having to contend with, in many cases, substandard street infrastructure and poor maintenance, creating an already dangerous situation worse, especially when an est. 60% of the Tomoka Oaks residents already use the Trails Road infrastructure via Rio Pinar and Iroquois every day.

Contrary to Tomoka Oaks, **the Trails Public Street Infrastructure**, due to the area's geography, is a hodge podge of meandering streets, with a number of small landscaped / center islands, many times infringing on the already, too narrow street travel lanes, causing deficient turn radii intersections, where today's larger vehicles have major problems circumventing, creating dangerous and unsafe conditions for both vehicular traffic and pedestrians / bicyclists.

A large number of the Trails streets also feature other dangerous issues, such as, blocked/or obstructed street intersection line of sight, obstructed / blocked and/or inadequate street lights, obstructed / missing or poorly marked crosswalk lines or signs, as well as, vegetation and/or tree obstructions relating to vehicle clearance (height/width) requirements, etc.

These important issues are in need of the City of Ormond Beach's urgent attention, and can be **Categorized** and detailed as follows:

A. Major Trails Public Street Hazard urgently in need of upgrading / re-engineering

The Main Trail serves as the primary thoroughfare for entrance and exits for all the Trails and, to a large degree, Tomoka Oaks residents, as well as, the majority of all service, delivery and emergency vehicles.

These major Public Street Hazard areas are:
- --- Two unsafe 3-point (triangular/diamond) street intersections, with deficient / restricted turn radii
- --- A dilapidated and under dimensioned wooden bridge (over Misner tributary)
- --- A number of too narrow street lanes (encroached by center islands) with partially uprooted street surface by trees

Note! The dangerous "large" Main Trail / W. Granada intersection (which is closely related to some of these issues) was previously raised in a letter dated December 17, 2023. So far, the City of Ormond Beach has yet to officially reply!

B. Other Public Trail Streets Hazard Issues requiring upgrades and/or maintenance

Other dangerous areas:
- --- A number of too narrow street lanes, especially with encroached center islands, and even more so, with curved streets, substantially limit the turn radii (for large vehicles/trucks on secondary streets)
- --- A number of blocked/or obstructed line of sight intersections (mainly secondary streets)
- --- Partly non-working or inadequate street lighting due to tree canopy obstructions (all streets)

--- A few crosswalks are missing crosswalk lines and/or signs, some other needs repainting, and a few (Main Trail) should be upgraded to Raised Speed Bump Zebra Crosswalks
--- Vegetation and/or trees obstructions relating to: a) vehicle clearance (min. height 14ft / width 8ft) requirements, or b) obstructing the Trails sidewalks
--- Dangerous street intersections with the Trails Pedestrian/Bike Trails, that requires crosswalk lines, signs or zebra crosswalks

Some Information about these Topics and possible Solutions can be found in:
- "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (known as the "Florida Greenbook") 2018 & 2023 Editions
- FDOT Design Manual 2024
- FDOT Access Management Guidebook 2019

Below please find descriptive details / illustrations relating to these issues:

1.. Severely Restricted / Deficient Vehicle Turning Radii – Urgent Attention Needed!

The turning radii is severely restricted at two of the Main Trail 3-road (triangle) intersections, and doesn't comply with any current safely standards to accommodate today's public street traffic, that includes many more larger delivery vehicles, incl. various trucks, tractor trailers etc. than previous years!

1.1 Intersection – Main Trail next to 420 Main Trail:



Above: Substantially inadequate turning radii (circled in purple) shown from Main Trail towards W. Granada. As of today, there are several tire tracks on the grass in that corner and the street sign has been knock down many times.



Left: Same intersection seen from the other side - inadequate space / turning radii for larger vehicles (circled in purple) especially with a center island obstruction and a storm drain located in the right corner.

Potential solution – Replace with one lane roundabout, which would create a larger turning radius, and improve traffic flow.

1.2. Intersection: Main Trail & Shady Branch (next to Misner Branch).



Note! The two far left lanes - Inadequate with insufficient turning radii due to too narrow lanes (purple circle) when turning in either direction. The pedestrian guard rail (far left) forces a majority of turning vehicles to use more than one lane, already created several accidents with many more likely, if nothing is done fast, with potential legal actions against the City of Ormond Beach.
Potential solution – Replace with one lane roundabout, to accommodate larger turning radius, and improve traffic flow.

2.. Main Trail Bridge (Misner Branch)

This very old wooden bridge is inadequate for the current traffic weight load (limit to 35 tons), too narrow and shows serious and dangerous signs of cracks in the wood bearing structure, besides a large number of horizontal and vertical stress fractures visible on the bridge road surface. In April 2024, the bridge is up for a second-year inspection, that needs to be done carefully and in a comprehensive and detailed fashion, due to its age, poor condition, as well as, with all the added traffic in the last 2 years.

If **another 2,500+ projected daily trips** are added from the **proposed residential development Tomoka Reserve** at the **former Tomoka Oaks Golf Course**, it is most likely only a matter of time, before the bridge will fail, potentially causing serious injuries.





The above pictures clearly show the bridge road surface, displaying both serious horizontal and vertical stress fractures. The majority of dangerous problems lay underneath the road surface, and are not visible.

3.. Center Island Obstructions (creating too narrow vehicle lanes)

Public residential streets with a speed limit of 25mph or less, should preferably be designed with 12ft wide vehicle lanes (accepted design criteria), in order to accommodate larger trucks, tractor trailers and emergency vehicles (incl. Fire Ladder Trucks).

Parts of Main Trail feature divided medians with adequate 12ft wide vehicle lanes; however, other parts of Main Trail and a number of the Trails secondary roads, fail these commonly accepted safety design requirements, in part due to a number of smaller standalone Center Island obstructions. In special cases, the minimum lane requirements will allow for a width of no less than 10ft (for a straight road, without road height or width clearance obstructions), however not recommended.

Right:
Straight Street Lanes - next to 415 Main Trail – features several Center Island obstructions and unacceptably narrow lanes in both directions. Several vehicles have hit tree branches, as well as, the center tree, that has now started to uproot the road surface, since this 2021 picture.
At least the street is fairly straight, and not curved.





Left:
Curved Street Lanes – next to nr. 30 Choctaw Trail.

Major Center Island obstruction / unacceptably narrow curved lane (seen on right), as well as, low overhanging and obstructing tree branches.

All larger vehicles (incl. garbage trucks etc.) using this part of Choctaw Trail are forced to **use the opposite lane to pass**, which is NOT acceptable.

Actions Needed: There are approx. 15 similar Center Island obstructions throughout the Trails, that need **Your urgent attention**! It is obvious, that these danger areas would require re-engineering, and/or the Center Island to be partially or completely removed!

4.. Line of Sight Obstructions and/or
Dangerous Tree/Vegetation Obstructions / Limiting Vehicle Height and/or Width

A large number of the streets in the Trails display dangerous Line of Sight obstructions and/or overhanging tree trunks, canopies, branches or other vegetation obstructions. Some very noticeable obstructions were cleared and/or partially removed after previous hurricanes, but many more are still there, requiring the City of Ormond Beach urgent attention.



Above: Turn from Main Trail towards Misner Branch. This obstruction also affects the sidewalk.



Left: Intersection -Main Trail / Stonehaven Trail /back of Trails Shopping Center

This corner features a dangerous line of sight problem when exiting onto Mail Trail from the left, partially due to a < 90-degree intersection angle, as well as, substantial tree and vegetation obstructions (purple circle). Safety standards allows for lower < 2ft vegetation (small plantings), and higher trees, with no tree branches below 6-7ft, to allow for a clear line of sight.



Left: Choctaw Trail – Major vegetation obstructions

Actions Needed:
Line-of-Sight Obstructions: There are a number of these dangerous Line-of-Sight obstructions throughout the Trails, that need **urgent attention**! These danger areas need clearing and would require the Ormond Beach Public Works to step in!

Dangerous Tree/Vegetation Obstructions:
There are quite a number of these problem spots around the Trails that need attention. Since these obstructions are part of, and impacts the Public Street network, it would be reasonable to believe that the City of Ormond Beach is responsible for their removal, or clean up.

5.. Crosswalk and Sidewalk Safety Hazards

The Trails is an old lovely community, however, after 45+ years some safety upgrades and maintenance are inevitable needed, especially due to the larger volume of traffic. Despite the "No Through Traffic Signs", a number of non-resident drivers have discovered and using the Trails streets for easier access to, West Granada and/or Nova, creating higher speed issues (30-40 mph), besides not stopping for pedestrians. This creates serious and dangerous situations, especially when young children are walking / biking to the Trails Park / Sports Center, the Trails Shopping Center, and in the coming month, also to/from the Tomoka Elementary School when reopened, etc.



Right: Main Trail close to Rio Pinar.
With too many speeding drivers on Main Trail, this would be a perfect place to add a **Raised "Speed Bump" Zebra Crosswalk** (with minimal cost), designed for residential streets with speed limit < 30mph (Trails limit is 25mph). Currently, the crosswalk lines are quite poorly marked.

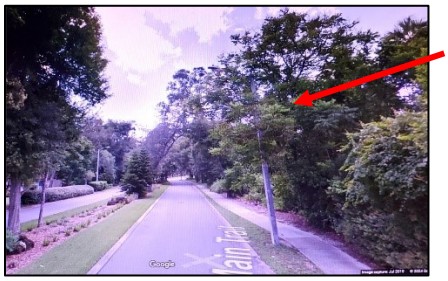


Left: This is a typical 6 inch **Raised Speed Bump Zebra Crosswalk,** and could easily be, and inexpensively installed at 2 - 3 Main Trail locations, to safeguard against accidents, and slow down speeders. Nowadays, these crosswalks are mandatory for residential streets in a number of countries, and have contributed to substantially limit accidents.

Action Needed: A number of Crosswalks are showing lines of poorly visibility, in some cases lines are missing and in other areas Zebra Crosswalks could be preferred with appropriate yield signs.

6.. Obstructed or Inadequately Functioning Street Lights

A recent review of the Trail's Public Street Lights (done after dark), shows many being obscured and/or blocked by tree canopies, some with lights flickering or, in a few cases not even operational.



Actions Needed: Obstacles need to be cleared in a 10ft circle around the light posts, in order to restore their intended function. An illumination test should be performed, where the indented area to be lit is measured. A few different types of lights are installed; from a tall "giraffe light" (Main Trail) to a shorter "top hat light". Main Trail will require 10,000–15,000 lumens (brighter), and the secondary streets an est. 3,000-4,000 lumens (softer), depending on the proximity to residential houses.

Finally … We, concerned residents of the Trails trust that You, our City Representatives, will seriously review this information and take needed actions, as well as, allocate resources and funds to make these improvements. The Trails being Tomoka Oaks' "sister" development, relies on You to also take care of these current issues at hand, and **NOT embark and approve a re-zoning** of the **former Tomoka Oaks Golf Course**.

Sincerely,

Erik Emsing

Erik Emsing (Resident of the Trails)
36 Choctaw Trail, Ormond Beach, FL. 32174
Cell: 386-843-3160 E-mail: eemsing@comcast.net

Dear Mayor Partington and City Commissioners,

While I have only been a resident of Tomaka Oaks since 2014, I have been coming to Ormond Beach since the 1980s and spent years looking for the perfect place live. When I found a house on Riverbluff drive ten years ago, I knew I had found an amazing spot. In my opinion Tomoka Oaks / The Trails is a very unique area that I assumed was fully developed and would not be destroyed by greedy developers with high density junk homes. While I am all for capitalism and growth when done properly, I am a very frustrated that in the last 20 years, greedy developers, lawyers, and corrupt public officials have allowed laws and loopholes that affect the quality of life of thousands. I have been silently following the plans to develop the Tomoka Oaks golf course but not been part of the vocal group or even attended any meetings. My thoughts were that the situation was out of my control. I was happy you rejected the initial proposal and held on to a slim hope the whole thing would not be allowed. However, after reading the recent article on how the developers pulled there proposal and came back with an even 'slimier' option for over 300 homes, I felt I need to say something. From what I have read, the golf course was zoned in such a way that it was never supposed to be developed… Unless you are naïve, It is obvious that the emergency access road clearly will become permanent…Years of construction noise, reduction of the surface water levels, increased traffic, nonconforming lots and homestyles, and no increase in public amenities will all lead to what? A slight increase in the Ormond Beach tax coffers, multimillions for a 3 or 4 owners/ developers, and a massive decrease in the quality of life of the hundreds or even thousands of residents of Tomaka Oaks and the Trails. Not to mention a permanent degradation of the landscape of Ormond Beach in general. Google Map it and you will see that if properly maintained, the layout of Tomka Oaks golf course could make it the premier course in this area. You have done such a good job for years keeping Ormond Beach one of the best places in North Florida, why wreak it just to benefit of a handful of greedy people?





"I'm not here on a holiday and this is my hobby. I can't play golf at night," Barshay, who owns the River Grille in Ormond Beach, said.

Sincerely,

Concerned Tomoka Oaks Resident

ARYL MAX FORGEY, AICP
FORGEY PLANNING LLC
LAND USE PLANNER & EXPERT WITNESS
236 SE 45th STREET
Cape Coral FL 33904
239.560.5864
max@forgeyplanning.com

January 11, 2024

Steven Spraker AICP
Planning Director
City of Ormond Beach
22 South Beach Street
Ormond Beach, FL 32174
Steven.Spraker@ormondbeach.org

SUBJECT: PROPOSED REZONING OF ~147.94 ACRE PROPERTY AT 20 TOMOKA OAKS BOULEVARD IN ORMOND BEACH FROM PRD TO R2 PROJECT NUMBER ZMA 2023-054 (MERRELL/ TRIUMPH OAKS OF ORMOND BEACH LLC, APPLICANT); FP CASE #2021_08_03

Dear Mr. Spraker:

I am a professional planner, AICP #051,330. I have been retained by my clients, the TOMOKA OAKS HOMEOWNERS' ASSOCIATION (TOHA), John Power, President, to provide professional land use advice and to appear on their behalf as an expert witness in future hearings concerning the conversion of this 147-acre course, which my clients advise me was designed by the late legendary Sam Snead.

My client group's members have relied in good faith for decades on the representations of the original developer and the City of Ormond Beach. The extent of this reliance is set forth in detail at page 2 of the Staff Report for this case. As stated in the Staff Report: "The former Tomoka golf course land is situated in the Tomoka Oaks residential subdivision. The physical and historical connection of these two properties present unique circumstances regarding the developer's proposed development of the golf course land." [pg. 2]

Their property tax rates have been predicated upon the assumption that they and their successors in interest would continue to enjoy their proximity to an outstanding golf course in a serene and attractive natural setting with a high-quality open space amenity, designed in coordination with their individual properties and the other design components of their subdivision.

Research performed in preparation for this letter. In preparing this letter, my clients and I have researched the history of the subject property. We have made close reading of the following reports and documents, among others:

- *Daytona Beach News Journal* May 10, 2021 article "Residents riled up over former golf course's fate" by Clayton Park.
- *Ormond Beach Observer* May 21, 2021 article "Developers host first 'pre-neighborhood' meeting for Tomoka Oaks golf course project" by Jarleene Almenas.
- *Ormond Beach Observer* July 22, 2021 article "Early concept: 318 homes on former golf course" by Brian McMillan.
- August 3, 2021 Community Meeting slide presentation.
- Memorandum dated August 30, 2021 from Tom Harowski of TMH Consulting. (Mr. Harowski is a Tomoka Oaks resident and a professional land use planner.)
- Memorandum dated June 28, 2023 by Mr. Harowski, explaining in detail the case against the proposed 278 unit development and proposing alternative development standards.
- Staff Report dated January 11, 2024.

History of the Course. According to Mr. Park's *News Journal* article, the Tomoka Oaks Golf & Country Club, with its 130-acre course was opened in 1964, and was sold by its original developers in 1979 to Dick Ryals, a local radiologist who owned and managed the course as a family business until 2010. Based upon my conversations with affected Tomoka Oaks neighbors, I concluded that they were generally satisfied with the Ryals family's management of the course. The course was subsequently acquired and managed by Oakland Raiders veteran placekicker Sebastian Janikowski and has since been acquired by an ownership group headed by Ray Barshay and Carl Veile.

Considerations not addressed by the anticipated applicant.

1. The Ormond Beach Land Development Code contains no provisions for regulating the adaptive reuse of former golf courses, and specifically their conversion to residential uses. Some local governments, including Collier County and the City of Bonita Springs in Lee County, have adopted ordinances which define a detailed process for conversion of golf courses. The Collier County ordinance was adopted after a study of the challenges of golf course conversion. Both the ordinance and the study may be of value to Ormond Beach in designing its own procedures for golf course conversion.

2. The City of Ormond Beach has the option to impose a moratorium on the conversion of golf course properties to residential uses in order to have time to study the challenge of conversion and its effects on the neighborhood.

Recommended Findings of Fact

1. The existing golf course was designed by the late Sam Snead. Since it opened in the early 1960s, the course has been a defining feature the Tomoka Oaks neighborhood, providing high quality recreation and open space amenities.

2. The golf course was a vital and irreplaceable component of the original Tomoka Oaks development project and has continued to be a vital and irreplaceable component of the neighborhood as it now exists. Tomoka Oaks would be a very different community without this golf course and in particular the open space amenity which it provides.

3. There is a distinction between a freestanding golf course, e. g. a traditional membership country club or a municipal course, and a course that was designed as an integral part of a residential development, such as Tomoka Oaks. In such cases, the golf course is an integral part of the entire development, and not a mere amenity, such as a bocce court or a card room. The golf course itself is subject to many constraints which inform the design process—soil types, elevations, species, for example. The golf course is not simply a vacant space which was not considered desirable for residences or ancillary amenities.

4. The residential portions of a golf course development are designed concurrently, and in unity with, those of the course itself, which attracts golfers and prospective lot

purchasers and residents, for whom the golf course provides both a recreational and an open space amenity. Golf courses of this sort are designed to highlight the edge that forms the frontier between the residential lots and the course thereby enhancing the premium expected over non-frontage lots.

5. Since the early 1960s, the original residents and their successors and assigns have contributed to the profitability of the original developer and have enriched the City's tax base with their remittances of fees and taxes. They were motivated by their **investment-backed expectations** that a well-managed golf course in the heart of their community would allow them to continue to enjoy Tomoka Oaks as it was originally designed.

6. The applicant has an existing entitlement on this property which was granted by the City Commission. The City has no obligation to grant any number of additional residential units to replace the golf course.

7. In granting the original development order, the City Commission approved a ratio of residential development to recreation and open space, which has remained in place for more than half a century. The conversion of the golf course, or any portion of it, to residential would increase the residential to recreational/ open space ratio accordingly.

8. To the extent that the City of Ormond Beach may consider allowing some residential development within the existing golf course footprint, it is incumbent upon the City's decisionmakers, as its highest priority, to **maintain the open space amenity** which current residents and their predecessors in interest have enjoyed and which has been maintained for them since the early 1960. This enjoyment can be maintained in part through the use of greenbelts and opaque barriers with a minimum 100 foot width.

9. Greenbelts and opaque barriers would best be maintained by a continuing reliance on the Planned Residential Development (PRD) zoning category, which is set forth in great detail in both the Harowski memorandum and in page 7 of the Staff Report: "The City Commission considered the applicant's application for a development order under the PRD, Planned Residential Development zoning at a public hearing on November 7, 2023…The City Commission recognized that development of the golf course under PRD, Planned Residential Development zoning provided the best opportunity to minimize negative impacts on adjacent neighborhoods."

10. As an equally high priority to #7 above, the City's decision-makers must assure that any future residential development within the 130-plus acre footprint of the existing golf course are **compatible** with the existing residential lots and units of the Tomoka Oaks

    subdivision as defined in Sec. 163.3164(9) of Florida Statutes.[1] To achieve this compatibility, the HOA proposes a minimum 50-foot buffer between the existing homes and the new homes. The HOA further proposes that lots at the perimeter of the project should be larger to match the lot size of the existing homes more closely.

11. As a secondary, but significant, priority in addition to findings # 7 and # 8 above, the City's decision-makers must assure that a significant portion of the 130-plus acre golf course footprint, be maintained as a **recreational amenity** to serve the needs and preferences of existing and future residents. An example of such facilities would be a par-3 (executive) golf course of 9 or 18 holes. This can be maintained in part through the use of greenbelts and opaque barriers.

12. As a tertiary, but significant, priority in addition to # 7, 8, and 9 above the City's decision-makers must assure that protected species are identified and their habitats placed under conservation easement held by a third party, preferably a not-for-profit land trust.

13. Open space can be preserved by reducing the Applicant's proposed lot depth of 120 feet was offered as a means of protecting some of the existing tree cover (based on their statement at the "reveal" meeting). Trees preserved on residential lots are at a much higher risk for removal unless some type of special protection is given such as tree protection easements. Reducing lot depth to **110 feet** would provide at least 10 additional feet that could be devoted to buffer area.

14. Existing residential units in the Tomoka Oaks neighborhood tend to exceed 2,000 square feet in conditioned floor area, and many are much larger. The minimum floor area in the 2,000 square foot range with a two-car garage and other items such as porches added to that base, is acceptable for new residential units.

15. The diversity of housing types and designs is key to the aesthetic appearance and curb appeal of Tomoka Oaks. To maintain compatibility with those existing units, the

[1] "(9) 'Compatibility' means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

following guidelines should be considered for new residences within the 130-acre footprint of the historic golf course:

- Limit the width of front facing garages to one-third of the house width unless the garage is set back from the front façade of the house by at least 10 feet. No limit would be imposed on side-entry garages to encourage this style in the neighborhood.

- Roof lines will be variable using varied roof styles, pitches, projections, gables, dormers and similar design elements so that the new units do not look like the tent designs that seem so popular in newer subdivisions.

- A limitation on how frequently a floor plan can be repeated along with limits on the exterior design repetition. The front façade should include four to six individual design elements and blank walls should be prohibited. Newer home designs frequently use blank walls or nearly blank walls on the sides of homes. A mixture of one-story and two-story product will be encouraged.

16. Given the great long term impact of the conversion of longstanding golf course land to residential use, the City's decision makers must make all reasonable efforts to assure that existing residents and property owners have an opportunity to participate in any redesign of the existing golf course property.

17. The proposed rezoning is inconsistent with the definition of the LDR future land use category and with the following Goals, Objectives and Policies of the Ormond Beach Comprehensive Plan: Future Land Use Element Goal 1, Policy 1.1.2, Policy 1.1.6, Policy 1.1.7, Policy 1.1.14, Objective 2, Policy 2.2.1, Policy 2.2.5, Policy 2.4.7, and Policy 2.4.10, and should be denied because of those inconsistencies.

18. The proposed rezoning should be denied outright based upon the competent substantial evidence identified in the Harowski memorandum, the Staff Report which recommended denial, and the testimony which will be provided by TOHA and Tomoka Oaks residents and property owners.

This concludes my presentation. Based upon the preponderance of competent substantial evidence, it is my professional opinion that this application for rezoning should be denied outright.

Sincerely,

Max Forgey AICP

Max Forgey AICP

cc: TOHA: John Power, President
Dennis Bayer Esq.
Tom Harowski, AICP

DARYL MAX FORGEY AICP
LAND USE CONSULTANT & EXPERT WITNESS
236 SE 45th Street
Cape Coral FL 33904
max@forgeyplanning.com
239.560.5864

Max Forgey is an experienced land use planner with more than three decades of professional experience and exceptional success in administration of local government comprehensive planning strategies, land development and regulatory controls, governmental relations, and public policy communications. Primary clients are governmental organizations and private property owners.

His professional knowledge encompasses creating and developing community and small-area plans, urban design and architectural standards, land development entitlements, project management, and expert witness testimony. Max has worked on more than 30 cases across 25 Florida counties and municipalities, appearing before local planning agencies, city and county elected bodies, hearing examiners, administrative law judges, and circuit court proceedings.

Max also actively participates in and leads speaking engagements at professional development conferences and symposia through the Promised Lands section of the American Planning Association Florida chapter, with the American Institute of Certified Planners, with 1000 Friends of Florida and other organizations.

Qualifications

- FORGEY PLANNING. Owner of an urban planning and land-use consulting practice.
- Master of Public Affairs (MPA) in Urban and Regional Planning, Indiana University.
- Member American Institute of Certified Planners (AICP).
- Qualified as an expert witness in Lee County Hearing Examiner proceedings.
- Former Planning and Community Development Director in Charlotte County.
- Former Planning Commissioner (LPA), City of Cape Coral, Florida.

Accomplishments

- Established FORGEY PLANNING, an urban planning and land use consulting practice.
- Developed a template for auditing the effectiveness of existing local governments comprehensive plans and zoning code for internal consistency of plan policy framework.
- Authored “The Platted Lands Challenge” report for the six-county area of Southwest Florida offering policy guidance for platted, scattered-lot properties.
- Development of implementation strategies which employ automation to create linked mixed media tools for restructuring and updating local government planning and zoning regulations.

Certification

AICP (American Institute of Certified Planners) Certification #051,330 Florida Chapter, APA Member in good standing since 1993. A national professional certification maintained by the American Planning Association. AICPs must first meet educational standards and then pass an examination covering all aspects of professional planning practice, and are expected to maintain their membership through a self-directed program of study that is monitored by the national organization, which includes regular training in law and ethics.

Professional Experience

Forgey Planning Cape Coral, FL

Owner. 2008-present. A solo planning practice concentrating comprehensive planning work for Lee and Sarasota Counties, the City of North Port, and the Captiva Community Panel. Developed a template for auditing the effectiveness of existing local governments comprehensive plans which has been applied in Sarasota County and the City of North Port. An expert witness since 2013, working on more than 30 cases in 25 Florida counties and municipalities, appearing before planning commissions, city councils, county commissions, hearing examiners, administrative law judges, and circuit court. Qualified as an expert witness in Lee County Hearing Examiner proceedings.

Zoning Technologies Cape Coral, FL

President. 2011-2017. A start-up subsection 'S' corporation that specialized in restructuring and updating local government comprehensive plans and developing implementation strategies which employ automation to create linked tools (e.g. application forms, automated worksheets, case reports, and adopting resolutions). The Zoning Technologies expert system prototype products were marketed statewide and were demonstrated at the American Planning Association (APA) national conference in Atlanta in 2014.

Osceola County, Florida Kissimmee, FL

Planning Coordinator. 2005-2008. Authored key elements of the Osceola County Comprehensive Plan and most of the County's 2008 Evaluation and Appraisal Report.

Clay County, Florida Green Cove Springs, FL

Senior Planner. 2003-2005. Authored the county's Interlocal Service Delivery Agreement Report (ISDAR) mandated by the Florida legislature, identifying all service overlaps between and among all local governments within Clay County.

Lake County, Florida Tavares, FL

Planning Director. 2001-2003. Staff liaison to the Environmental Lands Management Advisory Committee, a citizen organization created by the Board of County Commissioners to study the creation of an environmental land program. Recommended policies were ratified in November 2002, when Lake County voters approved a one-third mil assessment for the acquisition of environmental lands.

Southwest Florida Regional Planning Council Fort Myers, FL

Planner. 1997-1998. Reviewed local government plan amendments throughout the six-county area and authored "The Platted Lands Challenge" report.

Charlotte County, Florida Port Charlotte, FL

Community Development Director 1995-1997; *Planning Director 1990-1995.* Early in my tenure, Gulf Development Corporation (GDC), the County's largest land subdivider, declared bankruptcy, shifting responsibility for completion of roads, bridges, drainage works, and utilities, to the public sector and forcing a host of development decisions upon the local government and public agencies. I had three memorable achievements during these seven years:

- Managed the research, preparation, and adoption of the County's Evaluation and Appraisal Report (EAR) and Comprehensive Plan. Aggressively negotiated with the Florida Department of Community Affairs (DCA) to remove the Plan's not-in-compliance finding.

- Led the staff team that rewrote the Charlotte County Comprehensive Plan and was the point person in the successful four-year effort to negotiate a stipulated settlement agreement between the Board of County Commissioners and the Florida Department of Community Affairs to find Charlotte County's Comprehensive Plan in compliance with Florida's Growth Management Act.

- Advocated against the rezoning of 42 parks (illustrated as such on GDC sales maps and the County's Future Land Use Maps) to residential uses. The Company's receivers eventually relented on their policy position and donated 41 parcels to the people of Charlotte County.

City of Cape Coral Cape Coral, FL

Deputy Planning Director. 1985-1990. Authored and supervised preparation of key elements of the 1988 Comprehensive Plan (the City's first plan under the 1985 Growth Management Act) and the City's 1989 Land Development Code.

Education

Indiana University Bloomington, IN

Master of Public Affairs (MPA) from the O'Neil School of Public and Environmental Affairs, 1982. Concentration in Urban and Regional Planning.

Bachelor of Arts (BA). 1976. Undergraduate degree in English Literature and History.

Important Cases, Continuing Education, Writing & Teaching

- Leading continuing education program for Cape Coral Planning & Zoning Commission (Local Planning Agency) with Ralf Brookes Esq. on September 25, 2023.

- Attending and participating in American Planning Association, Florida Chapter State Conference in Jacksonville September 5th through 6th, 2023.

- Attending and participating in *23rd Annual Florida Land Use Law Conference* in Tampa on August 28th and 29th, 2023.

- Program chair for APA Florida/ FPZA *"The Perfect Storm Eight Months Out: A Symposium for Professional Planners, Design Professionals, Plan Commissioners & Regular People*" at Charlotte County Event & Conference Center Punta Gorda May 12, 2023.

- Presenting a panel *"Incorporation, Annexation, and Disincorporation"* with Jim Studiale, AICP, and Luke Lirot, Esq. at APA Florida state conference on Orlando September 7, 2022.

- Co-presented a panel *"Legislative and Quasi-judicial: What Every Planner Needs to Know"* with Attorney Andrew Dickman, AICP, at annual conference of Florida Planning and Zoning Association on Captiva Island June 3, 2022.

- Program Chair for "*The Swamp Peddlers"*, an APA Florida/ Florida Planning & Zoning Association symposium conducted on August 6, 2021 in Punta Gorda. Keynote speaker Jason Vuic and other presenters explored the legacy of land sales scams in Southwest Florida on the twentieth anniversary of the General Development Corporation bankruptcy.

- Designed and co-presented *"Land Use 101"*, a seminar for planning commissioners, elected officials, and new planners, hosted by the City of Cape Coral on June 16 and July 14, 2021 with co-presenters Vince Cautero, AICP, the City's Community Development Director, and Attorney Ralf Brookes.

- Expert witness for client West Villagers for Responsible Government (WV4RG), a citizen organization which challenged the annexation of the 8730-acre non-contiguous West Villages subdivisions into the City of North Port. The City Commission rejected the Villagers' challenge by a unanimous vote, but following appeal presented by attorney Luke Lirot, the Twelfth District overturned the City's order denying petition for contraction in *West Villagers for Responsible Government v. City of North Port.*

- Moderated a panel for law credit at the September 9, 2020 Zoom-facilitated American Planning Association's Florida state conference. Co-presenters were attorneys Karen Consalo, Thomas

Hawkins, and Andrew Dickman. "*The Rules are* Very *Different Here: How to Reform Florida's Land Use Decision-making Process"* surveyed the inconsistencies among local governments' handling of land use decision-making and proposed a new Environmental Land Management Study (ELMS) to improve those processes.

- Attended and participated in American Planning Association Florida chapter's 18th annual *Public Policy Workshop* at Florida State University, Tallahassee February 2020.

- Drafted update of Town of *Fort Myers Beach Sign Ordinance* to reflect SCOTUS *Reed v. Gilbert* opinion for Weiler Engineering Fall 2019-Winter 2020.

- Program chair for "*Planners in Peril: Law, Legislation, and Ethics for Design Professionals*," an APA Florida Promised Lands section symposium December 6, 2019 at Bonita Springs City Hall.

- Program chair for "*How High is the Water, Ma?: Rising Sea Level on the Florida Gulf Coast and what we can do about it,*" sponsored by Friends of Boca Grande Community Center, March 22, 2019 at the Boca Grande Community Center Auditorium.

- Member, *Faith Presbyterian Affordable Housing Board*, a not-for-profit corporation which aspires to offer quality housing for low- and moderate-income persons in Cape Coral. Appointed 2018; appointment ended December 2020.

- Received 2018 American Planning Association Florida Chapter, Promised Lands section's first-ever *Wayne Daltry Award for Planning Programs* for developing professional education symposia.

- Prepared *policy audit of Town of Fort Myers Beach Comprehensive Plan* for Weiler Engineering, Summer 2018.

- Program chair for American Planning Association symposium "*Warped Tour '18: Land Use Law for Planners*" March 23, 2018 in Punta Gorda.

- Attended and participated in the hurricane-shortened APA Florida chapter annual conference in Daytona Beach September 4-6, 2017. Led panel with Greg Beliveau, AICP and Jane West Esq. entitled "*How to Build a Better Client*."

- Program chair for Captiva Community Panel/ Florida APA symposium "*Now in* My *Back Yard: Rising Sea Level on Florida's Gulf Coast and what can be done about it*" January 13, 2017 at South Seas Resort on Captiva Island.

- Co-authored article with Karen Consalo, Esq. "*Best Practices for Local Government Land Use Decision-making*" in Summer 2016 edition of *Florida Planning*.

- Speaker at American Planning Association Florida Chapter Annual Conference in Tampa, September 9, 2016. "*A Pre-tirement Guide for Perplexed Planners: Making the Transition to Solo Practitioner*."

- Attended and participated in CLE International's annual *Land Use Law symposium* in Tampa, August 18-19, 2016, and August 6-7, 2015.

- Speaker at University of Central Florida 2016 Public Administration Research Conference April 8, 2016. Topic: "*What's the Big Idea: New Software that Aids Land Use Decisions*."

- Attended and participated in *APA Florida chapter annual conference* in Hollywood, Florida September 10-13, 2015.

- Coordinator and presenter for daylong FAPA-sponsored symposium *"Everything You Ever Wanted to Know about Florida Land Use*" in Cape Coral May 16, 2014.

Jurisdictions - Expert Witness Work

Bonita Springs
Bradenton
Cape Coral (5)
Charlotte County (2)
Collier County (2)
DeSoto County
Fort Myers Beach (2)
Hardee County
Hendry County (C Court)
Hernando County
Highlands County
Hillsborough County (3)
Hillsboro Beach
Lantana
Lee County (8)
Miramar
Monroe Co (ALJ)
North Port
Orange County
Ormond Beach
Pasco County (2)
Palm Beach County (ALJ)
Polk County (C court)
Punta Gorda (2)
St. Johns County (4)
Sarasota County
Sumter County
Suwannee County
Venice

Correspondence after the Planning Board publication, after January 9, 2024

1102 A1A North; Suite 201
Ponte Vedra Beach, FL 32082

Karl J. Sanders
Direct: 904.868.7929
Mobile: 561.386.1216
kjsanders@kjslawpa.com

VIA E-MAIL ONLY

January 10, 2024

Mr. Randy Hayes
City Attorney
City of Ormond Beach
22 South Beach St.
Ormond Beach, FL 32174

RE: Tomoka Reserve – Application for Zoning Map Amendment
City Staff Report & Quasi-Judicial Hearings on ZMA 2023-054

Dear Mr. Hayes:

The purpose of this correspondence is to formally communicate both the preliminary legal objections and quasi-judicial hearing expectations of Triumph Oaks of Ormond Beach, LLC ("Triumph Oaks") with respect to its pending application for a Zoning Map Amendment to re-establish the legally required development entitlements for its real property located at 20 Tomoka Oaks Boulevard in Ormond Beach ("ZMA 2023-054").

First and foremost, Triumph Oaks objects to the "analysis" employed by the City's Planning Staff in its recent report recommending denial of our application for a Zoning Map Amendment to re-assign the "R-2" label as the governing zoning district for the subject property. Instead of analyzing the actual application that we filed (ZMA 2023-054), Staff reviews our *prior* application for a new PRD Development Order (PRD 2022-043) that was withdrawn last year and no longer exists. According to City Staff, the PRD zoning district is "more appropriate" for our property.

The fundamental flaw with that opinion is this – a PRD zoning district reflects a *voluntary agreement* between a private property owner and the government as to site-specific zoning regulations for development of that property. Where, as here, the property owner does not agree to the terms requested by the government for a proposed PRD Development Order, the property owner is entitled – as a matter of clearly established law – to have the property assigned with a "conventional" zoning district label. Stated differently, the law does not permit the government to unilaterally assign (or maintain) a "PRD" zoning label for one's property without a PRD Development Order which actually identifies approved development rights for the property. Without an approved PRD Development Order, a PRD zoning map label is nothing more than just that – a label. This is not a debatable issue.

HISTORICAL EVOLUTION OF THE PENDING APPLICATION (ZMA 2023-054)

As you are aware, the City's official zoning map currently reflects a label of "PRD" for the subject property. This PRD label on the City's zoning map is a result of the City's prior decision to adopt Ordinance 2006-17 (the 2006 Ordinance), which did two things; namely, the 2006 Ordinance:

1. Amended the zoning map label for the subject property, changing it from its historical designation of "R-2" (a conventional zoning district which allows for single-family residential developments that meet the published standards and criteria of the City's Land Development Code) to a designation of "PRD" (a site-specific zoning district which allows for a specific "Planned Residential Development" proposal, the terms of which are *not* defined by the City's published land development regulations); and
2. Approved a PRD Development Order for "The Tomoka Oaks Golf Village PRD." That PRD Development Order reflected a final, negotiated agreement with the City as to the specific zoning entitlements for the property, including the permitted uses and development standards for the property (i.e., a mixed-use development consisting of 119 multi-family dwelling units, single-family homes and a re-designed golf course).

The proposed mixed-use development approved by the 2006 Ordinance, however, never materialized, and the PRD Development Order – per its express terms – expired in 2014. As a result, the property has a zoning map label of "PRD," but no corresponding PRD Development Order which actually defines the permitted uses and development standards for the property. And, as the City has repeatedly maintained (both verbally and in writing), ***this means that the property currently has no zoning entitlements.***

In short, as the City has previously acknowledged, Triumph Oaks needs one of two things before it can actually exercise *any* development rights on its property:

1. A new PRD Development Order (that is agreeable to both the City and the property owner); or
2. A Zoning Map Amendment (changing the official zoning map label for the property back to its original designation of "R-2").

The members of Triumph Oaks initially attempted the first option and filed an application for a new PRD Development Order (PRD 2022-043); however, they ultimately exercised their legal right to withdraw that application after the City Commission remanded it to the Planning Board for consideration of a new development plan with a "significant reduction" in the number of residential lots. Instead, the members of Triumph Oaks rejected that invitation and decided to move forward

with the second option – a zoning map amendment to re-affirm their legal right to use and develop their private property, consistent with the published development standards associated with the City's R-2 zoning district.

PROCEDURAL & LEGAL POSTURE OF THE PENDING APPLICATION (ZMA 2023-054)

The pending application seeks a Zoning Map Amendment, not a new PRD Development Order. Accordingly, as a matter of clearly established law, Staff's analysis of the application (as well as the quasi-judicial review of same by both the Planning Board and City Commission) *must* be limited to the merits of the actual application that is before them.

The City's Staff Report, however, engages in an extensive discussion as to why it believes the existing PRD zoning map label is "the most appropriate zoning for the Tomoka Oaks golf course property." The first problem with that statement is that it is factually inaccurate. There is no "Tomoka Oaks golf course property." The prior golf course was closed years ago, and the property has remained vacant and undeveloped for quite some time now.

The second problem with that statement is that it completely disregards the *actual* request that is currently pending before the City. **Again, Triumph Oaks is simply asking for a *Zoning Map Amendment* to re-establish R-2 as the governing zoning district for its property.** It is *not* asking the City to approve a proposed development agreement and it is *not* looking to publicly negotiate a new PRD Development Order. That ship has sailed, and the City has no legal authority to either delay a vote on our pending application or otherwise demand that we seek a new PRD Development Order. And I trust that your advice to the Planning Board members with respect to their obligation to base their decision only on the legally relevant facts associated with the *pending* application will be consistent with your advice to them at the hearing on my client's prior application (for a new PRD Development Order) on September 26, 2023, when you stated:

> What you have before you this evening is an application for development under a PRD, Planned Residential Development. This is not a straightforward R-2 residential development application. The property is not zoned for that. ***That is not a discussion we had tonight because you do not have that application before you.*** That discussion may come at a later date, but it is not currently before you.
>
> ***This [PRD Development Order application] is not an R-2 application for rezoning.*** Following Board comments, I will provide you with the standards for review [in making] your decision [on the pending application].

In short, the reason for the pending application for a zoning map amendment is that – per the City's own statement that "the property does not have any allowed zoning uses" – my client cannot exercise its right to develop its property with *any* lawful use because of the 2006 Ordinance that (a) amended the zoning map label for the property to PRD, and (b) approved a PRD Development Order (which no longer exists). Thus, per the City's own admission, the 2006 Ordinance is now facially

unconstitutional, as it deprives the property owner of its substantive due process right to be free from the "arbitrary or irrational exercise of power" by the government. See, e.g., WCI Communities, Inc. v. City of Coral Springs, 885 So. 2d 912, 914 (Fla. 4th DCA 2004). In the words of the Florida Supreme Court:

> An ordinance whereby the city council delegates to itself the *arbitrary and unfettered authority* to decide where and how a particular structure shall be built or where it shall located, without at the same time setting up reasonable standards which would be applicable alike *to all property owners similarly conditioned*, cannot be permitted to stand as a valid municipal enactment.
>
> North Bay Village v. Blackwell, 88 So. 2d 524, 526 (Fla. 1956) (emphasis added).

Stated differently, private property owners have a constitutional right to be free from any governmental laws (or actions) which seek to authorize the exercise of arbitrary discretion or unfettered authority over one's private property rights. See, e.g., Sears, Roebuck & Co. v. Forbes/Cohen Fla. Props., L.P., 223 So. 3d 292, 298 (Fla. 4th DCA 2017) (awarding attorney's fees for constitutional challenge to terms of City's PUD Amendment for violation of substantive due process rights because it permitted City "to arbitrarily and capriciously deprive Sears of its property rights"). And, in addition to the constitutional protections which safeguard one's substantive due process rights, private property owners are also protected by constitutional and statutory provisions designed to ensure the government must pay just compensation (and attorneys' fees) for any unlawful "taking" of private property.

Accordingly, please be advised that Triumph Oaks is fully prepared to take any and all legal action deemed necessary to preserve its constitutional and statutory right to develop its property, per the express directives and authority of clearly established law. That being said, I am confident that you will continue to provide your client with the appropriate legal counsel as to these matters (including the financial consequences for failing to follow the clearly established law), and I trust that the City will timely render a final order on our pending action no later than the scheduled meeting of the City Commission on February 20, 2024.

LEGAL CRITERIA/BURDENS OF PROOF FOR QUASI-JUDICIAL HEARINGS ON ZMA 2023-054

To the extent that the City's Staff Report is insinuating that the Planning Board must consider a "proposed development" in its quasi-judicial deliberations on our pending application for a Zoning Map Amendment, let me reiterate that we are *not* seeking approval of any specific development proposal. Rather, the *only* issues for consideration are whether the quasi-judicial body has been presented with competent substantial evidence reflecting that the evidentiary record reflects that the property owner has satisfied its initial burden of proof demonstrating entitlement to approval of the pending application. And, as the Florida Supreme Court made clear more than 30 years ago, the respective burdens of proof are as follows:

> [W]e hold that a landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance. At this point, the burden shifts to the governmental board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose.
>
> In effect, the landowners' traditional remedies will be subsumed within this rule, and the board will now have the burden of showing that the refusal to rezone the property is not arbitrary, discriminatory, or unreasonable.
>
> Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469, 476 (Fla. 1993).

In sum, the first issue for consideration is whether the record reflects that application is consistent with the City's Comprehensive Plan and complies with all procedural requirements of the City's zoning code. That question has already been answered by the City's own Planning Staff, as the contents and conclusions of the Staff Report expressly reflect that (a) the R-2 zoning district is consistent with the City's Comprehensive Plan, and (b) the pending application complies with all procedural requirements of the City's zoning code.

Thus, the *only* lawful basis for the City to deny our application is if substantial competent evidence is presented to prove that maintaining the existing zoning classification of PRD (without a corresponding PRD Development Order) accomplishes a legitimate public purpose. As a matter of law, I respectfully submit that it is simply not possible for such a showing to be made; namely, the existing zoning classification of PRD does not afford Triumph Oaks with *any* zoning entitlements to develop its property. And the denial of one's constitutional and statutory rights to develop private property has *never* been judicially declared a "legitimate" public purpose; to the contrary, it is undeniably unlawful and will not be tolerated by the courts of this State.

In closing, let me restate and summarize both the purpose of the pending application and the lawful scope of the City's review of that application:

- Triumph Oaks has applied for a Zoning Map Amendment. The pending application neither includes nor requests consideration of *any* development proposal, as any such proposal would be entirely irrelevant to the City's lawful consideration of our application.
- The quasi-decision of both the Planning Board and the City Commission to either approve or deny the pending application must be based on legally competent evidence, which is limited solely to those facts that are actually relevant to the pending application. Mere opinions as to "appropriateness" of any new PRD Development Order proposal are just that, and they are entirely irrelevant to the City's lawful consideration of this application.

This is a simple request to re-assign the conventional zoning label of "R-2" to the property and re-affirm that it is entitled to be developed in accordance with the City's published development standards for that zoning district – just like all of the other parcels which surround the subject property. Triumph Oaks respectfully requests that the City vote to approve its request and restore the legally required development entitlements for its property.

I thank you in advance for your prompt attention to this matter and look forward to having our pending application (ZMA 2023-054) properly considered and voted on by the Planning Board at the quasi-judicial hearing tomorrow evening. In the meantime, should you have any questions or wish to discuss this matter further, please do not hesitate to contact either me or Rob Merrell.

Very truly yours,



Karl J. Sanders

cc: Rob Merrell, Esq.
Dennis Bayer, Esq.
Steven Spraker, Planning Director
Ormond Beach Planning Board
Ormond Beach City Commission

From: Carolyn Davis
To: Spraker, Steven
Cc: JeffBoyle; Darla Widnall
Subject: Re: Planning Dept. Report for 1-11-24
Date: Thursday, January 11, 2024 9:11:39 AM
Attachments: 10-3-2006 Commission Hearing - highlighted.pdf
5944 - 2183 RTH PRD - 2006 Development Order - highlighted.pdf

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[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Steven,

Attached are the:

- Commission Hearing Minutes dated 10-3-2006
- The Tomoka Village Golf Village PRD development order dated 10/31/2006

Both documents state the golf course property that is not used for the condos/townhomes would remain as either golf course or open green space in perpetuity.

Please do provide these documents to the Planning Board for consideration at tonight's hearing. The orange highlighted areas of the documents pinpoint what is relevant.

On Thu, Jan 11, 2024 at 7:18 AM Spraker, Steven <Steven.Spraker@ormondbeach.org> wrote:

> Good morning,
>
> Staff did not include the August 2006 minutes. These were included in as correspondence from a resident who sought to highlight aspects of the meeting minutes. If you would like to highlight portions of the October 2006 City Commission meeting minutes, please provide an e-mail/letter describing the importance and staff will provide to the Planning Board and City Commission. Staff provided the attachments we believed most relevant and took correspondence from anyone who provided it.
>
> There were a number of individuals looking and editing this report. The 9 hole versus 18 hole is an error that was not caught – the 2006 development order did have an 18 hole design.
>
> Thank you

Steven

Steven Spraker, AICP

Planning Director

Planning Department

22 South Beach Street, Room 104

Ormond Beach, FL 32174

Direct Line: 386.676.3341

Department: 386.676.3238

Cell: 386.366.1590

Fax: 386.676.3361

E-mail: Steven.Spraker@ormondbeach.org

From: JeffBoyle <jeffboyle79@yahoo.com>
Sent: Wednesday, January 10, 2024 6:12 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>; Carolyn Davis <carolyndavis3@gmail.com>; Darla Widnall <darlawidnall@gmail.com>
Subject: Planning Dept. Report for 1-11-24

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Steven,

After reading all 212 pages, two questions:

Why were the Oct. 3, 2006 City Commission meeting minutes omitted? They have much greater relevance than the August 2006 Planning Board minutes.

Why the reference to the 2006 development order preserving a nine hole golf course? No mention in 2006 minutes of a nine hole course, the development order was always conditional on preserving an eighteen hole golf course or open space on an eighteen hole footprint.

Please correct my assumptions if they are wrong.

Thank you.

Jeff

Notice: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

10/31/2006 12:31 PM
Instrument# 2006-273445 # 1
Book: 5944
Page: 2183

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Application of RTH, Inc.
PRD-06-32
"Tomoka Oaks Golf Village" Planned Residential Development
within the limits of the existing Tomoka Oaks Golf Course

DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on October 3, 2006 and October 17, 2006, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18(D)(3) of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

(1) The land use conforms to the standards and requirements of this *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PRD, Planned Residential zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The land use is consistent with the *Comprehensive Plan*;

(3) The land use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

(5) Public facilities, such as roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds will not be unduly burdened and are adequate to serve the land use;

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

(7) The land use is functional in the use of space and aesthetically acceptable;

(8) The land use provides for the safety of occupants and visitors;

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

(10) The testimony provided at public hearings.

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of RTH, Inc., a Florida corporation, for the "Tomoka Oaks Golf Village" a planned residential development to allow the construction of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel within the limits of the existing Tomoka Oaks Golf Course, in the R-2 Single Family Low Density zoning district, on that real property described and depicted on Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-35, Planned Residential Development, of the City of Ormond Beach *Land Development Code*, except as otherwise specifically modified hereby, shall at all times be strictly complied with;

2. That the following recommendations of the Planning Board shall be resolved and strictly complied with at all times:

a. The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.

b. The owner shall provide a note on the plat for the property indicating to future property owners the proximity of the airport and the flight pattern of the traffic from the airport.

c. The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with trees and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.

3. That the following comments of the Site Plan Review Committee shall be resolved and strictly complied with at all times:

CITY LANDSCAPE ARCHITECT COMMENTS:

a. Wheel stops must be provided. Vehicle bumpers will not overhang the planting beds.

b. Applicant must provide a littoral planting detail and specifically show where they are to be planted on the pond banks in all applicable ponds; applicant must provide calculation for each pond; clarify if ponds are wet or dry; if dry then littoral planting is not required.

c. Applicant must provide a note on the plans that any tree needed to be removed during construction will require a one for one replacement penalty; protected trees will require one 2.5" caliper variety and specimen trees will require one 4.5" caliper variety to suit its planting location; replacement trees need to be Florida #1 at a minimum height of ten feet (10'). CPH will make the determination as to what is best suited for each replacement.

d. Remove the asterisk note on page TR-8.

CIVIL ENGINEER COMMENTS:

e. Applicant must provide legend to clarify phasing.

f. Sheet C6 – Include Temporary Construction Entrance in Phase 1A.

g. Sheet C2 – Provide As Built Requirements for Water and Sewer; relocate the As Built Requirements for Roadway Construction from sheet C36.

h. Sheet C22 –Removing the fire hydrant from the pond.

i. Sheets C45-C47 – Estimated Wet Season Water Table Elevation and Design Pond High Water Elevation to each section.

j. Applicant must locate easements for utilities and lift station on the plat.

CHIEF BUILDING OFFICIAL COMMENTS:

k. Applicant must provide additional fire hydrants to townhouse and condo locations.

l. Applicant must provide location of fire department connections.

m. The location of handicap spaces for the clubhouse is unacceptable; accessible parking spaces shall not cross the roadway and shall be as close to the building as possible.

FIRE DEPARTMENT COMMENTS:

n. Fire hydrants shall be installed at intervals not to exceed 500 feet; provide location of additional hydrants on plans.

PUBLIC UTILITIES COMMENTS:

o. Manhole #44 on page C18 of the plans needs to be lined.

p. Applicant must update fire hydrant assembly detail.

q. Show how reuse will be connected to existing reuse line or the proposed reuse line to be constructed to the reuse storage pond by Tomoka Oaks.

r. Reuse meter to be provided by owner of make and model approved by the City. A reuse agreement will need to be executed by the owner and the City.

s. Applicant must confirm if water master meter shall be needed or if units will be individually metered.

t. Applicant must provide match lines on composite utility sheets.

u. All water and sewer lines to be owned and maintained by City must be in public rights of way or 40 foot access and utility easement; an easement or deed is also needed for the lift station.

POLICE DEPARTMENT COMMENTS:

v. Parking lot lighting, pole heights must not exceed 20 feet and maximum wattage shall be 250 watts (see Land Development Code Chapter 3, Article 5 Architectural Design Standards, Chapter 3 Page 10). This will impact lighting calculations currently submitted.

4. The subdivision is approved to have a total of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings with the following dimensions as shown on the attached plans. The townhomes and condominiums shall be developed in accordance with the conceptual plans approved for the proposed PRD and the requirements established in Chapter 2, Article IV, Section 2-57 M. Multi-Family Dwellings:

Land Use	Min. Lot Area	Min. Lot Width	Front Setback	Side Corner	Side Setback	Rear Setback
Single-family	10,000-square feet	100- feet	30-feet	20-feet	8-feet total 20-feet	25-feet

5. As a stand alone zoning district the following permitted uses and dimensional criteria for this Planned Residential Development are hereby established as follows:

1. **Permitted Principal Uses and Structures.**

   a. Single-family Detached units

   b. Townhouse Units, as located on the conceptual development plan prepared by Conklin Porter and Homes, CPH project number T7501, dated June 2005.

   c. **Multifamily Condominium units** as located on the

conceptual development plan prepared by Conklin Porter and Homes, project number T7501, dated June 2005.

2. Permitted Accessory Uses and Structures

a. Single Family detached dwellings and all accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article III.

b. Home Occupations, Type "A", subject to the regulations set forth in Chapter 2, Article III.

6. The project shall be phased over a 5-year period and shall consist of 6 phases; a new phase shall not be initiated until the improvements and enhancements identified in the previous phase have been initiated and are substantially completed. This condition shall not prevent the owner from completing multiple phases concurrently. The following summarizes the phasing of the project:

Phase	Description
1A	Construction of the tennis facility, maintenance area, parking, spine road and associated stormwater improvements. The "Golf Townhomes" at the northern most portion of the development (9th and 10th fairway) will be constructed
1B	Demolition and reconstruction of the clubhouse and parking lot.
1C	Completion of all of the townhomes in the golf and tennis areas.
2A	Development of condominiums at tennis facility.
2B	Development of condominiums at the driving range and clubhouse areas.
3	Development of 3-single family homes on the estate lots.

B. The final plans for the development project shall be consistent with the provisions of this Development Order and the plans depicted in Exhibit "B" hereto; provided, however, that the said plans shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plan for the development project without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Development Order.

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

E. If the final plan approval lapses under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be re-established, a new PRD Development Order shall be considered by the City Commission.

F. In the event the use of the land approved by this PRD Development Order is abandoned for a period of two (2) years or there has been no construction activity during that period, the permit shall be void and a Notice of Final Plan Revocation filed under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be reestablished, a new PRD Development Order shall be considered by the City Commission.

G. Semi-annually, the Neighborhood Improvement Officer shall prepare a report indicating which planned developments are not in compliance with Section 1-14, or the conditions stipulated in the Development Order, in the event a Neighborhood Improvement Officer subsequently determines there to be any violation, such Officer shall promptly present such determination to the Special Master for hearing.

H. Pursuant to Chapter 1, Article II, Section 1-14(C) (2), of the *Land Development Code*, the first phase of this Special Exception shall automatically expire and become void, without further action by the City Commission, 24 months (October 17, 2008) from the date of City commission approval, unless a site plan or building permit has been issued prior to that date; and a use building permit is so issued, this Special Exception shall remain in full force and effect unless and until subsequently amended by the City Commission.

I. The expiration date of the sixth and final phase of the project to be constructed shall be five (5) years in the future, or to October 17, 20011, and shall automatically expire and become void, without further action by the City Commission, unless a building permit

is issued for the sixth and final phase of the project prior to that date; and if a building permit is so issued, the Development Order shall remain in full force and effect unless and until subsequently amended by the City Commission

J. This Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of RTH, Inc., a Florida corporation, and shall be binding upon RTH, Inc., a Florida corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No. 3242-07-00-0010)

ORDERED this 17th day of October, 2006.

CITY COMMISSION
CITY OF ORMOND BEACH, a Florida municipal corporation

By: _____
FRED COSTELLO
Mayor

(CITY SEAL)

Attest: _____
ISAAC D. TURNER
City Manager

C:\DOCUMENTS AND SETTINGS\PATTERSON\LOCAL SETTINGS\TEMPORARY INTERNET FILES\OLK84\06-017A - TOMOKA OAKS SUBDIVISION REZONING R2 TO PRD DO P06-0186.DOC\10/24/2006 08:37

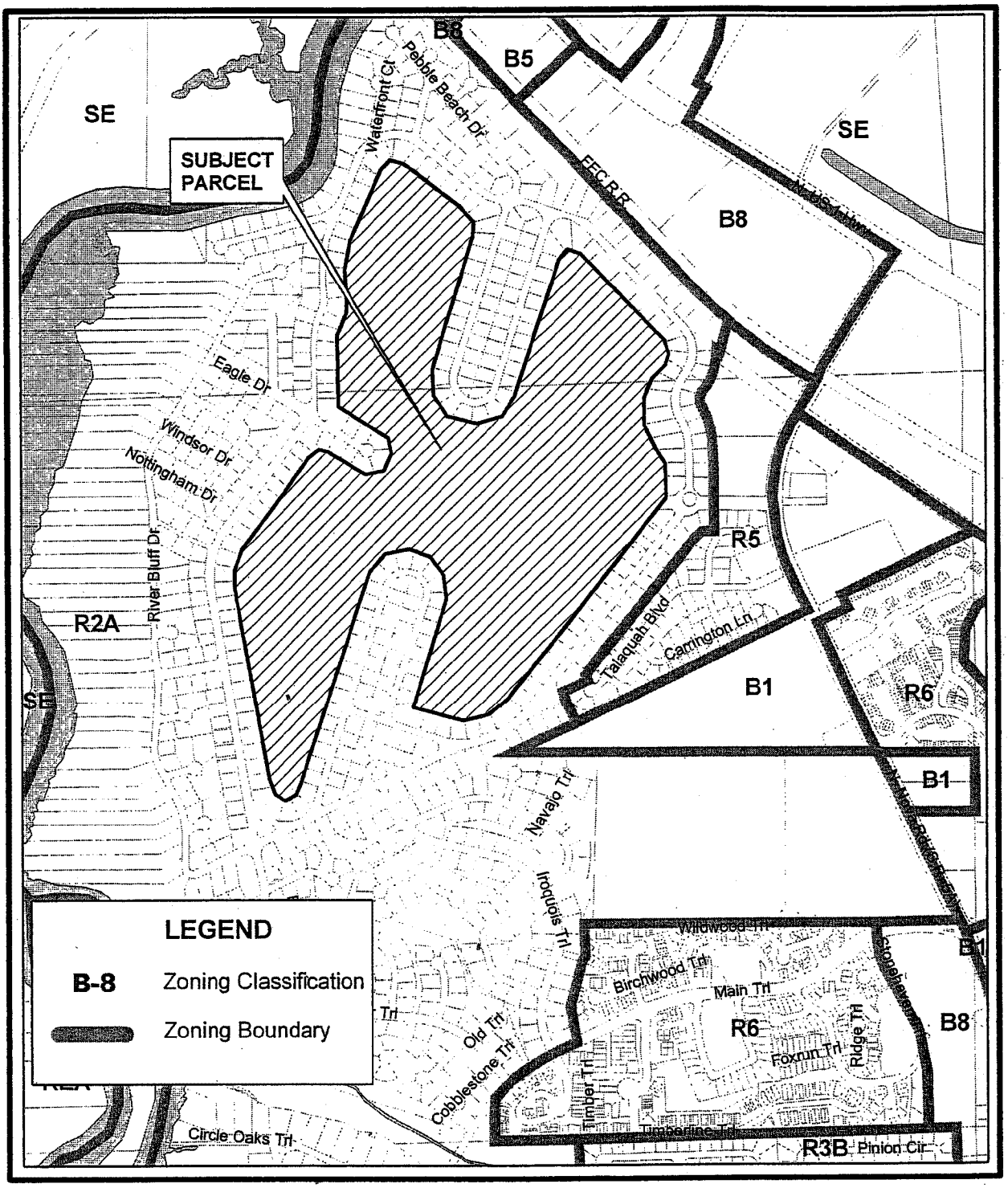
Instrument# 2006-273445 # 9
Book: 5944
Page: 2191

LEGAL DESCRIPTION

39 14 32 135 ACRES ALL SNEAD GOLF & COUNTY CLUB
MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019

PARCEL ID NO. 3242-07-00-0010

Instrument# 2006-273445 # 10
Book: 5944
Page: 2192



CITY OF ORMOND BEACH * FLORIDA *

ZONING MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

N
W E
S

Instrument# 2006-273445 # 11
Book: 5944
Page: 2193

CONSTRUCTION PLANS FOR

THE TOMOKA GOLF VILLAGE

PLANNED RESIDENTIAL DEVELOPMENT

THE CITY OF ORMOND BEACH - VOLUSIA COUNTY - FLORIDA

OWNER: The Tomoka Golf Village, LLC
20 Tomoka Boulevard
Ormond Beach, Florida 32174
John Richard Rylas
(386) 677-5931 FAX: (386) 673-5072

ENGINEER: CPH Engineers, Inc.
520 Palm Coast Parkway SW
Palm Coast, Florida 32137-4713
(386) 445-6569 Fax: (386) 447-8991
Jason R. Kellogg, P.E.

SURVEYOR: McMillen Land Surveying, Inc.
495 S. Nova Road, Suite 102
Ormond Beach, Florida 32174
(386) 677-2411 Fax: (386) 677-2325
David McMillen, P.S.M.

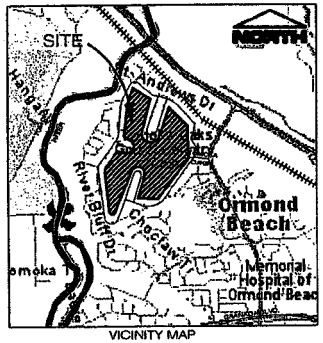
ARCHITECT and PLANNER: Stanley Paul Hoelle, Architect
3550 Rodeo Acres Drive
Ormond Beach, Florida 32174
(386) 672-2261 Fax: (386) 673-7947
Stanley Hoelle,

UTILITIES:

Water & Sewer:	City of Ormond Beach
Power Company:	Florida Power and Light
Telephone Company:	Bellsouth
Cable Television:	Brighthouse Network

TAX I.D. # 42-13-32-07-00-0010

LEGAL DESCRIPTION: 39 14 32 135 ACRES ALL SNEAD GOLF & COUNTRY CLUB MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019.



VICINITY MAP
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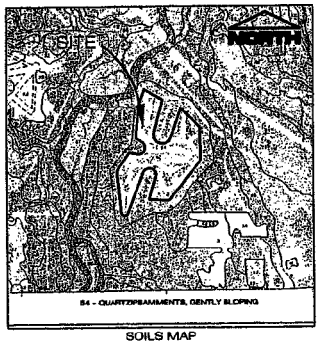

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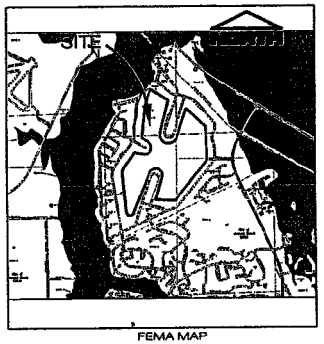

FEMA MAP
Scale: 1"=2000'

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C1	COVER SHEET
C2	GENERAL NOTES
C3	SITE SURVEY
C4	DEMOLITION PLAN
C5	OVERALL SITE PLAN
C6	CONSTRUCTION PHASING PLAN
C7-C11	SITE DIMENSION PLAN
C12-C16	DRAINAGE AND GRADING PLAN
C17-C21	COMPOSITE UTILITY PLAN
C22-C34	PLAN AND PROFILE
C34A	PLAN AND PROFILE
C35	EROSION AND SEDIMENTATION CONTROL
C35A	EROSION AND SEDIMENTATION CONTROL DETAILS
C36-C39	DETAILS
C40-C44	SITE LIGHTING PLAN
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L1-L9	LANDSCAPE PLAN
TH-1	TOWN HOME- LANDSCAPE PLAN
TR1-TR8	TREE RETENTION PLAN
IR1-IR9	IRRIGATION PLAN
A1-A21	ARCHITECTURAL PLAN

NO.	DATE	PLAN REVISION	APPROVED	NO.	DATE	PLAN REVISION	APPROVED
2	9/06	REVISED PER CITY COMMENTS	JRK				
1	3/06	REVISED PER CITY COMMENTS	JRK				

cph Engineers Planners Landscape Architects Surveyors Construction Management
www.cphengineers.com
520 Palm Coast Parkway SW, Palm Coast, FL 32137
Phone: 386.445.6569 Fax: 386.447.8991

©2005

CPH Project No. T5701
File: T5701cvr.dwg
Date: JUNE, 2006

Sheet No. C1

EXHIBIT "B"
PAGE 1 OF 35

Instrument# 2006-273445 # 12
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GENERAL NOTES:

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ORMOND BEACH'S LAND DEVELOPMENT CODE REQUIREMENTS, AND THE STANDARD CONSTRUCTION DETAILS AND CONSTRUCTION SPECIFICATIONS (SCDCS). AN ENGINEERING PERMIT AND TREE REMOVAL PERMIT IS REQUIRED PRIOR TO STARTING CONSTRUCTION.

NO LAND SHALL BE CLEARED, EXCAVATED OR FILLED AND NO STRUCTURE SHALL BE ERECTED, REPAIRED OR DEMOLISHED WITHOUT PROPER PERMIT(S) AS REQUIRED BY THE CITY OF ORMOND BEACH.

NOTIFY THE CITY OF ORMOND BEACH'S ENGINEERING DIVISION AT 676-3269 48 HOURS PRIOR TO THE START OF CONSTRUCTION.

ANY CONSTRUCTION CHANGES TO APPROVED PLANS SHALL BE SUBMITTED TO THE CITY OF ORMOND BEACH FOR APPROVAL PRIOR TO PERFORMING THE WORK.

ROAD CONSTRUCTION AND PIPE INSTALLATION COMPACTION AND DENSITY TESTING SHALL CONFORM TO THE CITY OF ORMOND BEACH'S MINIMUM REQUIREMENTS. CERTIFIED COPIES OF TEST REPORTS SHALL BE SUBMITTED TO THE CITY INSPECTOR AND THE CITY'S ENGINEERING DIVISION.

A PRE-PAVING UTILITY INSPECTION MUST BE REQUESTED AND COMPLETED PRIOR TO THE PAVING OF ALL ROADS, STREETS, AND PARKING AREAS.

A FINAL INSPECTION, TO BE CONDUCTED BY THE CITY OF ORMOND BEACH, SHALL BE PERFORMED ON ALL CONSTRUCTION. THE DESIGN ENGINEER SHALL NOTIFY THE CITY OF ORMOND BEACH'S ENGINEERING DIVISION 676-3269 WHEN REQUESTING A FINAL INSPECTION.

THREE COMPLETE SETS OF AS-BUILT DRAWINGS (5 FOR SUBDIVISIONS) ARE REQUIRED TO BE SUBMITTED TO THE CITY OF ORMOND BEACH PRIOR TO REQUESTING A FINAL INSPECTION.

THE CITY HAS A CONTRACTOR FOR ROLL OFF SERVICE. NO OTHER CONTRACTOR SHALL BE PERMITTED TO PROVIDE THIS SERVICE. VERIFY COMPANY UNDER CONTRACT WITH THE CITY.

CONSTRUCTION STANDARDS FOR ALL DRAINAGE SYSTEM COMPONENTS SHALL CONFORM TO THE LATEST EDITION OF THE FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS MANUAL.

ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE (RCP), HIGH DENSITY POLYETHYLENE (HDPE), POLYVINYL CHLORIDE (PVC) OR ALUMINUM CORRUGATED METAL PIPE (ACMP), AS SHOWN ON THE PLANS.

STORM DRAINAGE PIPES SHALL BE A MINIMUM OF FIFTEEN (15) INCH DIAMETER OR EQUIVALENT.

STORM INLETS, MANHOLES AND CATCH BASINS SHALL BE EITHER POURED IN PLACE OR PRE CAST REINFORCED CONCRETE. STRUCTURES SHALL BE REQUIRED AT EACH CHANGE OF PIPE SIZE OR CHANGE IN PIPE DIRECTION.

STORM INLETS SHALL BE SPACED IN SUCH A MANNER AS TO ACCEPT ONE HUNDRED (100) PERCENT OF THE DESIGN STORM RUNOFF.

WET DETENTION PONDS SHALL BE EIGHT (8) FEET MINIMUM TO TWELVE (12) FEET MAXIMUM DEPTH BELOW THE DESIGN LOW OR NORMAL WATER STAGE.

MAXIMUM DISTANCES BETWEEN INLETS AND/OR JUNCTION BOXES:

PIPE SIZE (INCHES)	LENGTH OF RUN (FEET)
15	150
18	300
24 OR GREATER	400

ALL SWALES, DITCHES AND DRY RETENTION POND SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (H:V) AND SHALL BE SODDED.

NORMAL ROADSIDE SWALES SHALL BE CONSTRUCTED TO A MAXIMUM DEPTH OF 18" BELOW THE OUTSIDE EDGE OF PAVEMENT OR CONCRETE CURB.

CONCRETE EROSION CONTROL MUST BE PROVIDED WHERE SWALES OF CULVERTS INTERCEPT DRAINAGE DITCHES.

A MINIMUM ONE FOOT (1') FREEBOARD ABOVE THE DESIGN HIGH WATER ELEVATION IS REQUIRED AT ALL POINTS AROUND WET DETENTION PONDS.

LAKE INFLOW AND OUTLET STRUCTURES SHALL GENERALLY BE CONSTRUCTED WITH REINFORCED CONCRETE AND SHALL BE SUBJECT TO THE APPROVAL OF THE CITY.

SOIL EROSION CONTROL MEASURES, SATISFACTORY TO THE CITY, SHALL BE EMPLOYED DURING CONSTRUCTION AND UPON COMPLETION OF THE POND.

THE CITY MAY REQUEST THAT THE DEVELOPER SUBMIT A REPORT BY A QUALIFIED HYDROLOGIST ON THE IMPACT THE POND WILL HAVE ON NEIGHBORING WATER TABLE ELEVATIONS BOTH DURING CONSTRUCTION AND AFTER POND COMPLETION. THE CITY MAY REQUIRE GROUNDWATER MONITORING DURING THE POND EXCAVATION.

ADEQUATE MAINTENANCE EASEMENTS OR RIGHTS-OF-WAY AS APPROVED BY THE CITY SHALL BE PROVIDED AROUND THE ENTIRE PERIMETER OF ALL PONDS AND ASSOCIATED OUTFALLS DISCHARGING INTO AND OUT OF PONDS. APPLICABLE CROSS SECTIONS SHALL BE INCLUDED ON ALL FINAL DEVELOPMENT PLANS.

DEVELOPMENT PLANS SHALL CONTAIN DRAINAGE CONTROL STRUCTURE (OVERFLOW) INFORMATION, BOTTOM ELEVATION, TOP ELEVATION, NORMAL WATER LEVEL AND THE 25 YR. - 24 HR. DESIGN HIGH WATER LEVELS

IN GENERAL, ALL RETENTION/DETENTION PONDS MUST BE CONSTRUCTED PRIOR TO ANY ROAD, PARKING LOT OR BUILDING CONSTRUCTION COMMENCING OR AS CURRENT PERMIT CONDITIONS DICTATE.

THE ENGINEER OF RECORD SHALL BE RESPONSIBLE TO OBTAIN ANY AND ALL DEWATERING PERMITS THAT MAY BE REQUIRED.

CULVERTS CROSSING RIGHTS-OF-WAY SHALL EXTEND FROM RIGHT-OF-WAY LINE TO RIGHT-OF-WAY LINE UNDER THE ROADWAY.

ALL STORM WATER MANAGEMENT SYSTEMS ARE TO BE OWNED AND MAINTAINED BY EITHER THE SURROUNDING PROPERTY OWNERS OR AN ASSOCIATION OF THE SURROUNDING PROPERTY OWNERS OR SOME OTHER GROUP AS APPROVED BY THE CITY.

SANITARY SEWER CONSTRUCTION GENERAL NOTES

THE CITY'S PUBLIC UTILITY DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY SEWER CONSTRUCTION.

ALL SANITARY SEWER MAIN LINES SHALL BE A MINIMUM OF 8" IN DIAMETER. SERVICE LATERALS WITH MULTIPLE CONNECTIONS SHALL BE 6" DIAMETER OR LARGER.

ALL SANITARY SEWER LINES SHALL BE PVC SDR 35. IN PLACES WHERE A MINIMUM COVER OF 4.0' CANNOT BE MAINTAINED, C-900 GREEN PVC DR-25, CLASS 100 OR CONCRETE ENCASEMENT SHALL BE USED.

MINIMUM ALLOWABLE SANITARY SEWER SLOPES ALLOWED ARE:

8" PIPE 0.40%
10" PIPE 0.30%
12" PIPE 0.22%

SEWER LINE CONSTRUCTION SHALL BE ACCOMPLISHED BY THE USE OF A LASER INSTRUMENT UNLESS ANOTHER METHOD IS PREVIOUSLY APPROVED BY THE CITY.

THE CONTRACTOR SHALL AT ALL TIMES, DURING PIPE LAYING, DEWATER THE GROUND SUFFICIENTLY TO KEEP THE GROUNDWATER ELEVATION A MINIMUM OF 6" BELOW THE PIPE BEING LAID WITHIN THE AREA OF THE TRENCH.

ALL PIPES SHALL BE LAID ON A FIRM FOUNDATION. SOFT OR SPONGY BEDDING FOR PIPES WILL NOT BE ACCEPTED. ANY UNSUITABLE MATERIAL SHALL BE REMOVED AND REPLACED WITH A DRY, COMPACTED, GRANULAR MATERIAL SATISFACTORY TO THE CITY.

EXCAVATION AND BACKFILL: THE CONTRACTOR SHALL PROVIDE ADEQUATE SHEETING AND BRACING OF EXCAVATION WORK OR USE OF TRENCH BOX IN ORDER TO PROVIDE FOR THE SAFETY OF WORKMEN, AS WELL AS REPRESENTATIVES OF THE CITY, THE DESIGN ENGINEER, AND THE DEVELOPER.

THE CONTRACTOR SHALL INSTALL A METALLIZED FOIL LOCATER TAPE, OR SIMILAR DEVICE AS MAY BE APPROVED BY THE CITY FOR THE FULL LENGTH OF ALL PVC WATER, RECLAIMED WATER AND SEWAGE FORCE MAINS. THIS PIPE LOCATER AID SHALL BE INSTALLED (1'S) INCHES BELOW FINISHED GRADE OR AS DIRECTED BY THE MANUFACTURER AND IS IN ADDITION TO THE LOCATER WIRE REQUIRED IN THE UTILITY PIPE LOCATION MATERIALS DETAIL (MISCELLANEOUS DETAILS SECTION - M10).

MANHOLES SHALL BE LOCATED AT INTERVALS NOT EXCEEDING 400 FEET.

MANHOLE RIMS SHALL MATCH FLUSH WITH THE FINISH GRADE ELEVATION IN PAVED AREAS AND A MINIMUM OF 0.2 FEET ABOVE GRADE IN UNPAVED AREAS.

THE CONTRACTOR SHALL CONSTRUCT SANITARY SEWER MANHOLES IN SUCH A WAY THAT SEWER LINES DO NOT INTERSECT SEALED JOINTS BETWEEN SECTIONS OF THE MANHOLE.

RUBBER BOOTS AND STAINLESS STEEL BANDS SHALL BE UTILIZED IN THE CONNECTION OF THE SEWER MAIN TO THE MANHOLES (SEE RUBBER BOOT AND PRECAST JOINT CONNECTION DETAIL).

INDIVIDUAL SANITARY SERVICE CONNECTORS ON NEW CONSTRUCTION SHALL NOT BE CONNECTED DIRECTLY INTO MANHOLES, BUT TO SEWER MAIN LINES BY USE OF WYE CONNECTIONS.

FOR SINGLE FAMILY HOMES, SINGLE FOUR INCH SEWER SERVICES SHALL BE CONSTRUCTED AT EACH LOT OR UNIT AND LOCATED ON THE DOWNSTREAM SIDE OF THE LOT CENTER LINE. THESE SERVICES SHALL BE EXTENDED 4 FEET ABOVE GROUND AT THE PROPERTY LINE WITH A PVC RISER AND PLUG BEING EASILY VISIBLE FROM THE ROAD. RUBBER SEAL FITTINGS TO BE USED ON ALL LINES, NO GLUED JOINTS.

FOR MULTI-FAMILY AND COMMERCIAL SITES, SIX INCH MINIMUM SEWER SERVICES AND CLEANOUTS SHALL BE PROVIDED AS APPROVED BY THE CITY.

SANITARY SEWER LATERALS LONGER THAN 70 FEET, MEASURED FROM THE SEWER MAIN TO THE RIGHT-OF-WAY LINE MAY BE APPROVED ON A CASE BY CASE BASIS. SUCH LATERALS SHALL BE D.I.P. EPOXY LINED OR C-900 PVC.

SANITARY SEWER MANHOLES WHICH HAVE SEWER FORCE MAINS DISCHARGING DIRECTLY INTO THEM, OR ANY MANHOLE WITHIN 200 FEET OF A LIFT STATION, SHALL BE FIBERGLASS OR PVC LINED. RETRO-FITTING OF MANHOLES WITH LINERS SHALL BE REQUIRED WHEN NEW CONNECTIONS SUCH AS THIS ARE MADE. FIBERGLASS SHALL BE A MINIMUM 1/2" THICKNESS UNLESS APPROVED OTHERWISE BY THE CITY. LINING SHALL BE AGRU SURE-GRIP OR PRE-APPROVED EQUAL.

SEE CHART S-9C FOR PIPE SIZE AND MATERIALS.

THE CITY OF ORMOND BEACH REQUIRES THE DEVELOPER TO TELEVISE ANY AND ALL SANITARY SEWER MAIN LINES AND LATERALS PRIOR TO ANY FINAL ACCEPTANCE, AND RESERVES THE RIGHT TO REQUEST WATER AND AIR RESTING.

ALL SEWER MAINS PRIOR TO ACCEPTANCE BY THE CITY SHALL BE TELEVISED BY A REPUTABLE COMPANY THAT ENGAGES IN THIS TYPE OF WORK. THE VIDEO SHALL BE NON-STOP WITH AUDIO DESCRIBING WHAT IS BEING REVIEWED. WRITTEN VIDEO LOGS DESCRIBING THE CONDITION OF THE LINES SHALL ACCOMPANY THE TAPE SUBMISSION TO THE CITY.

CONTRACTORS SHALL BE REQUIRED TO TELEVISE ALL SEWER LINES IN THE PRESENCE OF CITY PERSONEL AND PROVIDE COPIES OF THE VIDEO TAPE TO THE PUBLIC UTILITY DEPT. ANY DEFECTS NOTED SHALL BE CORRECTED PRIOR TO ACCEPTANCE BY THE CITY.

ALL MANHOLES CONSTRUCTED IN SIDE YARDS, BACKYARDS, AND EASEMENTS OFF THE RIGHT-OF-WAY SHALL BE OUTFITTED WITH FIBERGLASS LINERS OR OTHER TYPES OF LINERS OR COATINGS APPROVED BY THE CITY. IN ADDITION THE CITY MAY REQUIRE LINERS OR COATINGS TO BE INSTALLED IN OTHER AREAS WHERE THE PUBLIC UTILITY DEPARTMENTS BELIEVE THE NEED IS JUSTIFIED.

ALL SEWER LINES WHICH ARE CONSTRUCTED OFF PUBLIC RIGHTS-OF-WAY WITHIN SIDEYARDS, BACKYARDS, AND OTHER POORLY ACCESSABLE AREAS SHALL BE CONSTRUCTED OF C-900 PVC, OR EPOXY LINED DUCTILE IRON PIPE. ABSOLUTLY NO USE OF PLASTIC STYRENE FITTINGS SHALL BE ALLOWED.

SEWER LATERAL LOCATIONS SHALL BE MARKED ALONG THE OUTSIDE OF THE CURB WITH A SAWCUT "V", OR BY A METAL TAB SET INTO THE PAVEMENT.

EZ-WRAP PLASTIC, AS MANUFACTURED BY PRESS-SEAL GASKET CORPORATION OR APPROVED EQUAL, SHALL BE USED ON THE OUTSIDE OF ALL MANHOLE AND WETWELL JOINTS. APPLY ONE LAYER OF 9" WRAP CENTERED ON EACH JOINT. A CITY INSPECTOR SHALL PERSONALLY INSPECT ALL JOINT SEALS PRIOR TO BACKFILLING OPERATIONS.

MATERIALS		
DIAMETER	MATERIAL	STANDARD
> 3" - 4"	PVC 1120 / SDR 21	ASTM D 2241
> 4" - 12"	PVC 1120 / CLASS 150	AWWA C 900
14" - 36" (16"- 24" — DR - 18) (30"- 36" — DR - 21)	PVC 1120	AWWA C 905

NOTE: *PVC PIPE COLOR SHALL BE BLUE FOR POTABLE WATER MAIN, GREEN OR WHITE FOR SEWER FORCE MAIN, AND PURPLE FOR REUSE MAIN.

WATER SYSTEM CONSTRUCTION GENERAL NOTES

THE CITY'S PUBLIC UTILITIES DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY WATER SYSTEM CONSTRUCTION.

DEWATERING SHALL BE PROVIDED TO KEEP GROUNDWATER ELEVATION A MINIMUM OF 6 INCHES BELOW WATER MAIN BEING LAID.

ALL WATER MAINS SHALL BE LAID ON A FIRM FOUNDATION WITH ALL UNSUITABLE MATERIAL (MUCK, ROCK, COQUINA, ETC.) REMOVED AND REPLACED WITH CLEAN GRANULAR MATERIAL.

TRENCHES SHALL BE BACKFILLED WITH CLEAN GRANULAR MATERIAL IN MAX. 1' LIFTS WITH A MINIMUM COMPACTION OF 98 PERCENT (AASHTO-T180) IN PAVED AREAS AND 90 PERCENT IN UNPAVED AREAS.

IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT TRENCH COMPACTION TESTS BE PROVIDED AT POINTS 1 FOOT ABOVE THE PIPE AND AT 1 FOOT VERTICAL INTERVALS TO FINISH GRADE, AT A MINIMUM SPACING OF EVERY 300 FEET, AND TO FURNISH COPIES OF TEST REPORTS PROMPTLY TO THE CITY ENGINEERING DEPARTMENT.

METALLIZED PIPE LOCATION TAPE SHALL BE LOCATED 15 INCHES BELOW FINISHED GRADE OR AS SPECIFIED BY MANUFACTURER FOR ALL PVC LINES. MARKER TAPE SHALL BE USED ON ALL DUCTILE IRON PIPE.

ALL WATER SERVICES (SINGLE 1" AND DOUBLE 1 1/2") SHALL BE POLYETHYLENE TUBING (BLUE IN COLOR); POLYBUTYLENE SHALL NOT BE ALLOWED.

ALL WATER SERVICE ENDINGS SHALL BE MARKED WITH 4" X 4" LUMBER (PRESSURE TREATED) EXTENDING 4 FEET ABOVE GRADE, WITH WATER SERVICES SECURED 24" ABOVE THE GROUND. WIRE TIES SHALL BE USED TO SECURE THE CURB STOPS TO SUPPORT POSTS.

WATER VALVES SHALL BE PLACED AT ALL STREET INTERSECTIONS AND AT MAXIMUM SPACINGS OF 500 FEET.

AT ALL WATER MAIN TEES AND CROSSES, VALVES SHALL BE INSTALLED ON ALL LEGS EXCEPT ONE.

APPROVED WATER VALVE TYPES ARE THE FOLLOWING:

A. STANDARD GATE VALVES LESS THAN 24" DIAMETER RESILIENT SEAT GATE VALVES (AWWA C-509).
B. TAPPING VALVES AND MECHANICAL TAPPING SLEEVE SHALL BE STAINLESS STEEL (AWWA C - 509)

ALL WATER VALVE BOXES SHALL BE ADJUSTED TO FINISH GRADE AND THE LIDS PAINTED BLUE TO MAKE THEM PLAINLY VISIBLE.

WATER VALVES SHALL BE COMPLETELY OPENED BY THE CONTRACTOR UPON FINAL ACCEPTANCE OF NEW WATER SYSTEMS IN THE PRESENCE OF UTILITY DEPARTMENT PERSONNEL.

ALL FIRE HYDRANTS SHALL BE CONSTRUCTED TO MAKE THEM EASILY ACCESSIBLE TO FIRE PERSONNEL IN CASE OF FIRE. THE MAIN NOZZLE CONNECTION SHOULD ALWAYS FACE THE STREET AND BE 16-18" ABOVE GRADE.

AS STANDARD PRACTICE, WATER MAINS SHALL BE INSTALLED 4 FEET OFF THE BACK OF CURB OR AS APPROVED BY THE CITY.

ALL WATER MAINS SHALL BE NSF-APPROVED FOR POTABLE WATER USE, AND SHALL HAVE A MINIMUM COVER OF 36 INCHES. IN SPECIAL CASES WHERE IT IS IMPOSSIBLE OR INAPPROPRIATE TO PROVIDE ADEQUATE COVER, DUCTILE IRON CLASS 350 OR CONCRETE ENCASEMENT MAY BE USED AS APPROVED BY THE CITY.

ALL PROPOSED WATER MAINS SHALL BE FLUSHED, DISINFECTED AND BACTERIOLOGICALLY CLEARED FOR SERVICE IN ACCORDANCE WITH LATEST AWWA STANDARDS AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS.

WATER MAINS SHALL BE AWWA C-900 CL 150 OR D.I.P. CLASS 350 STANDARD CEMENT LINED.

UPON CONSTRUCTION COMPLETION AND ACCEPTANCE OF THE SYSTEM, IT SHALL BE THE DESIGN ENGINEER'S RESPONSIBILITY TO ENSURE THAT THE SYSTEM IS PROPERLY CERTIFIED AND ACCEPTED BY THE HEALTH DEPARTMENT, AND THAT CERTIFIED AS-BUILT DRAWINGS ARE PROVIDED TO THE CITY PRIOR TO PAVING AND ANY USE OF THE SYSTEM. PROVIDE THREE (3) BLUELINE COPIES AND ONE (1) MYLAR OF AS-BUILT DRAWINGS.

MEGALUG OR EQUIVALENT, RESTRAINED JOINT SYSTEM MAY BE USED ON ALL RESTRAINED FITTINGS, VALVES, ETC. MINIMUM DEPTH OF BURY ON PIPES NOT MEETING REQUIRED COVER REQUIREMENTS SHALL FOLLOW THE MOST RECENT DIPRA THRUST RESTRAINT DESIGN GUIDELINES.

WATER SYSTEMS SHALL BE PRESSURE TESTED AT 150 PSI STATIC PRESSURE FOR A PERIOD OF 2 HOURS PER AWWA STANDARDS. TESTS SHALL BE CONDUCTED BEFORE FINAL PAVING AND IN THE PRESENCE OF THE CITY'S INSPECTOR.

ALL WATER SERVICES SHALL BE MARKED WITH A "^" SAWCUT INTO THE CURB OR BY METAL TABS SET INTO THE PAVEMENT.

ALL WATER VALVES AND BLOW-OFFS SHALL BE MARKED WITH AN "X" SAWCUT INTO THE CURB OR BY METAL TABS SET INTO THE PAVEMENT, LOCATION OF METAL TABS IN INCHES FROM EDGE OF PAVEMENT SHALL EQUAL DISTANCE IN FEET FROM EDGE OF PAVEMENT TO VALVE.

WATER SERVICES SHALL NORMALLY BE DOUBLE 1 1/2" SERVICES LOCATED AT SIDE LOT LINES. IN INSTANCES WHERE SERVICES NEED TO BE OFFSET, 1" SINGLE SERVICES SHALL BE SPECIFIED. THESE SERVICES MAY BE OFFSET A MAXIMUM OF 5.0'.

UNIFLANGE 1300 SERIES PIPE RESTRAINTS AS MANUFACTURED BY FORD OR APPROVED EQUAL MAY BE USED AS APPROPRIATE FOR RESTRAINING IN-LINE PRESSURE PIPE EACH SIDE OF PIPE JOINT, AS REQUIRED BY RESTRAINT TABLE.

TRACING WIRE SHALL BE INSTALLED IN ACCORDANCE WITH UTILITY PIPE LOCATION MATERIALS DETAIL.

NO GALVANIZED PIPE, FITTINGS, ETC. ARE ACCEPTED.

ALL WATER METERS SHALL BE INSTALLED AT THE RIGHT OF WAY LINE ONLY REGARDLESS OF SIZE.

ROADWAY CONSTRUCTION NOTES

ALL RIGHT OF WAY OTHER THAN ROADWAY AREAS SHALL BE SEEDED AND MULCHED OR SODDED. THE CITY RESERVES THE RIGHT TO REQUIRE SODDING IN SPECIAL AREAS WHERE EROSION IS A CONCERN.

THE FOLLOWING WILL BE THE STANDARD PROTECTION FOR DITCHES UNLESS DRAINAGE CALCULATIONS INDICATE OTHERWISE:

SWALE PROFILE GRADES	PROTECTION REQUIRED
0.2% - 1.0%	SEEDING AND MULCHING
1.0% - 4.0%	SODDING
4.0% AND GREATER	DITCH PAVING

ALL FRANCHISE UTILITY CROSSINGS, INCLUDING BUT NOT LIMITED TO FPL, BELLSOUTH AND CABLE SHALL BE INSTALLED PRIOR TO INSTALLATION AND COMPACTION OF THE ROAD SUB BASE. ANY CROSSINGS AFTER INSTALLATION OF THE SUB BASE SHALL BE BY DIRECTIONAL BORE.

THE LIMITS OF STABILIZED SUB BASE SHALL EXTEND TO A DEPTH OF SIX INCHES (6") BELOW THE BOTTOM OF THE BASE AND OUTWARD TO TWELVE INCHES (12") BEYOND THE CURB.

THE STABILIZING MATERIAL IF REQUIRED, SHOULD BE A HIGH BEARING VALUE SOIL, SAND-CLAY, LIMEROCK, RECYCLED CONCRETE, SHELL OR OTHER MATERIAL AS APPROVED BY THE CITY AND A LICENSED SOILS ENGINEER.

THE SUB BASE SHALL BE STABILIZED NOT LESS THAN FORTY (40) POUNDS LIMEROCK BEARING RATIO (LBR). A COMPACTION OF NO LESS THAN NINETY-EIGHT (98%) PERCENT DENSITY BASED ON AASHTO T-180 SHALL BE REQUIRED.

TESTS FOR SUB BASE BEARING CAPACITY AND COMPACTION SHALL BE DONE AT A MINIMUM OF EVERY 300 FEET AND SHALL BE STAGGERED TO THE LEFT, RIGHT AND AT CENTER LINE OF THE ROADWAY.

BASES FOR ALL STREETS SHALL HAVE A MINIMUM SIX INCH (6") DEPTH. PRIMING AND SANDING SHALL BE REQUIRED AS SOON AS BEARING CAPACITY AND COMPACTION HAS BEEN ACHIEVED.

RECYCLED CONCRETE OR LIMEROCK BASES SHALL BE COMPACTED TO (98 %) MAXIMUM DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST.

RECYCLED CONCRETE MIX DESIGNS SHALL BE SUBMITTED TO THE CITY FOR APPROVAL PRIOR TO START OF SUB BASE PREPARATION.

CEMENT DELIVERY TICKETS SHALL BE PROVIDED TO THE CITY AT THE TIME OF PLACEMENT.

TESTING OF THE IN-PLACE BASE SHALL BE DONE AT INTERVALS EQUIVALENT TO SUB BASE TESTING AND SHALL CONSIST OF, AS A MINIMUM, MOISTURE CONTENT AND COMPACTION TEST.

DESIGN MIXES SHALL BE SUBMITTED TO THE CITY FOR THEIR APPROVAL NO LESS THAN THREE (3) WORKING DAYS PRIOR TO ANY ROADWAY CONSTRUCTION.

ASPHALT SPECIFICATIONS SHALL BE SUBMITTED BY THE DESIGN ENGINEER WITH FINAL PLANS TO THE CITY. FLORIDA STATE CERTIFIED BATCH PLANTS MUST THEN CERTIFY THAT THESE APPROVED SPECIFICATIONS HAVE BEEN MET.

EXTRACTION AND GRADATION TESTS ON ASPHALT MIXES SHALL BE PROVIDED TO THE CITY TO INSURE THAT DESIGN MIXES MEET THE CITY STANDARD SPECIFICATIONS.

THE ROADWAY CROWN SHALL HAVE A STANDARD ONE QUARTER INCH (1/4") PER FOOT SLOPE.

ALL ROADWAYS WITH CURB AND GUTTER SECTIONS SHALL HAVE AS A STANDARD A MINIMUM LONGITUDINAL SLOPE OF 0.30

THE FINISHED PAVEMENT EDGE SHALL BE WITHIN ONE QUARTER INCH (1/4") OF THE ADJACENT CONCRETE CURB.

CONCRETE CURBS SHALL BE PROVIDED ON BOTH SIDES OF ALL STREETS AND CONSTRUCTED WITH 2500 PSI CONCRETE AT 28 DAYS.

CONCRETE CURBS SHALL BE SAW CUT TO A DEPTH EQUAL TO 1/4 OF CURB THICKNESS AT INTERVALS OF TEN FEET (10') WITH EXPANSION JOINTS AT STREET INTERSECTIONS, STRUCTURES AND ALONG CURVES AT SIXTY FEET (60') INTERVALS. ALL EXPANSION JOINT MATERIAL IS REQUIRED TO BE INSTALLED THROUGH THE ENTIRE DEPTH OF THE CONCRETE CURB.

AN "X" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF WATER DISTRIBUTION SYSTEM VALVE.

AN "T" SHALL BE CUT INTO THE CURB TO MARK THE LOCATION OF ALL VALVES OTHER THAN WATER DISTRIBUTION VALVES.

A "V" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL SEWER SERVICES.

A "L" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL RECLAIMED WATER SERVICES.

A "^" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL WATER SERVICES.

THREE (3) CONCRETE CYLINDERS SHALL BE TAKEN AND TESTED FOR EVERY THREE HUNDRED (300) FEET OF ROADWAY CONSTRUCTED. TEST RESULTS SHALL THEN BE PROVIDED TO THE CITY AS THEY BECOME AVAILABLE.

THE DEVELOPER SHALL PROVIDE ALL REQUIRED PAVEMENT MARKINGS ON ALL ROADWAYS PER CITY, COUNTY AND STATE REQUIREMENTS. CENTERLINE STRIPES SHALL BE PROVIDED ON EXTENSIONS OF CITY COLLECTOR OR ARTERIAL ROADS, COUNTY ROADS AND STATE HIGHWAYS ONLY.

STOP BARS SHALL BE PLACED AT ALL SUBDIVISION ENTRANCES AND INTERSECTIONS CONTAINING CITY COLLECTOR AND ARTERIAL ROADS, COUNTY ROADS AND STATE HIGHWAYS.

ALL TRAFFIC CONTROL DEVICES PLACED AT INTERSECTIONS, PRIVATE STREETS, PUBLIC STREETS, COUNTY ROADS AND STATE HIGHWAYS WITHIN THE CITY LIMITS SHALL BE INSTALLED ACCORDING TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

THE DEVELOPER IS RESPONSIBLE FOR PAYING FEES FOR ALL STREET LIGHTS PRIOR TO ACCEPTANCE OF THE PROJECT BY THE CITY.

STANDARD TURNING RADII FOR INTERSECTIONS:

3-LANE ACCESS OR FEEDER	35'
LOCAL TO COLLECTOR	35'
LOCAL OR COLLECTOR TO ARTERIAL	40'
ARTERIAL TO ARTERIAL	50'

CITY INSPECTOR SHALL BE PRESENT DURING PAVING OF ALL PUBLIC AND PRIVATE ROADS. PAVING SHALL BE PERFORMED DURING NORMAL BUSINESS HOURS, MONDAY THROUGH FRIDAY. PAVING DURING WEEKENDS IS NOT PERMITTED.

CONSTRUCTION METHODS AND DESIGN FOR CONCRETE PAVEMENT SHALL CONFORM TO FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.

ALL CONTRACTORS THAT ARE PERFORMING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS (WATER MAIN, SANITARY SEWER MAIN, RECLAIMED WATER MAIN, STORM WATER PIPES AND INLETS AND ALSO CONSTRUCTION OF ROADWAYS) SHALL BE CERTIFIED WITH THE FLORIDA STATE DEPARTMENT OF PROFESSIONAL REGULATIONS (DPR) FOR THE TYPE OF WORK THAT THEY PERFORM. A COPY OF THE VALID LICENSE IS REQUIRED AT PRE CONSTRUCTION MEETING.

UTILITY DEPTH:

- HIGH VOLTAGE UTILITIES SUCH AS POWER (FEEDER, SERVICE AND DROPS) SHALL BE BURIED A MINIMUM OF 30 INCHES IN DEPTH.
- LOW VOLTAGE UTILITIES SUCH AS PHONE AND CABLE TV SHALL BE BURIED A MINIMUM OF 12 INCHES IN DEPTH FOR FEEDER AND SERVICES. SERVICE DROPS SHALL BE BURIED A MINIMUM OF 6 INCHES IN DEPTH.
- HIGH VOLTAGE UTILITIES INSTALLED PARALLEL TO PRESSURE MAINS SHALL MAINTAIN A MINIMUM FIVE FOOT SEPARATION.

GEOTECHNICAL TESTING REPORTS SIGNED AND SEALED BY A PROFESSIONAL ENGINEER SHALL BE SUBMITTED TO THE CITY OF ORMOND BEACH PRIOR TO FINAL SIGN OFF. REPORTS SHALL CLEARLY LABEL PROJECT NAME AND PHASE.

No	Date	Revision	Approved	No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK	4			
2				5			
3				6			

Designed by: S.H. 6/05
Drawn by: S.B. 6/05
Checked by: T.H.H. 6/05
Approved by: J.B.M. 6/05
Certificate of Authorization No. 0319

Scale: N.T.S.
Date: June, 2005
Job No. 13701
File: t5701det.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph Engineers, Planners, Landscape Architects, Surveyors, Construction Management, Environmental Consultants
207 North Causeway, New Smyrna Beach, FL (386) 427-1523

JASON A. KILLGORE P.E. REG. # 56922

GENERAL NOTES

Sheet No. C2 2 of 92

EXHIBIT "B" PAGE 2 OF 35

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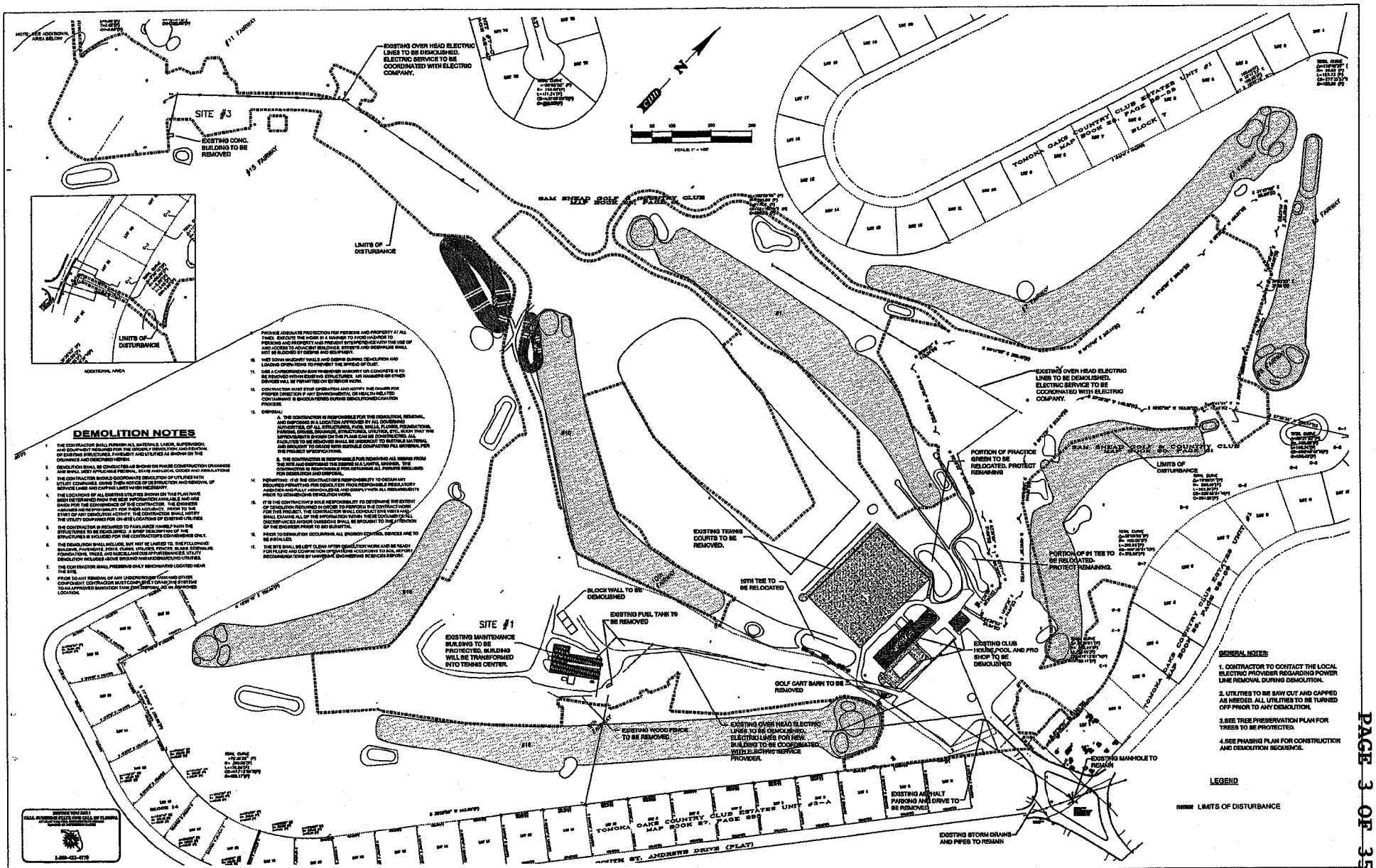

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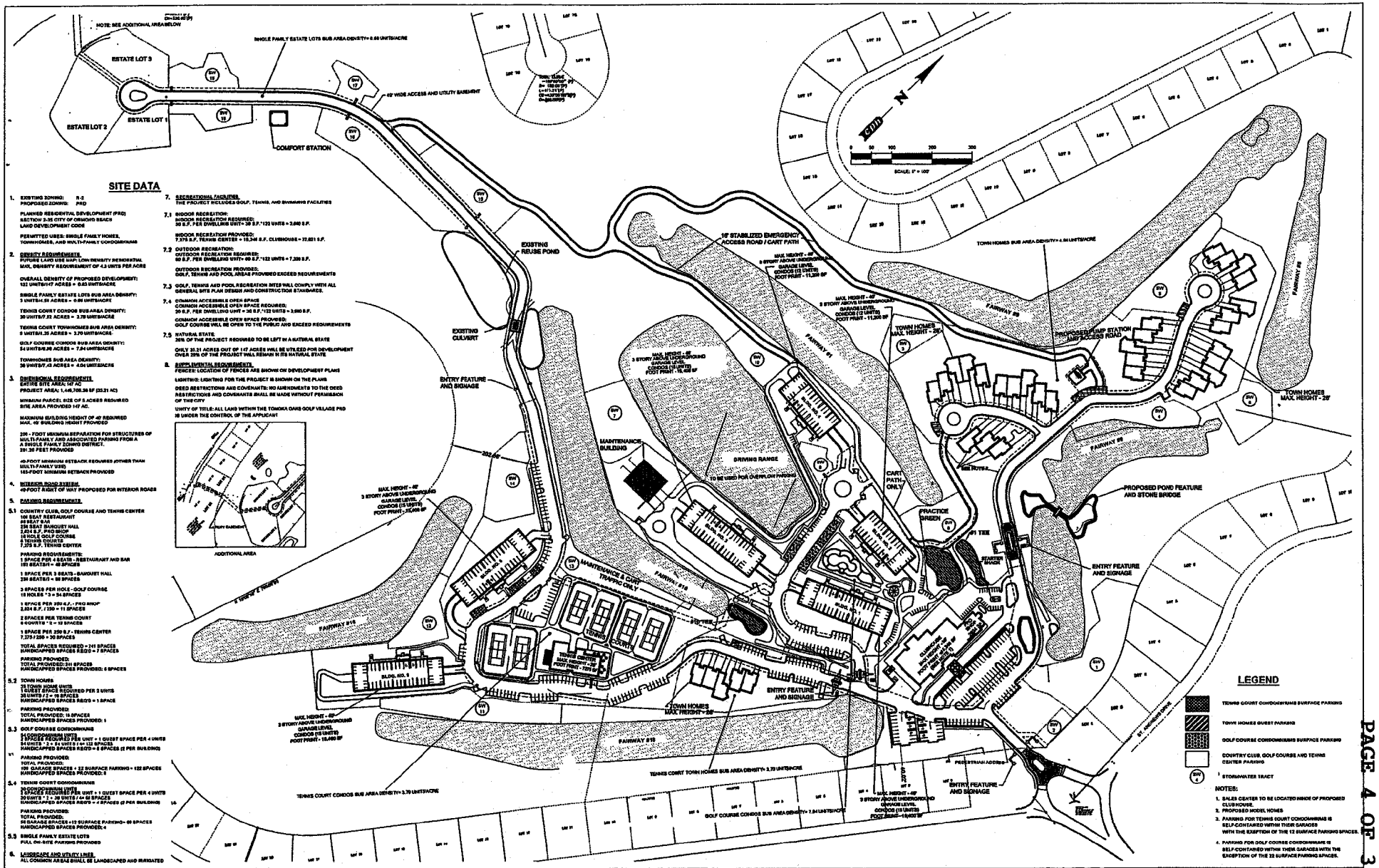
Book: 5944
Page: 2196



SITE DATA

1. EXISTING ZONING: R-3
PROPOSED ZONING: PRD

PLANNED RESIDENTIAL DEVELOPMENT (PRD)
SECTION 2-36 CITY OF ORMOND BEACH
LAND DEVELOPMENT CODE

PERMITTED USES: SINGLE FAMILY HOMES, TOWNHOMES, AND MULTI-FAMILY CONDOMINIUMS

2. DENSITY REQUIREMENTS
FUTURE LAND USE MAP: LOW DENSITY RESIDENTIAL
MAX. DENSITY REQUIREMENT OF 4.0 UNITS PER ACRE

OVERALL DENSITY OF PROPOSED DEVELOPMENT:
122 UNITS/147 ACRES = 0.83 UNITS/ACRE

SINGLE FAMILY ESTATE LOTS SUB AREA DENSITY:
5 UNITS/4.59 ACRES = 0.98 UNITS/ACRE

TENNIS COURT CONDOS SUB AREA DENSITY:
30 UNITS/7.92 ACRES = 3.79 UNITS/ACRE

TENNIS COURT TOWNHOMES SUB AREA DENSITY:
5 UNITS/1.35 ACRES = 3.70 UNITS/ACRE

GOLF COURSE CONDOS SUB AREA DENSITY:
54 UNITS/6.80 ACRES = 7.94 UNITS/ACRE

TOWNHOMES SUB AREA DENSITY:
28 UNITS/5.67 ACRES = 4.94 UNITS/ACRE

3. DIMENSIONAL REQUIREMENTS
ENTIRE SITE AREA: 147 AC
PROJECT AREA: 1,446,706.36 SF (33.21 AC)

MINIMUM PARCEL SIZE OF 5 ACRES REQUIRED
SITE AREA PROVIDED 147 AC.

MAXIMUM BUILDING HEIGHT OF 40' REQUIRED
MAX. 40' BUILDING HEIGHT PROVIDED

200 - FOOT MINIMUM SEPARATION FOR STRUCTURES OF MULTI-FAMILY AND ASSOCIATED PARKING FROM A A SINGLE FAMILY ZONING DISTRICT.
291.20 FEET PROVIDED

40-FOOT MINIMUM SETBACK REQUIRED (OTHER THAN MULTI-FAMILY USE)
165-FOOT MINIMUM SETBACK PROVIDED

4. INTERIOR ROAD SYSTEM
40-FOOT RIGHT OF WAY PROPOSED FOR INTERIOR ROADS

5. PARKING REQUIREMENTS

5.1 COUNTRY CLUB, GOLF COURSE AND TENNIS CENTER
100 SEAT RESTAURANT
40 SEAT BAR
296 SEAT BANQUET HALL
2,824 S.F. PRO SHOP
18 HOLE GOLF COURSE
6 TENNIS COURTS
7,379 S.F. TENNIS CENTER

PARKING REQUIREMENTS:
1 SPACE PER 4 SEATS - RESTAURANT AND BAR
(81 SEATS/4 = 46 SPACES

1 SPACE PER 3 SEATS - BANQUET HALL
296 SEATS/3 = 99 SPACES

3 SPACES PER HOLE - GOLF COURSE
18 HOLES * 3 = 54 SPACES

1 SPACE PER 250 S.F. - PRO SHOP
2,824 S.F. / 250 = 11 SPACES

2 SPACES PER TENNIS COURT
6 COURTS * 2 = 12 SPACES

1 SPACE PER 250 S.F. - TENNIS CENTER
7,379 / 250 = 30 SPACES

TOTAL SPACES REQUIRED = 241 SPACES
HANDICAPPED SPACES REQ'D = 7 SPACES

PARKING PROVIDED:
TOTAL PROVIDED: 241 SPACES
HANDICAPPED SPACES PROVIDED: 8 SPACES

5.2 TOWN HOMES
28 TOWN HOME UNITS
1 GUEST SPACE REQUIRED PER 2 UNITS
28 UNITS / 2 = 15 SPACES
HANDICAPPED SPACES REQ'D = 1 SPACE

PARKING PROVIDED:
TOTAL PROVIDED: 16 SPACES
HANDICAPPED SPACES PROVIDED: 1

5.3 GOLF COURSE CONDOMINIUMS
54 CONDOMINIUM UNITS
2 SPACES REQUIRED PER UNIT + 1 GUEST SPACE PER 4 UNITS
54 UNITS * 2 = 94 UNITS / 4 = 122 SPACES
HANDICAPPED SPACES REQ'D = 6 SPACES (2 PER BUILDING)

PARKING PROVIDED:
TOTAL PROVIDED:
108 GARAGE SPACES + 32 SURFACE PARKING = 122 SPACES
HANDICAPPED SPACES PROVIDED: 8

5.4 TENNIS COURT CONDOMINIUMS
30 CONDOMINIUM UNITS
2 SPACES REQUIRED PER UNIT + 1 GUEST SPACE PER 4 UNITS
30 UNITS * 2 = 38 UNITS / 4= 68 SPACES
HANDICAPPED SPACES REQ'D = 4 SPACES (2 PER BUILDING)

PARKING PROVIDED:
TOTAL PROVIDED:
56 GARAGE SPACES + 12 SURFACE PARKING= 68 SPACES
HANDICAPPED SPACES PROVIDED: 4

5.5 SINGLE FAMILY ESTATE LOTS
FULL ON-SITE PARKING PROVIDED

6. LANDSCAPE AND UTILITY LINES
ALL COMMON AREAS SHALL BE LANDSCAPED AND IRRIGATED

7. RECREATIONAL FACILITIES
THE PROJECT INCLUDES GOLF, TENNIS, AND SWIMMING FACILITIES

7.1 INDOOR RECREATION:
INDOOR RECREATION REQUIRED:
30 S.F. PER DWELLING UNIT= 30 S.F.*122 UNITS = 3,660 S.F.

INDOOR RECREATION PROVIDED:
7,379 S.F. TENNIS CENTER + 10,348 S.F. CLUBHOUSE = 17,821 S.F.

7.2 OUTDOOR RECREATION:
OUTDOOR RECREATION REQUIRED:
60 S.F. PER DWELLING UNIT= 60 S.F.*122 UNITS = 7,320 S.F.

OUTDOOR RECREATION PROVIDED:
GOLF, TENNIS AND POOL AREAS PROVIDED EXCEED REQUIREMENTS

7.3 GOLF, TENNIS AND POOL RECREATION SITES WILL COMPLY WITH ALL GENERAL SITE PLAN DESIGN AND CONSTRUCTION STANDARDS.

7.4 COMMON ACCESSIBLE OPEN SPACE
COMMON ACCESSIBLE OPEN SPACE REQUIRED:
30 S.F. PER DWELLING UNIT = 30 S.F.*122 UNITS = 3,660 S.F.

COMMON ACCESSIBLE OPEN SPACE PROVIDED:
GOLF COURSE WILL BE OPEN TO THE PUBLIC AND EXCEED REQUIREMENTS

7.5 NATURAL STATE:
20% OF THE PROJECT REQUIRED TO BE LEFT IN A NATURAL STATE

ONLY 33.21 ACRES OUT OF 147 ACRES WILL BE UTILIZED FOR DEVELOPMENT
OVER 20% OF THE PROJECT WILL REMAIN IN ITS NATURAL STATE

8. SUPPLEMENTAL REQUIREMENTS
FENCES: LOCATION OF FENCES ARE SHOWN ON DEVELOPMENT PLANS

LIGHTING: LIGHTING FOR THE PROJECT IS SHOWN ON THE PLANS

DEED RESTRICTIONS AND COVENANTS: NO AMENDMENTS TO THE DEED RESTRICTIONS AND COVENANTS SHALL BE MADE WITHOUT PERMISSION OF THE CITY

UNITY OF TITLE: ALL LAND WITHIN THE TOMOKA OAKS GOLF VILLAGE PRD IS UNDER THE CONTROL OF THE APPLICANT

ADDITIONAL AREA

No	Date	Revision	Approved	No	Date	Revision	Approved
1	8/05	REVISED PER CITY COMMENTS	JRK				

Designed by: S.H. 8/05
Drawn by: B.B. 6/05
Checked by: T.H.H. 6/05
Approved by: J.S.M. 6/05
Certificate of Authorization No. 3218

Scale: 1"=100'
Date: June, 2005
Job No. 18701
File: 18701esp.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

JASON R. SELLDORFF, P.E.
REG.# 58982

OVERALL SITE PLAN

Sheet No. C5

EXHIBIT "B"
PAGE 4 OF 35

CONSTRUCTION PHASING PLAN

PHASE 1A SHALL INCLUDE CONSTRUCTION OF THE TENNIS FACILITY, AND MAINTENANCE FACILITY, PARKING TO SUPPORT THESE USES WILL BE CONSTRUCTED. THE NORTHERN MOST TOWNHOMES SHOWN ON THIS PLAN WILL ALSO BE CONSTRUCTED IN THIS PHASE. ALL REQUIRED ROADWAY IMPROVEMENTS AND UNDERGROUND UTILITIES TO SUPPORT FUTURE PHASES OF DEVELOPMENT WILL BE COMPLETED IN THIS PHASE. (WITH THE EXCEPTION OF THE ENTRANCE ROAD CONNECTION THAT WILL BE BUILT ON PHASE 1B).

PHASE 1B SHALL INCLUDE THE DEMOLITION AND RE-CONSTRUCTION OF THE CLUBHOUSE, CLUBHOUSE PARKING LOT, AND ENTRANCE ROADS AND ASSOCIATED UTILITIES AS SHOWN. COMFORT STATION WILL ALSO BE RECONSTRUCTED. THE BALANCE OF THE PROJECT'S TOWNHOMES WILL BE CONSTRUCTED IN PHASE 1B.

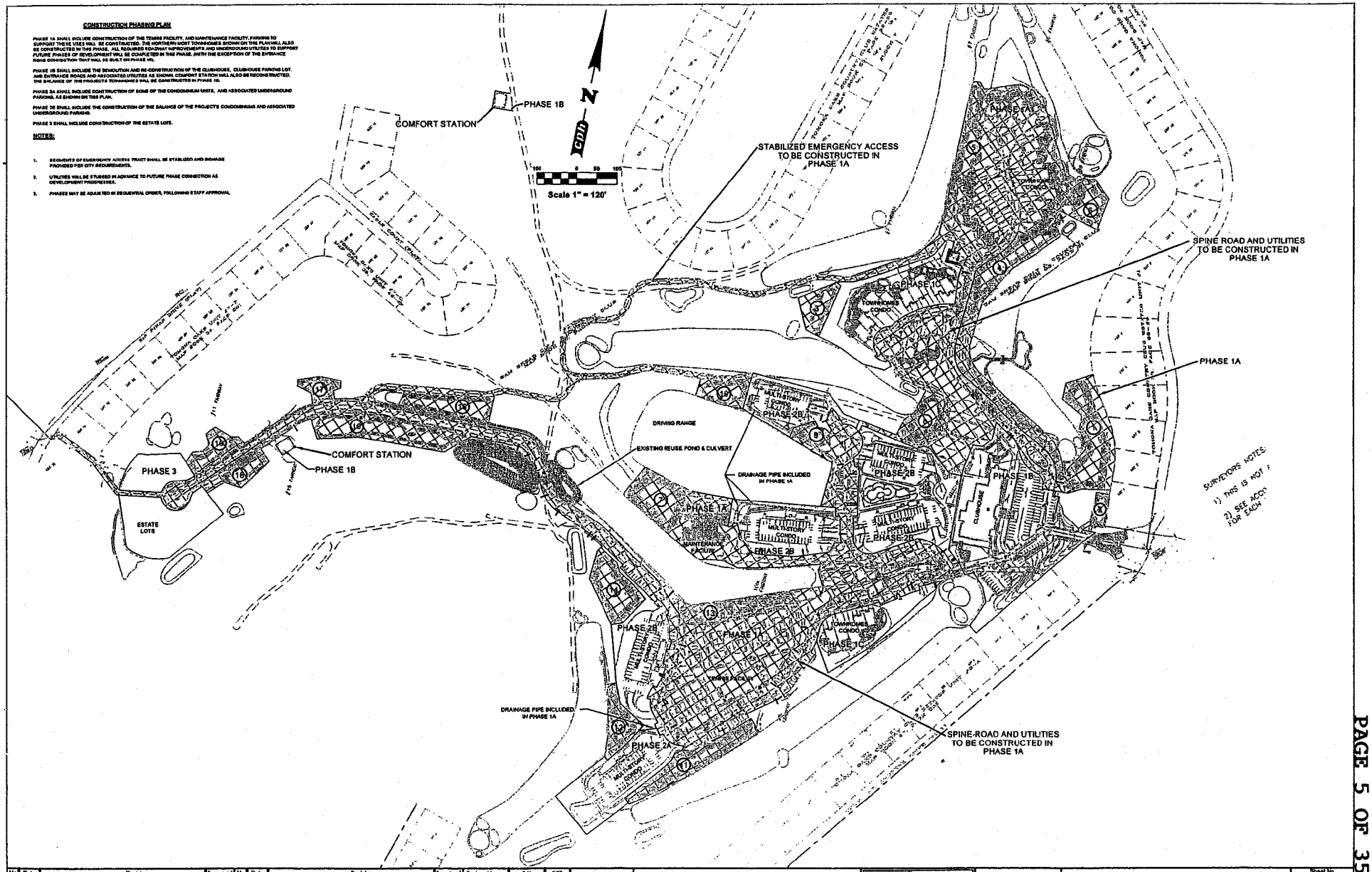
PHASE 2A SHALL INCLUDE CONSTRUCTION OF SOME OF THE CONDOMINIUM UNITS, AND ASSOCIATED UNDERGROUND PARKING, AS SHOWN ON THIS PLAN.

PHASE 2B SHALL INCLUDE THE CONSTRUCTION OF THE BALANCE OF THE PROJECT'S CONDOMINIUMS AND ASSOCIATED UNDERGROUND PARKING.

PHASE 3 SHALL INCLUDE CONSTRUCTION OF THE ESTATE LOTS.

NOTES:

1. SEGMENTS OF EMERGENCY ACCESS TRACT SHALL BE STABILIZED AND SIGNAGE PROVIDED PER CITY REQUIREMENTS.
2. UTILITIES WILL BE STUBBED IN ADVANCE TO FUTURE PHASE CONNECTION AS DEVELOPMENT PROGRESSES.
3. PHASES MAY BE ADJUSTED IN SEQUENTIAL ORDER, FOLLOWING STAFF APPROVAL.



No	Date	Revision	Approved	No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK	1			
2				2			
3				3			
4				4			

Designed by:	S.H.	6/05
Drawn by:	B.B.	6/05
Checked by:	T.H.H.	6/05
Approved by:	J.B.M.	6/05
Certificate of Authorization No. 5313		

Scale: 1"=120'
Date: June, 2005
Job No. T5701
File: T5701CPP.dwg

THE TOMOKA GOLF VILLAGE

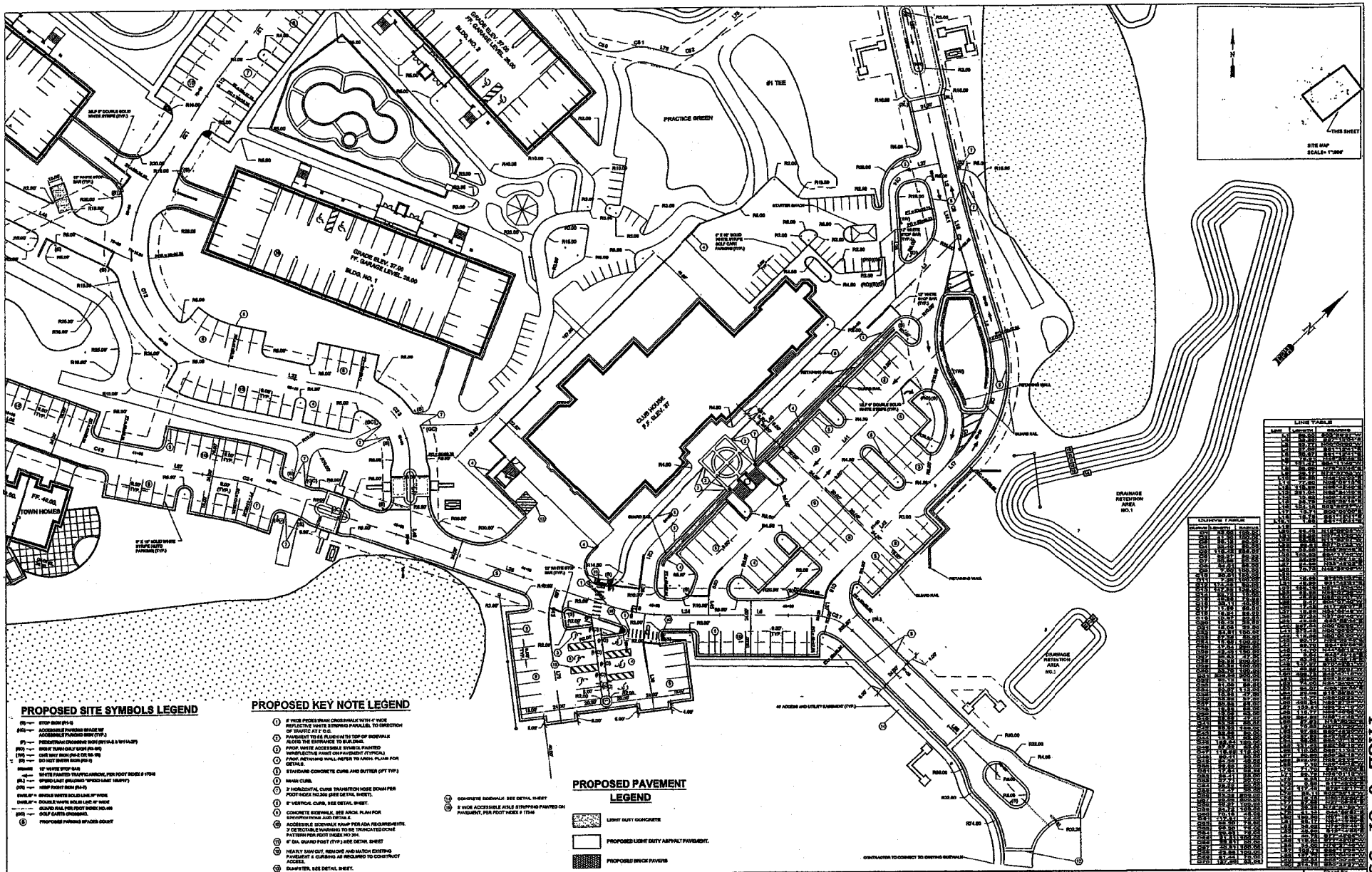
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph Engineers Planners Landscape Architects Surveyors Construction Management
www.cphengineers.com

JASON R. KELLOGG, P.E.
REG-6 56952

CONSTRUCTION PHASING PLAN

Sheet No. C6



No	Date	Revision	Approved	No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK				

Designed by:	S.H.	6/05	Scale: 1"=30'
Drawn by:	S.B.	6/05	Date: June, 2005
Checked by:	T.H.H.	6/05	Job No. T5701
Approved by:	J.B.M.	6/05	File: T5701SDP1.dwg

Certificate of Authorization No. 3315

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

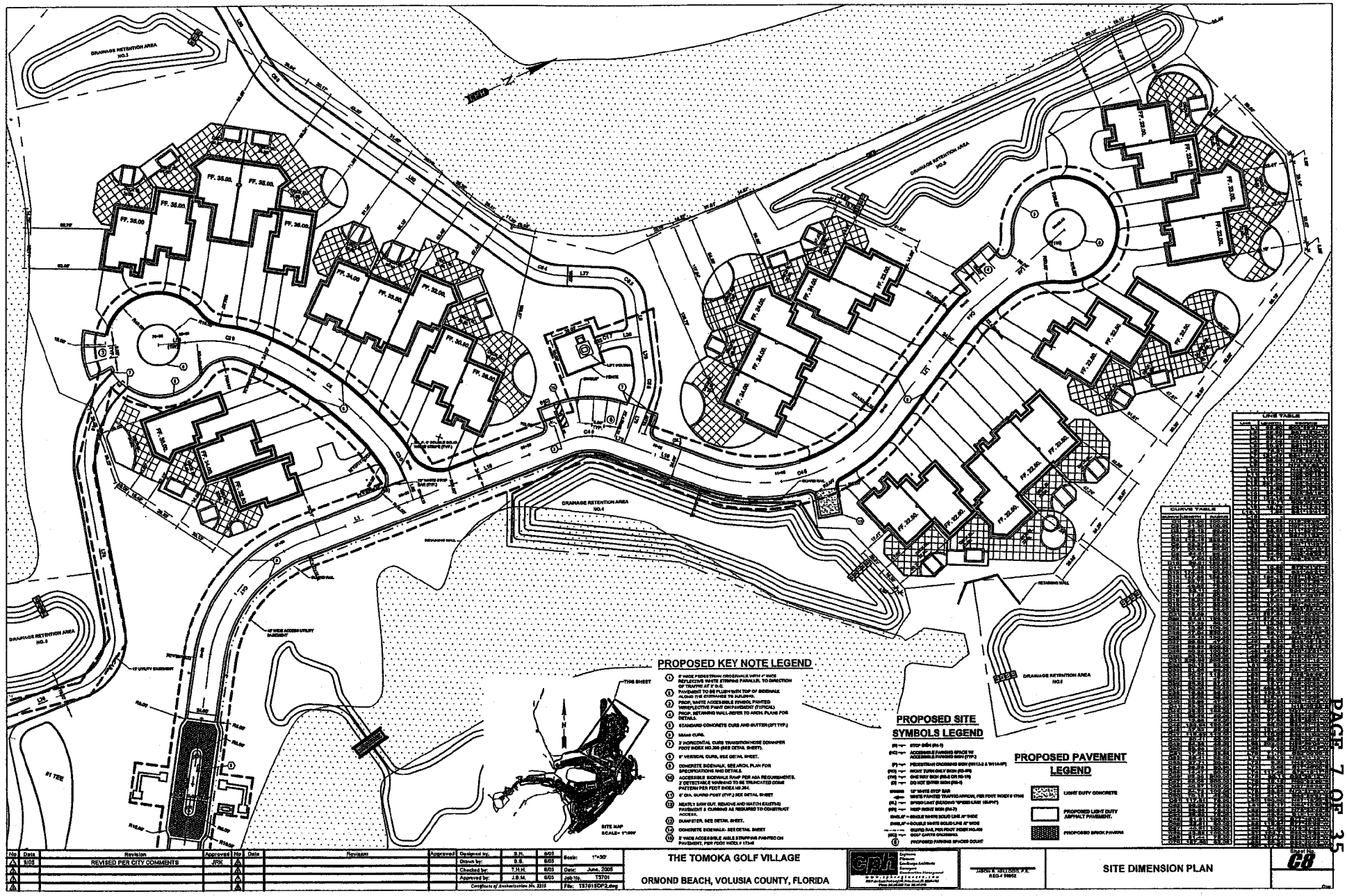
cph

JASON R. KELLOGG, P.E.
REG # 58932

SITE DIMENSION PLAN

Sheet No. C7

EXHIBIT "B"
PAGE 6 OF 35



No	Date	Revision	Approved	No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK				
2							
3							
4							

Designed by:	S.H.	6/05	Scale: 1"=30'
Drawn by:	S.S.	6/05	
Checked by:	T.H.H.	6/05	Date: June, 2005
Approved by:	J.B.M.	6/05	Job No. T3701
Certificate of Authorization No. 3315			File: T3701SDP2.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

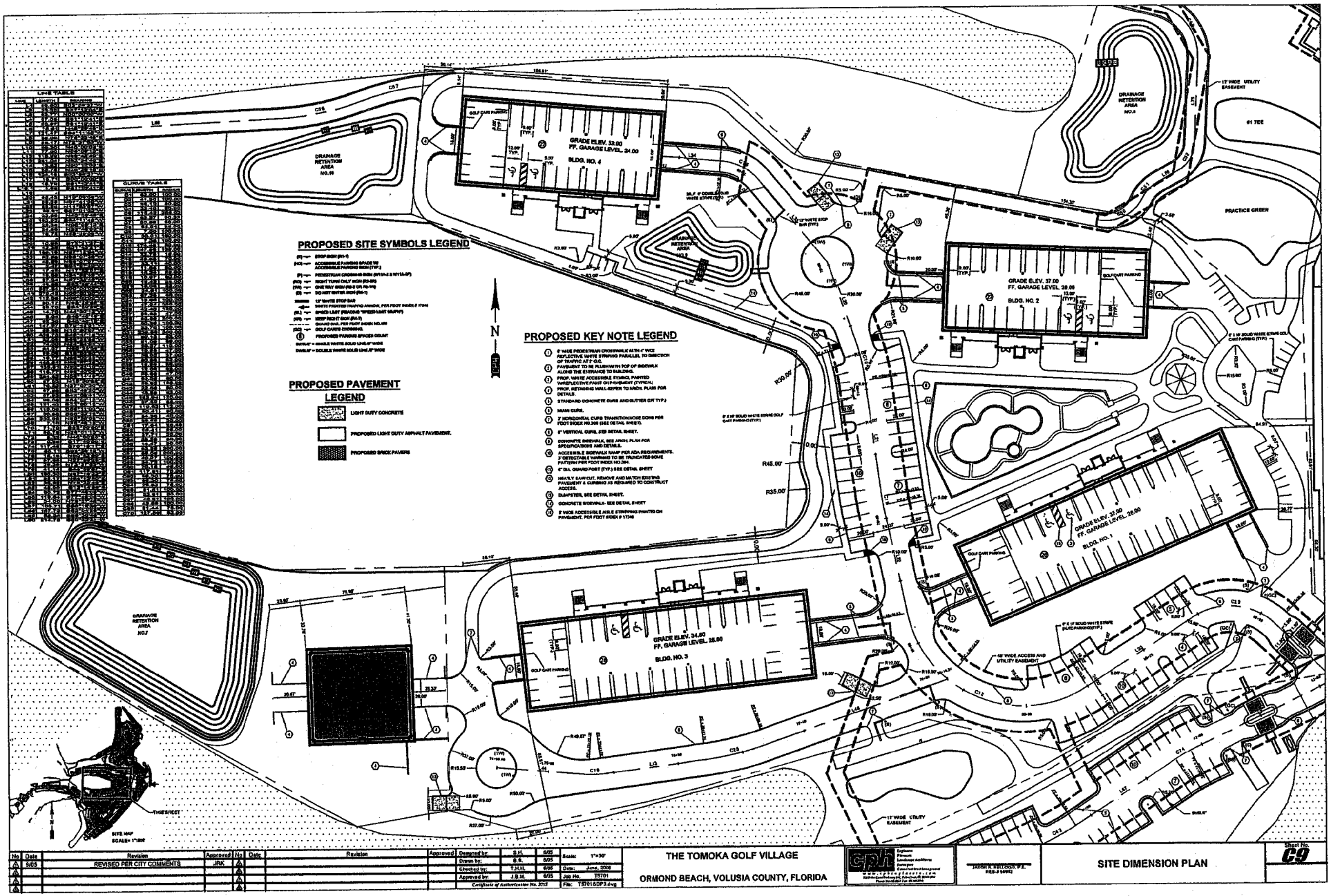
JASON R. HELLDOTH, P.E.
REG.# 58952

SITE DIMENSION PLAN

Sheet No. C8

EXHIBIT "B"
PAGE 7 OF 35

Instrument# 2006-273445 # 18
Book: 5944
Page: 2200



No	Date	Revision	Approved	No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK				
2							
3							
4							

Designed by:	S.H.	6/05
Drawn by:	B.S.	6/05
Checked by:	T.H.H.	6/05
Approved by:	J.B.M.	6/05

Certificate of Authorization No. 3215

Scale: 1"=30'
Date: June, 2005
Job No. T5701
File: T5701SDP3.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

GPH Engineers Planners Landscape Architects Surveyors
Port Orange, Florida 32127 (386) 761-2220

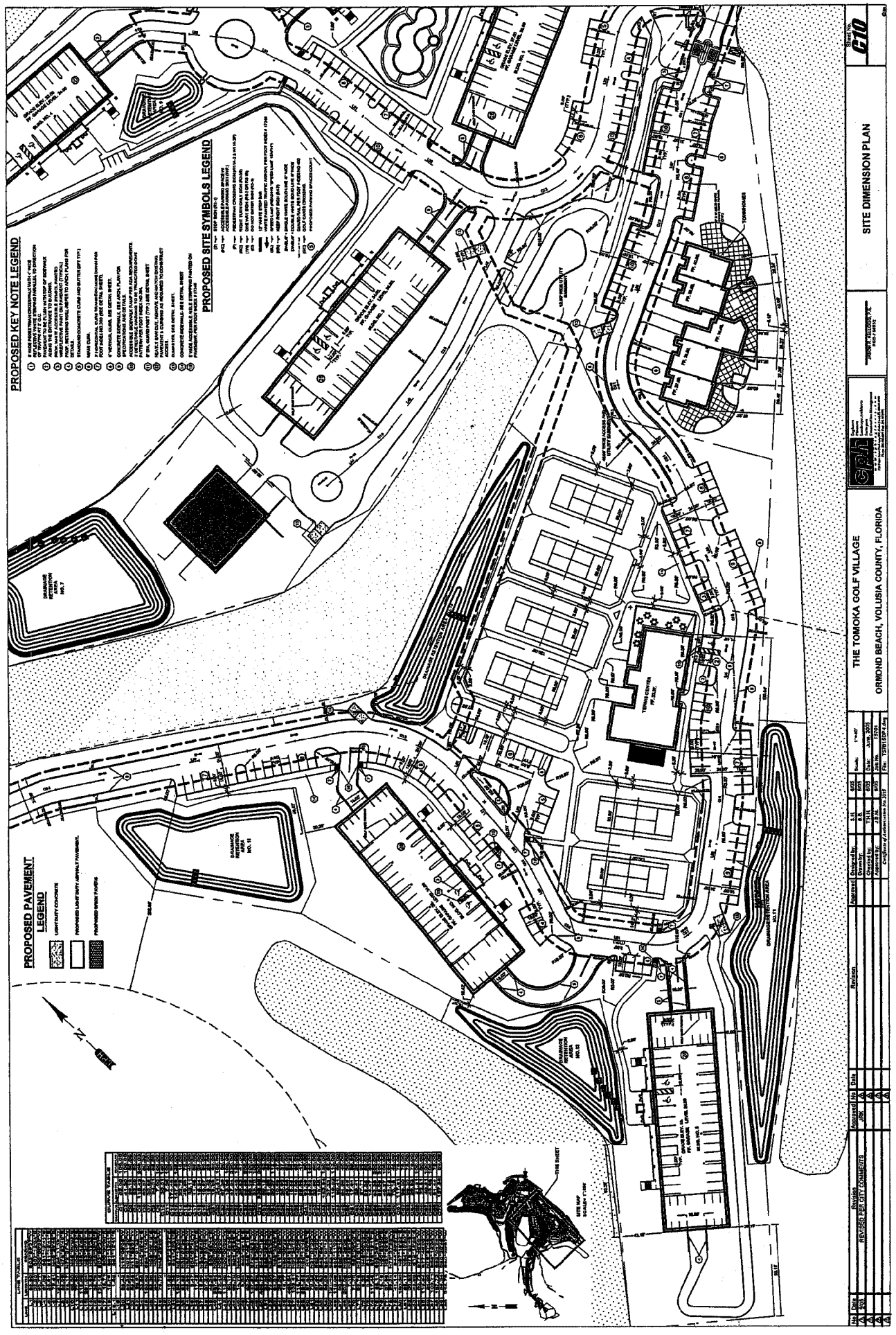
JASON R. REDDOCH, P.E.
REG.# 54992

SITE DIMENSION PLAN

Sheet No. C9

EXHIBIT "B" PAGE 8 OF 35

Instrument# 2006-273445 # 19
Book: 5944
Page: 2201



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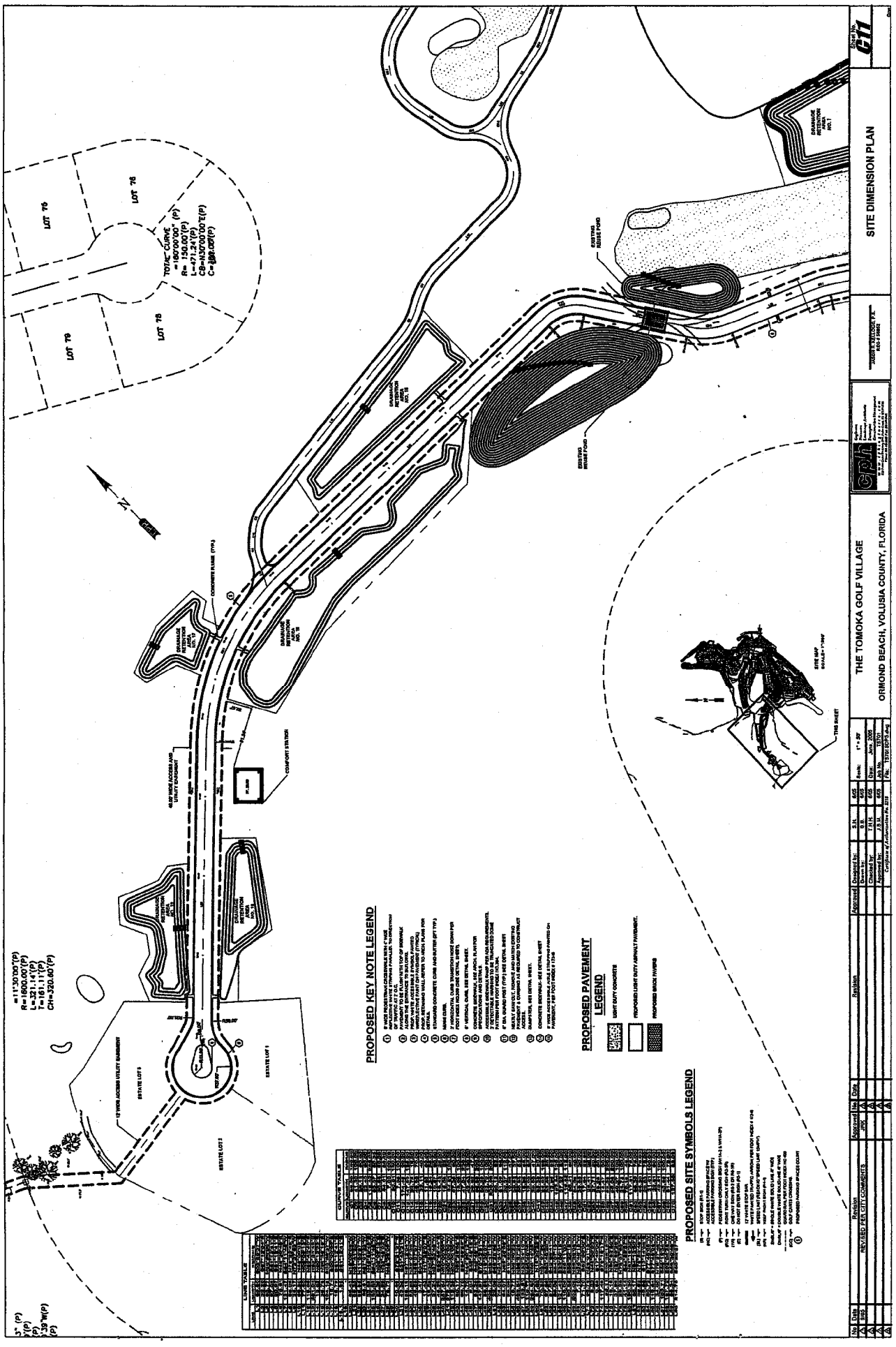

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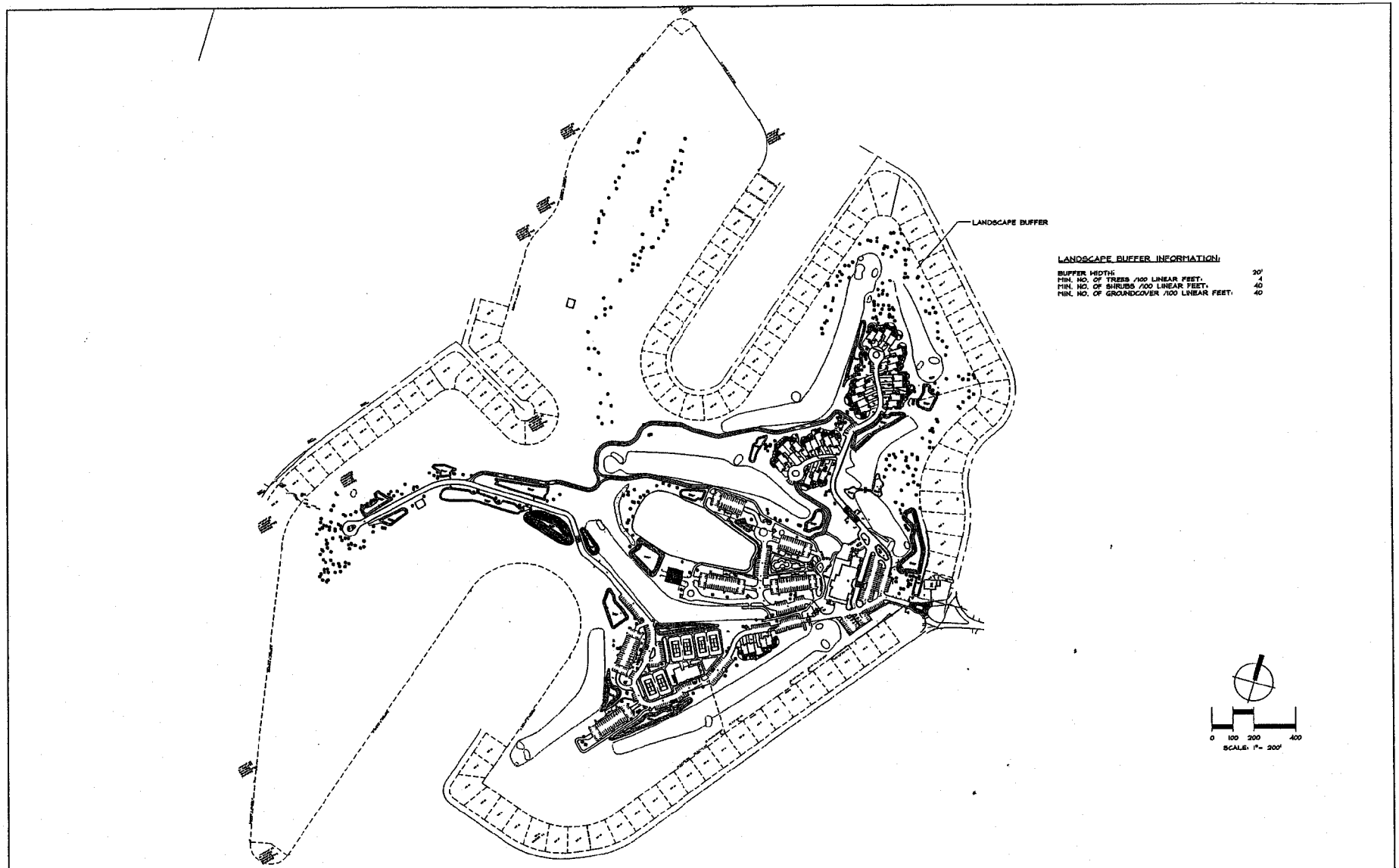
Book: 5944
Page: 2203



No	Date	Revision	Approved
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3			
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No	Date	Revision	Approved
1			
2			
3			
4			

Designed by:	GJP	6/05
Drawn by:	RDS	6/05
Checked by:	GJP	6/05
Approved by:	GJP	6/05

Certificate of Authorization No. 3115

Scale: 1" = 200'
Date: June, 2005
Job No. TS781
File: LSP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

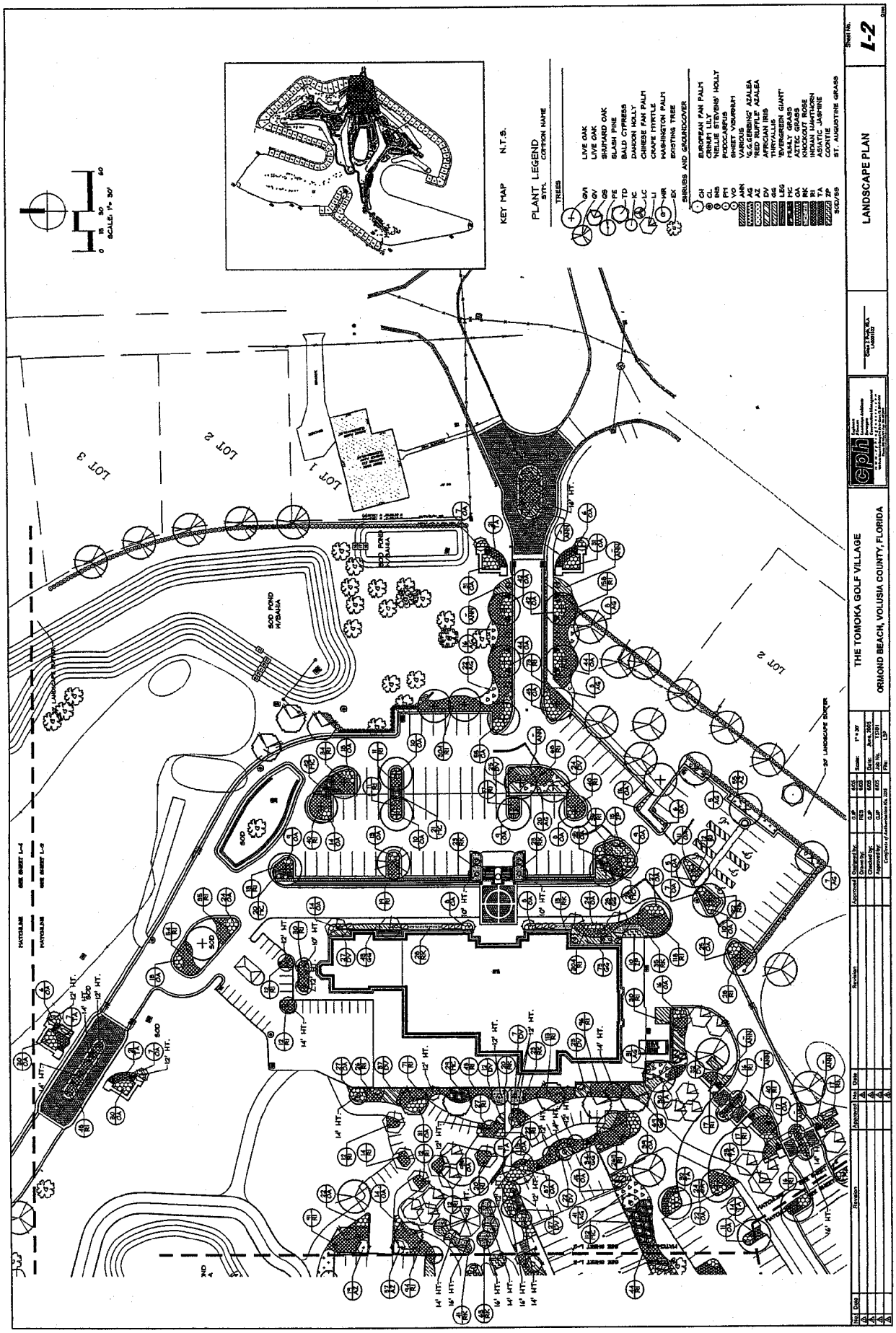
Glenn J. Pepe, RLA
LA0001539

OVERALL LANDSCAPE PLAN

Sheet No.
L-1

EXHIBIT "B"
PAGE 11 OF 35

Instrument# 2006-273445 # 22
Book: 5944
Page: 2204



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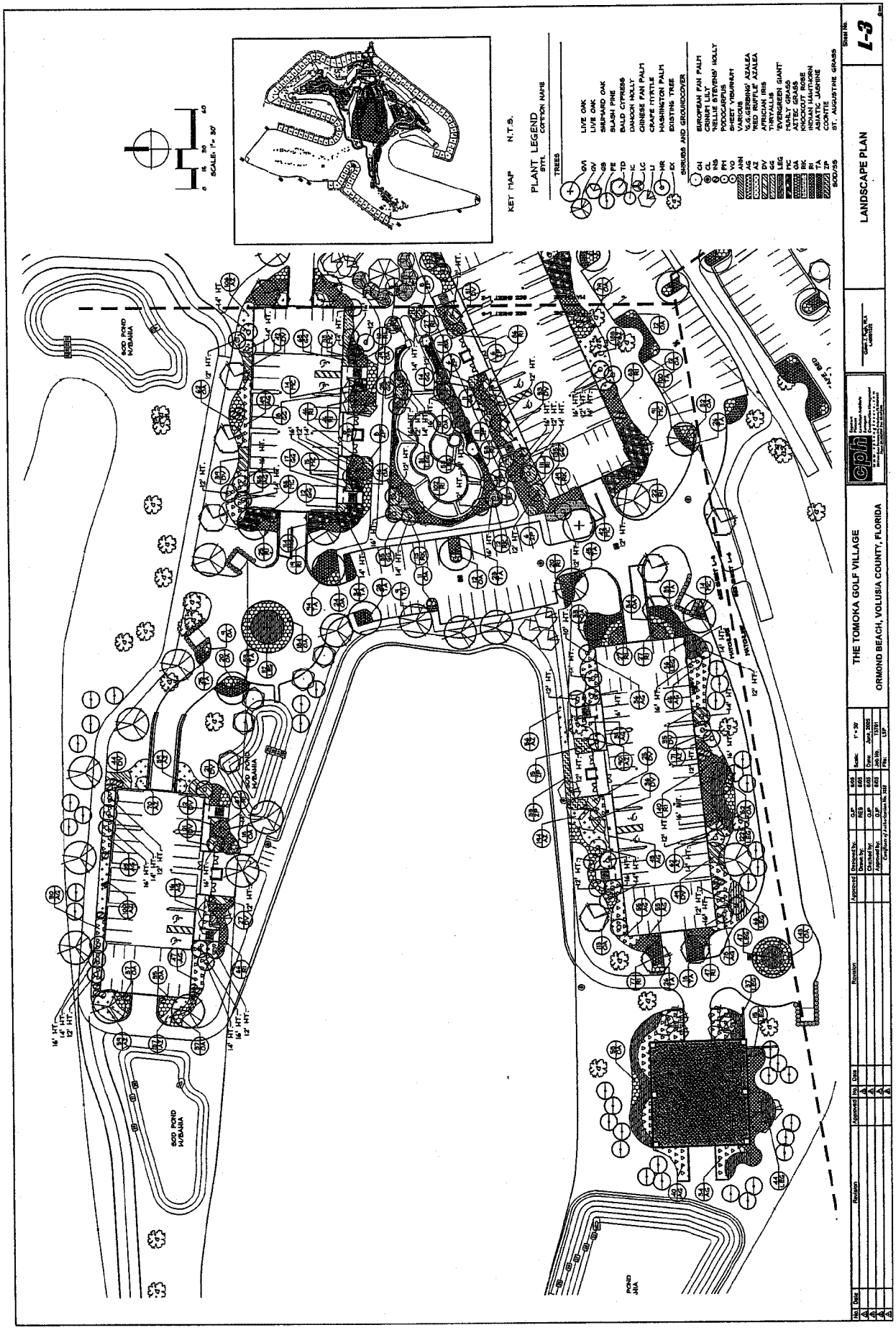
Book: 5944
Page: 2205



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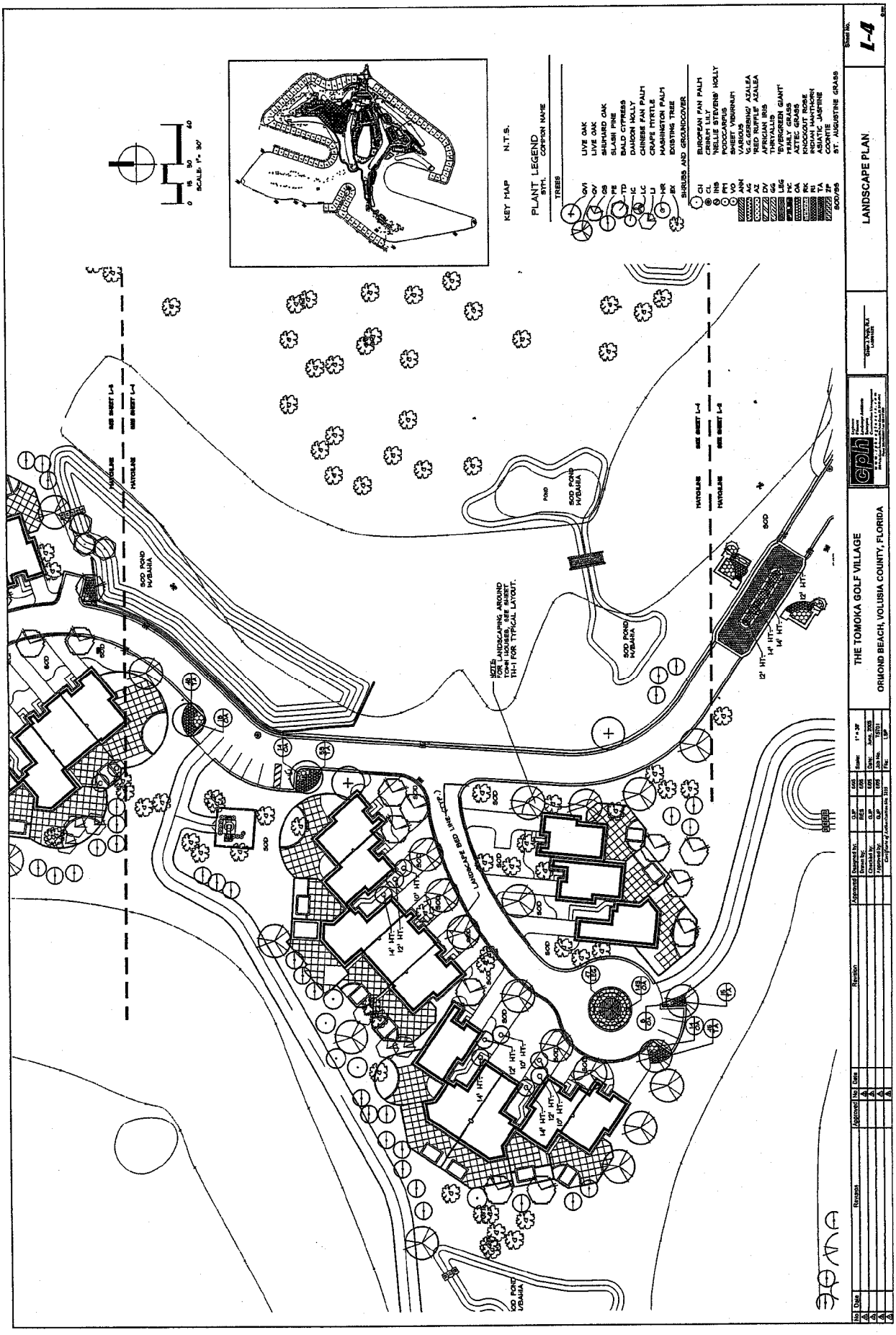

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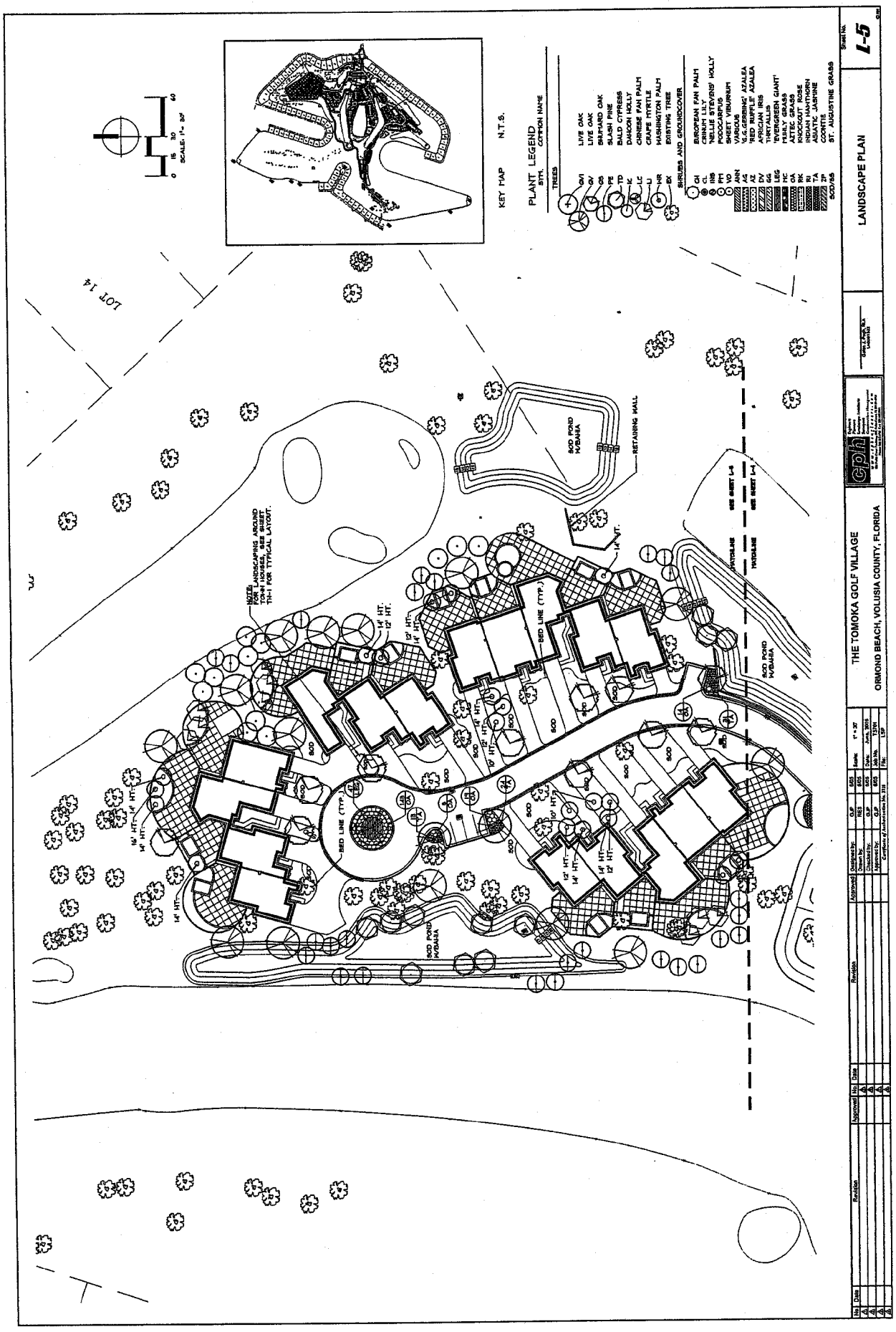

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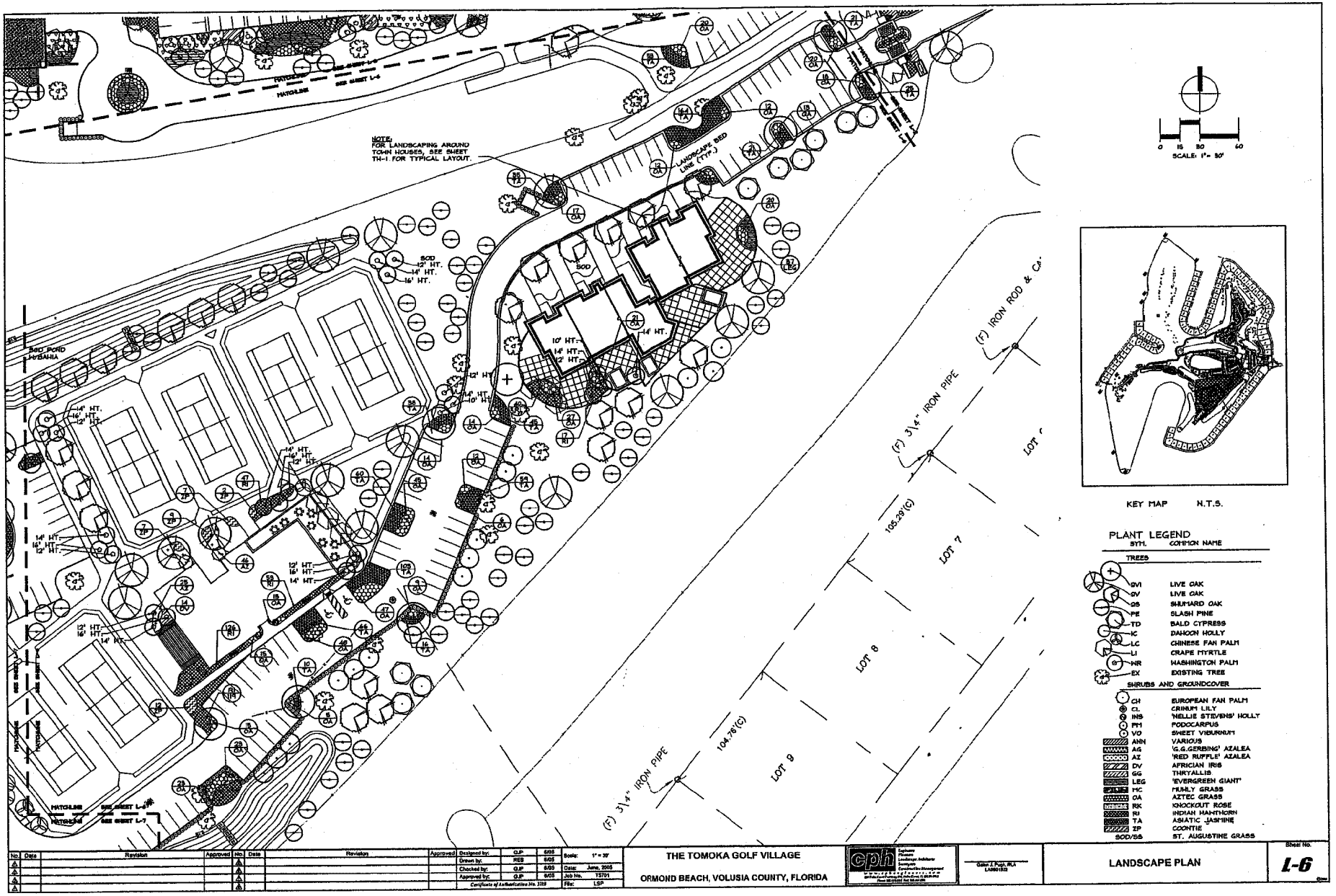

No.	Date	Revision	Approved
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No.	Date	Revision	Approved
6			
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10			

Designed by: G.P. 5/05
Drawn by: RES 5/05
Checked by: G.P. 5/05
Approved by: G.P. 5/05
Certificate of Authorization No. 3338

Scale: 1" = 30'
Date: June, 2005
Job No. 15701
File: LSP

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

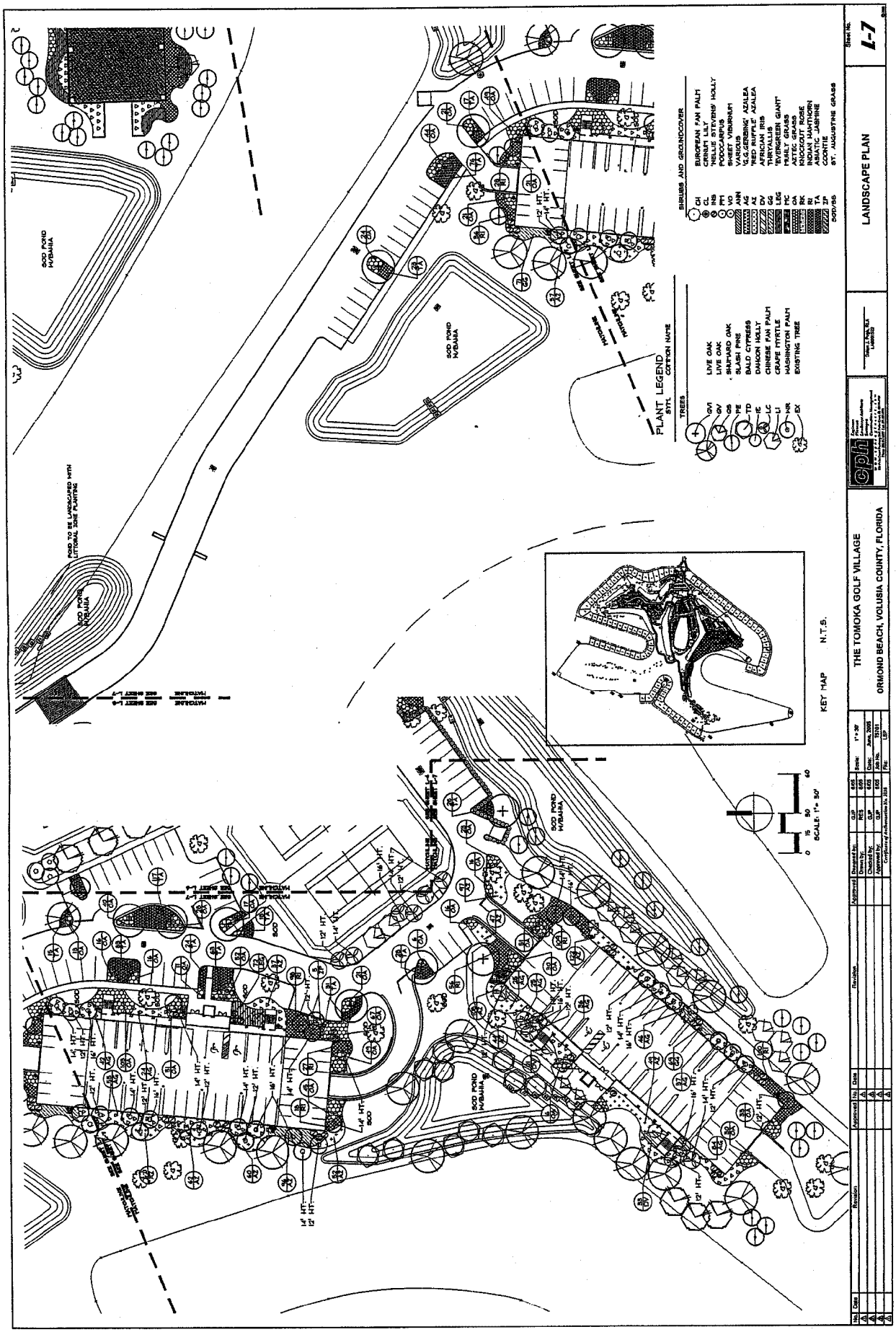
Galen J. Pugh, RLA
LA0001528

LANDSCAPE PLAN

Sheet No.
L-6

EXHIBIT "B"
PAGE 16 OF 35

Instrument# 2006-273445 # 27
Book: 5944
Page: 2209



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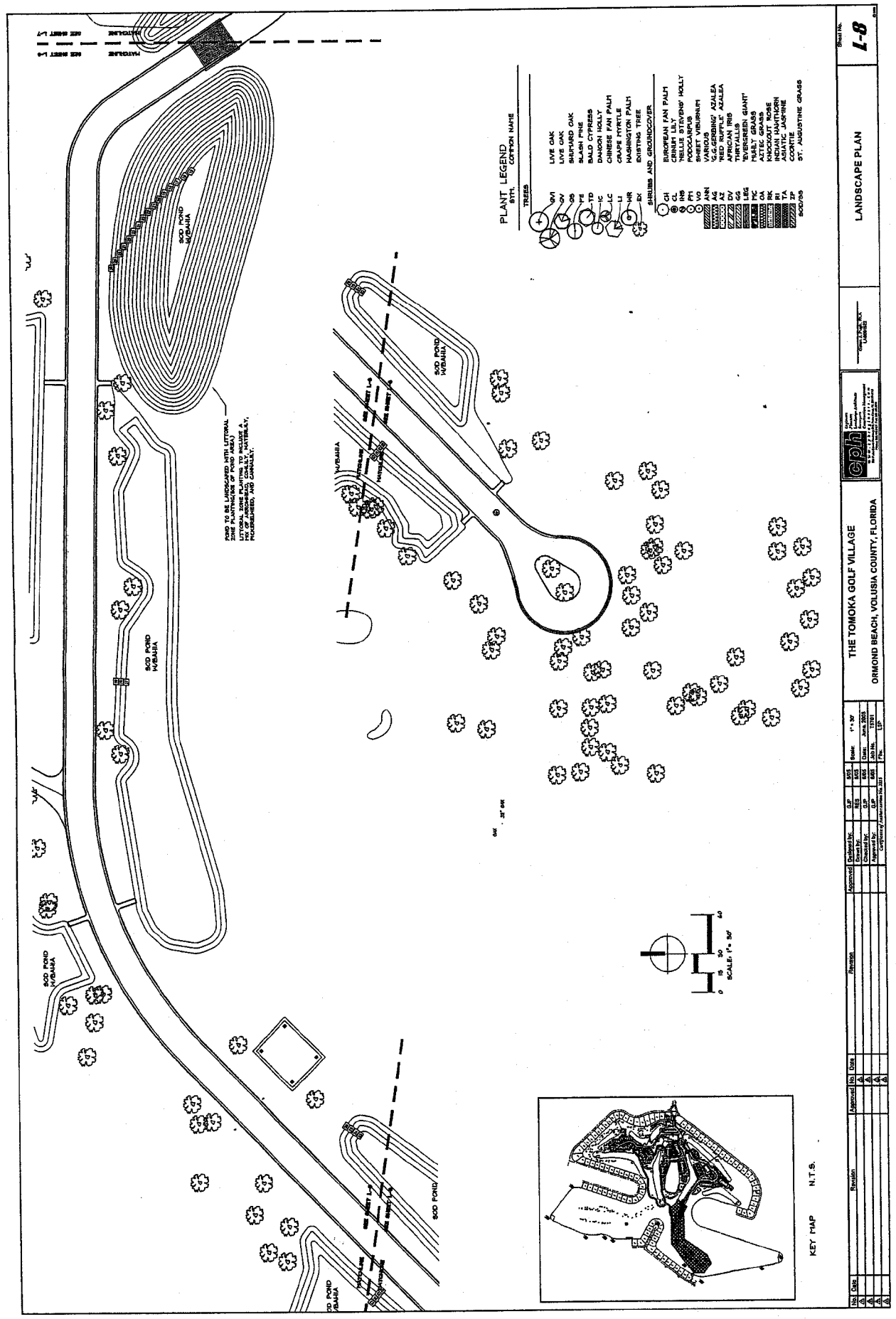
Page: 2210



Instrument# 2006-273445 # 29
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LANDSCAPE NOTES:

1. The Landscape Contractor shall be responsible for all materials and all work as called for on the Landscape Plans and in the Landscape Specifications. In the event of variation between quantities shown on plant list and the plans, the plans shall control. The Landscape Contractor shall verify all quantities and report any discrepancies at the time of bidding.
2. The Landscape Contractor shall review architectural/engineering plans and become thoroughly familiar with surface and subsurface utilities.
3. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. The Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of negligence in the execution of the work.
4. The work shall be coordinated with other trades to prevent conflicts. Coordinate the planting with the irrigation work to assure availability and proper location of irrigation flares and plants.
5. All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.
6. All plant material shall be graded Florida No. 1 or better as outlined under Grades and Standards for Nursery Plants, Part I and II, published by the Florida Department of Agriculture and Consumer Services or to the standards as given in the latest "American Standard for Nursery Stock," American National Standards Institute.
7. The Landscape Architect or Owner shall have the right, at any stage of the operations, to reject any and all work and materials which, in his opinion, do not meet with the requirements of these specifications.
8. Except as otherwise specified, the Landscape Contractor's work shall conform to accepted horticultural practices as used in the trade.
9. The minimum acceptable size of all plants, measured after pruning, with branches in normal positions, shall conform to the measurements specified on the plant list, or as indicated on the Landscape drawings. Height and spread dimensions refer to main body of the plant and not extreme branch tip to tip. The caliper of tree trunks is to be taken one foot above the ground level.
10. Plants shall be protected upon arrival at the site, by being thoroughly watered and properly maintained until planted.
11. All tree pits shall be excavated to size and depth in accordance with the USDA Standard for Nursery Stock 260.1, unless shown otherwise on the drawings, and backfilled with the specified planting soil. The Landscape Contractor shall test fill all tree pits with water before planting to assure proper drainage percolation is available.
12. The Landscape Contractor shall be responsible for proper watering of all plants. All plants shall be thoroughly watered at time of planting and kept adequately watered until time of acceptance. It shall be the Landscape Contractor's responsibility to assure that plants are not over watered.
13. It shall be the Landscape Contractor's responsibility to prevent plants from falling or being blown over, to reset/replant and replant all plants which have or fall and to replace all plants which are damaged due to lack of proper guying or staking. The Landscape Contractor shall be legally liable for any damages caused by instability of any plant material.
14. All trees and all palms shall be guyed or staked or braced. The Landscape Contractor shall determine which small or multi-trunk trees need to be guyed and staked to maintain plants. Staking of trees and shrubs, if required, shall be done as per staking and guying detail prepared by the Landscape Architect. It shall be the responsibility of the Landscape Contractor to remove guys and stakes from the trees and job site after a period of 90 days.
15. Plants blown over by high winds, within the guaranteed period, shall not be cause for additional expense to the Owner, but shall be the responsibility of the Landscape Contractor. Damaged plants shall be replaced by the Landscape Contractor at no additional cost to the Owner.
16. Sod shall be certified to be free of the imported fire ant. Sod shall have a dense growth of acceptable grass, reasonably free of weeds with not less than 1 1/2" of soil firmly adhering to roots. It shall be the responsibility of the Landscape Contractor to measure and determine the exact ground required. This amount shall be verified with the Owner or Landscape Architect before installation.
17. The Landscape Contractor shall insure adequate vertical drainage in all plant beds, planters, and sod areas. Vertical drilling through any compacted fill to native soil shall be accomplished to insure drainage. If such drained fill is necessary to assure positive drainage, this issue shall be brought up by the Landscape Contractor at time of bidding.
18. The Landscape Contractor shall insure that his work does not interrupt established or projected drainage patterns.
19. The Landscape Contractor shall prune, shape and remove dead foliage/limbs from existing plant material to remain. Confirm with the Landscape Architect or Owner the extent of work required at time of bidding.
20. Mulch - All plant beds shall be top dressed with 3" shredded hardwood mulch (or approved equal).
21. Transplanted Material - The Landscape Contractor shall be responsible for determining and evaluating which plant materials are suitable for transplanting and shall verify this with the Landscape Architect or Owner. The Landscape Contractor shall take all reasonable, horticulturally acceptable measures to assure the successful transplanting of determined plant materials. The Landscape Contractor shall be responsible for replacing any relocated plant materials which die if such measures are not taken, as determined by the Landscape Architect or Owner. Replacement plants shall be of identical species and size if required.
22. MAINTENANCE PRIOR TO FINAL INSPECTION AND ACCEPTANCE:

    Maintenance shall commence after each plant is planted and the maintenance period shall continue until the job or possible phase of the job is accepted by the Landscape Architect or Owner. Extreme care shall be taken to instruct the Owner or his representatives in general maintenance procedures.

    Plant maintenance shall include watering, pruning, weeding, cultivating, mulching, tightening, and repairing of guys, replacement of stakes or dead plants, resetting plants to proper grades or upright positions and restoration of the planting saucer and all other care needed for proper growth of the plants.

    During the maintenance period and up to the date of final acceptance, the Landscape Contractor shall do all seasonal spraying and/or dusting of trees and shrubs. Upon completion of all planting, an inspection for acceptance of work will be held. The Landscape Contractor shall notify the Landscape Architect or Owner for scheduling of the inspection 10 days prior to the anticipated date.

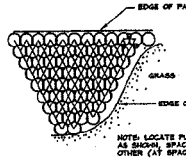
    At the time of the inspection, if all of the materials are acceptable, a written notice will be given by the Landscape Architect or Owner to the Landscape Contractor stating the date when the Maintenance Period ends.

    GUARANTEE AND REPLACEMENT:

    All plant materials shall be guaranteed for one (1) year from the time of final inspection and interim acceptance shall be alive and in satisfactory growth for each specific kind of plant at the end of the guaranteed period.

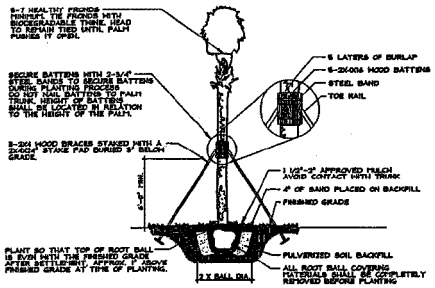
    At the end of the guarantee period, any plant required under this contract that is dead or not in satisfactory growth, as determined by the Owner or the Landscape Architect, shall be removed and replaced. Replacement plants shall have an extended guarantee, as noted above, from time of replacement.

    All replacements shall be planted of the same kind and size as specified on the plant list. They shall be the responsibility of the Landscape Contractor.

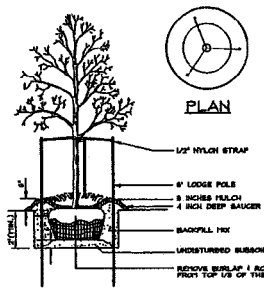


NOTE: LOCATE PLANTS IN A TRIANGULAR PATTERN AS SHOWN, SPACED EQUIDISTANT FROM EACH OTHER (AT SPACING SPECIFIED IN THE PLANT LIST).

SHRUB/GROUNDCOVER SPACING PLAN
N.T.S.

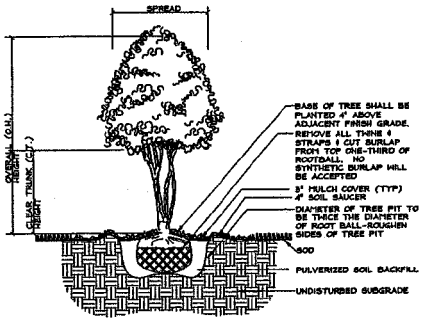


PALM STAKING DETAIL
N.T.S.

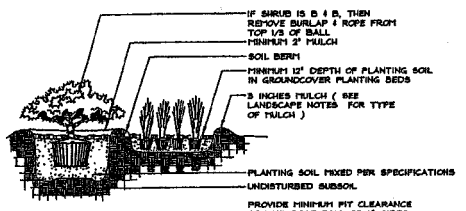


NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.

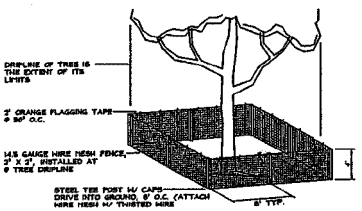
TREE PLANTING
N.T.S.



MULTI TRUNK TREE PLANTING DETAIL
NTS



SHRUB AND GROUNDCOVER PLANTING DETAIL
NTS



TREE PROTECTION DETAIL
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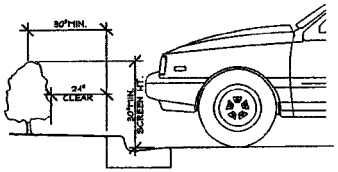
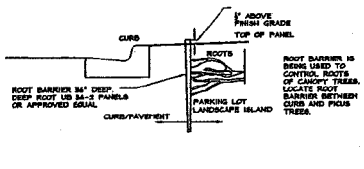


NOTES:
INSTALL HEDGE ALONG PARKING BAYS A MINIMUM OF 30" BEHIND BACK OF CURB TO ALLOW FOR 24" VEHICULAR OVERHANG. AT TIME OF INSTALLATION, HEDGE SHALL SCREEN A MINIMUM OF 30" ABOVE FINISH GRADE OF PARKING STALLS.

TYPICAL SECTION - HEDGE INSTALLATION
N.T.S.



ROOT BARRIER DETAIL
N.T.S.
(TO BE USED IN ALL PARKING LOT ISLANDS)

PLANT LIST

SYM.	QTY.	BOTANICAL NAME	COMMON NAME	DESCRIPTION
TREES				
QVI	57 *	QUERCUS VIRGINIANA	LIVE OAK	4 1/2" CAL., 16' HT MIN
QV	191 *	QUERCUS VIRGINIANA	LIVE OAK	2 1/2" CAL, 10' HT MIN, 4' SPRD
QS	67 *	QUERCUS SHUMARDII	SHUMARD OAK	2 1/2" CAL, 10' HT MIN, 4' SPRD
PE	168 *	PINUS ELLIOTTI	SLASH PINE	30 GAL, 7'-8' HT MIN
TD	97	TAXODIUM DISTICHUM	BALD CYPRESS	2 1/2" CAL, 10' HT MIN
IC	33 *	ILEX CASSINE	DAHOON HOLLY	2" CAL, 10' HT MIN
LC	42 *	LIVINSTONA CHINENSIS	CHINESE FAN PALM	10'-16' O.A., AS SHOWN
LI	88 *	LAGERSTROEMIA INDICA	CRAPE MYRTLE	30 GAL, 8-8 STEM, 7' HT MIN
WR	175 *	WASHINGTONIA ROBUSTA	WASHINGTON PALM	10'-16' CT, AS SHOWN
EX	452	EXISTING TREE	VARIOUS	-
SHRUBS AND GROUNDCOVER				
CH	45 *	CHAMAEROPS HUMILIS	EUROPEAN FAN PALM	7 GAL, 36" MIN HT
CL	169	CRINUM ASIATICUM	CRINUM LILY	3 GAL., 24" HT MIN., 36" O.C.
INS	101	ILEX 'NELLIE R. STEVENS'	'NELLIE STEVENS' HOLLY	7 GAL, 36" HT. MIN., 36" O.C.
PM	60	PODOCARPUS MACROPHYLLUS	PODOCARPUS	3 GAL., 24" HT MIN., 36" O.C.
VO	612	VIBURNUM ODORATISSIMUM	SWEET VIBURNUM	3 GAL., 30" HT MIN., 36" O.C.
ANN	-	ANNUALS	VARIOUS	--
AG	1335	RHODODENDRON 'MRS. G.G.GERBING'	'G.G.GERBING' AZALEA	5 GAL., 12" HT., FULL, 36" O.C.
AZ	2152	RHODODENDRON 'RED RUFFLE'	'RED RUFFLE' AZALEA	3 GAL., 12" HT., FULL, 24" O.C.
DV	734 *	DIETES VEGETA	AFRICIAN IRIS	1 GAL., FULL., 24" O.C.
GG	726	GALPHIMIA GRACILIS	THRYALLIS	3 GAL., 12" HT., FULL, 24" O.C.
LEG	1067 *	LIRIOPE 'EVERGREEN GIANT'	'EVERGREEN GIANT'	3 GAL, 10" HT.; 6"-8" PPP , 30" O.C.
MC	628 *	MUHLENBERGIA CAPILLARIS	MUHLY GRASS	3 GAL., 10" HT., FULL, 30" O.C.
OA	4085 *	OPHIOPOGON 'ARGENTEOMARGINATUS'	AZTEC GRASS	1 GAL., FULL, 6-8 PPP, 24" O.C.
RI	4647	RHAPHIOLEPIS INDICA	INDIAN HAWTHORN	3 GAL., 12"-15" HT MIN., 30" O.C.
RK	335	ROSA 'KNOCKOUT'	KNOCKOUT ROSE	3 GAL., 24" HT MIN., 30" O.C.
TA	2155 *	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE	1 GAL., FULL, 6-8 PPP, 24" O.C.
ZP	185 *	ZAMIA PUMILA	COONTIE	3 GAL., 18" HT MIN., 36" O.C.
SOD/SS	BY CONTR.	STENOTAPHRUM SECUNDATUM	ST. AUGUSTINE GRASS	SOLID SOD, CONTRACTOR TO VERIFY QTY.

* - INDICATES PLANTS THAT ARE DROUGHT TOLERANT PER "WATERWISE" FLORIDA LANDSCAPE MANUAL PUBLISHED BY FLORIDA'S WATER MANAGEMENT DISTRICT APRIL 2004 ISSUE.

NOTE:
PLANT DESCRIPTIONS ARE FOR MINIMUM ACCEPTABLE SPECIFICATIONS. ALL CRITERIA LISTED FOR CONTAINER SIZE, CALIPER, HEIGHT, SPREAD, ETC. MUST BE MET FOR PLANT MATERIAL ACCEPTANCE. FOR EXAMPLE, IF A THREE GALLON SHRUB DOES NOT MEET THE HEIGHT OR SPREAD SPECIFICATION, IT WILL NOT BE ACCEPTED.

IF SPECIFIED PLANTS ARE UNAVAILABLE AT TIME OF CONSTRUCTION, CONTRACTOR MAY REPLACE SPECIFIED PLANTS WITH PLANTS APPROVED BY LANDSCAPE ARCHITECT AND CITY STAFF.

ALL OPEN SPACE OR DISTURBED AREAS WITHIN THE CONSTRUCTION LIMITS SHALL BE SODDED UNLESS PAVED, SEEDED AND MULCHED OR PLANTED WITH SHRUBS AND GROUND COVER.

No.	Date	Revision	Approved
1			
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Designed by:	GJP
Drawn by:	RES
Checked by:	GJP
Approved by:	GJP
Certificate of Authorization No. 3119	
Scale:	N/A
Date:	June, 2005
Job No.	T5701
File:	L&P

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph Engineers, Planners, Landscape Architects, Surveyors, Construction Management

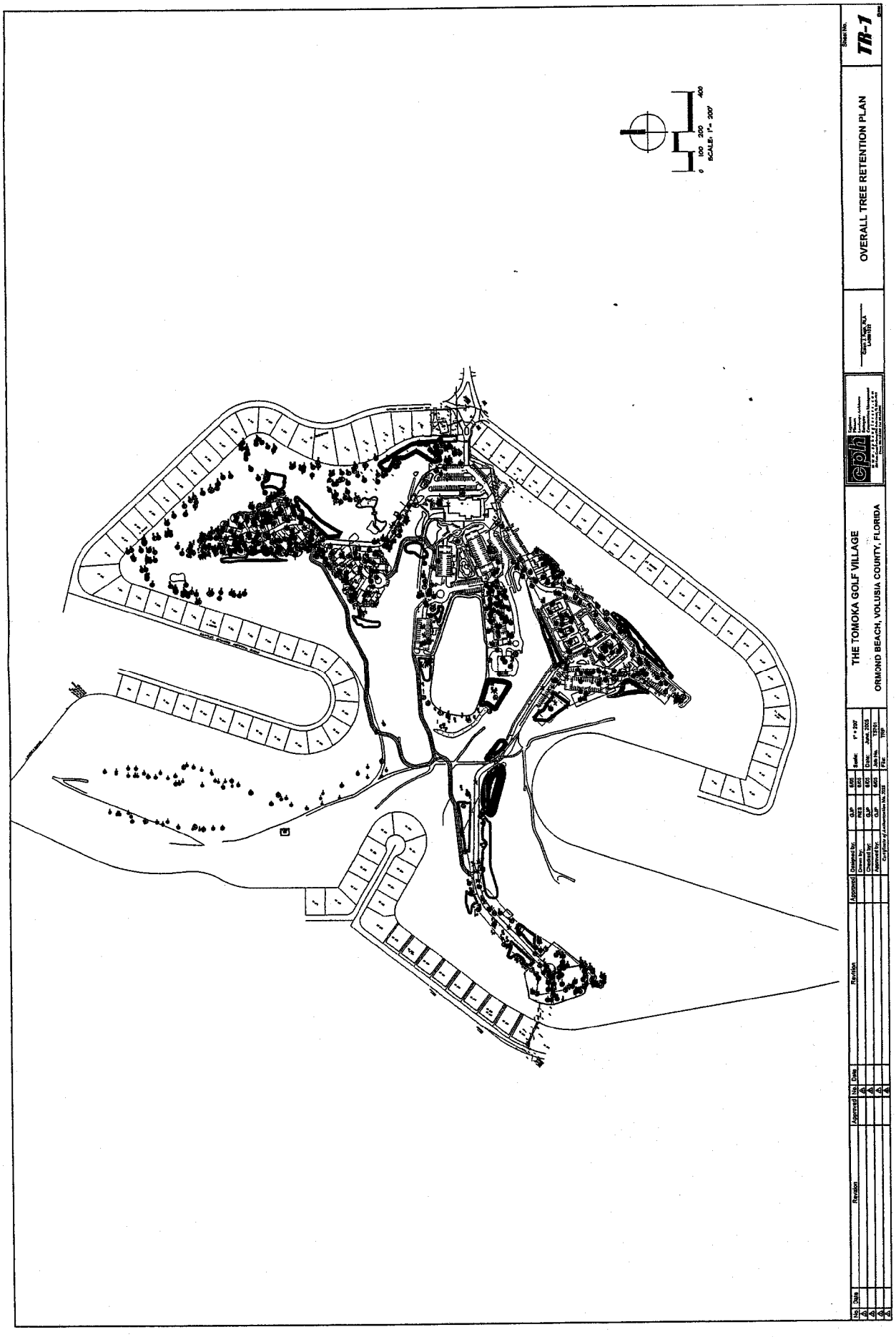
Galen J. Pugh, RLA LA0001522

LANDSCAPE NOTES AND DETAILS

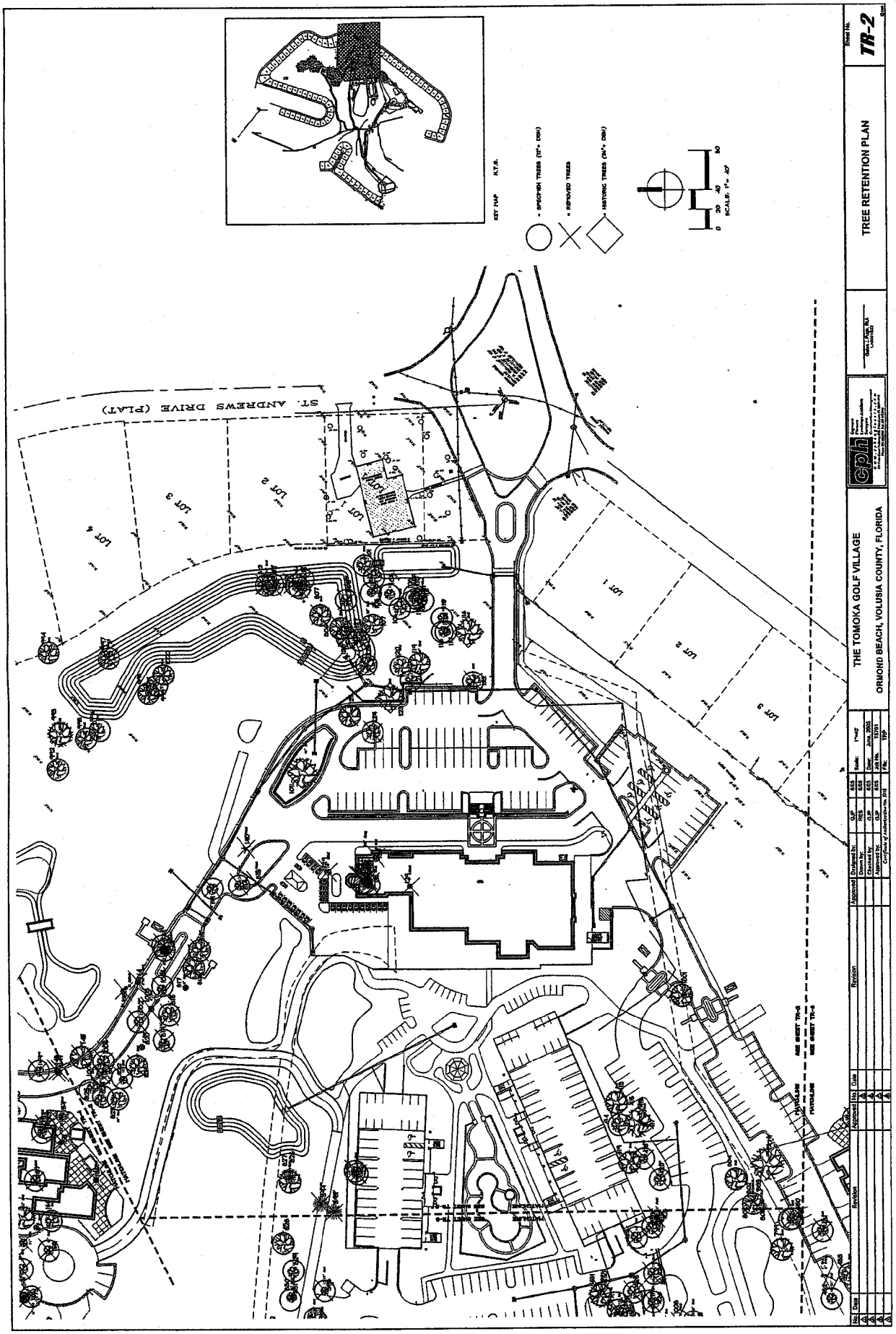
Sheet No. L-9

EXHIBIT "B"
PAGE 19 OF 35

Instrument# 2006-273445 # 30
Book: 5944
Page: 2212



Instrument# 2006-273445 # 31
Book: 5944
Page: 2213



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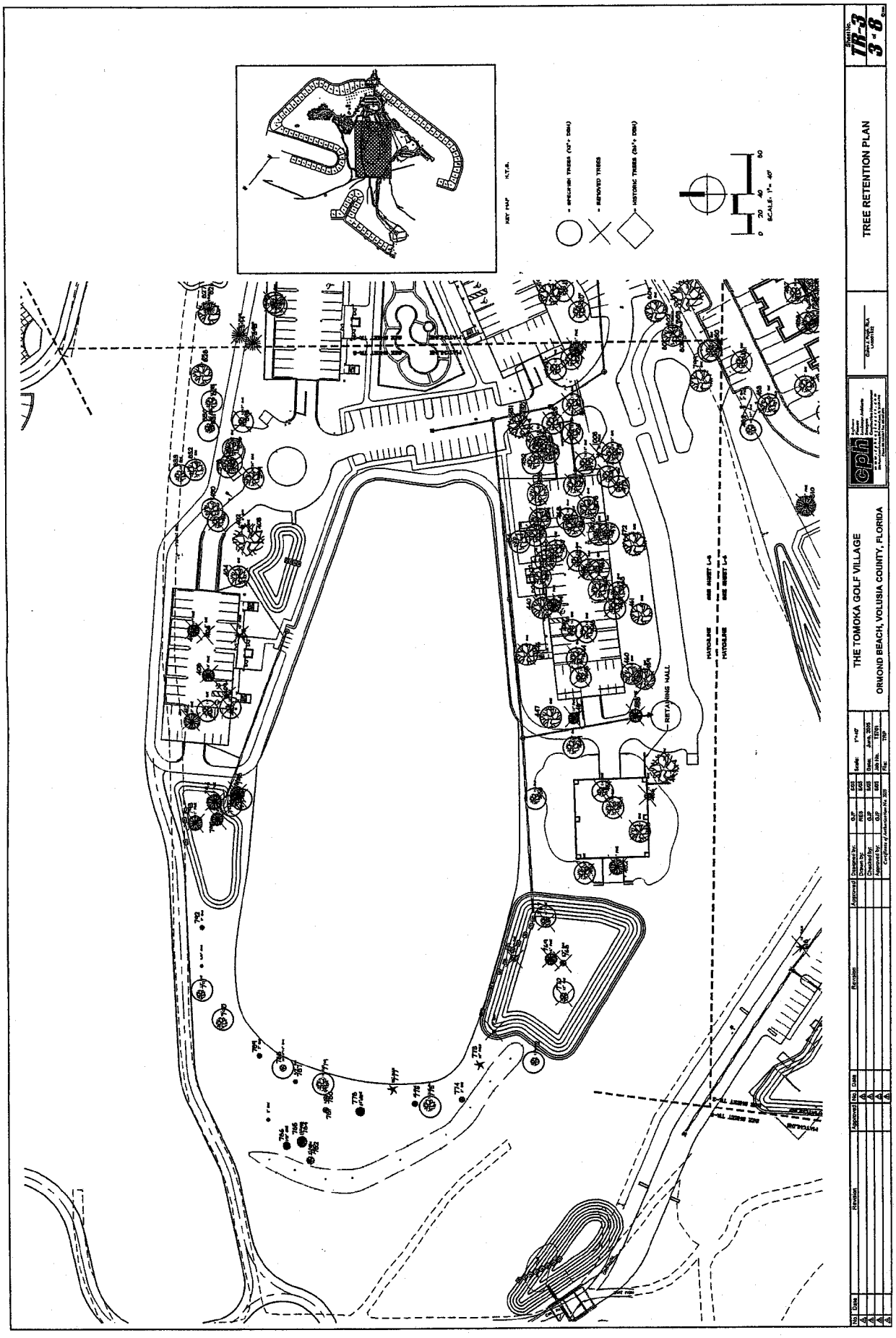

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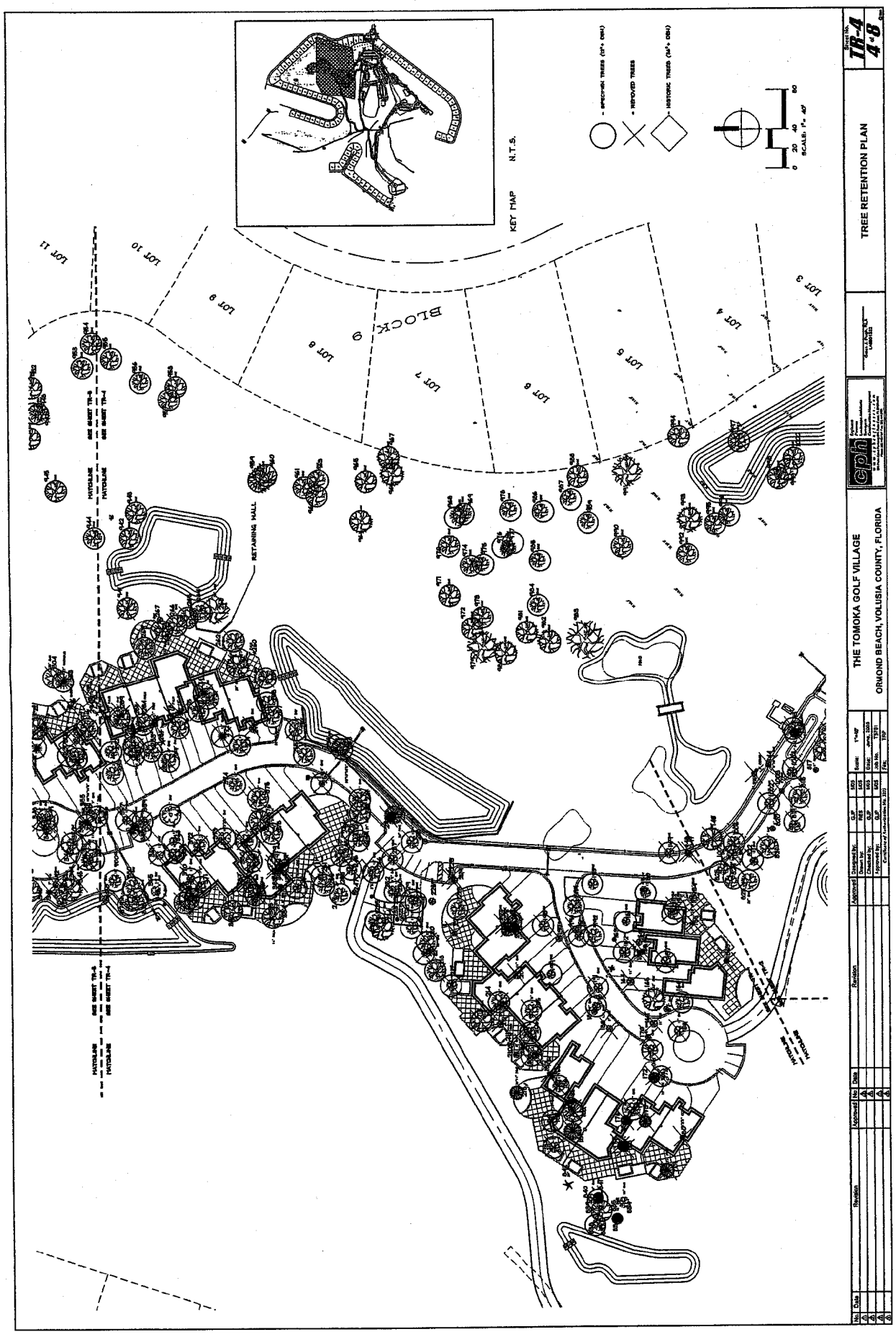

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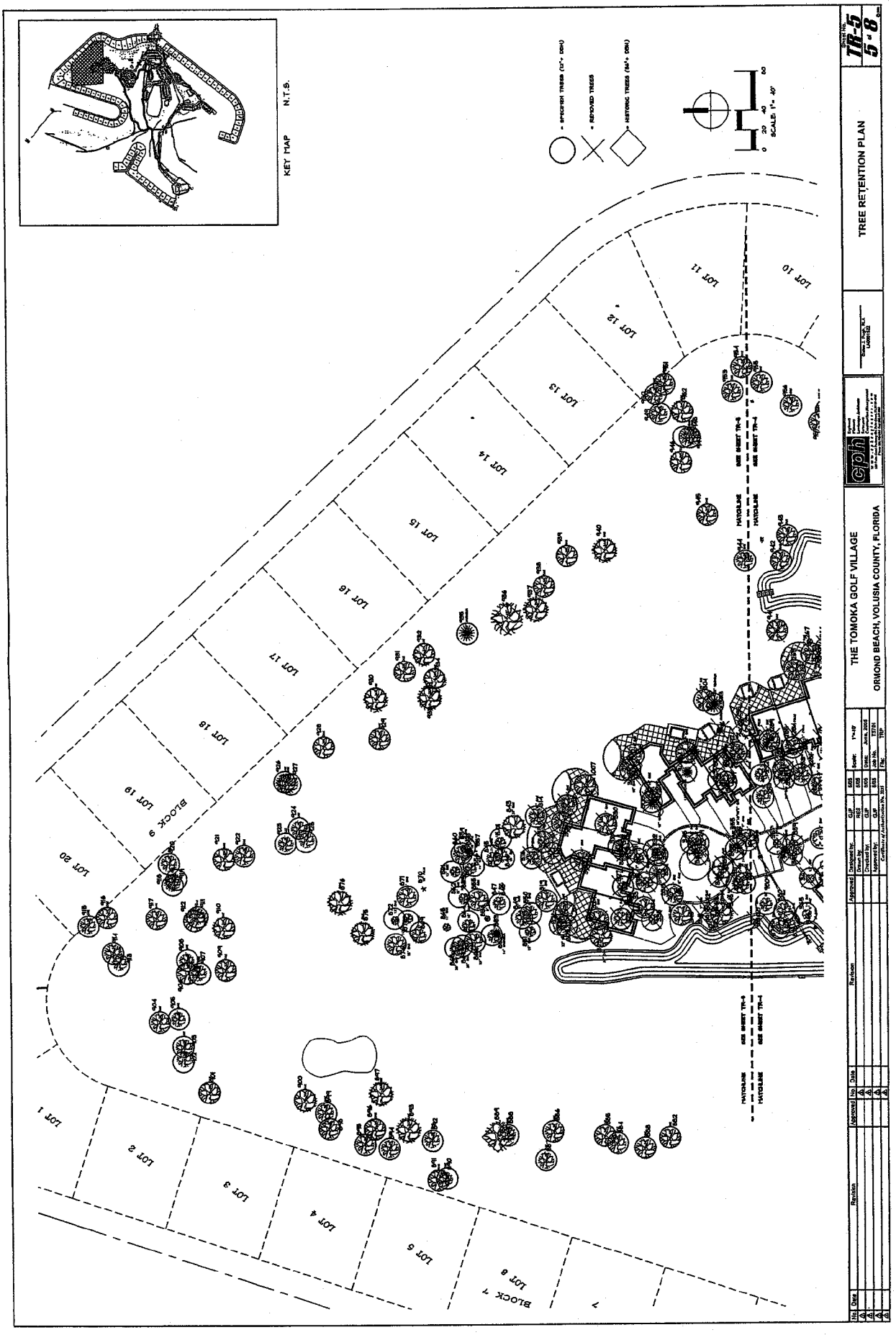

Instrument# 2006-273445 # 35
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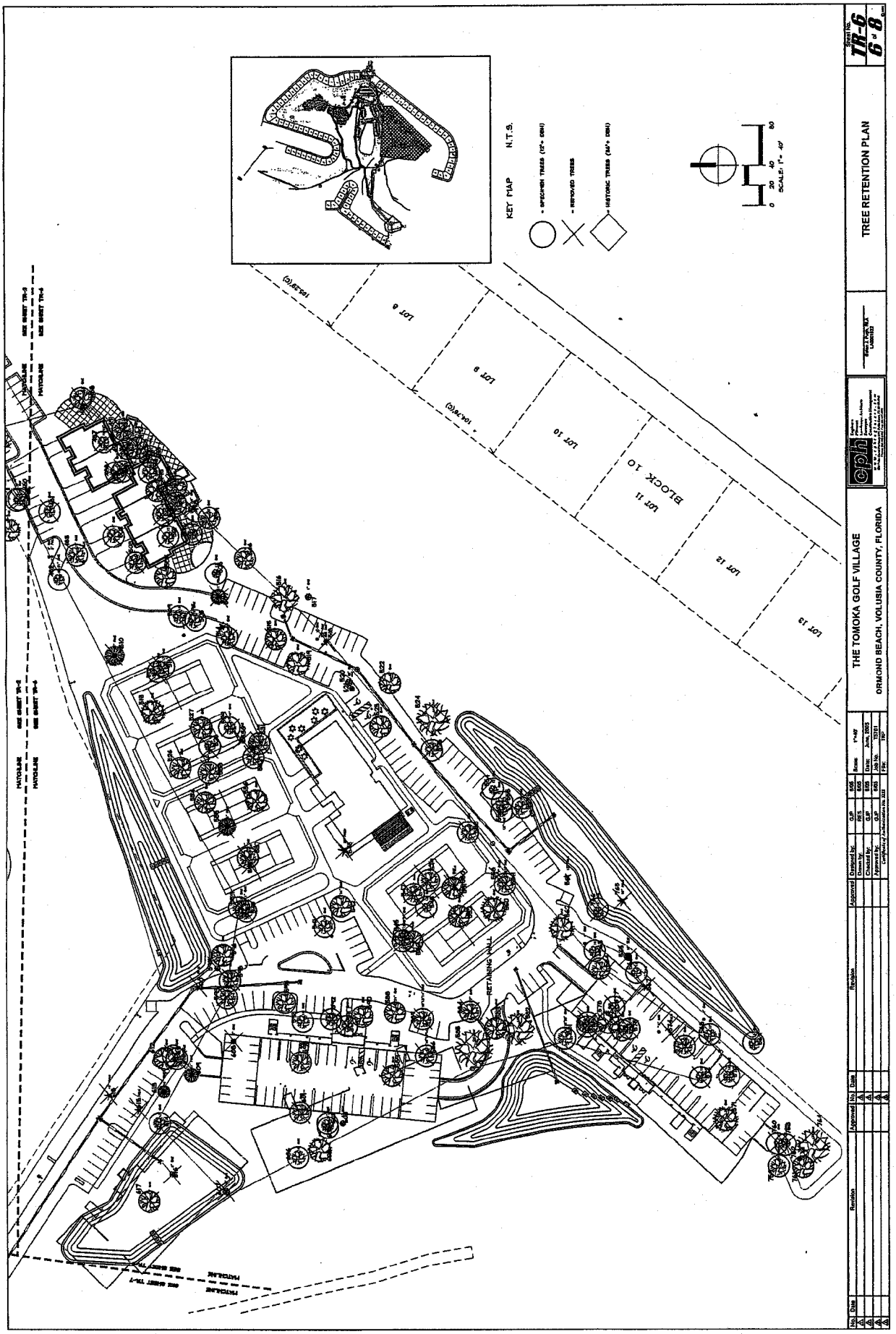

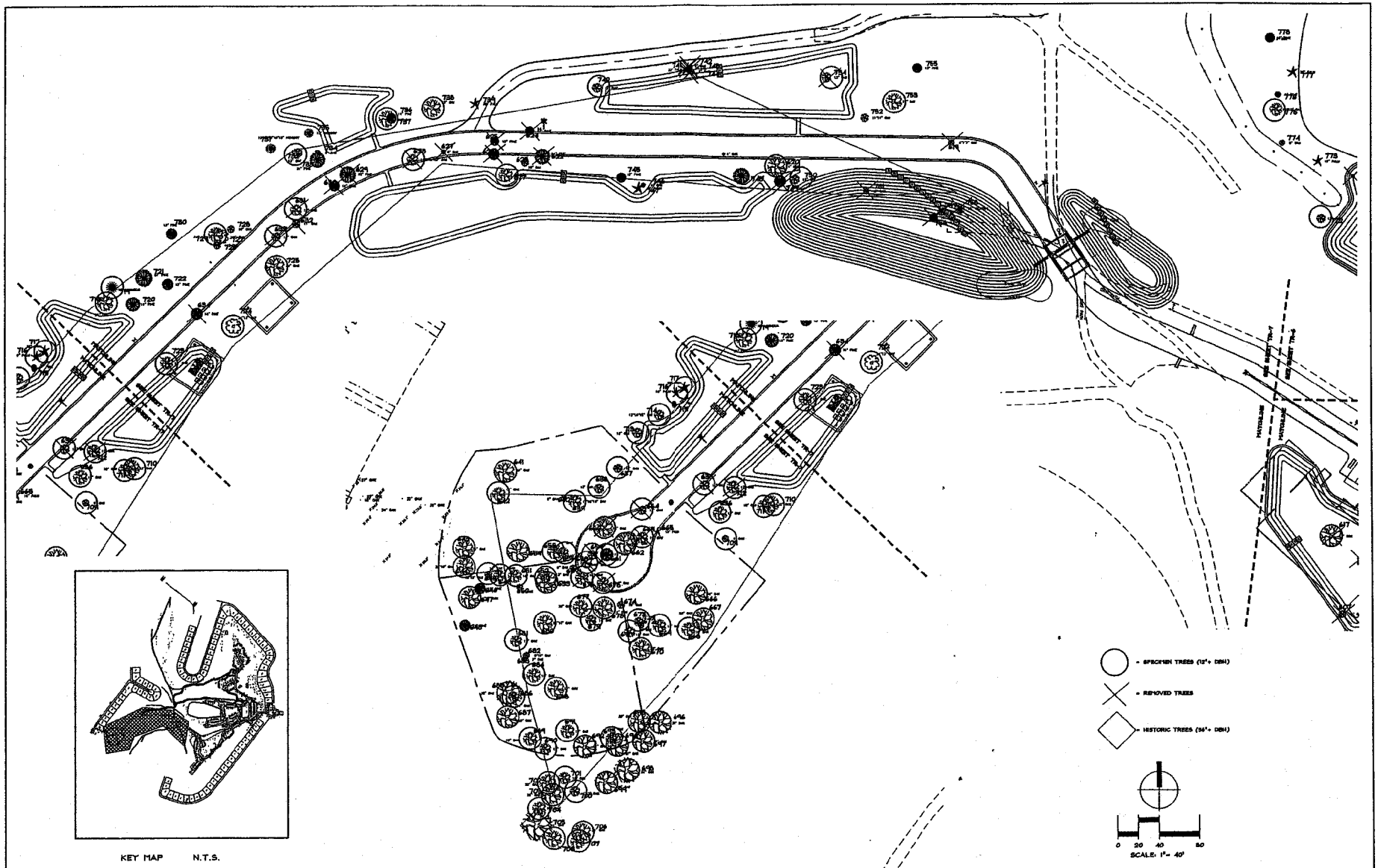

No	Date	Revision	Approved	No	Date	Revision	Approved

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Drawn by:	RES	6/05		
Checked by:	GJP	6/05	Date:	June, 2005
Approved by:	GJP	6/05	Job No.	TS701
Certificate of Authorization No. 3323			File:	TRP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph Engineers Planners Landscape Architects Surveyors Construction Management

Galen J. Pugh, RLA LA0001322

TREE RETENTION PLAN

Sheet No. TR-7 7 of 8

XH
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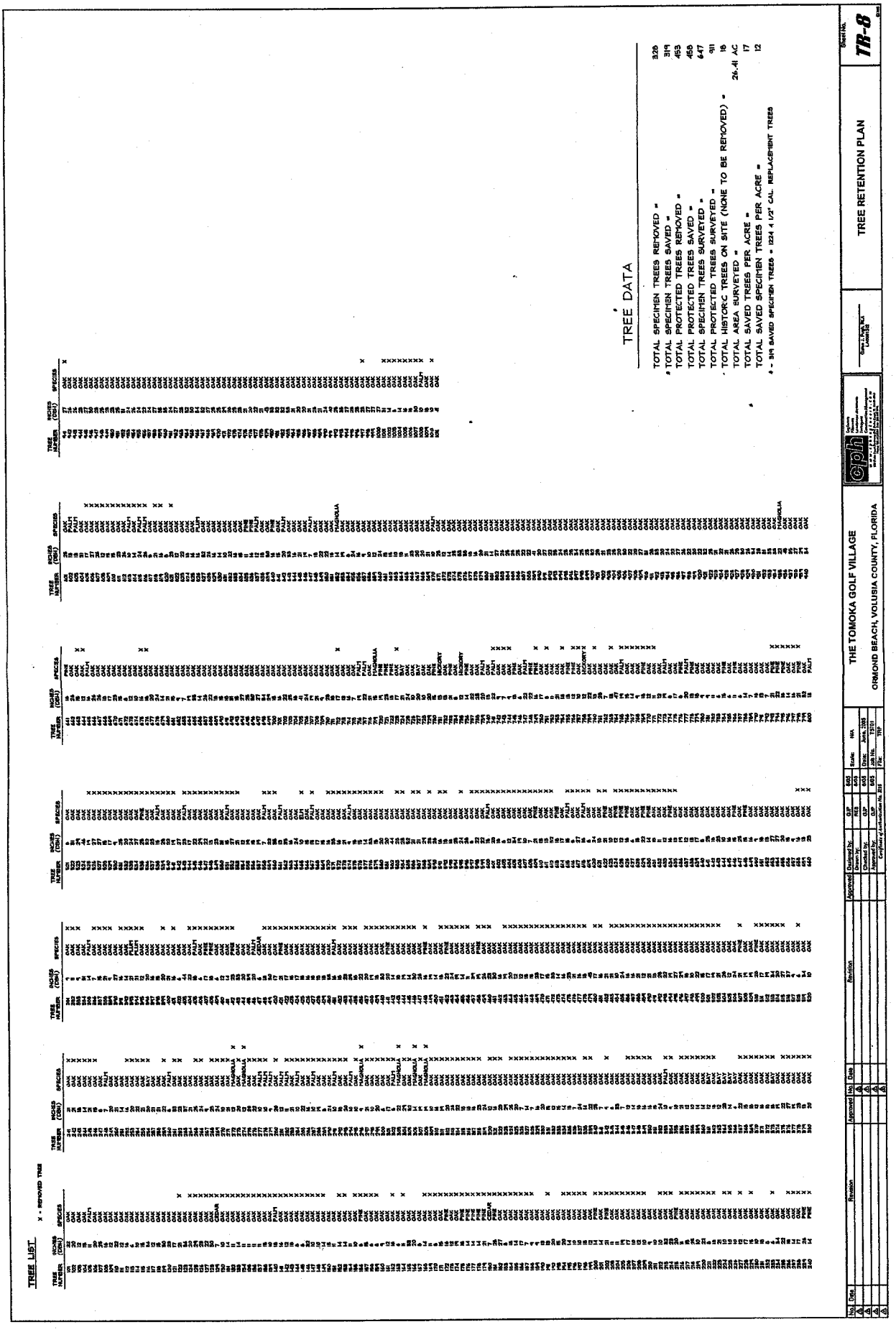
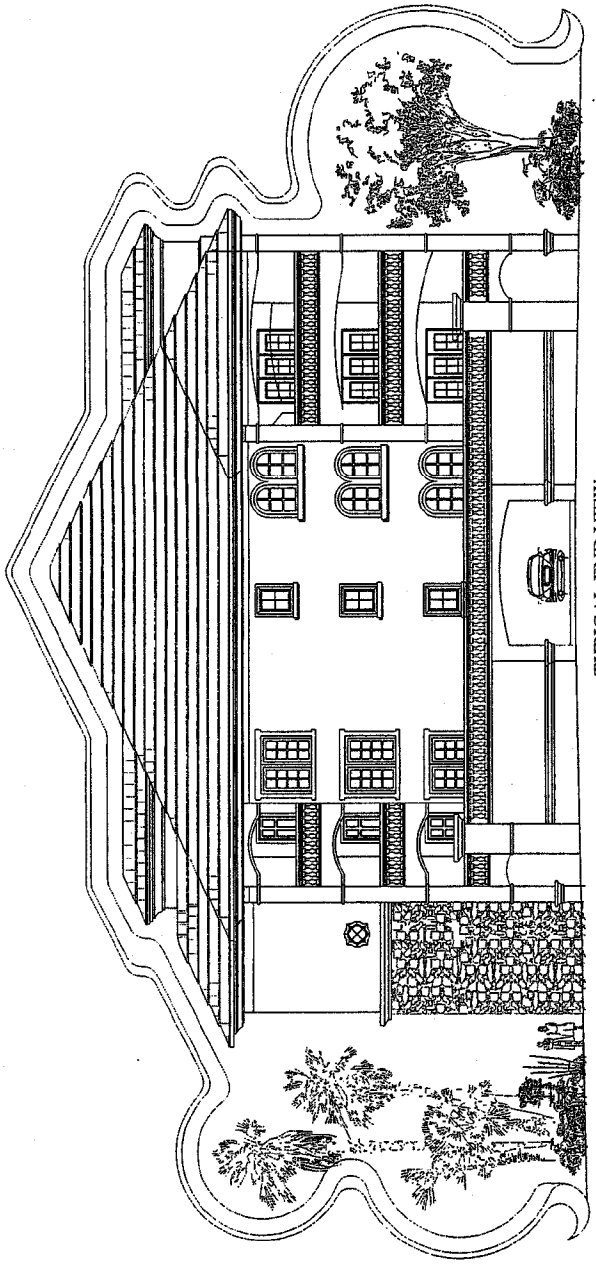
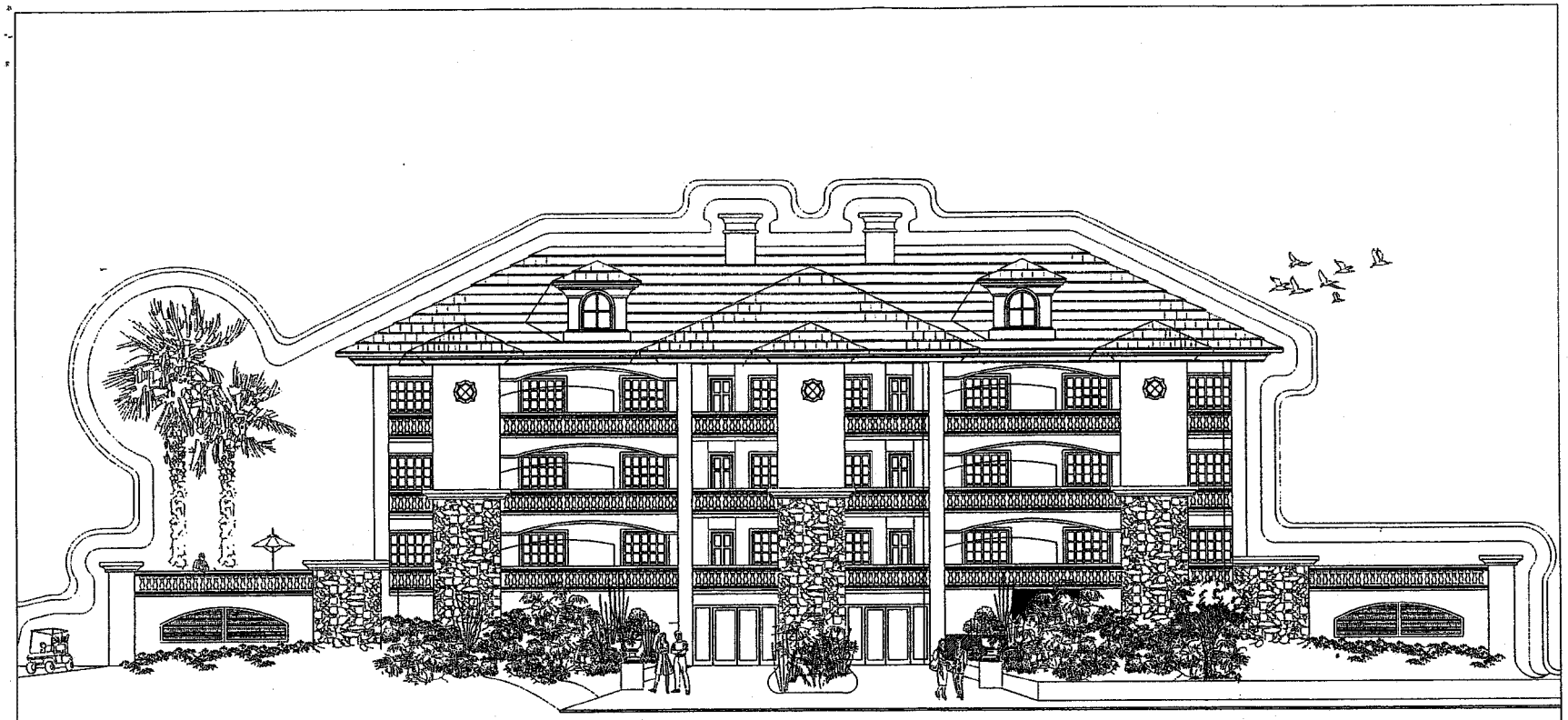


STANLEY P. HOELLE
ARCHITECT
386 672.2261



TYPICAL END VIEW

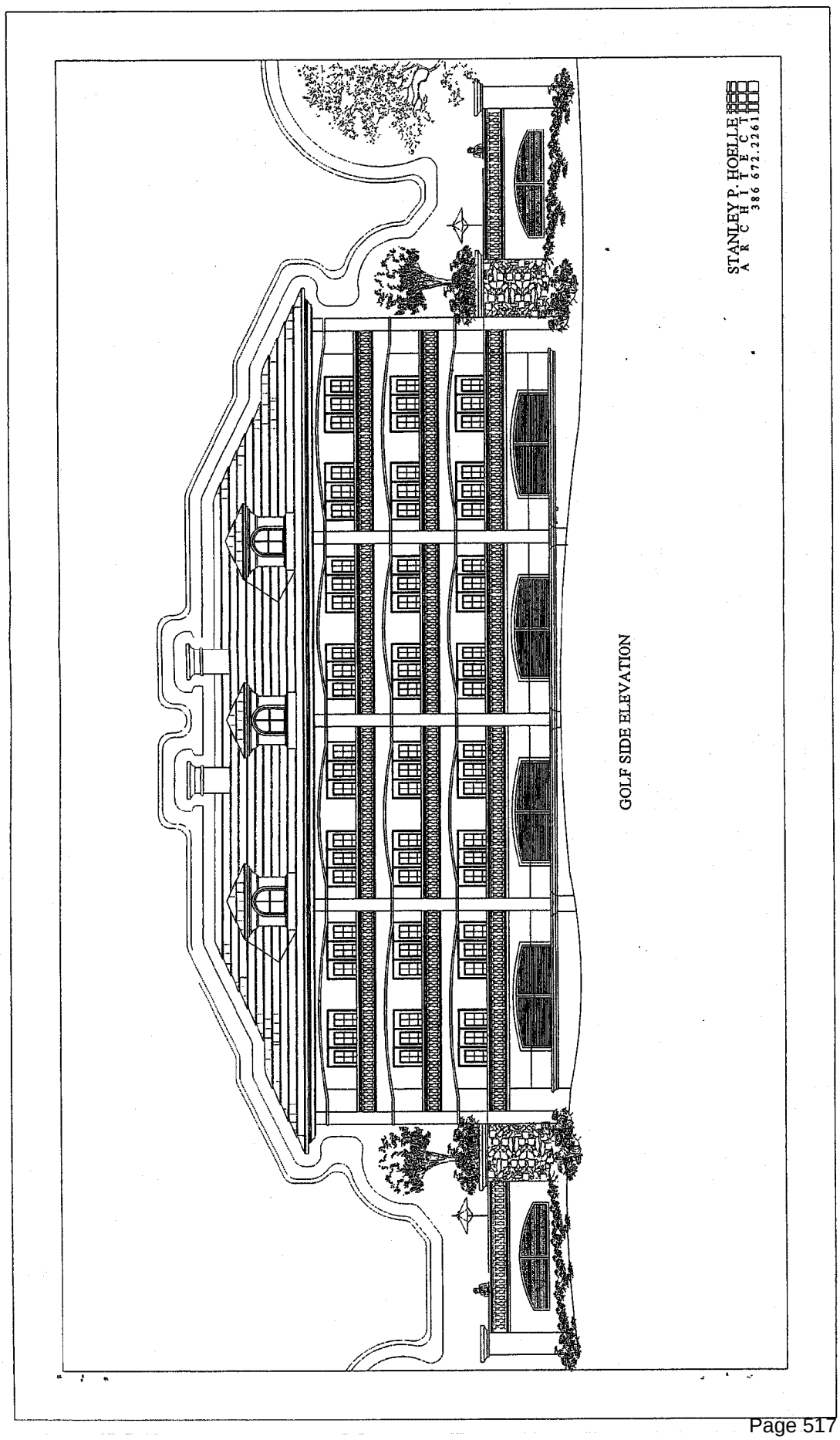
Instrument# 2006-273445 # 39
Book: 5944
Page: 2221



THREE STORY GOLF VILLAS
POOL SIDE ELEVATION

STANLEY P. HOELLE
ARCHITECT
386 672.2261

EXHIBIT "B"
PAGE 29 OF 35


STANLEY P. HOELLE
ARCHITECT
386 672.2261
GOLF SIDE ELEVATION

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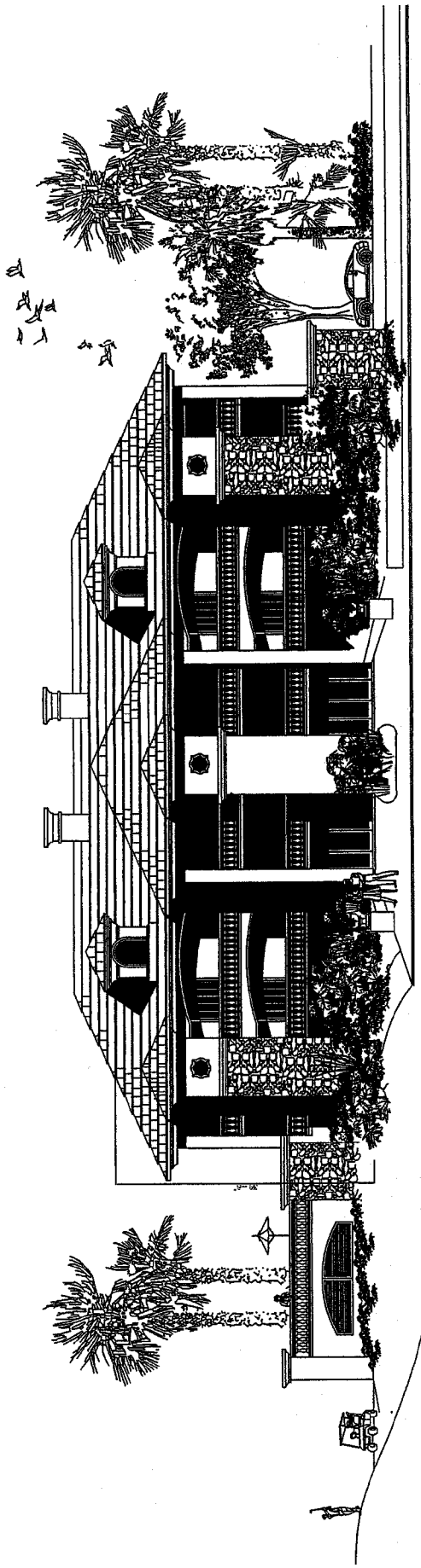
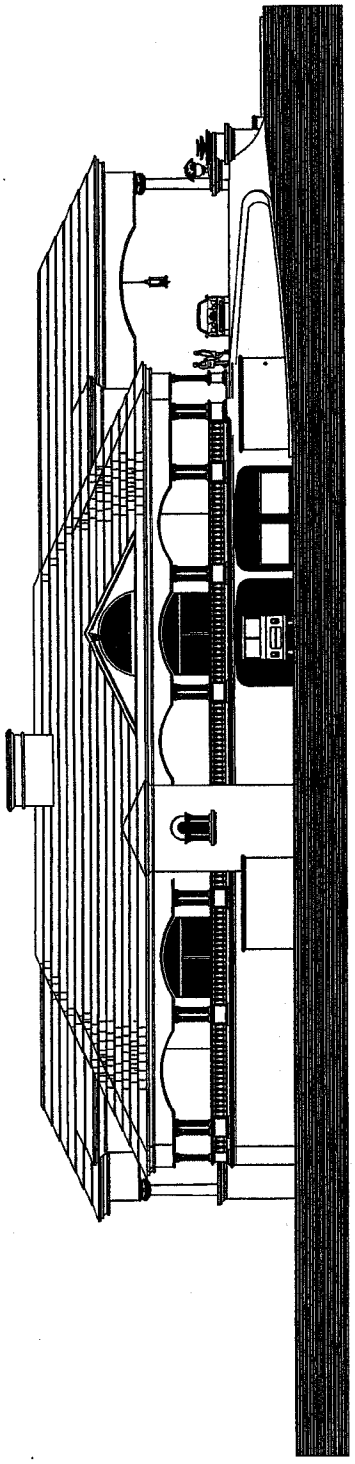
Book: 5944
Page: 2223

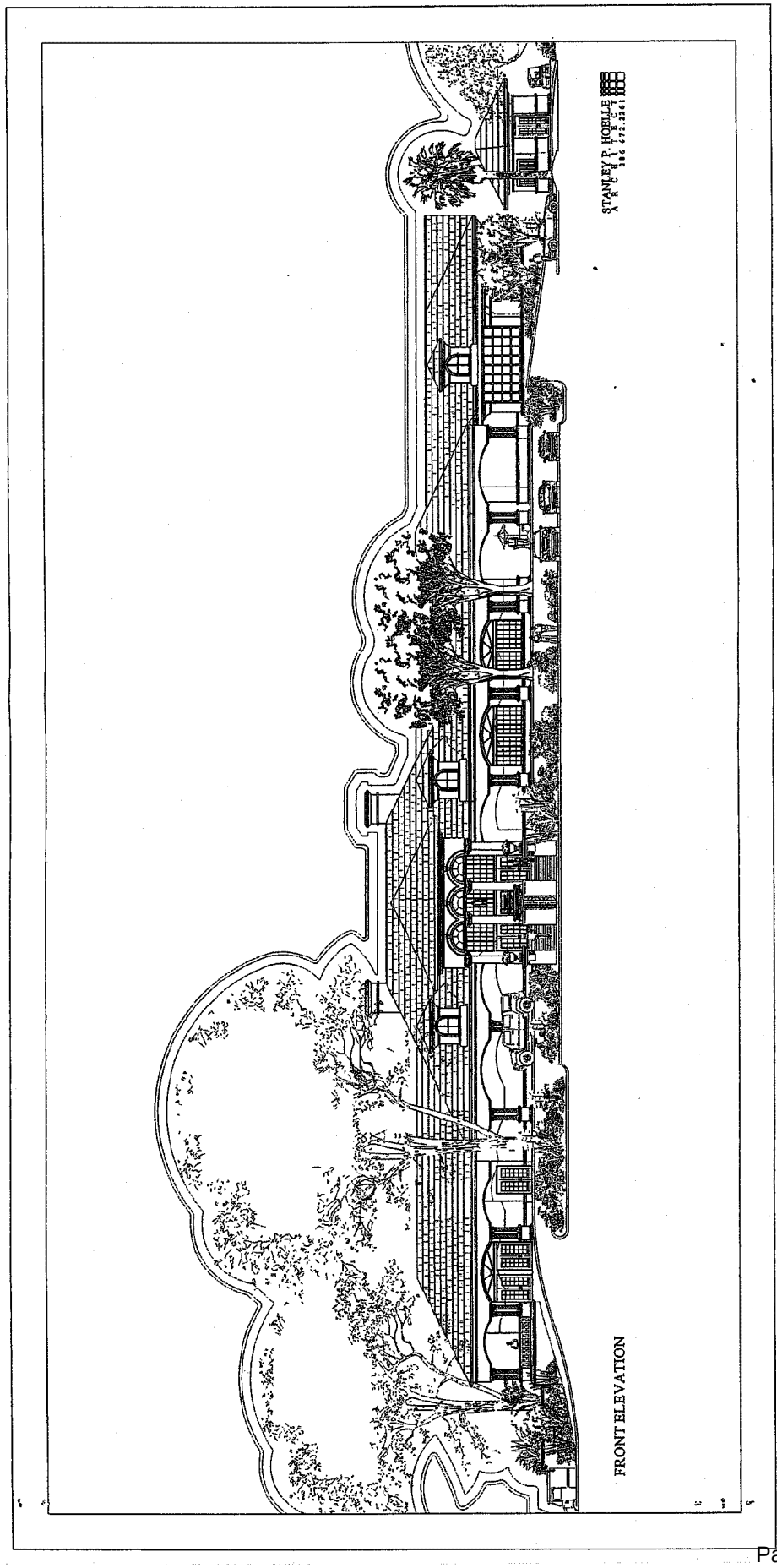


TYPICAL POOL SIDE ELEVATION

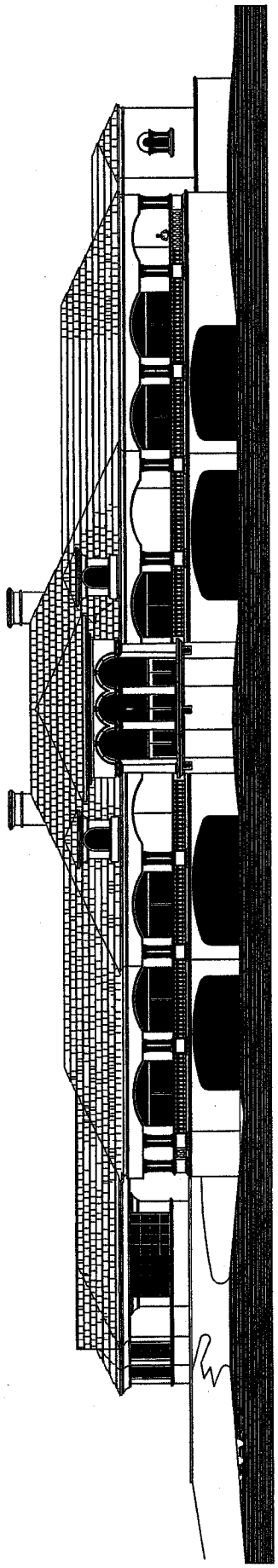
TYPE A GOLF VILLAS



END ELEVATION


STANLEY P. HOELLE
FRONT ELEVATION

Instrument# 2006-273445 # 44
Book: 5944
Page: 2226



REAR ELEVATION

Instrument# 2006-273445 # 45
Book: 5944
Page: 2227
Diane M. Matousek
Volusia County, Clerk of Court

Attachment J

Mayor Costello stated whatever name was attached, be it a ditch or tributary, what was important was that this project can not stop water flowing onto the land. He asked if the height of the fence would be at a low point compared to the road.

Mr. Ervin stated the maximum height of the fence would be six feet along the property line. He explained the industrial parcel closest to US1 would have an extensive amount of fill and would be four feet higher at a finished floor elevation than the homes in Ormond Lakes, and the project would have a six foot wall at that location along with landscaping with the finished grade approximately two to three feet below the top of the wall. Mr. Ervin recommended a condition be added to correlate the fencing to the elevation of the roadway.

Mayor Costello advised it was very dark in front of the McDonalds west of I-95 where the lights were shielded, but was very bright after passing the screening which proved the screening does work well.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-222, approving the Special Exception to include the indoor pool as presented and the wall height to extend six feet above the elevation of a road entering or surrounding the property.

Call Vote:

Commissioner Kelley	yes
Commissioner Partington	yes
Commissioner Gillooly	yes
Commissioner Kent	yes
Mayor Costello	yes

Carried.

Mayor Costello called for a short break at 9:30 p.m. and he reconvened the meeting at 9:37 p.m.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(E).

Item #9(F) - "Ormond Beach Commercial Complex"

RESOLUTION NO. 2006-223

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR "ORMOND BEACH COMMERCIAL COMPLEX" SPECIAL EXCEPTION ON A SITE LOCATED AT 500 WEST GRANADA BOULEVARD WITHIN THE B-9 (BOULEVARD) ZONING DISTRICT; BY AUTHORIZING A WAIVER OF THE MASONRY BUFFER WALL REQUIREMENTS ALONG THE REAR PROPERTY LINE, BY ALLOWING THE USE OF AN EXISTING SIX FOOT HIGH WOOD FENCE IN LIEU THEREOF; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-223, as read by title only.

Call Vote:

Commissioner Partington	yes
Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(F).

Item #9(G) – "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 1, ARTICLE II, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL

PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was a rezoning for a 147 acre parcel from R-2 to Planned Residential Development (PRD). He noted there was a revised development order on the dais that identified the three items from the Planning Board recommendation that could be incorporated into the final development order. Mr. Ervin pointed out many comments from the Planning Board were recommendations for staff to check certain items such as water pressure and landscaping; therefore, they could not be identified in the development order; but the City Attorney culled through those comments to come up with specific requirements that could be incorporated into the development order, and they were addressed by staff. He stated the reuse availability, which was a major capital undertaking, was not feasible at this time. Mr. Ervin reported the landscaping plan was reviewed, and many of the trees being planted were already above and beyond the minimum requirement. He stated traffic improvements would be incorporated into site plan, and the applicant had agreed to those improvements. Mr. Ervin noted these improvements would include striping, signage, and cautionary signage. He advised staff contacted the Utilities Department regarding water presser concerns at least three times to verify whether or not water pressure problems were being experienced in the Tomoka Oaks area; but the pressures were meeting minimum requirements, and no specific problems were identified. Mr. Ervin stated there would not be any dead-end systems and would actually loop back into the existing system; therefore, water pressure should be maintained.

Mr. Ervin advised the development order would include notification to purchasers by a note on the plat that they were within proximity of the airport and within the flight plan of the airport. He stated the golf course shall remain a golf course and would not be able to be converted to any other use without approval by the City Commission. Mr. Ervin reiterated this property was Low Density Residential with an R-2 zoning; therefore, a developer could, in theory, develop the entire golf course for 600 homes, but considering the contours 300 single-family homes would be more realistic. He explained the proposal was for multi-family homes consisting of three and four story condominiums, town homes, and three single-family homes.

Mr. Rob Merrell, 1638 John Anderson Drive, representing the applicant, provided a visual presentation of the project. He reported he would rely on Mr. Ervin's conclusions in his staff report concerning Comprehensive Plan consistency, compliance with all of the City's Land Development Code requirements, and other issues. Mr. Merrell pointed out the Planning Board recommended unanimous approval with conditions that they have accepted. He stated there were issues everyone agreed on regarding some Smart Growth principles, and this project represented some of those principles such as the concept of urban renewal, proximity to services, clustering development, and the preservation of open space. Mr. Merrell explained this project was for 122 residential units, a new club house, pro shop, tennis center, tennis courts, and many amenities. He stated the property owner made a concession to cluster a lower number of units that would allow a great deal of open space. Mr. Merrell reported there would be a total of 84 condominium units, 35 townhouse units, and three residential units. He presented a computer rendering of the development proposed superimposed on the aerial photograph and pointed out the various elements of the proposed plan along with renderings of the buildings and landscaping. Mr. Merrell reported there would be considerable improvements to the lake system and the green for the golf course as a result of retrofitting the golf course for reuse water. He advised this request was for a planned redevelopment rezoning.

Mr. Harry Wendelstedt, 88 South St. Andrews, stated he has been a resident of Tomoka Oaks for 35 years, which was one of the finest residential developments in Volusia County. He stated he believed this would adversely affect the residents who live along the golf course. Mr. Wendelstedt reported people were told when purchasing their property that this golf course would remain for 99 years. He expressed a concern regarding property values; however, he has been informed that should not be a concern. Mr. Wendelstedt stated Tomoka Boulevard was two lanes, and he expressed concern regarding what would happen should another natural disaster occur such as the fires of 1998. He recommended placing a traffic light at the end of Tomoka Boulevard and Nova Road. Mr. Wendelstedt noted residents may have had a different view if the renderings and information were made available to the people earlier than this evening. He stated he opposed the development because the homeowners would loose the site of the rolling green fairways.

Ms. Joan Deemer, 86 South St. Andrews Drive, stated she lived in Tomoka Oaks for 28 years and opposed the recommended changes. She expressed concern that this would adversely affect the area with too many people and too many cars taking away the charm of Tomoka Oaks.

Ms. Zella Wilen, 48 Oakmont Circle, stated in the Fall of 1970 a request to rezone this property to R-5 was rejected at the Planning Board and in October 6, 1970, the Land Use Map was adopted by the Commission and that map showed Tomoka Oaks, including the golf course and undeveloped wooded areas, to be Single-family Residential Low Density zoned R-2, making Tomoka Oaks some of the largest lots in Ormond Beach. She reported that at the recent Planning Board meeting she objected to the entire rezoning change, stating Tomoka Oaks Boulevard should not be approved for an extension or a connection to any planned or named street within this area. Ms. Wilen voiced an objection to any overnight lodging should that be considered. She stated she opposed the increased traffic through Tomoka Oaks to the South St. Andrews area and noted this would add additional traffic to the Trails as well. Ms. Wilen reported the City Attorney in 1970 talked about spot zoning, cautioning the Planning Board that the golf course was a conditional use and would be able to request certain updating and remodeling, and that statement was relevant today. She noted restrooms were a problem due to vandalism, but were needed. Ms. Wilen pointed out the club house and garage areas could have been upgraded at any time in the past 36 years. She reported this change would impact the entire Tomoka Oaks area, not only those living on the golf course or within the 300 foot notification area. Ms. Wilen equated the 1970 R-5 request to this PRD request and opposed the change. She advised part of the selling point for homes in this area was that this would remain a golf course for 99 years, and she urged the zoning remain the same and the project be stopped.

Mr. Rob Merrell stated the property owner made a commitment to maintain the open space of the golf course in perpetuity. He pointed out the entire property was currently zoned for home sites; however, the development order under this proposal would indicate that the golf course would remain open space, and the City would then be able to enforce that as an element of the development order. Mr. Merrell reported speakers mentioned a 99-year provision, but there was no such covenant; however, this proposal would include a commitment to cluster 122 units in areas designed to be the least intrusive along with a recorded covenant to keep the golf course.

Mr. Hayes concurred that there was no covenant of record regarding the golf course; therefore, the applicant had a right to request this redevelopment of the Commission. He noted the City could now go back to try to do what some of the homeowners believed they already had for some 30 years.

Mr. Merrell advised the Commission received a complete traffic report in their information packet, and no failures in the transportation network were found, but several improvements were being proposed. He reported he met with as many people as possible prior to this meeting. Mr. Merrell advised that many people saw the pictures in advance of the Planning Board meeting, and there was a full-house at the Planning Board meeting. He noted many of those people did not come to make an objection tonight because they went away from the meeting satisfied that their questions and concerns were answered. He reported a DOT warrant would be needed for a traffic light, but the requirements for a light would not nearly be met. Mr. Merrell stated this was very different from what occurred in the 1970s because what was being shown now was what would occur if approved by the Commission, and it could not be changed.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on first reading, as read by title only.

Commissioner Kent reported he met with the developers a year ago, and the plans had not changed a great deal. He expressed concern regarding buffering for the current residents; however, the presentation showed this was addressed, and he could support this proposal.

Commissioner Gillooly stated the concept had merit, but she questioned what protection the people who purchased a home on a golf course would have. She noted people needed to be aware when purchasing a home what could occur to the property surrounding their home. Commissioner Gillooly pointed out nothing was uncovered that would protect the people to have this remain a golf course. She stated Tomoka Oaks was and remains a premier community in the City, but the golf course had not keep up to that premier status. Commissioner Gillooly suggested this development would bring in new residents, but at a greatly reduced rate than was permitted. She noted the design was thoughtful in that it kept the buffer, and the improvements may help bring the premier status back to the homes, increasing the value of the

existing homes. Commissioner Gillooly informed Mr. Merrell that she would like to assure the residents this would be the last residential plan for the Tomoka Oaks community. She advised she also told Mr. Merrell that she noted the developer planned the project with surrounding green space and improvements to the golf course, but she needed additional assurances that this would remain intact. Commissioner Gillooly reported the reply she received was an iron clad commitment. She stated the developer had a right to develop this property in a residential manner, and all of the above-noted improvements would to be made, which would make the overall project better.

Commissioner Partington advised he met with the developer last year and would vote for this for some of the same reasons as Commissioner Kent and Commissioner Gillooly previously mentioned. He noted this project would improve the entire subdivision, and this development set the standard for developments in other areas. Commissioner Partington reported he was comfortable this developer would make this project as high a quality, if not a higher quality, than he had done previously.

Commissioner Kelley reported he also met with the developer and saw a presentation last year. He stated this answered many questions; and while it would not answer the questions of those who want the land to stay exactly as it was, it did answer the question of whether there would be residential buildings constructed directly behind someone who now had a golf course view. Commissioner Kelley advised the placement of the development would not adversely impact the visual effect. He pointed out this would provide assurance that this would never come back to an R-2, R-3, or R-4 and would be dedicated. Commissioner Kelley reported the owner had prospective buyers come to him years ago to develop the property, but chose not to sell because he wanted to keep the golf course. He advised the proposal would only improve the value of all of the property in the area. Commissioner Kelley stated he shared a concern relative to the traffic, but was convinced the people would not come through the Trails because it would be faster to go to Nova Road and turn west to Clyde Morris Boulevard. He noted the only difficulty he could envision was the time it would take to exit on to Nova Road, particularly eastbound. Commissioner Kelley reported this project would be an improvement to the entire neighborhood, and it would assure the golf course would remain.

Mayor Costello reported he met with the developer a year ago, and the reality of the situation was that this was a residential piece of land that could hold 600 units and could realistically only hold 300 units without a golf course, but this proposal was for 122 homes with a golf course. He stated the choice was that in order to keep the golf course, the owner would have to make some money. Mayor Costello explained the alternative was, because the land was poorly permitted years ago, a developer had the right to construct 300 single-family homes and remove the golf course. He pointed out that in this development order the only thing permissible was the golf course open space. Mayor Costello recommended the developer set aside the finances for a traffic light even if it was not warranted at this point in that he believed traffic to be a valid concern. He asked if DOT would permit a light if the money was available.

Mr. Sans Lassiter, Traffic Engineer, replied if a traffic light was installed that does not meet the DOT warrants and an accident was caused by the fact the signal was installed, it would make the one installing the light liable. He explained traffic lights are a major liability issue because they increase rear end accidents and are meant to avoid right angle accidents which are more severe. Mr. Lassiter advised that due to this particular entrance on this particular road, most of the turns from Nova Road would be northbound left turns entering the parcel and most exiting from this project would be eastbound or outbound right turns, and those movements do not conflict with each other; therefore, this would not meet DOT's requirement for a traffic signal, and they would not allow it to be installed without a significant change in development such as a build-out of area. He reported the count at the peak hours did not meet the warrant, and the requirement was to meet eight hours to warrant a signal.

Mayor Costello stated the City had hired Mr. Lassiter on numerous occasions, and he was known to be honorable and would not state anything that could later be refuted. He assured Ms. Wilen the plan did not include any hotel/motel type proposal.

Call Vote:

Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Commissioner Partington	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(G).

Correspondence after the Planning Board meeting: January 12, 2024 to April 8, 2024

To: Ormond Beach Mayor/Commission Office

My name is Beverly Loonis and I live at 41 Oakmont Circle in Tomoka Oaks.

I don't live on the golf course, my friends do. I live across the street.

Recently, a company was laying cable in our area. That resulted in multiple trucks and personell. This added to the already increasing traffic in the area.

Developers are fighting to add more mayhem to an already congested area. Their goal is financial gain. The residents of Tomoka Oaks want a quality of life, not more stop signs, stop lights, more people.

There will be added danger to children and animals (pets) due to increased vehicles on the road. As it is now,

in a 25 mph zone, some drive at least 50 mph. More homes and people will increase the possibility of danger.

If these developers continue with their desire to add more homes to our neighborhood, our streets will be a nightmare.

Huge Trucks, large earth movers, dirt, dust, workers in and out with their cars and trucks - this misery would continue for several years. When done, more traffic to our area, Nova Road, the Trails, even Granada and Rte 1.

To these developers, I say, leave us. Go to an area where the landscape has already been destroyed, where there isn't a neighborhood that doesn't welcome you.

Beverly Loomis
41 Oakmont Cir.

Ormond Beach City Commissioners,

My name is Melonie Caldwell my Husband and I own and reside in Tomoka Oaks on Oakmont Circle, Ormond Beach, FL. I am writing regarding the proposed R-2 Rezoning of 20 Tomoka Oaks Boulevard.

I understand that growth and development are in our future. However, I have major concerns with the Rezoning of Tomka Reserve from PRD to R-2.

In prior meetings the concern of both the Planning Board and City Commissioners was that the proposed development was too dense for the area. If it was to be rezoned to R-2, the original proposal of 272 houses could change to even more houses. This is going in the opposite direction; from the direct recommendation the developer was given, to decrease the density. The developer stated that decreasing the number of lots just wouldn't work. The fact is it would work, they just don't think their profit would be as high. I am not sure how them not making as much money as they want is the city's problem. They then threatened to rezone the area to R-2, however this is not up to the developer, the area does not have to be rezoned. When they purchased this unique property, they were fully aware of the PRD zoning. There is no reason to rezone this to R-2 and the should be denied.

With only one way in and out of this area, there would be safety concerns for this parcel being zoned as R-2. Being in Florida, national disasters happen quite frequently. With the one way in and one way out, evacuating the area at an R-2 density will create issues. There are only three ways out of Tomoka Oaks, two of which are through the very narrow streets of The Trails. The single entrance into the parcel is located on a small diamond that will get backed up at the inter section Tomoka Oaks Blvd and Nova Road

Rezoning this to R-2 would make this parcel too dense for the area. This is why I oppose the rezoning that is being proposed.

Thank you for your time and consideration.

Best Regards,



Melonie Caldwell
Tomoka Oaks
Ormond Beach, FL

February 23, 2024

Dear City of Ormond Beach Commission,

Before purchasing the Sam Snead Golf & Country Club property in April 2021, did the Tomoka Reserve applicant verify all possible zoning options with the City? It would appear they did not.

Did the applicant provide competent substantial evidence at the Planning Board January 11, 2024 meeting that supports their R-2 Zoning Map Amendment ZMA 2023-054? It would appear they did not.

Is the applicant truly in "limbo" to exercise any development rights as their legal representative claimed at the January 11, 2024 Planning Board meeting? They appear to think so. History appears to refute that claim.

The 147 acre Sam Snead Golf & Country Club plat was amended in 2006 from R-2 to PRD zoning during the City's approval of the Tomoka Oaks Golf Village PRD. Throughout the 2006 PRD hearing process, the City **implicitly** recognized numerous times the perpetuity use of the golf course land to remain a golf course or open space recreational area as has been relied upon in good faith by Tomoka Oaks homeowners since the 1963 inception and 18-year build-out of the Tomoka Oaks **master planned community**. [1]



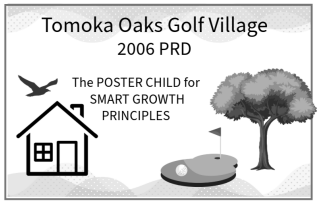
The current owners of the Sam Snead Golf & Country Club plat, Triumph Oaks of Ormond Beach, I, LLC, submitted their PRD-2022-043 Tomoka Reserve application in April 2022, *as was their right under the conditions of the expired 2006 Tomoka Oaks Golf Village Development Order*. [2] And when their 2022 Tomoka Reserve PRD application failed to get their desired 272 density outcome, they withdrew their PRD and submitted a Tomoka Reserve zoning map amendment to revert back to the original R-2 zoning in order to justify even higher density for Tomoka Reserve.

As Planning Board Chairman Doug Thomas stated at the end of the January 11, 2024 Planning Board meeting for Tomoka Reserve's zoning map amendment, this was the first time in his 30+ years on the board that he had ever seen an applicant request to "go backwards" which goes against logical development practices. The other board members agreed with Chairman Thomas and with the Staff Report's denial recommendation. The Board unanimously recommended denial of the R-2 zoning map amendment. Now you, our commissioners, have to determine if the property remains zoned PRD or goes backwards to R-2.

Let's review what "going backwards" from PRD to R-2 should take into consideration:

- To begin with, the 2006 Tomoka Oaks Golf Village PRD application to rezone the Sam Snead Golf & Country Club plat from R-2 to PRD retained the 18-hole golf course in perpetuity while concentrating 119 multifamily units at the core of the golf course.

- This 2006 PRD application was applauded and unanimously approved by the 2006 Planning Board, the 2006 Commission, the City Attorney, the City Staff, and the applicant's attorney, Rob Merrell who stated the PRD was representative of a "Poster Child for Smart Growth principles.[3]"



- Let's look at some highlights from the August 10, 2006 Planning Board minutes [3] to get some context for our Poster Child:

    - The city recognized Tomoka Oaks homeowners had relied upon the golf course and bought their properties in good faith believing that the golf course would always be there.

    - Mr Merrell's poster child touted a density of only 119 clustered units and 3 estate homes which satisfied traffic issues and would restrict in perpetuity the remaining 18-hole golf course recreational area to "forever remain recreation/open space."

    - Staff recommended that the development order blanket the remaining golf course property with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

    - In response to concerns that the project might go bankrupt or be a victim of a poor economy and not be built, City Attorney Randy Hayes said the development order would run with the land. To protect Tomoka Oaks homeowners, the current golf course property owner and future owners were subject to the requirements of the development order.

- Now let's take a look at some highlights of the City Commission first reading on October 3, 2006 [4] to provide even more justification for the unanimous R-2 to PRD rezoning:

    - Mr. Merrell said the 2006 proposal included a commitment to cluster 119 multifamily units, and 3 estate homes, in areas designed to be the least intrusive to Tomoka Oaks homeowners. And covenants would be recorded to restrict the golf course property to remain a golf course and protected green space.

    - Commissioner Gillooly received an "ironclad commitment" from Mr. Merrell that this would be the last residential plan for the Tomoka Oaks community.

- Commissioner Kelley said the PRD provided assurance this zoning would never come back to an R-2, R-3, or R-4 and would be dedicated.

- Mayor Costello said that “in this development order the only thing permissible was the golf course open space.”

- The City **implicitly** recognized the use of the Sam Snead Golf & Country Club parcel to retain a golf course or recreational green space in perpetuity.

- The Commission unanimously approved the PRD at their subsequent October 17, 2006 second reading. [5]

- Highlights of the Tomoka Oaks Golf Village Development Order for PRD-06-32 (recorded 10/31/2006, Book 5944, Page 2183) which validate the City’s implicit recognition of the land use to retain the 18-hole golf course property in perpetuity include:

  - The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.

  - The Development Order shall be recorded in the public records of Volusia County Florida, . . . and shall be binding upon RTH, Inc. . . and its successors and assigns, and shall run with the real property (Sam Snead Golf & Country Club parcel ID No. 3242-07-00-0010).

  - In the event the use of the land is abandoned for a period of two (2) years, or there has been no construction activity during that period, the permit shall be void . . . and a new PRD Development Order shall be considered by the City Commission.

  - The Development Order approved for RTH, Inc. was active for 8 years from 10/17/2006 through 10/17/2014. During this active timeframe:

    - Approximately 156 home buyers purchased homes in Tomoka Oaks, with 108 homes identified by the MLS as either being “on the golf course” or in a “golf course community.” [6] Buyers bought in good faith that the golf course land was protected in perpetuity per recorded Development Order 5944 / 2183.

Sample MLS “remarks” during active 8 year 2006 Dev Order

- On the 18th green
- On 13th green
- Backs up to the 7th fairway
- View of golf course
- On the golf course
- Exceptional golf course living
- Golf course right across the street
- Tomoka Oaks, a well established neighborhood and a golf course community

        - Prior to any development, RTH, Inc. conveyed the property, as well as the Development Order running with the land, to Putnam State Bank on 7/21/2010 (Warranty Deed, Book 6496 / Page 4634, Volusia County FL).

        - Putnam State Bank sold the property to EJTS Holding, LLC on 12/12/2011 (Special Warranty Deed, Book 6659 / Page 1525, Volusia County FL). Deed states: *Sale of Sam Snead Golf & Country Club subject to encumbrances, easements and restriction of records. Together with all the tenements, hereditaments and appurtenances thereto belonging in any wise appertaining.*

        - The Development Order expired on 10/17/2014. Although the permit was now void, per the conditions of the Development Order, the City Commission could still accept a new PRD application for the property.

- EJTS Holding, LLC sold the Sam Snead Golf & Country Club property to Triumph Oaks of Ormond Beach I, LLC on 4/21/2021 (Book 8036, Page 3448, Volusia County Florida).

    - Warranty Deed states: *Sale of Sam Snead Golf & Country Club subject to reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.*

    - Cobb Cole's own title insurance analysis indicates that insurance coverage does not exist for the 2006 Development Order thus expressly acknowledging the 2006 Development Order. [7]

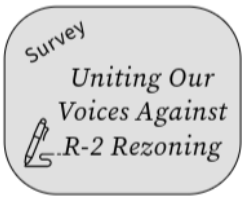
So is the applicant's claim valid that their property rights are in limbo and the city is unlawfully denying their development rights? Or is the applicant legally allowed to submit as many PRD applications as necessary to negotiate a development acceptable to the City Commission as was incorporated into conditions of the 2006 PRD Development Order should it expire?

The applicant has explicitly threatened to sue the City if the Commission denies their R-2 zoning map amendment. Should the Commission deny the R-2 zoning map amendment:

> And should the applicant file an Appeal
> > And should a judge rule on the facts presented at this hearing
> > > Or should mediation be recommended to come to an agreement on appropriate zoning and the number of homes that can be built:

I request that the City insist the 2006 PRD set the precedent for any residential development: no more than 119 units located in the core of the Sam Snead Golf & Country Club plat with perpetual retention of the 18-hole golf course property as protected green space or outdoor recreational use.

Any court decision or mediation regarding an Appeal should also take into account resident responses to my **R-2 Opposition Survey** [8] completed by 221 residents primarily living in Tomoka Oaks and the surrounding neighborhoods of Escondido Condos, The Trails, Talaquah, and Tomoka Oakwood North Condos. These residents, as well as other Ormond Beach citizens, are legitimately concerned about negative traffic impacts, decreased property values, the adverse impact on the character of Tomoka Oaks which will totally surround Tomoka Reserve, strain on existing infrastructure which was never designed for additional homes on the Sam Snead Golf & Country Club property, and catastrophic gridlock during natural or man-made disasters. (This survey is included in the Commission packet as part of the public record which the City could possibly provide for *any* court review.)



The R-2 Opposition Survey is also a key indicator of how our community best views a successful outcome for the land use of the Sam Snead Golf & Country Club property, with the majority of residents preferring retention of the green space in some form, i.e., golf course, park, wildlife habitat. Those who do believe some development is an ideal or unavoidable outcome limit their views to a clustered development that retains the golf course land, or solely to a luxury development that greatly reduces density to achieve an upscale character.

Additionally, I request the City provide court representatives with the 48 resident letters on record [9] opposing the PRD application as these letters are relevant to the ”appropriateness” of the R-2 zoning map amendment which would allow even more density than the applicant’s initial PRD application.

Lastly, I would like to remind the City of the **1963 express covenant** and the multitude of **implied covenants and restrictions** that have been in place since 1963 that support that the golf course property is to remain a golf course or recreational green space in **perpetuity**. This fully cited, historical evidence was provided to the City on June 12, 2022.[10] Tomoka Oaks homeowners have relied in good faith on these recorded express and implied covenants as was most recently validated by the City in the 2006 Tomoka Oaks Golf Village PRD approval. Although the 2006 development order has expired, the City Commission’s green space perpetuity intent set a precedent that has not expired.

The “Sam Snead Golf & Country Club” and the “Tomoka Oaks Country Club Estates” were developed to co-exist as a **Master Planned Community.** Development and marketing of the estates occurred over an 18 year period (1963 - 1981). Every Tomoka Oaks home developer advertised golf course lots and golf course homes (examples on pg 6) with homeowners paying a premium for golf course facing properties.

561 households [11] desire no residential development of the Sam Snead Golf & Country Club property. We are counting on the wisdom and leadership of our City and Commission to protect Tomoka Oaks from any zoning or development that is not in alignment with our Land Use Codes, Comprehensive Plan, and the implied perpetuity green space protection of the Sam Snead Golf & Country Club property as detailed by land use attorney Brent Spain. [12]

I request that during the 1st reading of the Tomoka Reserve R-2 zoning map amendment that the Commission unanimously deny the application and honor the words of William R. McElroy, founding President and Chairman of the Board of Tomoka Oaks, Inc., whose February 23, 1963 **Invitation** (pg 7 below) published exactly 61 years ago today, promised, “To keep this Area in all its natural beauty, certain protective covenants have been provided for the benefit and protection of all property owners.”

Respectfully submitted,

Carolyn Davis

Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174

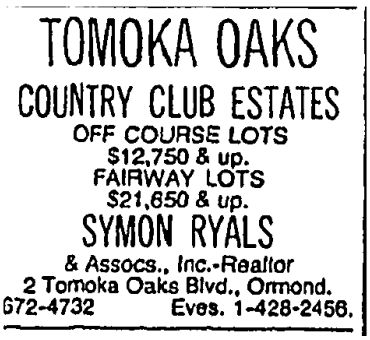
Representing:

- 248 Tomoka Oaks Households
- 165 Trails Households
- 23 Escondido Condos
- 17 Tomoka Oakwood North Condos
- 13 Talaquah Households
- 95 Other Ormond Beach Households

Tomoka Oaks Marketing Ads 1963 - 1979



Daytona Beach News-Journal
January 1, 1963



Daytona Beach News-Journal
August 17, 1975



Daytona Beach News-Journal
January 15, 1979

Invitation dated February 23, 1963 *Daytona Beach Sunday News-Journal*, pg 39

TOMOKA OAKS
COUNTRY CLUB ESTATES
ORMOND BEACH

AN INVITATION TO YOU:

Because we are so proud of our accomplishments to date, we extend to you a cordial invitation to visit Tomoka Oaks Country Club Estates.

It was months ago that Tomoka Oaks Country Club Estates was but an idea— and an excellent one — in the minds of some ambitious local citizens who desired to present the ultimate in gracious and contented living to the many people who wanted to live in Florida.

From its very inception, no effort has been spared in planning and developing — to make Tomoka Oaks Country Club Estates one of the finest exclusive residential areas in the State of Florida.

Cut from 545 beautiful wooded acres, this magnificent setting lends itself completely to natural beauty and — to preserve the contour of the rolling land and beautiful old trees the newly constructed streets wind through the property to enhance its natural beauty.

Right in the center of this magnificent natural beauty spot has been built Tomoka Oaks Golf and Country Club — an eighteen hole championship Golf Course — 6,788 yards long covering 135 acres. The Club House is now open and plans are already being developed to enlarge and improve it.

Large lots with a minimum of 100 feet at the front building line and 12,000 square feet insure your privacy. Wide streets have been built, with concrete gutters and storm sewers for good drainage. Sanitary sewers and Ormond City water have been installed.

Five model homes are now under construction. Still under construction — to be sure — but far enough along so that you can see the type of home that will be built at Tomoka Oaks Country Club Estates.

To keep this Area in all its natural beauty, certain protective covenants have been provided for the benefit and protection of all property owners.

Ideally located on Nova Road just off U.S. Route #1, within the City Limits of Ormond Beach, Tomoka Oaks Country Club Estates is but minutes to shopping, churches, schools and the World's Most Famous Beach.

We're sure you'll enjoy seeing the progress that has been made at Tomoka Oaks Country Club Estates and will be convinced that it will truly be as we have planned — one of Florida's most exclusive residential areas for healthful contented living.

We cordially invited you to drive out to Tomoka Oaks Country Club Estates today and see for yourself.

Sincerely,

TOMOKA OAKS COUNTY CLUB ESTATES.

by William C. Elroy

President

Notes:

Information sources are being provided for the public record related to the Ormond Beach Commission hearing of March 19, 2024. Information contained in these links should be considered in any Appeal of the outcome of the Tomoka Reserve R-2 Zoning Map Amendment ZMA 2023-054.

1. Tomoka Oaks Master Planned Community
   https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425
   Pages 552-568

2. 2006 Tomoka Oaks Golf Village PRD Development Order
   https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874
   Pages 47-91

3. August 10, 2006 Planning Board Minutes
   https://www.ormondbeach.org/DocumentCenter/View/25274/9-01112024-Tomoka-Reserve-Zoning-Map-Amendment-PB-Staff-Report
   Pages 110-130

4. October 3, 2006 City Commission Hearing Minutes
   https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874
   Pages 329-332

5. October 17, 2006 City Commission Hearing Minutes
   https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874
   Pages 334-335

6. Tomoka Oaks Homes Sales during Active 2006 PRD
   https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874
   Page 92 - 182

7. Cobb Cole's Analysis of Title Insurance for 20 Tomoka Oaks Boulevard, Ormond Beach, FL 32174
   https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425
   Pages 675-686

8. R-2 Opposition Survey: Attachment A Questions, Attachment B Responses

9. Resident PRD Opposition Letters which are also relevant to R-2 Zoning Opposition
   https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425
   Pages 128-210

10. Historical evidence of express and implied covenants and restrictions supporting perpetuity of land use to remain green space or open space recreational. Supplied to the City of Ormond Beach on June 12, 2022.
    https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425
    Pages 543-572
    Pages 595-662

    Attachment D: Protective Covenants and Restrictions - Modified 3/10/24 replaces the original 6/12/22 document on pages 572-595. Revisions were necessary to reflect the collection of additional information relevant to Protective Covenants and Restrictions of Tomoka Oaks.

11. Tomoka Reserve Development Opposition Households
    https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874
    Pages 313-323

12. Attachment C: Legal opinion of land use attorney Brent Spain of Theriaque & Spain supporting perpetuity of land use to remain green space or open space recreational.

Attachment A: R-2 Opposition Survey Questions for Tomoka Reserve - ZMA2023-054

Survey emailed to 650+ households in Ormond Beach on January 24, 2024.
See Attachment B for responses provided to the City Commission prior to their March 19, 2024 First Reading.

Uniting Our Voices Against R-2 Rezoning

The developer has threatened legal action against the city if the Commission does not approve their R-2 rezoning of the Tomoka Oaks golf course property. Let's let the Commission know why they should not give into bully tactics.

All Names and Responses will be compiled by Carolyn Davis and provided to the Ormond Beach City Commissioners and Mayor before they vote on the R-2 rezoning map application which could allow 317 homes on the Sam Snead Golf and Country Club property.

Forms can be submitted by **anyone.** Each member of your household can submit a form. Or you can submit one form which combines your family's input. Please submit no later than Tuesday, January 30, 2024.

Survey Questions

1. Name
2. Neighborhood
3. What is your #1 concern regarding developing the golf course property? Why is this a concern? Examples might include one of the following: traffic, reduced property values, altering of neighborhood character, shortage of essential medical services, catastrophic evacuation gridlock, overcrowded schools, loss of quiet enjoyment, etc.
4. What is your #2 concern regarding developing the golf course property? Why?
5. In an ideal world, what would you like to see happen to the golf course property?

Prepared by:
Carolyn Davis
46 Oakmont Circle
Ormond Beach, FL 32174

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
1	Krystal Ahmad *Tomoka Oaks*	Lowering my home value after I paid premium for my neighborhood, traffic, over-populate schools, lower home value, disrupt ecosystems, lower quality of neighborhood, overwhelm hospital it already is, noise.	Going to disturb our local ecosystem of humans. Overwhelm/over-populate schools, hospitals, pediatrician offices, lower home value.	1. Enormous park with running paths, playgrounds, splash pads, park, nature preserve. Get donations to build it. Trails and hiking. Pavilion.. 2) Golf course again.
2	Andree Begin *Tomoka Oaks*	Besides destroying the flavor of our Tomoka Oaks community, the proposed development would greatly increase traffic. The increased traffic would impact each Tomoka Oaks resident on a daily basis; this would be a nightmare.	If approved, the proposed development will reduce property values without a question.	The city would buy the property. A board would be created consisting of Tomoka Oaks residents and the Ormond Beach community to propose a plan showing the best land use for this property keeping our property values, traffic and green areas in mind.
3	Peggy Brown *Tomoka Oaks*	Property values	Traffic	Condos in middle with a surrounding golf course
4	Roger Blanchard *Tomoka Oaks*	Traffic	Traffic	Park
5	The Bishop Family *Tomoka Oaks*	The adverse affect on our neighborhood's character.	Loss of valuable & beneficial green space.	The city should establish a family-friendly, open green space/recreational area with picnic tables and hiking & biking trails.
6	The Bobeck family *Tomoka Oaks*	The loss of the neighborhood this was intended to be. We moved in 15 months ago because of the quiet nature of this area	Schools. My daughter started out at Hinson where they could not keep 1 full time teacher on staff. Now she is at OBMS and has already lost two teachers this year	I would love to see the TOHA take control and return it to a golf course. It could be profitable but mostly maintain the natural beauty of the area
7	Tyler Brown *Tomoka Oaks*	Loss of TOHA Character	Continued Congestion in and around Ormond Beach.	Ideally it would be a golf course or recreational space with a large green space buffer.
8	Win Burgess *Tomoka Oaks*	It is really hard to pick one concern as they are all major issues. I live on the golf course so loss of quiet enjoyment is high on my list. I bought my house in 1985.	Traffic. There is really only one way in and one way out of Tomoka Oaks. Traffic in the event of an emergency will be a nightmare.	Restore the golf course.
9	Bonnie carle *Tomoka Oaks*	Overcrowding	Lack of resources to handle that many people	Park for Ormond beach
10	Caitlyn Casey-Parker *Tomoka Oaks*	Traffic. Ormo d Beach is already facing traffic flow problems, and this neighborhood will cause major traffic issues within the development and on Nova and Granada.	Loss of green space. Soon there wont be any green space left within city limits.	A nature preserve with walking and biking trails. It would be fantastic if it could be connected to Central Park with protected bike lanes.
11	Caldwell Family *Tomoka Oaks*	Safety is my #1 concern. With only one way in and out of this golf course, it should be limited to the number of houses allowed.	Relating back to my 1st concern, these are things that go along w/ safety, traffic, evacuation routes, over crowded resources (schools, hospitals)	Low density housing with a possible 9-hole golf course. Keep the zoning as it is and the developer actually work with the community to get the correct number of houses in this special piece of property. If it gets rezoned, R1 with 1 acre lots.
12	Carmen Charlton *Tomoka Oaks*	Traffic, privacy, property values	Displaced wildlife	Leave as is, turn into more biking, walking trails
13	Christopher & Natalia Caldwell *Tomoka Oaks*	All of the above	Traffic more than anything. And the simple fact that we enjoy having a view of the trees from our back windows, it was one of the reasons why we purchased the house.	We would like to see a park with trails to walk and ride bikes, with sport fields for adults and kids. Maybe a pond with benches around.
14	Denise Corley *Tomoka Oaks*	Altering the Charactor of the neigborhood	Traffic	Public Golf Course like "The Park" in West Palm Beach
15	Flavia Casassola *21 N St Andrews Drive* *Tomoka Oaks*	Traffic in and out of Tomoka Blvd into Nova since it's the only direct route in and out for both Tomoka Oaks and future proposed development	Noise factor! Heavy trucks and other construction equipment moving in and out of the same one in and out road already congested with traffic and school bus stops. Our quite neighbohood will be subjected to constant noise for years of construction	Remain a green space of some kind although I don't think that will happen. If houses go in, the density should be severely diminished. May be 100 to 150 homes maximum.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
16	James Cantrell *Tomoka Oaks*	Traffic gridlock	Loss of natural habitat (golf course has been this for a number of animals) for wildlife. Our wildlife, the gold course fox, many birds and other wildlife that lives on the golf course.	Perfect world, a golf course or some combination of nature conservation area and community facility (Ormond beach museum would be nice).
17	Laura Cook *Tomoka Oaks*	Traffic, losing our beautiful golf course (the city should buy it) neighborhood character, overcrowding on all aspects (schools, hospitals, medical services and facilities). Also the ability to walk or ride bicycles throughout the neighborhood.	All the above	Have the city buy it and bring the course back .
18	Nora Costanzo *Tomoka Oaks*	Shortage of essential medical services	Catastrophic evacuation gridlock	Declared a preservation area
19	Palmer Crellin *Tomoka Oaks*	Reduced property values	Uncontrollable traffic making emergency and safety responses to be jeopardy.	Limit units built to minimum density with 50' buffer requirements
20	The Coble Fernandez Fam. *Tomoka Oaks*	TRAFFIC	ALTERING OF THE NEIGHBORHOOD	NATURAL RESEVE/WALKING PADS
21	Adam Doliner *Tomoka Oaks*	I grew up learning to swim and play tennis at the TOMOKA golf club… I rode my bike to the club. My friends and I had burgers in the restaurant. This land needs to be saved .	Why devalue the surrounding homes for the greed of a developer? Why RUIN OUR COMMUNITY? Why?	Adult Community village 4 people on spectrum. Complete with bike paths, butterfly gardens, community garden areas. An interactive, safe haven, the property would not be detrimental to the surrounding area but would " fit" the location.
22	AMANDA DOLINER *Tomoka Oaks*	This proposal doesn't fit the location. Save the beauty and serenity of TOMOKA OAKS. THIS DEVELOPER DOESNT FIT OUR COMMUNITY	Ormond Beach DOESNT have the infastructure to handle this absurd proposal… No room for Traffic, police, fire, emergency vehicle's no room	IF SOMETHING HAS TO BE DEVELOPED NOT MORE THEN 100 ESTATE HOMES
23	Andy Doliner *Tomoka Oaks*	I don't want my neighborhood ruined with the proposed massive development	I don't want to have massive traffic in my neighborhood. I don't want our services to be hindered. This plan has No concern for OUR COMMUNITY	As the property is a " butterfly" I'd like to see 1/4 wing developed as an adult autism spectrum independent living village… with beautiful gates and within the surrounding area bike paths, butterfly gardens, flower gardens and community garden.
24	Ashley DuFrene *Tomoka Oaks*	Decrease in quality of life and loss of quiet enjoyment. This not only will cause a disturbance for many years but it is altering the neighborhood character. The course was never meant to become a development of this proportion, if anything at all.	Overcrowding of Ormond Beach. More traffic. More casualties. More overcrowding our schools and hospitals.	The property to be left alone to it's natural habitat if not restored to a golf course or a nice park. If anything is developed it should not be in the view of the current homes on the course just like the 2006 PRD.
25	BARBARA DOLINER *Tomoka Oaks*	The current developer has no concern for the TOMOKA OAKS RESIDENTS, our ORMOND BEACH COMMUNITY OR LIFE STYLE.	Our TOMOKA OAKS COMMUNITY was built around a golf course , trees, peace quiet. The developers absurd design RUINS TOMOKA OSKS. RUINS OUR QUALITY OF LIFE, RUINS OUR PROPERTY VALUES. RUINS OUR BEAUTIFUL COMMUNITY.	My perfect world creates 82-95 ONE STORY, single family estate homes on 2-5 acres. Utilizing the butterfly wings. With each wing having 20-25 homes. Bike path sound perimeter and 100 ft buffer from existing homes. Think of rings around the butterfly.
26	Carolyn Davis & Bob Young *Tomoka Oaks*	Loss of quiet enjoyment and property values. We purchased our home when the 2006 PRD was active and believe this PRD's development order implicitly protects the land use to remain a golf course or recreational green space in perpetuity.	Traffic is already becoming an issue in Ormond Beach, and adding homes on this "one-of-a-kind" jewel will only increase traffic and safety concerns.	City or professional Golf firm purchases the land. Deed restates the use condition specified in the 12/12/1963 Warranty Deed, Book 585, Page 157: *The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses*. Restores 18-hole golf course and rents the clubhouse for community & private events.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
27	Kim and Chuck Emerson *Tomoka Oaks*	I am concerned about the traffic coming in and out of Tomoka Oaks. There will be traffic jams if 315 home go in the golf course.	We moved up here last year from Palm Beach due to overcrowding, and we picked Tomoka Qaks because of the beautiful tranquility and quietness of the neighborhood. I will feel like I'm back in Delray Beach if this project moves forward!!	I would love to see it go back to a golf course with a nice clubhouse.
28	Mike Eddy *Tomoka Oaks*	Traffic, our roads without sidewalks were never planned to have the traffic we have now much less adding another 200 plus households..	Property values are a problem, anyone knows the last fifty years there was a premium price paid for golf course homes.	Forget ideal world, that won't happen but I think a majority of residents would accept an R1 designation.
29	Diane and Frederick Fox *Tomoka Oaks*	Traffic, Altering neighborhood character	Over populated neighborhood and traffic bottleneck	Park environment
30	Jillian Firmin *Tomoka Oaks*	Traffic	Altering the character	Make it into a beautiful park or nature preserve
31	Tom Fitzgibbon *Tomoka Oaks*	unsafe traffic increase on my road	density/compatibility	2006 PRD 122 units and golf course
32	Aimee and Andrew Gurtis *Tomoka Oaks*	loss of green space and neighborhood character	Traffic and overcrowding	Estate homes with appropriate green space
33	Debbie Gatz *Tomoka Oaks*	Loss of green space in the middle of our beautiful city.	Buffer areas, not being maintained and kept the way they currently are if there is already trees on it. Keep in mind this is brush and vines growing in my yard from the golf course for years now.	Nine hole golf course and recreation, facilities, dog parks, etc.
34	Gupta Family *Tomoka Oaks*	Tomoka Oaks is a prime location and the premise of the neighborhood was the golf course. The previous owners purposely ruined the golf course. This area should be persevered as either a green space or returned to a golf course.	Traffic and overall essential services will further stressed. 10 years from now if this turned into a development and not a green space - the decision will be unfavorably looked upon for the mess it created and lack of healthy space.	Returned to a a golf course or green space. Last option would be some development with golf course still in place
35	Lori Graf *Tomoka Oaks*	DANGEROUS TRAFFIC INTERSECTIONS AND TRAFFIC ON EXISTING ROADS SURROUNDING THE PROPOSED DEVELOPMENT	Altering character of existing neighborhood	No more than 150 lots with nice homes. Green spaces, and amenities like a pool, clubhouse, tennis, pickleball courts, spa, that would be open to residents of the immediate surrounding communities for a fee
36	Pam Gaspary *Tomoka Oaks*	I fear for the integrity of our area. It's a safe place to live now.	Our schools are already overcrowded. There is no more room for classrooms ,	i'd love to see a small neighborhood restaurant, outdoor activies such as; disc golf, picnic tables, pet walks, etc.
37	The Greenlees Family *Tomoka Oaks*	Homes within 6 feet of existing golf course residents. Growth with no plan on how to handle access, traffic, healthcare, and the lack of green space in Ormond Beach.	The impact it will have to the residents of Ormond Beach, not only the Tomoka Oaks residents, but the whole city. This project is not out West, but in the middle of town. The beachside residents will suffer.	The developers understand that they made a bad investment, didn't do their homework in regard to zoning, and donate the property to the city. City could turn it in to a storm water drainage area.
38	Chris & Cindy Heaven *Tomoka Oaks*	Traffic	Property values	Green belt
39	Diane Hoislbauer *Tomoka Oaks*	#1 concern is the traffic, being that Tomoka Oaks has NO sidewalks, the extra traffic will make it hazardous for walkers, bikers, etc.	Alterning neighborhood charater is #2 concern. The homes will not present the same character being crowded into the golf course.	become a public park or have 1 acre estates with less that 100 homes.
40	Glen Huckins *Tomoka Oaks*	Property value decreasing.	Traffic.	Reopened as a golf course or a park for the local neighborhoods.
41	Lauren Huhta *Tomoka Oaks*	Unsafe traffic	altering of neighborhood character	Restored back to a golf course or solar farm

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
42	Missy Herrero *Tomoka Oaks*	Concern for the safety of existing residents related to everyday activities: running, biking, walking with our children, senior parents & pets. Front entrance blocked due to hurricane & wildfires over the years. Daily traffic patterns & evacuation concern.	My family has experienced the unfortunate effects of the shortage of essential medical services; our infrastructure is not keeping up with the rate of development.	In a "Perfect world"-we'd love to see the golf course restored complete with clubhouse and restaurant, tennis and golf., "ideal world": 2006 PRD w/122 units and a golf course.
43	Paul Hughes *Tomoka Oaks*	Safety: the 1960's Tomoka Oaks was built as a "pocket" neighborhood. Only entrance was Nova Road. Designed for 200+ homes. Second Phase added two complimentary arterial paths plus 140+ homes. It exceeds design now.	Over burdened utilities and infrastructure. Cannot put 50lbs in a 5 pound sack. Plus Gray water poisoning .	Sold and bought as a contractual CountryClub/Golf Course/Green Space. The buyers bought as a single function and use. The buyers argument could be for a fuel farm too. When you buy an Exploding KiA don't expect to resell as a Cadillac.
44	Peter & Jamie Hardy *Tomoka Oaks*	Traffic (all of the above)	Reduced property values (all of the above)	Return back to a golf course or a green space
45	Renny Herrero *Tomoka Oaks*	Overdevelopment and increased social stress. Too many people in too small a place which has already been established.	Environmental. Development of a beautiful and unique piece of property.	Optimize the site for what it already is. It would thrive as a gathering place for the people to play golf and introduce other outdoor hobbies. ex:walking trails, dog walking, food truck, outdoor beer garden, music.
46	Susan Hillman *Tomoka Oaks*	Overcrowding of area within existing structures	Area infrastructure can't withstand overwhelming influx of homes along with traffic issues we will also have drainage issues	Recreational space or if no other options then high end residential to be no more than 100 homes
47	Carol Johnson *Tomoka Oaks*	altering of neighborhood/placing a city into a neighborhood	overcrowded and dangerous roads	Ideally that it would stay a recreation site. Or, fewer homes/a community/rec center that welcomes present residents
48	Christoper Jaime, DPT *Tomoka Oaks*	Traffic	Shortage of essential medical services	Back to a golf course or solar farm
49	June Jacobsen *Tomoka Oaks*	Property Value decline	Loss of a potential recreational area or conservation region	A Park with walking trails, a dog area, ponds open to all.....
50	Mindy James *Tomoka Oaks*	My main concern is the amount of homes being built is too excessive for the area. Traffic getting out of our neighborhood onto Nova is already extremely difficult and dangerous. Adding more cars and people exiting the one location is reckless.	We need to stop the over growth in Ormond Beach. Our schools, roads and hospital can not keep up with all this expansion. We need to be mindful of our growth and not allow this to happen.	Ideally, I would love for it to become a public park similar to the one in Port Orange or Central Park.
51	Kaya Kaminski *Tomoka Oaks*	Unnecessary development	Disruption of current neighborhood	Golf course returned or turned into a park or left alone
52	Kelsey Kipi *Tomoka Oaks*	Reduced Property Values. Homes on green space hold an average of 3-4% higher value than their counterparts. My home will drastically diminish in value.	Loss of Quiet Enjoyment. Tomoka oaks is a peaceful neighborhood that surrounds a beautiful property. Development of this land in anything other than substantial recreational space will deprive all of us of our peace, quiet, and scenic views.	I would like to see the property sold to a golf course developer and the course restored. If townhomes need be built as specified in 2006, this would still satisfy my perfect world request.
53	King *Tomoka Oaks*	Neighborhood character	Gridlock	Golf course - small development okay
54	Richard Kershaw *Tomoka Oaks*	Too many homes and traffic in such a small area. Ruin the general make up of the neighborhood.	Environmental concerns with the old golf course and animal impact, including the Gopher turtles which are protected.	Revert back to a golf course or a natural preserve / park
55	Richie & Bonnie Kloepfer *Tomoka Oaks*	Traffic-Already excessive amount of vehicles. We have kids waiting for school buses, bikers, walkers	Medical-People having to be laying in the hallways because of lack of room. Not enough doctors, not enough anything.	A small golf course with quality estate homes surrounding it. No more than 100 homes on large lots with different styles adding property value to the existing property owners of Tomoka Oaks.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
56	Robert Cook & Donna Klein *Tomoka Oaks*	Property value. this is important to stay the course of constant values rising.	Traffic. Traffic currently is enough and speeds probably too high. New development with it comes more unwanted traffic.	Restore to a golf course with reasonable due/fees.
57	Susan Klippel *Tomoka Oaks*	Loss of green space	Traffic	City park / green space. Worst case smaller community with green space
58	Ellen Lauturner *Tomoka Oaks*	Strain on city services especially medical	Traffic/gridlock	Become a park
59	Maria Lusk *Tomoka Oaks*	Traffic	Overcrowding of schools	We are new in town and dont have enough knowledge to say what it should be.
60	Ricard Lukac *Tomoka Oaks*	Traffic	Neighborhood character	Have the City make it a park or " Green Area"
61	Rita Lee *Tomoka Oaks*	All of the above	Traffic, medical services, etc	9 hole golf course, pool, restaurant
62	Warren and Nancy Lensmire *Tomoka Oaks*	Altering of neighborhood character.	Traffic problems	A nature preserve for Ormond Beach
63	William T Loomis IV *Tomoka Oaks*	Traffic	Reduced Property Values	City purchases the property and turns into a city park.
64	Christopher Moody *Tomoka Oaks*	The biggest concern is the traffic and saftey of pedestrians. The schools and hospital's are already overloaded, this would just make matters worse.	The property should be large estate homes with a minimum 1 acre.	I would like to see a golf course and country club with pool.
65	John Measel *Tomoka Oaks*	One of the bigger problems with R2 zoning is the majority of houses built on the golf course where built to utilize the course as their backyard some houses have pools and enclosures built up the property line.	This property was previously zoned PRD for a reason the streets thru Tomoka Oaks and the Trails can't handle the additional 1000 trips a day on average a R2 would make without improvements and side walks	In a beautiful world would like to see a golf course, but understand housing being built but no more than 187 units
66	John P. MURPHY *Tomoka Oaks*	All of the above	....bring in undersibles.....	Remain a golf course....
67	Mary Ellen McConnell *Tomoka Oaks*	Altering of neighborhood character	Traffic	Park and trails
68	Harry McConnell *Tomoka Oaks*	Increased traffic will bottleneck at Nova/Tomoka Oaks Blvd causing inconvenience and accidents. Emergency traffic will be impeded. Drivers will likely use S. St. Andrews and Trails streets further disrupting peace.	Failure to preserve land as a nature sanctuary to protect Tomoka Oaks against noise & light pollution. Development will reduce quality of life for present residents and reduce property values.	Make a park in the center, where the clubhouse was, with walking trails winding through it with 100' perimeterall around left to nature. Some ponds scattered in the parks and buffer. Memorial Gardens on Granada & Halifax could be a model.
69	Mary Murphy *Tomoka Oaks*	Actually, all of the above are main concerns...Traffic would be.most concerning.	Altering of neighborhood character. I am sure many will be wandering about our now quiet and peaceful neighborhood.	A 9 hole golf course with minimal townhouses. Under proper management this should be a profitable and accepting arrangement.
70	Paul and Deb Maybeck *Tomoka Oaks*	SAFETY: excessive traffic on narrow roads endangers kids at bus stops, walkers, bikers, EMS access, and catastrophic evacuation. Endangers the ability to enter/exit onto Nova Rd especially due to RR cars backed up north of exit.	LOSS OF GREEN SPACE: loss of valuable quiet, negatively alters neighborhood character, no consideration for humans or animals. Six foot buffer is totally absurd and will result in property values being adversely affected.	Return property to its previous life as a "golf and country club" with a stable golf corporation running it. Or if that is not possible, build less than 100 homes, attached or single units, surrounded by a full golf course as was proposed in 2006.
71	Paul and Debbie Marz *Tomoka Oaks*	Property value. Concern is that it is wrong to take the green space away which was always an implied golf neighborhood.	Altering the character of this community. Concern is that the future of building in the middle of our neighborhood will be disastrous to the existing homes.	Ideally the course should be brought back to the level of success that it was intended to be. All neighboring municipalities own and run successful courses except Ormond Beach.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
72	Paul Mena *Tomoka Oaks*	Loss of property value. The proposed neighborhood would reside within one of the most established neighborhoods in the city of Ormond and the plans are for dense population which goes against our current set up.	Catastrophic Evacuation gridlock	Adding 317 house holds would amount to roughly 750 more vehicles trying to use the same exits which could cause serious issues if the need for evacuation was ever deemed necessary
73	Paula Mousikos *Tomoka Oaks*	Traffic and changing the beauty of the land behind our houses. Also reduced property values with hideous development.	Building anything on this beautiful piece of property.	Turned back into a golf course or even an 18 hole with minor development like a condo somewhere so that I don't have to look at it.
74	Yvonne Bonnie Maloney *Tomoka Oaks*	Traffic. We have no sidewalks for walking, baby strollers, dog walkers. Emergency vehicles are barely able to drive in.	Medical care-my husband died last year partly because the ED and hospital was severely under staffed and he went to the ED 3 times. Would he have survived if he had adequate care?	Restoring part of the golf course with high-end golf villas in the middle. Existing golf course homes will lose value if developed as submitted
75	Christine Neely *Tomoka Oaks*	Reduced property values	Too much traffic	Not being built at all
76	Heidi Nates *Tomoka Oaks*	Reduced property values	I chose Tomoka Oaks because of the neighborhoods character. It was something one thing we did not	I would love to see the city purchase the property to be used as a place to walk, maybe have a 3 par golf course, pickleball courts
77	Roberta Naleway *Tomoka Oaks*	The look of our neighborhood is going to change. In similar situations with cities things turned worse and we are faced with this. Worried about the value of their home dropping before or about how the neighborhood feel could change.	It feels like there is no way traffic will not be affected with that many homes.	To be developed or fixed to be the same property type it was meant to be.
78	Neil & Suzie Oslos *Tomoka Oaks*	The area to be developed has limited access and egress which would cause catastrophic evacuation gridlock.	Signiticant traffic again focused on the limited egress from the development.	I do not live on the golf course but the lots on the golf course were originally sold as golf course lots. This area should be preserved as a park.
79	Andrea Pagán *Tomoka Oaks*	Soil erosion and flooding. 'Soil erosion impacts downstream hydrology and can cause an increase in flooding, which can harm the environment.' I live nearby the river. Houses adjacent get flooded by heavy rain.	Traffic, pedestrian safety, and house insurance impact on the long run.	Dog park, picnic area, trail walk/run, playground.
80	Blanche Parks *Tomoka Oaks*	Traffic into and out of Tomoka Oaks will become a nightmare	The number of additional houses is going to altar the character of the entire neighborhood	Par 3 golf course with fewer homes
81	DANIEL PECKHAM *Tomoka Oaks*	Traffic will be a nightmare which will impact the ability for emergency vehicles entry and exit as there is only one way in and one way out. The hospitals are already overcrowded as well as the schools.	This development will completely change the character of this neighborhood and reduce property values. There is so much wildlife on the property that would be displaced.	I would like it to remain a golf course or have the city or affluent Ormond residents turn it into a park.
82	Jim Phillips *Tomoka Oaks*	Traffic	Shortage of medical services	150 estate lots, 50 foot boundary buffer and new boundary trail open to all of T Oaks.
83	Jimmy and Joyce Page *Tomoka Oaks*	Traffic congestion and safety at the entrance	Overload of services	Nature preserve or park
84	John and Carol Power *Tomoka Oaks*	Traffic safety. These roads were not designed or constructed to handle an additional 250-300+ vehicles.	Emergence response/evacuation.	Return to being a golf course (of some sort) and or/green space.
85	John Powell *Tomoka Oaks*	altering of neighborhood character	reduced property values	Remain a golf course or green space.
86	Mike & Pam Peerless *Tomoka Oaks*	The traffic will be horrendous. The golf course was not intended to build hundreds of houses on. The ingress/egress issue will not be tolerable and the surrounding areas will be a nightmare to deal with, let alone the Tomoka Oaks subdivision.	Diminished property values to existing homes.	Turn it into a nature preserve.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
87	Price Family *Tomoka Oaks*	Loss of character. We bought in this neighbourhood for its character, age, quirkiness. We love that nothing in Tomoka Oaks is cookie-cutter and the mature landscaping. What they are doing on Clyde Morris and Williamson should be illegal.	Traffic. The addition of 500-600 additional cars is going to be a nightmare. This is the kind of neighbourhood where families go on walks and kids go outside to play/ride bikes like it's still the 1980s like their parents did.	It would be nice to keep it mostly a natural park and rebuild pool/racquet facilities for the neighbourhood to enjoy whist still leaving the open space to just let kids play. We have some ponds, great trees, and don't need ugly square retention ponds
88	Jan and Jim Rose *Tomoka Oaks*	Traffic/Density-too many houses cause too much traffic.	The additional residents would alter the character of the neighborhood and negatively impact the quiet enjoyment of the residents.	Estate homes being built with substantially less density than proposed.
89	John R. Rhoades *Tomoka Oaks*	Density and the traffic and other problems it will cause.	The years of construction, heavy machinery noise, dust, and loss of my quality of life.	I would like to see it become a park or other green space. How many more apartments or houses do we need until we overload our infrastructure here in Ormond Beach.
90	Richard and Dale Ryals *Tomoka Oaks*	Traffic property value hospital overcrowded	Bought in 1973 to be on the golf course forever	Stay a golf course. Ormond should have a public golf course like Daytona and other cities have. Ormond only has a private course
91	Sherri Rummel-Hawk *Tomoka Oaks*	Overcrowding and lack of resources	Lower our property value changing the quaintness of our neighborhood	This property could be for Ormond Beach
92	Ginger Stanley *Tomoka Oaks*	Traffic	Traffic	Clubhouse, bicycle trails, park, walking trails, pool
93	Jeff & Wendy Steiskal *Tomoka Oaks*	Loss of beautiful, quiet golf course property reducing property values	Traffic and increased population problems. We purchased in 2912 and it's very sad to see this little gem of a place ruined by so much development	Something similar to proposal from before. Maybe a smaller amount of condos in the center and the golf course reopened
94	Jeff Steiskal *Tomoka Oaks*	They bought a golf course and it should remain with minimal development minimal impact on the existing neighborhood	Loss of property values and quiet enjoyment	Reopen the course with restaurants and small condo development or hotel
95	Joaquin Sierra *Tomoka Oaks*	Traffic, property value	Safety	CITY PARK
96	Kimberly Welch Staley *Tomoka Oaks*	Traffic and value of existing home	Buffer between houses on golf course and my home which is on the golf course	Green Space like a park for the Ormond Beach community.
97	Strickland Family *Tomoka Oaks*	opposed for Many Reasons, Traffic, Crime, reduced property value	congestion	Restore Golf Course
98	William & Rebecca Shank *Tomoka Oaks*	Loss of environment which motivated our home purchase. Excessive traffic.	Traffic and loss of privacy for our homes.	Remain a golf course.
99	Dr. Ian Tafel *Tomoka Oaks*	There is already too much traffic around this area and especially into and out of Tomoka Oaks. Adding even more houses to the golf course will only magnify the issue.	My family and I bought a home in Tomoka Oaks after being told the golf course would never be developed. We liked the secluded and quiet nature of this place. That is now threatened by the developers plans for the golf course	It should be converted into a nature preserve with walking trails for the residents of Tomoka oaks.
100	Gregory Tremmel *Tomoka Oaks*	Increased traffic	Shortage of essential medical services	A public park
101	Pam Turrill *Tomoka Oaks*	Traffic	Lack of property value	Turn it into a park
102	Richard W. Turrill, Pamela R. Turrill *Tomoka Oaks*	Reduced property values	Increased traffic in/out Tom Oaks	Luxury homes on 1.5 acres or larger.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
103	The Tafel Family *Tomoka Oaks*	Traffic and potential gridlock. The amount of traffic already on Nova road is dangerous for both drivers and pedestrians.	Stress on emergency resources. Our first responders are already spread too thin and hospitals are overcrowded. It is dangerous.	We would like it to remain a wildlife space to all the animals that have made their habitats there, or be developed into an estate community with plenty of green space and limited traffic increase.
104	Tracie Titus *Tomoka Oaks*	Traffic	Losing the character of our neighborhood	Estate homes and green space
105	Jessica Vitale *Tomoka Oaks*	Traffic, overcrowding schools and hospitals, the property not matching the lot sizes of Tomoka Oaks plots, having a neighborhood inside our already established neighborhood.	Loosing a large green space for wildlife, and over crowding the surrounding neighborhoods.	Would love to see the property stay a golf course with a new club house, or only develop a small amount of townhomes in the middle of property with the existing golf course surrounding it.
106	L.J. & Joan Van Lancker *Tomoka Oaks*	Our main concern is the increased vehicle presence will create a safety hassard on a daily basis as well as the dangerous evacuation gridlock if necessary. Pedestrians, bikers, runners, etc. are at risk of injury on a daily basis as it is.	Decreased property values as a result of the nonconforming lot & housing sizes proposed by the developer.	Become a Public Gulf Course, or prestigiuos housing community of about 120 homes to set as an example of THE UNIQUE community in Ormond Beach worthy of Tomoka Oaks.
107	Sandra Bass VanCleef *Tomoka Oaks*	Traffic is already a concern. With very limited access; I feel this will be a huge issue.	Loss of green space and additional pollution runoff to the Tomoka River. Loss of wildlife the is fairly abundant now.	Ideally? Maintained as a green space.
108	Bob whiteside *Tomoka Oaks*	Access in and out of our neighborhood	Decreasing property values of existing homes	Golf course, maybe with some housing as was proposed when zoning was changed to PRD. No more than 150 homes.
109	Carmen & Tim Woody *Tomoka Oaks*	Our major concern is that we do not want anymore traffic in our community. 300+ homes would turn this place into a nightmare & be forced to move to a less congested area which would be a huge hardship for me & my family.	Aside from the horrible congestion of homes, the possible damage it could bring to the existing older homes plus all the tortoise & deer would stop visiting my home	I would love for it to remain a golf course & tennis courts because even if they were at a business we were still using it & we would love for it to stay green & full of nature, the way its always been.
110	Hunter Wendelstedt *Tomoka Oaks*	Traffic, danger to children	Loss of quiet neighborhood	50 Luxury homes or other planning board recommendations
111	Laura Weast *Tomoka Oaks*	Flooding	Loss of character to the neighborhood	Golf course
112	Mary Pat Whiteside *Tomoka Oaks*	The fact that my home will lose value due to the noise and traffic of construction	The traffic will grow exponentially.	A few nice estate homes will be built.
113	Natalie Weaver *Tomoka Oaks*	Traffic at Nova Road Entry and into the development	Neighborhood character	Keep it an open space. Some one or some group buy it and let it be.
114	Robert and Nancy Willis *Tomoka Oaks*	Reduce property values, I don't want this development to negatively affect my property value	Traffic, evacuation gridlock. If so, many people are in a development with one exit, that would cause tremendous gridlock in the case of an emergency getting out of the development.	Remain open space, or or become a beautified Park
115	Wilson Famiĺy *Tomoka Oaks*	Reduced property values. The appraisal of our home was based off of greenspace behind our home. With the development homes this will reduce our property value.	Traffic, currently traffic is already bad and adding additional 300 homes will only make the existing problem worse when trying to exit the neighborhood.	Reopen as a gold course or be turned into a park
116	Adam Zirkelbach *Tomoka Oaks*	Altering Neighborhood Character. Tomoka Oaks is a enjoyable and beautiful community in Ormond Beach and is one of the few that have been affected by the major growth in the area. If they are going to be allowed to build, build it better.	Lack of infrastructure. Ormond Beach, regardless of this community or next, is growing quickly and infrastructure is not keeping up. Lack of hospital rooms, small roadways, lack of safety features, overcrowded schools. Quality of life.	1. Revive the golf course 2. Nothing at all 3. Build it better than what the builder has proposed.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
117	Bill Zirkelbach *Tomoka Oaks*	Traffic and altering the overall character of the our subdivision. Also it would negatively impact our current infrastructure.	Trraffice flow and impact on infrastructure, environmental and property values.	Keep as green space. I understand the developers rights. Would entertain estate homes on acre lots would provide green space & have less of an impact on our infrastructure. Also these estate home would have a positive impact on property values
118	Mariah Zirkelbach *Tomoka Oaks*	Overcrowding in terms of schools, hospital's, evacuation	traffic flow and too much density for the town thats already expanding at a rapid rate	Either nothing and let it be a nature preserve or the 119 houses that was pre approved by the city
119	Michelle Zirkelbach *Tomoka Oaks*	Traffic - common sense tells us recent traffic studies are not an accurate predictor of the gridlock overdevelopment causes.	Loss of value in terms of character and actual dollars - especially for homes directly on the gold course where people who paid a premium price for a lot with no neighbors behind them could potentially see the back of THREE Tomoka Reserve Homes.	Ideally it would remain some form of green space. At the VERY most, it should be developed along the lines of the 2006 PRD.
120	Rick Zirkelbach *Tomoka Oaks*	Traffic	Home values	A better plan for this property.
121	Barbara Steadman *Escondido Condos*	Traffic, catastrophic evacuation gridlock and shortage of essential medical services are my main concern.	See #1	Another golf course or if that is not feasible, a limited number of one family homes with large lot sizes.
122	Bhanu Patel *Escondido Condos*	Traffic	Infrastructure Congestion	stay open as golf course
123	Carolyn Brenner *Escondido Condos*	Traffic	shortage of essential medical services	I would like the land to see some open space preserved for recreation.
124	Kirk Thrush *Escondido Condos*	Traffic. The property, when used as a golf course didn't negatively affect traffic. Building housing on the property most certainly will negatively affect traffic, safety	Escondido will have no safe entrance/ exit with the increased traffic…	Stay as a green space or park. Set aside a portion for community gardens…
125	Marcia A, Rudman *Escondido Condos*	Catastrophic evacuation gridlock	Traffic	Some development is pretty much inevitable but I would like to see as little as possible with some recreational activities.
126	Mary Leonard *Escondido Condos*	Traffic!!!!!	overcrowding	A beautiful green space
127	Rick Rickards *Escondido Condos*	The development of the golf course property would severely alter the safety and character of surrounding areas.	It's morally wrong to pull the rug out from under residents who purchased properties in a golf course community with the promise that it would be green space in perpetuity.	Ideally, the golf course property should be redeveloped into a golf course or developed into a public park.
128	Robert Baner *Escondido Condos*	Over crowding and intended use of property by town fathers years ago.	Only one access to this area. How can this be a good idea to anyone of a sound mind?	Rebuild the golf course
129	Stefanie Ibison *Escondido Condos*	Traffic	Flooding	In an ideal world it would reopen as a golf course. With the closing of Riverbed Ormond Beach could use a good public course.
130	Susan Banker *Escondido Condos*	main concern is traffic!!! before there is a light. more cars waiting. will make it impossible for us to make a left hand turn onto Tomoka Oaks BLVD to get to Nova. How will we get out? prisoner!!	No plans to address the already crowded hospitals and schools.	I'd like to see it developed back into a golf course. If not possible, do a golf course and about 50-100 homes around it, or no houses.
131	Betros family *The Trails*	Devaluing the neighborhood with cheap new builds	Increased traffic	New golf course, preservation area or high quality estate size homes

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
132	Bob & Pam Wilson *The Trails*	Cut through traffic is already an issue, as people eliminate the Granada/Nova light. Additional homes will only add to the numbers, passing through the Trails to access Granada, if headed South or west. Already a huge back up at Tomoka Elementary light.	Lack of infrastructure to support growth	Operating golf course
133	Bob Henry *The Trails*	Traffic	Property Values	Leave it as a green space
134	Bonnie Williamson *The Trails*	Traffic	reduced property values	turned into a park
135	Carol Mahon *The Trails*	Traffic	Medical services	green space
136	Caroline and Juan Prados *The Trails*	Traffic. The Trails was not built for so much of it!!!	Its not in keeping with the Tomoka Oaks properties.	Another golf course 🙏
137	Charles & Nell Thomas *The Trails*	Traffic.	Betrayal of existing homeowners.	Purchase and reopen golf course.
138	Cindy Newman *The Trails*	Shortage of essential medical services	Saftey and traffic	Less homes, each the same size lots as existing homes in Tomoka Oaks 100x100 lots.
139	Craig Shankland *The Trails*	Traffic thru the Trails will be horrendous	The golf course should be saved, it's a gem for the city. It will make money, be great for the youth to learn agronomy and buisness there are two nines which is a big asset	Kept as a golf course it's a gem. It will make money all previous owners knew nothing on how to run successful golf courses. We have social media now to get the advertising out in seconds, that makes a huge difference
140	Danny Bouck *The Trails*	Increased traffic on the roads connecting both neighborhoods. I have hound children who like to play in the front yard and the traffic level is already high enough with people speeding.	Changing the way of how people view the Trails and Tomoka Oaks neighborhoods. From my experience people who don't live here want to live here because of the exclusive nature.	I would love to see a new golf course be built. I was never around for when it was a golf course but always heard it was a great layout. If someone could buy and build a new course I would definitely be a member.
141	Denise White *The Trails*	Traffic is my number one concern. Our roads were not designed for a large increase in traffic. In particular, the Trails has very narrow, winding roads with many blind spots which endangers the areas walkers runners, and bicyclers.	My number two concern dovetails off the increased number of vehicles. Our safety is at risk because of no sidewalks and a single ingress/egress that feeds into a two lane 450 foot quirky road.	Ideally a golf course would be my preference but the old 2006 nine hole, residential use would be acceptable. I, also, think the estate lot concept would be acceptable.
142	Diane chanfrau *The Trails*	Altering of neighborhood character, property value reduced, traffic, evacuation issues,	Loss of quiet enjoyment	Green recreational space
143	Donald Cardone *The Trails*	Marked traffic on Main Trail causing congestion. Increased likelihood of accidents is a real risk. Due to marked congestion of Main Trail and exit onto Granada Blvd.	Above concern is paramount	Retain a natural environment
144	Doug & Darla Widnall *The Trails*	Overtaxed infrastructure	Out of control traffic, no sidewalks, curvy 2-lane roads, 3,000 extra daily trips from the proposed new development	18 hole golf course with a clubhouse/restaurant
145	Ed Davis *The Trails*	Loss of Quiet Enjoyment	Traffic	Enforcement of Deed Restriction that it be used as golf course
146	Ed McLaughlin *The Trails*	traffic	potential leaks	golf course or park

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147	Erik Emsing *The Trails*	Increased Traffic, Disruptions and Noise, Public Utility Problems, Groundwater Shortage, Changed Neighborhood Character, Construction NOISE for Years Disturbing the Peace	It should remain a Golf Couse as it was Initially Planned for. Everything around Tomoka Oaks and the Trails were dimensioned with that layout thus NOT Accommodating another 300 houses!	That the Golf Couse be reactivated and improved...
148	Gail Roe *The Trails*	Too much traffic through the Trails	Too many houses close together	Reopen golf course
149	Jan Collier *The Trails*	Traffic	Small size homes built by Corporation Home Builder	Larger home lots, walking trails; trees planted
150	Jennifer Genovese *The Trails*	We are over building at this point. The traffic, utilities, services are going to be stretched let alone facilities like water, electric, car pollution.	Residents in Tomoka Oaks purchased there because of the golf course and the open, and peaceful feeling. That area should be developed	It should be an open area…a park of some type.
151	Jens Fagerlund *The Trails*	Traffic and evacuation gridlock	Evacuation gridlock	Nature experience park
152	Judy L Ramos *The Trails*	Traffic through The Trails, loss of quietness, vehicles speeding up and down Rio Pinar and Iroquois Trails trying to get out of Tomoka Oaks reduced property value, altering the characteristics of the neighbor	Effects on the wild life and taking away old oak trees	Develop something more for families like Top Golf
153	Kathy Tiger *The Trails*	Disrupting the charm and tranquility of Tomoka Oaks / the Trails. Increased already non-sustainable traffic incl. Tomoka Oaks without safe sidewalks. Added problems with Power Utilities, groundwater & noise.	It should remain as it was originally planned and sold to house buyers until it was closed.	Reactivate the Golf Couse and make it great ... KEEP the Open GREEN Space!pace
154	Kristina Moore *The Trails*	Traffic	Shortage of medical services We need another hospital, not more people and gridlock	Green area. How did greedy developers get this land?
155	Lillian Rutherford *The Trails*	Traffic would drastically increase which would lead to a decrease in a multitude of areas such as: walking safety, property value, gridlocks if there was an evacuation, overcrowded schools/restaurants/etc., increase in routes criminals might take, etc	Infrastructure breakdown, not enough room to support the amount of home proposed	A golf course - this would increase home values. Another form of recreation. If it must be built on, then build it with lot sizes that are the same as what is already in the area.
156	Lynda Wilson *The Trails*	I'm greatly concerned about the increased traffic into my neighborhood.	I believe our city needs to slow down on approving new developments of housing and apartments	As mentioned before a park would be nice with possibly a par three golf course.
157	Michele Davis *The Trails*	Traffic	Overcrowding	Golf course
158	Norma Washburn *The Trails*	When we moved into The Trails 37 years ago This was ideal. Now traffic woes and endless building has made it less. Greed is the deciding factor.	Another beautiful green natural space gone. I played golf there. reopened	A city owned golf course.
159	Olga and Paul Ambruster *The Trails*	Traffic, additional costs place on the local people.	Don't allow homes. The interstructure is not allowed any homes. We the tax payers can't have additional taxes place upon us..	Park
160	Paige Cohen *The Trails*	Traffic - our city is already growing and being in the neighborhood next to Tomoka Oaks, we are concerned about too many cars going through our city and infrastructure does not allow for added traffic.	Tomoka Oaks residence bought in a golf course community. To turn an area of land into another community within a community is shocking and feel for those who have property in Tomoka Oaks, and how it will affect surrounding neighborhoods.	A park. Ormond Beach needs more green space with the increase of people moving into our small beach town!
161	Pat Murphy *The Trails*	traffic	Decreased green space	City park

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
162	Paula Bolwerk *The Trails*	Excess traffic and schools overcrowded	Infrastructure may not support	Let it grow into woods for the animals
163	Pichon family *The Trails*	Traffic is a major concern. I live on the corner of Main Trail and Rio Pinar. The traffic is already heavy without the addition of another neighborhood. Waiting at the stop light on Granada would be horrendous	Reduced property values is another concern. The congestion will make our property less desirable along with older homes competing with new ones.	I would like to see it grow back into the forest. There are so many neighborhoods being developed into apartments, etc, that I often wonder where the animals are supposed to live. There seems to be no forethought. Just tear it down and build more!
164	Sarah Gowen *The Trails*	Increased Traffic	Overcrowding of schools, neighborhood and area in general	It's a golf course property! Leave it alone or re-purpose as conservation area.
165	Scott Baker *The Trails*	As a Trails resident we have seen already the traffic in our neighborhoods increase without the additional 300 plus homes being added. With this development, this will only get worse. Our roads are not equipped for this volume.	For years the Trails and Tomoka Oaks have been premier developments. Adding this many homes will only serve to decrease property values in the area and will not go along with the higher end homes in the area.	Ideally we would see the golf course reborn
166	Scott Frantz *The Trails*	Traffic cutting through the Trails. Many of the new residence will cut through the Trails on Rio Pinar Trail to get to Granada.	Hospitals. its currently a several hour wait time at Advent and Halifax hospitals ER'S.	THE PROPERTY WILL BE DEVELOPED. ANOTHER ENTRANCE/EXIT MUST BE CREATED TO ALLOW TRAFFIC DIRECT ACCESS TO US 1.
167	Shelagh Traill *The Trails*	Traffic on the already dilapidated, aging bridge in The Trails and increased traffic on Main Trail from Granada Blvd.	Decreased property values.	Turned I to a community park and municipal 9-hole golf course.
168	Shon MacDughlas *The Trails*	Traffic - Traffic is already an issue on Rio Pinar, this development will cause more safety issues with kids on the streets (no sidewalks) ruining the neighborhood	Destroying our quiet community	Turn it back into a golf course or leave as green belt/park, if nothing else, reduce the number of home allowed
169	Susan Cummings *The Trails*	The additional vehicular traffic from cars taking a shortcut to reach Granada Boulevard is troublesome.	I am concerned about the aquifer supporting all of the new building.	A Park with bike trails
170	Suzie Lindsey *The Trails*	Traffic - Ormond's growth needs to cease; we are already seeing more and more traffic.	Reduced property values - Tomoka Oaks is a golf course community, that is why they purchased their homes in that subdivision.	Re-open as a golf course; it would certainly bring in a lot of people.
171	The Bing Family *The Trails*	Traffic and the safety of our children, pets, and families. The Trails is a place we chose to live in because it is not overcrowded and the residents are friendly and active. We always have families biking, walking, going to the park, and enjoying it.	Tomoka Elementary School is currently being built to meet current enrollment needs. Adding over 200 homes would drastically impact the school in a negative way.	I would like to see it redeveloped into a golf course or community park area. Can we buy it as a coop between Tomoka Oaks and The Trails and Talaquah?
172	Vallie Smith and Charles McLeod *The Trails*	Granada is already a traffic hazzard with the abundance of traffic.	Our water utility is stressed enough!	A nice park would be exciting.
173	W. R. Reed ll *The Trails*	Lack of a public golf course in o.Bch. Also, heavy traffic with limited exits.	Emergency vehicles access.	We need a public golf course. Come on Ormond Beach, spend the money.
174	William Beyer *The Trails*	My primary concern is traffic. Besides catastrophic evacuation gridlock in the event of a hurricane, just adding that many more vehicles to an already overburdened infrastructure is mismanagement at it's worst.	Shortage of medical services. The county is already stretched thin and the addition of several hundred more families (not to mention all the construction ongoing on Clyde Morris Blvd And Williamson Blvd will surely to degradation of medical care.	I would like to see the City of Ormond Bch and Volusia County step up and buy out the developers. They could create a park with walking trails, handball, tennis & pickle ball courts that could charge a nominal fee that would pay the purchase.
175	James Nobles *Tomoka Oakwood North Condos*	Traffic	Air and noise pollution plus many of the examples listed. This developer should be tarred and feathered and sent walking. What a pig.	Turn it into a park or another golf course.
176	Mary Hintze *Tomoka Oakwood North Condos*	Traffic, gridlock , overcrowded	More importantly All of the concerns listed above !	Left as a golf course, if not a park like setting !

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
177	Maria Martin *Tomoka Oakwood North Condos*	Althering of neighborhood chatacter	Catastrophic evacuation gridlock dangerously.	It will be ideal the golf course move to a bigger space.
178	Dawn Waldorf *Talaquah*	Increased traffic on Nova Rd. Dangerous middle lane.	Decreased property values	A community park
179	Dawn Waldorf and Geeter Kyrazis *Talaquah*	Loss of quiet enjoyment - the character and quiet nature of the neighborhood will be impacted by excess population density	Increased traffic - road infrastructure is not sufficient for increased population	Converted into public green space
180	Ginger Davis *Talaquah*	Traffic	Loss of quiet	Low density housing that compliments the existing lot sizes adjacent the golf course
181	José laura Gierbolini *Talaquah*	Traffic	Should be redeveloped as a golf course	Keep it a golf course. Add tennis pickleball and restaurant
182	Sally Wells *Talaquah*	Traffic	Water shortages	Park
183	Martha Hurst *Fiesta Heights but have family who live on the old Tomoka Oaks golf course*	Traffic. It's awful slresfy	Home value decrease	Daytona State takes it over and start a horticultural and agronomy school. Closest one is in Lake City.
184	Marce Kinstle *Hidden Hills*	The traffic on Granada is horrendous and can not be handled as is. The development is pushing the animals into the neighborhoods as well as flooding that has never occurred is now happening in my neighborhood.	The people who have lived there for years are going to have to deal with the new hydrodynamics and every time they develop they push the water to the older properties. My yard has never flooded until this year with all the new development	Let the neighborhood decide
185	Amy Sandler *Ormond By the Sea*	All of the above	We are choking with overdevelopment. I am not confident that having industrial production is necessary for our area	A non sectarian private or charter school
186	Crabb Family *Tomoka Estates*	We are against this development due to the increased traffic and impacts on our already strained health and safety services.	Our roads are already in need of repair and maintenance so these added families will only increase another area our community is struggling with.	Make it a nature park.
187	Douglas Widnall III *Tomoka Meadows*	Traffic	Environmental Concerns	I would like to see it become a golf course again,
188	Nancy DeLuca *Trails North Forty* *(former Trails homeowner)*	#1: alteration of neighborhood character and loss of quiet enjoyment for people and wildlife	#2: I don't like the fact that the developers assume they can change the zoning. Just because they purchased the property doesn't make them entitled to do what they want with it	I would like to see the city or county purchase the property and maintain it as a public golf course
189	John Chadwell *Village of Pine Run*	Added traffic . Added density which is inconsistent with the surroundings. .	Overcrowding the schools and stressing our infrastructure	The golf course becomes "green space"
190	Chrisann Joson *Coquina Point,* *parents live in Tomoka Oaks*	Reduced property value	Traffic	Golf course restored!!
191	Missy Ascik *Beachside*	Traffic	influx of people and lack of infrastructure. Roads, schools, hospitals	community park with community garden, walking trails and open areas
192	Al Wilson *Other Ormond Beach neighborhood*	Traffic concern in and out of Tomoka Oaks and the Trails and along the Nova Rd and Granada corridor. The homeowners at the entrances of both communities will suffer loss of property value as well.	The shopping center at the Trails is already overflowing, Publix is crazy most days and all the restaurants are booked as well. Can't imagine adding 250-300 homesites in that area.	Perhaps larger estate lots with lots of greenspace. A 9 hole par 3 with a community clubhouse as well.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
193	Barbara Bonarrigo *Other Ormond Beach neighborhood*	Traffic,	Altering of neighborhood character	Recreation
194	David Mott *Other Ormond Beach neighborhood*	Me and other folks moved into a golf course community because it is a golf course community .	Crime, pollution, traffic,congestion - more people more of all of the aforementioned	Turn it into a city owned/operated municipal golf corse. 4 or more courses have been shut down in theOB/DB area because of greedy land barons and whoever is in bed with them.
195	Debbie Cavanaugh *Other Ormond Beach neighborhood*	Traffic: Ormond Beach is getting way too crowded and does not have the infrastructure to handle 317 new homes. Traffic is bad now and it would be a nightmare to add potentially another 600+ vehicles using our roadways.	Home Values: Ormond Beach was the place to live. You paid more money for your home because of the character of the city. Adding that many homes would take away from the value of my largest investment, my home.	You could Parcel out sections near existing homes giving the homeowner and opportunity to expand their existing single residence property. Use other sections for community activity geared things for the existing community.
196	Dennis & Barbara Manzer *Other Ormond Beach neighborhood*	Take care of the infrastructure before you start building.	Failing to develop the infrastructure before expanding the population. DUH!	Leave the property alone until all the infrastructure is in place.
197	Dorena James *Other Ormond Beach neighborhood*	Overcrowding, over development	Traffic	Turn into green space for a park for all to enjoy.
198	Elena Krafft *Other Ormond Beach neighborhood*	Traffic	Overcrowding	Restored
199	Ivona Tydir *Other Ormond Beach neighborhood*	Biggest issue is storm system and flooding of the Trails that would be inevitable with rising water table in the hurricane season.	Traffic on Rio Pinar will be unfair to the residents of the Trails.	Park, nature preserve or recreational area.
200	Jeff Boyle *Other Ormond Beach neighborhood*	traffic, altering neighborhood character	environment, toxic soil, runoff flooding	redeveloped golf course, open space recreation
201	Josie Coulson *Other Ormond Beach neighborhood*	The answer is spelled out above! Every single one of them. Please do not allow this to happen!	Answered above	Allow the residents living there the right to make that decision and City Commissioners have tha.
202	Julie Sipes *Other Ormond Beach neighborhood*	Traffic	Altering the character of the neighborhood	Be a Golf Course or a Park
203	Lisa Bennett *Other Ormond Beach neighborhood*	traffic: this development will only exacerbate things. There are only two ways to leave Ormond Beach. Granada is a complete nightmare, and US1 is almost there. Adding all those homes will seal the deal on traffic.	OVER DEVELOPMENT. What has been done to this town is sinful. A once quaint and unique town has just become like any other over developed city in FL. And there is only one reason for it. Greed.	A golf course or green space.
204	Mark Chase *Other Ormond Beach neighborhood*	traffic. city resorces, woods and open ares cleard for houses.	over building.	leave as is.
205	Michael Shawn McBride *Other Ormond Beach neighborhood*	Over development	Lack of infrastructure	Affordable housing
206	Nancy Meres *Other Ormond Beach neighborhood*	There is already an increase of traffic ,,	School's are overcrowded Now,	Nothing
207	Pamela Novy *Other Ormond Beach neighborhood*	Traffic resulting in gridlock and added difficulty during evacuations.	Losing more trees and green spaces	I'd love to see a park with walking and biking trails.
208	Pamela Skilling *Other Ormond Beach neighborhood*	Altering of neighborhood character whic would be caused by overcrowding, ie, too many homes leading to too much traffic /gridlock issues, which will drastically reduce quality of life	Too much traffic increasing neighbors sense of danger if trying to take a walk, ie, loss of enjoyment	A park with pickleball courts, benches, picnic tables , etc. whatever a majority of the residents would like. How about more GREEN SPACE!?@&!! What a novel concept! Thank you
209	Peran family *Other Ormond Beach neighborhood*	Traffic	Loss of quiet enjoyment	Make gardens/park

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
210	Rick and Linda Beadel *Other Ormond Beach neighborhood*	Increased traffic, loss of quiet enjoyment, reduced property values,	It should remain a golf course or sanctuary. This is what the people that bought in Tomoka Oaks thought they were getting. I support their efforts because if it can happen to them it can happen anywhere.	devoped as a sanctuary preserve
211	Ron Joson *Other Ormond Beach neighborhood*	Changing the landscape of the Tomoka Oaks community	Traffic congestion	Rebuild golf course
212	Shirley James *Other Ormond Beach neighborhood*	Traffic, not appropriate infrastructure to handle all the new building and you already can't get a bed at Advent. Overnight stays in the ER hallway are unacceptable.	Those who purchased gold course property and paid higher taxes all those years have lost the value of their location.	Redevelop as a 3 par, driving range. Our kids grew up playing gold and tennis there - such a shame.
213	Suzanne Scheiber *Other Ormond Beach neighborhood*	overdevelopment causes all of these issues. We are behind on medical services, infrastructure, and basic planning for Ormond Beach. If I have to choose one then infrastructure.	loss of quality of life which is all encompassing of many items to consider that you name in #1.	green space open to the public
214	Tamisue Wills *Other Ormond Beach neighborhood*	Traffic	Overcrowding of schools	Park
215	The Kennedy Family *Other Ormond Beach neighborhood*	Increased traffic on already crowded Nova Road and Granada Blvd. would add crucial time for ambulance, fire and police responders.	The character of the community would be greatly diminished and decrease property values.	People bought homes in Tomoka Oaks with expectations that the golf course area would remain community property. That would be honored in a perfect world.
216	Don Miller *Daytona Beach*	home values will plummet	clear cutting of land	City and ECHO should purchase all perimeter golf course holes, return to a golf course, and lease management of course. Leave center only for residential building..
217	Kory Lostaglio *Realtor/former Tom.Oaks*	I understand everyone's right to profit from real estate acquisitions, I feel there are far too many residences planned for this area. Having this many homes will affect everything negatively except of course for the county tax & investor profits.	This many homes puts a burden on everything, traffic especially.	I think a community built for the elderly with some single family, some condos and a medical facility is much wiser. It will cut down on the traffic as most people living there won't be driving. It could be a perfect retirement village.
218	Ann Johnson *Port Orange*	The damage it will cause to surrounding communities, like flooding.	Traffic. The infrastructure is not capable of handling all the traffic that comes with such development.	Return to natural by being purchased by city or county.
219	Constance Colby *Close residential neighborhood*	Depriving people who bought on a golf course their rights to open space by. Turning the golf course into an overcrowded slum area.	Traffic both through the Trails and Nova Road which is already a death trap which plans are to narrow it.	Revert to a golf course, maybe public with memberships. We need one as so many have closed and there are lots of retirees here.
220	Ryan Firmin *Concerned vacationer to the area*	The capacity to ruin a very desirable neighborhood by stuffing in houses like sardines	Increased need for medical services which would delay emergency care	Public park
221	Megan cody *Out of state*	Traffic	Loss of charm. I've been coming to visit family in Tomoka Oaks since 1991 and love the quaintness of this special place. If this place looses its charm our family will have to find another place to come and stay when we are in the area.	the project is too big. This should be a park, a green space or at the most 119 homes.

July 12, 2023

VIA ELECTRONIC MAIL

Doug Thomas, Chairman
Ormond Beach Planning Board
22 South Beach Street
Ormond Beach, Florida 32174

Re: ***Tomoka Reserve – PRD-2022-043***

Dear Chairman Thomas & Planning Board Members:

Our law firm represents Carolyn Davis and a consortium of homeowners within the Tomoka Oaks Country Club Estates subdivision in Ormond Beach, Florida ("Tomoka Oaks"). At its regular meeting on ***Thursday, July 13, 2023***, the Ormond Beach Planning Board ("Planning Board") is scheduled to consider the above-referenced project, which seeks to rezone and convert the existing Tomoka Oaks golf course into 276 single-family residential lots. For the reasons discussed herein, our clients oppose the proposed redevelopment of the golf course property and respectfully request that the Planning Board recommend ***denial*** of the proposed rezoning.

A. General Factual Overview

Briefly stated, in April 2021, Triumph Oaks of Ormond Beach, LLC ("Triumph Oaks"), purchased the Tomoka Oaks Golf & Country Club ("Golf Club") for approximately $2,600,000. Thereafter, Triumph Oaks filed an application with the City of Ormond Beach ("City") seeking to rezone the golf course property to Planned Residential Development (PRD) and redevelop the golf course with 276 single-family residential lots. Based upon such rezoning application and Triumph Oaks' proposed plans to permanently close the Golf Club and convert the golf course into 276 single-family lots, the issue has arisen as to whether the property is restricted to use as a golf course, either expressly or impliedly.

As discussed herein and based upon the historical and recorded documentation relating to Tomoka Oaks, our clients maintain that the Golf Club property is subject to either an express covenant or an implied covenant limiting the use of the property to a golf and country club, golf course, and related recreational uses. Accordingly, our clients assert that the proposal to convert

the Golf Club property into 276 single-family residential lots is not permissible and the requested rezoning should be ***denied***.

B. The Golf Club Restriction

In 1961, the City approved plats for both the Golf Club (f/k/a Sam Snead Golf & Country Club) and Tomoka Oaks Country Club Estates Unit 1.[1] The Plat for Unit 1 of the Tomoka Oaks Country Club Estates subdivision contained 105 residential lots, including approximately 55 residential lots bordering the golf course.[2]

In conjunction with the development of Unit 1 of Tomoka Oaks, the developer recorded "Restrictions Tomoka Oaks Country Club Estates, Unit #1, Ormond Beach, Florida" ("Unit 1 Covenants").[3] Notably, Paragraph 10 of the Unit 1 Covenants states:

> The Grantee [*i.e.*, lot owner] shall automatically become a member of the Tomoka Oaks Homeowners Association, a non-profit corporation comprised of all lot owners in Tomoka Oaks Country Club Estates . . . .

Paragraph 11 of the Unit 1 Covenants expressly prohibited the developer from releasing in whole or in part any restriction or reservation set forth in Paragraph 10.

Thereafter, on or about January 1, 1963, Tomoka Oaks, Inc., entered a 99-year "Lease" with Tomoka Oaks Golf and Country Club, Inc., for the golf course property.[4] Paragraph 3 of the Lease, entitled "Use," provided in pertinent part:

> ***The demised premises shall be used perpetually for a country club and related uses***. . . . ***This provision shall survive the lease*** and be included in any deed but the deed restriction may be waived by a resolution of two-thirds (2/3) of the Board of Directors of the Lessee with the concurrence of two-thirds (2/3) of the members of said Lessee and the concurrence of two-thirds (2/3) of the members of Tomoka Oaks Homeowners Association. . . .[5]

On or about October 30, 1963, Tomoka Oaks Golf and Country Club, Inc., executed a "Surrender of Lease."[6] As noted above, however, the limitation that the subject property be "used perpetually for a country club and related uses" survived the Lease per the express terms of Paragraph 3 therein.

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1 *See* Book 25, Page 61, Official Records of Volusia County, Florida; *Id*. at Book 25, Page 58.
2 *See id*. at Book 25, Pages 58 and 59.
3 *See id*. at Book 431, Page 32.
4 *See id*. at Book 516, Page 360.
5 *See id*. at Page 362 (emphasis supplied).
6 *See id*. at Book 585, Page 155.

Following the Surrender of Lease, Tomoka Oaks, Inc., conveyed the golf course property to Ralph B. Frederick, Trustee, via Warranty Deed dated December 12, 1963 ("1963 Warranty Deed").[7] Notably, the 1963 Warranty Deed for the golf course property provided in pertinent part:

> ***The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses***, and in the event that party of the second part, or its successors in interest, ***fail to utilize said property exclusively as a golf and country club, golf course, and related uses***, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, ***then the above described property shall automatically revert*** to and become the property of party of the first part . . . .
>
> ***The aforesaid reverter clause specified in the last preceding paragraph may be released or modified*** by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc.[8]

Consistent with the terms of the surrendered Lease, the 1963 Warranty Deed expressly provided that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Moreover, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the 1963 Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses."

On or about February 18, 1969, Tomoka Oaks, Inc., purported to pass a "Resolution" to effectuate the sale of the golf course property to Ormond Ocean Homes, Inc.[9] Therein, Tomoka Oaks, Inc., purported to "release . . . its right of first refusal" and "further releases the reverter clause contained in [the 1963 Warranty Deed], such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause."[10] Relying upon such Resolution, Tomoka Oaks, Inc., executed a "Release" on or about June 16, 1971, purporting to

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[7] *See id*. at Book 585, Page 157. At the time of such conveyance, Ralph B. Frederick was also apparently the President of Tomoka Oaks, Inc.

[8] *See id*. at Page 159 (emphasis supplied).

[9] *See id*. at Book 1238, Page 246.

[10] *See id*. at Page 248.

release its "right of first refusal" and the "reverter clause contained in [the 1963 Warranty Deed], such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause."[11]

Based upon the foregoing Resolution and Release, Triumph Oaks and/or its representatives have suggested to the City that the use restriction imposed upon the golf course property is no longer valid or in effect. Our clients maintain that this view is legally flawed and without merit.

As reflected above, the 1963 Lease for the golf course property expressly provided that "[t]he demised premises shall be used perpetually for a country club and related uses" and that such "provision shall survive the lease." Additionally, and consistent with the 1963 Lease, the 1963 Warranty Deed expressly provided that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." While the 1963 Lease mentions a process by which such use restriction could potentially be waived, the historical documentation presented to our office does not establish that such process was ever followed – *i.e.*, concurrence of two-thirds of the Lessee and its members and two-thirds of the members of the Tomoka Oaks Homeowners Association.[12]

Further, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses." Rather, the 1963 Warranty Deed unambiguously states that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses."

Lastly, reliance upon the 1969 Resolution and the 1971 Release to claim that the use restriction was somehow waived or released is misplaced. Even assuming the 1969 Resolution and the 1971 Release are valid – which is questionable – neither document purports to release, waive, or otherwise modify the use restriction.[13]

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[11] *See id*. at Book 1307, Page 89.

[12] The historical documentation provided to our office, including newspaper articles, reflect the existence of a "Tomoka Oaks Homeowners Association" during the subject timeframe.

[13] The 1969 Resolution and the 1971 Release are of questionable validity given that they purport to "prospectively" release the "right of reverter." By its own terms, the 1963 Warranty Deed provided that Tomoka Oaks, Inc., could release or modify the reverter clause only by resolution "at any time ***after*** ten years ***after*** the date of recording of this Deed" and only if Tomoka Oaks, Inc., had not yet disposed of four-fifths (4/5) of the lots in Tomoka Oaks at such time. *See* Book 585, Pages 158-59, Official Records of Volusia County (emphasis supplied). Contrary to the plain language of the 1963 Warranty Deed, Tomoka Oaks, Inc., purported to pass a resolution more than four (4) years ***before*** the ten (10) year anniversary of the recording of the 1963 Warranty Deed seeking to release the right of reverter. Further, the fact that the 1969 Resolution and the 1971 Release purported to "delay" the effectiveness of such release until December 13, 1973 (*i.e.*, ten (10) years after the 1963 Warranty Deed was recorded) is irrelevant. Not only does it ignore the fact that the 1963 Warranty Deed required the resolution itself to occur ten (10) years ***after*** the

As discussed above, the 1969 Resolution and the 1971 Release purport to release the "right of first refusal" and the "reverter clause." Nothing in the express language of the 1969 Resolution or the 1971 Release, however, purports to waive, release, or otherwise modify the use restriction providing that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Accordingly, based upon the foregoing and the plain and unambiguous language in the 1963 Lease and the 1963 Warranty Deed, our clients maintain that such use restriction is valid and effective and was never lawfully released, waived, or otherwise terminated. On this basis alone, the proposed conversion of the golf course into 276 single-family residential lots would be prohibited and the Planning Board should recommend ***denial*** of the proposed rezoning.

C. Implied Restriction Limiting The Tomoka Oaks Property To Use As A Golf Club

In addition to the above, it is well established that a "restrictive covenant" may "arise by implication from the conduct of parties or from the language used in deeds, plats, maps, or general building development plans."[14] In this regard, courts have recognized:

> If there is a common plan of development that places restrictions on property use, then such restrictions may be enforced in equity. "A court's primary interest in equity is to give effect to the actual intent of the grantor . . . by looking not only to language in deeds, but variously to matters extrinsic to related written documents, including conduct, conversation, and correspondence."[15]

Consistent with the above, Florida courts have held that use restrictions may also be implied based upon notations denoted on plats or maps:

> Whenever the owner of a tract of land subdivides the same into lots and blocks, lays off streets and other public ways and designates portions of said lands to be parks[,] playgrounds[,] or similar facilities or uses similar words calculated to encourage prospective purchasers to buy said lots, and actually sells lots with reference to the plat, he becomes bound to his grantees by the plat and the representations thereon. As the maker of the plat and the one who selects the words used thereon it will be construed against him.

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recording of the Deed, but it ignores the fact that Tomoka Oaks, Inc., did not have any authority to adopt any such resolution if four-fifths (4/5) of the lots in Tomoka Oaks had been disposed of by such time.

[14] *See Skyline Woods Homeowners Ass'n. v. Broekmeier*, 805, 758 N.W.2d 376, 387 (Neb. 2008).

[15] *See id*. (citation omitted); *see also Strader v. Oakley*, 410 So. 2d 954, 955-56 (Fla. 1st DCA 1982) (recognizing implied restriction that limited construction to only single-family residences).

> Common honesty requires that he perform that which at the time of conveyance he represented he would perform.[16]

Turning to the instant case, several courts have examined implied restrictions and the requirement to maintain or operate property as a golf course when developed in conjunction with a surrounding residential subdivision. For example, in *Shalimar Association v. D.O.C. Enterprises*, 688 P.2d 682 (Az. Ct. App. 1984), the court held that there was an implied restrictive covenant to maintain property as a golf course even though there were no express covenants burdening the golf course property on behalf of the adjoining homeowners. The court concluded that the common plan of development, which included a golf course, combined with the representations made to the purchasers about the maintenance of the golf course and the adjoining homeowners' express covenants, created an implied restrictive covenant that the land be used only as a golf course.

Similarly, in *Ute Park Summer Homes Association v. Maxwell Land Grant Co.*, 427 P.2d 249 (N.M. 1967), the New Mexico Supreme Court found that an implied restriction existed requiring the subject property to be used as a golf course. In so doing, the court focused on the representations made to prospective purchasers and the materials used in the sales of the lots which pictured an area marked "golf course." The court reiterated that, when a map or plat showing a park or other open area is used to sell property, "the purchaser acquires a private right, generally referred to as an easement, that such area shall be used in the manner designated," and such private right "is not dependent on a proper making and recording of a plat for purposes of dedication."[17]

Numerous other courts have concluded that the facts surrounding the initial development of properties as golf course communities and the marketing of lots in such communities to prospective purchasers created an "implied restrictive covenant" limiting the use of the subject properties to a golf course. In reaching this conclusion, the courts have examined such things as: (1) the plats, maps, and drawings of the community; (2) advertisements, brochures, and marketing materials; (3) common schemes or plans of development; (4) recorded covenants; (5) general informational documents regarding the community; and (6) lot premiums and purchasers' reliance upon the existence of the golf course in acquiring their lots.[18]

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[16] *McCorquodale v. Keyton*, 63 So. 2d 906, 910 (Fla. 1953); *see also Boothby v. Gulf Props. of Ala.*, 40 So. 2d 117 (Fla. 1948). A common plan or scheme of development is a well-recognized principle in Florida law. *See Hagan v. Sabal Palms, Inc.*, 186 So. 2d 302, 307 (Fla. 1966).

[17] *Ute Park Summer Homes Association v. Maxwell Land Grant Co.*, 427 P.2d 249, 253 (N.M. 1967).

[18] *See Knight v. City of Albuquerque*, 794 P. 2d 739 (N.M. Ct. App. 2014) (holding property denoted on subdivision plats as a golf course must remain either a golf course or open space, stating "a developer will not be allowed to induce purchasers to buy property by purporting to include open space such as parks or golf course in a subdivision plat, only to subsequently change the uses of those open space areas"); *In re Heatherwood Holdings, LLC v. HGC, Inc.*, 746 F.3d 1206 (11th Cir. 2014) (holding evidence of common scheme of development that included golf course property as an integral part and as an inducement to purchasers of residential lots

Here, the historical documentation relating to Tomoka Oaks and the Golf Club establishes the following: (1) a common developer (Tomoka Oaks, Inc.) with a plan of development for a residential community surrounding an 18-hole championship golf course; (2) an approved unified master plan for Tomoka Oaks, which included the golf course and the residential lots; (3) references to "golf course" on the recorded plats for various portions of Tomoka Oaks; (4) recorded restrictions, as previously discussed, providing that the golf course property shall be used "for purposes of a golf and country club, golf course, and related uses"; (5) recorded residential covenants that reference the golf course and authorize reduced setbacks to take advantage of the adjoining golf course; (6) marketing and sales materials for the residential lots depicting the common development plan, including the golf course; (7) evidence of lot premiums being charged for residential lots with golf course frontage; and (8) evidence that successors developers had actual, as well as constructive, notice of the approved master plan and common plan of development. Additionally, it is indisputable that residents within Tomoka Oaks purchased their properties in reliance upon or because of the Golf Club.

Accordingly, even assuming the express covenant restricting use of the subject property to a golf and country club is no longer valid as Triumph Oaks has erroneously suggested, the above-summarized facts and cited case law would establish that, at a minimum, the use of the Golf Club property is limited to a golf course or similar open space purposes by virtue of an implied restrictive covenant. Simply put, whether by an implied grant, implied restriction, or estoppel, such restriction would prevent the subdivision and development of the Golf Club property with 276 single-family residential lots as currently proposed. Thus, on this additional basis, the Planning Board should recommend ***denial*** of the proposed rezoning.

D. Conclusion

In sum, as discussed herein, nothing in the express language of the 1969 Resolution or the 1971 Release purports to waive, release, or otherwise modify the use restriction imposed via the 1963 Lease and the 1963 Warranty Deed that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Thus, based upon the foregoing and the plain and unambiguous language in the 1963 Lease and the 1963 Warranty Deed that the use

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therein created an implied restriction limiting the use of such property to a golf course); *Ponderosa Pines Golf Course, LLC v. Ponderosa Pines Prop. Owner's Ass'n*, 2013 WL 4515569 (N.M. Ct. App. 2013) (holding "equitable servitude in favor of the individual subdivision property owners precluded Plaintiff from changing the use of the golf course"); *Skyline Woods Homeowners Ass'n.*, 758 N.W.2d at 390 ("We conclude that homeowners who bought their property relying on the proximity and existence of the golf course should be protected by implied restrictive covenants that the property be maintained as a golf course. We therefore agree with the district court that an implied restrictive covenant requiring that it be used only as a golf course burdens and runs with the golf course property."); *see also Victorville W. Ltd. P'ship v. Inverrary Ass'n*, 226 So. 3d 888 (Fla. 4th DCA 2017) (refusing to cancel golf course covenant even though course had become unprofitable, concluding that "the golf course preserves the character of the community and provides residents with a pleasant view" and, thus, "must be enforced because it remains a 'substantial value to' the surrounding residences").

restriction was to be "perpetual," our clients maintain that such use restriction is still valid and in effect. Accordingly, on this basis alone, our clients respectfully submit that the Planning Board should recommend ***denial*** of the proposed rezoning, which seeks to improperly convert the Golf Club property into 276 single-family residential lots, or otherwise table the matter until such time as a judicial determination is made regarding the continued validity of the express restrictive covenant.

Further, even assuming the express restrictive covenant is no longer valid and in effect, as Triumph Oaks has erroneously suggested, our clients maintain that the Golf Club property is nevertheless subject to an implied restrictive covenant, thereby limiting the use of such property to a golf and country club, golf course, and related recreational uses. On this additional basis, our clients respectfully submit that the Planning Board should recommend ***denial*** of the proposed rezoning or otherwise table the matter until such time as a judicial determination is made regarding such implied restriction.

Our clients appreciate the Planning Board's attention to this matter of great community importance to the residents of Tomoka Oaks and respectfully request that the Planning Board recommend ***denial*** of the proposed rezoning. Please do not hesitate to contact me if you have any questions or need additional information,

Sincerely,

S. Brent Spain

S. Brent Spain

cc: Honorable Bill Partington, Mayor (via e-mail)
Randy Hayes, Esquire (via e-mail)
Joyce Shanahan, City Manager (via e-mail)
Steven Spraker, Planning Director (via e-mail)

Protective Covenants and Restrictions - modified 3/10/24

I researched the history of parcel 39-14-32, which was developed into the **Sam Snead Golf and Country Club** and the **Tomoka Oaks Country Club Estates,** to reconstruct the sales and ownership history of these two properties and the recordings of covenants and restrictions related to the properties.

Based on this research, I have formed the opinion that:

1. In the early 1960's, Tomoka Oaks, Inc. recorded protective covenants restricting land use of the Sam Snead Golf and Country Club to be "**perpetually for use as a golf and country club, golf course, and related uses**."

2. Throughout the early 1960's, Tomoka Oaks, Inc. recorded deeds, leases, covenants, restrictions, referral rights, and reverter clauses to protect the intended perpetual use of the golf course property, as well as protect the financial interests of lot and homeowners should the golf course property not be used as recorded in the protective covenants and restrictions.

3. Beginning in 1969, conflicts of interest in cross-ownership resulted in recordings being filed with Volusia County that intentionally, systematically and questionably negated or released many of the earlier protective covenants and restrictions, and eliminated rights of current and future Tomoka Oaks Country Club Estates homeowners should the golf course property not be used as originally encumbered: **perpetually for use as a golf and country club, golf course, and related uses**.

4. The unethical and possibly illegal documents filed in #3 above could potentially cloud the title due to cross-ownership conflicts of interest. Therefore, the protective covenants and restrictions originally recorded in the early 1960's (specifically Warranty Deed 585/157 recorded 12/12/1963 and Restrictions 431/32 recorded 1/31/1962) may still be in effect today.

For the Reader's information:

- The preceding pages of this section contain tables detailing recordings on file with Volusia County, and articles in the *Daytona Beach News-Journal,* that are the basis for my opinions throughout this section. Tables cite the document's recording date and book and page number for each specific deed, lease, covenant, restriction, referral right, and reverter clause.

- All *Daytona Beach News-Journal* article citations come from www.newsbank.com accessed through the Volusia County Library.

- All opinions are my own. I did not collaborate with any other Tomoka Oaks homeowner or with the HOA.

- This document was edited on 3/10/24 to include the legal opinion of land use attorney Brent Spain of Theriaque & Spain law firm per his letter to the Planning Board dated July 12, 2023 available at https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874

  Pages 298-305

Protective Covenants and Restrictions: January 1962 - December 1963

It is my opinion that:

- William R. McElroy, as the first president and Chairman of the Board of Tomoka Oaks, Inc.,[1] fulfilled his fiduciary responsibility to both Tomoka Oaks, Inc. stockholders and to the Tomoka Oaks Country Club Estate lot owners and homeowners by filing official recordings with Volusia County that:
    1. Encumbered the use of the golf course property as "**perpetually for use as a golf and country club, golf course, and related uses**."
    2. Protected Tomoka Oaks, Inc. and protected residential lot owners and homeowners by recording covenants, restrictions, referral rights, and reverter clauses should the golf course property not be used perpetually as a golf and country club, golf course, and related uses.
    3. Provided current and future residential lot owners and homeowners in Unit 1 with automatic Tomoka Oaks Homeowner Association (HOA) membership, of which said HOA:
        - Could be transferred the referral right to accept or reject Sam Snead golf course property sales offers should Tomoka Oaks, Inc. transfer to the HOA the right to accept or reject the offer.
        - Has legal standing via reverter rights should future Sam Snead Golf and Country Club owners not use the golf course property as perpetually intended.

Table 1	Official Recording Date 1/31/1962

Restrictions – Unit 1, Tomoka Oaks Country Club Estates
Recorded 1/31/1962. Book 431 / Page 32.

Verbatim Text
Tomoka Oaks, Inc. the owner and grantor of all lots, desires the lots be subject to certain restrictions for the mutual benefit and protection of said owner and to persons both natural and corporate who may hereafter purchase or acquire any interest in said property.

The owner declares and creates the following restrictions, reservations and conditions to be binding upon it and upon each and every person and corporation hereafter.

Paraphrase of Restriction Highlights

#3 Construction on lots adjoining the golf course can be within 10 feet of golf course boundary

#10 Grantee automatically a member of the Tomoka Oaks Homeowners Association

#11 Grantor reserves right to release restrictions except #10

#14 Grantor may transfer right to enforce restrictions to the Tomoka Oaks Homeowners Association

#15 Covenants binding for 25 years, then automatically extended for successive periods of 10 years unless instrument signed by majority of lot owners is recorded agreeing to covenant changes.

Submitted and signed by:
Tomoka Oaks, Inc.
W. L. McElroy, President
Ted Brousseau, Secretary

[1] (Daytona Beach Sunday News-Journal pg 36 - Tomoka Oaks Subdivision Work Starts, 10/1/1961)

My opinion

I believe Tomoka Oaks, Inc. intended Restrictions be consistent from Unit to Unit. Therefore, restrictions recorded for Unit 1 would also be recorded for subsequent Units such as Unit 3, etc. Paragraph #11's last sentence states, "The Grantor further reserves the right to include, in any contract or deed hereafter made, any additional restrictive covenants not inconsistent with these herein contained.

During my research, I found no official recordings by the majority of the lot owners agreeing to any covenant changes or releasing any restrictions in Unit 1.

Also, I have not received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA (see Table 12).

Table 2 *Daytona Beach Sunday News-Journal* 7/8/1962

Daytona Beach Sunday News-Journal, 7/8/1962, page 16
NEW TOMOKA LINKS SOLD TO McELROY GROUP

Paraphrase:

- Golf Course Developers, Inc. sold out to Tomoka Oaks, Inc. due to financial issues.
- William R. (Bill) McElroy, president of Tomoka Oaks, Inc. announced the purchase.
- McElroy said plans under way for formation of a new corporation named Tomoka Oaks Golf Club, Inc.
- McElroy said it will be a "**permanent golf club**" and "When the new golf club corporation is formed, the land will be conveyed to the new corporation. **It will be subject to restrictions for use only as a golf club and other recreational use**."

My research shows:

- On 9/15/1961, the golf course property was conveyed by Tomoka Oaks, Inc. to Golf Course Developers, Inc., Warranty Deed Book 397 / Page 526 restricting use to a golf course.
- Golf Course Developers developed the Sam Snead Golf and Country Club during 1961-1962. As shown in the article above, Golf Course Developers sold the course back to Tomoka Oaks, Inc. Warranty Deed 465/202 dated 7/9/1962 and Mortgage Deed, Book 465 / Page 204 dated 8/1/1962.
- Tomoka Oaks Golf Club, Inc. was filed with Division of Corporations, State of Florida on 7/19/1962.
- Another corporation was filed 1/8/1963 called Tomoka Oaks Golf and Country Club, Inc. which was formed to handle the conveyance referred to in McElroy's article comments above. This conveyance took the form of a lease whose terms stated leased property "**shall be used perpetually for a country club and related uses**. " (See Table 3).

Table 3 Official Recording Date 1/1/1963

Golf Course Lease
Recorded 1/1/1963. Book 516 / Page 360.

Lease Start Date: 1/1/1963
Lessor: Tomoka Oaks, Inc. Signed by W. R. McElroy, President
Lessee: Tomoka Oaks Golf and Country Club, Inc. Signed by W. R. McElroy, President

Paraphrase of Lease Highlights:

- Premises: All of Sam Snead Golf and Country Club
- Term and Rental : Ninety-nine (99) years subject to termination as per terms of lease
- Use: Premises shall be used perpetually for a country club and related uses. This provision shall survive the lease and be included in the deed. Deed restrictions may be waived by two-thirds of Lessee Board of Directors with concurrence of:
    - 2/3's of the members of said Lessee
    - 2/3's of the members of the Tomoka Oaks Homeowners Association

My opinion:

- McElroy fulfilled his 7/8/1962 public statement (Table 2) to convey the Sam Snead Golf and Country Club, and that it was "subject to restrictions for use only as a golf club and other recreational use."
- McElroy fulfilled his 7/8/1962 public statement (Table 2) regarding the permanent use of the premises by incorporating into the lease deed restrictions that protected homeowners and golf club members should the property not be used perpetually for a country club and related uses.
- The lease was surrendered in late 1963 (Book 585 / Page 155) but as stated in the lease, the "use" provision survived the lease and was subsequently included in a Warranty Deed dated 12/12/1963, Book 585 / Page 157 (Table 6).
- The lease was another of the master plan elements which demonstrated the coexistence of the golf course and the residential estates.

Table 4 *Daytona Beach Sunday News-Journal* 2/23/1963

Daytona Beach Sunday News-Journal, 2/23/1963, page 14
ANNOUNCEMENT: Your Invitation to Visit Tomoka Oaks Country Club Estates

Paraphrased Excerpts

W.R. McElroy personally signed an **Invitation** as President of Tomoka Oaks Country Club Estates inviting potential home buyers to visit "the ultimate in gracious and contented living," where "from its very inception, no effort has been spared in planning and developing . . . one of the finest exclusive residential areas in the State of Florida." The Estates are "cut from 545 beautiful wooded acres . . . Right in the center of this magnificent natural beauty spot has been built Tomoka Oaks Golf and Country Club – an eighteen hole championship Golf Course."

McElroy went on to state, "To keep this Area in all its natural beauty, **certain protective covenants have been provided** for the benefit and protection of all property owners."

And in a prior **Invitation** published on 2/16/1963, page 2, of the *Daytona Beach News-Journal*, Tomoka Oaks Country Club Estates informed potential home buyers that, "To keep this Area in all its natural beauty, **certain protective covenants are necessary** for the benefit and protection of all property owners and will be included in the deed."

My opinion

McElroy fulfilled his public assurance to include protective covenants. (See Tables 5 and 6.)
This marketing invitation was another of the master plan elements of coexistence.

Table 5	Official Recording Date 3/1/1963

Supplemental Restrictions – Unit, 1 Tomoka Oaks Country Club Estates
Recorded 3/1/1963. Book 516 / Page 358

Paraphrased Excerpts

- Whereas Tomoka Oaks, Inc., a Florida Corporation, is the owner of all lots in Tomoka Oaks Country Club Estates, Unit #1 . . .
- Whereas said owner does now wish to subject said property to certain further restrictions relating to the size of residential buildings to be built adjacent to the golf course. . .
- No principal residence shall be constructed upon any lot adjacent to the golf course . . . which shall contain less than 1500 square feet of enclosed living area and 2300 square feet of total covered area.

Submitted and signed by:
Tomoka Oaks, Inc.
W. R. McElroy, President
Ted Brousseau, Secretary

My Opinion

The Sam Snead Golf and Country Club and the Tomoka Oaks Country Club Estates shared the common developer: Tomoka Oaks, Inc.

The golf course and the residential subdivision estates were designed and intended to coexist.

Tomoka Oaks, Inc. (a Florida Profit Corporation) wanted to protect their interest by ensuring the golf course would always be surrounded by homes that contained at least 2300 square feet. The value of the golf course was tied to the value of the lots surrounding it, and the value of the lots was tied to the value of the golf course bordering those lots. McElroy incorporated these supplemental restrictions to protect both Tomoka Oaks, Inc. financial interests and homeowners' financial interests.

Table 6	Official Recording Date 12/12/1963

Warranty Deed
Recorded 12/12/1963. Book 585 / Page 157.

Paraphrased summary separated into understandable segments

Warranty Deed - All of the Sam Snead Golf and Country Club
Between
Tomoka Oaks, Inc.; party of the first part (TOI)
AND
Ralph R. Frederick, trustee; party of the second part (FREDERICK)

[*start of Referral Rights*]

This conveyance is subject to the express condition that if FREDERICK desires to sell or convey the golf course to any person, firm, or corporation other than a subsidiary of FREDERICK, offers acceptable to owner (Ralph R. Frederick) are referred to TOI for TOI's acceptance or rejection for a period of 30 days.

If TOI rejects or fails to accept the offer, offer shall be presented to Tomoka Oaks Golf and Country Club, Inc. (TOGCC) for its acceptance or rejection for a period of 30 days. Acceptance or rejection is subject to the approval of TOI.

Right to accept or reject offer is transferrable and may be transferred by TOI or TOGCC to the Tomoka Oaks Homeowners Association (HOA) within 30 days and acted upon within those 30 days.

[*end of Referral Rights*]

[*start of property land use Covenant*]

The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.

[*end of property land use Covenan*t]

[*start of Reverter clause*]

- IF Frederick or successors in interest fail to utilize the property exclusively as a golf and country club, golf course, and related uses
- AND the property not be sold to TOI or TOGCC or HOA as specified in preceding paragraph
- THEN property shall automatically revert to and become the property of TOI
    - AND all rights of FREDERICK or successors in interest shall immediately terminate
        - UNLESS

        FREDERICK or successors shall within 90 days after the day of mailing to FREDERICK or successors by TOI or TOGCC or HOA a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

The reverter clause may be released or modified by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed on 12/12/1963; providing that

- IF TOI shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates
- THEN the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks HOA to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks HOA.

[*end of Reverter clause*]

Deed signed by: Ralph R. Frederick, President, Tomoka Oaks, Inc.

My opinion

Deed 585/157 was the primary instrument Tomoka Oaks, Inc. recorded to encumber and protect the use of the Sam Snead Golf and Country Club to be "**used perpetually for purposes of a golf and country club, golf course, and related uses**."

I believe the intent of deed 585/157 was to protect the financial interest of Tomoka Oaks, Inc. and the financial interest of the residential homeowners in Tomoka Oaks Country Club Estates should the golf course property ever be sold.

Regarding future sales, the "referral right:"

- Gave Tomoka Oaks, Inc. the right to match the offer thus preserving the "restricted use" of the golf course property.
- AND it gave Tomoka Oaks, Inc. the right to transfer the offer to the HOA of which every lot owner (in Unit 1 at the time of deed recording) was a member (Table 1).

Regarding the restricted use of the Sam Snead Golf and Country Club property, the reverter clause:

- Ensured the golf course property would revert back to Tomoka Oaks, Inc. should the owners fail to utilize the property exclusively as a golf and country club, golf course, and related uses
- Ensured that if 4/5's of the lots had been sold (which at the time of this deed recording would have been the Unit 1 lot owners) the reverted was vested automatically in the HOA of which every lot owner (in Unit 1 at the time of deed recording) was a member (Table 1), and the right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks HOA.

I believe Tomoka Oaks, Inc. intended that HOA membership would be automatic for all lot and homeowners for every Unit in Tomoka Oaks Country Club Estates (Table 1). Therefore the language of deed 585/157 would apply to all Units even though Unit 1 was the only Unit under development during the recording of Deed 585/157.

I am not including Tomoka Oaks Golf and Country Club, Inc. (TOGCC) in my opinion here, because TOGCC surrendered their lease in late 1963. But I did find inconsistencies in TOGCC's official recordings subsequent to the lease surrender as shown in Table 13.

This deed also fulfilled McElroy's public assurance to provide protective covenants for the benefit and protection of homeowners (Table 2).

Opinion of Brent Spain, land use attorney with Spain & Theriaque:

Consistent with the terms of the surrendered Lease, the 1963 Warranty Deed expressly provided that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Moreover, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the 1963 Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses."

https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874 Pages 298-305

Ralph R. Frederick's Conflict of Interest in Cross Ownership

Frederick was president and the primary stock holder of TOCC, Inc. when TOCC, Inc. sold the Sam Snead Golf and Country Club to Ormond Ocean Homes, Inc. in March 1970. Frederick was also the President, General Manager, and a stockholder of Ormond Ocean Homes, Inc. at the time of the sale.

The newspaper articles in **Table 7** detail Ralph R. Frederick's cross ownership interests which, I believe, resulted in questionable and unethical filings and intentions as explained in subsequent tables in the section directly below titled: "Protective Covenants and Restrictions during Ralph R. Frederick's Ownership Interest: January 1966 - August 1969."

Table 7

Ralph R. Frederick had cross ownership interests in:

- Sam Snead Golf and Country Club
  - President, Trustee, and majority stock holder under Tomoka Oaks, Inc. from 12/12/1963 – 3/22/1964
  - President and majority stockholder under TOCC, Inc. from 3/23/1964 – 3/5/1970. Warranty Deed 612/269 dated 3/23/1964.
- Tomoka Oaks Country Club Estates
  - President and stock holder under Tomoka Oaks, Inc. from 12/12/1963 – 3/5/1970
- Ormond Ocean Homes
  - Stockholder, General Manager, President from 1961 - 3/28/1970 (as per news articles immediately below)

Three *Daytona Beach News-Journal* articles detail Ralph R. Frederick's ownership interest in Ormond Ocean Homes, Inc.

Sunday Issue Date 7/16/1961, page 35

ELLINOR MAKES DEAL ON NORTH HALF OF VILLAGE

- $1.5 million purchase of north section of Ellinor Village scheduled to close 9/10/1961.
- Buyers, all from Freeport, IL, will do business as Ormond Ocean Homes Inc., a Florida corporation.
- Stock held by officers and by Ralph R. Frederick of Ormond Beach who will be general manager.
- Frederick is a personal friend of the Freeport group and brought the two parties together.

Sunday Issue Date 5/30/1965, page 32

ORMOND RENTAL PROJECT GETS BIG FHA LOAN

- Ormond Ocean Homes, a 232-unit rental housing development on the Ormond peninsula, will spend $1,832,000 for modernizing, president Ralph Frederick announced last week.
- Money will be used to renovate the former north half of the Ellinor Village resort.
- Frederick will be the prime contractor
- Frederick, who heads 11 corporations here and is general manager of the Tomoka Oaks development, and Ray Gramley of Freeport, IL bought the development several years ago.

Evening Issue Date 3/6/1970, page 32

IT SAYS IT HERE by Bernard Kahn - page 16

What is brewing is negotiation by Phoenix [Arizona based Sovereign Industries, Inc. see 3/29/1970 Sunday, page 1], an investment conglomerate, to buy the Tomoka Oaks Golf and Country Club and Tomoka Oaks, Inc., the neighboring real estate development, plus Ormond Ocean Homes Apartments (the former north section of Ellinor Village.)
Hustlin' Ralph Frederick, the card playing pro motor, has the big piece of the action in all three parcels.

My Opinion

Ralph R. Frederick had a conflict of interest in ownership regarding the 3/5/1970 sale of the Sam Snead Golf and Country Club (which Frederick owned stock in under his corporation TOCC, Inc. Warranty Deed 612/269) and the sale of Tomoka Oaks

Country Club Estates (which Frederick owned stock in under Tomoka Oaks, Inc.) to Ormond Ocean Homes, Inc. where Frederick was a stockholder, president, and general manager. Just 23 days after the sale, Sovereign Industries, Inc. acquired all stock in Ormond Ocean Homes, Inc. on 3/28/1970 (Table 10). Therefore Frederick benefited financially from the sales of the golf course and the estates, and from the purchase of his Ormond Ocean Homes, Inc. stock. And it was in Frederick's best financial interest that prior recorded restrictions and covenants not jeopardize those sales.

Official filings recorded by Tomoka Oaks, Inc. and Tomoka Oaks Golf and Country Club, Inc. (that I see as questionable, unethical, and potentially cloud the title), were recorded AFTER 3/28/1970 and all relate to the systematic removal of protective covenants and/or the release of referral rights and reverter rights intended to protect golf course property "use" and protect the rights and financial interests of Tomoka Oaks lot and home owners. Tables 11, 12, 13, 15 and 16 detail these questionable filings.

Protective Covenants and Restrictions during Ralph R. Frederick's Ownership Interest: January 1966 - August 1969

Table 8	Official Recording Date 3/23/1964

Warranty Deed Warranty Deed 612/269
Dated 3/23/1964

Mortgage Deed
Dated 1/10/1966. Book 774 / Page 699.

TOCC, Inc., whose president and majority stockholder was Ralph R. Frederick, took possession of the Sam Snead Golf and Country Club via Warranty Deed 612/269 dated 3/23/1964. TOCC took out Mortgage Deed, Book 774 / Page 699, dated 1/10/1966.

The Note was endorsed by Ralph R. Frederick (as majority stockholder), James P. Callahan, George L. Haller, Russell W. McFall, and Richard L. Shelter who were all officers of Tomoka Oaks, Inc., and who all owned homes fronting the Sam Snead golf course.

I found no official recordings with Volusia County that reversed or modified the "restrictive use" of the Sam Snead Golf and Country Club in Deed 585/157 to be anything other than, "**The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**"

My Opinion

This mortgage deed represents a conflict of interest in ownership as it was endorsed by officers of Tomoka Oaks, Inc. who also owned and lived in homes that fronted the Sam Snead golf course:

Ralph R Frederick	24 TOMOKA OAKS BLVD	Book 897 / Page 525
George L. Haller	23 PINE VALLEY CIR	Book 503 / Page 219
Russell W McFall	41 S ST ANDREWS DR	Book 830 / Page 396
Richard L. Shetler	66 ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 9/9/1962, pg 36 *Daytona Beach Morning Journal*, 12/21/1963, pg 11
James Callahan	Owner of lots:	
	29 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 10/23/1966, page 36
	33 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal,* 8/18/1968, page 42

I believe this conflict carried forward in the future **Conveyance** of Tomoka Oaks Country Club Estates recorded 7/6/1970, Book 1212 / Page 70, which, in my opinion, was an unethical conveyance (Table 11).

Table 9	Official Recording Date 8/4/1969

RESTRICTIONS - Unit 3 Tomoka Oaks Country Club Estates
Dated 8/4/1969. Book 1121 / Page 554.

- Same as Unit 1 restrictions, but omitted automatic HOA membership of lot owners in Unit 3.
- Still contained golf course setback restriction for homes on the golf course

Signed by: Tomoka Oaks, Inc., R. W. Davis, President and Donald W. Acer, Jr., Secretary

Issues with Restrictions on Unit 3

When comparing line-for-line the Restrictions for Unit 1 (Table 1) and Unit 3, there were minor differences with two notable exceptions.

Exception 1. The entirety of paragraph #10 in the Unit 1 Restrictions was omitted in the Unit 3 Restrictions. The first sentence of paragraph #10 in Unit 1 states:

> *The Grantee shall automatically become a member of the Tomoka Oaks Homeowners Association; a non-profit corporation comprised of all of the lot owners in Tomoka Oaks Country Club Estates and shall be liable to pay such dues and/or assessments as may be required by said Association in proportion to the number of lots owned.*

Exception 2. Paragraph #11 in the Unit 1 Restrictions states:

> *The Grantor reserves the right to release in whole or in part any restrictions or reservation hereunder, except paragraph 10 immediately next preceding.*
>
> Unit 3 Restrictions state:
>
> *The Grantor reserves the right to release in whole or in part any restrictions or reservation.*

NOTE: Both Unit 1 and Unit 3 Restrictions state in their final paragraphs:

> *These covenants are to run with the land and shall be binding on all parties claiming under them for a period of 25 years from date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless instrument signed by a majority of the then lot owners has been recorded agreeing to change said covenants in whole or in part.*
>
> NOTE: My Volusia County research did not uncover any official records filed and recorded by lot owners or the HOA changing covenants in the Unit 1 or Unit 3 Restrictions. Nor have I received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA (see Table 12)

My Opinion

Ralph R. Frederick was president of Tomoka Oaks, Inc. (owner of the residential estates) at the time Unit 3 Restrictions were recorded. He was also president and majority stockholder of TOCC, Inc. which owned the golf course property.

At the time Unit 3 Restrictions were recorded, Frederick knew both the golf course property and the remaining residential lots were under negotiation for sale to Ormond Ocean Homes, Inc. (of which Frederick was a stock holder - see Table 7), and he did not want the homeowners in Unit 3 to have legal recourse (as provided in Warranty Deed 585/157 reverter clause), through HOA membership that might potentially affect any future sale by Ormond Ocean Homes, Inc. And I believe Frederick had Ralph. W. Davis sign the Restrictions as President of Tomoka Oaks, Inc. to avoid the appearance of Frederick's conflict of interest in ownership in the golf course property and residential lots as relative to the upcoming sale to Ormond Ocean Homes, Inc.

I also believe the omission of automatic HOA membership in Unit 3 was a violation of Frederick's fiduciary responsibility as the prior trustee of the Sam Snead Golf and Country Club and as the current president of Tomoka Oaks Country Club Estates. Frederick knew the intent of prior Tomoka Oaks, Inc. president W. R. McElroy was to protect homeowners if the course were ever sold and not used as a golf course, yet Frederick omitted homeowners' membership into the very Association that gave the homeowners their reverter rights and the possibility to match future sales offers via the referral right in Deed 585/157 (Table 6).

Protective Covenants and Restrictions during Ormond Ocean Homes, Inc. Ownership: March 1970 - June 1971

Table 10	Official Recording Date 3/5/1970

Warranty Deed
Dated 3/5/1970. Book 1188 / Page 533.

TOCC, Inc. grantor
Ormond Ocean Homes, Inc. grantee

All of the Sam Snead Golf and Country Club.
Subject to restrictions and reservations of Record.

Deed signed by: Ralph R. Frederick, President of TOCC, Inc.

Warranty Deed
Dated 3/5/1970. Book 1188 / Page 529.

Tomoka Oaks, Inc. Grantor
Ormond Ocean Homes, Inc. Grantee

Deed is for lots in Tomoka Oaks Country Club Estates as detailed in Schedule A, Book 1188 / Page 530.
Subject to restrictions and easements of record.

Deed signed by: Ralph R. Frederick, President of Tomoka Oaks, Inc.

My Opinion

On 3/5/1970, the golf course property was still subject to the "use restriction" specified in Deed 585/157 which specifically stated: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** The "use" can be inferred from the inclusion of "Subject to restrictions and reservations of Record," so it is my opinion the "restrictive use" was in effect and deemed approved in the 'subject to' statement in Deed 1188/533.

The "use" restriction was also in effect at the time Sovereign Industries, Inc. acquired all Ormond Ocean Home, Inc. stock three weeks after the 3/5/1970 sale per Daytona Beach News Journal article dated 3/29/70 page 1 and page 2. My Volusia County Records research did not find any prior officially recorded reversal of the restricted use prior to March 1970 or at any time after.

On 3/5/1970, and when Sovereign acquired all Ormond Ocean Homes stock three weeks later, the referral rights and reverter rights in Deed 585/157 were still in effect. It is my opinion, as explained in Table 11 below, that Sovereign had concerns about Deed 585/157 which resulted in the unethical systematic removal of those 585/157 rights as explained in Table 11.

Table 11	Official Recording Date 7/6/1970

Conveyance
Recorded 7/6/1970. Book 1212 / Page 70.

Tomoka Oaks, Inc. conveys all holdings in Tomoka Oaks Country club Estates to Ormond Ocean Homes, Inc.

Paraphrase of Conveyance

- Tomoka Oaks Homeowners Association has never had any being as a corporation or association.
- Tomoka Oaks, Inc. is conveying to Ormond Ocean Homes, Inc. all of its remaining holdings in Tomoka Oaks Country Club Estates.
- Tomoka Oaks, Inc. sets over, transfers, and assigns to Ormond Ocean Homes Inc. any right, title or interest in the restrictions and the right to enforce, alter, change the Restrictive Covenants dated Jan 31, 1962.

Conveyance signed by: R. W. Davis, President, Tomoka Oaks, Inc. on 3/5/1970

My Opinion

- The timeline of this Conveyance is questionable. It was signed by Tomoka Oaks, Inc. president Ralph W. Davis on 3/5/1970 which conveniently matches the date of the Warranty Deed, but the Conveyance was not recorded until 4 months later.
- The Conveyance was signed by R. W. Davis, President, Tomoka Oaks, Inc. rather than Ralph R. Frederick as President of Tomoka Oaks, Inc. which I believe was done to avoid Frederick's conflict of interest in ownership (Table 7).
- **There was an active homeowners association/club at the time of the 3/5/1970 sale of both the estates and the golf course to Ormond Ocean Homes, Inc.*** (See Table 11 A below.) Therefore it was unethical of Ralph W. Davis to sign a Conveyance stating," Tomoka Oaks Homeowners Association has never had any being as a corporation or association."
- It was unethical (and possibly illegal) of Ralph W. Davis to sign a Conveyance transferring to Ormond Ocean Homes, Inc. "any right, title or interest in the restrictions and the right to enforce, alter, change the Restrictive Covenants dated Jan 31, 1962."

  As Table 1 shows, the Unit 1 Restrictions dated 1/31/1962 stated:

  - #10 Grantee automatically a member of the Tomoka Oaks Homeowners Association
  - #11 Grantor reserves right to release restrictions except #10
  - #15 These covenants are to run with the land and shall be binding on all parties claiming under them for a period of 25 years from date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless instrument signed by a majority of the then lot owners has been recorded agreeing to change said covenants in whole or in part.

    Therefore, only Unit 1 homeowners could release the #10 restriction; not Tomoka Oaks, Inc., and my research did not find any recordings by lot 1 homeowners or the HOA that released the #10 automatic HOA membership.

    Also, as per #15, my research did not locate any recording by the majority of all lot owners agreeing to change said covenants in whole or in part, therefore it was unethical and possibly illegal to assign that right to Ormond Ocean Homes, Inc. because the right belongs only to the lot owners. Nor have I received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA (see Table 12).

    I also believe that the intent of the Unit 1 restrictions, filed by William R. McElroy, was to protect homeowners. Both Ralph R. Frederick and Ralph W. Davis were aware of this intent, but filed records that negated and denied the existence of an HOA, which in turn released homeowners' reverter rights should the property not be perpetually used as a golf course, country club, and related uses.

- Sovereign Industries, Inc. acquired all Ormond Ocean Homes, Inc. stock three weeks after the 3/5/1970 sales, and, in my opinion, Sovereign wanted assurance from Tomoka Oaks, Inc. that the 3/5/1970 sale could not be challenged due to the referral rights and reverter clause in deed 585/157. And I believe Sovereign did not want to be legally bound by

the referral rights and reverter clause should Ormond Ocean Homes, Inc. (aka Sovereign) decide to sell the Sam Snead Golf and Country Club at some point in the future. Therefore, Frederick had to officially justify the release of the referral rights and the reverter clause in deed 585/157, and this was done in these four documents which systematically negated the protections defined in Deed 585/157:

- Conveyance recorded 7/6/1970 (Table 11)
- Resolution recorded 10/19/1970 (Table 12)
- Affidavit recorded 11/22/1970 (Table 13)
- Release recorded 6/16/1971 (Table 15)

It is my opinion Tomoka Oaks, Inc. officers acted unethically, and possibly illegally, when they filed the above four documents which were in direct opposition of the intent of Deed 585/157.

- The following Tomoka Oaks, Inc. officers and stockholders were Tomoka Oaks homeowners whose homes bordered the golf course at the time of the Conveyance. They were aware of the homeowners association of which some officers were active participants (See Table 11 A):

Ralph R Frederick	24 TOMOKA OAKS BLVD	Book 897 / Page 525
Ralph W Davis	40 N St. Andrews Drive	Book 643 / Page 637
Russell W McFall	41 S ST ANDREWS DR	Book 947 / Page 178
James Bochhoven	5 OAKMONT CIRCLE	Book 716 / Page 551
Richard L. Shetler	66 ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 9/9/1962, pg 36 *Daytona Beach Morning Journal*, 12/21/1963, pg 11
Rockwell V Collins	28 ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 11/5/1989, page 8
James Callahan	Owners of lots:	
	29 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 10/23/1966, page 36
	33 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal,* 8/18/1968, page 42

NOTE: The "Tomoka Oaks, Inc., Timeline" section goes into further details about each officer, the offices they held, and the residential lots/homes they had ownership in.

Table 11 A

Tomoka Oaks Homeowners Association

Two years prior to the Conveyance, there was a Tomoka Oaks Homeowners Association/Club:

Daytona Beach Evening News, 6/25/1968, page 2
The Tomoka Oaks Homeowners Club* had a Christmas Party in July and distributed gifts to the 100 or so members present. [Mrs. James Bochoven, whose husband was an officer of Tomoka Oaks, Inc., was an attendee.]

And less than one year after the Conveyance*, News Journal* articles again mention the Homeowners Association / Club:

Daytona Beach Sunday News, 4/18/1971, page 42
The Tomoka Oaks Homeowners Association had a covered dish supper at the Tomoka Oaks Country Club with about 120 attending.

Daytona Beach Evening News, 6/21/1971, page 11
The Tomoka Oaks Homeowners Club* had a buffet Supper at Tomoka Oaks Country Club for about 80.

During PLR Development, LTD's ownership, the *Tomoka Oaks Country Club Acquisition Committee* was formed in an attempt to buyout PLR. Although the acquisition attempt failed, the article below demonstrates continuance of the HOA:

Daytona Beach Evening News, 4/26/1974, page 18
Tomoka Oaks Country Club moved closer Friday to becoming a private club, owned and operated by the members . . . The original committee of eight was expanded to 14 following meetings of the Tomoka Oaks Home Owners Assn

earlier in the week . . . [Rockwell Collins, former officer of Tomoka Oaks Golf and Country Club. Inc. and resident of Tomoka Oaks Country Club Estates with a golf course facing home at 28 ST ANDREWS DR, was a member of the *Tomoka Oaks Country Club Acquisition Committee*.]

My opinion

* In this context, *club* can also indicate *association*. During the 1960's, the concept of a homeowner association was gaining more prominence, but it was not as common a term as it is today. I can see where a newspaper reporter would use the word "club" as opposed to "association" and vice versa. These articles are a direct indication that Tomoka Oaks Homeowners did meet and communicate on a regular basis.

Table 12 Official Recording Date 10/19/1970

Resolution
Recorded 10/19/1970. Book 1238 / Page 246.

RE: Board of Directors Meeting held 1.75 years earlier on 2/18/1969 in which:

Paraphrase

- It has been submitted to Tomoka Oaks, Inc. that TOCC, Inc. has contracted to sell the golf course property to Ormond Ocean Homes, Inc.
- Tomoka Oaks, Inc. rejects its right to exercise any option to purchase the property, and is in full accord with the sale which is hereby ratified and approved by its Board of Directors on 2/18/1969.
- Tomoka Oaks, Inc. intends to liquidate and dissolve and releases all rights reserved it in the deed of conveyance 585/157 recorded 12/12/63.
- Release of Reverter to become effective 12/13/1973

Signed by: Donald W. Acer, Jr., Secretary

My Opinion

The timeline regarding the official filing of this Resolution is questionable.

The intent of the Resolution is unethical and possibly illegal.

1. The official recording of this 2/18/1969 Resolution was not until 10/19/1970 which was
   - 21 months after the date of the Board of Director's Meeting
   - 7 months after the sale of the golf course to Ormond Ocean Homes, Inc. by TOCC, Inc. on 3/5/1970.
2. The deed of conveyance 585/157 recorded 12/12/1963 specifically indicates:
   - The reverter clause could only be released or modified by BOD resolution at any time AFTER ten years of the 585/157 deed recording date of 12/12/1963. Therefore:
     - The earliest date the BOD could release or modify the reverter clause was 12/13/1973.
     - The BOD resolution that was passed on 2/18/1969 (which modified the clause) was only 6.25 years after 12/12/1963; not 10 years as required by 585/157.
     - BOD meeting held 2/18/1969 specified a reverter release date of 12/12/1973 which was almost 3.75 years in the future.

- Tomoka Oaks, Inc. was dissolved by Proclamation on 7/11/1972 which was 16 months before the release of the reverter.
- TOCC, Inc was dissolved by Proclamation 6/28/1971 which was 30 months before the release of the reverter.

  I question the ethics of how the Board, in 1969, could specify a reverter release date of 1973 knowing Tomoka Oaks, Inc. was liquidating and would therefore no longer be in existence should the property need to revert to Tomoka Oaks, Inc. due to Ormond Ocean Homes (aka Sovereign) not using the property perpetually for a golf and country club, golf course, and related uses. Also, Ralph R. Frederick's corporation, TOCC, Inc., was also dissolved by Proclamation before the release of the reverter.

- If Tomoka Oaks, Inc. has sold four-fifths of the lots in Tomoka Oaks Country Club Estates, the right to release or modify the reverter clause is vested automatically and exclusively in the Tomoka Oaks Homeowners Association.

  I question how the BOD could ethically and legally release all reverter rights, including those provided to the Tomoka Oaks HOA,

  - Knowing they were releasing one of the protections McElroy publicly promised in his Invitation to the Public (Table 4).
  - Not knowing if 4/5 of the lots would or would not have been sold by 12/12/1973.
  - Not knowing if a Tomoka Oaks HOA still might be recorded with Volusia County prior to 12/12/1973. (see Table 12 A)

3. Ralph R. Frederick had a definite conflict of interest in ownership at the time the Resolution was passed (Table 7). This conflict directly jeopardized and negated the homeowners' reverter rights (Table 6).

   In my opinion, Frederick, as president of Tomoka Oaks Country Club Estates, had a fiduciary responsibility to lot owners and homeowners to protect their financial interests. Throughout 1962 and continuing into 1970, Tomoka Oaks Country Club Estates (owned by Tomoka Oaks, Inc.) marketed the estates as coexisting with the golf course. Golf course facing lots and homesites were more desirable and therefore priced higher than non-golf course facing lots and homesites. (See Section "Master Planned Community" of this report for details and citations.) Due to this representation of coexistence, Fredericks should have included specific referral rights and reverter rights in Deed 1188/533, rather than using this Resolution to release all rights.

4. Deed 1188/533 was "subject to restrictions and reservations of Record."

   Prior to the filing of Resolution 1238/248 in October 1970, I found no official Volusia County Record filings releasing or modifying the reverter clause, or the restriction in Units 1 and 3. And I found no recorded reversal or modification of the "restricted use" defined as: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** Nor have I received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA. As the Affidavit in Table 12A below indicates, no official homeowners association uniting all Units was ever formed, therefore the voluntary HOA has no authority to release the perpetuity restrictions and covenants.

As per Brent Spain's summary of the historical documentation supplied within this "Protective Covenants and Restrictions document:

Reliance upon the 1969 Resolution and the 1971 Release to claim that the use restriction was somehow waived or released is misplaced. Even assuming the 1969 Resolution and the 1971 Release are valid – which is questionable – neither document purports to release, waive, or otherwise modify the use restriction.

https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874 Pages 298-305

Table 12 A

In December 12, 2003, the Tomoka Oaks HOA retained Michael A Pyle, PA, to research the title documents related to the Tomoka Oaks Property in order to determine the status of the Association and the restrictive covenants on units in the subdivision. This search appears to be related to the HOA's Architectural Control Committee's jurisdiction.

Affidavit 5327 / 3897 filed 5/25/2004 concluded:

- The Association consists of a number of separate Units, developed at different times by different developers.
- Affidavit appearing in public record indicated no homeowners association was ever formed.
- The HOA of public record as of 2003 appears to be voluntary and not tied to any restrictive covenants, and has no power under the laws related to homeowners associations.
- The HOA of public record as of 2003 has no jurisdiction over anybody, including owners of Unit 1, because it is not the same association that was contemplated in the original documents.

My Opinion
This affidavit serves as further support that the original developer of the residential estates and the golf course, Tomoka Oaks, Inc., intended for homeowners to be members of an HOA. Although there are no recorded HOA filings until 7/12/1977, 1915/304 and 1916/1154, there were homeowners prior to 1977 who voluntarily met regularly and were referred to as the Homeowners Association or Homeowners Club.

As stated in Table 12 above, I have not received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA. As the Affidavit in Table 12A indicates, no official homeowners association uniting all Units was ever formed, therefore the voluntary HOA has no authority to release the perpetuity restrictions and covenants.

Table 13 Official Recording Date 11/22/1970

Affidavit
Recorded 11/22/1970. Book 1238 / Page 244.

Summary:

- Corp has been inactive for the last 5 years
- Corp granted rights from Tomoka Oaks, Inc. while in a lease agreement regarding the golf course dated 1/1/1963
- Lease canceled by mutual consent 12/13/1963

Signed 11/5/1968 by: William R. Conway, VP, Tomoka Oaks Golf and Country Club, Inc.

My Opinion

This Affidavit was another document Ralph R. Frederick needed to prove there could be no legal challenges to TOCC, Inc.'s March 1970 sale of the Sam Snead golf course to Ormond Ocean Homes, Inc. (aka Sovereign Industries, Inc.). It is my opinion the Affidavit did not truthfully state the facts, and that Tomoka Oaks Golf and Country Club, Inc. was active after 11/5/1968 and after the Tomoka Oaks, Inc. BOD 2/18/1969 resolution approving the sale of the golf course property to Ormond Ocean Homes, Inc.

- The Affidavit was signed 11/5/1968 but not recorded with Volusia County until 11/22/1970, which was 2 years later.
- The recording date of the Affidavit was 8 months after the sale of the golf course property to Ormond Ocean Homes/Sovereign.
- Tomoka Oaks Golf and Country Club, Inc. filed two recordings with Volusia County during their stated inactive timeframe:

- Warranty Deed recorded 9/14/1965; Book 735 / Page 428
- Quit Claim Deed recorded 2/18/1966; Book 774 / Page 657

o Florida's Division of Corporations indicates the corporation was dissolved by proclamation on 10/21/1974, which was 6 years after their stated inactive date.

Table 14 Official Recording Date 6/15/1971

Warranty Deed
Recorded 6/15/1971. Book 1306 / Page 286.

Ormond Ocean Homes, Inc. grantor
PLR Development, LTD grantee

- All of the Sam Snead Golf and Country Club.
- Remaining lots in Tomoka Oaks Country Club Estates

Subject to restrictions, reservations, and easements of Record.

My Opinion

On 6/15/1971 the golf course property was still subject to the "use restriction" specified in Deed 585/157 which specifically stated: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** The "use" can be inferred in 1306/286 from the inclusion of "Subject to restrictions, reservations, and easements of Record.," so it is my opinion the "restrictive use" was in effect and deemed approved in Deed 1306/286. My Volusia County Records research did not find any officially recorded reversal or modification of the encumbered use.

It is my opinion that on 6/15/1971 the golf course property was still subject to the reverter clause in Deed 585/157 despite the filings in Tables 11, 12, and 13. Ormond Ocean Homes, Inc. (aka Sovereign Industries, Inc.), still had a fiduciary responsibility to lot owners and homeowners to protect their financial interests because throughout their ownership, Ormond Ocean Homes, Inc. marketed the estates as coexisting with the golf course. Golf course facing lots and homesites were more desirable and therefore priced higher than non-golf course facing lots and homesites. (See Section "Master Planned Community" of this report for additional details and citations.) Due to this representation of coexistence, Ormond Ocean Homes, Inc. (aka Sovereign) had a fiduciary responsibility to uphold in Deed 1306/286 the referral rights and reverter rights in 585/157. Instead, in my opinion, Ormond Ocean Homes, Inc. and Tomoka Oaks, Inc. intentionally and unethically released the protective rights of homeowners should the golf course not be perpetually used as intended: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**

Protective Covenants and Restrictions during Milton W. Pepper's Ownership Interest: June 1971 - February 1979

It is my opinion that beginning in June 1971 through February 1979 (see Ownership Chart), Milton W. Pepper failed in his fiduciary responsibility to protect homeowners' reverter rights and potential referral rights as intended in Tomoka Oak, Inc.'s 12/12/1963 Deed 585/157 (Table 7).

1. Pepper perpetuated Tomoka Oak, Inc.'s:
    - 1970's unethical denial of the existence of an HOA (Tables 11 and 16).
    - 1970's unethical release of any and all rights reserved onto it in 585/157 (Tables 12 and 15).
    - Unethical assignment of rights, titles, or interest in all restrictions and rights to enforce, alter, change or wave Restrictive Covenants dated 1/31/1962 (Table 11).
2. Pepper included reverter rights protecting himself as the individual golf course owner, but he did not include referral or reverter protections for estate lot owners and homeowners when he sold the Sam Snead Golf and Country Club to RTH, Inc. in February 1979. (Table 19)

Table 15 Official Recording Date 6/16/1971

Release
Recorded 6/16/1971. Book 1307 / Page 89.

Summary:

- As per BOD meeting held 2/18/1969, Tomoka Oaks, Inc.:
    - Releases any and all rights reserved unto it in Deed 585/157, particularly its right of first refusal set forth in said deed
    - Releases the Reverter Clause contained in Deed 585/157
- The release of the Reverter Clause to be effective 12/13/1973

Release signed by: R. W. Davis, President, Tomoka Oaks, Inc.

My Opinion

See Table 12 regarding the BOD Resolution on 2/18/1969 as Table 12 directly relates to the 1307/89 Release in Table 15.

In my opinion, the major differences between Resolution 1238/248 (Table 12) and Release 1307/89 (Table 15) are that:

- 1307/89 was filed and recorded one day after Ormond Ocean Homes, Inc. sold the golf course property to PLR Development, LTD.
- PLR was, in my opinion, asking for legal assurance from Tomoka Oaks, Inc. that the Reverter in Deed 585/157 did not present a legal obstacle to the sale of the golf course property to PLR.
- PLR did not want to be legally bound by the 585/157 reverter clause should PLR sell the Sam Snead golf course.

Table 16	Official Recording Date 5/8/1972

Assignment
Recorded: 5/8/1972. Book 1420 / Page 159

Paraphrase

- Tomoka Oaks Homeowners Association has never had any being as a corp or association.
- Tomoka Oaks, Inc. conveyed to Ormond Ocean Homes all of its remaining holdings in Tomoka Oaks Country Club Estates and assigned all of its right, title or interest originally contained in the Restrictive Covenants dated Jan 31, 1962.
- Ormond Ocean Homes, Inc. does hereby set over, transfer, and assign to PLR any right, title or interest in all restrictions and the right to enforce, alter, change or waive any original restrictions.

Signed by Ormond Ocean Homes, Inc.

My Opinion

Ormond Ocean Homes, Inc.'s Assignment of the Estates to PLR was based on the same unethical premise as Tomoka Oaks, Inc.'s 7/6/1970 Conveyance of the Estates to Ormond Ocean Homes (Table 11). Therefore the same issues detailed in the Table 11 Conveyance carry forward to this Assignment. And my opinion remains the same:

- The timeline regarding the official filing of this Assignment is questionable as per same rationale in Table 11.
- The intent of the Assignment is unethical because there was an active HOA at the time of the Assignment as detailed in Table 11 A and 12 A.

Table 17	Official Recording Date 2/27/1975

Warranty Deed
Recorded 2/27/1975. Book 1768 / Page 1798.

PLR Development, LTD grantor (Milton W. Pepper, General Partner)
AKRON Enterprises, Inc. grantee (Milton W. Pepper, President)

Sale of all of the Sam Snead Golf and Country Club to AKRON subject to easements, restrictions and reservations of record, if any.

My Opinion

On 2/27/1975 the golf course property was still subject to the "restrictive use" in Deed 585/157 (Table 6): **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**

My Volusia County Records research did not find any officially recorded reversal or modification of the restricted use. Nor have I received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA (see Table 12),

Table 18	Official Recording Date 2/28/1977

Warranty Deed
Recorded 2/28/1977. Book 1887 / Page 301.

PLR Development, LTD grantor
BML Investments and PRN Investments grantees

Sale of remaining lots in Tomoka Oaks Country Club Estates.
Subject to restrictions, reservations, and easements of record.

My Opinion

- I believe the Unit 1 Restrictions were still in effect at the time of the 2/28/1977 sale of Tomoka Oaks Country Club Estates, and therefore if 4/5's of the lots in Unit 1 had been sold, the reverter right would vest automatically in the HOA. (Tables 1, 11 and 16) I have not received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA (see Table 12).

Table 19	Official Recording Date 2/14/1979

Warranty Deed
Recorded 2/14/1979. Book 2052 / Page 1019.

Milton W. Pepper grantor
RTH, Inc. grantee

Sale of the Sam Snead Golf and Country Club to RTH, Inc.
Subject to easements and restrictions of record, if any.

Reverter
"During the term of the purchase money note and wrap around mortgage executed of even date herewith by grantee to grantor, or for a period of 18 years in the event the mortgage is prepaid in full, the above described property shall revert to the grantor upon the condition that any portion of said property is used for any purpose other than a golf course with club house and appurtenant amenities.

My Opinion

On 2/14/1979 the golf course property was still subject to the "use restriction" specified in Deed 585/157 which specifically stated: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** The "use" can be inferred from the inclusion of "Subject to easements and restrictions of record, if any." Therefore, it is my opinion the "restrictive use" was in effect and deemed approved in the 'subject to' statement in Deed 2052/1019.

It is my opinion that on 2/14/1979 the golf course property was still subject to the reverter clause in Deed 585/157 despite the filings in Tables 15 and 16. The intent of the Reverter was to continue to protect the original restrictive use. The reverter may have capped at 18 years upon payment of the note, but the **intent** was still **perpetual**.

Milton W. Pepper as sole owner of the golf course, and as stockholder in PLR Development, LTD., still had a fiduciary responsibility to lot owners and homeowners to protect their financial interests. Throughout its ownership, PLR marketed the

estates as coexisting with the golf course. Golf course facing lots were more desirable and therefore priced 70% - 96% higher[2], [3] than non-golf course facing lots and homesites. (See Section "Master Planned Community" of this report for details and citations.) Due to this representation of coexistence, Pepper had a fiduciary responsibility to uphold in Deed 2052/1019 the referral rights and reverter rights intended in 585/157. Instead, in my opinion, Milton W. Pepper, PLR Development, LTD, and Tomoka Oaks, Inc. intentionally and unethically released the protective rights of homeowners should the golf course not be perpetually used as intended.

Also, it should be noted:

- Milton W. Pepper's son-in-law, Ben Horne, was a real estate agent who listed homes in Tomoka Oaks Country Club Estates and who placed ads in the *Daytona Beach News- Journal* advertising golf course fronting lots and homes.
- Milton W. Pepper and Ben Horne were both stockholders in Tomoka Oakwood Development Corp. which owned and developed Tomoka Oaks North condominiums of which buyers received a paid membership in Tomoka Oaks Country Club.
- The above conflicts of interest in cross ownership are detailed and cited in the section of this report titled "Conflicts of Interest in Cross-Ownership."

Table 19A Official Recording Date 10/31/2006

Development Order for PRD-06-32: Tomoka Oaks Golf Village - signed 10/6/2006
Recorded 10/31/2006 Book 5944 / Page 2183

Applicant: RTH, Inc.
City Issuing Order: Ormond Beach

Highlights of the Development Order:

- Allows construction of 119 multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel within the limits of the existing Tomoka Oaks Golf Course
- PRD land development code must be strictly complied with.
- The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.
- In the event the land approved by this PRD Development Order is abandoned for a period of (2) years or there has been no construction activity during that period, the permit shall be void and a Notice of Final Plan Revocation filed under the provisions of Section 1-14(c)(2) of the *Land Development Code*, before the planned development permit can be reestablished, a new PRD Development Order shall be considered by the City Commission.
- Development Order shall be binding upon RTH, Inc. a Florida corporation, and shall run with the real property.

Note:

- The city implicitly recognized the perpetual use of the property to remain a golf course or recreational green space when approving the 2006 PRD application.
- Before PRD 06-32 expired, approximately 86 home buyers purchased homes in Tomoka Oaks during the active Development Order time frame thus relying on good faith that the golf course land was protected per recorded instruments..
- The Development order expired 10/17/2014.
- Property is currently assigned a land use of "expired PRD" and the City can review future PRD applications.

[2] (Daytona Beach Sunday News-Journal pg 56 - Tomoka Oaks ad by Gale Asso, 2/10/1974)
[3] (Daytona Beach Sunday News-Journal pg 54 - Tomoka Oaks ad by Symon Ryals, 8/17/1975)

Table 20 Official Recording Dates 7/21/2010 - present

Warranty Deed
Recorded 7/21/2010. Book 6496 / Page 4634.

RTH, Inc. grantor
Putnam State Bank grantee

Verbatim excerpt:
It is the intent of the grantor and grantee that the conveyance of the above described property to Putnam State Bank will not act in any way as satisfaction of the notes and mortgages RTH, Inc. to Putnam State Bank (copies of which are recorded in O.R. Book 6160 at page 132 and O. R. Book 6296 at page 4639 of the public records of Volusia County, Florida.) It is the express intent of the parties that the above-described notes and mortgages will not merge with the interest of Putnam acquired under this deed until it is determined that there are no intervening liens.

Special Warranty Deed
Recorded 12/12/2011. Book 6659 / Page 1525.

Putnam State Bank grantor
EJTS Holding, LLC grantee

Sale of Sam Snead Golf and Country Club subject to encumbrances, easements and restriction of records.
Together with all the tenements, hereditaments and appurtenances thereto belonging in any wise appertaining.

Warranty Deed
Recorded 4/21/2021. Book 8036 / Page 3448.

EJTS Holding, LLC grantor
Triumph Oaks of Ormond Beach I, LLC grantee

Sale of Sam Snead Golf and Country Club subject to reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

My Opinion
Triumph Oaks of Ormond Beach I, LLC L21000120943 identifies local businessmen Carl Velie and Ray Barshay as managers of the LLC. Both either reside in Ormond Beach or have businesses in Ormond Beach and are familiar with the golf course property and its use as a golf course. Even though the prior owner of the course, EJTS Holding allowed the course to run down, there was a sign on the club house door which clearly stated for all to view that, “The Tomoka Golf Course is temporarily closed for public play so that maintenance can work to improve our quality of play.” This sign was still posted as of February 9, 2021 which was 2 months prior to the sale of the course to Triumph Oaks of Ormond Beach I, LLC on 4/23/2021.

Cobb Cole, the law firm representing Triumph Oaks, title insurance analysis indicates that insurance coverage does not exist for the 2006 Development Order thus expressly acknowledging the 2006 Development Order which rezoned the property from R-2 to PRD.
https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425
Pages 675-686

Protective Covenants and Restrictions: Summary and My Opinion

Regardless of whatever entity owned (or owns) the Sam Snead Golf and Country Club:

- The golf course property was originally intended and encumbered as: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**
- My Volusia County Records research did not find any officially recorded reversal or modifications of the restricted, perpetual use defined in Deed 585/157. And I found no modifications to the covenants and Restrictions 431/32.
- I have not received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA. No official homeowners association uniting all Units has ever been formed, and the voluntary HOA has no legal authority to release the perpetuity restrictions and covenants.
- The Reverter clause in Deed 585/157 is still current today, and due to the fact that over 4/5's of the lots in Tomoka Oaks Country Club Estates have been disposed of, the reverter is now vested automatically and exclusively with the voluntary Tomoka Oaks Homeowners Association.
- Brent Spain, land use attorney with Theriaque & Spain, reviewed my historical research. He concluded that the summarized facts and cited case law would establish that, at a minimum, the use of the Sam Snead Golf and Country Club property is limited to a golf course or similar open space purposes by virtue of an implied restrictive covenant.
- Since its inception in the early 1960's and continuing to present time, buyers in Tomoka Oaks Country Club Estates purchased lots and homes in good faith predicated on their value as related to the coexisting golf course.
- The golf course property continues to benefit the surrounding residential properties; it preserves the character of the community, and provides residents with a pleasant view.

March 15, 2024

Dear Mayor Partington,

I respect your ability to quickly focus on facts within documents, and I am sharing Attachment D (the updated summary of Tomoka Oaks Protective Covenants and Restrictions) with you prior to the City's distribution of their Commission packet. Edits on Attachment D relate to Attorney Brent Spain's legal opinion on the golf course land use, the 2006 PRD development order, and email correspondence with the City regarding Tomoka Oaks covenants and restrictions.

For your personal review, I prepared for you a document titled *Summary of Emails with the City Attorney relevant to Tomoka Oaks Covenants and Restrictions.* I realize the City is overseeing numerous development applications and other development related concerns that require the attention of the City attorney, and it is understandable that Mr. Hayes may have shifted his focus from these emails to other more immediate legal matters. Perhaps Mr. Hayes will have time before the Commission's first reading of the Tomoka Reserve application to follow up on my latest email.

I am appreciative of the acknowledgments made in the 1/11/24 Staff Report which support some key elements of my Tomoka Oaks historical research. I respect that the City maintains an unbiased representation of facts, and I wanted to ensure you have facts pertinent to your decision on any development applications or zoning map amendment applications on the Sam Snead Golf and Country Club property.

Kind regards,

Carolyn

Carolyn Davis
46 Oakmont Circle
Ormond Beach, FL 32174

Protective Covenants and Restrictions - modified 3/10/24

I researched the history of parcel 39-14-32, which was developed into the **Sam Snead Golf and Country Club** and the **Tomoka Oaks Country Club Estates,** to reconstruct the sales and ownership history of these two properties and the recordings of covenants and restrictions related to the properties.

Based on this research, I have formed the opinion that:

1. In the early 1960's, Tomoka Oaks, Inc. recorded protective covenants restricting land use of the Sam Snead Golf and Country Club to be "**perpetually for use as a golf and country club, golf course, and related uses.**"

2. Throughout the early 1960's, Tomoka Oaks, Inc. recorded deeds, leases, covenants, restrictions, referral rights, and reverter clauses to protect the intended perpetual use of the golf course property, as well as protect the financial interests of lot and homeowners should the golf course property not be used as recorded in the protective covenants and restrictions.

3. Beginning in 1969, conflicts of interest in cross-ownership resulted in recordings being filed with Volusia County that intentionally, systematically and questionably negated or released many of the earlier protective covenants and restrictions, and eliminated rights of current and future Tomoka Oaks Country Club Estates homeowners should the golf course property not be used as originally encumbered: **perpetually for use as a golf and country club, golf course, and related uses**.

4. The unethical and possibly illegal documents filed in #3 above could potentially cloud the title due to cross-ownership conflicts of interest. Therefore, the protective covenants and restrictions originally recorded in the early 1960's (specifically Warranty Deed 585/157 recorded 12/12/1963 and Restrictions 431/32 recorded 1/31/1962) may still be in effect today.

For the Reader's information:

- The preceding pages of this section contain tables detailing recordings on file with Volusia County, and articles in the *Daytona Beach News-Journal,* that are the basis for my opinions throughout this section. Tables cite the document's recording date and book and page number for each specific deed, lease, covenant, restriction, referral right, and reverter clause.
- All *Daytona Beach News-Journal* article citations come from www.newsbank.com accessed through the Volusia County Library.
- All opinions are my own. I did not collaborate with any other Tomoka Oaks homeowner or with the HOA.
- This document was edited on 3/10/24 to include the legal opinion of land use attorney Brent Spain of Theriaque & Spain law firm per his letter to the Planning Board dated July 12, 2023 available at https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874

  Pages 298-305

Protective Covenants and Restrictions: January 1962 - December 1963

It is my opinion that:

- William R. McElroy, as the first president and Chairman of the Board of Tomoka Oaks, Inc.,[1] fulfilled his fiduciary responsibility to both Tomoka Oaks, Inc. stockholders and to the Tomoka Oaks Country Club Estate lot owners and homeowners by filing official recordings with Volusia County that:
    1. Encumbered the use of the golf course property as "**perpetually for use as a golf and country club, golf course, and related uses.**"
    2. Protected Tomoka Oaks, Inc. and protected residential lot owners and homeowners by recording covenants, restrictions, referral rights, and reverter clauses should the golf course property not be used perpetually as a golf and country club, golf course, and related uses.
    3. Provided current and future residential lot owners and homeowners in Unit 1 with automatic Tomoka Oaks Homeowner Association (HOA) membership, of which said HOA:
        - Could be transferred the referral right to accept or reject Sam Snead golf course property sales offers should Tomoka Oaks, Inc. transfer to the HOA the right to accept or reject the offer.
        - Has legal standing via reverter rights should future Sam Snead Golf and Country Club owners not use the golf course property as perpetually intended.

Table 1	Official Recording Date 1/31/1962

Restrictions – Unit 1, Tomoka Oaks Country Club Estates
Recorded 1/31/1962. Book 431 / Page 32.

Verbatim Text
Tomoka Oaks, Inc. the owner and grantor of all lots, desires the lots be subject to certain restrictions for the mutual benefit and protection of said owner and to persons both natural and corporate who may hereafter purchase or acquire any interest in said property.

The owner declares and creates the following restrictions, reservations and conditions to be binding upon it and upon each and every person and corporation hereafter.

Paraphrase of Restriction Highlights

#3 Construction on lots adjoining the golf course can be within 10 feet of golf course boundary

#10 Grantee automatically a member of the Tomoka Oaks Homeowners Association

#11 Grantor reserves right to release restrictions except #10

#14 Grantor may transfer right to enforce restrictions to the Tomoka Oaks Homeowners Association

#15 Covenants binding for 25 years, then automatically extended for successive periods of 10 years unless instrument signed by majority of lot owners is recorded agreeing to covenant changes.

Submitted and signed by:
Tomoka Oaks, Inc.
W. L. McElroy, President
Ted Brousseau, Secretary

[1] (Daytona Beach Sunday News-Journal pg 36 - Tomoka Oaks Subdivision Work Starts, 10/1/1961)

My opinion

I believe Tomoka Oaks, Inc. intended Restrictions be consistent from Unit to Unit. Therefore, restrictions recorded for Unit 1 would also be recorded for subsequent Units such as Unit 3, etc. Paragraph #11's last sentence states, "The Grantor further reserves the right to include, in any contract or deed hereafter made, any additional restrictive covenants not inconsistent with these herein contained.

During my research, I found no official recordings by the majority of the lot owners agreeing to any covenant changes or releasing any restrictions in Unit 1.

Also, I have not received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA (see Table 12).

Table 2 *Daytona Beach Sunday News-Journal* 7/8/1962

Daytona Beach Sunday News-Journal, 7/8/1962, page 16
NEW TOMOKA LINKS SOLD TO McELROY GROUP

Paraphrase:

- Golf Course Developers, Inc. sold out to Tomoka Oaks, Inc. due to financial issues.
- William R. (Bill) McElroy, president of Tomoka Oaks, Inc. announced the purchase.
- McElroy said plans under way for formation of a new corporation named Tomoka Oaks Golf Club, Inc.
- McElroy said it will be a "**permanent golf club**" and "When the new golf club corporation is formed, the land will be conveyed to the new corporation. **It will be subject to restrictions for use only as a golf club and other recreational use**."

My research shows:

- On 9/15/1961, the golf course property was conveyed by Tomoka Oaks, Inc. to Golf Course Developers, Inc., Warranty Deed Book 397 / Page 526 restricting use to a golf course.
- Golf Course Developers developed the Sam Snead Golf and Country Club during 1961-1962. As shown in the article above, Golf Course Developers sold the course back to Tomoka Oaks, Inc. Warranty Deed 465/202 dated 7/9/1962 and Mortgage Deed, Book 465 / Page 204 dated 8/1/1962.
- Tomoka Oaks Golf Club, Inc. was filed with Division of Corporations, State of Florida on 7/19/1962.
- Another corporation was filed 1/8/1963 called Tomoka Oaks Golf and Country Club, Inc. which was formed to handle the conveyance referred to in McElroy's article comments above. This conveyance took the form of a lease whose terms stated leased property "**shall be used perpetually for a country club and related uses.** " (See Table 3).

Table 3 Official Recording Date 1/1/1963

Golf Course Lease
Recorded 1/1/1963. Book 516 / Page 360.

Lease Start Date: 1/1/1963
Lessor: Tomoka Oaks, Inc. Signed by W. R. McElroy, President
Lessee: Tomoka Oaks Golf and Country Club, Inc. Signed by W. R. McElroy, President

Paraphrase of Lease Highlights:

- Premises: All of Sam Snead Golf and Country Club
- Term and Rental : Ninety-nine (99) years subject to termination as per terms of lease
- Use: Premises shall be used perpetually for a country club and related uses. This provision shall survive the lease and be included in the deed. Deed restrictions may be waived by two-thirds of Lessee Board of Directors with concurrence of:
    - 2/3's of the members of said Lessee
    - 2/3's of the members of the Tomoka Oaks Homeowners Association

My opinion:

- McElroy fulfilled his 7/8/1962 public statement (Table 2) to convey the Sam Snead Golf and Country Club, and that it was "subject to restrictions for use only as a golf club and other recreational use."
- McElroy fulfilled his 7/8/1962 public statement (Table 2) regarding the permanent use of the premises by incorporating into the lease deed restrictions that protected homeowners and golf club members should the property not be used perpetually for a country club and related uses.
- The lease was surrendered in late 1963 (Book 585 / Page 155) but as stated in the lease, the "use" provision survived the lease and was subsequently included in a Warranty Deed dated 12/12/1963, Book 585 / Page 157 (Table 6).
- The lease was another of the master plan elements which demonstrated the coexistence of the golf course and the residential estates.

Table 4 *Daytona Beach Sunday News-Journal* 2/23/1963

Daytona Beach Sunday News-Journal, 2/23/1963, page 14
ANNOUNCEMENT: Your Invitation to Visit Tomoka Oaks Country Club Estates

Paraphrased Excerpts

W.R. McElroy personally signed an **Invitation** as President of Tomoka Oaks Country Club Estates inviting potential home buyers to visit "the ultimate in gracious and contented living," where "from its very inception, no effort has been spared in planning and developing . . . one of the finest exclusive residential areas in the State of Florida." The Estates are "cut from 545 beautiful wooded acres . . . Right in the center of this magnificent natural beauty spot has been built Tomoka Oaks Golf and Country Club – an eighteen hole championship Golf Course."

McElroy went on to state, "To keep this Area in all its natural beauty, **certain protective covenants have been provided** for the benefit and protection of all property owners."

And in a prior **Invitation** published on 2/16/1963, page 2, of the *Daytona Beach News-Journal*, Tomoka Oaks Country Club Estates informed potential home buyers that, "To keep this Area in all its natural beauty, **certain protective covenants are necessary** for the benefit and protection of all property owners and will be included in the deed."

My opinion

McElroy fulfilled his public assurance to include protective covenants. (See Tables 5 and 6.)
This marketing invitation was another of the master plan elements of coexistence.

Table 5	Official Recording Date 3/1/1963

Supplemental Restrictions – Unit, 1 Tomoka Oaks Country Club Estates
Recorded 3/1/1963. Book 516 / Page 358

Paraphrased Excerpts

- Whereas Tomoka Oaks, Inc., a Florida Corporation, is the owner of all lots in Tomoka Oaks Country Club Estates, Unit #1 . . .
- Whereas said owner does now wish to subject said property to certain further restrictions relating to the size of residential buildings to be built adjacent to the golf course. . .
- No principal residence shall be constructed upon any lot adjacent to the golf course . . . which shall contain less than 1500 square feet of enclosed living area and 2300 square feet of total covered area.

Submitted and signed by:
Tomoka Oaks, Inc.
W. R. McElroy, President
Ted Brousseau, Secretary

My Opinion

The Sam Snead Golf and Country Club and the Tomoka Oaks Country Club Estates shared the common developer: Tomoka Oaks, Inc.

The golf course and the residential subdivision estates were designed and intended to coexist.

Tomoka Oaks, Inc. (a Florida Profit Corporation) wanted to protect their interest by ensuring the golf course would always be surrounded by homes that contained at least 2300 square feet. The value of the golf course was tied to the value of the lots surrounding it, and the value of the lots was tied to the value of the golf course bordering those lots. McElroy incorporated these supplemental restrictions to protect both Tomoka Oaks, Inc. financial interests and homeowners' financial interests.

Table 6	Official Recording Date 12/12/1963

Warranty Deed
Recorded 12/12/1963. Book 585 / Page 157.

Paraphrased summary separated into understandable segments

Warranty Deed - All of the Sam Snead Golf and Country Club
Between
Tomoka Oaks, Inc.; party of the first part (TOI)
AND
Ralph R. Frederick, trustee; party of the second part (FREDERICK)

[*start of Referral Rights*]

This conveyance is subject to the express condition that if FREDERICK desires to sell or convey the golf course to any person, firm, or corporation other than a subsidiary of FREDERICK, offers acceptable to owner (Ralph R. Frederick) are referred to TOI for TOI's acceptance or rejection for a period of 30 days.

If TOI rejects or fails to accept the offer, offer shall be presented to Tomoka Oaks Golf and Country Club, Inc. (TOGCC) for its acceptance or rejection for a period of 30 days. Acceptance or rejection is subject to the approval of TOI.

Right to accept or reject offer is transferrable and may be transferred by TOI or TOGCC to the Tomoka Oaks Homeowners Association (HOA) within 30 days and acted upon within those 30 days.

[*end of Referral Rights*]

[*start of property land use Covenant*]

The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.

[*end of property land use Covenant*]

[*start of Reverter clause*]

- IF Frederick or successors in interest fail to utilize the property exclusively as a golf and country club, golf course, and related uses
- AND the property not be sold to TOI or TOGCC or HOA as specified in preceding paragraph
- THEN property shall automatically revert to and become the property of TOI
    - AND all rights of FREDERICK or successors in interest shall immediately terminate
        - UNLESS

        FREDERICK or successors shall within 90 days after the day of mailing to FREDERICK or successors by TOI or TOGCC or HOA a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

The reverter clause may be released or modified by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed on 12/12/1963; providing that

- IF TOI shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates

- THEN the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks HOA to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks HOA.

[*end of Reverter clause*]

Deed signed by: Ralph R. Frederick, President, Tomoka Oaks, Inc.

My opinion

Deed 585/157 was the primary instrument Tomoka Oaks, Inc. recorded to encumber and protect the use of the Sam Snead Golf and Country Club to be "**used perpetually for purposes of a golf and country club, golf course, and related uses**."

I believe the intent of deed 585/157 was to protect the financial interest of Tomoka Oaks, Inc. and the financial interest of the residential homeowners in Tomoka Oaks Country Club Estates should the golf course property ever be sold.

Regarding future sales, the "referral right:"

- Gave Tomoka Oaks, Inc. the right to match the offer thus preserving the "restricted use" of the golf course property.
- AND it gave Tomoka Oaks, Inc. the right to transfer the offer to the HOA of which every lot owner (in Unit 1 at the time of deed recording) was a member (Table 1).

Regarding the restricted use of the Sam Snead Golf and Country Club property, the reverter clause:

- Ensured the golf course property would revert back to Tomoka Oaks, Inc. should the owners fail to utilize the property exclusively as a golf and country club, golf course, and related uses
- Ensured that if 4/5's of the lots had been sold (which at the time of this deed recording would have been the Unit 1 lot owners) the reverted was vested automatically in the HOA of which every lot owner (in Unit 1 at the time of deed recording) was a member (Table 1), and the right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks HOA.

I believe Tomoka Oaks, Inc. intended that HOA membership would be automatic for all lot and homeowners for every Unit in Tomoka Oaks Country Club Estates (Table 1). Therefore the language of deed 585/157 would apply to all Units even though Unit 1 was the only Unit under development during the recording of Deed 585/157.

I am not including Tomoka Oaks Golf and Country Club, Inc. (TOGCC) in my opinion here, because TOGCC surrendered their lease in late 1963. But I did find inconsistencies in TOGCC's official recordings subsequent to the lease surrender as shown in Table 13.

This deed also fulfilled McElroy's public assurance to provide protective covenants for the benefit and protection of homeowners (Table 2).

Opinion of Brent Spain, land use attorney with Spain & Theriaque:

Consistent with the terms of the surrendered Lease, the 1963 Warranty Deed expressly provided that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Moreover, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the 1963 Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses."

https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874 Pages 298-305

Ralph R. Frederick's Conflict of Interest in Cross Ownership

Frederick was president and the primary stock holder of TOCC, Inc. when TOCC, Inc. sold the Sam Snead Golf and Country Club to Ormond Ocean Homes, Inc. in March 1970. Frederick was also the President, General Manager, and a stockholder of Ormond Ocean Homes, Inc. at the time of the sale.

The newspaper articles in **Table 7** detail Ralph R. Frederick's cross ownership interests which, I believe, resulted in questionable and unethical filings and intentions as explained in subsequent tables in the section directly below titled: "Protective Covenants and Restrictions during Ralph R. Frederick's Ownership Interest: January 1966 - August 1969."

Table 7

Ralph R. Frederick had cross ownership interests in:

- Sam Snead Golf and Country Club
  - President, Trustee, and majority stock holder under Tomoka Oaks, Inc. from 12/12/1963 – 3/22/1964
  - President and majority stockholder under TOCC, Inc. from 3/23/1964 – 3/5/1970. Warranty Deed 612/269 dated 3/23/1964.
- Tomoka Oaks Country Club Estates
  - President and stock holder under Tomoka Oaks, Inc. from 12/12/1963 – 3/5/1970
- Ormond Ocean Homes
  - Stockholder, General Manager, President from 1961 - 3/28/1970 (as per news articles immediately below)

Three *Daytona Beach News-Journal* articles detail Ralph R. Frederick's ownership interest in Ormond Ocean Homes, Inc.

Sunday Issue Date 7/16/1961, page 35
ELLINOR MAKES DEAL ON NORTH HALF OF VILLAGE

- $1.5 million purchase of north section of Ellinor Village scheduled to close 9/10/1961.
- Buyers, all from Freeport, IL, will do business as Ormond Ocean Homes Inc., a Florida corporation.
- Stock held by officers and by Ralph R. Frederick of Ormond Beach who will be general manager.
- Frederick is a personal friend of the Freeport group and brought the two parties together.

Sunday Issue Date 5/30/1965, page 32
ORMOND RENTAL PROJECT GETS BIG FHA LOAN

- Ormond Ocean Homes, a 232-unit rental housing development on the Ormond peninsula, will spend $1,832,000 for modernizing, president Ralph Frederick announced last week.
- Money will be used to renovate the former north half of the Ellinor Village resort.
- Frederick will be the prime contractor
- Frederick, who heads 11 corporations here and is general manager of the Tomoka Oaks development, and Ray Gramley of Freeport, IL bought the development several years ago.

Evening Issue Date 3/6/1970, page 32
IT SAYS IT HERE by Bernard Kahn - page 16

What is brewing is negotiation by Phoenix [Arizona based Sovereign Industries, Inc. see 3/29/1970 Sunday, page 1], an investment conglomerate, to buy the Tomoka Oaks Golf and Country Club and Tomoka Oaks, Inc., the neighboring real estate development, plus Ormond Ocean Homes Apartments (the former north section of Ellinor Village.)
Hustlin' Ralph Frederick, the card playing pro motor, has the big piece of the action in all three parcels.

My Opinion

Ralph R. Frederick had a conflict of interest in ownership regarding the 3/5/1970 sale of the Sam Snead Golf and Country Club (which Frederick owned stock in under his corporation TOCC, Inc. Warranty Deed 612/269) and the sale of Tomoka Oaks

Country Club Estates (which Frederick owned stock in under Tomoka Oaks, Inc.) to Ormond Ocean Homes, Inc. where Frederick was a stockholder, president, and general manager. Just 23 days after the sale, Sovereign Industries, Inc. acquired all stock in Ormond Ocean Homes, Inc. on 3/28/1970 (Table 10). Therefore Frederick benefited financially from the sales of the golf course and the estates, and from the purchase of his Ormond Ocean Homes, Inc. stock. And it was in Frederick's best financial interest that prior recorded restrictions and covenants not jeopardize those sales.

Official filings recorded by Tomoka Oaks, Inc. and Tomoka Oaks Golf and Country Club, Inc. (that I see as questionable, unethical, and potentially cloud the title), were recorded AFTER 3/28/1970 and all relate to the systematic removal of protective covenants and/or the release of referral rights and reverter rights intended to protect golf course property "use" and protect the rights and financial interests of Tomoka Oaks lot and home owners. Tables 11, 12, 13, 15 and 16 detail these questionable filings.

Protective Covenants and Restrictions during Ralph R. Frederick's Ownership Interest: January 1966 - August 1969

Table 8	Official Recording Date 3/23/1964

Warranty Deed Warranty Deed 612/269
Dated 3/23/1964

Mortgage Deed
Dated 1/10/1966. Book 774 / Page 699.

TOCC, Inc., whose president and majority stockholder was Ralph R. Frederick, took possession of the Sam Snead Golf and Country Club via Warranty Deed 612/269 dated 3/23/1964. TOCC took out Mortgage Deed, Book 774 / Page 699, dated 1/10/1966.

The Note was endorsed by Ralph R. Frederick (as majority stockholder), James P. Callahan, George L. Haller, Russell W. McFall, and Richard L. Shelter who were all officers of Tomoka Oaks, Inc., and who all owned homes fronting the Sam Snead golf course.

I found no official recordings with Volusia County that reversed or modified the "restrictive use" of the Sam Snead Golf and Country Club in Deed 585/157 to be anything other than, "**The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**"

My Opinion

This mortgage deed represents a conflict of interest in ownership as it was endorsed by officers of Tomoka Oaks, Inc. who also owned and lived in homes that fronted the Sam Snead golf course:

Ralph R Frederick	24 TOMOKA OAKS BLVD	Book 897 / Page 525
George L. Haller	23 PINE VALLEY CIR	Book 503 / Page 219
Russell W McFall	41 S ST ANDREWS DR	Book 830 / Page 396
Richard L. Shetler	66 ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 9/9/1962, pg 36 *Daytona Beach Morning Journal*, 12/21/1963, pg 11
James Callahan	Owner of lots:	
	29 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 10/23/1966, page 36
	33 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal,* 8/18/1968, page 42

I believe this conflict carried forward in the future **Conveyance** of Tomoka Oaks Country Club Estates recorded 7/6/1970, Book 1212 / Page 70, which, in my opinion, was an unethical conveyance (Table 11).

Table 9	Official Recording Date 8/4/1969

RESTRICTIONS - Unit 3 Tomoka Oaks Country Club Estates
Dated 8/4/1969. Book 1121 / Page 554.

- Same as Unit 1 restrictions, but omitted automatic HOA membership of lot owners in Unit 3.
- Still contained golf course setback restriction for homes on the golf course

Signed by: Tomoka Oaks, Inc., R. W. Davis, President and Donald W. Acer, Jr., Secretary

Issues with Restrictions on Unit 3

When comparing line-for-line the Restrictions for Unit 1 (Table 1) and Unit 3, there were minor differences with two notable exceptions.

Exception 1. The entirety of paragraph #10 in the Unit 1 Restrictions was omitted in the Unit 3 Restrictions. The first sentence of paragraph #10 in Unit 1 states:

> *The Grantee shall automatically become a member of the Tomoka Oaks Homeowners Association; a non-profit corporation comprised of all of the lot owners in Tomoka Oaks Country Club Estates and shall be liable to pay such dues and/or assessments as may be required by said Association in proportion to the number of lots owned.*

Exception 2. Paragraph #11 in the Unit 1 Restrictions states:

> *The Grantor reserves the right to release in whole or in part any restrictions or reservation hereunder, except paragraph 10 immediately next preceding.*

> Unit 3 Restrictions state:
>
> *The Grantor reserves the right to release in whole or in part any restrictions or reservation.*

NOTE: Both Unit 1 and Unit 3 Restrictions state in their final paragraphs:

> *These covenants are to run with the land and shall be binding on all parties claiming under them for a period of 25 years from date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless instrument signed by a majority of the then lot owners has been recorded agreeing to change said covenants in whole or in part.*

> NOTE: My Volusia County research did not uncover any official records filed and recorded by lot owners or the HOA changing covenants in the Unit 1 or Unit 3 Restrictions. Nor have I received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA (see Table 12)

My Opinion

Ralph R. Frederick was president of Tomoka Oaks, Inc. (owner of the residential estates) at the time Unit 3 Restrictions were recorded. He was also president and majority stockholder of TOCC, Inc. which owned the golf course property.

At the time Unit 3 Restrictions were recorded, Frederick knew both the golf course property and the remaining residential lots were under negotiation for sale to Ormond Ocean Homes, Inc. (of which Frederick was a stock holder - see Table 7), and he did not want the homeowners in Unit 3 to have legal recourse (as provided in Warranty Deed 585/157 reverter clause), through HOA membership that might potentially affect any future sale by Ormond Ocean Homes, Inc. And I believe Frederick had Ralph. W. Davis sign the Restrictions as President of Tomoka Oaks, Inc. to avoid the appearance of Frederick's conflict of interest in ownership in the golf course property and residential lots as relative to the upcoming sale to Ormond Ocean Homes, Inc.

I also believe the omission of automatic HOA membership in Unit 3 was a violation of Frederick's fiduciary responsibility as the prior trustee of the Sam Snead Golf and Country Club and as the current president of Tomoka Oaks Country Club Estates. Frederick knew the intent of prior Tomoka Oaks, Inc. president W. R. McElroy was to protect homeowners if the course were ever sold and not used as a golf course, yet Frederick omitted homeowners' membership into the very Association that gave the homeowners their reverter rights and the possibility to match future sales offers via the referral right in Deed 585/157 (Table 6).

Protective Covenants and Restrictions during Ormond Ocean Homes, Inc. Ownership: March 1970 - June 1971

Table 10	Official Recording Date 3/5/1970
Warranty Deed Dated 3/5/1970. Book 1188 / Page 533. TOCC, Inc. grantor Ormond Ocean Homes, Inc. grantee All of the Sam Snead Golf and Country Club. Subject to restrictions and reservations of Record. *Deed signed by:* Ralph R. Frederick, President of TOCC, Inc.	
Warranty Deed Dated 3/5/1970. Book 1188 / Page 529. Tomoka Oaks, Inc. Grantor Ormond Ocean Homes, Inc. Grantee Deed is for lots in Tomoka Oaks Country Club Estates as detailed in Schedule A, Book 1188 / Page 530. Subject to restrictions and easements of record. *Deed signed by:* Ralph R. Frederick, President of Tomoka Oaks, Inc.	
My Opinion On 3/5/1970, the golf course property was still subject to the "use restriction" specified in Deed 585/157 which specifically stated: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** The "use" can be inferred from the inclusion of "Subject to restrictions and reservations of Record," so it is my opinion the "restrictive use" was in effect and deemed approved in the 'subject to' statement in Deed 1188/533. The "use" restriction was also in effect at the time Sovereign Industries, Inc. acquired all Ormond Ocean Home, Inc. stock three weeks after the 3/5/1970 sale per Daytona Beach News Journal article dated 3/29/70 page 1 and page 2. My Volusia County Records research did not find any prior officially recorded reversal of the restricted use prior to March 1970 or at any time after. On 3/5/1970, and when Sovereign acquired all Ormond Ocean Homes stock three weeks later, the referral rights and reverter rights in Deed 585/157 were still in effect. It is my opinion, as explained in Table 11 below, that Sovereign had concerns about Deed 585/157 which resulted in the unethical systematic removal of those 585/157 rights as explained in Table 11.	

Table 11	Official Recording Date 7/6/1970
Conveyance Recorded 7/6/1970. Book 1212 / Page 70. Tomoka Oaks, Inc. conveys all holdings in Tomoka Oaks Country club Estates to Ormond Ocean Homes, Inc.	

Paraphrase of Conveyance

- Tomoka Oaks Homeowners Association has never had any being as a corporation or association.
- Tomoka Oaks, Inc. is conveying to Ormond Ocean Homes, Inc. all of its remaining holdings in Tomoka Oaks Country Club Estates.
- Tomoka Oaks, Inc. sets over, transfers, and assigns to Ormond Ocean Homes Inc. any right, title or interest in the restrictions and the right to enforce, alter, change the Restrictive Covenants dated Jan 31, 1962.

Conveyance signed by: R. W. Davis, President, Tomoka Oaks, Inc. on 3/5/1970

My Opinion

- The timeline of this Conveyance is questionable. It was signed by Tomoka Oaks, Inc. president Ralph W. Davis on 3/5/1970 which conveniently matches the date of the Warranty Deed, but the Conveyance was not recorded until 4 months later.
- The Conveyance was signed by R. W. Davis, President, Tomoka Oaks, Inc. rather than Ralph R. Frederick as President of Tomoka Oaks, Inc. which I believe was done to avoid Frederick's conflict of interest in ownership (Table 7).
- **There was an active homeowners association/club at the time of the 3/5/1970 sale of both the estates and the golf course to Ormond Ocean Homes, Inc.*** (See Table 11 A below.) Therefore it was unethical of Ralph W. Davis to sign a Conveyance stating," Tomoka Oaks Homeowners Association has never had any being as a corporation or association."
- It was unethical (and possibly illegal) of Ralph W. Davis to sign a Conveyance transferring to Ormond Ocean Homes, Inc. "any right, title or interest in the restrictions and the right to enforce, alter, change the Restrictive Covenants dated Jan 31, 1962."

  As Table 1 shows, the Unit 1 Restrictions dated 1/31/1962 stated:

  - #10 Grantee automatically a member of the Tomoka Oaks Homeowners Association
  - #11 Grantor reserves right to release restrictions except #10
  - #15 These covenants are to run with the land and shall be binding on all parties claiming under them for a period of 25 years from date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless instrument signed by a majority of the then lot owners has been recorded agreeing to change said covenants in whole or in part.

    Therefore, only Unit 1 homeowners could release the #10 restriction; not Tomoka Oaks, Inc., and my research did not find any recordings by lot 1 homeowners or the HOA that released the #10 automatic HOA membership.

    Also, as per #15, my research did not locate any recording by the majority of all lot owners agreeing to change said covenants in whole or in part, therefore it was unethical and possibly illegal to assign that right to Ormond Ocean Homes, Inc. because the right belongs only to the lot owners. Nor have I received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA (see Table 12).

    I also believe that the intent of the Unit 1 restrictions, filed by William R. McElroy, was to protect homeowners. Both Ralph R. Frederick and Ralph W. Davis were aware of this intent, but filed records that negated and denied the existence of an HOA, which in turn released homeowners' reverter rights should the property not be perpetually used as a golf course, country club, and related uses.

- Sovereign Industries, Inc. acquired all Ormond Ocean Homes, Inc. stock three weeks after the 3/5/1970 sales, and, in my opinion, Sovereign wanted assurance from Tomoka Oaks, Inc. that the 3/5/1970 sale could not be challenged due to the referral rights and reverter clause in deed 585/157. And I believe Sovereign did not want to be legally bound by

the referral rights and reverter clause should Ormond Ocean Homes, Inc. (aka Sovereign) decide to sell the Sam Snead Golf and Country Club at some point in the future. Therefore, Frederick had to officially justify the release of the referral rights and the reverter clause in deed 585/157, and this was done in these four documents which systematically negated the protections defined in Deed 585/157:

- Conveyance recorded 7/6/1970 (Table 11)
- Resolution recorded 10/19/1970 (Table 12)
- Affidavit recorded 11/22/1970 (Table 13)
- Release recorded 6/16/1971 (Table 15)

It is my opinion Tomoka Oaks, Inc. officers acted unethically, and possibly illegally, when they filed the above four documents which were in direct opposition of the intent of Deed 585/157.

- The following Tomoka Oaks, Inc. officers and stockholders were Tomoka Oaks homeowners whose homes bordered the golf course at the time of the Conveyance. They were aware of the homeowners association of which some officers were active participants (See Table 11 A):

Ralph R Frederick	24 TOMOKA OAKS BLVD	Book 897 / Page 525
Ralph W Davis	40 N St. Andrews Drive	Book 643 / Page 637
Russell W McFall	41 S ST ANDREWS DR	Book 947 / Page 178
James Bochhoven	5 OAKMONT CIRCLE	Book 716 / Page 551
Richard L. Shetler	66 ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 9/9/1962, pg 36 *Daytona Beach Morning Journal*, 12/21/1963, pg 11
Rockwell V Collins	28 ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 11/5/1989, page 8
James Callahan	Owners of lots:	
	29 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 10/23/1966, page 36
	33 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal,* 8/18/1968, page 42

NOTE: The "Tomoka Oaks, Inc., Timeline" section goes into further details about each officer, the offices they held, and the residential lots/homes they had ownership in.

Table 11 A

Tomoka Oaks Homeowners Association

Two years prior to the Conveyance, there was a Tomoka Oaks Homeowners Association/Club:

Daytona Beach Evening News, 6/25/1968, page 2
The Tomoka Oaks Homeowners Club* had a Christmas Party in July and distributed gifts to the 100 or so members present. [Mrs. James Bochoven, whose husband was an officer of Tomoka Oaks, Inc., was an attendee.]

And less than one year after the Conveyance, *News Journal* articles again mention the Homeowners Association / Club:

Daytona Beach Sunday News, 4/18/1971, page 42
The Tomoka Oaks Homeowners Association had a covered dish supper at the Tomoka Oaks Country Club with about 120 attending.

Daytona Beach Evening News, 6/21/1971, page 11
The Tomoka Oaks Homeowners Club* had a buffet Supper at Tomoka Oaks Country Club for about 80.

During PLR Development, LTD's ownership, the *Tomoka Oaks Country Club Acquisition Committee* was formed in an attempt to buyout PLR. Although the acquisition attempt failed, the article below demonstrates continuance of the HOA:

Daytona Beach Evening News, 4/26/1974, page 18
Tomoka Oaks Country Club moved closer Friday to becoming a private club, owned and operated by the members . . .
The original committee of eight was expanded to 14 following meetings of the Tomoka Oaks Home Owners Assn

earlier in the week . . . [Rockwell Collins, former officer of Tomoka Oaks Golf and Country Club. Inc. and resident of Tomoka Oaks Country Club Estates with a golf course facing home at 28 ST ANDREWS DR, was a member of the *Tomoka Oaks Country Club Acquisition Committee*.]

My opinion

* In this context, *club* can also indicate *association*. During the 1960's, the concept of a homeowner association was gaining more prominence, but it was not as common a term as it is today. I can see where a newspaper reporter would use the word "club" as opposed to "association" and vice versa. These articles are a direct indication that Tomoka Oaks Homeowners did meet and communicate on a regular basis.

Table 12	Official Recording Date 10/19/1970

Resolution
Recorded 10/19/1970. Book 1238 / Page 246.

RE: Board of Directors Meeting held 1.75 years earlier on 2/18/1969 in which:

Paraphrase

- It has been submitted to Tomoka Oaks, Inc. that TOCC, Inc. has contracted to sell the golf course property to Ormond Ocean Homes, Inc.
- Tomoka Oaks, Inc. rejects its right to exercise any option to purchase the property, and is in full accord with the sale which is hereby ratified and approved by its Board of Directors on 2/18/1969.
- Tomoka Oaks, Inc. intends to liquidate and dissolve and releases all rights reserved it in the deed of conveyance 585/157 recorded 12/12/63.
- Release of Reverter to become effective 12/13/1973

Signed by: Donald W. Acer, Jr., Secretary

My Opinion

The timeline regarding the official filing of this Resolution is questionable.

The intent of the Resolution is unethical and possibly illegal.

1. The official recording of this 2/18/1969 Resolution was not until 10/19/1970 which was
   - 21 months after the date of the Board of Director's Meeting
   - 7 months after the sale of the golf course to Ormond Ocean Homes, Inc. by TOCC, Inc. on 3/5/1970.
2. The deed of conveyance 585/157 recorded 12/12/1963 specifically indicates:
   - The reverter clause could only be released or modified by BOD resolution at any time AFTER ten years of the 585/157 deed recording date of 12/12/1963. Therefore:
     - The earliest date the BOD could release or modify the reverter clause was 12/13/1973.
     - The BOD resolution that was passed on 2/18/1969 (which modified the clause) was only 6.25 years after 12/12/1963; not 10 years as required by 585/157.
     - BOD meeting held 2/18/1969 specified a reverter release date of 12/12/1973 which was almost 3.75 years in the future.

- Tomoka Oaks, Inc. was dissolved by Proclamation on 7/11/1972 which was 16 months before the release of the reverter.
- TOCC, Inc was dissolved by Proclamation 6/28/1971 which was 30 months before the release of the reverter.

I question the ethics of how the Board, in 1969, could specify a reverter release date of 1973 knowing Tomoka Oaks, Inc. was liquidating and would therefore no longer be in existence should the property need to revert to Tomoka Oaks, Inc. due to Ormond Ocean Homes (aka Sovereign) not using the property perpetually for a golf and country club, golf course, and related uses. Also, Ralph R. Frederick's corporation, TOCC, Inc., was also dissolved by Proclamation before the release of the reverter.

- If Tomoka Oaks, Inc. has sold four-fifths of the lots in Tomoka Oaks Country Club Estates, the right to release or modify the reverter clause is vested automatically and exclusively in the Tomoka Oaks Homeowners Association.

I question how the BOD could ethically and legally release all reverter rights, including those provided to the Tomoka Oaks HOA,

- Knowing they were releasing one of the protections McElroy publicly promised in his Invitation to the Public (Table 4).
- Not knowing if 4/5 of the lots would or would not have been sold by 12/12/1973.
- Not knowing if a Tomoka Oaks HOA still might be recorded with Volusia County prior to 12/12/1973. (see Table 12 A)

3. Ralph R. Frederick had a definite conflict of interest in ownership at the time the Resolution was passed (Table 7). This conflict directly jeopardized and negated the homeowners' reverter rights (Table 6).

In my opinion, Frederick, as president of Tomoka Oaks Country Club Estates, had a fiduciary responsibility to lot owners and homeowners to protect their financial interests. Throughout 1962 and continuing into 1970, Tomoka Oaks Country Club Estates (owned by Tomoka Oaks, Inc.) marketed the estates as coexisting with the golf course. Golf course facing lots and homesites were more desirable and therefore priced higher than non-golf course facing lots and homesites. (See Section "Master Planned Community" of this report for details and citations.) Due to this representation of coexistence, Fredericks should have included specific referral rights and reverter rights in Deed 1188/533, rather than using this Resolution to release all rights.

4. Deed 1188/533 was "subject to restrictions and reservations of Record."

Prior to the filing of Resolution 1238/248 in October 1970, I found no official Volusia County Record filings releasing or modifying the reverter clause, or the restriction in Units 1 and 3. And I found no recorded reversal or modification of the "restricted use" defined as: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** Nor have I received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA. As the Affidavit in Table 12A below indicates, no official homeowners association uniting all Units was ever formed, therefore the voluntary HOA has no authority to release the perpetuity restrictions and covenants.

As per Brent Spain's summary of the historical documentation supplied within this "Protective Covenants and Restrictions document:

Reliance upon the 1969 Resolution and the 1971 Release to claim that the use restriction was somehow waived or released is misplaced. Even assuming the 1969 Resolution and the 1971 Release are valid – which is questionable – neither document purports to release, waive, or otherwise modify the use restriction.

https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874 Pages 298-305

Table 12 A

In December 12, 2003, the Tomoka Oaks HOA retained Michael A Pyle, PA, to research the title documents related to the Tomoka Oaks Property in order to determine the status of the Association and the restrictive covenants on units in the subdivision. This search appears to be related to the HOA's Architectural Control Committee's jurisdiction.

Affidavit 5327 / 3897 filed 5/25/2004 concluded:

- The Association consists of a number of separate Units, developed at different times by different developers.
- Affidavit appearing in public record indicated no homeowners association was ever formed.
- The HOA of public record as of 2003 appears to be voluntary and not tied to any restrictive covenants, and has no power under the laws related to homeowners associations.
- The HOA of public record as of 2003 has no jurisdiction over anybody, including owners of Unit 1, because it is not the same association that was contemplated in the original documents.

My Opinion

This affidavit serves as further support that the original developer of the residential estates and the golf course, Tomoka Oaks, Inc., intended for homeowners to be members of an HOA. Although there are no recorded HOA filings until 7/12/1977, 1915/304 and 1916/1154, there were homeowners prior to 1977 who voluntarily met regularly and were referred to as the Homeowners Association or Homeowners Club.

As stated in Table 12 above, I have not received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA. As the Affidavit in Table 12A indicates, no official homeowners association uniting all Units was ever formed, therefore the voluntary HOA has no authority to release the perpetuity restrictions and covenants.

Table 13 Official Recording Date 11/22/1970

Affidavit

Recorded 11/22/1970. Book 1238 / Page 244.

Summary:

- Corp has been inactive for the last 5 years
- Corp granted rights from Tomoka Oaks, Inc. while in a lease agreement regarding the golf course dated 1/1/1963
- Lease canceled by mutual consent 12/13/1963

Signed 11/5/1968 by: William R. Conway, VP, Tomoka Oaks Golf and Country Club, Inc.

My Opinion

This Affidavit was another document Ralph R. Frederick needed to prove there could be no legal challenges to TOCC, Inc.'s March 1970 sale of the Sam Snead golf course to Ormond Ocean Homes, Inc. (aka Sovereign Industries, Inc.). It is my opinion the Affidavit did not truthfully state the facts, and that Tomoka Oaks Golf and Country Club, Inc. was active after 11/5/1968 and after the Tomoka Oaks, Inc. BOD 2/18/1969 resolution approving the sale of the golf course property to Ormond Ocean Homes, Inc.

- The Affidavit was signed 11/5/1968 but not recorded with Volusia County until 11/22/1970, which was 2 years later.
- The recording date of the Affidavit was 8 months after the sale of the golf course property to Ormond Ocean Homes/Sovereign.
- Tomoka Oaks Golf and Country Club, Inc. filed two recordings with Volusia County during their stated inactive timeframe:

- Warranty Deed recorded 9/14/1965; Book 735 / Page 428
- Quit Claim Deed recorded 2/18/1966; Book 774 / Page 657

o Florida's Division of Corporations indicates the corporation was dissolved by proclamation on 10/21/1974, which was 6 years after their stated inactive date.

Table 14 Official Recording Date 6/15/1971

Warranty Deed
Recorded 6/15/1971. Book 1306 / Page 286.

Ormond Ocean Homes, Inc. grantor
PLR Development, LTD grantee

- All of the Sam Snead Golf and Country Club.
- Remaining lots in Tomoka Oaks Country Club Estates

Subject to restrictions, reservations, and easements of Record.

My Opinion

On 6/15/1971 the golf course property was still subject to the "use restriction" specified in Deed 585/157 which specifically stated: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** The "use" can be inferred in 1306/286 from the inclusion of "Subject to restrictions, reservations, and easements of Record.," so it is my opinion the "restrictive use" was in effect and deemed approved in Deed 1306/286. My Volusia County Records research did not find any officially recorded reversal or modification of the encumbered use.

It is my opinion that on 6/15/1971 the golf course property was still subject to the reverter clause in Deed 585/157 despite the filings in Tables 11, 12, and 13. Ormond Ocean Homes, Inc. (aka Sovereign Industries, Inc.), still had a fiduciary responsibility to lot owners and homeowners to protect their financial interests because throughout their ownership, Ormond Ocean Homes, Inc. marketed the estates as coexisting with the golf course. Golf course facing lots and homesites were more desirable and therefore priced higher than non-golf course facing lots and homesites. (See Section "Master Planned Community" of this report for additional details and citations.) Due to this representation of coexistence, Ormond Ocean Homes, Inc. (aka Sovereign) had a fiduciary responsibility to uphold in Deed 1306/286 the referral rights and reverter rights in 585/157. Instead, in my opinion, Ormond Ocean Homes, Inc. and Tomoka Oaks, Inc. intentionally and unethically released the protective rights of homeowners should the golf course not be perpetually used as intended: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**

Protective Covenants and Restrictions during Milton W. Pepper's Ownership Interest: June 1971 - February 1979

It is my opinion that beginning in June 1971 through February 1979 (see Ownership Chart), Milton W. Pepper failed in his fiduciary responsibility to protect homeowners' reverter rights and potential referral rights as intended in Tomoka Oak, Inc.'s 12/12/1963 Deed 585/157 (Table 7).

1. Pepper perpetuated Tomoka Oak, Inc.'s:
   - 1970's unethical denial of the existence of an HOA (Tables 11 and 16).
   - 1970's unethical release of any and all rights reserved onto it in 585/157 (Tables 12 and 15).
   - Unethical assignment of rights, titles, or interest in all restrictions and rights to enforce, alter, change or wave Restrictive Covenants dated 1/31/1962 (Table 11).
2. Pepper included reverter rights protecting himself as the individual golf course owner, but he did not include referral or reverter protections for estate lot owners and homeowners when he sold the Sam Snead Golf and Country Club to RTH, Inc. in February 1979. (Table 19)

Table 15	Official Recording Date 6/16/1971

Release
Recorded 6/16/1971. Book 1307 / Page 89.

Summary:

- As per BOD meeting held 2/18/1969, Tomoka Oaks, Inc.:
  - Releases any and all rights reserved unto it in Deed 585/157, particularly its right of first refusal set forth in said deed
  - Releases the Reverter Clause contained in Deed 585/157
- The release of the Reverter Clause to be effective 12/13/1973

Release signed by: R. W. Davis, President, Tomoka Oaks, Inc.

My Opinion

See Table 12 regarding the BOD Resolution on 2/18/1969 as Table 12 directly relates to the 1307/89 Release in Table 15.

In my opinion, the major differences between Resolution 1238/248 (Table 12) and Release 1307/89 (Table 15) are that:

- 1307/89 was filed and recorded one day after Ormond Ocean Homes, Inc. sold the golf course property to PLR Development, LTD.
- PLR was, in my opinion, asking for legal assurance from Tomoka Oaks, Inc. that the Reverter in Deed 585/157 did not present a legal obstacle to the sale of the golf course property to PLR.
- PLR did not want to be legally bound by the 585/157 reverter clause should PLR sell the Sam Snead golf course.

Table 16	Official Recording Date 5/8/1972

Assignment
Recorded: 5/8/1972. Book 1420 / Page 159

Paraphrase

- Tomoka Oaks Homeowners Association has never had any being as a corp or association.
- Tomoka Oaks, Inc. conveyed to Ormond Ocean Homes all of its remaining holdings in Tomoka Oaks Country Club Estates and assigned all of its right, title or interest originally contained in the Restrictive Covenants dated Jan 31, 1962.
- Ormond Ocean Homes, Inc. does hereby set over, transfer, and assign to PLR any right, title or interest in all restrictions and the right to enforce, alter, change or waive any original restrictions.

Signed by Ormond Ocean Homes, Inc.

My Opinion

Ormond Ocean Homes, Inc.'s Assignment of the Estates to PLR was based on the same unethical premise as Tomoka Oaks, Inc.'s 7/6/1970 Conveyance of the Estates to Ormond Ocean Homes (Table 11). Therefore the same issues detailed in the Table 11 Conveyance carry forward to this Assignment. And my opinion remains the same:

- The timeline regarding the official filing of this Assignment is questionable as per same rationale in Table 11.
- The intent of the Assignment is unethical because there was an active HOA at the time of the Assignment as detailed in Table 11 A and 12 A.

Table 17	Official Recording Date 2/27/1975

Warranty Deed
Recorded 2/27/1975. Book 1768 / Page 1798.

PLR Development, LTD grantor (Milton W. Pepper, General Partner)
AKRON Enterprises, Inc. grantee (Milton W. Pepper, President)

Sale of all of the Sam Snead Golf and Country Club to AKRON subject to easements, restrictions and reservations of record, if any.

My Opinion

On 2/27/1975 the golf course property was still subject to the "restrictive use" in Deed 585/157 (Table 6): **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**

My Volusia County Records research did not find any officially recorded reversal or modification of the restricted use. Nor have I received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA (see Table 12),

Table 18	Official Recording Date 2/28/1977

Warranty Deed
Recorded 2/28/1977. Book 1887 / Page 301.

PLR Development, LTD grantor
BML Investments and PRN Investments grantees

Sale of remaining lots in Tomoka Oaks Country Club Estates.
Subject to restrictions, reservations, and easements of record.

My Opinion

- I believe the Unit 1 Restrictions were still in effect at the time of the 2/28/1977 sale of Tomoka Oaks Country Club Estates, and therefore if 4/5's of the lots in Unit 1 had been sold, the reverter right would vest automatically in the HOA. (Tables 1, 11 and 16) I have not received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA (see Table 12).

Table 19	Official Recording Date 2/14/1979

Warranty Deed
Recorded 2/14/1979. Book 2052 / Page 1019.

Milton W. Pepper grantor
RTH, Inc. grantee

Sale of the Sam Snead Golf and Country Club to RTH, Inc.
Subject to easements and restrictions of record, if any.

Reverter
"During the term of the purchase money note and wrap around mortgage executed of even date herewith by grantee to grantor, or for a period of 18 years in the event the mortgage is prepaid in full, the above described property shall revert to the grantor upon the condition that any portion of said property is used for any purpose other than a golf course with club house and appurtenant amenities.

My Opinion

On 2/14/1979 the golf course property was still subject to the "use restriction" specified in Deed 585/157 which specifically stated: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** The "use" can be inferred from the inclusion of "Subject to easements and restrictions of record, if any." Therefore, it is my opinion the "restrictive use" was in effect and deemed approved in the 'subject to' statement in Deed 2052/1019.

It is my opinion that on 2/14/1979 the golf course property was still subject to the reverter clause in Deed 585/157 despite the filings in Tables 15 and 16. The intent of the Reverter was to continue to protect the original restrictive use. The reverter may have capped at 18 years upon payment of the note, but the **intent** was still **perpetual**.

Milton W. Pepper as sole owner of the golf course, and as stockholder in PLR Development, LTD., still had a fiduciary responsibility to lot owners and homeowners to protect their financial interests. Throughout its ownership, PLR marketed the

estates as coexisting with the golf course. Golf course facing lots were more desirable and therefore priced 70% - 96% higher[2], [3] than non-golf course facing lots and homesites. (See Section "Master Planned Community" of this report for details and citations.) Due to this representation of coexistence, Pepper had a fiduciary responsibility to uphold in Deed 2052/1019 the referral rights and reverter rights intended in 585/157. Instead, in my opinion, Milton W. Pepper, PLR Development, LTD, and Tomoka Oaks, Inc. intentionally and unethically released the protective rights of homeowners should the golf course not be perpetually used as intended.

Also, it should be noted:

- Milton W. Pepper's son-in-law, Ben Horne, was a real estate agent who listed homes in Tomoka Oaks Country Club Estates and who placed ads in the *Daytona Beach News- Journal* advertising golf course fronting lots and homes.
- Milton W. Pepper and Ben Horne were both stockholders in Tomoka Oakwood Development Corp. which owned and developed Tomoka Oaks North condominiums of which buyers received a paid membership in Tomoka Oaks Country Club.
- The above conflicts of interest in cross ownership are detailed and cited in the section of this report titled "Conflicts of Interest in Cross-Ownership."

Table 19A Official Recording Date 10/31/2006

Development Order for PRD-06-32: Tomoka Oaks Golf Village - signed 10/6/2006
Recorded 10/31/2006 Book 5944 / Page 2183

Applicant: RTH, Inc.
City Issuing Order: Ormond Beach

Highlights of the Development Order:

- Allows construction of 119 multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel within the limits of the existing Tomoka Oaks Golf Course
- PRD land development code must be strictly complied with.
- The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.
- In the event the land approved by this PRD Development Order is abandoned for a period of (2) years or there has been no construction activity during that period, the permit shall be void and a Notice of Final Plan Revocation filed under the provisions of Section 1-14(c)(2) of the *Land Development Code*, before the planned development permit can be reestablished, a new PRD Development Order shall be considered by the City Commission.
- Development Order shall be binding upon RTH, Inc. a Florida corporation, and shall run with the real property.

Note:

- The city implicitly recognized the perpetual use of the property to remain a golf course or recreational green space when approving the 2006 PRD application.
- Before PRD 06-32 expired, approximately 86 home buyers purchased homes in Tomoka Oaks during the active Development Order time frame thus relying on good faith that the golf course land was protected per recorded instruments..
- The Development order expired 10/17/2014.
- Property is currently assigned a land use of "expired PRD" and the City can review future PRD applications.

[2] (Daytona Beach Sunday News-Journal pg 56 - Tomoka Oaks ad by Gale Asso, 2/10/1974)
[3] (Daytona Beach Sunday News-Journal pg 54 - Tomoka Oaks ad by Symon Ryals, 8/17/1975)

Table 20	Official Recording Dates 7/21/2010 - present

Warranty Deed
Recorded 7/21/2010. Book 6496 / Page 4634.

RTH, Inc. grantor
Putnam State Bank grantee

Verbatim excerpt:
It is the intent of the grantor and grantee that the conveyance of the above described property to Putnam State Bank will not act in any way as satisfaction of the notes and mortgages RTH, Inc. to Putnam State Bank (copies of which are recorded in O.R. Book 6160 at page 132 and O. R. Book 6296 at page 4639 of the public records of Volusia County, Florida.) It is the express intent of the parties that the above-described notes and mortgages will not merge with the interest of Putnam acquired under this deed until it is determined that there are no intervening liens.

Special Warranty Deed
Recorded 12/12/2011. Book 6659 / Page 1525.

Putnam State Bank grantor
EJTS Holding, LLC grantee

Sale of Sam Snead Golf and Country Club subject to encumbrances, easements and restriction of records.
Together with all the tenements, hereditaments and appurtenances thereto belonging in any wise appertaining.

Warranty Deed
Recorded 4/21/2021. Book 8036 / Page 3448.

EJTS Holding, LLC grantor
Triumph Oaks of Ormond Beach I, LLC grantee

Sale of Sam Snead Golf and Country Club subject to reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

My Opinion
Triumph Oaks of Ormond Beach I, LLC L21000120943 identifies local businessmen Carl Velie and Ray Barshay as managers of the LLC. Both either reside in Ormond Beach or have businesses in Ormond Beach and are familiar with the golf course property and its use as a golf course. Even though the prior owner of the course, EJTS Holding allowed the course to run down, there was a sign on the club house door which clearly stated for all to view that, "The Tomoka Golf Course is temporarily closed for public play so that maintenance can work to improve our quality of play." This sign was still posted as of February 9, 2021 which was 2 months prior to the sale of the course to Triumph Oaks of Ormond Beach I, LLC on 4/23/2021.

Cobb Cole, the law firm representing Triumph Oaks, title insurance analysis indicates that insurance coverage does not exist for the 2006 Development Order thus expressly acknowledging the 2006 Development Order which rezoned the property from R-2 to PRD.
https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425
Pages 675-686

Protective Covenants and Restrictions: Summary and My Opinion

Regardless of whatever entity owned (or owns) the Sam Snead Golf and Country Club:

- The golf course property was originally intended and encumbered as: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**
- My Volusia County Records research did not find any officially recorded reversal or modifications of the restricted, perpetual use defined in Deed 585/157. And I found no modifications to the covenants and Restrictions 431/32.
- I have not received any documentation from the City that perpetuity covenants and restrictions were released by the voluntary Tomoka Oaks HOA. No official homeowners association uniting all Units has ever been formed, and the voluntary HOA has no legal authority to release the perpetuity restrictions and covenants.
- The Reverter clause in Deed 585/157 is still current today, and due to the fact that over 4/5's of the lots in Tomoka Oaks Country Club Estates have been disposed of, the reverter is now vested automatically and exclusively with the voluntary Tomoka Oaks Homeowners Association.
- Brent Spain, land use attorney with Theriaque & Spain, reviewed my historical research. He concluded that the summarized facts and cited case law would establish that, at a minimum, the use of the Sam Snead Golf and Country Club property is limited to a golf course or similar open space purposes by virtue of an implied restrictive covenant.
- Since its inception in the early 1960's and continuing to present time, buyers in Tomoka Oaks Country Club Estates purchased lots and homes in good faith predicated on their value as related to the coexisting golf course.
- The golf course property continues to benefit the surrounding residential properties; it preserves the character of the community, and provides residents with a pleasant view.

Summary of Emails with the City Attorney relevant to Tomoka Oaks Covenants and Restrictions

December 26, 2023 12:12 PM
From: Carolyn Davis
Sent to: Randy Hayes, Lori Tolland, Steven Spraker
Subject: Proof the Tomoka Oaks HOA released the perpetuity covenant

At the Commission hearing on 11/7/23 regarding the Tomoka Reserve PRD application, you stated that in 1976 the Tomoka Oaks HOA released the perpetuity covenant that the property would remain a golf course or green space recreational area. For your reference, the meeting minutes at *https://www.youtube.com/watch?v=4whfV-AGgPg* state verbatim:

> **Beginning at Minute Marker 3:36:45**
>
> **Commissioner Lori Tolland**: Randy this is for you. . . I have heard multi times and it's been in the packet from residents the discussion about the golf course being perpetual as a golf course in the covenants. Can you just explain that to me and your analysis of it again.
>
> **City Attorney Randy Hayes:** So from the historical research that we have performed, um the golf course when it was constructed had a restrictive covenant that um prohibited the development of property (clears throat). It allowed the HOA to release the covenant. Um in 1976 our research indicates that that in fact occurred, HOA released the covenant, and however in spite of the release the course continued to operate as a golf course for many years, um, and then when the course um stopped being used as a golf course, then in 2006 there's an application to have it rezoned to PRD. So there's been some discussion as to well why didn't the golf course have its own zoning as opposed to the R2 and I don't know the answer to that question but it could well be that it didn't need one because it had the protection of a restricted covenant. Um the applicant has provided a title commitment title policy in the record that shows that there are no liens or restrictions or covenants so um that's something that they have provided to us. So to the extent that um some residents believe that there were errors that may have been performed in the release of that covenant back in 1976, that's not for this commission to decide now. The evidence we have is that there is no covenant and that would be indicative from the 2006 PRD development order

that was approved that rein tried to reinstate one before that development order expired.
Ending at Minute Marker 3:39:03

I submitted Public Records Request #PR-2023-983 to receive the 1976 HOA document you publicly referred to during the 11/7/23 hearing informing Commission Tolland that the HOA released the perpetuity covenant. In response to my request, the city provided me with the attached Release Book 1307 Page 89: SLGMC223112914070.pd. This document is not proof that the voluntary Tomoka Oaks HOA released the perpetuity covenant. This document only states the "Right of First Refusal" and the "Reverter Clause" were released. The Reverter Clause was to take effect if 4/5's of the Tomoka Oaks lots had been sold, and the property was not used as a golf course or recreational area. Release 1307 / 89 in no way released the use of the land to remain a golf course or recreational area; it only released the reverter right of the land to revert to the HOA if not used as a golf course.

Please provide me with the 1976 HOA document you stated publicly was uncovered during the city's research which specifically states the HOA released the perpetuity clause. The existence or absence of this document is understandably critical to any legal defense.

Also, please note the Tomoka Oaks HOA has always been voluntary and the officers cannot enforce any rules, much less release any land use restrictions, without 100% concurrence of every homeowner. To clarify, I am asking you to provide me with the 1976 document you publicly cited during the commission hearing claiming the HOA released the perpetuity use. The document I received did not resolve my public records request.

Thank you,

Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187
CarolynDavis3@gmail.com

December 27, 2023 9:59 AM
From: Randy Hayes
Sent to: Carolyn Davis, Lori Tolland, Steven Spraker
Subject: Proof the Tomoka Oaks HOA released the perpetuity covenant

Good morning Ms. Davis. I misstated the date. It would be reflected in the research information that we previously provided. Thank you.

December 28, 2023 9:54 AM
From: Carolyn Davis
Sent to: Randy Hayes, Lori Tolland, Steven Spraker
Subject: Proof the Tomoka Oaks HOA released the perpetuity covenant

Hi Randy,

Can you be a little more specific about when you provided me the document that details how the HOA released the perpetuity clause? The only communication I had from the city is attached and it does not state anywhere that the HOA released the perpetuity use.

As summarized by Scott McKee, Assistant City Attorney, the Reverter Clause (reverting the land to the HOA if 4/5's of the Tomoka Oaks lots had been sold, and the property was not used as a golf course or recreational area) was released but there was no mention in his summary or the supporting recorded documents that states the HOA released the perpetuity land use covenant as you stated in the November 7, 2023 commission hearing. I am asking for the document you relied upon when making that statement.

Thank you,

Carolyn Davis

January 22, 2024 12:20 PM
From: Carolyn Davis
Sent to: Randy Hayes, Lori Tolland, Steven Spraker, Dennis Bayer, Bill Partington
Subject: Follow Up 1-22-24: Proof the Tomoka Oaks HOA released the perpetuity covenant

Hi Randy,

I am following up on my request to receive the research document you cited during the 11/7/23 commission hearing where you stated that in the 1970's, the Tomoka Oaks HOA released the perpetuity land use covenant from the Sam Snead Golf and Country Club plat. (See previous emails in this thread for complete details and my prior two requests.)

I am including the Tomoka Oaks HOA attorney, Dennis Bayer, in this follow up request due to his recognized standing at the 1/11/24 Planning Board meeting to represent the voluntary HOA of which I am a paid member. I believe my request is pertinent to Mr. Bayer's need to remain informed regarding legal documents in the city's possession which have future implications in potential legal proceedings.

The applicant has indicated they will pursue legal action if the R-2 re-zoning is denied by the city commission. My concern is that your 11/7/23 statement has the potential to be used as leverage by the applicant to claim in court proceedings or legal mediation that the perpetuity covenant, or any implied perpetuity covenant, was released by the Tomoka Oaks HOA.

If the city has in its possession a document whereby the voluntary Tomoka Oaks HOA did release the perpetuity use of the Sam Snead Golf and Country Club plat to remain a golf course or recreational green space, I am again requesting that you provide me with this document. As explained in my December 28, 2023 email, the attached document previously provided to me in June 2022 does not fulfill my request.

If you believe the City misstated the facts during the 11/7/23 commission hearing, (i.e., the city's research did not produce any document stating the voluntary Tomoka Oaks HOA released the use of the Sam Snead Golf and Country Club plat to remain a golf course or recreational green space in perpetuity), then I request that the City acknowledge this misstatement during the next Tomoka Reserve commission hearing tentatively scheduled for February 2024. This will clarify for the record and for the applicant that no such action was ever taken by the voluntary Tomoka Oaks HOA.

The applicant has indicated they will pursue legal action if the R-2 re-zoning is denied by the city commission. My concern is that your 11/7/23 statement has the potential to be used as leverage by the applicant to claim in court proceedings or legal mediation that the perpetuity covenant, or any implied perpetuity covenant, was released by the Tomoka Oaks HOA.

If the city has in its possession a document whereby the voluntary Tomoka Oaks HOA did release the perpetuity use of the Sam Snead Golf and Country Club plat to remain a golf course or recreational green space, I am again requesting that you provide me with this document. As explained in my December 28, 2023 email, the attached document previously provided to me in June 2022 does not fulfill my request.

If you believe the City misstated the facts during the 11/7/23 commission hearing, (i.e., the city's research did not produce any document stating the voluntary Tomoka Oaks HOA released the use of the Sam Snead Golf and Country Club plat to remain a golf course or recreational green space in perpetuity), then I request that the City acknowledge this misstatement during the next Tomoka Reserve commission hearing tentatively scheduled for February 2024. This will clarify for the record and for the applicant that no such action was ever taken by the voluntary Tomoka Oaks HOA.

I would appreciate an acknowledgement from you of your receipt of this 1/22/24 follow up email.

Thank you,

Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187
CarolynDavis3@gmail.com

Documents referred to throughout these emails are attached.

Carolyn Davis
3/15/24

From: Hayes, Randy
To: Spraker, Steven
Subject: FW: Tomoka Oaks- Historical Recorded Documents
Date: Thursday, June 30, 2022 11:47:49 AM
Attachments: Tomoka Oaks 1963 Warranty Deed and Release.pdf

Steven – for the reasons described below, there is no covenant requiring the golf course to be used in perpetuity.

From: McKee, Scott <Scott.McKee@ormondbeach.org>
Sent: Thursday, June 30, 2022 11:27 AM
To: Hayes, Randy <Randy.Hayes@ormondbeach.org>
Subject: Tomoka Oaks- Historical Recorded Documents

Randy,

As I mentioned earlier, I reviewed the public record archives pertaining to the Tomoka Oaks golf course, specifically as to the issue whether there were any recorded documents containing language that the property was "to be used as a golf course in perpetuity". I searched for any covenants/restrictions that would include such language. There was a document recorded at Book 431, beginning at page 32, titled "Restrictions", which was applicable to Tomoka Oaks Country Club Estates, Unit #1, and provided restrictions regarding the use of the residential properties by the individual homeowners,(i.e., such as only using the property for residential use, only buildings for private dwellings, no animals except for domestic animals, etc.) but the restrictions contained no such language pertaining to the use of the golf course property in perpetuity.

I was able however, to locate a document containing the language restricting the use in perpetuity as a golf club, as referenced in the detailed packet of materials containing the history of the development provided to planning staff by Carolyn Davis. The referenced clause is in a warranty deed executed in December of 1963, which conveyed the property from Tomoka Oaks, Inc., to an individual, Ralph Frederick, trustee. This 1963 warranty deed contained three paragraphs of notable interest. The first paragraph contained a right of refusal for Tomoka Oaks, Inc. to re-purchase the property in the event Mr. Frederick decided to sell the golf course. The second paragraph contained the referenced language that the property shall be used as a golf and country club, golf course, or related use, in perpetuity, or revert back to the seller. The third paragraph contained express conditions and provided a mechanism to release or modify the express conditions. Subsequent recorded documents including a corporate resolution adopted by the Tomoka Oaks, Inc. board of directors in 1969, and a release, recorded in 1971, were located that indicate the parties were released from the conditions of the 1963 warranty deed, which shall be discussed in detail below.

As a brief history, during the early development of the Tomoka Oaks subdivision, the golf course property was owned by Tomoka Oaks, Inc., a Florida corporation, and was initially leased in January of 1963 to Tomoka Oaks Golf and Country Club Inc., a non-profit, for a term of 99 years. For whatever reason, the lease was surrendered in October of the same year, and the golf course property was sold in December by Tomoka Oaks, Inc., to Ralph Frederick, Trustee. The golf course property was conveyed by warranty deed for consideration, executed on December 12, 1963, and recorded in the public records of Volusia County on December 13, 1963, at Book 585 beginning on page 157. As previously mentioned the warranty deed contained; 1) a right of first refusal in the event Mr. Frederick decided to sell the golf course property and received a good faith offer; 2) a reverter clause that the property would be used as a golf and country club, golf course, and related use in perpetuity; and 3) a paragraph expressing conditions of the right of first refusal and providing

a provision to allow the parties a release of the reverter clause if express conditions were met.

1963 Warranty Deed Conditions

Language of Right of First Refusal

The warranty deed executed on December 12, 1963 contained the following language, giving Tomoka Oaks, Inc., the right of first refusal to re-purchase the property should the grantee (party of second part) ever decide to sell the property and get a good faith offer.

> *"This conveyance is subject to the express conditions that should party of the second part (grantee), or his successors in interest, desire to sell or convey the above described property to any person, firm or corporation other that a subsidiary of party of the second part, any good faith offer acceptable to such owner must be referred to party of the first part (grantor) for its acceptance or rejection for a period of thirty days, and in the event of its rejection or failure to accept such offer, said offer shall then be presented to Tomoka Oaks Golf and Country Club, Inc., a Florida non-profit corporation, for its acceptance or rejection for a period of thirty days, such acceptance or rejection to be subject to the approval of party of first part (grantor). Such right to accept or reject said offer is transferable and may be transferred by either party of the first part or Tomoka Golf and Country Club, Inc. to the Tomoka Oaks Homeowners Association within said thirty day period and must be acted upon within said period."*

Language of Reverter Clause

The second condition in the 1963 warranty deed contained a condition that the property shall be used as a golf and country club, golf course and related uses by the grantee or its successors in interest or revert back to the seller. The language of the reverter clause is as follows:

> *"The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses, and in the event that party of second part, or its successors in interest, fail to utilize said property exclusively as a golf and country club, golf course, and related uses, and the property not be sold to Tomoka Oaks Homeowners Association as specified in the preceding paragraph, then the above described property shall automatically revert to and become the property of the first part, and all rights therein of party of the second part, or its successors in interest, shall immediately terminate unless party of the second part, or its successors in interest, shall within ninety days after the day of mailing to said party of the second part, or its successors in interest, at is last known address by certified mail, by Tomoka Oaks Inc., or Tomok Oaks Homeowners Association, a written notice to utilize said property as a gold and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses."*

Release of Modification of the Reverter Clause

The paragraph immediately following the reverter clause in the warranty deed allows the parties to be released from the reverter clause provided express conditions are met. The language is as follows:

> "The aforementioned reverter clause specified in the last preceding paragraph may be released or modified b resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomok Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in

Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc."

1969 Corporate Resolution and 1971 Release

A few years after the golf course property was conveyed from Tomoka Oaks, Inc. to Ralph Frederick, a sale of the golf course was pending to the entity, Ormond Ocean Homes, Inc. On February 18, 1969, the board of directors for Tomoka Oaks, Inc., held a special meeting and adopted a corporate resolution, by unanimous vote, which recited the reservations and restrictions contained in the December 1963 warranty deed, specifically the right of first refusal and the reverter clause. The resolution stated, "*it is within knowledge of Tomoka Oaks, Inc. at this time that the above described golf course property is under contract for sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has rejected its right to purchase said property and is agreeable to the said sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has not transferred the right to accept or reject said offer, and whereas, Tocc, Inc., the present owner of the aforesaid property, had requested Tomoka Oaks, Inc. to formalize its consent to the sale of the above described property to Ormond Ocean Homes, Inc., and Tocc, Inc., with the understanding that Tomoka Oaks, Inc. intends to liquidate and dissolve, has also requested Tomoka Oaks, Inc. to release forever its right of first refusal set forth in the aforesaid deed of conveyance and to also release the reverter clause contained in said deed, the release of the reverter clause to become effective December 13, 1973, the release specified in such reverter clause.*" The corporate resolution adopted by the board of directors for Tomoka Oaks, Inc., was recorded in the public records of Volusia County October 22, 1970, at Book 1238, page 246. It is important to note that this resolution was adopted by the board of directors unanimously, and the date the release of the reverter clause was to become effective, December 13, 1973. As the warranty deed provided the reverter clause could be modified or released by a two-thirds vote by the board of directors *at any time after 10 years of the date of recording of the deed* (which was December 13, 1963). It appears the conditions were met. On June 16, 1971, a Release was filed in the public records of Volusia County at Book 1307, page 89, which acknowledged the corporate resolution adopted by the board of directors and recorded in the public records, further releasing the reverter clause contained in the 1963 deed, becoming effective December 13, 1973, the release date specified in the reverter clause, and stating the release is given for good and valuable consideration. In summary, the records confirm the existence of a document recorded in the public records that provided the property be used for purposes of a golf course in perpetuity. In this case, the document was not contained covenants and restrictions provided by a homeowners' association, but rather in a warranty deed, and as stated previously, subsequent records confirm the reverter clause containing the language was properly released by a recorded corporate resolution and release, and therefore no longer valid. I have attached and combined the three referenced documents as a scanned PDF, and highlighted key provisions for your review.

Thanks,

Scott McKee, Esq.
Assistant City Attorney

Office of City Attorney

173 South Beach Street | Ormond Beach, FL 32175
Main: (386) 676-3217| Direct: (386) 615-7035
Fax: (386) 676.3321
Email: scott.mckee@ormondbeach.org

35337

O.R. RECS 585 PAGE 157

WARRANTY DEED

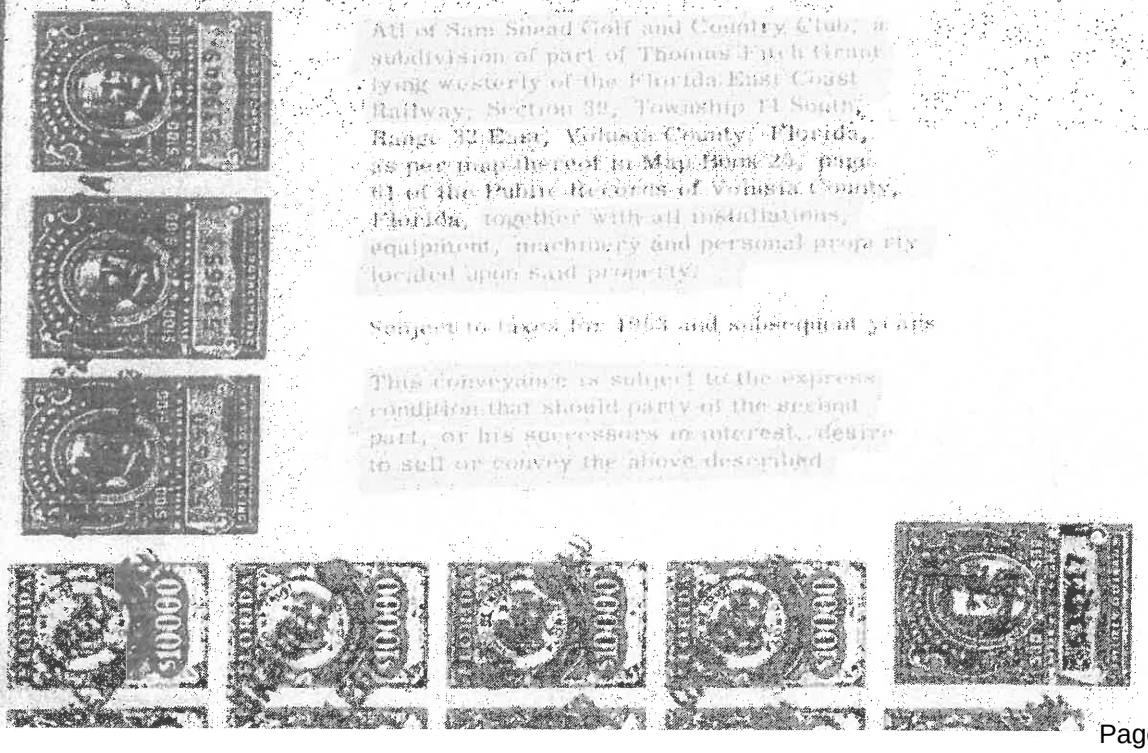
THIS INDENTURE made this 18th day of December, A. D., 1963, between TOMOKA OAKS, INC., a corporation existing under the laws of the State of Florida, having its principal place of business in the County of Volusia and State of Florida, party of the first part, and RALPH R. FREDERICK, TRUSTEE, of 945 John Anderson Drive, Ormond Beach, County of Volusia and State of Florida, party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land situate, lying and being in the County of Volusia and State of Florida, to-wit:

All of Sam Snead Golf and Country Club, a subdivision of part of Thomas Finch Grant lying westerly of the Florida East Coast Railway, Section 38, Township 14 South, Range 32 East, Volusia County, Florida, as per map thereof in Map Book 24, page 81 of the Public Records of Volusia County, Florida, together with all installations, equipment, machinery and personal property located upon said property.

Subject to taxes for 1963 and subsequent years.

This conveyance is subject to the express condition that should party of the second part, or his successors in interest, desire to sell or convey the above described



property to any person, firm or corporation other than a subsidiary of party of the second part, any good faith offer acceptable to such owner must be referred to party of the first part for its acceptance or rejection for a period of thirty days, and in the event of its rejection or failure to accept such offer, said offer shall then be presented to Tomoka Oaks Golf and Country Club, Inc., a Florida non-profit corporation, for its acceptance or rejection for a period of thirty days, such acceptance or rejection to be subject to the approval of party of the first part. Such right to accept or reject said offer is transferable and may be transferred by either party of the first part or Tomoka Oaks Golf and Country Club, Inc. to the Tomoka Oaks Homeowners Association within said thirty day period and must be acted upon within said period.

The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses, and in the event that party of the second part, or its successors in interest, fail to utilize said property exclusively as a golf and country club, golf course, and related uses, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, then the above described property shall automatically revert to and become the property of party of the first part, and all rights therein of party of the second part, or its successors in interest, shall immediately terminate unless party of the second part, or its successors in interest, shall within ninety days after the day of mailing to said party of the second part, or its successors in interest, at its last known address by certified mail, by Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc., or Tomoka Oaks Homeowners Association, a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

The aforesaid reverter clause specified in the last preceding paragraph may be released or modified by resolution concurred in by two-thirds of the entire board

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of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, attested by its Secretary, the day and year above written.

Signed, Sealed and Delivered
in the presence of:

TOMOKA OAKS, INC.

By Ralph L Frederick
President

Attest:
Donald W Acer
Secretary

STATE OF FLORIDA

COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day of A. D. 1963, before me personally appeared RALPH R. FREDERICK and DONALD W. ACER, JR., President and Secretary respectively of Tomoka Oaks, Inc. a corporation under the laws of the State of Florida, to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Daytona Beach in the County of Volusia and State of Florida, the day and year last aforesaid.

Notary Public, State of Florida at Large

22271

OR 1307 PAGE 89

THIS INSTRUMENT PREPARED BY
DAVID L. BLACK
ATTORNEY AT LAW
801 N. GRANDVIEW AVE., DAYTONA BEACH, FLA.

RELEASE

KNOW ALL MEN BY THESE PRESENTS, That TOMOKA OAKS, INC., a Florida corporation, pursuant to that certain corporate resolution adopted by the board of directors of the said Tomoka Oaks, Inc. at a special meeting of the board of directors held on the 18th day of February, 1969, a certified copy of which resolution has been duly recorded among the Public Records of Volusia County, Florida in Official Records Book 1238, page 248, does hereby release any and all rights reserved unto it in that certain deed of conveyance recorded in Official Records Book 585, page 157, Public Records of Volusia County, Florida, particularly its right of first refusal set forth in said deed, and said Tomoka Oaks, Inc. further does hereby release the reverter clause contained in the aforesaid deed, such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause. This release is given for good and valuable consideration.

IN WITNESS WHEREOF, TOMOKA OAKS, INC. has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, this 16th day of June A. D. 1971.

Signed, sealed, and delivered
in the presence of:

TOMOKA OAKS, INC.

By _____
Its President

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared R. W. DAVIS, well known to be to be the president of Tomoka Oaks, Inc., a Florida corporation, and he acknowledged executing the above and

foregoing release in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 16th day of June, A. D. 1971.

Notary Public, State of Florida at Large.

My Commission expires: 9/12/73



DAVID L. BLACK
ATTORNEY AT LAW
801 N. GRANDVIEW AVE., DAYTONA BEACH, FLA.

RESOLUTION

WHEREAS, TOMOKA OAKS, INC., a Florida corporation, made, executed, and delivered to Ralph R. Frederick, Trustee, a deed to certain property described as follows:

> All of Sea Breed Golf and Country Club, a subdivision of part of Thomas Fitch Grant lying westerly of the Florida East Coast Railway, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, as per map thereof in Map Book 25, page 61, of the Public Records of Volusia County, Florida, together with installations, equipment, machinery and personal property located upon said property.

which deed was duly recorded on December 13, 1963 in Official Records Book 585, page 157, Public Records of Volusia County, Florida, and

WHEREAS, such deed of conveyance contained the following reservations and restrictions:

> "This conveyance is subject to the express condition that should the party of the second part (Ralph R. Frederick, trustee), or his successors in interest, desire to sell or convey the above-described property to any person, firm, or corporation other than a subsidiary of party of the second part, any good faith offer acceptable to such owner must be referred to party of the first part for its acceptance or rejection for a period of thirty days, and in the event of its rejection or failure to accept such offer, said offer shall then be presented to Tomoka Oaks Golf and Country Club, Inc., a Florida non-profit corporation, for its acceptance or rejection for a period of thirty days, such acceptance or rejection to be subject to the approval of the party of the first part (Tomoka Oaks, Inc.) Such right to accept or reject said offer is transferable and may be transferred by either party of the first part or Tomoka Oaks Golf and Country Club, Inc. to the Tomoka Oaks Homeowners Association within said thirty day period and must be acted upon within said period.
>
> The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses, and in the event that party of the second part, or its successors in interest, fail to utilize said property exclusively as a golf and country club, golf course, and related uses, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, then the above described property shall automatically revert to and become the property of the party of the first part, and all rights therein

of party of the second part, or its successors in interest, shall immediately terminate unless the party of the second part, or its successors in interest, shall within ninety days after the date of mailing to said party of the second part, or its successors in interest, at its last known address by certified mail, by Tomoka Oaks, Inc., Tomoka Oks Golf and Country Club, Inc., or Tomoka Oaks Homeowners Association, a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

The aforesaid reverter clause specified in the last preceding paragraph may be released or modified by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths of the lots in Tomoka Oaks Country Club Estates; then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds of the Board of Directors, of the Tomoka Oaks Homeowners Association, Inc."

and

WHEREAS, it is within the knowledge of Tomoka Oaks, Inc. at this time that the above-described Golf Course property is under contract for sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has rejected its right to purchase the said property and is agreeable to the said sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has not transferred the right to accept or reject said offer, and

WHEREAS, Tocc, Inc., the present owner of the aforesaid property, has requested Tomoka Oaks, Inc. to formalize its consent to the sale of the above-described property to Ormond Ocean Homes, Inc., and

WHEREAS, Tocc, Inc., with the understanding that Tomoka Oaks, Inc. intends to liquidate and dissolve, has also requested Tomoka Oaks, Inc. to release forever its right of first refusal set forth in the aforesaid deed of conveyance and to also release the reverter clause contained in said deed, the release of reverter to become effective December 13, 1973, the release date specified in such reverter clause,

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NOW, THEREFORE, the following resolutions are hereby adopted:

"BE IT RESOLVED: That inasmuch as it has been submitted to Tomoka Oaks, Inc. that Tocc, Inc. has contracted to sell the following described property to Ormond Ocean Homes, Inc.:

All of Sam Snead Golf and Country Club, a subdivision of part of Thomas Fitch Grant lying westerly of the Florida East Coast Railway, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, as per map thereof in Map Book 25, page 61, of the Public Records of Volusia County, Florida, together with installations, equipment, machinery, and personal property located upon said property,

Tomoka Oaks, Inc. does hereby reject its right to exercise any option to purchase the aforesaid property and is in full accord with the sale of the aforesaid property to Ormond Ocean Homes, Inc. and that the said sale is hereby ratified and approved and that Tomoka Oaks, Inc. evidences its consent to the said sale by the action of its board of directors taken at this duly convened, authorized meeting of the board of directors of said corporation.

BE IT FURTHER RESOLVED: That since Tomoka Oaks, Inc. intends to liquidate and dissolve, Tomoka Oaks, Inc. does hereby release any and all rights reserved unto it in that certain deed of conveyance recorded in Official Records Book 585, page 157, Public Records of Volusia County, Florida, particularly its right of first refusal set forth in said deed, and Tomoka Oaks, Inc. further releases the reverter clause contained in the aforesaid deed, such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause, and the president and/or secretary of this corporation are hereby authorized and empowered to execute any and all further instruments which may be required in order to effect the releases herein referred to."

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a resolution passed by a unanimous vote of the board of directors of Tomoka Oaks, Inc. at a special meeting of the board of directors held on the 18th day of February, A. D. 1969, the said meeting having been duly convened and a quorum being present.

DATED: This 19th day of October, 1970.

Donald W. Acer, Jr.

Donald W. Acer, Jr. - Secretary of Tomoka Oaks, Inc.

Mayor Partington

February 23, 2024

Dear City of Ormond Beach Commission,

Before purchasing the Sam Snead Golf & Country Club property in April 2021, did the Tomoka Reserve applicant verify all possible zoning options with the City? It would appear they did not.

Did the applicant provide competent substantial evidence at the Planning Board January 11, 2024 meeting that supports their R-2 Zoning Map Amendment ZMA 2023-054? It would appear they did not.

Is the applicant truly in "limbo" to exercise any development rights as their legal representative claimed at the January 11, 2024 Planning Board meeting? They appear to think so. History appears to refute that claim.

The 147 acre Sam Snead Golf & Country Club plat was amended in 2006 from R-2 to PRD zoning during the City's approval of the Tomoka Oaks Golf Village PRD. Throughout the 2006 PRD hearing process, the City **implicitly** recognized numerous times the perpetuity use of the golf course land to remain a golf course or open space recreational area as has been relied upon in good faith by Tomoka Oaks homeowners since the 1963 inception and 18-year build-out of the Tomoka Oaks **master planned community**. [1]

Implicitly: to recognize in an indirect way

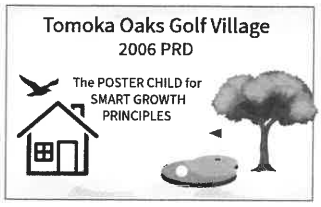
The current owners of the Sam Snead Golf & Country Club plat, Triumph Oaks of Ormond Beach, I, LLC, submitted their PRD-2022-043 Tomoka Reserve application in April 2022, *as was their right under the conditions of the expired 2006 Tomoka Oaks Golf Village Development Order*. [2] And when their 2022 Tomoka Reserve PRD application failed to get their desired 272 density outcome, they withdrew their PRD and submitted a Tomoka Reserve zoning map amendment to revert back to the original R-2 zoning in order to justify even higher density for Tomoka Reserve.

As Planning Board Chairman Doug Thomas stated at the end of the January 11, 2024 Planning Board meeting for Tomoka Reserve's zoning map amendment, this was the first time in his 30+ years on the board that he had ever seen an applicant request to "go backwards" which goes against logical development practices. The other board members agreed with Chairman Thomas and with the Staff Report's denial recommendation. The Board unanimously recommended denial of the R-2 zoning map amendment. Now you, our commissioners, have to determine if the property remains zoned PRD or goes backwards to R-2.

Let's review what "going backwards" from PRD to R-2 should take into consideration:

- To begin with, the 2006 Tomoka Oaks Golf Village PRD application to rezone the Sam Snead Golf & Country Club plat from R-2 to PRD retained the 18-hole golf course in perpetuity while concentrating 119 multifamily units at the core of the golf course.

- This 2006 PRD application was applauded and unanimously approved by the 2006 Planning Board, the 2006 Commission, the City Attorney, the City Staff, and the applicant's attorney, Rob Merrell who stated the PRD was representative of a "Poster Child for Smart Growth principles.[3]"



- Let's look at some highlights from the August 10, 2006 Planning Board minutes [3] to get some context for our Poster Child:

    - The city recognized Tomoka Oaks homeowners had relied upon the golf course and bought their properties in good faith believing that the golf course would always be there.

    - Mr Merrell's poster child touted a density of only 119 clustered units and 3 estate homes which satisfied traffic issues and would restrict in perpetuity the remaining 18-hole golf course recreational area to "forever remain recreation/open space."

    - Staff recommended that the development order blanket the remaining golf course property with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

    - In response to concerns that the project might go bankrupt or be a victim of a poor economy and not be built, City Attorney Randy Hayes said the development order would run with the land. To protect Tomoka Oaks homeowners, the current golf course property owner and future owners were subject to the requirements of the development order.

- Now let's take a look at some highlights of the City Commission first reading on October 3, 2006 [4] to provide even more justification for the unanimous R-2 to PRD rezoning:

    - Mr. Merrell said the 2006 proposal included a commitment to cluster 119 multifamily units, and 3 estate homes, in areas designed to be the least intrusive to Tomoka Oaks homeowners. And covenants would be recorded to restrict the golf course property to remain a golf course and protected green space.

    - Commissioner Gillooly received an "ironclad commitment" from Mr. Merrell that this would be the last residential plan for the Tomoka Oaks community.

- Commissioner Kelley said the PRD provided assurance this zoning would never come back to an R-2, R-3, or R-4 and would be dedicated.

- Mayor Costello said that "in this development order the only thing permissible was the golf course open space."

- The City **implicitly** recognized the use of the Sam Snead Golf & Country Club parcel to retain a golf course or recreational green space in perpetuity.

- The Commission unanimously approved the PRD at their subsequent October 17, 2006 second reading. [5]

- Highlights of the Tomoka Oaks Golf Village Development Order for PRD-06-32 (recorded 10/31/2006, Book 5944, Page 2183) which validate the City's implicit recognition of the land use to retain the 18-hole golf course property in perpetuity include:

  - The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.

  - The Development Order shall be recorded in the public records of Volusia County Florida, . . . and shall be binding upon RTH, Inc. . . and its successors and assigns, and shall run with the real property (Sam Snead Golf & Country Club parcel ID No. 3242-07-00-0010).

  - In the event the use of the land is abandoned for a period of two (2) years, or there has been no construction activity during that period, the permit shall be void . . . and a new PRD Development Order shall be considered by the City Commission.

  - The Development Order approved for RTH, Inc. was active for 8 years from 10/17/2006 through 10/17/2014. During this active timeframe:

    - Approximately 156 home buyers purchased homes in Tomoka Oaks, with 108 homes identified by the MLS as either being "on the golf course" or in a "golf course community." [6] Buyers bought in good faith that the golf course land was protected in perpetuity per recorded Development Order 5944 / 2183.

Sample MLS "remarks" during active 8 year 2006 Dev Order

- On the 18th green
- On 13th green
- Backs up to the 7th fairway
- View of golf course
- On the golf course
- Exceptional golf course living
- Golf course right across the street
- Tomoka Oaks, a well established neighborhood and a golf course community

- Prior to any development, RTH, Inc. conveyed the property, as well as the Development Order running with the land, to Putnam State Bank on 7/21/2010 (Warranty Deed, Book 6496 / Page 4634, Volusia County FL).

- Putnam State Bank sold the property to EJTS Holding, LLC on 12/12/2011 (Special Warranty Deed, Book 6659 / Page 1525, Volusia County FL). Deed states: *Sale of Sam Snead Golf & Country Club subject to encumbrances, easements and restriction of records. Together with all the tenements, hereditaments and appurtenances thereto belonging in any wise appertaining.*

- The Development Order expired on 10/17/2014. Although the permit was now void, per the conditions of the Development Order, the City Commission could still accept a new PRD application for the property.

- EJTS Holding, LLC sold the Sam Snead Golf & Country Club property to Triumph Oaks of Ormond Beach I, LLC on 4/21/2021 (Book 8036, Page 3448, Volusia County Florida).

    - Warranty Deed states: *Sale of Sam Snead Golf & Country Club subject to reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.*

    - Cobb Cole's own title insurance analysis indicates that insurance coverage does not exist for the 2006 Development Order thus expressly acknowledging the 2006 Development Order. [7]

So is the applicant's claim valid that their property rights are in limbo and the city is unlawfully denying their development rights? Or is the applicant legally allowed to submit as many PRD applications as necessary to negotiate a development acceptable to the City Commission as was incorporated into conditions of the 2006 PRD Development Order should it expire?

The applicant has explicitly threatened to sue the City if the Commission denies their R-2 zoning map amendment. Should the Commission deny the R-2 zoning map amendment:

> And should the applicant file an Appeal
> > And should a judge rule on the facts presented at this hearing
> > > Or should mediation be recommended to come to an agreement on appropriate zoning and the number of homes that can be built:

I request that the City insist the 2006 PRD set the precedent for any residential development: no more than 119 units located in the core of the Sam Snead Golf & Country Club plat with perpetual retention of the 18-hole golf course property as protected green space or outdoor recreational use.

Any court decision or mediation regarding an Appeal should also take into account resident responses to my **R-2 Opposition Survey** [8] completed by 221 residents primarily living in Tomoka Oaks and the surrounding neighborhoods of Escondido Condos, The Trails, Talaquah, and Tomoka Oakwood North Condos. These residents, as well as other Ormond Beach citizens, are legitimately concerned about negative traffic impacts, decreased property values, the adverse impact on the character of Tomoka Oaks which will totally surround Tomoka Reserve, strain on existing infrastructure which was never designed for additional homes on the Sam Snead Golf & Country Club property, and catastrophic gridlock during natural or man-made disasters. (This survey is included in the Commission packet as part of the public record which the City could possibly provide for *any* court review.)



The R-2 Opposition Survey is also a key indicator of how our community best views a successful outcome for the land use of the Sam Snead Golf & Country Club property, with the majority of residents preferring retention of the green space in some form, i.e., golf course, park, wildlife habitat. Those who do believe some development is an ideal or unavoidable outcome limit their views to a clustered development that retains the golf course land, or solely to a luxury development that greatly reduces density to achieve an upscale character.

Additionally, I request the City provide court representatives with the 48 resident letters on record [9] opposing the PRD application as these letters are relevant to the "appropriateness" of the R-2 zoning map amendment which would allow even more density than the applicant's initial PRD application.

Lastly, I would like to remind the City of the **1963 express covenant** and the multitude of **implied covenants and restrictions** that have been in place since 1963 that support that the golf course property is to remain a golf course or recreational green space in **perpetuity**. This fully cited, historical evidence was provided to the City on June 12, 2022.[10] Tomoka Oaks homeowners have relied in good faith on these recorded express and implied covenants as was most recently validated by the City in the 2006 Tomoka Oaks Golf Village PRD approval. Although the 2006 development order has expired, the City Commission's green space perpetuity intent set a precedent that has not expired.

The "Sam Snead Golf & Country Club" and the "Tomoka Oaks Country Club Estates" were developed to co-exist as a **Master Planned Community.** Development and marketing of the estates occurred over an 18 year period (1963 - 1981). Every Tomoka Oaks home developer advertised golf course lots and golf course homes (examples on pg 6) with homeowners paying a premium for golf course facing properties.

561 households [11] desire no residential development of the Sam Snead Golf & Country Club property. We are counting on the wisdom and leadership of our City and Commission to protect Tomoka Oaks from any zoning or development that is not in alignment with our Land Use Codes, Comprehensive Plan, and the implied perpetuity green space protection of the Sam Snead Golf & Country Club property as detailed by land use attorney Brent Spain. [12]

I request that during the 1st reading of the Tomoka Reserve R-2 zoning map amendment that the Commission unanimously deny the application and honor the words of William R. McElroy, founding President and Chairman of the Board of Tomoka Oaks, Inc., whose February 23, 1963 **Invitation** (pg 7 below) published exactly 61 years ago today, promised, "To keep this Area in all its natural beauty, certain protective covenants have been provided for the benefit and protection of all property owners."

Respectfully submitted,

Carolyn Davis Carolyn

Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174

Representing:

- 248 Tomoka Oaks Households
- 165 Trails Households
- 23 Escondido Condos
- 17 Tomoka Oakwood North Condos
- 13 Talaquah Households
- 95 Other Ormond Beach Households



TOMOKA OAKS

COUNTRY CLUB ESTATES

ORMOND BEACH

AN INVITATION TO YOU:

Because we are so proud of our accomplishments to date, we extend to you a cordial invitation to visit Tomoka Oaks Country Club Estates.

It was months ago that Tomoka Oaks Country Club Estates was but an idea—and an excellent one—in the minds of some ambitious local citizens who desired to present the ultimate in gracious and contented living to the many people who wanted to live in Florida.

From its very inception, no effort has been spared in planning and developing—to make Tomoka Oaks Country Club Estates one of the finest exclusive residential areas in the State of Florida.

Cut from 545 beautiful wooded acres, this magnificent setting lends itself completely to natural beauty and — to preserve the contour of the rolling land and beautiful old trees the newly constructed streets wind through the property to enhance its natural beauty.

Right in the center of this magnificent natural beauty spot has been built Tomoka Oaks Golf and Country Club — an eighteen hole championship Golf Course — 6,788 yards long covering 135 acres. The Club House is now open and plans are already being developed to enlarge and improve it.

Large lots with a minimum of 100 feet at the front building line and 12,000 square feet insure your privacy. Wide streets have been built, with concrete gutters and storm sewers for good drainage. Sanitary sewers and Ormond City water have been installed.

Five model homes are now under construction. Still under construction — to be sure — but far enough along so that you can see the type of home that will be built at Tomoka Oaks Country Club Estates.

To keep this Area in all its natural beauty, certain protective covenants have been provided for the benefit and protection of all property owners.

Ideally located on Nova Road just off U.S. Route #1, within the City Limits of Ormond Beach, Tomoka Oaks Country Club Estates is but minutes to shopping, churches, schools and the World's Most Famous Beach.

We're sure you'll enjoy seeing the progress that has been made at Tomoka Oaks Country Club Estates and will be convinced that it will truly be as we have planned — one of Florida's most exclusive residential areas for healthful contented living.

We cordially invited you to drive out to Tomoka Oaks Country Club Estates today and see for yourself.

Sincerely,

TOMOKA OAKS COUNTY CLUB ESTATES.

by William E. Elroy

President

Notes:

Information sources are being provided for the public record related to the Ormond Beach Commission hearing of March 19, 2024. Information contained in these links should be considered in any Appeal of the outcome of the Tomoka Reserve R-2 Zoning Map Amendment ZMA 2023-054.

1. Tomoka Oaks Master Planned Community
   https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425
   Pages 552-568

2. 2006 Tomoka Oaks Golf Village PRD Development Order
   https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874
   Pages 47-91 (Tab M of this letter)

3. August 10, 2006 Planning Board Minutes
   https://www.ormondbeach.org/DocumentCenter/View/25274/9-01112024-Tomoka-Reserve-Zoning-Map-Amendment-PB-Staff-Report
   Pages 110-130 (Tab N of this letter)

4. October 3, 2006 City Commission Hearing Minutes
   https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874
   Pages 329-332 (Tab O of this letter)

5. October 17, 2006 City Commission Hearing Minutes
   https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874
   Pages 334-335

6. Tomoka Oaks Homes Sales during Active 2006 PRD
   https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874
   Page 92 - 182

7. Cobb Cole's Analysis of Title Insurance for 20 Tomoka Oaks Boulevard, Ormond Beach, FL 32174
   https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425
   Pages 675-686

8. R-2 Opposition Survey: attachment A Questions, attachment B Responses (Tab P of this letter)

9. Resident PRD Opposition Letters which are also relevant to R-2 Zoning Opposition
   https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425
   Pages 128-210

10. Historical evidence of express and implied covenants and restrictions supporting perpetuity of land use to remain green space or open space recreational. Supplied to the City of Ormond Beach on June 12, 2022.
https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425
Pages 543-572
Pages 595-662

Attachment D: Protective Covenants and Restrictions - Modified 3/10/24 replaces the original 6/12/22 document on pages 572-595. Revisions were necessary to reflect the collection of additional information relevant to Protective Covenants and Restrictions of Tomoka Oaks. (Attachment D will be provided in the City's Commission Packet for the application. If any commissioner wishes to receive Attachment D prior to receipt of the City's packet, please contact me, and I will email it to you. Thank you. CarolynDavis3@gmail.com)

11. Tomoka Reserve Development Opposition Households
https://ormondbeachfl.portal.civicclerk.com/event/2455/files/attachment/7874
Pages 313-323

12. Attachment C: Legal opinion of land use attorney Brent Spain of Theriaque & Spain supporting perpetuity of land use to remain green space or open space recreational. (Tab Q of this letter)

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10/31/2006 12:31 PM
Instrument# 2006-273445 # 1
Book: 5944
Page: 2183

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Application of RTH, Inc.
PRD-06-32
"Tomoka Oaks Golf Village" Planned Residential Development
within the limits of the existing Tomoka Oaks Golf Course

DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on October 3, 2006 and October 17, 2006, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18(D)(3) of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

(1) The land use conforms to the standards and requirements of this *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PRD, Planned Residential zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The land use is consistent with the *Comprehensive Plan*;

(3) The land use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

(5) Public facilities, such as roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds will not be unduly burdened and are adequate to serve the land use;

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

(7) The land use is functional in the use of space and aesthetically acceptable;

(8) The land use provides for the safety of occupants and visitors;

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

(10) The testimony provided at public hearings.

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of RTH, Inc., a Florida corporation, for the "Tomoka Oaks Golf Village" a planned residential development to allow the construction of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel within the limits of the existing Tomoka Oaks Golf Course, in the R-2 Single Family Low Density zoning district, on that real property described and depicted on Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-35, Planned Residential Development, of the City of Ormond Beach *Land Development Code*, except as otherwise specifically modified hereby, shall at all times be strictly complied with;

2. That the following recommendations of the Planning Board shall be resolved and strictly complied with at all times:

a. The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.

b. The owner shall provide a note on the plat for the property indicating to future property owners the proximity of the airport and the flight pattern of the traffic from the airport.

c. The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with trees and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.

3. That the following comments of the Site Plan Review Committee shall be resolved and strictly complied with at all times:

CITY LANDSCAPE ARCHITECT COMMENTS:

a. Wheel stops must be provided. Vehicle bumpers will not overhang the planting beds.

b. Applicant must provide a littoral planting detail and specifically show where they are to be planted on the pond banks in all applicable ponds; applicant must provide calculation for each pond; clarify if ponds are wet or dry; if dry then littoral planting is not required.

c. Applicant must provide a note on the plans that any tree needed to be removed during construction will require a one for one replacement penalty; protected trees will require one 2.5" caliper variety and specimen trees will require one 4.5" caliper variety to suit its planting location; replacement trees need to be Florida #1 at a minimum height of ten feet (10'). CPH will make the determination as to what is best suited for each replacement.

d. Remove the asterisk note on page TR-8.

CIVIL ENGINEER COMMENTS:

e. Applicant must provide legend to clarify phasing.

f. Sheet C6 – Include Temporary Construction Entrance in Phase 1A.

g. Sheet C2 – Provide As Built Requirements for Water and Sewer; relocate the As Built Requirements for Roadway Construction from sheet C36.

h. Sheet C22 –Removing the fire hydrant from the pond.

i. Sheets C45-C47 – Estimated Wet Season Water Table Elevation and Design Pond High Water Elevation to each section.

j. Applicant must locate easements for utilities and lift station on the plat.

CHIEF BUILDING OFFICIAL COMMENTS:

k. Applicant must provide additional fire hydrants to townhouse and condo locations.

l. Applicant must provide location of fire department connections.

m. The location of handicap spaces for the clubhouse is unacceptable; accessible parking spaces shall not cross the roadway and shall be as close to the building as possible.

FIRE DEPARTMENT COMMENTS:

n. Fire hydrants shall be installed at intervals not to exceed 500 feet; provide location of additional hydrants on plans.

PUBLIC UTILITIES COMMENTS:

o. Manhole #44 on page C18 of the plans needs to be lined.

p. Applicant must update fire hydrant assembly detail.

q. Show how reuse will be connected to existing reuse line or the proposed reuse line to be constructed to the reuse storage pond by Tomoka Oaks.

r. Reuse meter to be provided by owner of make and model approved by the City. A reuse agreement will need to be executed by the owner and the City.

s. Applicant must confirm if water master meter shall be needed or if units will be individually metered.

t. Applicant must provide match lines on composite utility sheets.

u. All water and sewer lines to be owned and maintained by City must be in public rights of way or 40 foot access and utility easement; an easement or deed is also needed for the lift station.

POLICE DEPARTMENT COMMENTS:

v. Parking lot lighting, pole heights must not exceed 20 feet and maximum wattage shall be 250 watts (see Land Development Code Chapter 3, Article 5 Architectural Design Standards, Chapter 3 Page 10). This will impact lighting calculations currently submitted.

4. The subdivision is approved to have a total of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings with the following dimensions as shown on the attached plans. The townhomes and condominiums shall be developed in accordance with the conceptual plans approved for the proposed PRD and the requirements established in Chapter 2, Article IV, Section 2-57 M. Multi-Family Dwellings:

Land Use	Min. Lot Area	Min. Lot Width	Front Setback	Side Corner	Side Setback	Rear Setback
Single-family	10,000-square feet	100- feet	30-feet	20-feet	8-feet total 20-feet	25-feet

5. As a stand alone zoning district the following permitted uses and dimensional criteria for this Planned Residential Development are hereby established as follows:

1. **Permitted Principal Uses and Structures.**

   a. Single-family Detached units

   b. Townhouse Units, as located on the conceptual development plan prepared by Conklin Porter and Homes, CPH project number T7501, dated June 2005.

   c. **Multifamily Condominium units** as located on the

conceptual development plan prepared by Conklin Porter and Homes, project number T7501, dated June 2005.

2. Permitted Accessory Uses and Structures

a. Single Family detached dwellings and all accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article III.

b. Home Occupations, Type "A", subject to the regulations set forth in Chapter 2, Article III.

6. The project shall be phased over a 5-year period and shall consist of 6 phases; a new phase shall not be initiated until the improvements and enhancements identified in the previous phase have been initiated and are substantially completed. This condition shall not prevent the owner from completing multiple phases concurrently. The following summarizes the phasing of the project:

Phase	Description
1A	Construction of the tennis facility, maintenance area, parking, spine road and associated stormwater improvements. The "Golf Townhomes" at the northern most portion of the development (9th and 10th fairway) will be constructed
1B	Demolition and reconstruction of the clubhouse and parking lot.
1C	Completion of all of the townhomes in the golf and tennis areas.
2A	Development of condominiums at tennis facility.
2B	Development of condominiums at the driving range and clubhouse areas.
3	Development of 3-single family homes on the estate lots.

B. The final plans for the development project shall be consistent with the provisions of this Development Order and the plans depicted in Exhibit "B" hereto; provided, however, that the said plans shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plan for the development project without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Development Order.

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

E. If the final plan approval lapses under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be re-established, a new PRD Development Order shall be considered by the City Commission.

F. In the event the use of the land approved by this PRD Development Order is abandoned for a period of two (2) years or there has been no construction activity during that period, the permit shall be void and a Notice of Final Plan Revocation filed under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be reestablished, a new PRD Development Order shall be considered by the City Commission.

G. Semi-annually, the Neighborhood Improvement Officer shall prepare a report indicating which planned developments are not in compliance with Section 1-14, or the conditions stipulated in the Development Order, in the event a Neighborhood Improvement Officer subsequently determines there to be any violation, such Officer shall promptly present such determination to the Special Master for hearing.

H. Pursuant to Chapter 1, Article II, Section 1-14(C) (2), of the *Land Development Code*, the first phase of this Special Exception shall automatically expire and become void, without further action by the City Commission, 24 months (October 17, 2008) from the date of City commission approval, unless a site plan or building permit has been issued prior to that date; and a use building permit is so issued, this Special Exception shall remain in full force and effect unless and until subsequently amended by the City Commission.

I. The expiration date of the sixth and final phase of the project to be constructed shall be five (5) years in the future, or to October 17, 20011, and shall automatically expire and become void, without further action by the City Commission, unless a building permit

is issued for the sixth and final phase of the project prior to that date; and if a building permit is so issued, the Development Order shall remain in full force and effect unless and until subsequently amended by the City Commission

J. This Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of RTH, Inc., a Florida corporation, and shall be binding upon RTH, Inc., a Florida corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No. 3242-07-00-0010)

ORDERED this 17th day of October, 2006.

CITY COMMISSION
CITY OF ORMOND BEACH, a Florida municipal corporation

By: Fred Costello
FRED COSTELLO
Mayor

(CITY SEAL)

Attest: Isaac D. Turner
ISAAC D. TURNER
City Manager

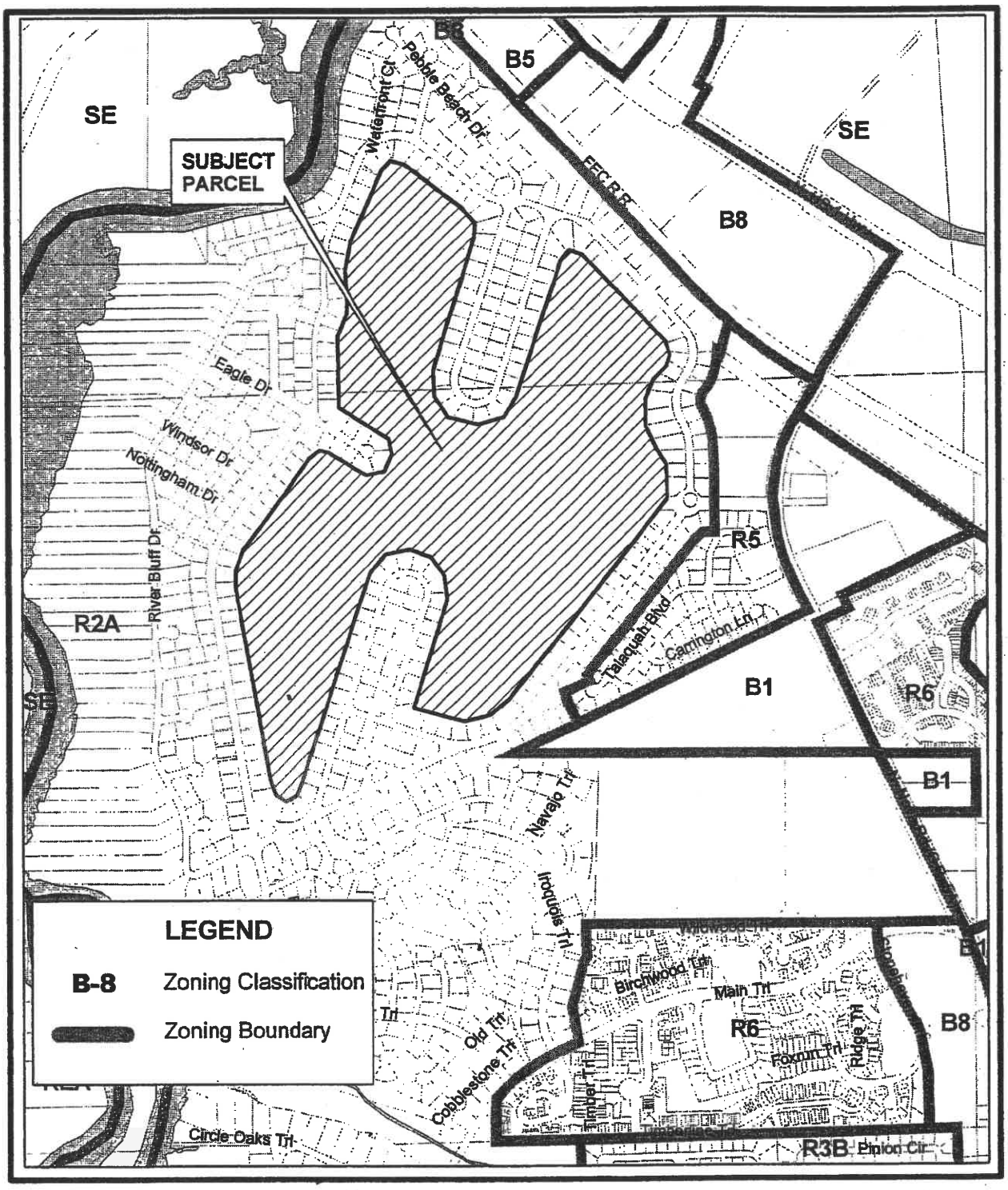
Instrument# 2006-273445 # 9
Book: 5944
Page: 2191

LEGAL DESCRIPTION

39 14 32 135 ACRES ALL SNEAD GOLF & COUNTY CLUB
MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019

PARCEL ID NO. 3242-07-00-0010

Instrument# 2006-273445 # 10
Book: 5944
Page: 2192



ZONING MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

N
W E
S

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

August 10, 2006 7:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present

Dr. Beverly Grissom
Al Jorczak
Lynn McCoy
Doug Thomas
Rita Press

Staff Present

Brenda Bates, Recording Technician
Betty Ruger, Minutes Technician
Clay Ervin, AICP, Planning Director
Randy Hayes, City Attorney

Members Excused

Brian Daly

II. INVOCATION

Mrs. Press led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7). A

V. APPROVAL OF MINUTES

The minutes of the June 8, 2006 meeting of the Planning Board were approved as presented.

VI. PLANNING DIRECTOR'S REPORT

Mr. Ervin stated that:

- The list of upcoming meetings provided to the Board included the information regarding the August 17th workshop in DeLand that dealt with the Volusia County's 10-Year Work Program. He said that traffic congestion was a critical issue and one that the board members would have to deal with in their review of development and redevelopment projects. He said the County's Work Program was one element of many that would hopefully be used to improve the local roadway systems. He noted that that meeting was a time-certain item (2:00 pm) on the County Council's agenda.
- Department of Transportation Secretary Denver Stutler would speak at the VCARD (Volusia County Association for Responsible Development) luncheon; he would discuss statewide traffic issues, present and future.

VII. PUBLIC HEARINGS

Chairwoman Press explained to the public that the Planning Board was advisory, and that their decisions, unlike those of the City Commission were not binding. She said that the purpose of board hearing was to hear from the applicant, the City staff and the residents and that the official record of that meeting would then be presented to the City Commission, who would vote on the proposal in two public hearings.

Chairwoman Press explained the meeting process to the public and asked that any speakers identify themselves and limit their comments to five minutes.

A. PRD 06-32: Tomoka Golf Village Planned Residential Development Rezoning

Mr. Ervin said that the application was to rezone 147 acres (the existing Tomoka Oaks Golf Course), which was surrounded by the existing Tomoka Oaks subdivision. He advised that the Land Use designation was Low-density Residential, which allowed a density of up to 4.3 units per acre (4.3 u/ac) and had a current zoning of R-2 (Single-family Low Density), which required lots with a minimum of 10,000 square feet and minimum dimensions of 100' x 100'. He said that the zoning was consistent with the existing homes in Tomoka Oaks and in neighboring developments such as The Trails.

Mr. Ervin recalled that in 2005, the property owners (RTH, Inc., represented by Dr. and Scott Ryals) met with staff and identified their desire to redevelop the golf course so that they could 1) maintain the golf course and 2) generate additional revenue. He said that staff had been surprised to note that the land use and zoning were something other than Open Space/Recreation, typical for such properties, and that the owners had the right to develop the property.

Mr. Ervin acknowledged some confusion expressed by residents of the area and explained that based on the land area, the owners could theoretically develop up to 632 single-family homes; however, because of the size and shape of the property, and the incorporation of roads, stormwater and open area, the number of homes that could be accommodated would realistically be reduced to about 300.

Mr. Ervin said that the applicants had been advised of the concerns of adjoining property owners, noting that the subdivision was one of Ormond's nicer communities and one of the few areas in which homes backed onto a golf course. He said they had relied upon the golf course and bought their properties

believing that the golf course would always be there. He said that because the owners had development rights established by the existing land use and zoning, Staff had identified the concepts of clustering the homes and orienting the units to have the least amount of visual impact.

Mr. Ervin said that staff was also concerned with the possibility of leaving room for future development of the remaining portion of the golf course by clustering the homes; therefore, while the staff recommended approval of the proposal, staff also recommended that the development order blanket the remaining golf course property with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

Mr. Ervin informed the board that the project had been in review with the City for about a year and that the staff focused on ensuring that the development not create negative impacts for the existing neighborhood. He said that they determined that by shifting the existing driving range towards the northwest and concentrating the condominiums around a relocated and revamped clubhouse, the new construction would not be close to the existing homes along the 18th, 9th and 10th holes. He said the project also proposed to locate 35 townhomes towards the northeast portion of the site with access by an entrance road off of Tomoka Oaks Boulevard and to locate two condominium buildings near the updated tennis center.

Mr. Ervin reported that staff had spoken with many residents of the area and noted that for the record, the Board had been provided with a copy of an e-mail from Ms. Linda Lewis, who had expressed concern with the buffering of the three estate lots proposed for the northwest area of the golf course. He said that Ms. Lewis had enjoyed an open space behind her home and was afraid that the location of the easement for a sanitary sewer line would result in the removal of the existing trees. He reported that the City's engineers and applicant had confirmed that they would consider utilizing a directional dig; therefore, there would be no open-earth excavation of the land and the existing trees could be preserved and protected. He said that the applicant would be required to follow through with that requirement.

Mr. Ervin said that the existing residents were concerned with the number of trees that could be impacted by the project; he stated that the applicant met or exceeded the City's tree mitigation standards because of the additional plantings around the buildings that would be utilized as visual buffers. He said that the plans included the tree mitigation calculations that showed number of trees to be removed and the number of trees to be replanted.

Mr. Ervin pointed out that the City required all multi-family buildings to maintain a minimum of 200' from any single-family home and said that the cart paths had been designed for emergency access; they provided an alternative access route to the properties if the spine roads were damaged or otherwise inaccessible. He said that the design also called for decorative pavement leading into the main drive, the townhomes, tennis center, and updated/relocated clubhouse.

Mr. Ervin displayed the plan layout and typical elevations and noted that staff had also required the architecture to be consistent with the existing development in Tomoka Oaks. He showed renderings of the 3-story golf villas and pointed out that there would be underground parking facilities to minimize the amount of impervious surface. He noted that sub-surface parking was possible because the site was very well-drained, with a low water table.

Mr. Ervin acknowledged that Board Member Jorczak and Mr. Larry Stout of the Airport Advisory Board had questioned whether the additional density and intensity proposed might violate the City's Airport Overlay Zone. He explained that Airport Overlay District comprised areas for which there were concerns

regarding noise impacts that would result from the airport. He recalled the overlay issues presented to the Planning Board in the past and said that they had not been able to use the 60 DNL (day and night noise level contour), shown as a star-shaped zone, because it did not meet certain statutory and federal requirements. He said the City instead utilized the "iron cross" contour (a legally defensible method of establishing the noise levels) and stated that the project was located outside both the 60 DNL line and the City's adopted "iron cross" contours.

Mr. Ervin said that per Mr. Jorczak's request, staff looked at source of the noise complaints. He said that such complaints had been documented when the City was embattled with the decision as to whether or not to expand Runway 17-35; he pointed out on the map that the complaints had been identified as closer to the airport than the project location. He said that Mr. Jorczak and Mr. Stout had also questioned if there was a way to ensure that future purchasers of property in the area were aware that they were buying near the municipal airport, i.e. a kind of due diligence warning.

Mr. Ervin said that the staff report included technical analysis to show how the project complied with the city's concurrency requirements (water, sewer, stormwater and roads), identified zoning and land use issues, and summarized why the City staff recommended approval of the project. He reiterated that a number of Tomoka Oaks residents were unhappy with the project because they felt the golf course had not been properly maintained and worried that the project would just increase the problems they faced.

Mr. Ervin explained that Staff had to look at the proposal from a technical perspective in regard to land use and zoning and said that the proposed plan was considerably less intense than what could be developed there. He reiterated that Staff had made the applicant aware of the concerns, made sure that the development was compatible with the neighborhood, had no negative impacts on the existing residents and preserved the golf course. He agreed that it would be wonderful to retain the property as open space, but reminded everyone present that they had to respect the property rights of the property owner, who already had development rights on the property, given the land use and zoning. He emphasized that the proposal de-intensified the project, concentrated the development and ensured that the impacts would be minimal.

Mr. Jorczak asked if there was a mechanism that the City could employ to notify potential purchasers of the proximity to the airport.

Mr. Ervin replied that there was nothing in the City codes to mandate such notification. He said that the Board could identify that as a concern and as a condition for their approval. He said that the applicant could decide to accept the condition; if they chose not to accept it, the City would then have to decide whether to impose the condition as a part of the rezoning request.

Mr. Thomas questioned why there were fewer noise complaints in 2006, than in 2005.

Mr. Robert Hernandez, Ormond Airport Manager, said that voluntary airport procedures and traffic patterns established prior to his tenure tried to limit the air traffic to the north and west sides of the airport as much as possible. He said most of the current complaints were being generated from the area east of the airport, where much of the training was conducted, and that there were a number of homes on that departure corridor. He explained that air traffic expanded and contracted in all directions and that although he would not say that there would be no aircraft over the proposed community, he felt the Tomoka Oaks residents were getting the benefit of the established voluntary procedures for noise control.

Chairwoman Press clarified with Mr. Ervin that the applicants had the right under the current zoning to remove the golf course and develop the entire area with houses, but that the proposed PRD (Planned Residential Development) would limit the residential development to 122 units and would require a conservation easement over the remaining portion of the golf course to prevent future development of that land. She asked if the development order, as proposed, would preclude the applicants from building any more than the 122 approved residential units on that property.

Mr. Ervin concurred.

Chairwoman Press stated for the record that she had requested an on-site review of the proposal and had toured the property with the owners. She said that she had learned that many of the roads would not be paved and asked who would be responsible for maintaining those roads.

Mr. Ervin responded that the maintenance of the roads would be the responsibility of the developer at first, but that the homeowners' association that would be created would ultimately be responsible for the maintenance of all grounds on the project.

Chairwoman Press asked if the roads met City standards.

Mr. Ervin said that the City required roads to be constructed with a 6" sub-base, 6" base and 1.25" of asphalt; he said that roads were generally designed for a 15 to 25-year life. He assured the Chairwoman that those standards applied to the subject roads. He pointed out that the emergency access/cart path type of roads might not be topped with asphalt, but would be stabilized and had to meet minimum standards established by the Code for emergency access areas. He said it was a common practice and had been utilized in other projects, such as Broadwater, Breakaway Trails, Aberdeen, etc. He noted that breakaway fences were utilized in emergency access areas.

Chairwoman Press asked if the order of the project phases could change.

Mr. Ervin responded that the development order would identify the project phases and that the applicants would have to adhere to the phases, as stated. He acknowledged that the residents of Tomoka Oaks were concerned that the applicants would build the residential units without completing the other improvements and said that was the reason for the phasing. He reported that Phase 1 would involve the relocation and construction of a new tennis facility, Phase 1B would include demolition of the existing parking lot and clubhouse, Phase 1C would be the completion of the townhomes, golf and tennis areas, and the clubhouse would be completed in Phase 2B. He noted that the amenities would correlate with the new homes being developed. He also acknowledged that the applicants were being required to upgrade the appearance of the golf course.

Mr. Thomas disclosed that he also toured the facilities and met with the applicant.

Mr. Robert A. Merrell, 150 Magnolia Avenue, Daytona Beach, representing the applicant, stated that he was also a resident of Ormond Beach. He thanked City staff for their very thorough report, particularly with regard to comprehensive plan consistency and code compliance. He stated that the project had evolved into a better product during the year-long process of working with City staff.

Mr. Merrell said that the project was the "poster child" for Smart Growth principles. He explained that the concept of smart growth was predicated upon the belief that the population would continue to grow and that people would continue to move into the area. He said that smart growth addressed the issues of

where people would live and work, the redevelopment of urban areas, clustering development in areas where services were already available (fire stations, police stations, utilities) and clustering to preserve open space and recreation areas.

Mr. Merrell presented slides of the property, some with the proposal super-imposed over the existing development. He pointed out that the development would include demolition and rebuild of the clubhouse and pool area and the tennis center. He explained that the new three-level clubhouse facility would house partial underground golf cart storage; dining areas, kitchen and banquet facilities, a lounge area, pro shop, locker rooms, and surrounding covered porch on the middle level; offices, executive offices, and a sky lounge on the upper level. He added that there would be a tiki bar overlooking the new pool area.

Mr. Merrell pointed out the proposed condominiums and maintenance facility to be located near the tennis center and said that the redevelopment of the golf course would include bridges and new lakes that would store reuse water from the City's effluent plant. He mentioned that there would be fountains and that comfort stations would be constructed for the golfers and would include under-cover golf cart parking and vending machines.

Mr. Merrell explained that 30 two-story townhomes would be constructed at the northeast corner of the property, access to be by way of the road from the main entrance by the clubhouse. He showed the floor plans of both the townhomes, as well as the three-story condominiums with substantial balconies. He added that the three single-family estate lots would be located near Holes 11 and 16.

Mr. Merrell repeated Mr. Ervin's statement that the proposed project was consistent with the comprehensive plan and met all the criteria in the Land Development Code (LDC) for the PRD rezoning. He stated that the existing R-3 residential zoning (Staff note: actual zoning is R-2) and the future land use classification allowed development at up to 4.3 units per acre over the entire 147 acres. He agreed that it was unusual for a golf course to have a residential zoning, saying that they were typically zoned for Recreation/Open Space, with the surrounding homes zoned for residential. He speculated that the original developer wanted to have an exit strategy in case the project did not succeed.

Mr. Merrell thought that the proposal would make the community proud, given the cluster of the residential units and the dramatic improvement of the amenities. He said that the golf course had suffered in the last couple of years because of the 2004 hurricanes, September 11th and the construction of Nova Road. He said that the purpose of the proposal was to reverse that trend. He said many times there were issues that were not raised until the first public hearing; he hoped the residents would be receptive to the plans.

Mr. Thomas stated that he wanted to discuss the traffic study, since the residents of Tomoka Oaks were very concerned about the traffic.

Mr. Merrell agreed that traffic issues were a concern with any new development and restated that they would be adding 122 residential units, even though the property was entitled to far more homes. He said that a traffic analysis completed for the project had considered the anticipated increase in trips, all of the intersections that could be affected and all of the road segments that could be affected. He said that the model used was one that was accepted by the City and the County; that study had indicated that there were no level of service problems. He recognized that there were traffic issues with some projects in the city at present, but that the widening of, and intersection improvements along, Nova Road had helped the

traffic situation in the area of the subject. He reiterated that the project would not cause a level of service problem on any of the intersections or affected roads.

Mr. Thomas asked if the residences would be primarily occupied by full-time residents or whether the applicant anticipated residents for whom the units would be second homes.

Mr. Merrell stated that they felt there would be some part-time residents, but that the traffic analysis was predicated upon full-time residents. He added that even increasing trips at the peak hours did not produce traffic problems.

Mr. Thomas noted that he was trying to ask questions on behalf of the audience, since they had not had an opportunity to look at the traffic study, as had the board members. He asked what the traffic counts could be estimated to be if the property was instead developed with 300 single-family homes.

Mr. Sans Lassiter, President of Lassiter Transportation Group, 123 Live Oak Avenue, Daytona Beach, and resident of Ormond Beach, said that the study was based on a trip generation rate of 119 multi-family dwelling units and three single-family dwelling units. He explained that multi-family, as proposed, was a lower trip generator (about 6-7 trips per unit per day); therefore, the estimated number of daily trips generated by the proposed development was approximately 773. He further explained that 350 single-family residences (about 10 trips per day) could be expected to generate 3,500 daily trips. He concluded that the proposal represented a significant reduction over what could be done otherwise.

Mr. Lassiter agreed with Mr. McCoy that the trips in the study shown as vested were those trips for the development in Tomoka Oaks that had already been approved and for which the consultant had to account.

Mr. Merrell stated for the record that the applicant had agreed to install the utilities in such a way as to not damage the existing trees. He also mentioned that by approving the rezoning to Planned Residential Development, the resulting agreement (development order) would restrict the open space and golf course area in perpetuity; he said that the applicant had agreed to a deed covenant (conservation easement and reciprocal covenant among all of the owners on the property) that would assure that the property would forever remain recreation/open space.

Chairwoman Press questioned the distance from 23 Pine Valley Circle (the home from which one of the photos was taken) to the golf village townhomes.

Mr. Ervin said that the closest point between any single-family residence and a multi-story building would be 225'. He said that the distance was 300' at the location in question, since the dimension was tied to the fairway (225', plus the fairway). He reiterated that the primary focus was to keep the buildings inside the fairways and away from the existing homes.

Mr. Jorczak asked if there would be any mechanism in place that would preclude the subsequent homeowners' association from turning the development into a private operation to exclude the public.

Mr. Merrell said that the Covenants and Restrictions and the condominium association Declaration would prevent that.

Mr. Thomas asked if there was any conceivable way that it could happen.

City Attorney Hayes said that although nothing was 100% guaranteed, he felt there were enough layers of protection that future development should not be a serious concern in the future.

Mr. Merrell said the applicants would agree to include whatever language that the city attorney deemed appropriate and necessary to assure that outcome.

Mr. Thomas understood and said that his concern was because the board and the residents had all heard the word "never" in the past.

Mr. Merrell elaborated on the city attorney's comments, saying that the discourse was in the public record and that coupled with the binding documents, would provide the City with an enforcement mechanism. He said the restriction was as fool-proof as they could make it.

City Attorney Hayes said that the City would make sure that the development order was drafted to make it as difficult as possible to undo.

Dr. Grissom inquired as to who would be responsible for the maintenance of the golf facilities.

Mr. Merrell said that maintenance would continue to be the responsibility of the owners of the golf course. He noted that only the residential units would be sold.

Dr. Grissom asked if the owners, as the condominium association or homeowners association, could have the prerogative to change the Covenants and Restrictions or Declarations of Condominium or any of the parameters include therein.

City Attorney Hayes replied that he did not think they could because it would be a condition of the development order, and would in fact be a violation of the development order, which had perpetual existence. He thought it would also be in violation of the recorded covenants and restrictions. He said that in reality, he did not think it could occur.

Mr. Merrell voiced his opinion that it would arguably require the City to agree to lift the deed covenant.

City Attorney Hayes reiterated his belief that there were enough layers to provide a sufficient safety net.

Mr. Jorczak thanked Mr. Ervin for his efforts to answer the questions regarding the airport issue on short notice. He thought that the applicants might find it beneficial when marketing the properties to promote the airport as an easy way to access their second homes. He remarked that municipal airports everywhere were under assault and felt it was very important that potential purchasers be notified that there was an airport nearby. He mentioned that the airport was a vital tool in shifting the City's tax base away from solely residential properties toward some industrial uses, what the City was hoping to achieve with the proposed Ormond Crossings development and which he felt was important. He said that there would always be noise associated with the airports and said that he anticipated an increase in use of the airport by the new very light jets, since they were more economical for businesses to purchase for both private use and for air taxi services .

Mr. Lewis Slaughter, 53 North St. Andrews Drive, thought that there would need to be a traffic light at the intersection of Tomoka Oaks Boulevard with Nova Road.

Mr. Mark Tolle, 54 Oakmont Circle, asked if there had been an environmental impact study conducted for the property. He reported that the property was currently home to a large breeding population of raptors, including great bard owls, screech owls, scissor-tail kites, swallow-tail kites (a species of special concern for the state of Florida) four species of pileated woodpeckers, and was a migratory stop for painted grosbeaks, American gold finches, etc.

Mr. Ervin said that because the site had already been impacted by development and was surrounded by existing homes, the property did not meet the City's criteria for requiring an environmental assessment report. He said that staff was aware that the area was home to migratory birds and that they had checked with Florida Fish & Wildlife to see whether or not nesting bald eagles or other endangered species had been identified there. He said that unless they had such documentation, a study could not be required; he said staff would seek verification as to whether or not the property was home to the variety of different species identified and whether or not there was a need for additional protections prior to scheduling the item for presentation to the City Commission.

Mr. Tolle referred to Dr. Grissom's comment regarding the ongoing maintenance of the property and said he did not believe that the golf course property was currently being maintained by a professional golf course management company. He opined that the course was in deplorable condition, far beyond simply lack of irrigation; he questioned the ability of RTH to maintain the golf course in an acceptable manner and cited the maintenance equipment and level of maintenance, saying that the course was not very playable and the reason why it was an inexpensive to play there.

Mr. Todd Hendricks, CPH Engineers, 520 Palm Coast Parkway, Palm Coast, said that the firm was the civil engineer for the project. He advised that Mr. Joe Young of Biological Consulting Services had performed an environmental assessment on the project and found no concerns that would prohibit the project from moving forward.

Longtime resident Ms. Susan Reynolds, 17 Oakmont Circle, agreed that the condition of the course was deplorable and likened it to living on a horse pasture in Ocala. She pointed out that any CADD technician could make the renderings of the proposed project look beautiful and noted that the project would require the developers to remove the bulk of the trees. She stated that the existing trees were not maintained and thought that from a safety standpoint they should be required to remove those that had died. She thought that provisions for maintenance of the trees should also be written into the development order. She disagreed that the condition of the course was due to hurricanes, September 11th, or the Nova Road construction.

Ms. Reynolds thought that the proposal was better than allowing 300 homes to be built, but thought that the existing vegetation would also be allowed to die, because the buildings would be constructed over the root systems, which were already stressed.

Mr. Paul Momberger, 100 North St. Andrews Drive, stated that he lived on the 3rd Hole and that he felt the plan included buffers that would negate any impact on the adjacent residents. He noted that part of the reason that the grass did not grow was because there were so many trees. He stated that the infusion of new money for development would bring new life to the golf course and hopefully, help with the maintenance issues. He agreed that it needed to be improved and felt that the proposal was part of the solution. He added that the redevelopment of the clubhouse would also provide social benefits for the community. Mr. Momberger said that he supported the project.

Mr. Adelaide Mathew, 54 South St. Andrews, another longtime resident agreed and said that the 2004 hurricanes had left dead trees that had yet to be taken down. He questioned the proposed underground parking.

Mr. Ervin explained that not all of the parking spaces would be underground. He said that portions of the required condominium parking would be underground and townhome parking would be in garages and on the driveways (above grade).

Mr. Frank Bullard, 115 Rio Pinar Drive, questioned the effect of the new development on the water pressure in the area, which he said often fluctuated by about 30 pounds, depending upon the time of day. He asked if the current residents would be able to utilize the upgraded utilities that would be a part of the new development.

Mr. Ervin said that the development would utilize the existing water mains serving Tomoka Oaks and would have a loop system to maintain the water pressure. He said he had not been aware of a water pressure problem in the area, but assured Mr. Bullard that his comments would be forwarded to the Utilities staff and addressed prior to any City Commission meeting. He mentioned that the City's Fire Department periodically reviewed the water pressure to ensure that there was adequate fire flow pressure throughout the city.

Chairwoman Press again mentioned that the hearing at the advisory board level was a way for the public to ask questions and raise concerns; she encouraged the residents to attend the City Commission meeting, at which time the final decision would be made.

Ms. Sharon Kist, 68 Oakmont Circle, confirmed that there was a water problem in Tomoka Oaks and asked if the new amenities would be available for use by the current residents or whether they would be restricted to use by the owners of the condominiums.

Chairwoman Press said it was her understanding that there would be six tennis courts and assumed that they could be used by the residents.

Ms. Kist asked City staff to check on the water pressure in that area. She remembered that she had once been told that it was a problem at her house, rather the pressure.

Chairwoman Press said she thought that there was a problem with the water pressure throughout the city.

Ms. Christine Goudreau, 115 North St. Andrews Drive, asked about the hours of operation of the courts; she also questioned the light and sound that would emanate from the facility area.

Mr. Ervin said that the hours of operation had been identified by staff, as had the height of the lighting. He said that there were some conflicting requirements, because the police wanted the lighting to be higher and brighter, while staff wanted to keep the lighting lower and less bright. He said that the goal was to prevent spillover lighting onto the properties of the existing residents by utilizing lower lighting, trees and limited hours of operation to prevent the lighting impact.

In response to Mr. McCoy's request, Mr. Ervin advised that whether or not the amenities would be open for use by the residents was a decision to be made by the applicants.

Mr. Jorczak asked if there was a national standard for golf course maintenance and if so, whether it could be applied to the Tomoka Oaks course.

Mr. Ervin said he did not know, but would check into it.

Mr. David Ponitz, 90 North St. Andrews Drive, stated that both Mr. Ervin and Mr. Merrell had done a good job representing the development. He said he was pleased that none of the townhomes or condominium units were directly behind any abutting properties and asked if the development order could include a statement that specified the acreage to remain open space. He thought that perhaps that acreage could be zoned to ensure that it would remain open space.

Mr. Merrell explained that the planned development zoning did differentiate between the residential and recreational components, i.e., it was essentially a custom zoning for the property for which the development order dictated what could or could not be done as a result of the rezoning process. Every individual use (golf course, tennis courts, etc.) would be identified on the plans, which would become a part of that development order.

Mr. Ponitz said that in exchange for special development orders such as that being sought by the applicant, the City had an opportunity to ask for things above beyond what was generally required by the Land Development Code regulations. He asked if the City could ask the applicants to increase the size of the replacement trees.

Chairwoman Press asked the planning director to address the tree mitigation.

Mr. Ervin explained that Mr. Ponitz referred to the City's specific prohibitions regarding tree removal. He said that trees that were removed had to be mitigated; i.e., they had to be replaced. He said that the number of replacement trees was based on the size (diameter) of the tree being removed, not necessarily on a 1:1 basis. He said that protected trees were those 6"-12" in diameter as measured at four feet (4') above grade; replacement trees had to be a minimum 2.5". Specimen trees were those between 12" and 36" in diameter; replacement trees had to be larger, with a fuller canopy. He added that removal of trees over 36" in diameter required City Commission approval. He said because of the size of the project and the existing trees on site and given the proposed landscaping plans, Staff felt it was appropriate to require them to adhere to the City's regular standards as they would for any development.

Mr. Ervin concurred with Mr. Ponitz that the PRD was a discretionary zoning for which the Planning Board and City Commission had the right to ask for mitigation above and beyond what was required by Code. He mentioned that the City's minimum requirements were also specific in regard to native and xeric landscaping, i.e., plantings that could survive in periods of drought. He said that the applicants utilized many different species, such as oaks, pines and magnolias, as well as decorative elements such as crape myrtles, etc., to accentuate the perimeter of the property. He said that some plants would be used in close proximity to the buildings to enhance the architecture being used. He further detailed the proposed landscaping and advised the board that it was within their purview to require an increase in the size of replacement trees if they felt it was justified.

Mr. Lewis Slaughter, 53 North St. Andrews, stated that he was in favor of the project and thought it would be a major asset to the city. He was pleased with the two new lakes that had been dug and said that the reuse water would help the look of the course tremendously. He asked if there could be a light installed at the intersection of Tymber Creek Road and Nova Road.

Mr. Sans Lassiter, Lassiter Transportation Group, said that whether or not a traffic signal would be warranted was the first thing that they had considered, but that they had not been able to show that intersection as warranting a traffic signal. He explained that Nova Road was a State Road and that the DOT (Department of Transportation) had very strict standards for when they would or would not allow a traffic signal; he said that the intersection did not come close to the threshold, mainly because the primary trips to and from the project area were from the south on Nova Road.

Mr. Slaughter stressed his support for the project and said that by their ability to attract more members, they would be in a better position financially to maintain the golf course. He asked if there would be an opportunity, in conjunction with the redevelopment of the golf course, for the adjacent homeowners to connect to the City's reuse system to reduce the need for private groundwater wells in the area.

Mr. Ervin commented to Mr. Ponitz that Mr. Hendrix wanted to discuss the request for upsizing the landscape mitigation.

Mr. Ervin also responded to Mr. Slaughter that the provision of reuse water to the residents adjacent to the golf course would be an expensive City of Ormond Beach public improvement project that would require the expenditure of capital improvement dollars. He said the City Commission had identified the South Peninsula area as the No. 1 priority and said there were other improvements that had been identified for completion in the next 5 -10 years. He said that the extension of the reuse water had not been identified as a capital improvement that could be funded in the next 5-10 years. He said that the City could consider it for future funding and that there might be an opportunity to utilize grants from the Water Management District, but reiterated that it was not currently identified as a priority.

Ms. Zella Wilen, 48 Oakmont Circle, said she was also a long-time resident. She objected to the rezoning request, as well as the request to construct streets across privately-owned business property. She did not want Tomoka Oaks Boulevard to be approved for extension or connection to any planned street. She also objected to the increased traffic that would be created by the new development.

Ms. Wilen referred the Board to the City archives (September and November, 1970); she said that there had been a rezoning issue raised and the homeowners had retained an attorney to argue against the zoning change to R-5. She said that the homeowners had prevailed. She thought that if the proposal proceeded [to the City Commission], the Tomoka Oaks HOA Board of Directors should alert and notify every one of the homeowners in Tomoka Oaks of the rezoning request, not just those within the 300' radius of the project. She said she equated the request for the PRD to the prior request to rezone the property to R-5.

Chairwoman Press pointed out that the meeting would be advertised in the newspaper.

Mr. McCoy noted that the advertisement was countywide.

Dr. Gerald Gibb, 69 North St. Andrews Drive, stated that the traffic report was based on data, [not experience]. He said that the reason that most of the traffic turned southbound on Nova Road because it was too dangerous to turn northbound. He also stated that the construction would occur over a period of time and that construction workers would come and go at the same time as the residents, exacerbating the traffic in the area. He questioned if there was to be a traffic management plan during the construction of the project.

Mr. Lassiter agreed that for the "Existing Condition", the consultants could only count the traffic that did turn, not the traffic that might want to turn but did not. He felt it important that they understand that their

Future Conditions analysis used the Urban Area Model, which distributed traffic without regard to congestion. He explained that the model looked at the major distribution points north and south on Nova Road up to US1 and in other parts of the city to determine the more likely direction traffic would go if there were no congestion. He felt that their analysis was absolutely correct.

Mr. Lassiter also liked the idea of a construction traffic management plan and said that they would recommend identifying routes for the resulting traffic. He reminded the Board that that the 770-trip per day increase was for the buildout of the development, not the construction traffic.

Ms. Leslie Nixon, 36 North St. Andrews Drive, expressed concern with additional traffic trying to negotiate the Tomoka Oaks Boulevard circle near the entrance to the subdivision.

Mr. Lassiter explained that the 770 trips was the number of estimated trips on a daily basis; he said there were 74 in the peak hour. He further explained that typically, the impact study deducted the existing traffic from the traffic proposed for the new development, but instead, the subject analysis assumed the existing traffic would remain. He said that meant that their analysis was overly conservative (predicted too much traffic), but that they wanted to be as conservative as possible. He stated that their analysis also assumed 100% occupancy year-round, which they also knew to be unlikely, but which would also produce conservative numbers.

Ms. Nixon asked for the percent of increase in trips. She wanted to make sure that Staff recognized that the ongoing development along the North US1 corridor would mean additional traffic for Nova Road, making left turns out of the subdivision even more difficult.

Ms. Nixon also asked if the Board could recommend fewer homes, rather than 120 proposed. She thought that the applicants could improve the clubhouse, the golf course and the tennis courts, but scale down the residential portion of the project.

Mr. Ray Sanchez, 12 Pine Valley Circle, stated that the traffic circle was dangerous and confusing, particularly since it was two-way traffic. He questioned the sales prices of the residential units.

Mr. Lassiter responded that because a traffic signal at the intersection with Nova Road was not warranted, the stop sign control was deemed to be adequate. He said that the same was true for traffic internal to the site, which would be less than at Nova Road. He answered that the consultants had not provided a percent of increase resulting from the project, but pointed out that they did not take a deduction either; they simply added the anticipated traffic to it (an over-estimate).

Mr. Jorczak asked if they had given any thought to how the circle could be improved.

Mr. Lassiter said that the circle was analyzed in the current condition. He said they could certainly do so by studying if it would be warranted by the level of delay, would reduce the level of delay, or would make the circle safer.

Mr. Jorczak said that the safety element seemed to warrant that study, regardless of the additional traffic that would be generated from the proposed 122 units. He remarked that the junction might require a different kind of layout.

Mr. Lassiter said that as a traffic engineer, his primary focus was safety. He stated that round-abouts and traffic circles, although becoming more popular, were particularly pedestrian-hostile. He pointed out that

cars did not have to stop, gaps in traffic did not occur, and visibility was lessened because of the lack of time to look left and right. He said that because traffic came from the left, people did not always look to the right for pedestrians. He reiterated that pedestrian safety was one of his major concerns.

Mr. Thomas, a resident of Tomoka Oaks, thought that striping or arrows on the pavement might help drivers negotiate the circle. He thought that there were some simple things that could be done to improve the situation.

Mr. Lassiter said that it was something at which they could look.

Chairwoman Press thought that Mr. Lassiter could work on those things before the item reached the City Commission, since it was a concern to many of the residents.

Dr. Grissom questioned the nature and location of common areas for the new owners.

Mr. Merrell said that would be detailed in the plat, another process they were going through. He said that he did not have exhibits available for the item before the board, but that the common areas would be fully identified in the plat documents.

Dr. Grissom asked if the applicant wanted to respond to the residents' comments regarding the "deplorable condition" of the golf course.

Mr. Merrell said that they intended to address that conditions at the golf course were less than perfect. He said that they also wanted to point out that the golf course was being redeveloped to retrofit reuse water lines throughout the entire irrigation system at a cost of hundreds of thousands of dollars. He said that reshaping the course would also be a huge improvement. He said that together with the residences, the golf club and the tennis facility, it would be a much better place. He thought that the residents would be happy with it.

Mr. Merrell agreed that a CADD drawing could make anything look good, but pointed out that the pictures would be the zoning map for the property. He said that if they wanted to change anything, they would have to reappear before the Board for another advertised public hearing. He said that the reason Staff liked the Planned Residential Development was that they had the ability to negotiate the zoning and had done so to the benefit of the City and pointed out that those things were binding.

Dr. Grissom asked Mr. Merrell if he and the applicant had previously discussed the possibility of increasing the size of the replacement trees used for mitigation.

Mr. Merrell said that their landscape architect, Galen Pugh, had been in dozens of meetings with the City staff and that many changes had been made to the plan to avoid impacting important trees. He said it was a given that the trees would be thinned and that the dead trees would be removed; he said the plan also exceeded the City's Code requirements for landscaping, typical of planned development rezoning negotiations. He reiterated that there had been a great deal of focus by City staff with regard to the trees.

Dr. Grissom stated that she was sensitive to the tree mitigation concerns and recalled her shock when she discovered that the beautiful, healthy trees in Breakaway Trails had been removed and replaced with what amounted to twigs. She thought that they should exceed the current excession, if possible.

Mr. Merrell thought that the issue was avoiding the removal of the trees, rather than with what to replace the existing trees. He noted that a tree survey had enabled them to identify all the important trees and that saving certain trees had required them to redraw the plans several times.

Dr. Grissom said she recognized that the applicants had presented a project that was beautiful. She questioned whether the Board could mandate that the development be sustained in the best possible condition at all times, i.e., in perpetuity.

Mr. Thomas recalled that Hurricanes Charley and Frances had caused the removal of a lot of old, dying and diseased trees, but not before tremendous damage had been done to the homes of the residents. He advised that his daughter, a resident of Ormond Lakes, had been required to save some magnificent oaks on her property, but less than a year later one of those same oaks was costing her $2,000 to remove because it had been diseased and had fallen on her fence. He stated that although he felt mitigation was a good thing in the long run and that he was not in favor of taking out a lot of trees, there were a lot of rotten, dead, sick and diseased trees throughout the city that should be removed.

City Attorney Hayes advised the Chair that he included a provision in all of the development orders that conferred to code enforcement the power to enforce the terms of the development order, as with any other ordinance. He said that the City therefore had the power to keep all projects from falling into disrepair.

Chairperson Press pointed out that it was 9:00 pm and asked that subsequent speakers limit their comments to things that had not already been expressed to the board.

Ms. Linda Larsen Lewis, 231 Rio Pinar, expressed her concern that her property line would be 100 feet from one of the three estate lots behind her property. She said that the trees were the only thing that would visibly buffer her home from her new neighbor and asked for assurance that the trees would remain.

Mr. Ervin reported that he had met with Ms. Lewis the day before and stated that her concerns were the City's concerns. He pointed out the location of the three estate lots and said that those lots would have the minimum lot size, width and setbacks that applied to the existing subdivision. He also pointed out Mrs. Lewis' lot and said that although the distance from the lot line to the proposed lot line was 100', the distance between homes would be 160'. He said that the trees in that area would be preserved by the developer, but cautioned that once sold, the homeowner could take out some of the trees if they met the mitigation requirements. He said that the City had not required a minimum buffer because of distance between the lot and the buildings and the existing landscaping along the perimeter of the Lewis lot line but advised that it was within the purview of the Board to do so if they felt the trees should be protected.

Mr. Jorczak questioned the size of the existing trees.

Mr. Ervin replied that the trees ranged from small saplings to a 40" oak; he noted that there were several historic trees, the majority of which were specimen trees. He said that the tree survey showed only the trees over 6" in diameter (protected trees).

Mr. Jorczak asked if taking those trees would require a separate action from the City.

Mr. Ervin explained that once the three residential lots were sold, the homeowners could request the removal of any tree on their property, the same as any homeowner in the city of Ormond Beach. He said

the number of trees that would have to be replaced would depend on the size of the tree to be removed. He said there was currently nothing in the City's Code or in the project documents that would require minimum tree line buffering on the residential lots.

Mr. Jorczak remarked that he understood, but thought it unlikely that someone buying an estate lot and erecting a big house would then want to take down the trees.

Mr. Ervin replied that it had happened in the past. He recalled Ms. Lewis' question as to whether or not a buffer was to be conserved that could not be touched and stated that the reality was that when the property was transferred, the owners could conceivably remove the trees.

Mr. Jorczak advised Ms. Lewis that taking down a specimen tree in Ormond Beach was a big deal.

Mr. Thomas agreed.

Mr. Ervin pointed out that historic trees were different than specimen trees. He stated that the developer was being required to do a directional dig for the extension to the sanitary sewer so that it a 40" historic oak would not be impacted. He said that there were also 25 – 28" oaks that had been identified for preservation, but wanted it on the public record that they were located within the property to be subdivided; therefore, if the subsequent owners met the mitigation requirements, removal of the trees would be justified.

Dr. Grissom asked how the deed restriction would work.

Mr. Ervin said that if the Board wanted to require a minimum buffer, they could identify, e.g., a 10' perimeter buffer with a tree every so many feet as part of the development order.

Ms. Lewis stated that people did take trees down so that they could have view of the golf course. She acknowledged that tracking 1,100 trees was an overwhelming job, but stated that she had noted a healthy pine and two smaller pines on the property that were not shown on the survey.

Ms. Reynolds asked what protections were in place to prevent the project from going bankrupt either because of mismanagement or because of market conditions. She said that she had seen it happen in far better situations and did not want a situation in which new owners would be allowed to do whatever they wanted just because they were finishing a stalled project. She expressed concern because of the scope of the project and because the owners had not demonstrated the ability to maintain the golf course.

City Attorney Hayes advised the Chair that development orders ran with the land; therefore, the owner of the land (or a subsequent owner) was subject to the requirements of the development order. He said there was no way to know whether or not any particular project would be built out or flounder. He said that the best the City could do was to create a safety net in the development order and ensure that the development occurred in accordance with the requirements of the approval.

City Attorney Hayes confirmed for Ms. Reynolds that the proposal was for a phased project and that the developer would have to complete one phase before starting another.

Long-time resident Ms. Susan Juckett, 311 Rio Pinar Trail, said that her view, which had gone from "lovely" to a lot of dead trees, and would now be of a comfort station (golf course bathroom).

City Attorney Hayes assured Ms. Juckett that any new owners in the future would also be required to preserve the golf course.

Ms. Juckett questioned the time line for all phases to the anticipated completion of the project. She stated that she was concerned with construction noise, dust, etc.

Mr. Ervin said that the construction timeframe identified in the PRD development order would be valid for five (5) years. He said that if Phase I had not been completed in that timeframe, the order would lapse. He said that the conditions would remain in place, but any redevelopment would require that it be brought back for another hearing and, with the existing conditions as minimum standards, any kind of upgrades would have to be to current Code.

Ms. Juckett asked if it would be to Phase I completion or completion of the project.

Mr. Ervin responded that it would be to completion of the project.

Ms. Juckett asked if the tree mitigation would be on-site. She also questioned the impact of new residents on Tomoka Elementary School, shopping facilities, the hospital, as well as the effect they could be expected to have on the water pressure in the area, already low.

Chairperson Press pointed out that the City staff was not aware of the problem and would address it.

Ms. Juckett stated that the problem would get worse before it got better. She found it hard to believe that the developer did not know the price for which they expected to market the units.

Mr. John Randall, 70 Oakmont Circle, recalled that he and his father had cleared their lot by hand and that subsequent generations would be occupying the residence. He questioned what mechanism would ensure that the integrity of the project would be maintained and that the homeowners' association would be able to collect their dues in order to pay the cost of maintaining the things for which they would be responsible. He asked who would be responsible for the property covered by the conservation easements and questioned what would happen if the golf course went belly-up. He also expressed concern with the wildlife habitat that would be lost.

Mr. Randall commended the developer on a great idea, but sought assurance that the dream continued to be a reality in 20 years.

Dr. Grissom said she liked the idea of a deed restriction to protect the property.

Mr. Ervin responded to Mr. Randall's question that the City would have the ability, as with any easement, to access the property for maintenance and then charge the homeowners' association; he likened it to a sort of lien on the property. He said the City had the guarantee that someone would maintain the property and that the HOA would ultimately be financially responsible per code enforcement provisions in the easement documents.

Mr. Ervin said that the conservation/open space easements over the golf course meant that the owner continued to own the golf course property, but restricted the use of the property to a golf course and open space purpose. He said it would be an easement to the City; therefore, the easement could not be released without the approval of the City. He said that the easement would be described around the golf course itself, and that based on the testimony, RTH Corporation would maintain ownership of the golf

course; he said that the areas around the townhomes and condominiums would be identified as common areas for those particular projects. He said that the common areas being used by the condominiums would be owned, maintained and operated by that association, whereas the golf course would be owned, maintained and operated by the RTH, Inc. He said that the City would require that the conservation easement on the golf course be recorded prior to any development. He pointed out that the easement was being created in association with the subdivision plat.

Mr. Jorczak asked if the City had ever required surety bonds to ensure completion of a project.

Mr. Ervin explained that they allowed surety bonds only for subdivision improvements, not for commercial developments. He agreed with the resident who had stated that developers sometimes failed to complete projects and said that in a market-driven economy the market sometimes had to rebound before someone else finished a development. He said that was the reason that the city attorney required recording of a very specific development plan that provided very specific guidelines as to what could be developed on a certain property; a subsequent developer would know exactly what could and could not be done. He explained that traditional zoning allowed for a great deal of options, whereas the PRD was a very specific recorded document of covenant and restrictions that traveled with the land, not the owner. He said it gave the residents of Tomoka Oaks much better protection for future conditions.

City Attorney Hayes said that from a legal standpoint, surety bonds sounded good, but were not practical. He pointed out that the City would not want to have to finish a project in default; it would create a nightmare scenario for the City.

City Attorney Hayes recommended that the Board members voice their comments on the proposal in an effort to solicit a motion. He offered to assist them with any conditions that they might wish to impose with their recommendation.

Mr. Ervin stated that he had summarized for clarification the ten (10) issues that had been brought up by the board members:

1) The City's engineering staff reported no environmental impacts.
   - Determine whether or not an environmental impact or assessment report has been done.
   - Forward a copy to the resident who requested it and include a copy in the City Commission's agenda packet.

2) Traffic conditions:
   - Analyze improvements at the circle that would make it safer (striping, signage, etc.).
   - Ask the applicant to look at other improvements that might be made.
   - Provide signal warrant study background information, i.e., why a signal is not warranted at the intersection of Tomoka Oaks Boulevard and Nova Road

3) Request to upsize the minimum size of the trees for mitigation. *(Mr. Ponitz)*

4) Question the possibility of providing reuse water for lots adjoining the golf course (noted that it was not identified in the City's Capital Improvements Program) - *Mr. Ponitz*

5) Address water pressure issues in Tomoka Oaks and include in the information forwarded to the City Commission.

6) Identify if minimum golf course maintenance standards are available from either a local or national organization. *(Mr. Jorczak)*

7) Clarify the role of the City in establishing the Covenants and Restrictions and the Development Order to ensure that the golf course is protected in perpetuity.

8) Possibility of notice to future purchasers of property in the subdivision of potential for airport impacts. *(Mr. Jorczak)*

9) Address concern regarding the buffering of the estate lots. *(Ms. Lewis)*

10) Documentation to ensure that each phase of the project is completed prior to beginning the next phase; ensure that the complete project will be built out in five years.

Chairwoman Press opened the floor to board comments.

Mr. McCoy pointed out that Mr. Momberger, one of the speakers, was a registered landscape architect and that he had not seemed particularly concerned with the issue of tree mitigation. He also pointed out that Mr. Ponitz, one of the other speakers, was the Utilities Engineer for the City of Daytona Beach. He said that the gentlemen were good at their jobs; therefore, he felt reasonably assured that the landscaping mitigation was well within or surpassed the City codes. He suggested that the many of trees about which the residents were concerned were probably in poor condition and had most likely reached the end of their useful life.

Mr. Thomas said he was also a long-time resident who favored the project. He said that he had sat on the Planning Board for many years and could recognize when the alternative was worse than the plan. He said he did not want 300-400 homes added, when the proposal was for only 122 homes of what he believed would be part-time residents. He felt it was a beautiful plan and that the project would be a great asset to Ormond Beach.

Mr. Thomas referred to the concern expressed by a resident that the survey had missed a large sand pine, and explained that the State did not recognize sand pines as significant trees; therefore, it had not been marked. With regard to the concerns about the project not being completed, he stated that the three best real estate values were: a view, water and a golf course; he thought there would be buyers simply because the property was on a golf course. He restated that the City was tough on the issue of tree removal and reiterated his support for the project with the conditions discussed.

Mr. Jorczak echoed Mr. Thomas' comments and said that he thought it was an upscale project with a lower density than what would otherwise be allowed. He thought it would upgrade the neighborhood and would generate dollars that would help improve the golf course and surrounding amenities. He said that he hoped that the City would consider the concerns raised at meeting and said that he would recommend approval.

Dr. Grissom said she also supported the project and any motion to approve would include any amendments necessary to address the concerns raised. She thought that deed restrictions should be

required for the three estate lots to require that they maintain the tree buffer in order to protect the privacy of abutting property owners.

Chairwoman Press opined that no one would buy the properties unless the golf course was upgraded and felt that the proposal would force those improvements to occur. She said for that reason she believed the project would be good for the area and was an example of Smart Growth.

Mr. Thomas recommended approval of PRD 06-32, with the recommendations by staff. He added that his motion was amendment friendly and clarified that he was including the ten items as listed by the planning director.

Mr. McCoy seconded the motion.

City Attorney Hayes responded to questions by Mr. Jorczak and Mr. McCoy that the [tree] buffer mandated by deed restriction would apply only to the three estate lots. He said that the board could make that a condition of their recommendation.

Mr. Ervin replied to Mr. Thomas that the list of ten items included addressing the traffic circle. He also pointed out that the applicants had already agreed to provide for a minimum 10-foot wide buffer at the rear of the lots, in which there would be a minimum planting of one tree every 30 linear feet with continuous hedge material between the trees. He explained that the buffer for those homes would be required as a part of the development order, either as a private restriction on the individual lots or by mandating that the buffer be placed on the golf course outside those lots. He said that the applicants could make that decision.

Mr. Merrell said that he understood the resident's concern, but said that having buffers between two houses was not typical and that houses backed up to each other in subdivisions all over the city. He said that the applicants were willing to do what Mr. Ervin was proposing, but that it was routinely done as a matter of zoning. He thought that having a provision in the development order was the better way to handle the issue, i.e., the developer would establish the buffer and it would then transfer with the land; subsequent property owners would be responsible for maintaining it. He said that the provision could be enforced through the code enforcement mechanism.

City Attorney Hayes agreed that it would be better to put the onus on the developer as opposed to the property owner.

Mr. Merrell said that the suggested method would require only a code enforcement action rather than a court hearing, should there be a problem with the buffer in the future.

Mr. Thomas agreed to add acceptance of the applicants' voluntary inclusion of the buffer to his motion.

Mr. McCoy reiterated his second.

Ms. Bates called the question, which was approved by unanimous vote.

Mr. Thomas thanked everyone for attending the meeting, participating in the democratic process and helping the board to make their decision.

Mr. Ervin announced that the proposal was tentatively scheduled for the October 3rd City Commission meeting. He advised the residents that they would again be noticed and that an advertisement would again run in the newspaper.

The board voted to close the public hearing.

VIII. MEMBER COMMENTS

There were no member comments.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Clay Ervin, AICP, Planning Director

ATTEST:

Mrs. Rita Press, Chairperson

Minutes transcribed by Betty Ruger.

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

August 10, 2006 7:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present

Dr. Beverly Grissom
Al Jorczak
Lynn McCoy
Doug Thomas
Rita Press

Staff Present

Brenda Bates, Recording Technician
Betty Ruger, Minutes Technician
Clay Ervin, AICP, Planning Director
Randy Hayes, City Attorney

Members Excused

Brian Daly

II. INVOCATION

Mrs. Press led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7). A

V. APPROVAL OF MINUTES

The minutes of the June 8, 2006 meeting of the Planning Board were approved as presented.

VI. PLANNING DIRECTOR'S REPORT

Mr. Ervin stated that:

- The list of upcoming meetings provided to the Board included the information regarding the August 17th workshop in DeLand that dealt with the Volusia County's 10-Year Work Program. He said that traffic congestion was a critical issue and one that the board members would have to deal with in their review of development and redevelopment projects. He said the County's Work Program was one element of many that would hopefully be used to improve the local roadway systems. He noted that that meeting was a time-certain item (2:00 pm) on the County Council's agenda.
- Department of Transportation Secretary Denver Stutler would speak at the VCARD (Volusia County Association for Responsible Development) luncheon; he would discuss statewide traffic issues, present and future.

VII. PUBLIC HEARINGS

Chairwoman Press explained to the public that the Planning Board was advisory, and that their decisions, unlike those of the City Commission were not binding. She said that the purpose of board hearing was to hear from the applicant, the City staff and the residents and that the official record of that meeting would then be presented to the City Commission, who would vote on the proposal in two public hearings.

Chairwoman Press explained the meeting process to the public and asked that any speakers identify themselves and limit their comments to five minutes.

A. PRD 06-32: Tomoka Golf Village Planned Residential Development Rezoning

Mr. Ervin said that the application was to rezone 147 acres (the existing Tomoka Oaks Golf Course), which was surrounded by the existing Tomoka Oaks subdivision. He advised that the Land Use designation was Low-density Residential, which allowed a density of up to 4.3 units per acre (4.3 u/ac) and had a current zoning of R-2 (Single-family Low Density), which required lots with a minimum of 10,000 square feet and minimum dimensions of 100' x 100'. He said that the zoning was consistent with the existing homes in Tomoka Oaks and in neighboring developments such as The Trails.

Mr. Ervin recalled that in 2005, the property owners (RTH, Inc., represented by Dr. and Scott Ryals) met with staff and identified their desire to redevelop the golf course so that they could 1) maintain the golf course and 2) generate additional revenue. He said that staff had been surprised to note that the land use and zoning were something other than Open Space/Recreation, typical for such properties, and that the owners had the right to develop the property.

Mr. Ervin acknowledged some confusion expressed by residents of the area and explained that based on the land area, the owners could theoretically develop up to 632 single-family homes; however, because of the size and shape of the property, and the incorporation of roads, stormwater and open area, the number of homes that could be accommodated would realistically be reduced to about 300.

Mr. Ervin said that the applicants had been advised of the concerns of adjoining property owners, noting that the subdivision was one of Ormond's nicer communities and one of the few areas in which homes backed onto a golf course. He said they had relied upon the golf course and bought their properties

believing that the golf course would always be there. He said that because the owners had development rights established by the existing land use and zoning, Staff had identified the concepts of clustering the homes and orienting the units to have the least amount of visual impact.

Mr. Ervin said that staff was also concerned with the possibility of leaving room for future development of the remaining portion of the golf course by clustering the homes; therefore, while the staff recommended approval of the proposal, staff also recommended that the development order blanket the remaining golf course property with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

Mr. Ervin informed the board that the project had been in review with the City for about a year and that the staff focused on ensuring that the development not create negative impacts for the existing neighborhood. He said that they determined that by shifting the existing driving range towards the northwest and concentrating the condominiums around a relocated and revamped clubhouse, the new construction would not be close to the existing homes along the 18th, 9th and 10th holes. He said the project also proposed to locate 35 townhomes towards the northeast portion of the site with access by an entrance road off of Tomoka Oaks Boulevard and to locate two condominium buildings near the updated tennis center.

Mr. Ervin reported that staff had spoken with many residents of the area and noted that for the record, the Board had been provided with a copy of an e-mail from Ms. Linda Lewis, who had expressed concern with the buffering of the three estate lots proposed for the northwest area of the golf course. He said that Ms. Lewis had enjoyed an open space behind her home and was afraid that the location of the easement for a sanitary sewer line would result in the removal of the existing trees. He reported that the City's engineers and applicant had confirmed that they would consider utilizing a directional dig; therefore, there would be no open-earth excavation of the land and the existing trees could be preserved and protected. He said that the applicant would be required to follow through with that requirement.

Mr. Ervin said that the existing residents were concerned with the number of trees that could be impacted by the project; he stated that the applicant met or exceeded the City's tree mitigation standards because of the additional plantings around the buildings that would be utilized as visual buffers. He said that the plans included the tree mitigation calculations that showed number of trees to be removed and the number of trees to be replanted.

Mr. Ervin pointed out that the City required all multi-family buildings to maintain a minimum of 200' from any single-family home and said that the cart paths had been designed for emergency access; they provided an alternative access route to the properties if the spine roads were damaged or otherwise inaccessible. He said that the design also called for decorative pavement leading into the main drive, the townhomes, tennis center, and updated/relocated clubhouse.

Mr. Ervin displayed the plan layout and typical elevations and noted that staff had also required the architecture to be consistent with the existing development in Tomoka Oaks. He showed renderings of the 3-story golf villas and pointed out that there would be underground parking facilities to minimize the amount of impervious surface. He noted that sub-surface parking was possible because the site was very well-drained, with a low water table.

Mr. Ervin acknowledged that Board Member Jorczak and Mr. Larry Stout of the Airport Advisory Board had questioned whether the additional density and intensity proposed might violate the City's Airport Overlay Zone. He explained that Airport Overlay District comprised areas for which there were concerns

regarding noise impacts that would result from the airport. He recalled the overlay issues presented to the Planning Board in the past and said that they had not been able to use the 60 DNL (day and night noise level contour), shown as a star-shaped zone, because it did not meet certain statutory and federal requirements. He said the City instead utilized the "iron cross" contour (a legally defensible method of establishing the noise levels) and stated that the project was located outside both the 60 DNL line and the City's adopted "iron cross" contours.

Mr. Ervin said that per Mr. Jorczak's request, staff looked at source of the noise complaints. He said that such complaints had been documented when the City was embattled with the decision as to whether or not to expand Runway 17-35; he pointed out on the map that the complaints had been identified as closer to the airport than the project location. He said that Mr. Jorczak and Mr. Stout had also questioned if there was a way to ensure that future purchasers of property in the area were aware that they were buying near the municipal airport, i.e. a kind of due diligence warning.

Mr. Ervin said that the staff report included technical analysis to show how the project complied with the city's concurrency requirements (water, sewer, stormwater and roads), identified zoning and land use issues, and summarized why the City staff recommended approval of the project. He reiterated that a number of Tomoka Oaks residents were unhappy with the project because they felt the golf course had not been properly maintained and worried that the project would just increase the problems they faced.

Mr. Ervin explained that Staff had to look at the proposal from a technical perspective in regard to land use and zoning and said that the proposed plan was considerably less intense than what could be developed there. He reiterated that Staff had made the applicant aware of the concerns, made sure that the development was compatible with the neighborhood, had no negative impacts on the existing residents and preserved the golf course. He agreed that it would be wonderful to retain the property as open space, but reminded everyone present that they had to respect the property rights of the property owner, who already had development rights on the property, given the land use and zoning. He emphasized that the proposal de-intensified the project, concentrated the development and ensured that the impacts would be minimal.

Mr. Jorczak asked if there was a mechanism that the City could employ to notify potential purchasers of the proximity to the airport.

Mr. Ervin replied that there was nothing in the City codes to mandate such notification. He said that the Board could identify that as a concern and as a condition for their approval. He said that the applicant could decide to accept the condition; if they chose not to accept it, the City would then have to decide whether to impose the condition as a part of the rezoning request.

Mr. Thomas questioned why there were fewer noise complaints in 2006, than in 2005.

Mr. Robert Hernandez, Ormond Airport Manager, said that voluntary airport procedures and traffic patterns established prior to his tenure tried to limit the air traffic to the north and west sides of the airport as much as possible. He said most of the current complaints were being generated from the area east of the airport, where much of the training was conducted, and that there were a number of homes on that departure corridor. He explained that air traffic expanded and contracted in all directions and that although he would not say that there would be no aircraft over the proposed community, he felt the Tomoka Oaks residents were getting the benefit of the established voluntary procedures for noise control.

Chairwoman Press clarified with Mr. Ervin that the applicants had the right under the current zoning to remove the golf course and develop the entire area with houses, but that the proposed PRD (Planned Residential Development) would limit the residential development to 122 units and would require a conservation easement over the remaining portion of the golf course to prevent future development of that land. She asked if the development order, as proposed, would preclude the applicants from building any more than the 122 approved residential units on that property.

Mr. Ervin concurred.

Chairwoman Press stated for the record that she had requested an on-site review of the proposal and had toured the property with the owners. She said that she had learned that many of the roads would not be paved and asked who would be responsible for maintaining those roads.

Mr. Ervin responded that the maintenance of the roads would be the responsibility of the developer at first, but that the homeowners' association that would be created would ultimately be responsible for the maintenance of all grounds on the project.

Chairwoman Press asked if the roads met City standards.

Mr. Ervin said that the City required roads to be constructed with a 6" sub-base, 6" base and 1.25" of asphalt; he said that roads were generally designed for a 15 to 25-year life. He assured the Chairwoman that those standards applied to the subject roads. He pointed out that the emergency access/cart path type of roads might not be topped with asphalt, but would be stabilized and had to meet minimum standards established by the Code for emergency access areas. He said it was a common practice and had been utilized in other projects, such as Broadwater, Breakaway Trails, Aberdeen, etc. He noted that breakaway fences were utilized in emergency access areas.

Chairwoman Press asked if the order of the project phases could change.

Mr. Ervin responded that the development order would identify the project phases and that the applicants would have to adhere to the phases, as stated. He acknowledged that the residents of Tomoka Oaks were concerned that the applicants would build the residential units without completing the other improvements and said that was the reason for the phasing. He reported that Phase 1 would involve the relocation and construction of a new tennis facility, Phase 1B would include demolition of the existing parking lot and clubhouse, Phase 1C would be the completion of the townhomes, golf and tennis areas, and the clubhouse would be completed in Phase 2B. He noted that the amenities would correlate with the new homes being developed. He also acknowledged that the applicants were being required to upgrade the appearance of the golf course.

Mr. Thomas disclosed that he also toured the facilities and met with the applicant.

Mr. Robert A. Merrell, 150 Magnolia Avenue, Daytona Beach, representing the applicant, stated that he was also a resident of Ormond Beach. He thanked City staff for their very thorough report, particularly with regard to comprehensive plan consistency and code compliance. He stated that the project had evolved into a better product during the year-long process of working with City staff.

Mr. Merrell said that the project was the "poster child" for Smart Growth principles. He explained that the concept of smart growth was predicated upon the belief that the population would continue to grow and that people would continue to move into the area. He said that smart growth addressed the issues of

where people would live and work, the redevelopment of urban areas, clustering development in areas where services were already available (fire stations, police stations, utilities) and clustering to preserve open space and recreation areas.

Mr. Merrell presented slides of the property, some with the proposal super-imposed over the existing development. He pointed out that the development would include demolition and rebuild of the clubhouse and pool area and the tennis center. He explained that the new three-level clubhouse facility would house partial underground golf cart storage; dining areas, kitchen and banquet facilities, a lounge area, pro shop, locker rooms, and surrounding covered porch on the middle level; offices, executive offices, and a sky lounge on the upper level. He added that there would be a tiki bar overlooking the new pool area.

Mr. Merrell pointed out the proposed condominiums and maintenance facility to be located near the tennis center and said that the redevelopment of the golf course would include bridges and new lakes that would store reuse water from the City's effluent plant. He mentioned that there would be fountains and that comfort stations would be constructed for the golfers and would include under-cover golf cart parking and vending machines.

Mr. Merrell explained that 30 two-story townhomes would be constructed at the northeast corner of the property, access to be by way of the road from the main entrance by the clubhouse. He showed the floor plans of both the townhomes, as well as the three-story condominiums with substantial balconies. He added that the three single-family estate lots would be located near Holes 11 and 16.

Mr. Merrell repeated Mr. Ervin's statement that the proposed project was consistent with the comprehensive plan and met all the criteria in the Land Development Code (LDC) for the PRD rezoning. He stated that the existing R-3 residential zoning (Staff note: actual zoning is R-2) and the future land use classification allowed development at up to 4.3 units per acre over the entire 147 acres. He agreed that it was unusual for a golf course to have a residential zoning, saying that they were typically zoned for Recreation/Open Space, with the surrounding homes zoned for residential. He speculated that the original developer wanted to have an exit strategy in case the project did not succeed.

Mr. Merrell thought that the proposal would make the community proud, given the cluster of the residential units and the dramatic improvement of the amenities. He said that the golf course had suffered in the last couple of years because of the 2004 hurricanes, September 11th and the construction of Nova Road. He said that the purpose of the proposal was to reverse that trend. He said many times there were issues that were not raised until the first public hearing; he hoped the residents would be receptive to the plans.

Mr. Thomas stated that he wanted to discuss the traffic study, since the residents of Tomoka Oaks were very concerned about the traffic.

Mr. Merrell agreed that traffic issues were a concern with any new development and restated that they would be adding 122 residential units, even though the property was entitled to far more homes. He said that a traffic analysis completed for the project had considered the anticipated increase in trips, all of the intersections that could be affected and all of the road segments that could be affected. He said that the model used was one that was accepted by the City and the County; that study had indicated that there were no level of service problems. He recognized that there were traffic issues with some projects in the city at present, but that the widening of, and intersection improvements along, Nova Road had helped the

traffic situation in the area of the subject. He reiterated that the project would not cause a level of service problem on any of the intersections or affected roads.

Mr. Thomas asked if the residences would be primarily occupied by full-time residents or whether the applicant anticipated residents for whom the units would be second homes.

Mr. Merrell stated that they felt there would be some part-time residents, but that the traffic analysis was predicated upon full-time residents. He added that even increasing trips at the peak hours did not produce traffic problems.

Mr. Thomas noted that he was trying to ask questions on behalf of the audience, since they had not had an opportunity to look at the traffic study, as had the board members. He asked what the traffic counts could be estimated to be if the property was instead developed with 300 single-family homes.

Mr. Sans Lassiter, President of Lassiter Transportation Group, 123 Live Oak Avenue, Daytona Beach, and resident of Ormond Beach, said that the study was based on a trip generation rate of 119 multi-family dwelling units and three single-family dwelling units. He explained that multi-family, as proposed, was a lower trip generator (about 6-7 trips per unit per day); therefore, the estimated number of daily trips generated by the proposed development was approximately 773. He further explained that 350 single-family residences (about 10 trips per day) could be expected to generate 3,500 daily trips. He concluded that the proposal represented a significant reduction over what could be done otherwise.

Mr. Lassiter agreed with Mr. McCoy that the trips in the study shown as vested were those trips for the development in Tomoka Oaks that had already been approved and for which the consultant had to account.

Mr. Merrell stated for the record that the applicant had agreed to install the utilities in such a way as to not damage the existing trees. He also mentioned that by approving the rezoning to Planned Residential Development, the resulting agreement (development order) would restrict the open space and golf course area in perpetuity; he said that the applicant had agreed to a deed covenant (conservation easement and reciprocal covenant among all of the owners on the property) that would assure that the property would forever remain recreation/open space.

Chairwoman Press questioned the distance from 23 Pine Valley Circle (the home from which one of the photos was taken) to the golf village townhomes.

Mr. Ervin said that the closest point between any single-family residence and a multi-story building would be 225'. He said that the distance was 300' at the location in question, since the dimension was tied to the fairway (225', plus the fairway). He reiterated that the primary focus was to keep the buildings inside the fairways and away from the existing homes.

Mr. Jorczak asked if there would be any mechanism in place that would preclude the subsequent homeowners' association from turning the development into a private operation to exclude the public.

Mr. Merrell said that the Covenants and Restrictions and the condominium association Declaration would prevent that.

Mr. Thomas asked if there was any conceivable way that it could happen.

City Attorney Hayes said that although nothing was 100% guaranteed, he felt there were enough layers of protection that future development should not be a serious concern in the future.

Mr. Merrell said the applicants would agree to include whatever language that the city attorney deemed appropriate and necessary to assure that outcome.

Mr. Thomas understood and said that his concern was because the board and the residents had all heard the word "never" in the past.

Mr. Merrell elaborated on the city attorney's comments, saying that the discourse was in the public record and that coupled with the binding documents, would provide the City with an enforcement mechanism. He said the restriction was as fool-proof as they could make it.

City Attorney Hayes said that the City would make sure that the development order was drafted to make it as difficult as possible to undo.

Dr. Grissom inquired as to who would be responsible for the maintenance of the golf facilities.

Mr. Merrell said that maintenance would continue to be the responsibility of the owners of the golf course. He noted that only the residential units would be sold.

Dr. Grissom asked if the owners, as the condominium association or homeowners association, could have the prerogative to change the Covenants and Restrictions or Declarations of Condominium or any of the parameters include therein.

City Attorney Hayes replied that he did not think they could because it would be a condition of the development order, and would in fact be a violation of the development order, which had perpetual existence. He thought it would also be in violation of the recorded covenants and restrictions. He said that in reality, he did not think it could occur.

Mr. Merrell voiced his opinion that it would arguably require the City to agree to lift the deed covenant.

City Attorney Hayes reiterated his belief that there were enough layers to provide a sufficient safety net.

Mr. Jorczak thanked Mr. Ervin for his efforts to answer the questions regarding the airport issue on short notice. He thought that the applicants might find it beneficial when marketing the properties to promote the airport as an easy way to access their second homes. He remarked that municipal airports everywhere were under assault and felt it was very important that potential purchasers be notified that there was an airport nearby. He mentioned that the airport was a vital tool in shifting the City's tax base away from solely residential properties toward some industrial uses, what the City was hoping to achieve with the proposed Ormond Crossings development and which he felt was important. He said that there would always be noise associated with the airports and said that he anticipated an increase in use of the airport by the new very light jets, since they were more economical for businesses to purchase for both private use and for air taxi services .

Mr. Lewis Slaughter, 53 North St. Andrews Drive, thought that there would need to be a traffic light at the intersection of Tomoka Oaks Boulevard with Nova Road.

Mr. Mark Tolle, 54 Oakmont Circle, asked if there had been an environmental impact study conducted for the property. He reported that the property was currently home to a large breeding population of raptors, including great bard owls, screech owls, scissor-tail kites, swallow-tail kites (a species of special concern for the state of Florida) four species of pileated woodpeckers, and was a migratory stop for painted grosbeaks, American gold finches, etc.

Mr. Ervin said that because the site had already been impacted by development and was surrounded by existing homes, the property did not meet the City's criteria for requiring an environmental assessment report. He said that staff was aware that the area was home to migratory birds and that they had checked with Florida Fish & Wildlife to see whether or not nesting bald eagles or other endangered species had been identified there. He said that unless they had such documentation, a study could not be required; he said staff would seek verification as to whether or not the property was home to the variety of different species identified and whether or not there was a need for additional protections prior to scheduling the item for presentation to the City Commission.

Mr. Tolle referred to Dr. Grissom's comment regarding the ongoing maintenance of the property and said he did not believe that the golf course property was currently being maintained by a professional golf course management company. He opined that the course was in deplorable condition, far beyond simply lack of irrigation; he questioned the ability of RTH to maintain the golf course in an acceptable manner and cited the maintenance equipment and level of maintenance, saying that the course was not very playable and the reason why it was an inexpensive to play there.

Mr. Todd Hendricks, CPH Engineers, 520 Palm Coast Parkway, Palm Coast, said that the firm was the civil engineer for the project. He advised that Mr. Joe Young of Biological Consulting Services had performed an environmental assessment on the project and found no concerns that would prohibit the project from moving forward.

Longtime resident Ms. Susan Reynolds, 17 Oakmont Circle, agreed that the condition of the course was deplorable and likened it to living on a horse pasture in Ocala. She pointed out that any CADD technician could make the renderings of the proposed project look beautiful and noted that the project would require the developers to remove the bulk of the trees. She stated that the existing trees were not maintained and thought that from a safety standpoint they should be required to remove those that had died. She thought that provisions for maintenance of the trees should also be written into the development order. She disagreed that the condition of the course was due to hurricanes, September 11th, or the Nova Road construction.

Ms. Reynolds thought that the proposal was better than allowing 300 homes to be built, but thought that the existing vegetation would also be allowed to die, because the buildings would be constructed over the root systems, which were already stressed.

Mr. Paul Momberger, 100 North St. Andrews Drive, stated that he lived on the 3rd Hole and that he felt the plan included buffers that would negate any impact on the adjacent residents. He noted that part of the reason that the grass did not grow was because there were so many trees. He stated that the infusion of new money for development would bring new life to the golf course and hopefully, help with the maintenance issues. He agreed that it needed to be improved and felt that the proposal was part of the solution. He added that the redevelopment of the clubhouse would also provide social benefits for the community. Mr. Momberger said that he supported the project.

Mr. Adelaide Mathew, 54 South St. Andrews, another longtime resident agreed and said that the 2004 hurricanes had left dead trees that had yet to be taken down. He questioned the proposed underground parking.

Mr. Ervin explained that not all of the parking spaces would be underground. He said that portions of the required condominium parking would be underground and townhome parking would be in garages and on the driveways (above grade).

Mr. Frank Bullard, 115 Rio Pinar Drive, questioned the effect of the new development on the water pressure in the area, which he said often fluctuated by about 30 pounds, depending upon the time of day. He asked if the current residents would be able to utilize the upgraded utilities that would be a part of the new development.

Mr. Ervin said that the development would utilize the existing water mains serving Tomoka Oaks and would have a loop system to maintain the water pressure. He said he had not been aware of a water pressure problem in the area, but assured Mr. Bullard that his comments would be forwarded to the Utilities staff and addressed prior to any City Commission meeting. He mentioned that the City's Fire Department periodically reviewed the water pressure to ensure that there was adequate fire flow pressure throughout the city.

Chairwoman Press again mentioned that the hearing at the advisory board level was a way for the public to ask questions and raise concerns; she encouraged the residents to attend the City Commission meeting, at which time the final decision would be made.

Ms. Sharon Kist, 68 Oakmont Circle, confirmed that there was a water problem in Tomoka Oaks and asked if the new amenities would be available for use by the current residents or whether they would be restricted to use by the owners of the condominiums.

Chairwoman Press said it was her understanding that there would be six tennis courts and assumed that they could be used by the residents.

Ms. Kist asked City staff to check on the water pressure in that area. She remembered that she had once been told that it was a problem at her house, rather the pressure.

Chairwoman Press said she thought that there was a problem with the water pressure throughout the city.

Ms. Christine Goudreau, 115 North St. Andrews Drive, asked about the hours of operation of the courts; she also questioned the light and sound that would emanate from the facility area.

Mr. Ervin said that the hours of operation had been identified by staff, as had the height of the lighting. He said that there were some conflicting requirements, because the police wanted the lighting to be higher and brighter, while staff wanted to keep the lighting lower and less bright. He said that the goal was to prevent spillover lighting onto the properties of the existing residents by utilizing lower lighting, trees and limited hours of operation to prevent the lighting impact.

In response to Mr. McCoy's request, Mr. Ervin advised that whether or not the amenities would be open for use by the residents was a decision to be made by the applicants.

Mr. Jorczak asked if there was a national standard for golf course maintenance and if so, whether it could be applied to the Tomoka Oaks course.

Mr. Ervin said he did not know, but would check into it.

Mr. David Ponitz, 90 North St. Andrews Drive, stated that both Mr. Ervin and Mr. Merrell had done a good job representing the development. He said he was pleased that none of the townhomes or condominium units were directly behind any abutting properties and asked if the development order could include a statement that specified the acreage to remain open space. He thought that perhaps that acreage could be zoned to ensure that it would remain open space.

Mr. Merrell explained that the planned development zoning did differentiate between the residential and recreational components, i.e., it was essentially a custom zoning for the property for which the development order dictated what could or could not be done as a result of the rezoning process. Every individual use (golf course, tennis courts, etc.) would be identified on the plans, which would become a part of that development order.

Mr. Ponitz said that in exchange for special development orders such as that being sought by the applicant, the City had an opportunity to ask for things above beyond what was generally required by the Land Development Code regulations. He asked if the City could ask the applicants to increase the size of the replacement trees.

Chairwoman Press asked the planning director to address the tree mitigation.

Mr. Ervin explained that Mr. Ponitz referred to the City's specific prohibitions regarding tree removal. He said that trees that were removed had to be mitigated; i.e., they had to be replaced. He said that the number of replacement trees was based on the size (diameter) of the tree being removed, not necessarily on a 1:1 basis. He said that protected trees were those 6"-12" in diameter as measured at four feet (4') above grade; replacement trees had to be a minimum 2.5". Specimen trees were those between 12" and 36" in diameter; replacement trees had to be larger, with a fuller canopy. He added that removal of trees over 36" in diameter required City Commission approval. He said because of the size of the project and the existing trees on site and given the proposed landscaping plans, Staff felt it was appropriate to require them to adhere to the City's regular standards as they would for any development.

Mr. Ervin concurred with Mr. Ponitz that the PRD was a discretionary zoning for which the Planning Board and City Commission had the right to ask for mitigation above and beyond what was required by Code. He mentioned that the City's minimum requirements were also specific in regard to native and xeric landscaping, i.e., plantings that could survive in periods of drought. He said that the applicants utilized many different species, such as oaks, pines and magnolias, as well as decorative elements such as crape myrtles, etc., to accentuate the perimeter of the property. He said that some plants would be used in close proximity to the buildings to enhance the architecture being used. He further detailed the proposed landscaping and advised the board that it was within their purview to require an increase in the size of replacement trees if they felt it was justified.

Mr. Lewis Slaughter, 53 North St. Andrews, stated that he was in favor of the project and thought it would be a major asset to the city. He was pleased with the two new lakes that had been dug and said that the reuse water would help the look of the course tremendously. He asked if there could be a light installed at the intersection of Tymber Creek Road and Nova Road.

Mr. Sans Lassiter, Lassiter Transportation Group, said that whether or not a traffic signal would be warranted was the first thing that they had considered, but that they had not been able to show that intersection as warranting a traffic signal. He explained that Nova Road was a State Road and that the DOT (Department of Transportation) had very strict standards for when they would or would not allow a traffic signal; he said that the intersection did not come close to the threshold, mainly because the primary trips to and from the project area were from the south on Nova Road.

Mr. Slaughter stressed his support for the project and said that by their ability to attract more members, they would be in a better position financially to maintain the golf course. He asked if there would be an opportunity, in conjunction with the redevelopment of the golf course, for the adjacent homeowners to connect to the City's reuse system to reduce the need for private groundwater wells in the area.

Mr. Ervin commented to Mr. Ponitz that Mr. Hendrix wanted to discuss the request for upsizing the landscape mitigation.

Mr. Ervin also responded to Mr. Slaughter that the provision of reuse water to the residents adjacent to the golf course would be an expensive City of Ormond Beach public improvement project that would require the expenditure of capital improvement dollars. He said the City Commission had identified the South Peninsula area as the No. 1 priority and said there were other improvements that had been identified for completion in the next 5 -10 years. He said that the extension of the reuse water had not been identified as a capital improvement that could be funded in the next 5-10 years. He said that the City could consider it for future funding and that there might be an opportunity to utilize grants from the Water Management District, but reiterated that it was not currently identified as a priority.

Ms. Zella Wilen, 48 Oakmont Circle, said she was also a long-time resident. She objected to the rezoning request, as well as the request to construct streets across privately-owned business property. She did not want Tomoka Oaks Boulevard to be approved for extension or connection to any planned street. She also objected to the increased traffic that would be created by the new development.

Ms. Wilen referred the Board to the City archives (September and November, 1970); she said that there had been a rezoning issue raised and the homeowners had retained an attorney to argue against the zoning change to R-5. She said that the homeowners had prevailed. She thought that if the proposal proceeded [to the City Commission], the Tomoka Oaks HOA Board of Directors should alert and notify every one of the homeowners in Tomoka Oaks of the rezoning request, not just those within the 300' radius of the project. She said she equated the request for the PRD to the prior request to rezone the property to R-5.

Chairwoman Press pointed out that the meeting would be advertised in the newspaper.

Mr. McCoy noted that the advertisement was countywide.

Dr. Gerald Gibb, 69 North St. Andrews Drive, stated that the traffic report was based on data, [not experience]. He said that the reason that most of the traffic turned southbound on Nova Road because it was too dangerous to turn northbound. He also stated that the construction would occur over a period of time and that construction workers would come and go at the same time as the residents, exacerbating the traffic in the area. He questioned if there was to be a traffic management plan during the construction of the project.

Mr. Lassiter agreed that for the "Existing Condition", the consultants could only count the traffic that did turn, not the traffic that might want to turn but did not. He felt it important that they understand that their

Future Conditions analysis used the Urban Area Model, which distributed traffic without regard to congestion. He explained that the model looked at the major distribution points north and south on Nova Road up to US1 and in other parts of the city to determine the more likely direction traffic would go if there were no congestion. He felt that their analysis was absolutely correct.

Mr. Lassiter also liked the idea of a construction traffic management plan and said that they would recommend identifying routes for the resulting traffic. He reminded the Board that that the 770-trip per day increase was for the buildout of the development, not the construction traffic.

Ms. Leslie Nixon, 36 North St. Andrews Drive, expressed concern with additional traffic trying to negotiate the Tomoka Oaks Boulevard circle near the entrance to the subdivision.

Mr. Lassiter explained that the 770 trips was the number of estimated trips on a daily basis; he said there were 74 in the peak hour. He further explained that typically, the impact study deducted the existing traffic from the traffic proposed for the new development, but instead, the subject analysis assumed the existing traffic would remain. He said that meant that their analysis was overly conservative (predicted too much traffic), but that they wanted to be as conservative as possible. He stated that their analysis also assumed 100% occupancy year-round, which they also knew to be unlikely, but which would also produce conservative numbers.

Ms. Nixon asked for the percent of increase in trips. She wanted to make sure that Staff recognized that the ongoing development along the North US1 corridor would mean additional traffic for Nova Road, making left turns out of the subdivision even more difficult.

Ms. Nixon also asked if the Board could recommend fewer homes, rather than 120 proposed. She thought that the applicants could improve the clubhouse, the golf course and the tennis courts, but scale down the residential portion of the project.

Mr. Ray Sanchez, 12 Pine Valley Circle, stated that the traffic circle was dangerous and confusing, particularly since it was two-way traffic. He questioned the sales prices of the residential units.

Mr. Lassiter responded that because a traffic signal at the intersection with Nova Road was not warranted, the stop sign control was deemed to be adequate. He said that the same was true for traffic internal to the site, which would be less than at Nova Road. He answered that the consultants had not provided a percent of increase resulting from the project, but pointed out that they did not take a deduction either; they simply added the anticipated traffic to it (an over-estimate).

Mr. Jorczak asked if they had given any thought to how the circle could be improved.

Mr. Lassiter said that the circle was analyzed in the current condition. He said they could certainly do so by studying if it would be warranted by the level of delay, would reduce the level of delay, or would make the circle safer.

Mr. Jorczak said that the safety element seemed to warrant that study, regardless of the additional traffic that would be generated from the proposed 122 units. He remarked that the junction might require a different kind of layout.

Mr. Lassiter said that as a traffic engineer, his primary focus was safety. He stated that round-abouts and traffic circles, although becoming more popular, were particularly pedestrian-hostile. He pointed out that

cars did not have to stop, gaps in traffic did not occur, and visibility was lessened because of the lack of time to look left and right. He said that because traffic came from the left, people did not always look to the right for pedestrians. He reiterated that pedestrian safety was one of his major concerns.

Mr. Thomas, a resident of Tomoka Oaks, thought that striping or arrows on the pavement might help drivers negotiate the circle. He thought that there were some simple things that could be done to improve the situation.

Mr. Lassiter said that it was something at which they could look.

Chairwoman Press thought that Mr. Lassiter could work on those things before the item reached the City Commission, since it was a concern to many of the residents.

Dr. Grissom questioned the nature and location of common areas for the new owners.

Mr. Merrell said that would be detailed in the plat, another process they were going through. He said that he did not have exhibits available for the item before the board, but that the common areas would be fully identified in the plat documents.

Dr. Grissom asked if the applicant wanted to respond to the residents' comments regarding the "deplorable condition" of the golf course.

Mr. Merrell said that they intended to address that conditions at the golf course were less than perfect. He said that they also wanted to point out that the golf course was being redeveloped to retrofit reuse water lines throughout the entire irrigation system at a cost of hundreds of thousands of dollars. He said that reshaping the course would also be a huge improvement. He said that together with the residences, the golf club and the tennis facility, it would be a much better place. He thought that the residents would be happy with it.

Mr. Merrell agreed that a CADD drawing could make anything look good, but pointed out that the pictures would be the zoning map for the property. He said that if they wanted to change anything, they would have to reappear before the Board for another advertised public hearing. He said that the reason Staff liked the Planned Residential Development was that they had the ability to negotiate the zoning and had done so to the benefit of the City and pointed out that those things were binding.

Dr. Grissom asked Mr. Merrell if he and the applicant had previously discussed the possibility of increasing the size of the replacement trees used for mitigation.

Mr. Merrell said that their landscape architect, Galen Pugh, had been in dozens of meetings with the City staff and that many changes had been made to the plan to avoid impacting important trees. He said it was a given that the trees would be thinned and that the dead trees would be removed; he said the plan also exceeded the City's Code requirements for landscaping, typical of planned development rezoning negotiations. He reiterated that there had been a great deal of focus by City staff with regard to the trees.

Dr. Grissom stated that she was sensitive to the tree mitigation concerns and recalled her shock when she discovered that the beautiful, healthy trees in Breakaway Trails had been removed and replaced with what amounted to twigs. She thought that they should exceed the current excession, if possible.

Mr. Merrell thought that the issue was avoiding the removal of the trees, rather than with what to replace the existing trees. He noted that a tree survey had enabled them to identify all the important trees and that saving certain trees had required them to redraw the plans several times.

Dr. Grissom said she recognized that the applicants had presented a project that was beautiful. She questioned whether the Board could mandate that the development be sustained in the best possible condition at all times, i.e., in perpetuity.

Mr. Thomas recalled that Hurricanes Charley and Frances had caused the removal of a lot of old, dying and diseased trees, but not before tremendous damage had been done to the homes of the residents. He advised that his daughter, a resident of Ormond Lakes, had been required to save some magnificent oaks on her property, but less than a year later one of those same oaks was costing her $2,000 to remove because it had been diseased and had fallen on her fence. He stated that although he felt mitigation was a good thing in the long run and that he was not in favor of taking out a lot of trees, there were a lot of rotten, dead, sick and diseased trees throughout the city that should be removed.

City Attorney Hayes advised the Chair that he included a provision in all of the development orders that conferred to code enforcement the power to enforce the terms of the development order, as with any other ordinance. He said that the City therefore had the power to keep all projects from falling into disrepair.

Chairperson Press pointed out that it was 9:00 pm and asked that subsequent speakers limit their comments to things that had not already been expressed to the board.

Ms. Linda Larsen Lewis, 231 Rio Pinar, expressed her concern that her property line would be 100 feet from one of the three estate lots behind her property. She said that the trees were the only thing that would visibly buffer her home from her new neighbor and asked for assurance that the trees would remain.

Mr. Ervin reported that he had met with Ms. Lewis the day before and stated that her concerns were the City's concerns. He pointed out the location of the three estate lots and said that those lots would have the minimum lot size, width and setbacks that applied to the existing subdivision. He also pointed out Mrs. Lewis' lot and said that although the distance from the lot line to the proposed lot line was 100', the distance between homes would be 160'. He said that the trees in that area would be preserved by the developer, but cautioned that once sold, the homeowner could take out some of the trees if they met the mitigation requirements. He said that the City had not required a minimum buffer because of distance between the lot and the buildings and the existing landscaping along the perimeter of the Lewis lot line but advised that it was within the purview of the Board to do so if they felt the trees should be protected.

Mr. Jorczak questioned the size of the existing trees.

Mr. Ervin replied that the trees ranged from small saplings to a 40" oak; he noted that there were several historic trees, the majority of which were specimen trees. He said that the tree survey showed only the trees over 6" in diameter (protected trees).

Mr. Jorczak asked if taking those trees would require a separate action from the City.

Mr. Ervin explained that once the three residential lots were sold, the homeowners could request the removal of any tree on their property, the same as any homeowner in the city of Ormond Beach. He said

the number of trees that would have to be replaced would depend on the size of the tree to be removed. He said there was currently nothing in the City's Code or in the project documents that would require minimum tree line buffering on the residential lots.

Mr. Jorczak remarked that he understood, but thought it unlikely that someone buying an estate lot and erecting a big house would then want to take down the trees.

Mr. Ervin replied that it had happened in the past. He recalled Ms. Lewis' question as to whether or not a buffer was to be conserved that could not be touched and stated that the reality was that when the property was transferred, the owners could conceivably remove the trees.

Mr. Jorczak advised Ms. Lewis that taking down a specimen tree in Ormond Beach was a big deal.

Mr. Thomas agreed.

Mr. Ervin pointed out that historic trees were different than specimen trees. He stated that the developer was being required to do a directional dig for the extension to the sanitary sewer so that it a 40" historic oak would not be impacted. He said that there were also 25 – 28" oaks that had been identified for preservation, but wanted it on the public record that they were located within the property to be subdivided; therefore, if the subsequent owners met the mitigation requirements, removal of the trees would be justified.

Dr. Grissom asked how the deed restriction would work.

Mr. Ervin said that if the Board wanted to require a minimum buffer, they could identify, e.g., a 10' perimeter buffer with a tree every so many feet as part of the development order.

Ms. Lewis stated that people did take trees down so that they could have view of the golf course. She acknowledged that tracking 1,100 trees was an overwhelming job, but stated that she had noted a healthy pine and two smaller pines on the property that were not shown on the survey.

Ms. Reynolds asked what protections were in place to prevent the project from going bankrupt either because of mismanagement or because of market conditions. She said that she had seen it happen in far better situations and did not want a situation in which new owners would be allowed to do whatever they wanted just because they were finishing a stalled project. She expressed concern because of the scope of the project and because the owners had not demonstrated the ability to maintain the golf course.

City Attorney Hayes advised the Chair that development orders ran with the land; therefore, the owner of the land (or a subsequent owner) was subject to the requirements of the development order. He said there was no way to know whether or not any particular project would be built out or flounder. He said that the best the City could do was to create a safety net in the development order and ensure that the development occurred in accordance with the requirements of the approval.

City Attorney Hayes confirmed for Ms. Reynolds that the proposal was for a phased project and that the developer would have to complete one phase before starting another.

Long-time resident Ms. Susan Juckett, 311 Rio Pinar Trail, said that her view, which had gone from "lovely" to a lot of dead trees, and would now be of a comfort station (golf course bathroom).

City Attorney Hayes assured Ms. Juckett that any new owners in the future would also be required to preserve the golf course.

Ms. Juckett questioned the time line for all phases to the anticipated completion of the project. She stated that she was concerned with construction noise, dust, etc.

Mr. Ervin said that the construction timeframe identified in the PRD development order would be valid for five (5) years. He said that if Phase I had not been completed in that timeframe, the order would lapse. He said that the conditions would remain in place, but any redevelopment would require that it be brought back for another hearing and, with the existing conditions as minimum standards, any kind of upgrades would have to be to current Code.

Ms. Juckett asked if it would be to Phase I completion or completion of the project.

Mr. Ervin responded that it would be to completion of the project.

Ms. Juckett asked if the tree mitigation would be on-site. She also questioned the impact of new residents on Tomoka Elementary School, shopping facilities, the hospital, as well as the effect they could be expected to have on the water pressure in the area, already low.

Chairperson Press pointed out that the City staff was not aware of the problem and would address it.

Ms. Juckett stated that the problem would get worse before it got better. She found it hard to believe that the developer did not know the price for which they expected to market the units.

Mr. John Randall, 70 Oakmont Circle, recalled that he and his father had cleared their lot by hand and that subsequent generations would be occupying the residence. He questioned what mechanism would ensure that the integrity of the project would be maintained and that the homeowners' association would be able to collect their dues in order to pay the cost of maintaining the things for which they would be responsible. He asked who would be responsible for the property covered by the conservation easements and questioned what would happen if the golf course went belly-up. He also expressed concern with the wildlife habitat that would be lost.

Mr. Randall commended the developer on a great idea, but sought assurance that the dream continued to be a reality in 20 years.

Dr. Grissom said she liked the idea of a deed restriction to protect the property.

Mr. Ervin responded to Mr. Randall's question that the City would have the ability, as with any easement, to access the property for maintenance and then charge the homeowners' association; he likened it to a sort of lien on the property. He said the City had the guarantee that someone would maintain the property and that the HOA would ultimately be financially responsible per code enforcement provisions in the easement documents.

Mr. Ervin said that the conservation/open space easements over the golf course meant that the owner continued to own the golf course property, but restricted the use of the property to a golf course and open space purpose. He said it would be an easement to the City; therefore, the easement could not be released without the approval of the City. He said that the easement would be described around the golf course itself, and that based on the testimony, RTH Corporation would maintain ownership of the golf

course; he said that the areas around the townhomes and condominiums would be identified as common areas for those particular projects. He said that the common areas being used by the condominiums would be owned, maintained and operated by that association, whereas the golf course would be owned, maintained and operated by the RTH, Inc. He said that the City would require that the conservation easement on the golf course be recorded prior to any development. He pointed out that the easement was being created in association with the subdivision plat.

Mr. Jorczak asked if the City had ever required surety bonds to ensure completion of a project.

Mr. Ervin explained that they allowed surety bonds only for subdivision improvements, not for commercial developments. He agreed with the resident who had stated that developers sometimes failed to complete projects and said that in a market-driven economy the market sometimes had to rebound before someone else finished a development. He said that was the reason that the city attorney required recording of a very specific development plan that provided very specific guidelines as to what could be developed on a certain property; a subsequent developer would know exactly what could and could not be done. He explained that traditional zoning allowed for a great deal of options, whereas the PRD was a very specific recorded document of covenant and restrictions that traveled with the land, not the owner. He said it gave the residents of Tomoka Oaks much better protection for future conditions.

City Attorney Hayes said that from a legal standpoint, surety bonds sounded good, but were not practical. He pointed out that the City would not want to have to finish a project in default; it would create a nightmare scenario for the City.

City Attorney Hayes recommended that the Board members voice their comments on the proposal in an effort to solicit a motion. He offered to assist them with any conditions that they might wish to impose with their recommendation.

Mr. Ervin stated that he had summarized for clarification the ten (10) issues that had been brought up by the board members:

1) The City's engineering staff reported no environmental impacts.
   - Determine whether or not an environmental impact or assessment report has been done.
   - Forward a copy to the resident who requested it and include a copy in the City Commission's agenda packet.

2) Traffic conditions:
   - Analyze improvements at the circle that would make it safer (striping, signage, etc.).
   - Ask the applicant to look at other improvements that might be made.
   - Provide signal warrant study background information, i.e., why a signal is not warranted at the intersection of Tomoka Oaks Boulevard and Nova Road

3) Request to upsize the minimum size of the trees for mitigation. *(Mr. Ponitz)*

4) Question the possibility of providing reuse water for lots adjoining the golf course (noted that it was not identified in the City's Capital Improvements Program) - *Mr. Ponitz*

5) Address water pressure issues in Tomoka Oaks and include in the information forwarded to the City Commission.

6) Identify if minimum golf course maintenance standards are available from either a local or national organization. *(Mr. Jorczak)*

7) Clarify the role of the City in establishing the Covenants and Restrictions and the Development Order to ensure that the golf course is protected in perpetuity.

8) Possibility of notice to future purchasers of property in the subdivision of potential for airport impacts. *(Mr. Jorczak)*

9) Address concern regarding the buffering of the estate lots. (*Ms. Lewis)*

10) Documentation to ensure that each phase of the project is completed prior to beginning the next phase; ensure that the complete project will be built out in five years.

Chairwoman Press opened the floor to board comments.

Mr. McCoy pointed out that Mr. Momberger, one of the speakers, was a registered landscape architect and that he had not seemed particularly concerned with the issue of tree mitigation. He also pointed out that Mr. Ponitz, one of the other speakers, was the Utilities Engineer for the City of Daytona Beach. He said that the gentlemen were good at their jobs; therefore, he felt reasonably assured that the landscaping mitigation was well within or surpassed the City codes. He suggested that the many of trees about which the residents were concerned were probably in poor condition and had most likely reached the end of their useful life.

Mr. Thomas said he was also a long-time resident who favored the project. He said that he had sat on the Planning Board for many years and could recognize when the alternative was worse than the plan. He said he did not want 300-400 homes added, when the proposal was for only 122 homes of what he believed would be part-time residents. He felt it was a beautiful plan and that the project would be a great asset to Ormond Beach.

Mr. Thomas referred to the concern expressed by a resident that the survey had missed a large sand pine, and explained that the State did not recognize sand pines as significant trees; therefore, it had not been marked. With regard to the concerns about the project not being completed, he stated that the three best real estate values were: a view, water and a golf course; he thought there would be buyers simply because the property was on a golf course. He restated that the City was tough on the issue of tree removal and reiterated his support for the project with the conditions discussed.

Mr. Jorczak echoed Mr. Thomas' comments and said that he thought it was an upscale project with a lower density than what would otherwise be allowed. He thought it would upgrade the neighborhood and would generate dollars that would help improve the golf course and surrounding amenities. He said that he hoped that the City would consider the concerns raised at meeting and said that he would recommend approval.

Dr. Grissom said she also supported the project and any motion to approve would include any amendments necessary to address the concerns raised. She thought that deed restrictions should be

required for the three estate lots to require that they maintain the tree buffer in order to protect the privacy of abutting property owners.

Chairwoman Press opined that no one would buy the properties unless the golf course was upgraded and felt that the proposal would force those improvements to occur. She said for that reason she believed the project would be good for the area and was an example of Smart Growth.

Mr. Thomas recommended approval of PRD 06-32, with the recommendations by staff. He added that his motion was amendment friendly and clarified that he was including the ten items as listed by the planning director.

Mr. McCoy seconded the motion.

City Attorney Hayes responded to questions by Mr. Jorczak and Mr. McCoy that the [tree] buffer mandated by deed restriction would apply only to the three estate lots. He said that the board could make that a condition of their recommendation.

Mr. Ervin replied to Mr. Thomas that the list of ten items included addressing the traffic circle. He also pointed out that the applicants had already agreed to provide for a minimum 10-foot wide buffer at the rear of the lots, in which there would be a minimum planting of one tree every 30 linear feet with continuous hedge material between the trees. He explained that the buffer for those homes would be required as a part of the development order, either as a private restriction on the individual lots or by mandating that the buffer be placed on the golf course outside those lots. He said that the applicants could make that decision.

Mr. Merrell said that he understood the resident's concern, but said that having buffers between two houses was not typical and that houses backed up to each other in subdivisions all over the city. He said that the applicants were willing to do what Mr. Ervin was proposing, but that it was routinely done as a matter of zoning. He thought that having a provision in the development order was the better way to handle the issue, i.e., the developer would establish the buffer and it would then transfer with the land; subsequent property owners would be responsible for maintaining it. He said that the provision could be enforced through the code enforcement mechanism.

City Attorney Hayes agreed that it would be better to put the onus on the developer as opposed to the property owner.

Mr. Merrell said that the suggested method would require only a code enforcement action rather than a court hearing, should there be a problem with the buffer in the future.

Mr. Thomas agreed to add acceptance of the applicants' voluntary inclusion of the buffer to his motion.

Mr. McCoy reiterated his second.

Ms. Bates called the question, which was approved by unanimous vote.

Mr. Thomas thanked everyone for attending the meeting, participating in the democratic process and helping the board to make their decision.

Mr. Ervin announced that the proposal was tentatively scheduled for the October 3rd City Commission meeting. He advised the residents that they would again be noticed and that an advertisement would again run in the newspaper.

The board voted to close the public hearing.

VIII. MEMBER COMMENTS

There were no member comments.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Clay Ervin, AICP, Planning Director

ATTEST:

Mrs. Rita Press, Chairperson

Minutes transcribed by Betty Ruger.

Mayor Costello stated whatever name was attached, be it a ditch or tributary, what was important was that this project can not stop water flowing onto the land. He asked if the height of the fence would be at a low point compared to the road.

Mr. Ervin stated the maximum height of the fence would be six feet along the property line. He explained the industrial parcel closest to US1 would have an extensive amount of fill and would be four feet higher at a finished floor elevation than the homes in Ormond Lakes, and the project would have a six foot wall at that location along with landscaping with the finished grade approximately two to three feet below the top of the wall. Mr. Ervin recommended a condition be added to correlate the fencing to the elevation of the roadway.

Mayor Costello advised it was very dark in front of the McDonalds west of I-95 where the lights were shielded, but was very bright after passing the screening which proved the screening does work well.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-222, approving the Special Exception to include the indoor pool as presented and the wall height to extend six feet above the elevation of a road entering or surrounding the property.

Call Vote:

Commissioner Kelley	yes
Commissioner Partington	yes
Commissioner Gillooly	yes
Commissioner Kent	yes
Mayor Costello	yes

Carried.

Mayor Costello called for a short break at 9:30 p.m. and he reconvened the meeting at 9:37 p.m.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(E).

Item #9(F) - "Ormond Beach Commercial Complex"

RESOLUTION NO. 2006-223

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR "ORMOND BEACH COMMERCIAL COMPLEX" SPECIAL EXCEPTION ON A SITE LOCATED AT 500 WEST GRANADA BOULEVARD WITHIN THE B-9 (BOULEVARD) ZONING DISTRICT; BY AUTHORIZING A WAIVER OF THE MASONRY BUFFER WALL REQUIREMENTS ALONG THE REAR PROPERTY LINE, BY ALLOWING THE USE OF AN EXISTING SIX FOOT HIGH WOOD FENCE IN LIEU THEREOF; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-223, as read by title only.

Call Vote:

Commissioner Partington	yes
Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(F).

Item #9(G) – "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 1, ARTICLE II, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL

PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was a rezoning for a 147 acre parcel from R-2 to Planned Residential Development (PRD). He noted there was a revised development order on the dais that identified the three items from the Planning Board recommendation that could be incorporated into the final development order. Mr. Ervin pointed out many comments from the Planning Board were recommendations for staff to check certain items such as water pressure and landscaping; therefore, they could not be identified in the development order; but the City Attorney culled through those comments to come up with specific requirements that could be incorporated into the development order, and they were addressed by staff. He stated the reuse availability, which was a major capital undertaking, was not feasible at this time. Mr. Ervin reported the landscaping plan was reviewed, and many of the trees being planted were already above and beyond the minimum requirement. He stated traffic improvements would be incorporated into site plan, and the applicant had agreed to those improvements. Mr. Ervin noted these improvements would include striping, signage, and cautionary signage. He advised staff contacted the Utilities Department regarding water presser concerns at least three times to verify whether or not water pressure problems were being experienced in the Tomoka Oaks area; but the pressures were meeting minimum requirements, and no specific problems were identified. Mr. Ervin stated there would not be any dead-end systems and would actually loop back into the existing system; therefore, water pressure should be maintained.

Mr. Ervin advised the development order would include notification to purchasers by a note on the plat that they were within proximity of the airport and within the flight plan of the airport. He stated the golf course shall remain a golf course and would not be able to be converted to any other use without approval by the City Commission. Mr. Ervin reiterated this property was Low Density Residential with an R-2 zoning; therefore, a developer could, in theory, develop the entire golf course for 600 homes, but considering the contours 300 single-family homes would be more realistic. He explained the proposal was for multi-family homes consisting of three and four story condominiums, town homes, and three single-family homes.

Mr. Rob Merrell, 1638 John Anderson Drive, representing the applicant, provided a visual presentation of the project. He reported he would rely on Mr. Ervin's conclusions in his staff report concerning Comprehensive Plan consistency, compliance with all of the City's Land Development Code requirements, and other issues. Mr. Merrell pointed out the Planning Board recommended unanimous approval with conditions that they have accepted. He stated there were issues everyone agreed on regarding some Smart Growth principles, and this project represented some of those principles such as the concept of urban renewal, proximity to services, clustering development, and the preservation of open space. Mr. Merrell explained this project was for 122 residential units, a new club house, pro shop, tennis center, tennis courts, and many amenities. He stated the property owner made a concession to cluster a lower number of units that would allow a great deal of open space. Mr. Merrell reported there would be a total of 84 condominium units, 35 townhouse units, and three residential units. He presented a computer rendering of the development proposed superimposed on the aerial photograph and pointed out the various elements of the proposed plan along with renderings of the buildings and landscaping. Mr. Merrell reported there would be considerable improvements to the lake system and the green for the golf course as a result of retrofitting the golf course for reuse water. He advised this request was for a planned redevelopment rezoning.

Mr. Harry Wendelstedt, 88 South St. Andrews, stated he has been a resident of Tomoka Oaks for 35 years, which was one of the finest residential developments in Volusia County. He stated he believed this would adversely affect the residents who live along the golf course. Mr. Wendelstedt reported people were told when purchasing their property that this golf course would remain for 99 years. He expressed a concern regarding property values; however, he has been informed that should not be a concern. Mr. Wendelstedt stated Tomoka Boulevard was two lanes, and he expressed concern regarding what would happen should another natural disaster occur such as the fires of 1998. He recommended placing a traffic light at the end of Tomoka Boulevard and Nova Road. Mr. Wendelstedt noted residents may have had a different view if the renderings and information were made available to the people earlier than this evening. He stated he opposed the development because the homeowners would loose the site of the rolling green fairways.

Ms. Joan Deemer, 86 South St. Andrews Drive, stated she lived in Tomoka Oaks for 28 years and opposed the recommended changes. She expressed concern that this would adversely affect the area with too many people and too many cars taking away the charm of Tomoka Oaks.

Ms. Zella Wilen, 48 Oakmont Circle, stated in the Fall of 1970 a request to rezone this property to R-5 was rejected at the Planning Board and in October 6, 1970, the Land Use Map was adopted by the Commission and that map showed Tomoka Oaks, including the golf course and undeveloped wooded areas, to be Single-family Residential Low Density zoned R-2, making Tomoka Oaks some of the largest lots in Ormond Beach. She reported that at the recent Planning Board meeting she objected to the entire rezoning change, stating Tomoka Oaks Boulevard should not be approved for an extension or a connection to any planned or named street within this area. Ms. Wilen voiced an objection to any overnight lodging should that be considered. She stated she opposed the increased traffic through Tomoka Oaks to the South St. Andrews area and noted this would add additional traffic to the Trails as well. Ms. Wilen reported the City Attorney in 1970 talked about spot zoning, cautioning the Planning Board that the golf course was a conditional use and would be able to request certain updating and remodeling, and that statement was relevant today. She noted restrooms were a problem due to vandalism, but were needed. Ms. Wilen pointed out the club house and garage areas could have been upgraded at any time in the past 36 years. She reported this change would impact the entire Tomoka Oaks area, not only those living on the golf course or within the 300 foot notification area. Ms. Wilen equated the 1970 R-5 request to this PRD request and opposed the change. She advised part of the selling point for homes in this area was that this would remain a golf course for 99 years, and she urged the zoning remain the same and the project be stopped.

Mr. Rob Merrell stated the property owner made a commitment to maintain the open space of the golf course in perpetuity. He pointed out the entire property was currently zoned for home sites; however, the development order under this proposal would indicate that the golf course would remain open space, and the City would then be able to enforce that as an element of the development order.* Mr. Merrell reported speakers mentioned a 99-year provision, but there * was no such covenant; however, this proposal would include a commitment to cluster 122 units in areas designed to be the least intrusive along with a recorded covenant to keep the golf course.

* Mr. Hayes concurred that there was no covenant of record regarding the golf course; therefore, the applicant had a right to request this redevelopment of the Commission. He noted the City could now go back to try to do what some of the homeowners believed they already had for some 30 years.

Mr. Merrell advised the Commission received a complete traffic report in their information packet, and no failures in the transportation network were found, but several improvements were being proposed. He reported he met with as many people as possible prior to this meeting. Mr. Merrell advised that many people saw the pictures in advance of the Planning Board meeting, and there was a full-house at the Planning Board meeting. He noted many of those people did not come to make an objection tonight because they went away from the meeting satisfied that their questions and concerns were answered. He reported a DOT warrant would be needed for a traffic light, but the requirements for a light would not nearly be met. Mr. Merrell stated this was very different from what occurred in the 1970s because what was being shown now was what would occur if approved by the Commission, and it could not be changed.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on first reading, as read by title only.

Commissioner Kent reported he met with the developers a year ago, and the plans had not changed a great deal. He expressed concern regarding buffering for the current residents; however, the presentation showed this was addressed, and he could support this proposal.

Commissioner Gillooly stated the concept had merit, but she questioned what protection the people who purchased a home on a golf course would have. She noted people needed to be aware when purchasing a home what could occur to the property surrounding their home. Commissioner Gillooly pointed out nothing was uncovered that would protect the people to have this remain a golf course. She stated Tomoka Oaks was and remains a premier community in the City, but the golf course had not keep up to that premier status. Commissioner Gillooly suggested this development would bring in new residents, but at a greatly reduced rate than was permitted. She noted the design was thoughtful in that it kept the buffer, and the improvements may help bring the premier status back to the homes, increasing the value of the

* Comments are factually inaccurate per July 12, 2023 letter from land use attorney Brent Spain of Theriaque & Spain. Pages 2-3 cite 99-year Lease 515/360 and Warranty Deed 585/157 perpetuity covenant. (See Tab Q for letter.)

existing homes. Commissioner Gillooly informed Mr. Merrell that she would like to assure the residents this would be the last residential plan for the Tomoka Oaks community. She advised she also told Mr. Merrell that she noted the developer planned the project with surrounding green space and improvements to the golf course, but she needed additional assurances that this would remain intact. Commissioner Gillooly reported the reply she received was an iron clad commitment. She stated the developer had a right to develop this property in a residential manner, and all of the above-noted improvements would to be made, which would make the overall project better.

Commissioner Partington advised he met with the developer last year and would vote for this for some of the same reasons as Commissioner Kent and Commissioner Gillooly previously mentioned. He noted this project would improve the entire subdivision, and this development set the standard for developments in other areas. Commissioner Partington reported he was comfortable this developer would make this project as high a quality, if not a higher quality, than he had done previously.

Commissioner Kelley reported he also met with the developer and saw a presentation last year. He stated this answered many questions; and while it would not answer the questions of those who want the land to stay exactly as it was, it did answer the question of whether there would be residential buildings constructed directly behind someone who now had a golf course view. Commissioner Kelley advised the placement of the development would not adversely impact the visual effect. He pointed out this would provide assurance that this would never come back to an R-2, R-3, or R-4 and would be dedicated. Commissioner Kelley reported the owner had prospective buyers come to him years ago to develop the property, but chose not to sell because he wanted to keep the golf course. He advised the proposal would only improve the value of all of the property in the area. Commissioner Kelley stated he shared a concern relative to the traffic, but was convinced the people would not come through the Trails because it would be faster to go to Nova Road and turn west to Clyde Morris Boulevard. He noted the only difficulty he could envision was the time it would take to exit on to Nova Road, particularly eastbound. Commissioner Kelley reported this project would be an improvement to the entire neighborhood, and it would assure the golf course would remain.

Mayor Costello reported he met with the developer a year ago, and the reality of the situation was that this was a residential piece of land that could hold 600 units and could realistically only hold 300 units without a golf course, but this proposal was for 122 homes with a golf course. He stated the choice was that in order to keep the golf course, the owner would have to make some money. Mayor Costello explained the alternative was, because the land was poorly permitted years ago, a developer had the right to construct 300 single-family homes and remove the golf course. He pointed out that in this development order the only thing permissible was the golf course open space. Mayor Costello recommended the developer set aside the finances for a traffic light even if it was not warranted at this point in that he believed traffic to be a valid concern. He asked if DOT would permit a light if the money was available.

Mr. Sans Lassiter, Traffic Engineer, replied if a traffic light was installed that does not meet the DOT warrants and an accident was caused by the fact the signal was installed, it would make the one installing the light liable. He explained traffic lights are a major liability issue because they increase rear end accidents and are meant to avoid right angle accidents which are more severe. Mr. Lassiter advised that due to this particular entrance on this particular road, most of the turns from Nova Road would be northbound left turns entering the parcel and most exiting from this project would be eastbound or outbound right turns, and those movements do not conflict with each other; therefore, this would not meet DOT's requirement for a traffic signal, and they would not allow it to be installed without a significant change in development such as a build-out of area. He reported the count at the peak hours did not meet the warrant, and the requirement was to meet eight hours to warrant a signal.

Mayor Costello stated the City had hired Mr. Lassiter on numerous occasions, and he was known to be honorable and would not state anything that could later be refuted. He assured Ms. Wilen the plan did not include any hotel/motel type proposal.

Call Vote:

Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Commissioner Partington	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(G).

Attachment A: R-2 Opposition Survey Questions for Tomoka Reserve - ZMA2023-054

Survey emailed to 650+ households in Ormond Beach on January 24, 2024.
See Attachment B for responses provided to the City Commission prior to their March 19, 2024 First Reading.

Uniting Our Voices Against R-2 Rezoning

The developer has threatened legal action against the city if the Commission does not approve their R-2 rezoning of the Tomoka Oaks golf course property. Let's let the Commission know why they should not give into bully tactics.

All Names and Responses will be compiled by Carolyn Davis and provided to the Ormond Beach City Commissioners and Mayor before they vote on the R-2 rezoning map application which could allow 317 homes on the Sam Snead Golf and Country Club property.

Forms can be submitted by **anyone.** Each member of your household can submit a form. Or you can submit one form which combines your family's input. Please submit no later than Tuesday, January 30, 2024.

Survey Questions

1. Name
2. Neighborhood
3. What is your #1 concern regarding developing the golf course property? Why is this a concern? Examples might include one of the following: traffic, reduced property values, altering of neighborhood character, shortage of essential medical services, catastrophic evacuation gridlock, overcrowded schools, loss of quiet enjoyment, etc.
4. What is your #2 concern regarding developing the golf course property? Why?
5. In an ideal world, what would you like to see happen to the golf course property?

Prepared by:
Carolyn Davis
46 Oakmont Circle
Ormond Beach, FL 32174

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
1	Krystal Ahmad *Tomoka Oaks*	Lowering my home value after I paid premium for my neighborhood, traffic, over-populate schools, lower home value, disrupt ecosystems, lower quality of neighborhood, overwhelm hospital it already is, noise.	Going to disturb our local ecosystem of humans. Overwhelm/over-populate schools, hospitals, pediatrician offices, lower home value.	1. Enormous park with running paths, playgrounds, splash pads, park, nature preserve. Get donations to build it. Trails and hiking. Pavilion.. 2) Golf course again.
2	Andree Begin *Tomoka Oaks*	Besides destroying the flavor of our Tomoka Oaks community, the proposed development would greatly increase traffic. The increased traffic would impact each Tomoka Oaks resident on a daily basis; this would be a nightmare.	If approved, the proposed development will reduce property values without a question.	The city would buy the property. A board would be created consisting of Tomoka Oaks residents and the Ormond Beach community to propose a plan showing the best land use for this property keeping our property values, traffic and green areas in mind.
3	Peggy Brown *Tomoka Oaks*	Property values	Traffic	Condos in middle with a surrounding golf course
4	Roger Blanchard *Tomoka Oaks*	Traffic	Traffic	Park
5	The Bishop Family *Tomoka Oaks*	The adverse affect on our neighborhood's character.	Loss of valuable & beneficial green space.	The city should establish a family-friendly, open green space/recreational area with picnic tables and hiking & biking trails.
6	The Bobeck family *Tomoka Oaks*	The loss of the neighborhood this was intended to be. We moved in 15 months ago because of the quiet nature of this area	Schools. My daughter started out at Hinson where they could not keep 1 full time teacher on staff. Now she is at OBMS and has already lost two teachers this year	I would love to see the TOHA take control and return it to a golf course. It could be profitable but mostly maintain the natural beauty of the area
7	Tyler Brown *Tomoka Oaks*	Loss of TOHA Character	Continued Congestion in and around Ormond Beach.	Ideally it would be a golf course or recreational space with a large green space buffer.
8	Win Burgess *Tomoka Oaks*	It is really hard to pick one concern as they are all major issues. I live on the golf course so loss of quiet enjoyment is high on my list. I bought my house in 1985.	Traffic. There is really only one way in and one way out of Tomoka Oaks. Traffic in the event of an emergency will be a nightmare.	Restore the golf course.
9	Bonnie carle *Tomoka Oaks*	Overcrowding	Lack of resources to handle that many people	Park for Ormond beach
10	Caitlyn Casey-Parker *Tomoka Oaks*	Traffic. Ormo d Beach is already facing traffic flow problems, and this neighborhood will cause major traffic issues within the development and on Nova and Granada.	Loss of green space. Soon there wont be any green space left within city limits.	A nature preserve with walking and biking trails. It would be fantastic if it could be connected to Central Park with protected bike lanes.
11	Caldwell Family *Tomoka Oaks*	Safety is my #1 concern. With only one way in and out of this golf course, it should be limited to the number of houses allowed.	Relating back to my 1st concern, these are things that go along w/ safety, traffic, evacuation routes, over crowded resources (schools, hospitals)	Low density housing with a possible 9-hole golf course. Keep the zoning as it is and the developer actually work with the community to get the correct number of houses in this special piece of property. If it gets rezoned, R1 with 1 acre lots.
12	Carmen Charlton *Tomoka Oaks*	Traffic, privacy, property values	Displaced wildlife	Leave as is, turn into more biking, walking trails
13	Christopher & Natalia Caldwell *Tomoka Oaks*	All of the above	Traffic more than anything. And the simple fact that we enjoy having a view of the trees from our back windows, it was one of the reasons why we purchased the house.	We would like to see a park with trails to walk and ride bikes, with sport fields for adults and kids. Maybe a pond with benches around.
14	Denise Corley *Tomoka Oaks*	Altering the Charactor of the neigborhood	Traffic	Public Golf Course like "The Park" in West Palm Beach
15	Flavia Casassola *21 N St Andrews Drive* *Tomoka Oaks*	Traffic in and out of Tomoka Blvd into Nova since it's the only direct route in and out for both Tomoka Oaks and future proposed development	Noise factor! Heavy trucks and other construction equipment moving in and out of the same one in and out road already congested with traffic and school bus stops. Our quite neighbohood will be subjected to constant noise for years of construction	Remain a green space of some kind although I don't think that will happen. If houses go in, the density should be severely diminished. May be 100 to 150 homes maximum.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
27	Kim and Chuck Emerson *Tomoka Oaks*	I am concerned about the traffic coming in and out of Tomoka Oaks. There will be traffic jams if 315 home go in the golf course.	We moved up here last year from Palm Beach due to overcrowding, and we picked Tomoka Qaks because of the beautiful tranquility and quietness of the neighborhood. I will feel like I'm back in Delray Beach if this project moves forward!!	I would love to see it go back to a golf course with a nice clubhouse.
28	Mike Eddy *Tomoka Oaks*	Traffic, our roads without sidewalks were never planned to have the traffic we have now much less adding another 200 plus households..	Property values are a problem, anyone knows the last fifty years there was a premium price paid for golf course homes.	Forget ideal world, that won't happen but I think a majority of residents would accept an R1 designation.
29	Diane and Frederick Fox *Tomoka Oaks*	Traffic, Altering neighborhood character	Over populated neighborhood and traffic bottleneck	Park environment
30	Jillian Firmin *Tomoka Oaks*	Traffic	Altering the character	Make it into a beautiful park or nature preserve
31	Tom Fitzgibbon *Tomoka Oaks*	unsafe traffic increase on my road	density/compatibility	2006 PRD 122 units and golf course
32	Aimee and Andrew Gurtis *Tomoka Oaks*	loss of green space and neighborhood character	Traffic and overcrowding	Estate homes with appropriate green space
33	Debbie Gatz *Tomoka Oaks*	Loss of green space in the middle of our beautiful city.	Buffer areas, not being maintained and kept the way they currently are if there is already trees on it. Keep in mind this is brush and vines growing in my yard from the golf course for years now.	Nine hole golf course and recreation, facilities, dog parks, etc.
34	Gupta Family *Tomoka Oaks*	Tomoka Oaks is a prime location and the premise of the neighborhood was the golf course. The previous owners purposely ruined the golf course. This area should be persevered as either a green space or returned to a golf course.	Traffic and overall essential services will further stressed. 10 years from now if this turned into a development and not a green space - the decision will be unfavorably looked upon for the mess it created and lack of healthy space.	Returned to a a golf course or green space. Last option would be some development with golf course still in place
35	Lori Graf *Tomoka Oaks*	DANGEROUS TRAFFIC INTERSECTIONS AND TRAFFIC ON EXISTING ROADS SURROUNDING THE PROPOSED DEVELOPMENT	Altering character of existing neighborhood	No more than 150 lots with nice homes. Green spaces, and amenities like a pool, clubhouse, tennis, pickleball courts, spa, that would be open to residents of the immediate surrounding communities for a fee
36	Pam Gaspary *Tomoka Oaks*	I fear for the integrity of our area. It's a safe place to live now.	Our schools are already overcrowded. There is no more room for classrooms ,	i'd love to see a small neighborhood restaurant, outdoor activies such as; disc golf, picnic tables, pet walks, etc.
37	The Greenlees Family *Tomoka Oaks*	Homes within 6 feet of existing golf course residents. Growth with no plan on how to handle access, traffic, healthcare, and the lack of green space in Ormond Beach.	The impact it will have to the residents of Ormond Beach, not only the Tomoka Oaks residents, but the whole city. This project is not out West, but in the middle of town. The beachside residents will suffer.	The developers understand that they made a bad investment, didn't do their homework in regard to zoning, and donate the property to the city. City could turn it in to a storm water drainage area.
38	Chris & Cindy Heaven *Tomoka Oaks*	Traffic	Property values	Green belt
39	Diane Hoislbauer *Tomoka Oaks*	#1 concern is the traffic, being that Tomoka Oaks has NO sidewalks, the extra traffic will make it hazardous for walkers, bikers, etc.	Alterning neighborhood charater is #2 concern. The homes will not present the same character being crowded into the golf course.	become a public park or have 1 acre estates with less that 100 homes.
40	Glen Huckins *Tomoka Oaks*	Property value decreasing.	Traffic.	Reopened as a golf course or a park for the local neighborhoods.
41	Lauren Huhta *Tomoka Oaks*	Unsafe traffic	altering of neighborhood character	Restored back to a golf course or solar farm

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
56	Robert Cook & Donna Klein *Tomoka Oaks*	Property value. this is important to stay the course of constant values rising.	Traffic. Traffic currently is enough and speeds probably too high. New development with it comes more unwanted traffic.	Restore to a golf course with reasonable due/fees.
57	Susan Klippel *Tomoka Oaks*	Loss of green space	Traffic	City park / green space. Worst case smaller community with green space
58	Ellen Lauturner *Tomoka Oaks*	Strain on city services especially medical	Traffic/gridlock	Become a park
59	Maria Lusk *Tomoka Oaks*	Traffic	Overcrowding of schools	We are new in town and dont have enough knowledge to say what it should be.
60	Ricard Lukac *Tomoka Oaks*	Traffic	Neighborhood character	Have the City make it a park or " Green Area"
61	Rita Lee *Tomoka Oaks*	All of the above	Traffic, medical services, etc	9 hole golf course, pool, restaurant
62	Warren and Nancy Lensmire *Tomoka Oaks*	Altering of neighborhood character.	Traffic problems	A nature preserve for Ormond Beach
63	William T Loomis IV *Tomoka Oaks*	Traffic	Reduced Property Values	City purchases the property and turns into a city park.
64	Christopher Moody *Tomoka Oaks*	The biggest concern is the traffic and saftey of pedestrians. The schools and hospital's are already overloaded, this would just make matters worse.	The property should be large estate homes with a minimum 1 acre.	I would like to see a golf course and country club with pool.
65	John Measel *Tomoka Oaks*	One of the bigger problems with R2 zoning is the majority of houses built on the golf course where built to utilize the course as their backyard some houses have pools and enclosures built up the property line.	This property was previously zoned PRD for a reason the streets thru Tomoka Oaks and the Trails can't handle the additional 1000 trips a day on average a R2 would make without improvements and side walks	In a beautiful world would like to see a golf course, but understand housing being built but no more than 187 units
66	John P. MURPHY *Tomoka Oaks*	All of the above	....bring in undersibles.....	Remain a golf course....
67	Mary Ellen McConnell *Tomoka Oaks*	Altering of neighborhood character	Traffic	Park and trails
68	Harry McConnell *Tomoka Oaks*	Increased traffic will bottleneck at Nova/Tomoka Oaks Blvd causing inconvenience and accidents. Emergency traffic will be impeded. Drivers will likely use S. St. Andrews and Trails streets further disrupting peace.	Failure to preserve land as a nature sanctuary to protect Tomoka Oaks against noise & light pollution. Development will reduce quality of life for present residents and reduce property values.	Make a park in the center, where the clubhouse was, with walking trails winding through it with 100' perimeterall around left to nature. Some ponds scattered in the parks and buffer. Memorial Gardens on Granada & Halifax could be a model.
69	Mary Murphy *Tomoka Oaks*	Actually, all of the above are main concerns...Traffic would be.most concerning.	Altering of neighborhood character. I am sure many will be wandering about our now quiet and peaceful neighborhood.	A 9 hole golf course with minimal townhouses. Under proper management this should be a profitable and accepting arrangement.
70	Paul and Deb Maybeck *Tomoka Oaks*	SAFETY: excessive traffic on narrow roads endangers kids at bus stops, walkers, bikers, EMS access, and catastrophic evacuation. Endangers the ability to enter/exit onto Nova Rd especially due to RR cars backed up north of exit.	LOSS OF GREEN SPACE: loss of valuable quiet, negatively alters neighborhood character, no consideration for humans or animals. Six foot buffer is totally absurd and will result in property values being adversely affected.	Return property to its previous life as a "golf and country club" with a stable golf corporation running it. Or if that is not possible, build less than 100 homes, attached or single units, surrounded by a full golf course as was proposed in 2006.
71	Paul and Debbie Marz *Tomoka Oaks*	Property value. Concern is that it is wrong to take the green space away which was always an implied golf neighborhood.	Altering the character of this community. Concern is that the future of building in the middle of our neighborhood will be disastrous to the existing homes.	Ideally the course should be brought back to the level of success that it was intended to be. All neighboring municipalities own and run successful courses except Ormond Beach.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
87	Price Family *Tomoka Oaks*	Loss of character. We bought in this neighbourhood for its character, age, quirkiness. We love that nothing in Tomoka Oaks is cookie-cutter and the mature landscaping. What they are doing on Clyde Morris and Williamson should be illegal.	Traffic. The addition of 500-600 additional cars is going to be a nightmare. This is the kind of neighbourhood where families go on walks and kids go outside to play/ride bikes like it's still the 1980s like their parents did.	It would be nice to keep it mostly a natural park and rebuild pool/racquet facilities for the neighbourhood to enjoy whist still leaving the open space to just let kids play. We have some ponds, great trees, and don't need ugly square retention ponds
88	Jan and Jim Rose *Tomoka Oaks*	Traffic/Density-too many houses cause too much traffic.	The additional residents would alter the character of the neighborhood and negatively impact the quiet enjoyment of the residents.	Estate homes being built with substantially less density than proposed.
89	John R. Rhoades *Tomoka Oaks*	Density and the traffic and other problems it will cause.	The years of construction, heavy machinery noise, dust, and loss of my quality of life.	I would like to see it become a park or other green space. How many more apartments or houses do we need until we overload our infrastructure here in Ormond Beach.
90	Richard and Dale Ryals *Tomoka Oaks*	Traffic property value hospital overcrowded	Bought in 1973 to be on the golf course forever	Stay a golf course. Ormond should have a public golf course like Daytona and other cities have. Ormond only has a private course
91	Sherri Rummel-Hawk *Tomoka Oaks*	Overcrowding and lack of resources	Lower our property value changing the quaintness of our neighborhood	This property could be for Ormond Beach
92	Ginger Stanley *Tomoka Oaks*	Traffic	Traffic	Clubhouse, bicycle trails, park, walking trails, pool
93	Jeff & Wendy Steiskal *Tomoka Oaks*	Loss of beautiful, quiet golf course property reducing property values	Traffic and increased population problems. We purchased in 2912 and it's very sad to see this little gem of a place ruined by so much development	Something similar to proposal from before. Maybe a smaller amount of condos in the center and the golf course reopened
94	Jeff Steiskal *Tomoka Oaks*	They bought a golf course and it should remain with minimal development minimal impact on the existing neighborhood	Loss of property values and quiet enjoyment	Reopen the course with restaurants and small condo development or hotel
95	Joaquin Sierra *Tomoka Oaks*	Traffic, property value	Safety	CITY PARK
96	Kimberly Welch Staley *Tomoka Oaks*	Traffic and value of existing home	Buffer between houses on golf course and my home which is on the golf course	Green Space like a park for the Ormond Beach community.
97	Strickland Family *Tomoka Oaks*	opposed for Many Reasons, Traffic, Crime, reduced property value	congestion	Restore Golf Course
98	William & Rebecca Shank *Tomoka Oaks*	Loss of environment which motivated our home purchase. Excessive traffic.	Traffic and loss of privacy for our homes.	Remain a golf course.
99	Dr. Ian Tafel *Tomoka Oaks*	There is already too much traffic around this area and especially into and out of Tomoka Oaks. Adding even more houses to the golf course will only magnify the issue.	My family and I bought a home in Tomoka Oaks after being told the golf course would never be developed. We liked the secluded and quiet nature of this place. That is now threatened by the developers plans for the golf course	It should be converted into a nature preserve with walking trails for the residents of Tomoka oaks.
100	Gregory Tremmel *Tomoka Oaks*	Increased traffic	Shortage of essential medical services	A public park
101	Pam Turrill *Tomoka Oaks*	Traffic	Lack of property value	Turn it into a park
102	Richard W. Turrill, Pamela R. Turrill *Tomoka Oaks*	Reduced property values	Increased traffic in/out Tom Oaks	Luxury homes on 1.5 acres or larger.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
117	Bill Zirkelbach *Tomoka Oaks*	Traffic and altering the overall character of the our subdivision. Also it would negatively impact our current infrastructure.	Trraffice flow and impact on infrastructure, environmental and property values.	Keep as green space. I understand the developers rights. Would entertain estate homes on acre lots would provide green space & have less of an impact on our infrastructure. Also these estate home would have a positive impact on property values
118	Mariah Zirkelbach *Tomoka Oaks*	Overcrowding in terms of schools, hospital's, evacuation	traffic flow and too much density for the town thats already expanding at a rapid rate	Either nothing and let it be a nature preserve or the 119 houses that was pre approved by the city
119	Michelle Zirkelbach *Tomoka Oaks*	Traffic - common sense tells us recent traffic studies are not an accurate predictor of the gridlock overdevelopment causes.	Loss of value in terms of character and actual dollars - especially for homes directly on the gold course where people who paid a premium price for a lot with no neighbors behind them could potentially see the back of THREE Tomoka Reserve Homes.	Ideally it would remain some form of green space. At the VERY most, it should be developed along the lines of the 2006 PRD.
120	Rick Zirkelbach *Tomoka Oaks*	Traffic	Home values	A better plan for this property.
121	Barbara Steadman *Escondido Condos*	Traffic, catastrophic evacuation gridlock and shortage of essential medical services are my main concern.	See #1	Another golf course or if that is not feasible, a limited number of one family homes with large lot sizes.
122	Bhanu Patel *Escondido Condos*	Traffic	Infrastructure Congestion	stay open as golf course
123	Carolyn Brenner *Escondido Condos*	Traffic	shortage of essential medical services	I would like the land to see some open space preserved for recreation.
124	Kirk Thrush *Escondido Condos*	Traffic. The property, when used as a golf course didn't negatively affect traffic. Building housing on the property most certainly will negatively affect traffic, safety	Escondido will have no safe entrance/ exit with the increased traffic...	Stay as a green space or park. Set aside a portion for community gardens...
125	Marcia A, Rudman *Escondido Condos*	Catastrophic evacuation gridlock	Traffic	Some development is pretty much inevitable but I would like to see as little as possible with some recreational activities.
126	Mary Leonard *Escondido Condos*	Traffic!!!!!	overcrowding	A beautiful green space
127	Rick Rickards *Escondido Condos*	The development of the golf course property would severely alter the safety and character of surrounding areas.	It's morally wrong to pull the rug out from under residents who purchased properties in a golf course community with the promise that it would be green space in perpetuity.	Ideally, the golf course property should be redeveloped into a golf course or developed into a public park.
128	Robert Baner *Escondido Condos*	Over crowding and intended use of property by town fathers years ago.	Only one access to this area. How can this be a good idea to anyone of a sound mind?	Rebuild the golf course
129	Stefanie Ibison *Escondido Condos*	Traffic	Flooding	In an ideal world it would reopen as a golf course. With the closing of Riverbed Ormond Beach could use a good public course.
130	Susan Banker *Escondido Condos*	main concern is traffic!!! before there is a light. more cars waiting. will make it impossible for us to make a left hand turn onto Tomoka Oaks BLVD to get to Nova. How will we get out? prisoner!!	No plans to address the already crowded hospitals and schools.	I'd like to see it developed back into a golf course. If not possible, do a golf course and about 50-100 homes around it, or no houses.
131	Betros family *The Trails*	Devaluing the neighborhood with cheap new builds	Increased traffic	New golf course, preservation area or high quality estate size homes

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
147	Erik Emsing *The Trails*	Increased Traffic, Disruptions and Noise, Public Utility Problems, Groundwater Shortage, Changed Neighborhood Character, Construction NOISE for Years Disturbing the Peace	It should remain a Golf Couse as it was Initially Planned for. Everything around Tomoka Oaks and the Trails were dimensioned with that layout thus NOT Accommodating another 300 houses!	That the Golf Couse be reactivated and improved...
148	Gail Roe *The Trails*	Too much traffic through the Trails	Too many houses close together	Reopen golf course
149	Jan Collier *The Trails*	Traffic	Small size homes built by Corporation Home Builder	Larger home lots, walking trails; trees planted
150	Jennifer Genovese *The Trails*	We are over building at this point. The traffic, utilities, services are going to be stretched let alone facilities like water, electric, car pollution.	Residents in Tomoka Oaks purchased there because of the golf course and the open, and peaceful feeling. That area should be developed	It should be an open area...a park of some type.
151	Jens Fagerlund *The Trails*	Traffic and evacuation gridlock	Evacuation gridlock	Nature experience park
152	Judy L Ramos *The Trails*	Traffic through The Trails, loss of quietness, vehicles speeding up and down Rio Pinar and Iroquois Trails trying to get out of Tomoka Oaks reduced property value, altering the characteristics of the neighbor	Effects on the wild life and taking away old oak trees	Develop something more for families like Top Golf
153	Kathy Tiger *The Trails*	Disrupting the charm and tranquility of Tomoka Oaks / the Trails. Increased already non-sustainable traffic incl. Tomoka Oaks without safe sidewalks. Added problems with Power Utilities, groundwater & noise.	It should remain as it was originally planned and sold to house buyers until it was closed.	Reactivate the Golf Couse and make it great ... KEEP the Open GREEN Space!pace
154	Kristina Moore *The Trails*	Traffic	Shortage of medical services We need another hospital, not more people and gridlock	Green area. How did greedy developers get this land?
155	Lillian Rutherford *The Trails*	Traffic would drastically increase which would lead to a decrease in a multitude of areas such as: walking safety, property value, gridlocks if there was an evacuation, overcrowded schools/restaurants/etc., increase in routes criminals might take, etc	Infrastructure breakdown, not enough room to support the amount of home proposed	A golf course - this would increase home values. Another form of recreation. If it must be built on, then build it with lot sizes that are the same as what is already in the area.
156	Lynda Wilson *The Trails*	I'm greatly concerned about the increased traffic into my neighborhood.	I believe our city needs to slow down on approving new developments of housing and apartments	As mentioned before a park would be nice with possibly a par three golf course.
157	Michele Davis *The Trails*	Traffic	Overcrowding	Golf course
158	Norma Washburn *The Trails*	When we moved into The Trails 37 years ago This was ideal. Now traffic woes and endless building has made it less. Greed is the deciding factor.	Another beautiful green natural space gone. I played golf there. reopened	A city owned golf course.
159	Olga and Paul Ambruster *The Trails*	Traffic, additional costs place on the local people.	Don't allow homes. The interstructure is not allowed any homes. We the tax payers can't have additional taxes place upon us..	Park
160	Paige Cohen *The Trails*	Traffic - our city is already growing and being in the neighborhood next to Tomoka Oaks, we are concerned about too many cars going through our city and infrastructure does not allow for added traffic.	Tomoka Oaks residence bought in a golf course community. To turn an area of land into another community within a community is shocking and feel for those who have property in Tomoka Oaks, and how it will affect surrounding neighborhoods.	A park. Ormond Beach needs more green space with the increase of people moving into our small beach town!
161	Pat Murphy *The Trails*	traffic	Decreased green space	City park

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
177	Maria Martin *Tomoka Oakwood North Condos*	Althering of neighborhood chatacter	Catastrophic evacuation gridlock dangerously.	It will be ideal the golf course move to a bigger space.
178	Dawn Waldorf *Talaquah*	Increased traffic on Nova Rd. Dangerous middle lane.	Decreased property values	A community park
179	Dawn Waldorf and Geeter Kyrazis *Talaquah*	Loss of quiet enjoyment - the character and quiet nature of the neighborhood will be impacted by excess population density	Increased traffic - road infrastructure is not sufficient for increased population	Converted into public green space
180	Ginger Davis *Talaquah*	Traffic	Loss of quiet	Low density housing that compliments the existing lot sizes adjacent the golf course
181	José laura Gierbolini *Talaquah*	Traffic	Should be redeveloped as a golf course	Keep it a golf course. Add tennis pickleball and restaurant
182	Sally Wells *Talaquah*	Traffic	Water shortages	Park
183	Martha Hurst *Fiesta Heights but have family who live on the old Tomoka Oaks golf course*	Traffic. It's awful slresfy	Home value decrease	Daytona State takes it over and start a horticultural and agronomy school. Closest one is in Lake City.
184	Marce Kinstle *Hidden Hills*	The traffic on Granada is horrendous and can not be handled as is. The development is pushing the animals into the neighborhoods as well as flooding that has never occurred is now happening in my neighborhood.	The people who have lived there for years are going to have to deal with the new hydrodynamics and every time they develop they push the water to the older properties. My yard has never flooded until this year with all the new development	Let the neighborhood decide
185	Amy Sandler *Ormond By the Sea*	All of the above	We are choking with overdevelopment. I am not confident that having industrial production is necessary for our area	A non sectarian private or charter school
186	Crabb Family *Tomoka Estates*	We are against this development due to the increased traffic and impacts on our already strained health and safety services.	Our roads are already in need of repair and maintenance so these added families will only increase another area our community is struggling with.	Make it a nature park.
187	Douglas Widnall III *Tomoka Meadows*	Traffic	Environmental Concerns	I would like to see it become a golf course again,
188	Nancy DeLuca *Trails North Forty (former Trails homeowner)*	#1: alteration of neighborhood character and loss of quiet enjoyment for people and wildlife	#2: I don't like the fact that the developers assume they can change the zoning. Just because they purchased the property doesn't make them entitled to do what they want with it	I would like to see the city or county purchase the property and maintain it as a public golf course
189	John Chadwell *Village of Pine Run*	Added traffic . Added density which is inconsistent with the surroundings. .	Overcrowding the schools and stressing our infrastructure	The golf course becomes "green space"
190	Chrisann Joson *Coquina Point, parents live in Tomoka Oaks*	Reduced property value	Traffic	Golf course restored!!
191	Missy Ascik *Beachside*	Traffic	influx of people and lack of infrastructure. Roads, schools, hospitals	community park with community garden, walking trails and open areas
192	Al Wilson *Other Ormond Beach neighborhood*	Traffic concern in and out of Tomoka Oaks and the Trails and along the Nova Rd and Granada corridor. The homeowners at the entrances of both communities will suffer loss of property value as well.	The shopping center at the Trails is already overflowing, Publix is crazy most days and all the restaurants are booked as well. Can't imagine adding 250-300 homesites in that area.	Perhaps larger estate lots with lots of greenspace. A 9 hole par 3 with a community clubhouse as well.

	Resident Name & Neighborhood	#1 Concern with Tomoka Reserve Application	#2 Concern with Tomoka Reserve Application	In an ideal world, what would you like to see happen to the Sam Snead Golf & Country Club property?
210	Rick and Linda Beadel *Other Ormond Beach neighborhood*	Increased traffic, loss of quiet enjoyment, reduced property values,	It should remain a golf course or sanctuary. This is what the people that bought in Tomoka Oaks thought they were getting. I support their efforts because if it can happen to them it can happen anywhere.	devoped as a sanctuary preserve
211	Ron Joson *Other Ormond Beach neighborhood*	Changing the landscape of the Tomoka Oaks community	Traffic congestion	Rebuild golf course
212	Shirley James *Other Ormond Beach neighborhood*	Traffic, not appropriate infrastructure to handle all the new building and you already can't get a bed at Advent. Overnight stays in the ER hallway are unacceptable.	Those who purchased gold course property and paid higher taxes all those years have lost the value of their location.	Redevelop as a 3 par, driving range. Our kids grew up playing gold and tennis there - such a shame.
213	Suzanne Scheiber *Other Ormond Beach neighborhood*	overdevelopment causes all of these issues. We are behind on medical services, infrastructure, and basic planning for Ormond Beach. If I have to choose one then infrastructure.	loss of quality of life which is all encompassing of many items to consider that you name in #1.	green space open to the public
214	Tamisue Wills *Other Ormond Beach neighborhood*	Traffic	Overcrowding of schools	Park
215	The Kennedy Family *Other Ormond Beach neighborhood*	Increased traffic on already crowded Nova Road and Granada Blvd. would add crucial time for ambulance, fire and police responders.	The character of the community would be greatly diminished and decrease property values.	People bought homes in Tomoka Oaks with expectations that the golf course area would remain community property. That would be honored in a perfect world.
216	Don Miller *Daytona Beach*	home values will plummet	clear cutting of land	City and ECHO should purchase all perimeter golf course holes, return to a golf course, and lease management of course. Leave center only for residential building..
217	Kory Lostaglio *Realtor/former Tom.Oaks*	I understand everyone's right to profit from real estate acquisitions, I feel there are far too many residences planned for this area. Having this many homes will affect everything negatively except of course for the county tax & investor profits.	This many homes puts a burden on everything, traffic especially.	I think a community built for the elderly with some single family, some condos and a medical facility is much wiser. It will cut down on the traffic as most people living there won't be driving. It could be a perfect retirement village.
218	Ann Johnson *Port Orange*	The damage it will cause to surrounding communities, like flooding.	Traffic. The infrastructure is not capable of handling all the traffic that comes with such development.	Return to natural by being purchased by city or county.
219	Constance Colby *Close residential neighborhood*	Depriving people who bought on a golf course their rights to open space by. Turning the golf course into an overcrowded slum area.	Traffic both through the Trails and Nova Road which is already a death trap which plans are to narrow it.	Revert to a golf course, maybe public with memberships. We need one as so many have closed and there are lots of retirees here.
220	Ryan Firmin *Concerned vacationer to the area*	The capacity to ruin a very desirable neighborhood by stuffing in houses like sardines	Increased need for medical services which would delay emergency care	Public park
221	Megan cody *Out of state*	Traffic	Loss of charm. I've been coming to visit family in Tomoka Oaks since 1991 and love the quaintness of this special place. If this place looses its charm our family will have to find another place to come and stay when we are in the area.	the project is too big. This should be a park, a green space or at the most 119 homes.

THERIAQUE & SPAIN LAW FIRM

CELEBRATING est. 1995 26 YEARS

July 12, 2023

VIA ELECTRONIC MAIL

Doug Thomas, Chairman
Ormond Beach Planning Board
22 South Beach Street
Ormond Beach, Florida 32174

Re: *Tomoka Reserve – PRD-2022-043*

Dear Chairman Thomas & Planning Board Members:

Our law firm represents Carolyn Davis and a consortium of homeowners within the Tomoka Oaks Country Club Estates subdivision in Ormond Beach, Florida ("Tomoka Oaks"). At its regular meeting on ***Thursday, July 13, 2023***, the Ormond Beach Planning Board ("Planning Board") is scheduled to consider the above-referenced project, which seeks to rezone and convert the existing Tomoka Oaks golf course into 276 single-family residential lots. For the reasons discussed herein, our clients oppose the proposed redevelopment of the golf course property and respectfully request that the Planning Board recommend ***denial*** of the proposed rezoning.

A. General Factual Overview

Briefly stated, in April 2021, Triumph Oaks of Ormond Beach, LLC ("Triumph Oaks"), purchased the Tomoka Oaks Golf & Country Club ("Golf Club") for approximately $2,600,000. Thereafter, Triumph Oaks filed an application with the City of Ormond Beach ("City") seeking to rezone the golf course property to Planned Residential Development (PRD) and redevelop the golf course with 276 single-family residential lots. Based upon such rezoning application and Triumph Oaks' proposed plans to permanently close the Golf Club and convert the golf course into 276 single-family lots, the issue has arisen as to whether the property is restricted to use as a golf course, either expressly or impliedly.

As discussed herein and based upon the historical and recorded documentation relating to Tomoka Oaks, our clients maintain that the Golf Club property is subject to either an express covenant or an implied covenant limiting the use of the property to a golf and country club, golf course, and related recreational uses. Accordingly, our clients assert that the proposal to convert

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the Golf Club property into 276 single-family residential lots is not permissible and the requested rezoning should be ***denied***.

B. The Golf Club Restriction

In 1961, the City approved plats for both the Golf Club (f/k/a Sam Snead Golf & Country Club) and Tomoka Oaks Country Club Estates Unit 1.[1] The Plat for Unit 1 of the Tomoka Oaks Country Club Estates subdivision contained 105 residential lots, including approximately 55 residential lots bordering the golf course.[2]

In conjunction with the development of Unit 1 of Tomoka Oaks, the developer recorded "Restrictions Tomoka Oaks Country Club Estates, Unit #1, Ormond Beach, Florida" ("Unit 1 Covenants").[3] Notably, Paragraph 10 of the Unit 1 Covenants states:

> The Grantee [*i.e.*, lot owner] shall automatically become a member of the Tomoka Oaks Homeowners Association, a non-profit corporation comprised of all lot owners in Tomoka Oaks Country Club Estates . . . .

Paragraph 11 of the Unit 1 Covenants expressly prohibited the developer from releasing in whole or in part any restriction or reservation set forth in Paragraph 10.

Thereafter, on or about January 1, 1963, Tomoka Oaks, Inc., entered a 99-year "Lease" with Tomoka Oaks Golf and Country Club, Inc., for the golf course property.[4] Paragraph 3 of the Lease, entitled "Use," provided in pertinent part:

> ***The demised premises shall be used perpetually for a country club and related uses***. . . . ***This provision shall survive the lease*** and be included in any deed but the deed restriction may be waived by a resolution of two-thirds (2/3) of the Board of Directors of the Lessee with the concurrence of two-thirds (2/3) of the members of said Lessee and the concurrence of two-thirds (2/3) of the members of Tomoka Oaks Homeowners Association. . . .[5]

On or about October 30, 1963, Tomoka Oaks Golf and Country Club, Inc., executed a "Surrender of Lease."[6] As noted above, however, the limitation that the subject property be "used perpetually for a country club and related uses" survived the Lease per the express terms of Paragraph 3 therein.

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1 *See* Book 25, Page 61, Official Records of Volusia County, Florida; *Id.* at Book 25, Page 58.

2 *See id.* at Book 25, Pages 58 and 59.

3 *See id.* at Book 431, Page 32.

4 *See id.* at Book 516, Page 360.

5 *See id.* at Page 362 (emphasis supplied).

6 *See id.* at Book 585, Page 155.

Following the Surrender of Lease, Tomoka Oaks, Inc., conveyed the golf course property to Ralph B. Frederick, Trustee, via Warranty Deed dated December 12, 1963 ("1963 Warranty Deed").[7] Notably, the 1963 Warranty Deed for the golf course property provided in pertinent part:

> ***The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses,*** and in the event that party of the second part, or its successors in interest, ***fail to utilize said property exclusively as a golf and country club, golf course, and related uses***, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, ***then the above described property shall automatically revert*** to and become the property of party of the first part . . . .
>
> ***The aforesaid reverter clause specified in the last preceding paragraph may be released or modified*** by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc.[8]

Consistent with the terms of the surrendered Lease, the 1963 Warranty Deed expressly provided that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Moreover, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the 1963 Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses."

On or about February 18, 1969, Tomoka Oaks, Inc., purported to pass a "Resolution" to effectuate the sale of the golf course property to Ormond Ocean Homes, Inc.[9] Therein, Tomoka Oaks, Inc., purported to "release . . . its right of first refusal" and "further releases the reverter clause contained in [the 1963 Warranty Deed], such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause."[10] Relying upon such Resolution, Tomoka Oaks, Inc., executed a "Release" on or about June 16, 1971, purporting to

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7 *See id.* at Book 585, Page 157. At the time of such conveyance, Ralph B. Frederick was also apparently the President of Tomoka Oaks, Inc.

8 *See id.* at Page 159 (emphasis supplied).

9 *See id.* at Book 1238, Page 246.

10 *See id.* at Page 248.

release its "right of first refusal" and the "reverter clause contained in [the 1963 Warranty Deed], such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause."[11]

Based upon the foregoing Resolution and Release, Triumph Oaks and/or its representatives have suggested to the City that the use restriction imposed upon the golf course property is no longer valid or in effect. Our clients maintain that this view is legally flawed and without merit.

As reflected above, the 1963 Lease for the golf course property expressly provided that "[t]he demised premises shall be used perpetually for a country club and related uses" and that such "provision shall survive the lease." Additionally, and consistent with the 1963 Lease, the 1963 Warranty Deed expressly provided that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." While the 1963 Lease mentions a process by which such use restriction could potentially be waived, the historical documentation presented to our office does not establish that such process was ever followed – *i.e.*, concurrence of two-thirds of the Lessee and its members and two-thirds of the members of the Tomoka Oaks Homeowners Association.[12]

Further, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses." Rather, the 1963 Warranty Deed unambiguously states that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses."

Lastly, reliance upon the 1969 Resolution and the 1971 Release to claim that the use restriction was somehow waived or released is misplaced. Even assuming the 1969 Resolution and the 1971 Release are valid – which is questionable – neither document purports to release, waive, or otherwise modify the use restriction.[13]

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[11] *See id.* at Book 1307, Page 89.

[12] The historical documentation provided to our office, including newspaper articles, reflect the existence of a "Tomoka Oaks Homeowners Association" during the subject timeframe.

[13] The 1969 Resolution and the 1971 Release are of questionable validity given that they purport to "prospectively" release the "right of reverter." By its own terms, the 1963 Warranty Deed provided that Tomoka Oaks, Inc., could release or modify the reverter clause only by resolution "at any time ***after*** ten years ***after*** the date of recording of this Deed" and only if Tomoka Oaks, Inc., had not yet disposed of four-fifths (4/5) of the lots in Tomoka Oaks at such time. *See* Book 585, Pages 158-59, Official Records of Volusia County (emphasis supplied). Contrary to the plain language of the 1963 Warranty Deed, Tomoka Oaks, Inc., purported to pass a resolution more than four (4) years ***before*** the ten (10) year anniversary of the recording of the 1963 Warranty Deed seeking to release the right of reverter. Further, the fact that the 1969 Resolution and the 1971 Release purported to "delay" the effectiveness of such release until December 13, 1973 (*i.e.*, ten (10) years after the 1963 Warranty Deed was recorded) is irrelevant. Not only does it ignore the fact that the 1963 Warranty Deed required the resolution itself to occur ten (10) years ***after*** the

As discussed above, the 1969 Resolution and the 1971 Release purport to release the "right of first refusal" and the "reverter clause." Nothing in the express language of the 1969 Resolution or the 1971 Release, however, purports to waive, release, or otherwise modify the use restriction providing that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Accordingly, based upon the foregoing and the plain and unambiguous language in the 1963 Lease and the 1963 Warranty Deed, our clients maintain that such use restriction is valid and effective and was never lawfully released, waived, or otherwise terminated. On this basis alone, the proposed conversion of the golf course into 276 single-family residential lots would be prohibited and the Planning Board should recommend ***denial*** of the proposed rezoning.

C. Implied Restriction Limiting The Tomoka Oaks Property To Use As A Golf Club

In addition to the above, it is well established that a "restrictive covenant" may "arise by implication from the conduct of parties or from the language used in deeds, plats, maps, or general building development plans."[14] In this regard, courts have recognized:

> If there is a common plan of development that places restrictions on property use, then such restrictions may be enforced in equity. "A court's primary interest in equity is to give effect to the actual intent of the grantor . . . by looking not only to language in deeds, but variously to matters extrinsic to related written documents, including conduct, conversation, and correspondence."[15]

Consistent with the above, Florida courts have held that use restrictions may also be implied based upon notations denoted on plats or maps:

> Whenever the owner of a tract of land subdivides the same into lots and blocks, lays off streets and other public ways and designates portions of said lands to be parks[,] playgrounds[,] or similar facilities or uses similar words calculated to encourage prospective purchasers to buy said lots, and actually sells lots with reference to the plat, he becomes bound to his grantees by the plat and the representations thereon. As the maker of the plat and the one who selects the words used thereon it will be construed against him.

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recording of the Deed, but it ignores the fact that Tomoka Oaks, Inc., did not have any authority to adopt any such resolution if four-fifths (4/5) of the lots in Tomoka Oaks had been disposed of by such time.

[14] *See Skyline Woods Homeowners Ass'n. v. Broekmeier*, 805, 758 N.W.2d 376, 387 (Neb. 2008).

[15] *See id.* (citation omitted); *see also Strader v. Oakley*, 410 So. 2d 954, 955-56 (Fla. 1st DCA 1982) (recognizing implied restriction that limited construction to only single-family residences).

> Common honesty requires that he perform that which at the time of conveyance he represented he would perform.[16]

Turning to the instant case, several courts have examined implied restrictions and the requirement to maintain or operate property as a golf course when developed in conjunction with a surrounding residential subdivision. For example, in *Shalimar Association v. D.O.C. Enterprises*, 688 P.2d 682 (Az. Ct. App. 1984), the court held that there was an implied restrictive covenant to maintain property as a golf course even though there were no express covenants burdening the golf course property on behalf of the adjoining homeowners. The court concluded that the common plan of development, which included a golf course, combined with the representations made to the purchasers about the maintenance of the golf course and the adjoining homeowners' express covenants, created an implied restrictive covenant that the land be used only as a golf course.

Similarly, in *Ute Park Summer Homes Association v. Maxwell Land Grant Co.*, 427 P.2d 249 (N.M. 1967), the New Mexico Supreme Court found that an implied restriction existed requiring the subject property to be used as a golf course. In so doing, the court focused on the representations made to prospective purchasers and the materials used in the sales of the lots which pictured an area marked "golf course." The court reiterated that, when a map or plat showing a park or other open area is used to sell property, "the purchaser acquires a private right, generally referred to as an easement, that such area shall be used in the manner designated," and such private right "is not dependent on a proper making and recording of a plat for purposes of dedication."[17]

Numerous other courts have concluded that the facts surrounding the initial development of properties as golf course communities and the marketing of lots in such communities to prospective purchasers created an "implied restrictive covenant" limiting the use of the subject properties to a golf course. In reaching this conclusion, the courts have examined such things as: (1) the plats, maps, and drawings of the community; (2) advertisements, brochures, and marketing materials; (3) common schemes or plans of development; (4) recorded covenants; (5) general informational documents regarding the community; and (6) lot premiums and purchasers' reliance upon the existence of the golf course in acquiring their lots.[18]

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[16] *McCorquodale v. Keyton*, 63 So. 2d 906, 910 (Fla. 1953); *see also Boothby v. Gulf Props. of Ala.*, 40 So. 2d 117 (Fla. 1948). A common plan or scheme of development is a well-recognized principle in Florida law. *See Hagan v. Sabal Palms, Inc.*, 186 So. 2d 302, 307 (Fla. 1966).

[17] *Ute Park Summer Homes Association v. Maxwell Land Grant Co.*, 427 P.2d 249, 253 (N.M. 1967).

[18] *See Knight v. City of Albuquerque*, 794 P. 2d 739 (N.M. Ct. App. 2014) (holding property denoted on subdivision plats as a golf course must remain either a golf course or open space, stating "a developer will not be allowed to induce purchasers to buy property by purporting to include open space such as parks or golf course in a subdivision plat, only to subsequently change the uses of those open space areas"); *In re Heatherwood Holdings, LLC v. HGC, Inc.*, 746 F.3d 1206 (11th Cir. 2014) (holding evidence of common scheme of development that included golf course property as an integral part and as an inducement to purchasers of residential lots

Here, the historical documentation relating to Tomoka Oaks and the Golf Club establishes the following: (1) a common developer (Tomoka Oaks, Inc.) with a plan of development for a residential community surrounding an 18-hole championship golf course; (2) an approved unified master plan for Tomoka Oaks, which included the golf course and the residential lots; (3) references to "golf course" on the recorded plats for various portions of Tomoka Oaks; (4) recorded restrictions, as previously discussed, providing that the golf course property shall be used "for purposes of a golf and country club, golf course, and related uses"; (5) recorded residential covenants that reference the golf course and authorize reduced setbacks to take advantage of the adjoining golf course; (6) marketing and sales materials for the residential lots depicting the common development plan, including the golf course; (7) evidence of lot premiums being charged for residential lots with golf course frontage; and (8) evidence that successors developers had actual, as well as constructive, notice of the approved master plan and common plan of development. Additionally, it is indisputable that residents within Tomoka Oaks purchased their properties in reliance upon or because of the Golf Club.

Accordingly, even assuming the express covenant restricting use of the subject property to a golf and country club is no longer valid as Triumph Oaks has erroneously suggested, the above-summarized facts and cited case law would establish that, at a minimum, the use of the Golf Club property is limited to a golf course or similar open space purposes by virtue of an implied restrictive covenant. Simply put, whether by an implied grant, implied restriction, or estoppel, such restriction would prevent the subdivision and development of the Golf Club property with 276 single-family residential lots as currently proposed. Thus, on this additional basis, the Planning Board should recommend ***denial*** of the proposed rezoning.

D. Conclusion

In sum, as discussed herein, nothing in the express language of the 1969 Resolution or the 1971 Release purports to waive, release, or otherwise modify the use restriction imposed via the 1963 Lease and the 1963 Warranty Deed that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Thus, based upon the foregoing and the plain and unambiguous language in the 1963 Lease and the 1963 Warranty Deed that the use

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therein created an implied restriction limiting the use of such property to a golf course); *Ponderosa Pines Golf Course, LLC v. Ponderosa Pines Prop. Owner's Ass'n*, 2013 WL 4515569 (N.M. Ct. App. 2013) (holding "equitable servitude in favor of the individual subdivision property owners precluded Plaintiff from changing the use of the golf course"); *Skyline Woods Homeowners Ass'n.*, 758 N.W.2d at 390 ("We conclude that homeowners who bought their property relying on the proximity and existence of the golf course should be protected by implied restrictive covenants that the property be maintained as a golf course. We therefore agree with the district court that an implied restrictive covenant requiring that it be used only as a golf course burdens and runs with the golf course property."); *see also Victorville W. Ltd. P'ship v. Inverrary Ass'n*, 226 So. 3d 888 (Fla. 4th DCA 2017) (refusing to cancel golf course covenant even though course had become unprofitable, concluding that "the golf course preserves the character of the community and provides residents with a pleasant view" and, thus, "must be enforced because it remains a 'substantial value to' the surrounding residences").

restriction was to be "perpetual," our clients maintain that such use restriction is still valid and in effect. Accordingly, on this basis alone, our clients respectfully submit that the Planning Board should recommend ***denial*** of the proposed rezoning, which seeks to improperly convert the Golf Club property into 276 single-family residential lots, or otherwise table the matter until such time as a judicial determination is made regarding the continued validity of the express restrictive covenant.

Further, even assuming the express restrictive covenant is no longer valid and in effect, as Triumph Oaks has erroneously suggested, our clients maintain that the Golf Club property is nevertheless subject to an implied restrictive covenant, thereby limiting the use of such property to a golf and country club, golf course, and related recreational uses. On this additional basis, our clients respectfully submit that the Planning Board should recommend ***denial*** of the proposed rezoning or otherwise table the matter until such time as a judicial determination is made regarding such implied restriction.

Our clients appreciate the Planning Board's attention to this matter of great community importance to the residents of Tomoka Oaks and respectfully request that the Planning Board recommend ***denial*** of the proposed rezoning. Please do not hesitate to contact me if you have any questions or need additional information,

Sincerely,

S. Brent Spain

S. Brent Spain

cc: Honorable Bill Partington, Mayor (via e-mail)
Randy Hayes, Esquire (via e-mail)
Joyce Shanahan, City Manager (via e-mail)
Steven Spraker, Planning Director (via e-mail)

From: Denise Corley
To: Spraker, Steven; Persis, Susan; Tolland, Lori; Briley, Harold; Sargent, Travis; bill.parrington@ormondbeach.org
Subject: Please Vote NO on R-2 zone change for the Sam Snead Golf and Country Club
Date: Monday, March 25, 2024 9:22:25 AM

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Dear Steven Spraker, Commissioners and Mr. Mayor,

My name is Denise Corley. I am a homeowner in Tomoka Oaks subdivision and our home abuts the Sam Snead Golf Course and Country Club parcel. We purchased our home on S. St. Andrews in December 2019.

Buying a home on a golf course and paying for that amenity luring buyers with open space views is nothing more than a SCAM if the amenity disappears which is exactly what is happening here.

The city government needs to step-in and stop this bait and switch.

At any time a golf course can be sold off as developable real estate, completely ignoring the property rights of all those who purchased on the golf course and paid a higher value for such properties.

I support changing the zoning of the Sam Snead Golf Course and Country Club to Open Space/ Recreational zone since that is what the land has been since the conceiving of the Sam Snead Golf and Country Club. Tomoka Oaks Estates have been sold to buyers as a golf course community since the1960's.

Stripping the PRD zone from the Sam Snead Golf and Country Club eviscerates the valuable input the community and the city government imposes on the investor developers.

The 2006 Tomoka Village PRD was approved after much debate and concern for the homeowners of Tomoka Oaks and the larger community. In 2006 the agreement was 119 townhouse units and 3 estate homes and retaining the 18 golf course (open space inpurpetuity), tennis courts and community pool. That low density PRD preserved the golf course
and the view and buffer amenities homeowners purchased.

Mr Rubin and his investors bought Sam Snead Golf and Country Club, the land has a PRD zone. Having been unable to get their PRD plan passed they are now asking for an R-2.

Mr. Sanders, hired by Tomoka Reserve Investors to defend the R-2 zone change, states his clients have no zoning and no way to "utilize their private property rights" but this is only because they refuse to utilize the PRD process. Mr. Sanders claims the commissioners have only to look at whether the property qualifies for R-2, not the best zoning for this particular property. When the Developers bought the property it came with restrictions -a PRD in the deed that was attached to the land to protect it from R-2 zoning because the land was integral to the Planned Community of Tomoka Oaks Estates which totally surrounds the golf course land with just one parking lot entrance. Commissioners did the right thing in 2006 by attaching the PRD to the land for this very reason to protect Tomoka Oaks, the Trail, Esconodido and Talaqua from an R-2 zone.

In the submission for the zone change Mr. Merrell representing the investors, on pages 16-18, a-j, submits plenty of discussion on whether this R-2 zone change is appropriate for this particular piece of property which opens the door to all the discussion that has taken place over the PRD, too many homes will cause undue burden for the community. The city SPRC, planning board and commissioners voted against the PRD because the developers plan too many lots and too dense. It is a valid refusal for the R-2 zone change because it would allow for more lots than their proposed PRD which was opposed by the city of Ormond Beach in the first place. Remember that the city of Ormond Beach has the obligation to "protect from harm and inordinate burden on the private property rights of citizens"-178 private property homeowners on the golf course and 369 private property homeowners of Tomoka Oaks Estates, a total of 547 private property owners.

An article in the Daytona Beach News Journal dated Nov 5th 1989 titled, "*Tomoka Oaks time capsule"* states, " There is a 30' buffer zone behind all Oaks homes abutting the golf course: the typical city setback is 20 feet.". So not only do the golf course homeowners lose their property value in terms of a view amenity but also lose the 30' buffer zone that was designed into the golf course plan as a further amenity. This 30' buffer is home to many of the beautiful trees on the course, R-2 zoning would have no protections for these trees.

R-2 zoning has grave implications for Tomoka Oaks, The Trails, Escondido Condominiums and Talaqua; it isn't just about the land being applicable to zone R-2, there are wide ranging problems that will cost the community dearly.

I have submitted a copy to the 1989 article and a page of photos from just one house on the golf course. Sam Snead Golf and Country Club should be zoned Open Space to stop developers scamming homeowners.

Thank you'
Denise Corley

DBNJ 11/5/89

Tomoka Oaks time capsule

Certain people and events nurtured the growth of Ormond Beach's first subdivision into the genteel, established community known as Tomoka Oaks:

■ The Tomoka Oaks subdivision master plan, calling for a 521-unit single/family development, was approved 33 years ago in May 21, 1956. Then followed approval of Unit VI, for 11 single-family homes.

The last segment plan for 69 single-family homes in The Oaks was approved October, 1977, according to planning department records.

■ The original Oaks architect was Milton Pepper. A later design, submitted by engineer J. Phillips was dropped when the city rejected it.

■ News-Journal files indicate an Arizona-based corporation, Sovereign Industries, Inc., owned the Oaks in 1970, and rebuilt the clubhouse facilities, added nine holes to the golf course and developed more homes.

■ According to Jerry Upson, one of the Oaks first builders, golf home lots sold for $8,900 and $10,000 in the sixties. Today's price for the same lot: between $60,000 and $70,000.

■ Canadian-born athlete Lawson Mitchell served as Tomoka Oaks Golf & Country Club head golf pro from 1967 to 1980. He was vacationing on the West Coast when The News-Journal tried to reach him for this story.

■ In 1977, radiology physician Dr. Richard Ryals, and two partners signed a lease-option agreement with prominent local businessman Milton Pepper to buy the golf course and club.

Dr. Ryals is now sole owner of the club.

■ Retired stockbroker Rockwell V. "Rocky" Collins named major Oaks thoroughfares after famous golf courses around the world: St. Andrews for Scotland's green; Rio Pinar after an Orlando course.

■ The largest golf tournament played at the Oaks was the Florida Amateur, in June, 1970, according to News-Journal files.

■ Rocky Collins' home at 28 N. St. Andrews Dr., built by Tom Kittrell in 1962, is the Oaks' oldest.

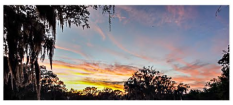
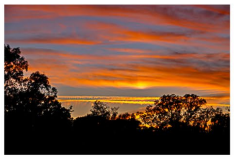
■ There's a 30-foot buffer zone behind all Oaks homes abutting the golf course; the typical city setback is 20 feet.

■ The average Oaks lot size is 109 square feet, the largest of any area subdivision.

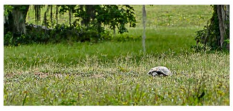
Tomoka Oaks Golf Course





Open Space,Trees, Wildlife,-
This is what makes Tomoka Oaks Special

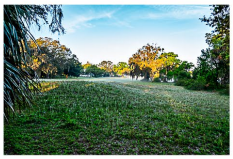
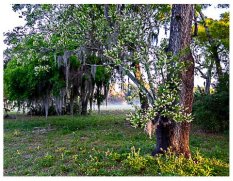





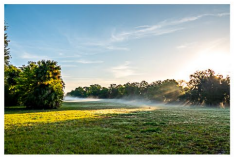
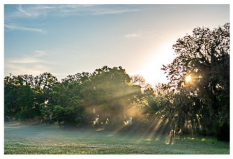


One Homeowners Views of Tomoka Oaks Golf Course-





photos - Denise Corley 2023-2024

From: Tom Harowski
To: Spraker, Steven
Subject: Tomoka Reserve
Date: Tuesday, April 2, 2024 2:07:59 PM
Attachments: Report to city Commission 4-16-24 Meeting.docx

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Steve,

I have attached a report that I am offering for inclusion in the City Commission packet for the April 16th public hearing. This is an update to the analysis I did for the Planning Board hearing.

Thomas A. Harowski, AICP
President
Please make note of my NEW email address: Tom@TMHConsultingInc.com
(386) 316-8426

TMH CONSULTING, INC.
Community Planning Services

Tom@TMHConsultingInc.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: Ormond Beach City Commission
CC: S. Spraker, AICP, Planning Director
FROM: Thomas Harowski, AICP, President
SUBJECT: Tomoka Reserve Zoning Application
DATE: March 22, 2024

The developers of the proposed Tomoka Reserve development have abandoned their application for a planned residential development and are seeking standard zoning for the tract requesting R-2 Single Family zoning be applied. The existing Tomoka Oaks Subdivision is zoned R-2, but it is not automatic that rezoning the subject parcel to R-2 is mandatory or even the most appropriate action by the city. This report is being offered to explore other options for consideration. Let's begin with a few statements of fact.

- The subject property is designated as low density residential by the City's comprehensive plan.
- Low density residential allows development up to 4.3 units per acre, but there is no guarantee or firm entitlement that every low-density residential parcel can be developed to the maximum level allowed by the land use classification.
- The current zoning of the subject property is Planned Residential Development (PRD), but there is no active development agreement outlining the development entitlements.
- The eventual zoning assigned to the subject property needs to be consistent with the future land use designation and compatible with the surrounding community.
- The original design of the overall Tomoka Oaks neighborhood included a residential subdivision and an 18-hole golf course and country club that was integral to the local community and functioned, in part, as community open space.
- In addition to golf, for most of its existence the Tomoka Oaks Golf and Country Club included swimming and tennis as well as community space and a restaurant in the clubhouse. Club members and the general public could use the restaurant and many Tomoka Oaks residents enrolled children in the summer camp

programs. Neighborhood association meetings were held at the clubhouse, so the facility was integrated into the neighborhood as a social center as well as being community open space.

- The actual development density of the Tomoka Oaks subdivision is about 1.27 units per acre when the subject property is properly recognized as neighborhood open space per the original subdivision design.

- Regardless of a traffic study finding that the proposed development would meet level of service standards, the Tomoka Oaks neighborhood will still be impacted by a significant level of traffic which will reduce traffic safety and increase hazards for pedestrians and cyclists.

Analysis

The Community Planning Act (F.S. 163.3164 (9)) defines compatibility as:

> "… a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

The City of Ormond Beach comprehensive plan supports the state definition with Future Land Use Element Policy 1.1.3 which in part reads "Preserve the character of existing neighborhoods by not allowing the intrusion of land uses that would threaten to alter the neighborhood character…." The fact that a land use type may be the same, say single-family adjacent to single-family, does not mean that the new land use cannot be intrusive if it alters the neighborhood character.

As discussed extensively during the hearings on the applicant's request for PRD approval, the planned construction of new housing on the subject property is a clear intrusion into the Tomoka Oaks neighborhood. The only place where the proposed development does not abut existing houses is literally where the driveway into the former clubhouse is located. This is the "hole in the donut" concept that was extensively discussed and accepted by both the Planning Board and the City Commission as a clear element of impact by the proposed development on the existing neighborhood. Ample evidence of this finding is available in the minutes of the September 26, 2023, meeting. Because of the intrusive nature of the proposed development on the existing neighborhood, the requirement for a compatible development demands that impacts from the new development follow a density and lot size compatible with the existing neighborhood and that the project compensate Tomoka Oaks for the loss of community open space.

A zoning designation assigned to a property must be consistent with the comprehensive plan as well as being compatible with the area surrounding the proposed development. Section 2-02 of the City's land development code includes Table 2-2 Future Land Use Map Designations and Compatible Zoning Districts. For low density residential land uses, the table lists the following classifications:

From:	Tom Fitzgibbon
To:	Spraker, Steven
Subject:	Tomoka Oaks and the Trails Have a Traffic Problem Now, What Happens After Tomoka Reserve is Built?
Date:	Wednesday, April 3, 2024 11:22:02 AM

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Dear Mr. Spraker,

The neighborhoods of Tomoka Oaks and the Trails, between Nova and US1, already have a dangerous traffic problem, as noted by the City of Ormond Beach. The golf course was designed to accommodate perhaps 50 cars, except for special events, at any one time. Tomoka Reserve will add 600+ cars, all piling through one road, Tomoka Oaks Blvd, a traffic nightmare created by the developer. **The developer (Rubin, Barshay and Velie) have indicated no changes are necessary to their entranceway to accommodate 12x current traffic.**

1. Ormond Beach had scheduled speed tables on S. St. Andrews Dr over a year ago, but has since cancelled the installation for unknown reasons.
2. Volusia County has been reported to be the deadliest county in Florida with 648 deaths, 11.19 per 10000 people (see Daytona News-Journal 4/2/24-Volusia Tops US Traffic Fatality)
3. A woman pedestrian was killed by a speeding driver on S. St. Andrews Dr in Tomoka Oaks.
4. Tomoka Oaks has no sidewalks or safe places for walkers, bicycles, strollers, kids playing, golf carts, etc. Trucks and cars parked in the street make drivers and pedestrians play a deadly game of dodgeball.
5. Tomoka Oaks and the Trails do have blind curves, hills, narrow streets and many traffic islands.
6. I saw two trucks racing side by side NE up S. St. Andrews Dr two months ago over the blind hill at 35 S. St. Andrews Dr.
7. Distracted drivers regularly speed through Tomoka Oaks, The Trails, Escondido and Talaquah.
8. Only one of two newly installed radar speed signs is working and it is not slowing down speeders, they ignore the signs.

This is strictly a neighborhood safety issue and I suggest you:

1. Limit the number of cars/trucks by restricting the number of houses built in Tomoka Reserve. The 2006 approved PRD had a limit of 122 houses.
2. Consistently enforce speed limits with speed tables and police patrols.

Help us limit the number of additional deaths and injuries that will result from building too many houses in the Tomoka Oaks Golf Course. Or buy the property and use it for open space in our increasingly crowded beautiful Ormond Beach. Current property owners have rights too.

Thank you,

Tom Fitzgibbon - Tomoka Oaks

R-1 Residential Estates
R-2 Single Family Low Density
R-2.5 Single-Family Low-Medum Density
R-3 Single Family Medium Density
Planned Residential Development

The following table provides some basic information about each of the classifications that are consistent with the low-density land use and may be compatible with existing developments.

Zoning District	Units/ Acre	Lot Size	Lot Width	Lot Depth	Lot Coverage
R-1	2.17	20,000	100	150	75%
R-2	4.30	10,000	100	NA	75%
R-2.5	4.98	8,750	90	NA	75%
R-3	5.05	8,625	75	NA	75%
PRD	Negotiated				

The current zoning of the property is planned residential development (PRD) which needs to be completed with a development agreement specifying the provisions governing the use and development of the property. This is the process used for all PRD properties in the City of Ormond Beach. While the applicants sought a PRD agreement that was not recommended by the Planning Board, the City Commission did not deny the application, but referred the proposal to the Planning Board for additional refinement. The City Commission has no obligation to abandon the PRD zoning until it is fully demonstrated that no development agreement under the PRD can be approved. **Since the proposed project never proceeded to a final vote, there is no affirmative evidence that the submitted proposal or a modified proposal cannot receive approval**.

Given the clear disparity between the developed character of Tomoka Oaks and the minimum dimensional standards of the R-2 zoning district, it is clear that the PRD zoning offers the best opportunity to maximize compatibility between the proposed project and the existing neighborhood development. It is clear from the Planning Board public hearings that there is a plan that they would consider acceptable. Note the comments of Mr. Galloway on page 18 of the September 26, 2023, meeting minutes; the comments of Mr. Thomas on page 20; the comments of Mr. Galloway and Mr. Thomas on page 22; and Mr. Galloway again on page 24. **These comments suggest that at least some members of the Planning Board would seriously consider a project size of 220 to 250 units, and that a range of lot sizes would be acceptable so long as the perimeter lots were predominantly the same size as the R-2 lot minimums**. The Tomoka Oaks Homeowners' Association has not taken a position on a project of this size.

While rezoning to R-2 would seem to be an easy choice for the subject parcel and would be consistent with the low-density land use, development of the project at minimum R-2 standards is inconsistent and incompatible with the existing Tomoka Oaks

neighborhood. The developed density of the neighborhood is 1.27 units per acre; about 25% of the allowable maximum density and about 50% of the proposed project density. **Given the direct impact of the proposed development on a significant number of units in Tomoka Oaks and indirect impacts on the entire neighborhood resulting from reduced open space, increased traffic, and lessened safety for pedestrians and cyclists, R-2 is not the best zoning choice.**

If density comparison between the current neighborhood and the proposed development is to be the key criterion for compatibility, the table above suggests that R-1 zoning is in fact the most appropriate standard zoning. This choice recognizes that Tomoka Oaks is developed well above the minimum R-2 standards, and that a project that approaches the minimum requirements for R-2 zoning is in fact not compatible with the current neighborhood.

Findings

It is indisputable that PRD zoning offers the best opportunity to maximize compatibility with the current neighborhood while remaining consistent with the comprehensive plan and future land use. The City Commission did not reject the PRD proposal. They expressed concerns about the plan and referred the request to the Planning Board to work on refinements. The applicants elected to abandon the process without the project ever coming to a final vote. It is clear from the Planning Board hearings that there is a path to an acceptable plan under PRD zoning that can be supported for City Commission review. The current zoning is PRD and there is no reason to approve any zoning other than PRD at this point in time.

If standard zoning is to be applied, R-1 density is more consistent with the developed nature of Tomoka Oaks. The resultant project under R-1 would yield a project density closer to the developed character of the neighborhood and it would lessen external impacts from traffic and from reduced public safety.

Commentary on the Application

As part of the application for rezoning, the applicants provided a project narrative that responds to questions posed in the application form and they cite compliance with several comprehensive plan policies. Some of their conclusions and statements in the narrative are debatable. The following comments offer a contrasting perspective given the positions laid out in the preceding analysis.

> *The proposed development conforms to the standards and requirements of this Land Development Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. (From City Application)*

- The applicants align crowding with the maximum density allowed by the future land use classification. The proposed project does fall within the

allowable range set by the comprehensive plan, but the proposed project as presented would be about twice as dense as the existing neighborhood. The statement that the proposed development is a reuse of a failed golf course has no impact on the criteria identified in part of the application.

- Keep in mind that the nature of the former golf course property has much more coterminous property with the existing neighborhood than would a more typical new subdivision adjacent to an existing neighborhood.

The proposed development is consistent with the comprehensive plan. (From City application.)

- The requested R-2 zoning is consistent with the comprehensive plan, but it is not the only zoning category that meets the consistency test. The findings of this analysis are that PRD is the best option followed by R-1 Single-family and then R-2 Single Family.

- The applicant's response cites Policy 1.1.6, but the response really misses a key point of the policy. The policy is intended to promote a variety of housing types with duplex, townhouse, and multi-family specifically cited as varied housing types. The proposed development with R-2 single-family does not really respond to this point.

- The applicant's response cites Policy 1.1.7 regarding sound residential communities and quality housing, but the standard zoning option provides no assurance that "the development is comprised of residential homes of a quality and character that will promote a long-lasting, aesthetically pleasing residential neighborhood…" as they claim. Outside of the PRD format there is no vehicle to provide for an affirmative commitment to design and other community enhancements.

- The applicant's narrative repeatedly claims the project as an infill development. This is true in the sense that the project is located within the more developed core area of the city rather than at the outer periphery. However, it has been well established during the many public hearing on this project during the PRD review, that Tomoka Oaks and the former golf course is a unique condition in that the proposed development in entirely consumed within the existing neighborhood and is deserving of a more fine-grained treatment of the border between the two projects to provide at least a minimal level of compatibility.

Summary

It is important to recognize that an R-2 development proposal and zoning action taken some 60 years ago may not be the most appropriate and consistent zoning action today as the subject properties will have experienced changes over

time. Our data shows that the actual development density for Tomoka Oaks far exceeds the minimum standards for R-2 single-family and the minimum standards that we must expect the proposed development will follow. The new development will result in the elimination of critical open space in the community that was integral to the original design of Tomoka Oaks. The loss of open space and the increase in actual developed density, even within the R-2 standards, creates a burden on the existing neighborhood and leads to the conclusion that R-2 zoning may no longer be the most consistent option.

It is clear, and has been since the outset, the Planned Residential Development, is the best choice to mitigate impacts and preserve neighborhood character. The applicants have chosen to abandon the pursuit of a PRD agreement despite the clear indication that the Planning Board has expressed parameters that the board members believe will yield a sustainable agreement; and despite the fact that the City Commission has never taken a final vote on any proposal.

This analysis continues to suggest that a PRD is the best option to provide for development of the subject property. If density is to be the key measure of compatibility, then the City R-1 Single Family Residential zoning is the most consistent with the developed character of the neighborhood. Both options should be considered before any R-2 designation is applied.

Finally, it is appropriate to note that the applicants have made statements with regard to compliance with policies of the City's comprehensive plan that are debatable at best and inaccurate or irrelevant in other cases. In making its decision on the proposal, the City Commission should note that the stated compliance with comprehensive plan policies is challenged as noted above.

City of Ormond Beach
AGENDA ITEM

November 7, 2023 - City Commission

Number: 9.D

Section:	PUBLIC HEARINGS		
Item Category:	Public Hearing - Ordinances	**Res./Ord. No:**	2023-55
Strategic Goal:	Transportation & Community Development - Other		
Department:	Planning & Building		
Subject:	Tomoka Reserve, Issuance of a Development Order		
Summary:	This is an application submitted by Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC, for the issuance of a development order for the Tomoka Reserve subdivision. The application seeks to allow the issuance of a development order for 272 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The subject property is currently zoned as PRD, Planned Residential Development, and is located at 20 Tomoka Oaks Boulevard. The subject property has a land use designation of “Low Density Residential” (LDR) and the zoning classification of Planned Residential Development. The land area for the application was platted in 1961 as the Sam Snead Golf and Country Club. The Tomoka Oaks Golf & Country Club included an 18-hole golf course, clubhouse, cart barn, and maintenance barn. On October 17, 2006, the City Commission approved Ordinance 2006-17 that authorized the following: 1. Zoning map amendment from R-2, Single-Family Low Density to PRD, Planned Residential Development; 2. The Tomoka Oaks Golf Village development order; 3. Development of 119 multi-family units (townhomes and condominiums) and 3 single-family homes, along with a re-designed golf course; 4. The property owner was to provide for covenants and restrictions that restrict the golf course to open space and golf course use with the development of residential use; and 5. A phasing plan for site development.		

The project development order expired in 2014 based on no permit activity. Because there was no construction, none of the development order conditions, including the covenant and restrictions for a golf course, were implemented. The applicant purchased the property in 2021 and has sought to implement a new development order to provide zoning entitlements for the property.

Planning Board reviewed the application for the issuance of a development order at the July 13, 2023, August 21, 2023, and September 26, 2023 meetings. The July 13, 2023 site plan showed a mixture of 50, 60 and 80 foot wide lots. There were approximately 30 individuals who addressed the Planning Board. This Planning Board meeting was continued to the August 21, 2023 meeting. After the advertisement for this meeting, the applicant submitted a new site plan and agreed to several recommendations of the Site Plan Review Committee (SPRC). The Planning Board deemed the changes material and required a new public hearing. At the September 26, 2023 Planning Board meeting, the Board reviewed an updated site plan that had two primary issues from the SPRC remaining: (1) lot widths along the perimeter and (2) 50 foot landscape buffer plantings and irrigation. There were approximately 20 individuals who addressed the Planning Board.

Planning Board recommended denial of the issuance of the development order by a 7-0 vote. During the deliberation of the motion, Planning Board members discussed several issues they desired to make the City Commission aware of. These items are as follows:

1. **Density**. Each board member expressed concern about the proposed number of lots. Board members indicated support of the SPRC recommendation of 100 foot wide lots on the perimeter. Additionally, some board members believed that all the lots (including interior lots) should be wider and have additional square footage. Board members discussed a wide range of allowed lots with most members in a range between 220 and 240 lots.
2. **50 foot buffer**. Board members stated that there should be a type 6 buffer where gaps exist and irrigation to newly planted landscape material.
3. **Traffic**. Board members stated that the traffic analysis is flawed based upon evidence and testimony provided and their experiences. Specific discussions included: (A) the existing diamond of Saint Andrews Drive and Tomoka Oaks Boulevard, (B) impacts to Tomoka Oaks and the Trails subdivision, (C) intersection impacts at Main Trail and West Granada Boulevard.
4. **Architectural design**. Board members sought a wide variety of architectural elevations. The comment of no cookie cutter

homes was provided. The Board focused on the distance between houses that could repeat building styles.

5. **Driveways**. Board members discussed a desire to have a longer driveway in order to stack vehicles on the house lots and not have on-street parking.

The Planning Board discussed the 2006 approval and the appropriateness of that development order. The 2006 development order has been provided as a City Commission attachment. Each of the Planning Board minutes are included in the City Commission packet.

Project discussion: This application is for the issuance of a development order under the existing PRD zoning designation. The PRD zoning includes additional site requirements such as additional natural preservation, common areas, and recreation areas. The PRD development order is a negotiated zoning district. The staff report provides detailed analysis of the project, environmental considerations, the history of the property, and detailed traffic analysis. It is important to note, this stage of development is solely for a zoning development order and additional construction details are required with the Preliminary Plat reviewed by the Planning Board and City Commission.

After the Planning Board review, there are two main issues that remain: (1) number of lots and (2) 50 foot buffer. The SPRC recommendation has been for a 100 foot lot width minimum along the perimeter of Tomoka Oaks. This recommendation is based upon (1) the R-2 minimum lot size is 100', (2) lot widths were identified as key issues at the pre-application neighborhood meetings, and (3) to provide compatibility to the existing lots. The Planning Board also expressed concerns with the interior lot widths. Regarding the second issue, the 50 foot buffer planting material and irrigation, the SPRC believes where there are gaps in the existing vegetation, these areas should be filled in with sufficient landscape material to create a buffer. SPRC staff also believe newly planted materials should have irrigation based on the Land Development Code.

Other key issues discussed by the Planning Board included traffic, architectural design, and driveways. For the traffic issue, the project went through an extensive traffic engineering study and included local road analysis which is not normally required in a traffic analysis. SPRC staff has hired an independent traffic reviewer who has deemed the project complete and accurate with all accepted transportation study regulations. The traffic analysis does not state the project would not create additional trips, but instead the project trips are within the Level of Services adopted by the Comprehensive Plan and project traffic improvements will be made. The architectural design has been a key review point and the Planning Board desired more separation between similar houses. The length of the driveway was brought up at the September 26, 2023 meeting. Board members expressed concern

	about short driveways having insufficient depth for adequate off-street parking.
Financial Impact:	There is no budget impact as the result of this application for the issuance of a development order.
Citizen Impact:	The Tomoka Reserve is a unique parcel of land that has single-family homes surrounding the perimeter. Residents have provided input at neighborhood meetings, through written correspondence, and testimony at public hearings. Key concerns have included (1) compatibility, (2) lot sizes, (3) buffers, (4) traffic, (5) property values, (6) preservation of the land as a golf course, (7) location of the emergency access easement, and (8) wildlife impact. Written project correspondence and input provided at the Planning Board meetings are included.
Recommended Action (Staff, Advisory Board and/or Other):	Planning Board recommended **DENIAL** (7-0 vote) of the proposed application for the issuance of the development order based on concerns regarding: (1) lot sizes and number of proposed units, (2) 50 foot buffer planting and irrigation, (3) traffic impacts, (4) architectural design concerns, and (5) length of driveways on the single family lots. The SPRC also recommends denial based on the analysis contained in the Planning Board staff report.
Staff Contact:	Steven Spraker, Planning Director, (386) 676-3341
Attachments:	1. 23-55 Tomoka Reserve DO (P23-0209S) 2. Tomoka Reserve DO 3. Exhibit A, Tomoka Reserve Legal Description 4. Exhibit B, SPRC Comments 5. Exhibit C, Site plan 6. Exhibit D, 2023 09 06 v2 Buffer Planting Maintenance Plan 7. Exhibit E - ProjectConditions 8. 09.26.2023, DRAFT Tomoka Reserve, Planning Board minutes 9. 11.01.2023, Corresondence from 09.27.23 to 10.31.23 10. _09.26.2023 Tomoka Reserve staff report outline 11. _09.26.2023, Tomoka Reserve, Issuance of a Development Order, PB Report 12. 09.26.2023, Attachment 1 - SPRC comments 13. 09.26.2023, Attachment 2 - Location, land use, and zoning maps 14. 09.26.2023, Attachment 3 - Correspondence 15. 09.26.2023, Attachment 4 - Traffic(8.5X11) 16. 09.26.2023, Attachment 5 - Environmental information 17. 09.26.2023, Attachment 6 - school concurrency 18. 09.26.2023, Attachment 7 - neigborhood meeting(8.5X11) 19. 09.26.2023, Attachment 8 - Ownership

	20. 09.26.2023, Attachment 9 - applicant info 21. 09.26.2023 Attachment 10 - Site plan(8.5X11) 22. 09.26.2023, Attachment 11 - PB Minutes 23. 09.26.2023, Attachment 12 - PowerPoint 24. 09.26.2023, Attachment 13 - older info(8.5X11) 25. 2006-17, City Commission item, Tomoka Golf Village 26. Ordinance Business Impact Estimate 10-01-23 OB Form - Tomoka Reserve, DO
Approval:	Kelly McGuire, Finance Director 10/20/2023 Claire Whitley, Assistant City Manager 11/2/2023

ORDINANCE NO. 2023-55

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE "TOMOKA RESERVE" SUBDIVISION, AUTHORIZING THE DEVELOPMENT OF 272 LOTS ON 147.94± ACRES TO BE LOCATED AT 20 TOMOKA OAKS BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Triumph Oaks of Ormond Beach I, LLC, a Florida Limited Liability Company (the "Applicant/Property Owner"), has submitted an application to allow the development of a subdivision of 272 lots on 147.94± acres to be located at 20 Tomoka Oaks Boulevard, Volusia County parcel number: 3242-07-00-0010 (the "Property"), to be known as "Tomoka Reserve" (the "Project"), as described and depicted in the Planned Residential Development ("PRD") Development Order attached hereto and incorporated herein, and

WHEREAS, on October 17, 2006, by Ordinance 2006-17, the City Commission authorized a zoning map amendment for approximately 147 acres located at 20 Tomoka Oaks Boulevard from R-2, Single Family Low Density, to PRD, Planned Residential Development, and authorized a development order for: a re-configured golf course, 119 multi-family units (townhomes and condominiums) and three single family lots, under certain conditions, which development order is recorded in Official Records Book 5944, at Pages 2179 through 2227, inclusive of the Public Records of Volusia County, Florida, and

WHEREAS, the aforementioned development order approved by Ordinance 2006-17 expired on October 17, 2014, and

WHEREAS, the 147.94± acre parcel located at 20 Tomoka Oaks Boulevard, is currently zoned as Planned Residential Development (PRD); however, no active development order exists for the Property, and

WHEREAS, the Planning Board held public hearings on July 13, 2023; August 21, 2023; and September 26, 2023, as required by Chapter 1, Article II, Section 1-15(d)(2), of the *Land Development Code*, and has recommended denial of the Project, and

WHEREAS, the City Commission has held a public hearing in accordance with Section 166.041(3)(c)(2), *Florida Statutes* and has considered the following:

(1) The report and recommendations of the Planning Board;

(2) The report and recommendations of the Site Plan Review Committee;

(3) The comments of governmental agencies, utility corporations and individuals, as received, and

(4) The testimony of the City's planning staff, the Applicant, expert witnesses, persons that may be affected as a result of the application, and documentary evidence pertaining thereto, if any, and

WHEREAS, the City Commission further finds with respect to the application for the issuance of a development order, that there is competent substantial evidence to support the following:

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

(2) The proposed development is consistent with the Comprehensive Plan;

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

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

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

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

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

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

(9) The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area; now therefore,

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

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

SECTION TWO. The application of the Property Owner for the issuance of a PRD Development Order for the "Tomoka Reserve" project is hereby approved. The Mayor and the City Manager are authorized and directed to execute and issue the attached PRD Development Order for the "Tomoka Reserve" Planned Residential Development to allow the development of 272 lots on 147.94± acres under certain conditions, to be located at 20 Tomoka Oaks Boulevard (Volusia County parcel number: 3242-07-00-0010).

SECTION THREE. The Project shall be required to obtain a Preliminary Plat and provide detail engineering plans with review by the Planning Board and action by the City Commission prior to the issuance of a site construction permit. A neighborhood meeting shall be required after the first Site Plan Review Committee submittal and prior to the Planning Board meeting for the Preliminary Plat.

SECTION FOUR. The lot layout as shown in Exhibit "C" to the PRD Development Order, and the Tomoka Reserve Planting and Maintenance Plan, dated September 6, 2023 as shown in Exhibit "D" to the PRD Development Order, are hereby accepted.

SECTION FIVE. The Project shall provide subdivision phasing with the Preliminary Plat. The subdivision phasing may be modified with review and approval of the Site Plan Review Committee.

SECTION SIX. Section 2-35(h)(3)(a) of the *Land Development Code* allows additional outdoor recreational areas to be provided in lieu of indoor recreation area. The project

is required to provide 24,840 square feet of outdoor recreational area. The proposed 9.34 acres of outdoor recreational area exceeds the *Land Development Code* requirements and is hereby accepted.

SECTION SEVEN. The Applicant shall be in full and complete compliance with the project conditions described and attached as Exhibit "E" to the PRD Development Order.

SECTION EIGHT. The Applicant, including the Applicant's successors and assigns, shall at all times fully comply with the terms and conditions of the PRD Development Order.

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

SECTION TEN. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission this 7th day of November, 2023.

PASSED UPON at the second and final reading of the City Commission this 5th day of December, 2023.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE:	**Application of:**	Triumph Oaks of Ormond Beach I, LLC, a Florida Limited Liability Company
	Planned Residential Development	PRD 2022-043
	Project Name:	Tomoka Reserve
	Property Addresses:	20 Tomoka Oaks Boulevard
	Parcel ID Nos.	3242-07-00-0010

PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on November 7, 2023 and December 5, 2023 and the City Commission having considered those items as required by Section 1-18(e) of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

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

2. The proposed development is consistent with the Comprehensive Plan;

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

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

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

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

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

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

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

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of Triumph Oaks of Ormond Beach I, LLC, a Florida Limited Liability Company (the "Applicant/Property Owner"), for a Planned Residential Development ("PRD") Development Order authorizing the development and construction of a residential subdivision of 272 lots to be known as "Tomoka Reserve" located on a 147.94± acre parcel at 20 Tomoka Oaks Boulevard (Parcel ID number: 3242-07-00-0010) on that real property described in Exhibit "A" attached hereto and incorporated herein by reference is hereby granted, subject to the following conditions:

1. All applicable provisions of Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-35, PRD, Planned Residential Development District, of the City of Ormond Beach *Land Development Code*, except as otherwise specifically modified are hereby made a part of this PRD Development Order;

2. The project shall be required to obtain a Preliminary Plat and provide detail engineering plans with review by the Planning Board and action by the City Commission prior to the issuance of a site construction permit. A neighborhood meeting shall be required after the first Site Plan Review Committee submittal and prior to the Planning Board meeting for the Preliminary Plat;

3. Resolution of the outstanding Site Plan Review Committee comments through the Preliminary Plat process described in Exhibit "B";

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

5. Full and complete compliance with the Applicant's Tomoka Reserve Planting and Maintenance Plan, dated September 6, 2023 attached as Exhibit "D";

6. Full and complete compliance with the project conditions attached as Exhibit "E";

B. The final plans for the development project shall be consistent with all of the conditions listed in this PRD Development Order and as depicted in the plans attached hereto as Exhibits "C" and "D" and incorporated herein by reference.

C. No material change shall be made to the final plan for the development project without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval or modification of development orders.

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

E. There shall be no site preparation including clearing, filling, dredging, or excavation, nor shall any construction begin until the Preliminary Plat site plans are approved. If construction has not begun within five years (December 5, 2028) from the date of City Commission approval of this PRD Development Order with the subdivision plat processed in accordance with Sections 4-17 or 4-18 of the *Land Development Code*, this PRD Development Order shall automatically become void and shall have no further effect. Before the planned development permit can be re-established, a new PRD Development Order application must be filed shall be reviewed and approved by the Planning Board and the City Commission under the provisions of Section 1-14(3)(b), of the *Land Development Code*.

F. In the event the use of the land approved by this PRD Development Order is abandoned for a period of two (2) years or there has been no construction activity during that period, any permit shall be void and a Notice of Final Plan Revocation shall be filed under the provisions of Section 1-14(3)(b) of the *Land Development Code,* and a new application for a PRD Development Order must be submitted for consideration in accordance with the requirements of the *Land Development Code*.

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

H. This PRD Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of Triumph Oaks of Ormond Beach I, LLC, a Florida Limited Liability Company, and shall be binding upon the Property Owners and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference (Volusia County Parcel ID Number: 3242-07-00-0010).

[Remainder of page intentionally left blank]

ORDERED this 5th day of December, 2023.

CITY COMMISSION
CITY OF ORMOND BEACH, a Florida municipal corporation

By: _____
BILL PARTINGTON
Mayor

(CITY SEAL)

Attest: _____
JOYCE A. SHANAHAN
City Manager

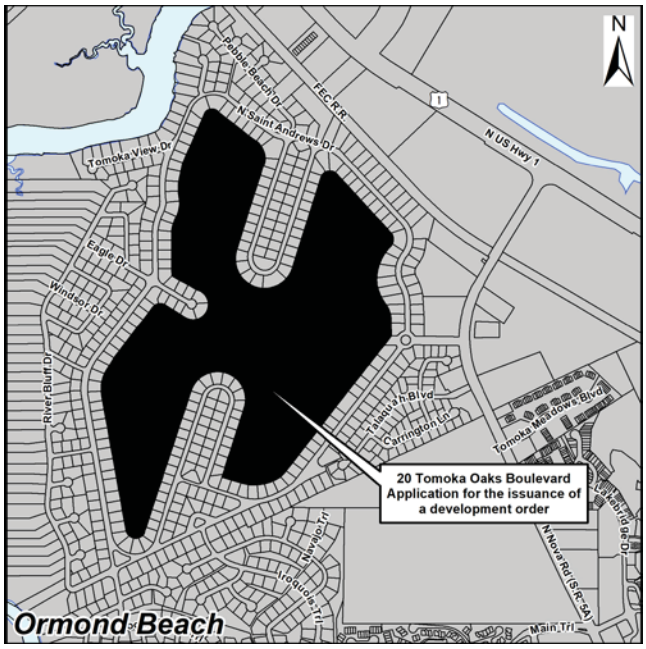
EXHIBIT "A"

LEGAL DESCRIPTION
(from Sliger & Associates, Inc. survey – survey date April 15, 2021)

PROPERTY DESCRIPTION:

SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LOCATION MAP



PARCEL ID: 3242-07-00-0010

OWNER: TRIUMPH OAKS OF ORMOND BEACH I LLC

APPLICANT: TRIUMPH OAKS OF ORMOND BEACH I LLC

ADDRESS OF DEVELOPMENT ORDER: 20 TOMOKA OAKS BOULEVARD, ORMOND BEACH, FL 32174

Project Name: PZ-22-043
Project Description: Tomoka Reserve
Review Comments List Date: 9/13/2023

Ref. # 62, Landscape Architect, Cara Culliver, 1/25/23 3:25 PM, Cycle 2, Unresolved
Markup: Buffer Type, Tomoka Reserve PD Plans 5 -Buffer plan.pdf

- Staff is supporting a Type 6 landscape buffer which is consistent with the 50' buffer width & requires 7 trees, 70 shrubs & 70 ground covers per 100' lineal feet.

Ref. # 134, Landscape Architect, Cara Culliver, 6/12/23 5:00 PM, Cycle 4, Unresolved
Markup: High Density Buffer Planting, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- A Type 6 buffer which is 50' foot depth requires 7 trees, 70 shrubs & 70 ground covers per 100' lineal feet. The document states 30 shrubs and the planting depth is 20 foot which is inconsistent with Section 3-06(d)(1)(2) of the Land Development Code.

- The elevation & plan view drawings shall be to scale and should show a typical 100 foot length & 50' foot depth planting design. This applies to all of the Typical Buffer Sketches.
- There is no reference to the keyed out plant materials and not able to determine what's being proposed?

- The plan view sketch only shows 5 trees and the requirement is 7 trees per 100 lineal foot. Also, the shrub requirement is 70 and only 30 are shown.

- Spacing trees 15 feet apart doesn't give enough room for growth and you have a 50' foot wide buffer to work within.

- The wildflower areas should be shown in more natural shape.

Ref. # 135, Landscape Architect, Cara Culliver, 6/13/23 10:39 AM, Cycle 4, Unresolved
Markup: Master Buffer Plan, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- Need to reference on the master buffer plan where these 3 different typical buffer planting would occur.

- Ultimately, the 3 different planting sketches/specifications will have to be incorporated on 24x36 scaled drawing and included in the ZevCohen landscape plans.

Ref. # 136, Landscape Architect, Cara Culliver, 6/13/23 10:43 AM, Cycle 4, Unresolved
Markup: Tree Mitigation for Specimen & Protected Trees, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- Tree mitigation if applicable could drive the density of the buffers and tree caliper sizes. This will have to be worked out with final future detailed drawings.

Ref. # 137, Landscape Architect, Cara Culliver, 6/13/23 10:50 AM, Cycle 4, Unresolved
Markup: Medium Density Buffer & Intact Buffer Plantings Sketches, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- The medium and intact buffer sketches would need to be applied to the actual site to determine what needs to be planted back.

- There is a ground cover requirement and no mention of this in the written text for both of these sketches.

Ref. # 138, Landscape Architect, Cara Culliver, 6/13/23 11:01 AM, Cycle 4, Unresolved
Markup: Planting Details, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- Please use the City standard planting details.

Ref. # 139, Landscape Architect, Cara Culliver, 6/13/23 11:13 AM, Cycle 4, Unresolved
Markup: Watering Schedule, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- Staff is not supportive hand watering for establishment of plant materials/trees. A permanent irrigation system needs to be in place for the establishment of the trees and plant materials as per Section 3-05(e) of the Land Development Code.

- The watering requirement of trees wouldn't be the same as watering requirement for shrubs/ground covers. For example and based on the University of Florida research, 3 gallons of water per caliper inch and establishment rates are based on 3 month per inch of trunk caliper. To establish a 30 (8 gallons of water) or 45 gallon tree (9 gallons of water) at 2.5" caliper would take 8-12 months. You would need to water daily for 1-2 months and every other day for 4 months and weekly until establishment. This is not an efficient way to water a project of this size and there will be limited to no access to this 50 foot buffer when the project is developed. Also, we frequently experience drought which is going to be a factor in keeping this natural buffer alive.

Ref. # 140, Landscape Architect, Cara Culliver, 6/13/23 3:41 PM, Cycle 4, Unresolved
Markup: Intact Buffer, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- When 7 existing trees are not present with this buffer type, than Understory trees would be more appropriate than more shade canopy trees.

Ref. # 141, Landscape Architect, Cara Culliver, 6/13/23 3:52 PM, Cycle 4, Unresolved
Markup: Suggested Tree List, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- The intent is to provide screening please limit the amount of deciduous trees used in this plant palette.

- This project would have Canopy and Understory trees. Please add a category for native Understory Trees. Might want to call the Medium tree an Understory tree on the sketches.

- I don't think the American Olive, American Hornbeam, Redbud and Sugarberry are available to meet the cities minimum tree size of 10' foot height and 2.5" caliper, please check availability and revise list as necessary.

- The Florida Privet is semi-evergreen and can shed its leaves in the winter.

Ref. # 142, Landscape Architect, Cara Culliver, 6/14/23 8:37 AM, Cycle 4, Unresolved
Markup: Tree Size & Spacing, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- The minimum tree size is 10' foot height and 2.5" caliper per Sec.3-05(d)(2).

- Spacing trees 15 feet apart especially for canopy trees doesn't not provide enough room for growth. You have a 50' buffer depth and greater spacing can be achieved with a staggered spacing.
Ref. # 143, Landscape Architect, Cara Culliver, 6/14/23 9:02 AM, Cycle 4, Unresolved
Markup: Wildflowers, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- For the success of the wildflower seeds they are installed a certain way, during the fall season, type of seed mix and what's the application rate. Please provide more detailed specifications.
Ref. # 144, Landscape Architect, Cara Culliver, 6/14/23 9:16 AM, Cycle 4, Unresolved
Markup: Existing Turfgrass, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- The existing turfgrass will need to be removed for the plantings of the trees and shrubs. The existing grass is going to compete with the establishment of the shrubs and most likely grow over the shrubs and choke them out. This will become a long-term maintenance issue if the grass is left.

Once the plant materials are installed a 3" inch mulch layer (suggest using Pine Bark) will retain the soils moisture.

Ref. # 155, Landscape Architect, Cara Culliver, 9/8/23 10:05 AM, Cycle 5, Unresolved
Markup: Plans Preparation, 2023 09 06 Buffer Tree Planting Locations.pdf

- Per Section 3-05(b)(1),a landscape plan prepared by a person registered as a landscape architect under F.S. ch. 481, part II, shall be submitted in conjunction with any development requiring site plan approval. The plan shall include all items related to trees and tree protection, as well as the grade, type, size, and location of plant materials. All landscape plan sheets shall be signed and sealed.

Ref. # 156, Landscape Architect, Cara Culliver, 9/8/23 10:05 AM, Cycle 5, Unresolved
Markup: 50' Buffer Requirement (Applies To All Sheets BT-100-BT-108), 2023 09 06 Buffer Tree Planting Locations.pdf

- This plan does not demonstrate meeting compliance with the Type 6, 50' landscape buffer which requires 7 trees, 70 shrubs and 70 ground covers per 100' lineal feet. Five trees & 50 shrubs per 100 lineal feet doesn't meet Type 6 buffer requirements.

- Existing palms trees are three to one ratio (3:1), meaning 3 palms equals one required tree. A single palm can't be counted as a required tree.

- All plant materials shall be keyed out showing type, size and locations of plant materials, including a plant list with specifications.

- The landscaped buffer area shall include a minimum five-foot (5') wide visual screen constructed of plant materials which are selected, located, and maintained to provide a visual barrier that is designed to achieve forty percent (40%) opacity within three (3) years from the time of installation between three feet (3') and six feet (6') above the average ground level of the landscaped buffer area when viewed horizontally.

- Trees shall be established along the entire length of and contiguous to any property line at a maximum spacing of fifty feet (50') on-center.

- Abutting residential lot information needs to be show and referenced on this plan.

Ref. # 157, Landscape Architect, Cara Culliver, 9/8/23 10:18 AM, Cycle 5, Unresolved
Markup: Trees Required Chart, 2023 09 06 Buffer Tree Planting Locations.pdf

- This project buffer is 3.3 miles long which equals 17,424 L.F. divided by 100 (x) 7 required trees = 1,220 Required Trees for this buffer, 12,197 Shrubs & 12,197 ground covers.

- This 50' landscape buffer would require 1,220 trees and not 396 as per the chart and submitted plan.

- Please keep in mind protected and specimen tree mitigation might affect buffer density and design.

Ref. # 158, Landscape Architect, Cara Culliver, 9/8/23 11:44 AM, Cycle 5, Unresolved
Markup: Buffer Area Planting Requirements, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- Staff will not be supporting the "modified buffer" of 5 trees and 50 shrubs. We will be supporting the Type 6, 50' landscape buffer which requires 7 trees, 70 shrubs and 70 ground covers per 100' lineal feet.

- In addition to these requirements all landscape buffers require a minimum of 5' foot wide visual screen constructed of plant materials which are selected, located, and maintained to provide a visual barrier that is designed to achieve forty percent (40%) opacity within (3) years from the time of installation between three feet (3') and six feet (6') above the average ground level of the

landscaped buffer area when viewed horizontally.
- Also, trees shall be established along the entire length of and contiguous to any property line at a maximum spacing of fifty feet (50') on-center.

Ref. # 159, Landscape Architect, Cara Culliver, 9/8/23 11:48 AM, Cycle 5, Unresolved
Markup: Ground Cover Requirement, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- The design team has submitted no documentation of existing ground covers. This will be determined when full design plans are submitted.

- Ground covers will be required as per the Type 6 buffer requirements.

Ref. # 160, Landscape Architect, Cara Culliver, 9/8/23 11:56 AM, Cycle 5, Unresolved
Markup: Standards for Success, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- The revised plans submitted did not have a phasing plan. Please submit phasing plan for review.

- Staff will not be supporting a 2 year maintenance bond. We will not be supporting 80% plant survivability but will support 100%. Assuming 20% or greater of the plant materials in the buffer dies that would be a huge burden on Tomoka Reserve, Tomoka Oaks & the City. The question is who would be responsible for establishing "replaced" trees and shrubs after the 2 year period?

- Staff would support a maintenance bond of 6 years for each phase built. After each 2 years of each phase planted plant materials failed will be replaced by Tomoka Reserves HOA. If the maintenance bond is implemented the Tomoka Reserves HOA would be responsible to replace the buffer back per the approved plans and the City staff will conduct necessary inspections for compliance after each 2 year period.

Ref. # 161, Landscape Architect, Cara Culliver, 9/8/23 12:57 PM, Cycle 5, Unresolved
Markup: Short Term Maintenance, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- Staff is not supportive hand watering for establishment of plant materials/trees. A permanent irrigation system needs to be in place for the establishment of the trees and plant materials as per Section 3-05(e) of the Land Development Code.

- A 26 weeks or 6 month establishment period is not long enough to establish a 2.5" caliper tree. Based on the University of Florida research, 3 gallons of water per caliper inch and establishment rates are based on 3 month per inch of trunk caliper. To establish a 30 (8 gallons of water) or 45 gallon tree (9 gallons of water) at 2.5" caliper would take 8-12 months. You would need to water daily for 1-2 months and every other day for 4 months and weekly until establishment another 6 months. The larger the tree caliper the longer the establishment period.

Ref. # 162, Landscape Architect, Cara Culliver, 9/8/23 1:13 PM, Cycle 5, Unresolved
Markup: Irrigation System, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- If the irrigation system is designed "strategically" than there would be no distance challenges to pump the water or installing long lengths of irrigation pipe.

Ref. # 163, Landscape Architect, Cara Culliver, 9/8/23 1:16 PM, Cycle 5, Unresolved
Markup: Existing Turfgrass, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- The existing turfgrass will need to be removed for the plantings of the trees, shrubs & ground covers within the planting bed areas. All planting beds shall be prepped to remove all turfgrasses, weeds and unsuitable materials prior to planting. Leaving the existing grass is not the industry standard & going to compete with the establishment of the shrubs & ground covers and most likely grow over the shrubs and choke them out. This will become a long-term maintenance issue if the

grass is left & hinder the success of establishing plant materials. Once the plant materials are installed a 3" inch mulch layer (suggest using Pine Bark) will retain the soils moisture.

Ref. # 164, Landscape Architect, Cara Culliver, 9/8/23 1:26 PM, Cycle 5, Unresolved
Markup: Watering, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- Why would watering trees in Phase 1 be 4-6 gallons and less in Phase II & III with 2 gallons? The also applies to the shrubs. This is not based on University of Florida's research, "Planting & Establishing Trees" publication as noted in this report. A 2.5" caliper tree needs 9 gallons of water, 3.5" caliper needs 11 gallons, 4.5" caliper needs 17 gallons & 6" caliper needs 30 gallons of water.

Ref. # 165, Landscape Architect, Cara Culliver, 9/8/23 1:30 PM, Cycle 5, Unresolved
Markup: Irrigation System, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

Irrigating a project of this size (3.3 lineal miles) with hand watering is very inefficient and time consuming. The best approach to watering plant materials is with an efficient irrigation system using "low volume" techniques where water can be applied "directly" to the root ball. Directing water to 100% of the root ball in a manner that water can be absorbed into the root ball when water is needed is critical to optimum tree establishment. Proper irrigation immediately after transplant will influence root growth; therefore the diameter of the tree's irrigation pattern should increase, especially for sandy soils, as the tree's roots expand into the native soil. Efficient irrigation is critical and takes the guess work out with everything being automated and precise.

Ref. # 166, Landscape Architect, Cara Culliver, 9/8/23 1:41 PM, Cycle 5, Unresolved
Markup: Vegetation Maintenance, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- Before an area is planted it is stripped to bare soil removing all competing vines, weeds, unsuitable materials & turfgrasses. This eliminates the initial competing of weeds with the new plant materials. The applicant wants to keep all the turfgrass intact which is not the industry standard for establishing plant materials within large buffer areas. Staff will not be supportive of keeping turfgrasses intact within the landscape buffer.

Ref. # 167, Landscape Architect, Cara Culliver, 9/8/23 1:56 PM, Cycle 5, Unresolved
Markup: Long-term Buffer Maintenance, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- The applicant described this buffer as being natural and grass mowing in the buffer contradicts this concept? It would be a maintenance nightmare to mow around and between the trees, shrubs and ground covers. As stated already this buffer would be stripped prior to planting and then topped dressed with 3" mulch layer. There would be no mowing within the buffer and only weed/vine control & pruning of deadwood from trees as described in this plan.

- Other long-term maintenance items would be trimming the existing palms trees and removing the dead fronds, palm boots & seed heads. Also, newly planted trees/plant materials need fertilizer and should be part of the maintenance plan.

Ref. # 168, Landscape Architect, Cara Culliver, 9/8/23 4:48 PM, Cycle 5, Unresolved
Markup: Notes #7 & #8 Modified Buffer, PD1_21067 COV-C1.pdf

- Note #7, staff will not be supporting the "modified buffer" of 5 trees and 50 shrubs. We will be supporting the Type 6, 50' landscape buffer which requires 7 trees, 70 shrubs and 70 ground covers per 100' lineal feet.

- Note #8, an approved buffer plan will be in-place to identify where supplemental plantings will be required.

Ref. # 169, Landscape Architect, Cara Culliver, 9/8/23 4:57 PM, Cycle 5, Unresolved
Markup: Tree Replacement Note, PD2-PD6_21067 ODP-PD5.pdf

- Specimen trees removed will not be on a one to one replacement basis. Mitigation Chart A will determine how many trees will be replaced at 4.5" caliper based on the caliper removed.

Ref. # 65, Civil Engineer, David Allen, 1/31/23 4:34 PM, Cycle 2, Unresolved
Markup: Civil-Operating tables, 21067 Tomoka Reserve Storm Package.pdf

How were the discharge rates established for these tables.

Ref. # 103, Civil Engineer, David Allen, 2/21/23 9:50 AM, Cycle 2, Unresolved
Markup: Civil-=Emergency Access, Autoturn Analysis.pdf

Provide a detail that shows the island and the pavement widths for North St Andrews Drive. Provide the vehicle turn exhibit for this connection as well as the connection within the subdivision.

Ref. # 105, Civil Engineer, David Allen, 2/21/23 11:47 AM, Cycle 2, Unresolved
Markup: Civil-Lot Size, Tomoka Reserve PD Plans 6- typical lot layout.pdf

In the Neighborhood meeting, the width of the lot adjacent to the buff,(existing lots) was a significant question. The width was more important than the square footage of the lot. Please provide rationale for the proposed lot sizes.

Ref. # 118, Civil Engineer, David Allen, 5/10/23 2:15 PM, Cycle 3, Unresolved
Markup: Civil-Dry Retention, 21067 PD-04-28-23.pdf

Dry retention ponds were indicated as allowing infiltration to meet the time related requirements for stormwater management. The borings for the ponds indicated a layer of organics and top soil. How will the ponds function after several rain events have compacted the top layer into an impervious layer at the bottom of the pond.

If the pond bottom is being counted as natural preservation, these organics will seal the pond bottom. If the organics are removed then it should not count towards the natural preservation.

Provide time table of acceptable water stage on the trees within the dry retention.

Ref. # 119, Civil Engineer, David Allen, 5/10/23 2:39 PM, Cycle 3, Unresolved
Markup: Civil- Auto Turn, Autoturn Analysis.pdf

This configuration no longer matches the roadway layout for the [project. please provide an update to this figure.

Also provide a detail that demonstrates the emergency vehicle at the emergency access in conjunction with the existing island in N. St Andrews.

Ref. # 145, Civil Engineer, David Allen, 6/21/23 4:08 PM, Cycle 4, Unresolved
Markup: Civil-Phasing Plan, PD2-PD6_21067 ODP PD2 (1).pdf

Is there a phasing plan available for the project? If so, at what stage will the Emergency Access be constructed?

How will the construction of utility connections be staged in the overall project?

Ref. # 147, Civil Engineer, David Allen, 6/26/23 3:27 PM, Cycle 4, Unresolved
Markup: Civil-Lot Width, PD2-PD6_21067 ODP PD2 (1).pdf

Change the word size to width. The size can increase by depth only. The concern is the width of the lots.

Ref. # 148, Civil Engineer, David Allen, 6/26/23 3:27 PM, Cycle 4, Unresolved
Markup: Civil-Pedestrian access, PD2-PD6_21067 ODP PD2 (1).pdf

Add the term "and individual property owners affected. "

Ref. # 149, Civil Engineer, David Allen, 6/26/23 4:56 PM, Cycle 4, Unresolved
Markup: Civil-Revision Emailed 06-26-23, PD1_21067 COV C1 (1).pdf

Note No. 9, Indicates that this will be a gated subdivision. Provide note that the streets will be [privately maintained. Provide a note that there will be an access/utility easement placed over the entire roadway parcel dedicated to the City of Ormond Beach.

Ref. # 171, Civil Engineer, David Allen, 9/10/23 3:54 PM, Cycle 5, Unresolved
Markup: Civil Emergency Access, PD1_21067 9_5_23r.pdf

Provide the model showing the fire vehicle entering the emergency access.

Ref. # 172, Civil Engineer, David Allen, 9/11/23 8:36 AM, Cycle 5, Unresolved
Markup: Civil-Roadway Section, PD2-PD6_21067 ODP-PD3.pdf

Please show the limits of the tract on this cross-section. Note that the City of Ormond Beach will have an Access-Utility Easement placed on the tract.

Ref. # 173, Civil Engineer, David Allen, 9/11/23 9:57 AM, Cycle 5, Unresolved
Markup: Civil-Access Easement, PD2-PD6_21067 ODP-PD2.pdf

The access easement should be 20 feet wide.

Ref. # 181, Civil Engineer, David Allen, 9/12/23 9:04 AM, Cycle 5, Unresolved
Markup: Civil-Sanitary Sewer Collection System, PD7-PD8_21067 UTL-PD9.pdf
TECHNICAL COMMENT FOR THE PRELIMINARY PLAT

A recent evaluation for the lift stations within the Tomoka Oaks Subdivision shows a significant increase in run-times for the Lift Station 8M1. The proposed gravity system is shown to direct the flow from the new subdivision to this lift station. After discussion with the Utility Manager, we request that the gravity collection system be directed to the Lift Station 8M, Nova Road.

Ref. # 123, Planning Director, Steven Spraker, 5/11/23 8:21 AM, Cycle 3, Unresolved
Markup: 50' Landscape Buffer, PD2-PD6_21067 ODP-PD5B.pdf

- Staff will be supporting a Type 6 buffer plantings within the 50' landscape buffer. Response comments indicate plantings to be a type 4 buffer which will include existing natural vegetation with temporary irrigation is being proposed. Staff is not supportive of a type 4 buffer type and the information provided to date has not made staff supportive of the plant materials or temporary irrigation. A permanent irrigation system needs to be in place for establishment of the trees which can take years depending on the caliper size and drought situations. Staff also have concerns with the long-term maintenance of the buffer area and survivability of the plants with temporary irrigation.

Ref. # 150, Planning Director, Steven Spraker, 6/27/23 10:00 AM, Cycle 4, Unresolved
Comment:
Key policy issues:

1. **Lot Sizes:**

Applicant: mixture of 80', 60' and 50' lots. 80' wide lots abut existing Tomoka Oaks lots.

Staff recommendation: Staff recommends 100' wide lots to total at least 10,000 square feet abutting the perimeter of the existing Tomoka Oaks single-family houses.

2. **Buffer abutting existing Tomoka Oaks single-family houses:**

Applicant: See Tomoka Reserve Buffer Planting and Maintenance Plan, dated June 6, 2023.

Staff recommendation: Staff recommends typical planting (type 6) and irrigation plan. See city Landscape Architect's comments.

~~3. **Setback plan:**~~

~~Applicant: See Sheet PD7.~~

~~Staff recommendation: Staff not supportive of building coverages or proposed setbacks. Staff recommended setbacks included in the review.~~

~~4. **PD6 note on lot separation.**~~

~~Applicant: Note states: The lot separation width shown on this sheet may be subject to change at the time of permitting. The represented distances are from existing lot in Tomoka Oaks neighborhood and proposed lots within Tomoka Reserve.~~

~~Staff recommendation: The 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas.~~

~~5. **St. Andrews and Tomoka Oaks Boulevard "diamond".**~~

~~Applicant: Traffic Impact Analysis, response to comments, Item 3 states the existing diamond is expected to operate within the adopted level of service during the peak hours. No improvements are proposed.~~

~~Staff recommendation: The diamond is awkward and in staff's opinion's confusing and potentially dangerous as additional trips are added. Staff recommends that a diamond reconfiguration be required at the construction (preliminary plat) phase of the development.~~

~~6. **Recreation – additional outdoor recreation.**~~

~~Applicant: See sheets PD10 and PD3 where 9.06 acres of outdoor recreation is provided throughout the subdivision.~~

~~Staff recommendation: Staff supportive of the request. Similar request have been approved – RidgeHaven subdivision was the last similar request.~~

Ref. # 174, Planning Director, Steven Spraker, 9/11/23 11:59 AM, Cycle 5, Unresolved
Markup: Planning, inclusion of Tomoka Oaks addresses, 2023 09 06 Buffer Tree Planting Locations.pdf

Please include the address of the abutting properties within Tomoka Oaks.

Ref. # 175, Planning Director, Steven Spraker, 9/11/23 11:59 AM, Cycle 5, Unresolved

Markup: Planning staff, proposed plantings and irrigation, 2023 09 06 Buffer Tree Planting Locations.pdf

Planning staff support the City Landscape Architect's position on buffer type and irrigation requirements.

Ref. # 176, Planning Director, Steven Spraker, 9/11/23 12:20 PM, Cycle 5, Unresolved
Markup: Planning, architectural standards, Project Narrative-PB Revision List.pdf

Per an e-mail, the document on architectural standards was an old draft and not reviewed. Staff understands the architectural standards are contained in Sheet PD8.

Ref. # 177, Planning Director, Steven Spraker, 9/11/23 12:20 PM, Cycle 5, Unresolved
Markup: Planning, Letter - buffer type, Project Narrative-PB Revision List.pdf

Staff is not supportive of the lesser plant material than a type 6 buffer and hand watering - see city Landscape Architect comments.

Ref. # 178, Planning Director, Steven Spraker, 9/11/23 12:20 PM, Cycle 5, Unresolved
Markup: Planning, letter, lot width, Project Narrative-PB Revision List.pdf

The letter response states there are 46 lots that are 100' in width and 10 lots that are 90' in width. This appears to be an older version referencing the 100' wide lots. The plan submitted has 80' wide lots proposed along the perimeter which staff is not supportive of.

Ref. # 179, Planning Director, Steven Spraker, 9/11/23 12:20 PM, Cycle 5, Unresolved
Markup: Planning, timing of the traffic light, Project Narrative-PB Revision List.pdf

The response comments state 30 days after a phase 1 plat approval. Staff believes this to mean a preliminary plat approval.

Ref. # 180, Planning Director, Steven Spraker, 9/11/23 12:20 PM, Cycle 5, Unresolved
Markup: Planning, hearing date, Project Narrative-PB Revision List.pdf

Note that the Planning Board hearing date is September 26th - not September 21st as indicated in the letter.

Ref. # 64, Utility 1, Mike Stephenson, 1/26/23 1:52 PM, Cycle 2, Unresolved
Markup: Site Plan - Revise and Resubmit, Tomoka Reserve PD Plans 7 - Utility plan.pdf

Utilities has no comments regarding the proposed planned residential development. Full site plan approval, however, will require review of more detailed construction plans and design documents. Elements that will be reviewed at that time include, but is not limited to: utility separation requirements, utility connection details, valves and hydrants spacing, applicable permit status, and the inclusion of applicable City standard details.

TOMOKA RESERVE

CITY OF ORMOND BEACH - VOLUSIA COUNTY, FL

PLANNED DEVELOPMENT

OWNER:
TRIUMPH OAKS OF ORMOND BEACH I, LLC
7765 LAKE WORTH ROAD, BOX 320
LAKE WORTH, FL 33467
PHONE NUMBER: (561) 704-1959
FAX NUMBER
CONTACT PERSON: SHELDON RUBIN
e-mail: sheldonwrubin@gmail.com

CIVIL ENGINEER:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: KRIS ROWLEY, P.E.
e-mail: krowley@zevcohen.com

SURVEYOR:
SLIGER & ASSOCIATES, INC.
3921 NOVA ROAD
PORT ORANGE, FL 32127
PHONE NUMBER: (386) 761-5385
FAX NUMBER
CONTACT PERSON: JOE ZAPERT
e-mail: Jzapert@sligerassociates.com

GEOTECHNICAL ENGINEER:
UNIVERSAL ENGINEERING SCIENCES
911 BEVILLE RD
SOUTH DAYTONA, FL 32119
PHONE NUMBER: (386) 756-1105
FAX NUMBER: (386) 760-4067
CONTACT PERSON: BRIAN POHL
e-mail: Bpohl@universalengineering.com

LANDSCAPE ARCHITECT:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: JAKE STEHR, R.L.A.
e-mail: jstehr@zevcohen.com

ATTORNEY:
COBB COLE
149 S. RIDGEWOOD AVENUE, SUITE 700
DAYTONA BEACH, FL 32114
PHONE NUMBER: (386) 255-1811
FAX NUMBER: (386) 253-1746
CONTACT PERSON: ROB MERRELL
e-mail: rob.merrell@cobbcole.com

PROJECT DESCRIPTION:

ISSUANCE OF A DEVELOPMENT ORDER TO ALLOW 272 SINGLE-FAMILY LOTS AND ASSOCIATED SITE IMPROVEMENTS.

SITE INFORMATION:	
SITE ADDRESS:	20 TOMOKA OAKS BLVD., ORMOND BEACH, FL 32174
PROJECT AREA:	147.94 ACRES
TAX PARCEL I.D. #:	3242070000010
ADJACENT ZONING	R2
EXISTING ZONING:	PRD-EXPIRED
PROPOSED ZONING:	PRD
EXISTING LAND USE:	VACANT
PROPOSED LAND USE:	RESIDENTIAL FAMILY
EXISTING FUTURE LAND USE:	LDR
MAXIMUM UNIT/LOT COUNT:	272
MAXIMUM MODEL HOME COUNT:	16
UNIT/LOT DENSITY:	1.83 PER ACRE
LOT TYPE	VARIES
REQUIRED LANDSCAPE BUFFER(S):	50 FT. MINIMUM
MINIMUM LOT DEPTH:	120 FT.
MINIMUM LOT WIDTH:	60 FT.
MAXIMUM BUILDING HEIGHT	35 FT.
UTILITIES:	PROVIDED BY CITY OF ORMOND BEACH

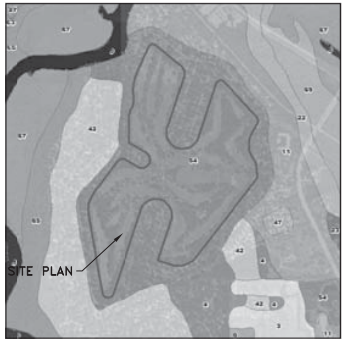
NOTES:
1. PROJECT MAY BE PHASED. PHASING PLAN WILL BE PROVIDED AT SITE PLAN APPROVAL.
2. ALL CONSTRUCTION TRAFFIC SHALL UTILIZE TOMOKA BLVD. AND NOVA ROAD ONLY
3. CONSTRUCTION ACTIVITIES SHALL ONLY BE ALLOWED ON MONDAY THROUGH SATURDAY BETWEEN THE HOURS OF 7:00 A.M. TO 7:00 P.M.
4. PEDESTRIAN ACCESS THROUGH THE SECONDARY ACCESS MAY BE PROVIDED BUT SHALL NOT BE REQUIRED. FINAL DESIGN AND LAYOUT TO BE COORDINATED DURING SUBDIVISION REVIEW
5. THE PERIMETER BUILDING SETBACK SHALL BE NO LESS THAN 50' FROM THE PROJECT BOUNDARY PER L.D.C.
6. MODEL HOMES INCLUDED IN 272 TOTAL PROPOSED UNITS
7. TYPE 6 BUFFER AS MODIFIED PER TOMOKA RESERVE BUFFER PLANTING AND MAINTENANCE PLAN SEP. 6, 2023.
8. EXISTING VEGETATION NATURAL VEGETATION WITHIN THE BUFFER WILL BE UTILIZED TO MEET THE MINIMUM STANDARDS. AT TIME OF CONSTRUCTION IF EXISTING NATURALLY OCCURRING LANDSCAPE IS INSUFFICIENT (BY CITY OF ORMOND BEACH LANDSCAPE ARCHITECT) SUPPLEMENTAL PLANTINGS WILL BE PROVIDED.
9. PROPOSED ENTRANCE WILL BE GATED TO VEHICULAR ACCESS. PEDESTRIAN ACCESS IS STILL PROVIDED THROUGH MAIN ENTRANCE AND EMERGENCY ACCESS.



VICINITY MAP
SCALE: 1" = 2000'



ZONING MAP
SCALE: 1" = 1000'
CURRENT ZONING FOR THIS SITE IS: PRD



SOILS MAP
SCALE: 1" = 1000'



FLOOD ZONE MAP
SCALE: 1" = 1000'

SHEET INDEX:

PD1	COVER SHEET
PD2	OVERALL DEVELOPMENT
PD3	OPEN SPACE PLAN
PD4	SIGN PLAN
PD5/PD6	NATURAL PRESERVATION + BUFFER PLAN
PD7	TYPICAL LOT LAYOUT
PD8	ARCHITECTURAL EXHIBIT
PD9	STORMWATER AND UTILITY PLAN
PD10	AMENITY PLAN
VT1	VEHICLE TURN PLAN

LEGAL DESCRIPTION:

SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 41, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.

THE SITE LIES WITHIN THE FOLLOWING VOLUSIA COUNTY SOIL CLASSIFICATIONS: 0-WATER; 3-ARENTS; 4-ASTATULA FINE SAND, 0 TO 8 PERCENT SLOPES;11-BULOW SAND, 0 TO 5 PERCENT SLOPES; 22-ELECTRA FINE SAND, 0 TO 5 PERCENT SLOPES; 23-FARMTON FINE SAND;37-ORSINO FINE SAND, 0 TO 5 PERCENT SLOPES; 42-PAOLA FINE SAND, 0 TO 8 PERCENT SLOPES; 47-PITS; 54-QUARTZIPSAMMENTS, GENTLY SLOPING; 63-TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES; 65-TERRA CEIA MUCK; 67-TURNBULL MUCK; 69-TUSCAWILLA FINE SAND

THE PROPERTY LIES IN:
FLOOD ZONE AE PER FEMA MAPS 12127C0211K AND 12127C0212K FEE 9/29/2017

ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

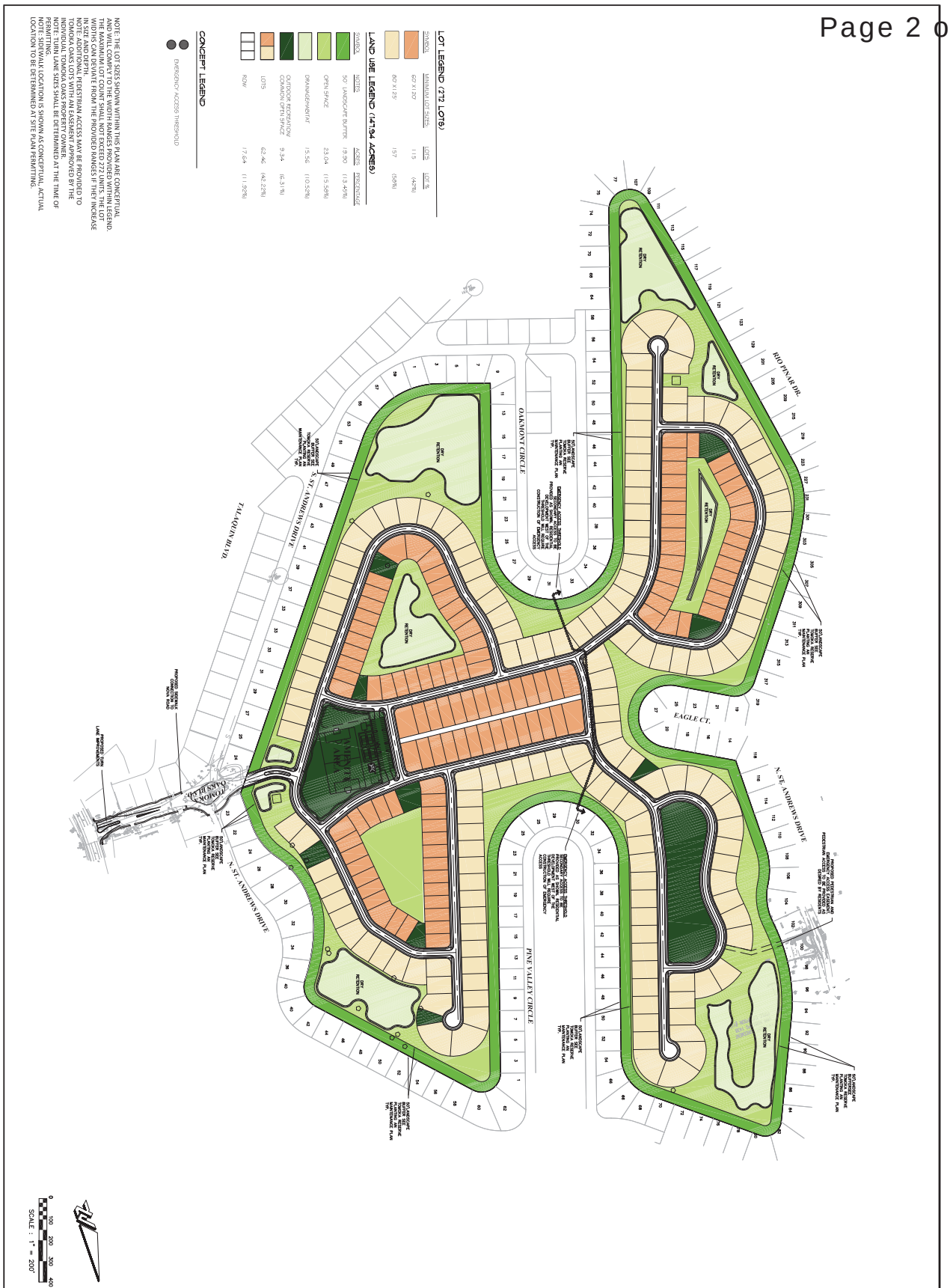
NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE
FINAL ENGINEERING PLANS
COVER SHEET
VOLUSIA COUNTY, FLORIDA
CITY OF ORMOND BEACH

PROJECT NO: ZC 21067 PD
DESIGNED BY: KTR
DRAFTED BY: MRM
CHECKED BY: KTR
DRAWING FILE: PD 21067 COV

KRISTOPHER T. ROWLEY, P.E., NO. 84083
NOT VALID WITHOUT SEAL

SHEET: PD1 OF 10



TOMOKA RESERVE
PLANNED DEVELOPMENT
OVERALL DEVELOPMENT

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

NO.	DATE	BY	SUBMITTALS / REVISIONS

PROJECT NO: ZO 21007
DESIGNED BY: RD
DRAFTED BY: JSMM
CHECKED BY: JE
DRAWING FILE: P:\ZO\ZO 21007\DWG\ZO 21007 OVERALL DEVELOPMENT PLAN.DWG
PLOTTED: 2/18/22 BY JSMM

SHEET: PD2 OF 10

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM


LAND USE LEGEND (41.784 ACRES)
LAND USE
NOTES
ACRES
PERCENTAGE
50' LANDSCAPE BUFFER
19.90
(13.49%)
OPEN SPACE
DRAINAGE/HABITAT
23.04
(15.50%)
OUTDOOR RECREATION
COMMON OPEN SPACE
15.56
(10.53%)
9.34
(6.31%)
MINIMUM ON SITE RECREATION FACILITIES
REQUIRED
PROVIDED
RESIDENTIAL UNITS
272
MINIMUM ACTIVE OUTDOOR RECREATION REQUIRED
CALCULATION: 50 S.F. x 272 UNITS = 13,600
24,480 SQFT
MINIMUM COMMON ACCESSIBLE OPEN SPACE
CALCULATION: 30 S.F. x 272 UNITS = 8,160
6,160 SQFT
40,000 SQFT MIN.
266,650 SQFT MIN.
RIO PINAR DR.
OAKMONT CIRCLE
TAI AQUIN BLVD.
S. ST. ANDREWS DRIVE
EAGLE CT.
N. ST. ANDREWS DRIVE
PINE VALLEY CIRCLE
TOMOKA OAKS BLVD.
AMENITY AREA (OUTDOOR REC)
DRY RETENTION
DRY RETENTION KEPT AT EXISTING GRADE (TYP)
PROPOSED 5' SIDEWALK TYPICAL PER DETAIL THIS SHEET (TYP)
SOD LANDSCAPE BUFFER SEE TOMOKA RESERVE PLANTING AN MAINTENANCE PLAN TYP.
PROPOSED PEDESTRIAN AND BICYCLE ACCESS TO BE PROVIDED AS DESIRED BY RESIDENTS
SOD LANDSCAPE BUFFER SEE TOMOKA RESERVE PLANTING AN MAINTENANCE PLAN TYP. 90
SOD LANDSCAPE BUFFER SEE TOMOKA RESERVE PLANTING AN MAINTENANCE PLAN TYP.
SOD LANDSCAPE BUFFER SEE TOMOKA RESERVE PLANTING AN MAINTENANCE PLAN TYP.
SOD LANDSCAPE BUFFER SEE TOMOKA RESERVE PLANTING AN MAINTENANCE PLAN TYP.
SOD LANDSCAPE BUFFER SEE TOMOKA RESERVE PLANTING AN MAINTENANCE PLAN TYP.
SOD LANDSCAPE BUFFER SEE TOMOKA RESERVE PLANTING AN MAINTENANCE PLAN TYP.
SCALE : 1" = 150'
0
75
150
225
300
TYPICAL ROADWAY SECTION
N.T.S.
NOTES: FINAL PAVEMENT SECTION TO BE DETERMINED AT TIME OF CONSTRUCTION PLAN SUBMITTAL.
24' MIN.
1/4"/FT
1/4"/FT
3' THICK SOD (TYP.)
6" THICK SIDEWALK
6" THICK AT DRIVEWAY
CONCRETE CURB, 2500 P.S.I.
PROPOSED STREET TREE SPACING TO BE APPROXIMATELY 40' ON CENTER. EXACT LOCATIONS TO COMPLY WITH CITY OF ORMOND BEACH TREE ORDINANCE AT PERMIT SUBMITTAL.
ASPHALTIC CONCRETE (1.5" TYP.) OVER 8" THICK BITUMINOUS CONCRETE OF 12.5 OR SP-12.5 MINIMUM MARSHALL TIED STABILITY 1500
BASE - 6" LIMEROCK OR CEMENT STABILIZED SAND OR SHELL OR SOIL CEMENT OR OTHER APPROVED EQUAL
SUB GRADE: 6" SUB GRADE COMPACTED TO 100% MAXIMUM DENSITY AS DETERMINED BY AASHTO PROCTOR TEST WITH MINIMUM LBR. 40
4' WIDE AREA WITH MAX. SLOPE OF 1:4 FEET
STANDARD SPECIFICATION SECTION 570
300 LF CRIED AND ANCHORED F.D.O.T.
AROUND DRAINAGE STRUCTURES
CITY OF ORMOND BEACH
PROJECT NO: ZV-21007
DESIGNED BY: RD
DRAWN BY: JSMM
CHECKED BY: JE
DRAWING FILE: P:\ZV\ZV-21007 TOMOKA RESERVE\DRAWINGS\PLANNING\ZV-21007 TOMOKA RESERVE.DWG
SHEET: PD3 OF 10
TOMOKA RESERVE
PLANNED DEVELOPMENT
OPEN SPACE PLAN
CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA
NO.
DATE
BY
SUBMITTALS / REVISIONS
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
ZEV COHEN
& ASSOCIATES, INC.
300 INTERCHANGE BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM





A CONCEPTUAL ENTRANCE ELEVATION

NOTE: CONCEPT IS SHOWN TO DEPICT MINIMUM STANDARDS FINAL SIGN DESIGN WILL BE PROVIDED AT SITE PLAN.

DETAIL-FILE

ZEV COHEN & ASSOCIATES, INC.
300 WEST BEACH BLVD., STE. C
DAYTONA BEACH, FL 32114
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT SIGN PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: P02-PD6_21067.DDP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.64263
NOT VALID WITHOUT SEAL

SHEET: PD4 OF 10

BUFFER LEGEND

SYMBOL	NOTES
▲	EXISTING SPECIMEN TREE
⬟	EXISTING HISTORIC TREE
⬡	DENOTES NATURAL PRESERVATION / CONSERVATION AREA TO REMAIN

20% NATURAL PRESERVATION

TOTAL SITE AREA	147.94 AC.
MINIMUM TREE COVERAGE AREA REQUIRED (CALCULATION: 147.94 AC. x 20%=29.6 AC.	29.6 AC.
TOTAL MINIMUM TREE COVERAGE PROVIDED	34 AC.

NOTE: APPLICANT MUST PROVIDE A NOTE ON THE SITE PLANS THAT ANY TREE NEEDED TO BE REMOVED DURING CONSTRUCTION, BEYOND WHAT CAN BE AUTOMATICALLY REMOVED BASED ON MINIMUMS CAN BE REPLACED AS FOLLOWS, WILL REQUIRE A ONE FOR ONE REPLACEMENT PENALTY; PROTECTED TREES WILL REQUIRE ONE 2.5" CALIPER VARIETY AND SPECIMEN TREES WILL REQUIRE ONE 4.5" CALIPER VARIETY TO SUIT ITS PLANTING LOCATION; REPLACEMENT TREES NEED TO BE FLORIDA #1 AT A MINIMUM HEIGHT OF TEN FEET (10').



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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
(LC-EC)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT NATURAL PRESERVATION & BUFFER PLAN

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: —
CHECKED BY: RH
DRAWING FILE: P02-PD5_21067 DDP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.64263
NOT VALID WITHOUT SEAL

SHEET: PD5 OF 10

BUFFER LEGEND

SYMBOL	NOTES
▲	EXISTING SPECIMEN TREE
⬟	EXISTING HISTORIC TREE
⬡	DENOTES NATURAL PRESERVATION / CONSERVATION AREA TO REMAIN



20% NATURAL PRESERVATION

TOTAL SITE AREA	147.94 AC.
MINIMUM TREE COVERAGE AREA REQUIRED (CALCULATION: 147.94 AC. x 20%=29.6 AC.	29.6 AC.
TOTAL MINIMUM TREE COVERAGE PROVIDED	34 AC.

LOT SEPARATION TABLE

COLOR	WIDTH	HOMES	%
●	50'	10	6
●	+50'-75'	74	43
●	+75'-125'	27	16
●	125'	61	35
	TOTAL	172	100

NOTE: THE LOT SEPARATION WIDTH SHOWN ON THIS SHEET MAY BE SUBJECT TO CHANGE AT THE TIME OF PERMITTING. THE REPRESENTED DISTANCES ARE FROM EXISTING RESIDENTIAL LOTS IN TOMOKA OAKS NEIGHBORHOOD AND PROPOSED LOTS WITHIN TOMOKA RESERVE.

NOTE: THE 50' BUFFER ABUTTING THE TOMOKA OAKS EXISTING RESIDENTIAL LOTS AND AREAS CALLED OUT AS NATURAL PRESERVATION SHALL NOT BE MODIFIED AND SHALL ALWAYS BE VEGETATIVE AREAS.

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LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
(LC-52)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT NATURAL PRESERVATION & BUFFER PLAN

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: MM
CHECKED BY: XX
DRAWING FILE: PD2-PD6_21067 DDP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
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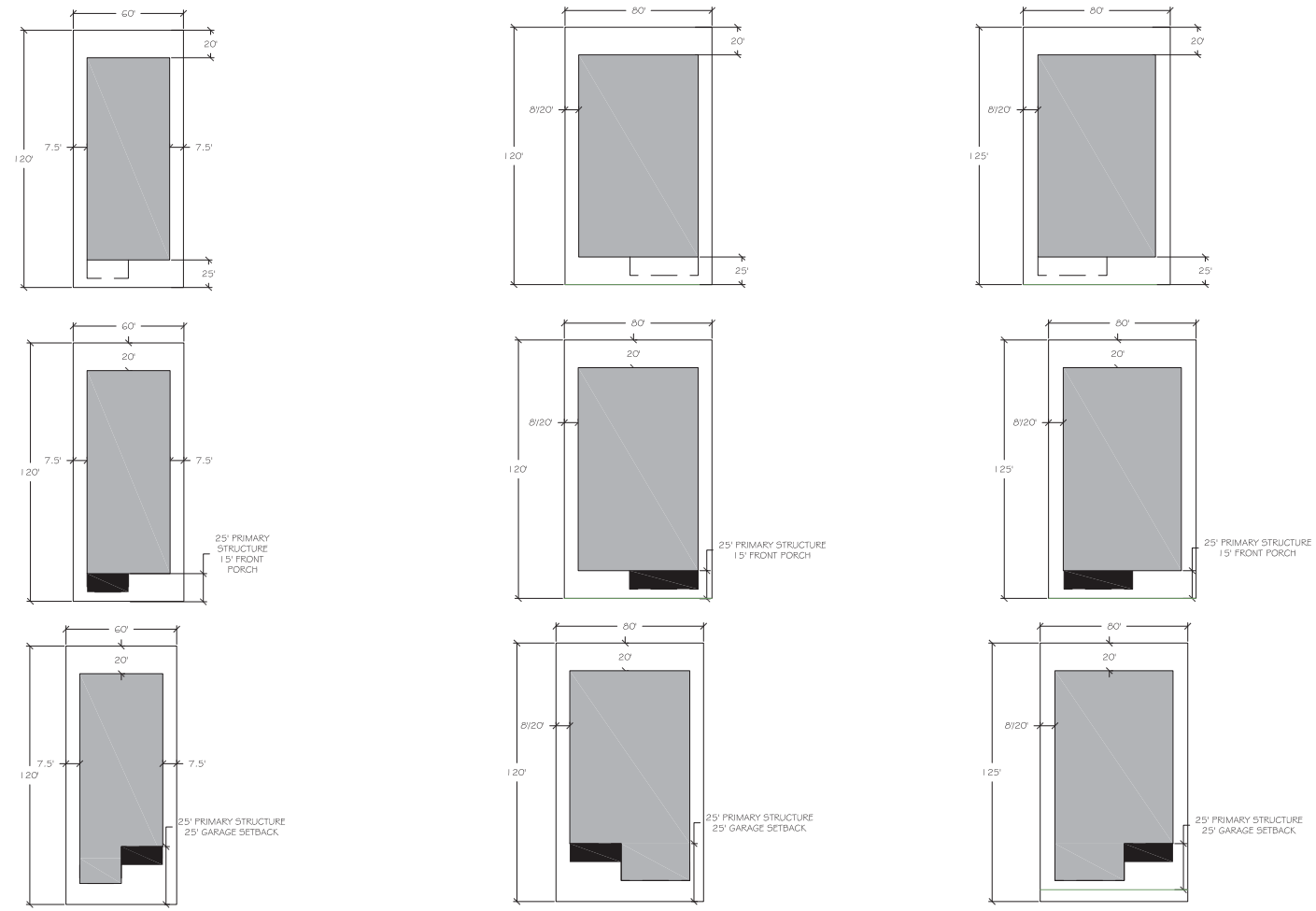
SHEET: PD6 OF 10

PUD Development Standards

Lot Type	Minimum Lot Width or Range	Minimum Lot Depth	Minimum Square Foot Range	Required Parking Spaces	% Impervious	Maximum Height	Max Building coverage	Minimum Primary Structure Setbacks				Minimum Front Porch Setbacks			Minimum Garage Setbacks		
								Front	Rear	Side	Side Street	Front	Side	Rear	Front s	Side	Rear
Park House	60	120	1700	2	75%	35'	50%	25'	20'	7.5'	15'	15'	7.5'	20'	25'	7.5'	20'
Estate House	80	120	2000	2	75%	35'	50%	25'	20'	8'/20'	20'	15'	8'/20'	20'	25'	8'/20'	20'
Custom House	80	125	2200	2	75%	35'	50%	25'	20'	8'/20'	20'	15'	8'/20'	20'	25'	8'/20'	20'



A PARK HOUSE (60'x120')
N.T.S.

B ESTATE HOUSE (80'x120')
N.T.S.
NOTE: ESTATE HOUSE LOTS MAY BE UTILIZED INTERNAL TO THE PERIMETER LOTS

C CUSTOM HOUSE (80'x125')
N.T.S.

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ENVIRONMENTAL
PLANNING
TRANSPORTATION
(LC-EB)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT TYPICAL LOT LAYOUT

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: —
CHECKED BY: RH
DRAWING FILE: PD2-PD6_21067 DDP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.64263
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SHEET: PD7 OF 10

Tomoka Reserve Architectural Standards

I. PREFERRED ARCHITECTURAL THEMES

A. The overall architectural vision for Tomoka Reserve has been established to create a community embodying a "timeless" quality. Such a vision will be realized through a variety of classical and regional architectural styles, combined with authentic detailing and use of high-quality materials.

Permitted architectural styles include but are not limited to contemporary, Modern, Postmodern, coastal themed styles, Mediterranean, Mission, Cracker, Craftsman, Ranch and Tuscan styles.

II. PROHIBITED ARCHITECTURAL STYLES

A. While diversity and creativity in the design of the homes at Tomoka Reserve is encouraged, certain architectural styles are not considered appropriate. These include, but are not limited to Art Deco, A-frame, Adobe, Cabin design style, Gothic, or Southwestern/Pueblo. Buildings and their accessory structures shall be consistent with a common architectural theme.

B. The architectural theme shall be established by harmoniously coordinating the general appearance of all buildings and related structures.

III. EXTERIOR MATERIALS/ELEVATIONS

A. Architectural variation and variety of housing types and designs within the neighborhood is encouraged. To facilitate this diversity the adjacent homes (the 2 adjacent homes on the same side of the street as well as the house across the street and its two adjacent homes) have to have a minimum of three different design elements of the following 10 elements

1. Roof color/materials
2. Roof pitch roof type (cable vs hip)
3. Skin/exterior finish materials
4. Color
5. Garage orientation/size
6. Porch size/location
7. Number of stories
8. Window sizes/shapes
9. Window locations
10. Decorative elements

B. The front facade should include four to six individual design elements and blank walls shall be discouraged unless adequately landscaped. Front elevation walls cannot be all one material and/or all one color.

C. A mixture of one-story and two-story homes will be encouraged to vary the streetscapes.

D. PERMITTED EXTERIOR MATERIALS INCLUDE:

1. Stucco (cement-based or synthetic) -smooth or textured finished (including tabby finish)
2. masonry-stone, brick, split rock and a ceramic concrete block is permitted but must be finished with material that covers the concrete block and grout lines with a minimum of 3/8" thick material; Stone can be Manufactured, Natural, or Cast
3. Wood/fiber cement-timbers, boards, board and batten, tongue and groove solid wood siding and rough sawn lumber; Hardie board or other similar fiber cement products emulating wood finishes
4. Other textures and materials will be evaluated on their own merit by the ARB. Artificial, simulated or imitation materials (e.g. aluminum siding, simulated brick from stucco, Masonite or composite board, etc.) are NOT permitted on the exteriors of a residence.

IV. ROOF

A. Acceptable roof materials for consideration include, heavy weight (30 year) composition shingles with significant dimensional texture, flat tile, "S" tile, slate tile, cedar wood shake, solar shingles and a high-quality standing seam metal roof. Copper and other metal roof products acceptable to the ARB are permitted for limited applications such as bay windows, process, cupolas, and dormers, or in accordance with specific architectural styles. Thermoplastic Polyolefin, PVC membrane or other similar roofing materials/roofing systems will be considered by the ARB on a case-by-case basis for properties developed with ultramodern or contemporary homes that incorporate a flat roof.

B. Roof lines will be variable using varied roof styles, pitches, projections, gables, and hips. Roof pitches shall be between 0 to 6:12. Dormers may have a roof pitch outside the above range. Flat roofs or flat roof with a parapet may be approved if it is a part of an integral design element such as with ultra-modern or contemporary designs. The roof pitch for primary structures should reflect the selected architectural style for the home.

C. Roof structures may be conventionally framed or constructed of prefabricated trusses.

V. WALL PLATES

A. The minimum wall plate heights shall be 9'-0" in main living areas on the first floor. The second-floor wall plate height must be no less than 9'-0" above the first-floor wall plate. Garages must have a minimum plate height of 8'-0".

VI. DRIVEWAYS

A. Driveways shall be stone, paver style materials, or concrete. Asphalt is NOT permitted.

VII. GARAGES

A. Three types of garages are permitted: front-entry, side entry, and accessory garage buildings.

VIII. FENCES

A. The following fence materials are permitted: wood, black wrought iron, high-quality aluminum, and white PVC. Perimeter fencing along rear or side (from front of house to rear property line shall be a maximum height of 6 feet. Fencing along the front property line or side property lines from the front of the house to the front property line shall have a maximum height of 4 feet. This "front yard" fencing must be decorative (no solid fences) and if a wood fence is utilized it must be painted.

IX. LANDSCAPE

A. All disturbed areas on the lot must be irrigated (unless xeric plantings are utilized), and landscaped with either trees, plants or sod including to the back of curb along the street and to the edge of clearing for natural areas and the water's edge for lots along pond banks. All landscaped beds shall be mulched.

X. MODIFICATIONS

A. All modifications to the above shall be submitted to the ARB for consideration of approval. The above are general guidelines. Tomoka Reserve development will have an enhanced focus on the environment, climate change and sustainability, along with protecting and enhancing future values.





A MODERN ARCHITECTURAL ELEVATIONS







B FARMHOUSE ARCHITECTURAL ELEVATIONS









C MEDITERRANEAN ARCHITECTURAL ELEVATIONS

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TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE
PLANNED DEVELOPMENT
ARCHITECTURAL EXHIBIT
CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: —
CHECKED BY: RH
DRAWING FILE: P:\ZC-PDP\ZC_21067 ODP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

CHRISTOPHER T. ROWLEY, P.E., #82480
NOT VALID WITHOUT SEAL

SHEET: PD8 OF 10


ENTRANCE ENLARGEMENT
SCALE : 1" = 30'
EMERGENCY ACCESS EASEMENT
SCALE : 1" = 10'
2' MIAMI CURB AND GUTTER
EDGE OF PAVEMENT
IF REQUIRED AT FINAL ENGINEERING EXISTING LANDSCAPE ISLAND WILL BE MODIFIED TO ACCOMODATE EMERGENCY ACCESS.
RIO PINAR DR.
OAKMONT CIRCLE
S. ST. ANDREWS DRIVE
TALAQUIN BLVD.
EAGLE CT.
N. ST. ANDREWS DRIVE
PINE VALLEY CIRCLE
SEE ENTRANCE ENLARGEMENT BOTTOM LEFT CORNER OF THIS SHEET.
SEE EMERGENCY ACCESS EASEMENT ENLARGEMENT TOP LEFT CORNER OF THIS SHEET.
E-ONE HP95 Mid Mount
Overall Length 47.750ft
Overall Width 8.333ft
Overall Body Height 11.000ft
Min Body Ground Clearance 1.393ft
Track Width 8.333ft
Lock-to-lock time 6.00s
Max Wheel Angle 45.00°
SCALE : 1" = 200'
TOMOKA RESERVE
PLANNED DEVELOPMENT
VEHICLE TURN PLAN
CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA
PROJECT NO: ZC 21007
DESIGNED BY: KR
DRAFTED BY: MM
CHECKED BY: RH
SHEET: VT1 OF 1
NO. DATE BY SUBMITTALS / REVISIONS
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM



NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE
PLANNED DEVELOPMENT
VEHICLE TURN PLAN

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21007
DESIGNED BY: KR
DRAFTED BY: MM
CHECKED BY: RH
DRAWING FILE: P:\ZC-PDR_21007.DGN
XREF'S: XXXXXXXXXX
XREF'S: XXXXXXXXXX

SHEET: VT2 OF 2

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NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE
PLANNED DEVELOPMENT
VEHICLE TURN PLAN

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21007
DESIGNED BY: KR
DRAFTED BY: MM
CHECKED BY: RH
DRAWING FILE: PD2-PDA_TURN.DGN
XREF'S: XXXXXXXXX
XREF'S: XXXXXXXXX

SHEET: VT3 OF 3

CIVIL ENGINEERING
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ENVIRONMENTAL
PLANNING
TRANSPORTATION

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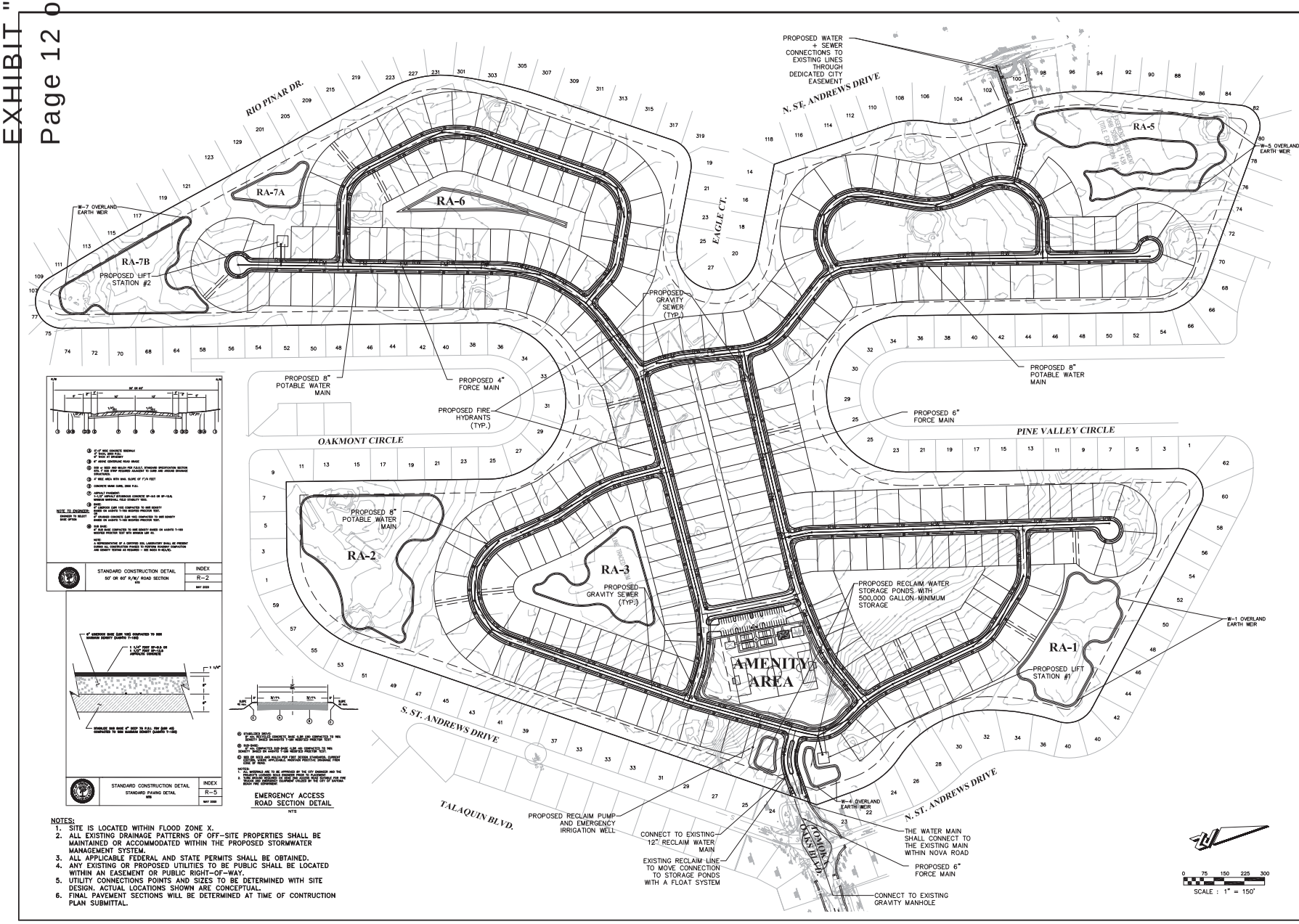

NOTES:
1. SITE IS LOCATED WITHIN FLOOD ZONE X.
2. ALL EXISTING DRAINAGE PATTERNS OF OFF-SITE PROPERTIES SHALL BE MAINTAINED OR ACCOMMODATED WITHIN THE PROPOSED STORMWATER MANAGEMENT SYSTEM.
3. ALL APPLICABLE FEDERAL AND STATE PERMITS SHALL BE OBTAINED.
4. ANY EXISTING OR PROPOSED UTILITIES TO BE PUBLIC SHALL BE LOCATED WITHIN AN EASEMENT OR PUBLIC RIGHT-OF-WAY.
5. UTILITY CONNECTIONS POINTS AND SIZES TO BE DETERMINED WITH SITE DESIGN. ACTUAL LOCATIONS SHOWN ARE CONCEPTUAL.
6. FINAL PAVEMENT SECTIONS WILL BE DETERMINED AT TIME OF CONTRUCTION PLAN SUBMITTAL.

ZEV COHEN & ASSOCIATES, INC.
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CIVIL ENGINEERING
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ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

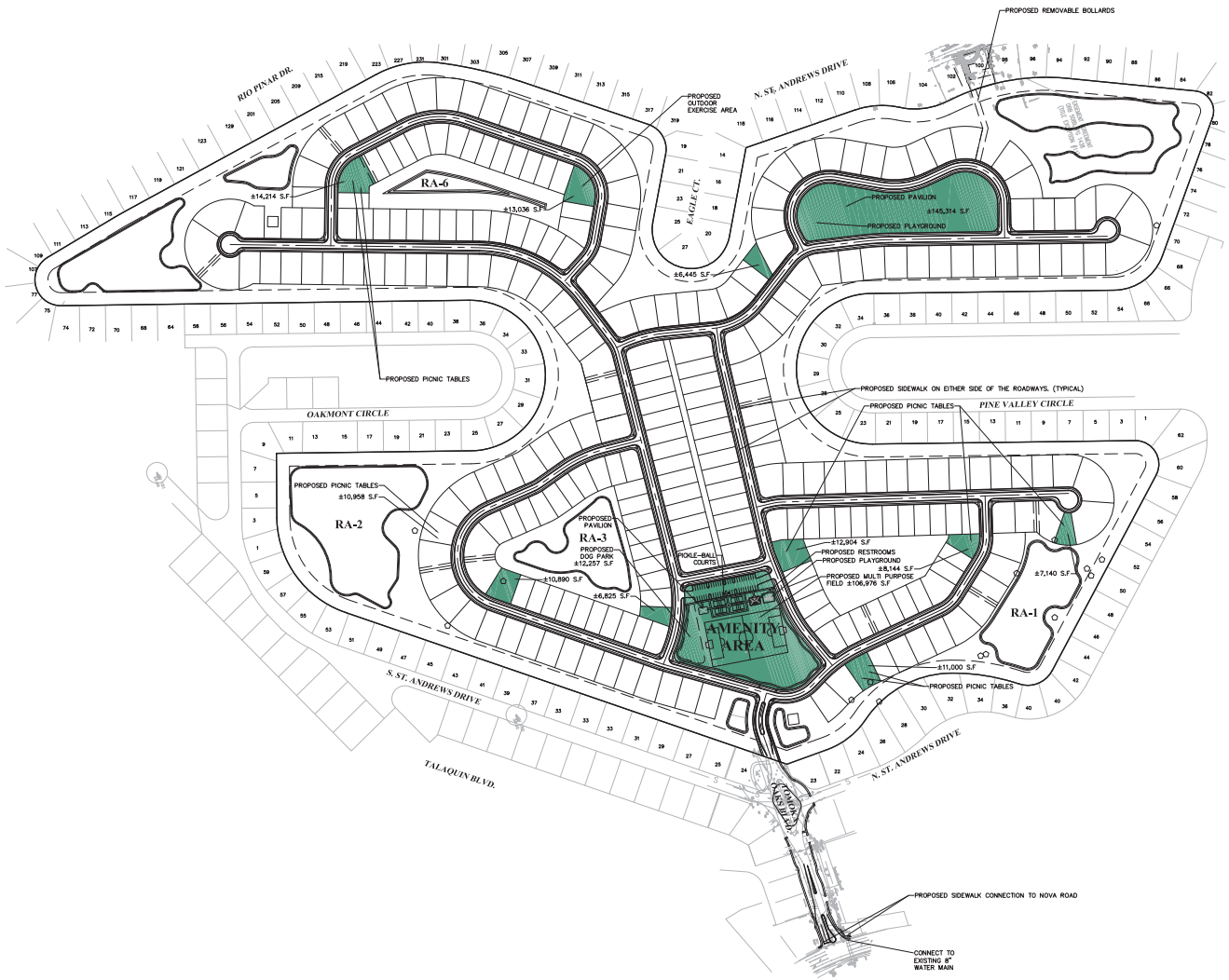
TOMOKA RESERVE PLANNED DEVELOPMENT STORM WATER AND UTILITY PLAN

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD7-PD8_21067 UTL
XREF'S: XXXXX.DWG
XREF'S: XXXXX.DWG

KRISTOPHER T. ROWLEY, P.E., NO.64263
NOT VALID WITHOUT SEAL

SHEET: PD9 OF 10



NOTES:
1. THE AMENITY TYPES AND LOCATIONS SHOWN ARE CONCEPTUAL AND CAN BE REVISED TO SIMILAR QUALITY AS LONG AS THE AMENITY MINIMUM SQUARE FOOTAGES AND AREAS ARE MET

0 100 200 300 400
SCALE : 1" = 200'

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NO.	DATE	BY	SUBMITTALS / REVISIONS

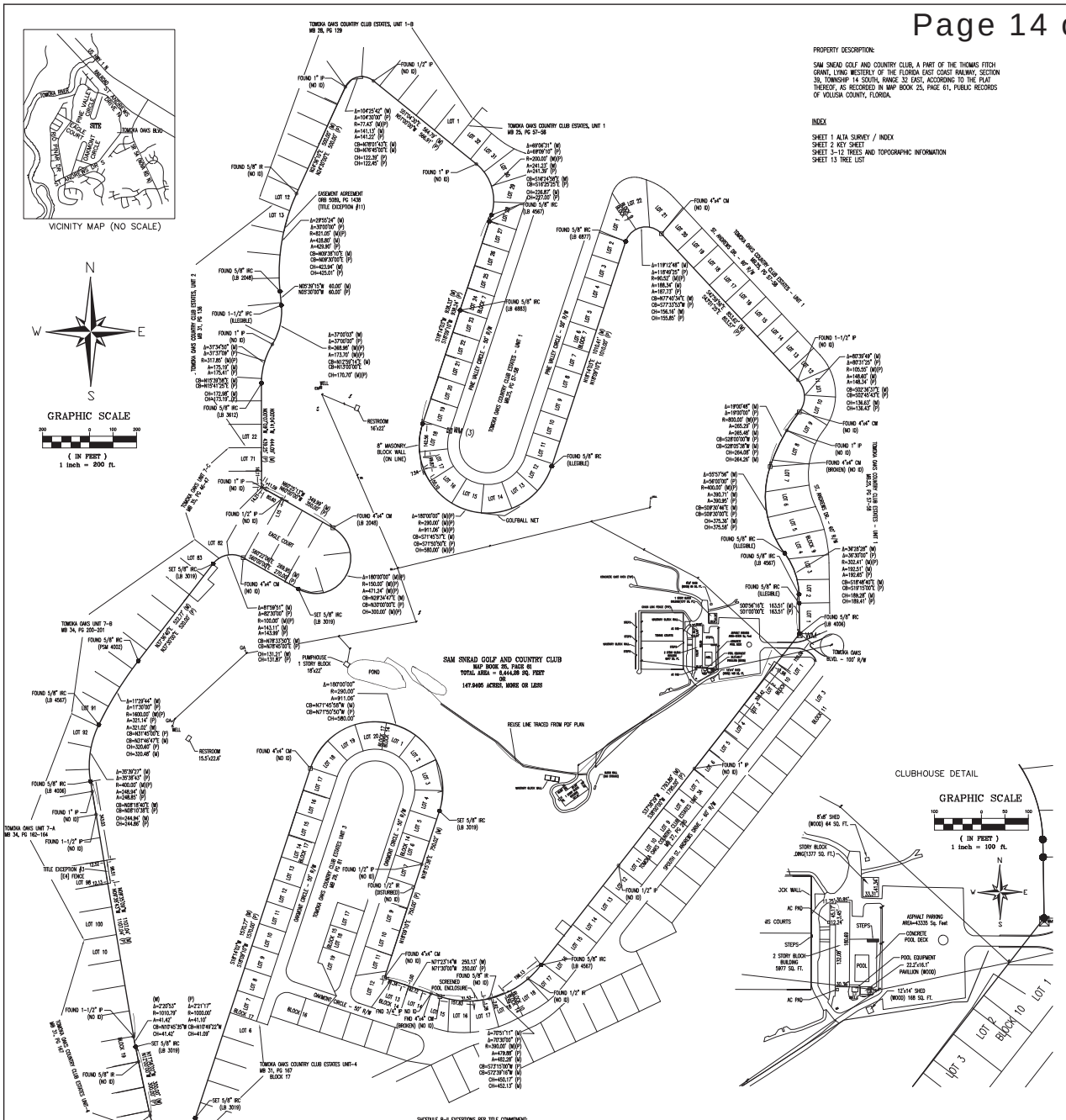
TOMOKA RESERVE PLANNED DEVELOPMENT AMENITY PLAN

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21087
DESIGNED BY: KR
DRAFTED BY: —
CHECKED BY: RH
DRAWING FILE: PD7-PDR_21087 UTL
XREF'S: XXXXX.DWG
XREF'S: XXXXX.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD10 OF 10



SURVEYORS NOTES

1. NOTICE: THIS SURVEY WAS PREPARED WITH BENEFIT OF ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY UNDER FILE NO. 12071-2664415 WITH AN EFFECTIVE DATE OF DECEMBER 30, 2020 AT 8:00 A.M. AS UPDATED AND REVISED ON JANUARY 12, 2021. (ISSUING OFFICE REGISTRY ID: 11413390).

2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

3. BEARING STRUCTURE BASED ON NAD 83, FLORIDA STATE PLANE, EAST ZONE, U.S. SURVEY FOOT WITH THE BEARING ON THE WESTERLY LINE OF TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3A BEING S37°58'29"W.

4. UNDERGROUND FOUNDATIONS, IF ANY, NOT LOCATED.

5. THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE "X", THIS LOCATION IS DETERMINED BY SCALING FROM F.I.R.M. COMMUNITY PANEL 12127C0211 & 12127C0212, MAP EFFECTIVE DATE SEPTEMBER 29, 2017, APPROXIMATE SCALE 1"=500 FEET.

6. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

7. "THE PROPERTY DESCRIBED HEREIN, CONTAINS NO GAPS OR GORES AND TAKEN AS A TRACT, CONSTITUTES ONE CONTIGUOUS PARCEL OF LAND".

8. THE LEGAL DESCRIPTION OF THE PROPERTY AS DESCRIBED IN SCHEDULE A AND ON THE SURVEY ARE IN FACT ONE AND THE SAME PARCEL OF LAND IRRESPECTIVE OF THE MINOR DISCREPANCIES IN THE COURSES AND/OR DISTANCES.

SCHEDULE B-II EXCEPTIONS PER TITLE COMMITMENT:

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

2. ANY RIGHTS, INTERESTS, OR CLAIMS OF PARTIES IN POSSESSION OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. (AFFECTS SUBJECT PROPERTY AND SHOWN HEREON) [FENCES LABELED E1, E2, E3, E4, E5, E7, E8, E9]; [SCREENED POOL ENCLOSURE LABELED E6]

4. ANY LIEN, FOR SERVICES, LABOR, OR MATERIALS IN CONNECTION WITH IMPROVEMENTS, REPAIRS OR RENOVATIONS PROVIDED BEFORE, ON, OR AFTER DATE OF POLICY, NOT SHOWN BY THE PUBLIC RECORDS. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

5. ANY DISPUTE AS TO THE BOUNDARIES CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WITHIN OR ADJACENT TO THE LAND PRIOR TO DATE OF POLICY, AND ANY ADVERSE CLAIM TO ALL OR PART OF THE LAND THAT IS, AT DATE OF POLICY, OR WAS PREVIOUSLY UNDER WATER. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

6. TAXES OR SPECIAL ASSESSMENTS NOT SHOWN AS LIENS IN THE PUBLIC RECORDS OR IN THE RECORDS OF THE LOCAL TAX COLLECTING AUTHORITY, AT DATE OF POLICY. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

7. ANY MINERALS OR MINERAL RIGHTS LEASED, GRANTED OR RETAINED BY CURRENT OR PRIOR OWNERS. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

8. TAXES AND ASSESSMENTS FOR THE YEAR 2021 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

9. RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF SAM SNEAD GOLF & COUNTRY CLUB, AS RECORDED IN PLAT BOOK 25, PAGE(S) 61, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C). (AFFECTS SUBJECT PARCEL, CANNOT BE GRAPHICALLY DEPICTED)

10. DEVELOPMENT ORDER ISSUED BY CITY OF ORMOND BEACH RECORDED IN OFFICIAL RECORDS BOOK 5944, PAGE 2183. (AFFECTS SUBJECT PARCEL, CANNOT BE GRAPHICALLY DEPICTED)

11. EASEMENT AGREEMENT AS SET FORTH IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 5089, PAGE 1438. (AFFECTS SUBJECT PROPERTY AND SHOWN HEREON)

12. PROVISIONS CONTAINED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 2052, PAGE 1019, INCLUDING RIGHTS OF LIFE TIME MEMBERS. (AFFECTS SUBJECT PARCEL, CANNOT BE GRAPHICALLY DEPICTED)

13. TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S). (STANDARD EXCEPTION; NOT A SURVEY MATTER)

14. ANY MAP OR DIAGRAM NOW OR PREVIOUSLY PROVIDED IS FOR REFERENCE AND INFORMATIONAL PURPOSES ONLY. THE COMPANY AND ITS AGENTS EXPRESSLY DISCLAIM ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON SUCH MAP(S) OR DIAGRAM(S). THE FOREGOING DOES NOT LIMIT ANY EXPRESS COVERAGES PROVIDED BY THE TERMS AND PROVISIONS OF ANY TITLE INSURANCE POLICY FOR MATTERS WHICH MIGHT BE REVEALED BY A SURVEY PREPARED AND CERTIFIED IN ACCORD WITH FLORIDA STATUTES SECTION 472.027.

LEGEND

ELECTRIC SERVICE		TRAFFIC SIGNAL BOX	
MAIL BOX	CO	CLEAN OUT	
SIGN		CONCRETE MONUMENT (CM)	
TREE		PERMANENT REFERENCE MONUMENT (PRM)	
FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)	
WATER METER	(R)	RADIAL LINE	
GUY ANCHOR	(NR)	NON-RADIAL LINE	
UTILITY POLE		WATER VALVE	
IRON RUS/PRC WITH CAP (RK/PK)		EXISTING ELEVATION	
IRON RUS/PRC NO ID (R/P)		CABLE TELEVISION BOX	
TELEPHONE BOX			

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FO—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	—T—	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	—W—	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	—E—	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	—G—	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP/LL CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE			(NR)	NON RADIAL	— x —	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(P)	PLAT	(R)	RADIAL	ID	IDENTIFICATION
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE	℄	CENTERLINE			(DESC)	DESCRIPTION	MH	MANHOLE

ALTA/NSPS LAND TITLE SURVEY OF
SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=200' *FIELD BOOK: 1454 PAGE(S): 20-31* *SHEET 1 OF 13*

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE	–	–	–	–	–
BOUNDARY SURVEY	4-13-2021	21-0493	J PENFIELD	D HITCHCOCK	J ZAPERT
TOPOGRAPHIC SURVEY	4-13-2021	21-1257	K HELMICK	J MOLLER	J ZAPERT
FOUNDATION SURVEY	:	–	–	–	–
FINAL SURVEY	:	–	–	–	–
RECERTIFICATION SURVEY	:	–	–	–	–

SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3921 NOVA ROAD
PORT ORANGE, FL. 32127
(386) 761-5365
LICENSED BUSINESS CERTIFICATION NUMBER 3019

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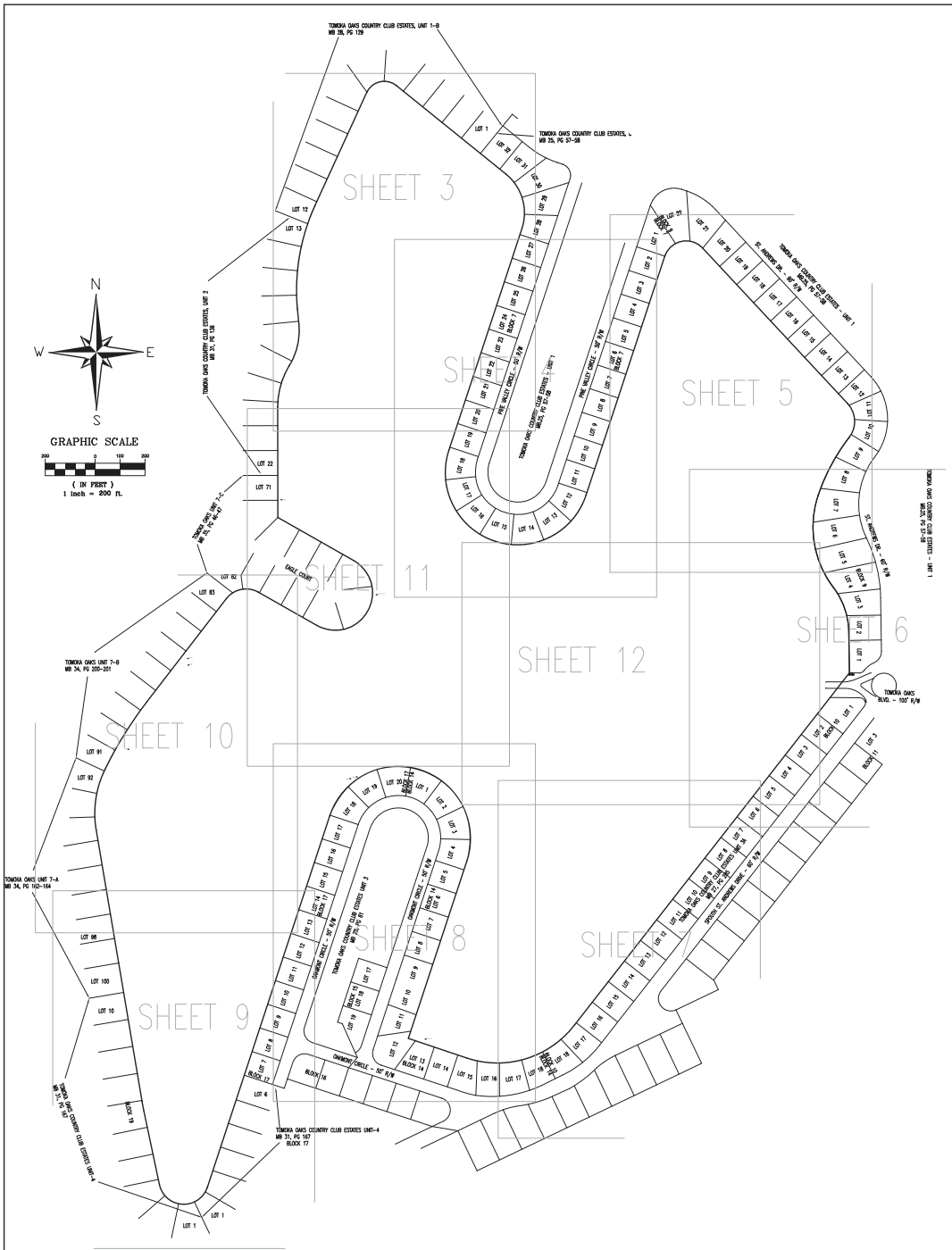
TO: EJTS HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; TRIUMPH OAKS OF ORMOND BEACH 1, LLC, A FLORIDA LIMITED LIABILITY COMPANY; AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 7, 7(B)(1), 7(B)(2), 8, 11(B), 14, 16, AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON APRIL 13, 2021. DATE OF PLAT OR MAP: APRIL 15, 2021

J.E. ZAPERT P.L.S. NO. 4046 SEAL



LEGEND

ELECTRIC SERVICE		TRAFFIC SIGNAL BOX	
MAIL BOX	CO	CLEAN OUT	
SIGN		CONCRETE MONUMENT (CM)	
TREE		PERMANENT REFERENCE MONUMENT (PRM)	
FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)	
WATER METER	(R)	RADIAL LINE	
GUY ANCHOR	(NR)	NON-RADIAL LINE	
UTILITY POLE		WATER VALVE	
IRON ROD/PIPE NON CAP (RIC/RPC)			
IRON ROD/PIPE ND ID (RUP)		EXISTING ELEVATION	
TELEPHONE BOX		CABLE TELEVISION BOX	

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=200' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 2 OF 13

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FOUNDATION SURVEY	–	–	–	–	–
FINAL SURVEY	–	–	–	–	–
RECERTIFICATION SURVEY	–	–	–	–	–

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FO—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	—T—	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	—W—	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	—E—	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	—G—	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR			EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	NGVD	NATIONAL GEODETIC VERTICAL DATUM	(NR)	NON RADIAL	—X—	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(P)	PLAT	(R)	RADIAL	ID	IDENTIFICATION
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J.E. ZAPERT P.L.S. NO. 4046 SEAL

SEE SHEET 1
FOR CERTIFICATIONS

Tomoka Reserve Buffer Planting and Maintenance Plan

Ormond Beach, FL. 32174

Prepared for:

Triumph Oaks of Ormond Beach 1, LLC

September 6, 2023

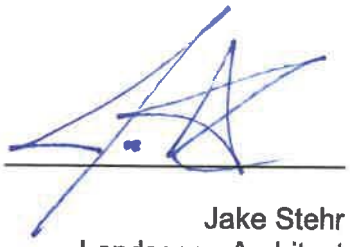
Tomoka Reserve Buffer Planting & Maintenance Plan

Ormond Beach, FL.

This report was prepared by:



Don Spence, Ph.D.
Landscape Designer/Plant Ecologist
Native Florida Landscapes, LLC.



Jake Stehr
Landscape Architect
Florida LA6667462
Zev Cohen & Associates

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Appendix C Native Plant List
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I. Project Description

A. Title of Proposal

Tomoka Reserve Buffer Planting and Maintenance Plan

B. Location

Tomoka Oaks Blvd., Ormond Beach, FL.

C. Buffer Planting Plan and Maintenance Plan Objectives

1. Description

Tomoka Reserve is a 147.94-acre site with an approximate perimeter of 3.3 miles. As proposed, Tomoka Reserve will provide a 50-foot-wide vegetative buffer between the existing subdivisions and the perimeter lots in Tomoka Reserve. Over the long term, the buffer will be managed by the Tomoka Reserve's Homeowners Association. Today, much of the buffer contains native trees and shrubs that provide screening between the existing homes and the proposed development. In areas where the buffer is sparse or where no vegetation is present, native trees and shrubs will be planted to enhance the native buffer based on the requirements in the City of Ormond Beach Land Development Code.

2. Purpose and Need

The purpose of the Buffer Planting and Maintenance Plan is to describe how the buffer plants will be installed and maintained over the short and long term to maximize survivability. The overall objective of the buffer plantings will be to create a visual screen such that the existing homes and the new homes will have some level of screening so that each resident will have an obstructive view of the other.

The Tomoka Reserve development team is committed to keeping the ecology of the current buffer in place and increasing its integrity and diversity by using mostly native vegetation. The existing and enhanced vegetative screen will also function as a habitat for migratory birds and provide habitat for small mammals and turtles. With our commitment to using a wide variety of native species, we will be increasing the biodiversity of this already important plant community.

Another important aspect of using native plants is their ability to tolerate drought once they are established. By using regionally appropriate species, we will be removing the need for a permanent in-ground irrigation system that would draw large volumes of water out of the aquifer. The current buffer is not manicured or irrigated; this plan does not propose intensive management over the long term. The objective of this Buffer Planting and Maintenance Plan is to place trees and shrubs in the buffer to enhance the existing native vegetation.

II. Existing Conditions

A. Physical

The entirety of the site, including the 50-foot buffer, is comprised of sandy soils and there are no naturally occurring wetlands. The soils of this site are dominated by Paola fine sands, which are well-drained soils, Appendix A. The topography of the site has gentile slopes where the eastern portion of the site is higher than the north, south, and western areas. There are no physical barriers present that would prohibit us from enhancing that existing vegetative buffer.

B. Existing biotic conditions

A tree survey was conducted in 2021 that determined that there are 1,970 trees on site that are made up of 21 species of trees. The site is also home to a wide variety of insects, reptiles, amphibians, and small mammals, all of which will benefit from the installation of more native trees, shrubs, grasses, and wildflowers. Around the entire site, approximately 70% of the 50-foot buffer has trees and shrubs that act as a visual screen. However, in many places beneath the canopy, there are gaps in the understory that lack significant screening.

III. Buffer Planting Plan

A. Planting plan description and design

In areas where trees and shrubs will be installed, this plan follows the best management practices outlined in the American National Standards Institute (ANSI) 300 part 6

(Transplanting Standards) and Z60.1 (Nursery Stock Standards), additionally, the planting will follow the directions provided in Appendix B. Tree and Shrub Planting Details in Appendix B were provided by the City of Ormond Beach. The buffer design was created by

a Board Certified Master Arborist and a Registered Landscape Architect, where special consideration was given to incorporating native plants in the buffer plan, Appendix C.

Buffer Area Planting Requirements:

We will be using a modified buffer as the guidelines for the planting requirements. The buffer shall be 50 feet wide, will contain 5 trees and 50 shrubs.

For each 100 linear feet of buffer, where there are less than 5 exiting trees in the buffer, (trees having a DBH of at least 6 inches), trees will be installed to meet the buffer requirements or the fraction thereof. Where gaps of 50 feet or more occur between existing trees, even if there are 5 or more existing trees, landscape trees will be planted. The total number of buffer trees needed to meet the intent of this buffer plan is 396, Appendix D.

Where appropriate, native palms (*Sabal palmetto*) may be used as part of the overall planting requirements. All native palms that will be retained will count towards our tree requirement for each 100' buffer section. Over the length of a buffer zone, three palms will equal one hardwood tree. Palms shall have a minimum overall height of ten feet (10') at the time of planting. There are 110 existing palms within the buffer, which equates to 36 trees (110 palms /3 palms equal 1 hardwood tree = 36 hardwood trees). Overall, the total number of require trees will be reduce by 36 to represent the contribution of palms to the buffer tree planting requirements.

For each 100 linear feet of buffer, 50 shrubs will be installed where no shrubs are present. For each 100-foot section where shrubs exist in the buffer, existing shrubs will be assessed and shrubs will planted so that the number of shrubs in each 100' section will equal meet the required number for that buffer section.

Since ground cover plants already exist, we will not be planting any species of ground covers as part of the Buffer Planting Plan. The Tomoka Reserve Development Team recognizes the importance of native plants and to that end, native wildflower seed will be spread in select areas of the buffer. Florida native wildflower seed will be purchased from the Florida Wildflower Cooperative and spread by hand.

The landscaped buffer area shall include a minimum five-foot (5') wide visual screen constructed of plant materials which are selected, located, and maintained to provide a visual barrier that is designed to achieve forty percent (40%) opacity within three (3) years from the time of installation between three feet (3') and six feet (6') above the average ground level of the landscaped buffer area when viewed horizontally.

Each tree and shrub that will be planted will have a ring of ground cover removed to install each plant. All planting rings around trees and shrubs will be mulched with 3-inches of natural mulch to retain soil moisture.

This Buffer Planting Plan exceeds the requirements set forth in Section 3.05 (c)(2) Landscape design standards by using in excess of 50% xeric or drought tolerant plant species.

B. Standards for success

The property owner will provide a maintenance bond in favor of the City equal to the certified cost estimate of the landscaping improvements in order to guarantee the survival of the plantings for a period of two (2) years. During the two-year grow-in period, trees and shrubs that are not living will be replaced to meet the legal requirement of the bond. The maintenance bond will be released after two years when it has been demonstrated that 80% of all plant material is alive. Release of the bond will occur when the development team provides a report to the City on a raw count of all planted trees and shrubs such there will be 80% or better plant survival. It is expected that Tomoka Reserve will be built in phases where each phase will have its own bond for the plant material in the buffer of that section.

IV. Buffer Maintenance

A. Short Term Maintenance

Plants will be monitored and watered on a regular schedule. Over the short term, we have developed a regular watering schedule that will require plants to be watered multiple times over a seven-day period. Over the long term, we have developed a watering plant that will span 26 weeks. Based on the recommendations from the arborist and landscape architect, we will extend watering if they determine the plants need more water for the plants to

survive. This watering plan exceeds the recommendations of the University of Florida's webpage on Gardening Solutions publication Planting and Establishing Trees.

The plants being used for this project will be either native or Florida Friendly Landscape™ plants. Since the species being used are adapted to this climate and these soils, they will adapt and grow without difficulty since we are using the Right Plants in the Right Place concepts (https://ffl.ifas.ufl.edu/about-ffl/9-principles/principle-1-right-plant-/) as described by the Institute of Food and Agricultural Sciences Extension (UF/IFAS Extension) and the Florida Department of Environmental Protection.

Watering will be accomplished with a large water tank on a truck such that each plant will receive water from a person who will be able to confirm that enough water is provided. Since there are many species of wildlife that live in the buffer, we will not be installing above or below-ground irrigation.

The process of digging and trenching irrigation lines could displace, or harm protected species/existing flora. Additionally, hand-watering the buffer plantings will also the development team to more closely monitor plant health and establishment and will not waste water, which would be detrimental to the health of the aquifer. There are several challenges to using a pump-driven irrigation system, one is the distance to the buffer planting; if the distance is too great, we will not be able to effectively push water that far. The second issue is that the site currently does not have a power supply to run well pumps.

Trees and shrubs will be inspected at regular intervals to assess their health and level of establishment. If trees or shrubs die during the watering period, they will be replaced as outlined in the maintenance bond in favor of the City. A key component to the success of the plantings will be to maintain soil moisture. To achieve maximum soil moisture, we will not remove large swaths of ground cover; we will only remove enough existing plant material to install the buffer planting material, which will then be covered with mulch.

B. Watering Schedule

A watering schedule has been developed and provided below. Each watering event will be accomplished through the use of a truck and hand watering to ensure that each plant receives adequate water. If heavy rain events occur, the watering schedule will be

modified so we are not over-watering or wasting water. The objective of each watering event will be to provide approximately 4-6 gallons of water to each tree during Phase I and 2-gallons during Phases II & III. Shrubs will be given approximately 3 gallons of water in Phase I and 2 gallons in Phases II & III.

Buffer Tree, Shrub, and Bunch Grass Watering Schedule

Plant Material Watering will span six-months (26 weeks)

Phase I – Water 5 times per week, once a day for **five weeks** if plants are installed in the fall and winter (water twice a day if plants are installed between May and September) and monitor plant establishment.
– Monday, Tuesday, Wednesday, Friday, & Saturday

Phase II – Water 3 times per week for **ten weeks** and monitor plant establishment.
– Monday, Wednesday, & Friday

Phase III – Water 2 times per week for **11 weeks** and monitor plant establishment.
– Monday & Thursday

* Watering frequency and volume of water may be adjusted depending on rainfall and how well plants are becoming established, which will be determined by the arborist or landscape architect.

C. Vegetation Maintenance

The most important aspect of maintaining the newly installed trees and shrubs will be managing the ground cover around the plants so they do not overtop the new plantings. Most of the buffer has an intact tree canopy and sparse ground cover due to the shade. Maintenance in areas where there is shade will be less intense and will revolve around removing weeds and ground covers that are outcompeting the new plants. Most of the maintenance work will be accomplished through hand-pulling weeds and spraying the weeds with a mixture of vinegar, salt, soap, and water.

In areas where the buffer is largely absent, maintenance will include mowing the ground covers around the installed plants. Due to the spacing between trees and shrubs, a lawn mower will be used to suppress the ground cover to limit competition when necessary. Most of the maintenance work will be accomplished through hand-pulling weeds and spraying the weeds with a mixture of vinegar, salt, soap, and water.

D. Long-term Buffer Maintenance

The long-term maintenance of the buffer will take place after the two-year buffer survival bond is satisfied. The long-term buffer maintenance will be managed by the Tomoka Reserve Homeowners Association (TRHOA).

TRHOA buffer maintenance activities shall include the removal of dead and hazardous trees, mowing grass that occurs between the buffer vegetation and the rear lot lines of the Tomoka Reserve homes, noxious plant removal as defined by and vine management.

Long-term Buffer Maintenance Schedule:

TRHOA will mow the grass in the buffer monthly between May 1 and October 31 each year. TRHOA will remove dead or hazardous trees as needed. For a tree to be removed, an International Society of Arboriculture (ISA) arborist will need to provide a report stating the tree in question is an “unacceptable risk” for the tree to be removed.

After the formation of the TRHOA, vines will be managed as needed. Once the initial vine maintenance occurs, TRHOA reserves the right to retreat vines after the initial site on a three-year cycle.

When possible, vines should be pulled from trees unless it will cause damage to the tree. When vines are removed, they will be cut just above the ground and treated with a herbicide to kill the underground roots. Whenever herbicides are being used, Florida law requires the herbicide applicators must have or be working for an individual who possesses a valid Florida Pesticide Applicator license.

Appendix A

Soils Map

Soil Map for Tomoka Reserve



Map Unit Legend

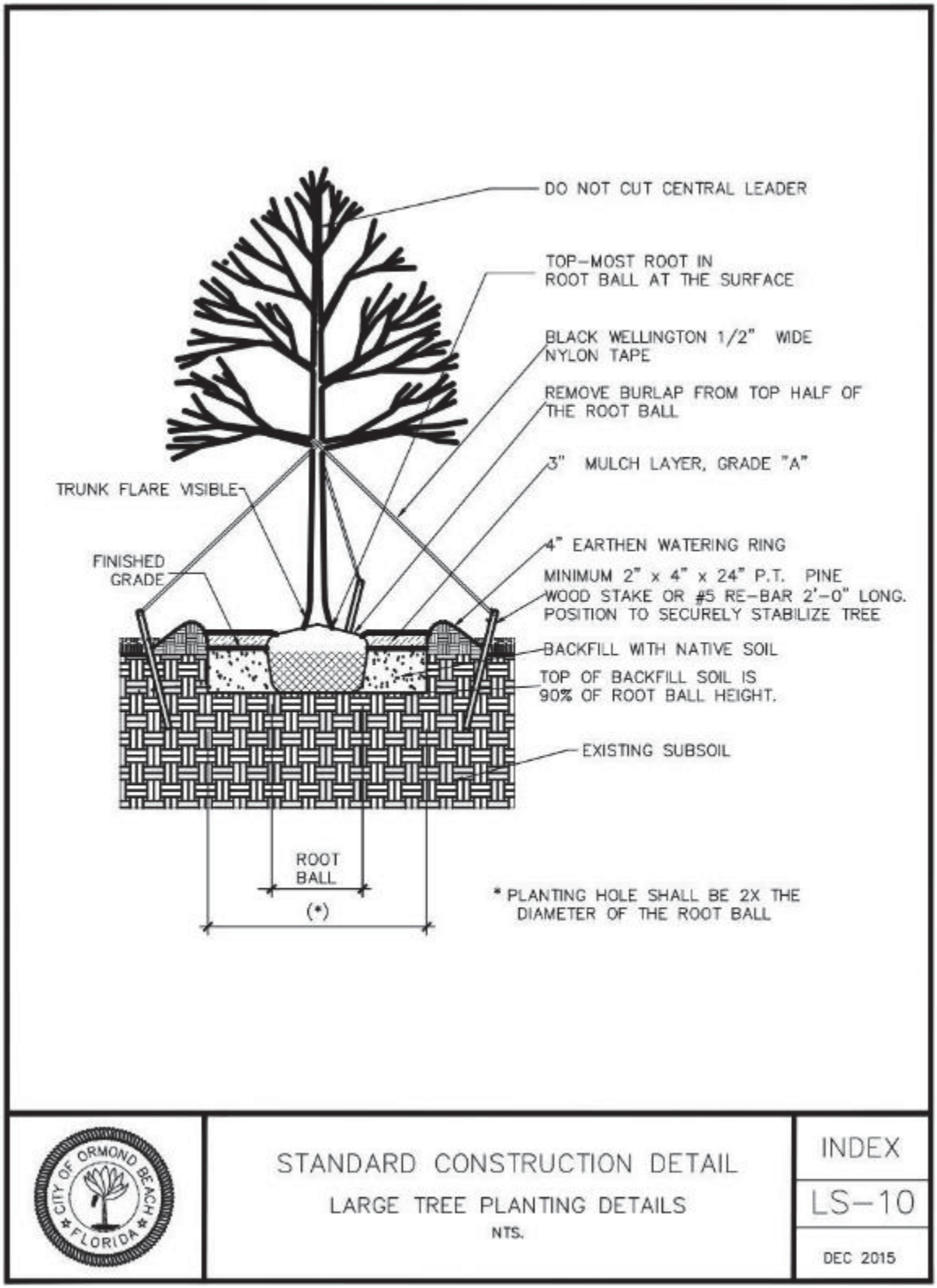
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3	Arents	5.5	1.3%
4	Astatula fine sand, 0 to 8 percent slopes	15.7	3.7%
11	Bulow sand, 0 to 5 percent slopes	46.8	11.1%
22	Electra fine sand, 0 to 5 percent slopes	6.8	1.6%
42	Paola fine sand, 0 to 8 percent slopes	56.1	13.3%
47	Pits	1.4	0.3%
54	Quartzipsamments, gently sloping	262.8	62.3%
65	Terra Ceia muck, frequently ponded, 0 to 1 percent slopes	4.9	1.2%
67	Turnbull muck	10.4	2.5%
69	Tuscawilla fine sand, 0 to 2 percent slopes	3.0	0.7%
99	Water	8.9	2.1%
Totals for Area of Interest		**422.2**	**100.0%**

Appendix B

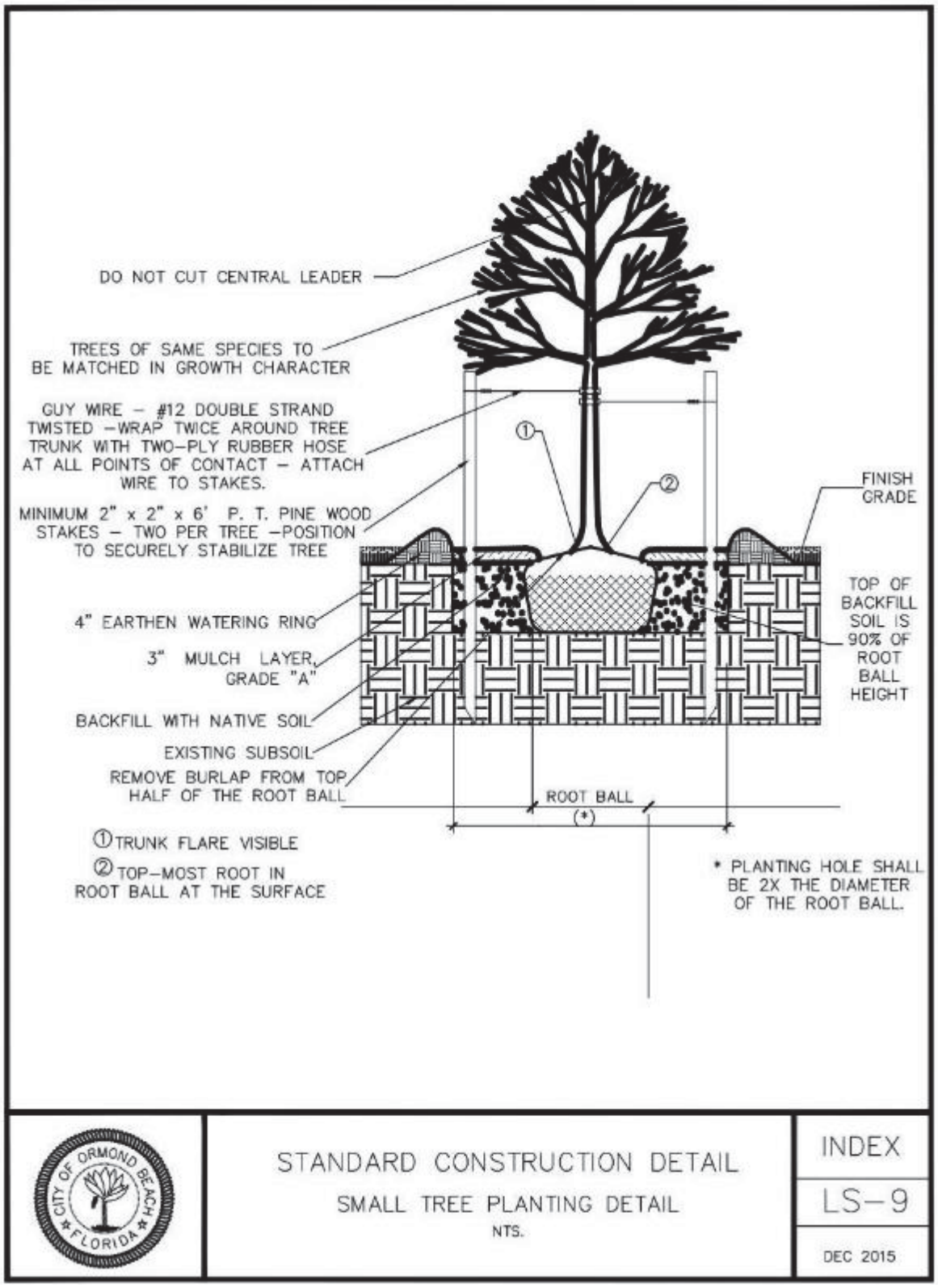
Tree Protection, Large Tree, & Small Tree

Planting Details

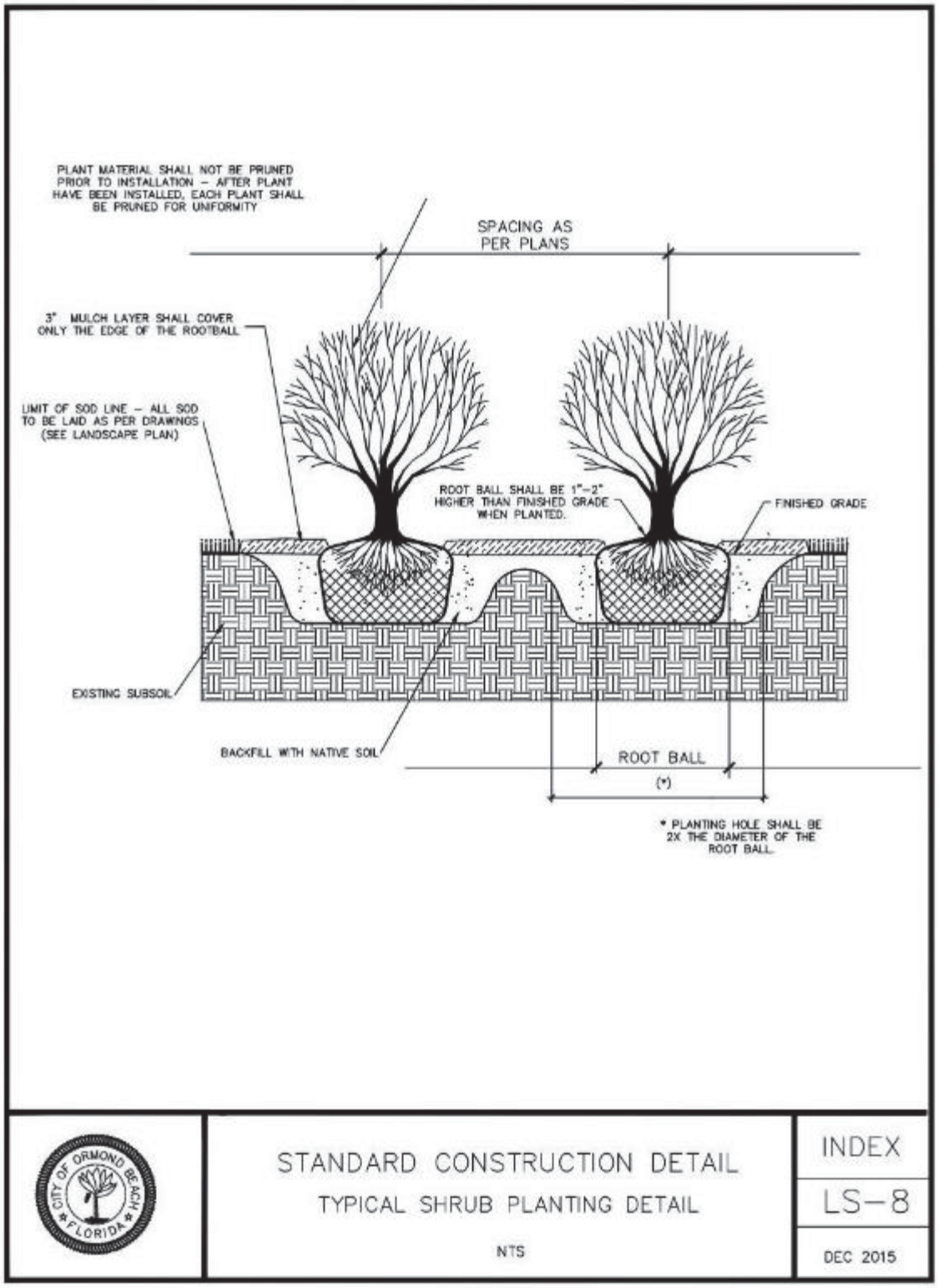
LARGE TREE PLANTING DETAIL



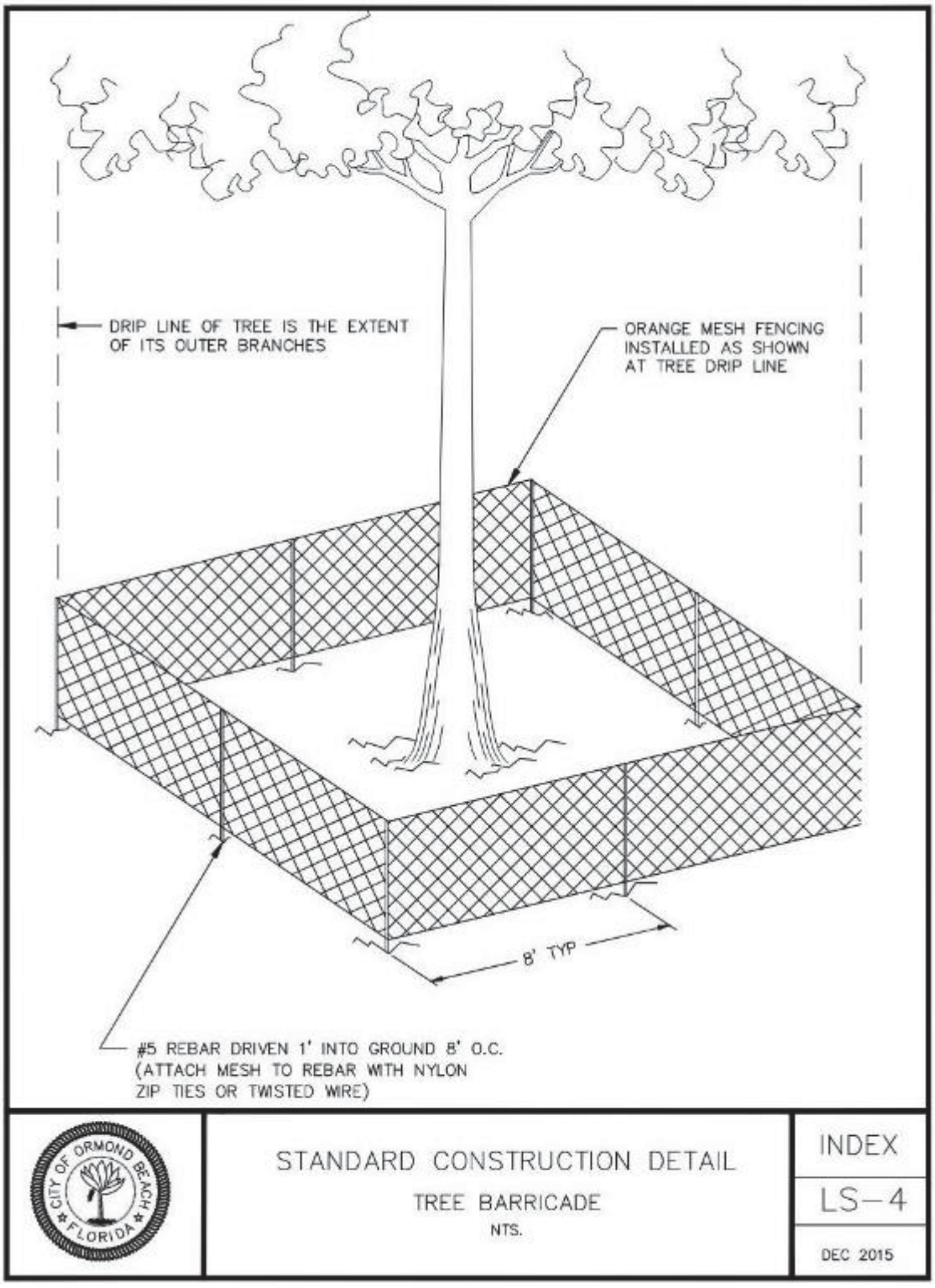
SMALL TREE PLANTING DETAIL



SHRUB PLANTING DETAIL



TREE PRESERVATION DETAIL



Appendix C

Native Plant List

TREES			
Scientific name	Common name	Growth habit (height & width) ft	Comments Habit & Size
Cartrema americana	American olive	25' x 15'	Evergreen – Medium
Carpinus caroliniana	American hornbeam	25' x 15'	Evergreen – Medium
Carya glabra	Hickory	80' x 35'	Deciduous – Large
Celtis laevigata	Hackberry/sugarberry	60' x 50'	Deciduous – Large
Cercis canadensis	Redbud	30' x 30'	Deciduous – Medium
Ilex x attenuata	Savannah holly	30' x 15'	Evergreen – Medium
Ilex opaca	American holly	10' x 15'	Evergreen – Medium
Magnolia grandiflora	Southern magnolia	80' x 40'	Evergreen – Large
Juniperus virginiana	Red cedar	60' x 30'	Evergreen – Large
Prunus angustifolia	Chickasaw plum	20' x 20'	Deciduous – Medium
Quercus austrina	Bluff oak	40' x 30'	Deciduous – Medium
Quercus geminate	Sand live oak	40' x 80'	Evergreen – Large
Quercus chapmanii	Chapman's oak	10' x 10'	Evergreen – Medium
Quercus virginiana	Live oak	80' x 150'	Evergreen – Large
SHRUBS			
Forestiera segregata	Florida privet	15' x 8'	Evergreen
Ilex vomitoria	Yaupon holly	15' x 10'	Evergreen
Lantana involucrata	Buttonsage	2.5' x 4'	Evergreen
Myrcianthes fragrans	Simpson's stopper	20' x 10'	Evergreen
Myrica cerifera	Wax myrtle	20' x 20'	Evergreen
Psychotria nervosa	Wild coffee	3' x 4'	Evergreen
Serenoa repens	Saw palmetto	20' x 10'	Evergreen
GRASSES			
Muhlenbergia capillaris	Muhly grass	3' x 3'	Evergreen
Spartina bakeri	Smooth cordgrass	3' x 4'	Evergreen
Tripsacum dactyloides	Fakahatchee grass	5' x 6'	Evergreen
WILDFLOWERS			
Baptisia albescens	Spiked wild indigo		Perennial
Coreopsis lanceolarta	Tickseed		Perennial
Coreopsis tinctoria	Plains coreopsis		Perennial
Galliardia pulchella	Blanket flower		Annual
Helianthus debilis	Beach sunflower		Biennial
Salvia coccinea	Scarlet Sage		Perennial
Solidago altissima	Tall goldenrod		Perennial
Solidago sempervirens	Seaside goldenrod		Perennial

* This plant list is not all-inclusive, additional native and Florida Friendly plants may be used based on the recommendcation of the landscape architect and arborist.

All plants listed are species native to Florida and commonly found in Volusia County.

Project Conditions – Tomoka Reserve

1. ***Lot Layout*:** The total number of lots proposed are 272. As shown in Exhibit "C", page PD2, the lot sizes along the perimeter of the exiting Tomoka Oaks subdivision are a minimum of 80' in width by 125' in depth and the interior lots are a minimum of 60' in lot width and 120' in lot depth. The actual count, location, and layout of the developed areas within the development shall be determined during subdivision review of the Preliminary Plat. The maximum lot count shall not exceed 272 units. The lot widths can deviate from the provided ranges if they increase in lot width or depth. No reduction in lot width or total square footage shall be permitted. The request for 272 single-family units or 1.84 units per acre as shown, described, and depicted in Exhibit "C" to the Planned Residential Development (PRD) Development Order is hereby granted.
2. ***Preliminary Plat Required*:** The project shall be required to obtain a Preliminary Plat and provide detail engineering plans with review by the Planning Board and action by the City Commission prior to the issuance of a site construction permit. A neighborhood meeting shall be required after the first Site Plan Review Committee submittal and prior to the Planning Board meeting for the Preliminary Plat.
3. ***Density*:** The proposed gross density is 1.84 units per acre (147.94 acres divided 272 units). The density permitted in the "Low Density Residential" land use is 4.3 units per acre.
4. ***Phasing*:** The subdivision phasing is to be developed with the Preliminary Plat and may be modified with the review and approval of the Site Plan Review Committee as a minor amendment.
5. ***Model homes*:** A maximum of 16 model homes are allowed within the subdivision. Model homes are allowed to be started after a stabilized road is constructed and water and sewer clearances have been obtained which may be before final subdivision acceptance by the Site Plan Review Committee. No certificate of occupancies would be released until after all subdivision improvements are completed.
6. ***Gated community*:** The project is proposed to have a gated access point for vehicles and to allow pedestrian access into the subdivision. Private, gated subdivisions are required to provide easements to the city through the platting process for access and maintenance of the project utilities. The streets, sidewalks, and stormwater system would be privately owned and maintained by the Tomoka Reserve Homeowners' Association. Changing from a gated to non-gated (public) subdivision would be considered a minor amendment.
7. ***Pedestrian access from Tomoka Oaks*:** Additional pedestrian access may be provided by Tomoka Reserve to lots within the existing Tomoka Oaks subdivision with an easement or other legal document approved by the individual Tomoka Oaks property owner(s).
8. ***Emergency Access Easement*:** As shown in Exhibit "C", page PD2, emergency access is required for the project. The easement area would be required to have a stabilized base and a grass surface for emergency vehicle use only. Construction details of the emergency access connection point would occur during the preliminary plat process and be subject to

approval of the Fire Chief, including the number of lots that would require the construction of the emergency access connection.

9. ***Dimensional standards:*** The setbacks for the project shall be:

   60' wide by 120' deep lots

   a) Rear: 20'
   b) Rear (accessory): 5'
   c) Side: 7.5'
   d) Side (accessory): 5'
   e) Side Corner: 15'
   f) Front Yard: 25'
   g) Porch: 15'
   h) Maximum building coverage shall be 50%.
   i) Maximum lot coverage shall be 75%.
   j) Maximum building height shall be 35 feet.
   k) Minimum square footage of house: 1,700 square feet

   80' wide by 125' deep lots

   l) Rear: 20'
   m) Rear (accessory): 5'
   n) Side: Minimum 8' to total 20' – both sides.
   o) Side (accessory): 5'
   p) Side Corner: 20'
   q) Front Yard: 25'
   r) Porch: 15'
   s) Maximum building coverage shall be 50%.
   t) Maximum lot coverage shall be 75%.
   u) Maximum building height shall be 35 feet.
   v) Minimum square footage of house: 1,700 square feet

10. ***Environmental:*** Ayden Environmental, LLC has performed an environmental analysis of the former golf course property and has obtained an approved remediation plan by the Florida Department of Environmental Protection. The summary letter from Ayden Environmental, LLC states: "All work will be completed in accordance with Chapter 62-780 of the Florida Administrative Code, which is Florida's regulatory framework for environmental cleanup." The required remediation plan would be implemented with an approved Preliminary Plat and its associated construction drawings.

    There are no wetlands on the subject property and the property lies within flood zone X (area of minimal flood hazard).

11. ***50 foot vegetative buffer:*** The project proposes a fifty-foot vegetation buffer around the exterior of the property abutting the existing Tomoka Oaks subdivision. This area is approximately 3.3 miles in length. Existing vegetation in this buffer areas would count towards the landscape requirements. The buffer planting plan as shown, described, and depicted in Exhibit "D" to the PRD Development Order is hereby granted.

12. ***Natural preservation:*** Section 2-35(h)(8) of the Land Development Code states: "Twenty percent (20%) of the project shall be left in a natural state. This may include designated conservation areas within lots or common areas, but shall not include classified wetlands and required upland buffers." The project is required to provide 29.6 acres and Exhibit "C", sheet PD6 shows 34 acres dedicated to natural preservation. The 50' buffer abutting the Tomoka Oaks existing lots and area called out for natural preservation shall not be modified and shall always be vegetative areas. Maintenance and replanting as necessary in the 50' vegetative buffer area is allowed with written authorization of the City Landscape Architect.

13. ***Recreational area:*** In lieu of the indoor recreation floor area requirement, the development may provide, at a minimum, an additional thirty (30) square feet per unit of outdoor active recreation space in compliance with Section 2-35(h) of the Land Development Code. The project is required to provide 24,840 square feet of outdoor recreational area. The proposed 9.34 acres of outdoor recreational area exceeds the Land Development Code requirements and is hereby accepted. The final design of the recreational areas shall be provided as part of the Preliminary Plat site plan. The recreational plan to utilize additional outdoor area instead of indoor recreation floor area as shown, described, and depicted in Exhibit "C" to the PRD Development Order is hereby granted.

14. ***Sidewalks:*** The developer shall construct a sidewalk in Phase 1 of the project development along both sides of Tomoka Oaks Boulevard as shown in Exhibit "C." Internal sidewalks are required on both sides of the streets within the subdivision.

15. ***Stormwater:*** The project seeks to use a low-impact development technique of berming around existing areas (keeping existing vegetation) to create stormwater retention areas. The final stormwater design shall be provided with the Preliminary Plat site plan application.

16. ***Fences:*** The fencing requirements for the Tomoka Reserve subdivision are included in Exhibit "C" on sheet PD8. The requirements state:

    > The following fence materials are permitted: wood, black wrought iron, high-quality aluminum, and white PVC. Perimeter fencing along rear or side (from front of the house to rear property line shall be a maximum height of 6 feet. Fencing along the front property line or side property lines from the front of the house to the front property line shall have a maximum height of 4 feet. This "front yard" fencing must be decorative (no solid fences) and if wood is utilized it must be painted.

17. ***Architecture:*** Home designs shall be consistent with the architectural elevations provided in Exhibit "C" on sheet PD8 and an architectural review committee for the subdivision is required. Submittal of new homes or modifications for building permits shall include written documentation from the architectural review committee that all architectural conditions have been satisfied.

18. ***Traffic:*** The project submittal for the issuance of a development order includes a Traffic Impact Analysis (TIA).

    A. Traffic signal at Nova Road and Tomoka Oaks Boulevard: The traffic analysis has identified the need for a traffic signal at Nova Road and Tomoka Oaks Boulevard. The applicant has agreed to a voluntary condition that the applicant will make application for the permits for the signal within 30 days of phase 1 plat approval (Preliminary Plat), the developer will initiate an application to the Florida Department of Transportation to construct a traffic signal at the intersection of Nova Road and Tomoka Oaks Boulevard. Prior to the issuance of first certificate of occupancy within the Tomoka Reserve Development, the traffic signal at Nova Road and Tomoka Oaks Boulevard has to be completed and functioning or fully bonded, and/or the full cost of constructing said traffic signal system must be deposited with the City of Ormond Beach.

    B. Intersection of Saint Andrews Drive and Tomoka Oaks Boulevard: The applicant has demonstrated that the diamond intersection meets the required level of service. The applicant has agreed to provide improvements to be engineered at the Preliminary Plat to modify the existing drive aisle to resolve turning radii conflicts for emergency vehicles and provide additional landscaping. The Preliminary Plat site plan shall be reviewed by the SPRC and Planning Board, and a recommendation provided to the City Commission on the geometry of this intersection.

19. ***Hours of construction:*** Hours of outside construction activities shall be from 7:00 a.m. to 7:00 p.m. Monday through Saturday, with no outside construction activities on Sundays.

20. ***Utilities*:** Detailed water and sewer connection shall be provided at the time of the Preliminary Plat. The project intends to use re-use irrigation, as available, with a supplemental well as needed.

DRAFT Planning Board minutes

September 26, 2023

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

September 26, 2023 6:08 PM

Calvary Christian Center
1687 West Granada Boulevard
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Claire Whitley, Assistant City Manager
G.G. Galloway	Steven Spraker, Planning Director
Al Jorczak	Cara Culliver, Landscape Architect
Mike Scudiero	Robin Gawel, Senior Planner
Barry du Moulin	Sarah Cushing, Senior Planner
Troy Railsback	David Allen, Planning Civil Engineer
Doug Thomas, Chair	Randy Hayes, City Attorney
	Marcella Miller, Recording Technician

II. INVOCATION

Chairman Thomas led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

DRAFT

V. APPROVAL OF THE MINUTES

Mr. Jorczak motioned to approve the August 21, 2023 Minutes. Mr. Galloway seconded it. Vote was called, and the motion was approved (7-0).

Chairman Thomas opened the Public Hearing.

Attorney Hayes explained the continuation of the August 21, 2023 Planning Board meeting on Tomoka Reserve. Recommendations were made by staff, Planning Board, and the HOA attorney to allow more time to analyze the previous set of new plans. Tonight, the Planning Board can make a recommendation to the City Commission or request additional information. Attorney Hayes added that the recent material submitted, according to the applicants, is consistent with the Comprehensive Plan and Land Development Code (LDC) regulations and staff disagrees and recommends that the application be denied. He concluded that the witnesses are not required to be re-sworn and directed for those wishing to speak to announce their name and whether or not they have been sworn in.

Chairman Thomas and the Planning Board discussed the allotted speaking time for residents and audience members and it was determined to allow three minutes per person. Chairman Thomas opened the public hearing.

VI. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order – continuation of the July 13, 2023 meeting

Staff Presentation

Mr. Spraker, Planning Director, thanked Calvary Christian Center for hosting the meeting and stated that the application is for the issuance of a development order for the Tomoka Reserve subdivision, at 20 Tomoka Oaks Boulevard. He continued that the existing land use is "Low Density Residential" and the existing zoning is Planned Residential Development (PRD). The zoning district does not have a development order associated with it any longer and has since expired, the reason for the public hearing.

Mr. Spraker continued that the project has gone through two pre-application meetings, the Site Plan Review Committee (SPRC),a neighborhood meeting, and today, the third Planning Board meeting. Mr. Spraker stated that if there is a recommendation tonight, the tentative City Commission meeting date will be November 07, 2023 at Calvary Christian Center. Mr. Spraker explained the issuance of a development order review process. A PRD is a zoning document that shows lots, landscape buffers, open areas, recreational areas, and architectural standards. A PRD does not require engineering construction plans that include stormwater and utilities, which will come later with a preliminary plat. The preliminary plat would go through a neighborhood meeting, Planning Board and City Commission.

Mr. Spraker displayed a recap of the July 13, 2023 site plan with the proposal of 276 units, a mixture of 50', 60', 80' wide lots. He explained the August submittal that was before the Planning Board, with a mixture of 60', 80', 90', and 100' wide lots, but because it was submitted after it was advertised, it required a new public hearing. He continued that the applicant agreed with some SPRC recommendations, including

the building coverage, setbacks, note for lot separation, Tomoka Oaks diamond improvements, sidewalks on both sides of Tomoka Oaks Boulevard, neighborhood meeting for the preliminary plat, the timing of the traffic signal, updated architectural design language and the removal of the cut-through of amenity space parking area.

Mr. Spraker stated that a new site plan was submitted on September 06, 2023, and the changes are primarily the mixture of lot sizes along the perimeter of the boundary of the project of 80' wide lots and interior, 60' wide lots. Other aspects of the site plan that did not change were the gated vehicular access of the subdivision, it is not in the wetlands or floodplain. Mr. Spraker added that other characteristics that did not change were the environmental assessment provided, the 34 acres of natural preservation, recreational areas, 50' buffer around the site, preservation of historic trees, the school concurrency and Traffic Impact Analysis provided.

Mr. Spraker stated that the two remaining key issues are the perimeter lot sizes and the material and irrigation of the 50' buffer. The SPRC continues to recommend 100' wide lots on the perimeter where the site plan shows 80' wide lots as the former and surrounding zoning district of R-2 are 100' wide lots.

Mr. Spraker continued that the existing conditions today with the 3.3 mile buffer in the planting plan states that there are native trees and shrubs that will provide screening between the existing homes and the proposed development. Another existing condition is the existing vegetation to be able to use and gaps of landscaping to be planted, and 70 percent of the 50' buffer with trees and shrubs for visual screening. Mr. Spraker stated that the proposed plan shows that the buffer shall be 50' wide containing five trees and 50 shrubs. No groundcover was proposed in the plan. The existing vegetation would be used for gaps of landscaping to be planted. Mr. Spraker added that watering would be provided by a large water tanker truck, not permanent irrigation. The plan offered a maintenance bond for two years and requires an 80 percent survival rate to release the bond.

Mr. Spraker delivered an overview of staff's recommendations, including the City's Landscape Architect, of a type 6 buffer of seven trees, 70 shrubs, and 70 ground cover plants. The proposed plan does not meet the visual screen requirement of the LDC. He stated that staff is supportive of the use of native/xeric plantings. He added that that the irrigation by water tanker truck does not comply with the LDC. Mr. Spraker expressed concerns with the fact that the watering plan shifts compliance to the future HOA. It can involve additional maintenance and costs, as well as the 2-year bond and 80 percent survival plant rate.

Mr. Spraker reviewed the correspondence that was received and that was also included in the meeting packet. Some of the correspondences included the compatibility with the existing Tomoka Oaks, property value concerns, loss of quality of life, traffic concerns, golf course perpetuity and related uses, the existing configuration of the diamond intersection, Tomoka Reserve HOA concerns, wildlife concerns and buffer concerns.

Mr. Spraker delivered an overview of the Planning Board review criteria consisting of the application submittal, staff report, SPRC comments, written correspondence provided, criteria of the LDC contained within the staff report, and testimony provided at the Planning Board public hearing. He stated that staff recommends denial of the proposed site plan for the issuance of a development order, based on the

perimeter lot sizes and the buffer planting plan. Mr. Spraker continued that if the Planning Board believes that it is appropriate they can recommend approval. Either recommendation of approval or denial goes to the City Commission for the final decision.

Applicant's Presentation

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, representative for the applicant, stated that Mr. Don Spence will speak again on the buffer and Mr. Michael Hoteling, on the lot widths, the two key issues. Mr. Merrell recapped on the PRD due to its custom zoning for the property. He asked the Board for suggested items in negotiation for an agreement.

Key issue: Buffer:

Mr. Don Spence, Master Arborist/Native Plant Expert, Ph.D., Native Florida Landscapes, explained that he has been working with landscaping and native design for 25 years. Three years ago he completed a tree survey for the property and beginning in January, started work on the buffer plan. Mr. Spence stated that it is based on a low density residential and a buffer planting plan that had three or four plants to fill in gaps along the shrubs. He continued that several months later, they got pushback from the City as they wanted a type 6 buffer. He explained the reasons that the team felt it was not appropriate as a type 2 buffer is outlined for low density residential. A type 2 buffer is three trees and 30 shrubs. The team proposed a bonified, meaningful type 4 buffer with five trees and 50 shrubs, to fill in the gaps to provide visual screening between the existing homes and the homes that are proposed to be built. Mr. Spence expressed his concern with the said irrigation requested, as the existing trees and trees to be planted are native and once established over the next six to seven months, will not need it, same as the existing buffer that is not being watered. He stated that the goal is to plant plants that mimic the existing trees in the buffer, claiming that if the tree dies it will be replaced per the two year bond.

Mr. Spence continued reviewing the buffer planting plan and stated that the 50' wide buffer, that would be managed by the HOA, if there are tree problems would not be able to plant across the entire buffer due to many of the homes having fences or walls. In the plan, the center 20' of the buffer would be the planting zone. He continued that trees and shrubs need full sun and cannot be planted underneath of canopies. Mr. Spence stated that space is needed for access (15' on the development side and space for neighbors on the backside). He added that access is needed behind the property lots of the homes built to manage trees and any invasive plant problems, therefore cannot plant across along the entire width of the buffer. Mr. Spence reassured that the plants will be watered and made sure of their survival at 100 percent from the initial plan of 80 percent, after two years. The site will develop in phases and the bonds will follow in phases and long-term maintenance will be driven by the legal agreement that the HOA develops. Mr. Spence reviewed a table that explains the watering phase for the trees and shrubs and stated that the plan meets and exceeds what the University of Florida recommendation is. He continued that they are not willing to dig up the buffer for ground coverings and feel it does not add to the visual screening. He pointed out that a water tanker truck is in the plan for irrigation and backed up his point with the LDC guideline specifying that if using native/xeric plants a permanent irrigation system is not required. Mr. Spence concluded that there is no standard for a type 6 buffer being applied in a residential setting and no example of an industrial buffer design against residential.

Mr. Merrell stated that the proposed buffer plan is well founded and innovative, concurring with Mr. Spence, and added that a permanent irrigation system would tear up the manicured grass.

Key issue: Lot sizes:

Mr. Michael Hoteling, MAI, Managing Partner, Moody Williams Appraisal Group, stated that he has been appraising commercial, residential, subdivision type properties for 20 years. He spoke on the appropriateness of the lot sizes and stated that most of the lots of the homes being proposed are 2,100 to 2,900 square feet and most of the lots that get sold are between 60' wide and 80' wide, with some 100' wide. Mr. Hoteling commented that this will be a nice subdivision where the homes can range from $600,000 to possibly over $1 million. He added that when pricing the homes in Tomoka Oaks three weeks ago, there were no homes for sale that exceeded $700,000, except for those along the water. Mr. Hoteling concluded that what is being proposed to be built will add value to the existing development and not detract from it.

Mr. Merrell stated that the alternative to the custom zoning is straight zoning. The subject property is low density residential in which the zoning classification does not have all of what is being offered through the proposed project. He explained the reason it was decided to go through the PRD process and propose the combination of lots is because the market does not do 'Tomoka Oaks lot sizes' at 100' by 100' anymore. Mr. Merrell added that the applicants wanted the mixture of lot sizes starting at 50' wide lots and a larger landscape buffer for separation. The minimum guidelines for the landscape buffer is required to be 50' and if adding all of the green around the outside it is an average of 129' of greenspace between both properties. Doing straight zoning at a 6' buffer requirement as opposed to the 129'. The straight zoning would have also offered only two trees and 20 shrubs as the landscaping buffer requirement. Mr. Merrell added regarding outdoor recreation, and the open space and parks, that they are a concession as part of the negotiating PRD. Mr. Merrell referenced the architectural standards and how the applicants listened to the neighbors and their dislike of cookie-cutter homes. He touched on the pedestrian connectivity being volunteered, stating that they would add sidewalks out to Nova Road. Mr. Merrell concluded that something is going to be built, whether based on custom zoning or straight zoning.

Board Questions of the Applicant

Mr. Scudiero asked what the average lot square footage is in the existing Tomoka Oaks development versus what the perimeter lots would be with the 80' wide, 90' wide, and 100' wide lot range.

Mr. Dwight Durant, Zev Cohen & Associates, stated that what is being proposed are 80' wide by 120' deep lots, approximately 10,000 square feet, and the existing typical Tomoka Oaks lot is 100' by 120', approximately 10,000 to 12,000 square feet. The inside lots are approximately 7,000 – 8,000 square feet. It was discussed that some of the proposed lots have a different rear width and can be above 10,000 square feet.

Mr. du Moulin inquired about the proposed irrigation of the buffer and if there is a specific amount of time that the water tanker truck would irrigate. Mr. Merrell replied that the detailed proposal and plan is in the board packet materials.

Chairman Thomas asked about the different proposed façades of the homes and asked for clarification on if it is every 4th house before duplicating the same façade,

expressing that he does not like every other house repeating the same design. He added that currently in Tomoka Oaks you will not see two houses within 200', 300' and 400'. Mr. Merrell replied that the same façade cannot be next to each other or across the street, and urged Chairman Thomas and the Board to be specific in what it is exactly that they would like to see. Mr. Merrell clarified that the applicant is not trying to recreate or replicate Tomoka Oaks, an older product and design, but bring forward the quality and variety that they have asked for.

Mr. Railsback referenced the elevations and colors of the homes and stated that they should be not 'cookie cutter' in design. He asked what is being done for the softening of the diamond and if it will be a roundabout instead. Mr. Merrell relied that the diamond is proposed to be reconfigured to an amoeba shape, with rounded corners, allowing better flow for vehicles, including buses, as well as adding landscaping in the island.

Mr. Jake Stehr, Zev Cohen & Associates, read the material included in the recently submitted plans that stated architectural variations in the variety of house sizes designs in the neighborhood is encouraged to facilitate it so that the two adjacent homes on the same side of the street as well as the house across the street and its two adjacent homes have to have a minimum of three different design elements of the following ten elements.

Ms. Shull asked if the plan was referencing different design elements (example brick and siding) or if the whole house is different. Mr. Stehr answered elements such as roof pitch and roof type, the skin/exterior finish material, color, garage orientation and size, porch size and location, number of stories, window sizes and shapes, window location and decorative elements. He concluded that houses cannot be mirrored across the street from one another and that options will be given to future home buyers.

Mr. Galloway asked for clarification on the buffer. Mr. Merrell explained that their idea is to leave the places that already have bushes and trees alone. The reason for not wanting to lay groundcover down is to avoid tearing the ground/landscaping up and put wild landscaping in. Mr. Merrell added that if landscaping was put in along the entire 50' buffer it would not be able to be accessed and maintained, according to Mr. Spence.

Mr. Jorczak inquired about what the average required time for the trees, based on size, that is going to be planted to be able to provide 100 percent screening in all of the areas that trees have not been supplied to fill the gaps. He commented that it will determine if it will be three, five, or ten years before the trees will provide the screening. Mr. Spence replied that different trees grow different ways and it is hard to tell. The trees are designed to provide a canopy and the shrubs will provide the visual appearance between the homes. There is not going to be 100 percent complete vegetative screening, as the code only calls for 40 percent. Mr. Spence concluded that there will be gaps for a while and in time the plants, natives and shrubs will mature and will reseed themselves in the buffer, creating a denser buffer over time.

Ms. Shull asked Mr. Spraker for explanation of the request for the 50' buffer, the irrigation, and type 6 buffer. Mr. Spraker answered that one of the key factors expressed was the buffer and the lot sizes during the pre-application neighborhood meetings and the SPRC meetings. The goal is to provide the buffer to mitigate for some of the loss of the natural buffer that is there today. Tattersall, RidgeHaven, and Tymber Creek Apartments are projects that have natural buffers. He stated that staff

is not against the native or xeric plantings, but are against taking a former golf course, developing it into residential, and leaving gaps in the buffer. He added that Ms. Culliver, Landscape Architect, is available to go through the details of the recommendation if necessary. Mr. Spraker added that staff believes that irrigation is a key source for the plantings.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, expressed his disappointment with the applicant's response to the HOA in negotiating the architectural standards, traffic impacts and buffers. A few of the architectural ideas were agreed upon, but not on having the different architectural styles close to one another. Another HOA request was for buffer enforcement once the two-year performance bond is over. No comments were received back from the applicants regarding if that language was acceptable or not. Mr. Bayer rebutted Mr. Merrell's comment and said that property is currently zoned PRD and the last development proposed that came to the Board was to convert the golf course, which was PRD with part of the property being a golf course, and part of it residential. He spoke on the PRD and R-2 zoning and referenced a Florida Supreme Court case, The Snyder Decision, a landmark land use decision that has been in place in the Florida Supreme Court since 1993. Based on it, he remarked that the City Commission can say that they do not want R-2 zoning and that they want it to stay PRD, given the unique circumstance presented by the property. Mr. Bayer continued that they agree with staffs comments on the issue with the buffer and stated that the buffer is typically required between the new residential development and the existing residential development and are typically at a much higher standard than residential next to residential, as the use is being surrounded, therefore a different buffer requirement. Mr. Bayer referenced the Matanzas Shores Golf Course conversion where they required a lot of different issues with the buffer that was much greater than the standard residential buffers, which is part of the golf course conversion process. He stated that this is not the standard development review and is very unique. Mr. Bayer concluded that the HOA agrees with staff on the 100' wide lots on the perimeter and the type 6 buffer, and the recommendation of denial to the City Commission.

Mr. Tom Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, expressed the resident's frustration with the developments with the late withdraw of the plan that they presented at the last meeting, and the lesser plan submitted. He spoke on the applicants list of concessions in response to staff comments and stated that it did not affect the project in size or layout. The addition of the sidewalks on Tomoka Oaks Boulevard and the modification of the island, he says are basic safety issues. Mr. Harowski commented that the basic issues remain the same since the beginning. He continued that the applicants refuse to apply the staff recommended 100' wide lots on the perimeter or offer reasonable solutions. The threatened alternative of R-2 standard zoning, which requires 100' wide lots throughout seem acceptable to the applicant as an alternative and should be acceptable for a portion of the project. Mr. Harowski remarked that they turned to the design guidelines but still need to include the requirement for diversity in garage door orientation and the way the driveway faces. The compatibility is not having clusters of units that are the same. He remarked that the design that they have seen does not get that point. Mr. Harowski spoke on the important factor of the traffic signal

application and how a 30-day period was mentioned previously and stated that the application should be made promptly.

Audience Comments

Ms. Flavia Cassasola, 21 N. St. Andrews Drive, asked if the proposal gets approved if a moratorium has been considered on the noise level, 24 hours a day/7 days a week, from sunrise to sunset. She mentioned that people walk and bike the neighborhood at all hours of the day and remarked that the Mac tucks can be driving through as well as jack hammers working at all hours of the day and night, including weekends and holidays. Ms. Flavia asked if the construction schedule has been considered. She added that the investors bought the property to make money and that she has been in opposition since the beginning as there has been no compromise in the 272 units. Ms. Cassasola concluded that it is going to impact Tomoka Oaks, the Trails and Talaquah as well as the traffic and recommends denial.

Ms. Ashley Dufrene, 118 N. St. Andrews Drive, said that she took the Oath and reminded the Planning Board that the City of Ormond Land Development Code (LDC), Section 1-18, states that the proposed use will not substantially or permanently create a nuisance, deprive adjoining properties of adequate light and air or create excessive noise, odor, glare or visual impacts on the neighborhood and adjoining properties. Ms. Dufrene remarked that she lives on the golf course and knows that all three of those will happen if the development takes place without the proper guidance that the City and HOA is providing.

Ms. Bonnie Kloepfer, 23 Tomoka Oaks Drive, did not take the Oath prior but does so now. She commented that she is at the mouth of the Tomoka Oaks Golf Course. She added that she has a brand new white house and it will get filthy from the trucks and dirt from construction. She continued that the issue of 1,100 cars per day going back and forth is insane and cannot imagine what the traffic will be like. Ms. Kloepfer commented on their sentiments on trying to make it easy for the residents and their claim of compromising. She expressed her discontent with proposed number of homes. Ms. Kloepfer referenced yesterday's newspaper in regards to the purchases of one million plus homes on the rise in Volusia and Flagler Counties. She concluded her comments with the expression "if you build it, they will come", and said that she would like a proposed development such as Tomoka Estates or Estates of Tomoka Reserve instead of jammed in houses.

Ms. Denise White, 9 Fox Run Trail, The Trails, stated that she took the Oath. She thanked the Board for their time and service. Ms. White added that a reduction of four homes does nothing for the safety, traffic, density or lifestyle issues and changes nothing whatsoever. She remarked that it will impact everyone's lives and safety. Ms. White spoke on the merit of the old adage, "just because you can build does not mean that you should."

Mr. Jeff Boyle, 614 N. Halifax Drive, took the Oath and stated that the data in numbers in Volusia County are causing loss of sight in the big picture. He referenced the Comprehensive Plan policies and goals and remarked that the latest site plan is not compatible with adjacent homes and added that the revisions protect the neighborhood character, and does not guarantee safe traffic flow. Mr. Boyle continued that the revisions do not preserve natural open space. He stated that the golf course should have been zoned Open Space/Recreation, and commented that it is a mystery why it was not. The zonings protect adjacent property rights. Rezonings threaten those rights. Mr. Boyle said that Tomoka Oaks defines everything that is

good about Ormond Beach with a quality environment, quality homes and quality people who have suffered this thread with heroic dignity after paying premium property taxes to the City for over 60 years. Mr. Boyle stated that the revised site plan disrespects the city, the spirit and intent of the land use codes, the residents of the Trails and other nearby communities and the people of Tomoka Oaks. He added that they deserve better. He concluded that the revised plan is not Ormond Beach and is not who they are.

Ms. Ronnie Ranieri, 216 Rio Pinar Trail, swears to the Oath, and expressed her concern with 272 houses with only one point of egress. Another concern expressed is the traffic in the mornings and the safety of the kids that are walking or riding bikes to Tomoka Elementary School and the private Temple school. She commented that it is a tragedy waiting to happen. Ms. Ranieri remarked that reducing the plan by four houses from 276 is not going to work. She added that hundreds of cars are going to be coming out of the neighborhood at rush hour in the morning. Ms. Ranieri commented that most families have two cars and with the number of houses that are proposed, is worried about the kids.

Ms. Connie Colby, 108 Robal Lane, stated that she is concerned about it being a gated community as school busses do not go into gated communities. The children in middle school can walk and ride their bikes but middle school busses will have to come in the community somewhere to pick the kids up and will have to park outside of the gate, near the roundabout which would stop traffic. Ms. Colby continued that in her neighborhood a lot of the parents drive their kids to the bus stop or pick them up in the afternoon which will lead to more people parking along the road, causing a traffic mess. Ms. Colby pointed out that according to one of the maps, and with her experience living in gated communities, there has to be an emergency exit for emergency vehicles and suggests that there be a plan for it. Ms. Colby concluded that a lot of the proposed properties are close together and expressed her concern for boat, trailer, and RV storage on the properties.

Ms. Kelsey Kipi, 52 Pine Valley Circle, vowed to take the Oath, and commented that the reduction of the four homes on the plan is nothing and explained how they made lots slightly larger at the expense of the greenspace. She added that the developers purchased the golf course and asked why it could not a golf course that goes in. Ms. Kipi stated that Tomoka Oaks Golf Course closed due to a lack of maintenance to the course and not a lack of interest in the sport. Two local golf courses, both Halifax Plantation and Riviera, both have waitlists, according to Ms. Kipi. She suggested to restore the course and the membership with follow and profit will be made, and the greenspace will remain. No more angry citizens and no more debating on lot sizes and buffer zones and no more FDEP requirements. Ms. Kipi concluded to restore the course or sell it to someone who is willing to do so.

Ms. Lauren and Mr. Ned Huhta, 30 Pine Valley Circle, stated that they took the Oath. Ms. Huhta stated that she is a third generation resident and her grandfather designed and built their home. She expressed their concern with the signage for Tomoka Reserve and asked for specifics of where the signage will be located. Mr. Huhta added that he grew up in the house. He asked if the reclaimed water is going to be used for the proposed neighborhood residents as well as those around the perimeter. He asked if an adjoining property owner has a say in what is planted in the buffer and can decide on something mutually agreeable. Mr. Huhta remarked that they do not like Magnolia trees.

Ms. Wendy Dedo Findes, 16 Oakmont Circle, stated that she did not take the Oath but does now, and has lived in Tomoka Oaks for 27 years. She asked if the Planning Board has visited the Tomoka Oaks Golf Course or driven through Tomoka Oaks. She added that it is a very quiet, residential community and when the kids are in school, people are walking around quietly. Ms. Dedo Findes stated to build the proposed development inside of the golf course area will be a catastrophe. She said that there are no sidewalks, therefore kids ride their bikes in the narrow streets due to the neighborhood initially tailored to an older community. Ms. Dedo Findes added that the Trails are going to be affected. She spoke on the light at Tomoka Oaks and Nova Road and how it will be a havoc, with only one ingress and one egress through Tomoka Reserve which will spread out through Main Trail, Iroquois, and Rio Pinar. She continued that are a lot more children in the community now, including her 6th grade son at Ormond Beach Middle School (OBMS). She expressed her concern for all of the kids. Ms. Dedo Findes stated that all of this should be of consideration, the children, quality of life, and the environment. Ms. Dedo Findes concluded that wildlife have been displaced because there is nowhere to go with all of the developments.

Mr. Tyler Travis, 888 Willow Run, stated that he rents in Tomoka Oaks, and just moved here from Virginia and elaborated on his experience in a dense, high-traffic area in Virginia and offered a contrary, counter-perspective, expressing his respect for the current residents. He continued that he likes his privacy but is also interested in smaller lot sizes to be able to afford a home. Larger lots and estates would price him out, according to Mr. Travis. He is interested in new construction, and spoke on the architectural designs and how the applicant plans to alternate styles throughout. With townhomes it was only door color or shutter color that changed. Mr. Travis commented on the traffic and said that as long as there are sidewalks and traffic crossing lights, just as he was in a dense area in Virginia and it was not an issue. The kids had to walk to the bus stops, other than the younger kids whose parents took them to school. He added that he has a young child and had no problem playing with them out in the streets in their neighborhood.

Mr. Robert Banker, 1 Tomoka Oaks, #135, Escondido, stated that when the HOA President raised the idea of 276 units going in, the residents wanted it changed. He agreed with the President that then it went down to 272 units, that he did not like it and that it was not much of a change. Mr. Banker continued that he would like to see the number 0, unsure if it will happen. He commented that the applicant stated that they were going to put in $600,000, $800,000, and possibly $1 million homes. Mr. Banker stated that the plan shows a section in the middle similar to appearance as a sardine can which he does not see them being 7', 8', 10', 15' to 20' apart. He suggests that they will not sell for more than $100 to $150,000. A $700,000 will not be next to a $150,000 and still maintain value. He referenced the infrastructure and commented that no one is considering what it will do to the Publix area. Mr. Banker stated that the President commented that something is going in, and he asks why and what is the hurry. He spoke on a unilateral amendment and how the language for it should be stricken. Mr. Banker asked how when the construction is going on with the trucks backing up at the traffic signal, how the traffic will be going in and out.

Ms. Michele Zirkelbach, 328 River Bluff Drive, stated that she swears to the Oath. She thanked the Planning Board members for their time. In reference to time, she added that Mr. Merrell started out his presentation with the remark that a lot of hours have gone into talking about of stuff, and the irony in the statement. She commented

that for every hour that Mr. Merrell has spent, it is a billable hour for him and the residents match him hour for hour times every resident in the neighborhood and have more invested in this in manpower hours and are ready to have a real negotiation. Ms. Zirkelbach stated that when Mr. Merrell sits at the mediation table when someone comes back with a less than 2 percent reduction, he takes it for what it is a slap in the face. She continued that is where they are, 276 homes, down to 272, is not a meaningful move on their part in which finds offensive. She continued, and referenced Chairman's remark on speaking directly to the plan that that represented, and said that she finds it unacceptable. She spoke on the previous proposal approved, keeping parcel greenspace golf course and having less homes and nothing has been proved in terms of traffic. Ms. Zirkelbach stated that if continuing with this back and forth, for the Planning Board or City Commission to ask the hard questions about the traffic study. She stated that when looking at the traffic study and its statement that one car is going to be going to Tomoka Elementary out through Nova Road, that they have more common sense. She concluded that she agrees that something is going to go in there and offered food for thought on the market out there not for smaller lots and commented that Kings Landing subdivision in Port Orange is being brokered by Realty Pros, Mr. Buzzy Porter and Mr. Bill Navarra, whom she esteems, but said they are one acre home sites that are selling for $250, 000, $267, 000 to $278,000. Ms. Zirkelbach stated that if the threat is R-2 zoning and all of the lots being 10,000 square feet that the whole concept should be reconsidered as one-acre lots. One-acre lots is where it is at!

Ms. Missy Herrero, 111 N. St. Andrews Drive, stated that she has lived there for over 30 years and residents have spent thousands of dollars for legal representation to defend their quality of life and safety of their community. She continued that they do not have money to gain in the war of attrition. She said that they have been meeting with different members of the development and Board for over two years. Mr. Ray Barshay was quoted in the newspaper for saying that they just have not been able to tell their story, and Ms. Herrero commented that she does not know what they have been doing for two years. He invited them to see the quality of the product that they wanted to build out at Plantation Bay, on 80' wide lots. Ms. Herrero asked before she took her time to do so, what was behind the 80' wide lots. The answer was a golf course. Ms. Herrero spoke directly to the new plan and said that it is still not compatible in the existing neighborhood. 60' and 80' wide lots does not fit. The proposed buffer is the most inexpensive approach to the buffer. She mentioned a comment brought up by their HOA Attorney, that it is not a neighborhood backed up to a neighborhood, it is a neighborhood where people invested in property and homes on a golf course for views and privacy and are losing that, so the buffer should not be treated as a regular Residential to Residential buffer. Ms. Herrero commented that Mr. Rubin is from South Florida where she grew up, and her friend sent her miles and miles of buffers, dense, diverse, and well-maintained examples, with no water trucks driving along the buffer. She suggested that if it has to be built to some extent that it needs to be done in the best, high-quality possible approach as the reality is that the environmentally-friendly innovative approach is the least expensive and the most profitable for the developer. Ms. Herrero commented that there is information on how when golf courses are developed it affects the value of homes, with experts that say the opposite, and she said that data can be provided for it. She added that they do not have millions of dollars to win on this and they do. She suggested that if someone had time to pick apart the experts, it does not all add up and urged the Board vote no.

Ms. Dale Ryals, 20 Eagle Court, stated that she was not hear at the last meeting to take the Oath. She commented that her husband was in the hospital over the last month at Advent Hospital and when transported by ambulance and admitted to the Emergency Room, where he had to stay for two days due to no available room in the hospital. She continued that the hallways were lined with patients. The hospital claimed that they are not going to improve with only two hospitals. Ms. Ryals stated that when the development order was done the neighborhood was told by the City Commission that the golf course was needed for holding and draining the water to be able to put it back into the aquifer. She added putting rows of the houses with concrete and asphalt roads will have sewer drains and it will end up in the Tomoka Basin. They were told they could not add too many chemicals to the golf course so that it would not get into the Tomoka Basin. Ms. Ryals commented on the million and a half gallon water that had to be added to the reclaimed water, in which 250 of it came from St. Johns, and 250,000 came from her husband's pocket. The mylar-rubber liners was not paid for so her husband had to pay a lot of money to put the liners in, which could be an EPA problem.

Mr. John Rhoades, 39 N. St. Andrews Drive, stated that on his property, the city sewer and water/electricity come in from Nova Road through his yard/easement. He was aware when he purchased the property. He added that the infrastructure is going to have to come in from somewhere through easements or the main road which will tear up roads and create a miserable quality of life. He continued that the traffic and noise will be horrible and wants people to be aware of it when they are coming through resident's yards. Mr. Rhoades concluded that he appreciates the Boards time and trouble.

Mr. Paul Hughes, 4 Lauren Court, stated that he has taken 30 years of Oaths with the Government as an officer and added that his Oath is his bond. He commented that Tomoka Oaks is the body and the donut hole looks more like the large intestines. He remarked that hope is not a good plan for investments and added that there is no detailed entrance, drawing or plans that have put up to the gated, private, profit-motivated, smaller lot community. Mr. Hughes stated that the Escondido neighborhood has not seen any drawings to see how their lives will be altered with all of the underground utilities, sewers, that are max capacity now will all have to be altered at an extreme cost. He spoke on the northeast section where it has been cleared already on the plans and asked how they got a land use variance to alter the neighborhood standard to demolish a house or use for a rear entrance for EMS. Mr. Hughes remarked that he sees the issue with the watering for the plants and claims it will not be water that is treated. He referenced the Misners Branch Bridge and the overweight trucks that will be going over it and asked who will pay the construction costs when it has to be closed down for maintenance. He added that the plans do not include the utilities, and concluded that a person with nothing to hide, hides nothing.

Mr. John Measel, 16 Eagle Court, spoke on not irrigating the buffer and commented that if you do not water grass, you will get nothing but weeds and sandspurs. He added his concern with the traffic diamond and the thought that it will be suitable to add another 500-600 cars daily. He stated that it is not suitable now. Mr. Measel suggested to put a traffic circle and concluded that the traffic will be horrible.

Applicant's Rebuttal

Mr. Merrell thanked the residents for being there and spoke on the number of units that were reduced and stated that it started at 300 and is at 272. He reiterated the

straight zoning concept, the alternative in negotiating the zoning. He referenced the Snyder Case law and stated that it has nothing to do with rezoning of property that is surrounded by the exact same zoning. The limit of what you can ask for was talked about and it was said that you cannot think you are going to get the limit of what the Comprehensive Plan allows. Mr. Merrell referenced Mr. Spraker's report in that the Comprehensive Plan allowance is 4.3 units per acre, 632 units, which was their starting point.

Mr. Merrell referenced Mr. Harowski and thanked him and his input and suggestions on architecture and commented that they did not do all of what was suggested and remarked if the Board wants a particular thing to let the applicants know. On the traffic signal timing, Mr. Merrell remarked that if the light was not put in based on the DOT's timing that they would put the money up to have it built when the permit was issued and Mr. Lassiter will process the FDOT request. Mr. Merrell advised the Planning Board that if they feel differently to make it part of the motion.

Mr. Merrell referenced Ms. Flavia's remarks and stated that they have proposed construction time limits, on the cover sheet of the plan, Monday – Saturday, 7am – 7pm. He advised that it will not be 24/7 and it will not take place on Sundays.

Mr. Merrell refenced Ms. Lauren and Mr. Ned Huhta's inquiries on signage and answered that the plan is to have a sign like what was exhibited at the first hearing, at the entrance to the Tomoka Reserve community, not the entrance to Tomoka Oaks. The City Utility Department will have the answer on reclaimed water. Mr. Merrell stated that they are happy to discuss the types of trees.

Mr. Merrell thanked Mr. Travis for his remarks.

Tomoka Oaks HOA Rebuttal

Mr. Bayer referenced the Board members comments over the last couple of Board meetings that the project is too dense, with no significant reduction, as well as staff's comments on why the Type 6 buffer is appropriate and why it needs to be maintained and irrigated. He remarked that he understands a natural look and does not think it is a natural area with issues. Mr. Bayer spoke on the traffic circle and how it should be a requirement. He added that there has not been any substantive change since the last meeting and based on that he agrees with staff's recommendation of denial with it being time to go to City Commission. Mr. Bayer concluded that he respects the request that it go with the recommendation of the Planning Board of no, that it is not adequate and the way the property should be developed.

Live Stream Update

Mr. Spraker stated that staff is aware the livestream cut out from one link and are not able to re-establish that link. He stated a new live link has been established that is on the city's Facebook page and the city website. He stated he is aware that audience members are getting e-mails and texts and the city Public Information Officer (PIO) is also providing the new link.

Applicant's Rebuttal

Mr. Merrell stated at the end of the day, in response to Mr. Bayer, he pretty much repeated what has been talked about all along which is what to do with the lot sizes and the buffer in terms how it is planted and maintained. Mr. Merrell stated you heard a difference of opinion and they were professional opinions, very well thought out. He stated that there were hopes that the Board listened to them and looked at the

package that was in front of them, because if they said, "yes, but.." Mr. Merrell stated that is the safe route and then the City Commission knows that the Planning Board is willing to say the proposed houses can be built, but on suggested terms. Mr. Merrell continued that if the Planning Board says no for them to say why and explain because there are things in the reasons presented to you that you could say why and that it may not be the type of evidence that is needed to say no. He asked the Board to think about those things.

Break

Chairman Thomas stated that the Board is going to take a break at 8:14 p.m. The meeting resumed at 8:27 p.m.

Board Discussion

Chairman Thomas thanked all of those who spoke and for their input. He stated it is very important that the Board gets that and hopes that they all feel that over the three meetings that they have all been treated with dignity and respect and that true feeling that the Board really does care about their thoughts, wants to hear from them, and considers their opinions. Chairman Thomas stated that he wanted to remind the audience, "we are you - we are no different than you, we are just the volunteer people who sit up here and want to do what is best for our overall community." He thanked the audience for attending and for their participation. Chairman Thomas stated they are bringing the discussion up to the Board and the Board will have the discussion among themselves. He stated that the public hearing is closed, and cannot acknowledge anybody in the audience without the Board asking for them, and commented to please not raise any hands because it is closed for the public participation.

Mr. Jorczak stated that in the staff report it was discussed for the replacement of any of the plantings that may die and the two-year bond being put up to replace those issues. He stated that he noticed in some developments where there are dead trees long after the development has been completed and wondered if the city has any information with respect to developers who are responsible for going to do replacements in a certain time period and what the evidence generally is throughout the community. Mr. Jorczak stated that there have been a lot of developments that he has not gone through after they have been built to see what the propensity is for that to happen irrespective of the information that had been presented as to what it takes for the shrubbery to mature and then survive without any irrigation. Mr. Jorczak inquired if there was any data that could be shared as to an incidence of that happening and the time period to resolve it if another development was under no compunction or no city responsibility to do that replacement.

Mr. Spraker stated that staff does not have any empirical data to answer this question. He stated that typically a subdivision is constructed by a developer with inspections of landscaping at the end of construction to ensure whatever was supposed to be built is there and then it is turned over to a Homeowners' Association (HOA) for maintenance. Mr. Spraker continued if there are complaints about gaps in buffers or dead material, Neighborhood Improvement staff will investigate and look at the approved plans and seek to come to a resolution. The city Landscape Architect is often times included in the review. Mr. Spraker stated that there is a method for enforcement. Attorney Hayes stated that there are conditions in the development order and the obligations for maintenance are with the Homeowners' Association

(HOA). Staff seeks to work with the respective parties to find a solution. Attorney Hayes continued that there are enforcement provisions that code enforcement staff can enforce.

Mr. Jorczak asked if irrigation is a typical part of a development order. Mr. Spraker referenced the example of the Pineland subdivision that used a natural area that did not require new irrigation. He stated that wherever there are landscape plantings there is a requirement for irrigation.

Ms. Shull asked about long-term irrigation for other properties and referenced the applicant's request not to use an irrigation system. Mr. Spraker stated that if it is planted then there is an irrigation system and if it is a natural area, it is already established and no additional irrigation is installed. He referenced the natural areas and wetlands within the Pineland subdivision. Mr. Spraker stated that Tomoka Reserve has areas that will not need irrigation based on the natural areas. He continued that the city Landscape Architect advised that as new landscape material is planted, irrigation is required.

Ms. Shull asked why the plan did not want to include groundcover material and asked Mr. Spraker elaborate. Mr. Spraker stated that a buffer is sought between two developments and the groundcover is a tool to accomplish the buffer. Mr. Spraker stated in staff's opinion, the type 6 is an appropriate buffer. He concluded that if there is a desire to trade groundcover material for more trees or shrubs, that it is possible through the development order process. The groundcover is one of three layers that make up a landscape buffer.

Ms. Shull asked about maintenance and vine maintenance. Mr. Spraker stated that a normal course of maintenance would include managing vines and such material. He explained that he understood that the desire of the buffer is to let it grow natural and that SPRC staff are focused on the gaps in the buffer and filling the gaps. Ms. Shull inquired if the maintenance would be taken over by the HOA. Mr. Spraker confirmed that is correct.

Mr. Scudiero remarked that this is an applicant who appears before us quite often, and the least that can be done is to provide direction. Mr. Scudiero commented that he does not love the plan and did not think that was a secret. He stated that his biggest hang-up is the density. He continued, not just density in general, because of some of the lots being larger throughout the perimeter, commenting at least you cannot always see in other neighborhoods around the city where the density is higher. Mr. Scudiero stated that his concern is the references to the donut, which is not a completely inaccurate description. He stated if you are going to fill the donut in, it has to be with the same material as the rest of the donut. Mr. Scudiero stated his concern here is that the lot sizes, not just lot widths, need to be consistent throughout. He stated that would be his biggest suggestion to the attorney.

Mr. Scudiero added that when you take a neighborhood that is 50 or 60 years old, there is no way to re-create every style of home and architecture as so much has change in that time period. Mr. Scudiero stated that the homes today, even if they are the same square footage, they are vastly different than what was built originally in Tomoka Oaks. Mr. Scudiero continued that it is owed to the surrounding residents to make the development as close as possible – make the donut as contiguous as possible. He added and as consistent as possible. Mr. Scudiero concluded explaining his heartburn is that the development plan does not get anywhere close, especially with the 60' wide lots in the center, to the existing development.

Mr. Railsback commented that he concurred with Mr. Scudiero's comments. He stated that he read the application and all of the submittals. He stated that he previously lived in the Trails and was familiar with this area, which was one of the residents' concerns. He stated that he believed the Board members have a very intimate perspective of that area of the community. Mr. Railsback added that he served on the Quality-of-Life Board and that elements such as traffic and continuity are important to his decision-making process. He stated that in his review he could not ignore the fact that there is an open question of should the property always be a golf course. Mr. Railsback compared it to someone who bought on a lake or on the river and if someone was going to develop a houseboat development behind them. He stated that would invade on their original thought process of where they wanted to live and what they decided to purchase.

Mr. Railsback stated that if something goes in there that is not a golf course, considering the conformity and compatibility discussed and whether concessions were made. He commented that from the perspective of what could go there, 632 units are allowed under the land use and there are other concurrency issues that would pair that number down. Mr. Railsback stated that he is works in the area of HOA/condo unit development and has been thinking of the issues of development and what should of or could have been done that would be better for the surrounding area. He identified parking as an issue. Mr. Railsback expressed concern with so many vehicles with short driveways and two or three cars parking in the street when you have guests. He stated that he did not want this to be an afterthought and wishes there were longer driveways.

Mr. Railsback commented that he would like much less density and how that is his major concern. He offered the estate home concept as an alternative concept that would be more compatible. He continued that it is going to take an established neighborhood with larger lots and homes that are not 7 ½ feet offset from the property line, effectively 156' apart, then something greater than that should be in place, adding that there are no homes in Tomoka Oaks that are 15' apart or that have the same building elevations. Mr. Railsback stated in order to get his support there would need to be enhanced architectural standards that separate similar building elevations and much less density. He remarked that if you have a larger home price per square foot, rather than a ton of smaller homes, you can get to the same range and get a project that is better conforming to the area. Mr. Railsback expressed concerns about the traffic flow, including the thoroughfare leading into Rio Pinar, Iroquois, and Main Trail and out to SR40. He stated it will become a racetrack at different times of the day with safety concerns. Mr. Railsback expressed his concerns with Rio Pinar and North/South St. Andrews Drive. He expressed that a higher density project would provide additional traffic impacts and does not know how that many cars would work through that area.

Mr. Railsback stated he agreed with the donut comments. He stated the new development should be the same design or better. Mr. Railsback expressed support for greater sized lots or a greater size home and the rising tide will bring everything up.

Mr. du Moulin stated he rode his bike from Winding Woods through the area and Tomoka Oaks is a unique community with the houses beautifully maintained with its own character. Mr. du Moulin expressed that he is still shaky on the legal issues on whether or not the former golf course can be built upon. He stated that if the

developers want to be good stewards to their neighbors, the community, and to Ormond Beach that they should consider a larger scope for the housing development. Mr. du Moulin recalled at the last Planning Board meeting that there was a project called the "Enclave" which had larger lots sizes, 12 homes on 26 acres. He stated that the only problem was that it had septic systems and that is not applicable here. He suggested if something was to go on the former golf course, if it legally can go in there, the developers need to expand the acreage per lot.

Mr. du Moulin continued that he was concerned with the traffic and suggests that the traffic studies are flawed. He stated that the Fishkind study was also flawed. Mr. du Moulin expressed additional concerns with the traffic patterns and expressed that the traffic studies do not cut it. He stated the project needs to consider larger lots that would reduce the overall traffic demand and suggested a rotary at Tomoka Oaks Boulevard and Saint Andrews Drive diamond.

Mr. Jorczak stated that he has spent a considerable amount of time reviewing this project and concurs that it is unique. He expressed a concern that the proposed houses would be cookie-cutter homes which is quite a bit different than the existing neighborhood surrounding the project. Mr. Jorczak stated if this project were 5 miles from the center of town, it may be appropriate, but this is dropped into an existing residential subdivision that has an atmosphere. Mr. Jorczak stated that he understood the business model that the developer is working with and what homes that they believe that they can sell. He commented that the elephant in the room for him has been the change in lot size. Mr. Jorczak stated that this property could be even better than the existing Tomoka Oaks homes. He encouraged the developer to take a look at other potential economic models with larger lot sizes. Mr. Jorczak continued that the former golf course is such a unique piece of property and how he would like to see what is already there expanded as opposed to a standard development model.

Mr. Jorczak expressed concerns about traffic from the project and traffic in general. He stated that traffic is a common issue that happens everywhere - the infrastructure does not catch up to the level of development. Mr. Jorczak continued that traffic is astounding and getting worse by the year, and it will continue to get worse. He stated these elements have to be dealt with in a fashion to minimize the effects, including the use of larger lots. He stated that both issues of traffic and density can be helped with larger lots. Mr. Jorczak commented that the land area's limited access should also be considered. He stated that there is not one project before the Planning Board that has not discussed access. He acknowledged that the property will likely be developed in some residential fashion. Mr. Jorczak stated that density, traffic/safety, diversity of building styles, and compatibility with the surrounding neighborhood are all key issues and concerns. He concluded that the comments of the other Board members are valid comments and there needs to be a better job of mitigating the impacts of this development than what is in front of them.

Mr. Galloway commented that he wanted to be clear that he has friends, professionally and long term, on both sides of this equation. Mr. Galloway stated to the resident who asked about the board members familiarity with this area, that he and his family have spent a lot of time in Tomoka Oaks and the Trails.

Mr. Galloway stated he has done research in relation to this application and lots being built in this area. The first thing is that not a single developer has been able to develop to maximum land use density allowed. He added that it seems that developers ask for the moon and we pull back the density. He stated that 60 to 70 percent of the lots that

his company pulled were between 55' and 65' in width. He continued that 30 to 40 percent were 70' to 80' in width. Mr. Galloway stated that they could not find any new subdivisions with 100' wide lots. He stated that a 50' wide lot would probably cost the builder $100,000 today. There are no more $25,000 lots. Mr. Galloway continued that a 100' wide lot, not on the water, would likely cost between $185,000 and $250,000, and then there is the cost of the house construction.

Mr. Galloway recalled he did a tape measurement prior to the meeting and the buffer would go from the stage to the curtain at the end of the seating area. The new house would have a 30' setback, plus the 50' buffer, and the Tomoka Oaks 25' setback. Mr. Galloway stated that there would 115' from house to house. He commented that he never has seen an inner-city neighborhood have that much space between the back of the houses. He expressed his concerns including the potential of neighbors to take down trees.

Mr. Galloway stated that the applicant did what he had asked of them by putting in a combination of lot sizes. He remarked that what they did not do was listen. He continued expressing that everyone has property rights – the developer has property rights and homeowners have property rights – what they did not do was listen to the neighborhood. Mr. Galloway stated that he could vote for this project if it had less density. He continued that he thought that the project would come back with 220, 230, 240 – maybe 250 lots. Mr. Galloway stated he was a little shocked and a little disappointed that the number of lots was not less. He stated he is not sure if they are still asking for the moon or if they will take what the City Commission will give.

Mr. Galloway commented that he believed that something would be built on the property. He continued that there is always an ability to buy property, at the right price, and encouraged residents to continue the purchase option. Mr. Galloway encouraged the HOA and residents to pursue a purchase through a community development bond over 30 years. He stated it would cost about $129 a month per homeowner and that they can buy it. He asked the audience how many individuals would be willing to participate in a purchase. Mr. Galloway stated if the residents bought it, they could decide what to do with the land. He continued to encourage the residents to seek to buy the property. Mr. Galloway concluded that he is for this project, but not at this density.

Mr. Jorczak asked if every single lot was 100' in width, what would that do to reduce the density in terms of the number of lots as it currently sits. Mr. Spraker stated he believes that the applicant has done an analysis and would prefer that the applicant address this question. City staff have not reviewed any plans where all lots are 100' in width. Mr. Spraker speculated that between 280 and 300 lots would be possible. Mr. Spraker stated the applicant would likely have a better answer.

Mr. Jorczak clarified that all the other parameters would be the same. Mr. Merrell questioned which perimeters and Mr. Jorczak stated all of them. Mr. Merrell replied that they have a plan adhering to the Land Development Code that allowed 300 lots. Mr. Jorczak stated that he is not talking about the code. Mr. Merrell continued that the project engineers developed a code compliant plan for the benefit of the property owner and the answer is 300.

Mr. Jorczak stated that he is looking for the 100' wide lot within the context of the PRD application, including the buffer and recreational area. Mr. Merrell stated the question mixes apples and oranges. Mr. Merrell stated a 100' wide project would utilize a different set of standards other than the PRD and the buffers and recreation

areas. Mr. Jorczak stated his fundamental question was within the PRD development plan, if the lots were all 100' in width, what the total number be. Mr. Merrell replied that they do not have the answer to that question and concluded that they mixed the lots up and brought the other things along – these all go together.

Attorney Hayes stated that the lot number question would require other site-specific analysis which is not before the Board tonight. He continued that if it is of belief that the density is too much on this project, then the Board can talk a little bit about it, but that it is a development application under a PRD zoning. Chairman Thomas sought clarification if the question was to maintain the PRD site plan layout and require a minimum lot size of 100' in width and depth. Mr. Railsback stated it would be approximately 240 lots based on the existing lot areas in the site plan. Mr. Galloway questioned if that impacted the buffer. Mr. Railsback replied with the calculated lot sizes in the site plan (60' X 125' and 80' X 125') and then divided by 10,000 square feet which came to approximately 240 lots. Mr. Galloway confirmed that there would still be a 50' buffer.

Ms. Shull reviewed the case studies provided about other golf courses provided by the applicant. She stated the studies looked good with a 9-hole course and how one golf course added estate homes. She continued that one in Boca left the part of the golf course and added a 55+ community with 120 homes. Ms. Shull stated that other things can be done with the property. She expressed that she understood the intention was not to rebuild a golf course. She stated that the other densities are not anywhere near what is being proposed. She stated that she concurred with other board members on the density. Ms. Shull expressed concern that traffic is going to be too much, concerns with children in other neighborhoods with no sidewalks, Tomoka Reserve cut through traffic. She stated that no matter what is said, that it is 600 more cars. Ms. Shull added that the stoplight is an issue and commented that the traffic signal should be in place before the homes are finished, just as the WaWa did the traffic signal first.

Ms. Shull stated that the density is a big concern and how the buffer needs to be installed as a type 6 with irrigation. Ms. Shull remarked that the HOA should not bear the burden of future buffer costs. She added that the ground cover needs to be installed.

Ms. Shull stated that she does not like the different lot sizes of 60' and 80' in width and explained that the lot widths need to be larger. She continued that the length of the driveways and having options for side entry garages are important for neighborhoods. Ms. Shull concluded that if there is not enough parking, individuals will park on the street and the community will not look good.

Chairman Thomas stated that the traffic engineer for the project does a very good job for traffic studies, but the system is so flawed that it is unreal. He continued that the studies are not reality, totally not reality. Chairman Thomas stated the density is a concern, as well as the traffic with the biggest problem coming out Main Trail to West Granada Boulevard. He stated this will be a nightmare. He stated that when the school is rebuilt and how right now coming out of the Trails where there is no bus pickup for elementary kids so they are either taken by their parents or riding bikes – most will go by car. Chairman Thomas asked the traffic engineer if they did the traffic study at school hours with the elementary school at Main Trail to West Granada Boulevard and commented that he doubted it. Chairman Thomas acknowledged the traffic engineer nodded yes, that the study was done. Chairman Thomas stated that people are not going want to wait the time they are going to have to wait because of

the way that intersection is right now you have going out to Granada. He stated that you have people wanting to turn right and you have people wanting to go straight and people wanting to turn left. He continued if somebody wants to turn left, nobody will be able to go anywhere. Chairman Thomas stated especially when school is coming out after people drop their kids off in the morning and people are still trying to get there and to the little Christian School to the west on Granada Boulevard that also has people stacked up waiting to turn right. Chairman Thomas stated that the traffic nightmare in his opinion is not going to be at Tomoka Oaks and Nova Road, but it is going to be a nightmare because people coming out of Tomoka Oaks now are going down on Rio Pinar and turning on Main Trail or on Iroquois. Chairman Thomas stated that the school will have more kids going to it because the school will be bigger. He reiterated that traffic will be a nightmare. He asked who will pay for needed improvements at the intersection and asked if the developer is going to pay for the intersection improvements.

Chairman Thomas asked the acreage of Tomoka Oaks minus the Tomoka Reserve property. He stated that there are over 500 homes in Tomoka Oaks. Mr. Spraker recalled there was a density analysis provided that showed Tomoka Oaks had a density of 2.09 units per acre. The acreage would be 547 homes divided by 2.09 units per acre.

Chairman Thomas stated that he has a problem with the density that has been discussed several times. He agreed with the applicant that there is a demand for 50 and 60' wide lots, but he did not believe that this demand is in the heart of an existing development of 100' wide lots. Chairman Thomas recalled he was on the Board in 2006 and the development plan at that time saved the golf course, allowed 117 condominiums, and three single-family lots. He stated that the 2006 approval recognized the property as a collection point of water to recharge the aquifer. Chairman Thomas stated that he understands times have changed, costs have risen, and housing types have changed. He stated that he wished the project team could come back with a plan similar to the 2006 plans because everyone got what they wanted.

Chairman Thomas added that 117 units will not work and now he can understand 220 to 230 residential units. Chairman Thomas stated that this is zoned as PRD now and it does not necessarily need to change.

Attorney Hayes asked to summarize a few points before answering the question. He stated this is a legal proceeding and there are rules that do apply and explained the Planning Board-role as a decision maker to weigh the competent and substantial evidence that was described at the July meeting. He stated the role of the Planning Board to weigh the testimony provided and determine which evidence is more credible. Attorney Hayes stated the initial burden is on the applicant to establish the application is consistent with the Comprehensive Plan and the requirements of the Land Development Code. The Planning staff's report is part of the evidence to consider. Attorney Hayes continued that application tonight is for a development within the Planned Residential Development zoning designation. The R-2 zoning district is not applicable tonight and may be a future application, but it is not before the Board tonight.

Attorney Hayes stated he wanted to point out some observations and his comments are not testimony. He continued that his role is to provide legal advice and counsel.

Attorney Hayes stated this is a unique piece of property and Tomoka Oaks was designed around this golf course and provided the following observations:

- Tomoka Oaks had an R-2 zoning designation;
- The R-2 zoning district also applied to the former golf course property for decades. The golf course operated for decades. He stated one may ask why was it not zoned separately. Attorney Hayes stated no additional zoning was in place because of restrictive covenants;
- The restrictive covenants for the former golf course were released by the HOA. The protection went away and the land continued to operate as a golf course;
- There was an application in 2005/2006 to rezone the golf course property from R-2 to PRD. This was reviewed by the Planning Board and approved by the City Commission. The approval allowed 119 multi-family units and three single-family units and certain conditions such as a covenant to restrict the use to a golf course with development;
- The 2006 development order expired with no construction. The 2006 covenant for use as a golf course was never recorded.

Attorney Hayes stated that these demonstrate the unique characteristics of this property. He continued that it is another application for development under the PRD zoning. He stated that there is probably a difference in why it is not separated out in the early years as described and how it is his speculation and it can be taken it for what it is worth. Attorney Hayes explained where the Board was and that the Board has to weigh the competent and substantial evidence and if the application is consistent with the Comprehensive Plan and the requirements of the Land Development Code. The initial burden is on the applicant and it shifts over to the HOA. Attorney Hayes stated that the Board gets to make that final determination.

Attorney Hayes stated that if the Board does not believe the application meets the criteria then the motion should be for denial. If it is believed to meet the criteria, then the motion should be for approval, and if it falls somewhere in between, a creative motion can be made, including a denial, and provide conditions. Attorney Hayes concluded that the Board has discretion, because as stated by the applicant, this a negotiated development order.

Chairman Thomas asked if there is a legal requirement if this application does not go through, does the city have to re-zone the property. Attorney Hayes stated that there is no rezoning application before the board. He continued if the Planning Board and the City Commission deny the current application, the question becomes what options does the applicant have. Attorney Hayes stated the applicant can present another PRD site plan under the PRD zoning or they can file an application to rezone the property to R-2. Attorney Hayes stated the rezoning to the R-2 is not before the board tonight.

Chairman Thomas stated he wished the applicant presented something like 2006 with some higher housing numbers. He stated at this point that he has major problems with the application.

Mr. Galloway asked Mr. Railsback what number he calculated if all were 100' wide lots. Mr. Railsback responded 240 lots. Mr. Railsback replied that it could be a little more or less based on the geometry of the property.

Mr. Galloway inquired about his interest of entertaining a motion of accepting the proposal with comments from staff for 240 homes. He stated that would give the applicant a message of where we stand and he always states that he would like to see the lot range between 220 and 240 lots. Attorney Hayes replied that the motion would require new data. Attorney Hayes commented that from what he was understanding the concern is the density. Attorney Hayes continued that a recommendation can be made for denial with details of the reasons for the denial motion so that there is a good factual basis for the recommendation. Attorney Hayes stated the detailed reasons or conditions would allow the applicant to make a decision of how they will move forward or pursue an application to R-2.

Mr. Galloway withdrew his motion.

Chairman Thomas stated his desired range was 220-225 lots. He discussed other lot range potentials and stated he would set the lot range low. He remarked that the City Commission would have some idea of what the Planning Board thought was appropriate and added at 250 lots, it is only a reduction of 22 lots.

Mr. Galloway stated he was putting a lot number out there to let the applicant know the current plan is too many lots. He commented that the City Commission will make the final determination. Chairman Thomas stated it would be in the minutes that they were looking at 220 units. Mr. Jorczak commented that if there is a denial tonight, the number is out there. Mr. Jorczak stated if the applicant wants to go to the City Commission, they can adjust the number to some extent.

Attorney Hayes stated that the Board can approve a motion with reasonable conditions. He added that the question then becomes what is reasonable based on the testimony and evidence presented. Attorney Hayes continued that it appears to that the Board does not like the density and desires something less. He stated that his recommendation is to make a motion to deny and state the reasons into the record this way the applicant has items to consider as they move forward and consider what the Board has stated.

Mr. Railsback stated that what the City Attorney and the applicant are asking the Board to do is to tell the reasons why the Board is denying the application. He provided an example that the Board denies the project because it is more than 230 units, the lack of a rotary circle, and the lots were not a minimum of 100’ in width. Mr. Railsback commented that with the recommendations, the applicant could consider the revisions for the City Commission hearing.

Ms. Shull stated that she did not know that every little detail, the sprinkler system, the things that the Planning Department has said, could be put into a motion and expressed that those are the things that the Board would like taken care of. She added that that there was a lot in there that they do not know if it has been taken care of yet because the Planning Department has not had an opportunity to go over it. She continued that they have not had the opportunity to run the numbers to see how many 100’ lots could go in there. Ms. Shull concluded that for them to sit there on a calculator and figure that it is around 220 is not a good way to put into a motion.

Chairman Thomas stated that this is true and he could go for no irrigation if the developer would pass the two years and maybe go to 5 or 7+ years that they would guarantee that those would last.

Ms. Shull stated that the motion is going to be three pages long. She stated that the City Commission will know what was discussed, read the notes, and know the points

of concern. Ms. Shull suggested a motion to deny and to please read the Planning Board minutes.

Chairman Thomas stated he believed that each City Commissioner or Mayor that appointed will be calling and seeking information from board members and that is totally legal. He stated that he knows that his commissioner talks to him about a lot of decisions made by the Planning Board.

Attorney Hayes reiterated what he heard and expressed that if he is wrong, for the Board to correct him. What the Board does not like as a basis for denial is:

- Density – believe that it is too much. There was talk about fuzzy numbers that the Board may be comfortable with under an appropriate plan;
- Traffic analysis is flawed based on evidence and testimony that you have heard and in the Boards own experiences;
- The traffic triangle should be a traffic circle; and
- The buffer and whether it should be a natural buffer or some other form of buffer and whether that buffer should have irrigation of some form.

Attorney Hayes asked if there were any other items.

Chairman Thomas stated a concern is the Main Trail and West Granada Boulevard intersection. He continued that is going to be a major problem. Attorney Hayes replied that would all be supported by the minutes and the record.

Attorney Hayes stated that if a motion is made with those parameters based on the evidence in the record that the application could be moved on up to the next level which would be the City Commission. He stated that the City Commission would take all the information under advisement, as they always do, and they will make their own determination after a legal proceeding just as this.

Mr. Railsback asked if the variety of elevations was included. Attorney Hayes stated that it was not, but that it could be included but not necessarily limited, because there are so many things. He reiterated that the Board's recommendation is advisory to the City Commission.

Chairman Thomas asked the Planning Director when the meeting minutes are written up and with the recommendation of the Board, if a synopsis could be included of the reasons that the vote was to deny it so that it would be in print that goes to the Mayor and City Commissioners.

Mr. Spraker explained that the way the minutes are done is more verbatim than a summary so that the entire scope of what is being said is reflected. He continued that staff always does a summary, usually brief, that hits the highlights. He concluded that yes, the minutes can reflect exactly what was said.

Mr. Scudiero stated that he would like to make a motion and if there is a second they can each give their articulated reasons both for the record and for the applicant's benefit.

Board Motion and Discussion

Mr. Scudiero motioned to deny PRD 2022-043, Tomoka Reserve – Issuance of a Development Order. Ms. Shull seconded it.

Chairman Thomas announced that the Board was going into discussion.

Mr. Scudiero stated his summary of concerns:

- Density;
- The plan that the applicant has come up with the buffers;
- An improved traffic rotary at the entrance;
- Instead of the 60, 80, 90 and maybe 100' wide lots, they want them all to be 100' in lot width, just like the rest of the neighborhood.

Mr. Railsback added the desire for a variety of house building elevations, including colors and roofing materials. He stated at least the minimum in the application and if a greater separation was given, his thought was that was another carrot for the City Commission.

Ms. Shull stated her issues are:

- The buffer, a desire to see a type 6 buffer;
- Would like to see the irrigation system to go in;
- Traffic signal to go in;
- Not sure about the diamond and roundabout. She noted that traffic study with the fire truck trying to get around that thing and it bothered her;
- Lot sizes are too much. The 60' wide lots are too crammed into that little space and it does not conform to the rest of the neighborhood that is already there;
- The gated community was a positive; and
- The main thing is the density because of the traffic.

Mr. du Moulin stated that he is concerned with the proposed lot sizes and the rotary.

Mr. Jorczak stated the elephant in the room for him has always been the density and he thought that it had been addressed. He added that he would like to see something less for the lots than what Mr. Railsback calculated in terms of how that is going to fit within the existing community. Mr. Jorczak discussed the architectural styles that the Board talked about and expressed that it would be nice if there was something better defined as to what the flexibility would be. He stated that he supported a no vote and concurs with what the city staff has recommended with respect to irrigation. Mr. Jorczak commented that he would recommend beyond what they had indicated in terms of just the perimeter lots being 100' in frontage. He continued that he believed that there is far less density of homes. He stated what the developer wants to do with respect to reducing that and seeing whether he has an economic model, is something that they will have to work with. Mr. Jorczak concluded that the way it is proposed today, he would vote for denial.

Mr. Galloway stated that he has a problem making them all 100' in width because of the lot radiuses with no way to get 100' wide lots on a curve. He added that he is okay with 100' wide on the back side of the lots. Mr. Galloway stated that he believed that there needed to be a flexibility of 80' and 100' wide lots. He concluded that you cannot get a 100' wide lot in a circle.

Mr. Jorczak stated that you can go above 100' in lot width and that he believed that the fewer number of homes would be better.

Mr. Galloway stated that he thought that it could be done with a combination of 80 and 100' wide lots. He stated that he would hate to tie-string them with 100' wide lots.

Chairman Thomas asked if Mr. Galloway was going to put a ratio on that, and said that what he looked at was that there was ten 100' wide lots and a few 80' wide lots. Mr. Galloway stated that he did not believe that a ratio was needed and that they should let the engineers analyze that. He stated that you can say that there should be more 100' wide lots, but you cannot tie somebody down to put all 100' wide lots in.

Mr. Railsback suggested making the lot deeper with a minimum of 10,000 square feet (80' X 125'). He stated that if you have to squeeze an 80' wide frontage lot, then it needs to be deeper. Mr. Galloway concurred and commented that the Board was doing the schematics and are not engineers. Chairman Thomas stated what we are is neighbors. Mr. Galloway concluded that in this type of property you cannot make all 100' wide lots.

Attorney Hayes sought to refocus the Board. He stated that there is a motion and second for denial. He continued that most of the comments are consistent and some are a little different. Attorney Hayes explained to the Board that you can incorporate the comments as part of the motion and second for supporting purposes of the motion to deny. He stated that these comments are not going to tie anything down specifically. Attorney Hayes restated that the Board's action is a recommendation. He stated if the maker of the motion and the seconder is okay incorporating those comments as a supporting basis for the motion to deny, all of that information would go up to the City Commission.

Chairman Thomas asked for a point of clarification if any member of the Board can call any City Commissioner or Mayor. Attorney Hayes confirmed that there is no Sunshine Law requirement for a member of the Planning Board communicating with a member of the City Commission. Attorney Hayes stated that Planning Board members cannot talk with each other.

Mr. Railsback stated for the minutes that he would like to see longer driveways as parking in the street is going to be an afterthought and that he would be remiss if he did not bring it up. He continued that he is okay with deeper lots and believes that two or three spots are needed plus the garage, not one car hanging into the road.

Attorney Hayes stated that he saw the maker of the motion and the seconder nod their heads to incorporate the item as a supporting basis for the motion.

Chairman Thomas asked if Attorney Hayes had his concerns on the list. Attorney Hayes responded that he did.

Chairman Thomas stated that there is a motion and a second. He stated that the Board has had discussion and asked the recording technician to call the vote. Mr. Galloway asked the motion be repeated. Chairman Thomas stated the motion was to deny the application. Attorney Hayes confirmed that the supporting basis in the Board comments are incorporated. Chairman Thomas asked the recording technician to call the vote.

Vote was called:

Mr. du Moulin: Yes, to deny.
Mr. Scudiero: Yes.
Mr. Railsback: Yes.

Mr. Galloway: Yes.
Mr. Jorczak: Yes.
Ms. Shull: Yes.
Chairman Thomas: Yes.

The motion for denial was approved (7-0).

Chairman Thomas stated that when the Planning Board first started at the first meeting, he told them that this is one of the top five decisions that he had ever been involved in at the Planning Board. He stated that it can now be moved up to the number two slot. Chairman Thomas stated that the only one that proceeded it was voting to tear down the Ormond Hotel to which he regrets to this day.

Chairman Thomas thanked the audience for their patience and courtesy. He stated that these have been the biggest meetings they have had and that they are probably one of the nicest, most respectful groups ever. He stated there has been no hollering or hooting and that he thanked the audience for that because they made the Board's job easier.

VII. OTHER BUSINESS

No other business was discussed.

VIII. MEMBER COMMENTS

No member comments.

IX. ADJOURNMENT

The meeting was adjourned at 9:42 p.m.

Respectfully submitted,

_____

Steven Spraker, Planning Director

ATTEST:

_____

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

DRAFT

Correspondence received between September 27, 2023 to October 31, 2023

From:	Darla widnall
To:	Spraker, Steven; billpartington@ormondbeach.org; Tolland, Lori; Sargent, Travis; susanpersis@ormondbeach.org; haroldbriley@ormondbeach.org; Carolyn Davis
Subject:	Flooding in The Trails Development
Date:	Monday, October 2, 2023 1:36:46 PM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

IMG_8783.jpeg

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IMG_8785.jpeg

Steven, please include these pictures in the Planning Board packet. One of the outstanding concerns of SPRC https://www.ormondbeach.org/DocumentCenter/View/24979/09262023-1---SPRC-comments was never addressed.

Dry retention ponds were indicated as allowing infiltration to meet the time-related requirements for stormwater management. The borings for the ponds indicated a layer of organics and top soil. How will the ponds function after several rain events have compacted the top layer into an impervious layer at the bottom of the pond?

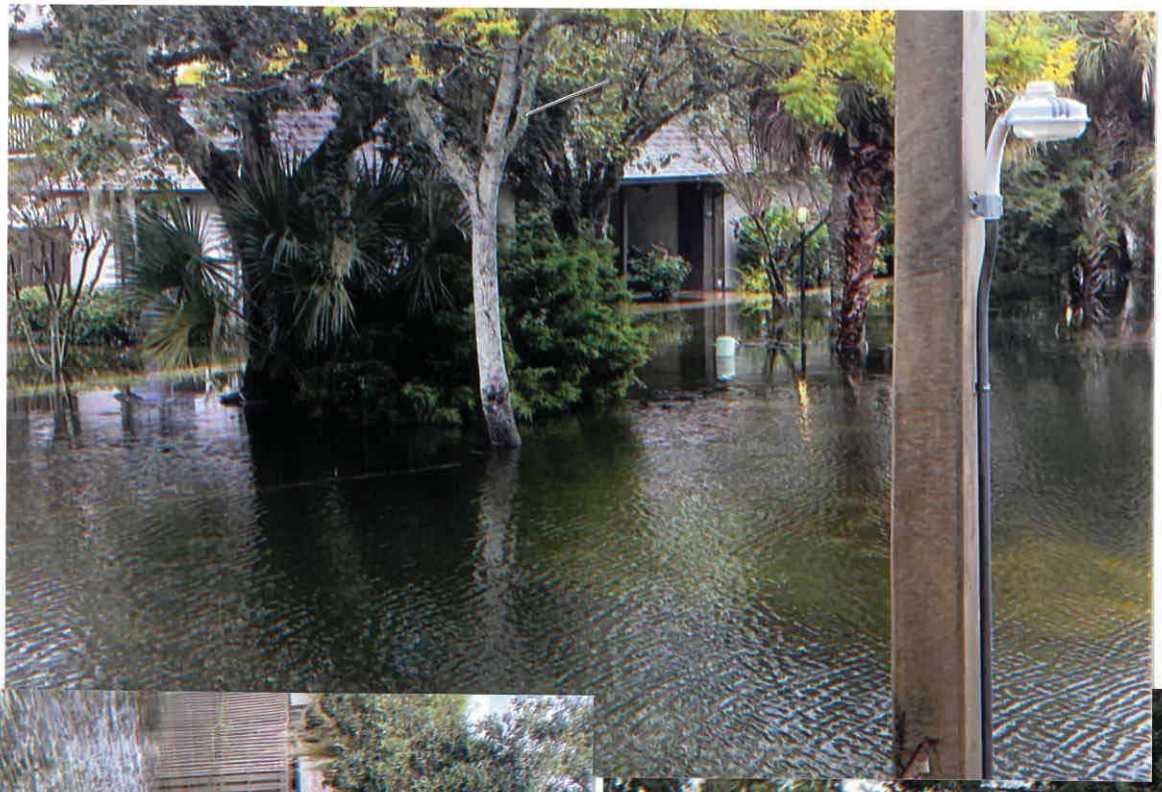
The pictures of flooding in The Trails dated 9/30/23 are an example of the failing of a well-meaning retention pond.

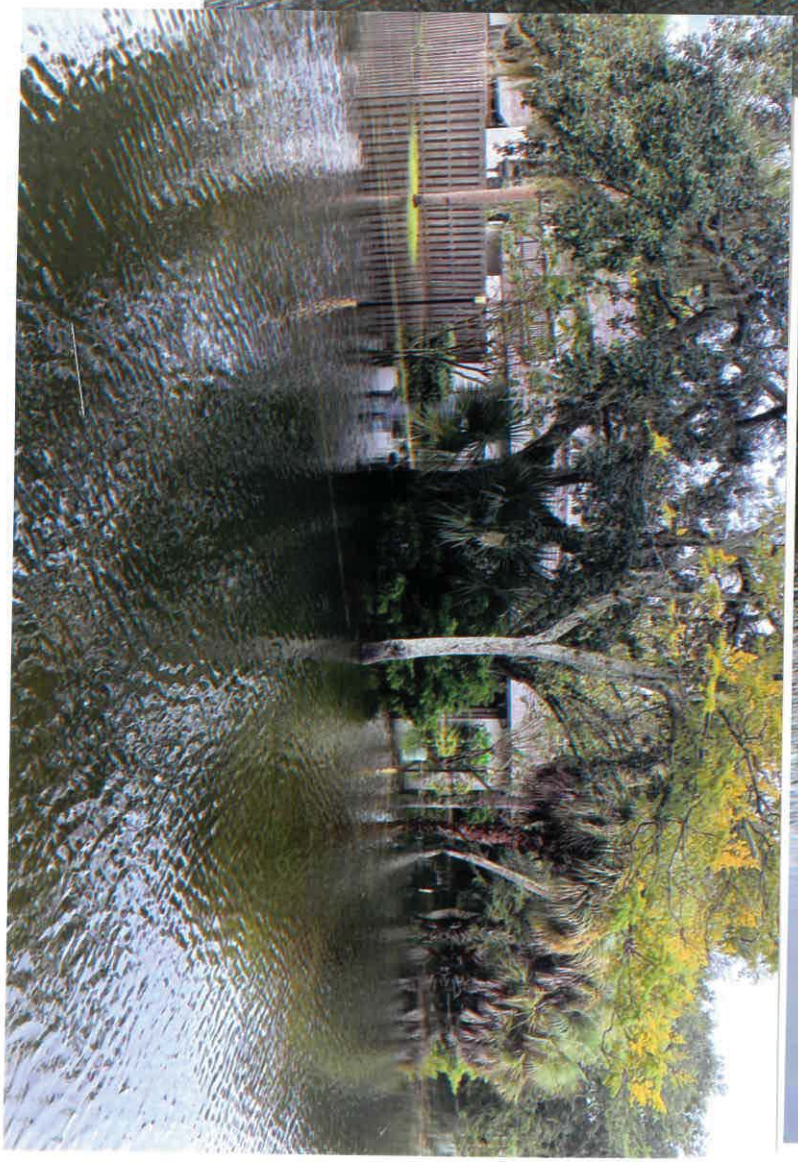
Please also include these pictures in the Commission Packet.

Thank you.

- Darla Widnall
7 Shawnee Trail (The Trails Development)

Steven Spraker - Pictures of The Trails (9/30/23) flooding Lake Walden.







From: Partington, Bill
To: Spraker, Steven; Whitley, Claire; Hayes, Randy; Dauderis, Susan
Subject: Fwd:
Date: Monday, October 16, 2023 5:12:00 PM

Just to be added to the record on the Tomoka oaks project……

Sent from my iPad

Begin forwarded message:

> **From:** Jeremy Reidenberg <jeremy.reidenberg@gmail.com>
> **Date:** October 16, 2023 at 8:40:39 AM EDT
> **To:** "Partington, Bill" <Bill.Partington@ormondbeach.org>
> **Cc:** "Briley, Harold" <Harold.Briley@ormondbeach.org>, "Tolland, Lori" <Lori.Tolland@ormondbeach.org>, "Persis, Susan" <Susan.Persis@ormondbeach.org>, "Sargent, Travis" <Travis.Sargent@ormondbeach.org>
>
> **[External Email-Use Caution] - OB/IT Helpdesk**
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Dear Mayor Partington and city commissioners,
>
> I object to the possible development of the old Tomoka Oaks Golf Course, known as Tomoka Reserve, for the following reasons:
>
> 1. Making Ormond Beach into another Orlando with cookie cutter houses and high density
> 2. The City, County or State should purchase the property and make it into a park.
> 3. Too much additional traffic
> 4. Lowering property values due to inadequate services and congestion
> 5. Jamming a large dense incompatible development into Tomoka Oaks golf course footprint
> 6. Unsafe roads (no sidewalks in Tomoka Oaks and Trails) for children, baby carriages, bikers, walkers, joggers, etc.
> 7. Inadequate emergency vehicle access
> 8. Traffic will backup at Tomoka Oaks/Nova Rd and Main Trails/Granada intersections.
> 9. Current traffic study by developer is inaccurate and inadequate
> 10. Nova Road and Granada intersections to Tomoka Oaks and Trails must be changed before the development construction
> 11. Unsafe road congestion due to parking in old and new neighborhoods.
> 12. The Planning Board and Commissioners should use the approved 2006

development plan with 122 units as a guide for future development.

13. It may not be legal to remove the golf course and fill the land with houses because of title restrictions
14. Destruction of green space and natural habitat
15. Possible flooding downhill from development. The developer only has to plan for a 25 year flood level by code.
16. Crowding of our hospitals, schools and other amenities
17. Raising of property taxes to pay for additional services (water, sewage, garbage, rec centers, etc)
18. Ruining the quality of life for our neighborhood
19. Inadequate golf course soil poisons remediation
20. Design of new dry retention ponds in development
21. 5+ years of construction noise, dust and massive vehicles in Tomoka Oaks, Trails, Escondido, Talaquah, Nova Rd and Granada
22. Inadequate plan for planting, irrigation and maintenance of landscape buffer proposed by developer
23. Lots are too small in possible new development
24. Escondido Condo residents will have no way of safely entering or leaving their homes during peak traffic periods.

Thank you for listening.

- Jeremy Reidenberg from Tomoka Oaks neighborhood

From:	Erik Emsing
To:	Persis, Susan; Spraker, Steven
Cc:	CarolynDavis3@gmail.com
Subject:	"For Tomoka Reserve Commission Packet" - Re: Proposed Tomoka Oaks Golf Course Redevelopment
Date:	Wednesday, October 18, 2023 7:57:45 PM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear friends of Ormond Beach!

I hope this email finds you and all your families well!
Previous I had some communication with you all in regards to the proposed Tank Farm ... which we all pray for
to be placed elsewhere.

Today, I am contacting you regarding another potentially disastrous project here in our backyard (in your district, and
wonderful Ormond Beach) - the so called Tomoka Oaks Golf Course (Redevelopment).

In my previous life I did represent (on a worldwide basis) some of the world largest corporations,
including a mega construction company, as an outside negotiator and coordinator (the 4 eyed principle) - for major
Worldwide projects, incl. city developments, hydroelectric dams, ports, water supply / waste water systems, etc. etc.

First - The legal right to change the zoning from the Golf Course designation should not stand and is illegal in my
legal opinion.

My Humble Comments to the Proposed Development:

- Rule of Thumb - Never ever construct a "land-locked" development within another already established
development. I have witnessed a myriad of potential major problems when doing so:

- Years of construction noise (6 days/week -normally from 9am to 6 pm). Often developers don't adhere
to these time restriction which often leads to police / other government interventions, as well as,
possible law suits.

- Water supply issues when new supply lines are added, problems with contaminants, brown water etc. etc. are
prevalent. Existing area resident might face non-drinkable water, having to boil water, etc.

- Groundwater Table problems. Currently both Tomoka Oaks and the Trails have

ground water table issues
where wells used for sprinkler systems etc. are running too low or being dry... A Ground Water Table Study
should be required.

- Soil / Environmental Hazard - For any construction site / area when soil is to be removed from, in this case,
an old / established golf course that most likely has been contaminated from years of fertilizers, pesticide and
other types of chemicals etc. Most of these chemical used have been banned for years, but will require an
environmental soil / abatement study. If problems are detected , EPA HAZMAT will have to be involved at the expense of the developer, as well as the City. If not taken seriously, lots of medical problems, such as cancer
etc. can and will develop... I can just see the mega law suits ...

- Flooding from Under dimension Wastewater, Sewerage and Drainage Systems (i.e. from major storms).
This is most likely bound to happen, with major impact for Tomoka Oaks and the Trails. The calculated flow /
run off rate etc. is currently based on the open Golf Course area acting as a "sponge" thus absorbing storms
and heavy rains. With any new construction this has to be carefully studied and completely re-engineered,
since only a couple of small retention ponds will not suffice. This could be a major headache and expense for
the City. (Ps. this happened when I lived in Naples when a new development was added (thanks to City
approved changed zoning) next door to already 25-30 year old existing developments = long stretches of
upgraded wastewater and sewer lines had to be implemented at a huge unforeseen cost to the City of
Naples, besides also being faced with a number of law suits from home owners that experienced flooding
issues).

- Power Network Stability - currently FPL is already FAILING us (which is another issued to also be addressed
separately) here in Tomoka Oaks /the Trails, whereas we frequently loose power, due to the fact that the
existing exiting power transmission lines are on above ground poles which always seem to get tangled up with
trees. With any new development FPL should be forced to redo parts of their existing power transmission
network.

- Cell Communications - it seems that we have only one cell tower servicing the Trails / Tomoka Oaks,
located in Tomoka Oaks. During previous storms etc. when power has been out for days we have had NO

cell communication, internet etc. (another topic to be addressed separately). When power finally returned
it was almost impossible to make a call due to this only cell towers limited capacity. By adding this proposed
new development, upgraded communication access needs to be addressed, for safety, etc. Ps. when talking
to AT&T (as far as I know the current cell tower provider) they would need to obtain various permissions etc.
to add another tower which actually, if approved, can take years.

- Required Road upgrades - according to FDOT - any entrance from or exit to a two + two lane road, such as
the larger Nova Rd. from Tomoka Oaks will require a separate traffic study and most likely installation of a
new traffic light. In addition, 2 designated entrance and exit lanes into and from Tomoka Oaks will be
required which will also entail upgrading the existing traffic configuration.
According to FDOT all this will have to be paid for by the proposed developer, which can be a steep expense,
and should be made clear to the developer in this case.

- Road Safety Issues - At this point the combined road network servicing the Trails and Tomoka Oaks are used
by both developments, and thus only engineered for the current house population. With any new additions
there will be a need to review and make needed upgrades for safety incl. most likely road pavement
resurfacing (since a large number of roads are in very poor shape), install better street lightning and speed
bumps (due to lots of speeders).
The Traffic from this proposed "new" development will also impact the Trails entrances / exits.
After talking to FDOT the Trails main entrance / exit (Main Trail / W. Granada Blvd. Rt.40) is not up to current
code and should be re-engineered and redone. As mentioned above - 2 entrance lanes + 2 exit lanes is a
current requirement for being attached to a divided 2 + 2 lane road (W. Granada). Also the Trails entrance /
exit (next to the park) will also need to be re-engineered - especially with the new, shortly to be
implemented FDOT reconstruction of Nova Road from W. Granada to the Trails entrance / exit next to the
park.....

Final Comment: It seems that there isn't **ANY** financial upside for our City to allow for this project to move forward,
especially with all unknown and potentially disastrous and / or financial problems, besides the wrath of lots of angry
residents. There are a number of other concerns, but this is a starting point for you, our city leaders to do the right

thing and **DENY** the Tomoka Oaks Golf Course redevelopment to move forward.

..... On a positive note ... Why not re-establish the Golf Course, perhaps in a smaller format with some attached green areas.....

Please feel free to contact me at your earliest convenience with any questions ....
Sincerely,

Erik Emsing

Erik Emsing
36 Choctaw Trail
Ormond Beach, FL. 32174

Cell: 386-843-3160

From: Heidi Nates
To: Partington, Bill
Cc: Community Development
Subject: Tomoka Oaks
Date: Wednesday, October 18, 2023 3:52:51 PM

[External Email-Use Caution] - OB/IT Helpdesk

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Hi my name is Heidi Nates and I live in Tomoka Oaks. I could name many reasons why the development should not be built but as an outdoor enthusiast I think the area would be better suited as property for Ormond Beach to use as a public Golf course, Pickleball courts, walking paths and bike paths. It's a beautiful piece of property! Why destroy it to put up more homes. Let's create something positive for the whole Ormond Beach
Thank you in advance for considering
Heidi Nates

Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

From:	Paul Maybeck
To:	Spraker, Steven; billpartington@ormondbeach.org; loritolland@ormondbeach.org; travissargent@ormondbeach.org; susanpersis@ormondbeach.org; haroldbriley@ormondbeach.org
Cc:	Carolyn Davis
Subject:	Loss of Green Space and Natural Beauty
Date:	Friday, October 20, 2023 2:16:15 PM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Ladies and Gentlemen,

I am presenting a sincere opinion piece to you concerning the proposal to ruin the Tomoka Oaks Golf Course. It is from the owners of a home on Pine Valley Circle adjacent to the course, who really enjoy the lifestyle that was purchased by our parents back in 1968. My father purchased the builder's home, which, at the time, was Tomoka Unit 1. A short walk through the brush and big oaks and you would be on the course. My father averaged 3 days per week enjoying the course.

We are now faced with the possibility of replacing the beloved green space with some 250 plus homes that will significantly change the complexion of the entire Tomoka Oaks subdivision. I have a file containing the original promo materials used to attract potential buyers to the area, and the most impressive offering was the "on-site" golf course. Whether you were a golfer or not, there was a lot to like about having this beautiful course in your back yard. It was the centerpiece of the development.

The insufficient buffer measure is no where near enough. Some TOHA homes have a clear and unprotected view to whatever the proposed homes
look like. There should be a specific plan devised by the developer to provide distinct separation between intended construction and existing homes in Tomoka Oaks. I haven't seen anything like that from the developer.

There is considerable concern about the effect of the development on our property values. It used to be that the on-course homes had a value premium. We are not sure how that premium will coexist with the development proposal.
The many different animals that call the golf course home will certainly be displaced, to an unknown degree. That is nothing but cruel.

Traffic presents a double whammy, with the Belvedere addition and the housing in Tomoka Reserve. I don't believe proper traffic studies revealed the realistic traffic results as they would impact Tomoka Oaks residents. The traffic density will increase significantly and cause dangerous situations for kids, pets, seniors walking without sidewalks, and emergency vehicles trying to serve the folks that need their help. Nova Road will be present in the new expletives used by our residents.

Hundreds of people made the decision to purchase in Tomoka Oaks for the lifestyle, the natural surroundings, and the quiet, safe streets. All
of that seems to be in the "crush" of development.

We are facing a very negative future with the consideration of the proposal. We respectfully request the commission members take another
serious look at Mr. Spain's letter, and provide a NO vote to the application.

Thank You very much for your time. We are anxious to retain our lifestyle as we know it.....quiet and green.

Sincerely

Paul and Deb Maybeck

From: Denise Corley
To: Community Development
Subject: Please Vote No on Tomoka Reserve PDR
Date: Sunday, October 22, 2023 7:20:25 PM
Attachments: Screen Shot 2023-10-18 at 12.24.25 PM.png
Screen Shot 2023-10-18 at 12.27.15 PM.png
Screen Shot 2023-10-18 at 12.28.37 PM.png

[External Email-Use Caution] - OB/IT Helpdesk

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Dear Commissioner ,s and Mayor

My name is Denise Corley. My husband and I own a home on South St. Andrews on the golf course. I have written to you several times over the past 2 years since we purchased our home on the golf course in December of 2019.

First, we did pay a higher value for our home because it was on the golf course. There is no dispute that the golf course is an asset to home values like a waterview, it means peace and serenity and that is a value that is paid for and taxed by assessment of house values.

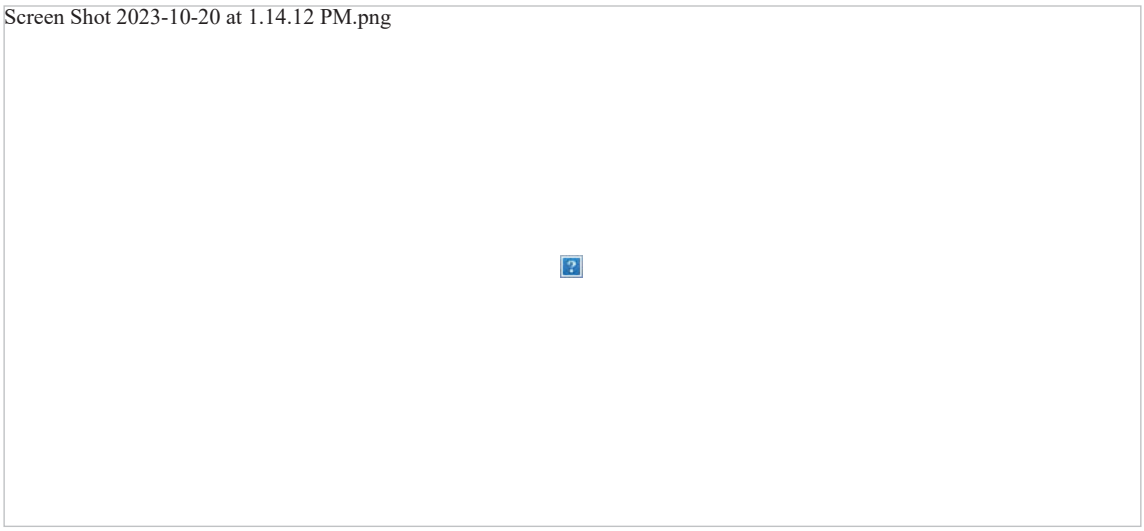
The golf course after the failed PDR in 2006 was sold and thus began a long mismanagement and lack of investment to the point of neglect. Was it a planned land grab? Who knows? 178 homes circling the golf course watched in slow motion as the course deteriorated. The quiet sale to an out of town developer with the help of local businessmen removed the chance of citizens or the city of Ormond Beach to step in to save the course or at least buy the property to preserve it as some form of open space as was the intention of the original planned development of Tomoka Oaks.

So far 2 strikes against this PDR, the SPRC voted no and so did the Planning Board.

In the last few years we have watched several PDR's by Triumph Oaks of Ormond Beach 1, LLC, Lake Worth, FL being presented to our community with little variation in the density (number of houses), starting at 300 and now at 272. Does anyone really care if the "numbers don't work" for the developers if they don't build 272 homes? The 50' buffer and drainage ponds being sold as "open space" in the backyards of golf course homes is no sacrifice to the developer. Who wants a drainage pond in their backyard, not the same people who bought a house on a golf course!

The plan being presented is incompatible with Tomoka Oaks. Railroad style homes have short front yards, narrow width with long depth, closely packed buildings with cars and garages up front. The Land Development Plan Sec. 2-42 Design Standards states-

Screen Shot 2023-10-20 at 1.14.12 PM.png



The developers know that this is the wrong piece of land, the wrong shape, the wrong access for what they are proposing. If you remove the 50' buffer and drainage pond land and just calculate the density of the individual houses of the individual lots you will see it is very dense indeed. When developers say "this is what the market demands, do not believe them". This formula is for bigger profits for the developer and not aspirations for the buyer. This development is going to look like a

parking lot.

Nobody seems to be paying any attention to the Environmental Report while all the appropriate officials have signed off on the plan- nobody seems to be bothered that if done correctly, the soil on the golf course will be a virtual science project of assessing toxicity of the first 2-4 feet of the soil. And possibly moving toxic soil onto "open space" which is likely right behind my house and other golf course homes. Let sleeping dogs lie.

Let's follow-up with the kids arrested for breaking windows at the Golf Course Club House and the quick demolition of all the buildings at the golf course before the soil samples were submitted by Ayden Environment hired by the developer for analysis and submitted to the Florida Department of Environmental Protection.
That soil has now been moved around on the land without remediation for toxic chemicals that are now known to be there and will take extensive oversight in the proceeding years of phased development to do the remediation- which of course none was done during the demolition of the buildings, especially around the golf club maintenance shed. According to the environmental reports on record, the first submittal of soil samples came after the demolition job. So no costly remediation took place if it were warrentanted.

All 18 golf greens are flagged for soil remediation, who is going to oversee that that soil is properly handled by environmental state code? We already have one case of mishandling of the soil during the demolition of the golf course buildings.
Florida's unique and beautiful environment is fragile in terms of soil and water.

To my knowledge, The St. John's Water Authority has not made an assessment to determine where the golf Course land is a ground water recharging area for the Tomoka River and the aquifer.

Screen Shot 2023-10-20 at 12.43.26 PM.png



The commissioners in 2006 approved a planned PDR that they thought compatible with Tomoka Oaks. The plan included a golf course, more recreational amenities, 122 townhouses, and 5 executive state homes. Commissioners in 2006 even questioned the impact of the traffic on the community at that time!

The over development that has taken place since then has caused the traffic congestion we are living with today. More development in this area (300 more homes, 700 more cars, 2,700 more daily trips in and out of Tomoka Oaks) will have monumental negative impacts.

This development plan will reduce the "quality of life" for thousands of people who already chose to live here. Ormond Beach does not have the infrastructure to accommodate all these people and traffic. This place will be a madhouse!

The very fact that this same developer is "threatening" all of us with an R-2 plan (claiming 300+ homes) which if the "numbers worked" they would have done that plan first.

Help your city, help Tomoka Oaks, The Trails, Escondido Condos and Talaquah, don't approve this plan.

Try to find a way to keep Tomoka Oaks Golf Course as open space, propose a referendum to purchase and tax.

Here is an idea from Save DeerRun Golf Course- create MSBU.

MSBU. MSBU's are Municipal Service Benefit Units and are also known as "special assessments." They are a method by which the Board of County Commissioners can pay for certain specific projects by apportioning the costs to the property owners in a community or neighborhood that benefits from the projects.

From SaveDeer Run- savedeereun.com





Lastly, below is an article a member of the Tomoka Oaks Golf Course Committee, who has since past away, John Anthony, sent me from the Daytona News Journal dated 1989, in it there is a claim that the Tomoka Oaks Golf Course was designed with a 30' buffer around the houses on the course. So homeowners have been enjoying a 30' buffer around the course since day 1.

Thank you,
Denise Corley

DBNJ 10/5/89

Tomoka Oaks time capsule

Certain people and events nurtured the growth of Ormond Beach's first subdivision into the genteel, established community known as Tomoka Oaks:

■ The Tomoka Oaks subdivision master plan, calling for a 521-unit single/family development, was approved 33 years ago in May 21, 1956. Then followed approval of Unit VI, for 11 single-family homes.

The last segment plan for 89 single-family homes in The Oaks was approved October, 1977, according to planning department records.

■ The original Oaks architect was Milton Pepper. A later design, submitted by engineer J. Phillips was dropped when the city rejected it.

■ News-Journal files indicate an Arizona-based corporation, Sovereign Industries Inc., owned the Oaks in 1970, and rebuilt the clubhouse facilities, added nine holes to the golf course and developed more homes.

■ According to Jerry Upson, one of the Oaks first builders, golf home lots sold for $8,900 and $10,000 in the sixties. Today's price for the same lot: between $60,000 and $70,000.

■ Canadian-born athlete Lawson Mitchell served as Tomoka Oaks Golf & Country Club head golf pro from 1967 to 1980. He was vacationing on the West Coast when The News-Journal tried to reach him for this story.

■ In 1977, radiology physician Dr. Richard Ryals, and two partners signed a lease-option agreement with prominent local businessman Milton Pepper to buy the golf course and club.

Dr. Ryals is now sole owner of the club.

■ Retired stockbroker Rockwell V. "Rocky" Collins named major Oaks thoroughfares after famous golf courses around the world: St. Andrews for Scotland's green; Rio Pinar after an Orlando course.

■ The largest golf tournament played at the Oaks was the Florida Amateur, in June 1970, according to News-Journal files.

■ Rocky Collins' home at 28 N. St. Andrews Dr., built by Tom Kittrell in 1962, is the Oaks' oldest.

■ There's a 30-foot buffer zone behind all Oaks homes abutting the golf course; the typical city setback is 20 feet.

■ The average Oaks lot size is 109 square feet, the largest of any area subdivision.

From: Partington, Bill
To: Whitley, Claire; Spraker, Steven; Dauderis, Susan
Subject: Fwd: Tomoka Oaks Golf Course Development
Date: Thursday, October 26, 2023 4:15:01 PM

Re……Tomoka oaks

Sent from my iPad

Begin forwarded message:

From: Linda McCauley <lindaywg@gmail.com>
Date: October 25, 2023 at 12:12:17 PM EDT
To: "Partington, Bill" <Bill.Partington@ormondbeach.org>
Subject: Tomoka Oaks Golf Course Development

[External Email-Use Caution] - OB/IT Helpdesk

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Dear Mayor Partington...
Aside from the list of reasons to consider Not allowing homes on the golf course,.....I live on Rio Pinar Dr. in Tomoka Oaks, and have for 34 years.... Traffic has increased considerably with vehicles cutting through Main Trail, Rio Pinar, and St. Andrews for access/egress to/from Granada and Nova. Walking is becoming increasingly dangerous and these roads are already thoroughfares in our beautiful neighborhoods. The islands and winding streets which add character to our neighborhood, pose obstacles to vehicles, especially at night, when it is dark. Thanks for your consideration of no additional traffic through our neighborhoods.
Linda McCauley

From: Partington, Bill
To: Whitley, Claire; Spraker, Steven; Dauderis, Susan
Subject: Fwd: Tomoka Oaks Golf Course
Date: Thursday, October 26, 2023 4:14:11 PM

Just FYI re TO.

Sent from my iPad

Begin forwarded message:

From: bkloe72931@aol.com
Date: October 26, 2023 at 2:47:29 PM EDT
To: "Partington, Bill" <Bill.Partington@ormondbeach.org>, loritolland@ormondbeach.org, "Sargent, Travis" <Travis.Sargent@ormondbeach.org>, susanpersis@ormondbeach.org, haroldbriley@ormondbeach.org
Subject: Tomoka Oaks Golf Course

[External Email-Use Caution] - OB/IT Helpdesk

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Ladies and Gentlemen,

I am once again appealing to all of you to please reconsider this abomination that has been planned for inside our beautiful Tomoka Oaks. These developers have been trying to razzle dazzle all of us with waving around PHD's and how long they've been doing surveys and using whatever they can to impress everyone. Well, I don't care what they claim to have, they don't live here and do not see what goes on. I'm not impressed. The traffic is horrific already, the hospitals are crammed beyond belief (they've never sat in the hallway of the hospital waiting for treatment) They are ridiculously understaffed. We don't have enough schools or teachers ! People moved to Ormond because it wasn't like Orlando, Tampa or Miami crazy. It's becoming just that because the officials are just wanting more tax money which is out of control already ! There is only one entrance in and out of the development (Minimum 550 vehicles one way everyday)and what about emergency vehicles? It's crazy ! The dangers of kids playing in the streets, riding bikes.....the fun is over....it'll be just like living in New York with crammed houses, cars flying by all day long. Seriously, 272 homes jammed in there. They said they wanted to compromise with us and they are not looking to compromise. We suggested less houses for more money but they don't want to do it. They surely can make the same amount of money if not more but they're

not interested.
One money tidbit. Again they are saying how the water table won't be a problem. If the houses around the outside of the Golf Course get flooded then what? Is that just an Oops!!!! It's always not a problem until it's a problem !

We are begging you to not approve this abomination.

Sincerely,

Sharon B. Kloepfer
23 Tomoka Oaks Blvd.
Ormond Beach, FL 32174

386-615-0635

From: Paula Mousikos
To: Spraker, Steven
Subject: Tomoka Oaks Golf Course
Date: Thursday, October 26, 2023 10:23:36 AM

[External Email-Use Caution] - OB/IT Helpdesk

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Hello Mr. Spraker,

I live at 54 Pine Valley Circle which is on the 6th tee. I have lived here since 1992. Raised my daughters here, retired from teaching and was hoping to live out my life in this peaceful setting. I would love if there was still a golf course here. I'm hoping that is still possible.

The thought of this development being built in the middle of this lovely old established neighborhood seems too ridiculous to me to even be considered. I am very surprised the owners came up with this hideous plan. One of them used to live across the street from me here in Tomoka Oaks!

I won't list the many reasons this development would be a bad idea because I know you are aware of them. I will just tell you I am 75 years old now and I bought a house on a golf course and should not have to deal with years of construction beyond my back yard.

Please do what you can to end, halt, curtail, STOP this development from happening.

Thank you,
Paula Mousikos

October 16, 2023

To: City Commissioners of Ormond Beach

Re: Tomoka Reserve development

Dear Commissioner,

My name is Jim Rose and I live at 21 Eagle Court, Ormond Beach in the Tomoka Oaks subdivision. My wife Janice and I are one of 176 homeowners in Tomoka Oaks who live contiguous to the Tomoka Oaks golf course that is being proposed for development. I am also the Chairman of the Tomoka Oaks HOA Golf Course Committee.

I am writing to you in regard to the landscaped buffer being proposed by the developer. My concern is that whatever buffer is finally decided upon, the Tomoka Oaks landowners living next door have no real ability to enforce the promises made that will have to eventually be kept by the Tomoka Reserve HOA. I would propose that as part of any agreement concerning the buffer, the Tomoka Oaks homeowners that are contiguous to Tomoka Reserve have the same legal rights and remedies as Tomoka Reserve homeowners have against the Tomoka Reserve HOA. Under Florida Statute 720, homeowners have a right to sue their HOA for failure to uphold the HOA's obligation under their covenants. The Tomoka Oaks homeowners should have the same right, but limited to the buffer area.

I think it is important that Tomoka Oaks citizens know they can enforce the obligations the Tomoka Reserve HOA has in regard to the buffer. We do not want to be left with promises not kept. Thank you.

Jim Rose

Ormond Beach Commissioners,

My name is Melonie Caldwell my Husband and I own and reside at 18 Oakmont Circle, Ormond Beach, FL. I am writing regarding the proposed Tomoka Reserve development within 20 Tomoka Oaks Boulevard.

I understand that growth and development are in our future. However, I have major concerns with this area adding 272 more houses. With only one way in and out of this area, there are safety concerns for all residents of Tomoka Reserve and Tomoka Oaks. Being in Florida, national disasters happen quite frequently. With only one way in and out for Tomoka Reserve, evacuating the area will create issues. There are only three ways out of Tomoka Oaks, two of which are through the very narrow streets of The Trails. The single entrance into Tomoka Reserve is located on a small diamond that will get backed up at the inter section Tomoka Oaks Blvd and Nova Road. Not to mention that large bus type vehicles have issues navigating around this area.

I see proposed emergency access points that will cut through the lots of the existing Tomoka Oaks residents. If these access points need to be created, it seems that the proposed development is too large for the area that they are trying to squeeze it into. All these factors along with excessive traffic, drainage issues, and wildlife relocation concern me.

During a meeting with the developers, questions about the character of the new development were not answered directly. This is because they strictly want to plat the land and sell it. Do they even really know what the developers will do once the land is plated and sold? They can tell us what is proposed but because they will not be the ones constructing the area, how can they ensure what is being proposed.

The residents of this area want to keep the integrity of our neighborhood and the surrounding ones. As residents, we work extremely hard to maintain and upkeep our properties. The fact that we do not want to lose the peaceful, safe community and value we have created here is not unreasonable.

This development needs to mirror the surrounding areas for safety. Creating 100-foot lots will match the zoning along with the lot sizes within Tomoka Oaks. The 50ft buffer zones also need to be maintained, this will cut back on traffic, drainage concerns, and less wildlife relocation.

This is why I oppose the large development that is being proposed.

Thank you for your time and consideration.

Best Regards,

Melonie Caldwell
18 Oakmont Cir
Ormond Beach, FL 32174

From: flavia casassola
To: Spraker, Steven; Partington, Bill; Tolland, Lori; Sargent, Travis; Persis, Susan; harold.briley@oromdbeach.org
Subject: Tomoka Oaks Golf Course
Date: Monday, October 30, 2023 5:54:25 PM

[External Email-Use Caution] - OB/IT Helpdesk

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To all who love Ormond Beach,

Unfortunately, I will be out of town 7 Nov 2023 and will not be able to attend the Commissioners' meeting. I would like to state for the record that I would really expect the Commissioners to vote against this monstrosity called "Tomoka Oaks Reserve". I am not anti-progress and I understand everything changes, but this particular project is a disaster for the city of Ormond. All negative aspects of the project have been presented and the builders have not truly addressed most of the concerns adequately.

The primary concern that comes to my mind is egress in case of an emergency on Nova Road. The only direct entrance into the new proposed development is through the existing Tomoka Oaks community via Tomoka Oaks Blvd. There are no other direct entrances or exits through the new development as it is surrounded by an existing neighborhood. What is the plan for emergency evacuation should Tomoka Oaks Blvd be blocked by an accident, train derailment, hurricane damage or whatever other disasters may present in the future?

I truly believe the city of Ormond failed its residents when it failed to purchase the golf course when it was originally sold to the developers. I also believe the city, county or even the state should purchase this land for future greenery preservation in the middle of Ormond City. Possibly a future "Central Park of Ormond"? Of course, the price will be much higher now as the land is in the hands of greedy out of town developers. Once this project goes forth, the landscape of the city of Ormond will for eternity be altered.

I beg the commissioners to unanimously vote against this development as it stands. Serious consideration should be given to the preservation of this last piece of greenery in the heart of Ormond Beach.

Most respectfully,

Flavia Casassola,
Tomoka Oaks resident
21 N St Andrews Drive

Sent from Yahoo Mail for iPhone

October 30, 2023

Dear City of Ormond Beach Commission,

Did you know:

- Cobb Cole, attorney for the Tomoka Reserve applicant, told the golf course property owners that the approved 2006 Tomoka Golf Village PRD is not covered under their property's title insurance and would give the City a reason to deny their Tomoka Reserve application (attachments A, B).

- The 2006 Tomoka Golf Village Development Order restricted the golf course to open space and golf course use (attachment C). In identifying this use publicly during their hearings, the city implicitly recognized the implied covenants of green space perpetuity that residents have relied on since 1963 when purchasing homes in Tomoka Oaks.

- The Tomoka Golf Village Development Order was active for 8 years: 10/17/2006 - 10/17/2014.

    - Over 138 homes were sold in Tomoka Oaks during those 8 years, and 87 homes were identified by the MLS as being "on the golf course" or "in a golf course community" (attachment D. Note all 87 MLS listing sheets are located in your Commission packet). Commissioner Briley, former President of the Daytona Beach Association of REALTORS® and the 2022 District Vice-President for Florida REALTORS®, knows better than any other commissioner that the MLS is the cornerstone of integrity for disseminating information to real estate agents and home buyers regarding properties for sale.

    - The City was not required to inform residents when the Tomoka Golf Village Development Order expired on 10/17/2014.

- Over 156 homes sold in Tomoka Oaks during 10/17/2014 - 12/31/2020. Of those, 108 homes (attachment E) were identified by the MLS as being "on the golf course" or in a "golf course community" as indicated in the LAND, MISCELLANEOUS, and REMARKS fields of the MLS listing sheet. (All 108 MLS listing sheets are located in your Commission Packet).

- Two separate Florida land use experts (one an Attorney and the other a certified Land Use Planner) provided the City independent professional opinions supporting the golf course property has a legally "implied use" to remain a golf course or recreational area (attachments F, G).

- The 2006 Tomoka Golf Village PRD is "competent, substantial evidence" which the Commission can (and should) cite to deny the 2022 Tomoka Reserve application.

To the Mayor and all Commissioners I say, "Be the leaders you are asking us to trust and believe in."

Rightly or wrongly, fairly or unfairly, the City of Ormond Beach is facing a crisis regarding a potential fuel depot on the boundary of our city which has citizens feeling personally threatened, and many of us conflicted regarding City leadership. We understand the depot is outside the City's jurisdiction, and we appreciate your efforts to stop this fuel farm development. But the reality of this crisis, as it relates to Tomoka Reserve (which is under city control), is that Ormond Beach citizens NEED TO SEE a Commission willing to strongly deny the Tomoka Reserve developers thus demonstrating that developer rights are not sovereign in Ormond Beach.

Please do not leave the door open for any development of this showcase property that does not retain the golf course green space. At the very least, deny the Tomoka Reserve application based on the 2006 Tomoka Golf Village PRD in which the Commission and City attorney implicitly recognized land use restrictions that the golf course property remains a golf course or open green space in perpetuity (attachment A). During the 2023 Commission hearing, clearly state for the record that subsequent PRD applications must retain the golf course property.

Better yet, decisively step forward during the Commission hearing and demonstrate that you are leaders who think for yourselves. Bold leadership requires commissioners who have the wisdom, courage, and integrity to expand their evaluation of "competent, substantial evidence" to go beyond the evidence limits imposed by the city's legal department (Attachment A; Note on page 6). Allow the expert opinions of land use attorney Brent Spain and land use planner Daryl Forgey, AICP, to be entered as competent, substantial evidence of an implied perpetuity use that safeguards the golf course property from any PRD or R-2 development.

Thank you from the 561 households* in Ormond Beach who oppose the residential development of the Tomoka Oaks golf course property.

Regards,

Carolyn Davis

Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187
CarolynDavis3@gmail.com

*Development Opposition postcards signed and mailed to Carolyn Davis (attachment H) from:

- 248 Tomoka Oaks households
- 165 Trails households
- 23 Escondido Condos
- 17 Tomoka Oakwood North condos
- 13 Talaquah households
- 95 Ormond Beach residents in other areas submitted the online Opposition form

Attachment A

2006 Tomoka Golf Village PRD-06-32 Synopsis

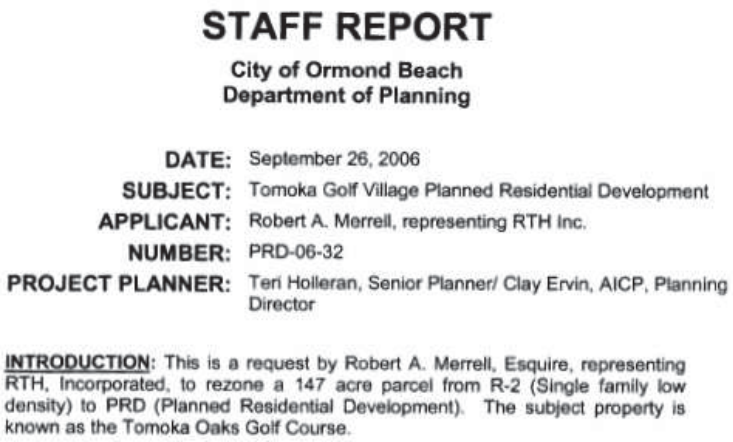
2005

- RTH Inc., owners of the Tomoka Oaks golf course, contacted the City to review options for renovating the golf and country club. Residential elements were included.

- August 11, 2005 City Attorney Randy Hayes identified what may be pertinent to any reviewer when determining whether the property must be maintained exclusively as a golf course. Hayes' email stated: *I have only been provided the Warranty Deed to review. An ownership and encumbrance search by a title company could verify the existence or non-existence of other related instruments that may have also been recorded regarding the use and/or any restrictions pertaining to the land* (attachment I).

2006 - 2014

#1 STAFF REPORT September 26, 2006
(Complete Staff Report located in your Commission Packet)



STAFF REPORT

City of Ormond Beach
Department of Planning

DATE: September 26, 2006
SUBJECT: Tomoka Golf Village Planned Residential Development
APPLICANT: Robert A. Merrell, representing RTH Inc.
NUMBER: PRD-06-32
PROJECT PLANNER: Teri Holleran, Senior Planner/ Clay Ervin, AICP, Planning Director

INTRODUCTION: This is a request by Robert A. Merrell, Esquire, representing RTH, Incorporated, to rezone a 147 acre parcel from R-2 (Single family low density) to PRD (Planned Residential Development). The subject property is known as the Tomoka Oaks Golf Course.

2006 Staff Report Highlights:

- Robert Merrell of Cobb Cole (current attorney for 2022 Tomoka Reserve applicant) represents the 2006 applicant.

- Owners seek to maintain the current golf course and country club, and add 122 clustered residential units consisting of townhomes, condos, and 3 single-family residences.

- City Staff's main concern was that there are private restrictions that superseded the land use and zoning that would prohibit any uses except as a golf and country club.

  > A title opinion from the owner said there were no restrictions on the property that it (has to) remain a golf course and country club.

NOTE FROM CAROLYN DAVIS - there is no evidence that an ownership and encumbrance search (as suggested by Attorney Hayes in August 2005) was provided to verify the owner's title opinion claim of no restrictions.

- City Staff stated integration of residential land uses cannot negatively impact adjoining residential property owners, and could not adjoin existing lots.

  > Applicant agreed that views from abutting residential properties had to be protected and not negatively impact existing homes.

- Staff indicated the remaining portion of the golf course be restricted so that it cannot be used for future residential development and so that adjoining neighbors are confident that the use of the property for a golf course and recreational open space is protected.

  > Applicant agreed to provide that surety through an easement over the remaining portion of the golf course that will ensure the property remains as open space/recreational use.

- The primary focus is to preserve the existing golf course, locate the new buildings so that they do not impact the existing homes, and enhance the landscaping to minimize the impacts of the new development.

- August 10, 2006 Planning Board recommendation taken from the Staff Report:

  > Recommended approval subject to condition that the owner provide for covenants and restrictions that restrict the golf course to open space and golf course use.

#2 COMMISSION HEARING October 3, 2006

ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS

October 3, 2006 7:00 p.m.

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, Ci
Manager Isaac Turner, Assistant City Manager Theodore MacLeod, City Attorney Randy Haye
and City Clerk Veronica Patterson.

Pages 15542 - 15545 (attachment J)
Item #9 (G) - The Tomoka Oaks Golf Village

2006 Commission Hearing Highlights:

- The golf course shall remain a golf course and would not be able to be converted to any other use without approval by the City Commission.

- Attorney Rob Merrell, representing the applicant, stated:

  > The Planning Board recommended unanimous approval with conditions the property owner made to cluster a lower number of units that would allow and preserve a great deal of open space.

  > The Property owner made a commitment to maintain the open space of the golf course in perpetuity.

  > The development order under this proposal would indicate that the golf course would remain open space, and the City would then be able to enforce that as an element of the development order.

  > Mr. Merrell reported resident testimony mentioned a 99-year provision, but there was no such covenant. Mr. Hayes concurred there was no covenant of record regarding the golf course. He noted the city could now go back to try to do what some of the homeowners believed they already had for some 30 years.

  NOTE: In June 2022, Carolyn Davis provided the City the owner, title, and encumbrance research (suggested by Attorney Hayes in 2005) which <u>does</u> provide documentation of the 99 year lease and of the 1963 perpetuity clause that the property remains a golf course or recreational green space. Research located at https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425 beginning on page 543.

- Commissioner Kent said the plans had not changed a great deal since meeting with the developers and he was in agreement with the proposal. (Retention of a perpetual golf course with residential development clustered in the middle.)

- Commissioner Gillooly received an “iron clad commitment” from Rob Merrell that this would would be the last residential plan for the Tomoka Oaks community. Based on that assurance, she agreed to the development.

- Commissioner Partington (now current Mayor of Ormond Beach) agreed with this development for the same reasons as Commissions Gillooly and Kent. It would improve the entire subdivision and set the standard for development in other areas.

- Commissioner Kelley was provided assurance there would be no buildings constructed directly behind someone who now had a golf course view. This project would be an improvement to the entire neighborhood and it would assure the golf course remains.

- Mayor Costello reaffirmed his support for the proposal for clustered homes with the golf course remaining. He pointed out that in this development order the only thing permissible was the golf course open space.

- Based upon the applicant's perpetuity condition to retain the golf course property, and the endorsement of this condition by the applicant's attorney, Rob Merrell, and the City Attorney, Randy Hayes, the commissioners voted unanimously to approve the application.

#3 COMMISSION HEARING October 17, 2006

ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS

October 17, 2006 7:00 p.m.

Present were: Mayor Fred Costello, Lori Gillooly, Troy Kent, Ed Kelley, and Bill Partington, City Manager Isaac Turner, Assistant City Manager Theodore MacLeod, Deputy City Attorney Sandy Upchurch, and City Clerk Veronica Patterson

Pages 15559 - 15560 (attachment K)
Item #9 (B) - "The Tomoka Oaks Golf Village

Highlights:

- All commissioners voted unanimously to approve the Tomoka Oaks Golf Village.

#4 DEVELOPMENT ORDER October 17, 2006 (attachment C)
Entire Development Order located in your Commission Packet

10/31/2006 12:31 PM
Instrument# 2006-273445 # 1
Book: 5944
Page: 2183

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Application of RTH, Inc.
PRD-06-32
"Tomoka Oaks Golf Village" Planned Residential Development
within the limits of the existing Tomoka Oaks Golf Course

DEVELOPMENT ORDER

Development Order effective 10/17/2006 filed with Volusia County.

2006 Development Order Highlights:

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

- The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the city if the owners ever wish to remove the restricted use.

- The Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of RTH, Inc. a Florida corporation, and shall be binding upon RTH, Inc., a Florida corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No. 3242-07-00-0010)

Homes Sales During the Active Development Order
Over 138 homes were sold in Tomoka Oaks during the 8 years the development order was active. 87 homes were identified on the MLS listing sheet as being "on the golf course" or in a "golf course community" (attachment F).

2014 - 2021

DEVELOPMENT ORDER EXPIRES October 17, 2014


Expiration Date of Tomoka Oaks Golf Village PRD » Inbox ×

Carolyn Davis Oct 2, 2023, 8:27 AM (2 days ago)
Hi Steven, On what date did the 2006 Tomoka Oaks Golf Village rezoning PRD expire? Thank you, Carolyn Davis 46 Oakmont Circle

Spraker, Steven Oct 2, 2023, 9:28 AM (2 days ago)
Good morning, October 17, 2014 is the expiration date of the 2006 approval. Thank you Steven From: Carolyn Davis <carolyndavis3@gmail.com> …

The City was not required to inform Tomoka Oaks residents that the development order had expired.

- Home buyers continued to rely on MLS listing sheets identifying properties as being “on the golf course” or “in a golf course community” (attachment E).

- After halting clubhouse operations in approximately 2018, the owner of the golf course continued to give the appearance the property was remaining a golf course when the owner placed a sign on the clubhouse door stating: *The Tomoka Oaks Golf Course is temporarily closed for public play so that maintenance can work to improve our quality of play.*

- The clubhouse sign still remained on the clubhouse prior to the sale of the property in April 2021 thus giving residents and home buyers the reasonable expectation that the property was still a permanent golf course.



2022 and 2023

On June 12, 2022, Carolyn Davis provided the city a 100+ page report detailing extensive title documents, covenants, restrictions, and marketing documents that outlined why the golf course property has clouds thus giving grounds for the city to deny any PRD or R-2 rezoning applications. (Report available at https://www.ormondbeach.org/ArchiveCenter/ViewFile/Item/10425 starting on page 543.)

NOTE
On June 30, 2022, City Attorney Randy Hayes informed Steven Spraker there is no covenant requiring the golf course to be used in perpetuity (attachment L).

The city’s conclusion was questioned by attorney Brent Spain in his July 12, 2023 letter of opinion to the City (attachment F) detailing:

a) There is no language in the 1963 Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a golf and country club, golf course, and related uses.
b) The City’s reliance upon the 1969 Resolution and the 1971 Release to claim the use restriction was somehow waived or released (attachment L) is misplaced as neither document purports to release, waive or otherwise modify the use restriction.
c) Regardless of the express restrictive covenant, an implied restriction limits the Tomoka Oaks property to be used as a golf course.

On July 13, 2023, City Attorney Randy Hayes disallowed the competent, substantial evidence of Brent Spain to be entered into the public hearings even though Hayes had suggested in 2005 this evidence was *pertinent to any reviewer when determining whether the property must be maintained exclusively as a golf course* (attachment I).

END OF NOTE

On July 8, 2022, Steven Spraker informed Carolyn Davis that in response to her research, the SPRC requested the following of the applicant:

> *The 2006 approval referenced a title opinion that provides that there are no private land use restrictions associated with the former golf course property. Please provide a title opinion that there are no private land use restrictions associated with the subject property.*

On April 12, 2023, in response to the SPRC request, Cobb Cole attorney Rob Merrell emailed Steven Spraker the Tomoka Reserve Owner's Policy of Title Insurance accompanied by an opinion written by Matthew Welch, a real estate and title attorney at Cobb Cole (attachment B). This opinion stated in part:

> *Last year, I was asked to give an opinion on the purported issues related to the development of the old golf course property (covenants, reverter, etc.). This email shall serve to provide you with the same information I provided our client. Attached is the title insurance policy given to Triumph Oaks pursuant to the 2021 acquisition of the land. To keep things clear and focused, you may skip through pages 1 – 5, page 6 provides ownership and coverage information, page 7 is the legal description, pages 8 and 9 are the exceptions from coverage. So, if it is listed on pages 8 or 9, title insurance coverage does not exist and, based on what Steve Spraker told Sheldon Rubin, it would give the city a reason to deny the application.*
>
> **Page 8 of the title opinion** identifies item #9, the 2006 Tomoka Golf Village Development Order 5944/2183 as being exempt from title insurance coverage therefore providing the city a reason to deny the application.
>
> > *#9. Development Order Issued by City of Ormond Beach recorded in Official Records Book 5944, Page 2183.*
>
> **Synopsis Conclusion**: *Should attorneys for the City or Cobb Cole suggest the 2006 Tomoka Golf Village PRD not be sufficient or relevant evidence to deny the 2022 Tomoka Reserve PRD*, it must be noted the 2006 PRD is <u>still</u> competent, substantial evidence that attorneys Hayes and Merrell, and the 2006 City Commission, *implicitly* recognized land use restrictions in 2006 that the golf course property remains a golf course or open green space in perpetuity.

Attachment C

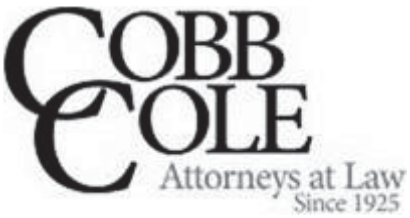
From: Rob Merrell
To: Spraker, Steven
Subject: Fwd: Triumph Oaks
Date: Wednesday, April 12, 2023 2:01:19 PM
Attachments: Owner"s Policy of Title Insurance.pdf

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Steve see below and attached.

Thanks, Rob



Rob Merrell
Florida Bar No. 726974
Cobb Cole
149 South Ridgewood Avenue
Suite 700
Daytona Beach, FL 32114
(D) 386-323-9263| (F) 386-944-7955
Website|Bio|vCard

From: Matthew Welch <Matthew.Welch@CobbCole.com>
Sent: Thursday, February 23, 2023 1:35 PM
To: randy.hayes@ormondbeach.org
Cc: Rob Merrell <rob.merrell@cobbcole.com>; Jessica Gow <jessica.gow@cobbcole.com>; Debi LaCroix <Debi.Lacroix@cobbcole.com>; Tequila Nelson <tequila.valdez@cobbcole.com>; Jessica Virga <jessica.virga@cobbcole.com>
Subject: Triumph Oaks

Randy:

I am a real estate and title attorney at Cobb Cole. Last year, I was asked to give an opinion on the purported issues related to the development of the old golf course property (covenants, reverter, etc.). This email shall serve to provide you with the same information I provided our client. Attached is the title insurance policy given to Triumph Oaks pursuant to the 2021 acquisition of the land. To keep things clear and focused, you may skip through pages 1 – 5, page 6 provides ownership and coverage information, page 7 is the legal description, pages 8 and 9 are the exceptions from coverage. So, if it is listed on pages 8 or 9, title insurance coverage does not exist and, based on what Steve Spraker told Sheldon Rubin, it would give the city a reason to deny the application. For now, you can disregard items 1 – 7, item 8 is the plat which does not reference any type of reverter or restriction, disregard 9 and 10, 12 and 13, and 14 and 15. That leaves us with

item 11, which is a deed that reserves unto several people and their spouses, lifetime memberships in the country club. Being a 1979 deed, I have made the assumption that they are all deceased. In any event, it goes on to say that during the term of the wrap around mortgage, or for up to 18 years if mortgage has been paid in full, the property will revert to grantor if not used as a golf course. That time period has expired. It is my opinion that the golf course requirement has terminated and there remains no reverter clause or existing lifetime memberships. I hope this helps with your analysis and approval. Best regards.

-Matt

Warning: WIRE FRAUD IS ON THE RISE - **Due to the risk associated with wire fraud, we no longer accept wiring instructions via email without the ability for verbal verification.**

Please verbally verify wiring instructions for our firm prior to sending any wires by calling the number listed on our website or in our initial email to you



Matthew Welch
Florida Bar No. 559601
Cobb Cole
149 South Ridgewood Avenue
Suite 700
Daytona Beach, FL 32114
(D) 386-323-9280| (F) 386-323-9206
Website|Bio|vCard

First American Owner's Policy	Owner's Policy of Title Insurance (with Florida modifications) ISSUED BY **First American Title Insurance Company** POLICY NUMBER **5011412- 2664415**

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, **FIRST AMERICAN TITLE INSURANCE COMPANY**, a Nebraska corporation (the "Company") insures, as of Date of Policy against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
   (a) A defect in the Title caused by
      (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
      (ii) failure of any person or Entity to have authorized a transfer or conveyance;
      (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
      (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
      (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
      (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
      (vii) a defective judicial or administrative proceeding.
   (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
   (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.

(Covered Risks Continued on Page 2)

In Witness Whereof, First American Title Insurance Company has caused its corporate name to be hereunto affixed by its authorized officers as of Date of Policy shown in Schedule A.

First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

(This Policy is valid only when Schedules A and B are attached)

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COVERED RISKS (Continued)

5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (a) the occupancy, use, or enjoyment of the Land;
   (b) the character, dimensions, or location of any improvement erected on the Land;
   (c) the subdivision of land; or
   (d) environmental protection
   if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
   (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
   (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
      (i) to be timely, or
      (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
      (i) the occupancy, use, or enjoyment of the Land;
      (ii) the character, dimensions, or location of any improvement erected on the Land;
      (iii) the subdivision of land; or
      (iv) environmental protection;
      or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

(a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.

(b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.

(c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.

(d) "Insured": The Insured named in Schedule A.

(i) The term "Insured" also includes

(A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;

(B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;

(C) successors to an Insured by its conversion to another kind of Entity;

(D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title

(1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,

(2) if the grantee wholly owns the named Insured,

(3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or

(4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.

(ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.

(e) "Insured Claimant": An Insured claiming loss or damage.

(f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.

(g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.

(h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.

(i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.

(j) "Title": The estate or interest described in Schedule A.

(k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

(ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of

(i) the Amount of Insurance; or

(ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,

(i) the Amount of Insurance shall be increased by 10%, and

(ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.

(c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

(a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.

(c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

(a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

(b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Unless prohibited by applicable law, arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association may be demanded if agreed to by both the Company and the Insured at the time of a controversy or claim. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, and service of the Company in connection with its issuance or the breach of a policy provision or other obligation. effect on the date the demand for arbitration is made, or, at the option of the Insured, the rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the Land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

(a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim whether or not based on negligence shall be restricted to this policy.

(c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

(a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located. Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

(b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at **First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, California 92707. Phone: 888-632-1642**

First American

Schedule A

Owner's Policy of Title Insurance

ISSUED BY

First American Title Insurance Company

POLICY NUMBER

5011412-2664415

Name and Address of Title Insurance Company:
FIRST AMERICAN TITLE INSURANCE COMPANY, 1 First American Way, Santa Ana, California 92707

File No.: 12671-2664415

Address Reference: 20 Tomoka Oaks Boulevard, Ormond Beach, FL 32174

Amount of Insurance: $2,600,000.00 Premium: $9,075.00

Date of Policy: 04/23/2021
(or the date of recording of the instrument executed at closing vesting title in the insured, whichever is later)

1. Name of Insured:

   Triumph Oaks of Ormond Beach I, LLC

2. The estate or interest in the Land that is insured by this policy is:

   Fee Simple

3. Title is vested in:

   Triumph Oaks of Ormond Beach I, LLC

4. The Land referred to in this policy is described as follows:

See Exhibit "A" attached hereto and made a part hereof

By:
Authorized Countersignature
(This Schedule A valid only when Schedule B is attached)

File No.: 12671-2664415

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Volusia, STATE OF FL, AND IS DESCRIBED AS FOLLOWS:

SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

File No.: 12671-2664415

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Any rights, interests, or claims of parties in possession of the land not shown by the public records.

2. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land.

3. Any lien, for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the public records.

4. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land prior to Date of Policy, and any adverse claim to all or part of the land that is, at Date of Policy, or was previously under water.

5. Taxes or special assessments not shown as liens in the public records or in the records of the local tax collecting authority, at Date of Policy.

6. Any minerals or mineral rights leased, granted or retained by current or prior owners.

7. Taxes and assessments for the year 2021 and subsequent years, which are not yet due and payable.

8. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of Sam Snead Golf & Country Club, as recorded in Plat Book 25, Page(s) 61, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

9. Development Order Issued by City of Ormond Beach recorded in Official Records Book 5944, Page 2183.

10. Easement Agreement as set forth in instrument recorded in Official Records Book 5089, Page 1438 .

11. Provisions contained in Deed recorded in Official Records Book 2052, Page 1019, including rights of life time members.

12. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).

13. Any map or diagram now or previously provided is for reference and informational purposes only. The Company and its agents expressly disclaim any liability for alleged loss or damage which may result from reliance upon such map(s) or diagram(s). The foregoing does not limit any express

coverages provided by the terms and provisions of any title insurance policy for matters which might be revealed by a survey prepared and certified in accord with Florida Statutes Section 472.027.

NOTE: Exception(s) numbered 1 - 5 above is/are hereby deleted.

14. That certain mortgage from Triumph Oaks of Ormond Beach I, LLC, a Florida limited liability company to EJTS HOLDING, LLC, dated April 23, 2021 in the original principal sum of $1,600,000.00 and the terms and conditions thereof.

15. All matters disclosed by survey prepared by: Sliger and Associates, Inc., dated April 15, 2021, Field Date: April 13, 2021. There are fences of undetermined ownership labeled E1, E2, E3, E4, E5, E7 crossing onto subject property on the West side, and fences of undetermined ownership labeled E8 and E9 crossing onto subject property on the West side, screened pool enclosure labeled E6 crossing onto subject property on the South side, asphalt drive extends beyond the East boundary line, under Job No. 21-0493.

Note: All of the recording information contained herein refers to the Public Records of Volusia County, Florida , unless otherwise indicated. Any reference herein to a Book and Page is a reference to the Official Record Books of said county, unless indicated to the contrary.

Notices - Where Sent

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company, Attention: Claims Department, 1 First American Way, Santa Ana, CA 92707.

Service, Quality and Availability

First American Title Insurance Company cares about its customers and their ability to obtain information and service on a convenient, timely and accurate basis. A qualified staff of service representatives is dedicated to serving you. A toll-free number is available for your convenience in obtaining information about coverage and to provide assistance in resolving complaints at 1-800-854-3643. Office hours are from 8:30 a.m. through 5:30 p.m. Monday through Friday.

Attachment C

10/31/2006 12:31 PM
Instrument# 2006-273445 # 1
Book: 5944
Page: 2183

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Application of RTH, Inc.
PRD-06-32
"Tomoka Oaks Golf Village" Planned Residential Development
within the limits of the existing Tomoka Oaks Golf Course

DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on October 3, 2006 and October 17, 2006, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18(D)(3) of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

(1) The land use conforms to the standards and requirements of this *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PRD, Planned Residential zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The land use is consistent with the *Comprehensive Plan*;

(3) The land use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

(5) Public facilities, such as roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds will not be unduly burdened and are adequate to serve the land use;

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

(7) The land use is functional in the use of space and aesthetically acceptable;

(8) The land use provides for the safety of occupants and visitors;

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

(10) The testimony provided at public hearings.

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of RTH, Inc., a Florida corporation, for the "Tomoka Oaks Golf Village" a planned residential development to allow the construction of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel within the limits of the existing Tomoka Oaks Golf Course, in the R-2 Single Family Low Density zoning district, on that real property described and depicted on Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-35, Planned Residential Development, of the City of Ormond Beach *Land Development Code*, except as otherwise specifically modified hereby, shall at all times be strictly complied with;

2. That the following recommendations of the Planning Board shall be resolved and strictly complied with at all times:

a. The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.

b. The owner shall provide a note on the plat for the property indicating to future property owners the proximity of the airport and the flight pattern of the traffic from the airport.

c. The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with trees and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.

3. That the following comments of the Site Plan Review Committee shall be resolved and strictly complied with at all times:

CITY LANDSCAPE ARCHITECT COMMENTS:

a. Wheel stops must be provided. Vehicle bumpers will not overhang the planting beds.

b. Applicant must provide a littoral planting detail and specifically show where they are to be planted on the pond banks in all applicable ponds; applicant must provide calculation for each pond; clarify if ponds are wet or dry; if dry then littoral planting is not required.

c. Applicant must provide a note on the plans that any tree needed to be removed during construction will require a one for one replacement penalty; protected trees will require one 2.5" caliper variety and specimen trees will require one 4.5" caliper variety to suit its planting location; replacement trees need to be Florida #1 at a minimum height of ten feet (10'). CPH will make the determination as to what is best suited for each replacement.

d. Remove the asterisk note on page TR-8.

CIVIL ENGINEER COMMENTS:

e. Applicant must provide legend to clarify phasing.

f. Sheet C6 – Include Temporary Construction Entrance in Phase 1A.

g. Sheet C2 – Provide As Built Requirements for Water and Sewer; relocate the As Built Requirements for Roadway Construction from sheet C36.

h. Sheet C22 –Removing the fire hydrant from the pond.

i. Sheets C45-C47 – Estimated Wet Season Water Table Elevation and Design Pond High Water Elevation to each section.

j. Applicant must locate easements for utilities and lift station on the plat.

CHIEF BUILDING OFFICIAL COMMENTS:

k. Applicant must provide additional fire hydrants to townhouse and condo locations.

l. Applicant must provide location of fire department connections.

m. The location of handicap spaces for the clubhouse is unacceptable; accessible parking spaces shall not cross the roadway and shall be as close to the building as possible.

FIRE DEPARTMENT COMMENTS:

n. Fire hydrants shall be installed at intervals not to exceed 500 feet; provide location of additional hydrants on plans.

PUBLIC UTILITIES COMMENTS:

o. Manhole #44 on page C18 of the plans needs to be lined.

p. Applicant must update fire hydrant assembly detail.

q. Show how reuse will be connected to existing reuse line or the proposed reuse line to be constructed to the reuse storage pond by Tomoka Oaks.

r. Reuse meter to be provided by owner of make and model approved by the City. A reuse agreement will need to be executed by the owner and the City.

s. Applicant must confirm if water master meter shall be needed or if units will be individually metered.

t. Applicant must provide match lines on composite utility sheets.

u. All water and sewer lines to be owned and maintained by City must be in public rights of way or 40 foot access and utility easement; an easement or deed is also needed for the lift station.

POLICE DEPARTMENT COMMENTS:

v. Parking lot lighting, pole heights must not exceed 20 feet and maximum wattage shall be 250 watts (see Land Development Code Chapter 3, Article 5 Architectural Design Standards, Chapter 3 Page 10). This will impact lighting calculations currently submitted.

4. The subdivision is approved to have a total of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings with the following dimensions as shown on the attached plans. The townhomes and condominiums shall be developed in accordance with the conceptual plans approved for the proposed PRD and the requirements established in Chapter 2, Article IV, Section 2-57 M. Multi-Family Dwellings:

Land Use	Min. Lot Area	Min. Lot Width	Front Setback	Side Corner	Side Setback	Rear Setback
Single-family	10,000-square feet	100- feet	30-feet	20-feet	8-feet total 20-feet	25-feet

5. As a stand alone zoning district the following permitted uses and dimensional criteria for this Planned Residential Development are hereby established as follows:

1. **Permitted Principal Uses and Structures.**

   a. Single-family Detached units

   b. Townhouse Units, as located on the conceptual development plan prepared by Conklin Porter and Homes, CPH project number T7501, dated June 2005.

   c. **Multifamily Condominium units** as located on the

conceptual development plan prepared by Conklin Porter and Homes, project number T7501, dated June 2005.

2. Permitted Accessory Uses and Structures

a. Single Family detached dwellings and all accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article III.

b. Home Occupations, Type "A", subject to the regulations set forth in Chapter 2, Article III.

6. The project shall be phased over a 5-year period and shall consist of 6 phases; a new phase shall not be initiated until the improvements and enhancements identified in the previous phase have been initiated and are substantially completed. This condition shall not prevent the owner from completing multiple phases concurrently. The following summarizes the phasing of the project:

Phase	Description
1A	Construction of the tennis facility, maintenance area, parking, spine road and associated stormwater improvements. The "Golf Townhomes" at the northern most portion of the development (9th and 10th fairway) will be constructed
1B	Demolition and reconstruction of the clubhouse and parking lot.
1C	Completion of all of the townhomes in the golf and tennis areas.
2A	Development of condominiums at tennis facility.
2B	Development of condominiums at the driving range and clubhouse areas.
3	Development of 3-single family homes on the estate lots.

B. The final plans for the development project shall be consistent with the provisions of this Development Order and the plans depicted in Exhibit "B" hereto; provided, however, that the said plans shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plan for the development project without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Development Order.

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

E. If the final plan approval lapses under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be re-established, a new PRD Development Order shall be considered by the City Commission.

F. In the event the use of the land approved by this PRD Development Order is abandoned for a period of two (2) years or there has been no construction activity during that period, the permit shall be void and a Notice of Final Plan Revocation filed under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be reestablished, a new PRD Development Order shall be considered by the City Commission.

G. Semi-annually, the Neighborhood Improvement Officer shall prepare a report indicating which planned developments are not in compliance with Section 1-14, or the conditions stipulated in the Development Order, in the event a Neighborhood Improvement Officer subsequently determines there to be any violation, such Officer shall promptly present such determination to the Special Master for hearing.

H. Pursuant to Chapter 1, Article II, Section 1-14(C) (2), of the *Land Development Code*, the first phase of this Special Exception shall automatically expire and become void, without further action by the City Commission, 24 months (October 17, 2008) from the date of City commission approval, unless a site plan or building permit has been issued prior to that date; and a use building permit is so issued, this Special Exception shall remain in full force and effect unless and until subsequently amended by the City Commission.

I. The expiration date of the sixth and final phase of the project to be constructed shall be five (5) years in the future, or to October 17, 20011, and shall automatically expire and become void, without further action by the City Commission, unless a building permit

is issued for the sixth and final phase of the project prior to that date; and if a building permit is so issued, the Development Order shall remain in full force and effect unless and until subsequently amended by the City Commission

J. This Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of RTH, Inc., a Florida corporation, and shall be binding upon RTH, Inc., a Florida corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No. 3242-07-00-0010)

ORDERED this 17th day of October, 2006.

CITY COMMISSION
CITY OF ORMOND BEACH, a Florida municipal corporation

By: _____
FRED COSTELLO
Mayor

(CITY SEAL)

Attest: _____
ISAAC D. TURNER
City Manager

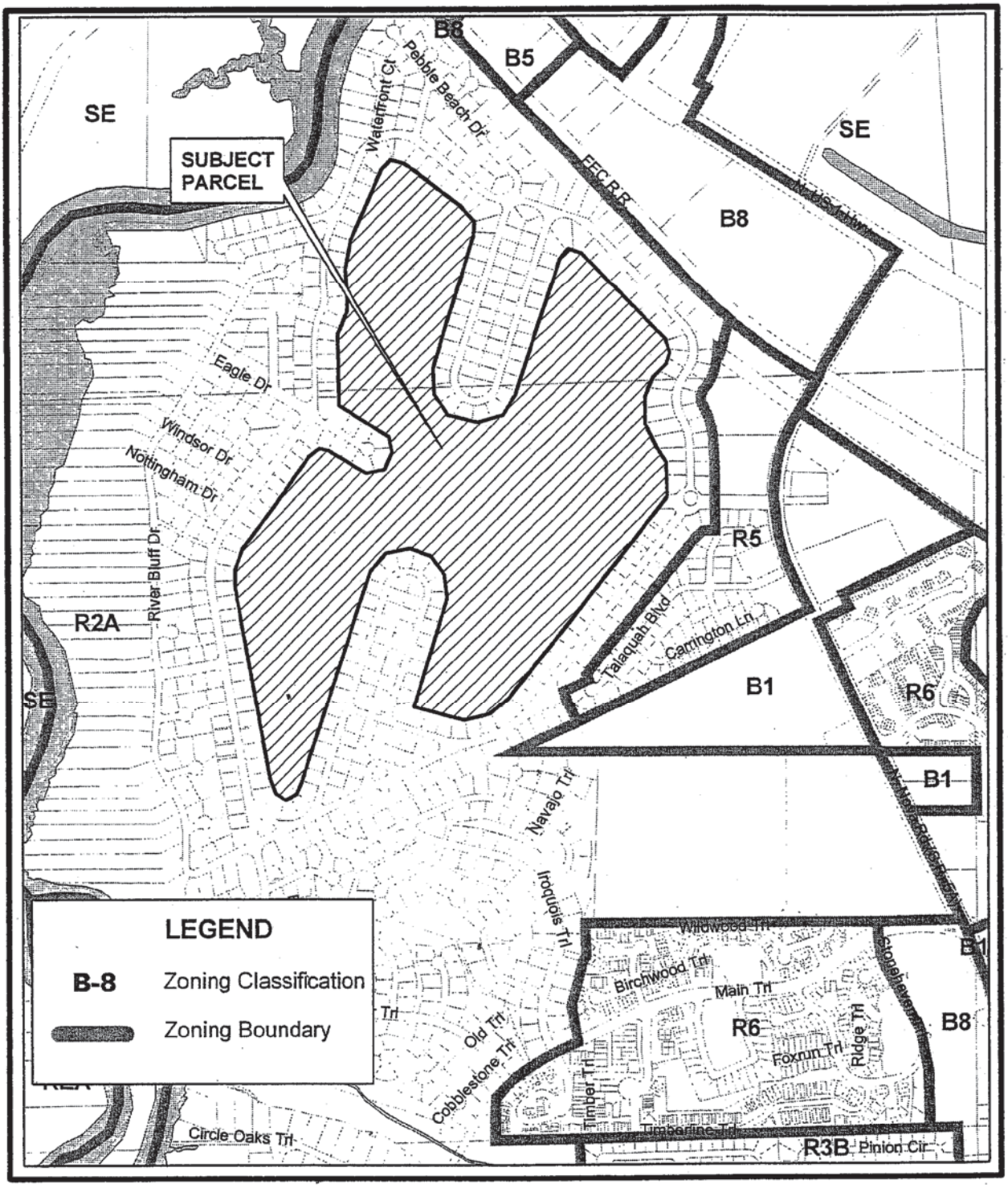
Instrument# 2006-273445 # 9
Book: 5944
Page: 2191

LEGAL DESCRIPTION

39 14 32 135 ACRES ALL SNEAD GOLF & COUNTY CLUB
MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019

PARCEL ID NO. 3242-07-00-0010

Instrument# 2006-273445 # 10
Book: 5944
Page: 2192



CITY OF ORMOND BEACH * FLORIDA *

ZONING MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

N
W E
S

Instrument# 2006-273445 # 11
Book: 5944
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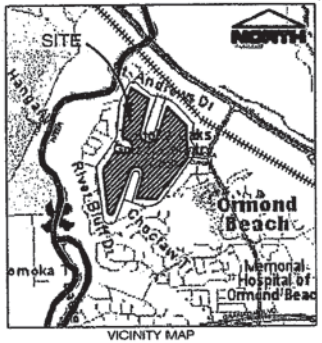
CONSTRUCTION PLANS FOR

THE TOMOKA GOLF VILLAGE

PLANNED RESIDENTIAL DEVELOPMENT

THE CITY OF ORMOND BEACH - VOLUSIA COUNTY - FLORIDA



VICINITY MAP
Scale: 1"=2000'



SOILS MAP
Scale: 1"=2000'



FEMA MAP
Scale: 1"=2000'

OWNER:
The Tomoka Golf Village, LLC
20 Tomoka Boulevard
Ormond Beach, Florida 32174
John Richard Rylas
(386) 677-5931 FAX: (386) 673-5072

ENGINEER:
CPH Engineers, Inc.
520 Palm Coast Parkway SW
Palm Coast, Florida 32137-4713
(386) 445-6569 Fax: (386) 447-8991
Jason R. Kellogg, P.E.

SURVEYOR:
McMillen Land Surveying, Inc.
495 S. Nova Road, Suite 102
Ormond Beach, Florida 32174
(386) 677-2411 Fax: (386) 677-2325
David McMillen, P.S.M.

ARCHITECT and PLANNER:
Stanley Paul Hoelle, Architect
3550 Rodeo Acres Drive
Ormond Beach, Florida 32174
(386) 672-2261 Fax: (386) 673-7947
Stanley Hoelle,

UTILITIES:

Water & Sewer:	City of Ormond Beach
Power Company:	Florida Power and Light
Telephone Company:	Bellsouth
Cable Television:	Brighthouse Network

TAX I.D. # 42-13-32-07-00-0010

LEGAL DESCRIPTION: 39 14 32 135 ACRES ALL SNEAD GOLF & COUNTRY CLUB MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019.

SHEET INDEX

C1	COVER SHEET
C2	GENERAL NOTES
C3	SITE SURVEY
C4	DEMOLITION PLAN
C5	OVERALL SITE PLAN
C6	CONSTRUCTION PHASING PLAN
C7-C11	SITE DIMENSION PLAN
C12-C16	DRAINAGE AND GRADING PLAN
C17-C21	COMPOSITE UTILITY PLAN
C22-C34	PLAN AND PROFILE
C34A	PLAN AND PROFILE
C35	EROSION AND SEDIMENTATION CONTROL
C35A	EROSION AND SEDIMENTATION CONTROL DETAILS
C36-C39	DETAILS
C40-C44	SITE LIGHTING PLAN
C45-C47	SECTIONS
L1-L9	LANDSCAPE PLAN
TH-1	TOWN HOME- LANDSCAPE PLAN
TR1-TR8	TREE RETENTION PLAN
IR1-IR9	IRRIGATION PLAN
A1-A21	ARCHITECTURAL PLAN

NO.	DATE	PLAN REVISION	APPROVED	NO.	DATE	PLAN REVISION	APPROVED
2	9/06	REVISED PER CITY COMMENTS	JRK				
1	3/06	REVISED PER CITY COMMENTS	JRK				

cph Engineers Planners Landscape Architects Surveyors Construction Management
www.cphengineers.com
520 Palm Coast Parkway SW, Palm Coast, FL 32137
Phone 386.445.5569 Fax 386.447.8991

©2005

CPH Project No. T5701
File: T5701cvr.dwg
Date: JUNE, 2006

Sheet No. C1

EXHIBIT "B"
PAGE 1 OF 35

Instrument# 2006-273445 # 12
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GENERAL NOTES:

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ORMOND BEACH'S LAND DEVELOPMENT CODE REQUIREMENTS, AND THE STANDARD CONSTRUCTION DETAILS AND CONSTRUCTION SPECIFICATIONS (SCDCS). AN ENGINEERING PERMIT AND TREE REMOVAL PERMIT IS REQUIRED PRIOR TO STARTING CONSTRUCTION.

NO LAND SHALL BE CLEARED, EXCAVATED OR FILLED AND NO STRUCTURE SHALL BE ERECTED, REPAIRED OR DEMOLISHED WITHOUT PROPER PERMIT(S) AS REQUIRED BY THE CITY OF ORMOND BEACH.

NOTIFY THE CITY OF ORMOND BEACH'S ENGINEERING DIVISION AT 676-3269 48 HOURS PRIOR TO THE START OF CONSTRUCTION.

ANY CONSTRUCTION CHANGES TO APPROVED PLANS SHALL BE SUBMITTED TO THE CITY OF ORMOND BEACH FOR APPROVAL PRIOR TO PERFORMING THE WORK.

ROAD CONSTRUCTION AND PIPE INSTALLATION COMPACTION AND DENSITY TESTING SHALL CONFORM TO THE CITY OF ORMOND BEACH'S MINIMUM REQUIREMENTS. CERTIFIED COPIES OF TEST REPORTS SHALL BE SUBMITTED TO THE CITY INSPECTOR AND THE CITY'S ENGINEERING DIVISION.

A PRE-PAVING UTILITY INSPECTION MUST BE REQUESTED AND COMPLETED PRIOR TO THE PAVING OF ALL ROADS, STREETS, AND PARKING AREAS.

A FINAL INSPECTION, TO BE CONDUCTED BY THE CITY OF ORMOND BEACH, SHALL BE PERFORMED ON ALL CONSTRUCTION. THE DESIGN ENGINEER SHALL NOTIFY THE CITY OF ORMOND BEACH'S ENGINEERING DIVISION 676-3269 WHEN REQUESTING A FINAL INSPECTION.

THREE COMPLETE SETS OF AS-BUILT DRAWINGS (5 FOR SUBDIVISIONS) ARE REQUIRED TO BE SUBMITTED TO THE CITY OF ORMOND BEACH PRIOR TO REQUESTING A FINAL INSPECTION.

THE CITY HAS A CONTRACTOR FOR ROLL OFF SERVICE. NO OTHER CONTRACTOR SHALL BE PERMITTED TO PROVIDE THIS SERVICE. VERIFY COMPANY UNDER CONTRACT WITH THE CITY.

CONSTRUCTION STANDARDS FOR ALL DRAINAGE SYSTEM COMPONENTS SHALL CONFORM TO THE LATEST EDITION OF THE FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS MANUAL.

ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE (RCP), HIGH DENSITY POLYETHYLENE (HDPE), POLYVINYL CHLORIDE (PVC) OR ALUMINUM CORRUGATED METAL PIPE (ACMP), AS SHOWN ON THE PLANS.

STORM DRAINAGE PIPES SHALL BE A MINIMUM OF FIFTEEN (15) INCH DIAMETER OR EQUIVALENT.

STORM INLETS, MANHOLES AND CATCH BASINS SHALL BE EITHER POURED IN PLACE OR PRE CAST REINFORCED CONCRETE. STRUCTURES SHALL BE REQUIRED AT EACH CHANGE OF PIPE SIZE OR CHANGE IN PIPE DIRECTION.

STORM INLETS SHALL BE SPACED IN SUCH A MANNER AS TO ACCEPT ONE HUNDRED (100) PERCENT OF THE DESIGN STORM RUNOFF.

WET DETENTION PONDS SHALL BE EIGHT (8) FEET MINIMUM TO TWELVE (12) FEET MAXIMUM DEPTH BELOW THE DESIGN LOW OR NORMAL WATER STAGE.

MAXIMUM DISTANCES BETWEEN INLETS AND/OR JUNCTION BOXES:

PIPE SIZE (INCHES)	LENGTH OF RUN (FEET)
15	150
18	300
24 OR GREATER	400

ALL SWALES, DITCHES AND DRY RETENTION POND SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (H:V) AND SHALL BE SODDED.

NORMAL ROADSIDE SWALES SHALL BE CONSTRUCTED TO A MAXIMUM DEPTH OF 18" BELOW THE OUTSIDE EDGE OF PAVEMENT OR CONCRETE CURB.

CONCRETE EROSION CONTROL MUST BE PROVIDED WHERE SWALES OF CULVERTS INTERCEPT DRAINAGE DITCHES.

A MINIMUM ONE FOOT (1') FREEBOARD ABOVE THE DESIGN HIGH WATER ELEVATION IS REQUIRED AT ALL POINTS AROUND WET DETENTION PONDS.

LAKE INFLOW AND OUTLET STRUCTURES SHALL GENERALLY BE CONSTRUCTED WITH REINFORCED CONCRETE AND SHALL BE SUBJECT TO THE APPROVAL OF THE CITY.

SOIL EROSION CONTROL MEASURES, SATISFACTORY TO THE CITY, SHALL BE EMPLOYED DURING CONSTRUCTION AND UPON COMPLETION OF THE POND.

THE CITY MAY REQUEST THAT THE DEVELOPER SUBMIT A REPORT BY A QUALIFIED HYDROLOGIST ON THE IMPACT THE POND WILL HAVE ON NEIGHBORING WATER TABLE ELEVATIONS BOTH DURING CONSTRUCTION AND AFTER POND COMPLETION. THE CITY MAY REQUIRE GROUNDWATER MONITORING DURING THE POND EXCAVATION.

ADEQUATE MAINTENANCE EASEMENTS OR RIGHTS-OF-WAY AS APPROVED BY THE CITY SHALL BE PROVIDED AROUND THE ENTIRE PERIMETER OF ALL PONDS AND ASSOCIATED OUTFALLS DISCHARGING INTO AND OUT OF PONDS. APPLICABLE CROSS SECTIONS SHALL BE INCLUDED ON ALL FINAL DEVELOPMENT PLANS.

DEVELOPMENT PLANS SHALL CONTAIN DRAINAGE CONTROL STRUCTURE (OVERFLOW) INFORMATION, BOTTOM ELEVATION, TOP ELEVATION, NORMAL WATER LEVEL AND THE 25 YR. - 24 HR. DESIGN HIGH WATER LEVELS.

IN GENERAL, ALL RETENTION/DETENTION PONDS MUST BE CONSTRUCTED PRIOR TO ANY ROAD, PARKING LOT OR BUILDING CONSTRUCTION COMMENCING OR AS CURRENT PERMIT CONDITIONS DICTATE.

THE ENGINEER OF RECORD SHALL BE RESPONSIBLE TO OBTAIN ANY AND ALL DEWATERING PERMITS THAT MAY BE REQUIRED.

CULVERTS CROSSING RIGHTS-OF-WAY SHALL EXTEND FROM RIGHT-OF-WAY LINE TO RIGHT-OF-WAY LINE UNDER THE ROADWAY.

ALL STORM WATER MANAGEMENT SYSTEMS ARE TO BE OWNED AND MAINTAINED BY EITHER THE SURROUNDING PROPERTY OWNERS OR AN ASSOCIATION OF THE SURROUNDING PROPERTY OWNERS OR SOME OTHER GROUP AS APPROVED BY THE CITY.

SANITARY SEWER CONSTRUCTION GENERAL NOTES

THE CITY'S PUBLIC UTILITY DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY SEWER CONSTRUCTION.

ALL SANITARY SEWER MAIN LINES SHALL BE A MINIMUM OF 8" IN DIAMETER. SERVICE LATERALS WITH MULTIPLE CONNECTIONS SHALL BE 6" DIAMETER OR LARGER.

ALL SANITARY SEWER LINES SHALL BE PVC SDR 35. IN PLACES WHERE A MINIMUM COVER OF 4.0' CANNOT BE MAINTAINED, C-900 GREEN PVC DR-25, CLASS 100 OR CONCRETE ENCASEMENT SHALL BE USED.

MINIMUM ALLOWABLE SANITARY SEWER SLOPES ALLOWED ARE:

8" PIPE 0.40%
10" PIPE 0.30%
12" PIPE 0.22%

SEWER LINE CONSTRUCTION SHALL BE ACCOMPLISHED BY THE USE OF A LASER INSTRUMENT UNLESS ANOTHER METHOD IS PREVIOUSLY APPROVED BY THE CITY.

THE CONTRACTOR SHALL AT ALL TIMES, DURING PIPE LAYING, DEWATER THE GROUND SUFFICIENTLY TO KEEP THE GROUNDWATER ELEVATION A MINIMUM OF 6" BELOW THE PIPE BEING LAID WITHIN THE AREA OF THE TRENCH.

ALL PIPES SHALL BE LAID ON A FIRM FOUNDATION. SOFT OR SPONGY BEDDING FOR PIPES WILL NOT BE ACCEPTED. ANY UNSUITABLE MATERIAL SHALL BE REMOVED AND REPLACED WITH A DRY, COMPACTED, GRANULAR MATERIAL SATISFACTORY TO THE CITY.

EXCAVATION AND BACKFILL: THE CONTRACTOR SHALL PROVIDE ADEQUATE SHEETING AND BRACING OF EXCAVATION WORK OR USE OF TRENCH BOX IN ORDER TO PROVIDE FOR THE SAFETY OF WORKMEN, AS WELL AS REPRESENTATIVES OF THE CITY, THE DESIGN ENGINEER, AND THE DEVELOPER.

THE CONTRACTOR SHALL INSTALL A METALLIZED FOIL LOCATER TAPE, OR SIMILAR DEVICE AS MAY BE APPROVED BY THE CITY FOR THE FULL LENGTH OF ALL PVC WATER, RECLAIMED WATER AND SEWAGE FORCE MAINS. THIS PIPE LOCATER AID SHALL BE INSTALLED (15) INCHES BELOW FINISHED GRADE OR AS DIRECTED BY THE MANUFACTURER AND IS IN ADDITION TO THE LOCATER WIRE REQUIRED IN THE UTILITY PIPE LOCATION MATERIALS DETAIL (MISCELLANEOUS DETAILS SECTION - M10).

MANHOLES SHALL BE LOCATED AT INTERVALS NOT EXCEEDING 400 FEET.

MANHOLE RIMS SHALL MATCH FLUSH WITH THE FINISH GRADE ELEVATION IN PAVED AREAS AND A MINIMUM OF 0.2 FEET ABOVE GRADE IN UNPAVED AREAS.

THE CONTRACTOR SHALL CONSTRUCT SANITARY SEWER MANHOLES IN SUCH A WAY THAT SEWER LINES DO NOT INTERSECT SEALED JOINTS BETWEEN SECTIONS OF THE MANHOLE.

RUBBER BOOTS AND STAINLESS STEEL BANDS SHALL BE UTILIZED IN THE CONNECTION OF THE SEWER MAIN TO THE MANHOLES (SEE RUBBER BOOT AND PRECAST JOINT CONNECTION DETAIL).

INDIVIDUAL SANITARY SERVICE CONNECTORS ON NEW CONSTRUCTION SHALL NOT BE CONNECTED DIRECTLY INTO MANHOLES, BUT TO SEWER MAIN LINES BY USE OF WYE CONNECTIONS.

FOR SINGLE FAMILY HOMES, SINGLE FOUR INCH SEWER SERVICES SHALL BE CONSTRUCTED AT EACH LOT OR UNIT AND LOCATED ON THE DOWNSTREAM SIDE OF THE LOT CENTER LINE. THESE SERVICES SHALL BE EXTENDED 4 FEET ABOVE GROUND AT THE PROPERTY LINE WITH A PVC RISER AND PLUG BEING EASILY VISIBLE FROM THE ROAD. RUBBER SEAL FITTINGS TO BE USED ON ALL LINES, NO GLUED JOINTS.

FOR MULTI-FAMILY AND COMMERCIAL SITES, SIX INCH MINIMUM SEWER SERVICES AND CLEANOUTS SHALL BE PROVIDED AS APPROVED BY THE CITY.

SANITARY SEWER LATERALS LONGER THAN 70 FEET, MEASURED FROM THE SEWER MAIN TO THE RIGHT-OF-WAY LINE MAY BE APPROVED ON A CASE BY CASE BASIS. SUCH LATERALS SHALL BE D.I.P. EPOXY LINED OR C-900 PVC.

SANITARY SEWER MANHOLES WHICH HAVE SEWER FORCE MAINS DISCHARGING DIRECTLY INTO THEM, OR ANY MANHOLE WITHIN 200 FEET OF A LIFT STATION, SHALL BE FIBERGLASS OR PVC LINED. RETRO-FITTING OF MANHOLES WITH LINERS SHALL BE REQUIRED WHEN NEW CONNECTIONS SUCH AS THIS ARE MADE. FIBERGLASS SHALL BE A MINIMUM 1/2" THICKNESS UNLESS APPROVED OTHERWISE BY THE CITY. LINING SHALL BE AGRU SURE-GRIP OR PRE-APPROVED EQUAL.

SEE CHART S-9C FOR PIPE SIZE AND MATERIALS.

THE CITY OF ORMOND BEACH REQUIRES THE DEVELOPER TO TELEVISE ANY AND ALL SANITARY SEWER MAIN LINES AND LATERALS PRIOR TO ANY FINAL ACCEPTANCE, AND RESERVES THE RIGHT TO REQUEST WATER AND AIR TESTING.

ALL SEWER MAINS PRIOR TO ACCEPTANCE BY THE CITY SHALL BE TELEVISED BY A REPUTABLE COMPANY THAT ENGAGES IN THIS TYPE OF WORK. THE VIDEO SHALL BE NON-STOP WITH AUDIO DESCRIBING WHAT IS BEING REVIEWED. WRITTEN VIDEO LOGS DESCRIBING THE CONDITION OF THE LINES SHALL ACCOMPANY THE TAPE SUBMISSION TO THE CITY.

CONTRACTORS SHALL BE REQUIRED TO TELEVISE ALL SEWER LINES IN THE PRESENCE OF CITY PERSONNEL AND PROVIDE COPIES OF THE VIDEO TAPE TO THE PUBLIC UTILITY DEPT. ANY DEFECTS NOTED SHALL BE CORRECTED PRIOR TO ACCEPTANCE BY THE CITY.

ALL MANHOLES CONSTRUCTED IN SIDE YARDS, BACKYARDS, AND EASEMENTS OFF THE RIGHT-OF-WAY SHALL BE OUTFITTED WITH FIBERGLASS LINERS OR OTHER TYPES OF LINERS OR COATINGS APPROVED BY THE CITY. IN ADDITION THE CITY MAY REQUIRE LINERS OR COATINGS TO BE INSTALLED IN OTHER AREAS WHERE THE PUBLIC UTILITY DEPARTMENTS BELIEVE THE NEED IS JUSTIFIED.

ALL SEWER LINES WHICH ARE CONSTRUCTED OFF PUBLIC RIGHTS-OF-WAY WITHIN SIDEYARDS, BACKYARDS, AND OTHER POORLY ACCESSIBLE AREAS SHALL BE CONSTRUCTED OF C-900 PVC, OR EPOXY LINED DUCTILE IRON PIPE. ABSOLUTLY NO USE OF PLASTIC STYRENE FITTINGS SHALL BE ALLOWED.

SEWER LATERAL LOCATIONS SHALL BE MARKED ALONG THE OUTSIDE OF THE CURB WITH A SAWCUT V , OR BY A METAL TAB SET INTO THE PAVEMENT.

EZ-WRAP PLASTIC, AS MANUFACTURED BY PRESS-SEAL GASKET CORPORATION OR APPROVED EQUAL, SHALL BE USED ON THE OUTSIDE OF ALL MANHOLE AND WETWELL JOINTS. APPLY ONE LAYER OF 9" WRAP CENTERED ON EACH JOINT. A CITY INSPECTOR SHALL PERSONALLY INSPECT ALL JOINT SEALS PRIOR TO BACKFILLING OPERATIONS .

MATERIALS		
DIAMETER	MATERIAL	STANDARD
> 3" - 4"	PVC 1120 / SDR 21	ASTM D 2241
> 4" - 12"	PVC 1120 / CLASS 150	AWWA C 900
[14"- 24" - DR - 18) 30"- 36" - DR - 21)	PVC 1120	AWWA C 905

NOTE: *PVC PIPE COLOR SHALL BE BLUE FOR POTABLE WATER MAIN, GREEN OR WHITE FOR SEWER FORCE MAIN, AND PURPLE FOR REUSE MAIN.

WATER SYSTEM CONSTRUCTION GENERAL NOTES

THE CITY'S PUBLIC UTILITIES DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY WATER SYSTEM CONSTRUCTION.

DEWATERING SHALL BE PROVIDED TO KEEP GROUNDWATER ELEVATION A MINIMUM OF 6 INCHES BELOW WATER MAIN BEING LAID.

ALL WATER MAINS SHALL BE LAID ON A FIRM FOUNDATION WITH ALL UNSUITABLE MATERIAL (MUCK, ROCK, COQUINA, ETC.) REMOVED AND REPLACED WITH CLEAN GRANULAR MATERIAL.

TRENCHES SHALL BE BACKFILLED WITH CLEAN GRANULAR MATERIAL IN MAX. 1' LIFTS WITH A MINIMUM COMPACTION OF 98 PERCENT (AASHTO-T180) IN PAVED AREAS AND 90 PERCENT IN UNPAVED AREAS.

IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT TRENCH COMPACTION TESTS BE PROVIDED AT POINTS 1 FOOT ABOVE THE PIPE AND AT 1 FOOT VERTICAL INTERVALS TO FINISH GRADE, AT A MINIMUM SPACING OF EVERY 300 FEET, AND TO FURNISH COPIES OF TEST REPORTS PROMPTLY TO THE CITY ENGINEERING DEPARTMENT.

METALLIZED PIPE LOCATION TAPE SHALL BE LOCATED 15 INCHES BELOW FINISHED GRADE OR AS SPECIFIED BY MANUFACTURER FOR ALL PVC LINES. MARKER TAPE SHALL BE USED ON ALL DUCTILE IRON PIPE.

ALL WATER SERVICES (SINGLE 1" AND DOUBLE 1 1/2") SHALL BE POLYETHYLENE TUBING (BLUE IN COLOR) ; POLYBUTYLENE SHALL NOT BE ALLOWED.

ALL WATER SERVICE ENDINGS SHALL BE MARKED WITH 4" X 4" LUMBER (PRESSURE TREATED) EXTENDING 4 FEET ABOVE GRADE, WITH WATER SERVICES SECURED 24" ABOVE THE GROUND. WIRE TIES SHALL BE USED TO SECURE THE CURB STOPS TO SUPPORT POSTS.

WATER VALVES SHALL BE PLACED AT ALL STREET INTERSECTIONS AND AT MAXIMUM SPACINGS OF 500 FEET.

AT ALL WATER MAIN TEES AND CROSSES, VALVES SHALL BE INSTALLED ON ALL LEGS EXCEPT ONE.

APPROVED WATER VALVE TYPES ARE THE FOLLOWING:

A. STANDARD GATE VALVES LESS THAN 24" DIAMETER RESILIENT SEAT GATE VALVES (AWWA C-509).
B. TAPPING VALVES AND MECHANICAL TAPPING SLEEVE SHALL BE STAINLESS STEEL. (AWWA C - 509)

ALL WATER VALVE BOXES SHALL BE ADJUSTED TO FINISH GRADE AND THE LIDS PAINTED BLUE TO MAKE THEM PLAINLY VISIBLE.

WATER VALVES SHALL BE COMPLETELY OPENED BY THE CONTRACTOR UPON FINAL ACCEPTANCE OF NEW WATER SYSTEMS IN THE PRESENCE OF UTILITY DEPARTMENT PERSONNEL.

ALL FIRE HYDRANTS SHALL BE CONSTRUCTED TO MAKE THEM EASILY ACCESSIBLE TO FIRE PERSONNEL IN CASE OF FIRE. THE MAIN NOZZLE CONNECTION SHOULD ALWAYS FACE THE STREET AND BE 16-18" ABOVE GRADE.

AS STANDARD PRACTICE, WATER MAINS SHALL BE INSTALLED 4 FEET OFF THE BACK OF CURB OR AS APPROVED BY THE CITY.

ALL WATER MAINS SHALL BE NSF-APPROVED FOR POTABLE WATER USE, AND SHALL HAVE A MINIMUM COVER OF 36 INCHES. IN SPECIAL CASES WHERE IT IS IMPOSSIBLE OR INAPPROPRIATE TO PROVIDE ADEQUATE COVER, DUCTILE IRON CLASS 350 OR CONCRETE ENCASEMENT MAY BE USED AS APPROVED BY THE CITY.

ALL PROPOSED WATER MAINS SHALL BE FLUSHED, DISINFECTED AND BACTERIOLOGICALLY CLEARED FOR SERVICE IN ACCORDANCE WITH LATEST AWWA STANDARDS AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS.

WATER MAINS SHALL BE AWWA C-900 CL 150 OR D.I.P. CLASS 350 STANDARD CEMENT LINED.

UPON CONSTRUCTION COMPLETION AND ACCEPTANCE OF THE SYSTEM, IT SHALL BE THE DESIGN ENGINEER'S RESPONSIBILITY TO ENSURE THAT THE SYSTEM IS PROPERLY CERTIFIED AND ACCEPTED BY THE HEALTH DEPARTMENT, AND THAT CERTIFIED AS-BUILT DRAWINGS ARE PROVIDED TO THE CITY PRIOR TO PAVING AND ANY USE OF THE SYSTEM. PROVIDE THREE (3) BLUELINE COPIES AND ONE (1) MYLAR OF AS-BUILT DRAWINGS.

MEGALUG OR EQUIVALENT, RESTRAINED JOINT SYSTEM MAY BE USED ON ALL RESTRAINED FITTINGS, VALVES, ETC. MINIMUM DEPTH OF BURY ON PIPES NOT MEETING REQUIRED COVER REQUIREMENTS SHALL FOLLOW THE MOST RECENT DIPRA THRUST RESTRAINT DESIGN GUIDELINES.

WATER SYSTEMS SHALL BE PRESSURE TESTED AT 150 PSI STATIC PRESSURE FOR A PERIOD OF 2 HOURS PER AWWA STANDARDS. TESTS SHALL BE CONDUCTED BEFORE FINAL PAVING AND IN THE PRESENCE OF THE CITY'S INSPECTOR.

ALL WATER SERVICES SHALL BE MARKED WITH A "A" SAWCUT INTO THE CURB OR BY METAL TABS SET INTO THE PAVEMENT.

ALL WATER VALVES AND BLOW-OFFS SHALL BE MARKED WITH AN "X" SAWCUT INTO THE CURB OR BY METAL TABS SET INTO THE PAVEMENT. LOCATION OF METAL TABS IN INCHES FROM EDGE OF PAVEMENT SHALL EQUAL DISTANCE IN FEET FROM EDGE OF PAVEMENT TO VALVE.

WATER SERVICES SHALL NORMALLY BE DOUBLE 1 1/2" SERVICES LOCATED AT SIDE LOT LINES. IN INSTANCES WHERE SERVICES NEED TO BE OFFSET, 1" SINGLE SERVICES SHALL BE SPECIFIED. THESE SERVICES MAY BE OFFSET A MAXIMUM OF 5.0'.

UNIFLANGE 1300 SERIES PIPE RESTRAINTS AS MANUFACTURED BY FORD OR APPROVED EQUAL MAY BE USED AS APPROPRIATE FOR RESTRAINING IN-LINE PRESSURE PIPE EACH SIDE OF PIPE JOINT, AS REQUIRED BY RESTRAINT TABLE.

TRACING WIRE SHALL BE INSTALLED IN ACCORDANCE WITH UTILITY PIPE LOCATION MATERIALS DETAIL.

NO GALVANIZED PIPE, FITTINGS, ETC. ARE ACCEPTED.

ALL WATER METERS SHALL BE INSTALLED AT THE RIGHT OF WAY LINE ONLY REGARDLESS OF SIZE.

ROADWAY CONSTRUCTION NOTES

ALL RIGHT OF WAY OTHER THAN ROADWAY AREAS SHALL BE SEEDED AND MULCHED OR SODDED. THE CITY RESERVES THE RIGHT TO REQUIRE SODDING IN SPECIAL AREAS WHERE EROSION IS A CONCERN.

THE FOLLOWING WILL BE THE STANDARD PROTECTION FOR DITCHES UNLESS DRAINAGE CALCULATIONS INDICATE OTHERWISE:

SWALE PROFILE GRADES	PROTECTION REQUIRED
0.2% - 1.0%	SEEDING AND MULCHING
1.0% - 4.0%	SODDING
4.0% AND GREATER	DITCH PAVING

ALL FRANCHISE UTILITY CROSSINGS, INCLUDING BUT NOT LIMITED TO FPL, BELLSOUTH AND CABLE SHALL BE INSTALLED PRIOR TO INSTALLATION AND COMPACTION OF THE ROAD SUB BASE. ANY CROSSINGS AFTER INSTALLATION OF THE SUB BASE SHALL BE BY DIRECTIONAL BORE.

THE LIMITS OF STABILIZED SUB BASE SHALL EXTEND TO A DEPTH OF SIX INCHES (6") BELOW THE BOTTOM OF THE BASE AND OUTWARD TO TWELVE INCHES (12") BEYOND THE CURB.

THE STABILIZING MATERIAL, IF REQUIRED, SHOULD BE A HIGH BEARING VALUE SOIL, SAND-CLAY, LIMEROCK, RECYCLED CONCRETE, SHELL OR OTHER MATERIAL AS APPROVED BY THE CITY AND A LICENSED SOILS ENGINEER.

THE SUB BASE SHALL BE STABILIZED NOT LESS THAN FORTY (40) POUNDS LIMEROCK BEARING RATIO (LBR). A COMPACTION OF NO LESS THAN NINETY-EIGHT (98%) PERCENT DENSITY BASED ON AASHTO T-180 SHALL BE REQUIRED.

TESTS FOR SUB BASE BEARING CAPACITY AND COMPACTION SHALL BE DONE AT A MINIMUM OF EVERY 300 FELT AND SHALL BE STAGGERED TO THE LEFT, RIGHT AND AT CENTER LINE OF THE ROADWAY.

BASES FOR ALL STREETS SHALL HAVE A MINIMUM SIX INCH (6") DEPTH. PRIMING AND SANDING SHALL BE REQUIRED AS SOON AS BEARING CAPACITY AND COMPACTION HAS BEEN ACHIEVED.

RECYCLED CONCRETE OR LIMEROCK BASES SHALL BE COMPACTED TO (98 %) MAXIMUM DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST.

RECYCLED CONCRETE MIX DESIGNS SHALL BE SUBMITTED TO THE CITY FOR APPROVAL PRIOR TO START OF SUB BASE PREPARATION.

CEMENT DELIVERY TICKETS SHALL BE PROVIDED TO THE CITY AT THE TIME OF PLACEMENT.

TESTING OF THE IN-PLACE BASE SHALL BE DONE AT INTERVALS EQUIVALENT TO SUB BASE TESTING AND SHALL CONSIST OF, AS A MINIMUM, MOISTURE CONTENT AND COMPACTION TEST.

DESIGN MIXES SHALL BE SUBMITTED TO THE CITY FOR THEIR APPROVAL NO LESS THAN THREE (3) WORKING DAYS PRIOR TO ANY ROADWAY CONSTRUCTION.

ASPHALT SPECIFICATIONS SHALL BE SUBMITTED BY THE DESIGN ENGINEER WITH FINAL PLANS TO THE CITY. FLORIDA STATE CERTIFIED BATCH PLANTS MUST THEN CERTIFY THAT THESE APPROVED SPECIFICATIONS HAVE BEEN MET.

EXTRACTION AND GRADATION TESTS ON ASPHALT MIXES SHALL BE PROVIDED TO THE CITY TO INSURE THAT DESIGN MIXES MEET THE CITY STANDARD SPECIFICATIONS.

THE ROADWAY CROWN SHALL HAVE A STANDARD ONE QUARTER INCH (1/4") PER FOOT SLOPE.

ALL ROADWAYS WITH CURB AND GUTTER SECTIONS SHALL HAVE AS A STANDARD A MINIMUM LONGITUDINAL SLOPE OF 0.30

THE FINISHED PAVEMENT EDGE SHALL BE WITHIN ONE QUARTER INCH (1/4") OF THE ADJACENT CONCRETE CURB.

CONCRETE CURBS SHALL BE PROVIDED ON BOTH SIDES OF ALL STREETS AND CONSTRUCTED WITH 2500 PSI CONCRETE AT 28 DAYS.

CONCRETE CURBS SHALL BE SAW CUT TO A DEPTH EQUAL TO 1/4 OF CURB THICKNESS AT INTERVALS OF TEN FEET (10') WITH EXPANSION JOINTS AT STREET INTERSECTIONS, STRUCTURES AND ALONG CURVES AT SIXTY FEET (60') INTERVALS. ALL EXPANSION JOINT MATERIAL IS REQUIRED TO BE INSTALLED THROUGH THE ENTIRE DEPTH OF THE CONCRETE CURB.

AN "X" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF WATER DISTRIBUTION SYSTEM VALVE.

AN "T" SHALL BE CUT INTO THE CURB TO MARK THE LOCATION OF ALL VALVES OTHER THAN WATER DISTRIBUTION VALVES.

A "V" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL SEWER SERVICES.

A "L" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL RECLAIMED WATER SERVICES.

A "A" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL WATER SERVICES.

THREE (3) CONCRETE CYLINDERS SHALL BE TAKEN AND TESTED FOR EVERY THREE HUNDRED (300) FEET OF ROADWAY CONSTRUCTED. TEST RESULTS SHALL THEN BE PROVIDED TO THE CITY AS THEY BECOME AVAILABLE.

THE DEVELOPER SHALL PROVIDE ALL REQUIRED PAVEMENT MARKINGS ON ALL ROADWAYS PER CITY, COUNTY AND STATE REQUIREMENTS. CENTERLINE STRIPES SHALL BE PROVIDED ON EXTENSIONS OF CITY COLLECTOR OR ARTERIAL ROADS, COUNTY ROADS AND STATE HIGHWAYS ONLY.

STOP BARS SHALL BE PLACED AT ALL SUBDIVISION ENTRANCES AND INTERSECTIONS CONTAINING CITY COLLECTOR AND ARTERIAL ROADS, COUNTY ROADS AND STATE HIGHWAYS.

ALL TRAFFIC CONTROL DEVICES PLACED AT INTERSECTIONS, PRIVATE STREETS, PUBLIC STREETS, COUNTY ROADS AND STATE HIGHWAYS WITHIN THE CITY LIMITS SHALL BE INSTALLED ACCORDING TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

THE DEVELOPER IS RESPONSIBLE FOR PAYING FEES FOR ALL STREET LIGHTS PRIOR TO ACCEPTANCE OF THE PROJECT BY THE CITY.

STANDARD TURNING RADII FOR INTERSECTIONS:

2-LANE ACCESS OR FEEDER	35'
LOCAL TO COLLECTOR	35'
LOCAL OR COLLECTOR TO ARTERIAL	40'
ARTERIAL TO ARTERIAL	50'

CITY INSPECTOR SHALL BE PRESENT DURING PAVING OF ALL PUBLIC AND PRIVATE ROADS. PAVING SHALL BE PERFORMED DURING NORMAL BUSINESS HOURS, MONDAY THROUGH FRIDAY. PAVING DURING WEEKENDS IS NOT PERMITTED.

CONSTRUCTION METHODS AND DESIGN FOR CONCRETE PAVEMENT SHALL CONFORM TO FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.

ALL CONTRACTORS THAT ARE PERFORMING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS (WATER MAIN, SANITARY SEWER MAIN, RECLAIMED WATER MAIN, STORM WATER PIPES AND INLETS AND ALSO CONSTRUCTION OF ROADWAYS) SHALL BE CERTIFIED WITH THE FLORIDA STATE DEPARTMENT OF PROFESSIONAL REGULATIONS (DPR) FOR THE TYPE OF WORK THAT THEY PERFORM. A COPY OF THE VALID LICENSE IS REQUIRED AT PRE CONSTRUCTION MEETING.

UTILITY DEPTH:

- HIGH VOLTAGE UTILITIES SUCH AS POWER (FEEDER, SERVICE AND DROPS) SHALL BE BURIED A MINIMUM OF 30 INCHES IN DEPTH.
- LOW VOLTAGE UTILITIES SUCH AS PHONE AND CABLE TV SHALL BE BURIED A MINIMUM OF 12 INCHES IN DEPTH FOR FEEDER AND SERVICES. SERVICE DROPS SHALL BE BURIED A MINIMUM OF 6 INCHES IN DEPTH.
- HIGH VOLTAGE UTILITIES INSTALLED PARALLEL TO PRESSURE MAINS SHALL MAINTAIN A MINIMUM FIVE FOOT SEPARATION.

GEOTECHNICAL TESTING REPORTS SIGNED AND SEALED BY A PROFESSIONAL ENGINEER SHALL BE SUBMITTED TO THE CITY OF ORMOND BEACH PRIOR TO FINAL SIGN OFF. REPORTS SHALL CLEARLY LABEL PROJECT NAME AND PHASE.

No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK
2			
3			
4			

No	Date	Revision	Approved
5			
6			
7			
8			

Designed by: S.H. 8/05
Drawn by: E.B. 8/05
Checked by: T.H.M. 8/05
Approved by: J.B.M. 8/05
Certificate of Authorization No. 0510
Scale: N.T.S.
Date: June, 2005
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THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph Engineers Planners Landscape Architects Surveyors
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207 Auburndale Boulevard, Daytona Beach, FL 32114-3821
Phone and Fax numbers for each office

JASON A. KILLOUGH, P.E. #52547

GENERAL NOTES

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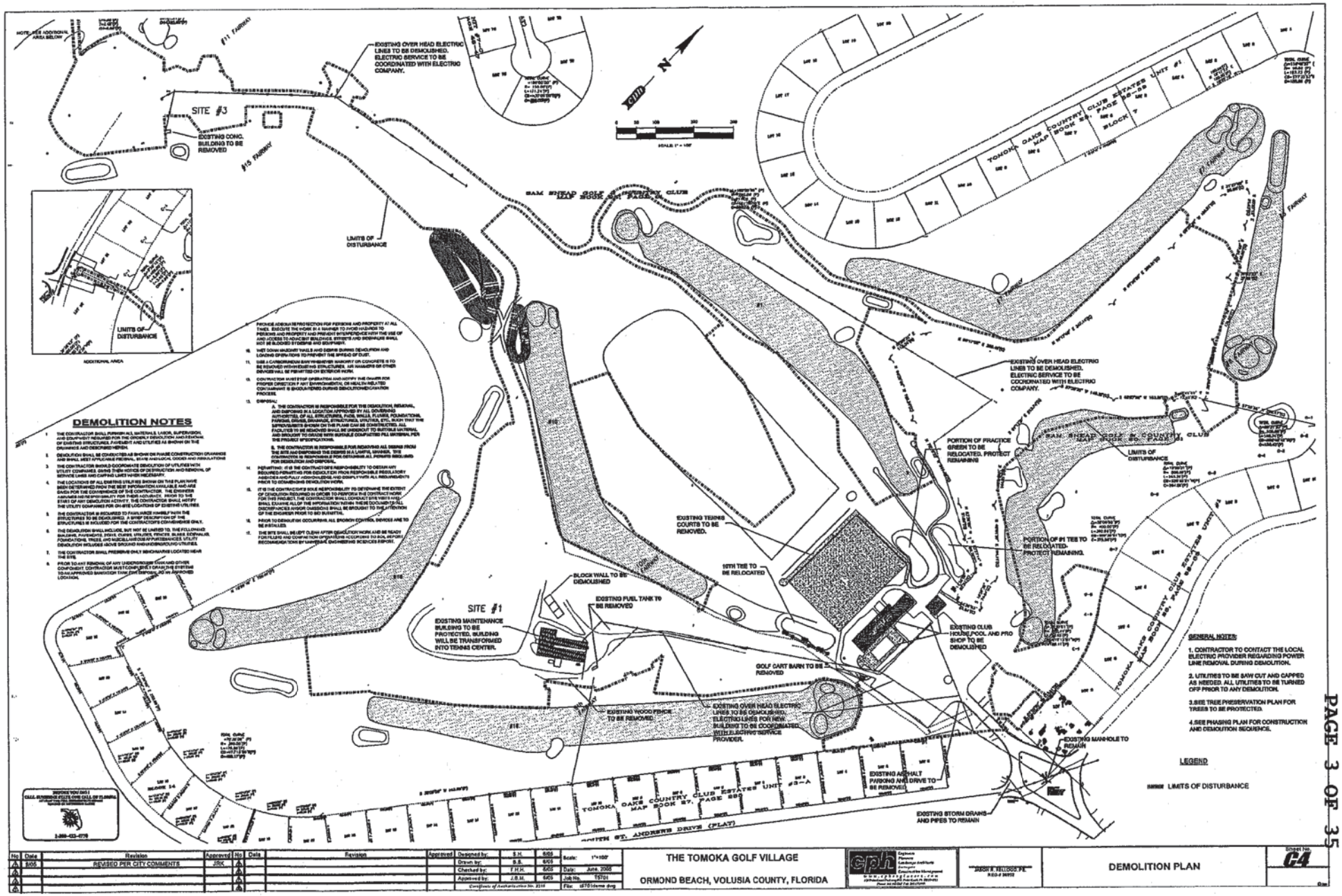

No	Date	Revision	Approved
1	8/05	REVISED PER CITY COMMENTS	JRK

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Drawn by:	B.S.	6/05
Checked by:	F.H.K.	6/05
Approved by:	J.R.M.	6/05

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THE TOMOKA GOLF VILLAGE
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DEMOLITION PLAN

Sheet No. C4

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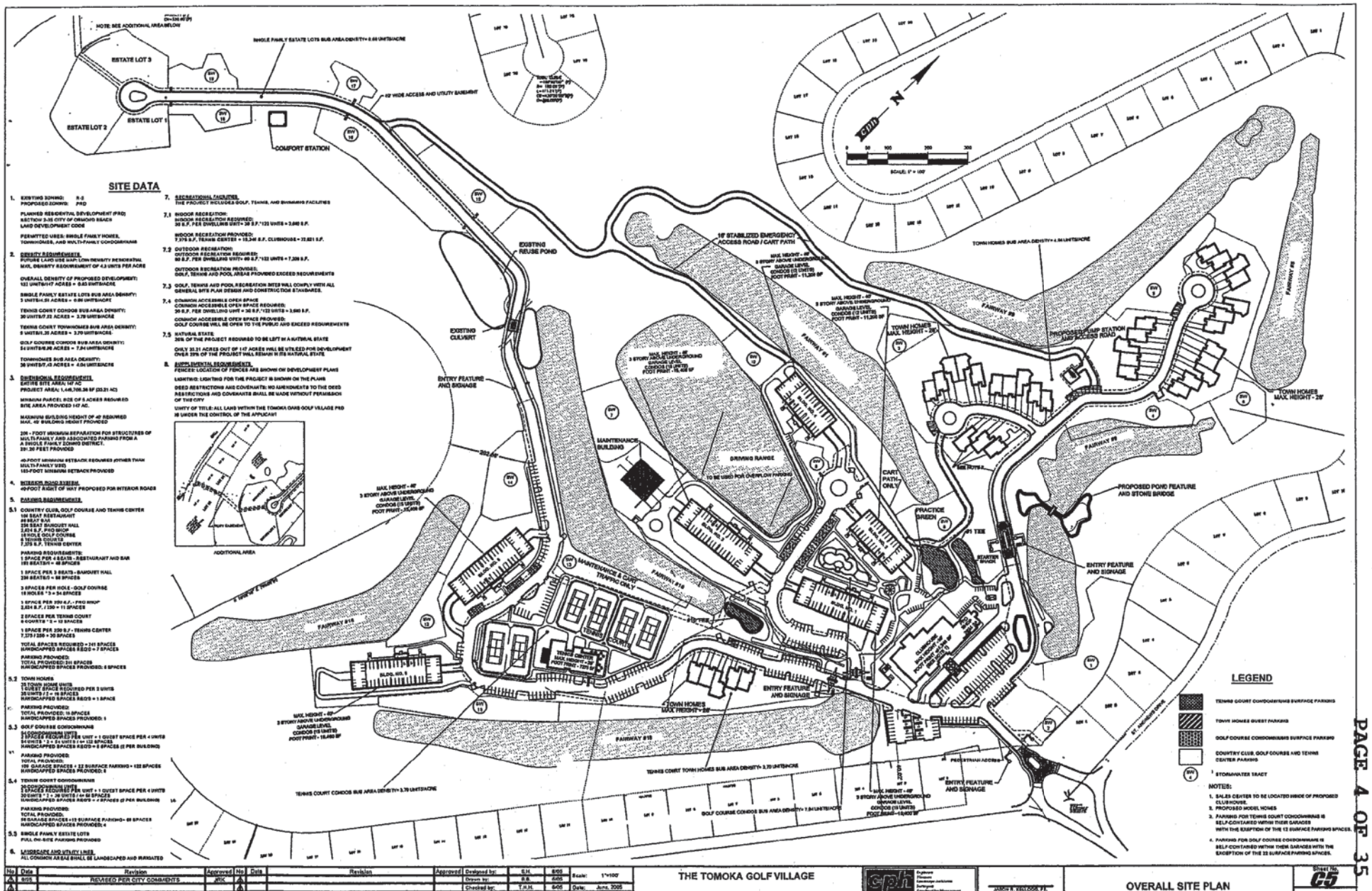

No	Date	Revision	Approved	No	Date	Revision	Approved
1	8/05	REVISED PER CITY COMMENTS	JRK				

Designed by:	S.H.	8/05	Scale: 1"=100'
Drawn by:	B.B.	8/05	
Checked by:	T.H.H.	8/05	Date: June, 2005
Approved by:	J.E.M.	8/05	Job No. 18701
Certificate of Authorization No. 3218			File: 18701esp.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph Engineers, Planners, Landscape Architects, Surveyors
www.cphgroup.com
941 Orchid Lake Road, Suite 101, Lake Mary, FL 32746 Phone: 407-487-1620 Fax: 407-487-1626

JASON M. HELLSTROM, P.E. #52-0 58992

OVERALL SITE PLAN

Sheet No. C5

EXHIBIT "B"
PAGE 4 OF 35

Instrument# 2006-273445 # 15
Book: 5944
Page: 2197

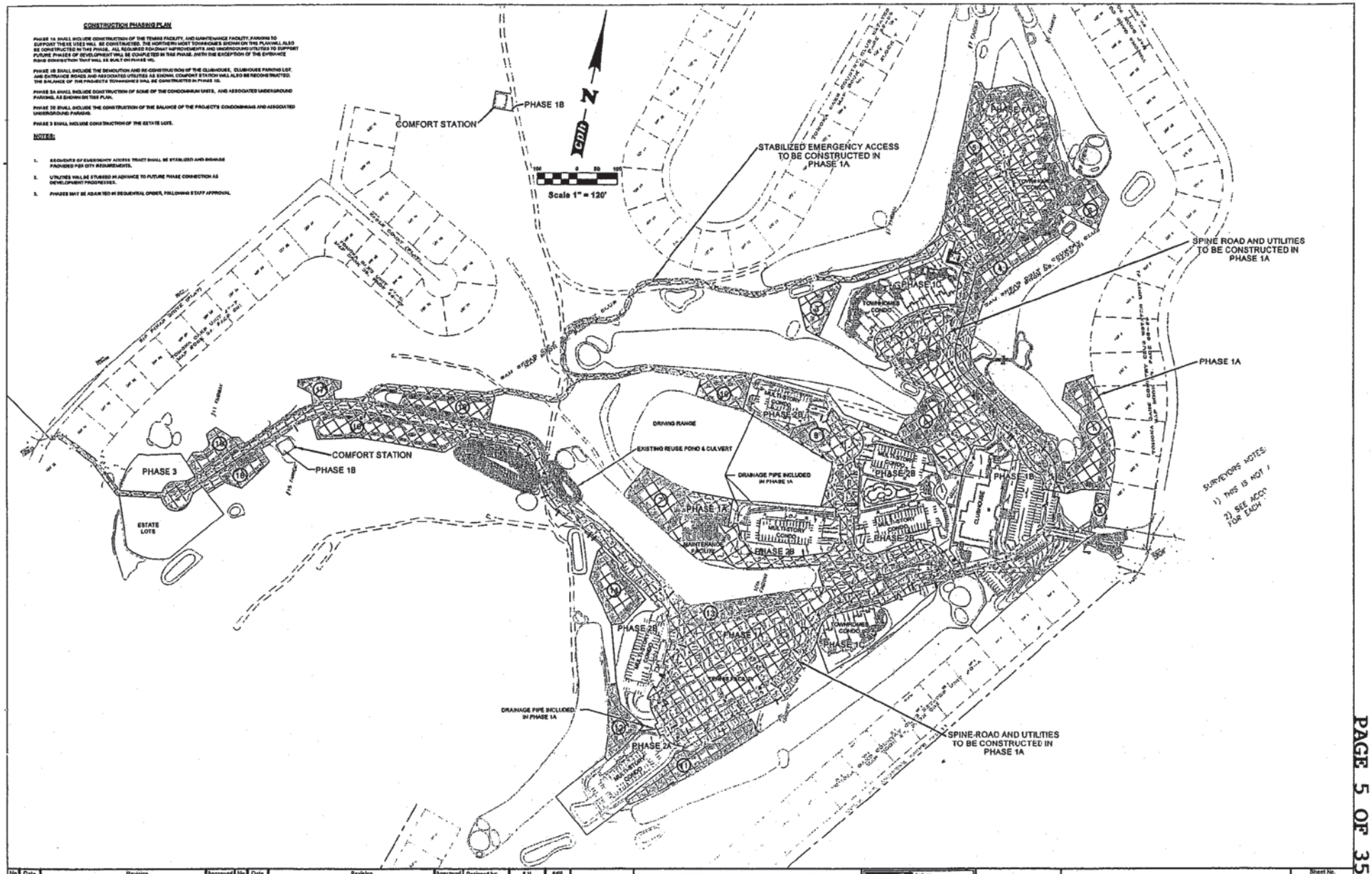

EXHIBIT "B"
PAGE 5 OF 35

Instrument# 2006-273445 # 16
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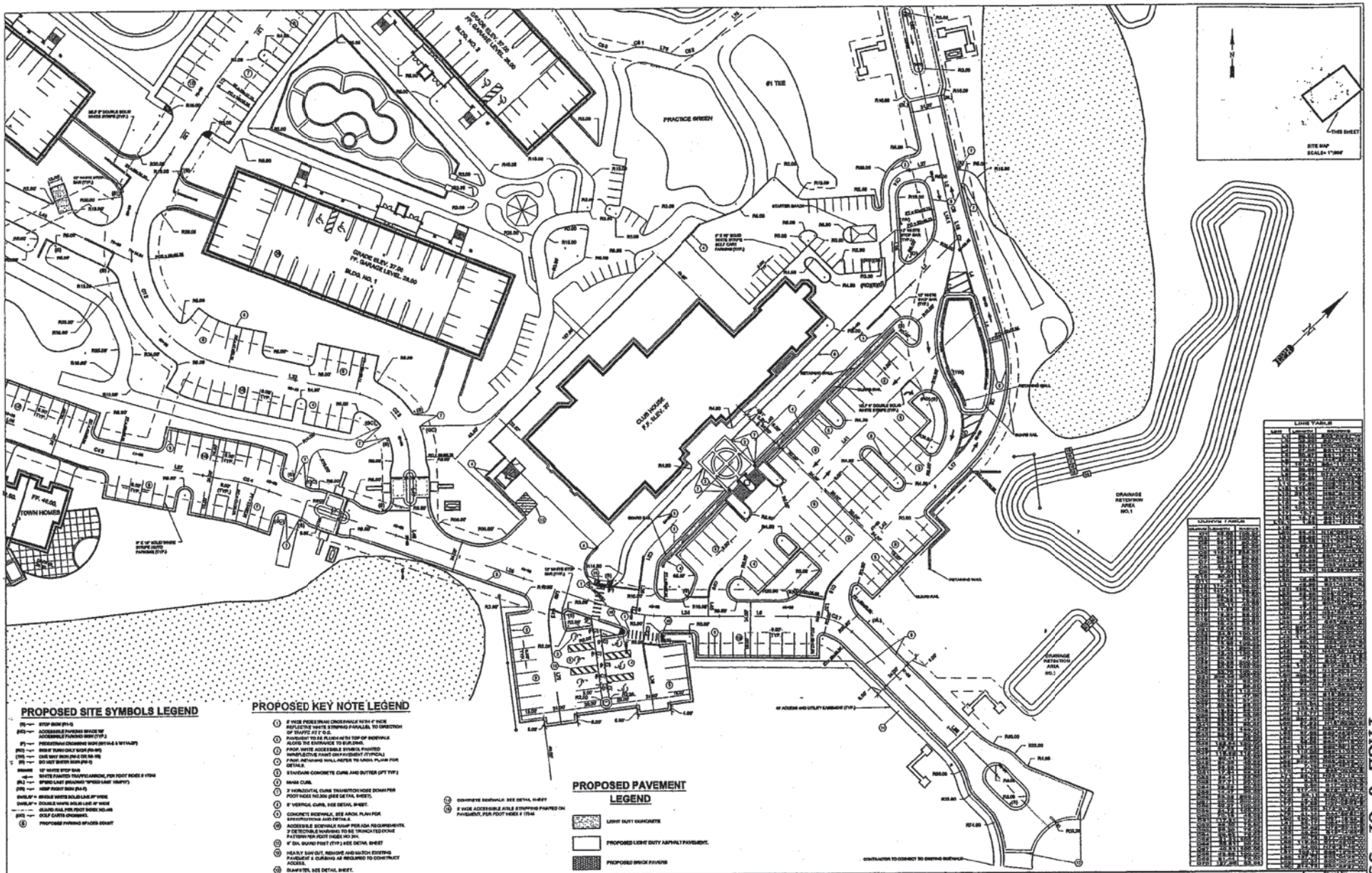

No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK

No	Date	Revision	Approved

Designed by:	S.H.	6/05
Drawn by:	S.B.	6/05
Checked by:	T.H.H.	6/05
Approved by:	J.R.M.	6/05

Certificate of Authorization No. 3538

Scale: 1"=30'
Date: June, 2005
Job No. 15701
File: T5701SDP1.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

JASON R. KELLOGG, P.E.
REG. # 59936

SITE DIMENSION PLAN

Sheet No. C7

EXHIBIT "B"
PAGE 6 OF 35

Instrument# 2006-273445 # 17
Book: 5944
Page: 2199

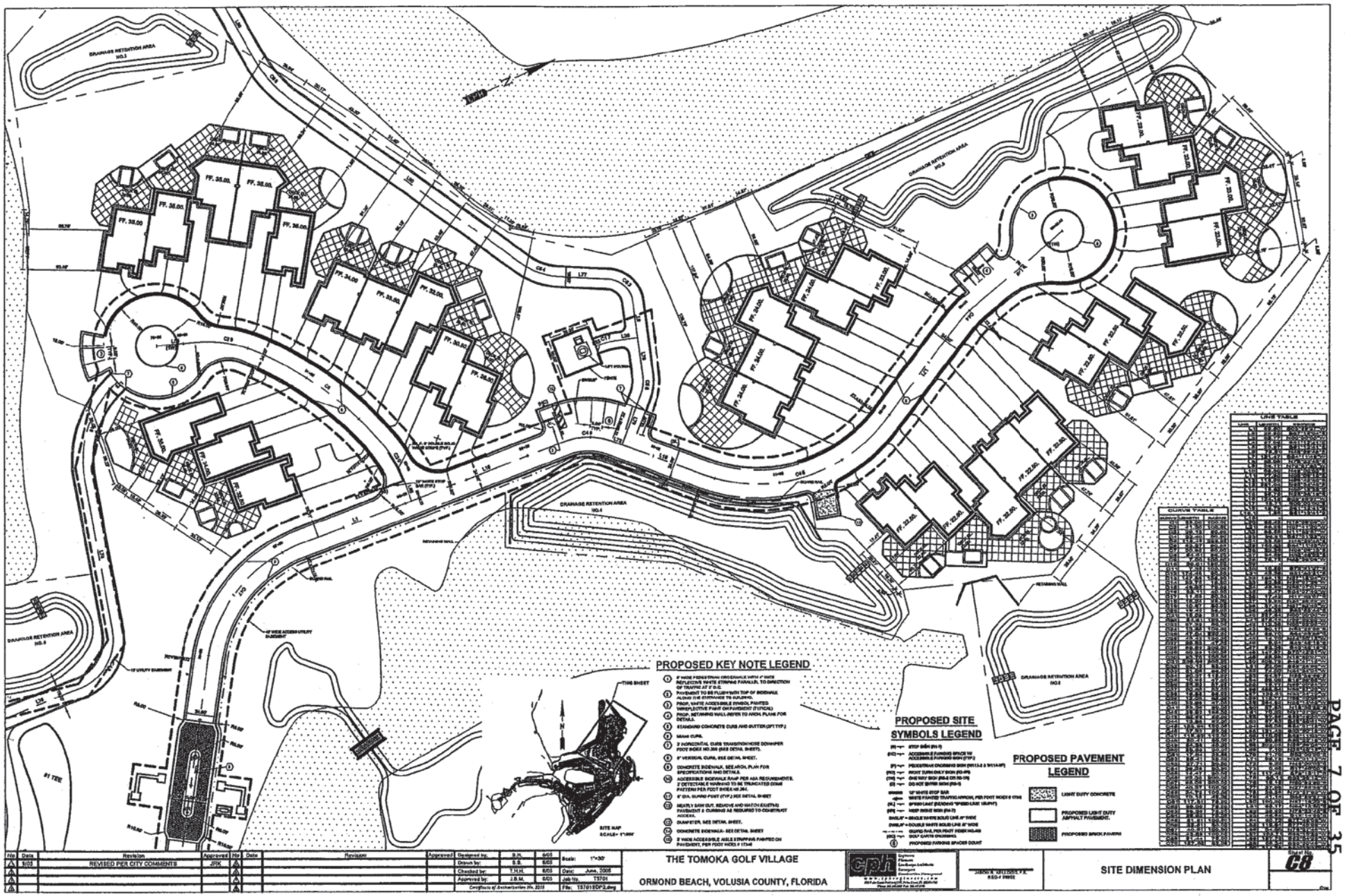

EXHIBIT "B"
PAGE 7 OF 35

Instrument# 2006-273445 # 18
Book: 5944
Page: 2200

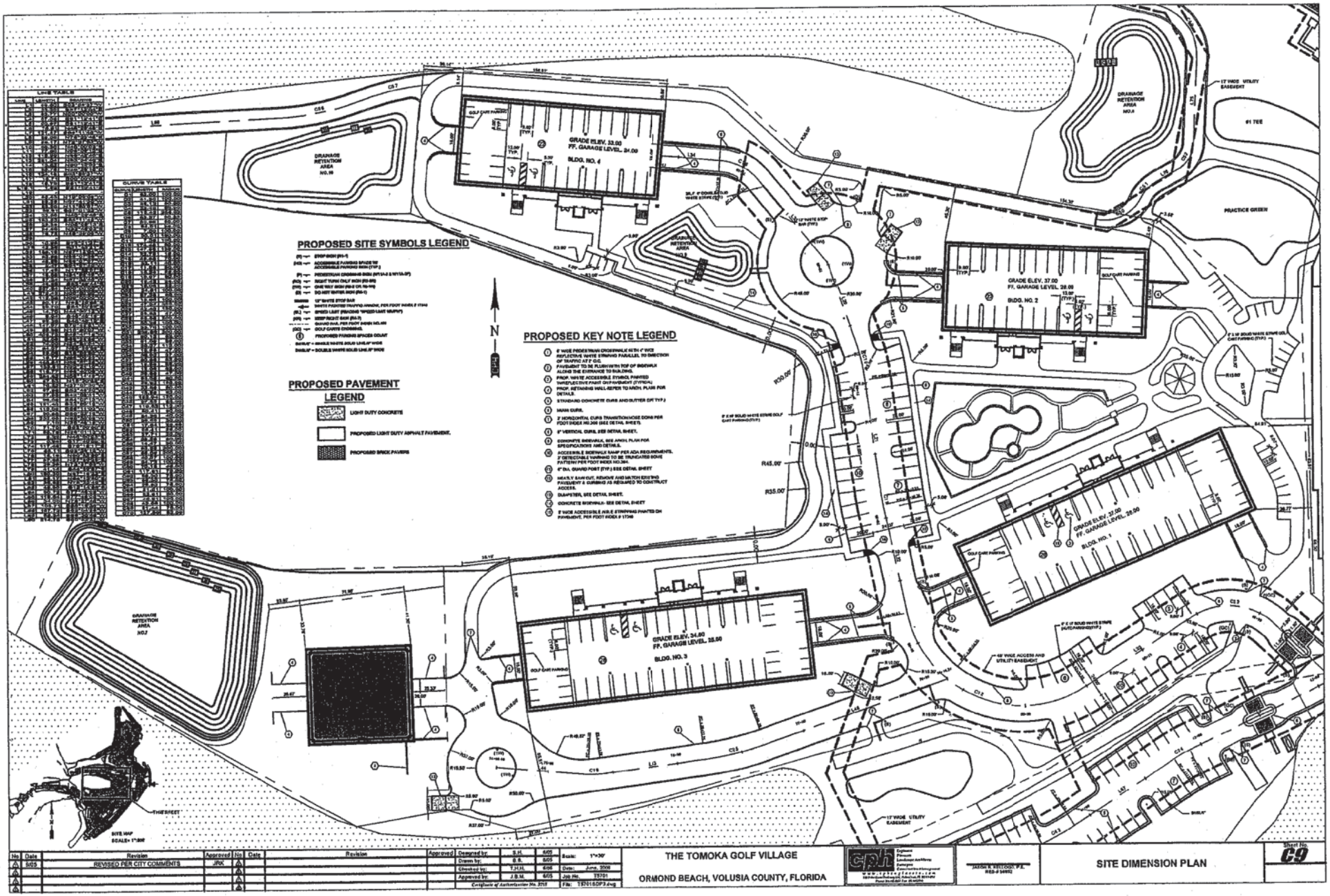

EXHIBIT "B" PAGE 8 OF 35

Instrument# 2006-273445 # 19
Book: 5944
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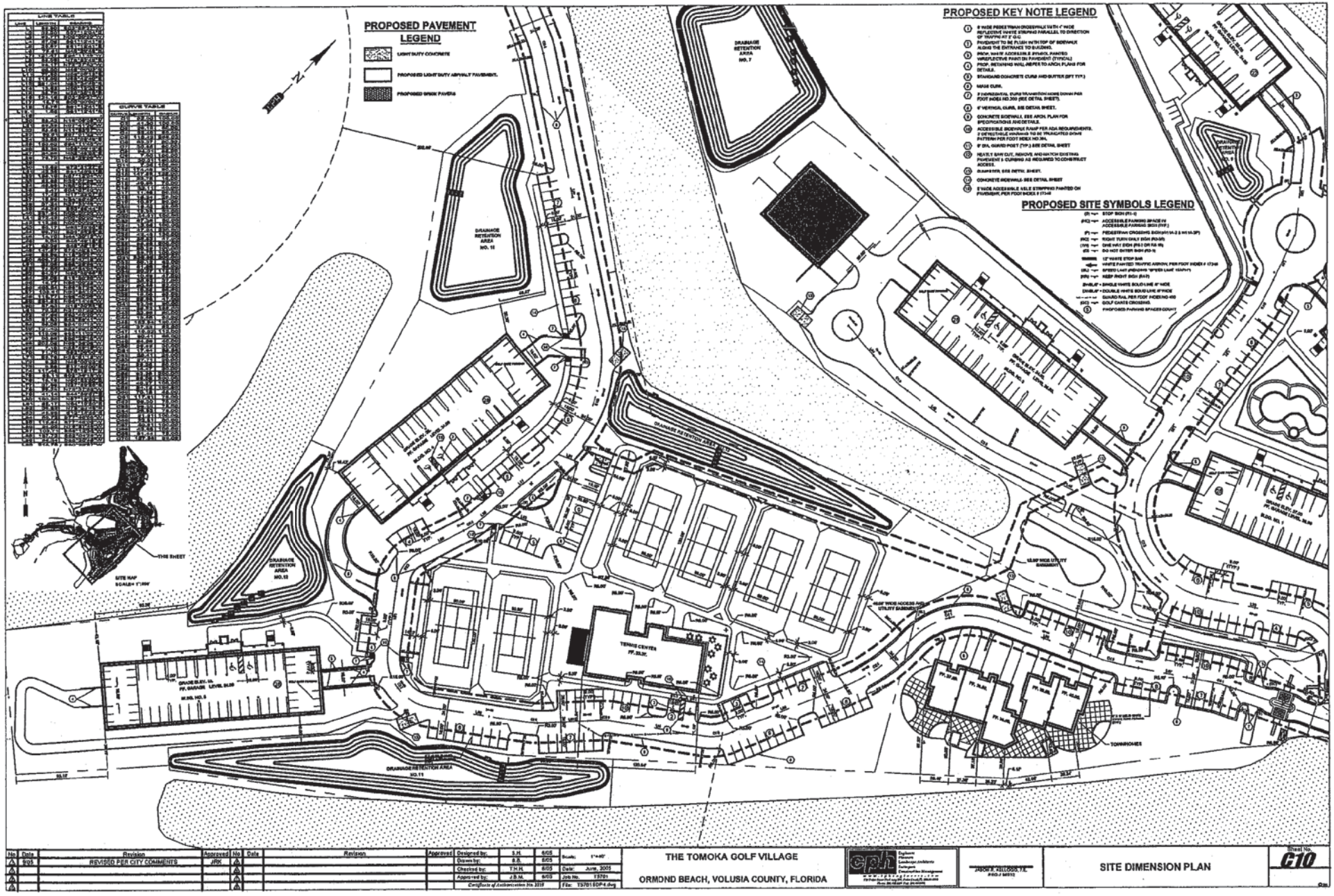


No.	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK

No.	Date	Revision	Approved

Designed by: S.H. 6/05
Drawn by: A.S. 6/05
Checked by: T.H.K. 6/05
Approved by: J.R.M. 6/05
Certificate of Authorization No. 3318
Scale: 1"=40'
Date: June, 2005
Job No. T3701
File: T3701SDP4.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph Engineers Planners Landscape Architects Surveyors www.cphnetwork.com

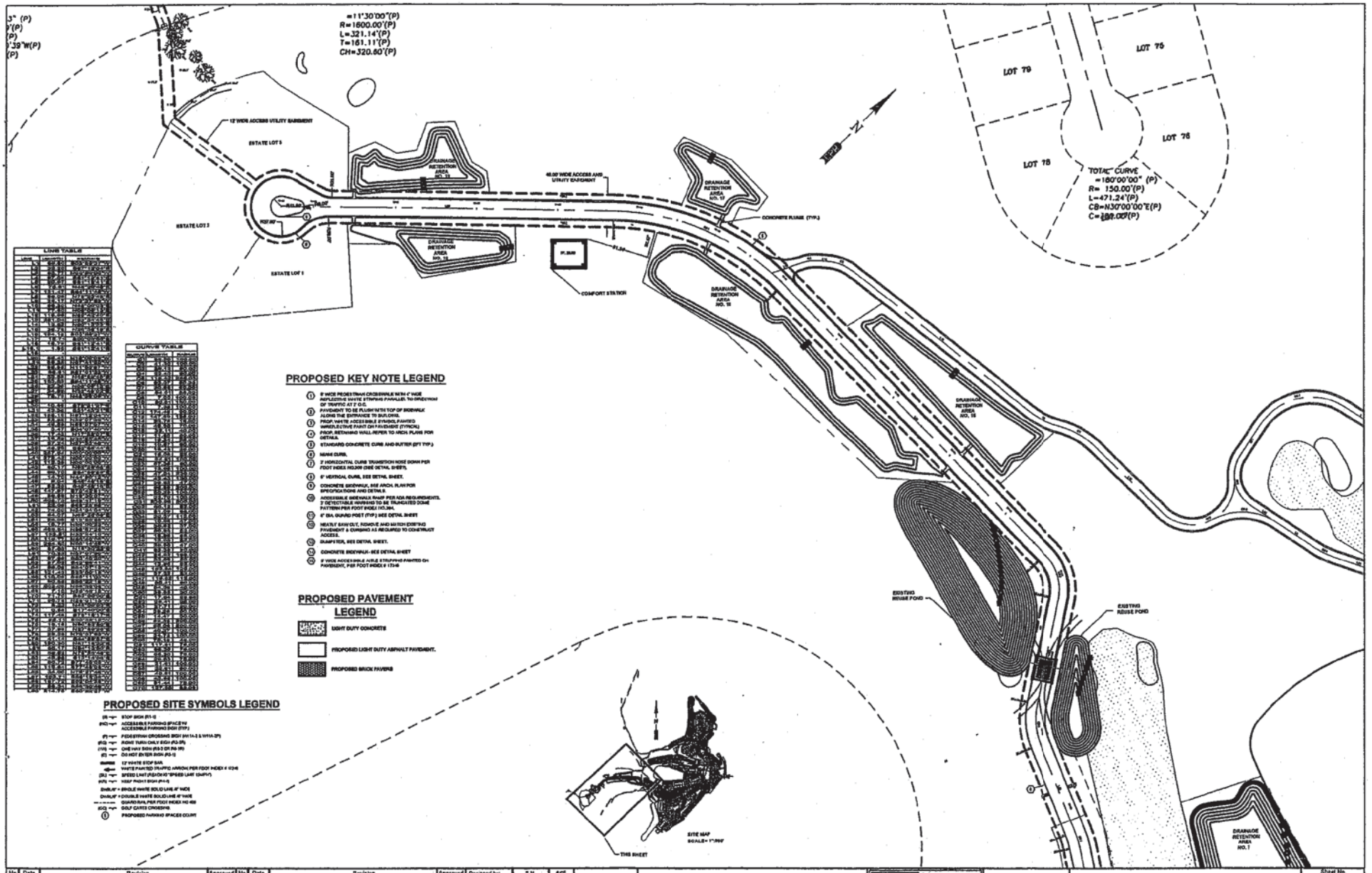
JASON K. KELLOGG, P.E. No. 57510

SITE DIMENSION PLAN

Sheet No. C10

EXHIBIT "B" PAGE 9 OF 35

Instrument# 2006-273445 # 20
Book: 5944
Page: 2202



No	Date	Revision	Approved
1	6/05	REVISED PER CITY COMMENTS	JRK

Designed by:	S.H.	6/05
Drawn by:	S.S.	6/05
Checked by:	T.H.H.	6/05
Approved by:	J.S.H.	6/05

Certificate of Authorization No. 5318

Scale: 1" = 30'
Date: June, 2005
Job No. 13701
File: 13701 SCP5.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

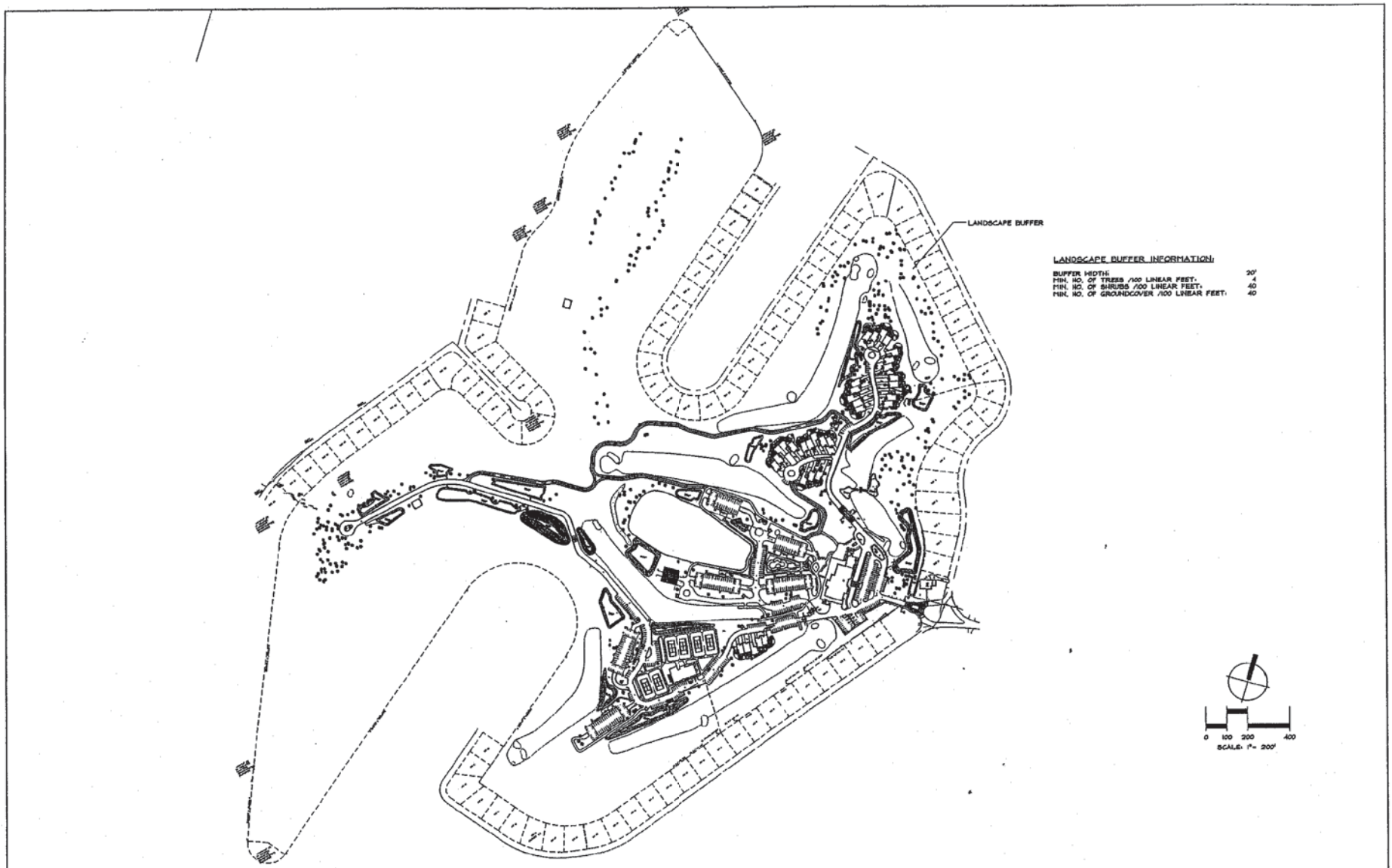
cph Engineers, Planners, Landscape Architects, Surveyors & Management Consultants

JASON R. KELLOGG P.E. REG.# 59862

SITE DIMENSION PLAN

Sheet No. C11

EXHIBIT "B" PAGE 10 OF 35



No	Date	Revision	Approved	No	Date	Revision	Approved
△				△			
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△				△			

Designed by:	GJP	6/05	Scale: 1" = 200'
Drawn by:	RES	6/05	
Checked by:	GJP	6/05	Date: June, 2005
Approved by:	GJP	6/05	Job No. T5761
Certificate of Authorization No. 2019			File: LSP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

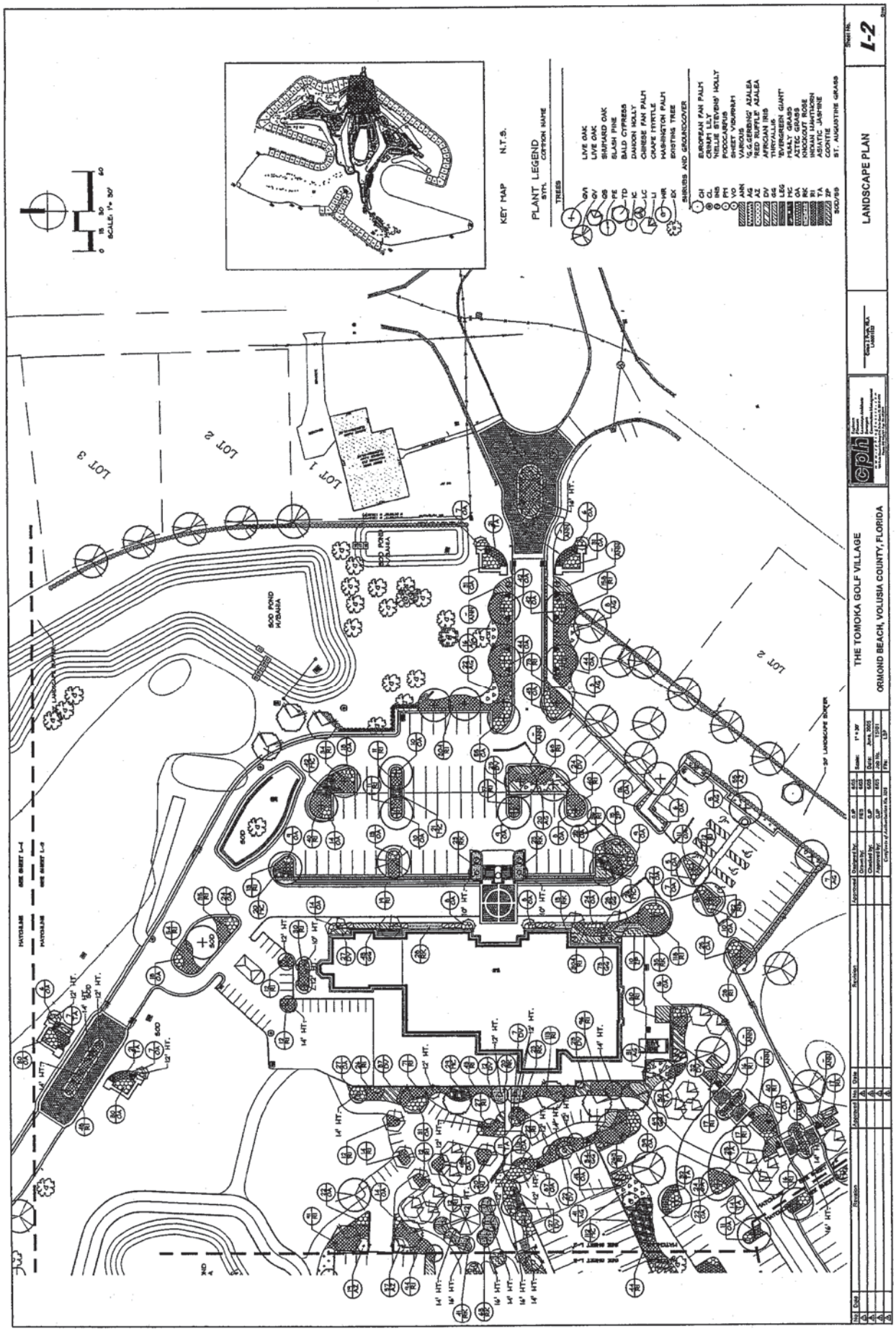
Gaston J. Pugh, RLA
LA0001523

OVERALL LANDSCAPE PLAN

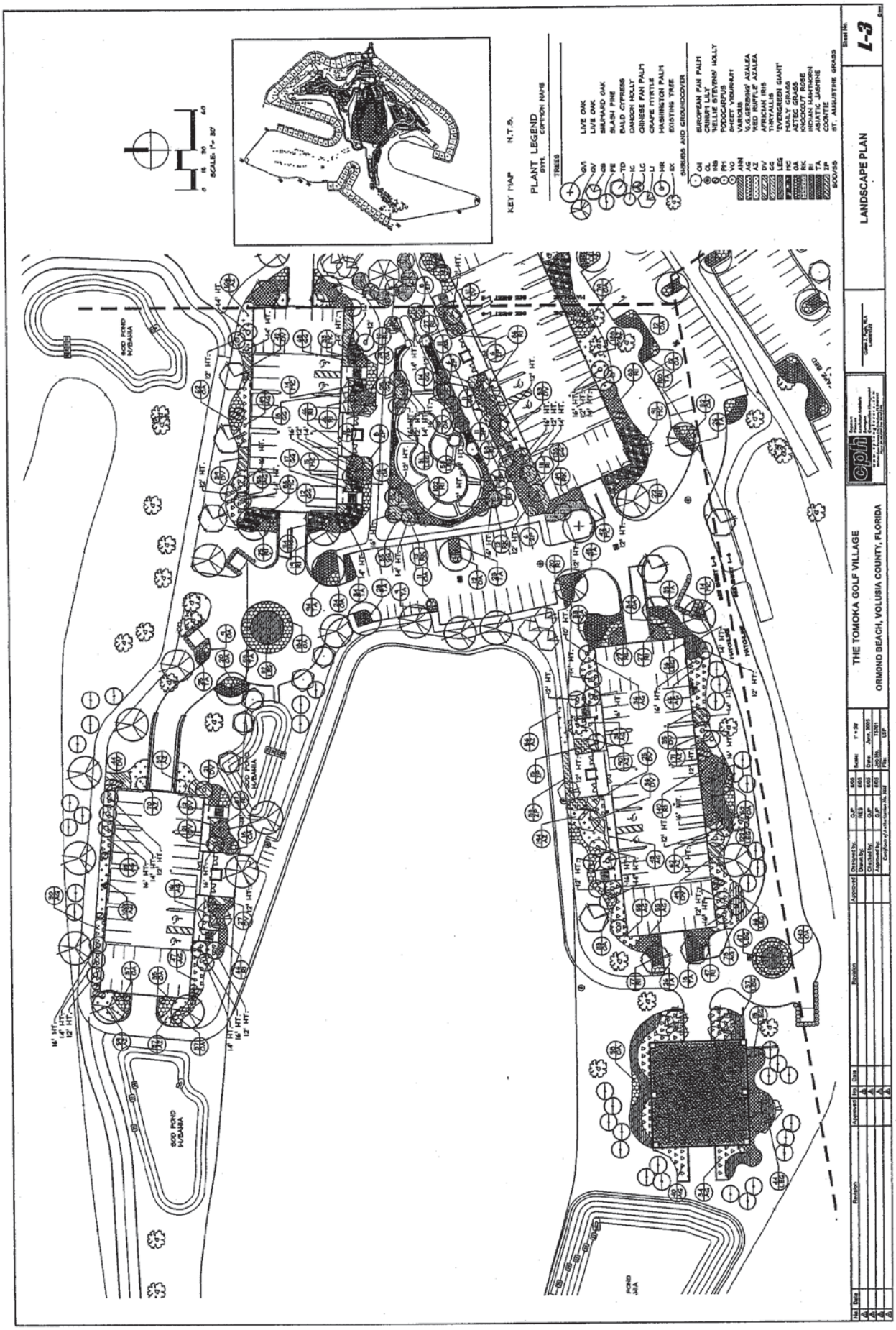
Sheet No. L-1

EXHIBIT "B"
PAGE 11 OF 35

Instrument# 2006-273445 # 22
Book: 5944
Page: 2204



Instrument# 2006-273445 # 23
Book: 5944
Page: 2205



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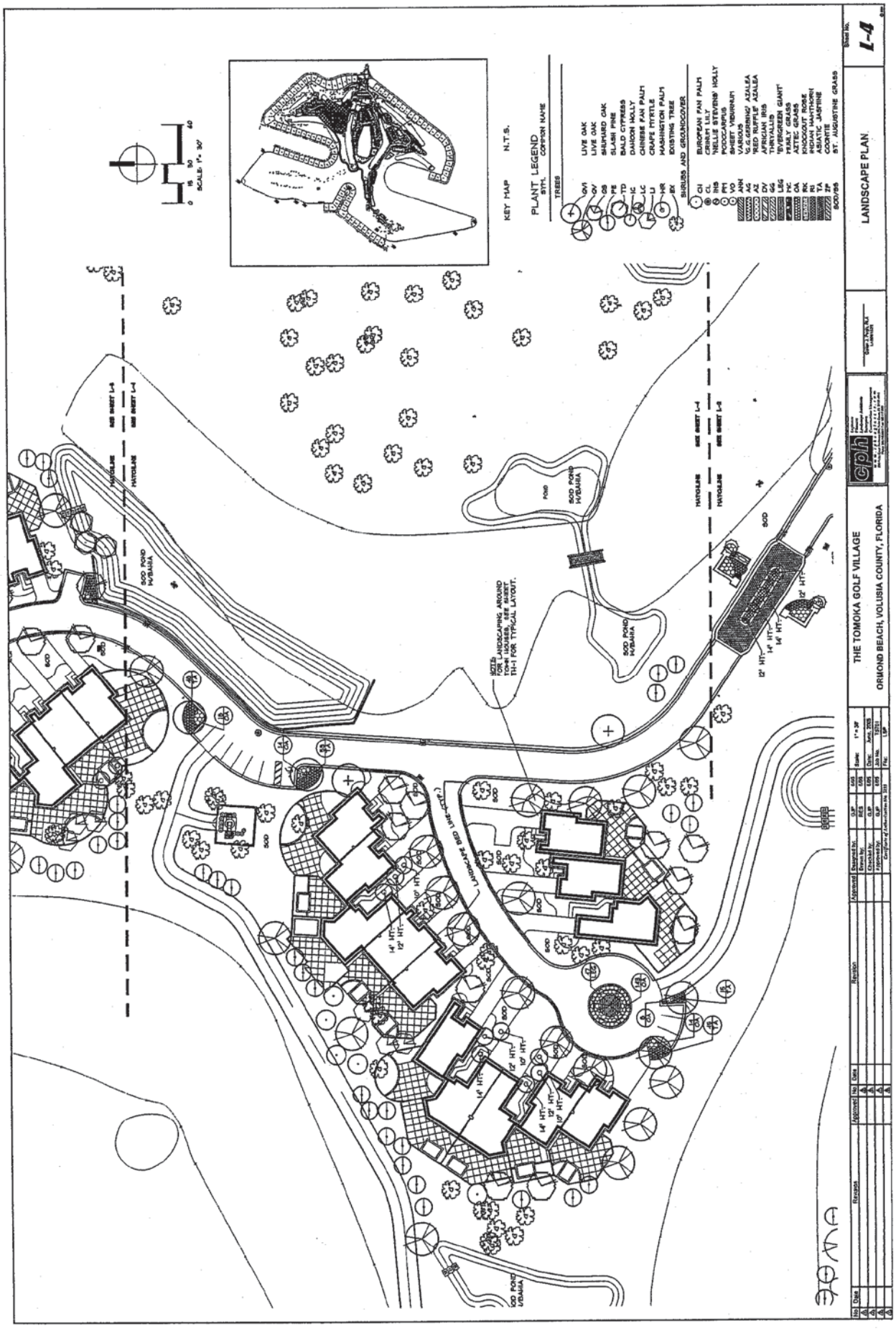

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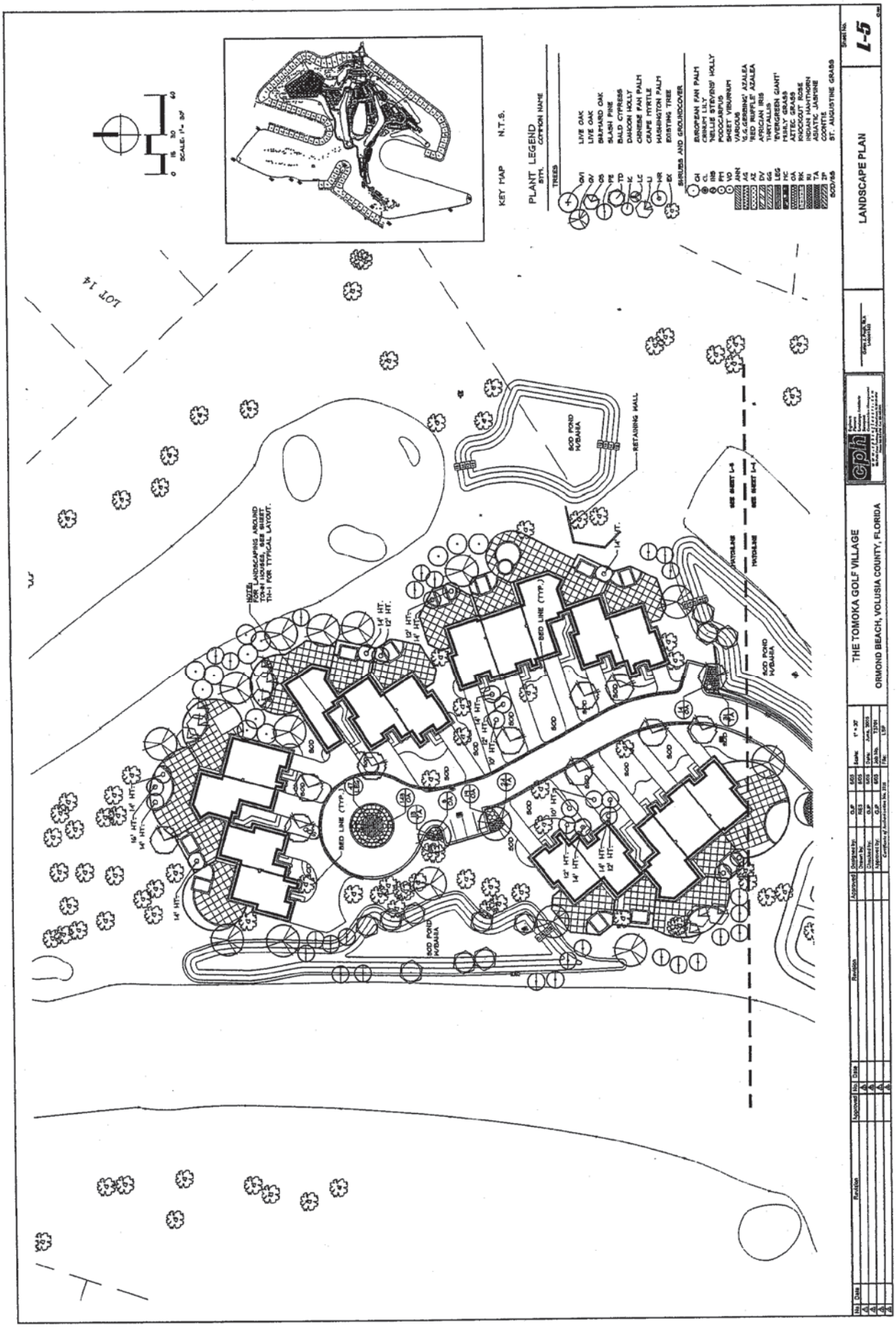

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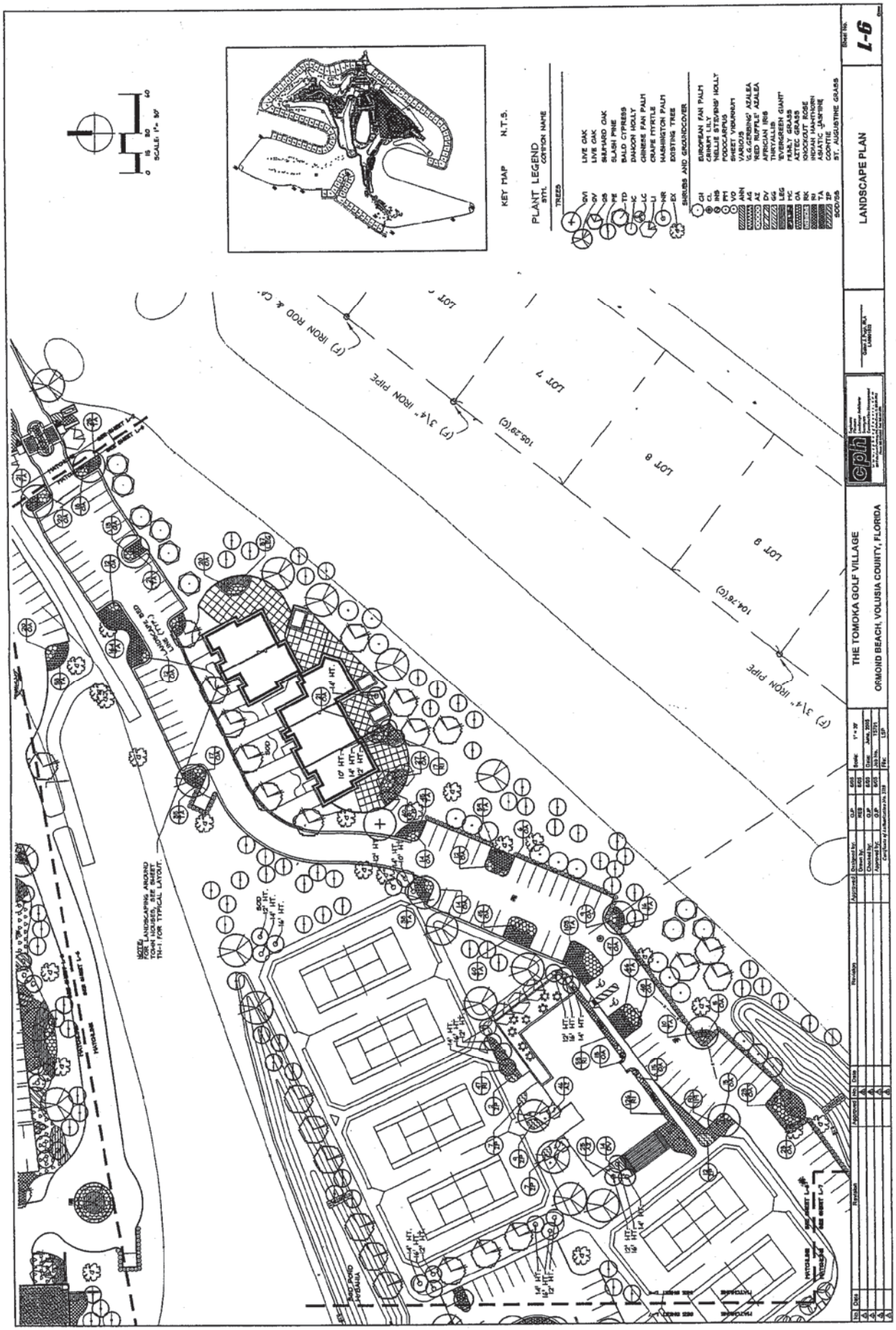
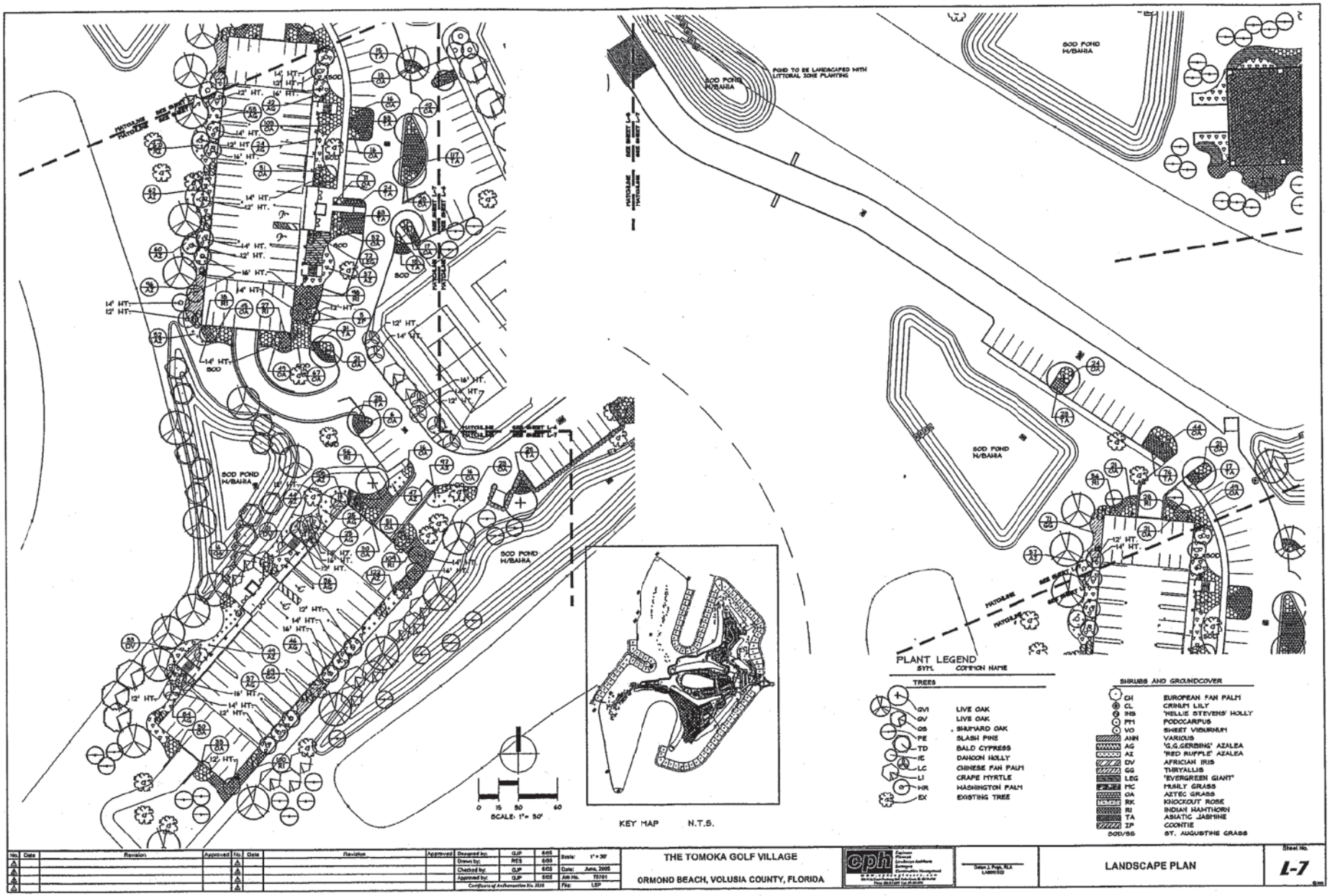


Instrument# 2006-273445 # 27
Book: 5944
Page: 2209



No.	Date	Revision	Approved	No.	Date	Revision	Approved
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2				2			
3				3			
4				4			

Designed by:	CJP	6/05
Drawn by:	RES	6/05
Checked by:	CJP	6/05
Approved by:	CJP	6/05

Certificate of Authorization No. 3536

Scale: 1" = 30'
Date: June, 2005
Job No. 75101
File: LSP

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

Dalton J. Pegis, RLA
LA0001502

LANDSCAPE PLAN

Sheet No. L-7

EXHIBIT "B"
PAGE 17 OF 35

Instrument# 2006-273445 # 28
Book: 5944
Page: 2210

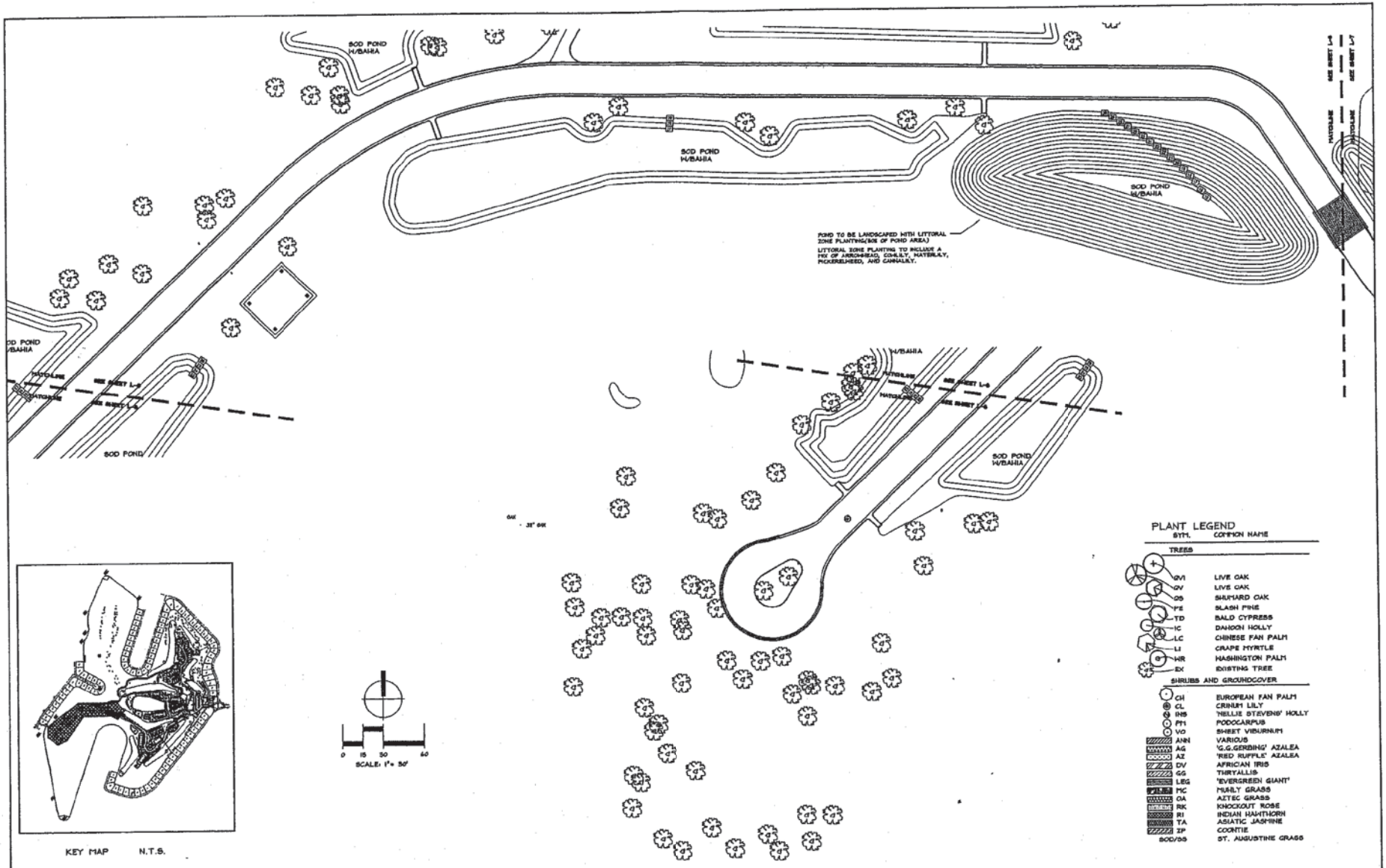

EXHIBIT "B"
PAGE 18 OF 35

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Book: 5944
Page: 2211

LANDSCAPE NOTES:

1. The Landscape Contractor shall be responsible for all materials and all work as called for on the Landscape Plans and in the Landscape Specifications. In the event of variables between quantities shown on plant list and the plans, the plans shall control. The Landscape Contractor shall verify all quantities and report any discrepancies at the time of bidding.
2. The Landscape Contractor shall review architectural/engineering plans and become thoroughly familiar with surface and subsurface utilities.
3. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. The Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of negligence in the execution of the work.
4. The work shall be coordinated with other trades to prevent conflicts. Coordinate the planting with the irrigation work to ensure workability and proper location of irrigation items and plants.
5. All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.
6. All plant material shall be graded Florida No. 1 or better as outlined under Grades and Standards for Nursery Plants, Part I and II, published by the Florida Department of Agriculture and Consumer Services or to the standards as given in the latest "American Standard for Nursery Stock," American National Standards Institute.
7. The Landscape Architect or Owner shall have the right, at any stage of the operations, to reject any and all work and materials which, in his opinion, do not meet with the requirements of these specifications.
8. Except as otherwise specified, the Landscape Contractor's work shall conform to accepted horticultural practices as used in the trade.
9. The minimum acceptable size of all plants, measured after pruning, with branches in normal positions, shall conform to the measurements specified on the plant list, or as indicated on the Landscape drawing. Height and spread dimensions refer to main body of the plant and not extreme branch tip to tip. The caliper of tree trunks is to be taken one foot above the ground level.
10. Plants shall be protected upon arrival at the site, by being thoroughly watered and properly maintained until planted.
11. All tree pits shall be excavated to size and depth in accordance with the USDA Standard for Nursery Stock 260.1, unless shown otherwise on the drawings, and backfilled with the specified planting soil. The Landscape Contractor shall test fill all tree pits with water before planting to assure proper drainage percolation is available.
12. The Landscape Contractor shall be responsible for proper watering of all plants. All plants shall be thoroughly watered at time of planting and kept adequately watered until time of acceptance. It shall be the Landscape Contractor's responsibility to assure that plants are not over watered.
13. It shall be the Landscape Contractor's responsibility to prevent plants from falling or being blown over, to reset/replant and replant all plants which lean or fall and to replace all plants which are damaged due to lack of proper guying or staking. The Landscape Contractor shall be legally liable for any damages caused by instability of any plant material.
14. All trees and all palms shall be guyed or staked or braced. The Landscape Contractor shall determine which small or multi-trunk trees need to be guyed and staked to maintain plants. Staking of trees and shrubs, if required, shall be done as per staking and guying detail prepared by the Landscape Architect. It shall be the responsibility of the Landscape Contractor to remove guys and stakes from the trees and job site after a period of 90 days.
15. Plants blown over by high winds, within the guaranteed period, shall not be same for additional expense to the Owner, but shall be the responsibility of the Landscape Contractor. Damaged plants shall be replaced by the Landscape Contractor at no additional cost to the Owner.
16. Sod shall be certified to be free of the imported fire ant. Sod shall have a clean growth of acceptable grasses, reasonably free of weeds with not less than 1 1/2" of soil firmly adhering to roots. It shall be the responsibility of the Landscape Contractor to maintain and determine the exact amount required. This amount shall be verified with the Owner or Landscape Architect before installation.
17. The Landscape Contractor shall insure adequate vertical drainage in all plant beds, planters, and sod areas. Vertical drilling through any compacted fill to native soil shall be accomplished to insure drainage. If such drained fill is necessary to assure positive drainage, this issue shall be brought up by the Landscape Contractor at time of bidding.
18. The Landscape Contractor shall insure that his work does not interrupt established or projected drainage patterns.
19. The Landscape Contractor shall prune, shape and remove dead foliage/limbs from existing plant material to remain. Confirm with the Landscape Architect or Owner the extent of work required at time of bidding.
20. Mulch - All plant beds shall be top dressed with 3" shredded hardwood mulch (or approved equal).
21. Transplanted Material - The Landscape Contractor shall be responsible for determining and evaluating which plant materials are suitable for transplanting and shall verify this with the Landscape Architect or Owner. The Landscape Contractor shall take all reasonable, horticulturally advisable measures to ensure the successful transplanting of determined plant materials. The Landscape Contractor shall be responsible for replacing any relocated plant materials which die if such measures are not taken, as determined by the Landscape Architect or Owner. Replacement plants shall be of identical species and size if required.
22. MAINTENANCE PRIOR TO FINAL INSPECTION AND ACCEPTANCE:

    Maintenance shall commence after each plant is planted and the maintenance period shall continue until the job or possible phase of the job is accepted by the Landscape Architect or Owner. Extreme care shall be taken to instruct the Owner or his representatives in general maintenance procedures.

    Plant maintenance shall include watering, pruning, weeding, cultivating, mulching, tightening, and repairing of guys, replacement of stakes or dead plants, resetting plants to proper grades or upright positions and restoration of the planting saucer and all other care needed for proper growth of the plants.

    During the maintenance period and up to the date of final acceptance, the Landscape Contractor shall do all necessary spraying and/or dusting of trees and shrubs. Upon completion of all planting, an inspection for acceptance of work will be held. The Landscape Contractor shall notify the Landscape Architect or Owner for scheduling of the inspection 10 days prior to the anticipated date.

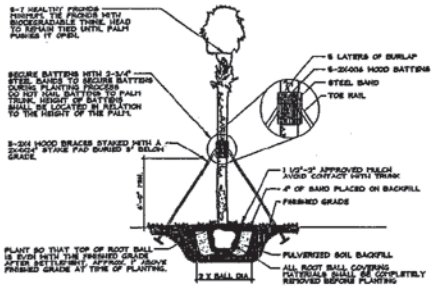
    At the time of the inspection, if all of the materials are acceptable, a written notice will be given by the Landscape Architect or Owner to the Landscape Contractor stating the date when the Maintenance Period ends.

    GUARANTEE AND REPLACEMENT:

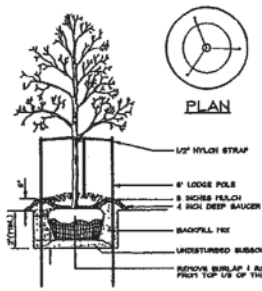
    All plant materials shall be guaranteed for one (1) year from the time of final inspection and interim acceptance shall be alive and in satisfactory growth for each specific kind of plant at the end of the guaranteed period.

    At the end of the guarantee period, any plant required under this contract that is dead or not in satisfactory growth, as determined by the Owner or the Landscape Architect, shall be removed and replaced. Replacement plants shall have an extended guarantee, as noted above, from time of replacement.

    All replacements shall be planted of the same kind and size as specified on the plant list. They shall be the responsibility of the Landscape Contractor.

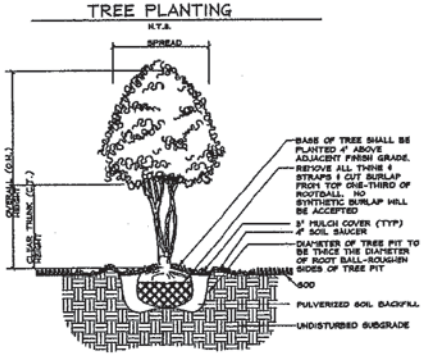


PALM STAKING DETAIL
N.T.S.

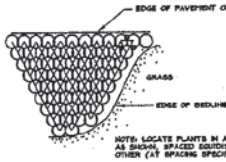


NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.

TREE PLANTING
N.T.S.

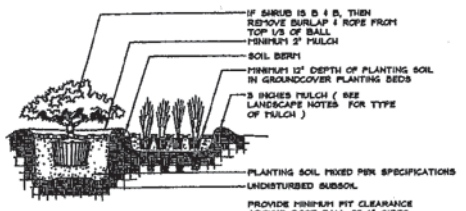


MULTI TRUNK TREE PLANTING DETAIL
NTS



NOTE: LOCATE PLANTS IN A TRIANGULAR PATTERN AS SHOWN, SPACED EQUIDISTANT FROM EACH OTHER (AT SPACING SPECIFIED IN THE PLANT LIST).

SHRUB/GROUNDCOVER SPACING PLAN
N.T.S.



SHRUB AND GROUNDCOVER PLANTING DETAIL
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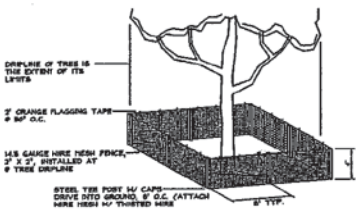
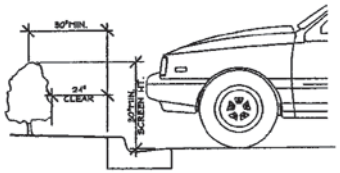
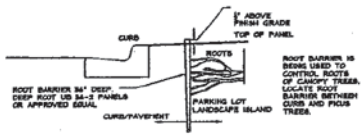


TREE PROTECTION DETAIL
N.T.S.



NOTES:
INSTALL HEDGE ALONG PARKING BAYS A MINIMUM OF 30" BEHIND BACK OF CURB TO ALLOW FOR 24" VEHICULAR OVERHANG. AT TIME OF INSTALLATION, HEDGE SHALL SCREEN A MINIMUM OF 30" ABOVE FINISH GRADE OF PARKING STALLS.

TYPICAL SECTION - HEDGE INSTALLATION
N.T.S.



ROOT BARRIER DETAIL
N.T.S.
(TO BE USED IN ALL PARKING LOT ISLANDS.)

PLANT LIST

SYM.	QTY.	BOTANICAL NAME	COMMON NAME	DESCRIPTION
TREES				
QVI	57 *	QUERCUS VIRGINIANA	LIVE OAK	4 1/2" CAL., 16' HT MIN
QV	191 *	QUERCUS VIRGINIANA	LIVE OAK	2 1/2" CAL, 10' HT MIN, 4' SPRD
QS	67 *	QUERCUS SHUMARDII	SHUMARD OAK	2 1/2" CAL, 10' HT MIN, 4' SPRD
PE	148 *	PINUS ELLIOTTI	SLASH PINE	30 GAL, 7'-8' HT MIN
TD	37	TAXODIUM DISTICHUM	BALD CYPRESS	2 1/2" CAL, 10' HT MIN
IC	55 *	ILEX CASSINE	DAHOON HOLLY	2" CAL, 10' HT MIN
LC	42 *	LIVINSTONA CHINENSIS	CHINESE FAN PALM	10'-16' O.A., AS SHOWN
LI	83 *	LAGERSTROEMIA INDICA	CRAPE MYRTLE	30 GAL, 3-6 STEM, 7' HT MIN
HR	175 *	WASHINGTONIA ROBUSTA	WASHINGTON PALM	10'-16' CT, AS SHOWN
EX	452	EXISTING TREE	VARIOUS	-
SHRUBS AND GROUNDCOVER				
CH	45 *	CHAMAEROPS HUMILIS	EUROPEAN FAN PALM	7 GAL, 36" MIN HT
CL	154	CRINUM ASIATICUM	CRINUM LILY	3 GAL., 24" HT MIN., 36" O.C.
INS	101	ILEX 'NELLIE R. STEVENS'	'NELLIE STEVENS' HOLLY	7 GAL., 36" HT. MIN., 36" O.C.
PM	60	PODOCARPUS MACROPHYLLUS	PODOCARPUS	3 GAL., 24" HT MIN., 36" O.C.
VO	612	VIBURNUM ODORATISSIMUM	SWEET VIBURNUM	3 GAL., 30" HT MIN., 36" O.C.
ANN	-	ANNUALS	VARIOUS	--
AG	1335	RHODODENDRON 'MRS. G.G.GERBING'	'G.G.GERBING' AZALEA	3 GAL., 12" HT., FULL, 36" O.C.
AZ	2162	RHODODENDRON 'RED RUFFLE'	'RED RUFFLE' AZALEA	3 GAL., 12" HT., FULL, 24" O.C.
DV	784 *	DIETES VEGETA	AFRICIAN IRIS	1 GAL., FULL., 24" O.C.
GG	726	GALPHIMIA GRACILIS	TIRYALLIS	3 GAL., 12" HT., FULL, 24" O.C.
LEG	1067 *	LIRIOPE 'EVERGREEN GIANT'	'EVERGREEN GIANT'	3 GAL, 10" HT.; 6"-8" PPP , 30" O.C.
MC	625 *	MUHLENBERGIA CAPILLARIS	MUHLY GRASS	3 GAL., 10" HT., FULL, 30" O.C.
OA	4055 *	OPHIOPOGON 'ARGENTEOMARGINATUS'	AZTEC GRASS	1 GAL., FULL, 6-8 PPP, 24" O.C.
RI	4647	RHAPHIOLEPIS INDICA	INDIAN HAWTHORN	3 GAL., 12"-15" HT MIN., 30" O.C.
RK	395	ROSA 'KNOCKOUT'	KNOCKOUT ROSE	3 GAL., 24" HT MIN., 30" O.C.
TA	2155 *	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE	1 GAL., FULL, 6-8 PPP, 24" O.C.
ZP	185 *	ZAMIA PUMILA	COONTIE	3 GAL., 18" HT MIN., 36" O.C.
SOD/ES	BY CONTR.	STENOTAPHRUM SECUNDATUM	ST. AUGUSTINE GRASS	SOLID SOD, CONTRACTOR TO VERIFY QTY.

* - INDICATES PLANTS THAT ARE DROUGHT TOLERANT PER "WATERWISE" FLORIDA LANDSCAPE MANUAL PUBLISHED BY FLORIDA'S WATER MANAGEMENT DISTRICT APRIL 2004 ISSUE.

NOTE:
PLANT DESCRIPTIONS ARE FOR MINIMUM ACCEPTABLE SPECIFICATIONS. ALL CRITERIA LISTED FOR CONTAINER SIZE, CALIPER, HEIGHT, SPREAD, ETC. MUST BE MET FOR PLANT MATERIAL ACCEPTANCE. FOR EXAMPLE, IF A THREE GALLON SHRUB DOES NOT MEET THE HEIGHT OR SPREAD SPECIFICATION, IT WILL NOT BE ACCEPTED.

IF SPECIFIED PLANTS ARE UNAVAILABLE AT TIME OF CONSTRUCTION, CONTRACTOR MAY REPLACE SPECIFIED PLANTS WITH PLANTS APPROVED BY LANDSCAPE ARCHITECT AND CITY STAFF.

ALL OPEN SPACE OR DISTURBED AREAS WITHIN THE CONSTRUCTION LIMITS SHALL BE SODDED UNLESS PAVED, SEEDED AND MULCHED OR PLANTED WITH SHRUBS AND GROUND COVER.

No.	Date	Revision	Approved
1			
2			
3			
4			
5			
6			

Designed by:	GJP	5/05
Drawn by:	PES	5/05
Checked by:	GJP	5/05
Approved by:	GJP	5/05
Certificate of Authorization No. 2559		

Scale: HTA
Date: June, 2005
Job No. T2701
File: LSP

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

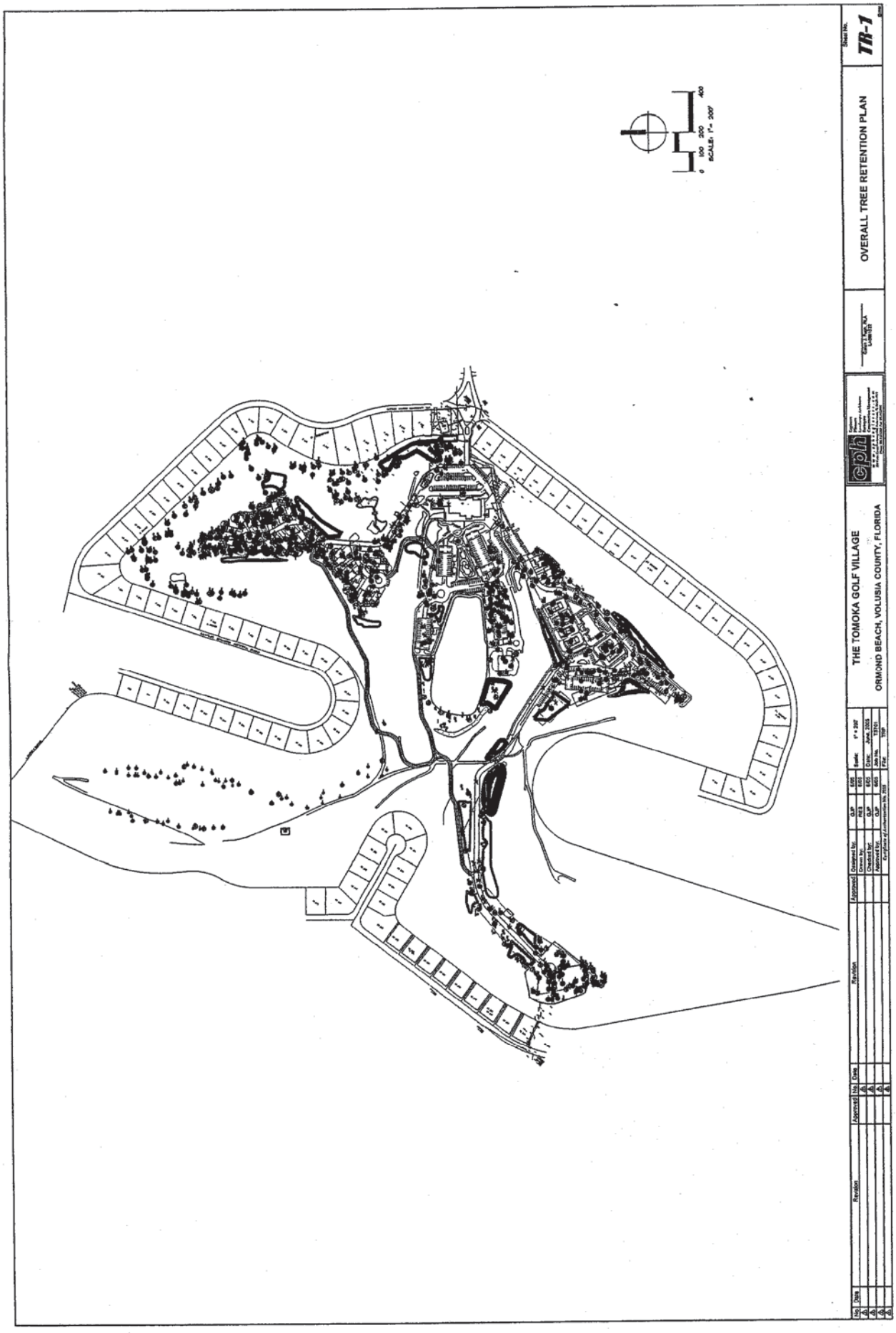
cph Engineers, Planners, Landscape Architects, Surveyors, Construction Management

Galen J. Pugh, RLA LA0001522

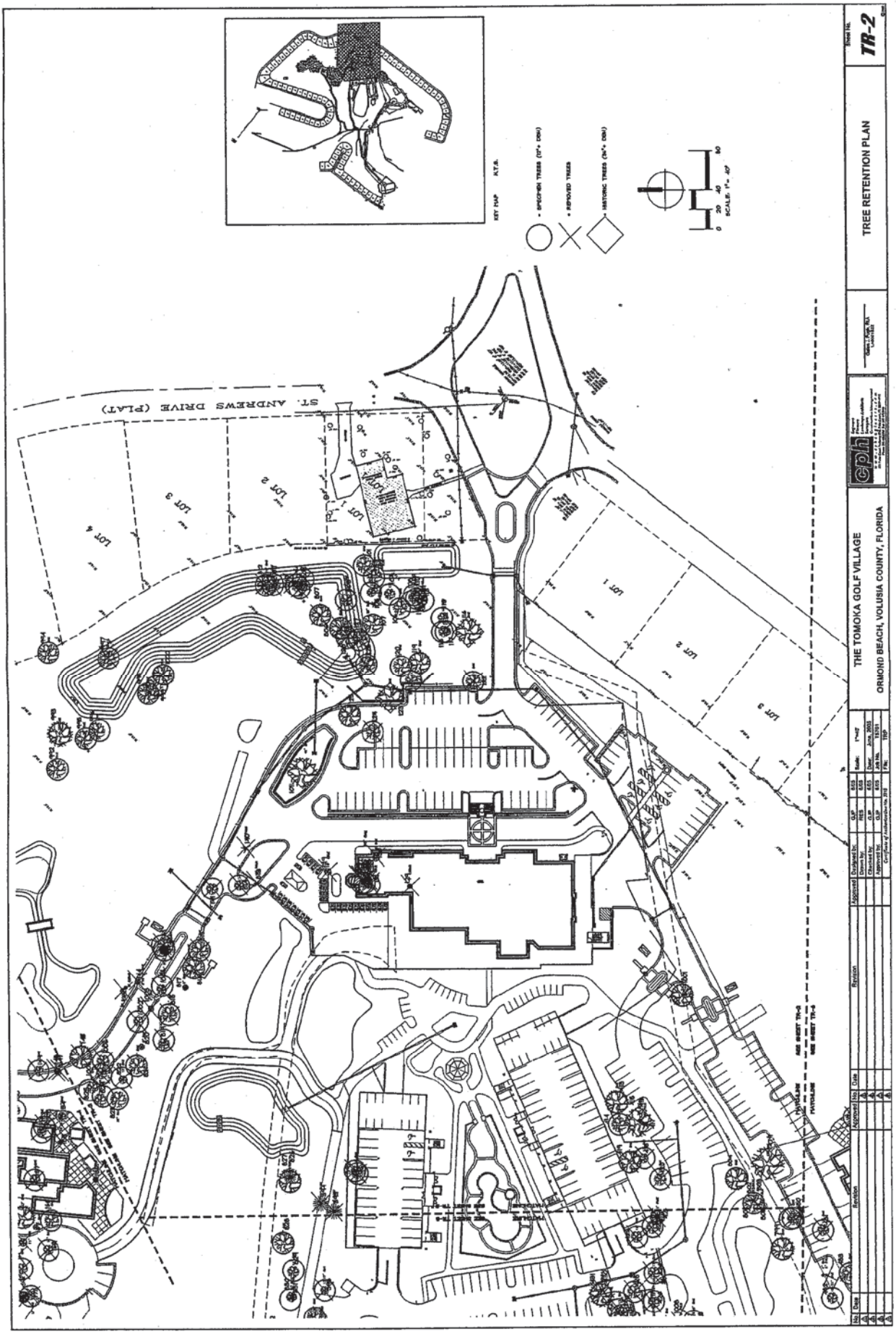
LANDSCAPE NOTES AND DETAILS

Sheet No. L-9

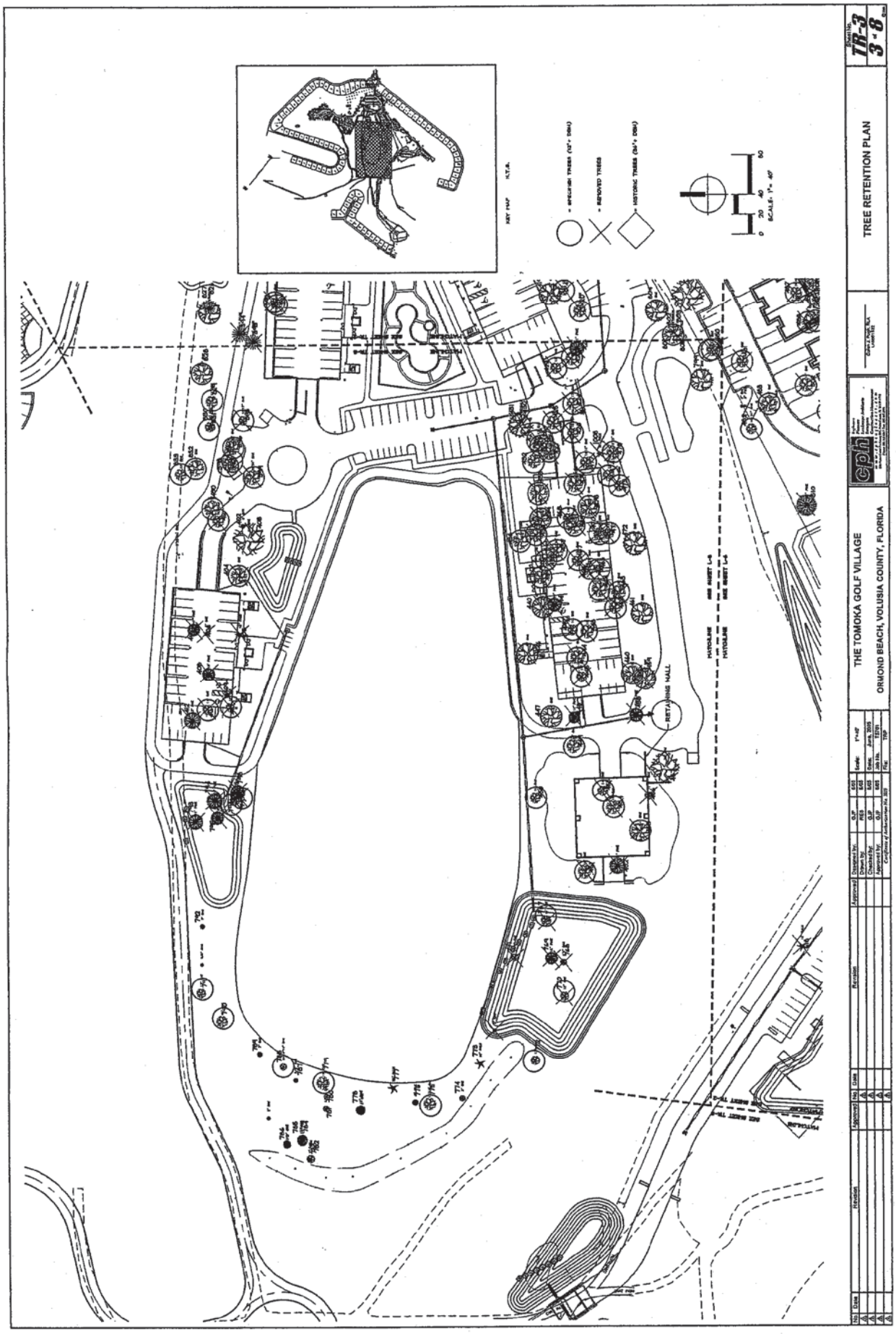
Instrument# 2006-273445 # 30
Book: 5944
Page: 2212



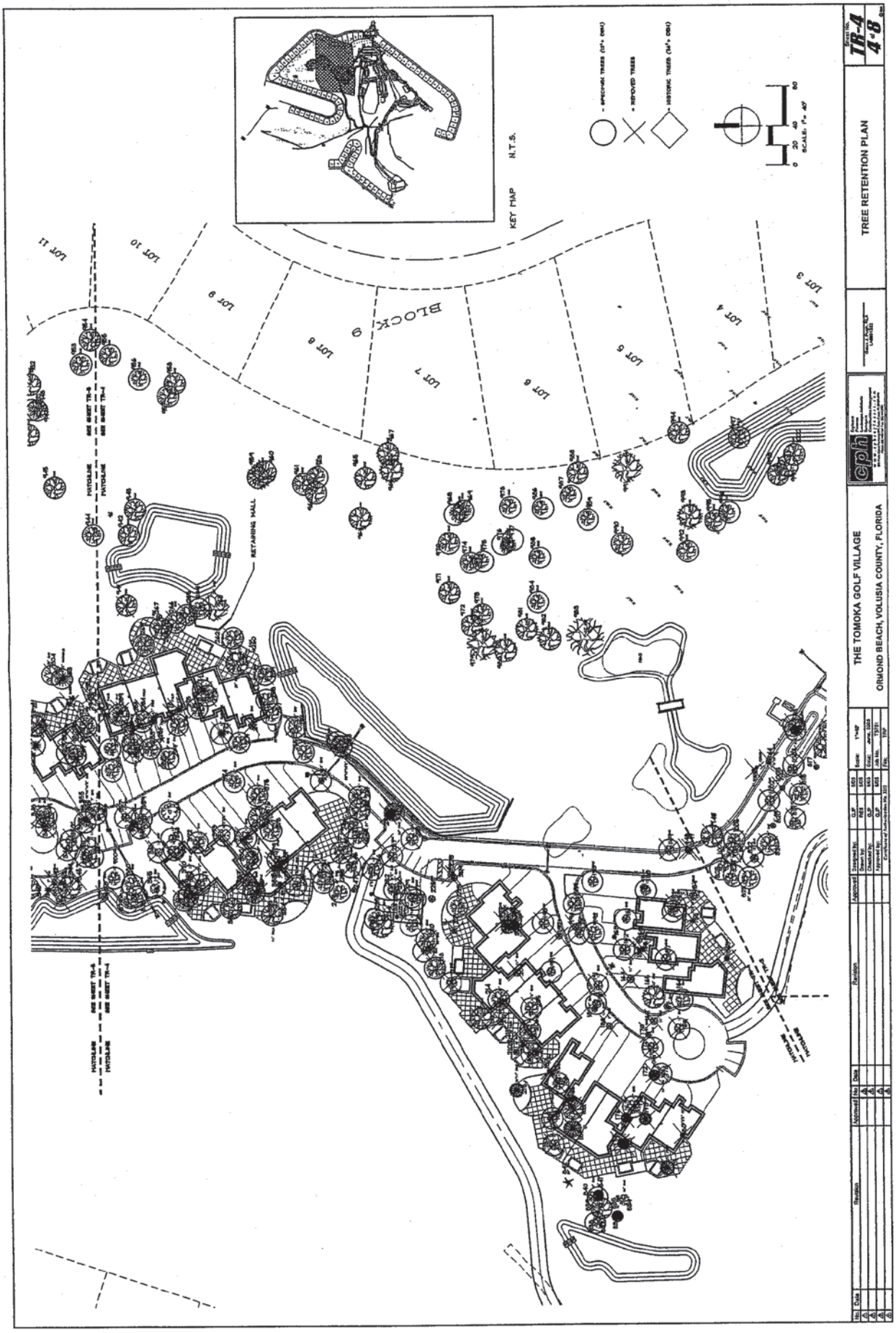
Instrument# 2006-273445 # 31
Book: 5944
Page: 2213



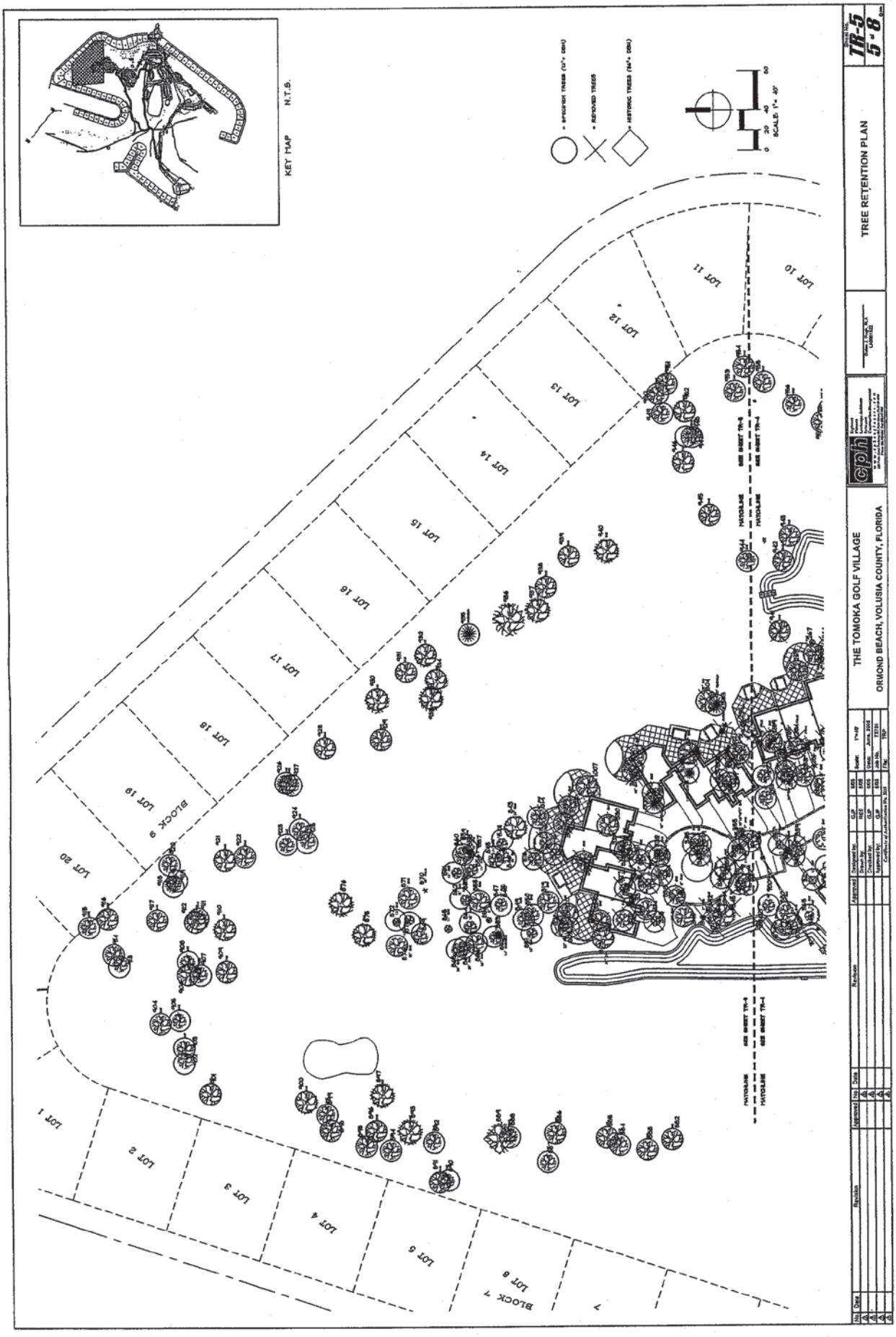
Instrument# 2006-273445 # 32
Book: 5944
Page: 2214



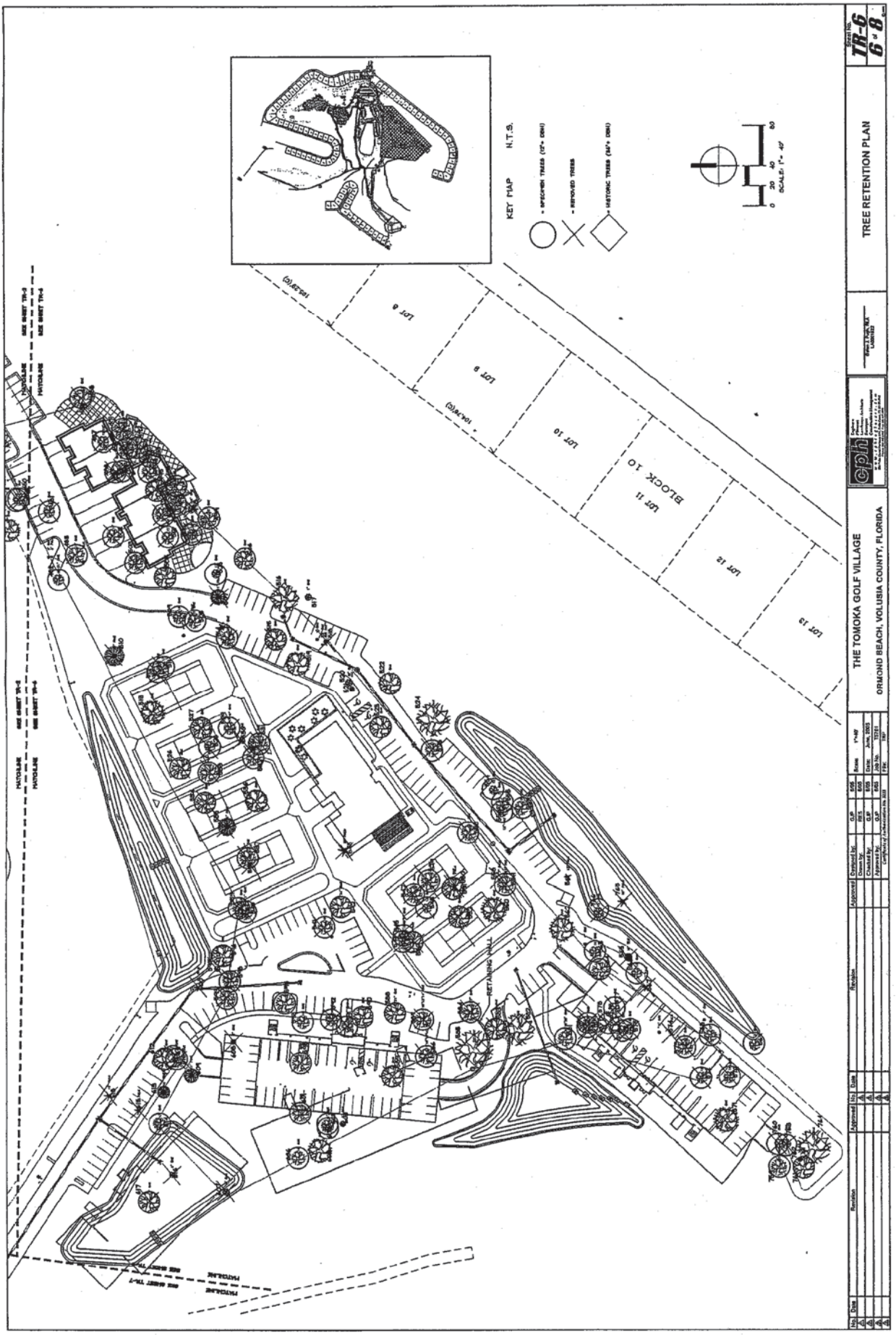
Instrument# 2006-273445 # 33
Book: 5944
Page: 2215

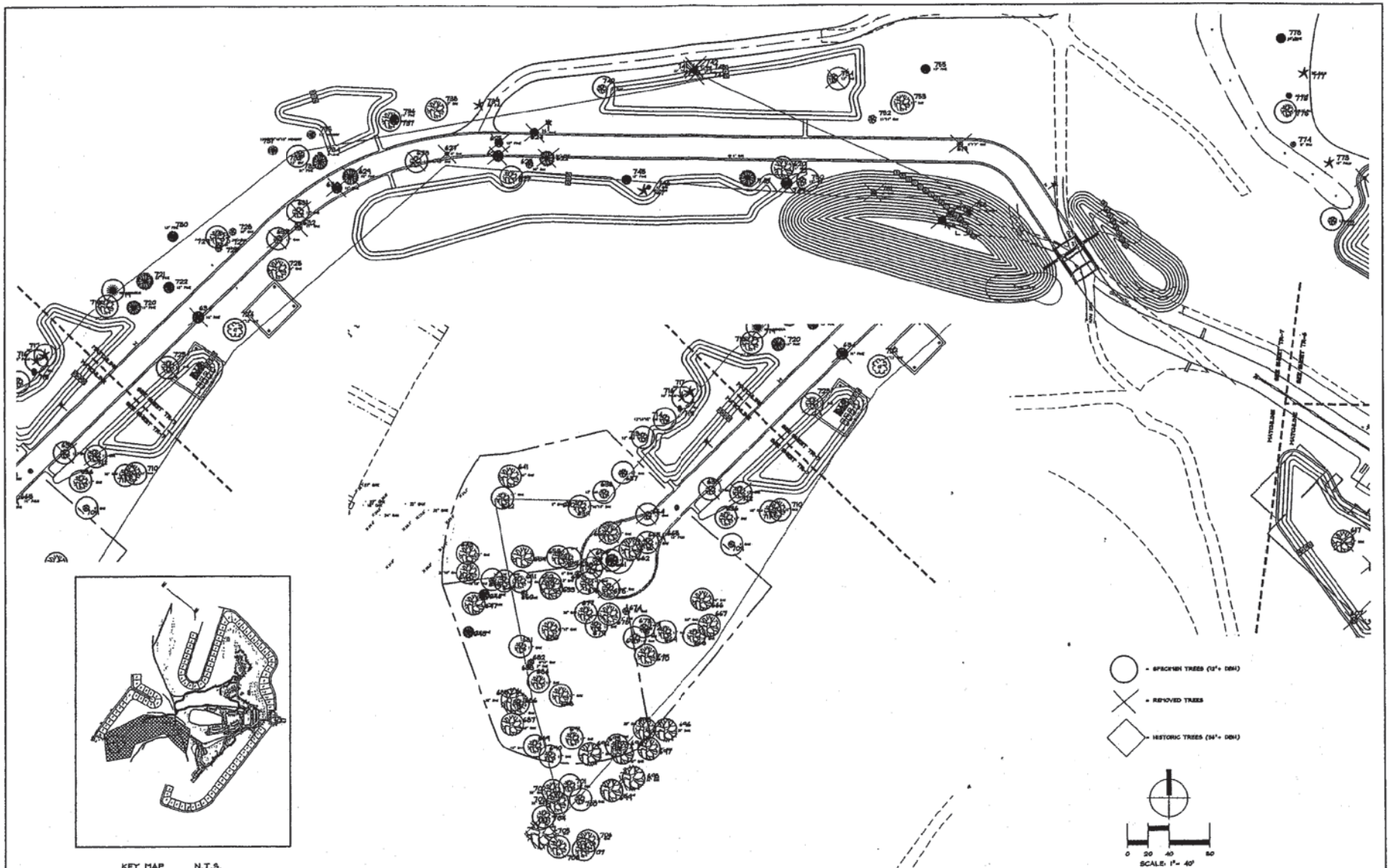


Instrument# 2006-273445 # 34
Book: 5944
Page: 22216



Instrument# 2006-273445 # 35
Book: 5944
Page: 2217





No.	Date	Revision	Approved	No.	Date	Revision	Approved

Designed by:	GJP	6/05	Scale:	1"=40'
Drawn by:	RES	6/05		
Checked by:	GJP	6/05	Date:	June, 2005
Approved by:	GJP	6/05	Job No.	TS701
Certificate of Authorization No. 3313			File:	TRP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph Engineers Planners Landscape Architects Surveyors Construction Management www.cphengineers.com

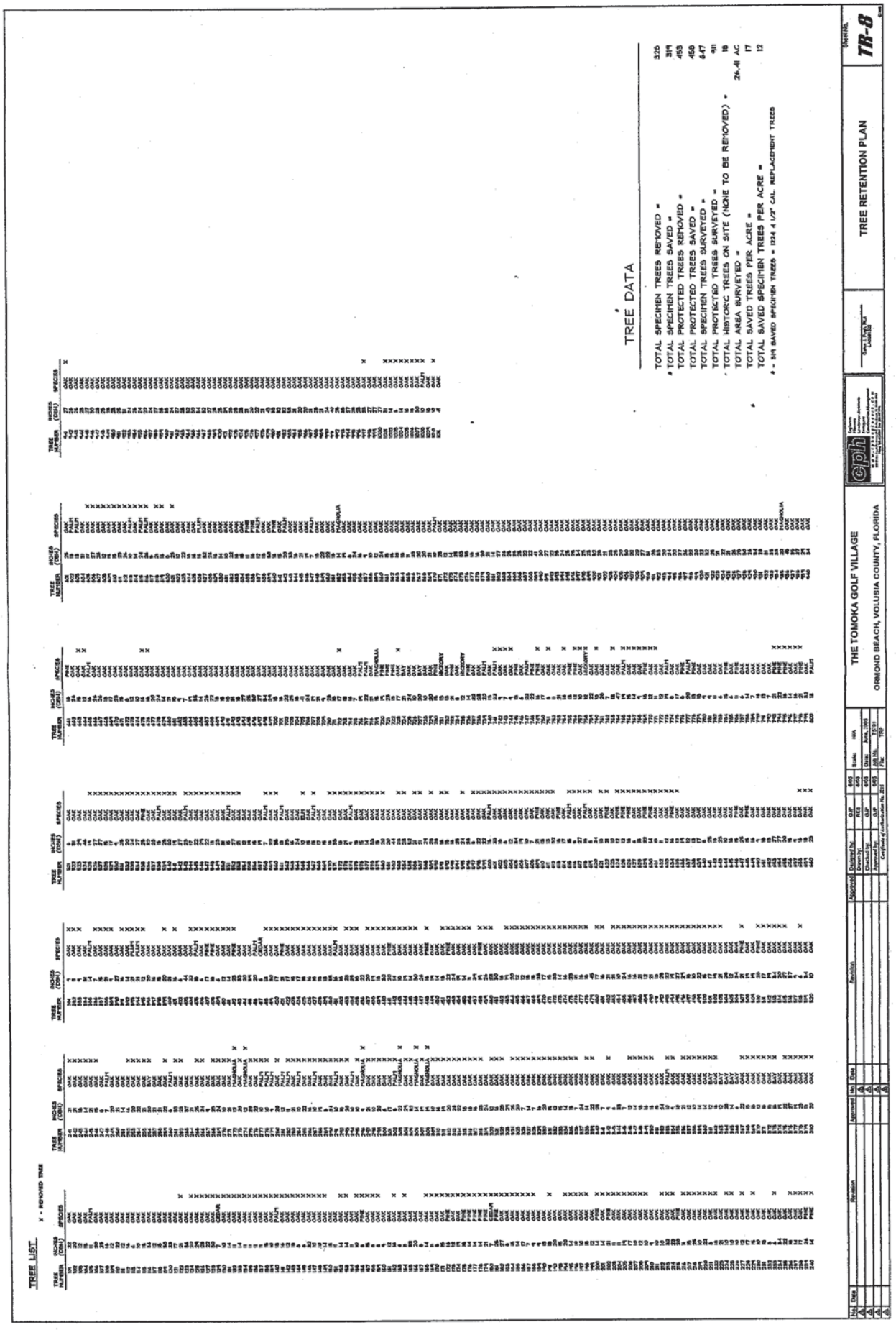
Galen J. Pugh, RLA L4000/1321

TREE RETENTION PLAN

Sheet No. TR-7 7 of 8

XH
PAGE 26 OF 35

Instrument# 2006-273445 # 37
Book: 5944
Page: 2219



Instrument# 2006-273445 # 38
Book: 5944
Page: 2220



TYPICAL END VIEW

STANLEY P. HOELLE
ARCHITECT
386 672.2261

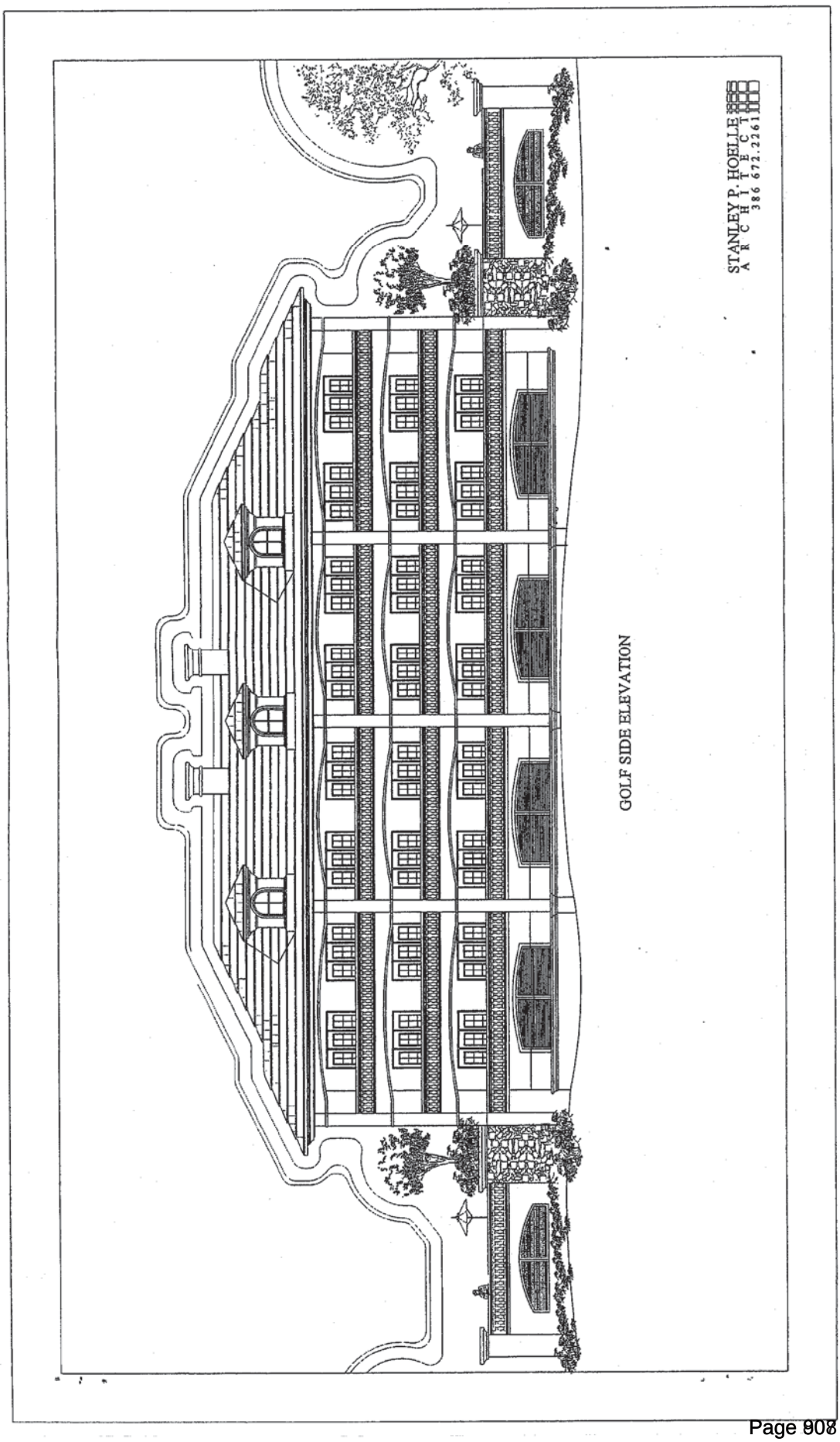
Instrument# 2006-273445 # 39
Book: 5944
Page: 2221



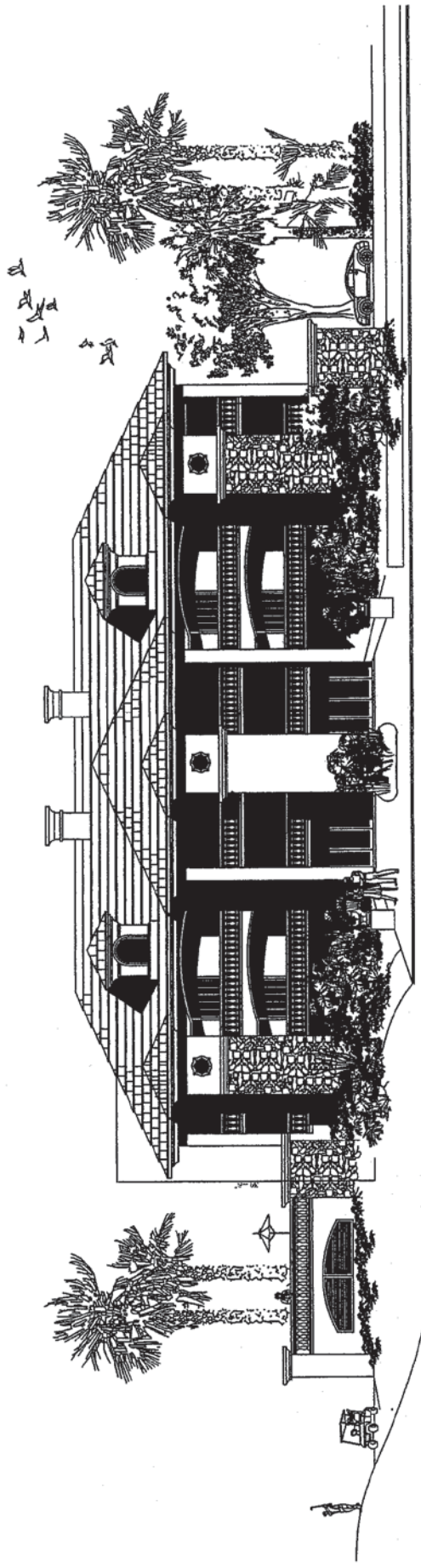
THREE STORY GOLF VILLAS
POOL SIDE ELEVATION

STANLEY P. HOELLE
ARCHITECT
386 672.2261

EXHIBIT "B"
PAGE 29 OF 35


STANLEY P. HOELLE
ARCHITECT
386 672.2261
GOLF SIDE ELEVATION

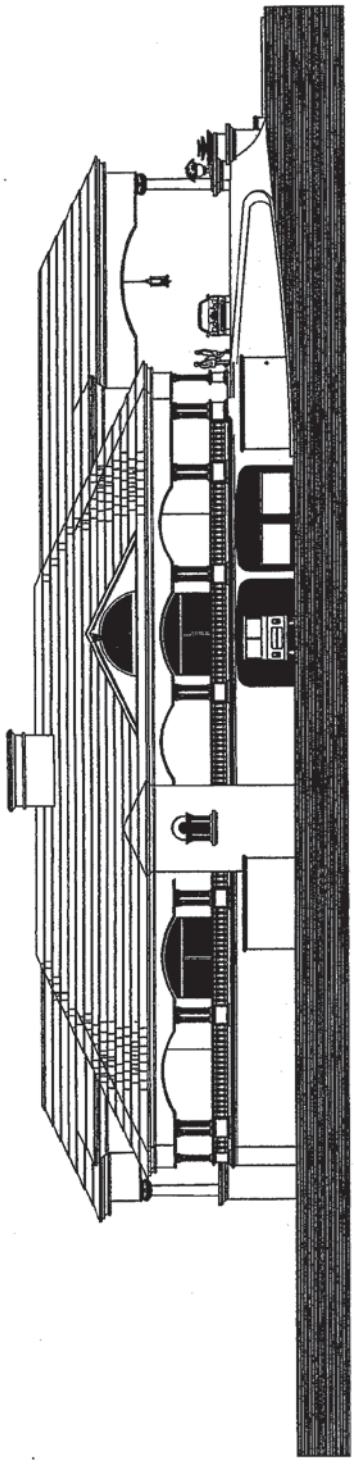
Instrument# 2006-273445 # 41
Book: 5944
Page: 2223



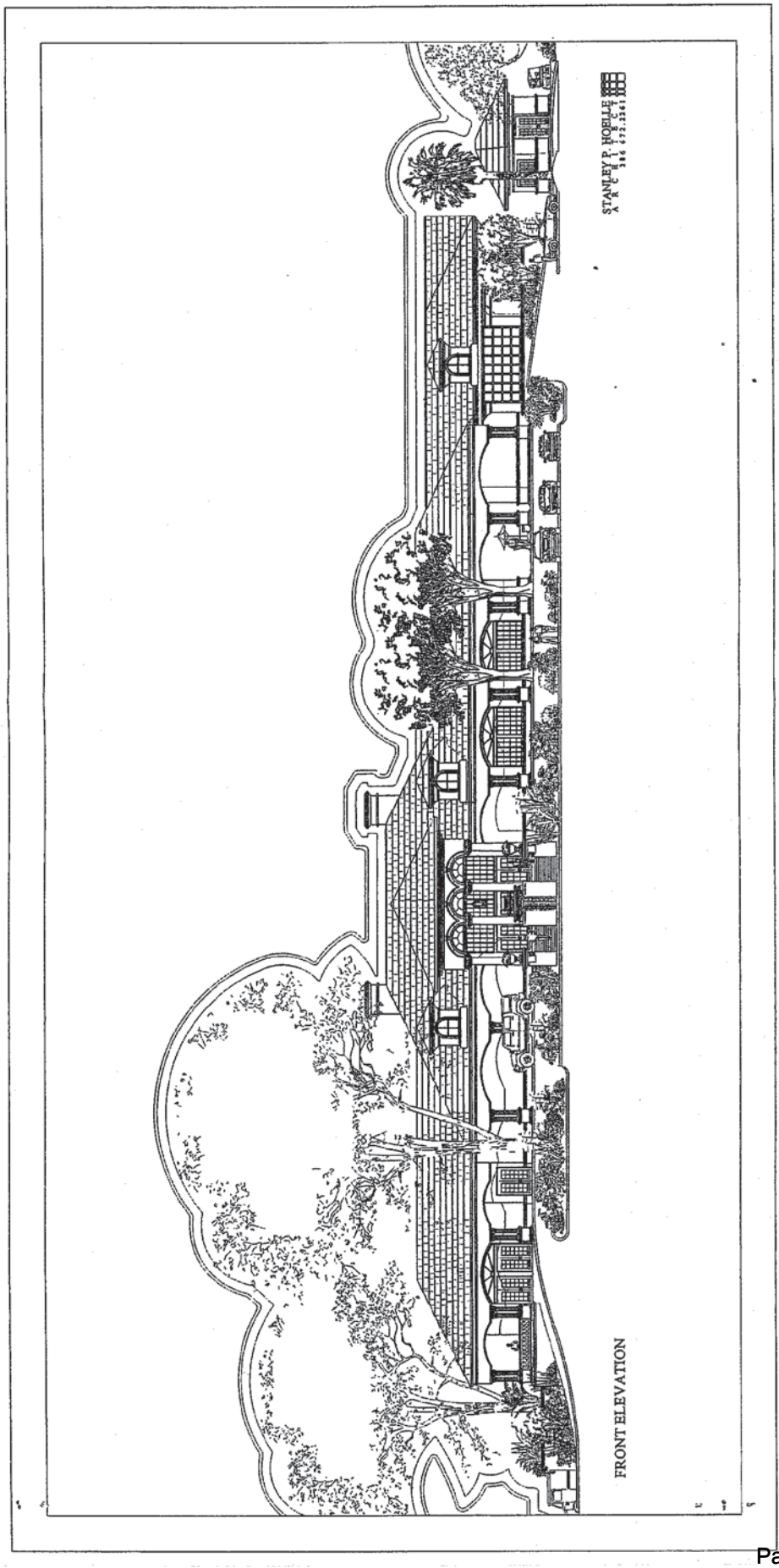
TYPICAL POOL SIDE ELEVATION

TYPE A GOLF VILLAS

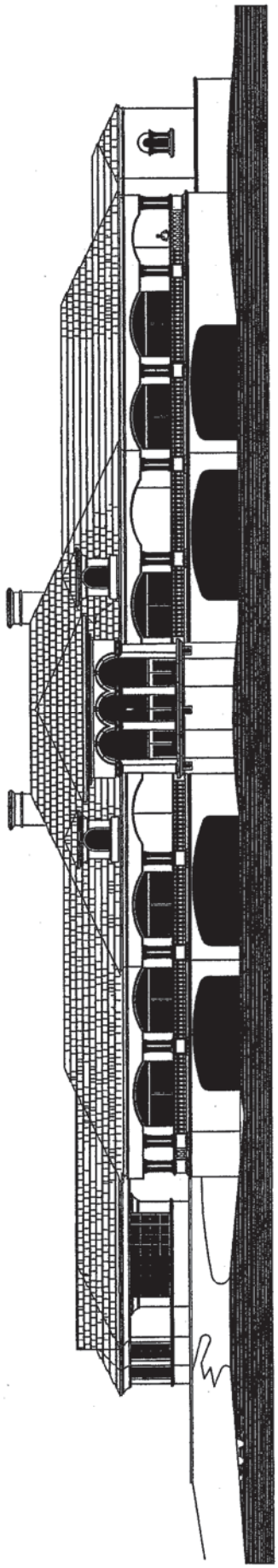
Instrument# 2006-273445 # 42
Book: 5944
Page: 2224



END ELEVATION

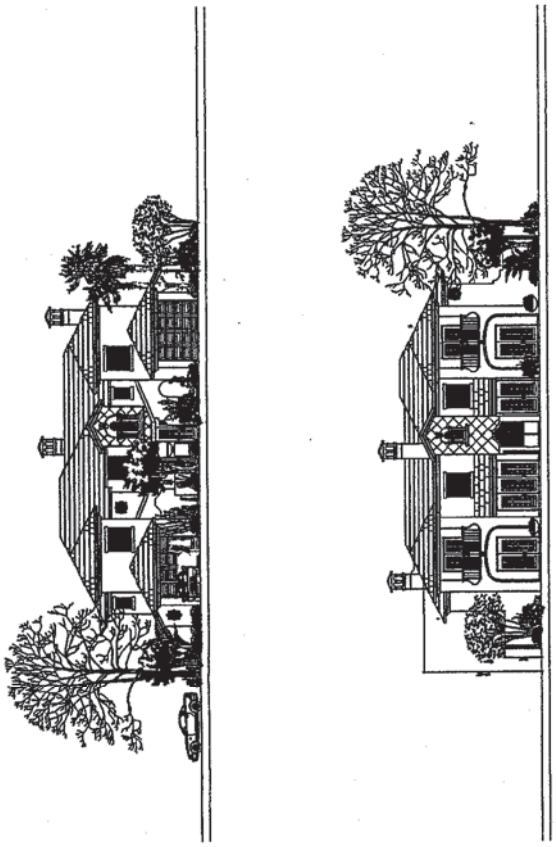

STANLEY P. HOBLIT
FRONT ELEVATION

Instrument# 2006-273445 # 44
Book: 5944
Page: 2226



REAR ELEVATION

Instrument# 2006-273445 # 45
Book: 5944
Page: 2227
Diane M. Matousek
Volusia County, Clerk of Court



Tomoka Oaks Homes Sales
During the Active Tomoka Oaks Golf Village Development Order: PRD-06-32

1. There were approximately 138 homes sold in Tomoka Oaks from 10/17/2006 - 10/17/2014
2. Of those 138 homes sold, 87 homes were identified by the MLS as either being on the golf course or in a golf course community as indicated in the LAND and in the MISCELLANEOUS fields:

Land: Golf Course Community; On Golf Course;
Land: On Golf Course
Land: On Golf Course; Wooded
Land: Corner Lot: On Golf Course
Land: Corner Lot; Golf Course Community

Miscellaneous: Golf Community

3. Of those 87 homes, the REMARKS field on the MLS sheet identified the golf course in the home's description. Example "remarks" taken from MLS sheets:

- Located on the 18th green
- On 13th green
- Backs up to the 7th fairway and green
- View of golf course
- On the golf course
- Exceptional golf course living
- Lowest priced golf course home
- Located in the golf course community of Tomoka Oaks
- Tomoka Oaks golf course home
- On Golf Course in Tomoka Oaks
- Directly across the street from Tomoka Oaks Golf Course
- Golf course is right across the street
- Looks out over the Tomoka Oaks Golf Course
- Tomoka Oaks, a well established neighborhood and a golf course community

4. All 87 MLS sheets are attached. Addresses in the index are clickable.

2006 TO 11-16-2006 27 S St Andrews Drive 4
2007 TO 07-31-2007 75 N St Andrews Drive 5
2007 TO 08-08-2007 38 Oakmont Circle 6
2007 TO 09-20-2007 205 Rio Pinar Drive 7
2007 TO 10-16-2007 72 Oakmont Circle 8
2007 TO 12-14-2007 3 Forest Oak Drive 9
2008 TO 06-06-2008 86 N Saint Andrews 10
2008 TO 06-07-2008 66 S St Andrews 11
2008 TO 12-02-2008 4 River Bluff 12
2008 TO 12-11-2008 46 N Saint Andrews Drive 13
2009 TO 02-17-2009 231 Rio Pinar Drive 14
2009 TO 03-24-2009 9 Pine Valley Circle 15
2009 TO 03-30-2009 24 Saint Andrews Drive 16
2009 TO 05-14-2009 16 Eagle Court 17
2009 TO 07-21-2009 37 Pine Valley Circle 18
2009 TO 08-27-2009 8 Waterfront Court 19
2009 TO 09-15-2009 66 N St Andrews 20
2009 TO 10-08-2009 37 N Saint Andrews Drive 21
2009 TO 11-18-2009 85 N Saint Andrews 22
2009 TO 11-20-2009 69 Oakmont Circle 23
2010 TO 03-05-2010 7 Nottingham Drive 24
2010 TO 05-04-2010 22 Oakmont Circle 25
2010 TO 06-11-2010 20 S Saint Andrews Drive 26
2010 TO 06-25-2010 57 S Saint Andrews Drive 27
2010 TO 07-14-2010 88 N Saint Andrews Drive 28
2010 TO 10-05-2010 112 River Bluff Drive 29
2010 TO 11-01-2010 46 S Saint Andrews Drive 30
2010 TO 12-06-2010 34 S Saint Andrews 31
2010 TO 12-23-2010 116 N Saint Andrews Drive 32
2010 TO 12-27-2010 60 S Saint Andrews Drive 33

2010 TO 12-29-2010 4 Pine Valley Circle 34
2011 TO 01-08-2011 34 N Saint Andrews Drive 35
2011 TO 03-02-2011 36 Pebble Beach Drive 36
2011 TO 03-04-2011 68 N Saint Andrews Drive 37
2011 TO 03-07-2011 12 Pine Valley Circle 38
2011 TO 05-26-2011 50 S Saint Andrews 39
2011 TO 06-13-2011 49 Oakmont Circle 40
2011 TO 06-30-2011 7 Forest Oak Drive 41
2011 TO 07-28-2011 84 S Saint Andrews Drive 42
2011 TO 08-29-2011 3 River Bluff Court 43
2011 TO 09-06-2011 17 Pine Valley Circle 44
2011 TO 10-24-2011 77 S Saint Andrews Drive 45
2011 TO 11-18-2011 41 Pine Valley Circle 46
2011 TO 12-01-2011 71 Oakmont Circle 47
2011 TO 12-23-2011 74 Oakmont Circle 48
2012 TO 02-17-2012 227 Rio Pinar 49
2012 TO 03-27-2012 9 Eagle Drive 50
2012 TO 06-27-2012 313 Rio Pinar Drive 51
2012 TO 07-06-2012 22 Oakmont Circle 52
2012 TO 07-30-2012 18 Tomoka Oaks Boulevard 53
2012 TO 08-20-2012 322 River Bluff Drive 54
2012 TO 08-27-2012 7 Sherwood Drive 55
2012 TO 08-27-2012 69 N Saint Andrews Drive 56
2012 TO 09-01-2012 98 N Saint Andrews Drive 57
2012 TO 09-25-2012 37 S Saint Andrews Drive 58
2012 TO 09-28-2012 315 Rio Pinar Drive 59
2012 TO 11-30-2012 12 Oakmont Circle 60
2012 TO 12-07-2012 16 Tomoka Oaks Boulevard 61
2012 TO 12-14-2012 49 S Saint Andrews Drive 62
2012 TO 12-19-2012 43 S Saint Andrews Drive 63

2013 TO 01-18-2013 24 N Saint Andrews Drive 64
2013 TO 02-19-2013 37 Pine Valley Circle 65
2013 TO 03-29-2013 303 Rio Pinar Drive 66
2013 TO 04-03-2013 44 N Saint Andrews Drive 67
2013 TO 04-12-2013 54 N Saint Andrews Drive 68
2013 TO 06-19-2013 9 Oakmont Circle 69
2013 TO 06-27-2013 307 Rio Pinar Drive 70
2013 TO 06-28-2013 51 S Saint Andrews Drive 71
2013 TO 07-29-2013 66 S Saint Andrews 72
2013 TO 07-31-2013 2 Eagle Drive 73
2013 TO 08-01-2013 20 Pine Valley Circle 74
2013 TO 08-12-2013 52 Pine Valley Circle 75
2013 TO 08-28-2013 14 Eagle Court 76
2013 TO 11-12-2013 43 S Saint Andrews Drive 77
2013 TO 12-23-2013 2 River Bluff Court 78
2013 TO 12-23-2013 49 S Saint Andrews Drive 79
2013 TO 12-27-2013 8 Windsor Drive 80
2014 TO 01-03-2014 76 N St Andrews 81
2014 TO 03-17-2014 8 Pebble Beach 82
2014 TO 03-26-2014 4 Waterfront Court 83
2014 TO 03-28-2014 38 Oakmont Circle 84
2014 TO 06-24-2014 96 N St Andrews Drive 85
2014 TO 06-27-2014 18 Tomoka Oaks Boulevard 86
2014 TO 07-07-2014 25 Oakmont Circle 87
2014 TO 08-12-2014 23 Oakmont Circle 88
2014 TO 09-10-2014 118 N St Andrews Drive 89
2014 TO 09-15-2014 73 Oakmont Circle 90

Residential
Closed
MLS# 443498

27 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $449,027
Sold/Leased Price: $390,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$449,027	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$124.45	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	108.09	**Unit #:**		**Tax ID:**	324210100040
Bedrooms:	5	**Year Built:**	1965	**As Is Cond:**	Yes
Baths - Total:	5.1	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	5 / 1	**Water:**	City		
Living Area:	3,608				
SqFt - Total:	5,667				
Lot Size:	145 X 130.00				

Directions: n on nova to left on Tomoka Oaks Blvd to St. Andrews
Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		21 x 18		Kitchen		22 x 11	
Bedroom 2		14 x 13					
Bedroom 3		14 x 11					
Bedroom 4		22 x 15					
Dining Room		13 x 12					
Family Room		20 x 16					
Living Room		25 x 15					

Air Conditioning: Central
Appliances: Dishwasher; Dryer; Range; Refrigerator; Washer
Architecture: Colonial
Building: Other
Construction: Frame
Floor Coverings: Carpet; Tile; Vinyl
Pets Allowed: No
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: On Golf Course
Miscellaneous: Homeowners Association
Maint Fee Covers: NA
Outside: Utility Shed
Parking: 3 Car Garage; Carport; Oversized
Pool: Heated; Indoor; Inground Private; Solar
Porch: 2+ Porches/Decks; Front
Roof: Shingle; Other

Remarks: Beautiful Tomoka Oaks Country Club Home located on the 18th green! PHOTOS DO NOT DO THIS PROPERTY JUSTICE...this truly is a `grand `ol gal` and has room for everything you can imagine! A 4 level split home with private indoor (fully windowed & screened & a roof with skylights) solar heated pool w/wet bar! Enter the grand double doors to a family entertainment area! Big family room with fireplace, bonus room, huge laundry room & bath and a kitchen w/dinette area perfect for either an in-law situation or as the serving kitchen to the array of parties you can plan in your pool area! Go up 3 or 4 steps and you are on the main living area- Big light & bright kitchen with an abundance of newer windows, tiled counters & jenn aire range! Tiled floors in kitchen & mirrored dining room that opens t

Showing Instructions:
Directions: n on nova to left on Tomoka Oaks Blvd to St. Andrews
Legal: S 40 FT OF LOT 3 & LOT 4 BLK 10 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3-A MB 27 PG 285 PER OR 4799 PG 4861
Parcel ID Link: 324210100040
Supra: No
Dispute Res: No

Sold Price Sqft: $108.09
Sold/Leased Date: 11/16/2006



Team Mac-Pope, Shon MacDughlas
Adams, Cameron & Co., Realtors
54 S Atlantic
Ormond Beach, FL 32176
904-347-6353
shonmacdughlas@adamscameron.com
http://www.shonmacdughlas@adamscameron.com

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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 454628

75 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $250,000
Sold/Leased Price: $240,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$250,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$153.84	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	147.69	**Unit #:**		**Tax ID:**	324210060060
Bedrooms:	3	**Year Built:**	1987	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,625				
SqFt - Total:	2,437				
Lot Size:	100 X 121.00				

Directions: From Nova and Hwy 40, Go North on Nova, Left into Tomoka Oaks (West) Veer Right Onto N. Saint Andrews, House On Right.
Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 13		Kitchen		15 x 12	
Bedroom 2		12 x 11					
Bedroom 3		15 x 12					

1st Floor: Wood
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Floor Coverings: Tile
Pets Allowed: No
Financing: OWC - FHA/VA; OWC - Seller Financing
House Orientation: S
Heating: Central; Electric
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Inside Sprinkler System
Miscellaneous: Golf Community; Security System
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler
Parking: 2 Car Garage
Roof: Shingle

Remarks: This Newly Remodeled Ormond Beach Home Is Situated On A Shady 100 X 121 Lot, With Tropical Landscaping In The Sought After Neighborhood Of Tomoka Oaks. This Well- Appointed 3 Bedroom, 2 Bathroom, 2 Car Garage Home Features A Stunning Open Kitchen With Granite Countertops, Undermount Sink, Solid Wood Cabinets, Sleek Appliances, Pendant Lights, Breakfast Nook And Entertainment Bar. The Inviting Master Suite Includes A Dual Vanity, Walk-In Closet, Garden Tub With Separate Shower And Upgraded Berber Carpet. Skylights And Sun Tunnels Throughout Highlight The Vaulted Ceilings And The Newly Tiled, Open Great Room. Located In The Tomoka Elementary, Hinson Middle And Seabreeze High School District, This Beautiful Home Represents The Perfect Combination Of Everything Youve Been Looking For In A

Showing Instructions:
Directions: From Nova and Hwy 40, Go North on Nova, Left into Tomoka Oaks (West) Veer Right Onto N. Saint Andrews, House On Right.
Legal: LOT 6 BLK 6 TOMOKA OAKS COUNTRY CLUB EST UNIT 1B MB 28 PG 12 9 PER OR 4557 PG 4718 PER OR 5947 PG 2930
Parcel ID Link: 324210060060
Supra: No
Dispute Res: No

Sold Price Sqft: $147.69
Sold/Leased Date: 07/31/2007



Team Mac-Pope, Shon MacDughlas
Adams, Cameron & Co., Realtors
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Ormond Beach, FL 32176
904-347-6353
shonmacdughlas@adamscameron.com
http://www.shonmacdughlas@adamscameron.com

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Residential
Closed
MLS# 454600

38 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $315,000
Sold/Leased Price: $295,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$315,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$135.19	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	126.6	**Unit #:**		**Tax ID:**	324210170170
Bedrooms:	3	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,330				
SqFt - Total:	2,492				
Lot Size:	100x120				

Directions: Nova 1.1 miles N of Granada, L at Tomoka Oaks Blvd. Bear L on S. St. Andrews to first R on Oakmont Circle.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 15		Kitchen		20 x 12	
Bedroom 2		14 x 12		Utility Room		8 x 7	
Bedroom 3		12 x 12					
Dining Room		15 x 14					
Family Room		21 x 15					
Living Room		20 x 15					

Air Conditioning: Central
Appliances: Central Vacuum; Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick; Frame
Floor Coverings: Carpet; Tile
Pets Allowed: No
Heating: Central
Inside: Fireplace; Intercom; Sunken Living Room
Land: On Golf Course
Maint Fee Covers: NA
Outside: Irrigation Sprinkler
Parking: 2 Car Garage
Porch: 2+ Porches/Decks
Roof: Shingle

Remarks: - Exceptional golf course living in sought-after Tomoka Oaks Country Club Estates. Meticulously maintained one owner home on 13th green. Large living square footage, with bright, open & airy floor plan. Huge double-sided FP in LR & DR. Vaulted, beamed ceilings as well as six sets of sliding glass doors to access two generous decks. The large eat-in-kitchen has just been remodeled & features maple cabinets & an Italian tile floor. Garden-like landscaping & patio grilling area located just outside kitchen door. Ample closet/storage space with California closets & an extra 7x8 storage room off the garage. Double sinks in both full baths. Fresh interior paint, resurfaced/painted driveway, new carpeting in dining & bonus rooms, new light fixtures in main & master baths and a central vacuu

Showing Instructions:
Directions: Nova 1.1 miles N of Granada, L at Tomoka Oaks Blvd. Bear L on S. St. Andrews to first R on Oakmont Circle.
Legal: Lot 17 Blk 17 Tomoka Oaks Country Club Ests Unit 3 MB 29 Pg 81
Parcel ID Link: 324210170170
Supra: No **Dispute Res:** No

Sold Price Sqft: $126.61
Sold/Leased Date: 08/08/2007



Team Mac-Pope, Shon MacDughlas
Adams, Cameron & Co., Realtors
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shonmacdughlas@adamscameron.com
http://www.shonmacdughlas@adamscameron.com

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Residential
Closed
MLS# 460922

205 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $370,000
Sold/Leased Price: $305,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$370,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$111.24	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	91.7	**Unit #:**		**Tax ID:**	324223000980
Bedrooms:	3	**Year Built:**	1980	**As Is Cond:**	Yes
Baths - Total:	3.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 / 1	**Water:**	City		
Living Area:	3,326				
SqFt - Total:	4,674				
Lot Size:	100 X 140.00				

Directions: FROM NOVA RD LEFT INTO TOMOKA OAKS SUBD LEFT ON ST ANDREWSR ON RIO PINAR

Virtual Tour:

Maint Fee: $65 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		20 x 18		Kitchen		17 x 14	
Bedroom 2		18 x 13		Patio/Deck		42 x 16	
Bedroom 3		15 x 13		Utility Room		11 x 9	
Dining Room		16 x 13					
Family Room		27 x 16					
Living Room		22 x 13					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Trash Compactor; Washer
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Vinyl
Pets Allowed: No
Heating: Central; Electric
Inside: Ceiling Fans
Land: On Golf Course
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage
Porch: 2+ Porches/Decks; Front; Screened
Roof: Shingle

Remarks: YOU WILL NOT BELIEVE this well maintained 3 bedroom, 3 -1/2 bath home on the golf course in Tomoka Oaks. The rooms are extra large, the kitchen is light and bright and there is a 42x16 enclosed porch on the back. This home is very conveniently located close to shopping, schools, hospitals and doctors offices and ready to move in so please present all offers.

Showing Instructions:
Directions: FROM NOVA RD LEFT INTO TOMOKA OAKS SUBD LEFT ON ST ANDREWSR ON RIO PINAR
Legal: LOT 98 TOMOKA OAKS UNIT 7A MB 34 PGS 162 TO 164 INC PER OR 2 084 PG 841 PER OR 5667 PG 1158
Parcel ID Link: 324223000980
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $91.7
Sold/Leased Date: 09/20/2007



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Residential
Closed
MLS# 458851

72 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $372,772
Sold/Leased Price: $340,000

Area: 44 - Ormond N of 40, S Tomoka River, E of US1 **County:** Volusia



List Price:	$372,772	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$139.51	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	127.24	**Unit #:**		**Tax ID:**	324210170030
Bedrooms:	4	**Year Built:**	1975	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,672				
SqFt - Total:	3,347				
Lot Size:	100 X 120.00				

Directions: Tomoks Oaks Country Club. South St. Andrews to Oakmont Circle
Virtual Tour: Click to View Virtual Tour
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 15		Den		9 x 9	
Bedroom 2		14 x 13		Kitchen		12 x 12	
Bedroom 3		13 x 12					
Bedroom 4		14 x 13					
Dining Room		15 x 11					
Family Room		22 x 13					
Living Room		18 x 15					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer
Architecture: Ranch
Building: 2 Stories
Construction: Brick
Floor Coverings: Carpet; Tile; Other

Pets Allowed: Yes
House Orientation: E
Heating: Central; Electric
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Inside Sprinkler System; Split Bedroom
Land: On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well; Public Bus

Parking: 2 Car Garage
Pool: Inground Private
Roof: Shingle

Remarks: -Character & beauty are what youll find in this home located in the golf course community of Tomoka Oaks. Welcoming foyer leads to the formal LR w/plate glass wall overlooking the amazing pool. Formal DR has tile floor, beamed ceiling, pocket door & sliders to the pool area. Relax in the FR w/wood-burning brick fireplace, beamed ceiling & parque floor. There is a full bath located off the FR w/a walk-in shower. Crisp white cabinetry accent the kitchen w/tile floor, convenient pantry, veggie sink & a window allowing a peaceful view of the pool. There are 3 bedrooms downstairs & 1 upstairs. MBR has corner windows & a MBA w/tub, walk-in shower, dressing room w/built-in drawers & 2 closets. There is a spacious loft upstairs that would make a great office or game room. There is also plumbing fo

Showing Instructions:
Directions: Tomoks Oaks Country Club. South St. Andrews to Oakmont Circle
Legal: LOT 3 BLK 17 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTATES MB 31PG 167 INC PER OR 4180 PG 4986-4987
Parcel ID Link: 324210170030
Supra: No **Dispute Res:** No

Sold Price Sqft: $127.25
Sold/Leased Date: 10/16/2007



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Residential
Closed
MLS# 439795

3 Forest Oak Drive, Ormond Beach, FL 32174

Public Display

List Price: $199,000
Sold/Leased Price: $191,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$199,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$105.23	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	101	**Unit #:**		**Tax ID:**	324223001260
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	2.1	**Year Built:**	1981	**Homestead Exempt:**	No
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	1,891	**Water:**	City		
SqFt - Total:	2,719				
Lot Size:	100 X 115.00				

Directions: From Nova, L on to Main Trail for 1/2 mile to R on Rio Pinar. Through stop sign into Tomoka Oaks to first left on Forest

Virtual Tour:

Maint Fee: $65 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 13		Den		13 x 6	
Bedroom 2		13 x 13		Kitchen		10 x 10	
Bedroom 3		13 x 13		Patio/Deck		16 x 8	
Dining Room		14 x 11					
Family Room		19 x 18					
Living Room		16 x 13					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile

Pets Allowed: No
House Orientation: S
Heating: Central; Electric
Inside: 2 Bedrooms Down; Ceiling Fans; Fireplace; Split Bedroom
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage
Porch: Patio
Roof: Shingle

Remarks: Prepare to be surprised almost 2000 square feet of living area are tucked behind these solidly built brick walls! The welcoming front porch and foyer open into the formal living room with built in shelving, a sky light, and gas fire place creating the perfect place to entertain. An intimate dining room is around the corner and is easily accessed from the kitchen where any chef will be thrilled with the cabinet space and well thought out design. It even has a pass through to what is sure to be the heart of the home a delightful family/sun room with almost three walls of windows offering relaxing views of a variety of mature landscaping plants. The split bedroom plan has the master retreat tucked away in this corner and features room for a sitting area as well as a nicely done bathroom an

Showing Instructions:
Directions: From Nova, L on to Main Trail for 1/2 mile to R on Rio Pinar. Through stop sign into Tomoka Oaks to first left on Forest
Legal: LOT 126 TOMOKA OAKS UNIT 7A MB 34 PGS 162 TO 164 INC PER OR 2208 PG 420
Parcel ID Link: 324223001260
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $101
Sold/Leased Date: 12/14/2007



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Residential
Closed
MLS# 470502

86 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $349,900
Sold/Leased Price: $340,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$349,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$146.52	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	142.37	**Unit #:**		**Tax ID:**	324210200080
Bedrooms:	3	**Year Built:**	1970	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,388				
SqFt - Total:	3,842				
SqFt Source:	Other				
Lot Size:	100 X 140.00				

Directions: N OF GRANADA ON N L ON TOMOKA OAKS R ON ST ANDREWS
Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		23 x 14		Kitchen		16 x 14	
Bedroom 2		11 x 10					
Bedroom 3		14 x 12					
Family Room		15 x 14					
Living Room		19 x 14					

Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Other
Building: 2 Stories
Construction: Concrete Block
Floor Coverings: Carpet; Tile; Vinyl
Pets Allowed: No
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom
Land: On Golf Course
Maint Fee Covers: NA
Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Front
Roof: Shingle
Waterfront: Riverview Home/Unit

Remarks: EVERYONE'S DREAM TO OWN A RIVER FRONT HOME ON THE GOLF COURSE! THIS SPLIT LEVEL FOUR BEDROOM, THREE BATH HOME FEATURES A SPACIOUS FORMAL LIVING ROOM & DINING ROOM, EAT IN KITCHEN , FAMILY ROOM WITH A FIREPLACE & OVERLOOKS THE SCREENED POOL AND GOLF COURSE. THE HUGE MASTER SUITE BOASTS A FIREPLACE & VIEWS OF THE RIVER AND THE GOLF COURSE WITH A BALCONY AND STAIRS LEADING TO THE SCREENED POOL AREA.. ONE GUEST BEDROOM OVERLOOKS THE RIVER , THE OTHER OVERLOOKS THE GOLF COURSE. THE FOURTH BEDROOM WOULD MAKE A GREAT MOTHER- IN -LAW. ALL OVERLOOKING A LARGE SCREENED IN POOL AND LANAI ON THE GOLF COURSE. SQUARE FOOTAGE WAS TAKEN FROM TAX ROLLS. ALL INFORMATION RECORDED IN THE MLS IS INTENDED TO BE ACCURATE BUT CAN NOT BE GUARANTEED.

Showing Instructions:
Directions: N OF GRANADA ON N L ON TOMOKA OAKS R ON ST ANDREWS
Legal: PART OF LOT 7 PER OR 1674 PG 669 BEING 4.5 FT ON E/L & 28 FT ON W/L & LOT 8 BLK 20 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1B MB 28 PG 129 PER OR 3863 PG 3240
Parcel ID Link: 324210200080
Supra: No
Dispute Res: No

Sold Price Sqft: $142.38
Sold/Leased Date: 06/09/2008



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Residential
Closed
MLS# 471182

66 S St Andrews, Ormond Beach, FL 32174

Public Display

List Price: $299,766
Sold/Leased Price: $270,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$299,766	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$118.62	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	106.84	**Unit #:**		**Tax ID:**	324210180150
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1979	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	2,527	**Water:**	City		
SqFt - Total:	3,275				
SqFt Source:	Property Appraiser				
Lot Size:	100X140				

Directions: Nova Rd. north to Tomoka Oaks Dr. left on S. St. Andrews.
Virtual Tour: Click to View Virtual Tour
Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 15		Den		18 x 14	
Bedroom 2		12 x 10		Kitchen		13 x 12	
Bedroom 3		11 x 10		Utility Room		8 x 6	
Bedroom 4		13 x 10					
Dining Room		14 x 12					
Living Room		16 x 12					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Brick; Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: W
Heating: Central
Inside: Ceiling Fans; Fireplace
Miscellaneous: Golf Community; Home Warranty
Maint Fee Covers: NA
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Public Bus
Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Patio; Screened
Roof: Shingle

Remarks: Great space in this classic Tomoka Oaks home. Fully equipped kitchen features a full family sized casual dining area with ample room for the computer. A tiled foyer leads to the casual living areas or the formal living room & formal dining room. A floor to ceiling stone fireplace is the focal point of the family room but graciously incorporates the kitchen & breakfast bar. Both the casual dining & family room have access to the screened pool area. The guest bath also serves as a pool bath for convenience. A bonus room off the large laundry room is a greatstudy for home office or kids games. A spacious master bathroom features a roman shower plus a private solarium for quiet mornings or moonlit evenings. This fabulously popular subdivision boasts a golf course & club house not to mention

Showing Instructions:
Directions: Nova Rd. north to Tomoka Oaks Dr. left on S. St. Andrews.
Legal: LOT 15 BLK 18 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTATES MB 31 PG 167 PER OR 4542 PG 1944
Parcel ID Link: 324210180150
Supra: No **Dispute Res:** No

Sold Price Sqft: $106.85
Sold/Leased Date: 06/07/2008



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Residential Closed
MLS# 476549

4 River Bluff, Ormond Beach, FL 32174

Public Display

List Price: $280,000
Sold/Leased Price: $274,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$280,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$84.79	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	82.98	**Unit #:**		**Tax ID:**	324226000500
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1979	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Sewer:**	City		
Living Area:	3,302	**Water:**	City		
SqFt - Total:	4,544				
SqFt Source:	Other				
Lot Size:	100X129				

Directions: From Granada Blvd, North on Nova.Left into Tomoka Oaks.Bear right onto N. St. Andrews. Right on Eagle.Right on RIVERBLUF

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 15		Den		13 x 13	
Bedroom 2		16 x 15		Kitchen		24 x 14	
Bedroom 3		17 x 13		Porch/Balcony		30 x 22	
Bedroom 4		31 x 13		Patio/Deck		14 x 6	
Dining Room		12 x 10		Utility Room		6 x 3	
Family Room		20 x 13					
Living Room		16 x 13					

1st Floor: Slab
Air Conditioning: Central; Zoned
Appliances: Disposal
Architecture: Traditional
Building: 2 Stories
Construction: Brick
Floor Coverings: Carpet; Tile

Pets Allowed: No
House Orientation: S
Heating: Central; Zoned
Inside: 2 Bedrooms Down; Cathedral Ceiling; Ceiling Fans; Fireplace; Split Bedroom
Land: Cul-De-Sac
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Irrigation Well; Utility Shed

Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Patio; Screened
Roof: Shingle

Remarks: Appraised in June 2008 for $350,000! 4 bedroom / 3 bath pool home centrally located in the heart of Tomoka Oaks on a quiet cul de sac. Tiled foyer offers a view of the family room's soaring cathedral ceiling and brick, remote control, gas fireplace. Recent remodel opened up the kitchen, formal dining and living room areas for a more flowing floor plan. Enjoy views of the luxurious pool and the very private backyard from the kitchen where there is a good-sized pantry and inside laundry. The master suite has an oversized shower, huge walk in closet, and plenty of room for a king sized bed. The other, first floor bedroom offers a great opportunity for in laws with its own bathroom and view of the pool. The 2nd floor boasts two bedrooms, a bathroom, and a 13 x 13 loft at the top of an ope

Showing Instructions:
Directions: From Granada Blvd, North on Nova.Left into Tomoka Oaks.Bear right onto N. St. Andrews. Right on Eagle.Right on RIVERBLUF
Legal: LOT 50 TOMOKA OAKS UNIT 7-C MB 35 PGS 46-47 INC PER OR 4340 PG 1225 PER OR 5570 PG 2839
Parcel ID Link: 324226000500
Supra: No **Dispute Res:** No

Sold Price Sqft: $82.98
Sold/Leased Date: 12/02/2008



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Residential
Closed
MLS# 480959

46 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $229,900
Sold/Leased Price: $200,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$229,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$116.46	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	101.31	**Unit #:**		**Tax ID:**	324210090140
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2.1	**Year Built:**	1964	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	1,974	**Water:**	City		
SqFt - Total:	3,062				
SqFt Source:	Property Appraiser				
Lot Size:	100x142				

Directions: EAST ON GRANADA. NORTH ON NOVA. LEFT IN TOMOKA OAKS. R ON N. ST. ANDREWS.

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 12		Den		11 x 8	
Bedroom 2		12 x 11		Kitchen		14 x 11	
Bedroom 3		12 x 12		Porch/Balcony		38 x 18	
Bedroom 4		12 x 10					
Dining Room		14 x 11					
Family Room		18 x 16					
Living Room		17 x 15					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Range
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block
Condo Parking: Secured
Floor Coverings: Terrazzo

Pets Allowed: No
Financing: OWC - FHA/VA
House Orientation: E
Heating: Central; Fuel Oil
Inside: Ceiling Fans
Land: On Golf Course; Wooded
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA
Outside: Irrigation Sprinkler

Parking: 2 Car Garage
Porch: Screened
Roof: Shingle

Remarks: NESTLED AMONG GIANT TREES, this comfortable home features lots of livability and value. The motivated seller has just reduced this well maintained Tomoka Oaks golf course home over $70,000. Conveniently located in the heart of Ormond Beach, this property is within walking distance of the Trails shopping center, churches, public transportation and grocery stores. The pretty bay window, in the living room, greets you with lots of light as you walk in the front door. Notice the large family room and four bedrooms. The huge screened porch overlooks the 4th green and fairway, and is perfect for large family gatherings and casual entertaining. Beautifully shrubbed and landscaped, this property is one you will be proud to own. Here is a great opportunity to be on a golf course property at a ver

Showing Instructions:
Directions: EAST ON GRANADA. NORTH ON NOVA. LEFT IN TOMOKA OAKS. R ON N. ST. ANDREWS.
Legal: Lot 14 Blk 9 Tomoka Oaks Country Club Ests Unit 1 Mb 25 Pgs 58 & 59 Per Or 3706 Pg 4652
Parcel ID Link: 324210090140
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $101.32
Sold/Leased Date: 12/11/2008



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Residential
Closed
MLS# 479186

231 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $285,000
Sold/Leased Price: $250,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$285,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$102.37	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	89.79	**Unit #:**		**Tax ID:**	324223000920
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1978	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Sewer:**	City		
Living Area:	2,784	**Water:**	City		
SqFt - Total:	4,200				
SqFt Source:	Property Appraiser				
Lot Size:	105 X 140.00				

Directions: From Granada N. on Nova W. into Tomoka Oaks, R. on N.St. Andrews, continue until it turns into Rio Pinar.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 12		Kitchen		15 x 9	
Bedroom 2		15 x 12		Patio/Deck		39 x 18	
Bedroom 3		15 x 12					
Bedroom 4		16 x 12					
Dining Room		15 x 12					
Living Room		21 x 15					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Frame
Floor Coverings: Tile; Wood
Pets Allowed: No
House Orientation: W
Heating: Central
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Split Bedroom
Land: On Golf Course
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Porch: Deck
Roof: Shingle

Remarks: This 4 bedroom 3 bath home on the golf course in Tomoka Oaks subdivision is in excellent condition. When you enter into the home, the foyer leads you to the large family room that overlooks the deck and the golf course. In the living room you will find ample room and a large stone fireplace. This is a split plan with the master on one side that could also function as an in-law suite. All bedrooms are large in size and have either hardwood floors or tile. The home offers a large kitchen with a wood burning stove and an eat in kitchen. Come take a look today, you will not be disappointed. This is a very nice home in move in condition. All information is intended to be accurate but can not be guaranteed.

Showing Instructions:
Directions: From Granada N. on Nova W. into Tomoka Oaks, R. on N.St. Andrews, continue until it turns into Rio Pinar.
Legal: LOT 92 TOMOKA OAKS UNIT 7A MB 34 PGS 162-164 INC PER OR 4906 PG 3672
Parcel ID Link: 324223000920
Supra: Yes
Dispute Res: No

Sold Price Sqft: $89.8
Sold/Leased Date: 02/17/2009



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Residential
Closed
MLS# 485095

9 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $189,900
Sold/Leased Price: $150,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$189,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$105.73	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	83.51	**Unit #:**		**Tax ID:**	324210070050
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1965	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	1,796	**Water:**	City		
SqFt - Total:	2,176				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: North on Nova rd from Granada, left into Tomoka Oaks, right on N St. Andrews Left on Pine Valley.
Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 13		Kitchen		15 x 9	
Bedroom 2		13 x 12		Porch/Balcony		16 x 12	
Bedroom 3		13 x 10		Utility Room		14 x 10	
Dining Room		11 x 9					
Family Room		17 x 14					
Living Room		19 x 13					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Wood

Pets Allowed: No
House Orientation: N
Heating: Central
Land: On Golf Course
Maint Fee Covers: NA

Parking: 2 Car Garage
Porch: Screened
Roof: Shingle
Util for Land Only: City Water; Sewer

Remarks: BEST PRICED LISTING ON THE GOLF COURSE IN TOMOKA OAKS--Backs up to the 7th fairway and green. Watch the golfers go by. Well maintained older home with new roof, new airconditioning, freshly painted inside and out. There is a large room behind the garage which could be made into a den or study or even a place to park lawn mowers or motorcycles. The large screened porch is just off the family room and is a perfect place for casual entertaining. Furnishings are negotiable. Underneath all the carpeted floors is wood parquet. Owner is very movitated and will to listen to any reasonable offer. This is a low maintenance free home.

Showing Instructions:
Directions: North on Nova rd from Granada, left into Tomoka Oaks, right on N St. Andrews Left on Pine Valley.
Legal: Lot 5 Blk 7 Tomoka Oaks Country Club Estates Unit 1 Mb 25 Pg S 58 & 59 Per Or 4533 Pg 1811 & Est Ltr Per Or 1816 Pg 1496 Per Dc 6091 Pg 0059 Per Dc 6091 Pg 0060 Per Or 6091 Pg 0064- 0065
Parcel ID Link: 324210070050
Supra: Yes
Dispute Res: No

Sold Price Sqft: $83.52
Sold/Leased Date: 03/24/2009



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 478874

24 Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $165,000
Sold/Leased Price: $155,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$165,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$89.14	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	83.73	**Unit #:**		**Tax ID:**	324210110050
Bedrooms:	4	**Year Built:**	1968	**As Is Cond:**	No
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,851				
SqFt - Total:	2,946				
SqFt Source:	Property Appraiser				
Lot Size:	100 X 140.00				

Directions: From Granada and Nova: North on Nova Road to Tomoka Oaks entry, turn left on South St. Andrews to #24

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 14		Kitchen		18 x 10	
Bedroom 2		14 x 10		Patio/Deck		50 x 10	
Bedroom 3		14 x 10					
Bedroom 4		13 x 10					
Dining Room		10 x 8					
Living Room		32 x 14					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile

Pets Allowed: No
House Orientation: W
Heating: Central; Natural Gas
Inside: Ceiling Fans; Fireplace; Split Bedroom
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well; Public Bus

Parking: 2 Car Garage; Oversized
Roof: Shingle
Util for Land Only: Sewer

Remarks: Fantastic Pre-Foreclosure Opportunity!Nice ranch style home located directly across the street from Tomoka Oaks Golf Course! This is a home that anyone will enjoy as it features a large living area complete with a fireplace, four nice sized bedrooms and one that could be utilized as a home office as it is separate from the other bedrooms. The kitchen is very functional with a new stove and refrigerator and a computer area for additional counter space. New windows and roof were installed in 2003. Neutral color tile throughout the home except in the bedrooms which has new carpeting. The private + lovely landscaped back yard has plenty of room for a swimming pool if so desired and even has a new well pump for irrigation. This home is convenient to shopping, hospitals + schools and GOLF!

Showing Instructions:
Directions: From Granada and Nova: North on Nova Road to Tomoka Oaks entry, turn left on South St. Andrews to #24
Legal: LOT 5 BLK 11 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG2 85 PER OR 3884 PG 2899 PER OR 5311 PG 2001
Parcel ID Link: 324210110050
Supra: No
Dispute Res: No

Sold Price Sqft: $83.74
Sold/Leased Date: 03/30/2009



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Residential Closed
MLS# 477139

16 Eagle Court, Ormond Beach, FL 32174

Public Display

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia

List Price: $287,000

Sold/Leased Price: $256,000



List Price:	$287,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$109	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	97.22	**Unit #:**		**Tax ID:**	324226000740
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1979	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Sewer:**	City		
Living Area:	2,633	**Water:**	City		
SqFt - Total:	3,810				
SqFt Source:	Appraisal				
Lot Size:	100 X 125.00				

Directions: From Tomoka Oaks entrance off Nova take your first right on St Andrews. Follow around to Eagle Court. Go left on Eagle C

Virtual Tour: Click to View Virtual Tour

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		18 x 16		Kitchen		25 x 12	
Bedroom 2		14 x 12					
Bedroom 3		14 x 13					
Dining Room		14 x 13					
Family Room		18 x 17					
Living Room		23 x 17					

Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Floor Coverings: Carpet; Tile

Pets Allowed: No
House Orientation: N
Heating: Central
Inside: Ceiling Fans; Fireplace; Sunken Living Room; Wet Bar
Land: Cul-De-Sac
Miscellaneous: Golf Community; Home Warranty
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Oversized
Porch: Front; Patio
Roof: Shingle

Remarks: Just listed! This home sits on a beautiful cul-de-sac street and looks out over the Tomoka Oaks golf course. It is ready for occupancy, and comes with a termite bond and home warranty. It is located minutes away from the Trails Shopping Center, and is centrally located in Ormond Beach, Florida. The home has a great floor plan which creates a nice flow throughout the home. The surrounding yard has beautiful trees and plants. The versatility of the home will help in accommodating a family or retirement couple.

Showing Instructions:
Directions: From Tomoka Oaks entrance off Nova take your first right on St Andrews. Follow around to Eagle Court. Go left on Eagle C
Legal: LOT 74 TOMOKA OAKS UNIT 7-C MB 35 PGS 46 & 47 INC PER OR 4175 PG 1674-1675
Parcel ID Link: 324226000740
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $97.23
Sold/Leased Date: 05/14/2009



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Residential
Closed
MLS# 481115

37 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $189,900
Sold/Leased Price: $178,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$189,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$130.78	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	122.58	**Unit #:**		**Tax ID:**	324210080180
Bedrooms:	3	**Year Built:**	1964	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,452				
SqFt - Total:	2,394				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Road to Tomoka Oaks Blvd, R on N. St. Andrews, L on 2nd Pine Valley Circle to #37

Virtual Tour: Click to View Virtual Tour

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 11		Kitchen		24 x 10	
Bedroom 2		14 x 11		Porch/Balcony		50 x 7	
Bedroom 3		10 x 9		Patio/Deck		14 x 13	
Family Room		14 x 10					
Living Room		15 x 15					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Terrazzo; Tile

Pets Allowed: Yes
House Orientation: W
Heating: Central
Inside: Ceiling Fans
Land: Wooded
Miscellaneous: Golf Community; Home Warranty; Homeowners Association
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Front; Patio; Screened
Roof: Shingle

Remarks: Pool home in beautiful Tomoka Oaks, a well established neighborhood and a golf course community. Formal living room with a bay window. Family room adjoins large kitchen with dining area. Ample closets, including walk-ins in two bedrooms. Sliding glass doors from family room and master bedroom lead to sparkling screened pool. Master bath has door to the pool. Inviting covered front porch: 16'x8'. Large yard with mature trees and plants. Easy to show. Homeowners Association ($60/annually) is not Mandatory.

Showing Instructions:
Directions: Nova Road to Tomoka Oaks Blvd, R on N. St. Andrews, L on 2nd Pine Valley Circle to #37
Legal: Lot 18 Blk 8 Tomoka Oaks Country Club Ests Unit 1 Mb 25 Pgs 58 & 59 Per Or 3883 Pg 4380
Parcel ID Link: 324210080180
Supra: Yes **Dispute Res:** No

Sold Price Sqft:	$122.59
Sold/Leased Date:	07/21/2009



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 485708

8 Waterfront Court, Ormond Beach, FL 32174

Public Display

List Price: $795,000
Sold/Leased Price: $685,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$795,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$192.72	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	166.06	**Unit #:**		**Tax ID:**	324227000070
Bedrooms:	4	**Year Built:**	1983	**As Is Cond:**	Yes
Baths - Total:	4.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	4 / 1	**Water:**	City		
Living Area:	4,125				
SqFt - Total:	4,867				
SqFt Source:	Owner				
Lot Size:	109x254				

Directions: From Granada North on Nova, Left into Tomoka Oaks Right on St Andrews Right on Waterfront
Virtual Tour:
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		23 x 14		Den		44 x 15	
Bedroom 2		14 x 13		Kitchen		12 x 12	
Bedroom 3		15 x 12		Porch/Balcony		12 x 10	
Bedroom 4		13 x 12		Patio/Deck		12 x 10	
Dining Room		21 x 12		Utility Room		12 x 8	
Family Room		26 x 16					
Living Room		15 x 14					

1st Floor: Slab
Air Conditioning: Central
Building: 2 Stories

Pets Allowed: No
House Orientation: E
Heating: Central
Inside: 1 Bedroom Down
Land: Cul-De-Sac
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Utility Shed

Parking: 3 Car Garage
Pool: Inground Private
Porch: 2+ Porches/Decks; Balcony; Deck; Enclosed; Patio; Screened
Roof: Shingle
Waterfront: Dock; Seawall

Remarks: Direct riverfront home sitting on over a half acre lot with awesome river views. This home has room for everyone. The living room features wood floors, wood burning fire place, tremendous river views and is 23' x 16'. The kitchen has just been redone with new cabinets, counter tops, appliances and also has tremendous river views with it own breakfast nook area. This home also features an office, Florida room a very large dining room. A laundry room big enough for room to roam. Besides these rooms the master has awesome views and it own separate porch to enjoy the beauty of the river. There is also a bonus room that is 44' x 15' and is perfect for the kids to play or extended guest. On the outside you have a huge lot an in ground pool and a boat house with lift and a large deck. Th

Showing Instructions:
Directions: From Granada North on Nova, Left into Tomoka Oaks Right on St Andrews Right on Waterfront
Legal: Lot 7 Tomoka Oaks Unit No 6 Mb 35 Pgs 130 Per Or 2433 Pg 142 6 Per Or 5359 Pg 2569
Parcel ID Link: 324227000070
Supra: No **Dispute Res:** No

Sold Price Sqft: $166.06
Sold/Leased Date: 08/27/2009



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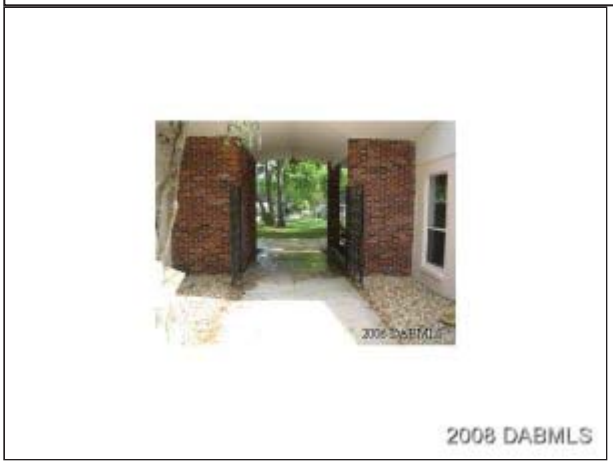
Residential
Closed
MLS# 476257

66 N St Andrews, Ormond Beach, FL 32174

Public Display

List Price: $289,000
Sold/Leased Price: $278,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$289,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$99.1	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	95.33	**Unit #:**		**Tax ID:**	324210070290
Bedrooms:	4	**Year Built:**	1963	**As Is Cond:**	Yes
Baths - Total:	2.2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 / 2	**Water:**	City		
Living Area:	2,916				
SqFt - Total:	3,898				
SqFt Source:	Property Appraiser				
Lot Size:	82x173 / 91x197				

Directions: SR40 to N. on Nova Rd to Tomoka Oaks entrance. Make a left. Go right on N. St. Andrews to corner of Pinevalley and N. St
Virtual Tour:
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		20 x 16		Kitchen		19 x 16	
Bedroom 2		17 x 13		Utility Room		10 x 6	
Bedroom 3		14 x 13					
Bedroom 4		13 x 12					
Dining Room		19 x 12					
Family Room		20 x 17					
Living Room		34 x 21					

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central; Zoned
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Solar Hot Water; Washer
Architecture: Ranch
Building: 1 Story
Pets Allowed: Yes
House Orientation: E
Heating: Central; Zoned
Inside: Fireplace
Land: Corner Lot; On Golf Course
Miscellaneous: Golf Community; Homeowners Association; Workshop
Maint Fee Covers: Common Area
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Irrigation Well; Public Bus
Parking: 2 Car Garage; Oversized
Pool: Inground Private; Screened; Solar
Porch: Front; Screened
Roof: Shingle
Util for Land Only: City Water

Remarks: Perfect home on a huge corner double lot with large screened in pool on Golf Course in Tomoka Oaks. Four large bedrooms, living and family room both have fireplaces over looking pool area. Newer Hurricane Windows, Ac's, Electrical, Plumbing, Kitchen, Baths, Flooring and Moldings. Don't miss this opportunity.

Showing Instructions:
Directions: SR40 to N. on Nova Rd to Tomoka Oaks entrance. Make a left. Go right on N. St. Andrews to corner of Pinevalley and N. St
Legal: Lots 29 & 30 Blk 7 Tomoka Oaks Country Club Ests Unit 1 MB15 Pgs 58-59 INC Per OR3030 Pg.1880 Per OR5716 Pgs. 4026-402
Parcel ID Link: 324210070290
Supra: No **Dispute Res:** No

Sold Price Sqft: $95.34
Sold/Leased Date: 09/15/2009



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Residential
Closed
MLS# 489321

37 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $339,900
Sold/Leased Price: $318,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$339,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$181.66	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	169.96	**Unit #:**		**Tax ID:**	324210120100
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	2007	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	1,871	**Water:**	City		
SqFt - Total:	2,389				
SqFt Source:	Property Appraiser				
Lot Size:	90x140				

Directions: From Granada go North on Nova turn left into Tomoka Oaks
Virtual Tour: Click to View Virtual Tour

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		19 x 12		Kitchen		12 x 8	
Bedroom 2		13 x 11		Porch/Balcony		13 x 8	
Bedroom 3		15 x 11		Utility Room		7 x 5	
Family Room		18 x 17					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range
Architecture: Modern
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Tile; Wood

Pets Allowed: No
Financing: OWC - Lease Purchase
Heating: Central
Inside: 2 Bedrooms Down; Cathedral Ceiling; Split Bedroom
Miscellaneous: Security System
Maint Fee Covers: NA
Outside: Clubhouse Facility; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Oversized
Pool: Heated; Inground Private; Screened
Porch: Patio; Screened
Roof: Shingle

Remarks: Looking for brand new in an established neighborhood close to everything? Here it is and decorated like a model home featuring the most awesome pool oasis in town! Golf course is right across the street and the river is in the back of the neighborhood. Boat or RV parking provided right on your own lot. Lovely landscaping surround this large parcel of land. Inside layout is open and airy featuring bamboo flooring, split bedrooms, inside laundry, gourmet kitchen sure to delight any chef. Owner spared no expense when building this custom home. Don't miss out on this fabulous opportunity to live in this wonderful golf course community! Big price reduction -seller must move this fast-bring all offers! Square footage recieved from tax rolls. All information recorded in the MLS intended to b

Showing Instructions:
Directions: From Granada go North on Nova turn left into Tomoka Oaks
Legal: Lot 10 Blk 12 Tomoka Oaks Country Club Estates Unit 1 Mb 25 Pgs 58 & 59 Per Or 3326 Pg 0800 Per Or 5625 Pg 2199 Per Or 6 041 Pg 0365
Parcel ID Link: 324210120100
Supra: No **Dispute Res:** No

Sold Price Sqft: $169.96
Sold/Leased Date: 10/08/2009



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Residential
Closed
MLS# 495701

85 N Saint Andrews, Ormond Beach, FL 32174

Public Display

List Price: $389,000
Sold/Leased Price: $257,500

Area: 44 - Ormond N of 40, S Tomoka River, E of US1 **County:** Volusia



List Price:	$389,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$215.63	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	142.73	**Unit #:**		**Tax ID:**	324210260010
Bedrooms:	3	**Year Built:**	1972	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	1,804				
SqFt - Total:	2,310				
SqFt Source:	Property Appraiser				
Lot Size:	100x155				

Directions: Tomoka Oaks country club is on Nova rd. in between Granada and US1. When entering the subdivision, the road forks. Go ri

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		19 x 13		Kitchen		12 x 10	
Bedroom 2		14 x 10		Porch/Balcony		20 x 13	
Bedroom 3		10 x 9		Patio/Deck		14 x 10	
Dining Room		12 x 10		Utility Room		8 x 5	
Family Room		18 x 10					
Living Room		18 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile; Other

Pets Allowed: No
House Orientation: E
Heating: Central
Inside: Fireplace
Land: Wooded
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA

Parking: 2 Car Garage
Porch: Enclosed
Roof: Shingle
Util for Land Only: City Water; Electric; Sewer

Remarks: Rare tomoka riverfront with unobstructed views and picturesque sunsets. Sit on the expansive back porch and watch the boats go by. Home is located in the exclusive Tomoka oaks country club subdivision. Home features family room w/ fireplace and beautiful flagstone floors. Open floor plan. Spacious master suite w/ river views.

Showing Instructions:
Directions: Tomoka Oaks country club is on Nova rd. in between Granada and US1. When entering the subdivision, the road forks. Go ri
Legal: Lot 1 Blk 26 Tomoka Oaks Country Club Ests Unit 1b Mb 28 Pg 129 Per Or 4779
Parcel ID Link: 324210260010
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $142.74
Sold/Leased Date: 11/18/2009



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 495366

69 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $229,900
Sold/Leased Price: $200,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$229,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$107.32	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	93.37	**Unit #:**		**Tax ID:**	324210160020
Bedrooms:	3	**Year Built:**	1974	**As Is Cond:**	No
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Water:**	City		
Living Area:	2,142				
SqFt - Total:	2,921				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From Granada North on Nova to Tomoka Oaks Left on S. St. Andrews to Oakmont.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		19 x 14		Kitchen		23 x 12	
Bedroom 2		15 x 11		Porch/Balcony		20 x 10	
Bedroom 3		12 x 12		Utility Room		11 x 9	
Dining Room		12 x 10					
Family Room		19 x 15					
Living Room		16 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Central Vacuum; Dishwasher; Disposal; Double Oven; Microwave; Range; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Vinyl

Pets Allowed: No
House Orientation: N
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom
Miscellaneous: Golf Community; Home Warranty; Homeowners Association; Security System
Maint Fee Covers: Common Area
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Oversized
Porch: Screened
Roof: Shingle

Remarks: Tomoka Oaks Brick Beauty. Well maintained family home on a quiet tree-lined street in this golf course community. Huge eat-in kitchen with double oven and giant pantry. Brick fireplace in family room. 9x11 laundry room. Separate living room and dining room. Central vacuum, security system, oversized 2 car garage, split bedrooms. Great curb appeal. If you're looking for a creampuff in a great Ormond Beach neighborhood then this is it. Close to everything $60 per year maint fee. Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: From Granada North on Nova to Tomoka Oaks Left on S. St. Andrews to Oakmont.
Legal: Lot 2 Blk 16 Unit 4 Tomoka Oaks Country Club Estates Mb 31 Pg 167 Per Or 3930 Pg 0933
Parcel ID Link: 324210160020
Supra: No **Dispute Res:** No

Sold Price Sqft: $93.37
Sold/Leased Date: 11/20/2009



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 490457

7 Nottingham Drive, Ormond Beach, FL 32174

Public Display

List Price: $259,000
Sold/Leased Price: $230,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$259,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$73.49	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	65.26	**Unit #:**		**Tax ID:**	324224001490
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2.1	**Year Built:**	1990	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	3,524	**Water:**	City		
SqFt - Total:	3,996				
SqFt Source:	Property Appraiser				
Lot Size:	114x141				

Directions: E. ON GRANADA. N. ON NOVA. L INTO TOMOKA OAKS, L ON S. ST. ANDREWS TO RIVERBLUFF. FOLLOW TO R ON NOTTINGHAM.

Virtual Tour: Click to View Virtual Tour

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		22 x 21		Den		11 x 10	
Bedroom 2		18 x 13		Kitchen		20 x 13	
Bedroom 3		17 x 11		Patio/Deck		33 x 12	
Bedroom 4		17 x 14		Utility Room		11 x 11	
Dining Room		13 x 12					
Family Room		18 x 14					
Living Room		17 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Dryer; Range; Refrigerator; Washer
Architecture: Modern
Building: 2 Stories
Construction: Brick; Frame
Condo Parking: Secured
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: W
Heating: Central
Inside: 1 Bedroom Down; Cathedral Ceiling; Ceiling Fans; Fireplace; Split Bedroom; Sunken Living Room; Volume Ceiling
Land: Cul-De-Sac
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well; Utility Shed
Parking: 2 Car Garage
Porch: Patio
Roof: Shingle

Remarks: YOUR BUYERS CANT GO WRONG! Check out the price on this Fabulous Tomoka Oaks Custom Brick home situated at the back of quiet culdesac. Home boasts 4 bedrooms plus a 20 x 15 bonus rm that could be 5th bed or Media/Game rm. Enter into tiled foyer w/ formal lvg & dining. Large eat in kitchen w/separate breakfast bar open to tiled family room w/soaring brick fireplace. Master suite downstairs w/ sitting area, Jacuzzi tub & tons of storage. Upstairs landing is open & overlooks family room. 3 beds plus bonus room upstairs. Great floor plan for growing or extended family. Inside features: include vaulted ceilings, a 12 x 8 glass atrium separating all lvg. areas, 6 baseboards, skylights, security system, central vacuum,& oversized inside laundry. Outside: beautifully landscaped 114 x141 lot, 6f

Showing Instructions:
Directions: E. ON GRANADA. N. ON NOVA. L INTO TOMOKA OAKS, L ON S. ST. ANDREWS TO RIVERBLUFF. FOLLOW TO R ON NOTTINGHAM.
Legal: Lot 149 Tomoka Oaks Unit 7-B Mb 34 Pg 201 Inc Per Or 4452 Pg 1684
Parcel ID Link: 324224001490
Supra: Yes
Dispute Res: No

Sold Price Sqft: $65.27
Sold/Leased Date: 03/05/2010



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Residential
Closed
MLS# 499580

22 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $179,800
Sold/Leased Price: $170,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$179,800	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$104.23	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	98.55	**Unit #:**		**Tax ID:**	324210150140
Bedrooms:	3	**Year Built:**	1970	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,725				
SqFt - Total:	2,553				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Granada West to North on Nova Rd to Tomoka Oaks (Tomoka Oaks Blvd.) bear Left on S St. Andrews Dr-Right on Oakmont Circ

Virtual Tour:

Maint Fee: $75 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 12		Kitchen		23 x 9	
Bedroom 2		14 x 11		Porch/Balcony		18 x 12	
Bedroom 3		11 x 10		Patio/Deck		18 x 12	
Dining Room		11 x 8		Utility Room		10 x 6	
Family Room		12 x 9					
Living Room		21 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Cooktop; Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile

Pets Allowed: No
House Orientation: E
Heating: Electric; Heat Pump
Inside: Ceiling Fans
Land: Cul-De-Sac; Wooded
Miscellaneous: Golf Community; Homeowners Association; Workshop
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Attached; Oversized
Porch: 2+ Porches/Decks; Front; Screened
Roof: Shingle

Remarks: BEAUTIFULLY MAINTAINED Tomoka Oaks golf community 3/2 with 1745 sq ft living + inviting screened porch to enjoy a lush back yard * mature trees and lots of curb appeal * desirable circle street * concrete block with stucco finish * 2 living and 2 dining areas * inviting kitchen is fully equipped and is approx 8 years new with double sink, back splash, skylight & Corian tops * kit is open to EIK & family room * 3 entryway closets * master suite with 2 closets & updated master bath * bathrooms have basket-weave tile in excellent condition * Murphy bed/office assembly in 3rd bedroom will remain * excellent storage * newer carpet * tile and slate flooring * ceiling fans * freezer will remain in the inside utility room with sink * oversized garage with workshop perfect for motorcycles * roo

Showing Instructions:
Directions: Granada West to North on Nova Rd to Tomoka Oaks (Tomoka Oaks Blvd.) bear Left on S St. Andrews Dr-Right on Oakmont Circ
Legal: Lot 14 Blk 15 Tomoka Oaks Country Club Ests Unit 3 Mb 29 Pg 81 Inc Per Or 4165 Pg 3824
Parcel ID Link: 324210150140
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $98.55
Sold/Leased Date: 05/04/2010



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Residential
Closed
MLS# 500164

20 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $166,000
Sold/Leased Price: $157,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$166,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$78.59	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	74.33	**Unit #:**		**Tax ID:**	324210110030
Bedrooms:	3	**Year Built:**	1966	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,112				
SqFt - Total:	3,260				
SqFt Source:	Property Appraiser				
Lot Size:	98x140				

Directions: From Granada & Nova Rd head N on Nova Rd to (L) on Tomoka Oaks (L) at fork house on (L)

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 13		Kitchen		11 x 8	
Bedroom 2		13 x 12					
Bedroom 3		20 x 9					
Family Room		19 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Architecture: Modern
Building: 3 - 5 Stories
Construction: Concrete Block
Condo Parking: Secured
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: Yes
House Orientation: W
Heating: Central; Heat Pump
Inside: 1 Bedroom Down
Land: Corner Lot
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard

Parking: 2 Car Garage
Porch: Balcony; Patio
Roof: Tile
Special Conditions: None

Remarks: Tri level home with large rec room down stairs 3 bed 3 bath remodeled fresh paint and carpet show great !!!MEASUREMENTS ARE BELIEVED TO BE ACCURATE BUT NOT WARRANTED. PROOF OF FUNDS OR PRE-APPROVAL LETTER FROM DIRECT LENDER IS REQUIRED AT TIME OF OFFER SUBMISSION. BUYER TO PAY DOC STAMPS ON DEED. PURCHASE THIS PROPERTY FOR AS LITTLE AS 3% DOWN! THIS PROPERTY IS APPROVED FOR HOMEPATH MORTGAGE .

Showing Instructions:
Directions: From Granada & Nova Rd head N on Nova Rd to (L) on Tomoka Oaks (L) at fork house on (L)
Legal: Lot 3 Blk 11 Tomoka Oaks Country Club Ests Unit 1 Mb 25 Pgs5 8 & 59 Per Or 5201 Pg 293
Parcel ID Link: 324210110030
Supra: No
Dispute Res: No

Sold Price Sqft: $74.34
Sold/Leased Date: 06/11/2010



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Residential
Closed
MLS# 498182

57 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $175,900
Sold/Leased Price: $120,750

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$175,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$40.81	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	28.02	**Unit #:**		**Tax ID:**	324210140180
Bedrooms:	5	**Year Built:**	1968	**As Is Cond:**	Yes
Baths - Total:	4	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	4 /	**Water:**	City		
Living Area:	4,310				
SqFt - Total:	4,310				
SqFt Source:	Property Appraiser				
Lot Size:	111x123				

Directions: N NOVA TO S ST. ANDREWS. GO WEST ON ST. ANDREWS. ARRIVE AT PROPERTY ON THE N SIDE OF THE STREET.
Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		18 x 15		Kitchen		20 x 12	

Building: 2 Stories
Condo Parking: 2; Assigned; Covered; Secured
Pets Allowed: No
Inside: Fireplace
Land: On Golf Course
Maint Fee Covers: NA
Parking: 2 Car Garage; Oversized
Pool: Inground Private
Special Conditions: Bank Owned/REO

Remarks: This Property is now under Auction terms. All auction properties are subject to a 5% buyers premium pursuant to the Auction Terms & Conditions (minimums will apply).

Showing Instructions:
Directions: N NOVA TO S ST. ANDREWS. GO WEST ON ST. ANDREWS. ARRIVE AT PROPERTY ON THE N SIDE OF THE STREET.
Legal: Lot 18 & E 10 Ft Meas On S/L Of Lot 17 Blk 14 Tomoka Oakscou Ntry Club Estates Unit 3-A Mb 27 Pg 285 Per Or 4676 Pgs 2939 -2940 Per Or 5393 Pg 3168
Parcel ID Link: 324210140180
Supra: No
Dispute Res: No

Sold Price Sqft: $28.02
Sold/Leased Date: 06/25/2010



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 490050

88 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $275,000
Sold/Leased Price: $150,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$275,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$79.73	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	43.49	**Unit #:**		**Tax ID:**	324210200090
Bedrooms:	4	**Year Built:**	1969	**As Is Cond:**	Yes
Baths - Total:	3.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 / 1	**Water:**	City		
Living Area:	3,449				
SqFt - Total:	4,361				
SqFt Source:	Property Appraiser				
Lot Size:	115x132				

Directions: N. of Granada on Nova. L into Tomoka Oaks. Right on North St. Andrews for about 1 mile.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $65 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 13		Den		24 x 23	
Bedroom 2		15 x 12		Kitchen		13 x 11	
Bedroom 3		14 x 12		Utility Room		12 x 2	
Bedroom 4		24 x 23					
Dining Room		15 x 13					
Family Room		18 x 14					
Living Room		13 x 13					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch; Other
Building: 2 Stories
Construction: Brick; Concrete Block

Pets Allowed: No
House Orientation: W
Heating: Central
Inside: 2 Bedrooms Down; Ceiling Fans; Fireplace; Split Bedroom
Land: On Golf Course
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Clubhouse Facility; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Oversized
Pool: Heated; Inground Private; Screened; Solar
Porch: 2+ Porches/Decks; Enclosed; Front; Screened
Roof: Shingle
Special Conditions: Potential Short Sale
Waterfront: Riverview Home/Unit

Remarks: This home offers both a golf course and river view plus a sought after location close to the heart of Ormond. Custom built home on the third fairway of Tomoka Oaks Golf Club. All bedrooms are large, (smallest is 12'x14'), plus 3-1/2 baths, 3 wood burning fireplaces and two wet bars. Fully finished basement for kids, in-laws or a media room. Enjoy the Florida weather by the pool along with the golf course view all screen enclosed by the pool lanai. Home also offers a large, equipped kitchen with lots of counter space. There is an unobstructed view of the Tomoka River from the screened front porch, living room and 2nd bedroom. Come inside to fully appreciate this lovely and unique home. SELLERS ARE MOTIVATED! Some furnishings may be available for purchase. Tax role living area square foota

Showing Instructions:
Directions: N. of Granada on Nova. L into Tomoka Oaks. Right on North St. Andrews for about 1 mile.
Legal: L00 9 Blk 20 Tomoka Oaks Country Club Ests Unit 1b Mb 28 Pg 129 Per Or 4771 Pg 0825
Parcel ID Link: 324210200090
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $43.49
Sold/Leased Date: 07/14/2010



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 507393

112 River Bluff Drive, Ormond Beach, FL 32174

Public Display

List Price: $439,900
Sold/Leased Price: $419,882

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$439,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$130.22	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	124.29	**Unit #:**		**Tax ID:**	324223000070
Bedrooms:	4	**Year Built:**	1986	**As Is Cond:**	Yes
Baths - Total:	2.2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 / 2	**Water:**	City		
Living Area:	3,378				
SqFt - Total:	4,266				
SqFt Source:	Property Appraiser				
Lot Size:	4.49 acr				

Directions: N on Nova,L into Tomoka Oaks,L on St Andrewws, go thru 4way stop to Riverbluff

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		31 x 15		Den		12 x 12	
Bedroom 2		15 x 13		Kitchen		13 x 10	
Bedroom 3		14 x 12		Porch/Balcony		17 x 12	
Bedroom 4		12 x 12		Utility Room		8 x 7	
Dining Room		16 x 15					
Family Room		17 x 16					
Living Room		16 x 15					

1st Floor: Slab
Acreage: 1 - 5
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Dryer; Refrigerator; Washer
Architecture: Colonial
Building: 2 Stories
Construction: Brick; Frame; Siding
Floor Coverings: Carpet; Wood
Pets Allowed: Yes
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Wooded
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage
Pool: Inground Private
Porch: Deck; Screened
Roof: Shingle
Special Conditions: Bank Owned/REO
Waterfront: Dock

Remarks: UNIQUE RIVER FRONT HOME ON FOUR ACRES WITH 450 FT. WALKWAY LEADING TO A BOAT DOCK DIRECTLY ON THE TOMOKA RIVER. THE TOMOKA RIVER IS ACCESSIBLE TO THE INTRACOASTAL WATERWAYS.This home features solid cherry floors, multiple fireplaces, 2-story foyer, one of a kind landscaping and an in-ground pool and screened porch. This home also features gorgeous crown, base and decorative moldings throughout. Kitchen has brick accented cooking area. The Spacious Master Bedroom includes a fireplace and separate sitting area with cherry floors. There is a garden tub in the master bathroom. Quality craftmanship and character is found throughout the home. Family home in a sought after location. Corporate Owned.

Showing Instructions:
Directions: N on Nova,L into Tomoka Oaks,L on St Andrewws, go thru 4way stop to Riverbluff
Legal: Lot 7 & Inc Pt Of Lots 5 & 6 Tomoka Oaks Unit 7a Mb 34 Pgs 162 To 164 Per Or 2745 Pg 1938
Parcel ID Link: 324223000070
Supra: No **Dispute Res:** No

Sold Price Sqft: $124.3
Sold/Leased Date: 10/05/2010



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Residential
Closed
MLS# 510184

46 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $172,650
Sold/Leased Price: $150,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$172,650	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$73.28	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	63.66	**Unit #:**		**Tax ID:**	324210180250
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1966	**Homestead Exempt:**	No
Full / Half Baths	3 /	**Sewer:**	City		
Living Area:	2,356	**Water:**	City		
SqFt - Total:	3,923				
SqFt Source:	Property Appraiser				
Lot Size:	100x178				

Directions: North from Granada on Nova Rd, left into Tomoka Oaks, left on S. St. Andrews to 46
Virtual Tour:
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		23 x 17		Kitchen		11 x 10	
Bedroom 2		11 x 10		Patio/Deck		25 x 15	
Bedroom 3		11 x 11					
Bedroom 4		13 x 11					
Dining Room		18 x 11					
Family Room		26 x 17					
Living Room		14 x 13					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator; Washer; Water Softener
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block; Frame; Stucco
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: No
Heating: Central; Electric
Inside: Cathedral Ceiling; Ceiling Fans
Miscellaneous: Home Warranty; Homeowners Association; Security System; Workshop
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler
Parking: 2 Car Garage; Attached
Porch: Deck
Roof: Shingle; Other
Special Conditions: None

Remarks: Spacious Tomoka Oaks Home with fresh paint, new carpeting, and only approx. 3/10 of a mile to the Clubhouse door!This home features a large Master Suite with hardwood floors,Jacuzzi tub,and a private entrance to the outside deck.Has separate hotwater tank and a/c unit for personal comfort and control.The Master bath has His/Her vanity sinks with plenty of cabinetry for storage and a large shower with sitting area.There are two huge walk-in closets as well.Hers has built-in cabinetry and shelving, and his has access to office area.The other bathrooms have been upgraded with new vanities,sink tops,and faucets as well.17' x 26' Great Room is perfect for family entertaining with direct access to back yard.Oversized two car garage has a storage closet and access to large Laundry room with lot

Showing Instructions:
Directions: North from Granada on Nova Rd, left into Tomoka Oaks, left on S. St. Andrews to 46
Legal: Lot 25 Blk 18 Tomoka Oaks Country Club Ests Unit 3a Mb 27 Pg 285 Per Or 3476 Pg 1346 Per Or 6256 Pgs 1151-1152 Per Or 62 97 Pg 4609 Per Or 6310 Pg 1893
Parcel ID Link: 324210180250
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $63.67
Sold/Leased Date: 11/01/2010



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Residential
Closed
MLS# 502071

34 S Saint Andrews, Ormond Beach, FL 32174

Public Display

List Price: $169,900
Sold/Leased Price: $143,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$169,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$96.31	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	81.06	**Unit #:**		**Tax ID:**	324210110100
Bedrooms:	3	**Year Built:**	1966	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,764				
SqFt - Total:	2,362				
SqFt Source:	Property Appraiser				
Lot Size:	100x140				

Directions: Nova Road to Tomoka Oaks. Left onto South St. Andrews.
Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		13 x 12		Kitchen		10 x 9	
Bedroom 2		13 x 12		Porch/Balcony		20 x 12	
Bedroom 3		11 x 10					
Dining Room		11 x 9					
Family Room		19 x 15					
Living Room		19 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Microwave; Refrigerator
Architecture: Ranch
Building: 1 Story
Floor Coverings: Carpet; Tile
Pets Allowed: No
Heating: Central
Inside: Ceiling Fans
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA
Outside: Irrigation Well
Parking: 2 Car Garage
Porch: Screened
Roof: Shingle
Special Conditions: None

Remarks: Don't miss this beauty in desirable Tomoka Oaks. The gracious foyer leads to a combination living room and dining room with crown molding, chandelier and sliders to the paver patio. The pristine kitchen has a breakfast bar and opens to large family room with woodburning brick fireplace, crown molding, ceiling fan and sliders to a screened patio. There are 3 spacious bedrooms and 2 full baths, plus a brick paver driveway, fenced yard and tons of updates!

Showing Instructions:
Directions: Nova Road to Tomoka Oaks. Left onto South St. Andrews.
Legal: Lot 10 Blk 11 Tomoka Oaks Country Club Ests Unit 3a Mb 27 Pg 285 Per Or 2071 Pg 1709
Parcel ID Link: 324210110100
Supra: Yes
Dispute Res: No

Sold Price Sqft: $81.07
Sold/Leased Date: 12/06/2010



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Residential
Closed
MLS# 507304

116 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $165,000
Sold/Leased Price: $165,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$165,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$74.39	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	74.39	**Unit #:**		**Tax ID:**	324226000710
Bedrooms:	3	**Year Built:**	1980	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,218				
SqFt - Total:	2,500				
SqFt Source:	Property Appraiser				
Lot Size:	100x140				

Directions: Granada East to No on Nova to Left into Tomoka Oaks to right on No St. Andrews

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 14		Den		29 x 12	
Bedroom 2		14 x 14		Kitchen		15 x 8	
Bedroom 3		14 x 14		Porch/Balcony		29 x 12	
Dining Room		14 x 12		Utility Room		15 x 7	
Living Room		23 x 23					

Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Vinyl

Pets Allowed: No
Heating: Central; Electric
Inside: Split Bedroom
Land: On Golf Course
Miscellaneous: Workshop
Maint Fee Covers: NA

Parking: 2 Car Garage; Oversized
Pool: Inground Community
Porch: 2+ Porches/Decks; Screened
Roof: Shingle
Special Conditions: None

Remarks: Golf Course home is nestled in a park like setting. Lush landscaping and very private. this 3 bedroom, 2 1/2 bath home has been well cared for. Hugh rooms with lots of light. Check out the Living room size...Formal dining room right off the kitchen makes it great for entertaining. Kitchen has a pass thru window for those cook outs and just enjoying the spacious screened in patio. Inside laundry for your convenince and the oversized garage has a separate work shop. The large master has sliding glass doors to the patio to enjoy those beautiful Florida nights. Come and enjoy this beautiful home.

Showing Instructions:
Directions: Granada East to No on Nova to Left into Tomoka Oaks to right on No St. Andrews
Legal: Lot 71 Tomoka Oaks Unit 7-C Mb 35 Pgs 46 & 47 Per Or 4916 Pg 0291
Parcel ID Link: 324226000710
Supra: Yes
Dispute Res: No

Sold Price Sqft: $74.39
Sold/Leased Date: 12/23/2010



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Residential
Closed
MLS# 506507

60 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $149,900
Sold/Leased Price: $152,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$149,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$69.07	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	70.27	**Unit #:**		**Tax ID:**	324210180180
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1969	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	2,170	**Water:**	City		
SqFt - Total:	3,007				
SqFt Source:	Property Appraiser				
Lot Size:	100' x 160'				

Directions: Nova Road to Tomoka Oaks. Left on South St. Andrews, follow to address.

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 15		Kitchen		12 x 12	

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Architecture: Traditional; Other
Building: 1 Story
Construction: Concrete Block; Face Brick; Stucco
Floor Coverings: Carpet; Tile; Wood; Other

Pets Allowed: No
Heating: Central
Inside: Ceiling Fans; Inside Sprinkler System; Network Wiring; Split Bedroom
Miscellaneous: Golf Community; Homeowners Association; Security System
Maint Fee Covers: NA
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Irrigation Well; Utility Shed

Parking: 2 Car Garage; Oversized
Pool: Heated; Inground Private; Screened
Porch: Deck; Front; Patio; Screened
Roof: Shingle
Special Conditions: Bank Owned/REO

Remarks: ***BRING OFFERS*** As of List date, this is the Cheapest Home in "Tomoka Oaks" Golfing Community! ***WHAT A DEAL*** Lovely 4 Bedroom 2 Bathroom Pool Home in Golf Community! Interior Photos Coming Soon! Large Fenced In Backyard! Priced at $74 Per Sq. Ft. of Heated Living Area! ***Screened In Ground Pool with Jacuzzi*** New Roof in 2005! ***New Kitchen Cabinets and Granite Countertops*** This lovely home features large Living Area, Dining Room, Breakfast Bar, Florida Room, Split Bedrooms, etc. Oversized 2 Car Garage! Large 100' x 160' Lot! New A/C and Water Heater in 2007! Large Florida Room! *** TOMOKA OAKS GOLFING COMMUNITY*** Located near Shopping and Dining! ***Short drive to the World's Most Famous Beach*** Artesian Screened In-Ground Pool installed in 2002! Guest Bathroom lead

Showing Instructions:
Directions: Nova Road to Tomoka Oaks. Left on South St. Andrews, follow to address.
Legal: Lot 18 Blk 18 Tomoka Oaks Country Club Ests Unit 3a Mb 27 Pg 285 Per Or 3925 Pg 0207
Parcel ID Link: 324210180180
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $70.28
Sold/Leased Date: 12/27/2010



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Residential
Closed
MLS# 508597

4 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $149,000
Sold/Leased Price: $120,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$149,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$95.51	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	76.92	**Unit #:**		**Tax ID:**	324210080030
Bedrooms:	3	**Year Built:**	1966	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,560				
SqFt - Total:	2,460				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Granada N on Nova Rd to Tomoka Oaks entrance left to right on N. St Andrews to left on Pine Valley

Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 12		Kitchen		13 x 9	
Bedroom 2		13 x 11		Patio/Deck		21 x 12	
Bedroom 3		12 x 11					
Dining Room		11 x 10					
Family Room		16 x 12					
Living Room		18 x 10					

1st Floor: Slab
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Microwave; Range
Architecture: Ranch
Building: 1 Story
Construction: Brick; Frame
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: E
Heating: Central
Inside: Ceiling Fans
Miscellaneous: Golf Community; Security System
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler
Parking: 2 Car Garage; Attached
Porch: Patio
Roof: Shingle
Special Conditions: None

Remarks: Perfect place for first time Buyer or young family in Tomoka Oaks! Sweet 3bd/2bth with living room and family room off the kitchen. Kitchen has updated kitchen cabinets and countertops. Family room opens to a patio in a very private and fenced backyard. Perfect for kids and pets! . Plenty of room for a pool. The 2 car garage is oversized and has backdoor entry for even more privacy. The Master Bedroom French doors overlook the private backyard. Centrally located close to schools, shopping center, banks and more.

Showing Instructions:
Directions: Granada N on Nova Rd to Tomoka Oaks entrance left to right on N. St Andrews to left on Pine Valley
Legal: Lots 3 Blk 8 Tomoka Oaks Country Club Ests Unit 1 Mb 25 Pgs 58-59 Inc Per Or 1862 Pg 1197 Per Or 5463 Pg 4902 Per Or 616 9 Pgs 4483-4484
Parcel ID Link: 324210080030
Supra: Yes
Dispute Res: No

Sold Price Sqft: $76.92
Sold/Leased Date: 12/29/2010



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Residential
Closed
MLS# 509668

34 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $268,000
Sold/Leased Price: $230,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$268,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$84.75	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	72.73	**Unit #:**		**Tax ID:**	324210090080
Bedrooms:	5			**As Is Cond:**	No
Baths - Total:	3	**Year Built:**	1971	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Sewer:**	City		
Living Area:	3,162	**Water:**	City		
SqFt - Total:	4,444				
SqFt Source:	Property Appraiser				
Lot Size:	118 X 147.00				

Directions: Nova road north of granada to left into Tomoka Oaks subdivision, stay to right and follow north Saint Andrews to #34 on

Virtual Tour:

Maint Fee: $45 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 13		Kitchen		18 x 12	
Bedroom 2		15 x 13		Patio/Deck		33 x 22	
Bedroom 3		13 x 11		Utility Room		10 x 08	
Bedroom 4		12 x 11					

1st Floor: Slab
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer
Building: 2 Stories
Construction: Brick
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: Yes
Financing: OWC - Lease Purchase
House Orientation: E
Heating: Central; Heat Pump
Inside: Ceiling Fans; Fireplace
Land: On Golf Course
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well; Public Bus

Parking: 2 Car Garage
Pool: Heated; Inground Private; Screened
Porch: Screened
Roof: Shingle
Special Conditions: None

Remarks: A beautiful view of the Tomoka Oaks Golf Course from this large 4 bedroom home. Inside you`ll find a cozy feeling and room to roam with a large 24` x 24` playroom for the kids or a home theater or den for the adults. Outside you`ll want to spend most of your time on your 22 x 33 screened brick patio that overlooks both the screen enclosed pool and the 9th tee box & fairway. If you want to escape the house for a while, youre in walking distance of the country club to have a cocktail or to hit the tennis courts for a quick match. This home is a definite must see.

Showing Instructions:
Directions: Nova road north of granada to left into Tomoka Oaks subdivision, stay to right and follow north Saint Andrews to #34 on
Legal: LOT 8 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58 & 59 PER OR 35042PG 0516
Parcel ID Link: 324210090080
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $72.74
Sold/Leased Date: 01/08/2011



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Residential
Closed
MLS# 514114

36 Pebble Beach Drive, Ormond Beach, FL 32174

Public Display

List Price: $379,900
Sold/Leased Price: $415,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$379,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$133.06	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	145.35	**Unit #:**		**Tax ID:**	324210050220
Bedrooms:	4	**Year Built:**	1978	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,855				
SqFt - Total:	4,032				
SqFt Source:	Property Appraiser				
Lot Size:	109x170				

Directions: Nova Rd to St Andrews to N on Pebble Beach (Tomoka Oaks)
Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		19 x 14		Den		12 x 12	
Bedroom 2		12 x 10		Kitchen		15 x 11	
Bedroom 3		12 x 10		Porch/Balcony		30 x 10	
Dining Room		16 x 12					
Family Room		21 x 12					
Living Room		24 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block; Stucco
Condo Parking: Secured
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: Yes
House Orientation: N
Heating: Central
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Split Bedroom
Land: Cul-De-Sac
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Public Bus
Parking: 2 Car Garage
Pool: Inground Private
Porch: Deck
Roof: Shingle
Special Conditions: Bank Owned/REO
Waterfront: Dock; Riparian Rights; Riverview Home/Unit; Seawall

Remarks: This Tomoka River front home is absolutely beautiful, located in a cul-de-sac. Enter into the home and immediately see upgraded details such as travertine floors, large spacious kitchen with elegant cabinets and stainless appliances. Continue into the family room full of windows to look out over the pool and river with a large two level dock. The large master bedroom features beautiful wood floors and a large, totally remodeled bath with a soaking tub next to the window with views of the river. Relax by the pool or on the deck over the boathouse. What a place to enjoy the sunsets. This is a fantastic value! Please submit all offers on a FAR/BAR ''As Is'' contract with proof of funds or a prequalification letter which is required on all offers. All information taken from the tax roll an

Showing Instructions:
Directions: Nova Rd to St Andrews to N on Pebble Beach (Tomoka Oaks)
Legal: Lot 22 Blk 5 Unit 1 C Tomoka Oaks Country Club Estates
Parcel ID Link: 324210050220
Supra: No **Dispute Res:** No

Sold Price Sqft: $145.36
Sold/Leased Date: 03/02/2011



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Residential
Closed
MLS# 509559

68 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $154,968
Sold/Leased Price: $140,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$154,968	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$88.15	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	79.63	**Unit #:**		**Tax ID:**	324210070310
Bedrooms:	3	**Year Built:**	1971	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	1,758				
SqFt - Total:	2,478				
SqFt Source:	Property Appraiser				
Lot Size:	103x144				

Directions: Nova Rd North of Granada to Tomoka Oaks on left. Right on N. St. Andrews

Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 15		Kitchen		12 x 12	
Bedroom 2		13 x 12					
Bedroom 3		12 x 11					
Dining Room		16 x 12					
Family Room		18 x 16					
Living Room		20 x 16					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Architecture: Traditional
Building: Other
Construction: Concrete Block; Face Brick
Floor Coverings: Carpet

Pets Allowed: Yes
House Orientation: S
Heating: Central
Inside: Fireplace
Land: On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Public Bus

Parking: 2 Car Garage
Porch: Patio
Roof: Shingle
Special Conditions: None

Remarks: Just passing by, you'll love the look of this stately home with the "Chicago Brick" look nestled up against the Tomoka Oaks Golf Course. With its timeless floor plan this split level features a brick fireplace & a great view of the course. An oversized 2 car garage offers space for the hobbiest or those little extras that you need to store. Tomoka Oaks has been an extremely desirable area since its beginning & is sure to make you feel at home.

Showing Instructions:
Directions: Nova Rd North of Granada to Tomoka Oaks on left. Right on N. St. Andrews
Legal: Lot 31 Blk 7 Tomoka Oaks Country Club Ests Unit 1 Mb 25 Pgs 58 & 59
Parcel ID Link: 324210070310
Supra: No **Dispute Res:** No

Sold Price Sqft: $79.64
Sold/Leased Date: 03/04/2011



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 512832

12 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $149,900
Sold/Leased Price: $149,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$149,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$74.68	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	74.24	**Unit #:**		**Tax ID:**	324210080070
Bedrooms:	3			**As Is Cond:**	No
Baths - Total:	2	**Year Built:**	1965	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	2,007	**Water:**	City		
SqFt - Total:	3,529				
SqFt Source:	Property Appraiser				
Lot Size:	100 X 120.00				

Directions: US1 NORTH TO NOVA RD, LEFT ON NOVA RD, RIGHT INTO TOMOKA OAKS, BEAR RIGHT, 1ST RIGHT ST. ANDREWS, LEFT ON PINE VALLEY CI

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 14		Kitchen		13 x 13	
Bedroom 2		14 x 11		Porch/Balcony		16 x 12	
Bedroom 3		13 x 11		Patio/Deck		49 x 23	
Dining Room		14 x 11					
Family Room		16 x 14					
Living Room		21 x 18					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick; Concrete Block
Condo Parking: Secured
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: No
Heating: Central
Inside: Ceiling Fans; Fireplace
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard; Utility Shed

Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Front; Patio
Roof: Shingle
Special Conditions: Bank Owned/REO

Remarks: What a great 3 bedroom, 2 bath block pool home in the heart of Ormond Beach! Open floor plan with carpet only in bedrooms. Large family room plus living room dining room combo with fireplace. This home is close to shopping, dining and hospital. This is a Fannie Mae HomePath property. Purchase this property for as little as 3% down! This property is approved for HomePath Mortgage Financing. This property is approved for HomePath Renovation Mortgage Financing. Please submit all offers on a FAR/BAR contract. It is strongly encouraged that an offer includes proof of funds (if cash offer) or pre-approval (if financing) and is a requirement for seller's final acceptance. All information taken from the tax roll and deemed reliable but not guaranteed. Please submit all offers with the REO cove

Showing Instructions:
Directions: US1 NORTH TO NOVA RD, LEFT ON NOVA RD, RIGHT INTO TOMOKA OAKS, BEAR RIGHT, 1ST RIGHT ST. ANDREWS, LEFT ON PINE VALLEY CI
Legal: LOT 7 BLK 8 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS58 & 59 PER OR 4024 PG 4641
Parcel ID Link: 324210080070
Supra: No **Dispute Res:** No

Sold Price Sqft: $74.24
Sold/Leased Date: 03/07/2011



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Residential
Closed
MLS# 515360

50 S Saint Andrews, Ormond Beach, FL 32174

Public Display

List Price: $127,150
Sold/Leased Price: $127,150

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$127,150	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$73.79	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	73.79	**Unit #:**		**Tax ID:**	324210180230
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1966	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	1,723	**Water:**	City		
SqFt - Total:	2,383				
SqFt Source:	Property Appraiser				
Lot Size:	100x178				

Directions: NORTH ON NOVA FROM GRANADA, LEFT INTO TOMOKA OAKS SUBDIVISION, LEFT AT FORK TO NUMBER 50 ON LEFT.

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 13		Den		9 x 8	
Bedroom 2		13 x 10		Kitchen		15 x 15	
Bedroom 3		13 x 10		Porch/Balcony		14 x 12	
Bedroom 4		11 x 10		Patio/Deck		28 x 13	
Family Room		15 x 12					
Living Room		16 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Disposal
Architecture: Traditional
Building: 1 Story
Construction: Frame; Stucco
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: Yes
House Orientation: W
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace
Land: Wooded
Miscellaneous: Golf Community; Homeowners Association; Workshop
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Oversized
Porch: 2+ Porches/Decks; Deck; Front; Patio; Screened
Roof: Shingle
Special Conditions: Bank Owned/REO

Remarks: Great deal for a 4 bedroom home in Tomoka Oaks! Corporate owned waiting for a new owner. Large fenced in yard with covered RV or boat parking. Close to Granada Blvd shopping and minutes to the beach. Inside the garage there is a 9x8 enclosed workshop. Sold as-is, information deemed accurate but not warranted. Buyer to pay $75. doc fee to Onewest at closing. All contracts/offers are subject to Onewest senior management approval and any offers or counter offers by Onewest are not binding unless the entire agreement is ratified by all parties.

Showing Instructions:
Directions: NORTH ON NOVA FROM GRANADA, LEFT INTO TOMOKA OAKS SUBDIVISION, LEFT AT FORK TO NUMBER 50 ON LEFT.
Legal: LOT 23 BLK 18 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3-A MB 27 PG PG 285 PER OR 3994 PG 1338 PER OR 5669 PG 4831
Parcel ID Link: 324210180230
Supra: No **Dispute Res:** Yes

Sold Price Sqft: $73.8
Sold/Leased Date: 05/26/2011



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Residential
Closed
MLS# 518203

49 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $152,000
Sold/Leased Price: $150,000

Area: 44 - Ormond N of 40, S Tomoka River, E of US1 **County:** Volusia



List Price:	$152,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$72.86	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	71.9	**Unit #:**		**Tax ID:**	324210150030
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1973	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	2,086	**Water:**	City		
SqFt - Total:	2,922				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From N. Nova Rd., onto Tomoka Oaks, bear left at S. St. Andrews, turn right on Oakmont Circle.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 14		Kitchen		13 x 11	
Bedroom 2		12 x 12					
Bedroom 3		12 x 11					
Bedroom 4		12 x 12					
Dining Room		15 x 10					
Family Room		20 x 12					
Living Room		20 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Cooktop; Dishwasher; Disposal
Architecture: Traditional
Building: 1 Story
Construction: Frame
Floor Coverings: Carpet; Tile

Pets Allowed: No
House Orientation: W
Heating: Central; Heat Pump
Inside: Ceiling Fans
Miscellaneous: Workshop
Maint Fee Covers: NA

Parking: 2 Car Garage; Oversized
Porch: Screened
Roof: Shingle
Special Conditions: Bank Owned/REO
Util for Land Only: City Water; Sewer

Remarks: This is a spacious 4-bedroom home situated on a lovely tree lined street in one of the areas most popular neighborhoods with a golf course right next door. Shopping, schools and recreation are close by and the beach is only 10 minutes away. The backyard is large enough for a pool. The kitchen has a breakfast bar and opens up to the family room. There are both a formal dining room and formal living room. The bathrooms are made bright with skylights and the oversized garage has a workbench and cabinets for storage. Square footage and all room sizes are approximate.

Showing Instructions:
Directions: From N. Nova Rd., onto Tomoka Oaks, bear left at S. St. Andrews, turn right on Oakmont Circle.
Legal: Lot 3 Blk 15 Tomoka Oaks Country Club Ests Unit 3 Mb 29 Pg 8 1 Per Or 5185 Pg 3358 Per Or 6373 Pg 1990
Parcel ID Link: 324210150030
Supra: No
Dispute Res: No

Sold Price Sqft: $71.91
Sold/Leased Date: 06/13/2011



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 510828

7 Forest Oak Drive, Ormond Beach, FL 32174

Public Display

List Price: $185,850
Sold/Leased Price: $162,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$185,850	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$69.76	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	60.99	**Unit #:**		**Tax ID:**	324223001280
Bedrooms:	4	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,664				
SqFt - Total:	3,284				
SqFt Source:	Property Appraiser				
Lot Size:	100x115				

Directions: N on Nova, Left into Tomoka Oaks, L on S St Andrews, R on Rio Pinar, L on Forest Oak

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 13		Kitchen		16 x 13	
Bedroom 2		14 x 12		Patio/Deck		13 x 11	
Bedroom 3		13 x 12		Utility Room		9 x 6	
Bedroom 4		12 x 11					
Dining Room		13 x 11					
Family Room		30 x 19					
Living Room		15 x 14					

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile

Pets Allowed: No
Heating: Central; Electric
Inside: Ceiling Fans; Split Bedroom
Land: Corner Lot
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler

Parking: 2 Car Garage; Oversized
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Screened
Roof: Shingle
Special Conditions: None

Remarks: This open 4 bedroom 3 bath home sits high on a bluff on a large shaded corner lot with large oak trees. this home also features a perfect in law suite with its own full bath just off the kitchen. Also includes a large living room, family room, formal dining room and a private inground pool. This home is easy to see & a pleasure. Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: N on Nova, Left into Tomoka Oaks, L on S St Andrews, R on Rio Pinar, L on Forest Oak
Legal: Lot 128 Exc E 2 Ft Tomoka Oaks Unit 7a Mb 34 Pgs 162 To 164 Inc Per Or 4917 Pg 4012-4013
Parcel ID Link: 324223001280
Supra: No **Dispute Res:** No

Sold Price Sqft: $61
Sold/Leased Date: 06/30/2011



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Residential
Closed
MLS# 515422

84 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $209,000
Sold/Leased Price: $203,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



2011 DABMLS

List Price:	$209,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$89.77	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	87.19	**Unit #:**		**Tax ID:**	324210370040
Bedrooms:	4	**Year Built:**	1975	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,328				
SqFt - Total:	2,926				
SqFt Source:	Other				
Lot Size:	100 X 140.00				

Directions: NOVA RD NORTH OF GRANDA, LEFT INTO TOMOKA OAKS SUBDIVISION, FOLLOW TO ADDRESS
Virtual Tour:
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 13		Kitchen		14 x 10	
Bedroom 2		16 x 12		Porch/Balcony		30 x 14	
Bedroom 3		12 x 12		Patio/Deck		14 x 10	
Bedroom 4		12 x 12		Utility Room		8 x 6	
Dining Room		13 x 11					
Family Room		21 x 14					
Living Room		14 x 10					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump; Zoned
Appliances: Dishwasher; Disposal; Range; Solar Hot Water
Architecture: Ranch
Building: 1 Story
Construction: Frame
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
Financing: OWC - Seller Financing
House Orientation: N
Heating: Central; Heat Pump; Zoned
Inside: 2 Bedrooms Down; Cathedral Ceiling; Ceiling Fans; Fireplace
Miscellaneous: Golf Community; Homeowners Association; Security System; Workshop
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached; Oversized
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Patio; Screened
Roof: Shingle
Special Conditions: None

Remarks: Very well Maintained 1 owner home in very desirable Tomoka Oaks Country Club Estates.This 4 bedroom 2.5 bath home has been everything you would expect in a property of this caliber.From the formal living room to the newly refurbished in ground pool with completely re screened enclosure to the architectural roof (new in 2005),double pane replacement windows and sliding glass doors meet Dade hurricane standards (no shutters required)Professionally installed lightning suppression system, granite counter tops,Sun tunnels, coquina fireplace.Complete irrigation system with well, upgraded and zoned A/C with/Puron.Over sized 2 car garage has plenty of storage units and workbench that conveys!.Inside laundry adds to the value and convenience.You can see and feel how well this home was made an

Showing Instructions:
Directions: NOVA RD NORTH OF GRANDA, LEFT INTO TOMOKA OAKS SUBDIVISION, FOLLOW TO ADDRESS
Legal: Lot 4 Blk 37 Unit 4 Tomoka Oaks Country Club Estates Mb 31 PG 167 Per Or 4916 Pgs 3022-3024 Inc Per Or 5952 Pg 1894 Per Or 5960 Pg 1471
Parcel ID Link: 324210370040
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $87.2
Sold/Leased Date: 07/28/2011



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Residential
Closed
MLS# 508718

3 River Bluff Court, Ormond Beach, FL 32174

Public Display

List Price: $239,900
Sold/Leased Price: $199,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$239,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$97.04	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	80.5	**Unit #:**		**Tax ID:**	324226000530
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1980	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Sewer:**	City		
Living Area:	2,472	**Water:**	City		
SqFt - Total:	3,546				
SqFt Source:	Property Appraiser				
Lot Size:	119x135				

Directions: Take Nova Road to Tomoka Oaks, turn left on S. St. Andrews, right on River Bluff Dr., follow to end, turns into River Bl

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 12		Den		10 x 7	
Bedroom 2		16 x 11		Kitchen		22 x 12	
Bedroom 3		12 x 11		Porch/Balcony		22 x 17	
Bedroom 4		12 x 11		Patio/Deck		43 x 24	
Dining Room		12 x 12		Utility Room		12 x 7	
Family Room		18 x 14					
Living Room		20 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Multiple Units
Appliances: Cooktop; Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Traditional
Building: 2 Stories
Construction: Brick; Siding
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: N
Heating: Central; Electric
Inside: Fireplace
Land: Cul-De-Sac
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Enclosed; Front; Patio; Screened
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water

Remarks: ROOM TO GROW and spread out in this classic 4 bedroom pool home that has 2 full baths, a half bath & another shower off the laundry room. Living room has an electric fireplace, the 18x14 family room has knotty pine paneled walls and brick walled wood burning fireplace so there will be lots of room to hang the stockings during the holidays! The updated kitchen features oak cabinets, an island smooth surface cook top, Maytag dishwasher, GE built in microwave & oven, Kenmore refrigerator, large pantry and built-in desk & tile floors. 12x12 formal dining area, inside laundry room with shower for coming in from the pool! 10x7 hobby room for sewing, crafts or computers with floor to ceiling closets along entire wall. Outdoor living space is abundant! 22x17 covered lanai & pool with built in tabl

Showing Instructions:
Directions: Take Nova Road to Tomoka Oaks, turn left on S. St. Andrews, right on River Bluff Dr., follow to end, turns into River Bl
Legal: Lot 53 Tomoka Oaks Unit 7-C Mb 35 Pgs 46 & 47 Per Or 2172 Pg 1028
Parcel ID Link: 324226000530
Supra: No **Dispute Res:** No

Sold Price Sqft: $80.5
Sold/Leased Date: 08/29/2011



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Residential
Closed
MLS# 518886

17 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $175,000
Sold/Leased Price: $157,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$175,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$85.07	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	76.32	**Unit #:**		**Tax ID:**	324210070090
Bedrooms:	4			**As Is Cond:**	No
Baths - Total:	3	**Year Built:**	1968	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Sewer:**	City		
Living Area:	2,057	**Water:**	City		
SqFt - Total:	2,534				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Road north of Granada Boulevard to Tomoka Oaks. First right; then first left. Property on left.

Virtual Tour:

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 12		Kitchen		11 x 9	
Bedroom 2		14 x 11		Porch/Balcony		31 x 8	
Bedroom 3		12 x 12					
Bedroom 4		11 x 10					
Dining Room		11 x 9					
Family Room		17 x 13					
Living Room		18 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: W
Heating: Central; Heat Pump
Inside: Ceiling Fans
Land: On Golf Course; Wooded
Miscellaneous: Golf Community; Homeowners Association; Security System
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks
Roof: Shingle
Special Conditions: None

Remarks: WARM and COMFORTABLE describes this 4 bedroom 3 bath pool home situated on a large lot overlooking greenbelt on the golf course. Bright kitchen with full appliance package, spacious formal living and dining areas, and master bedroom with pool view. A tiled foyer greets your arrival to the home and opens to the formal living area. The formal living area is generous in size and flows into the formal dining where sliding glass doors open to the pool area making it perfect for entertaining. The family room is tiled and includes a built-in wall unit for media equipment, books and displaying family treasures. The family room includes a caf area overlooking the pool for casual dining. The kitchen is very functional. It includes a glass-top range, built-in microwave, dishwasher, refrigerator wit

Showing Instructions:
Directions: Nova Road north of Granada Boulevard to Tomoka Oaks. First right; then first left. Property on left.
Legal: Lot 9 Blk 7 Tomoka Oaks Country Club Ests Unit 1 Mb 25 Pgs 5 8 & 59 Per Or 3674 Pg 849 Per Or 5946 Pg 1580
Parcel ID Link: 324210070090
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $76.32
Sold/Leased Date: 09/06/2011



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Residential
Closed
MLS# 519689

77 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $199,900
Sold/Leased Price: $200,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$199,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$79.32	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	79.36	**Unit #:**		**Tax ID:**	324210190010
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	2.1	**Year Built:**	1983	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	2,520	**Water:**	City		
SqFt - Total:	3,568				
SqFt Source:	Property Appraiser				
Lot Size:	91x140				

Directions: From 1-95 and US1, Head South on US1, Right on N. Nova Road, Right on Tomoka Oaks Blvd., Home is on the Right.
Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 14		Kitchen		26 x 11	
Bedroom 2		12 x 11		Patio/Deck		46 x 26	
Bedroom 3		12 x 11					
Dining Room		13 x 12					
Living Room		25 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal
Architecture: Ranch
Building: 1 Story
Construction: Brick; Frame; Other
Condo Parking: Covered; Secured
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: No
Heating: Central; Electric
Inside: Cathedral Ceiling; Fireplace; Split Bedroom; Volume Ceiling
Land: On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Patio; Screened
Roof: Shingle
Special Conditions: Bank Owned/REO
Util for Land Only: City Water; Electric

Remarks: Calling all golfers. This Lovely 3 bedroom, 2.5 bath pool home located on the 12th hole in the Tomoka Oaks golfing community is a must see. This home has hardwood floors and tile throughout with carpet in the bedrooms. Large master suite complete with large walk- in closet with custom built in shelving, dual sinks, stand up shower and separate garden tub. This home also features a brick fireplace for those cool winter nights and great view of the golf course from the screened in patio complete with pool and separate jacuzzi. This home also offers a large kitchen with plenty of counter space and storage, large inside utility room, glass doors leading out to the large screened in patio. This home is convenient to shopping, hospitals, schools and GOLF!Purchase this property for as little as 3

Showing Instructions:
Directions: From 1-95 and US1, Head South on US1, Right on N. Nova Road, Right on Tomoka Oaks Blvd., Home is on the Right.
Legal: Lot 1 Blk 19 Unit 4 Tomoka Oaks Country Club Ests Mb 31 Pg16 7 Per 5096 Pg 3986
Parcel ID Link: 324210190010
Supra: Yes
Dispute Res: No

Sold Price Sqft: $79.37
Sold/Leased Date: 10/24/2011



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Residential
Closed
MLS# 524441

41 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $130,900
Sold/Leased Price: $126,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$130,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$70.11	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	67.48	**Unit #:**		**Tax ID:**	324210080200
Bedrooms:	3	**Year Built:**	1970	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,867				
SqFt - Total:	2,724				
SqFt Source:	Appraisal				
Lot Size:	100 X 120.00				

Directions: North on Nova to left at Tomoka Oaks,go right to 2nd left, home on left.

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 12		Kitchen		12 x 12	
Bedroom 2		13 x 12		Patio/Deck		21 x 12	
Bedroom 3		12 x 10					
Dining Room		13 x 12					
Family Room		19 x 12					
Living Room		20 x 13					

1st Floor: Slab
Air Conditioning: Central
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile

Pets Allowed: Yes
House Orientation: W
Heating: Central; Natural Gas
Inside: Ceiling Fans
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard

Parking: 2 Car Garage
Road: Paved
Roof: Shingle
Special Conditions: Bank Owned/REO; HUD/VA Govt.

Remarks: Welcome home! Looking for a great property in a quiet neighborhood? Stop looking and pick this one up before it is too late! This home has an updated spacious kitchen for the chef in the family. Master has large closet and masterbath. Dont miss your chance to be a homeowner! Property Sold AS-IS; Owned by Department of Veteran Affairs; Bank of America Prequalification required on all financed offers. Cash offers require proof of funds; Please allow 2-3 business days for seller response. VA Vendee financing available

Showing Instructions:
Directions: North on Nova to left at Tomoka Oaks,go right to 2nd left, home on left.
Legal: LOT 20 BLK 8 UNIT 1 TOMOKA OAKS COUNTRY CLUB ESTS MB 25 PGS 58 & 59
Parcel ID Link: 324210080200
Supra: No **Dispute Res:** No

Sold Price Sqft: $67.49
Sold/Leased Date: 11/18/2011



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Residential
Closed
MLS# 524812

71 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $189,900
Sold/Leased Price: $175,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$189,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$75.17	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	69.27	**Unit #:**		**Tax ID:**	324210160010
Bedrooms:	4			**As Is Cond:**	No
Baths - Total:	3	**Year Built:**	1974	**Homestead Exempt:**	Yes
		Sewer:	City		
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,526				
SqFt - Total:	3,417				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From Tomoka Oaks entrance off of Nova, L on S St. Andrews, R on second Oakmont Cir to 71 ahead on R.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 14		Kitchen		12 x 10	
Bedroom 2		12 x 11		Porch/Balcony		22 x 13	
Bedroom 3		15 x 11		Utility Room		10 x 5	
Bedroom 4		13 x 12					
Dining Room		14 x 12					
Family Room		20 x 14					
Living Room		24 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: W
Heating: Central
Inside: Fireplace; Split Bedroom
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler
Parking: 2 Car Garage; Oversized
Roof: Shingle
Special Conditions: None

Remarks: Beautifully maintained home in Tomoka Oaks Subdivision. One owner, meticulously maintained includes upgraded kitchen, newer windows, oversized 2 car garage, laundry room, fireplace, and much, much more!

Showing Instructions:
Directions: From Tomoka Oaks entrance off of Nova, L on S St. Andrews, R on second Oakmont Cir to 71 ahead on R.
Legal: Lot 1 Blk 16 Unit 4 Tomoka Oaks Country Club Estates Mb 31 Pg 167 Per Or 4432 Pg 0220
Parcel ID Link: 324210160010
Supra: No
Dispute Res: Yes

Sold Price Sqft: $69.28
Sold/Leased Date: 12/01/2011



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Residential
Closed
MLS# 517842

74 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $235,000
Sold/Leased Price: $235,000

Area: 44 - Ormond N of 40, S Tomoka River, E of US1 **County:** Volusia



List Price:	$235,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$62.68	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	62.68	**Unit #:**		**Tax ID:**	324210170020
Bedrooms:	5	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Water:**	City		
Living Area:	3,749				
SqFt - Total:	4,471				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: FROM SR40 & NOVA, GO NORTH ON NOVA, LEFT ON TOMOKA OAKS BLVD, LEFT ON S. ST. ANDREWS TO OAKMONT

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		21 x 20		Kitchen		19 x 11	
Bedroom 2		19 x 13					
Bedroom 3		16 x 12					
Bedroom 4		14 x 8					
Dining Room		19 x 14					
Family Room		20 x 20					
Living Room		21 x 11					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Zoned
Appliances: Cooktop; Dishwasher; Disposal; Range; Refrigerator
Architecture: Tudor
Building: 2 Stories
Construction: Brick
Condo Parking: Secured
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: No
House Orientation: S
Heating: Central
Inside: 1 Bedroom Down; Cathedral Ceiling; Ceiling Fans; Fireplace; Volume Ceiling
Land: On Golf Course
Maint Fee Covers: NA
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler

Parking: 2 Car Garage; Oversized
Pool: Heated; Inground Private
Porch: Deck
Roof: Shingle
Special Conditions: Potential Short Sale

Remarks: APPROVED!!! Chase has approved this sale & we're ready to go! LARGE TUDOR GOLF COURSE HOME! THIS 5 BEDROOM THREE BATH HOME WITH BONUS ROOM FEATURES HARDWOOD FLOORS, EAT IN KITCHEN BOASTING SOLID SURFACE COUNTERTOPS, DINING ROOM IS GRACED WITH A BRICK FIREPLACE AND THE FAMILY ROOM HAS A BRICKED FLOOR. HUGE MASTER SUITE HAS A PRIVATE SITTING ROOM USED AS A NURSERY WITH HARDWOOD FLOOR, OWN OFFICE, CHECK OUT THE BEDROOM SIZES. ALL OVERLOOKING A SPARKLING POOL AND BEAUTIFUL GOLF COURSE. THIS HOUSE IS A MUST SEE! ALL INFORMATION RECORDED IN THE MLS INTENDED TO BE ACCURATE BUT CANNOT BE GUARANTEED.

Showing Instructions:
Directions: FROM SR40 & NOVA, GO NORTH ON NOVA, LEFT ON TOMOKA OAKS BLVD, LEFT ON S. ST. ANDREWS TO OAKMONT
Legal: Lot 2 Blk 17 Unit 4 Tomoka Oaks Country Club Ests Mb 31 Pg 167 Per Or 4799 Pg 4067
Parcel ID Link: 324210170020
Supra: No **Dispute Res:** No

Sold Price Sqft: $62.68
Sold/Leased Date: 12/23/2011



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Residential Closed
MLS# 526067

227 Rio Pinar, Ormond Beach, FL 32174

Public Display

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia

List Price: $249,000
Sold/Leased Price: $215,000



List Price:	$249,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$80.53	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	69.53	**Unit #:**		**Tax ID:**	421332230009
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2.1	**Year Built:**	1978	**Homestead Exempt:**	No
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	3,092	**Water:**	City		
SqFt - Total:	3,682				
SqFt Source:	Owner				
Lot Size:	105x139				

Directions: From Granada go North on Nova, Left onto Tomoka Oaks, Right St Andrews which turns into Rio Pinar, home on Left.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $65 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		33 x 13		Den		11 x 10	
Bedroom 2		14 x 11		Kitchen		15 x 13	
Bedroom 3		13 x 10		Patio/Deck		45 x 35	
Bedroom 4		13 x 10					
Dining Room		14 x 10					
Family Room		19 x 14					
Living Room		19 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Other
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: No
House Orientation: W
Heating: Central
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Volume Ceiling
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Balcony; Deck; Enclosed; Front; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: This 4-5 Bedroom home is perfectly placed adjacent to the 12th Tee on the Tomoka Oaks Golf Course. Views up and down the fairway are truly breathtaking. The setting is tree lined and private, enjoy the golf course with out the golfers enjoying you! The home has been renovated allowing for panoramic views of the tropical pool and fairway. The ample patio is perfect for entertaining, sunbathing and enjoying the Florida weather. There is a fenced portion of the yard perfect for loved ones of the 2 and 4 legged variety. In addition, the side yard offers a parking pad for any of your "toys". The kitchen is in the center of this home and is open to the Family Room, Florida Room and Dining Room. This home has an open floor plan but offers privacy as well. The master has a rather large "s

Showing Instructions:
Directions: From Granada go North on Nova, Left onto Tomoka Oaks, Right St Andrews which turns into Rio Pinar, home on Left.
Legal: LOT 93 TOMOKA OAKS UNIT 7A MB 34 PGS 162 TO 164 PER OR 2577 PG 1173
Parcel ID Link: 421332230009
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $69.53
Sold/Leased Date: 02/17/2012



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Residential Closed
MLS# 526613

9 Eagle Drive, Ormond Beach, FL 32174

Public Display

List Price: $139,950

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia

Sold/Leased Price: $137,000



List Price:	$139,950	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$83.25	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	81.49	**Unit #:**		**Tax ID:**	324226001640
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1980	**Homestead Exempt:**	Yes
		Sewer:	City		
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,681				
SqFt - Total:	2,185				
SqFt Source:	Property Appraiser				
Lot Size:	105x120				

Directions: N ON NOVA ON TOMOKA OAKS BLVD, RIGHT ON N. ST. ANDREWS, RIGHT ON EAGLE DR.-HOUSE ON LEFT.

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 13		Den		8 x 8	
Bedroom 2		11 x 10		Kitchen		10 x 9	
Bedroom 3		11 x 10		Porch/Balcony		28 x 8	
Bedroom 4		11 x 10					
Dining Room		11 x 9					
Family Room		23 x 22					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Range
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: Yes
Heating: Central
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler

Parking: 2 Car Garage; Oversized
Porch: 2+ Porches/Decks; Screened
Road: Paved
Roof: Shingle
Special Conditions: Bank Owned/REO

Remarks: Tomoka Oaks golf course community offering this open floor plan, 3 bedroom/2 bathroom home! Side car garage makes for easy entrance with big cars. Open and bright family room with fireplace. Huge screened patio in the back and there is room for a pool if you desire. Updated bathrooms and kitchen. Great community centrally located in Ormond Beach. This property is in its First Look period until 01/12/2012. During this period,owner occupants who occupy the home as their primary residence,can submit offers at any time. An Owner Occupancy certification must be signed.All investor and 2nd home buyers may submit offers,however they will not be considered until after the first look period has ended. This is a Fannie Mae Homepath property. Purchase this property for as little as 3% down. Thi

Showing Instructions:
Directions: N ON NOVA ON TOMOKA OAKS BLVD, RIGHT ON N. ST. ANDREWS, RIGHT ON EAGLE DR.-HOUSE ON LEFT.
Legal: Lot 164 Tomoka Oaks Unit 7-C Mb 35 Pgs 46 & 47 Per Or 4701 P G 4908 Per Or 5636 Pg 753
Parcel ID Link: 324226001640
Supra: No **Dispute Res:** No

Sold Price Sqft: $81.5
Sold/Leased Date: 03/27/2012



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Residential
Closed
MLS# 530980

313 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $299,788
Sold/Leased Price: $290,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$299,788	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$105.52	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	102.07	**Unit #:**		**Tax ID:**	324224000850
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1979	**Homestead Exempt:**	Yes
		Sewer:	City		
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,841				
SqFt - Total:	4,023				
SqFt Source:	Property Appraiser				
Lot Size:	100x125				

Directions: From Granada, head north on Nova Road, Turn Left onto Tomoka Oaks Blvd(Entrance), Left onto S. St. Andrews, right on Rio

Virtual Tour:

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 12		Kitchen		10 x 10	
Bedroom 2		13 x 12					
Bedroom 3		16 x 10					
Bedroom 4		15 x 11					
Dining Room		13 x 11					
Family Room		22 x 21					
Living Room		19 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Zoned
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Building: 1 Story
Construction: Brick; Concrete Block; Stucco
Floor Coverings: Carpet; Tile

Pets Allowed: No
Heating: Central; Electric; Zoned
Inside: 2 Bedrooms Down; Ceiling Fans; Fireplace; Split Bedroom; Volume Ceiling; Wet Bar
Land: Golf Course Community; Wooded
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage
Pool: Heated; Inground Private; Screened
Porch: Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Looking for "WOW!" factor or TRUE IN-LAW suite? This golf course home is IDEAL for you! Beautiful, LIVABLE, updated home welcomes you with grace and style, from the covered front stoop, with its elegantly understated fountain, to the tree-framed golf course view bordering your back yard! Wide-open formal living/dining area, efficient and upgraded kitchen, spacious great room, complete with stone fireplace and wet bar, make this home an entertainer's dream! Enjoy LARGE screened lanai, free-form inground pool, and free-standing multi-person spa... all in a private, tropical setting. Soak in the spa to sooth tired muscles after a tough day on the links, or take a refreshing dip in the pool. COMPLETE IN-LAW SUITE offers one bedroom, eat-in kitchen, full bath (shower), and den; suite has

Showing Instructions:
Directions: From Granada, head north on Nova Road, Turn Left onto Tomoka Oaks Blvd(Entrance), Left onto S. St. Andrews, right on Rio
Legal: LOT 85 TOMOKA OAKS UNIT 7B MB 34 PG 201 PER OR 5116 PG 4947
Parcel ID Link: 324224000850
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $102.08
Sold/Leased Date: 06/27/2012



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Residential
Closed
MLS# 528717

22 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $149,900
Sold/Leased Price: $145,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$149,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$86.89	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	84.05	**Unit #:**		**Tax ID:**	324210150140
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1970	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	1,725	**Water:**	City		
SqFt - Total:	2,553				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Road N. to L on Tomoka Oaks Blvd., L on So. St. Andrews, R on Oakmont Circle, R on Oakmont Circle again, house on l

Virtual Tour:

Maint Fee: $75 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 12		Kitchen		15 x 9	
Bedroom 2		14 x 11		Porch/Balcony		18 x 12	
Bedroom 3		11 x 10		Utility Room		10 x 6	
Dining Room		11 x 8					
Family Room		12 x 9					
Living Room		21 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Microwave; Range; Refrigerator; Water Softener
Architecture: Modern
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: S
Heating: Central; Electric
Inside: Ceiling Fans
Land: Golf Course Community
Miscellaneous: Security System
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Porch: 2+ Porches/Decks; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: NO WAY...IN ORMOND?...Fantastic 3 bedroom 2 bath concrete block home with excellent curb appeal in Ormonds Tomoka Oaks Golf Community! New Hurricane impact windows, water softener, irrigation system and attic insulation in 2010 and new roof in 2005. This family home features formal living room, dining area and separate family room, breakfast nook, updated kitchen with corian counters as well as a skylight for natural lighting. The large master bedroom has plenty of closet space as does the entire house. Newer tile in the foyer, kitchen & living area. Inside laundry room and over sized two car garage with lots of parking space. Fenced backyard, pavered patio and sidewalk and large gate for that boat or RV parking. You will LOVE the screened front and back porches. Homeowners Association Fe

Showing Instructions:
Directions: Nova Road N. to L on Tomoka Oaks Blvd., L on So. St. Andrews, R on Oakmont Circle, R on Oakmont Circle again, house on l
Legal: Lot 14 Blk 15 Tomoka Oaks Country Club Ests Unit 3 Mb 29 Pg 81 Inc Per Or 4165 Pg 3824 Per Or 6472 Pg 2884
Parcel ID Link: 324210150140
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $84.06
Sold/Leased Date: 07/06/2012



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Residential
Closed
MLS# 531800

18 Tomoka Oaks Boulevard, Ormond Beach, FL 32174

Public Display

List Price: $154,500
Sold/Leased Price: $154,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$154,500	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$74.92	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	74.92	**Unit #:**		**Tax ID:**	324210110020
Bedrooms:	4	**Year Built:**	1968	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,062				
SqFt - Total:	2,946				
SqFt Source:	Property Appraiser				
Lot Size:	84x138				

Directions: From Granada Blvd North on Nova Road to Left on Tomoka Oaks Blvd. House on left.
Virtual Tour:
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 14		Kitchen		13 x 10	
Bedroom 2		12 x 11		Porch/Balcony		21 x 13	
Bedroom 3		11 x 11					
Bedroom 4		10 x 10					
Family Room		19 x 4					
Living Room		24 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Fenced Yard; Utility Shed
Parking: 2 Car Garage
Porch: 2+ Porches/Decks; Deck; Enclosed; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Great location! Great family home!4 BR, 2.5 BA home with an open, bright floor plan. Just perfect for new owners!New roof in 2004 and new water heater in 2012. This unique home offers many great features includingcourtyard entry, decorative glass, most of the lighting has been updated, brick fireplace in family room, centrally located kitchen with raised panel cabinets and smooth top stove.Beautiful fenced in backyard with large screen enclosed porch plus new deck and a garden.

Showing Instructions:
Directions: From Granada Blvd North on Nova Road to Left on Tomoka Oaks Blvd. House on left.
Legal: LOT 2 BLK 11 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 P GS 58-59 INC PER D/C OR 3921 PG 3111 PER OR 6219 PGS 4098-40 99
Parcel ID Link: 324210110020
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $74.93
Sold/Leased Date: 07/30/2012



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Residential
Closed
MLS# 533374

322 River Bluff Drive, Ormond Beach, FL 32174

Public Display

List Price: $217,900
Sold/Leased Price: $192,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$217,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$113.07	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	99.63	**Unit #:**		**Tax ID:**	324226000420
Bedrooms:	3	**Year Built:**	1980	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,927				
SqFt - Total:	2,789				
SqFt Source:	Property Appraiser				
Lot Size:	100x158				

Directions: North on Nova past SR40 to LT on Tomoka Oaks Blvd., RT on No. St. Andrews, RT on Eagle, house across the street at end o

Virtual Tour: Click to View Virtual Tour

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 15		Kitchen		16 x 10	
Bedroom 2		12 x 11		Patio/Deck		20 x 20	
Bedroom 3		12 x 10		Utility Room		19 x 5	
Dining Room		14 x 10					
Family Room		19 x 13					
Living Room		15 x 15					

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator; Trash Compactor; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick; Frame; Siding
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: Yes
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community; Wooded
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage
Porch: Deck; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Waterfront: Riverfront Home/Unit

Remarks: TOMOKA OAKS with possible riverfront. This well maintained ranch style home has room for everyone. Many recent fantastic UPDATES such as kitchen cabinets, granite counters and stainless steel appliances, tile and wood floors, bathroom vanities and fixtures, casement windows, front load W/D, and much more. **Huge master** with dressing area in addition to two nice sized bedrooms. Separate living room and the family room has a nice fireplace overlooking the screened deck and large back yard, perfect for a pool. Very nice, well established community near shopping, GOLF, parks, river and less than 10 minutes to the beach. Great area schools and places of worship. The is a must see.... **All information recorded in the MLS is intended to be accurate but cannot be guaranteed.**

Showing Instructions:
Directions: North on Nova past SR40 to LT on Tomoka Oaks Blvd., RT on No. St. Andrews, RT on Eagle, house across the street at end o
Legal: LOT 42 TOMOKA OAKS UNIT 7-C MB 35 PGS 46 & 47 PER OR 5041 PG 1471
Parcel ID Link: 324226000420
Supra: Yes
Dispute Res: No

Sold Price Sqft: $99.64
Sold/Leased Date: 08/20/2012



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Residential
Closed
MLS# 534093

7 Sherwood Drive, Ormond Beach, FL 32174

Public Display

List Price: $179,900
Sold/Leased Price: $168,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$179,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$64.73	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	60.45	**Unit #:**		**Tax ID:**	324226000660
Bedrooms:	4	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,779				
SqFt - Total:	4,100				
SqFt Source:	Property Appraiser				
Lot Size:	110x119				

Directions: East on Granada, North on Nova left St ANdrews, R Rio Pinar,R Sherwood

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 16		Kitchen		25 x 12	
Bedroom 2		16 x 12		Porch/Balcony		58 x 12	
Bedroom 3		16 x 11					
Bedroom 4		13 x 13					
Dining Room		12 x 11					
Family Room		25 x 14					
Living Room		23 x 13					

1st Floor: Slab
Air Conditioning: Central
Appliances: Central Vacuum; Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Face Brick
Floor Coverings: Carpet; Tile

Pets Allowed: No
House Orientation: W
Heating: Central
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Sunken Living Room
Land: Golf Course Community
Miscellaneous: Security System
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Well

Parking: 2 Car Garage; Attached; Oversized
Porch: Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: ***SELLER WILL CONSIDER BACK UP OFFERS.***Well maintained brick home in Tomoka Oaks. This is a lot of home for this price. Sellers are ready to go! This 4bed/2.5 bath home is situated on a very private & quiet street in an established neighborhood. Interior features include, formal living, formal dining w/mirrored walls, large family room with cathedral ceilings and a brick fireplace as the focal point, and an oversized eat in kitchen as well as an inside laundry. Take note of all room sizes--perfect layout for family gatherings or backyard entertaining. Home has an abundance of storage,that the garage has drop down staircase to attic storage + plenty of closet space. Exterior features include an oversized garage w/solid wood door, huge screened porch. Electronic & manual hurricane shutter

Showing Instructions:
Directions: East on Granada, North on Nova left St ANdrews, R Rio Pinar,R Sherwood
Legal: LOT 66 TOMOKA OAKS UNIT 7-C MB 35 PGS 46 & 47 PER OR 2447 PG 988
Parcel ID Link: 324226000660
Supra: Yes
Dispute Res: No

Sold Price Sqft: $60.45
Sold/Leased Date: 08/27/2012



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Residential
Closed
MLS# 528425

69 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $179,900
Sold/Leased Price: $179,900

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$179,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$81.77	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	81.77	**Unit #:**		**Tax ID:**	324210060020
Bedrooms:	3	**Year Built:**	1966	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Water:**	City		
Living Area:	2,200				
SqFt - Total:	3,751				
SqFt Source:	Property Appraiser				
Lot Size:	142x102				

Directions: From Granada Blvd and Nova Rd, North on Nova to Tomoka Oaks entrance on left. Right on N Saint Andrews Dr. House on righ

Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 15		Kitchen		18 x 9	
Bedroom 2		15 x 11		Patio/Deck		33 x 16	
Bedroom 3		12 x 11		Utility Room		20 x 9	
Dining Room		14 x 11					
Family Room		24 x 14					
Living Room		17 x 16					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Dryer; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Laminate; Tile; Wood
Pets Allowed: No
Financing: OWC - FHA/VA
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Front; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Just REDUCED $10,000!!! You need to see this house! Move-in ready Tomoka Oaks pool home in the heart of Ormond Beach. Clean and well cared for. Mature fruit trees, numerous plantings and rich soil make this a gardener's dream. A solid, brick home where craftsmanship is the trademark. Pride of ownership shows! BRAND NEW A/C SYSTEM 08/2012! Over 1000 sq ft of rescreened (2009) pool and patio. Privacy fenced back yard. Formal living room with wooden French doors, dining room, eat-in kitchen, large (14x24) family room with wood burning, natural stone fireplace. Custom, high quality tile work in both baths, kitchen floor and backsplash, dining room floor and front porch. New wood flooring in Family room and hallways as well as carpeting in bedrooms and living room. Freshly painted. Lots o

Showing Instructions:
Directions: From Granada Blvd and Nova Rd, North on Nova to Tomoka Oaks entrance on left. Right on N Saint Andrews Dr. House on righ
Legal: Lot 2 Exc Tri Being E 16.5 Ft On N/L Blk 6 Tomoka Oaks Country Club Ests Unit 1 Mb 25 Pgs 58 & 59 Per Or 3179 Pg 0628
Parcel ID Link: 324210060020
Supra: Yes
Dispute Res: Yes

Sold Price Sqft: $81.77
Sold/Leased Date: 08/27/2012



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Residential
Closed
MLS# 531185

98 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $249,000
Sold/Leased Price: $235,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$249,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$102.21	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	96.46	**Unit #:**		**Tax ID:**	324210200140
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1974	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	2,436	**Water:**	City		
SqFt - Total:	3,136				
SqFt Source:	Property Appraiser				
Lot Size:	103x140				

Directions: Entrance to Tomoka Oaks at Nova Rd. 1st Right, N St. Andrews.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		19 x 17		Kitchen		13 x 10	
Bedroom 2		12 x 11					
Bedroom 3		12 x 11					
Bedroom 4		13 x 12					
Family Room		23 x 16					
Living Room		23 x 16					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick; Frame
Floor Coverings: Laminate; Tile
Pets Allowed: No
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom; Sunken Living Room; Volume Ceiling; Wet Bar
Land: Golf Course Community; On Golf Course; Wooded
Maint Fee Covers: Common Area
Outside: Clubhouse Facility; Outbuilding
Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Deck; Enclosed; Screened
Road: Paved
Roof: Gravel
Special Conditions: None

Remarks: 4 bedrooms each with a private, enclosed patio. Sunken living room overlooking screened pool, bar and water feature. Brick BBQ with views of Tomoka Oaks Golf Course. Eat in Kitchen, DR, FR and a HUGE laundry room and oversized 2 car garage, circular driveway. 5 ton AC 2004. Tar and Gravel roof was installed in 2003 by a reputable roofing company. New inspection (5/6/12, on file) shows roof is in good condition with approximately 16 plus years of remaining life. Termite inspection on 5/4/12 shows no infestation and warranted for one year. Survey on file. Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: Entrance to Tomoka Oaks at Nova Rd. 1st Right, N St. Andrews.
Legal: LOT 14 BLK 20 UNIT 2 TOMOKA OAKS COUNTRY CLUB ESTATES MB 31P G 166 PER OR 5125 PG 3645
Parcel ID Link: 324210200140
Supra: Yes
Dispute Res: No

Sold Price Sqft: $96.47
Sold/Leased Date: 09/01/2012



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Residential
Closed
MLS# 533159

37 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $234,900
Sold/Leased Price: $220,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$234,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$69.33	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	65.08	**Unit #:**		**Tax ID:**	324210100090
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3.1	**Year Built:**	1966	**Homestead Exempt:**	Yes
Full / Half Baths	3 / 1	**Sewer:**	City		
Living Area:	3,388	**Water:**	City		
SqFt - Total:	5,050				
SqFt Source:	Property Appraiser				
Lot Size:	105x130				

Directions: From Granada take Nova North to Tomoka Oaks entrance, West to Saint Andrews, Left to 37 at top of the hill on right.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		22 x 16		Den		11 x 10	
Bedroom 2		16 x 13		Kitchen		18 x 14	
Bedroom 3		13 x 12		Porch/Balcony		15 x 5	
Bedroom 4		21 x 10		Patio/Deck		35 x 16	
Dining Room		16 x 14					
Family Room		26 x 21					
Living Room		20 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Cooktop; Dishwasher; Disposal; Double Oven; Refrigerator
Architecture: Traditional
Building: 2 Stories
Construction: Concrete Block; Face Brick; Frame; Siding
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: S
Heating: Central; Heat Pump
Inside: 1 Bedroom Down; Cathedral Ceiling; Ceiling Fans; Fireplace; Split Bedroom
Land: On Golf Course
Miscellaneous: Golf Community; Homeowners Association; Workshop
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 3 Car Garage; Oversized
Porch: Enclosed; Glass; Patio
Road: Paved
Roof: Built-Up; Shingle
Special Conditions: None
Util for Land Only: City Water; Electric; Sewer; Well

Remarks: Central Location! Tomoka Oaks. Beautiful Setting! The 18th Fairway. Terrific Lot! High on a hill. This is a wonderful family home with lots of space. Just off the entry is the large formal living and dining areas. The newly remodeled kitchen sits central to both formal and informal areas of this spacious home. Thru the kitchen off the dining area you enter the huge family room with a wood burning brick faced fireplace and room for casual dining or watching you favorite TV shows from your comfortable easy chair or sofa. Adjacent to the family room, kitchen and dining space is a large glass enclosed patio,(wall air conditioner) looking onto the 18th fairway. Back thru the family room is the big main floor master suite complete with a walk in closet, a generous bath with jetted tub and walk i

Showing Instructions:
Directions: From Granada take Nova North to Tomoka Oaks entrance, West to Saint Andrews, Left to 37 at top of the hill on right.
Legal: LOT 9 BLK 10 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3 A MB 27 PG 285 PER OR 3411 PG 1903
Parcel ID Link: 324210100090
Supra: No **Dispute Res:** No

Sold Price Sqft: $65.08
Sold/Leased Date: 09/25/2012



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Residential
Closed
MLS# 536296

315 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $309,900
Sold/Leased Price: $270,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$309,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$79.07	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	68.89	**Unit #:**		**Tax ID:**	324224000840
Bedrooms:	5	**Year Built:**	1987	**As Is Cond:**	Yes
Baths - Total:	3.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 / 1	**Water:**	City		
Living Area:	3,919				
SqFt - Total:	4,866				
SqFt Source:	Property Appraiser				
Lot Size:	100x125				

Directions: Nova Road to Tomoka Oaks. Right on N St. Andrews to Rio Pinar. House on left

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		24 x 12		Den		30 x 20	
Bedroom 2		17 x 11		Kitchen		19 x 10	
Bedroom 3		15 x 10		Patio/Deck		24 x 10	
Bedroom 4		11 x 11					
Dining Room		13 x 13					
Family Room		20 x 14					
Living Room		14 x 14					

1st Floor: Slab
Air Conditioning: Central
Architecture: Traditional
Building: 2 Stories
Construction: Frame
Floor Coverings: Carpet; Wood

Pets Allowed: Yes
Heating: Central
Inside: Ceiling Fans; Fireplace; Volume Ceiling
Land: On Golf Course
Miscellaneous: Homeowners Association
Maint Fee Covers: NA

Parking: 2 Car Garage
Porch: Patio; Screened
Roof: Shingle
Special Conditions: None

Remarks: GOLF COURSE! THIS BEAUTIFUL FIVE BEDROOM THREE AND ONE HALF HOME FEATURES EXTENSIVE USE OF WOOD FLOORING THROUGHOUT, FORMAL DINING & LIVING ROOM, HUGE MEDIA ROOM,THE EAT IN KITHCEN OVERLOOKS THE SPACIOUS FAMILY ROOM WITH BRICK FIREPLACE AND SOARING CEILINGS. UPSTAIRS BOASTS A HUGE MASTER RETREAT WITH SITTING AREA,WALK IN CLOSET & LARGE BATH, FOUR ADDITIONAL BEDROOMS AND A 19 X 12 LOFT AREA PERFECT FOR GAME ROOM OR OFFICE.ALL OF THIS OVERLOOKING A SCREENED BACK PORCH,LARGE LOT AND BACKS UP TO THE GOLF COURSE IN TOMOKA OAKS.Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: Nova Road to Tomoka Oaks. Right on N St. Andrews to Rio Pinar. House on left
Legal: Lot 84 Tomoka Oaks Unit 7-B Mb 34 Pg 201 Per Or 5081 Pg 1209
Parcel ID Link: 324224000840
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $68.9
Sold/Leased Date: 09/28/2012



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 536555

12 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $235,000
Sold/Leased Price: $230,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$235,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$108.59	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	106.28	**Unit #:**		**Tax ID:**	324210150190
Bedrooms:	4	**Year Built:**	1973	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Water:**	City		
Living Area:	2,164				
SqFt - Total:	2,850				
SqFt Source:	Property Appraiser				
Lot Size:	70x120				

Directions: From Granada N to Tomoka Oaks on L, take L fork of St Andrews Dr, R on Oakmonts St, R on Oakmont Cir
Virtual Tour: Click to View Virtual Tour
Maint Fee: $120 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 12		Den		19 x 7	
Bedroom 2		12 x 12		Kitchen		14 x 11	
Bedroom 3		11 x 11					
Bedroom 4		10 x 10					
Dining Room		12 x 11					
Family Room		16 x 13					
Living Room		17 x 12					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: No
Heating: Central
Land: Golf Course Community
Maint Fee Covers: Common Area

Parking: 2 Car Garage
Pool: Inground Private
Road: Paved
Special Conditions: None

Remarks: FOUR BEDROOM TWO BATH POOL HOME IS PERFECT FOR ENTERTAINING. THIS SPACIOUS HOME OFFERS BOTH A FORMAL LIVING ROOM & DINING ROOM CONVENIENTLY LOCATED TO THE KITCHEN WITH LOTS OF CABINET AND COUNTER SPACE. THE KITCHEN OVERLOOKS THE FAMILY ROOM WITH WOOD FLOORS AND THE FLORIDA ROOM WHICH OPENS OUT TO THE LARGE POOL DECK & SPARKLING SCREENED POOL. THE OUTSIDE OASIS FEATURES MATURE LANDSCAPING, FENCED YARD AND A PUTTING GREEN! THIS HOME IS LOCATED IN A DESIRABLE ORMOND LOCATION AND IS A MUST SEE!!! Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: From Granada N to Tomoka Oaks on L, take L fork of St Andrews Dr, R on Oakmonts St, R on Oakmont Cir
Legal: LOT 19 BLK 15 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3-A MB 27 PG 285 PER OR 5173 PG 2549 PER OR 5738 PGS 1325-1326
Parcel ID Link: 324210150190
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $106.28
Sold/Leased Date: 11/30/2012



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Residential
Closed
MLS# 536847

16 Tomoka Oaks Boulevard, Ormond Beach, FL 32174

Public Display

List Price: $165,000
Sold/Leased Price: $165,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$165,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$66.96	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	66.96	**Unit #:**		**Tax ID:**	324210110010
Bedrooms:	4	**Year Built:**	1964	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Water:**	City		
Living Area:	2,464				
SqFt - Total:	3,494				
SqFt Source:	Property Appraiser				
Lot Size:	85x140				

Directions: East on Granada to Nova. Left on Nova to left on Tomoka Oaks Blvd. 1st house on left.

Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 12		Kitchen		18 x 13	
Bedroom 2		15 x 12					
Bedroom 3		13 x 11					
Bedroom 4		11 x 10					
Dining Room		19 x 13					
Family Room		25 x 17					
Living Room		20 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Zoned
Appliances: Cooktop; Dishwasher; Disposal; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick; Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
Heating: Central; Zoned
Inside: Ceiling Fans; Fireplace
Land: Corner Lot; Golf Course Community
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Irrigation Well; Tennis Court; Utility Shed
Parking: 2 Car Garage; Attached
Porch: 2+ Porches/Decks; Screened
Road: Paved
Roof: Shingle
Special Conditions: Potential Short Sale

Remarks: Fabulous neighborhood? YES! Exceptional living space? YES! Large, private, fenced back yard? YES! Lots of room for family & friends? YES! This will be a fantastic home for its new owners. Come check it out - this one will go fast! Potential short sale. Price & contract subject to 3rd party approval. All information in MLS is intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: East on Granada to Nova. Left on Nova to left on Tomoka Oaks Blvd. 1st house on left.
Legal: LOT 1 BLK 11 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS58 & 59 PER OR 5236 PG 0725 PER OR 5720 PG 4168
Parcel ID Link: 324210110010
Supra: Yes
Dispute Res: No

Sold Price Sqft: $66.96
Sold/Leased Date: 12/07/2012



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Residential
Closed
MLS# 536995

49 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $169,900
Sold/Leased Price: $160,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$169,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$76.32	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	71.87	**Unit #:**		**Tax ID:**	324210100150
Bedrooms:	5	**Year Built:**	1966	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,226				
SqFt - Total:	3,096				
SqFt Source:	Property Appraiser				
Lot Size:	105x130				

Directions: East on Granada, N on Nova, Left on Tomoka Oaks Left on St Andrews.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 12		Kitchen		22 x 10	
Bedroom 2		14 x 10		Utility Room		8 x 8	
Bedroom 3		13 x 10					
Bedroom 4		13 x 12					
Family Room		16 x 10					
Living Room		35 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator
Architecture: Ranch
Building: 2 Stories
Construction: Concrete Block
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: No
House Orientation: S
Heating: Central
Inside: Ceiling Fans; Split Bedroom
Land: Golf Course Community; On Golf Course
Maint Fee Covers: NA
Outside: Irrigation Sprinkler
Parking: Carport
Porch: Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Wow don't miss this opportunity. Do you need 5 true bedrooms?? This 5bed/3 bath home is situated on oversized Tomoka Oaks golf course lot. One owner home that has been well maintained. Large living/dining room combination and eat in kitchen is open to family room. Multi level features split bedroom plan. Automatic left to upstairs bedroom. Screened porch overlooking huge lot with plenty of room for a pool. An abundance of parking behind the home, easily accomodate multiple cars, boat, toys, etc.

Showing Instructions:
Directions: East on Granada, N on Nova, Left on Tomoka Oaks Left on St Andrews.
Legal: LOT 15 BLK 10 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 A MB 27 PG 285 PER D/C 6101 PG 1748
Parcel ID Link: 324210100150
Supra: Yes
Dispute Res: No

Sold Price Sqft: $71.88
Sold/Leased Date: 12/14/2012



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 519993

43 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $224,900
Sold/Leased Price: $215,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$224,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$101.99	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	97.5	**Unit #:**		**Tax ID:**	324210100120
Bedrooms:	4	**Year Built:**	1966	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,205				
SqFt - Total:	3,168				
SqFt Source:	Property Appraiser				
Lot Size:	105x130				

Directions: Nova Rd to Tomoka Oaks Entrance, take fork to the left. Home is on the right.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 13		Kitchen		13 x 12	
Bedroom 2		13 x 12		Porch/Balcony		22 x 15	
Bedroom 3		12 x 10		Utility Room		12 x 5	
Bedroom 4		12 x 10					
Dining Room		12 x 12					
Family Room		18 x 14					
Living Room		17 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: E
Heating: Central; Heat Pump
Inside: 2 Bedrooms Down; Ceiling Fans; Fireplace
Land: On Golf Course; Wooded
Miscellaneous: Golf Community; Home Warranty; Homeowners Association
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well; Storm Shutters; Utility Shed
Parking: 2 Car Garage; Attached
Porch: Screened
Roof: Shingle
Special Conditions: None

Remarks: Completely updated and remodeled all brick home overlooking the 18th fairway of Tomoka Oaks Golf Course. Functional floor plan includes formal living and formal dining areas. Ceramic tile in kitchen with abundance of cabinets & breakfast bar, adjoining family room with attractive wood burning brick fireplace. Sliders to large screened lanai with great views. Total Appliance package. All four bedrooms offer large walk-in closets. Inside utility room with built-in cabinets. Circular drive leading to oversized side entry 2-car garage. Roll down storm shutters on all windows. 10x10 storage shed. Vacant lots on each side (owned by the respective owners on the other sides) offer much privacy. 1-year AHS Home Warranty. Updates of approximately $63,000 include new kitchen with white cabinets, al

Showing Instructions:
Directions: Nova Rd to Tomoka Oaks Entrance, take fork to the left. Home is on the right.
Legal: Lot 12 Blk 10 Tomoka Oaks Country Club Ests Unit 3 A Mb 27 P G 285 Per Or 4681 Pg 2808 Per D/C 5755 Pg 4178
Parcel ID Link: 324210100120
Supra: No **Dispute Res:** No

Sold Price Sqft: $97.51
Sold/Leased Date: 12/19/2012



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Residential
Closed
MLS# 538330

24 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $179,900
Sold/Leased Price: $164,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$179,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$93.01	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	84.79	**Unit #:**		**Tax ID:**	324210090030
Bedrooms:	3	**Year Built:**	1963	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Water:**	City		
Living Area:	1,934				
SqFt - Total:	2,718				
SqFt Source:	Property Appraiser				
Lot Size:	70x136x172				

Directions: -From Nova/Granada go north on Nova to left on Tomoka Oaks Blvd. go right at island. Number 24 is second house on left.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $65 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 13		Kitchen		15 x 13	
Bedroom 2		15 x 12					
Bedroom 3		12 x 10					
Dining Room		15 x 10					
Family Room		16 x 15					
Living Room		19 x 15					

1st Floor: Slab; Wood
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Laminate; Tile; Wood
Pets Allowed: No
House Orientation: E
Heating: Central; Electric; Heat Pump
Land: On Golf Course
Miscellaneous: Home Warranty; Security System
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached; Oversized
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: Great Ormond Location! Close to shopping, schools & highway. Located on the 9th hole of the Tomoka Oaks Golf course. It boasts gorgeous hardwood flrs in foyer, kitchen, family room, 1BR & hallway. This 3BR/3 full bath home offers a great floor-plan. It has a foyer & large formal living & dining rooms. It also has a large family rm with a gas burning fireplace, brick hearth & 12 ft. glass doors which offer a view of a tiled patio,huge yard & golf course. The eat-in kitchen has white cabinets & island. It also has a nearly new stove top & oven, fridge, dishwasher & disposal. The master BR is very roomy & offers a large closet & private bath w/shower. The center bedroom is ideal for use as an office, den or playroom. The 3rd bedroom provides 2 large closets and a view of the golf course. Th

Showing Instructions:
Directions: -From Nova/Granada go north on Nova to left on Tomoka Oaks Blvd. go right at island. Number 24 is second house on left.
Legal: LOT 3 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25PGS 58 & 59 PER OR 3807 PG 4183 & PROBATE #92-11940-PRDL-31R
Parcel ID Link: 324210090030
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $84.8
Sold/Leased Date: 01/18/2013



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Residential
Closed
MLS# 537598

37 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $174,900
Sold/Leased Price: $160,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$174,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$120.45	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	110.19	**Unit #:**		**Tax ID:**	324210080180
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1964	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	1,452	**Water:**	City		
SqFt - Total:	2,576				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Road to Tomoka Oaks Blvd, R on N. St. Andrews, L on 2nd Pine Valley Circle to 37 on the left.

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 11		Kitchen		24 x 10	
Bedroom 2		14 x 11		Porch/Balcony		50 x 7	
Bedroom 3		10 x 9					
Living Room		15 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Laminate; Tile
Pets Allowed: No
Heating: Central
Inside: Ceiling Fans; Furnished
Land: Golf Course Community
Miscellaneous: Golf Community; Homeowners Association; Security System
Maint Fee Covers: NA
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Front; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Come see this STUNNING pool home on a hill in BEAUTIFUL Highly Desired Tomoka Oaks! **SO MUCH IS NEW** Step through the front door to the family room featuring new medium colored laminate wood floors and an architecturally appealing bay window offering a light and bright atmosphere. The family room adjoins the LARGE Kitchen and Dining Room giving this home an open layout feel. Two bedrooms feature California style walk-in closets and the master bedroom features new French Doors leading to the sparkling pool! Here you will find crown molding and fresh paint throughout to give this home that TRULY finished look. Brand new hurricane grade windows throughout AND the same for the 2 sets of French Doors that lead to the pool deck. The OVERSIZED kitchen boasts recessed lighting, upgraded stainles

Showing Instructions:
Directions: Nova Road to Tomoka Oaks Blvd, R on N. St. Andrews, L on 2nd Pine Valley Circle to 37 on the left.
Legal: LOT 18 BLK 8 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS58-59 INC PER OR 3883 PG 4380 PER OR 6379 PG 2658
Parcel ID Link: 324210080180
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $110.19
Sold/Leased Date: 02/19/2013



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Residential
Closed
MLS# 536811

303 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $260,000
Sold/Leased Price: $260,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$260,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$67.9	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	67.9	**Unit #:**		**Tax ID:**	324224000900
Bedrooms:	5	**Year Built:**	1983	**As Is Cond:**	Yes
Baths - Total:	3.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 / 1	**Water:**	City		
Living Area:	3,829				
SqFt - Total:	4,609				
SqFt Source:	Property Appraiser				
Lot Size:	13916				

Directions: From Granada go north on Nova Road, Turn onto Tomoka Oaks Blvd(Entrance). Left onto S. St. Andrews, right on Rio Pinar

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		20 x 18		Kitchen		15 x 14	

Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Range; Refrigerator; Trash Compactor; Washer

Pets Allowed: No
Heating: Central
Inside: 1 Bedroom Down; Cathedral Ceiling; Fireplace
Land: Golf Course Community
Miscellaneous: Golf Community; Security System
Maint Fee Covers: NA

Parking: 2 Car Garage
Pool: Inground Private; Screened; Solar
Special Conditions: Potential Short Sale

Remarks: BANK APPROVED PRICE UNTIL FEBRUARY 11, 2013.Accepting back-up offers.A 5 Bedroom, 3.5 bath heated salt water pool home with a sprawling lanai that boasts a beautiful, yet private view of the 11th green of the Tomoka Oaks Golf Course. Exceptional stone work, massive bonus room, brand new marble bar that includes a wine chiller. Completely updated interior that includes a massive stone fireplace for those rare winter nights. The fifth bedroom is downstairs and has been converted into a home office, but could be a mother-in-law suite as well. No detail was overlooked and no expense was spared, from the soft close drawers to the custom made window treatments that are surrounded elegantly by beautifully installed crown molding. The huge island makes the kitchen a cook's dream. Economically,

Showing Instructions:
Directions: From Granada go north on Nova Road, Turn onto Tomoka Oaks Blvd(Entrance). Left onto S. St. Andrews, right on Rio Pinar
Legal: LOT 90 TOMOKA OAKS UNIT 7-B MB 34 PG 201 PER OR 3375 PG 0444
Parcel ID Link: 324224000900
Supra: No
Dispute Res: No

Sold Price Sqft: $67.9
Sold/Leased Date: 03/29/2013



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Residential
Closed
MLS# 539822

44 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $149,000
Sold/Leased Price: $135,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$149,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$74.79	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	67.77	**Unit #:**		**Tax ID:**	324210090130
Bedrooms:	2	**Year Built:**	1964	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,992				
SqFt - Total:	3,361				
SqFt Source:	Property Appraiser				
Lot Size:	100x142				

Directions: From W Granada Blvd, go north on N Nova Rd, left on Tomoka Oaks Blvd and 1st right on N Saint Andrews Dr

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		23 x 14		Den		14 x 10	
Bedroom 2		14 x 12		Kitchen		32 x 9	
Family Room		22 x 17					
Living Room		30 x 17					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Terrazzo

Pets Allowed: No
Heating: Central
Inside: Fireplace
Land: On Golf Course
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA

Parking: 2 Car Garage
Pool: Inground Private
Road: Paved
Roof: Shingle
Special Conditions: Bank Owned/REO

Remarks: Large family home with inground pool, located on the 8th Green. Tiled dining room off the large kitchen with plenty of cabinets. Huge living room with built-ins and terrazzo flooring. Spacious Florida room with woodburning fireplace, skylight and sliding glass doors to the screened pool area. Two large bedrooms plus a den/office off the Master suite. The Master bath features double sinks and a large shower. Lots of extra space and storage. Property needs cosmetic updating and shows various areas of wood rot. All measurements approximate. The Tomoka Oaks HOA is voluntary.

Showing Instructions:
Directions: From W Granada Blvd, go north on N Nova Rd, left on Tomoka Oaks Blvd and 1st right on N Saint Andrews Dr
Legal: LOT 13 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS58-59 INC PER OR 5086 PG 2748 PER OR 5820 PG 0880 PER OR 5904 PG 0276
Parcel ID Link: 324210090130
Supra: No **Dispute Res:** No

Sold Price Sqft:	$67.77
Sold/Leased Date:	04/03/2013



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Residential
Closed
MLS# 536727

54 N Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $205,000
Sold/Leased Price: $189,900

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$205,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$97.61	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	90.42	**Unit #:**		**Tax ID:**	324210090180
Bedrooms:	4	**Year Built:**	1964	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,100				
SqFt - Total:	2,912				
SqFt Source:	Property Appraiser				
Lot Size:	100x142				

Directions: From Granada,North on Nova into Tomoka Oaks rt @ fork to No St Andrews

Virtual Tour: Click to View Virtual Tour

Maint Fee: $69 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 11		Den		18 x 12	
Bedroom 2		14 x 11		Kitchen		24 x 11	
Bedroom 3		11 x 10		Patio/Deck		33 x 13	
Bedroom 4		11 x 10					
Dining Room		11 x 9					
Family Room		24 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range
Architecture: Colonial
Building: 2 Stories
Construction: Concrete Block
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: No
House Orientation: N
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community; On Golf Course
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Attached; Oversized
Porch: 2+ Porches/Decks; Enclosed; Glass; Patio
Road: Paved
Roof: Shingle
Special Conditions: Potential Short Sale; None

Remarks: Plantation style beauty on the golf course (No golf balls hit in this yard). Soaring columns, picturesque front porch and 4 bedrooms. Updated and upgraded. Shining hardwood floors, crown molding, stainless steel appliances and more. Enjoy the "Park like" setting, with stunning oaks and spectacular landscaping.

Showing Instructions:
Directions: From Granada,North on Nova into Tomoka Oaks rt @ fork to No St Andrews
Legal: LOT 18 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS58 & 59 PER OR 2087 PG 1293 PER OR 5729 PG 3013
Parcel ID Link: 324210090180
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $90.43
Sold/Leased Date: 04/12/2013



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Residential
Closed
MLS# 540457

9 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $277,000
Sold/Leased Price: $263,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



2013 DABMLS

List Price:	$277,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$85.49	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	81.17	**Unit #:**		**Tax ID:**	324210140120
Bedrooms:	5	**Year Built:**	1967	**As Is Cond:**	Yes
Baths - Total:	4.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	4 / 1	**Water:**	City		
Living Area:	3,240				
SqFt - Total:	4,540				
SqFt Source:	Appraisal				
Lot Size:	107x141				

Directions: North on Nova from Granada, Left into Tomoka Oaks, South on S St Andrews, Right on Oakmont

Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		22 x 16		Kitchen		15 x 13	
Bedroom 2		13 x 13		Porch/Balcony		44 x 13	
Bedroom 3		13 x 13					
Bedroom 4		17 x 15					
Dining Room		15 x 14					
Family Room		25 x 15					
Living Room		15 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Refrigerator
Architecture: Ranch
Building: 2 Stories
Construction: Concrete Block; Siding
Floor Coverings: Carpet; Tile

Pets Allowed: No
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom
Land: Golf Course Community; On Golf Course
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well; Storm Shutters

Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: Deck; Front; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Expansive family home with Pool on the Golf Course! If sitting poolside watching a game of golf sounds exciting, this home is for you! If you need 5 bedrooms along with plenty of privacy for your in-laws or teenagers, than you must see this home. This property boasts plenty of square footage, living spaces both open and separate, tons of storage in every area of the home, a family room with Tennessee stone fireplace and eat-in kitchen all looking out over the pool and lanai. A formal dining room and living room for family gatherings,3 bedrooms including the master are downstairs, 2 large bedrooms and wetbar are on opposite side of the home and upstairs with french doors leading out to a deck overlooking the pool and golf course. A large corner lot with drive though parking and lus

Showing Instructions:
Directions: North on Nova from Granada, Left into Tomoka Oaks, South on S St Andrews, Right on Oakmont
Legal: LOT 12 BLK 14 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG 285 PER OR 3565 PG 1092
Parcel ID Link: 324210140120
Supra: Yes

Dispute Res: No

Sold Price Sqft: $81.17
Sold/Leased Date: 06/19/2013



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Residential
Closed
MLS# 543538

307 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $214,900
Sold/Leased Price: $198,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$214,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$81.83	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	75.39	**Unit #:**		**Tax ID:**	324224000880
Bedrooms:	3	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,626				
SqFt - Total:	3,464				
SqFt Source:	Property Appraiser				
Lot Size:	101x125				

Directions: -From Granada 1.1 miles north on Nova, Left into Tomoka Oaks, Right on N. St. Andrews (becomes Rio Pinar) 1.1 miles, hm

Virtual Tour: Click to View Virtual Tour

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		18 x 15		Kitchen		15 x 13	
Bedroom 2		14 x 14		Patio/Deck		29 x 12	
Bedroom 3		14 x 12					
Dining Room		13 x 11					
Living Room		27 x 26					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Cooktop; Dishwasher; Disposal; Dryer; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Face Brick; Frame; Siding
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: No
House Orientation: W
Heating: Central; Electric
Inside: 1 Bedroom Down; Ceiling Fans; Fireplace; Volume Ceiling; Wet Bar
Land: On Golf Course
Miscellaneous: Golf Community; Home Warranty; Security System; Workshop
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Oversized
Porch: Deck; Patio
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: The 11th Fairway is Calling! As you step in to the large foyer, your eyes will be drawn to the great view of the golf course and luscious landscaping. An enormous living room allows for multiple furniture arrangement options and is the perfect for family gatherings or large scale entertaining in front of the brick fireplace. The functional kitchen with a breakfast area, pantry, expansive counter tops, and cook top island will make meal preparation an ease. Oversized bedrooms each have their own walk in closet and every room boasts colonial style shutters which let in plenty of natural light or provide complete privacy when closed. The master retreat also offers a Jacuzzi tub set with cedar creating a sauna spa feeling for relaxing indoors and a private patio to enjoy the delightful bac

Showing Instructions:
Directions: -From Granada 1.1 miles north on Nova, Left into Tomoka Oaks, Right on N. St. Andrews (becomes Rio Pinar) 1.1 miles, hm
Legal: LOT 88 TOMOKA OAKS UNIT 7-B MB 34 PG 201 PER OR 4110 PG 0893
Parcel ID Link: 324224000880
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $75.4
Sold/Leased Date: 06/27/2013



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Residential
Closed
MLS# 544157

51 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $279,900
Sold/Leased Price: $270,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$279,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$101.78	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	98.18	**Unit #:**		**Tax ID:**	324210100160
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2.1	**Year Built:**	1968	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	2,750	**Water:**	City		
SqFt - Total:	5,720				
SqFt Source:	Property Appraiser				
Lot Size:	105x130				

Directions: Granada to north on Nova. L to Tomoka Oaks Blvd., L to S. St. Andrews, house on L

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		0 x 0		Kitchen		0 x 0	

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Dryer; Microwave; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile
Pets Allowed: No
Financing: OWC - Seller Financing
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Clubhouse Facility; Irrigation Sprinkler
Parking: 2 Car Garage; Attached
Pool: Heated; Inground Private; Screened; Solar
Porch: 2+ Porches/Decks; Deck; Enclosed; Front; Glass; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Beautiful brick, golf course home nestled on the 17th fairway. Remodeled kitchen, media room with 2 projectors and a 125' screen, huge FL room with sliders on 3 sides which open to oversized, screened inground, solar heated pool & deck. Measurements coming soon. All information in MLS is intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: Granada to north on Nova. L to Tomoka Oaks Blvd., L to S. St. Andrews, house on L
Legal: LOT 16 BLK 10 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG285 PER OR 4101 PG 282
Parcel ID Link: 324210100160
Supra: No
Dispute Res: No

Sold Price Sqft: $98.18
Sold/Leased Date: 06/28/2013



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Residential
Closed
MLS# 543057

66 S Saint Andrews, Ormond Beach, FL 32174

Public Display

List Price: $237,900
Sold/Leased Price: $230,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$237,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$94.14	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	91.01	**Unit #:**		**Tax ID:**	324210180150
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1979	**Homestead Exempt:**	No
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	2,527	**Water:**	City		
SqFt - Total:	3,275				
SqFt Source:	Property Appraiser				
Lot Size:	100X140				

Directions: Nova Rd. north to Tomoka Oaks Dr. left on S. St. Andrews.
Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 15		Den		18 x 14	
Bedroom 2		12 x 10		Kitchen		13 x 12	
Bedroom 3		11 x 10		Utility Room		8 x 6	
Bedroom 4		13 x 10					
Dining Room		14 x 12					
Living Room		16 x 12					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Brick; Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: W
Heating: Central
Inside: Ceiling Fans; Fireplace
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler
Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Patio; Screened
Roof: Shingle
Special Conditions: None

Remarks: Check out this well maintained pool home!!! The master bedroom features two closets along with a private solarium off the master bathroom. The kitchen opens into the living room which boasts a beautiful working fireplace. The kitchen is fully equipped including a breakfast bar, eat-in kitchen, computer desk along with a new gorgeous refrigerator. This fluid floor plan also includes a formal dining room and formal living room. The guest bathroom may be used as the pool bathroom with a door leading out to the pool deck. The water heater was just replaced in 2011, and the washier and dryer were recently purchased. Also, The pool deck was JUST resurfaced! This subdivision includes a golf course along with tons of nearby shopping and restaurants. All measurements are approximate and no

Showing Instructions:
Directions: Nova Rd. north to Tomoka Oaks Dr. left on S. St. Andrews.
Legal: LOT 15 BLK 18 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTATES MB 31 PG 167 PER OR 4542 PG 1944
Parcel ID Link: 324210180150
Supra: Yes
Dispute Res: No

Sold Price Sqft: $91.02
Sold/Leased Date: 07/29/2013



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Residential Closed
MLS# 545385

2 Eagle Drive, Ormond Beach, FL 32174

Public Display

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia

List Price: $279,900
Sold/Leased Price: $275,000



List Price:	$279,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$116.04	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	114.01	**Unit #:**		**Tax ID:**	324226000580
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2.1	**Year Built:**	1979	**Homestead Exempt:**	Yes
		Sewer:	City		
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,412				
SqFt - Total:	3,285				
SqFt Source:	Property Appraiser				
Lot Size:	115x130				

Directions: -N. on Nova 1 mile to left on Tomoka Oaks Blvd, Right on N. St. Andrews 1 mile to right on Eagle.

Virtual Tour:

Maint Fee: $65 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 13		Kitchen		23 x 15	
Bedroom 2		11 x 11		Utility Room		8 x 6	
Bedroom 3		13 x 11					
Bedroom 4		14 x 13					
Dining Room		12 x 11					
Family Room		16 x 15					
Living Room		17 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Double Oven
Architecture: Traditional
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: Yes
House Orientation: S
Heating: Central; Electric
Inside: 2 Bedrooms Down; Ceiling Fans; Fireplace; Split Bedroom
Land: Corner Lot; Golf Course Community
Miscellaneous: Home Warranty; Workshop
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Attached; Oversized
Pool: Inground Private
Porch: 2+ Porches/Decks; Front; Patio
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer; Well

Remarks: -I-N-C-R-E-D-I-B-L-E does not begin to describe this spacious corner lot pool home which boasts a magnificent TRULY Gourmet kitchen! The features are straight out of "Bon Appetit" and include everything from a conduction cook top with automatic exhaust fan, to double ovens, a superior wine refrigerator, and a unique granite that provides the finishing touches for a one of a kind look. This heart of the home kitchen is perfect for family dinners or serving as the center for entertaining guests seated around one of two bar top counters with matching stools, using the eat in kitchen area, relaxing nearby around the family room fire place, or seated in the formal dining area. With so many beautiful days, why not take advantage of the summer kitchen complete with refrigerator, counter, si

Showing Instructions:
Directions: -N. on Nova 1 mile to left on Tomoka Oaks Blvd, Right on N. St. Andrews 1 mile to right on Eagle.
Legal: LOT 58 TOMOKA OAKS UNIT 7-C MB 35 PGS 46-47 INC PER OR 3601PG 0166 PER OR 6060 PG 0638
Parcel ID Link: 324226000580
Supra: No **Dispute Res:** No

Sold Price Sqft: $114.01
Sold/Leased Date: 07/31/2013



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Residential
Closed
MLS# 545663

20 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $194,900
Sold/Leased Price: $175,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$194,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$93.43	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	83.89	**Unit #:**		**Tax ID:**	324210080110
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1974	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	2,086	**Water:**	City		
SqFt - Total:	2,895				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Road north to Tomoka Oaks on left. Keep right at fork in the road to Pine Valley on left to 20 on right.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 13		Kitchen		15 x 9	
Bedroom 2		13 x 12		Porch/Balcony		22 x 10	
Bedroom 3		11 x 10		Utility Room		12 x 9	
Bedroom 4		12 x 10					
Dining Room		12 x 12					
Family Room		21 x 15					
Living Room		17 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick; Siding
Floor Coverings: Carpet; Laminate; Tile
Pets Allowed: No
House Orientation: S
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Pool: Inground Private; Screened
Porch: Deck; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: This very nice 4 Bedroom, Pool home is in the sought after Tomoka Oaks neighborhood. Separate Living and Dining Rooms both with brand new carpet. The Family Room with a brick Fireplace and wood laminate floors opens up to the Kitchen with sliders out to the large covered Lanai and Beautiful Screened Pool. The Kitchen has plenty of cabinets and counter space, a Huge Island/Breakfast Bar and a pantry. The Bedrooms all have wood laminate flooring and all have walk in closets with the master bedroom closet being very large. The entire house has been freshly painted and is in move in condition. The sprinkler system has been serviced to keep the lush lawn green and beautiful. The yard is partially fenced with white vinyl fencing along the rear property line and along one side of the backyard

Showing Instructions:
Directions: Nova Road north to Tomoka Oaks on left. Keep right at fork in the road to Pine Valley on left to 20 on right.
Legal: LOT 11 BLK 8 TOMOKA OAKS COUNTRY CLUB EST UNIT 1 MB 25 PGS58 & 59 PER OR 2190 PG 71
Parcel ID Link: 324210080110
Supra: Yes
Dispute Res: No

Sold Price Sqft: $83.89
Sold/Leased Date: 08/01/2013



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Residential
Closed
MLS# 540750

52 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $159,900
Sold/Leased Price: $155,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$159,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$87.28	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	84.6	**Unit #:**		**Tax ID:**	324210070270
Bedrooms:	3	**Year Built:**	1964	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Water:**	City		
Living Area:	1,832				
SqFt - Total:	3,012				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: I-95, Ormond Beach Exit 268, E W Granada Blvd, L N Nova Rd, L Tomoka Oaks Blvd, R onto N Saint Andrews Dr, L onto Pine V

Virtual Tour: Click to View Virtual Tour

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		18 x 12		Kitchen		10 x 10	
Bedroom 2		13 x 11		Porch/Balcony		20 x 14	
Bedroom 3		14 x 11		Patio/Deck		30 x 20	
Dining Room		17 x 10		Utility Room		20 x 11	
Living Room		28 x 14					

Appliances: Dishwasher; Range; Refrigerator
Architecture: Other
Building: Other
Construction: Concrete Block

Pets Allowed: No
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Security System
Maint Fee Covers: NA
Outside: Irrigation Sprinkler

Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Road: Paved
Special Conditions: None

Remarks: Tri-level 3 bedroom, 2 bath residence with screened in pool nestled on a beautiful lot with Azalea bushes, matured oak trees on the 4th Fairway overlooking the golf course. The 2 car garage has room to park your vehicles with direct access into the home. This floor shows the laundry and utility room (20x11). The stairs bring you right into the kitchen ideal when carrying groceries. Enjoy this idyllic setting from your pool deck or wood deck (SF 280) sitting comfortable in a rocking chair enjoying a hot or cold beverage. Explore this unique home and floor plan when entering through the iron screen door at the front entrance stepping into the foyer. The grand living room with fireplace has a panoramic window design adding a modern flare to the home. The kitchen has a breakfast bar open to th

Showing Instructions:
Directions: I-95, Ormond Beach Exit 268, E W Granada Blvd, L N Nova Rd, L Tomoka Oaks Blvd, R onto N Saint Andrews Dr, L onto Pine V
Legal: LOT 27 BLK 7 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS58 & 59 PER OR 3942 PG 4735
Parcel ID Link: 324210070270
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $84.61
Sold/Leased Date: 08/12/2013



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Residential Closed
MLS# 546972

14 Eagle Court, Ormond Beach, FL 32174

Public Display

List Price: $169,900

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia

Sold/Leased Price: $174,900



List Price:	$169,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$66.28	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	68.24	**Unit #:**		**Tax ID:**	324226000730
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1980	**Homestead Exempt:**	No
		Sewer:	City		
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,563				
SqFt - Total:	3,515				
SqFt Source:	Property Appraiser				
Lot Size:	135X130				

Directions: Nova road north of Granada turn left onto N St Andrews Turn left onto Eagle Ct

Virtual Tour:

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 16		Kitchen		16 x 12	
Bedroom 2		14 x 14		Porch/Balcony		9 x 6	
Bedroom 3		13 x 12		Utility Room		9 x 5	
Bedroom 4		12 x 12					
Dining Room		13 x 13					
Family Room		20 x 17					
Living Room		18 x 16					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Architecture: Colonial
Building: 2 Stories
Construction: Brick; Siding
Floor Coverings: Carpet; Tile

Pets Allowed: Yes
House Orientation: S
Heating: Central
Inside: 1 Bedroom Down; Fireplace
Land: Cul-De-Sac; On Golf Course; Wooded
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: Front
Road: Paved
Roof: Shingle
Special Conditions: Bank Owned/REO; Repossesion

Remarks: LOCATED ON GOLF COURSE POOL HOME 4BR/3BA 2 CAR GARAGE TWO STORY HOUSE WITH A SCREENED POOL LOCATED ON THE TOMOKA OAKS GOLF COURSE WITH A PARK LIKE VIEW LOOKING ON TO GOLF COURSE FROM REAR OF HOUSE. EAT-IN KITCHEN, 1BR AND BATH DOWNSTAIRS. PARQUET AND TILE FLOORS. THE PROPERTY FEATURES A SECURITY SYSTEM, NEW POOL PUMP,AND REAR SRCREENED PORCH AND FRONT PORCH PLUS A FIREPLACE .THE ROOF HAS TWO LAYERS OF ROOFING NATERIAL AND SHOWS SIGNS OF AGING ROOF WILL NOT PASS INSPECTION .THE EXTERIOR WAS JUST PRESSURE WASHED LOCATED ON A CUL-DE-SAC SO LOW TRAFFIC AREA OF HOUSING. PROPERTY IS APPROVED FOR HOMEPATH RENOVATION MORTGAGE FINANCING INTENDED FOR LIGHT RENOVATIONS AND THE HOMEPATH PROTECTION PROGRAM MAY ALSO BE AVAILABLE THE PROPERTY IS BEING MARKETED IN AS IS CONDITION. SELLER IS NOT OFFERING

Showing Instructions:
Directions: Nova road north of Granada turn left onto N St Andrews Turn left onto Eagle Ct
Legal: LOT 73 TOMOKA OAKS UNIT 7-C MB 35 PGS 46-47 INC PER OR 4206 PG 4963 PER OR 5652 PG 3073 PER OR 6787 PG 4394
Parcel ID Link: 324226000730
Supra: No **Dispute Res:** No

Sold Price Sqft: $68.24
Sold/Leased Date: 08/28/2013



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 544902

43 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $239,900
Sold/Leased Price: $220,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$239,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$108.79	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	99.77	**Unit #:**		**Tax ID:**	324210100120
Bedrooms:	4	**Year Built:**	1966	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,205				
SqFt - Total:	3,168				
SqFt Source:	Property Appraiser				
Lot Size:	105x130				

Directions: Nova Rd to Tomoka Oaks Entrance, take fork to the left. Home is on the right.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 13		Den		22 x 15	
Bedroom 2		13 x 12		Kitchen		13 x 12	
Bedroom 3		12 x 10		Utility Room		12 x 5	
Bedroom 4		12 x 10					
Dining Room		12 x 12					
Family Room		18 x 14					
Living Room		17 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile

Pets Allowed: Yes
House Orientation: E
Heating: Central; Heat Pump
Inside: 2 Bedrooms Down; Ceiling Fans; Fireplace
Land: On Golf Course; Wooded
Miscellaneous: Golf Community; Home Warranty; Homeowners Association
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well; Storm Shutters; Utility Shed

Parking: 2 Car Garage; Attached
Porch: Enclosed
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Unexpected health issues necessitate a move and sale after a short time of seller enjoying this beautiful home. Updates made by current owner include: Enclosing the Lanai with new slider windows & door, ceiling fan, painted floors, making this a room that you won't want to leave. Electric & light to the 10'x10'shed. Fan in the garage. Landscaping, and tree removal & trimming. All Brick 4 Bedroom, 3 full baths, with formal & informal areas. All bedrooms have walk-in-closets.Ceramic tiled kitchen has full appliance package, abundance of cabinets and counter tops, with breakfast bar. Family room has brick fireplace & doors leading to enclosed lanai overlooking 18 fairway of Tomoka Oaks Golf course. Inside Utility Room. Roll down storm shutters on all exterior windows. Vacant lots (owned b

Showing Instructions:
Directions: Nova Rd to Tomoka Oaks Entrance, take fork to the left. Home is on the right.
Legal: Lot 12 Blk 10 Tomoka Oaks Country Club Ests Unit 3 A Mb 27 P G 285 Per Or 4681 Pg 2808 Per D/C 5755 Pg 4178
Parcel ID Link: 324210100120
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $99.77
Sold/Leased Date: 11/12/2013



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Residential
Closed
MLS# 550615

2 River Bluff Court, Ormond Beach, FL 32174

Public Display

List Price: $347,900
Sold/Leased Price: $338,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$347,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$115.27	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	111.99	**Unit #:**		**Tax ID:**	324226000490
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1989	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Sewer:**	City		
Living Area:	3,018	**Water:**	City		
SqFt - Total:	4,409				
SqFt Source:	Property Appraiser				
Lot Size:	116x131				

Directions: -From Granada, 1 mile north on Nova, Left into Tomoka Oaks, R on N. St. Andrews 1 mile, R on Eagle, R on River Bluff.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $55 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		23 x 12		Kitchen		14 x 12	
Bedroom 2		14 x 12		Porch/Balcony		48 x 35	
Bedroom 3		13 x 12		Utility Room		9 x 7	
Bedroom 4		12 x 12					
Dining Room		17 x 12					
Living Room		21 x 19					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Central Vacuum; Cooktop; Dishwasher; Disposal; Double Oven; Microwave; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Face Brick
Floor Coverings: Carpet; Tile; Vinyl; Wood
Pets Allowed: Yes
Financing: OWC - FHA/VA; OWC - Lease Purchase; OWC - Seller Financing
House Orientation: S
Heating: Central; Electric
Inside: 2 Bedrooms Down; Ceiling Fans; Fireplace; Volume Ceiling
Land: Cul-De-Sac; Golf Course Community
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well; Utility Shed
Parking: 2 Car Garage; Attached; Oversized
Pool: Heated; Inground Private; Screened; Solar
Porch: Deck; Front; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: -Paradise Awaits! This gorgeous home is perfectly situated in a pristine, park-like setting. The vibrant greens and pops of color are a pleasing contrast with the traditional brick architecture. Youll constantly feel the outdoors coming in whether seated in the living room with double sliders to the pool or looking out the oversized kitchen windows. Every meal will be a breeze with the Gourmet Chef's Delight Kitchen! Recent top of the line makeover includes stainless appliances, gas cook top, double oven, additional refrigeration space in the Sub Zero refrigerator drawers that can be used for temperature controlled wine storage as well as party platters and fresh foods, under counter cabinet designed to store mixer, breakfast bar, and beautiful wood cabinets complimented by a strikin

Showing Instructions:
Directions: -From Granada, 1 mile north on Nova, Left into Tomoka Oaks, R on N. St. Andrews 1 mile, R on Eagle, R on River Bluff.
Legal: LOT 49 TOMOKA OAKS UNIT 7-C MB 35 PGS 46 & 47 PER OR 4352 PG0381
Parcel ID Link: 324226000490
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $111.99
Sold/Leased Date: 12/23/2013



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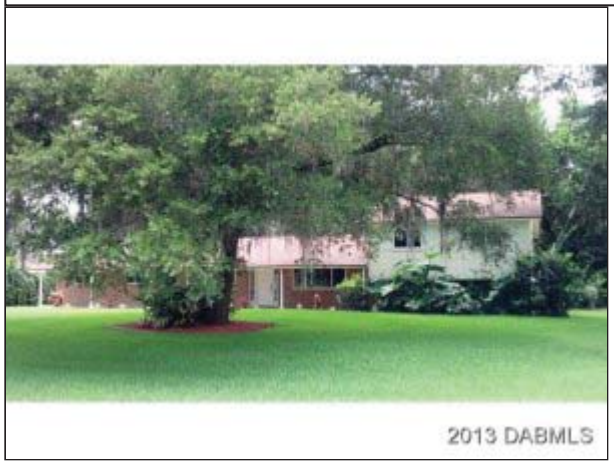
Residential
Closed
MLS# 545842

49 S Saint Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $275,000
Sold/Leased Price: $260,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$275,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$123.53	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	116.8	**Unit #:**		**Tax ID:**	324210100150
Bedrooms:	5	**Year Built:**	1966	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	3 /	**Water:**	City		
Living Area:	2,226				
SqFt - Total:	4,006				
SqFt Source:	Property Appraiser				
Lot Size:	105x130				

Directions: East on Granada, N on Nova, Left on Tomoka Oaks Left on St Andrews house on right

Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 12		Kitchen		22 x 10	
Bedroom 2		14 x 10					
Bedroom 3		13 x 10					
Bedroom 4		13 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator
Architecture: Ranch
Building: 2 Stories
Construction: Brick; Concrete Block
Floor Coverings: Terrazzo; Wood

Pets Allowed: No
Heating: Central
Inside: 2 Bedrooms Down; Ceiling Fans; Split Bedroom
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Clubhouse Facility; Irrigation Sprinkler

Parking: 2 Car Garage; Attached
Porch: 2+ Porches/Decks; Front; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Gorgeous! Beautifully remodeled, newer roof, new windows, huge front & back yard. Beautiful views of the golf course. Ample room for all your toys - boat, RV, etc. Nothing to do but move in! Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: East on Granada, N on Nova, Left on Tomoka Oaks Left on St Andrews house on right
Legal: LOT 15 BLK 10 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 A MB 27 PG 285 PER D/C 6101 PG 1748
Parcel ID Link: 324210100150
Supra: Yes
Dispute Res: No

Sold Price Sqft: $116.8
Sold/Leased Date: 10/23/2013



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Residential
Closed
MLS# 547627

8 Windsor Drive, Ormond Beach, FL 32174

Public Display

List Price: $234,900
Sold/Leased Price: $216,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$234,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$111.11	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	102.41	**Unit #:**		**Tax ID:**	324224001910
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1981	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Sewer:**	City		
Living Area:	2,114	**Water:**	City		
SqFt - Total:	2,706				
SqFt Source:	Property Appraiser				
Lot Size:	105x115				

Directions: From Granada, N. on Nova, left in to Tomoka Oaks, right on N. St. Andrews 1 mi to right on Eagle, left on River Bluff, 2

Virtual Tour: Click to View Virtual Tour

Maint Fee: $65 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		24 x 14		Kitchen		15 x 10	
Bedroom 2		18 x 12		Porch/Balcony		10 x 4	
Bedroom 3		19 x 12		Patio/Deck		29 x 14	
Dining Room		11 x 9					
Living Room		29 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Face Brick; Frame
Floor Coverings: Carpet; Tile; Vinyl
Pets Allowed: Yes
House Orientation: S
Heating: Central
Inside: 1 Bedroom Down; 2 Bedrooms Down; Fireplace; Split Bedroom; Volume Ceiling
Land: Corner Lot; Golf Course Community
Miscellaneous: Home Warranty
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: Deck; Front; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: DELIGHTFUL house in charming and convenient Tomoka Oaks! The spacious corner lot on a quiet street sets the tone for the generously sized living and bedroom dimensions inside. Meticulously cared for by only its second owner, this home promises something for everyone. The peaceful covered front porch allows for chairs and seasonal d□cor to greet guests before they enter the large foyer. A beautifully updated kitchen easily serves the eat in nook area or the formal dining table while overlooking the 29 x 14 living room perfect for family gatherings or entertaining. The master suite has ample space for large furnishings, sitting room, a desk, or even exercise equipment. It also features a dressing area adjacent to the bathroom and walk in closet. On the opposite side of the house, youll fin

Showing Instructions:
Directions: From Granada, N. on Nova, left in to Tomoka Oaks, right on N. St. Andrews 1 mi to right on Eagle, left on River Bluff, 2
Legal: LOT 191 TOMOKA OAKS UNIT 7-B MB 34 PG 201 PER OR 3769 PG1306
Parcel ID Link: 324224001910
Supra: Yes
Dispute Res: Yes

Sold Price Sqft: $102.41
Sold/Leased Date: 12/27/2013



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Residential
Closed
MLS# 543377

76 N St Andrews, Ormond Beach, FL 32174

Public Display

List Price: $329,900
Sold/Leased Price: $320,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$329,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$116.98	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	113.47	**Unit #:**		**Tax ID:**	324210200030
Bedrooms:	5			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	2004	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Sewer:**	City		
Living Area:	2,820	**Water:**	City		
SqFt - Total:	3,766				
SqFt Source:	Property Appraiser				
Lot Size:	100x140				

Directions: From Nova Rd-left on Tomoka Oaks Blvd. Rt. on N.St. Andrews
Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		18 x 18		Den		15 x 12	
Bedroom 2		12 x 11		Kitchen		16 x 13	
Bedroom 3		12 x 11		Porch/Balcony		14 x 14	
Bedroom 4		14 x 12		Utility Room		8 x 6	
Dining Room		14 x 12					
Family Room		20 x 18					
Living Room		14 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Modern
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: Yes
House Orientation: E
Heating: Central
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Split Bedroom
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Homeowners Association; Security System
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Porch: Front
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: -NEWER HOME IN ONE OF ORMONDS MOST-SOUGHT-AFTER NEIGHBORHOODS! Contemporary home, built in 2004, nestled behind picturesque 4th tee of Tomoka Oaks. Soaring 12 ft ceilings throughout living space complement this beautys open layout with oak flooring. Spacious kitchen features solid wood cabinets, granite countertops, over/under accent lighting, large pantry and stainless steel appliances. Oversized master bedroom filled with extras including magnificent view of 4th fairway, porch access, 10 trey ceiling, his/her walk-in closets, vanity, roman tub, walk-in shower and separate water closet. Teen/in-law suite features private bath; roomy Jack and Jill bedrooms share guest bath which also opens to back lanai. 5th bedroom could also serve as study / den. French doors front and back, spacious bac

Showing Instructions:
Directions: From Nova Rd-left on Tomoka Oaks Blvd. Rt. on N.St. Andrews
Legal: Lot 3 blk 20 Tomoka Oaks Country Club Estates Unit 1B,MB28 pg129 OR 1550 PG 576 per copy of DCper OR 3974 Pg 3332
Parcel ID Link: 324210200030
Supra: No **Dispute Res:** No

Sold Price Sqft: $113.48
Sold/Leased Date: 01/03/2014



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Residential
Closed
MLS# 554490

8 Pebble Beach, Ormond Beach, FL 32174

Public Display

List Price: $228,000
Sold/Leased Price: $190,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$228,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$88.3	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	73.58	**Unit #:**		**Tax ID:**	324210060110
Bedrooms:	3	**Year Built:**	1975	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Water:**	City		
Living Area:	2,582				
SqFt - Total:	3,489				
SqFt Source:	Property Appraiser				
Lot Size:	115 x 121				

Directions: From Tomoka Oaks Blvd. bear right onto N. St. Andrews. Turn right onto Pebble Beach Dr. Home is on the left.

Virtual Tour:

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		21 x 12		Den		27 x 14	
Bedroom 2		17 x 11		Kitchen		11 x 10	
Bedroom 3		11 x 11					
Dining Room		13 x 9					
Family Room		20 x 15					
Living Room		18 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Double Oven; Dryer; Microwave; Refrigerator; Washer
Architecture: Ranch
Construction: Face Brick
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: N
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace
Miscellaneous: Golf Community; Homeowners Association; Security System
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Porch: Enclosed
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: This home has RV parking and optional HOA membership! This brick beauty has been well maintained and boasts very spacious rooms. The exterior has been freshly painted, the windows were replaced in 2000 and the AC unit was replaced within the last 5 years. Your family will enjoy the 20 x 15 great room with wood-burning fireplace, built-in bookshelves and triple sliders that retract into the wall, flowing the room to a 27 x 14 sunlit enclosed Florida Room. The Master bath has a spacious vanity with new cabinetry, and walk-in shower. The Master also has a substantial walk-in closet. The kitchen has a Breakfast nook with bay window overlooking a private back yard where you can watch the birds and squirrels. It has wood cabinets, double ovens, microwave dishwasher and cook top. The Living Roo

Showing Instructions:
Directions: From Tomoka Oaks Blvd. bear right onto N. St. Andrews. Turn right onto Pebble Beach Dr. Home is on the left.
Legal: LOT 11 BLK 6 UNIT 1 C TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 165 PER OR 1750 PG 0778 PER OR 6872 PGS 4336-4338 INC
Parcel ID Link: 324210060110
Supra: No **Dispute Res:** No

Sold Price Sqft: $73.59
Sold/Leased Date: 03/17/2014



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Residential
Closed
MLS# 551040

4 Waterfront Court, Ormond Beach, FL 32174

Public Display

List Price: $335,000
Sold/Leased Price: $345,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$335,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$128.5	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	132.33	**Unit #:**		**Tax ID:**	324227000090
Bedrooms:	3	**Year Built:**	1988	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,607				
SqFt - Total:	3,503				
SqFt Source:	Property Appraiser				
Lot Size:	103x267				

Directions: Nova Rd. to Tomoka Oaks, rt on St. Andrews to Waterfront Ct. on rt.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		19 x 12		Den		19 x 5	
Bedroom 2		14 x 12		Kitchen		21 x 8	
Bedroom 3		13 x 12		Porch/Balcony		20 x 8	
Dining Room		17 x 12		Patio/Deck		12 x 12	
Family Room		16 x 16					
Living Room		20 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Dryer; Microwave; Refrigerator; Washer; Water Softener
Architecture: Other
Building: 2 Stories
Construction: Frame; Stucco
Condo Parking: Secured
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: No
Heating: Central; Heat Pump
Inside: Ceiling Fans; Fireplace
Land: Cul-De-Sac
Miscellaneous: Golf Community; Sauna; Security System
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 3 Car Garage
Porch: Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: In Foreclosure; Potential Short Sale
Waterfront: Riparian Rights; Riverfront Home/Unit; Riverview Home/Unit

Remarks: Awesome views from this Tomoka Riverfront home.Classic styling is evident in this well decorated, French Country home located on the Tomoka River in Ormond Beach. Watch the sunset over the nature preserve across the river or enjoy a cool drink from the the screened porch that also provides beautiful views of historic florida scenery. The inside offers a formal living room with 10' ceiling and a gas fireplace for those cool evenings, a separate dining room and family room, his and hers office spaces and a large kitchen with direct river views. The master suite encompasses the entire South end of the home and includes a floor to ceiling window for great views of the river, a reading area, private office and a large walk in closet with a seperate shoe closet. The master bathroom has a stea

Showing Instructions:
Directions: Nova Rd. to Tomoka Oaks, rt on St. Andrews to Waterfront Ct. on rt.
Legal: Lot 9 Tomoka Oaks Unit No 6 Mb 35 Pgs 130 Per Or 2882 Pg 0036
Parcel ID Link: 324227000090
Supra: No
Dispute Res: No

Sold Price Sqft: $132.34
Sold/Leased Date: 03/26/2014



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 543789

38 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $225,000
Sold/Leased Price: $211,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$225,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$96.56	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	90.77	**Unit #:**		**Tax ID:**	324210170170
Bedrooms:	3	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,330				
SqFt - Total:	2,954				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From Granada North on Nova Rd, Left in Tomoka Oaks to Oakmont

Virtual Tour:

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 15		Kitchen		20 x 12	
Bedroom 2		14 x 12					
Bedroom 3		12 x 12					
Dining Room		15 x 14					
Family Room		21 x 15					
Living Room		20 x 15					

Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Central Vacuum; Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick; Frame
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: E
Heating: Central; Heat Pump
Inside: Ceiling Fans; Fireplace
Land: On Golf Course
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Outbuilding; Utility Shed
Parking: 2 Car Garage; Attached; Oversized
Porch: 2+ Porches/Decks; Deck
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Exceptional golf course living in sought after Tomoka Oaks. Well maintained and updated....newer appliances, fans & fixtures, newer roof, windows & doors. Wood burning stone fireplace in living room with large windows to enjoy the outdoors. Separate family room/den with large glass window to enjoy the panoramic golf course views. Patio grilling area off kitchen,plus wood deck out back, central vacuum system. Homeowner association is voluntary.

Showing Instructions:
Directions: From Granada North on Nova Rd, Left in Tomoka Oaks to Oakmont
Legal: LOT 17 BLK 17 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG81 PER OR 6109 PG 3249
Parcel ID Link: 324210170170
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $90.77
Sold/Leased Date: 03/28/2014



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 558899

96 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $399,900
Sold/Leased Price: $375,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$399,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$115.77	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	108.56	**Unit #:**		**Tax ID:**	324210200130
Bedrooms:	4	**Year Built:**	1981	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	3,454				
SqFt - Total:	4,905				
SqFt Source:	Property Appraiser				
Lot Size:	105x140				

Directions: From Nova & Granada, drive north to the Tomoka Pro Shop entrance, right on N St Andrews

Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 14		Den		24 x 18	
Bedroom 2		14 x 11		Kitchen		24 x 12	
Bedroom 3		12 x 12					
Bedroom 4		12 x 9					
Dining Room		18 x 17					
Family Room		20 x 15					
Living Room		27 x 16					

1st Floor: Wood
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator; Trash Compactor
Architecture: Traditional
Building: 2 Stories
Construction: Brick
Floor Coverings: Carpet; Wood
Pets Allowed: No
House Orientation: W
Heating: Central
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Sunken Living Room; Volume Ceiling; Wet Bar
Land: Golf Course Community; On Golf Course
Maint Fee Covers: NA
Outside: Clubhouse Facility
Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Balcony
Road: Paved
Special Conditions: None

Remarks: ENTERTAINING SHOWPLACE WITH INCREDIBLE GOLF COURSE VIEWS! THIS FOUR BEDROOM TWO AND ONE HALF BATH HOME FEATURES, INVITING FOYER WITH SPIRAL STAIRCASE,WOOD FLOORS, ANDERSON WINDOWS, THE LIVING ROOM IS GRACED WITH AN INCREDIBLE BRICK FIREPLACE, A 22 X 10 CARD ROOM THAT OFFERS A WET BAR, FORMAL DINING ROOM, THE HUGE EAT IN KITCHEN BOASTS TONS OF CABINET SPACE, BUTLER'S PANTRY AND OVERLOOKS THE POOL & SPACIOUS FAMILY ROOM WHICH ALSO HAS A HUGE BRICK FIREPLACE. THE MASTER SUITE IS APPOINTED WITH A MASSIVE WALK IN CLOSET AND BALCONY OVERLOOKING THE GOLF COURSE.GOOD SIZE GUEST BEDROOMS, LARGE BONUS ROOM, THE OUTSIDE FEATURES INCLUDE A BRICK DRIVEWAY,A HUGE SCREENED POOL WITH A REAL BRICK POOL DECK, COVERED LANAI AND SPECTACULAR VIEWS OF THE 6TH TEE. THIS HOME IS A MUST SEE!Square footage receive

Showing Instructions:
Directions: From Nova & Granada, drive north to the Tomoka Pro Shop entrance, right on N St Andrews
Legal: LOT 13 BLK 20 UNIT 2 TOMOKA OAKS COUNTRY CLUB ESTATES MB 31PG 166 PER OR 5089 PGS 1446
Parcel ID Link: 324210200130
Supra: Yes
Dispute Res: No

Sold Price Sqft: $108.57
Sold/Leased Date: 06/24/2014



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 560574

18 Tomoka Oaks Boulevard, Ormond Beach, FL 32174

Public Display

List Price: $215,000
Sold/Leased Price: $215,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$215,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$104.26	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	104.26	**Unit #:**		**Tax ID:**	324210110020
Bedrooms:	3	**Year Built:**	1968	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,062				
SqFt - Total:	2,946				
SqFt Source:	Property Appraiser				
Lot Size:	84x138				

Directions: From Granada Blvd North on Nova Road to Left on Tomoka Oaks Blvd. House on left.

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 14		Kitchen		13 x 10	
Bedroom 2		12 x 11		Porch/Balcony		21 x 13	
Bedroom 3		11 x 11					
Bedroom 4		10 x 10					
Family Room		19 x 4					
Living Room		24 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA
Outside: Fenced Yard; Utility Shed
Parking: 2 Car Garage
Porch: 2+ Porches/Decks; Deck; Enclosed; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: For statistical purposes.

Showing Instructions:
Directions: From Granada Blvd North on Nova Road to Left on Tomoka Oaks Blvd. House on left.
Legal: LOT 2 BLK 11 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58-59 INC PER D/C 3921 PG 3111 PER OR 6219 PGS 4098-4099PER OR 6595 PG 4620 PER OR 6741 PG 3193
Parcel ID Link: 324210110020
Supra: Yes
Dispute Res: No

Sold Price Sqft: $104.27
Sold/Leased Date: 06/27/2014



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Residential
Closed
MLS# 558483

25 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $244,900
Sold/Leased Price: $237,900

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$244,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$114.7	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	111.42	**Unit #:**		**Tax ID:**	324210140040
Bedrooms:	3	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 /	**Water:**	City		
Living Area:	2,135				
SqFt - Total:	4,087				
SqFt Source:	Property Appraiser				
Lot Size:	102x120				

Directions: From Granada, head north on Nova to Tomoka Oaks. Turn L on S St Andrews then right on Oakmont and then right on Oakmont

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		20 x 13		Kitchen		20 x 10	
Bedroom 2		14 x 11		Porch/Balcony		10 x 6	
Bedroom 3		12 x 11		Patio/Deck			Dimensions: 1800
Dining Room		20 x 12		Utility Room		15 x 6	
Living Room		22 x 20					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Frame; Other
Floor Coverings: Carpet; Laminate; Tile
Pets Allowed: Yes
House Orientation: E; N
Heating: Central; Propane Gas
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Inside Sprinkler System; Split Bedroom; Sunken Living Room; Volume Ceiling
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Parking: 2 Car Garage; Oversized
Pool: Inground Private
Porch: 2+ Porches/Decks; Deck; Enclosed; Front; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Natural Gas

Remarks: Priced to sell!!! Absolutely Amazing Tomoka Oaks Home on the golf course!! If you're into entertaining, golf and swimming, this single-level 3/2 pool home just off the 16th Hole on the Tomoka Oaks Golf Course is a must see. Huge open floor plan. 20x10 Remolded Custom Kitchen with Cherry Wood cabinetry, granite counter tops, Double stainless steel sinks. Breakfast granite island with additional drawers and cabinets. Built-in pantry with sliding drawers. Huge 15x7 laundry with matching Cherry wood cabinets. Remodeled Guest Bath. 2 huge guest rooms and 20x13 Master. 22x20 sunk-in living room with real wood burning fire place. Beautiful 156 foot Lanai off of pool and heated spa. Huge 125 underground tank heats pool and hot water heater, Most windows have been replaced. 6 zone irrigation syste

Showing Instructions:
Directions: From Granada, head north on Nova to Tomoka Oaks. Turn L on S St Andrews then right on Oakmont and then right on Oakmont
Legal: LOT 4 BLK 14 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG81 PER OR 4522 PG 4012
Parcel ID Link: 324210140040
Supra: No
Dispute Res: No

Sold Price Sqft: $111.43
Sold/Leased Date: 07/07/2014



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Residential
Closed
MLS# 558382

23 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $279,900
Sold/Leased Price: $247,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$279,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$108.69	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	95.92	**Unit #:**		**Tax ID:**	324210140050
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2.1	**Year Built:**	1971	**Homestead Exempt:**	No
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	2,575	**Water:**	City		
SqFt - Total:	3,415				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From Granada,No on Nova,to Tomoka Oaks,L on S St Andrews,Rt on Oakmont R on Oakmont Cir.

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 12		Den		22 x 13	
Bedroom 2		13 x 13		Kitchen		11 x 10	
Bedroom 3		13 x 10		Patio/Deck		50 x 20	
Bedroom 4		12 x 10		Utility Room		8 x 8	
Dining Room		12 x 11					
Family Room		25 x 12					
Living Room		19 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Colonial; Traditional
Building: 2 Stories
Construction: Brick; Frame
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: No
House Orientation: W
Heating: Central
Inside: 1 Bedroom Down; Ceiling Fans; Fireplace
Land: Golf Course Community; On Golf Course
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: Front; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: HOME SWEET HOME! Delightful Brick Colonial pool home situated on the 16th Fairway of Tomoka Oaks Golf Course. Wonderful features include kitchen w/oak cabinets & tiled floors, newer appliances, fresh paint & all new carpet throughout the rest of the home. Family room has brick fireplace with raised hearth, wood floors & is open to kitchen. French doors open to formal dining room & living room. Four to Five Bedrooms. Bonus room with custom built-ins could be kids den. 1st level also offers 1 bedroom, inside laundry & powder room. 5th bedroom could easily be home office/study or flex room. Huge screened lanai & pool area w/new pool pump overlooking the golf course. Truly a family home in a well established neighborhood w/in walking distance to shopping, medical facilities, recreation

Showing Instructions:
Directions: From Granada,No on Nova,to Tomoka Oaks,L on S St Andrews,Rt on Oakmont R on Oakmont Cir.
Legal: LOT 5 BLK 14 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG81 PER OR 3500 PG 0966
Parcel ID Link: 324210140050
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $95.92
Sold/Leased Date: 08/12/2014



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Residential
Closed
MLS# 557499

118 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $219,900
Sold/Leased Price: $179,350

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$219,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$87.88	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	71.68	**Unit #:**		**Tax ID:**	324226000720
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3.1	**Year Built:**	1980	**Homestead Exempt:**	Yes
Full / Half Baths	3 / 1	**Sewer:**	City		
Living Area:	2,502	**Water:**	City		
SqFt - Total:	3,380				
SqFt Source:	Property Appraiser				
Lot Size:	98x143				

Directions: From Nova and Grananda, drive north to the Tomoka Pro Shop entrance, right on N Saint Andrews around the course to 118 o

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 12		Kitchen		16 x 14	
Bedroom 2		14 x 12		Patio/Deck		43 x 31	
Bedroom 3		11 x 11					
Bedroom 4		13 x 11					
Dining Room		14 x 13					
Family Room		19 x 16					
Living Room		20 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range
Architecture: Ranch; Traditional
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: Yes
House Orientation: W
Heating: Central; Electric
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Wet Bar
Land: Golf Course Community; On Golf Course; Wooded
Miscellaneous: Fixer Upper; Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard
Parking: 2 Car Garage; Attached; Oversized
Pool: Inground Private; Screened
Porch: Deck; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: Potential Short Sale
Util for Land Only: City Water; Sewer

Remarks: APPROVED PRICE! NEED BUYER ASAP! BARGAIN! Lowest priced golf course, pool home of this size in Tomoka Oaks! New roof in 2006, new AC Condenser in 2013, new hot water heater in 2013, all appliances stay except fridge and W/D. This exceptional golf course home on the 2nd fairway and sits on an elevated corner lot. Adjacent street is a cul de sac, making this home and location perfect for any family. There is space galore in this 4/3.5 home with 3 master suites and two of the bedrooms offering access to the pool. Large eat-in kitchen with breakfast bar and 4x6 butler□s pantry. Open to family room with full service wet bar and view of golf course. Formal dining room and living room with a wood burning fireplace. The large Florida room opens to oversized pool deck diving depth in ground pool

Showing Instructions:
Directions: From Nova and Grananda, drive north to the Tomoka Pro Shop entrance, right on N Saint Andrews around the course to 118 o
Legal: LOT 72 TOMOKA OAKS UNIT 7-C MB 35 PGS 46-47 INC PER OR 4910PG 1419 PER OR 5851 PG 4733
Parcel ID Link: 324226000720
Supra: No **Dispute Res:** No

Sold Price Sqft: $71.68
Sold/Leased Date: 09/10/2014



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Residential
Closed
MLS# 555214

73 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $232,900
Sold/Leased Price: $200,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$232,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$87.42	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	75.07	**Unit #:**		**Tax ID:**	324210160170
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1974	**Homestead Exempt:**	Yes
Full / Half Baths	3 /	**Sewer:**	City		
Living Area:	2,664	**Water:**	City		
SqFt - Total:	3,448				
SqFt Source:	Property Appraiser				
Lot Size:	121X130				

Directions: NOVA TO TOMOKA OAKS, TAKE S ST ANDREWS TO 2ND CORNER OF S ST ANDREWS & OAKMONT.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		19 x 13		Den		11 x 8	
Bedroom 2		15 x 11		Kitchen		20 x 9	
Bedroom 3		14 x 12		Porch/Balcony		23 x 8	
Bedroom 4		12 x 12		Utility Room		10 x 6	
Dining Room		13 x 11					
Family Room		18 x 14					
Living Room		21 x 15					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick; Frame
Floor Coverings: Other
Pets Allowed: Yes
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom
Land: Corner Lot; Golf Course Community
Miscellaneous: Golf Community
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Pool: Inground Private
Porch: Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: THIS IS JUST A WONDERFUL QUALITY BUILT ALL BRICK INGROUND POOL HOME LOCATED IN ORMOND BEACH IN "TOMOKA OAKS" SUBDIVISION. THIS HOME HAS SUCH GRAND CURB APPEAL, SITUATED VERY HIGH ON AN INCREDIBLE DOUBLE LOT. WITH ALMOST 2,700 SQ FT UNDER AIR, THIS HOME FEATURES 4 BEDROOMS, (SPLIT FLOOR PLAN WITH LARGE MASTER), 3 FULL BATHS, (1 IS A POOL BATH), LARGE FORMAL LIVING ROOM (15X21), FORMAL DINING ROOM, LARGE FAMILY ROOM (14X18), WITH BRICK FIREPLACE, LARGE EAT-IN KITCHEN WITH PANTRY, SEPARATE OFFICE AREA AND INDOOR LAUNDRY. THE GROUNDS ARE LUSHLY LANDSCAPED, AND THE IRREGULAR CORNER LOT DIMENSIONS ARE APPROXIMATELY 121X130. BRING YOUR BOAT AND RV, THIS HOME HAS A 24X24 OVERSIZED GARAGE SITUATED IN THE REAR OF THE HOME WITH AN EXTENDED DRIVEWAY FOR BOAT/RV, ADDITIONAL PARKING IN THE FRONT O

Showing Instructions:
Directions: NOVA TO TOMOKA OAKS, TAKE S ST ANDREWS TO 2ND CORNER OF S ST ANDREWS & OAKMONT.
Legal: LOT 17 BLK 16 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTATES MB 31 PG 167 PER OR 1912 PG 0209 PER OR 6686 PG 3936 PER DC 6686 PG 3933 PER D/C 6888 PG 0474
Parcel ID Link: 324210160170
Supra: Yes
Dispute Res: No

Sold Price Sqft: $75.08
Sold/Leased Date: 09/15/2014



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Tomoka Oaks Homes Sales
During the <u>Expired</u> Tomoka Oaks Golf Village Development Order: PRD-06-32

1. There were approximately 156 homes sold in Tomoka Oaks from 10/18/2014 - 12/22/2020

2. Of those 156 homes sold, 108 homes were identified by the MLS as either being “on the golf course” or in a “golf course community” as indicated in the LAND, MISCELLANEOUS, and REMARKS fields of the MLS sales sheet.

3. All 108 MLS sheets are attached. Addresses in the index are clickable.

2014 TO 11-03-2014 201 Rio Pinar Drive 5
2014 TO 11-07-2014 7 Waterfront Court 6
2015 TO 02-26-2015 32 Pine Valley Circle 7
2015 TO 03-30-2015 36 Pine Valley Circle 8
2015 TO 05-05-2015 21 Janet Circle 9
2015 TO 05-06-2015 51 Oakmont Circle 10
2015 TO 06-05-2015 66 N St Andrews Drive 11
2015 TO 06-15-2015 9 PINE VALLEY Circle 12
2015 TO 06-29-2015 104 Rio Pinar Drive 13
2015 TO 08-12-2015 70 Oakmont Circle 14
2015 TO 08-13-2015 48 N ST ANDREWS Drive 15
2015 TO 09-29-2015 64 OAKMONT Circle 16
2015 TO 12-30-2015 37 PINE VALLEY Circle 17
2016 TO 01-05-2016 50 OAKMONT Circle 18
2016 TO 01-22-2016 36 PINE VALLEY Circle 19
2016 TO 02-19-2016 302 RIO PINAR Drive 20
2016 TO 02-22-2016 31 N ST ANDREWS Drive 21
2016 TO 02-26-2016 90 N ST ANDREWS Drive 22
2016 TO 03-11-2016 21 Oakmont Circle 23
2016 TO 03-28-2016 311 RIO PINAR Drive 24
2016 TO 04-04-2016 105 N ST ANDREWS Drive 25
2016 TO 04-15-2016 59 S ST ANDREWS Drive 26
2016 TO 04-25-2016 36 N ST ANDREWS Drive 27
2016 TO 04-28-2016 74 OAKMONT Circle 28
2016 TO 05-06-2016 220 RIO PINAR Drive 29
2016 TO 06-28-2016 22 OAKMONT Circle 30
2016 TO 07-29-2016 49 OAKMONT Circle 31
2016 TO 08-08-2016 118 RIO PINAR Drive 32
2016 TO 08-12-2016 34 N ST ANDREWS Drive 33
2016 TO 08-12-2016 47 PINE VALLEY Circle 34

2016 TO 08-23-2016 3 LAUREN Court 35
2016 TO 09-15-2016 313 RIO PINAR Drive 36
2016 TO 11-10-2016 83 N ST ANDREWS Drive 37
2016 TO 11-10-2016 112 N St Andrews Drive 38
2016 TO 11-15-2016 53 S St Andrews Drive 39
2016 TO 11-29-2016 75 N St Andrews Drive 40
2017 TO 01-06-2017 18 EAGLE Court, 41
2017 TO 02-16-2017 306 RIO PINAR Drive 42
2017 TO 02-24-2017 92 N ST ANDREWS Drive 43
2017 TO 03-20-2017 45 OAKMONT Circle 44
2017 TO 04-26-2017 3 La Costa Court 45
2017 TO 05-05-2017 75 S St Andrews Drive 46
2017 TO 05-10-2017 35 Pine Valley Circle 47
2017 TO 06-07-2017 62 N ST ANDREWS Drive 48
2017 TO 07-28-2017 34 S St Andrews Drive 49
2017 TO 07-28-2017 312 River Bluff Drive 50
2017 TO 07-31-2017 39 Pine Valley Circle 51
2017 TO 08-14-2017 8 Oakmont Circle 52
2017 TO 08-15-2017 37 S St Andrews Drive 53
2017 TO 08-21-2017 82 N St Andrews Drive 54
2017 TO 09-18-2017 13 Pebble Beach Drive 55
2017 TO 09-18-2017 101 N St Andrews Drive 56
2017 TO 09-22-2017 48 Oakmont Circle 57
2017 TO 10-09-2017 10 Pebble Beach Drive 58
2017 TO 10-16-2017 315 Rio Pinar Drive 59
2017 TO 11-14-2017 24 S St Andrews Drive 60
2017 TO 11-28-2017 16 Pine Valley Circle, 61
2017 TO 12-01-2017 58 N St Andrews Drive 62
2017 TO 12-06-2017 31 Pebble Beach Drive 63
2017 TO 12-15-2017 77 N St Andrews Drive 64

2018 TO 01-02-2018 5 Pebble Beach Drive 65
2018 TO 02-12-2018 26 N St Andrews Drive 66
2018 TO 02-16-2018 46 N St Andrews Drive 67
2018 TO 02-20-2018 108 N St Andrews Drive 68
2018 TO 03-16-2018 18 Tomoka Oaks Boulevard 69
2018 TO 05-10-2018 55 N St Andrews Drive 70
2018 TO 05-21-2018 74 S St Andrews Drive 71
2018 TO 06-04-2018 224 Rio Pinar Drive 72
2018 TO 06-20-2018 77 S St Andrews Drive 73
2018 TO 06-25-2018 24 S St Andrews Drive 74
2018 TO 07-02-2018 2 Waterfront Court 75
2018 TO 07-10-2018 53 S St Andrews Drive 76
2018 TO 07-13-2018 96 N St Andrews Drive 77
2018 TO 08-09-2018 33 S St Andrews Drive 78
2018 TO 08-15-2018 42 Oakmont Circle 79
2018 TO 09-25-2018 37 Pine Valley Circle 80
2018 TO 11-08-2018 57 S St Andrews Drive 81
2018 TO 11-29-2018 3 Pine Valley Circle 82
2018 TO 12-17-2018 48 Oakmont Circle 83
2019 TO 01-10-2019 124 Rio Pinar Drive 84
2019 TO 01-17-2019 19 Nottingham Drive 85
2019 TO 01-18-2019 110 N St Andrews Drive 86
2019 TO 03-29-2019 3 Eagle Drive 87
2019 TO 05-02-2019 47 N St Andrews Drive 88
2019 TO 0504-2019 2 Pine Valley Circle 89
2019 TO 06-21-2019 16 Eagle Court 90
2019 TO 06-21-2019 231 Rio Pinar Drive 91
2019 TO 07-01-2019 43 N St Andrews Drive 92
2019 TO 07-31-2019 49 Pine Valley Circle 93
2019 TO 08-09-2019 129 Rio Pinar Drive 94

2019 TO 08-16-2019 64 S St Andrews Drive 95
2019 TO 09-12-2019 4 Pebble Beach Drive 96
2019 TO 09-24-2019 47 S St Andrews Drive 97
2019 TO 11-14-2019 14 Oakmont Circle 98
2019 TO 11-15-2019 52 Pine Valley Circle 99
2019 TO 11-15-2019 119 Rio Pinar Drive 100
2019 TO 12-27-2019 51 S St Andrews Drive 101
2020 TO 01-15-2020 34 Pine Valley Circle 102
2020 TO 01-22-2020 35 N St Andrews Drive 103
2020 TO 03-12-2020 29 Oakmont Circle 104
2020 TO 04-27-2020 19 Janet Circle 105
2020 TO 06-01-2020 34 N St Andrews Drive 106
2020 TO 06-19-2020 39 N St Andrews Drive 107
2020 TO 09-17-2020 12 Oakmont Circle 108
2020 TO 09-18-2020 5 Pebble Beach Drive 109
2020 TO 11-24-2020 21 N St Andrews Drive 110
2020 TO 12-18-2020 219 Rio Pinar Drive 111
2020 TO 12-22-2020 14 Eagle Court 112
2022 TO 06-15-2022 60 N St Andrews Drive 113

Residential
Closed
MLS# 553746

201 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $319,000
Sold/Leased Price: $295,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$319,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$107.11	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	99.05	**Unit #:**		**Tax ID:**	324223000990
Bedrooms:	3	**Year Built:**	1980	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,978				
SqFt - Total:	4,312				
SqFt Source:	Property Appraiser				
Lot Size:	100x140				

Directions: East on Granada, North on Nova, Left on S St Andrews, R on Rio Pinar

Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 16		Kitchen		20 x 14	
Bedroom 2		18 x 11		Utility Room		8 x 6	
Bedroom 3		17 x 10					
Dining Room		15 x 11					
Family Room		31 x 16					

1st Floor: Slab
Air Conditioning: Central; Zoned
Appliances: Dishwasher; Disposal; Double Oven; Dryer; Microwave; Refrigerator; Washer
Architecture: Modern
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile
Pets Allowed: No
Heating: Central; Electric; Zoned
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Split Bedroom
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached; Oversized
Pool: Heated; Inground Private; Screened
Porch: Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Love an All-Natural Setting with Pool on the Golf Course? Does coquina rock, lush outdoor landscaping and a beautiful sun tunnel and glass atrium in the family room sound like your style? This California Contemporary pool home is directly on the Tomoka Oaks Golf Course and is designed to feel like you are living outdoors. 2 large sliders open from the family room to the lush backyard and onto the golf course. A coquina stone fireplace, open floor plan with beautiful live atrium grace the family room. Great for family and friend gatherings the home includes an entertainment bar room with seating, open to the family room and a formal dining room that looks out onto the atrium and family room. The kitchen has been updated with new cabinets, granite countertops, a wine bar, pull-out cabinets

Showing Instructions:
Directions: East on Granada, North on Nova, Left on S St Andrews, R on Rio Pinar
Legal: LOT 99 TOMOKA OAKS UNIT 7A MB 34 PGS 162 TO 164 INC PER OR 3606 PG 0500
Parcel ID Link: 324223000990
Supra: Yes
Dispute Res: No

Sold Price Sqft: $99.06
Sold/Leased Date: 11/03/2014



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Residential
Closed
MLS# 560000

7 Waterfront Court, Ormond Beach, FL 32174

Public Display

List Price: $195,000
Sold/Leased Price: $188,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$195,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$86.47	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	83.37	**Unit #:**		**Tax ID:**	324227000040
Bedrooms:	3	**Year Built:**	1983	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,255				
SqFt - Total:	3,035				
SqFt Source:	Property Appraiser				
Lot Size:	98x116				

Directions: From Granada Blvd, Go North on Nova Rd. Left into Tomoka Oaks. Right on North St Andrews, Right onto Waterfront Ct.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		18 x 13		Kitchen		12 x 12	
Bedroom 2		17 x 12					
Bedroom 3		14 x 14					
Dining Room		12 x 7					
Family Room		18 x 14					
Living Room		17 x 16					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Range
Architecture: Traditional
Building: 2 Stories
Construction: Face Brick
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: No
Heating: Central
Inside: Fireplace; Split Bedroom
Land: Cul-De-Sac
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard
Parking: 2 Car Garage; Attached
Porch: Patio
Roof: Shingle
Special Conditions: Bank Owned/REO
Util for Land Only: City Water; Sewer

Remarks: Beautiful Tomoka Oaks is an established, golf course community conveniently located in the heart of Ormond Beach. This lovely 3 bedroom, split planned home is inviting, light and bright, offering wood flooring and tile in the kitchen. Soaring ceilings greet you upon entering the living/dining area with a full view of the kitchen and windows looking out back to your private back yard. Located in a cul de sac, you have wide sides to the home and are not on top of your neighbors. The master bedroom is good sized and is located on one side of the home back by the big family room with stone faced fireplace. The other 2 bedrooms are on the other side of the home with a jack and jill bathroom. The garage sits lower on the lot with a fenced yard and side entry for another car. Come see this nic

Showing Instructions:
Directions: From Granada Blvd, Go North on Nova Rd. Left into Tomoka Oaks. Right on North St Andrews, Right onto Waterfront Ct.
Legal: LOT 4 & INC E 2.83 FT ON S/L E OF LOT 4 TOMOKA OAKS UNIT NO6MB 35 PG 130 PER OR 3772 PG 4518 & OR 5464 PG 4705
Parcel ID Link: 324227000040
Supra: No **Dispute Res:** No

Sold Price Sqft: $83.37
Sold/Leased Date: 11/07/2014



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Residential
Closed
MLS# 564687

32 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $191,900
Sold/Leased Price: $186,000

Area: 44 - Ormond N of 40, S Tomoka River, E of US1 **County:** Volusia



List Price:	$191,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$109.84	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	106.46	**Unit #:**		**Tax ID:**	324210070170
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	2.1	**Year Built:**	1963	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	1,747	**Water:**	City		
SqFt - Total:	2,938				
SqFt Source:	Owner				
Lot Size:	111x120				

Directions: FROM GRANADA NORTH ON NOVA, LEFT INTO TOMOKA OAKS, FIRST RIGHT THEN LEFT ONTO PINE VALLEY CIRCLE.
Virtual Tour:
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		18 x 12		Kitchen		12 x 10	
Bedroom 2		13 x 11					
Bedroom 3		13 x 11					
Dining Room		10 x 07					
Family Room		17 x 16					
Living Room		17 x 14					

Acreage: 1/2 - 1
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator; Water Softener
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed: No
House Orientation: E
Heating: Central
Land: On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: Clubhouse; Common Area
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Porch: 2+ Porches/Decks; Enclosed
Special Conditions: None

Remarks: GARDENER'S PARADISE, WELL MAINTAINED HOME ON SIXTH FAIRWAY IN SOUGHT AFTER TOMOKA OAKS. THREE BEDROOMS 2.5 BATH WITH EXTRA LARGE L SHAPED ENCLOSED PORCH. ZONED FOR SEABREEZE HIGH SCHOOL. HOMEOWNERS ASSOCIATION IS VOLUNTARY $60/YR. LIVING ROOM WITH FAMILY ROOM. DINING ROOM. BUILT IN TV CABINET/BOOKCASE. LARGE BEDROOMS, WATER SOFTENER, RETRO FOAM INSULATION, CEDAR-LINED CLOSETS WITH ORGANIZERS, 3 SOLAR LIGHTS, OVERSIZED 2 CAR GARAGE WITH SHELVING, NEW RAINBIRD CONTROL SPRINKLERS, HURRICANE WINDOWS, HOT WATER RE CIRCULATOR. BEST DEAL IN THIS EXCELLENT NEIGHBORHOOD.golf course, landscape, retro foam in the attic, all of the shelving in the garage and house, crown molding, new windows, recirculating hot water heater, soft water, sprinkler system that has new controls

Showing Instructions:
Directions: FROM GRANADA NORTH ON NOVA, LEFT INTO TOMOKA OAKS, FIRST RIGHT THEN LEFT ONTO PINE VALLEY CIRCLE.
Legal: LOT 17 BLK 7 TOMOKA OAKS CLOUNTRY CLUB ESTATES UNIT 1 MB 25PGS 58-59 INC PER OR 2566 PG 0054 PER OR 5789 PG 4340 PER OR5812 PGS 1757-1758 PER OR 5933 PG 2025
Parcel ID Link: 324210070170
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $106.47
Sold/Leased Date: 02/26/2015



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 560910

36 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $189,000
Sold/Leased Price: $164,194

Area: 44 - Ormond N of 40, S Tomoka River, E of US1 **County:** Volusia



List Price:	$189,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$82.46	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	71.63	**Unit #:**		**Tax ID:**	324210070190
Bedrooms:	3	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	2.2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 / 2	**Water:**	City		
Living Area:	2,292				
SqFt - Total:	3,244				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From Granada go North on Nova, turn on Tomoka Oaks Blvd., then right on N. Saint Andrews Dr., left on Pine Valley Cir. t

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		18 x 15		Kitchen		17 x 13	
Bedroom 2		14 x 14		Patio/Deck		21 x 11	
Bedroom 3		14 x 11					
Dining Room		14 x 12					
Living Room		26 x 24					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Frame
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: E
Heating: Central; Electric
Inside: Fireplace
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Pool: Inground Private; Screened
Porch: Patio; Screened
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Electric; Sewer

Remarks: JUST REDUCED!! At this price this home will surely appeal to the active couple looking for a great place to raise a beautiful family or the retired couple looking for a little space and some much deserved relaxation. After a long day or for a place to start your mornings you will certainly enjoy the cool sparking screened in pool. With this home located in popular Tomoka Oaks there will be plenty of activities nearby for everyone to enjoy all year long and so close to shopping too. If life and time permits, a round of golf is just steps away with this home overlooking the 6th fairway of the Tomoka Oaks Golf and Country Club. The 100x120 foot lot is high and dry and offers views of majestic oaks in all directions. Features in the home include a large foyer, eat-in kitchen, stoned woo

Showing Instructions:
Directions: From Granada go North on Nova, turn on Tomoka Oaks Blvd., then right on N. Saint Andrews Dr., left on Pine Valley Cir. t
Legal: LOT 19 BLK 7 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS58-59 INC PER OR 2802 PG 1363 PER D/C PER OR 3734 PGS 1219-1221 INC
Parcel ID Link: 324210070190
Supra: Yes
Dispute Res: No

Sold Price Sqft: $71.64
Sold/Leased Date: 03/30/2015



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Residential
Closed
MLS# 565872

21 Janet Circle, Ormond Beach, FL 32174

Public Display

List Price: $199,500
Sold/Leased Price: $193,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$199,500	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$81.26	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	78.61	**Unit #:**		**Tax ID:**	324210050120
Bedrooms:	3	**Year Built:**	1974	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	3 / 0	**Water:**	City		
Living Area:	2,455				
SqFt - Total:	3,145				
SqFt Source:	Property Appraiser				
Lot Size:	117x130				

Directions: -North on Nova from Granada L on Tomoka Oaks Blvd. R to N. St. Andrews, R on to Pebble Beach, R on Janet Cir.

Virtual Tour: Click to View Virtual Tour

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		13 x 12		Kitchen		24 x 12	
Bedroom 2		15 x 13					
Bedroom 3		16 x 15					
Dining Room		18 x 12					
Family Room		28 x 13					
Living Room		18 x 17					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom
Land: Golf Course Community
Miscellaneous: Golf Community; Workshop
Maint Fee Covers: NA
Outside: Clubhouse Facility; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Wonderfully maintained home on beautiful lot. All three bedrooms have adjoining bathrooms. Large, open floor plan. Great neighborhood, quiet street, located on cul-de-sac. Golf course community, close to Tomoka River.Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: -North on Nova from Granada L on Tomoka Oaks Blvd. R to N. St. Andrews, R on to Pebble Beach, R on Janet Cir.
Legal: LOT 12 BLK 5 UNIT 1-C TOMOKA OAKS COUNTRY CLUB ESTATES MB 31PG 165 PER OR 4135 PG 1628 PER UNREC D/C PER OR 6852 PG 4988 PER D/C 6852 PG 4989
Parcel ID Link: 324210050120
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $78.62
Sold/Leased Date: 05/05/2015



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Residential
Closed
MLS# 570418

51 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $215,000
Sold/Leased Price: $207,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$215,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$92.91	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	89.67	**Unit #:**		**Tax ID:**	324210150020
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	3.3	**Year Built:**	1973	**Homestead Exempt:**	No
Full / Half Baths	3 / 30	**Sewer:**	City		
Living Area:	2,314	**Water:**	City		
SqFt - Total:	2,844				
SqFt Source:	Appraisal				
Lot Size:	70x120				

Directions: E on Granada, R onto Nova,,Tomoka Oaks on the R,L on S St Andrews,R on Oakmont, R on Oakmont Cir. House on the corner
Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 12		Kitchen		13 x 10	
Bedroom 2		11 x 10					
Bedroom 3		11 x 11					
Bedroom 4		27 x 10					
Dining Room		11 x 9					
Family Room		33 x 10					
Living Room		18 x 14					

1st Floor: Slab
Acreage: 0 - 1/2; 1/2 - 1
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Range; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Frame; Siding
Floor Coverings: Carpet; Tile

Pets Allowed: Yes
Financing: OWC - FHA/VA
House Orientation: W
Heating: Central; Electric
Inside: 1 Bedroom Down; 2 Bedrooms Down; Ceiling Fans; Split Bedroom
Land: Corner Lot; Golf Course Community
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage
Porch: Enclosed
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water

Remarks: Everything you need in one home! Mature landscaping with beautiful curb appeal. Walk through the glass front door into OPEN FLOOR PLAN. Formal living room overlooks the front yard and flows into formal dining room. Dining room opens into upgraded kitchen. 42' WOOD cabinets, corian countertops, STAINLESS STEEL appliances, backsplash and breakfast bar which flows to family room. Family room has lots of windows overlooking the private FENCED in backyard. Large master bedroom with RENOVATED BATH. 2 sinks, TILE walk-in shower and tile floors. 2 additional large bedrooms and renovated 2nd bath. TILE shower, upgraded sink and new tile floors. All of this plus and an IN-LAW SUITE!!! Large room with en suite bath, private entrance and plumbed for a kitchen. FRESH paint, NEW WINDOWNS and brand NE

Showing Instructions:
Directions: E on Granada, R onto Nova,,Tomoka Oaks on the R,L on S St Andrews,R on Oakmont, R on Oakmont Cir. House on the corner
Legal: LOT 2 BLK 15 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG 81 PER OR 4479 PG 4778 PER OR 5340 PG 4474
Parcel ID Link: 324210150020
Supra: No **Dispute Res:** No

Sold Price Sqft: $89.67
Sold/Leased Date: 05/06/2015



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Residential
Closed
MLS# 1000520

66 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $319,000
Sold/Leased Price: $310,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$319,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$109.4	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	106.31	**Unit #:**		**Tax ID:**	3242-10-07-0290
Bedrooms:	4	**Location:**	E	**Zoning:**	Single Family
Baths - Total:	3.1	**Year Built:**	1963	**As Is Cond:**	Yes
Full / Half Baths	3 / 1	**Sewer:**	City	**Homestead Exempt:**	Yes
Living Area:	2,916	**Water:**	City		
SqFt - Total:	3,898				
SqFt Source:	Property Appraiser				
Lot Size:	82x173 + 91x197				

Directions: North on Nova from Granada to Tomoka Oaks Subdivision. Right on North Saint Andrews.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	19 x 13		Kitchen	Main	16 x 13	
Bedroom 2	Main	14 x 13		Utility Room	Main	10 x 6	
Bedroom 3	Main	14 x 13					
Bedroom 4	Main	13 x 12					
Dining Room	Main	19 x 12					
Family Room	Main	19 x 17					
Living Room	Main	34 x 21					

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile; Wood

Pets Allowed:
House Orientation: E
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace
Land: Corner Lot; Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Homeowners Association; Security System
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler

Parking: 2 Car Garage; Attached; Oversized
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Front; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: BEAUTIFUL GOLF COURSE POOL HOME CONVENIENTLY LOCATED IN DESIRABLE TOMOKA OAKS!!! Very large 4 bedroom 3 and 1/2 Bath RENOVATED home on a high DOUBLE LOT! Brand new roof, new kitchen with granite countertops, new bathrooms, new paint inside and out! Lovely entry through a private courtyard which opens with double doors into a huge living area with a fireplace and double sliders onto the screened pool enclosure. The family room and the master bedroom also have sliders onto the pool lanai. Sit by your pool and watch the golfers tee off the 6th tee of the golf course! Lots of privacy in your huge front, back and side yards. This is a gorgeous house that has been meticulously maintained! Make your appointment to see it today!

Showing Instructions:
Directions: North on Nova from Granada to Tomoka Oaks Subdivision. Right on North Saint Andrews.
Legal: LOTS 29 & 30 BLK 7 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 3030 PG 1880 PER OR 5716 PGS 4026-4027 INC PER D/C 5716 PG 4023 PER OR 6396 PG 0501
Parcel ID Link: 3242-10-07-0290
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $106.31
Sold/Leased Date: 06/05/2015



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Residential
Closed
MLS# 1002008

9 PINE VALLEY Circle, Ormond Beach, FL 32174

Public Display

List Price: $199,900
Sold/Leased Price: $187,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$199,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$111.3	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-07-0050
Sold Price/SqFt:	104.4	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	Yes
Baths - Total:	2	**Year Built:**	1965		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	1,796	**Water:**	City		
SqFt - Total:	2,176				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: North on Nova Rd from Granada, left into Tomoka Oaks, right on N St Andrews, left on Pine Valley

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14 x 13		Florida Room		18 x 16	
Bedroom 2		13 x 12		Kitchen		18 x 10	
Bedroom 3		13 x 10		Utility Room		14 x 10	
Dining Room		14 x 11					
Family Room		17 x 13					
Living Room		18 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Laminate; Tile; Vinyl; Wood

Pets Allowed:
House Orientation: N
Heating: Central; Electric; Heat Pump
Inside: 2 Bedrooms Down
Land: Golf Course Community
Miscellaneous: Golf Community; Homeowners Association
Outside: Utility Shed

Parking: 2 Car Garage
Porch: Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water

Remarks: Enjoy the cool breezes from this well maintained 3 bedroom 2 bath home situated on the 7th fairway of Tomoka Oaks Golf Course makes this a perfect location. Open floor plan with Parquet wood flooring in the kitchen, living & family rooms. Carpet throughout the bedrooms. Large laundry room with a working utility room included. Mature, Manicured Lawn with large shading Oak Trees. Upgrades of this home include special Foil Radiant Temperature Insulating Shield that greatly reduces the energy bill, custom built Garage Shelving Unit and flooring throughout the home. Enjoy entertaining your guest on the large tiled, screened in back porch while watching the golfers go by. Sq footage received from tax rolls. All information intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: North on Nova Rd from Granada, left into Tomoka Oaks, right on N St Andrews, left on Pine Valley
Legal: LOT 5 BLK 7 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58-59 INC PER OR 4533 PG 1811 PER EST LTR PER OR 1816 PG 1496 PER DC 6091 PG 0059 PER DC 6091 PG 0060 PER OR 6091 PGS0064-0065 PER OR 6340 PG 0648 PER UNREC D/C
Parcel ID Link: 3242-10-07-0050
Supra: Yes

Dispute Res:

Sold Price Sqft: $104.4
Sold/Leased Date: 06/15/2015



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Residential
Closed
MLS# 1000396

104 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $259,900
Sold/Leased Price: $237,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$259,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$106.69	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-34-0010
Sold Price/SqFt:	97.5	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	No
Baths - Total:	3	**Year Built:**	1975		
Full / Half Baths	3 / 0	**Sewer:**	City		
Living Area:	2,436	**Water:**	City		
SqFt - Total:	2,942				
SqFt Source:	Property Appraiser				
Lot Size:	112x130				

Directions: From Nova left into Tomoka Oaks,L on St Andrews to 4 way stop, House on Right.
Virtual Tour:
Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 14		Den		13 x 11	
Bedroom 2		19 x 14		Kitchen		23 x 11	
Bedroom 3		12 x 12		Utility Room		11 x 5	
Dining Room		12 x 11					
Living Room		20 x 17					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick; Frame
Floor Coverings: Carpet; Wood
Pets Allowed: Yes
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Split Bedroom; Volume Ceiling
Land: Corner Lot; Golf Course Community
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Detached
Porch: Deck
Road: Paved
Roof: Gravel; Other
Special Conditions: None

Remarks: One of a Kind! Nestled amongst the Oaks in the Tomoka Oaks golf course community. This 3bed/3bath brick home is situated on a corner lot featuring lush landscaping for lots of privacy. Stone pathways lead you to the entry where you will find the great room with floor to ceiling windows, exposed beams and volume ceilings for lots of natural lighting. Updated kitchen is light and bright with an abundance of cabinets and workspace and large eat in area with french doors that open to wonderful backyard decking. Formal dining is adjacent to kitchen with skylights for even more lighting. 2 master suites offer many living possibilites. Original suite has large seating area, walk in closets and updated bath & duel designer rectangular glass bowl sinks. The additional master suite was tastefully ad

Showing Instructions:
Directions: From Nova left into Tomoka Oaks,L on St Andrews to 4 way stop, House on Right.
Legal: LOT 1 BLK 34 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG167 PER OR 2714 PG 0537
Parcel ID Link: 3242-10-34-0010
Supra: Yes
Dispute Res:

Sold Price Sqft: $97.5
Sold/Leased Date: 06/29/2015



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Residential
Closed
MLS# 569525

70 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $219,000
Sold/Leased Price: $212,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$219,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$93.35	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	90.37	**Unit #:**		**Tax ID:**	324210170040
Bedrooms:	3	**Year Built:**	1973	**As Is Cond:**	Yes
Baths - Total:	2.1	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,346				
SqFt - Total:	2,996				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: East on Granada, North on Nova, Left into Tomoka Oaks, Left on St. Andrews to Right on Oakmont Cir.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 14		Kitchen		14 x 14	
Bedroom 2		16 x 11		Porch/Balcony		14 x 10	
Bedroom 3		15 x 11					
Dining Room		13 x 13					
Family Room		21 x 13					
Living Room		20 x 16					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick; Frame
Floor Coverings: Carpet; Laminate
Pets Allowed: Yes
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community; On Golf Course
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Picturesque setting on the Tomoka Oaks golf course. This 3bed/2.5 brick home on quiet tree lined street has been extremely well maintained. Double entry door opening to formal living & formal dining area all overlooking the 13th tee. Great for family gatherings or formal entertaining. Family room with wood burning fireplace with sliding doors opening to covered patio. Kitchen w/breakfast nook, solid wood cabinetry and lots of windows for natural lighting. Master bedroom with updated dual vanity and private patio. Notice the room sizes on the secondary bedrooms. Very private location with brick courtyard entry and lovely brick wallked patio to enjoy the golfers! Oversized garage & utility room. Enjoy the Florida lifestyle -living on the golf course, backyard entertaining and just a shor

Showing Instructions:
Directions: East on Granada, North on Nova, Left into Tomoka Oaks, Left on St. Andrews to Right on Oakmont Cir.
Legal: LOT 4 BLK 17 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTATES MB 31 PG 167 PER OR 3824 PG 2004 PER D/C 6610 PG 1771 & OR 6610 PG1794 & OR 6610 PG 1795
Parcel ID Link: 324210170040
Supra: Yes
Dispute Res: No

Sold Price Sqft: $90.37
Sold/Leased Date: 08/12/2015



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Residential
Closed
MLS# 570185

48 N ST ANDREWS Drive, Ormond Beach, FL 32174

Public Display

List Price: $167,500
Sold/Leased Price: $151,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$167,500	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$91.93	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	82.88	**Unit #:**		**Tax ID:**	324210090150
Bedrooms:	3	**Year Built:**	1987	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 / 0	**Water:**	City		
Living Area:	1,822				
SqFt - Total:	2,262				
SqFt Source:	Property Appraiser				
Lot Size:	100x142				

Directions: N ON NOVA TO LEFT ON TOMOKA OAKS BLVD TO RIGHT ON N.ST.ANDREWS. PROPERTY ON LEFT.

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks
Bedroom 1		13 x 13	
Bedroom 2		13 x 10	
Bedroom 3		12 x 10	
Dining Room		14 x 11	
Family Room		22 x 12	
Living Room		22 x 13	

Room Name	Level	Dimensions	Remarks
Kitchen		14 x 11	
Utility Room		7 x 6	
Utility Room			
Utility Room			
Utility Room			
Utility Room			
Utility Room			
Utility Room			
Utility Room			
Utility Room			
Utility Room			
Utility Room			
Utility Room			
Utility Room			

Pets Allowed: No

Special Conditions: Bank Owned/REO

Remarks: Tomoka Oaks Beauty. Large 3 bedrooms and 2 bathrooms estate home recently updated kitchen and bathrooms. Open floor plan with granite counter tops and cherry wood cabinets. Home also has wood burning fireplace, Florida room with separate entrance and attached 2 car side garage. Very large lot 100x142, that is on the golf course. No association fees. Great "A" rated school district, easy commute to interstate and beaches. CLOSED 8/13/2015 FOR 151,000. TAX ROLL MIGHT REFLECT 158094,00 BUYER HAD TO PAY BUYER PREMIUM OF 6795.00 + 299.00 TECH FEE. ACTUAL SALES PRICE IS 151,000

Showing Instructions:
Directions: N ON NOVA TO LEFT ON TOMOKA OAKS BLVD TO RIGHT ON N.ST.ANDREWS. PROPERTY ON LEFT.
Legal: LOT 15 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58-59 INC PER OR 2943 PG 0185 PER D/C 5796 PG 2664 PER OR5796 PG 2665 PER OR 6739 PG 1050 PER OR 7018 PG 2266
Parcel ID Link: 324210090150
Supra: No **Dispute Res:** No

Sold Price Sqft: $82.88
Sold/Leased Date: 08/13/2015



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Residential
Closed
MLS# 1004837

64 OAKMONT Circle, Ormond Beach, FL 32174

Public Display

List Price: $237,500
Sold/Leased Price: $225,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$237,500	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$128.38	**Subdivision:**	Tomoka Oaks	**Tax ID:**	42-13-32-10-17-0060
Sold Price/SqFt:	121.62	**Unit #:**		**Zoning:**	Single Family
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	2	**Location:**	W	**Homestead Exempt:**	No
Full / Half Baths	2 / 0	**Year Built:**	1975		
Living Area:	1,850	**Sewer:**	City		
SqFt - Total:	2,591	**Water:**	City		
SqFt Source:	Property Appraiser				
Lot Size:	100 x120				

Directions: North on Nova Rd from Granada, left into Tomoka Oaks-left on S Sat Andrews Dr, right on Oakmont house is on the left.

Virtual Tour:

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	12 x 10		Florida Room	Main	15 x 12	
Bedroom 2	Main	12 x 10		Kitchen	Main	12 x 12	
Bedroom 3	Main	15 x 12					
Family Room	Main	15 x 12					
Living Room	Main	18 x 15					

Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Laminate; Tile

Pets Allowed:
House Orientation: W
Heating: Central; Electric
Inside: Ceiling Fans; Split Bedroom
Land: On Golf Course
Miscellaneous: Golf Community
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Screened
Roof: Shingle
Special Conditions: Agent Owned

Remarks: Move in Ready! 64 Oakmont-this 3 bedroom/ 2 bathroom-golf course lot- has been renovated by licensed contractors-New-granite kitchen countertops, custom cabinets, flooring and stainless steel appliances. New flooring throughout this home, paint- interior & exterior, light fixtures, plumbing fixtures and interior doors/hardware. Bathrooms-new flooring, vanitys, hardware, tile and fixtures. Pool-has been resurfaced, ddeck has been resurfaced, enclosure has been rescreened and firepit added. This open floor plan, renovated home with golf course/pool views is move in ready!

Showing Instructions:
Directions: North on Nova Rd from Granada, left into Tomoka Oaks-left on S Sat Andrews Dr, right on Oakmont house is on the left.
Legal: LOT 6 BLK 17 TOMOKA OAK COUNTRY CLUB ESTS MB 31 PG 167 PER O R 3414 PG 0642 PER OR 7090 PGS 3964-3965
Parcel ID Link: 42-13-32-10-17-0060
Supra: No **Dispute Res:**

Sold Price Sqft: $121.62
Sold/Leased Date: 09/29/2015



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Residential
Closed
MLS# 1008427

37 PINE VALLEY Circle, Ormond Beach, FL 32174

Public Display

List Price: $234,900
Sold/Leased Price: $227,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$234,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$161.78	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	156.34	**Unit #:**		**Tax ID:**	3242-10-08-0180
Bedrooms:	3	**Year Built:**	1964	**Zoning:**	Single Family
Baths - Total:	2	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 0	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	1,452				
SqFt - Total:	2,576				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Road to Tomoka Oaks Blvd, R on N. St. Andrews, L on 2nd Pine Valley Circle to 37 on the left.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	14 x 11		Kitchen	Main	24 x 10	
Bedroom 2	Main	14 x 11		Porch/Balcony	Main	13 x 6	
Bedroom 3	Main	10 x 9					
Living Room	Main	15 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Modern
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Laminate; Tile
Pets Allowed: Yes
Financing: OWC - FHA/VA
Heating: Central
Inside: Ceiling Fans
Miscellaneous: Golf Community; Homeowners Association; Security System
Maint Fee Covers: NA
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Patio; Rear; Screened
Road: Paved
Special Conditions: None

Remarks: Priced to SELL!!! Come see this STUNNING pool home on a hill in BEAUTIFUL Highly Desired Tomoka Oaks! **SO MUCH IS NEW and IMPROVED** Current owners have NO DOUBT taken pride in owning this home! Step through the front door to the open family room featuring newer medium colored laminate wood floors and an architecturally appealing bay window offering a light and bright atmosphere adorned with NEW Florida plantation shutters. Continue to the beautifully spacious and unified Kitchen and Dining room featuring new HIGHLY DESIRED 'wood plank' porcelain tile in a contemporary white wash color, stainless steel appliances, crown moulded cabinets and ceilings, new cabinetry knobs and pulls and recessed lighting.

Showing Instructions:
Directions: Nova Road to Tomoka Oaks Blvd, R on N. St. Andrews, L on 2nd Pine Valley Circle to 37 on the left.
Legal: LOT 18 BLK 8 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS58-59 INC PER OR 3883 PG 4380 PER OR 6379 PG 2658 PER OR 6821 PG 3393
Parcel ID Link: 3242-10-08-0180
Supra: No
Dispute Res: No

Sold Price Sqft: $156.34
Sold/Leased Date: 12/30/2015



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Residential
Closed
MLS# 1002033

50 OAKMONT Circle, Ormond Beach, FL 32174

Public Display

List Price: $225,000
Sold/Leased Price: $205,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$225,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$98.9	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	90.11	**Unit #:**		**Tax ID:**	3242-10-17-0110
Bedrooms:	3	**Year Built:**	1970	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 / 0	**Water:**	City		
Living Area:	2,275				
SqFt - Total:	2,910				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Rd & Granada Blvd, N on Nova, L on Tomoka Oaks Blvd, L S St. Andrews, R on Oakmont Cir,2nd R on Oakmont Cir on left

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15 x 13		Kitchen	Main	20 x 12	Eat-in-Kitchen
Bedroom 2	Main	12 x 12		Patio/Deck	Main	49 x 21	
Bedroom 3	Main	12 x 11					
Dining Room	Main	11 x 10					
Family Room	Main	32 x 15					
Living Room	Main	23 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile

Pets Allowed:
House Orientation: E
Heating: Central; Electric; Heat Pump
Inside: Ceiling Fans; Fireplace; Split Bedroom
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Outside: Irrigation Well

Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: Deck; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Pool home with great golf course views. Recent A/C. Block construction with almost 2,300 sq. ft. of living, 2 car garage, 3 bedrooms, office area, fireplace, formal living and dining, family room with fireplace. Incredible location and sought after neighborhood, close to shopping, schools and a 10 minute drive to the beach.

Showing Instructions:
Directions: Nova Rd & Granada Blvd, N on Nova, L on Tomoka Oaks Blvd, L S St. Andrews, R on Oakmont Cir,2nd R on Oakmont Cir on left
Legal: LOT 11 BLK 17 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG81 PER OR 1489 PG 29 PER UNREC DC
Parcel ID Link: **3242-10-17-0110**
Supra: Yes

Dispute Res:

Sold Price Sqft: $90.11
Sold/Leased Date: 01/05/2016



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Residential
Closed
MLS# 1009888

36 PINE VALLEY Circle, Ormond Beach, FL 32174

Public Display

List Price: $233,900
Sold/Leased Price: $200,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$233,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$102.05	**Subdivision:**	Tomoka Oaks		
Sold Price/SqFt:	87.26	**Unit #:**		**Special Contingency:**	No
Bedrooms:	3	**Location:**	E	**Tax ID:**	3242-10-07-0190
Baths - Total:	2	**Year Built:**	1979	**Zoning:**	Single Family
Full / Half Baths	2 / 0	**Sewer:**	City		
		Water:	City	**Homestead Exempt:**	No
Living Area:	2,292				
SqFt - Total:	3,244				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Rd. to Tomoka Oaks Blvd & make a left, then make a right onto N. St. Andrews Dr., then a left on to Pine Valley Cir

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	18 x 15		Kitchen	Main	17 x 13	
Bedroom 2	Main	14 x 14		Patio/Deck	Main	21 x 11	
Bedroom 3	Main	14 x 11					
Dining Room	Main	14 x 12					
Living Room	Main	26 x 24					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Disposal; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block; Face Brick; Frame
Floor Coverings: Carpet; Tile
Pets Allowed:
Financing: OWC - FHA/VA
House Orientation: E
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace; Sunken Living Room
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Pool: Inground Private; Screened
Porch: Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Stop Looking, you found your home!This 3 bedroom 2 bath 2 car garage pool home, located on the Golf Course in the middle of Ormond Beach! Better yet No HOA! This will not last!! Enjoy cool evenings sitting around the fireplace, or entertaining around the pool. Updated electrical, new paint, newly landscaped and more! Exterior of home to be painted next as well as the pool deck.

Showing Instructions:
Directions: Nova Rd. to Tomoka Oaks Blvd & make a left, then make a right onto N. St. Andrews Dr., then a left on to Pine Valley Cir
Legal: LOT 19 BLK 7 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 2802 PG 1363 PER D/C PER OR 3734 PGS 1219-1221 INC PER OR 7100 PGS 3544-3546 INC
Parcel ID Link: 3242-10-07-0190
Supra: Yes
Dispute Res:

Sold Price Sqft: $87.26
Sold/Leased Date: 01/22/2016



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Residential
Closed
MLS# 1008407

302 RIO PINAR Drive, Ormond Beach, FL 32174

Public Display

List Price: $274,900
Sold/Leased Price: $264,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$274,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$102.5	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	98.43	**Unit #:**		**Tax ID:**	3242-24-00-1750
Bedrooms:	3			**Zoning:**	Single Family
Baths - Total:	2	**Location:**	E		
Full / Half Baths	2 / 0	**Year Built:**	1978	**As Is Cond:**	Yes
Living Area:	2,682	**Sewer:**	City	**Homestead Exempt:**	Yes
SqFt - Total:	3,455	**Water:**	City		
SqFt Source:	Property Appraiser				
Lot Size:	100x115				

Directions: Fr Granada, N on Nova, left to Tomoka Oaks, slight right on N. St. Andrews (becomes Rio Pinar), house 1.3 mi on right

Virtual Tour: Click to View Virtual Tour

Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 17		Kitchen	Main	16 x 12	
Bedroom 2	Main	13 x 11		Porch/Balcony	Main	28 x 11	
Bedroom 3	Main	16 x 13		Patio/Deck	Main	12 x 5	
Dining Room	Main	12 x 11		Utility Room	Main	11 x 5	
Family Room	Main	28 x 11					
Living Room	Main	29 x 20					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Double Oven; Dryer; Icemaker; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block; Face Brick
Floor Coverings: Carpet; Laminate; Tile

Pets Allowed:
Financing: OWC - FHA/VA
House Orientation: E
Heating: Central; Electric
Inside: 1 Bedroom Down; 2 Bedrooms Down; Ceiling Fans; Fireplace; Split Bedroom
Land: Golf Course Community
Miscellaneous: Golf Community; Homeowners Association; Workshop
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well; Utility Shed

Parking: 2 Car Garage; Attached; Oversized
Porch: 2+ Porches/Decks; Front; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: This amazing property with extensive details throughout is ready to be your new HOME! Enjoy the welcoming curb appeal with mature landscaping, professional planters, and a large porch which boasts a delightful swing. Opening the front door reveals an expansive great room with stately brick fireplace, sun tunnels allowing in natural light, and enough open space for multiple furniture arrangement options. Decorative glass offers a subtle backdrop to suit any decor and provides only a peak at the hidden treasure - a completely remodeled kitchen that is sure to delight any chef! Not a single element was missed in designing this heart of the home - there is an abundance of storage, a 10 foot island, seating area with TV, double ovens (one oversized and one regular), soft touch drawers,

Showing Instructions:
Directions: Fr Granada, N on Nova, left to Tomoka Oaks, slight right on N. St. Andrews (becomes Rio Pinar), house 1.3 mi on right
Legal: LOT 175 TOMOKA OAKS UNIT 7-B MB 34 PG 201 PER OR 2032 PG 0227 PER OR 5495 PG 2171
Parcel ID Link: 3242-24-00-1750
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $98.43
Sold/Leased Date: 02/19/2016



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Residential
Closed
MLS# 1011337

31 N ST ANDREWS Drive, Ormond Beach, FL 32174

Public Display

List Price: $225,000
Sold/Leased Price: $227,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$225,000	**Style:**	Single Family	**Tax ID:**	3242-10-12-0070
List Price/SqFt:	$124.38	**Subdivision:**	Tomoka Oaks	**As Is Cond:**	Yes
Sold Price/SqFt:	125.48	**Unit #:**		**Homestead Exempt:**	Yes
Bedrooms:	3				
Baths - Total:	2	**Year Built:**	1969		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	1,809	**Water:**	City		
SqFt - Total:	2,379				
SqFt Source:	Property Appraiser				
Lot Size:	106x140				

Directions: N. on Nova from Granada to Tomoka Oaks entrance on left. Bear right at fork and house is on right.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 14		Kitchen		18 x 10	
Bedroom 2		12 x 12		Porch/Balcony		36 x 9	
Bedroom 3		12 x 11		Utility Room		10 x 9	
Dining Room		10 x 9					
Living Room		15 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick; Steel
Floor Coverings: Carpet; Laminate; Tile
Pets Allowed:
Heating: Central
Inside: 1 Bedroom Down; Attic Fan; Ceiling Fans
Land: Golf Course Community
Miscellaneous: Homeowners Association; Security System
Maint Fee Covers: Common Area
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Pool: Inground Private
Porch: Patio; Rear; Screened
Roof: Shingle
Special Conditions: None

Remarks: Tomoka Oaks POOL Home!! Don't miss this move in ready home! !!! This 3 bed. 2 bath home has been updated and well maintained. Brick and steel construction, 1836 sq. ft. of living, Plenty of fenced yard for your kids and your dog Kitchen remodeled in 2011 with quartz counter tops, soft close drawers and cabinets with pull outs, built in desk, pantry, and extra lighting! Pool area remodeled in 2012 with new screen enclosure, pavers, pebble tech pool surface, pump and light. Oversized 2 car garage with cabinets and closets, extra parking space, Formal Living and Dining, Family Room with Fireplace. Inside laundry room with folding table, cabinets and shelving, closet and utility sink. Incredible location and sought after neighborhood, walk to the golf course, close to shopping, schoo

Showing Instructions:
Directions: N. on Nova from Granada to Tomoka Oaks entrance on left. Bear right at fork and house is on right.
Legal: LOT 7 BLK 12 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58 & 59 PER OR 4442 PG 0757 PER OR 6833 PG 0375
Parcel ID Link: 3242-10-12-0070
Supra: No
Dispute Res: No

Sold Price Sqft: $125.48
Sold/Leased Date: 02/22/2016



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Residential
Closed
MLS# 1009796

90 N ST ANDREWS Drive, Ormond Beach, FL 32174

Public Display

List Price: $318,000
Sold/Leased Price: $304,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$318,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$87.41	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	83.56	**Unit #:**		**Tax ID:**	3242-10-20-0100
Bedrooms:	4	**Year Built:**	1974	**Zoning:**	Single Family
Baths - Total:	4	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	3 / 1	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	3,638				
SqFt - Total:	4,759				
SqFt Source:	Property Appraiser				
Lot Size:	100x140				

Directions: From Granada & Nova Rd, go North on Nova Rd, turn West into Tomoka Oaks subdivision. Stay Right and turn on N St Andrews
Virtual Tour: Click to View Virtual Tour
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	18 x 14		Kitchen	Main	12 x 10	
Bedroom 2	Upper	16 x 14		Kitchen	Main	12 x 8	Eat-in-Kitchen
Bedroom 3	Upper	15 x 14		Porch/Balcony	Upper	24 x 4	
Bedroom 4	Upper	14 x 12		Patio/Deck	Main	15 x 12	
Dining Room	Main	14 x 13		Utility Room	Main	11 x 8	
Family Room	Main	21 x 15					
Living Room	Main	22 x 16					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump; Zoned
Appliances: Cooktop; Dishwasher; Disposal; Double Oven; Dryer; Microwave; Refrigerator; Washer
Architecture: Modern; Traditional; Other
Building: 2 Stories
Construction: Frame; Siding
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: Yes
House Orientation: W
Heating: Central; Electric; Heat Pump; Zoned
Inside: Cathedral Ceiling; Ceiling Fans; Volume Ceiling
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler
Parking: 2 Car Garage; Attached; Oversized
Porch: 2+ Porches/Decks; Balcony; Deck; Front; Patio; Rear
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Terrific, well maintained family home on golf course and across from river. Impressive 10 ft front door makes a statement upon entry to foyer. Split plan boasts 4 huge bedrooms, each with 9 ft ceilings, balconies, direct bathroom access & large closets. Master bedroom suite features modern spa-like bath w/garden tub, tiled shower and enormous walk-in, split custom closet. Cathedral ceilings & architecturally designed windows allow plenty of natural light and parquet wood floors flow throughout main living spaces. The spacious kitchen has plenty of cabinet & counter space. Covered patio for outdoor entertaining, spacious & picturesque backyard flows to golf course with room for future pool, if desired. 800 SF, 2 car garage offers additional storage and work space. Newer HVAC units & more.

Showing Instructions:
Directions: From Granada & Nova Rd, go North on Nova Rd, turn West into Tomoka Oaks subdivision. Stay Right and turn on N St Andrews
Legal: LOT 10 BLK 20 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1B MB 28 PG 129 PER OR 1550 PG 576 PER COPY OF DC PER OR 3974 PG 3332 PER OR 5359 PG 2220
Parcel ID Link: 3242-10-20-0100
Supra: Yes **Dispute Res:**

Sold Price Sqft: $83.56
Sold/Leased Date: 02/26/2016



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Residential
Closed
MLS# 1012477

21 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $229,000
Sold/Leased Price: $225,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$229,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$103.53	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	101.72	**Unit #:**		**Tax ID:**	3242-10-14-0060
Bedrooms:	4	**Year Built:**	1976	**Zoning:**	Single Family
Baths - Total:	3	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	3 / 0	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	2,212				
SqFt - Total:	2,721				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: N on Nova from Granada. Left on Tomoka Oaks Blvd, Left on St Andrews, Right on Oakmont Cir

Virtual Tour:

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 13		Kitchen		19 x 15	Eat-in-Kitchen
Bedroom 2			Dimensions: 1410	Patio/Deck		17 x 11	
Bedroom 3		14 x 11					
Bedroom 4		12 x 10					
Dining Room		22 x 11					
Family Room		23 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile
Pets Allowed:
House Orientation: W
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: On Golf Course
Miscellaneous: Homeowners Association; Security System
Maint Fee Covers: Common Area
Parking: 2 Car Garage; Attached
Porch: Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: All brick beauty directly on the Tomoka Oaks Golf Course. 4 bedroom, 3 bathroom home with fabulous views of the golf course. Enjoy a newer kitchen inside with corian countertops, family room with fireplace, indoor laundry room and a large screened porch. A great buy on a quiet circle.

Showing Instructions:
Directions: N on Nova from Granada. Left on Tomoka Oaks Blvd, Left on St Andrews, Right on Oakmont Cir
Legal: LOT 6 BLK 14 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG 81 PER OR 3867 PG 3750 PER OR 6893 PG 0263
Parcel ID Link: 3242-10-14-0060
Supra: No **Dispute Res:**

Sold Price Sqft: $101.72
Sold/Leased Date: 03/11/2016



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Residential
Closed
MLS# 1005266

311 RIO PINAR Drive, Ormond Beach, FL 32174

Public Display

List Price: $259,000
Sold/Leased Price: $243,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$259,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$98.03	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	91.98	**Unit #:**		**Tax ID:**	324224000860
Bedrooms:	4	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	2.5	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Water:**	City		
Living Area:	2,642				
SqFt - Total:	3,217				
SqFt Source:	Property Appraiser				
Lot Size:	100x125				

Directions: East on Granada, North on Nova, left on Tomoka Oaks, Left on South St. Andrews to R on Rio Pinar.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	15 x 13		Kitchen		23 x 10	
Bedroom 2	Upper	13 x 12		Patio/Deck		28 x 10	
Bedroom 3	Upper	13 x 12					
Bedroom 4	Upper	12 x 12					
Dining Room		16 x 14					
Family Room		22 x 16					
Living Room		15 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Range
Architecture: Traditional
Building: 2 Stories
Construction: Face Brick; Frame
Floor Coverings: Carpet; Tile

Pets Allowed:
House Orientation: N
Heating: Central
Inside: 1 Bedroom Down; Ceiling Fans; Fireplace
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Attached; Oversized
Pool: Inground Private
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: SOUGHT AFTER TOMOKA OAKS POOL HOME! This Traditional Old Chicago Brick home is priced to sell! Featuring 4 bedrooms and 2.5 baths and is situated on the 11th fairway of the Tomoka Oaks golfcourse. Private office on the main floor has custom built in cabinetry & shelving and is perfect for home office & it has a closet and could easily be a 5th bedroom if needed or in home gym.. Formal dining room is oversized and is perfect for large family gatherings for holiday celebrations. Beautiful brick fireplace with raised hearth and large firebox is the focal point of the family room for casual lounging. There is also a formal living room. Eat in kitchen with French doors leading to the patio. Enjoy outdoor entertaining on the patio while swimming in the pool.

Showing Instructions:
Directions: East on Granada, North on Nova, left on Tomoka Oaks, Left on South St. Andrews to R on Rio Pinar.
Legal: LOT 86 TOMOKA OAKS UNIT 7-B MB 34 PG 201 PER OR 3359 PG 1670
Parcel ID Link: 324224000860
Supra: No
Dispute Res:

Sold Price Sqft: $91.98
Sold/Leased Date: 03/28/2016



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Residential
Closed
MLS# 1011760

105 N ST ANDREWS Drive, Ormond Beach, FL 32174

Public Display

List Price: $275,000
Sold/Leased Price: $271,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$275,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$95.45	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-21-0050
Sold Price/SqFt:	94.24	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	Yes
Baths - Total:	2	**Year Built:**	1973		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	2,881	**Water:**	City		
SqFt - Total:	3,641				
SqFt Source:	Property Appraiser				
Lot Size:	105x138				

Directions: From I95: Head east on HWY 40(Granada Blvd), turn left on Nova, left on Tomoka Oaks,veer to the right at N St Andrews Dr
Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 14		Den		17 x 16	
Bedroom 2		12 x 11		Kitchen		15 x 15	
Bedroom 3		13 x 12		Utility Room		9 x 6	
Dining Room		14 x 12					
Family Room		29 x 17					
Living Room		14 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Laminate; Tile

Pets Allowed:
House Orientation: E
Heating: Central; Electric
Inside: Fireplace; Split Bedroom
Land: Golf Course Community
Miscellaneous: Golf Community; Workshop

Parking: 3 Car Garage; Attached; Detached
Pool: Heated; Inground Private; Inground Spa; Screened; Solar
Porch: 2+ Porches/Decks; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water

Remarks: Welcome home to a unique brick/ pool home nestled with mature oaks in the quiet golf community of Tomoka Oaks. This custom built brick home includes a half acre lot adjacent to the rear of the property. The home also boasts of twelve energy efficient solar panels that puts power back onto the grid. This will save you money each month and lower your monthly electric bills. The home has a split floor plan of 3 bedrooms including a master retreat and 2 bathrooms. The master bedroom has it's own office/study or sitting room with a private screened porch. The large kitchen opens by the den which has a fireplace and also opens to the family/game room. By the kitchen is a bar with a built in wine closet. Large windows line the formal living and dining room to view your beautiful oaks and

Showing Instructions:
Directions: From I95: Head east on HWY 40(Granada Blvd), turn left on Nova, left on Tomoka Oaks,veer to the right at N St Andrews Dr
Legal: LOT 5 BLK 21 UNIT 2 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 166 PER OR 4631 PGS 1522-1524 INC PER OR 5510 PGS 0120-0121 PER OR 5659 PG 1483 PER OR 6436 PGS 2168-2169 PER OR 6436 PGS 2190-2192 INC PER D/C 6845 PG 0163 PER OR 6851 PG 0924
Parcel ID Link: 3242-10-21-0050
Supra: Yes
Dispute Res:

Sold Price Sqft: $94.24
Sold/Leased Date: 04/04/2016



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Residential
Closed
MLS# 1012504

59 S ST ANDREWS Drive, Ormond Beach, FL 32174

Public Display

List Price: $208,000
Sold/Leased Price: $208,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$208,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$81.66	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	Yes
Sold Price/SqFt:	81.66	**Unit #:**		**Tax ID:**	324210140170
Bedrooms:	4			**Zoning:**	Single Family
Baths - Total:	2	**Location:**	S		
Full / Half Baths	2 / 0	**Year Built:**	1965	**As Is Cond:**	Yes
Living Area:	2,547	**Sewer:**	City	**Homestead Exempt:**	No
SqFt - Total:	3,891	**Water:**	City		
SqFt Source:	Property Appraiser				
Lot Size:	93x130				

Directions: Nova Rd N of Granada to Tomoka Oaks go in stay left onto St Andrews home on north side.

Virtual Tour:

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 13		Kitchen	Main	16 x 9	
Bedroom 2	Main	12 x 12					
Bedroom 3	Main	12 x 11					
Bedroom 4	Main	12 x 12					
Dining Room	Main	17 x 12					
Family Room	Main	32 x 17					
Living Room	Main	23 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Wood
Pets Allowed: Yes
House Orientation: SW
Heating: Central; Electric
Inside: Fireplace; Split Bedroom; Volume Ceiling
Land: Golf Course Community; On Golf Course
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: Bank Owned/REO

Remarks: Paradise found! Beautiful large golf course front pool home in Tomoka Oaks. Huge living area with vaulted ceilings, fireplace,and a bar. Large formal dining room and separate family room. Nice screened in pool area and huge back yard. Split plan with inside laundry. Circular driveway for extra parking. Bring the family! Nice leaded glass entry door area. Sold strictly as is. All measurements are approximate. Employees of Bank of America or its affiliates or subsidiaries are strictly prohibited from directly or indirectly purchasing any property owned by Bank of America."See agent comments for offer information.

Showing Instructions:
Directions: Nova Rd N of Granada to Tomoka Oaks go in stay left onto St Andrews home on north side.
Legal: LOT 17 EXC E 10 FT MEAS ON S/L BLK 14 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3-A MB 27 2PG 285 PER OR 5278 PGS 1550-1551
Parcel ID Link: 324210140170
Supra: No
Dispute Res: No

Sold Price Sqft: $81.66
Sold/Leased Date: 04/15/2016



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Residential
Closed
MLS# 1013569

36 N ST ANDREWS Drive, Ormond Beach, FL 32174

Public Display

List Price: $265,000
Sold/Leased Price: $233,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$265,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$108.65	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	95.53	**Unit #:**		**Tax ID:**	3242-10-09-0090
Bedrooms:	3	**Location:**	E	**As Is Cond:**	Yes
Baths - Total:	4	**Year Built:**	1963	**Homestead Exempt:**	Yes
Full / Half Baths	3 / 1	**Sewer:**	City		
Living Area:	2,439	**Water:**	City		
SqFt - Total:	3,035				
SqFt Source:	Property Appraiser				
Lot Size:	107x133				

Directions: From Granada Blvd to north on Nova Road then left on Tomoka Oaks Blvd merge right on N. St. Andrews.

Virtual Tour: Click to View Virtual Tour

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	29 x 15		Kitchen	Main	18 x 15	
Bedroom 2	Main	12 x 11		Porch/Balcony	Main	26 x 19	
Bedroom 3	Main	12 x 12		Utility Room	Main	14 x 8	
Dining Room	Main	18 x 14					
Living Room	Main	29 x 20					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Laminate; Tile

Pets Allowed: Yes
House Orientation: E
Heating: Central
Inside: Ceiling Fans
Land: Golf Course Community; On Golf Course
Maint Fee Covers: NA

Parking: 2 Car Garage; Attached; Oversized
Porch: Enclosed; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Located in the sought-after Ormond golf community of Tomoka Oaks this beautiful 3 bedroom 3.5 bathroom, with two on-suites, is move in ready and has so much to offer. This home features newly remodeled kitchen with stainless steel appliances, granite countertop island with breakfast bar, huge family room and over sized owner's retreat. All rooms boasting new windows and sliders making this home a must see. Let's not forget the huge 19X26 private enclosed porch overlooking the golf course and beautiful backyard featuring native Florida plants. Tomoka Oaks is just minutes to The Trails Shopping Center featuring specialty shops including Ann Taylor Loft, Talbots, Publix and Panera Bread to name a few. Other features on this home are newer a/c, throwback switch for generator,inside laundry.

Showing Instructions:
Directions: From Granada Blvd to north on Nova Road then left on Tomoka Oaks Blvd merge right on N. St. Andrews.
Legal: LOT 9 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58 & 59 PER OR 4363 PG 0359
Parcel ID Link: 3242-10-09-0090
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $95.53
Sold/Leased Date: 04/25/2016



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Residential
Closed
MLS# 1008542

74 OAKMONT Circle, Ormond Beach, FL 32174

Public Display

List Price: $325,000
Sold/Leased Price: $305,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$325,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$93.9	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-17-0020
Sold Price/SqFt:	88.12	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1979		
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	3,461	**Water:**	City		
SqFt - Total:	4,471				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From SR 40 & Nova go N on Nova, left on Tomoka Oaks Blvd, L on St Andrews to Oakmont

Virtual Tour: Click to View Virtual Tour

Sub HOA Fee:

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		24 x 19		Den		14 x 11	
Bedroom 2		15 x 14		Kitchen		19 x 13	
Bedroom 3		15 x 12					
Bedroom 4		14 x 9					
Dining Room		18 x 14					
Family Room		25 x 20					
Living Room		21 x 12					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range
Architecture: Tudor
Building: 2 Stories
Construction: Brick; Stucco
Floor Coverings: Tile; Wood

Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community; On Golf Course
Miscellaneous: Homeowners Association
Maint Fee Covers: Common Area

Parking: 2 Car Garage
Pool: Inground Private
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: LARGE TUDOR GOLF COURSE HOME! THIS FOUR BEDROOM THREE BATH HOME FEATURES A SPACIOUS FLOOR PLAN PERFECT FOR A LARGE FAMILY AND A ROOM COUNT THAT INCLUDES A FORMAL LIVING ROOM GRACED WITH HARDWOOD FLOORS, A LARGE FORMAL DINING ROOM WITH A BEAUTIFUL BRICK FIREPLACE, EAT IN KITCHEN WITH LG STAINLESS APPLIANCES, A HUGE FAMILY ROOM WITH BRICK FLOORS AND A BRICK FIREPLACE, THE MASTER SUITE BOASTS A 20 X 12 ADJOINING OFFICE AND NICELY EQUIPPED BATH THAT INCLUDES A NEWER VANITY. OUTSIDE YOU WILL FIND A HUGE POOL WITH SPA AND A GATHERING AREA WITH A VERY PRIVATE YARD. 1 YEAR OLD HVAC. THIS WELL MAINTAINED HOME IS LOCATED ON THE 12TH GREEN IN THE HIGHLY DESIRED TOMOKA OAKS SUBDIVISION. Sq footage from tax rolls. All info intended to be accurate but can't be guaranteed. Owner is licensed Real Estate

Showing Instructions:
Directions: From SR 40 & Nova go N on Nova, left on Tomoka Oaks Blvd, L on St Andrews to Oakmont
Legal: LOT 2 BLK 17 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 167 PER OR 4799 PG 4067 PER OR 6665 PG 1103 PER OR 6901 PG 3703
Parcel ID Link: 3242-10-17-0020
Supra: Yes

Dispute Res:

Sold Price Sqft: $88.12
Sold/Leased Date: 04/28/2016



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 1012634

220 RIO PINAR Drive, Ormond Beach, FL 32174

Public Display

List Price: $199,500
Sold/Leased Price: $190,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$199,500	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$109.38	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	104.17	**Unit #:**		**Tax ID:**	3242-23-00-1410
Bedrooms:	3			**Zoning:**	Single Family
Baths - Total:	2	**Location:**	SW		
Full / Half Baths	2 / 0	**Year Built:**	1978	**As Is Cond:**	Yes
Living Area:	1,824	**Sewer:**	City	**Homestead Exempt:**	Yes
SqFt - Total:	2,634	**Water:**	City		
SqFt Source:	Property Appraiser				
Lot Size:	103x115				

Directions: From Granada, N on Nova 1.13 mi, Left in to Tomoka Oaks, bear right on N. St. Andrews for 1.5 miles, house on the right.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15 x 13		Florida Room	Main	17 x 11	
Bedroom 2	Main	13 x 11		Kitchen	Main	17 x 13	
Bedroom 3	Main	13 x 12					
Dining Room	Main	12 x 11					
Family Room	Main	16 x 13					
Living Room	Main	15 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Brick; Frame
Floor Coverings: Carpet; Laminate; Tile
Pets Allowed: Yes
Financing: OWC - FHA/VA
House Orientation: E
Heating: Central; Electric
Inside: 2 Bedrooms Down; Accessibility; Ceiling Fans; Fireplace; Split Bedroom
Land: Golf Course Community
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached; Oversized
Porch: Enclosed; Rear
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Enjoy the heart of this home with a kitchen overlooking the family room and back yard! An abundance of cabinets can store an array of cooking accessories and there is plenty of counter space to accommodate them when following delicious recipes! For every day use, this multi purpose design could be breakfast bar seating for casual dining or a quick snack. The brick fire place balances all the natural light that flows in to the family room through the sliders to the enclosed porch. Both overlook a buffer of trees in the large backyard that is just waiting for a green thumb make over! The formal living room and dining room offer a great layout for entertaining, but also could easily be remodeled for a home office or other use.

Showing Instructions:
Directions: From Granada, N on Nova 1.13 mi, Left in to Tomoka Oaks, bear right on N. St. Andrews for 1.5 miles, house on the right.
Legal: LOT 141 TOMOKA OAKS UNIT 7A MB 34 PGS 162-164 INC PER OR 3128 PG 0480 PER OR 6957 PG 2946 PER OR 6957 PG 2944
Parcel ID Link: 3242-23-00-1410
Supra: Yes
Dispute Res: Yes

Sold Price Sqft: $104.17
Sold/Leased Date: 05/06/2016



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Residential
Closed
MLS# 1014971

22 OAKMONT Circle, Ormond Beach, FL 32174

Public Display

List Price: $205,000
Sold/Leased Price: $197,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$205,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$118.84	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	114.2	**Unit #:**		**Tax ID:**	3242-10-15-0140
Bedrooms:	3	**Location:**	E	**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1970	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	1,725	**Water:**	City		
SqFt - Total:	2,857				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: North on Nova Rd to Left on Tomoka Oaks Blvd; Left on St Andrews; Right on Oakmont Circle; Home on Left.

Virtual Tour: Click to View Virtual Tour

Maint Fee Paid: N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		14.41 x 11.58		Kitchen		18 x 13.66	
Bedroom 2		14.41 x 10.5		Kitchen		18 x 8.75	Eat-in-Kitchen
Bedroom 3		10.5 x 10		Patio/Deck		18 x 12	
Living Room		21.5 x 13.25		Patio/Deck		13.25 x 11.75	
				Utility Room		9.75 x 5.66	

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer; Water Softener
Architecture: Modern
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile; Other

Pets Allowed:
House Orientation: E
Heating: Central; Electric
Inside: Ceiling Fans
Land: Golf Course Community
Miscellaneous: Home Warranty
Outside: Irrigation Well

Parking: 2 Car Garage; Oversized
Porch: 2+ Porches/Decks; Front; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Fabulous 3 Bedroom/2 Bath home in desirable Tomoka Oaks Golf Community. Step inside this 1725 sq ft home with a lovely open-concept renovation to the kitchen/dining and living areas great for hosting gatherings or just keeping company with your family and friends. New Luxury Cork Flooring (Wicanders) throughout the kitchen, living room and bedrooms complement the vintage tile in the hall and baths. Other features in the home include the large built-in custom pantry, hurricane impact windows, water softener, quality irrigation system, AC in 2012, attic insulation in 2010. Laundry Room is perfectly placed off kitchen with exit/entry from the Over-sized 2 Car Garage. After enjoying dinner with family and friends, stroll out to the Screened Lanai for a night cap and beautiful sunset skies.

Showing Instructions:
Directions: North on Nova Rd to Left on Tomoka Oaks Blvd; Left on St Andrews; Right on Oakmont Circle; Home on Left.
Legal: LOT 14 BLK 15 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG 81 INC PER OR 4165 PG 3824 PER OR 6472 PG 2884 PER OR 6733 PG 3851
Parcel ID Link: 3242-10-15-0140
Supra: Yes **Dispute Res:**

Sold Price Sqft: $114.2
Sold/Leased Date: 06/28/2016



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Residential
Closed
MLS# 1016822

49 OAKMONT Circle, Ormond Beach, FL 32174

Public Display

List Price: $199,900
Sold/Leased Price: $200,750

Area: 44 - Ormond N of 40, S Tomoka River, E of US1 **County:** Volusia



List Price:	$199,900	**Style:**	Single Family	**Tax ID:**	3242-10-15-0030
List Price/SqFt:	$95.83	**Subdivision:**	Tomoka Oaks	**Homestead Exempt:**	Yes
Sold Price/SqFt:	96.24	**Unit #:**			
Bedrooms:	4				
Baths - Total:	2	**Year Built:**	1973		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	2,086	**Water:**	City		
SqFt - Total:	2,922				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Take Nova north of Granada to Tomoka Oaks make Left, bear left on S St Andrews then turn right onto Oakmont Cir

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		15 x 14		Kitchen		13 x 11	
Bedroom 2		12 x 12					
Bedroom 3		12 x 11					
Bedroom 4		12 x 12					
Dining Room		15 x 10					
Family Room		20 x 12					
Living Room		20 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher
Architecture: Ranch; Traditional
Building: 1 Story
Construction: Frame; Siding
Floor Coverings: Laminate; Tile; Wood

Pets Allowed:
Financing: OWC - FHA/VA
House Orientation: W
Heating: Central
Inside: Ceiling Fans
Land: Golf Course Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Utility Shed

Parking: 2 Car Garage
Porch: Deck; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Location, Location, Location... This light and bright four bedroom home is located on a quiet street in sought after Tomoka Oaks... Home has foyer, formal living and dining areas and family room & eat in kitchen too!... Golfing community that is located close to Trails shopping center, restaurants, recreation and park area, and the beach is just a 10 minute drive... Neutral and tasteful decor ready for you to move right in... Pintrest inspired projects throughout this home add to the charm... Loads of storage and closet space and indoor laundry... This home also has (in addition to the true four bedrooms) another air conditioned room off the garage that could work well for an in-law or office separate from the rest of the house... Nice shaded lot with fresh landscaping.

Showing Instructions:
Directions: Take Nova north of Granada to Tomoka Oaks make Left, bear left on S St Andrews then turn right onto Oakmont Cir
Legal: LOT 3 BLK 15 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG 81 PER OR 5185 PG 3358 PER OR 6373 PG 1990 PER OR 6573 PG 3606 PER OR 6601 PG 4851 PER OR 6601 PGS 4852-4854 INC
Parcel ID Link: 3242-10-15-0030
Supra: Yes **Dispute Res:**

Sold Price Sqft: $96.24
Sold/Leased Date: 07/29/2016



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Residential
Closed
MLS# 1017527

118 RIO PINAR Drive, Ormond Beach, FL 32174

Public Display

List Price: $295,000
Sold/Leased Price: $295,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$295,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$98.73	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	98.73	**Unit #:**		**Tax ID:**	3242-10-34-0080
Bedrooms:	4	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 0	**Water:**	City		
Living Area:	2,988				
SqFt - Total:	3,388				
SqFt Source:	Property Appraiser				
Lot Size:	100x130				

Directions: East on Granada, North on Nova, left into Tomoka Oaks, left on S. St. Andrews to right on Rio Pinar

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		18 x 15		Den		12 x 12	
Bedroom 2		14 x 12		Kitchen		18 x 11	
Bedroom 3		12 x 12		Utility Room		10 x 6	
Bedroom 4		12 x 10					
Dining Room		12 x 11					
Family Room		36 x 15					
Living Room		17 x 12					

1st Floor: Slab
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Frame; Siding
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Split Bedroom
Land: Golf Course Community
Miscellaneous: Golf Community; Security System
Outside: Fenced Yard
Parking: 2 Car Garage; Attached; RV/Boat
Pool: Inground Private; Solar
Porch: Patio
Road: Paved
Roof: Rolled; Shingle
Special Conditions: None

Remarks: Tomoka Oaks Beauty! Must see this 4 bedroom pool home and all of it's many improvements. Featuring almost 3000 sq ft of living area this home boasts formal dining room, private office with double door entry, eat in kitchen w breakfast bar that is open the living room. Bonus family room offers great separation of space for large family gatherings. Split bedroom plan with huge master bedroom, beautifully updated bathroom with his & her vanities, walk in shower, large soaking tub & and double closets. Secondary bedrooms are ample in size and offer plenty of storage and share an updated bath that opens to family room for easy access for guests. BACKYARD OASIS- Newly created Pergola area for outdoor entertaining, summer kitchen w/bar all over looking the sparkling blue pool

Showing Instructions:
Directions: East on Granada, North on Nova, left into Tomoka Oaks, left on S. St. Andrews to right on Rio Pinar
Legal: N 80 FT LOT 8 & S 10 FT OF LOT 9 & TRIANGLE IN NE CORNER OF S 20 FT OF LOT 8 MEAS 10 FT ALONG W R/W LINE RIO PINA DR & 10 FT ALONG N SIDE OF S 20 FT OF LOT 8 BLK 34 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 167 PER OR 4906 PGS 0419- 0420
Parcel ID Link: 3242-10-34-0080
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $98.73
Sold/Leased Date: 08/08/2016



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 1014880

34 N ST ANDREWS Drive, Ormond Beach, FL 32174

Public Display

List Price: $259,000
Sold/Leased Price: $257,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$259,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$81.91	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-09-0080
Sold Price/SqFt:	81.28	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	5			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1971		
Full / Half Baths	3 / 0	**Sewer:**	City		
Living Area:	3,162	**Water:**	City		
SqFt - Total:	4,444				
SqFt Source:	Property Appraiser				
Lot Size:	118x147				

Directions: East on Granada, North on Nova, left into Tomoka Oaks to right on N. St. Andrews.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	16 x 13		Kitchen		18 x 12	
Bedroom 2	Upper	15 x 13		Patio/Deck		32 x 18	
Bedroom 3	Upper	13 x 11		Utility Room		10 x 5	
Bedroom 4	Upper	12 x 11					
Dining Room		13 x 12					
Family Room		18 x 13					
Living Room		17 x 13					

1st Floor: Slab
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Range; Refrigerator
Architecture: Traditional; Tudor
Building: 2 Stories
Construction: Brick; Frame
Floor Coverings: Carpet; Laminate; Tile
Pets Allowed: Yes
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Rear; Screened
Road: Paved
Roof: Rolled; Shingle; Other
Special Conditions: None

Remarks: OPPORTUNITY KNOCKING! JOB TRANSFER FORCES SELLER MOVE! GREAT VALUE- PRICE PER SQ FT FOR LARGE FAMILY HOME!! Beautiful Brick home is nestled amongst the oaks! Large 4-5 bedroom pool home is situated overlooking the 9th fairway of the Tomoka Oaks Golf Course. Fabulous brick pavered screened patio is adjacent to the inground pool. Perfect for outdoor entertaining and enjoying the Florida Lifestyle! Interior features formal living & dining, eat in kitchen and family room with wood burning fire place as the focal point. Plenty of room for family gatherings or large parties. Full bath is located just off for convenient use as pool bath. Many bedrooms to choose from upstairs including 24 x 24 bonus room over the garage with back staircase for private entrance. Can be 5th bedroom,

Showing Instructions:
Directions: East on Granada, North on Nova, left into Tomoka Oaks to right on N. St. Andrews.
Legal: LOT 8 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 5042 PG 0516 PER OR 6550 PG 4677
Parcel ID Link: 3242-10-09-0080
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $81.28
Sold/Leased Date: 08/12/2016



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 1012599

47 PINE VALLEY Circle, Ormond Beach, FL 32174

Public Display

List Price: $259,900
Sold/Leased Price: $255,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$259,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$108.29	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	106.25	**Unit #:**		**Tax ID:**	3242-10-08-0230
Bedrooms:	4			**Zoning:**	Single Family
Baths - Total:	3	**Location:**	NW		
Full / Half Baths	3 / 0	**Year Built:**	1964	**As Is Cond:**	Yes
Living Area:	2,400	**Sewer:**	City	**Homestead Exempt:**	Yes
SqFt - Total:	2,904	**Water:**	City		
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From Granada head N on Nova left in Tomoka Oaks bear right on St Andrews to left on Pine Valley Cir

Virtual Tour: Click to View Virtual Tour

Maint Fee: $75 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	15 x 11		Bonus Room	Lower	21 x 12	
Bedroom 2	Upper	14 x 10		Florida Room	Main	25 x 10	
Bedroom 3	Upper	10 x 10		Kitchen	Main	13 x 8	
Bedroom 4	Lower	10 x 10					
Living Room	Main	20 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Microwave; Range
Architecture: Other
Building: 2 Stories
Construction: Concrete Block; Face Brick; Siding
Floor Coverings: Carpet; Tile; Other
Pets Allowed:
House Orientation: NW
Heating: Central; Electric
Inside: 2 Bedrooms Down; Ceiling Fans; Jetted Tub
Miscellaneous: Golf Community; Home Warranty; Homeowners Association; Jetted Tub; Security System
Maint Fee Covers: Common Area
Outside: Fenced Yard; Utility Shed
Parking: 2 Car Garage; RV/Boat
Pool: Inground Private; Screened
Porch: Enclosed; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: SPACIOUS FAMILY HOME IN DESIRED GOLF COURSE COMMUNITY! CLOSE TO SHOPPING BANKS AND SCHOOLS. THIS 4 BEDROOM 3 BATHROOM POOL HOME IS MOVE IN READY HAS PLENTY OF SPACE FOR THE WHOLE FAMILY INCLUDING A VERY LARGE BONUS ROOM AND FLORIDA ROOM. THERE IS DEFINITELY THE POSSIBILITY FOR AND IN-LAW SUITE ON THE LOWER LEVEL. THIS HOME HAS BRAND NEW CARPET IN THE BEDROOMS THE REST OF THE HOUSE HAS TILE AND VERY REALISTIC LOOKING LAMINATE HARDWOOD FLOORING. FULLY FENCED BACKYARD. THE FULLY SCREENED POOL WITH VERY LARGE POOL DECK WAS RECENTLY RESURFACED. JUST A SHORT RIDE TO OUR BEAUTIFUL BEACHES. THIS IS A MUST SEE SCHEDULE YOUR SHOWING APPOINTMENT TODAY. Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed

Showing Instructions:
Directions: From Granada head N on Nova left in Tomoka Oaks bear right on St Andrews to left on Pine Valley Cir
Legal: LOT 23 BLK 8 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58-59 INC PER OR 4405 PG 0990 PER OR 5887 PGS 2514-2515 PER OR 6427 PGS 4829-4832 INC PER OR 6469 PG 1612
Parcel ID Link: 3242-10-08-0230
Supra: Yes
Dispute Res:

Sold Price Sqft: $106.25
Sold/Leased Date: 08/12/2016



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Residential
Closed
MLS# 1017076

3 LAUREN Court, Ormond Beach, FL 32174

Public Display

List Price: $282,400
Sold/Leased Price: $262,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$282,400	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$119.66	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	111.02	**Unit #:**		**Tax ID:**	3242-23-00-1170
Bedrooms:	3	**Year Built:**	1978	**Zoning:**	Single Family
Baths - Total:	2	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 0	**Water:**	City	**Homestead Exempt:**	No
Living Area:	2,360				
SqFt - Total:	2,888				
SqFt Source:	Property Appraiser				
Lot Size:	106x115				

Directions: From Granada Blvd, go north on N Nova Rd. Left on St Andrews to the end, right on River Bluff, right on Lauren Ct
Virtual Tour: Click to View Virtual Tour
Maint Fee: $65 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	18 x 14		Den	Main	13 x 8	
Bedroom 2	Main	16 x 13		Kitchen	Main	16 x 10	
Bedroom 3	Main	16 x 13					
Dining Room	Main	14 x 10					
Living Room	Main	23 x 17					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile; Other

Pets Allowed:
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace; Split Bedroom
Land: Golf Course Community
Miscellaneous: Golf Community
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Beautifully updated, spacious home on a private cul-de-sac in prestigious Tomoka Oaks Golf Community. Open floor plan with a spacious kitchen with wood cabinets, new stainless steel appliances, new under cabinet lighting and glass mosaic back splash, new granite counter tops, open island with modern pendant lights and spacious breakfast bar, walk-in pantry, two skylights and new tile flooring. Formal dining area with a view towards the lush back yard. Huge living area with engineered oak wood floors, crown moldings and impressive, double sided wood burning fireplace with Coquina rock, leading to the sitting area with built in book shelves. Elegant Master Suite with dressing area, new vanity and make up desk; separate full bath with vanity and shower as well as walk-in closet

Showing Instructions:
Directions: From Granada Blvd, go north on N Nova Rd. Left on St Andrews to the end, right on River Bluff, right on Lauren Ct
Legal: LOT 117 TOMOKA OAKS UNIT 7A MB 34 PGS 162-164 INC PER OR 4573 PG 2268 PER OR 6088 PG 4509 PER OR 7118 PGS 4410-4411
Parcel ID Link: 3242-23-00-1170
Supra: No **Dispute Res:** No

Sold Price Sqft: $111.02
Sold/Leased Date: 08/23/2016



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Residential
Closed
MLS# 1016156

313 RIO PINAR Drive, Ormond Beach, FL 32174

Public Display

List Price: $325,000
Sold/Leased Price: $310,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$325,000	**Style:**	Single Family	**Tax ID:**	3242-24-00-0850
List Price/SqFt:	$114.4	**Subdivision:**	Tomoka Oaks	**As Is Cond:**	Yes
Sold Price/SqFt:	109.12	**Unit #:**		**Homestead Exempt:**	Yes
Bedrooms:	4				
Baths - Total:	3	**Year Built:**	1979		
Full / Half Baths	3 / 0	**Sewer:**	City		
Living Area:	2,841	**Water:**	City		
SqFt - Total:	4,023				
SqFt Source:	Property Appraiser				
Lot Size:	100x125				

Directions: Granada N on Nova Rd. Turn L onto Tomoka Oaks Blvd. R onto N St. Andrews. N St. Andrews turns into Rio Pinar House on L.

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		17 x 12		Kitchen		10 x 10	
Bedroom 2		13 x 12					
Bedroom 3		16 x 10					
Bedroom 4		15 x 11					
Dining Room		13 x 11					
Family Room		22 x 21					
In-Law Suite		22 x 15					
Living Room		19 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer
Building: 1 Story
Construction: Brick; Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
Heating: Central
Inside: Fireplace; Split Bedroom; Volume Ceiling
Land: On Golf Course
Outside: Fenced Yard; Irrigation Well
Parking: 2 Car Garage
Pool: Heated; Hot Tub; Inground Private; Screened
Porch: Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water

Remarks: This beautiful brick home is nestled among the Oaks in the very desirable golf community in Tomoka Oaks. As you approach the front you will find a beautiful fountain in the lush landscaping. The home boasting 3 bedrooms, 2 bath, living, dining, and family room with an over sized laundry room with extra pantry room. The kitchen has a large window that overlooks the pool. The tiled family room has a stone fireplace, with a wet bar. Split plan bedrooms for privacy with sliders that lead to the lanai pool & spa. This home features new windows, new AC, pool pump, screened enclosure, fencing, updated bathrooms, upgraded kitchen with all appliances. Enjoy the large screened lanai with in ground pool and free standing spa. The backyard is private with a view of the golf course.

Showing Instructions:
Directions: Granada N on Nova Rd. Turn L onto Tomoka Oaks Blvd. R onto N St. Andrews. N St. Andrews turns into Rio Pinar House on L.
Legal: LOT 85 TOMOKA OAKS UNIT 7B MB 34 PG 201 PER OR 5116 PG 4947 PER OR 6733 PG 2719
Parcel ID Link: 3242-24-00-0850
Supra: Yes **Dispute Res:**

Sold Price Sqft: $109.12
Sold/Leased Date: 09/15/2016



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Residential
Closed
MLS# 1019969

83 N ST ANDREWS Drive, Ormond Beach, FL 32174

Public Display

List Price: $799,000
Sold/Leased Price: $750,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$799,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$219.87	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-27-00-0110
Sold Price/SqFt:	206.38	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1989		
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	3,634	**Water:**	City		
SqFt - Total:	5,324				
SqFt Source:	Property Appraiser				
Lot Size:	102x197				

Directions: north Nova Rd to Tomoka Oaks subdivision, turn on St Andrews
Virtual Tour: Click to View Virtual Tour
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		22 x 18		Kitchen		20 x 14	
Bedroom 2		19 x 11		Porch/Balcony		18 x 5	
Bedroom 3		20 x 10		Porch/Balcony		41 x 6	
Bedroom 4		19 x 11		Utility Room		11 x 5	
Dining Room		13 x 13					
Family Room		26 x 20					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Double Oven; Dryer; Microwave; Range; Refrigerator; Trash Compactor; Washer
Architecture: Modern
Building: 2 Stories
Construction: Frame; Stucco
Floor Coverings: Tile; Wood

Pets Allowed:
House Orientation: E
Heating: Central
Inside: 1 Bedroom Down; Cathedral Ceiling; Ceiling Fans; Fireplace; Jetted Tub; Sunken Living Room; Volume Ceiling
Land: Golf Course Community
Miscellaneous: Golf Community
Outside: Irrigation Well; Storm Shutters

Parking: 3 Car Garage
Porch: 2+ Porches/Decks; Enclosed; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water
Waterfront: Boathouse; Dock; Riparian Rights; Riverfront Home/Unit; Riverview Home/Unit

Remarks: ENJOY BREATHTAKING RIVER VIEWS FROM THIS GORGEOUS TWO STORY HOME IN TOMOKA OAKS. THIS RESIDENCE BOASTS OVER 3500 SQ FT OF LUXURIOUS LIVING, FEATURING BEAUTIFUL HARDWOOD FLOORS THROUGHOUT, 4 BEDROOMS, 2.5 BATH,3 CAR GARAGE, BRICK PAVER DRIVEWAY,A FORMAL DINING ROOM THAT CONVENIENTLY OPENS UP TO THE STELLAR CHEF'S KITCHEN WITH STAINLESS STEEL APPLIANCES, DOUBLE OVEN, ABUNDANT PANTRY SPACE, GRANITE COUNTER TOPS, CENTER ISLAND AND LARGE GRANITE BREAKFAST BAR / SITTING AREA, ALL OPENING TO A HUGE FAMILY ROOM WITH VAULTED CEILINGS, FIREPLACE, AND FRENCH DOORS THAT LEAD YOU TO THE COVERED, SCREENED WRAP AROUND PORCH WHERE AMAZING RIVER VIEWS CAN BE APPRECIATED. THE SPACIOUS OWNERS SUITE LOCATED ON THE FIRST FLOOR, BOASTS A SITTING AREA WITH INCREDIBLE RIVER VIEWS,

Showing Instructions:
Directions: north Nova Rd to Tomoka Oaks subdivision, turn on St Andrews
Legal: LOT 11 TOMOKA OAKS UNIT NO 6 MB 35 PG 130 PER OR 3914 PG 1516 PER OR 5502 PG 1696
Parcel ID Link: 3242-27-00-0110
Supra: No **Dispute Res:**

Sold Price Sqft: $206.38
Sold/Leased Date: 11/10/2016



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Residential
Closed
MLS# 1020389

112 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $329,000
Sold/Leased Price: $315,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$329,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$117.29	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	112.3	**Unit #:**		**Tax ID:**	3242-10-20-0210
Bedrooms:	3	**Year Built:**	1976	**Zoning:**	Single Family
Baths - Total:	3	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	3 / 0	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	2,805				
SqFt - Total:	4,092				
SqFt Source:	Property Appraiser				
Lot Size:	100x140				

Directions: Nova Road to Tomoka Oaks. Take S St. Andrews to Rio Pinar. Make a Rt. Rio Pinar becomes N. St.Andrews (#112)

Virtual Tour: Click to View Virtual Tour

Maint Fee: $50 **Maint Fee Paid:** Quarterly **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		28 x 13		Kitchen		22 x 9	
Bedroom 2		14 x 12					
Bedroom 3		12 x 12					
Dining Room		14 x 12					
Family Room		18 x 16					
Living Room		21 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Multiple Units; Zoned
Appliances: Cooktop; Dishwasher; Disposal; Dryer; Icemaker; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Brick
Floor Coverings: Tile; Wood
Pets Allowed: Yes
Financing: OWC - FHA/VA
House Orientation: W
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Homeowners Association; Security System
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler
Parking: 2 Car Garage; Oversized
Pool: Inground Private; Inground Spa; Screened
Porch: Enclosed; Front; Glass; Rear
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: Well maintained (3)Bedroom / (3)Bath home on the golf course in Tomoka Oaks. Split floor plan includes in-law suite. Renovated in 2006, screened enclosed pool & spa in 2008. Hardwood/Tile floors. Oversized Master Bedroom/Bath with large walk-in closet. Oversized (2) car garage with built in storage space. Lush, mature landscaping. Sit and relax on either of the (2) porches. Rear porch is glassed enclosed and 444 SF. Truly one of the finer homes available in Tomoka Oaks.

Showing Instructions:
Directions: Nova Road to Tomoka Oaks. Take S St. Andrews to Rio Pinar. Make a Rt. Rio Pinar becomes N. St.Andrews (#112)
Legal: LOT 21 BLK 20 UNIT 2 TOMOKA OAKS COUNTRY CLUB ESTATES MB 31 PG 166 PER OR 3972 PG 1590 & PER OR 4447 PG 3246
Parcel ID Link: 3242-10-20-0210
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $112.3
Sold/Leased Date: 11/10/2016



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Residential
Closed
MLS# 1016857

53 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $232,000
Sold/Leased Price: $218,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$232,000	**Style:**	Single Family	**Tax ID:**	3242-10-10-0170
List Price/SqFt:	$80.67	**Subdivision:**	Tomoka Oaks	**Homestead Exempt:**	Yes
Sold Price/SqFt:	75.8	**Unit #:**			
Bedrooms:	5				
Baths - Total:	3	**Year Built:**	1966		
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	2,876	**Water:**	City		
SqFt - Total:	3,336				
SqFt Source:	Property Appraiser				
Lot Size:	103x129				

Directions: From Granda Head North to Nova, T/L on Tomoka Oaks,Follow road to the left home is on the right side

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 15		Kitchen		20 x 9	
Living Room		23 x 14					

Acreage: 1/2 - 1
Air Conditioning: Central
Construction: Concrete Block

Pets Allowed:
Outside: Fenced Yard

Road: Paved
Special Conditions: None

Remarks: Lovely Golf course home in Tomoka Oaks located directly on the 17th green. This well built home is a tri level home with a living quarters upstairs & downstairs. There is a large family room, and sliders to a patio that overlooks the golf course. The main level features a large eat in kitchen, family room, formal dining room and wood burning fireplace surrounded by a beautiful brick wall, laundry room and a 1/2 bath. The top floor has 4 full bedrooms and 2 full bathrooms. Each bedroom offers ample closet space. Newer AC and Oil furnace in 2010, sprinkler with deep well, over-sized gutters and downspouts. This home was built with concrete block and a cypress wood 2nd story. This home also features an over sized screen room, fence yard even an electric fence for your dog.

Showing Instructions:
Directions: From Granda Head North to Nova, T/L on Tomoka Oaks,Follow road to the left home is on the right side
Legal: LOT 17 BLK 10 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG 285 PER OR 5104 PG 0377 PER UNREC D/C PER OR 6945 PGS 1460-1461
Parcel ID Link: 3242-10-10-0170
Supra: No

Dispute Res:

Sold Price Sqft: $75.8
Sold/Leased Date: 11/15/2016



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Residential
Closed
MLS# 1021978

75 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $249,900
Sold/Leased Price: $252,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$249,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$138.3	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	139.46	**Unit #:**		**Tax ID:**	3242-10-06-0060
Bedrooms:	3	**Year Built:**	1987	**Zoning:**	Single Family
Baths - Total:	2	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 0	**Water:**	City	**Homestead Exempt:**	No
Living Area:	1,807				
SqFt - Total:	2,395				
SqFt Source:	Property Appraiser				
Lot Size:	100x121				

Directions: Granada/Nova intersection: Go N on Nova, L on Tomoka Oaks Blvd, R on N Saint Andrews Dr to #75 on RHS.

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 12		Bonus Room		24 x 6	
Bedroom 2		13 x 11		Great Room		24 x 21	
Bedroom 3		12 x 11		Kitchen			Dimensions: 13x12+9x8; Eat-in-Kitchen

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Building: 1 Story
Construction: Face Brick; Frame; Siding
Floor Coverings: Carpet; Tile

Pets Allowed: Yes
House Orientation: SW
Heating: Central; Electric; Heat Pump
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Volume Ceiling; Inside Laundry
Land: Golf Course Community
Miscellaneous: Golf Community; Security System
Maint Fee Covers: NA
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler

Parking: 2 Car Garage
Pool: Heated; Inground Private; Screened
Porch: Deck; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Less than 5 miles to the beach, this beautiful home has been fully remodeled to a high standard, and it shines LIKE NEW. Situated high and dry above the street, you will love the new kitchen, new bathrooms, new roof, new AC in 2013. New appliances and garbage disposal in 2014. Brand new pool, enclosure and deck pavers 2014. Pool heater and additional paved BBQ area 2015. New sprinkler box 2013, and line upgrades in 2015 to ensure new landscaping is maintained. Brand new fence on both sides and double gate installed 2014 for trailer or boat access. The kitchen and baths have granite countertops. The baths have new vanities, toilets and tubs with new fixtures, and travertine tile on floors and walls. The roof has 3 skylights and 7 sun tunnels, all new in 2013.

Showing Instructions:
Directions: Granada/Nova intersection: Go N on Nova, L on Tomoka Oaks Blvd, R on N Saint Andrews Dr to #75 on RHS.
Legal: LOT 6 BLK 6 TOMOKA OAKS COUNTRY CLUB EST UNIT 1B MB 28 PG 129 PER OR 4557 PG 4718 PER OR 5947 PG 2930 PER OR 6122 PG 3598 PER OR 6386 PG 1214 PER OR 6833 PG 4206 PER OR 6902 PG 0065
Parcel ID Link: 3242-10-06-0060
Supra: No **Dispute Res:**

Sold Price Sqft: $139.46
Sold/Leased Date: 11/29/2016



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Residential
Closed
MLS# 1019802

18 EAGLE Court, Ormond Beach, FL 32174

Public Display

List Price: $310,000
Sold/Leased Price: $290,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$310,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$103.06	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-26-00-0750
Sold Price/SqFt:	96.41	**Unit #:**		**Zoning:**	Single Family
Bedrooms:	3				
Baths - Total:	2	**Year Built:**	1983	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	3,008	**Water:**	City		
SqFt - Total:	3,989				
SqFt Source:	Property Appraiser				
Lot Size:	100x118				

Directions: From Nova & Granada turn left on Tomoka Oaks Blvd., right on N. St. Andrews Dr., one mile down on left side.

Virtual Tour:

Maint Fee: $40 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	20 x 13		Den	Main	13 x 13	
Bedroom 2	Main	15 x 12		Kitchen	Main	18 x 12	
Bedroom 3	Main	14 x 14		Porch/Balcony	Main	20 x 15	
Dining Room	Main	21 x 16		Utility Room	Main	10 x 8	
Family Room	Main	28 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Disposal; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile

Pets Allowed:
House Orientation: SE
Heating: Central; Heat Pump
Inside: Fireplace; Split Bedroom
Land: On Golf Course
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Irrigation Well

Parking: 2 Car Garage; Oversized
Pool: Inground Private
Porch: Enclosed; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Custom built home on the golf course with tile and screened in pool. Open floor plan with lots of extras and upgrades including built-in wine rack and lots of storage in the kitchen along with a lot of counter space.The bathrooms have been updated as well with a separate dressing area in the master bedroom. Huge covered patio to entertain with an enclosed pool adjoining. This unique house is situated on a quiet cul-de-sac with mature landscaping.This property is listed below current appraised value. Note* Third bedroom has been converted to an office, but with minimal expense can be restored to a bedroom.

Showing Instructions:
Directions: From Nova & Granada turn left on Tomoka Oaks Blvd., right on N. St. Andrews Dr., one mile down on left side.
Legal: LOT 75 TOMOKA OAKS UNIT 7-C MB 35 PGS 46-47 INC PER OR 4393 PG 2547 PER OR 6502 PGS 0040-0041 & OR 6595 PG 3775 PER OR 6595 PG 3756 PER UNREC DC & OR 6768 PG 0179 PER OR 6841 PG 4252
Parcel ID Link: 3242-26-00-0750
Supra: Yes **Dispute Res:**

Sold Price Sqft: $96.41
Sold/Leased Date: 01/06/2017



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Residential
Closed
MLS# 1024157

306 RIO PINAR Drive, Ormond Beach, FL 32174

Public Display

List Price: $234,900
Sold/Leased Price: $236,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$234,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$118.76	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	119.31	**Unit #:**		**Tax ID:**	3242-24-00-1730
Bedrooms:	3	**Year Built:**	1979	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 0	**Water:**	City		
Living Area:	1,978				
SqFt - Total:	2,875				
SqFt Source:	Other				
Lot Size:	100x115				

Directions: W. on Main Trail from Nova, R on Rio Pinar & continue into Tomoka Oaks, House on Left.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1		16 x 12		Den		13 x 10	
Bedroom 2		13 x 12		Kitchen		13 x 9	
Bedroom 3		13 x 10		Porch/Balcony		17 x 11	
Dining Room		13 x 10		Patio/Deck		27 x 4	
Family Room		18 x 13		Utility Room		9 x 9	
Living Room		18 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Other
Floor Coverings: Carpet; Laminate; Tile; Other
Pets Allowed: Yes
Financing: OWC - FHA/VA
House Orientation: SE
Heating: Central
Inside: Attic Fan; Ceiling Fans; Fireplace; Volume Ceiling
Land: Golf Course Community
Miscellaneous: Golf Community; Homeowners Association
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well; Utility Shed
Parking: 2 Car Garage; Attached
Porch: 2+ Porches/Decks; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Sparkle into the New Year here!! Adorable 3/2/2 Tomoka Oaks home. Meticulous grounds, 2 porches to relax and enjoy the birds! Pella double paned windows, silestone kitchen counters, newer insulated hurricane rated overhead door and electronic plumbing for sprinklers. Architectural shingled roof. Utility shed is staying! Come see this light and bright home with faux painting, fireplace, vaulted ceiling and a flexible floor plan. Lots of love and exceptional owner touches to this home! HOA is voluntary but recommended. All information recorded in the MLS is intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: W. on Main Trail from Nova, R on Rio Pinar & continue into Tomoka Oaks, House on Left.
Legal: LOT 173 TOMOKA OAKS UNIT 7-B MB 34 PG 201 PER OR 4770 PG 1495 PER OR 5788 PGS 1348-1349
Parcel ID Link: 3242-24-00-1730
Supra: Yes **Dispute Res:**

Sold Price Sqft: $119.31
Sold/Leased Date: 02/16/2017



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Residential
Closed
MLS# 1022004

92 N ST ANDREWS Drive, Ormond Beach, FL 32174

Public Display

List Price: $249,900
Sold/Leased Price: $232,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$249,900	**Style:**	Single Family	**Tax ID:**	3242-10-20-0110
List Price/SqFt:	$127.5	**Subdivision:**	Tomoka Oaks	**Homestead Exempt:**	Yes
Sold Price/SqFt:	118.37	**Unit #:**			
Bedrooms:	3				
Baths - Total:	2	**Year Built:**	1969		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	1,960	**Water:**	City		
SqFt - Total:	2,536				
SqFt Source:	Property Appraiser				
Lot Size:	100x140				

Directions: N on Nova Rd to Tomoka Oaks subdivision, Turn on St Andrews Drive, house on Left

Virtual Tour:

Maint Fee: $50 **Maint Fee Paid:** Quarterly **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 13		Kitchen	Main	11 x 9	
Bedroom 2		12 x 10		Porch/Balcony		41 x 33	
Bedroom 3		14 x 11		Utility Room		9 x 8	
Dining Room		26 x 13					
Living Room		26 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile

Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Split Bedroom
Land: Golf Course Community

Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: Enclosed; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: POOL HOME ON THE GOLF COURSE, EXTREMELY DESIRABLE LOCATION IN TOMOKA OAKS. HOME SITS HIGH UP AND OFFERS OVER 1900 SQ FT OF LIVING SPACE. 3 BEDROOMS, 2 BATH, HUGE LIVING ROOM AND DINING ROOM. BEAUTIFUL GOLF COURSE VIEW FROM EVERY ROOM. LARGE MASTER SUITE WITH 2 SPACIOUS CLOSETS. DETACHED 2 CAR GARAGE AND INSIDE LAUNDRY ROOM. THE BACKYARD IS GRACED WITH AN EXPANSIVE SCREENED LANAI WITH A SPARKLING POOL, RELAX AND ENJOY THE BEAUTIFUL FLORIDA WEATHER OVERLOOKING WELL KEPT BACKYARD WITH MATURE TREES. Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: N on Nova Rd to Tomoka Oaks subdivision, Turn on St Andrews Drive, house on Left
Legal: LOT 11 BLK 20 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1B MB 28 PG 129 PER OR 1744 PG 233
Parcel ID Link: 3242-10-20-0110
Supra: Yes **Dispute Res:**

Sold Price Sqft: $118.37
Sold/Leased Date: 02/24/2017



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Residential Closed
MLS# 1025743

45 OAKMONT, Ormond Beach, FL 32174

Public Display

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia

List Price: $309,000
Sold/Leased Price: $309,000



List Price:	$309,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$143.99	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-15-0050
Sold Price/SqFt:	143.99	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	Yes
Baths - Total:	2	**Year Built:**	1971		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	2,146	**Water:**	City		
SqFt - Total:	3,407				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Granada Blvd to Nova, North on Nova left into Tomoka Oaks subdivision.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 13		Kitchen	Main	12 x 12	

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Icemaker; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick; Frame; Siding
Floor Coverings: Tile; Wood

Pets Allowed:
Financing: OWC - FHA/VA; OWC - Seller Financing
House Orientation: W
Inside: Network Wiring; Split Bedroom; Inside Laundry
Land: Golf Course Community
Miscellaneous: Golf Community
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well; Utility Shed

Parking: 2 Car Garage
Pool: Heated; Inground Private
Porch: Front
Road: Paved
Roof: Metal
Special Conditions: None
Util for Land Only: City Water; Electric; Well

Remarks: Desirable and highly sought after Tomoka Oaks pool home. Spacious 4 bedroom, 2 bath, true split floor plan. Hardwood floors and tile throughout. Kitchen is complete with granite countertops and stainless steel appliances. All of the rooms are generous in size and have beautiful plantation shutters. Surround sound in the family room as well as new sliding glass doors. As you step outside, you are greeted with a vacation style saltwater pool and spa. All patio furniture is yours to keep. Recent upgrades include: metal roof and carrier infinity AC with all new duct work and insulation installed in 2016. There are so many new items on this home, so take a look at the extensive upgrade list. Close to wonderful shopping and local restaurants! This home has it all!

Showing Instructions:
Directions: Granada Blvd to Nova, North on Nova left into Tomoka Oaks subdivision.
Legal: LOT 5 BLK 15 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG 81 PER OR 5199 PG 1648 PER OR 5826 PG 1429
Parcel ID Link: 3242-10-15-0050
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $143.99
Sold/Leased Date: 03/20/2017



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Residential
Closed
MLS# 1027029

3 La Costa Court, Ormond Beach, FL 32174

Public Display

List Price: $279,900
Sold/Leased Price: $282,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$279,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$109.12	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-23-00-1050
Sold Price/SqFt:	109.94	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1979		
Full / Half Baths	3 / 0	**Sewer:**	City		
Living Area:	2,565	**Water:**	City		
SqFt - Total:	4,461				
SqFt Source:	Property Appraiser				
Lot Size:	128x127				

Directions: E on Granada, N on Nova, L into Tomoka Oaks, L on S. St Andrews to 4 way stop, go straight to River Bluff, R to La Costa

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	20 x 19		Kitchen	Main	26 x 11	
Bedroom 2	Main	16 x 15		Porch/Balcony	Main	40 x 30	
Bedroom 3	Main	14 x 12		Utility Room	Main	19 x 11	
Bedroom 4	Main	12 x 10					
Family Room	Main	18 x 15					
Living Room	Main	23 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Frame
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom
Land: Cul-De-Sac; Golf Course Community
Miscellaneous: Security System
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened; Solar
Porch: Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: TOMOKA OAKS POOL HOME nestled among the oaks! This 4bed/3bath home is a pleasure to show. Light & Bright -all neutral tones is in move in condition. Foyer entry is open to the formal living & dining room. Brick fireplace is the focal point of the family room overlooking the pool. Warm kitchen has been updated and has lovely breakfast nook with bay window for enjoying the morning sunrays. Master suite addition was completed in 1997 -very private -volume ceilings w/tray accent & recessed lighted, sitting area with built in bookcases, double sliders overlooking the peaceful back yard.Master bathroom has His and Her raised vanities, walk in shower, and large walk in closet. 2nd master has walk in closet, and ensuite bathroom. 3rd bedroom is spacious w/large closet.

Showing Instructions:
Directions: E on Granada, N on Nova, L into Tomoka Oaks, L on S. St Andrews to 4 way stop, go straight to River Bluff, R to La Costa
Legal: LOT 105 TOMOKA OAKS UNIT 7A MB 34 PGS 162 TO 164 INC PER OR 3697 PG 1765
Parcel ID Link: 3242-23-00-1050
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $109.94
Sold/Leased Date: 04/26/2017



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Residential
Closed
MLS# 1028078

75 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $259,900
Sold/Leased Price: $259,900

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$259,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$101.52	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	101.52	**Unit #:**		**Tax ID:**	3242-10-17-0010
Bedrooms:	4			**Zoning:**	Single Family
Baths - Total:	2	**Location:**	S		
Full / Half Baths	2 / 0	**Year Built:**	1978	**As Is Cond:**	Yes
Living Area:	2,560	**Sewer:**	City	**Homestead Exempt:**	Yes
SqFt - Total:	3,632	**Water:**	City		
SqFt Source:	Property Appraiser				
Lot Size:	81x135				

Directions: Tomoka Oaks entrance off Nova, veer left to stay on S. Saint Andrews. Go to 75 S. Saint Andrews.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	15 x 15		Kitchen	Main	10.75 x 10	
Bedroom 2	Main	15 x 13					
Bedroom 3	Main	13 x 12					
Bedroom 4	Upper	22 x 14					
Dining Room	Main	13 x 12					
Family Room	Upper	20 x 13.66					
Living Room	Main	21 x 13					

Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Dryer; Range; Refrigerator; Washer
Building: 2 Stories
Construction: Frame; Siding
Floor Coverings: Carpet; Vinyl
Pets Allowed:
House Orientation: S
Heating: Central; Heat Pump
Inside: 2 Bedrooms Down; Cathedral Ceiling; Ceiling Fans; Fireplace; Intercom; Split Bedroom; Volume Ceiling; Inside Laundry
Land: Golf Course Community; On Golf Course
Parking: 2 Car Garage
Porch: Front; Rear
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: Gracious & spacious! Located on one of the best lots in Tomoka Oaks, on the 4th green of the golf course, this home boasts a park-like setting on a large 81x135 lot. Circular driveway, side driveway and parking in back, oversized 2 car garage (528 sq ft), 4 bedrooms, 2 bathrooms, living room, dining room, & family room. The backyard is a nature lovers dream with mature plantings, birds and flowers. The front porch is a joy with rocking chairs & swings to swing on! Stunning stone fireplace with a fabulous wood burning stove add a gorgeous focal point to the living room! Large open loft area upstairs for family room or flex-space. 2560 sq ft of living area! Lovingly maintained by same owners for 35 years. Reverse osmosis water system, new hot water heater, new roof 2004, termite bond.

Showing Instructions:
Directions: Tomoka Oaks entrance off Nova, veer left to stay on S. Saint Andrews. Go to 75 S. Saint Andrews.
Legal: LOT 1 BLK 17 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 167 PER OR 2403 PG 803
Parcel ID Link: 3242-10-17-0010
Supra: No
Dispute Res:

Sold Price Sqft: $101.52
Sold/Leased Date: 05/05/2017



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Residential
Closed
MLS# 1027523

35 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $285,000
Sold/Leased Price: $278,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$285,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$151.19	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-08-0170
Sold Price/SqFt:	147.48	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1970		
Full / Half Baths	3 / 0	**Sewer:**	City		
Living Area:	1,885	**Water:**	City		
SqFt - Total:	2,645				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From Granada head N on Nova left on Tomoka Oaks bear right on St Andrews to left on Pine Valley

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	19 x 16		Kitchen	Main	12 x 12	
Bedroom 2		12 x 11					
Bedroom 3		12 x 9					
Bedroom 4		13 x 11					
Dining Room		13 x 11					
Family Room		26 x 17					

Acreage: 0 - 1/2
Air Conditioning: Central
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet

Pets Allowed:
Heating: Central
Land: Golf Course Community

Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: For Statistical purpose only

Showing Instructions:
Directions: From Granada head N on Nova left on Tomoka Oaks bear right on St Andrews to left on Pine Valley
Legal: LOT 17 BLK 8 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 2375 PG 1374
Parcel ID Link: 3242-10-08-0170
Supra: Yes **Dispute Res:**

Sold Price Sqft: $147.48
Sold/Leased Date: 05/10/2017



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 1024214

62 N ST ANDREWS Drive, Ormond Beach, FL 32174

Public Display

List Price: $378,000
Sold/Leased Price: $360,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$378,000	**Style:**	Single Family	**Tax ID:**	3242-10-09-0220
List Price/SqFt:	$130.34	**Subdivision:**	Tomoka Oaks	**Homestead Exempt:**	Yes
Sold Price/SqFt:	124.14	**Unit #:**			
Bedrooms:	4				
Baths - Total:	3.2	**Year Built:**	1969		
Full / Half Baths	3 / 2	**Sewer:**	City		
		Water:	City		
Living Area:	2,900				
SqFt - Total:	3,797				
SqFt Source:	Other				
Lot Size:	93x201				

Directions: North on Nova Rd to Tomoka Oaks Blvd, Right on N St Andrews to 62

Virtual Tour: Click to View Virtual Tour

Maint Fee: $40 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 14		Kitchen	Main	26 x 10	
Bedroom 2		14 x 14					
Bedroom 3		20 x 16					
Bedroom 4		15 x 14					
Dining Room		16 x 14					
Family Room		26 x 18					
Living Room		19 x 18					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Cooktop; Dishwasher; Disposal; Double Oven; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Colonial
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Laminate; Tile; Wood

Pets Allowed:
House Orientation: W
Heating: Central; Electric; Heat Pump
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace; Inside Sprinkler System; Intercom; Inside Laundry
Land: Corner Lot; Golf Course Community; On Golf Course
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Attached
Pool: Inground Private
Porch: 2+ Porches/Decks; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Electric; Sewer

Remarks: All brick home with a pool on a corner lot. Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: North on Nova Rd to Tomoka Oaks Blvd, Right on N St Andrews to 62
Legal: LOT 22 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58 & 59 PER OR 4165 PG 1841
Parcel ID Link: 3242-10-09-0220
Supra: No **Dispute Res:**

Sold Price Sqft: $124.14
Sold/Leased Date: 06/07/2017



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Residential
Closed
MLS# 1029282

34 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $269,900
Sold/Leased Price: $250,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$269,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$153	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	141.72	**Unit #:**		**Tax ID:**	3242-10-11-0100
Bedrooms:	3	**Year Built:**	1966	**Zoning:**	Single Family
Baths - Total:	2	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 0	**Water:**	City	**Homestead Exempt:**	No
Living Area:	1,764				
SqFt - Total:	2,658				
SqFt Source:	Property Appraiser				
Lot Size:	100x140				

Directions: From Nova Rd turn West into Tomoka Oaks. Stay LEFT at the fork. Home is on the LEFT side.

Virtual Tour:

Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	13 x 12		Kitchen	Main	11 x 10	
Bedroom 2	Main	13 x 12		Porch/Balcony	Main	20 x 12	
Bedroom 3	Main	11 x 10					
Dining Room	Main	11 x 9					
Family Room	Main	19 x 15					
Living Room	Main	19 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Double Oven; Microwave; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Laminate

Pets Allowed:
Financing: OWC - FHA/VA
House Orientation: W
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Clubhouse; Common Area; Tennis
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Attached; Oversized
Porch: Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Electric; Sewer

Remarks: Amazing 3 bedroom, 2 bathroom MUST SEE home in desirable Tomoka Oaks! Beautifully landscaped property with brick paver driveway and back patio. Transferable termite bond. NEW: interior and exterior paint, plumbing supply from street, both bathrooms completely remodeled, main electric panel, windows and french doors (double pane Pella glass), irrigation timer and 6" insulation added - all done 9/2016. Pergola built 2011. Roof 2005. Main A/C 2007 and serviced every 6 months. Separate A/C unit to stay or go servicing garage with insulated garage door - homeowner used as a work shop. Voluntary HOA. BRING YOUR BUYERS!

Showing Instructions:
Directions: From Nova Rd turn West into Tomoka Oaks. Stay LEFT at the fork. Home is on the LEFT side.
Legal: LOT 10 BLK 11 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG 285 PER OR 2071 PG 1709 PER OR 6543 PG 3777 & PER OR 6544 PG 4411 PER OR 7261 PG 3204
Parcel ID Link: 3242-10-11-0100
Supra: Yes **Dispute Res:**

Sold Price Sqft: $141.72
Sold/Leased Date: 07/28/2017



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Residential
Closed
MLS# 1029355

312 River Bluff Drive, Ormond Beach, FL 32174

Public Display

List Price: $499,000
Sold/Leased Price: $400,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$499,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$117.41	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-24-00-0370
Sold Price/SqFt:	94.12	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	5			**Homestead Exempt:**	Yes
Baths - Total:	5	**Year Built:**	1980		
Full / Half Baths	4 / 1	**Sewer:**	City		
Living Area:	4,250	**Water:**	City		
SqFt - Total:	5,366				
SqFt Source:	Property Appraiser				
Lot Size:	100x169				

Directions: Nova to Tomoka Oaks, L on S St Andrews to River Bluff
Virtual Tour: Click to View Virtual Tour
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	20 x 18		Kitchen	Main	18 x 15	
Bedroom 2		20 x 14					
Bedroom 3		18 x 13					
Dining Room		13 x 11					
Family Room		14 x 11					
Living Room		25 x 23					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Double Oven; Refrigerator
Building: 2 Stories
Floor Coverings: Carpet; Tile; Wood
Pets Allowed:
Heating: Central
Inside: 1 Bedroom Down; Ceiling Fans; Fireplace; Volume Ceiling; Wet Bar; Inside Laundry
Miscellaneous: Golf Community
Outside: Fenced Yard
Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Deck; Front; Rear; Screened
Roof: Metal
Special Conditions: None
Waterfront: Dock; Riverfront Home/Unit

Remarks: Remarkable riverfront pool home with dock sits high on the bluff in the very desirable Tomoka Oaks community. Lovely traditional architecture with long rocking chair porch is charming and somewhat misleading because upon entering the home you will be greeted by bright open spaces with vaulted ceilings and large panes of glass that allow light to pour in through an architecturally impressive great room that opens to the generous granite island kitchen. Accordion sliding glass doors create a wall of glass that can be completely open to the outdoor living space that offers a well appointed tiki bar, lanai and beautiful screened pool with southern exposure for year round sun.

Showing Instructions:
Directions: Nova to Tomoka Oaks, L on S St Andrews to River Bluff
Legal: LOT 37 TOMOKA OAKS UNIT 7-B MB 34 PG 200 PER OR 2625 PG 1373
Parcel ID Link: 3242-24-00-0370
Supra: No **Dispute Res:**

Sold Price Sqft: $94.12
Sold/Leased Date: 07/28/2017



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Residential
Closed
MLS# 1027754

39 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $210,000
Sold/Leased Price: $180,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$210,000	**Style:**	Single Family	**Tax ID:**	3242-10-08-0190
List Price/SqFt:	$111.35	**Subdivision:**	Tomoka Oaks	**Zoning:**	Single Family
Sold Price/SqFt:	95.44	**Unit #:**		**Homestead Exempt:**	No
Bedrooms:	3				
Baths - Total:	2	**Year Built:**	1970		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	1,886	**Water:**	City		
SqFt - Total:	3,422				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From Granada head N on Nova left in Tomoka Oaks, merge right on St Andrews to left on Pine Valley Circle.

Virtual Tour:

Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 12		Kitchen	Main	12 x 11	
Bedroom 2	Main	12 x 12					
Bedroom 3	Main	13 x 12					
Family Room	Main	17 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Laminate; Tile

Pets Allowed: Yes
Heating: Central
Inside: Ceiling Fans
Land: Golf Course Community
Maint Fee Covers: Clubhouse; Common Area; Pool; Tennis

Parking: 2 Car Garage; Attached
Pool: Inground Community
Porch: Patio; Screened
Road: Paved
Special Conditions: Bank Owned/REO

Remarks: Located in the beautiful tree lined subdivision of Tomoka Oaks! Just under 2,000 sqft, a great floor plan with 3 bedrooms and 2 full baths, a separate living room and family room! Large screened in patio to enjoy the view of the peaceful lush backyard. This home has had plenty of upgrades as well, NEW complete ac system, NEW roof, NEW interior/exterior paint, NEW carpet, NEW stainless steel appliances. All this house needs is a new owner to put all the individual finishing touches!This is a Fannie Mae Homepath Property. All information recorded in the MLS is intended to be accurate but not guaranteed.

Showing Instructions:
Directions: From Granada head N on Nova left in Tomoka Oaks, merge right on St Andrews to left on Pine Valley Circle.
Legal: LOT 19 BLK 8 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58 & 59 PER OR 2903 PG 1645 PER OR 6769 PG 2825
Parcel ID Link: 3242-10-08-0190
Supra: Yes **Dispute Res:**

Sold Price Sqft: $95.44
Sold/Leased Date: 07/31/2017



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Residential
Closed
MLS# 1027340

8 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $279,000
Sold/Leased Price: $270,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$279,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$116.64	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	112.88	**Unit #:**		**Tax ID:**	3242-10-16-0080
Bedrooms:	4	**Year Built:**	1967	**Zoning:**	Single Family
Baths - Total:	3	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 1	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	2,392				
SqFt - Total:	3,502				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: From Nova turn west into Tomoka Oaks, left on S. St. Andrews, right onto Oakmont at fork. House on left.
Virtual Tour:
Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15 x 12		Bonus Room	Main	20 x 13	
Bedroom 2	Main	15 x 11		Kitchen	Main	28 x 13	
Bedroom 3	Main	12 x 10					
Bedroom 4	Main	11 x 10					
Dining Room	Main	14 x 11					
Family Room	Main	23 x 13					

1st Floor: Slab
Acreage: 0 - 1/2; 1/2 - 1
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Tile

Pets Allowed: Yes
Heating: Central; Electric
Land: Golf Course Community
Miscellaneous: Golf Community
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Spacious Tomoka Oaks 4/2.5 block home with new pool, huge kitchen, casual eating area plus bar, formal dining and inviting family room. Bonus room perfect for either formal living room, home office, workout room or media center. Interior has been freshly painted. This is a wonderful neighborhood with low traffic, zoned for Tomoka Elementary, Hinson Middle and Seabreeze HS. Close to Publix, shops, parks and rec center. We are taking back up offers.

Showing Instructions:
Directions: From Nova turn west into Tomoka Oaks, left on S. St. Andrews, right onto Oakmont at fork. House on left.
Legal: LOT 8 BLK 16 TOMPKA OAKS COUNTRY CLUB ESTS UNIT 3 A MB 27 PG 285 PER OR 5139 PG 3682 PER OR 6029 PG 4360
Parcel ID Link: 3242-10-16-0080
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $112.88
Sold/Leased Date: 08/14/2017



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Residential
Closed
MLS# 1030129

37 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $325,000
Sold/Leased Price: $302,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$325,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$95.93	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	89.29	**Unit #:**		**Tax ID:**	3242-10-10-0090
Bedrooms:	4	**Year Built:**	1966	**As Is Cond:**	Yes
Baths - Total:	3.5	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	3 / 1	**Water:**	City		
Living Area:	3,388				
SqFt - Total:	5,050				
SqFt Source:	Property Appraiser				
Lot Size:	105x130				

Directions: Granada & Nova, North on Nova, left on Tomoka Oaks Blvd, left at split to S. St. Andrews Dr.
Virtual Tour:
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	22 x 16		Den	Main	11 x 10	
Bedroom 2	Upper	16 x 13		Kitchen	Main	18 x 14	
Bedroom 3	Upper	13 x 12					
Bedroom 4	Upper	21 x 10					
Dining Room	Main	16 x 14					
Family Room	Main	26 x 21					
Family Room	Main	35 x 16					
Living Room	Main	20 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Zoned
Appliances: Cooktop; Dishwasher; Disposal; Double Oven; Dryer; Refrigerator; Washer
Architecture: Traditional
Building: 2 Stories
Construction: Concrete Block; Face Brick
Floor Coverings: Carpet; Laminate; Tile

Pets Allowed:
House Orientation: E
Heating: Central; Electric
Inside: 1 Bedroom Down; Cathedral Ceiling; Ceiling Fans; Fireplace; Split Bedroom
Miscellaneous: Home Warranty; Workshop
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 3 Car Garage; Oversized
Porch: Enclosed; Front; Glass; Rear
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Large family home on the 18th fairway! NEW ROOF in 2015! Currently 3,388 sq.ft. of living. There is another 578 sq.ft. of fully blocked and glassed Florida Room that only needs A/C to add great value. 4 Bedrooms with another room off the master bedroom that could be used as a nursery or office. Large master on the main floor plus one of the upstairs rooms is large enough to split or make into a second master or potential in-law. Large rooms, high vaulted ceilings, beautiful floors, and fireplace. 3 car garage with work area including dust collection system for wood working. Close to shopping, restaurants, banking, community sports center and 9 minutes to the beach. Home Warranty included. Currently zoned for Tomoka Elementary, Hinson Middle and Seabreeze High.

Showing Instructions:
Directions: Granada & Nova, North on Nova, left on Tomoka Oaks Blvd, left at split to S. St. Andrews Dr.
Legal: LOT 9 BLK 10 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3 A MB 27 PG 285 PER OR 3411 PG 1903 PER OR 6579 PG 3699 PER OR 6708 PG 2173 PER OR 6766 PG 2288
Parcel ID Link: 3242-10-10-0090
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $89.29
Sold/Leased Date: 08/15/2017



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Residential
Closed
MLS# 1026972

82 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $399,900
Sold/Leased Price: $395,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$399,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$106.98	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	105.67	**Unit #:**		**Tax ID:**	3242-10-20-0060
Bedrooms:	4	**Year Built:**	1970	**As Is Cond:**	Yes
Baths - Total:	4	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	4 / 1	**Water:**	City		
Living Area:	3,738				
SqFt - Total:	4,493				
SqFt Source:	Property Appraiser				
Lot Size:	157x140				

Directions: N ON NOVA ROAD TO TOMOKA OAKS SUBDIVISION, TURN ON ST ANDREWS

Virtual Tour: Click to View Virtual Tour

Maint Fee: $50 **Maint Fee Paid:** Quarterly **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	18 x 14		Kitchen	Main	25 x 14	
Bedroom 2	Main	15 x 13					
Bedroom 3	Main	13 x 13					
Bedroom 4	Main	13 x 11					
Family Room	Main	22 x 13					
Living Room	Main	28 x 14					

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central
Appliances: Central Vacuum; Dishwasher; Microwave; Range; Refrigerator
Architecture: Colonial
Building: 2 Stories
Construction: Face Brick
Floor Coverings: Carpet; Tile; Wood; Other

Pets Allowed:
Heating: Central
Inside: 1 Bedroom Down; Fireplace
Land: Golf Course Community; On Golf Course
Outside: Clubhouse Facility

Parking: 2 Car Garage; Oversized
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Balcony; Enclosed
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: STUNNING, OVERSIZED LOT ON GOLF COURSE IN TOMOKA OAKS!!! THIS 4BD/4.5BA HOME IS PERFECTLY SITUATED ON A HUGE 21000+ SQ FT LOT WITH BEAUTIFUL, MATURE LANDSCAPING AND LARGE OAK TREES. A CIRCULAR DRIVEWAY WITH ADDITIONAL SIDE PARKING AREA PROVIDES PLENTY OF PARKING FOR FAMILY & GUESTS! THIS NEW ORLEANS STYLE HOME BOASTS A BEAUTIFUL FOYER THAT DISPLAYS AN INCREDIBLE HARDWOOD STAIRCASE. CROWN MOLDING AND WALL TRIM THROUGHOUT THE HOME BOTH GROUND THE SPACE AND PROVIDE ELEGANCE. THE NEWLY REMODELED KITCHEN HAS A TON OF STORAGE AND FEATURES BEAUTIFUL GRANITE COUNTERTOPS THROUGHOUT. JUST OFF THE KITCHEN, THE VERY SPACIOUS FORMAL DININGROOM AND LIVING ROOM HAVE FRENCH DOORS THAT LEAD YOU OUT TO THE OUTDOOR RED BRICK PAVER PATIO...

Showing Instructions:
Directions: N ON NOVA ROAD TO TOMOKA OAKS SUBDIVISION, TURN ON ST ANDREWS
Legal: W 1/2 OF LOT 6 & LOT 7 EXC PART PER OR 1674 PG 669 BEING 4.5 FT ON E/L & 28 FT ON W/L & INCL IRREG PARCEL IN E 1/2 OF LOT 6 PER OR 1275 PG 554 BLK 20 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1B PER OR 4772 PG 2742 PER OR 6105 PG 0903
Parcel ID Link: 3242-10-20-0060
Supra: Yes **Dispute Res:**

Sold Price Sqft: $105.67
Sold/Leased Date: 08/21/2017



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Residential
Closed
MLS# 1030735

13 Pebble Beach Drive, Ormond Beach, FL 32174

Public Display

List Price: $295,000
Sold/Leased Price: $260,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$295,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$133.18	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-05-0080
Sold Price/SqFt:	117.38	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1976		
Full / Half Baths	3 / 0	**Sewer:**	City		
Living Area:	2,215	**Water:**	City		
SqFt - Total:	3,094				
SqFt Source:	Property Appraiser				
Lot Size:	112x125				

Directions: Tomoka Oaks Sub, R on St Andrews, R on Pebble Beach home on corner.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 13		Kitchen	Main	15 x 14	
Bedroom 2	Upper	22 x 13		Kitchen	Main	9 x 8	Eat-in-Kitchen
Bedroom 3	Upper	18 x 10		Utility Room	Main	6 x 4	
Bedroom 4	Upper	13 x 12					
Dining Room	Main	14 x 13					
Living Room	Main	23 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Range; Refrigerator; Washer
Architecture: Colonial
Building: 2 Stories
Construction: Brick
Floor Coverings: Carpet

Pets Allowed:
Heating: Central
Inside: 1 Bedroom Down; Fireplace; Inside Laundry
Land: Corner Lot; Golf Course Community
Outside: Fenced Yard

Parking: 2 Car Garage
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: IMPRESSIVE COLONIAL STYLE TWO STORY BRICK HOME ON A CORNER LOT IN GREAT TOMOKA OAKS SUBDIVISION. THIS HOUSE BOASTS OVER 2200 SQ FT OF LIVING SPACE AND FEATURES 4 BEDROOM AND 3 BATH, WITH 1 BEDROOM DOWN AND AN UPDATED HANDICAP ACCESSIBLE BATHROOM. AS YOU WALK IN YOU WILL BE GREETED BY NEW FLOORING THROUGHOUT THE FIRST FLOOR, AN AMPLE LIVING ROOM TO YOUR LEFT WITH A BEAUTIFUL WOOD BURNING FIREPLACE PERFECT FOR WINTER GET TOGETHER. TO YOUR RIGHT THERE IS A FORMAL DINING ROOM ADJACENT TO THE NEWLY RENOVATED KITCHEN, WELL EQUIPPED WITH GRANITE COUNTERS, TILE BACK-SPLASH, NEW STAINLESS STEEL APPLIANCES, EAT IN AREA, BREAKFAST BAR, AND WINE COOLER. UPSTAIRS YOU WILL FIND THE LARGE MASTER SUITE WITH SITTING AREA, AND 2 ADDITIONAL GUESTS BEDROOMS. UPSTAIRS A/C IS 1 YEAR OLD. FRENCH DOORS LEAD YOU

Showing Instructions:
Directions: Tomoka Oaks Sub, R on St Andrews, R on Pebble Beach home on corner.
Legal: LOT 8 BLK 5 UNIT 1-C TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PGS 164-165 INC PER OR 3386 PG 0390 PER OR 5510 PG 1352 PER OR 6968 PG 3517 PER OR 7169 PG 4393
Parcel ID Link: 3242-10-05-0080
Supra: Yes **Dispute Res:**

Sold Price Sqft: $117.38
Sold/Leased Date: 09/18/2017



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Residential
Closed
MLS# 1029972

101 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $363,500
Sold/Leased Price: $342,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$363,500	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$88.92	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-21-0030
Sold Price/SqFt:	83.78	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1989		
Full / Half Baths	3 / 1	**Sewer:**	City		
Living Area:	4,088	**Water:**	City		
SqFt - Total:	4,766				
SqFt Source:	Property Appraiser				
Lot Size:	100x130				

Directions: From Granada, N on Nova, L on Tomoka Oaks, 1st Right on N St Andrews, House on Right

Virtual Tour: Click to View Virtual Tour

Maint Fee: $50 **Maint Fee Paid:** Quarterly **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	19 x 15		Den		13 x 12	
Bedroom 2		15 x 15		Kitchen	Main	22 x 14	
Bedroom 3		16 x 11		Utility Room		12 x 6	
Bedroom 4		17 x 14					
Dining Room		17 x 14					
Family Room		27 x 15					
Living Room		23 x 22					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Double Oven; Range; Refrigerator
Building: 1 Story
Construction: Frame; Stucco
Floor Coverings: Carpet; Tile
Pets Allowed:
Heating: Central
Inside: Cathedral Ceiling
Land: Golf Course Community
Parking: 2 Car Garage
Road: Paved
Roof: Tile
Special Conditions: None

Remarks: ECLECTIC CUSTOM SHOWPLACE IN DESIRABLE TOMOKA OAKS SUBDIVISION! INCREDIBLE HOME GRACIOUSLY APPOINTED WITH ARCHITECTURAL DETAILS, TILE ROOF, VOLUME CEILINGS AND AN AMPLE LIVING SPACE. OPEN FLOOR PLAN WITH 3 BEDROOMS OR 4TH BEDROOM/OFFICE, 3.1 BATH. A SPACIOUS FORMAL DINING ROOM ADJACENT TO THE HUGE CUSTOM KITCHEN IS GRACED WITH A LARGE CENTER ISLAND, A CUSTOM BAR WITH BREAKFAST TABLE AND A PLETHORA OF COUNTER SPACE. THE EXPANSIVE FAMILY ROOM IS THE PERFECT PLACE FOR FAMILY GATHERINGS AROUND THE EXCEPTIONALLY OUTFITTED GRANITE FIREPLACE, FAMILY ROOM ALSO BOASTS A WET BAR. THE AMAZING MASTER SUITE OFFERS A CERAMIC TILED TUB, A WALK IN SHOWER AND LARGE WALK IN CLOSET. THE WELL SIZED GUESTS SUITES ARE GRACED WITH A JACK AND JILL BATHROOM AND WALK IN CLOSETS. PARTIALLY FENCED IN BACKYARD WITH

Showing Instructions:
Directions: From Granada, N on Nova, L on Tomoka Oaks, 1st Right on N St Andrews, House on Right
Legal: LOT 3 EXC N 4 FT BLK 21 UNIT 2 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 166 PER OR 5150 PG 2235
Parcel ID Link: 3242-10-21-0030
Supra: Yes
Dispute Res:

Sold Price Sqft: $83.78
Sold/Leased Date: 09/18/2017



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 1031990

48 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $309,000
Sold/Leased Price: $295,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$309,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$154.35	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	147.35	**Unit #:**		**Tax ID:**	3242-10-17-0120
Bedrooms:	4	**Year Built:**	1970	**Zoning:**	Single Family
Baths - Total:	3	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 1	**Water:**	City	**Homestead Exempt:**	No
Living Area:	2,002	**Min Rental:**	Unlimited		
SqFt - Total:	3,526				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Enter Tomoka Oaks from Nova Road, left on S St Andrews, Right on Oakmont Cir, Right on Oakmont cir, follow cir to 48

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	13 x 12		Kitchen	Main	16 x 12	
Bedroom 2	Main	12 x 9		Patio/Deck	Main	44 x 8	
Bedroom 3	Main	13 x 9		Patio/Deck	Main	27 x 16	
Bedroom 4	Main	11 x 9		Utility Room	Main	7 x 7	
Dining Room	Main	13 x 12					
Family Room	Main	18 x 13					
Living Room	Main	17 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Heat Pump
Appliances: Dishwasher; Icemaker; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Laminate; Tile

Pets Allowed: Yes
Financing: OWC - FHA/VA; OWC - Seller Financing
House Orientation: SE
Heating: Central
Inside: Ceiling Fans; Split Bedroom; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Home Warranty; Homeowners Association; Sauna
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage
Pool: Inground Private
Porch: 2+ Porches/Decks; Front; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Totally renovated pool home on the Tomoka Oaks Golf course. Turn key move in ready. Huge in ground pool, surrounded by a spacious covered patio, and large 27 x 16 screened in patio. Excellent views of the pool and golf course from almost every room. This home has plenty of room for entertaining indoors or outdoors. Interior and exterior of the home has just been painted, new roof, new laminate wood flooring, new carpet in all bedrooms, new window blinds, new door handles, new ceiling fans in all bedrooms and living room, new kitchen, new baths, new stainless steel appliances, with granite countertops. This home offers a split floor plan and inside laundry room. Master bedroom is spacious, has large walk in closet, master bathroom which leads to the pool, walk in shower,

Showing Instructions:
Directions: Enter Tomoka Oaks from Nova Road, left on S St Andrews, Right on Oakmont Cir, Right on Oakmont cir, follow cir to 48
Legal: LOT 12 BLK 17 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG 81 PER DC 6873 PG 1703 PER OR 7158 PG 1692
Parcel ID Link: 3242-10-17-0120
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $147.35
Sold/Leased Date: 09/22/2017



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Residential
Closed
MLS# 1030559

10 Pebble Beach Drive, Ormond Beach, FL 32174

Public Display

List Price: $285,000
Sold/Leased Price: $275,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$285,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$99.58	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	96.09	**Unit #:**		**Tax ID:**	3242-10-06-0100
Bedrooms:	4			**Zoning:**	Single Family
Baths - Total:	2	**Year Built:**	1973		
Full / Half Baths	2 / 0	**Sewer:**	City	**As Is Cond:**	Yes
		Water:	City	**Homestead Exempt:**	No
Living Area:	2,862				
SqFt - Total:	3,869				
SqFt Source:	Appraisal				
Lot Size:	115x136				

Directions: From Granada Rt 40 head north on nova one mile to left into Tomoka Oaks to right on S St Andrews to right Pebble Beach.

Virtual Tour:

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15 x 12		Bonus Room	Upper	24 x 11	
Bedroom 2	Main	21 x 11.5		Florida Room	Main	11 x 10	
Bedroom 3	Main	13.5 x 11		Kitchen	Main	15 x 10	
Bedroom 4	Main	12 x 12		Patio/Deck	Main	12 x 11	
Dining Room	Main	18 x 11.5		Utility Room	Main	9 x 6	
Family Room	Main	18 x 16					
Living Room	Main	21 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Other
Building: 1 Story
Construction: Frame; Siding
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: E
Heating: Central; Heat Pump
Inside: Ceiling Fans; Fireplace; Split Bedroom; Volume Ceiling; Inside Laundry
Land: Golf Course Community; Wooded
Miscellaneous: Golf Community
Maint Fee Covers: Common Area
Outside: Irrigation Well; Public Bus
Parking: 2 Car Garage; Oversized
Porch: Rear; Screened
Road: Paved
Roof: Rolled
Special Conditions: None

Remarks: LOCATION, LOCATION. LOCATION!!! What a gem! Minutes from the beach, centrally located, and perfect for entertaining! Don't miss out on this beautiful, spacious home located in the popular Tomoka Oaks subdivision and zoned for excellent schools. This move-in-ready house has been freshly painted inside and out, and all carpet has been replaced. The split floor plan provides four large bedrooms and a bonus loft area that is currently being used as a fifth bedroom. Enjoy the open concept family room that connects to the formal dining room and kitchen, while boasting of 16 ft. tall ceilings, stone fire place, and panoramic views. The kitchen has been completely updated with new cabinets, counter tops, and appliances.Circular Driveway, Oversized garage and excellent location to park boat or RV.

Showing Instructions:
Directions: From Granada Rt 40 head north on nova one mile to left into Tomoka Oaks to right on S St Andrews to right Pebble Beach.
Legal: LOT 10 BLK 6 UNIT 1C TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 165 PER OR 5181 PG 1901 PER OR 6599 PG 4345 PER OR 7289 PG 0762
Parcel ID Link: 3242-10-06-0100
Supra: Yes **Dispute Res:**

Sold Price Sqft: $96.09
Sold/Leased Date: 10/09/2017



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Residential
Closed
MLS# 1029610

315 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $419,900
Sold/Leased Price: $410,900

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$419,900	**Style:**	Single Family	**Tax ID:**	3242-24-00-0840
List Price/SqFt:	$107.14	**Subdivision:**	Tomoka Oaks	**As Is Cond:**	Yes
Sold Price/SqFt:	104.85	**Unit #:**		**Homestead Exempt:**	Yes
Bedrooms:	5				
Baths - Total:	3	**Year Built:**	1987		
Full / Half Baths	3 / 1	**Sewer:**	City		
Living Area:	3,919	**Water:**	City		
SqFt - Total:	4,866				
SqFt Source:	Property Appraiser				
Lot Size:	100 X 125				

Directions: Granada North on Nova Rd, L on Tomoka Oaks Blvd, L on St. Andrews, R on Rio Pinar

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	28 x 24		Den	Upper	30 x 20	
Bedroom 2	Upper	24 x 12		Kitchen	Main	20 x 20	
Bedroom 3	Upper	17 x 11		Patio/Deck	Main	24 x 10	
Bedroom 4	Upper	15 x 10					
Dining Room	Main	13 x 13					
Family Room	Main	28 x 24					
Living Room	Main	14 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump; Multiple Units; Zoned
Appliances: Cooktop; Dishwasher; Disposal; Dryer; Gas Appliances; Icemaker; Range; Refrigerator; Washer; Water Softener
Architecture: Traditional
Building: 2 Stories
Construction: Brick; Concrete Block; Frame
Floor Coverings: Carpet; Tile; Wood

Pets Allowed:
House Orientation: N
Heating: Central; Electric; Heat Pump; Natural Gas; Propane Gas; Zoned
Inside: Attic Fan; Cathedral Ceiling; Ceiling Fans; Fireplace; Network Wiring; Split Bedroom; Volume Ceiling; Wet Bar; Inside Laundry
Land: On Golf Course
Miscellaneous: Home Warranty; Homeowners Association; Security System; In-Law Suite
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Oversized
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Electric; Propane Gas; Sewer

Remarks: DESIGNER SHOWCASE! 5BR/3.5BA. Open, bright floor plan with extensive wood flooring. Formal Living Room with FP cathedral ceilings and formal dining room. Brand new open Chef's Kitchen SS appliances and professional gas stove with pot filler, walk in pantry, quartz countertops, white shaker cabinets, tile backsplash counter to ceiling. Custom built zinc and wood island w/electric. Adjacent Media Room is massive with large windows and full wet bar. All neutral colors. Private Master suite includes his and her large walk in closets, large windows overlooking beautiful landscaped backyard on the golf course. Master bath features marble flooring, claw footed soaker tub and chandelier. ONE OF A KIND BEAUTY!

Showing Instructions:
Directions: Granada North on Nova Rd, L on Tomoka Oaks Blvd, L on St. Andrews, R on Rio Pinar
Legal: LOT 84 TOMOKA OAKS UNIT 7-B MB 34 PGS 200-201 INC PER OR 5081 PG 1209 PER OR 6767 PG 1467
Parcel ID Link: 3242-24-00-0840
Supra: Yes **Dispute Res:**

Sold Price Sqft: $104.85
Sold/Leased Date: 10/16/2017



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Residential
Closed
MLS# 1032953

24 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $199,900
Sold/Leased Price: $175,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$199,900	**Style:**	Single Family	**Tax ID:**	3242-10-11-0050
List Price/SqFt:	$108.05	**Subdivision:**	Tomoka Oaks	**Homestead Exempt:**	Yes
Sold Price/SqFt:	94.59	**Unit #:**			
Bedrooms:	4				
Baths - Total:	2	**Year Built:**	1968		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	1,850	**Water:**	City		
SqFt - Total:	2,300				
SqFt Source:	Property Appraiser				
Lot Size:	100 x 140				

Directions: Granada to North on Nova. Left into Tomoka Oaks. Left on St. Andrews and #53 on the Right

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 15		Kitchen	Main	17 x 10	
Bedroom 2	Main	12 x 9					
Bedroom 3	Main	14 x 11					
Bedroom 4	Main	14 x 11					
Living Room	Main	29 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile

Pets Allowed:
Inside: 2 Bedrooms Down; Ceiling Fans
Land: Golf Course Community
Miscellaneous: Golf Community

Parking: 2 Car Garage
Porch: Front; Patio
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: Just Reduced! This centrally located 4 bedroom 2 bath concrete block home sits on a HUGE lot in the highly sought after Tomoka Oaks Golf community. It features 3 generously sized bedrooms with a 4th bedroom that can be utilized as an office or den if needed. The large sliding doors off of the living space open to the massive well maintained fenced yard. The large master features a large closet and attached bath. This home is perfect for any family and is ready to be updated and brought back to it's former glory. Please note roof is in need of repair. HOA is optional.

Showing Instructions:
Directions: Granada to North on Nova. Left into Tomoka Oaks. Left on St. Andrews and #53 on the Right
Legal: LOT 5 BLK 11 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG 285 PER OR 3884 PG 2899 PER OR 5311 PG 2001 PER OR 5972 PG 2416 PER OR 6340 PGS 2906-2908 INC
Parcel ID Link: 3242-10-11-0050
Supra: Yes **Dispute Res:**

Sold Price Sqft: $94.59
Sold/Leased Date: 11/14/2017



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Residential
Closed
MLS# 1029825

16 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $269,900
Sold/Leased Price: $261,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$269,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$141.83	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-08-0090
Sold Price/SqFt:	137.41	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	Yes
Baths - Total:	2	**Year Built:**	1975		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	1,903	**Water:**	City		
SqFt - Total:	2,714				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Granada to Nova Rd. to Tomoka Oaks entrance, right on St Andrews, left on Pine Valley Circle
Virtual Tour:
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 13		Kitchen	Main	24 x 8	
Bedroom 2	Main	13 x 11		Utility Room	Main	10 x 9	
Bedroom 3	Main	12 x 11					
Dining Room	Main	11 x 11					
Living Room	Main	19 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Face Brick; Frame
Floor Coverings: Laminate; Tile; Wood
Pets Allowed:
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community
Miscellaneous: Golf Community
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached; RV/Boat
Pool: Inground Private; Screened; Solar
Porch: Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Tomoka Oaks Pool Home .. Say no more. This updated ranch home features 3 spacious bedrooms, 2 full baths, eat in kitchen, dining and family rooms, side entry garage with extra boat/RV parking and sits high on a bluff. The screened pool area has large lanai for entertaining and a new solar heat system. Home has hardwood floors throughout the living areas with many modern updates like doors, windows, ceilings resurfaced and trim molding. Close to golf, churches, shopping and public transit. This is a must see property!!

Showing Instructions:
Directions: Granada to Nova Rd. to Tomoka Oaks entrance, right on St Andrews, left on Pine Valley Circle
Legal: LOT 9 BLK 8 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 4797 PG 0659 PER OR 5831 PG 4899 PER OR 6254 PG 0382 PER OR 6719 PG 3634 & PER OR 6719 PG 3637 PER OR 6822 PG 3851
Parcel ID Link: 3242-10-08-0090
Supra: Yes **Dispute Res:**

Sold Price Sqft: $137.41
Sold/Leased Date: 11/28/2017



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Residential
Closed
MLS# 1034209

58 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $279,900
Sold/Leased Price: $279,900

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$279,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$132.65	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	132.65	**Unit #:**		**Tax ID:**	3242-10-09-0200
Bedrooms:	3	**Location:**	SE	**Zoning:**	Single Family
Baths - Total:	3	**Year Built:**	1973	**As Is Cond:**	Yes
Full / Half Baths	2 / 1	**Sewer:**	City	**Homestead Exempt:**	Yes
Living Area:	2,110	**Water:**	City		
SqFt - Total:	2,646				
SqFt Source:	Property Appraiser				
Lot Size:	106x142				

Directions: NOVA TO TOMOKA OAKS WEST FOLLOW FORK TO RIGHT, HOUSE ON LEFT

Virtual Tour:

Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	18 x 13		Den	Main	11 x 11	
Bedroom 2	Main	13 x 10		Great Room			
Bedroom 3	Main	11 x 10		Kitchen	Main	17 x 12	
Dining Room	Main	21 x 12		Porch/Balcony	Main	24 x 18	
Living Room	Main	27 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Dryer; Icemaker; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Tile; Wood

Pets Allowed:
House Orientation: SE
Heating: Central; Electric; Heat Pump
Inside: Ceiling Fans; Fireplace; Jetted Tub; Inside Laundry
Land: Golf Course Community; On Golf Course; Wooded
Miscellaneous: Golf Community; Homeowners Association; Jetted Tub; Security System
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage
Porch: Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: BEAUTIFUL COASTAL HOME ON THE TOMOKA OAKS GOLF COURSE COMPLETELY UPDATED. 3 BEDROOMS, 2 ½ BATHS, DESIGNER GLAZED 42 INCH KITCHEN CABINETS, PREMIUM GRANITE COUNTER TOPS, PENDANT LIGHTS, BREAKFAST BAR, STAINLESS STEEL APPLIANCES, TWO SINKS, UNDER CABINET LIGHTING. LIVING ROOM WITH FIREPLACE. TILE AND WOOD FLOORING, CROWN MOLDING AND DECORATOR BLINDS THROUGHOUT. LARGE MASTER BEDROOM WITH CUSTOM WALK-IN CLOSET AND LOVELY BATHROOM WITH JETTED TUB, DOUBLE VANITIES, LARGE WALK-IN SHOWER AND SEPARATE WATER CLOSET. BEDROOM #3 HAS BUILT IN MURPHY BED. THERE IS A SEPARATE OFFICE ALSO. CONCRETE BLOCK CONSTRUCTION, ROOF 2 YEARS OLD, 2 WATER HEATERS. NEW EXTERIOR PAINT IN 2016, NEW GARAGE DOOR OPENER WITH WI-FI, GORGEOUS 24 X 18 SCREENED LANAI JUST RIGHT FOR RELAXING.

Showing Instructions:
Directions: NOVA TO TOMOKA OAKS WEST FOLLOW FORK TO RIGHT, HOUSE ON LEFT
Legal: LOT 20 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58 & 59 PER OR 1571 PG 146 PER D/C OR 4326 PG 3827
Parcel ID Link: 3242-10-09-0200
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $132.65
Sold/Leased Date: 12/01/2017



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Residential
Closed
MLS# 1033676

31 Pebble Beach Drive, Ormond Beach, FL 32174

Public Display

List Price: $278,950
Sold/Leased Price: $275,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$278,950	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$104.67	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	103.19	**Unit #:**		**Tax ID:**	3242-10-05-0170
Bedrooms:	4			**Zoning:**	Single Family
Baths - Total:	2	**Location:**	S		
Full / Half Baths	2 / 0	**Year Built:**	1973	**As Is Cond:**	Yes
Living Area:	2,665	**Sewer:**	City	**Homestead Exempt:**	No
SqFt - Total:	3,957	**Water:**	City		
SqFt Source:	Property Appraiser				
Lot Size:	irregular				

Directions: North of Granada for half a mile to left in Tomoka Oaks to right on North Saint Andrews to Right on Pebble Beach

Virtual Tour:

Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 16		Kitchen	Main	16 x 7	
Bedroom 2	Main	17 x 11		Utility Room	Main	12 x 7	
Bedroom 3	Main	14 x 11					
Bedroom 4	Main	12 x 11					
Dining Room	Main	13 x 11					
Family Room	Main	21 x 16					
Living Room	Main	15 x 11					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator
Building: 1 Story
Construction: Siding
Floor Coverings: Carpet; Tile; Other

Pets Allowed: Yes
House Orientation: S
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace; Split Bedroom; Volume Ceiling
Land: Cul-De-Sac; Golf Course Community; Wooded
Miscellaneous: Homeowners Association
Outside: Irrigation Well

Porch: Patio
Road: Paved
Roof: Other
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: Unique Contemporary Showplace in Tomoka Oaks Subdivision, Great location with both a circular driveway and a garage entrance that opens to a cul-de-sac Great Ormond School Zone. Tongue and groove ceilings above a natural stone fireplace. Enjoy the breezes from the Tomoka River just a block away. Large split bedrooms, gorgeous trees and there is not a more convenient location in the Ormond Beach Area.

Showing Instructions:
Directions: North of Granada for half a mile to left in Tomoka Oaks to right on North Saint Andrews to Right on Pebble Beach
Legal: LOT 17 BLK 5 UNIT 1-C TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 165 PER OR 2164 PG 564 PER OR 7080 PG 1798
Parcel ID Link: 3242-10-05-0170
Supra: Yes **Dispute Res:**

Sold Price Sqft: $103.19
Sold/Leased Date: 12/06/2017



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Residential
Closed
MLS# 1034870

77 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $295,000
Sold/Leased Price: $285,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$295,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$79.45	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-06-0070
Sold Price/SqFt:	76.76	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1973		
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	3,713	**Water:**	City		
SqFt - Total:	4,773				
SqFt Source:	Property Appraiser				
Lot Size:	100x125				

Directions: Nova Rd North to Tomoka Oaks, Right on N St Andrews Dr, follow all the way down

Virtual Tour: Click to View Virtual Tour

Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 16		Kitchen	Main	14 x 12	
Bedroom 2		16 x 14		Media Room		27 x 22	
Bedroom 3		16 x 12					
Dining Room		14 x 14					
Family Room		20 x 17					
Living Room		21 x 19					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Central Vacuum; Dryer; Microwave; Range; Washer
Architecture: Traditional
Building: 2 Stories
Floor Coverings: Carpet; Tile

Pets Allowed:
Financing: OWC - FHA/VA
House Orientation: S
Heating: Central
Inside: Ceiling Fans; Volume Ceiling; Inside Laundry
Land: Corner Lot; Golf Course Community
Miscellaneous: Homeowners Association; Security System
Maint Fee Covers: Common Area
Outside: Fenced Yard

Parking: 3 Car Garage; Oversized
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Front; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Large Tomoka Oaks pool home spread out on a park-like corner lot... This unique home has lots of character and a functional floor plan... Double door entry leads you inside with views of enclosed pool area... Adjoining living room and Family room offer plenty of space if you like to entertain or just have a large family... Three bedrooms are downstairs and the second story is a bonus room that overlooks pool - perfect for playroom, office, home gym or guest quarters... Volume ceilings and stone wall in the family room that is open to the kitchen/ work island... Dining room is adjacent to kitchen with a pass through window to make serving a breeze... Plenty of storage and closet space - Built in desks in spare bedrooms... Three car garage and oversized driveway ... Lots of square footage

Showing Instructions:
Directions: Nova Rd North to Tomoka Oaks, Right on N St Andrews Dr, follow all the way down
Legal: LOT 7 BLK 6 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1B MB 28 PG 129 PER DC OR 6826 PG 2055 PER OR 6841 PG 1439
Parcel ID Link: 3242-10-06-0070
Supra: Yes **Dispute Res:**

Sold Price Sqft: $76.76
Sold/Leased Date: 12/15/2017



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Residential
Closed
MLS# 1036428

5 Pebble Beach Drive, Ormond Beach, FL 32174

Public Display

List Price: $269,900
Sold/Leased Price: $269,900

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$269,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$76.7	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	76.7	**Unit #:**		**Tax ID:**	3242-10-05-0040
Bedrooms:	5	**Year Built:**	1974	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	3 / 0	**Water:**	City		
Living Area:	3,519				
SqFt - Total:	3,519				
SqFt Source:	Property Appraiser				
Lot Size:	100x156				

Directions: North of Granada on Nova 5-A one mile to left in Tomoka Oaks to R on N St Andrews to right on Pebble Beach

Virtual Tour:

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15.5 x 15		Den	Main	15.2 x 11.8	
Bedroom 2	Main	13 x 13		Kitchen	Main	27 x 17.7	
Bedroom 3	Main	13.8 x 10					
Bedroom 4	Main	13.8 x 10					
In-Law Suite	Main	11 x 10.9					
Living Room	Main	30 x 15.3					

Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Dryer; Washer
Architecture: Other
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile

Pets Allowed: Yes
Financing: OWC - Seller Financing
House Orientation: W
Heating: Central; Electric; Heat Pump
Inside: Ceiling Fans; Inside Laundry
Land: Golf Course Community
Miscellaneous: Homeowners Association; Workshop; In-Law Suite
Outside: Irrigation Sprinkler; Irrigation Well; Public Bus

Parking: 2 Car Garage; Oversized
Porch: 2+ Porches/Decks; Enclosed; Front; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Excellent Location, Excellent Condition 5 bedrooms with an in-law suite separate from the other bedrooms. This room is also well suited as an office or flex room. Expansive 27x17 foot eat in modern kitchen with granite counters and a four stool breakfast bar. Featuring a new roof in 2013. In addition to the stated living area you have a glassed in back porch measuring over 300 square feet also with a 2013 Roof. The yard is magnificent with a large circular driveway. In addition there is lots of room to easily park your RV or Boat or both on this property. There is also a flex room that measures 15.2x11.8 located just outside the three bedrooms. If your having difficulty getting financing but your income and job history is strong the seller will consider holding rare owner financing.

Showing Instructions:
Directions: North of Granada on Nova 5-A one mile to left in Tomoka Oaks to R on N St Andrews to right on Pebble Beach
Legal: LOT 4 BLK 5 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58 & 59 PER OR 3507 PG 0819
Parcel ID Link: 3242-10-05-0040
Supra: Yes **Dispute Res:**

Sold Price Sqft: $76.7
Sold/Leased Date: 01/02/2018



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Residential
Closed
MLS# 1036106

26 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $359,000
Sold/Leased Price: $350,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$359,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$91.05	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-09-0040
Sold Price/SqFt:	88.76	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	No
Baths - Total:	3	**Year Built:**	1963		
Full / Half Baths	3 / 0	**Sewer:**	City		
Living Area:	3,943	**Water:**	City		
SqFt - Total:	4,561				
SqFt Source:	Property Appraiser				
Lot Size:	98x193				

Directions: From Granada and Nova Rd: North on Nova Rd., left into Tomoka Oaks, rt at split , house on left.

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 12		Den	Main	9 x 9	
Bedroom 2	Main	13 x 11		Kitchen	Main	16 x 11	
Bedroom 3	Main	11 x 10		Patio/Deck	Main	50 x 28	
Dining Room	Main	15 x 14					
Family Room	Main	23 x 20					
In-Law Suite	Main	20 x 16					
Living Room	Main	25 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Zoned
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Stone; Tile

Pets Allowed:
House Orientation: E
Heating: Central; Electric; Fuel Oil; Heat Pump; Zoned
Inside: Ceiling Fans; Fireplace
Land: On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well; Storm Shutters

Parking: 2 Car Garage; Attached; Oversized
Pool: Inground Private; Screened
Porch: Deck; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Huge Tomoka Oaks, golf course, pool home w/In-law suite. There is room to roam and tons of potential in this single story, block home. Just under 4,000 sq.ft. of living. Currently utilized as a 4 bedroom but, could easily be a 5 bedroom. Double entry doors, fireplace, family room and kitchen overlooking the pool area. The in-law suite was added in 2006 and has a sitting area, plus an office. Many closets and storage areas. Updated Electrical and New roof. Electric hurricane shutters. Circular driveway. Beautiful, park like, landscaping and outdoor sitting areas. Short drive to the beach, shopping, restaurants, and banking. This is a must see!

Showing Instructions:
Directions: From Granada and Nova Rd: North on Nova Rd., left into Tomoka Oaks, rt at split , house on left.
Legal: LOT 4 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58-59 INC PER OR 6017 PG 2664 PER OR 6217 PG 1862
Parcel ID Link: 3242-10-09-0040
Supra: Yes **Dispute Res:**

Sold Price Sqft: $88.76
Sold/Leased Date: 02/12/2018



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Residential
Closed
MLS# 1036175

46 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $314,900
Sold/Leased Price: $309,000

Area: 46 - Ormond N of Tomoka River, E of US1 **County:** Volusia



List Price:	$314,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$116.63	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	114.44	**Unit #:**		**Tax ID:**	3242-10-09-0140
Bedrooms:	4	**Year Built:**	1964	**Zoning:**	Single Family
Baths - Total:	3	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 1	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	2,700				
SqFt - Total:	3,086				
SqFt Source:	Property Appraiser				
Lot Size:	100x142				

Directions: East on Granada. North on Nova. Left in Tomoka Oaks. R on N. St. Andrews

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 12		Kitchen	Main	14 x 11	
Bedroom 2		12 x 11		Kitchen			Eat-in-Kitchen
Bedroom 3		12 x 12					
Bedroom 4		12 x 10					
Dining Room		14 x 11					
Family Room		18 x 16					
Living Room		17 x 15					

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Tile; Wood; Other

Pets Allowed: Yes
Heating: Central; Fuel Oil
Inside: Ceiling Fans; Wet Bar
Land: Golf Course Community; On Golf Course; Wooded
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well; Outbuilding; Storm Shutters; Utility Shed

Parking: 2 Car Garage
Porch: Enclosed; Screened
Road: Paved
Roof: Shingle; Other
Special Conditions: None

Remarks: OLD FLORIDA CHARM! All the character with all the modern upgrades too. This is no cookie-cutter home. Looks can be deceiving as this home boasts 2700 living square feet and over 3000 total. This beautiful 4-bedroom home will WOW you the moment you walk in. Lovingly upgraded, you won't be disappointed, with an open floor plan, formal dining and a beautifully upgraded gourmet kitchen with a coffee bar, butler's pantry/bar area for entertaining, LARGE ISLAND, GRANITE COUNTERS, STAINLESS STEEL APPLIANCES, SOFT CLOSE CABINETS and tons of storage. NEW ROOF 2017, NEW WINDOWS throughout, NEW AC 2017, NEW HEAT 2014, wood and tile flooring, all the BIG TICKET items have been taken care of for you. You won't find anything like it in the Tomoka Oaks area for the price and the location is just off

Showing Instructions:
Directions: East on Granada. North on Nova. Left in Tomoka Oaks. R on N. St. Andrews
Legal: LOT 14 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 3706 PG 4652 PER OR 6305 PGS 1928-1929 INC
Parcel ID Link: 3242-10-09-0140
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $114.44
Sold/Leased Date: 02/16/2018



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Residential
Closed
MLS# 1035690

108 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $250,000
Sold/Leased Price: $211,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$250,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$98.89	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	83.47	**Unit #:**		**Tax ID:**	3242-10-20-0190
Bedrooms:	4			**Zoning:**	Single Family
Baths - Total:	3	**Year Built:**	1975		
Full / Half Baths	3 / 0	**Sewer:**	City	**As Is Cond:**	Yes
Living Area:	2,528	**Water:**	City	**Homestead Exempt:**	No
SqFt - Total:	3,080				
SqFt Source:	Property Appraiser				
Lot Size:	95x140				

Directions: From Granada go North on Nova To left into Tomoka Oaks entrance, Right onto North ST Andrews to 108 - home on Left.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 16		Kitchen	Main	17 x 9	
Bedroom 2	Main	13 x 12		Patio/Deck	Main	38 x 35	
Bedroom 3	Main	13 x 12		Utility Room	Main	14 x 8	
Bedroom 4	Main	13 x 12					
Dining Room	Main	17 x 13					
Living Room	Main	20 x 16					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Wall/Window Units
Appliances: Dishwasher; Microwave; Range
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Security System
Maint Fee Covers: Common Area
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached; Oversized
Pool: Inground Private; Screened
Porch: Deck; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: 4 Bedroom/3 Bath Pool Home with Good Bones, Great Location and Terrific Layout, looking for your updates!!! Welcoming, Mature landscape with many rooms overlooking 2nd green of Tomoka Oaks golf course in the very sought after Tomoka Oaks neighborhood!! Located in the heart of Ormond Beach, close to Plenty of shopping; restaurants; hospitals; major roads; and the World's Most Famous Beach. And just an hour's drive to Orlando theme parks! This neighborhood has a voluntary HOA ($70/year). Home has great views and roomy layout, but needs your TLC and personal touches - interior paint, new carpet, etc. All measurements are approximate and home is selling as is with inspections gladly welcomed!

Showing Instructions:
Directions: From Granada go North on Nova To left into Tomoka Oaks entrance, Right onto North ST Andrews to 108 - home on Left.
Legal: LOT 19 BLK 20 UNIT 2 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 166 PER OR 3292 PG 1608 PER D/C 6949 PG 3090 PER OR 7046 PG 3044
Parcel ID Link: 3242-10-20-0190
Supra: No **Dispute Res:**

Sold Price Sqft: $83.47
Sold/Leased Date: 02/20/2018



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 1039402

18 Tomoka Oaks Boulevard, Ormond Beach, FL 32174

Public Display

List Price: $265,000
Sold/Leased Price: $264,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$265,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$128.52	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-11-0020
Sold Price/SqFt:	128.03	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1968		
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	2,062	**Water:**	City		
SqFt - Total:	2,946				
SqFt Source:	Property Appraiser				
Lot Size:	84x138				

Directions: From Granada Blvd North on Nova Road to Left on Tomoka Oaks Blvd. House on left.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15 x 14		Kitchen	Main	13 x 10	
Bedroom 2	Main	12 x 11		Porch/Balcony	Main	21 x 13	
Bedroom 3	Main	11 x 11					
Bedroom 4	Main	10 x 10					
Family Room	Main	19 x 4					
Living Room	Main	24 x 14					

Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile; Vinyl
Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace
Maint Fee Covers: NA
Outside: Fenced Yard
Parking: 2 Car Garage
Porch: Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Location, Location, Location! Positioned in the Heart of Ormond Beach in Tomoka Oaks Golf Community! This gorgeous 4 bedroom, 2.5 bath home is situated on a large lot with huge fenced in backyard. Perfect for the entire family. The home boast a desired split bedroom floorplan with ample natural lighting. Cozy up in the den in front of your woodburning fireplace or entertain a group in your large family room. Enjoy your gourmet kitchen with large breakfast bar & solid wood cabinetry. Upgrades include new vinyl double pane window 2012, kitchen backsplash 2014, attic fans 2014, den carpet & wood looking floors 2017. Oversized 2 car garage & large driveway. Square footage received from tax rolls. All information recorded in the MLS intended to be accurate but cannot be guaranteed

Showing Instructions:
Directions: From Granada Blvd North on Nova Road to Left on Tomoka Oaks Blvd. House on left.
Legal: LOT 2 BLK 11 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58-59 INC PER D/C 3921 PG 3111 PER OR 6219 PGS 4098-4099 PER OR 6595 PG 4620 PER OR 6741 PG 3193 PER OR 7005 PG 4497
Parcel ID Link: 3242-10-11-0020
Supra: No **Dispute Res:**

Sold Price Sqft: $128.03
Sold/Leased Date: 03/16/2018



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Residential
Closed
MLS# 1041558

55 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $240,000
Sold/Leased Price: $248,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$240,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$117.42	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	121.33	**Unit #:**		**Tax ID:**	3242-11-00-0090
Bedrooms:	4			**Zoning:**	Single Family
Baths - Total:	2	**Location:**	W		
Full / Half Baths	2 / 0	**Year Built:**	1978	**As Is Cond:**	Yes
Living Area:	2,044	**Sewer:**	City	**Homestead Exempt:**	Yes
SqFt - Total:	2,565	**Water:**	City		
SqFt Source:	Property Appraiser				
Lot Size:	100x212				

Directions: North on Nova from Granada to Tomoka Oaks on left. Right on N. St. Andrews to 55 on right.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 11.5		Kitchen	Main	10.7 x 9.6	
Bedroom 2	Main	13 x 11					
Bedroom 3	Main	11 x 10					
Bedroom 4	Main	10.8 x 10					
Dining Room	Main	17 x 11.2					
Family Room	Main	24 x 10					
Living Room	Main	23 x 20					

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile; Wood

Pets Allowed:
House Orientation: W
Heating: Central
Inside: Cathedral Ceiling; Ceiling Fans; Split Bedroom
Land: Golf Course Community
Miscellaneous: Golf Community; Workshop
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well; Outbuilding; Storm Shutters; Utility Shed

Parking: 2 Car Garage; Oversized
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: This well maintained 4 Bedroom home is located in the beautiful neighborhood of Tomoka Oaks. As you aproach the home you will notice the extra large lot (1/2 acre) with a very long driveway to the oversized side entry garage. The home features a split plan design with a living room, dining room and a family room. The family room has beautiful wood floors and gorgeous, antique stain glass windows across the back of the room and in the doors leading out to the family room from the living room. The master bedroom is generous in size and has double closets. The additional bedrooms and bath are located on the opposite side of the home with plenty of closets including 2 linen closets in the hallway. There is a workshop in the backyard with electric.

Showing Instructions:
Directions: North on Nova from Granada to Tomoka Oaks on left. Right on N. St. Andrews to 55 on right.
Legal: LOT 9 TOMOKA OAKS SUB UNIT 5 MB 34 PG 142 PER OR 2105 PG 0341
Parcel ID Link: 3242-11-00-0090
Supra: Yes **Dispute Res:**

Sold Price Sqft: $121.33
Sold/Leased Date: 05/10/2018



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Residential
Closed
MLS# 1039482

74 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $475,000
Sold/Leased Price: $450,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$475,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$121.79	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	115.38	**Unit #:**		**Tax ID:**	3242-10-37-0090
Bedrooms:	4			**Zoning:**	Single Family
Baths - Total:	3.5	**Year Built:**	1978	**As Is Cond:**	Yes
Full / Half Baths	3 / 1	**Sewer:**	City	**Homestead Exempt:**	Yes
Living Area:	3,900	**Water:**	City		
SqFt - Total:	4,852				
SqFt Source:	Owner				
Lot Size:	125x128				

Directions: SR 40 to north on Nova to Tomoka Oaks entrance, bear left at round a bout onto S St Andrews. Home on corner of Iroquois

Virtual Tour: Click to View Virtual Tour

Maint Fee: $75 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	19 x 16		Kitchen	Main	15 x 14	
Bedroom 2	Main	15 x 13		Porch/Balcony	Upper	16 x 6	
Bedroom 3	Main	15 x 13		Utility Room	Main	12 x 12	
Dining Room	Main	20 x 19		Utility Room	Upper	16 x 16	
Family Room	Main	20 x 14		Utility Room	Upper	6 x 6	
In-Law Suite	Upper	26 x 22					
Living Room	Main	28 x 20					

1st Floor: Slab
Acreage: 0 - 1/2; 1/2 - 1
Air Conditioning: Central; Multiple Units
Appliances: Cooktop; Dishwasher; Disposal; Dryer; Gas Appliances; Icemaker; Microwave; Range; Refrigerator; Washer
Architecture: Modern; Other
Building: 2 Stories; Other
Construction: Brick; Other
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: Yes
House Orientation: NE
Heating: Central; Heat Pump
Inside: 1 Bedroom Down; 2 Bedrooms Down; Cathedral Ceiling; Ceiling Fans; Fireplace; Jetted Tub; Split Bedroom; Volume Ceiling; Inside Laundry
Land: Corner Lot; Golf Course Community; Wooded
Miscellaneous: Golf Community; Homeowners Association; Jetted Tub; Security System; Workshop
Maint Fee Covers: Common Area; NA
Outside: Clubhouse Facility; Fenced Yard; Irrigation Sprinkler; Irrigation Well; Storm Shutters; Utility Shed

Parking: 2 Car Garage; Oversized
Pool: Heated; Inground Private; Screened
Porch: Balcony; Enclosed; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: SHOW STOPPER Standing out amongst the Stately Oaks backdrop, this Florida Contemporary home radiates light and warmth throughout. Greeting you with a circular pavered drive nicely straddling a lusciously landscaped corner. From the tall,vaulted, warm, teak walls and ceilings to the inviting tropical oasis of the enormous private pool... this one of a kind home gives a nod to the 70's, honoring flashes of retro while also splashed with modern cues and palatial entertainment areas. Indulgent? Maybe. Fun? Definitely. Seven sets of wooden French doors lead out to the spectacular brick pavered pool deck featuring a six person gas heated spa, summer kitchen with char-broiler, gas stove, flat grill,ice maker and refrigerator. Abundant seating for 24 outside with cozy stone fireplace.

Showing Instructions:
Directions: SR 40 to north on Nova to Tomoka Oaks entrance, bear left at round a bout onto S St Andrews. Home on corner of Iroquois
Legal: LOT 9 BLK 37 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 167 INC PER OR 4185 PG 4622-4623
Parcel ID Link: 3242-10-37-0090
Supra: No **Dispute Res:** No

Sold Price Sqft: $115.38
Sold/Leased Date: 05/21/2018



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Residential
Closed
MLS# 1035822

224 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $244,900
Sold/Leased Price: $232,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$244,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$127.89	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	121.41	**Unit #:**		**Tax ID:**	3242-23-00-1400
Bedrooms:	3	**Year Built:**	1978	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	2 / 0	**Water:**	City		
Living Area:	1,915				
SqFt - Total:	2,660				
SqFt Source:	Property Appraiser				
Lot Size:	106x115				

Directions: Tomoka Oaks Blvd., off Nova Rd. L. on St. Andrews, R. on Rio Pinar Dr.

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	14 x 13		Kitchen	Main	13 x 12	
Bedroom 2		11 x 11					
Bedroom 3		13 x 11					
Living Room		19 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Modern
Building: 1 Story
Construction: Other
Floor Coverings: Carpet; Tile

Pets Allowed:
Heating: Central
Inside: Cathedral Ceiling; Ceiling Fans; Fireplace
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA
Outside: Public Bus

Parking: 2 Car Garage
Pool: Inground Private
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Beautiful 3BR/2BTH + flex room POOL home in prestigious Tomoka Oaks. This brick/frame home offers almost 2000 sq ft of living area with a large living room plus remodeled kitchen open to living/dining combination with fireplace. Of the kitchen is an addition flex room that would make a great home school room, home office, gym or den. Tile in foyer, great room, kitchen and halls. Marble tile in den. Inside laundry. Master suite has large shower, make-up area and two large closets with mirror doors. 2006 IG pool and screen enclosure. Just over .25 acre lot. HOA fee is voluntary. All information taken from the tax roll and deemed reliable but not guaranteed.

Showing Instructions:
Directions: Tomoka Oaks Blvd., off Nova Rd. L. on St. Andrews, R. on Rio Pinar Dr.
Legal: LOT 140 TOMOKA OAKS UNIT 7A MB 34 PGS 162-164 INC PER OR 4077 PG 3150 PER OR 5785 PG 3557
Parcel ID Link: 3242-23-00-1400
Supra: Yes **Dispute Res:**

Sold Price Sqft: $121.41
Sold/Leased Date: 06/04/2018



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Residential
Closed
MLS# 1041237

77 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $299,900
Sold/Leased Price: $310,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$299,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$119.01	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-19-0010
Sold Price/SqFt:	123.02	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	Yes
Baths - Total:	2.1	**Year Built:**	1983		
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	2,520	**Water:**	City		
SqFt - Total:	3,145				
SqFt Source:	Property Appraiser				
Lot Size:	91x140				

Directions: From Granada, Left on Nova Rd headed North to Tomoka Oaks on the Left. Turn Left on to S St Andrews...

Virtual Tour: Click to View Virtual Tour

Maint Fee: $75 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 15		Kitchen	Main	14 x 13	
Bedroom 2		13 x 12		Kitchen		12 x 10	Eat-in-Kitchen
Bedroom 3		10 x 10		Patio/Deck		43 x 36	
Dining Room		15 x 10		Utility Room		10 x 6	
Living Room		27 x 17					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator
Building: 1 Story
Construction: Face Brick
Floor Coverings: Carpet; Tile; Wood

Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom
Land: Golf Course Community; On Golf Course
Miscellaneous: Homeowners Association
Maint Fee Covers: Common Area

Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: CHARMING POOL HOME ON GOLF COURSE IN POPULAR TOMOKA OAKS SUBDIVISION. BRICK BEAUTY BOASTS 3 BEDROOM 2 BATH, AND OFFERS OVER 2500 SQ FT OF LIVING SPACE. WARM AND INVITING ENTRY WAY LEADS YOU INTO THE BRIGHT AND OPEN LIVING AND DINING ROOM AREA. BEAUTIFUL BRICK WOOD BURNING FIREPLACE IN THE GATHERING ROOM, GLEAMING HARDWOOD FLOORS, CROWN MOLDING, AND VAULTED CEILINGS ARE SOME OF THE FEATURES THAT GIVE THIS PROPERTY THE "WELCOME HOME" FEELING. THE SPACIOUS KITCHEN HAS AN EAT IN AREA, CENTER ISLAND, BREAKFAST BAR AND BEAUTIFUL BAY WINDOWS THAT OVERLOOK THE GOLF COURSE. MASTER SUITE HAS PRIVATE ACCESS TO THE LANAI, SKYLIGHTS IN THE MASTER BATH, HIS AND HERS VANITY SINKS, WALK IN SHOWER, GARDEN TUB AND AND A MUST SEE EXTRA LARGE WALK IN CLOSET. SPLIT FLOOR PLAN, WITH 2 ADDITIONAL WELL SIZE

Showing Instructions:
Directions: From Granada, Left on Nova Rd headed North to Tomoka Oaks on the Left. Turn Left on to S St Andrews...
Legal: LOT 1 BLK 19 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG167 PER 5096 PG 3986 PER OR 6598 PG 1336 PER OR 6644 PG 1854 PER OR 7199 PG 0065
Parcel ID Link: 3242-10-19-0010
Supra: Yes **Dispute Res:**

Sold Price Sqft: $123.02
Sold/Leased Date: 06/20/2018



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 1041706

24 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $259,900
Sold/Leased Price: $259,900

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$259,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$140.41	**Subdivision:**	Tomoka Oaks	**Tax ID:**	324210110050
Sold Price/SqFt:	140.41	**Unit #:**		**Zoning:**	Single Family
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1968	**Homestead Exempt:**	No
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	1,851	**Water:**	City		
SqFt - Total:	2,446				
SqFt Source:	Property Appraiser				
Lot Size:	100x140				

Directions: From Granada and Nova Rd: North on Nova, left on Tomoka Oaks Blvd, left at fork to S. St Andrews, house on left.

Virtual Tour:

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15 x 14		Kitchen	Main	19 x 10	
Bedroom 2	Main	14 x 10		Patio/Deck	Main	50 x 10	
Bedroom 3	Main	14 x 10					
Bedroom 4	Main	12 x 10					
Dining Room	Main	8 x 8					
Family Room	Main	16 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed:
House Orientation: NW
Heating: Central; Electric; Heat Pump
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA
Outside: Fenced Yard
Parking: 2 Car Garage; Attached; Oversized
Porch: 2+ Porches/Decks; Front; Rear
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: 4 Bedroom, 2 Bath, Concrete Block Ranch in Tomoka Oaks. Recently updated,New Roof, New A/C, New Kitchen, Updated Baths. This Classic ranch layout could be your next home. All major home maintenance systems have been professionally updated which would eliminate any costly repairs in the near future. Tomoka Oaks is a well established Ormond Beach neighborhood with lots of charm and character. A+ school zone, quick access to the beach, shopping and local activities makes this listing a must see in your hunt for a new place to call home.

Showing Instructions:
Directions: From Granada and Nova Rd: North on Nova, left on Tomoka Oaks Blvd, left at fork to S. St Andrews, house on left.
Legal: LOT 5 BLK 11 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG 285 PER OR 3884 PG 2899 PER OR 5311 PG 2001 PER OR 5972 PG 2416 PER OR 6340 PGS 2906-2908 INC PER OR 7359 PG 1103 PER OR 7430 PGS 3985-3986 PER OR 7471 PGS 4359-4360
Parcel ID Link: 324210110050
Supra: No **Dispute Res:** No

Sold Price Sqft: $140.41
Sold/Leased Date: 06/25/2018



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Residential
Closed
MLS# 1040326

2 Waterfront Court, Ormond Beach, FL 32174

Public Display

List Price: $649,900
Sold/Leased Price: $610,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$649,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$216.49	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-27-00-0100
Sold Price/SqFt:	203.2	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	No
Baths - Total:	3.1	**Year Built:**	1986		
Full / Half Baths	3 / 1	**Sewer:**	City		
Living Area:	3,002	**Water:**	City		
SqFt - Total:	3,748				
SqFt Source:	Property Appraiser				
Lot Size:	102x245				

Directions: W on Granada to R on Nova, L into Tomoka Oaks, Keep R until on N St Andrews, R on Waterfront Ct

Virtual Tour: Click to View Virtual Tour

Maint Fee: $80 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	33 x 16		Kitchen	Main	21 x 15	
Bedroom 2		14 x 11		Media Room		14 x 11	
Bedroom 3		14 x 11		Utility Room		11 x 6	
Dining Room		15 x 11					
Family Room		32 x 19					

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Double Oven; Refrigerator
Building: 2 Stories
Construction: Face Brick
Floor Coverings: Carpet; Tile; Wood
Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace; Volume Ceiling
Land: Cul-De-Sac; Golf Course Community
Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Balcony; Enclosed
Road: Paved
Roof: Shingle
Special Conditions: None
Waterfront: Dock; Riverfront Home/Unit

Remarks: DIRECT RIVERFRONT ESTATE THAT STRETCHES OVER 1/2 ACRE ON THE TOMOKA RIVER. INCREDIBLE RIVER VIEWS FROM VIRTUALLY EVERY ROOM AND BREATHTAKING SUNSETS ARE JUST SOME OF THE PERKS THAT COME WITH THIS AMAZING PROPERTY. THE ESTATE FEATURES OVER 3000 SQ FT OF LIVING SPACE, 3 BEDROOM , 3 1/2 BATH AND 2 CAR GARAGE WITH SIDE ENTRANCE AND MULTIPLE PARKING SPACES. AS YOU WALK IN THE FOYER , A BEAUTIFUL WOOD STAIRCASE WILL GREET YOU, AND SETS THE STAGE FOR THE MANY LUXURIOUS FINISHES THAT THE HOME FLAUNTS. THERE IS A MASSIVE FAMILY ROOM GRACED WITH CROWN MOLDING AND BEAUTIFUL HARDWOOD FLOORS. A GAS FIREPLACE TAKES THE CENTER OF THE ROOM AND SERVES AS THE GATHERING PLACE FOR THOSE COLD WINTER NIGHTS. THIS ROOM HAS LARGE FRENCH DOORS THAT LEAD YOU TO THE LANAI. ADJACENT TO THE FAMILY ROOM IS

Showing Instructions:
Directions: W on Granada to R on Nova, L into Tomoka Oaks, Keep R until on N St Andrews, R on Waterfront Ct
Legal: LOT 10 TOMOKA OAKS UNIT NO 6 MB 35 PG 130 PER OR 4369 PG 4321 PER OR 5533 PG 2695
Parcel ID Link: 3242-27-00-0100
Supra: Yes
Dispute Res:

Sold Price Sqft: $203.2
Sold/Leased Date: 07/02/2018



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Residential
Closed
MLS# 1032697

53 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $310,000
Sold/Leased Price: $295,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$310,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$107.79	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-10-0170
Sold Price/SqFt:	102.57	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	5			**Homestead Exempt:**	No
Baths - Total:	4	**Year Built:**	1966		
Full / Half Baths	3 / 1	**Sewer:**	City		
Living Area:	2,876	**Water:**	City		
SqFt - Total:	3,686				
SqFt Source:	Property Appraiser				
Lot Size:	103x129				

Directions: Granada to North on Nova. Left into Tomoka Oaks. Left on St. Andrews and #53 on the Right.

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	16 x 13		Kitchen	Main	20 x 9	
Dining Room	Main	14 x 10					
Living Room	Main	23 x 14					

Air Conditioning: Central
Appliances: Dishwasher; Disposal; Icemaker; Microwave; Refrigerator
Architecture: Ranch
Building: 2 Stories
Construction: Concrete Block
Pets Allowed: Yes
Heating: Central
Inside: 1 Bedroom Down; Ceiling Fans; Fireplace; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Parking: 2 Car Garage
Porch: Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: Agent Owned
Util for Land Only: City Water

Remarks: A great find for 5 bedrooms and 3.5 baths. The home is located on the tomoka golf course with views of the 17th hole. It has all the charm and appeal. It has been updated. Kitchen has been redone. Dark cabinets with the grey tile floor..,it is a must see for a home in the area. Appliances are all stainless. Touch kitchen sink with garbage disposal. Large island to add extra storage.All with granite counter-tops. The living room has a open floor plan connecting to the kitchen and dining room also a fire place . All with new lighting. Laundry room is off to the side with its own door. Down stairs has its own extra livingroom with fireplace and bedroom and bath. Upstairs you have 4 bedrooms including the master.

Showing Instructions:
Directions: Granada to North on Nova. Left into Tomoka Oaks. Left on St. Andrews and #53 on the Right.
Legal: LOT 17 BLK 10 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG 285 PER OR 5104 PG 0377 PER UNREC D/C PER OR 6945 PGS 1460-1461
Parcel ID Link: 3242-10-10-0170
Supra: No **Dispute Res:**

Sold Price Sqft: $102.57
Sold/Leased Date: 07/10/2018



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Residential
Closed
MLS# 1042855

96 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $525,000
Sold/Leased Price: $480,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$525,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$124.5	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	113.82	**Unit #:**		**Tax ID:**	3242-10-20-0130
Bedrooms:	4	**Year Built:**	1981	**Zoning:**	Single Family
Baths - Total:	3	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 1	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	4,217				
SqFt - Total:	5,668				
SqFt Source:	Owner				
Lot Size:	105x140				

Directions: From Granda & Nova Rd: N on Nove, L on Tomoka Oaks, RT on St Andrews around to 96 St Andrews Dr

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	20 x 14		Bonus Room	Main	19 x 17	
Bedroom 2	Upper	14 x 11		Bonus Room	Main	24 x 10	
Bedroom 3	Upper	14 x 12		Bonus Room	Upper	24 x 17	
Bedroom 4	Upper	16 x 11		Kitchen	Main	27 x 14	
Dining Room	Main	20 x 15					
Living Room	Main	27 x 17					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Range; Refrigerator
Building: 2 Stories
Construction: Brick; Frame
Floor Coverings: Carpet; Laminate; Stone; Tile; Wood
Pets Allowed: Yes
Heating: Central
Inside: Attic Fan; Cathedral Ceiling; Ceiling Fans; Fireplace; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard
Parking: 2 Car Garage
Pool: Heated; Inground Private; Screened
Porch: 2+ Porches/Decks; Balcony; Deck; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Priced Below Appraised Value! VIRTUAL TOUR IS AMAZING! Beautiful golf-course home in serene Tomoka Oaks with 5,668 sf.TA & 4,217 sf. LA (under heat & air). Friendly neighbors! A brick-paver circular drive & tropical landscaping greet you as you arrive home. Enter your completely remodeled home through custom made, solid-oak double doors under a covered entryway. The Gourmet Kitchen is Newly remodeled (2018) & features high-end granite, stone backsplash, new professional-grade stainless steel appliances, Coffee Bar & a wine cooler. A well thought-out floor plan is perfect for families & entertaining alike. Dark Maple engineered hardwood floors, 25 yr warranty, built-ins, wainscoting, solid interior doors & shiplap add to the superlative character of this custom-built home. The unforgettable

Showing Instructions:
Directions: From Granda & Nova Rd: N on Nove, L on Tomoka Oaks, RT on St Andrews around to 96 St Andrews Dr
Legal: LOT 13 BLK 20 UNIT 2 TOMOKA OAKS COUNTRY CLUB ESTATES MB 31 PG 166 PER OR 5089 PG 1446 PER OR 7010 PG 4801
Parcel ID Link: 3242-10-20-0130
Supra: No **Dispute Res:**

Sold Price Sqft: $113.82
Sold/Leased Date: 07/31/2018



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Residential
Closed
MLS# 1043033

33 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $350,000
Sold/Leased Price: $320,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$350,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$94.59	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	86.49	**Unit #:**		**Tax ID:**	0000-00-00-0000
Bedrooms:	4	**Year Built:**	1991	**Zoning:**	Single Family
Baths - Total:	4	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	4 / 0	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	3,700				
SqFt - Total:	4,550				
SqFt Source:	Measured				
Lot Size:	100x205				

Directions: E on Granada to N on Nova to L on Tomoka Oaks Blvd, stay to L to S. St. Andrews, house on R

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	18 x 15		Kitchen	Main	17 x 15	
Bedroom 2		15 x 12		Patio/Deck		21 x 14	
Bedroom 2		15 x 12		Utility Room		13 x 10	
Dining Room		17 x 12					
Family Room		25 x 13					
In-Law Suite		32 x 13					
Living Room		25 x 17					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block; Other
Floor Coverings: Carpet; Tile; Wood
Pets Allowed:
Financing: OWC - FHA/VA
Heating: Central
Inside: Ceiling Fans; Fireplace; Volume Ceiling
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Security System; In-Law Suite
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler
Parking: 2 Car Garage; Attached; Oversized
Porch: Deck; Rear
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Amazing home located in sought-after Tomoka Oaks. Fully fenced double-lot, with plenty of room for RVs, boats and other toys! Bright, open living space, with wood burning FP, beautiful 11x5 front picture window, hard wood flooring, oversized 26x9 welcoming foyer, knotty pine vaulted ceiling in family room, eat-in-kitchen. Each bedroom has it's own bath and large walk-in closet. Custom, built-in cabinets and shelving throughout. 32x13 in-law suite with separate entrance. Over-sized 2 car, side entry garage with cabinetry/storage.

Showing Instructions:
Directions: E on Granada to N on Nova to L on Tomoka Oaks Blvd, stay to L to S. St. Andrews, house on R
Legal: Lots 7 and 8, Block 10, Tomoka Oaks Country Club Estates Unit 33-A, according to the plat thereof, recorded in Map Book 27, Page 285, of the Public Records of Volusia County, Florida.
Parcel ID Link: 0000-00-00-0000
Supra: Yes
Dispute Res:

Sold Price Sqft: $86.49
Sold/Leased Date: 08/09/2018



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Residential
Closed
MLS# 1045063

42 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $334,000
Sold/Leased Price: $317,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$334,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$159.28	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	151.41	**Unit #:**		**Tax ID:**	3242-10-17-0150
Bedrooms:	3	**Location:**	E	**Zoning:**	Single Family
Baths - Total:	2	**Year Built:**	1973	**As Is Cond:**	Yes
Full / Half Baths	2 / 0	**Sewer:**	City	**Homestead Exempt:**	Yes
Living Area:	2,097	**Water:**	City		
SqFt - Total:	3,096	**Min Rental:**	Unlimited		
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Rd to Tomoka Oaks Blvd, then left on S. St. Andrews to Oakmont Cir on Right. continue to 42

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	13 x 13		Kitchen	Main	15 x 14	
Bedroom 2	Main	16 x 13		Kitchen	Main	15 x 14	Eat-in-Kitchen
Bedroom 3	Main	12 x 12		Porch/Balcony	Main	33 x 12	
Dining Room	Main	13 x 12		Porch/Balcony	Main	37 x 5	
Living Room	Main	21 x 18		Patio/Deck	Main	18 x 12	
				Utility Room	Main	8 x 7	

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Trash Compactor; Washer
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Laminate; Tile
Pets Allowed: Yes
House Orientation: E
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace; Jetted Tub; Split Bedroom; Inside Laundry
Land: Golf Course Community; On Golf Course; Wooded
Miscellaneous: Golf Community; Jetted Tub; Security System
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well; Outbuilding; Storm Shutters
Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: 2+ Porches/Decks; Front; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Attractive updated 3 bedroom/2 bath pool home in popular Tomoka Oaks, located directly on the golf course. Open floor plan w/ dining room & great room opening to kitchen. Bells & whistles include custom built-in cabinetry throughout the home. Great room boasts electric, remote control fireplace, & 2 sets of sliding glass doors leading to large screened lanai & pool plus paver patio w/ golf course setting, lush professional landscaping & sunsets in the evening. Updated kitchen w/ Corian countertops, large island w/ granite top + all walls w/ custom cabinets. Updated baths w/ cultured marble/granite counters. Master bath w/ jetted tub & door to pool. Plantation shutters throughout living areas & wood blinds in 1 BR. All appliances stay, including washer & dryer. See "MORE additiona

Showing Instructions:
Directions: Nova Rd to Tomoka Oaks Blvd, then left on S. St. Andrews to Oakmont Cir on Right. continue to 42
Legal: LOT 15 BLK 17 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG 81 PER OR 1900 PG 1496 PER DC 2826 PG 1537 PER OR 4666 PG 1315 PER OR 7159 PG 3039 PER OR 7160 PG 4788
Parcel ID Link: 3242-10-17-0150
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $151.41
Sold/Leased Date: 08/15/2018



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Residential
Closed
MLS# 1043567

37 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $263,250
Sold/Leased Price: $260,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$263,250	**Style:**	Single Family	**Tax ID:**	3242-10-08-0180
List Price/SqFt:	$181.3	**Subdivision:**	Tomoka Oaks	**Zoning:**	Single Family
Sold Price/SqFt:	179.06	**Unit #:**		**Homestead Exempt:**	Yes
Bedrooms:	3				
Baths - Total:	2	**Year Built:**	1964		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	1,452	**Water:**	City		
SqFt - Total:	2,576				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Road to Tomoka Oaks Blvd, R on N. St. Andrews, Left on 2nd Pine Valley Circle, house on Left

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	14 x 11		Kitchen	Main	14 x 11	
Bedroom 2	Main	14 x 11					
Bedroom 3	Main	11 x 10					
Dining Room	Main	11 x 10					
Living Room	Main	15 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Modern
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Tile
Pets Allowed: No
Financing: OWC - FHA/VA
Heating: Central
Inside: Ceiling Fans
Land: Golf Course Community
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Pool: Inground Private; Salt Water Chlorinator; Screened
Porch: Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: NOTHING LIKE IT, currently listed on the market in this neighborhood! STUNNING POOL HOME, in the highly sought after Tomoka Oaks subdivision! Beautifully renovated 3 bed, 2 bath with Saltwater pool, boasting over 1400 square feet. CHARM GALORE and attention to detail is every where from the porcelain tile plank style contemporary floors (2016), to the renovated kitchen with granite (2016) and stainless appliances. Bathrooms are modern and bright, Interior and Exterior of the home has been painted, new pool screen, new landscaping, and much more. This home would make anyone happy and it is priced right for the new owners to begin enjoying the Florida lifestyle in their new pool!All information recorded in the MLS is intended to be accurate but not guaranteed.

Showing Instructions:
Directions: Nova Road to Tomoka Oaks Blvd, R on N. St. Andrews, Left on 2nd Pine Valley Circle, house on Left
Legal: LOT 18 BLK 8 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 3883 PG 4380 PER OR 6379 PG 2658 PER OR 6821 PG 3393 PER OR 7201 PG 3207
Parcel ID Link: 3242-10-08-0180
Supra: Yes **Dispute Res:**

Sold Price Sqft: $179.06
Sold/Leased Date: 09/25/2018



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Residential
Closed
MLS# 1043357

57 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $424,900
Sold/Leased Price: $400,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$424,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$98.58	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-14-0180
Sold Price/SqFt:	92.81	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	5			**Homestead Exempt:**	Yes
Baths - Total:	4	**Year Built:**	1968		
Full / Half Baths	4 / 0	**Sewer:**	City		
		Water:	City		
Living Area:	4,310				
SqFt - Total:	5,410				
SqFt Source:	Other				
Lot Size:	111x123				

Directions: N on Nova from Granada, L into Tomoka Oaks. Bear L at flag pole to S St Andrews
Virtual Tour: Click to View Virtual Tour
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 15		Bonus Room	Upper	24 x 18	
Bedroom 2	Main	14 x 12		Florida Room	Main	21 x 11	
Bedroom 3	Main	13 x 12		Kitchen	Main	27 x 16	
Bedroom 4	Main	12 x 11		Porch/Balcony	Upper	23 x 13	
Bedroom 4	Main	11 x 11		Patio/Deck	Main	24 x 17	
Dining Room	Main	16 x 12					
Family Room	Main	20 x 12					
Living Room	Main	23 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Multiple Units
Appliances: Cooktop; Dishwasher; Double Oven; Microwave; Refrigerator
Architecture: Ranch; Other
Building: 1 Story; 2 Stories
Construction: Concrete Block; Frame; Other
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: Yes
House Orientation: SE
Heating: Central; Electric
Inside: 1 Bedroom Down; 2 Bedrooms Down; Ceiling Fans; Fireplace; Split Bedroom; Wet Bar
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Home Warranty; Homeowners Association; In-Law Suite
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached; Oversized; RV/Boat
Pool: Inground Private; Salt Water Chlorinator
Porch: Patio; Screened
Road: Paved
Roof: Shingle; Other
Special Conditions: None

Remarks: AMAZING ORMOND MOVE-IN READY HOME!!! Discover the wonders of this Surprisingly Spacious 5,400 sq ft Gorgeous Home with CHARM & Floorplan Design Flexibility for your busy lifestyle! How would you LOVE room enough for a Home Office, In-Laws AND Huge Loft? ALL 5 bedrooms & 4 baths on first level! Stunning Kitchen with Granite, Stainless-Steel appliances & Double Ovens! Beautiful Master Suite with Freestanding Tub, Double Vanity & all LED lighting. BEAMING Brazilian Cherry Solid Wood floors, Porcelain Tile & Crown Molding make a perfect backdrop to any interior color/style choice! Super-Sized garage & circular drive accommodates all!! In-ground, salt chlorinated pool. 2015 Roof & Gutters. Newer windows. Termite Bond & small RV/Boat parking. 1 yr Home Warranty.

Showing Instructions:
Directions: N on Nova from Granada, L into Tomoka Oaks. Bear L at flag pole to S St Andrews
Legal: LOT 18 & E 10 FT MEAS ON S/L OF LOT 17 BLK 14 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3-A MB 27 PG 285 PER OR 4676 PGS 2939-2940 PER OR 5393 PG 3168 PER OR 6419 PG 4270 PER OR 6486 PG 3904
Parcel ID Link: 3242-10-14-0180
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $92.81
Sold/Leased Date: 11/08/2018



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Residential
Closed
MLS# 1048771

3 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $299,900
Sold/Leased Price: $271,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$299,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$129.94	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-07-0020
Sold Price/SqFt:	117.42	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1964		
Full / Half Baths	3 / 0	**Sewer:**	City		
		Water:	City		
Living Area:	2,308				
SqFt - Total:	2,308				
SqFt Source:	Owner				
Lot Size:	100x120				

Directions: Nova Road North to Tomoka Oaks entrance, Left into Tomoka Oaks, Right on N St Andrews Dr, Left on Pine Valley Circle.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	18 x 14		Kitchen	Main	14 x 10	
Bedroom 2		14 x 11		Porch/Balcony		64 x 15	
Bedroom 3		13 x 11		Utility Room		9 x 6	
Bedroom 4		14 x 9					
Dining Room		14 x 10					
Family Room		15 x 15					
Living Room		20 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range; Refrigerator
Architecture: Other
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Terrazzo; Other

Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom; Inside Laundry
Land: Golf Course Community; On Golf Course
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Attached; Oversized
Porch: Enclosed; Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Popular Tomoka Oaks Subdivision. Mid-Century California home plan built in 1963, owned by one family. 2,308' living area, 3909' total area. A spacious 100' x 120' lot on the 7th hole of the golf course. Courtyard entrance reveals five large floor-to-ceiling plate glass windows and a private sitting area with beautiful landscaping. Block construction with Old Brick front exterior. Formal living and eat-in family rooms boast beautiful Pella sliding glass doors, leading to an awesome 64' by 15' screened-enclosed rear patio with flagstone floor and bricked walls. Formal dining room, four bedrooms plus study, three full baths, separate laundry room and oversized 2-car garage. In-ground sprinkler system with newer irrigation box and operates on well. New garage door.

Showing Instructions:
Directions: Nova Road North to Tomoka Oaks entrance, Left into Tomoka Oaks, Right on N St Andrews Dr, Left on Pine Valley Circle.
Legal: LOT 2 BLK 7 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS58 & 59 PER OR 5246 PG 4778
Parcel ID Link: 3242-10-07-0020
Supra: Yes
Dispute Res:

Sold Price Sqft: $117.42
Sold/Leased Date: 11/29/2018



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Residential
Closed
MLS# 1047519

48 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $349,900
Sold/Leased Price: $340,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$349,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$139.46	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-17-0120
Sold Price/SqFt:	135.51	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4			**Homestead Exempt:**	No
Baths - Total:	3	**Year Built:**	1970		
Full / Half Baths	2 / 1	**Sewer:**	City		
		Water:	City		
Living Area:	2,509				
SqFt - Total:	3,526				
SqFt Source:	Owner				
Lot Size:	100x120				

Directions: Enter Tomoka Oaks from Nova Road, left on S St Andrews, Right on Oakmont Cir, Right on Oakmont cir, follow cir to 48

Virtual Tour:

Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	13 x 12		Kitchen	Main	16 x 12	
Bedroom 2	Main	12 x 9					
Bedroom 3	Main	13 x 9					
Bedroom 4	Main	11 x 9					
Dining Room	Main	13 x 12					
Family Room	Main	18 x 13					
Living Room	Main	17 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Laminate

Pets Allowed:
Financing: OWC - FHA/VA
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Homeowners Association
Outside: Irrigation Sprinkler

Parking: 2 Car Garage; Attached; Oversized
Pool: Inground Private
Porch: Front; Rear
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: TRULY A MUST SEE! COMPLETELY UPDATED AND THE PERFECT HOME FOR ENTERTAINING! Nestled in Tomoka Oaks of Ormond Beach, this 4 bedroom, 2.5 bathroom pool home, sits on an over-sized lot at the edge of the neighborhood's golf fairway for ultimate views. For convenience and effortless entertaining, this brick home wraps around the newly surfaced crystal blue pool. This area also includes multiple covered lanai areas, which offers 5 access points throughout the home. Indoors common areas, include a family room with wood burning fireplace, living room/dining combo, and a spacious magazine-worthy kitchen. This home also boasts over 500 sq. ft. of a truly must see NEW ADDITION sunroom/bonus living area (all permitted and up to code).. This home is covered with gorgeous wood-grained floors and

Showing Instructions:
Directions: Enter Tomoka Oaks from Nova Road, left on S St Andrews, Right on Oakmont Cir, Right on Oakmont cir, follow cir to 48
Legal: LOT 12 BLK 17 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG 81 PER DC 6873 PG 1703 PER OR 7158 PG 1692 PER OR 7382 PG 2816
Parcel ID Link: 3242-10-17-0120
Supra: Yes **Dispute Res:**

Sold Price Sqft: $135.51
Sold/Leased Date: 12/17/2018



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Residential
Closed
MLS# 1043862

124 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $249,000
Sold/Leased Price: $240,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$249,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$123.27	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-34-0110
Sold Price/SqFt:	118.81	**Unit #:**		**Homestead Exempt:**	Yes
Bedrooms:	3				
Baths - Total:	3	**Year Built:**	1978		
Full / Half Baths	2 / 1	**Sewer:**	City		
		Water:	City		
Living Area:	2,020				
SqFt - Total:	2,636				
SqFt Source:	Other				
Lot Size:	100x130				

Directions: take rio pinar towards river bluff
Virtual Tour: Click to View Virtual Tour
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	21 x 15		Kitchen	Main	23 x 12	
Bedroom 2	Upper	17 x 12					
Bedroom 3	Upper	14 x 12					
Living Room	Main	25 x 25					

Acreage: 0 - 1/2
Air Conditioning: Central
Building: 2 Stories
Construction: Brick
Floor Coverings: Carpet; Wood

Pets Allowed:
Heating: Central
Inside: Fireplace
Land: Golf Course Community
Miscellaneous: Golf Community

Parking: 2 Car Garage; RV/Boat
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water

Remarks: Wonderful 2 story, brick home perched among the trees in the desirable golf community of Tomoka Oaks. Spacious, open living and dining room with fireplace lends itself to large gatherings and entertaining. Eat-in kitchen opens to a light filled breakfast area. Convenient half bath on the main floor. Large screened in porch area off the kitchen opens to the backyard. 3 bedrooms, 2 bath upstairs, includes a generous master suite & laundry room. Park like property with expansive backyard and space for a pool also has ample room on the side yard with gated access and poured pad for boat or RV. 2 car garage with additional office space. New roof and newer AC. Must See!

Showing Instructions:
Directions: take rio pinar towards river bluff
Legal: LOT 11 BLK 34 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 167 PER OR 4316 PG 3414
Parcel ID Link: 3242-10-34-0110
Supra: Yes **Dispute Res:**

Sold Price Sqft: $118.81
Sold/Leased Date: 01/10/2019



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Residential
Closed
MLS# 1049681

19 Nottingham Drive, Ormond Beach, FL 32174

Public Display

List Price: $299,900
Sold/Leased Price: $289,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$299,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$123.31	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-24-00-1550
Sold Price/SqFt:	118.83	**Unit #:**		**As Is Cond:**	No
Bedrooms:	3			**Homestead Exempt:**	No
Baths - Total:	3	**Year Built:**	1979		
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	2,432	**Water:**	City		
SqFt - Total:	2,960				
SqFt Source:	Property Appraiser				
Lot Size:	107x176				

Directions: from Granada Blvd. L onto Main Trail, L onto Rio Pinar Trail L onto Baywood Dr R onto River Bluff Dr R onto Nottingham.

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	18 x 14		Kitchen	Main	27 x 10	
Bedroom 2	Upper	14 x 12					
Living Room	Upper	13 x 12					

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Modern
Building: 2 Stories
Construction: Frame
Floor Coverings: Laminate; Tile

Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace; Volume Ceiling
Land: Golf Course Community; Wooded

Parking: 4+ Car Garage; Attached; Detached
Porch: Rear
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: This tastefully remodeled house in sought-after Tomoka Estates is waiting for new owners to turn it into a home. Per Seller upgrades include a extensive kitchen renovation with all new cabinets, granite counter tops, stainless steel appliances for a fantastic cooking experience, new lighting fixtures, new laminate floors throughout the house, renovated guest bathroom, fresh paint inside and out, new siding, new rear deck, some windows were replaced. There is an additional detached 2 car garage. Located within a proximity to golf courses and Tomoka River, this home provides everything you were looking for; "New Roof just installed". Call for your private tour today!

Showing Instructions:
Directions: from Granada Blvd. L onto Main Trail, L onto Rio Pinar Trail L onto Baywood Dr R onto River Bluff Dr R onto Nottingham.
Legal: LOT 155 TOMOKA OAKS UNIT 7-B MB 34 PG 201 PER OR 4455 PG 1711 PER OR 5375 PG 2823 PER OR 7433 PGS 0117-0118
Parcel ID Link: 3242-24-00-1550
Supra: No **Dispute Res:**

Sold Price Sqft: $118.83
Sold/Leased Date: 01/17/2019



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Residential
Closed
MLS# 1047700

110 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $309,900
Sold/Leased Price: $300,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$309,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$136.94	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-20-0200
Sold Price/SqFt:	132.57	**Unit #:**		**Zoning:**	Single Family
Bedrooms:	3			**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1975	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	2,263	**Water:**	City		
SqFt - Total:	3,955				
SqFt Source:	Measured				
Lot Size:	98x140				

Directions: from Granada (Rt 40), N on Nova to L on Tomoka Oaks Blvd, 1st R on N. St. Andrews house on L

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	18 x 14		Kitchen	Main	16 x 15	
Bedroom 2		14 x 11		Utility Room		10 x 8	
Bedroom 3		13 x 13					
Living Room		26 x 22					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Central Vacuum; Cooktop; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick; Concrete Block
Floor Coverings: Tile
Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler
Parking: 2 Car Garage; Attached; Oversized
Pool: Inground Private; Screened; Solar
Porch: Glass; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: This is what you've been waiting for! Brick pool home on the golf course in sought-after Tomoka Oaks! Brand new roof, porch roof, pool screen enclosure and resurfaced and sealed Chattahoochee pool deck! Beautifully maintained, open floor plan, over-sized rooms, eat-in-kitchen, butler's pantry, corner unit, gas FP, incredible storage - extra storage space closet is 8.5x7 and one of the master closets has it's own drawer system! This house will not disappoint! Come see it today before it's gone!

Showing Instructions:
Directions: from Granada (Rt 40), N on Nova to L on Tomoka Oaks Blvd, 1st R on N. St. Andrews house on L
Legal: LOT 20 BLK 20 UNIT 2 TOMOKA OAKS COUNTRY CLUB ESTATES MB 31 PG 166 PER OR 3984 PGS 1394-1395 PER OR 4591 PG 1678
Parcel ID Link: 3242-10-20-0200
Supra: Yes **Dispute Res:**

Sold Price Sqft: $132.57
Sold/Leased Date: 01/18/2019



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Residential Closed
MLS# 1050600

3 Eagle Drive, Ormond Beach, FL 32174

Public Display

List Price: $259,900
Sold/Leased Price: $245,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$259,900	**Style:**	Single Family	**Tax ID:**	3242-26-00-1610
List Price/SqFt:	$102.36	**Subdivision:**	Tomoka Oaks	**Homestead Exempt:**	Yes
Sold Price/SqFt:	96.49	**Unit #:**			
Bedrooms:	3				
Baths - Total:	2	**Year Built:**	1979		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	2,539	**Water:**	City		
SqFt - Total:	3,114				
SqFt Source:	Property Appraiser				
Lot Size:	105x120				

Directions: North on Nova to Tomoka Oaks, left onto Rio Pinar. Go through stop to Eagle Drive.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 14		Florida Room	Main	33 x 19	
Bedroom 2	Main	14 x 13		Kitchen	Main	9 x 8	
Bedroom 3	Main	14 x 13		Kitchen	Main	10 x 6	Eat-in-Kitchen
Dining Room	Main	13 x 11		Utility Room	Main	6 x 4	
Family Room	Main	20 x 14					
Living Room	Main	15 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump; Wall/Window Units
Appliances: Dishwasher; Dryer; Icemaker; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile; Wood
Pets Allowed: Yes
Financing: OWC - FHA/VA
Heating: Central; Electric; Heat Pump
Inside: Accessibility; Ceiling Fans; Fireplace; Split Bedroom; Volume Ceiling; Inside Laundry
Land: Golf Course Community
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Fenced Yard
Parking: 2 Car Garage
Porch: Front
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Electric; Sewer

Remarks: beautiful 3 bedroom, 2 bath, 2 car garage home in the very desirable Tomoka Oaks golf community. Impeccable hard wood Brazilian Hickory floors through out home. Split floor plan with spacious master suite which includes a completely remodeled private master bath with granite counter tops, his & her vanity sinks, grey plank tile flooring and a luxurious pebble stone stand up shower(a must see) Home sits on an over-sized lot with great curb appeal and fenced in back yard. Upon entering, the feel of old world Spanish court yard patio greet you . Volume ceilings for that airy open feeling & ceiling fans through out home. Formal living room, formal dining room, and large family room with a wood burning fireplace to create a warm ambiance for the whole family to enjoy. Central to every hom

Showing Instructions:
Directions: North on Nova to Tomoka Oaks, left onto Rio Pinar. Go through stop to Eagle Drive.
Legal: LOT 161 TOMOKA OAKS UNIT 7-C MB 35 PGS 46-47 INC PER OR 2193 PG 0957 PER OR 7401 PG 1196
Parcel ID Link: 3242-26-00-1610
Supra: Yes
Dispute Res:

Sold Price Sqft: $96.49
Sold/Leased Date: 03/29/2019



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Residential
Closed
MLS# 1053555

47 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $274,900
Sold/Leased Price: $274,900

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$274,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$158.9	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-11-00-0050
Sold Price/SqFt:	158.9	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	Yes
Baths - Total:	2	**Year Built:**	1978		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	1,730	**Water:**	City		
SqFt - Total:	2,857				
SqFt Source:	Property Appraiser				
Lot Size:	100x213				

Directions: North on Nova, Left into Tomoka Oaks, Right at N St Andrews.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	19 x 15		Florida Room		26 x 11	
Bedroom 2		14 x 10		Kitchen	Main	13 x 10	
Bedroom 3		10 x 10		Utility Room		13 x 4	
Dining Room		17 x 13					
Living Room		23 x 17					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile

Pets Allowed:
Heating: Central
Inside: Ceiling Fans
Land: Golf Course Community
Outside: Fenced Yard

Parking: 2 Car Garage; Oversized; RV/Boat
Pool: Inground Private
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: BEAUTIFUL 3 BEDROOM 2 BATH POOL HOME IN TOMOKA OAKS. HOME SITS ON ALMOST 1/2 AN ACRE, WITH CIRCULAR DRIVEWAY, AND RV/BOAT PARKING! LARGE GATHERING ROOM AND SPLIT FLOOR PLAN. THE SPACIOUS DINING ROOM IS ADJACENT TO THE OPEN CONCEPT KITCHEN GRACED WITH BREAKFAST BAR AND STAINLESS STEEL APPLIANCES, WITH TONS OF COUNTER SPACE. SOME OF THE FEATURES THAT YOU WILL FIND IN THIS COZY HOME ARE, NEW ROOF AND NEWER A/C, TILED KITCHEN AND UPDATED BATHROOMS. LARGE MASTER SUITE WITH WALK-IN CLOSET, AND 2 ADDITIONAL WELL SIZED GUEST BEDROOMS. FROM THE LIVING ROOM STEP INTO THE TILED, ENCLOSED PORCH/FLORIDA ROOM. GREAT PLACE TO SIT AND RELAX ENJOYING THE GORGEOUS BACKYARD. FENCED IN FOR ADDED PRIVACY, THE BACKYARD FEATURES A SALTWATER POOL WITH SPA AND MATURE TREES THAT PROVIDE GREAT SHADE. TOMOKA OAKS

Showing Instructions:
Directions: North on Nova, Left into Tomoka Oaks, Right at N St Andrews.
Legal: LOT 5 TOMOKA OAKS SUB UNIT 5 MB 34 PG 142 PER OR 5144 PG 3522 PER OR 6814 PG 1466 PER OR 6902 PG 3685 PER OR 7436 PG 2384
Parcel ID Link: 3242-11-00-0050
Supra: Yes **Dispute Res:**

Sold Price Sqft: $158.9
Sold/Leased Date: 05/02/2019



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Residential
Closed
MLS# 1052940

2 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $333,000
Sold/Leased Price: $305,000

Area: 43 - Ormond S of Granada, W of 95 **County:** Volusia



List Price:	$333,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$139.92	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-08-0020
Sold Price/SqFt:	128.15	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	5			**Homestead Exempt:**	Yes
Baths - Total:	3.5	**Year Built:**	1966		
Full / Half Baths	3 / 1	**Sewer:**	City		
Living Area:	2,380	**Water:**	City		
SqFt - Total:	2,962				
SqFt Source:	Property Appraiser				
Lot Size:	76x120				

Directions: North from Granada and Nova to Tomoka Oaks
Virtual Tour: Click to View Virtual Tour
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 15		Bonus Room	Upper	13 x 10	
Bedroom 2	Upper	15 x 11		Kitchen	Main	20 x 12	
Bedroom 3	Upper	13 x 10		Porch/Balcony	Main	15 x 14	
Bedroom 4	Upper	13 x 11		Patio/Deck	Main	17 x 11	
Dining Room	Main	13 x 11		Patio/Deck	Main	15 x 14	
Family Room	Main	19 x 11		Patio/Deck	Main	12 x 4	
Living Room	Main	16 x 13		Utility Room	Main	11 x 7	

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Colonial
Building: 2 Stories
Construction: Concrete Block
Floor Coverings: Carpet; Wood

Pets Allowed:
Financing: OWC - FHA/VA
House Orientation: E
Heating: Central; Electric; Heat Pump
Inside: 1 Bedroom Down; Cathedral Ceiling; Ceiling Fans; Fireplace
Land: Corner Lot; Golf Course Community
Miscellaneous: Golf Community; Homeowners Association
Outside: Fenced Yard; Irrigation Well; Public Bus; Storm Shutters; Utility Shed

Parking: 2 Car Garage
Porch: 2+ Porches/Decks; Front; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: Agent Owned; None
Util for Land Only: City Water; Sewer; Well

Remarks: Great home in beautiful Tomoka Oaks! 5 bed / 3.5 baths total, with 4 beds and 2 baths up and a large master bedroom and 1.5 baths down! Open kitchen and family room, screened in back porch and 2 car (drive through) garage! Large indoor laundry room. Kitchen recently remodeled with natural maple cabinets. One year old appliances, wood burning fireplace or electric. Hardwood floors in kitchen and family room. Large fenced in backyard for your pets. On oversized lot. Room for an RV or boat in fenced in side yard. Large rubbermaid garden shed. Pella double pane windows. Automatic sprinkler system. Separate HVAC system upstairs and downstairs. New hot water heater. Hurricane panels. Homeowners association fee $70 annually (optional). Great place for bike riding, jogging or walking. Close to...

Showing Instructions:
Directions: North from Granada and Nova to Tomoka Oaks
Legal: LOT 2 BLK 8 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 2230 PG 0047
Parcel ID Link: 3242-10-08-0020
Supra: Yes **Dispute Res:**

Sold Price Sqft: $128.15
Sold/Leased Date: 05/04/2019



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Residential Closed
MLS# 1057409

16 Eagle Court, Ormond Beach, FL 32174

Public Display

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia

List Price: $375,000

Sold/Leased Price: $355,000



List Price:	$375,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$142.42	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-26-00-0740
Sold Price/SqFt:	134.83	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1979		
Full / Half Baths	3 / 0	**Sewer:**	City		
Living Area:	2,633	**Water:**	City		
SqFt - Total:	3,330				
SqFt Source:	Property Appraiser				
Lot Size:	100x125				

Directions: go on to N St Andrews, then to Eagle Court, on Left side of road
Virtual Tour: Click to View Virtual Tour
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	14 x 12		Kitchen	Main	25 x 11	
Dining Room		14 x 13		Utility Room		9 x 6	
Family Room		21 x 17					
Living Room		18 x 18					

1st Floor: Slab
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Double Oven; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile
Pets Allowed:
Heating: Central; Electric
Inside: Cathedral Ceiling; Ceiling Fans; Split Bedroom; Inside Laundry
Land: Golf Course Community; On Golf Course
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Sewer

Remarks: This is a beautiful and unique home in popular Tomoka Oaks Subdivision. Almost 2700 sq feet of living area & 3300 total area. Over-sized 2 car garage. Nice pavers on driveway and additional circular driveway. The backyard is over looking the golf course. Updated kitchen is very large and has an eat-in kitchen. Stainless steel refrigerator & dishwasher. A cooktop and built in double oven. 3 large bedrooms,3 remodeled bathrooms. Family room has a stone fireplace, built in shelves, wet bar and sliding shutters which can cover the sliding doors. Separate dining room with cabinets. Tile floors in the kitchen and dining room. Inside laundry room with utility sink. Split bedrooms. Lots of storage splace.Owners put a money saving, solar system for the house. Well-maintained home & it shows!

Showing Instructions:
Directions: go on to N St Andrews, then to Eagle Court, on Left side of road
Legal: LOT 74 TOMOKA OAKS UNIT 7-C MB 35 PGS 46-47 INC PER OR 4175 PGS 1674-1675 PER OR 7517 PG 1604 PER OR 7577 PG 0550
Parcel ID Link: 3242-26-00-0740
Supra: Yes
Dispute Res: No

Sold Price Sqft: $134.83
Sold/Leased Date: 06/21/2019



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Residential
Closed
MLS# 1053804

231 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $369,900
Sold/Leased Price: $363,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$369,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$132.87	**Subdivision:**	Tomoka Oaks	**Tax ID:**	324223000920
Sold Price/SqFt:	130.39	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	4	**Year Built:**	1978	**Homestead Exempt:**	Yes
Baths - Total:	3	**Sewer:**	City		
Full / Half Baths	3 / 0	**Water:**	City		
Living Area:	2,784				
SqFt - Total:	4,200				
SqFt Source:	Property Appraiser				
Lot Size:	105x140				

Directions: E on Granada to N on Nova. L on Tomoka Oaks Blvd, L on S. St. Andrews, R on Rio Pinar, house on R

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 12		Kitchen	Main	15 x 9	
Bedroom 2		15 x 12		Patio/Deck		39 x 18	
Bedroom 3		15 x 12					
Bedroom 4		16 x 12					
Dining Room		15 x 12					
Living Room		21 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Frame; Siding
Floor Coverings: Tile
Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Jetted Tub
Maint Fee Covers: NA
Outside: Irrigation Sprinkler
Parking: 2 Car Garage; Attached
Porch: Patio; Rear
Road: Paved
Roof: Metal
Special Conditions: None

Remarks: One word describes this home - STUNNING! You will notice every detail is beautifully done. Gourmet kitchen, spacious living space with impressive, wood burning fireplace, 4 bedrooms and 3 full baths with 2 Master Suites, each with separate entrance! Warm and welcoming with an abundance of natural light, this home offers everything you could want along with the peace of mind that comes with a new metal roof, new windows and exterior doors,new Hardy Board siding, new landscaping and rear, concrete patio, newer AC system and transferable termite bond. All information intended to be accurate but cannot be guaranteed.

Showing Instructions:
Directions: E on Granada to N on Nova. L on Tomoka Oaks Blvd, L on S. St. Andrews, R on Rio Pinar, house on R
Legal: LOT 92 TOMOKA OAKS UNIT 7A MB 34 PGS 162-164 INC PER OR 4906 PG 3672 PER OR 6153 PG 1927 PER OR 6210 PG 4126 PER OR 6227 PGS 3644-3645 PER OR 6243 PGS 0051-0056 INC PER OR 6325 PGS 1997-1999 INC
Parcel ID Link: 324223000920
Supra: No **Dispute Res:**

Sold Price Sqft: $130.39
Sold/Leased Date: 06/21/2019



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Residential
Closed
MLS# 1054992

43 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $279,900
Sold/Leased Price: $275,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$279,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$132.97	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-11-00-0030
Sold Price/SqFt:	130.64	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	Yes
Baths - Total:	2	**Year Built:**	1978		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	2,105	**Water:**	City		
SqFt - Total:	2,501				
SqFt Source:	Property Appraiser				
Lot Size:	100x213				

Directions: North on Nova, Left into Tomoka Oaks, Right at N St Andrews.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15 x 11		Kitchen	Main	10 x 10	
Bedroom 2		12 x 10		Kitchen		15 x 14	Eat-in-Kitchen
Bedroom 3		12 x 10					
Dining Room		14 x 10					
Family Room		20 x 20					
Living Room		14 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Laminate; Tile
Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Fenced Yard
Parking: Driveway Only
Porch: Patio; Rear
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: CHARMING 3 BEDROOMS 2 BATH HOME IN BEAUTIFUL TOMOKA OAKS. SO MANY UPGRADES HAVE ALREADY BEEN DONE TO THIS HOME TO INCLUDE, 2018 ROOF WITH BRAND NEW SOFFIT, 2017 HVAC, NEW WATER HEATER, NEW FENCE IN BACKYARD, BRING YOUR BOAT! HOME HAS BEEN FRESHLY PAINTED INSIDE AND OUT, THERE ARE CUSTOM FAUX BLINDS THROUGHOUT AND NEW CONCRETE LANAI WITH INSULATED ALUMINUM ROOF. EXTENSIVE USE OF TILE, AND LAMINATE, NO CARPET! THE KITCHEN FEATURES NEWER APPLIANCES, AND COMFORTABLE EAT IN AREA. LARGE GATHERING ROOM WITH BEAUTIFUL BRICK FIREPLACE. LARGE BACKYARD WITH SHED, PLENTY OFF ROOM FOR A POOL! EASY TO SHOW

Showing Instructions:
Directions: North on Nova, Left into Tomoka Oaks, Right at N St Andrews.
Legal: LOT 3 TOMOKA OAKS SUB UNIT 5 MB 34 PG 142 PER OR 5074 PG 2473 PER OR 6507 PG 0283 PER OR 7538 PG 4500 PER OR 7537 PG 986
Parcel ID Link: 3242-11-00-0030
Supra: Yes
Dispute Res:

Sold Price Sqft: $130.64
Sold/Leased Date: 07/01/2019



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Residential
Closed
MLS# 1057888

49 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $240,000
Sold/Leased Price: $218,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$240,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$126.85	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	115.22	**Unit #:**		**Tax ID:**	3242-10-08-0240
Bedrooms:	3	**Location:**	W	**Zoning:**	Single Family
Baths - Total:	2	**Year Built:**	1967	**As Is Cond:**	Yes
Full / Half Baths	2 / 0	**Sewer:**	City	**Homestead Exempt:**	No
Living Area:	1,892	**Water:**	City		
SqFt - Total:	2,672	**Acreage:**	12		
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: Nova Road to Tomoka Oaks Blvd. Keep to the Right to N. St. Andrews Dr. Left on 2nd Pine Valley Circle to 49 on Left.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15 x 12		Kitchen	Main	16 x 11	
Bedroom 2	Main	12 x 11		Porch/Balcony	Main	17 x 12	
Bedroom 3	Main	12 x 11		Patio/Deck	Main	17 x 14	
Dining Room	Main	15 x 15					
Family Room	Main	16 x 15					
Living Room	Main	18 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Dryer; Range; Refrigerator; Washer
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Stone; Terrazzo
Pets Allowed: Yes
Financing: OWC - FHA/VA
House Orientation: W
Heating: Central; Electric; Heat Pump
Inside: Fireplace; Split Bedroom
Land: Golf Course Community; Wooded
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Porch: Front; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: This charming home in popular Tomoka Oaks has a great feeling of being at home, beginning with the inviting front entrance with a patio. Both formal living and dining, plus an inviting family room with a fireplace and sliding doors to the screened lanai. Kitchen opens to the family room. Master suite has a wall of of closets and en suite bath. Split plan offers two more bedrooms and a bath on the opposite side of home. Large ceiling to floor windows and sliding glass doors in living, dining and family rooms. The inviting screened lanai is a place to spend hours enjoying the lush tropical landscaping. Front and back patios among to enjoy the outside. A must to see at this great price. Measurements are rounded. HOA is $65/year but not mandatory. Convenient to shopping and banks.

Showing Instructions:
Directions: Nova Road to Tomoka Oaks Blvd. Keep to the Right to N. St. Andrews Dr. Left on 2nd Pine Valley Circle to 49 on Left.
Legal: LOT 24 BLK 8 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58 & 59 PER OR 4111 PG 2748 & OR 6811 PG 4089
Parcel ID Link: 3242-10-08-0240
Supra: Yes **Dispute Res:**

Sold Price Sqft: $115.22
Sold/Leased Date: 07/31/2019



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Residential
Closed
MLS# 1056672

129 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $325,000
Sold/Leased Price: $320,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$325,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$73.68	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	72.54	**Unit #:**		**Tax ID:**	3242-23-00-1000
Bedrooms:	5	**Year Built:**	1978	**Zoning:**	Single Family
Baths - Total:	5	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	4 / 1	**Water:**	City	**Homestead Exempt:**	No
Living Area:	4,411	**Acreage:**	0		
SqFt - Total:	5,052				
SqFt Source:	Property Appraiser				
Lot Size:	120 x 140				

Directions: East on Granada, Nova Rd, Left on Tomoka Oaks Blvd, S on St Andrews, Right on Rio Pinar Dr.

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	14 x 12		Bonus Room	Main	37 x 26	
Bedroom 2	Upper	17 x 12		Bonus Room	Upper	16 x 11	
Bedroom 3	Upper	13 x 13		Den	Upper	14 x 12	
Bedroom 4	Upper	13 x 9		Kitchen	Main	26 x 14	
Dining Room	Main	12 x 12					
Family Room	Main	19 x 19					
Living Room	Main	25 x 16					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Central Vacuum; Dishwasher; Refrigerator
Architecture: Modern
Building: 2 Stories
Construction: Frame
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: W
Heating: Central
Inside: 1 Bedroom Down; Fireplace; Split Bedroom
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: SELLER IS MOTIVATED! $100,,000 PRICE REDUCTION! FABULOUS FAMILY HOME! 5 BEDROOMS*HUGE PARTY ROOM*2 MASTER SUITES* 2 FIREPLACES*LARGE EAT IN KITCHEN*BUILT FOR ENTERTAINING* PERFECT FOR COMBINED FAMILIES*OVER 4400+SQFLV *CANNOT BUILD FOR THIS PRICE* FORMAL LIVING*FORMAL DINING*GREAT ROOM W/VAULTED CEILINGS*PRIVATE OFFICE W/SKYLIGHTS*STORAGE GALORE*INSIDE LAUNDRY*SECURITY SYSTEM* ALL CONVENIENTLY LOCATED IN THE HEART OF ORMOND BEACH. SHORT DRIVE TO SCHOOLS,MEDICAL, BEACH, RACETRACK, AIRPORT & HIGHWAYS.

Showing Instructions:
Directions: East on Granada, Nova Rd, Left on Tomoka Oaks Blvd, S on St Andrews, Right on Rio Pinar Dr.
Legal: LOT 100 TOMOKA OAKS UNIT 7A MB 34 PGS 162 TO 164 INC PER OR 5216 PG 3357
Parcel ID Link: 3242-23-00-1000
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $72.55
Sold/Leased Date: 08/09/2019



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Residential
Closed
MLS# 1057859

64 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $331,900
Sold/Leased Price: $316,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$331,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$115.97	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	110.41	**Unit #:**		**Tax ID:**	3242-10-18-0160
Bedrooms:	4	**Year Built:**	1969	**Zoning:**	Single Family
Baths - Total:	4	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	4 / 0	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	2,862	**Acreage:**	0.41		
SqFt - Total:	3,612				
SqFt Source:	Property Appraiser				
Lot Size:	100 x 178				

Directions: East on Granada, North on Nova, Left into Tomoka Oaks, Left on S. St Andrew
Virtual Tour:
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	26 x 13		Den	Main	13 x 9	
Bedroom 2	Main	17 x 14		Kitchen	Main	13 x 13	
Bedroom 3	Main	14 x 11		Porch/Balcony	Main	27 x 11	
Bedroom 4	Main	13 x 11		Patio/Deck	Main		
Dining Room	Main	14 x 11					
Family Room	Main	17 x 13					
Living Room	Main	25 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Range; Refrigerator; Solar Hot Water
Architecture: Ranch
Building: 1 Story
Construction: Frame
Floor Coverings: Carpet; Laminate; Tile
Pets Allowed: Yes
House Orientation: N
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom
Land: Golf Course Community
Maint Fee Covers: NA
Outside: Irrigation Well
Parking: Attached
Pool: Inground Private; Screened
Porch: Patio
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: DESIRABLE TOMOKA OAKS NEIGHBORHOOD POOL HOME! Wonderful 4bed/4bath family home that offers endless possibilities with it's floor plan design. 2 Master suites and a separate inlaw/guest suite w/kitchenette. Interior features 2 fireplaces- Formal living & dining rooms and open style kitchen overlooking the family room. Kitchen features large center island/breakfast bar w/granite counters, buffet server and is idea for family entertaining. Recent Improvements inlude-Fresh Paint and new carpet in all bedrooms 2019. Roof 2017, Windows Replaced recently. Large enclosed porch & Screened Pool area and patio perfect for enjoying the Florida Lifestyle! Other notable features- inside laundry, sun tunnels, wheelchair accessible, solar hotwater heater, split bedroom plan, flex space /office, 3 bedrooms

Showing Instructions:
Directions: East on Granada, North on Nova, Left into Tomoka Oaks, Left on S. St Andrew
Legal: LOT 16 BLK 18 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG 285 PER OR 4397 PG 2736
Parcel ID Link: 3242-10-18-0160
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $110.41
Sold/Leased Date: 08/16/2019



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 1059151

4 Pebble Beach Drive, Ormond Beach, FL 32174

Public Display

List Price: $319,900
Sold/Leased Price: $302,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$319,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$166.53	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	157.21	**Unit #:**		**Tax ID:**	3242-10-06-0030
Bedrooms:	4	**Year Built:**	1965	**Zoning:**	Single Family
Baths - Total:	2	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 1	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	1,921				
SqFt - Total:	2,713				
SqFt Source:	Property Appraiser				
Lot Size:	144x101				

Directions: From 40, go N on Nova Rd 1 mile to Tomoka Oaks Blvd & turn L; go to St Andrews Dr & turn R; follow to Pebble Beach Drive

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	15 x 15		Kitchen	Main	13 x 12	
Bedroom 2	Upper	12 x 12		Patio/Deck	Lower	45 x 21	
Bedroom 3	Upper	11 x 9					
Bedroom 4	Main	12 x 10					
Dining Room	Main	13 x 9					
Family Room	Main	15 x 14					
Living Room	Lower	21 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Traditional
Building: 2 Stories
Construction: Brick; Frame; Siding
Floor Coverings: Tile; Wood

Pets Allowed:
Financing: OWC - FHA/VA
House Orientation: E
Heating: Central
Inside: 1 Bedroom Down; Ceiling Fans; Inside Laundry
Land: Golf Course Community
Miscellaneous: Golf Community; Security System
Maint Fee Covers: NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well

Parking: 2 Car Garage; Oversized
Pool: Inground Private; Screened
Porch: Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: Agent Owned; None

Remarks: A beautifully UPDATED and SPACIOUS home in the highly desired Tomoka Oaks subdivision! This is a very unique 4 Bedroom/2.5 bath split-level POOL home on a LARGE FENCED lot in the HEART of Ormond Beach! Entry to the lower level is from both the front and garage doors. This level offers a Bedroom, Living Room, half bath and laundry area with access to the pool deck. Up four stairs is the open concept main level - offering an updated kitchen with shaker cabinets, stainless steel appliances, gorgeous granite countertops with breakfast bar, dining room and a family room. All having a bright mood from the light brought in by the lovely bay window, where you will have endless views of the rear yard and pool area!

Showing Instructions:
Directions: From 40, go N on Nova Rd 1 mile to Tomoka Oaks Blvd & turn L; go to St Andrews Dr & turn R; follow to Pebble Beach Drive
Legal: LOT 3 EXC N 10 FT BLK 6 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58-59 INC PER OR 4318 PG 2242 PER OR 6675 PGS 2015-2016
Parcel ID Link: 3242-10-06-0030
Supra: No **Dispute Res:**

Sold Price Sqft: $157.21
Sold/Leased Date: 09/12/2019



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Residential
Closed
MLS# 1054754

47 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $269,900
Sold/Leased Price: $260,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$269,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$143.64	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	138.37	**Unit #:**		**Tax ID:**	3242-10-10-0140
Bedrooms:	3	**Year Built:**	1968	**Zoning:**	Single Family
Baths - Total:	2	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 0	**Water:**	City	**Homestead Exempt:**	Yes
Living Area:	1,879	**Acreage:**	0		
SqFt - Total:	3,080				
SqFt Source:	Property Appraiser				
Lot Size:	105 x 130				

Directions: East on Granada, North on Nova, Left in Tomoka Oaks, Left to S. St Andrews.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	20 x 15		Kitchen	Main	10 x 8	
Bedroom 2	Main	11 x 10		Porch/Balcony	Main	30 x 13	
Bedroom 3	Main	11 x 10		Patio/Deck	Main	16 x 15	
Dining Room	Main	11 x 10					
Family Room	Main	17 x 15					
Living Room	Main	17 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Wood
Pets Allowed: Yes
Heating: Central
Inside: Ceiling Fans; Fireplace; Jetted Tub
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Security System
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Porch: Front; Patio
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: TOMOKA OAKS! This single story 3bed/2bath concrete block construction home is ready for it's new owners. Well maintained home features a New Roof, Wood Floors, double sided gas fireplace and oak custom cabinetry in the kitchen. Formal living room w/beautiful bay window, formal dining room w/pass through to kitchen and wonderful family room. Master bedroom and bath features walk in closet, sitting area, jetted tub and walk in shower. Beds 2 & 3 are ample in size and closet space. Exterior features fabulous front porch area, rear brick pavered patio and attached 2 car garage and lush landscaping. Easy to show. See agent remarks.

Showing Instructions:
Directions: East on Granada, North on Nova, Left in Tomoka Oaks, Left to S. St Andrews.
Legal: LOTS 14 & 13 BLK 10 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG 285 PER OR 6232 PG 1490.
Parcel ID Link: 3242-10-10-0140
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $138.37
Sold/Leased Date: 09/24/2019



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Residential
Closed
MLS# 1059057

14 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $267,000
Sold/Leased Price: $254,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$267,000	**Style:**	Single Family	**Special Contingency:**	Yes
List Price/SqFt:	$99.66	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-15-0180
Sold Price/SqFt:	94.81	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	6			**Homestead Exempt:**	Yes
Baths - Total:	3	**Year Built:**	1972		
Full / Half Baths	3 / 1	**Sewer:**	City		
Living Area:	2,679	**Water:**	City		
SqFt - Total:	3,079				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: BN on Nova Rd from SR40, W on Tomoka Oads, L on S St. Andrews, R on Oakmont Circle then next right, house on left.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	14 x 14		Kitchen	Main	12 x 10	
Living Room	Main	18 x 16					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Range
Building: 2 Stories
Construction: Brick
Floor Coverings: Carpet; Tile

Pets Allowed:
House Orientation: E
Heating: Central
Inside: 1 Bedroom Down; Ceiling Fans; Fireplace; Inside Laundry
Land: Golf Course Community
Miscellaneous: Golf Community; Homeowners Association
Maint Fee Covers: Common Area
Outside: Fenced Yard

Parking: 2 Car Garage
Pool: Inground Private
Porch: Patio; Rear
Road: Paved
Roof: Shingle
Special Conditions: Potential Short Sale
Util for Land Only: City Water; Sewer

Remarks: Solid brick six bedroom three and a half bath pool home in Tomoka Oaks. This home has a master bedroom downstairs and upstairs, ceramic tile throughout the home except the carpeted bedrooms, spacious laundry room mature landscaping and an open pool that faces the south and the west. Side entry double garage and a spacious fenced yard. Great home for a growing family.

Showing Instructions:
Directions: BN on Nova Rd from SR40, W on Tomoka Oads, L on S St. Andrews, R on Oakmont Circle then next right, house on left.
Legal: LOT 18 BLK 15 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 A MB 27 PG 285 PER OR 5028 PGS 2095-2096 PER OR 7154 PG 4605
Parcel ID Link: 3242-10-15-0180
Supra: No **Dispute Res:**

Sold Price Sqft: $94.81
Sold/Leased Date: 11/14/2019



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Residential
Closed
MLS# 1060737

52 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $234,900
Sold/Leased Price: $226,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$234,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$128.22	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	123.36	**Unit #:**		**Tax ID:**	3242-10-07-0270
Bedrooms:	3	**Year Built:**	1964	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 0	**Water:**	City		
Living Area:	1,832	**Acreage:**	0.28		
SqFt - Total:	3,012				
SqFt Source:	Property Appraiser				
Lot Size:	100x120				

Directions: I-95 Ormond Beach Exit E on West Granada Left on N Nov L Tomoka Oaks Blvd R on N Saint Andrews L on Pine Valley

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	18 x 12		Kitchen	Main	10 x 10	
Bedroom 2		13 x 11					
Bedroom 3		14 x 11					
Dining Room		17 x 10					
Living Room		28 x 14					

Air Conditioning: Central
Appliances: Dryer; Range; Refrigerator; Washer
Building: 3 - 5 Stories
Construction: Concrete Block
Floor Coverings: Carpet

Pets Allowed:
Heating: Central
Inside: Fireplace; Split Bedroom
Land: On Golf Course
Maint Fee Covers: NA

Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Balcony; Screened
Special Conditions: None

Remarks: Hurry Huge Price Adjustment! Tri Level home offering 3 bedrooms 2 bath, Screened in pool that is nestled on a beautiful lot that sits high on a hill in the stately Tomoka Oaks subdivision with a voluntary HOA that is only 70.00 for the year. Unique open floor plan that is great for a growing or extended family. Upon entering the foyer you will find to the left the dining/great room w/ a fireplace & panoramic wall of windows offering natural light & bright atmosphere. The Kitchen has a breakfast bar that opens to the family room w/ built in cabinets and sliders expanding to the screened in pool. A short set of stairs leads you to the 2 large bedrooms w/ a shared bath & master room w/ private bath & walk in closet. All bedrooms have sliding glass doors that lead out to the large wooden deck.

Showing Instructions:
Directions: I-95 Ormond Beach Exit E on West Granada Left on N Nov L Tomoka Oaks Blvd R on N Saint Andrews L on Pine Valley
Legal: LOT 27 BLK 7 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58 & 59 PER OR 3942 PG 4735 PER OR 6896 PG 4330 PER OR 6970 PG 1727
Parcel ID Link: 3242-10-07-0270
Supra: Yes **Dispute Res:**

Sold Price Sqft: $123.36
Sold/Leased Date: 11/15/2019



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Residential
Closed
MLS# 1061495

119 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $319,900
Sold/Leased Price: $299,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$319,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$124.28	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-19-0080
Sold Price/SqFt:	116.16	**Unit #:**		**As Is Cond:**	Yes
Bedrooms:	3			**Homestead Exempt:**	Yes
Baths - Total:	2	**Year Built:**	1975		
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	2,574	**Water:**	City		
SqFt - Total:	3,252	**Acreage:**	0.42		
SqFt Source:	Property Appraiser				
Lot Size:	130x140				

Directions: East on Granada, Nova Rd, Left on Tomoka Oaks Blvd, S on St Andrews, Right on Rio Pinar Dr.

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 14		Kitchen	Main	15 x 12	
Bedroom 2		17 x 12		Kitchen		12 x 09	Eat-in-Kitchen
Bedroom 3		17 x 12		Utility Room		11 x 06	
Dining Room		16 x 13					
Family Room		18 x 14					
Living Room		22 x 18					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Microwave; Refrigerator
Architecture: Modern
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile; Wood
Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Homeowners Association
Maint Fee Covers: NA
Parking: 2 Car Garage
Porch: Patio; Rear
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Enjoy beautiful views of the golf course from this very well maintained 3BR/2BTH executive home. Enjoy a cup of coffee or a glass of wine from your private rear patio. There is so much to love about this home! Here is what I love: All the rooms are very spacious. There is no issue with full sized adult furniture in any of the bedrooms or accommodating the whole family in either of the living areas or the formal dining room. The home flows very well from room to room. Perfect for entertaining. The home is concrete block & stucco. No rotten siding to worry about here. The kitchen, family room and master bedrooms all have large windows that offer beautiful views of the golf course. The home has been meticulously maintained and lovingly updated. The kitchen was updated a few years

Showing Instructions:
Directions: East on Granada, Nova Rd, Left on Tomoka Oaks Blvd, S on St Andrews, Right on Rio Pinar Dr.
Legal: LOT 8 & S 20 FT OF LOT 9 EXC N 10 FT OF W 10 FT TRIANG PART BLK 19 UNIT 4 TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 167 PER OR 1787 PG 1525 PER OR 2077 PG 0393 PER OR 5985 PGS 4857-4858 INC
Parcel ID Link: 3242-10-19-0080
Supra: No **Dispute Res:**

Sold Price Sqft: $116.16
Sold/Leased Date: 11/15/2019



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Residential
Closed
MLS# 1065888

51 S St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $325,000
Sold/Leased Price: $321,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$325,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$118.18	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-10-0160
Sold Price/SqFt:	116.91	**Unit #:**		**Homestead Exempt:**	No
Bedrooms:	4				
Baths - Total:	2	**Year Built:**	1968		
Full / Half Baths	2 / 1	**Sewer:**	City		
Living Area:	2,750	**Water:**	City		
SqFt - Total:	5,720	**Acreage:**	0.31		
SqFt Source:	Property Appraiser				
Lot Size:	105x130				

Directions: Tomoka Oaks, Left on St Andrews
Virtual Tour:
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15 x 11		Kitchen	Main	14 x 11	
Bedroom 2	Main	11 x 11		Porch/Balcony	Main	23 x 19	
Bedroom 3	Main	14 x 11		Patio/Deck	Main	21 x 17	
Bedroom 4	Main		Dimensions: 11 x				
Dining Room	Main	13 x 11					
Living Room	Main	19 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile

Pets Allowed:
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA

Parking: 2 Car Garage; Attached
Pool: Inground Private
Porch: 2+ Porches/Decks; Enclosed; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: The large front yard and long pavered driveway welcome you to this meticulously maintained brick, golf course home with a brand NEW ROOF. Step inside and you will notice the bright and airy open floorplan. You will love the look and easy to maintain tile that runs throughout the main living space. The updated kitchen is modern and sleek with granite countertops and stainless steel appliances. There is ample cabinet and counter space making meal prep and organization easy. Enjoy a casual meal or breakfast at the long breakfast bar. At the end of a long day take a break and enjoy a good movie in the media room. Just off of the family room is the spacious master bedroom which can easily accommodate a king set. French doors in the family room lead to the extra-large enclosed Florida room.

Showing Instructions:
Directions: Tomoka Oaks, Left on St Andrews
Legal: LOT 16 BLK 10 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3A MB 27 PG 285 PER OR 4101 PG 0282 PER OR 6881 PG 4915
Parcel ID Link: 3242-10-10-0160
Supra: Yes **Dispute Res:**

Sold Price Sqft: $116.91
Sold/Leased Date: 12/27/2019



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Residential
Closed
MLS# 1062800

34 Pine Valley Circle, Ormond Beach, FL 32174

Public Display

List Price: $289,500
Sold/Leased Price: $265,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$289,500	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$112.65	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	103.11	**Unit #:**		**Tax ID:**	3242-10-07-0180
Bedrooms:	4			**Zoning:**	Single Family
Baths - Total:	2	**Location:**	E	**As Is Cond:**	Yes
Full / Half Baths	2 / 1	**Year Built:**	1963	**Homestead Exempt:**	No
Living Area:	2,570	**Sewer:**	City		
SqFt - Total:	3,674	**Water:**	City		
SqFt Source:	Measured	**Min Rental:**	Unlimited		
Lot Size:	110x120	**Acreage:**	0.3		

Directions: Nova Rd. to Left into Tomoka Oaks entrance. Follow St. Andrews Dr. to left on Pine Valley Circle.

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 14		Kitchen	Main	12 x 11	
Bedroom 2	Main	15 x 12		Porch/Balcony	Main	17 x 8	
Bedroom 3	Main	15 x 12					
Bedroom 4	Main	12 x 11					
Dining Room	Main	13 x 12					
Family Room	Main	24 x 14					
Living Room	Main	23 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Dryer; Gas Appliances; Microwave; Range; Refrigerator; Washer
Architecture: Mediterranean
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: E
Heating: Central
Inside: Ceiling Fans; Fireplace; Split Bedroom; Volume Ceiling; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Oversized; RV/Boat
Porch: 2+ Porches/Decks; Front; Patio
Road: Paved
Roof: Rolled; Shingle
Special Conditions: None

Remarks: Great home in the heart of Tomoka Oaks and close to everything in Ormond Beach including the worlds most famous Beach. This 4 bedroom 2 1/2 bath sits on a lager lot backing up to the golf course that features large rooms, stone wood burning fireplace, room for that pool table, Terracotta Tile floors, solid wood doors, remolded master bath, solid wood cabinets in kitchen, terrific covered patio featuring grill, wood burning oven, refrigerator and a great back yard. Home has custom ceiling fans, large laundry room, and a expanded 2 car garage with fantastic storage cabinets. All this plus all glass French doors everywhere in the back. Front drive is circular with plenty of parking. This can be a shining star with some polishing up,.

Showing Instructions:
Directions: Nova Rd. to Left into Tomoka Oaks entrance. Follow St. Andrews Dr. to left on Pine Valley Circle.
Legal: LOT 18 BLK 7 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58 & 59 PER OR 5144 PG 4200 PER OR 5737 PG 520 PER OR 7199 PG 1385
Parcel ID Link: 3242-10-07-0180
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $103.11
Sold/Leased Date: 01/15/2020



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Residential
Closed
MLS# 1058525

35 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $265,900
Sold/Leased Price: $257,250

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$265,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$112.38	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	108.73	**Unit #:**		**Tax ID:**	3242-10-12-0090
Bedrooms:	4	**Year Built:**	1964	**Zoning:**	Single Family
Baths - Total:	2.5	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	2 / 1	**Water:**	City	**Homestead Exempt:**	No
Living Area:	2,366				
SqFt - Total:	3,014				
SqFt Source:	Property Appraiser				
Lot Size:	104 x 140				

Directions: East on Granada, North on Nova, Left in Tomoka Oaks, Right on N. St. Andrews.
Virtual Tour:
Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 11		Bonus Room	Main	27 x 10	
Bedroom 2	Main	13 x 11		Kitchen	Main	15 x 11	
Bedroom 3	Main	11 x 10		Utility Room	Main	10 x 6	
Bedroom 4	Main	12 x 11					
Dining Room	Main	11 x 10					
Living Room	Main	21 x 11					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Modern
Building: 1 Story
Construction: Concrete Block; Frame
Floor Coverings: Carpet; Laminate; Tile
Pets Allowed: Yes
House Orientation: W
Heating: Central
Inside: Ceiling Fans; Fireplace
Land: Golf Course Community
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Utility Shed
Parking: Carport; RV/Boat
Porch: Patio; Rear
Road: Paved
Roof: Other
Special Conditions: None

Remarks: Uniquely designed MID CENTURY STYLE home situated on beautifully landscaped lot in Tomoka Oaks in the heart of Ormond Beach. This 4bed/2.5 bath home has personality plus! Interior features: wood burning fireplace, new stainless range & microwave, tiled countertops, open kitchen concept w/breakfast bar overlooking family room and dining area, custom built-ins & Retro style tiled bathrooms. Huge Living room w/french doors is perfect for hosting large gatherings and also has half bath. Master bedroom has large walk in closet. Plenty of storage throughout home. Exterior -lush landscaping, 2 storage rooms & laundry, plus outside storage area on pad, circular driveway, plenty of space on side to park boat/lawn trailer etc.

Showing Instructions:
Directions: East on Granada, North on Nova, Left in Tomoka Oaks, Right on N. St. Andrews.
Legal: LOT 9 BLK 12 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58 & 59 PER OR 4502 PG 2369 PER OR 5516 PG 1594
Parcel ID Link: 3242-10-12-0090
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $108.73
Sold/Leased Date: 01/22/2020



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Residential
Closed
MLS# 1066661

29 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $445,290
Sold/Leased Price: $428,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$445,290	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$143.92	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-14-0020
Sold Price/SqFt:	138.49	**Unit #:**		**Zoning:**	Single Family
Bedrooms:	5			**As Is Cond:**	Yes
Baths - Total:	5	**Year Built:**	1986	**Homestead Exempt:**	Yes
Full / Half Baths	3 / 2	**Sewer:**	City		
Living Area:	3,094	**Water:**	City		
SqFt - Total:	6,732	**Acreage:**	0.28		
SqFt Source:	Property Appraiser	**A/V Surveillance:**	No		
Lot Size:	100x120				

Directions: Nova Rd to Tomoka Oaks Blvd to S St Andrews to Right on Oakmont

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	22 x 15		Kitchen	Main	11 x 10	
Bedroom 2	Upper	18 x 11		Kitchen	Main	11 x 10	Eat-in-Kitchen
Bedroom 3	Upper	14 x 10		Porch/Balcony	Main	30 x 12	
Bedroom 4	Main	15 x 10		Porch/Balcony	Main	30 x 7	
Bedroom 4	Upper	12 x 9		Patio/Deck	Main	24 x 14	
Dining Room	Main	14 x 11					
Family Room	Main	23 x 14					
Living Room	Main	19 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Traditional
Building: 2 Stories
Construction: Face Brick; Frame; Siding
Floor Coverings: Carpet; Laminate; Tile

Pets Allowed: No
Financing: OWC - FHA/VA
House Orientation: W
Heating: Central; Heat Pump
Inside: 1 Bedroom Down; Ceiling Fans; Fireplace; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Security System
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well

Parking: 4+ Car Garage; Attached
Pool: Heated; Inground Private; Inground Spa; Salt Water Chlorinator
Porch: 2+ Porches/Decks; Front; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Large and impeccably maintained family home centrally located in Tomoka Oaks subdivision. This stately home has so much to offer including two oversized 2-car garages, one being air conditioned. 5 bedrooms, 3 full baths, 2 half baths, crown molding, granite countertops, tall baseboards, coquina fireplace, heated pool and spa, paver driveway and patio are to just name a few. All bedrooms are nicely sized and the master suite is something to see at over 500 square feet in size and the bathroom being completely updated. This home offers a junior master suite with a completely updated en suite bathroom as well. Outdoor living includes a beautiful front porch sitting high on the hill, breezeway with tongue and groove wood ceiling and built in gas fireplace.

Showing Instructions:
Directions: Nova Rd to Tomoka Oaks Blvd to S St Andrews to Right on Oakmont
Legal: LOT 2 BLK 14 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3 MB 29 PG 81 PER OR 4948 PGS 1024-1025 PER UNREC D/C PER OR 6780 PG 0061
Parcel ID Link: 3242-10-14-0020
Supra: No **Dispute Res:** No

Sold Price Sqft: $138.49
Sold/Leased Date: 03/12/2020



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Residential
Closed
MLS# 1068025

19 Janet Circle, Ormond Beach, FL 32174

Public Display

List Price: $329,900
Sold/Leased Price: $335,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$329,900	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$134.87	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-05-0110
Sold Price/SqFt:	136.96	**Unit #:**		**Zoning:**	Single Family
Bedrooms:	3	**Year Built:**	1989	**As Is Cond:**	Yes
Baths - Total:	2	**Sewer:**	City	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 0	**Water:**	City		
Living Area:	2,446	**Acreage:**	0.31		
SqFt - Total:	3,470	**A/V Surveillance:**	No		
SqFt Source:	Property Appraiser				
Lot Size:	79x142				

Directions: N Nova to L on Tomoka Oaks Blvd, R on N St Andrews, R on Pebble Beach, R on Janet Circle

Virtual Tour: Click to View Virtual Tour

Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	17 x 13		Kitchen	Main	14 x 11	
Bedroom 2		14 x 12		Patio/Deck		36 x 10	
Bedroom 3		13 x 12		Utility Room		8 x 6	
Dining Room		12 x 9					
Family Room		16 x 13					
Living Room		21 x 15					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Disposal; Microwave; Range; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block; Stucco
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace; Split Bedroom; Volume Ceiling; Inside Laundry
Land: Cul-De-Sac; Golf Course Community
Maint Fee Covers: Common Area
Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened; Solar
Porch: Patio; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Tomoka Oaks Pool Home! Large lot on Cul-de-sac . Rare find in highly sought after area! Two living areas, three spacious bedrooms, expansive covered lanai and pool with plenty of entertainment space. Kitchen has newer appliances and pass through bar to patio. Stone covered, Wood burning fireplace is a cozy focal point in family room. Woodgrain tile floors. Newly painted exterior. Spacious, oversized garage with plenty of storage, shelving and workbench/station. Come take a look around!

Showing Instructions:
Directions: N Nova to L on Tomoka Oaks Blvd, R on N St Andrews, R on Pebble Beach, R on Janet Circle
Legal: LOT 11 BLK 5 UNIT 1-C TOMOKA OAKS COUNTRY CLUB ESTS MB 31 PG 165 PER OR 5103 PG 0703 PER OR 6617 PG 1841 PER OR 7217 PG 1720
Parcel ID Link: 3242-10-05-0110
Supra: Yes **Dispute Res:** Yes

Sold Price Sqft: $136.96
Sold/Leased Date: 04/27/2020



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Residential
Closed
MLS# 1069593

34 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $350,000
Sold/Leased Price: $320,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$350,000	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$110.69	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	101.2	**Unit #:**		**Tax ID:**	3242-10-09-0080
Bedrooms:	4	**Location:**	E	**As Is Cond:**	Yes
Baths - Total:	3	**Year Built:**	1971	**Homestead Exempt:**	Yes
Full / Half Baths	3 / 0	**Sewer:**	City		
Living Area:	3,162	**Water:**	City		
SqFt - Total:	4,444	**Acreage:**	0.4		
SqFt Source:	Property Appraiser	**A/V Surveillance:**	No		
Lot Size:	118x147				

Directions: East on Granada, North on Nova, left into Tomoka Oaks to right on N. St. Andrews

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	16 x 13		Bonus Room	Upper	24 x 24	
Bedroom 2	Upper	15 x 13		Kitchen	Main	18 x 12	
Bedroom 3	Upper	13 x 11		Patio/Deck	Main	32 x 18	
Bedroom 4	Upper	12 x 11					
Dining Room	Main	13 x 12					
Family Room	Main	18 x 13					
Living Room	Main	17 x 13					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Colonial
Building: 2 Stories
Construction: Brick
Floor Coverings: Carpet; Tile

Pets Allowed: Yes
Financing: OWC - FHA/VA
House Orientation: E
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace; Split Bedroom; Inside Laundry
Land: On Golf Course
Miscellaneous: Homeowners Association
Maint Fee Covers: NA
Outside: Irrigation Sprinkler

Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Balcony; Patio; Rear; Screened
Road: Paved
Roof: Shingle; Other
Special Conditions: None
Util for Land Only: City Water; Electric; Sewer

Remarks: Plenty of room to stretch out in this 4 bedroom 3 bath home. Overlook the Backyard paradise and pool from the 700sqft covered Patio. Home has a roughly 2 year old Roof and A/C. Two main living areas downstairs and a cozy fireplace. Upstairs has a Large Bonus room over the garage that can be for any number of uses and has its own entrance. Bedrooms are roomy and Master is separate from the others. Home backs up to , what was once a the 9th hole at Tomoka Oaks golf course, but now feels like a wonderful park that you can walk and enjoy. Close to Schools, Shopping and the Highway. All information in MLS is deemed accurate but cannot be guaranteed.

Showing Instructions:
Directions: East on Granada, North on Nova, left into Tomoka Oaks to right on N. St. Andrews
Legal: LOT 8 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 5042 PG 0516 PER OR 6550 PG 4677 PER OR 7290 PG 0790
Parcel ID Link: 3242-10-09-0080
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $101.2
Sold/Leased Date: 06/01/2020



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Residential
Closed
MLS# 1069192

39 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $246,500
Sold/Leased Price: $210,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$246,500	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$91.91	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	78.49	**Unit #:**		**Tax ID:**	3242-11-00-0010
Bedrooms:	3	**Location:**	S	**Zoning:**	Single Family
Baths - Total:	2	**Year Built:**	1980	**As Is Cond:**	Yes
Full / Half Baths	2 / 0	**Sewer:**	City	**Homestead Exempt:**	No
Living Area:	2,682	**Water:**	City		
SqFt - Total:	3,571	**Min Rental:**	Unlimited		
SqFt Source:	Property Appraiser	**Acreage:**	0.6		
Lot Size:	109x240	**A/V Surveillance:**	No		

Directions: South on Nova from US 1, across RR Tracks, turn right into Tomoka Oaks. Continue to right onto N. St. Andrews. On right.
Virtual Tour: Click to View Virtual Tour
Maint Fee: $75 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	25 x 20		Kitchen	Main	12 x 12	
Living Room	Main	25 x 25					

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Range; Refrigerator
Architecture: Ranch
Building: 1 Story
Construction: Frame
Floor Coverings: Carpet; Tile; Vinyl; Other

Pets Allowed: Yes
House Orientation: S
Heating: Central; Electric; Heat Pump
Inside: Ceiling Fans; Split Bedroom; Inside Laundry
Land: Golf Course Community
Miscellaneous: Fixer Upper; Homeowners Association; HOA Contact Info: vicepresident@tomokaoaksha.com
Maint Fee Covers: Common Area
Outside: Clubhouse Facility

Parking: 2 Car Garage; Attached; Oversized
Porch: Deck; Front; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None
Util for Land Only: City Water; Electric; Sewer

Remarks: INVESTOR ALERT! - Don't miss this huge property with excellent potential for a great return. HOA is voluntary! Permitted Re-Roof in 2008 and HVAC in 2009. Needs updating throughout, but can easily become a 4bd/2ba. Nearly 600sq/ft over-sized garage and plenty of land, for privacy, at over 1/2 acre with mature trees. Main living room is approx 25x25, great for movies or game night. Highly sought after neighborhood, close to everything in Ormond. Feel like you are in the country, but actually minutes from the heart of town. Sold "As-Is". Seller will not make repairs or give closing credits. No FHA/VA unless 203k. Termite Bond maintained since 2010.

Showing Instructions:
Directions: South on Nova from US 1, across RR Tracks, turn right into Tomoka Oaks. Continue to right onto N. St. Andrews. On right.
Legal: LOT 1 TOMOKA OAKS SUB UNIT 5 MB 34 PG 142 PER OR 4474 PG 2656 PER OR 5424 PG 3432
Parcel ID Link: 3242-11-00-0010
Supra: No **Dispute Res:** Yes

Sold Price Sqft: $78.49
Sold/Leased Date: 06/19/2020



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The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.

Residential
Closed
MLS# 1072601

12 Oakmont Circle, Ormond Beach, FL 32174

Public Display

List Price: $297,000
Sold/Leased Price: $305,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$297,000	**Style:**	Single Family	**Special Contingency:**	No
List Price/SqFt:	$137.25	**Subdivision:**	Tomoka Oaks	**Tax ID:**	3242-10-15-0190
Sold Price/SqFt:	140.94	**Unit #:**		**Zoning:**	Single Family
Bedrooms:	4			**As Is Cond:**	Yes
Baths - Total:	2	**Year Built:**	1973	**Homestead Exempt:**	Yes
Full / Half Baths	2 / 0	**Sewer:**	City		
Living Area:	2,164	**Water:**	City		
SqFt - Total:	2,850	**Acreage:**	0.27		
SqFt Source:	Property Appraiser	**A/V Surveillance:**	No		
Lot Size:	70 x 120				

Directions: Nova Rd to Tomoka Oaks Blvd left on S St. Andrews Dr, At Fork - Bear R to Oakmont Circle, 1st Right, 1st House on Left

Virtual Tour: Click to View Virtual Tour

Maint Fee: $70 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	14 x 12		Florida Room		19 x 7	
Bedroom 2		12 x 12		Kitchen	Main	16 x 14	
Bedroom 3		11 x 11					
Bedroom 4		11 x 10					
Dining Room		12 x 11					
Family Room		19 x 13					
Living Room		17 x 12					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Traditional
Building: 1 Story
Construction: Concrete Block; Face Brick
Floor Coverings: Carpet; Tile; Wood

Pets Allowed: Yes
Financing: OWC - FHA/VA
Heating: Central
Land: Golf Course Community
Outside: Fenced Yard; Utility Shed

Parking: 2 Car Garage
Pool: Inground Private; Screened
Porch: Enclosed; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Fantastic Tomoka Oaks 4 Bed + Office, 2 Bath Family Pool Home is Move-In Ready & Great for Entertaining! The Stain-Glass Door welcomes you into this spacious home with Formal LR, Kitchen with New Appliances & lots of cabinets and counter space that opens to FR with real wood floors and a Florida Room that flows to the Screened Sparkling Pool with New Stone Pool Surface Lifetime Warranty, and Upgraded Pool Deck in 2016. Your Outside Oasis features Fenced Yard, Putting Green & Fire-Pit Area, Large Corner Lot, Nice Landscaping. This home offers New Carpet, New Paint, New Ceiling Fans & Lighting, Newer AC & Water Heater, and more! Ormond's Desirable Central Location, A+ Schools and a Must See! SF received from tax rolls. All Info recorded in MLS intended to be accurate but cannot be guaranteed

Showing Instructions:
Directions: Nova Rd to Tomoka Oaks Blvd left on S St. Andrews Dr, At Fork - Bear R to Oakmont Circle, 1st Right, 1st House on Left
Legal: LOT 19 BLK 15 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 3-A MB 27 PG 285 PER OR 5173 PG 2549 PER OR 5738 PGS 1325-1326 PER OR 6752 PGS 3718-3720 INC PER OR 6797 PG 3641 PER OR 6797 PG 3643
Parcel ID Link: 3242-10-15-0190
Supra: Yes **Dispute Res:** No

Sold Price Sqft: $140.94
Sold/Leased Date: 09/17/2020



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Residential
Closed
MLS# 1074497

5 Pebble Beach Drive, Ormond Beach, FL 32174

Public Display

List Price: $284,900
Sold/Leased Price: $292,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$284,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$105.28	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	108.09	**Unit #:**		**Tax ID:**	324210050040
Bedrooms:	5	**Year Built:**	1974	**As Is Cond:**	Yes
Baths - Total:	3	**Sewer:**	City	**Homestead Exempt:**	No
Full / Half Baths	3 / 0	**Water:**	City		
Living Area:	2,706	**Acreage:**	0.36		
SqFt - Total:	3,551	**A/V Surveillance:**	No		
SqFt Source:	Property Appraiser				
Lot Size:	100x156				

Directions: Granada blvd north one mile left in tomoka oaks right on n st andrews to right on pebble beach

Virtual Tour:

Maint Fee: $60 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	15.5 x 15		Den	Main	15.2 x 11.8	
Bedroom 2	Main	13 x 13		Kitchen	Main	27 x 17.7	
Bedroom 3	Main	13.8 x 10					
Bedroom 4	Main	13.8 x 10					
In-Law Suite	Main	11 x 10.9					
Living Room	Main	30 x 15.3					

Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Range
Architecture: Other
Building: 1 Story
Construction: Brick
Floor Coverings: Carpet; Tile
Pets Allowed: Yes
House Orientation: W
Heating: Central; Electric; Heat Pump
Inside: Ceiling Fans; Split Bedroom; Inside Laundry
Land: Golf Course Community
Miscellaneous: Workshop; In-Law Suite
Outside: Public Bus
Parking: 2 Car Garage; Oversized
Porch: 2+ Porches/Decks; Enclosed; Front; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Showing Instructions:
Directions: Granada blvd north one mile left in tomoka oaks right on n st andrews to right on pebble beach
Legal: LOT 4 BLK 5 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 3507 PG 0819 PER OR 7492 PGS 0731-0732
Parcel ID Link: 324210050040
Supra: Yes
Dispute Res:

Sold Price Sqft: $108.09
Sold/Leased Date: 09/18/2020



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Residential
Closed
MLS# 1075761

21 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $419,900
Sold/Leased Price: $394,000

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$419,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$181.62	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	170.42	**Unit #:**		**Tax ID:**	3242-10-12-0020
Bedrooms:	4	**Location:**	W	**Zoning:**	Single Family
Baths - Total:	2	**Year Built:**	1964	**As Is Cond:**	Yes
Full / Half Baths	2 / 0	**Sewer:**	City	**Homestead Exempt:**	Yes
Living Area:	2,312	**Water:**	City		
SqFt - Total:	3,848	**Acreage:**	0.32		
SqFt Source:	Property Appraiser	**A/V Surveillance:**	No		
Lot Size:	100x140				

Directions: SR 40, north on Nova Rd. past the Trails to Tomoka Oaks Blvd. on left then 2nd house on right.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 14	Master	Office	Main	14 x 10	
Bedroom 2	Main	16 x 12	Second Master	Kitchen	Main	14 x 14	
Bedroom 3	Main	13 x 10		Porch/Balcony	Main	20 x 12	
Bedroom 4	Main	11 x 10		Patio/Deck	Main	26 x 26	Pool Lanai
Dining Room	Main	12 x 8		Utility Room	Main	23 x 10	
Family Room	Main	20 x 12					
Living Room	Main	20 x 14					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Heat Pump
Appliances: Dishwasher; Disposal; Dryer; Microwave; Range; Refrigerator; Washer
Architecture: Ranch; Traditional
Building: 1 Story
Construction: Concrete Block
Floor Coverings: Carpet; Tile

Pets Allowed:
Financing: OWC - FHA/VA
House Orientation: W
Heating: Central; Electric; Heat Pump; Propane Gas
Inside: 1 Bedroom Down; 2 Bedrooms Down; Attic Fan; Ceiling Fans; Split Bedroom; Inside Laundry
Land: Golf Course Community
Miscellaneous: Home Warranty; Security System; Workshop
Maint Fee Covers: Common Area; NA
Outside: Fenced Yard; Irrigation Sprinkler; Irrigation Well; Utility Shed

Parking: 2 Car Garage; Attached; Oversized; RV/Boat
Pool: Inground Private; Inground Spa; Screened
Porch: 2+ Porches/Decks; Front; Rear; Screened
Road: Paved
Roof: Shingle; Other
Special Conditions: Agent Owned

Remarks: Welcome to 21 North Saint Andrews Drive!! This Ormond Beach neighborhood was where the original GE Executives built their uniquely designed homes to raise their families and put down their roots. The tradition has carried on generation after generation. Here the soil is turning over once again to open the opportunity for new growth. It is rich and ready for planting seeds for the most beautiful flowers and families. This is only the second family to ever own this home. It has been coveted and beautifully loved and maintained. Its walls tell stories of many happy times with family and friends. The latest improvements will capture most any type of potential homeowner. Featuring four bedrooms, an office by the front door with a

Showing Instructions:
Directions: SR 40, north on Nova Rd. past the Trails to Tomoka Oaks Blvd. on left then 2nd house on right.
Legal: LOT 2 BLK 12 TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 1 MB 25 PGS 58-59 INC PER OR 5289 PG 0619 PER OR 5769 PG 2857
Parcel ID Link: 3242-10-12-0020
Supra: Yes **Dispute Res:**

Sold Price Sqft: $170.42
Sold/Leased Date: 11/24/2020



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Residential
Closed
MLS# 1078062

219 Rio Pinar Drive, Ormond Beach, FL 32174

Public Display

List Price: $349,000
Sold/Leased Price: $335,000

Area: 42 - LPGA to Granada, W of Nova & E of 95 **County:** Volusia



List Price:	$349,000	**Style:**	Single Family	**Tax ID:**	3242-23-00-0950
List Price/SqFt:	$123.71	**Subdivision:**	Tomoka Oaks	**Homestead Exempt:**	No
Sold Price/SqFt:	118.75	**Unit #:**			
Bedrooms:	4				
Baths - Total:	3	**Year Built:**	1978		
Full / Half Baths	1 / 0	**Sewer:**	City		
		Water:	City		
Living Area:	2,821	**Acreage:**	0.32		
SqFt - Total:	2,821	**A/V**	No		
SqFt Source:	Owner	**Surveillance:**			
Lot Size:	100x140				

Directions: turn on rio pinar to 219
Virtual Tour: Click to View Virtual Tour
Maint Fee: $70 **Maint Fee Paid:** Annually **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Main	16 x 15		Kitchen	Main	11 x 8	eat-in kitchen
				Kitchen		20 x 11	

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central
Appliances: Cooktop; Dishwasher; Disposal; Microwave; Refrigerator
Building: 2 Stories
Construction: Frame
Floor Coverings: Carpet; Laminate; Tile

Pets Allowed:
Financing: OWC - Seller Financing
House Orientation: W
Heating: Central
Inside: 1 Bedroom Down; 2 Bedrooms Down; Ceiling Fans; Fireplace; Volume Ceiling; Wet Bar; Inside Laundry
Land: Golf Course Community; On Golf Course
Miscellaneous: Golf Community; Homeowners Association

Parking: 2 Car Garage
Pool: Inground Private
Porch: Deck; Enclosed; Patio; Rear; Screened
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: Beautiful and well maintained 4 bedroom 3 bath enclosed pool home. Wonderfully situated and close to churches. This home has a bonus loft area with full bath, great as a bedroom, office or play area. Featuring an amazing family room complete with a wood burning fireplace, skylights and cathedral ceiling. Kitchen has breakfast area, plus there is a formal dining room and living room. Primary bedroom has a Roman shower stall and its own private entrance to the large, screened pool deck. Travertine tile throughout living area and baths. Inside laundry room with sink. The amazing Publix shopping center with great choices for restaurants and many amenities are available near byNew hot water heater and electric upgrade.New pool screen, filter, pump, and timer.Irrigation system with well & time

Showing Instructions:
Directions: turn on rio pinar to 219
Legal: LOT 95 TOMOKA OAKS UNIT 7A MB 34 PGS 162 TO 164 INC PER OR 2673 PG 1208 PER OR 7246 PG 3165
Parcel ID Link: 3242-23-00-0950
Supra: No **Dispute Res:**

Sold Price Sqft: $118.75
Sold/Leased Date: 12/18/2020



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Residential Closed
MLS# 1075587

14 Eagle Court, Ormond Beach, FL 32174

Public Display

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia

List Price: $369,900

Sold/Leased Price: $365,000



List Price:	$369,900	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$144.32	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	142.41	**Unit #:**		**Tax ID:**	3242-26-00-0730
Bedrooms:	4	**Year Built:**	1980	**Zoning:**	Single Family
Baths - Total:	3	**Sewer:**	City	**As Is Cond:**	Yes
Full / Half Baths	3 / 0	**Water:**	City	**Homestead Exempt:**	No
Living Area:	2,563	**Acreage:**	0.4		
SqFt - Total:	3,515	**A/V Surveillance:**	No		
SqFt Source:	Property Appraiser				
Lot Size:	135x130				

Directions: From Granada go north on N Nova Rd, turn left on N St Andrews Dr, turn left at Eagle Ct to elevated Cul De Sac on left.

Virtual Tour: Click to View Virtual Tour

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	16 x 16		Kitchen	Main	16 x 12	
Bedroom 2	Upper	14 x 14		Porch/Balcony	Main	20 x 6	Front covered porch
Bedroom 3	Upper	13 x 12		Patio/Deck	Main	18 x 13	Poolside covered lanai off family room
Bedroom 4	Main	13 x 13	1st floor bedroom	Utility Room	Main	9 x 5	
Dining Room	Main	13 x 13					
Family Room	Main	20 x 17					
Living Room	Main	18 x 16					

1st Floor: Slab
Acreage: 0 - 1/2
Air Conditioning: Central; Multiple Units
Appliances: Dishwasher; Disposal; Double Oven; Microwave; Refrigerator
Architecture: Colonial
Building: 2 Stories
Construction: Brick; Siding
Floor Coverings: Tile
Pets Allowed: Yes
House Orientation: S
Heating: Central
Inside: 1 Bedroom Down; Ceiling Fans; Fireplace; Inside Laundry
Land: Cul-De-Sac; On Golf Course
Maint Fee Covers: NA
Outside: Irrigation Sprinkler; Irrigation Well
Parking: 2 Car Garage; Attached
Pool: Inground Private; Screened
Porch: Front
Road: Paved
Roof: Shingle
Special Conditions: None

Remarks: A * WINNING TOMOKA OAKS * COMBINATION WELCOMES YOU with this EXCEPTIONAL * 4 BEDROOM - 3 BATH - 2 CAR GARAGE * GOLF COURSE POOL HOME NESTLED ON AN ELEVATED CUL DE SAC LOT. This SPACIOUS 2,563 L/A home features CUSTOM 24' PORCELAIN TILE THROUGHOUT, a 2013 ARCHITECTURAL ROOF, 2014 HVAC'S, a 2018 HOT WATER HEATER, UPGRADED 2015 VINYL FENCED BACKYARD, a 2019 POOL PUMP, plus ALL NEW EXTERIOR VINYL SIDING in 2019. The poolside 28x13 COVERED LANAI makes pool activities a BREEZE with backyard PRIVACY and a PARK LIKE SETTING. The NEWER upgraded KITCHEN features custom OAK CABINETRY, GRANITE COUNTERS, DOUBLE SINK, CUSTOM BACK SPLASH, with a STAINLESS STEEL SAMSUNG REFRIGERATOR and GE APPLIANCES with a DOUBLE OVEN, plus a BREAKFAST BAR. The poolside BREAKFAST NOOK offers EXPANSIVE VIEWS of the pool

Showing Instructions:
Directions: From Granada go north on N Nova Rd, turn left on N St Andrews Dr, turn left at Eagle Ct to elevated Cul De Sac on left.
Legal: LOT 73 TOMOKA OAKS UNIT 7-C MB 35 PGS 46-47 INC PER OR 4206 PG 4963 PER OR 5652 PG 3073 PER OR 6787 PG 4394 PER OR 6901 PGS 3891-3892
Parcel ID Link: 3242-26-00-0730
Supra: Yes
Dispute Res:

Sold Price Sqft: $142.41
Sold/Leased Date: 12/22/2020



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Residential
Closed
MLS# 1096129

60 N St Andrews Drive, Ormond Beach, FL 32174

Public Display

List Price: $679,500
Sold/Leased Price: $679,500

Area: 45 - Ormond N of 40, W of US1, E of 95 **County:** Volusia



List Price:	$679,500	**Style:**	Single Family	**New Builder Home:**	No
List Price/SqFt:	$180.62	**Subdivision:**	Tomoka Oaks	**Special Contingency:**	No
Sold Price/SqFt:	180.62	**Unit #:**		**Tax ID:**	3242-10-09-0210
Bedrooms:	6	**Year Built:**	1969	**Zoning:**	Single Family
Baths - Total:	5	**Sewer:**	City	**As Is Cond:**	No
Full / Half Baths	3 / 2	**Water:**	City	**Homestead Exempt:**	No
Living Area:	3,762	**Acreage:**	0.51		
SqFt - Total:	5,360	**A/V Surveillance:**	No		
SqFt Source:	Property Appraiser				
Lot Size:	105x145				

Directions: Go East on Granada, make a left on Nova Road, make a left into Tomoka Oaks subdivision, make a right on N. St. Andrews.

Virtual Tour:

Maint Fee: $0 **Maint Fee Paid:** N/A **Sub HOA Fee:**

Room Name	Level	Dimensions	Remarks	Room Name	Level	Dimensions	Remarks
Bedroom 1	Upper	12 x 14		Den	Main	22 x 15	Fireplace
Bedroom 2	Upper	21 x 15	Master	Office	Main	13 x 12	
Bedroom 3	Upper	15 x 13	En suite	Kitchen	Main	21 x 15	
Bedroom 4	Upper	13 x 13		Porch/Balcony	Main	60 x 8	Front porch tiled and covered
Dining Room	Main	13 x 16		Patio/Deck	Main	40 x 11	Back patio stamped concrete
Living Room	Main	25 x 15		Utility Room	Main	20 x 10	

1st Floor: Slab
Acreage: 1/2 - 1
Air Conditioning: Central; Multiple Units
Appliances: Dishwasher; Microwave; Range; Refrigerator
Architecture: Colonial
Building: 2 Stories
Construction: Brick; Frame; Siding
Floor Coverings: Carpet; Laminate; Tile
Pets Allowed: No
Financing: OWC - FHA/VA
Heating: Central; Electric
Inside: Ceiling Fans; Fireplace; Sunken Living Room; Inside Laundry
Land: Golf Course Community; On Golf Course
Outside: Irrigation Sprinkler; Irrigation Well; Public Bus
Parking: 2 Car Garage; Attached; Oversized
Porch: 2+ Porches/Decks; Front; Patio; Rear
Road: Paved
Roof: Shingle
Special Conditions: Agent Owned
Util for Land Only: Well

Remarks: Absolutely Stunning Tomoka Oaks home brought back to its former glory!! Experience living in luxury in an estate like setting. Huge yards with patios and covered front porch. Boasting over 3750 sq ft it has 6 Bedrooms, 3 full baths and 2 half baths. All remodeled with new tile, quartz counters and new vanities. Kitchen is massive and has new cabinets, quartz counters and new stainless steel appliances. Great for entertaining as there is a formal dining room, living room, den and private office on first floor. This is a brand new house. No surface has been untouched. New Laminate wood flooring, new carpet in bedrooms, freshly painted, all new light fixtures, led cans. New roof, hvac system, water heater, irrigation system, hardie board siding etc. There are too many improvements to name.

Showing Instructions:
Directions: Go East on Granada, make a left on Nova Road, make a left into Tomoka Oaks subdivision, make a right on N. St. Andrews.
Legal: LOT 21 BLK 9 TOMOKA OAKS COUNTRY CLUB ESTS UNIT 1 MB 25 PGS 58-59 INC PER OR 2787 PG 1130 PER OR 6285 PG 2608
Parcel ID Link: 3242-10-09-0210
Supra: No **Dispute Res:**

Sellers Preferred Escrow Agent: Lighthouse Title
Sold Price Sqft: $180.62
Sold/Leased Date: 06/15/2022



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Attachment F

July 12, 2023

VIA ELECTRONIC MAIL

Doug Thomas, Chairman
Ormond Beach Planning Board
22 South Beach Street
Ormond Beach, Florida 32174

Re: ***Tomoka Reserve – PRD-2022-043***

Dear Chairman Thomas & Planning Board Members:

Our law firm represents Carolyn Davis and a consortium of homeowners within the Tomoka Oaks Country Club Estates subdivision in Ormond Beach, Florida ("Tomoka Oaks"). At its regular meeting on ***Thursday, July 13, 2023***, the Ormond Beach Planning Board ("Planning Board") is scheduled to consider the above-referenced project, which seeks to rezone and convert the existing Tomoka Oaks golf course into 276 single-family residential lots. For the reasons discussed herein, our clients oppose the proposed redevelopment of the golf course property and respectfully request that the Planning Board recommend ***denial*** of the proposed rezoning.

A. General Factual Overview

Briefly stated, in April 2021, Triumph Oaks of Ormond Beach, LLC ("Triumph Oaks"), purchased the Tomoka Oaks Golf & Country Club ("Golf Club") for approximately $2,600,000. Thereafter, Triumph Oaks filed an application with the City of Ormond Beach ("City") seeking to rezone the golf course property to Planned Residential Development (PRD) and redevelop the golf course with 276 single-family residential lots. Based upon such rezoning application and Triumph Oaks' proposed plans to permanently close the Golf Club and convert the golf course into 276 single-family lots, the issue has arisen as to whether the property is restricted to use as a golf course, either expressly or impliedly.

As discussed herein and based upon the historical and recorded documentation relating to Tomoka Oaks, our clients maintain that the Golf Club property is subject to either an express covenant or an implied covenant limiting the use of the property to a golf and country club, golf course, and related recreational uses. Accordingly, our clients assert that the proposal to convert

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Tallahassee, Florida 32308	Orlando, Florida 32804
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www.theriaquelaw.com

the Golf Club property into 276 single-family residential lots is not permissible and the requested rezoning should be ***denied***.

B. The Golf Club Restriction

In 1961, the City approved plats for both the Golf Club (f/k/a Sam Snead Golf & Country Club) and Tomoka Oaks Country Club Estates Unit 1.[1] The Plat for Unit 1 of the Tomoka Oaks Country Club Estates subdivision contained 105 residential lots, including approximately 55 residential lots bordering the golf course.[2]

In conjunction with the development of Unit 1 of Tomoka Oaks, the developer recorded "Restrictions Tomoka Oaks Country Club Estates, Unit #1, Ormond Beach, Florida" ("Unit 1 Covenants").[3] Notably, Paragraph 10 of the Unit 1 Covenants states:

> The Grantee [*i.e.*, lot owner] shall automatically become a member of the Tomoka Oaks Homeowners Association, a non-profit corporation comprised of all lot owners in Tomoka Oaks Country Club Estates . . . .

Paragraph 11 of the Unit 1 Covenants expressly prohibited the developer from releasing in whole or in part any restriction or reservation set forth in Paragraph 10.

Thereafter, on or about January 1, 1963, Tomoka Oaks, Inc., entered a 99-year "Lease" with Tomoka Oaks Golf and Country Club, Inc., for the golf course property.[4] Paragraph 3 of the Lease, entitled "Use," provided in pertinent part:

> ***The demised premises shall be used perpetually for a country club and related uses***. . . . ***This provision shall survive the lease*** and be included in any deed but the deed restriction may be waived by a resolution of two-thirds (2/3) of the Board of Directors of the Lessee with the concurrence of two-thirds (2/3) of the members of said Lessee and the concurrence of two-thirds (2/3) of the members of Tomoka Oaks Homeowners Association. . . .[5]

On or about October 30, 1963, Tomoka Oaks Golf and Country Club, Inc., executed a "Surrender of Lease."[6] As noted above, however, the limitation that the subject property be "used perpetually for a country club and related uses" survived the Lease per the express terms of Paragraph 3 therein.

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1 *See* Book 25, Page 61, Official Records of Volusia County, Florida; *Id*. at Book 25, Page 58.
2 *See id*. at Book 25, Pages 58 and 59.
3 *See id*. at Book 431, Page 32.
4 *See id*. at Book 516, Page 360.
5 *See id*. at Page 362 (emphasis supplied).
6 *See id*. at Book 585, Page 155.

Following the Surrender of Lease, Tomoka Oaks, Inc., conveyed the golf course property to Ralph B. Frederick, Trustee, via Warranty Deed dated December 12, 1963 ("1963 Warranty Deed").[7] Notably, the 1963 Warranty Deed for the golf course property provided in pertinent part:

> ***The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses***, and in the event that party of the second part, or its successors in interest, ***fail to utilize said property exclusively as a golf and country club, golf course, and related uses***, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, ***then the above described property shall automatically revert*** to and become the property of party of the first part . . . .
>
> ***The aforesaid reverter clause specified in the last preceding paragraph may be released or modified*** by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc.[8]

Consistent with the terms of the surrendered Lease, the 1963 Warranty Deed expressly provided that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Moreover, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the 1963 Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses."

On or about February 18, 1969, Tomoka Oaks, Inc., purported to pass a "Resolution" to effectuate the sale of the golf course property to Ormond Ocean Homes, Inc.[9] Therein, Tomoka Oaks, Inc., purported to "release . . . its right of first refusal" and "further releases the reverter clause contained in [the 1963 Warranty Deed], such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause."[10] Relying upon such Resolution, Tomoka Oaks, Inc., executed a "Release" on or about June 16, 1971, purporting to

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[7] *See id*. at Book 585, Page 157. At the time of such conveyance, Ralph B. Frederick was also apparently the President of Tomoka Oaks, Inc.

[8] *See id*. at Page 159 (emphasis supplied).

[9] *See id*. at Book 1238, Page 246.

[10] *See id*. at Page 248.

release its "right of first refusal" and the "reverter clause contained in [the 1963 Warranty Deed], such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause."[11]

Based upon the foregoing Resolution and Release, Triumph Oaks and/or its representatives have suggested to the City that the use restriction imposed upon the golf course property is no longer valid or in effect. Our clients maintain that this view is legally flawed and without merit.

As reflected above, the 1963 Lease for the golf course property expressly provided that "[t]he demised premises shall be used perpetually for a country club and related uses" and that such "provision shall survive the lease." Additionally, and consistent with the 1963 Lease, the 1963 Warranty Deed expressly provided that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." While the 1963 Lease mentions a process by which such use restriction could potentially be waived, the historical documentation presented to our office does not establish that such process was ever followed – *i.e.*, concurrence of two-thirds of the Lessee and its members and two-thirds of the members of the Tomoka Oaks Homeowners Association.[12]

Further, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses." Rather, the 1963 Warranty Deed unambiguously states that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses."

Lastly, reliance upon the 1969 Resolution and the 1971 Release to claim that the use restriction was somehow waived or released is misplaced. Even assuming the 1969 Resolution and the 1971 Release are valid – which is questionable – neither document purports to release, waive, or otherwise modify the use restriction.[13]

---

[11] *See id*. at Book 1307, Page 89.

[12] The historical documentation provided to our office, including newspaper articles, reflect the existence of a "Tomoka Oaks Homeowners Association" during the subject timeframe.

[13] The 1969 Resolution and the 1971 Release are of questionable validity given that they purport to "prospectively" release the "right of reverter." By its own terms, the 1963 Warranty Deed provided that Tomoka Oaks, Inc., could release or modify the reverter clause only by resolution "at any time ***after*** ten years ***after*** the date of recording of this Deed" and only if Tomoka Oaks, Inc., had not yet disposed of four-fifths (4/5) of the lots in Tomoka Oaks at such time. *See* Book 585, Pages 158-59, Official Records of Volusia County (emphasis supplied). Contrary to the plain language of the 1963 Warranty Deed, Tomoka Oaks, Inc., purported to pass a resolution more than four (4) years ***before*** the ten (10) year anniversary of the recording of the 1963 Warranty Deed seeking to release the right of reverter. Further, the fact that the 1969 Resolution and the 1971 Release purported to "delay" the effectiveness of such release until December 13, 1973 (*i.e.*, ten (10) years after the 1963 Warranty Deed was recorded) is irrelevant. Not only does it ignore the fact that the 1963 Warranty Deed required the resolution itself to occur ten (10) years ***after*** the

As discussed above, the 1969 Resolution and the 1971 Release purport to release the "right of first refusal" and the "reverter clause." Nothing in the express language of the 1969 Resolution or the 1971 Release, however, purports to waive, release, or otherwise modify the use restriction providing that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Accordingly, based upon the foregoing and the plain and unambiguous language in the 1963 Lease and the 1963 Warranty Deed, our clients maintain that such use restriction is valid and effective and was never lawfully released, waived, or otherwise terminated. On this basis alone, the proposed conversion of the golf course into 276 single-family residential lots would be prohibited and the Planning Board should recommend ***denial*** of the proposed rezoning.

C. Implied Restriction Limiting The Tomoka Oaks Property To Use As A Golf Club

In addition to the above, it is well established that a "restrictive covenant" may "arise by implication from the conduct of parties or from the language used in deeds, plats, maps, or general building development plans."[14] In this regard, courts have recognized:

> If there is a common plan of development that places restrictions on property use, then such restrictions may be enforced in equity. "A court's primary interest in equity is to give effect to the actual intent of the grantor . . . by looking not only to language in deeds, but variously to matters extrinsic to related written documents, including conduct, conversation, and correspondence."[15]

Consistent with the above, Florida courts have held that use restrictions may also be implied based upon notations denoted on plats or maps:

> Whenever the owner of a tract of land subdivides the same into lots and blocks, lays off streets and other public ways and designates portions of said lands to be parks[,] playgrounds[,] or similar facilities or uses similar words calculated to encourage prospective purchasers to buy said lots, and actually sells lots with reference to the plat, he becomes bound to his grantees by the plat and the representations thereon. As the maker of the plat and the one who selects the words used thereon it will be construed against him.

---

recording of the Deed, but it ignores the fact that Tomoka Oaks, Inc., did not have any authority to adopt any such resolution if four-fifths (4/5) of the lots in Tomoka Oaks had been disposed of by such time.

[14] *See Skyline Woods Homeowners Ass'n. v. Broekmeier*, 805, 758 N.W.2d 376, 387 (Neb. 2008).

[15] *See id*. (citation omitted); *see also Strader v. Oakley*, 410 So. 2d 954, 955-56 (Fla. 1st DCA 1982) (recognizing implied restriction that limited construction to only single-family residences).

> Common honesty requires that he perform that which at the time of conveyance he represented he would perform.[16]

Turning to the instant case, several courts have examined implied restrictions and the requirement to maintain or operate property as a golf course when developed in conjunction with a surrounding residential subdivision. For example, in *Shalimar Association v. D.O.C. Enterprises*, 688 P.2d 682 (Az. Ct. App. 1984), the court held that there was an implied restrictive covenant to maintain property as a golf course even though there were no express covenants burdening the golf course property on behalf of the adjoining homeowners. The court concluded that the common plan of development, which included a golf course, combined with the representations made to the purchasers about the maintenance of the golf course and the adjoining homeowners' express covenants, created an implied restrictive covenant that the land be used only as a golf course.

Similarly, in *Ute Park Summer Homes Association v. Maxwell Land Grant Co.*, 427 P.2d 249 (N.M. 1967), the New Mexico Supreme Court found that an implied restriction existed requiring the subject property to be used as a golf course. In so doing, the court focused on the representations made to prospective purchasers and the materials used in the sales of the lots which pictured an area marked "golf course." The court reiterated that, when a map or plat showing a park or other open area is used to sell property, "the purchaser acquires a private right, generally referred to as an easement, that such area shall be used in the manner designated," and such private right "is not dependent on a proper making and recording of a plat for purposes of dedication."[17]

Numerous other courts have concluded that the facts surrounding the initial development of properties as golf course communities and the marketing of lots in such communities to prospective purchasers created an "implied restrictive covenant" limiting the use of the subject properties to a golf course. In reaching this conclusion, the courts have examined such things as: (1) the plats, maps, and drawings of the community; (2) advertisements, brochures, and marketing materials; (3) common schemes or plans of development; (4) recorded covenants; (5) general informational documents regarding the community; and (6) lot premiums and purchasers' reliance upon the existence of the golf course in acquiring their lots.[18]

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[16] *McCorquodale v. Keyton*, 63 So. 2d 906, 910 (Fla. 1953); *see also Boothby v. Gulf Props. of Ala.*, 40 So. 2d 117 (Fla. 1948). A common plan or scheme of development is a well-recognized principle in Florida law. *See Hagan v. Sabal Palms, Inc.*, 186 So. 2d 302, 307 (Fla. 1966).

[17] *Ute Park Summer Homes Association v. Maxwell Land Grant Co.*, 427 P.2d 249, 253 (N.M. 1967).

[18] *See Knight v. City of Albuquerque*, 794 P. 2d 739 (N.M. Ct. App. 2014) (holding property denoted on subdivision plats as a golf course must remain either a golf course or open space, stating "a developer will not be allowed to induce purchasers to buy property by purporting to include open space such as parks or golf course in a subdivision plat, only to subsequently change the uses of those open space areas"); *In re Heatherwood Holdings, LLC v. HGC, Inc.*, 746 F.3d 1206 (11th Cir. 2014) (holding evidence of common scheme of development that included golf course property as an integral part and as an inducement to purchasers of residential lots

Here, the historical documentation relating to Tomoka Oaks and the Golf Club establishes the following: (1) a common developer (Tomoka Oaks, Inc.) with a plan of development for a residential community surrounding an 18-hole championship golf course; (2) an approved unified master plan for Tomoka Oaks, which included the golf course and the residential lots; (3) references to "golf course" on the recorded plats for various portions of Tomoka Oaks; (4) recorded restrictions, as previously discussed, providing that the golf course property shall be used "for purposes of a golf and country club, golf course, and related uses"; (5) recorded residential covenants that reference the golf course and authorize reduced setbacks to take advantage of the adjoining golf course; (6) marketing and sales materials for the residential lots depicting the common development plan, including the golf course; (7) evidence of lot premiums being charged for residential lots with golf course frontage; and (8) evidence that successors developers had actual, as well as constructive, notice of the approved master plan and common plan of development. Additionally, it is indisputable that residents within Tomoka Oaks purchased their properties in reliance upon or because of the Golf Club.

Accordingly, even assuming the express covenant restricting use of the subject property to a golf and country club is no longer valid as Triumph Oaks has erroneously suggested, the above-summarized facts and cited case law would establish that, at a minimum, the use of the Golf Club property is limited to a golf course or similar open space purposes by virtue of an implied restrictive covenant. Simply put, whether by an implied grant, implied restriction, or estoppel, such restriction would prevent the subdivision and development of the Golf Club property with 276 single-family residential lots as currently proposed. Thus, on this additional basis, the Planning Board should recommend ***denial*** of the proposed rezoning.

D. Conclusion

In sum, as discussed herein, nothing in the express language of the 1969 Resolution or the 1971 Release purports to waive, release, or otherwise modify the use restriction imposed via the 1963 Lease and the 1963 Warranty Deed that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Thus, based upon the foregoing and the plain and unambiguous language in the 1963 Lease and the 1963 Warranty Deed that the use

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therein created an implied restriction limiting the use of such property to a golf course); *Ponderosa Pines Golf Course, LLC v. Ponderosa Pines Prop. Owner's Ass'n*, 2013 WL 4515569 (N.M. Ct. App. 2013) (holding "equitable servitude in favor of the individual subdivision property owners precluded Plaintiff from changing the use of the golf course"); *Skyline Woods Homeowners Ass'n.*, 758 N.W.2d at 390 ("We conclude that homeowners who bought their property relying on the proximity and existence of the golf course should be protected by implied restrictive covenants that the property be maintained as a golf course. We therefore agree with the district court that an implied restrictive covenant requiring that it be used only as a golf course burdens and runs with the golf course property."); *see also Victorville W. Ltd. P'ship v. Inverrary Ass'n*, 226 So. 3d 888 (Fla. 4th DCA 2017) (refusing to cancel golf course covenant even though course had become unprofitable, concluding that "the golf course preserves the character of the community and provides residents with a pleasant view" and, thus, "must be enforced because it remains a 'substantial value to' the surrounding residences").

restriction was to be "perpetual," our clients maintain that such use restriction is still valid and in effect. Accordingly, on this basis alone, our clients respectfully submit that the Planning Board should recommend ***denial*** of the proposed rezoning, which seeks to improperly convert the Golf Club property into 276 single-family residential lots, or otherwise table the matter until such time as a judicial determination is made regarding the continued validity of the express restrictive covenant.

Further, even assuming the express restrictive covenant is no longer valid and in effect, as Triumph Oaks has erroneously suggested, our clients maintain that the Golf Club property is nevertheless subject to an implied restrictive covenant, thereby limiting the use of such property to a golf and country club, golf course, and related recreational uses. On this additional basis, our clients respectfully submit that the Planning Board should recommend ***denial*** of the proposed rezoning or otherwise table the matter until such time as a judicial determination is made regarding such implied restriction.

Our clients appreciate the Planning Board's attention to this matter of great community importance to the residents of Tomoka Oaks and respectfully request that the Planning Board recommend ***denial*** of the proposed rezoning. Please do not hesitate to contact me if you have any questions or need additional information,

Sincerely,

S. Brent Spain

S. Brent Spain

cc: Honorable Bill Partington, Mayor (via e-mail)
Randy Hayes, Esquire (via e-mail)
Joyce Shanahan, City Manager (via e-mail)
Steven Spraker, Planning Director (via e-mail)

Attachment G

DARYL MAX FORGEY, AICP
LAND USE PLANNER & EXPERT WITNESS
236 SE 45th STREET
Cape Coral FL 33904
239.560.5864
max@forgeyplanning.com

April 29, 2022

Steven Spraker
Planning Director
City of Ormond Beach
22 South Beach Street
Ormond Beach, FL 32174

SUBJECT: CONVERSION OF GOLF COURSE TO RESIDENTIAL USES FP CASE #2021_08_03

Dear Mr. Spraker:

I am a professional planner, AICP #051,330. I have been retained by my clients, the TOMOKA OAKS HOMEOWNERS' ASSOCIATION (TOHA), John Power, President, to provide professional land use advice and to appear on their behalf as an expert witness in future hearings concerning the conversion of this 130-acre course, which my clients advise me was designed by the late legendary Sam Snead.

My client group is divided on this matter. While some categorically oppose any and all future residential development on this property, others are willing to consider alternatives. All of them have relied in good faith for decades on the representations of the original developer and the City of Ormond Beach. Their property tax rates have been predicated upon the assumption that they and their successors in interest would continue to enjoy their proximity to an outstanding golf course in a serene and attractive natural setting with a high-quality open space amenity, designed in coordination with their individual properties and the other design components of their subdivision. The purpose of this letter is to open a dialogue with the City of Ormond Beach and the applicant prior to the filing of the anticipated application.

Research performed in preparation for this letter. In preparing this letter, my clients and I have researched the history of the subject property. We have made close reading of the following reports and documents, among others:

- *Daytona Beach News Journal* May 10, 2021 article "Residents riled up over former golf course's fate" by Clayton Park.

- *Ormond Beach Observer* May 21, 2021 article "Developers host first 'pre-neighborhood' meeting for Tomoka Oaks golf course project" by Jarleene Almenas.

- *Ormond Beach Observer* July 22, 2021 article "Early concept: 318 homes on former golf course" by Brian McMillan.

- August 3, 2021 Community Meeting slide presentation.

- Memorandum dated August 30, 2021 from Tom Harowski of TMH Consulting. (Mr. Harowski is a Tomoka Oaks resident and a professional land use planner.)

History of the Course. According to Mr. Park's *News Journal* article, the Tomoka Oaks Golf & Country Club, with its 130-acre course was opened in 1964, and was sold by its original developers in 1979 to Dick Ryals, a local radiologist who owned and managed the course as a family business until 2010. Based upon my conversations with affected Tomoka Oaks neighbors, I concluded that they were generally satisfied with the Ryals family's management of the course. The course was subsequently acquired and managed by Oakland Raiders veteran placekicker Sebastian Janikowski and has since been acquired by an ownership group headed by Ray Barshay and Carl Veile.

Considerations not addressed by the anticipated applicant.

1. The Ormond Beach Land Development Code contains no provisions for regulating the adaptive reuse of former golf courses, and specifically their conversion to residential uses. Some local governments, including Collier County and the City of Bonita Springs in Lee County have adopted ordinances which define a detailed process for conversion of golf courses. The Collier County ordinance was adopted after a study of the challenges of golf course conversion. Both the ordinance and the study may be of value to Ormond Beach in designing its own procedures for golf course conversion.

2. The City of Ormond Beach has the option to impose a moratorium on the conversion of golf course properties to residential uses in order to have time to study the challenge of conversion and its effects on the neighborhood.

Recommended Findings of Fact

The existing golf course was designed by the late Sam Snead. Since it opened in 1964, the course has been a defining feature the Tomoka Oaks neighborhood, providing high quality recreation and open space amenities.

1. The 130-acre golf course was a vital and irreplaceable component of the original Tomoka Oaks development project and has continued to be a vital and irreplaceable component of the neighborhood as it now exists. Tomoka Oaks would be a very different community without this golf course and the open space amenities which it provides.

2. There is a distinction between a freestanding golf course, e. g. a traditional membership country club or a municipal course, and a course that was co-designed as an integral part of a residential development, such as Tomoka Oaks. In such cases, the golf course is an integral part of the entire development, and not a mere amenity, such as a bocce court or a card room. The golf course itself is subject to many constraints which inform the design process—soil types, elevations, species, for example. The golf course is not simply a vacant space which was not considered desirable for residences or ancillary amenities.

3. The residential portions of a golf course development are designed concurrently, and in unity with, those of the course itself, which attracts golfers and prospective lot purchasers and residents, for whom the golf course provides both a recreational and an open space amenity. Golf courses of this sort are designed to maximize the edge that forms the frontier between the residential lots and the course thereby enhancing the premium expected over non-frontage lots.

4. Since 1964, the original residents and their successors and assigns have contributed to the profitability of the original developer and have enriched the City's tax base with their remittances of fees and taxes. They were motivated by their **investment-backed expectations** that a well-managed golf course in the heart of their community would allow them to continue to enjoy Tomoka Oaks as it was originally designed.

5. The anticipated applicant has an existing entitlement on this property which was granted by the City Commission. The City has no obligation to grant any number of additional residential units to replace the golf course.

6. In granting the original development order, the City Commission approved a ratio of residential development to recreation and open space, which has remained in place for more than half a century. The conversion of the golf course, or any portion of it to residential will increase the residential to recreational/ open space ratio accordingly.

7. To the extent that the City of Ormond Beach may consider allowing some residential development within the existing golf course footprint, it is incumbent upon the City's decisionmakers, as its highest priority, to **maintain the open space amenity** which current residents and their predecessors in interest have enjoyed and which has been maintained for them since 1964. This enjoyment can be maintained in part through the use of greenbelts and opaque barriers with a minimum 100 foot width.

8. As an equally high priority to #7 above, the City's decision-makers must assure that any future residential development within the 130-acre footprint of the existing golf course are **compatible** with the existing residential lots and units of the Tomoka Oaks subdivision as defined in Sec. 163.3164(9) of Florida Statutes.[1] To achieve this compatibility, the HOA proposes a minimum 100-foot buffer between the existing homes and the new homes. The HOA further proposes that lots at the perimeter of the project should be larger to match the lot size of the existing homes more closely.

9. As a secondary, but significant, priority in addition to findings # 7 and # 8 above, the City's decision-makers must assure that a significant portion of the 130 acre golf course footprint, be maintained as a **recreational amenity** to serve the needs and preferences of existing and future residents. An example of such facilities would be a par-3 (executive) golf course of 9 or 18 holes. This can be maintained in part through the use of greenbelts and opaque barriers.

10. As a tertiary, but significant, priority in addition to # 7, 8, and 9 above the City's decision-makers must assure that protected species are identified and their habitats placed under conservation easement held by a third party, preferably a not-for-profit land trust.

[1] "(9) 'Compatibility' means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

11. Open space can be preserved by reducing the Applicant's proposed lot depth of 120 feet was offered as a means of protecting some of the existing tree cover (based on their

12. statement at the "reveal" meeting). Trees preserved on residential lots are at a much higher risk for removal unless some type of special protection is given such as tree protection easements. Reducing lot depth to **110 feet** would provide at least 10 additional feet that could be devoted to buffer area.

13. Existing residential units in the Tomoka Oaks neighborhood tend to exceed 2,000 square feet in conditioned floor area, and many are much larger. The minimum floor area in the 2,000 square foot range with a two-car garage and other items such as porches added to that base, is acceptable for new residential units.

14. The diversity of housing types and designs is key to the aesthetic appearance and curb appeal of Tomoka Oaks. To maintain compatibility with those existing units, the following guidelines should be considered for new residences within the 130-acre footprint of the historic golf course:

    - Limit the width of front facing garages to one-third of the house width unless the garage is set back from the front façade of the house by at least 10 feet. No limit would be imposed on side-entry garages to encourage this style in the neighborhood.

    - Roof lines will be variable using varied roof styles, pitches, projections, gables, dormers and similar design elements so that the new units do not look like the tent designs that seem so popular in newer subdivisions.

    - A limitation on how frequently a floor plan can be repeated along with limits on the exterior design repetition. The front façade should include four to six individual design elements and blank walls should be prohibited. Newer home designs frequently use blank walls or nearly blank walls on the sides of homes. A mixture of one-story and two-story product will be encouraged.

Given the great long term impact of the conversion of longstanding golf course land to residential use, the City's decision makers must make all reasonable efforts to assure that existing residents and property owners have an opportunity to participate in any redesign of the existing golf course property.

My clients and I look forward to working with City staff to assure that any conversion of the golf course property will enhance the aesthetics and lifestyle of this great neighborhood and be a benefit the entire community. I welcome any comments or questions you may have.

Sincerely,

Max Forgey AICP

Max Forgey AICP

cc: TOHA: John Power, President
Dennis Bayer Esq.
Tom Harowski, AICP

Attachment H

☐ **YES** I want to receive email notifications regarding development updates and public hearing dates.

_____

Please print email address above - (email info will not be shared)

_____

Please print your name above - (name info will not be shared)

☐ **YES** I wish to be added to the growing list of Ormond Beach residents who publically oppose residential development of the Tomoka Oaks Golf Course. I understand this list will be provided to the City of Ormond Beach before the Commission votes on the development.

_____

Print First and Last Name above (will be shared with the City Commission)

_____

Print Street Address & Zip above (will be shared with the City Commission)

Completed a Development Opposition Postcard

Tomoka Oaks
Frank Agliata
1 Bay Hill Dr.

Tomoka Oaks
Kimberly Hamilton
2 Eagle Dr

Tomoka Oaks
Robin Riddle/Christopher Moody
9 Eagle Dr

Tomoka Oaks
Joseph & Nora Costanzo
27 Eagle Ct

Tomoka Oaks
Joseph & Lori Dupree
3 La Costa Ct

Tomoka Oaks
Flavia Casassola
21 N St Andrews Dr

Tomoka Oaks
Rita Lee
27 N St Andrews Dr

Tomoka Oaks
Brian & Carmen Charlton
36 N St Andrews Dr

Tomoka Oaks
Robert Cook & Donna Klein
42 N St Andrews Dr

Tomoka Oaks
Cary & Carolyn Holland
52 N St Andrews Dr

Tomoka Oaks
Robert & Nancy Willis
58 N St Andrews Dr

Tomoka Oaks
Donald Minocchi
68 N St Andrews Dr

Tomoka Oaks
William & Joanne Ratigan
75 N St Andrews Dr

Tomoka Oaks
Nancy Munier
83 N St Andrews Dr

Tomoka Oaks
John Powell
98 N St Andrews Dr

Tomoka Oaks
Carol J Johnson & Art Detman
4 Bay Hill Dr.

Tomoka Oaks
Joe & Caitlin Bookwalter
3 Eagle Dr

Tomoka Oaks
Mary Unson
11 Eagle Dr

Tomoka Oaks
Douglas Jackson
5 Forest Oak Dr.

Tomoka Oaks
Eileen Pazos & Anne Tait
5 La Jolla Ct

Tomoka Oaks
Laura Cook & Lucyle Risi
23 N St Andrews Dr

Tomoka Oaks
Mary Pat & Bob Whiteside
29 N St Andrews Dr

Tomoka Oaks
John Rhoades
39 N St Andrews Dr

Tomoka Oaks
Chris Heaven
43 N St Andrews Dr

Tomoka Oaks
Lewis & Irene Slaughter
53 N St Andrews Dr

Tomoka Oaks
Donald Dippolito
61A N St Andrews Dr

Tomoka Oaks
Russell Frazier
70 N St Andrews Dr

Tomoka Oaks
Alan & Angel Hauch
76 N St Andrews Dr

Tomoka Oaks
Steve, Debbie, Tyler &Lee Ann Brown
90 N St Andrews Dr

Tomoka Oaks
David & Margaret McQuire
99 N St Andrews Dr

Tomoka Oaks
Donald & Ann Marie Medlar
7 Baywood Dr.

Tomoka Oaks
Jennifer Schimenti
5 Eagle Dr

Tomoka Oaks
John R. Ryals
20 Eagle Ct

Tomoka Oaks
Alexis Kagiliery & Debbie Landoskey
15 Janet Cir

Tomoka Oaks
Amelia Tacoma
6 La Jolla Ct

Tomoka Oaks
Christine & George Neely
24 N St Andrews Dr

Tomoka Oaks
Dean and Debbie Gatz
32 N St Andrews Dr

Tomoka Oaks
Jeff and Beth King
40 N St Andrews Dr

Tomoka Oaks
Diane Tingler
46 N St Andrews Dr

Tomoka Oaks
Christian Bowman
55 N St Andrews Dr

Tomoka Oaks
John & Louann Christopher
61C N St Andrews Dr

Tomoka Oaks
Robert Eby
71 N St Andrews Dr

Tomoka Oaks
Barbara Davis
78 N St Andrews Dr

Tomoka Oaks
Dr. Robert & Barbara Young
91 N St Andrews Dr

Tomoka Oaks
Joseph B Wisniewski
102 N St Andrews Dr

Tomoka Oaks
Bill & Diane Hoislbauer
1 Eagle Dr

Tomoka Oaks
Jessica Vitale
7 Eagle Dr

Tomoka Oaks
Sharon B Logan
25 Eagle Ct

Tomoka Oaks
Linda Gardner
17 Janet Cir

Tomoka Oaks
Lanny J. & Joan M. Van Lancker
15 N St Andrews Dr

Tomoka Oaks
Kathy & Robert Page
25 N St Andrews Dr

Tomoka Oaks
Carmen, Timothy & Vincent Woody
33 N St Andrews Dr

Tomoka Oaks
Larry & Carol Strickland
41 N St Andrews Dr

Tomoka Oaks
Jim & Joyce Page
50 N St Andrews Dr

Tomoka Oaks
Brandon Lester
57 N St Andrews Dr

Tomoka Oaks
Nathan & Jamie Wade and Sue Lutes
66 N St Andrews Dr

Tomoka Oaks
Lawrence Pilkerton
72 N St Andrews Dr

Tomoka Oaks
Joshua & Tracy Wilson
80 N St Andrews Dr

Tomoka Oaks
Benny & Beth Bowman
92 N St Andrews Dr

Tomoka Oaks
Blanche Parks
103 N St Andrews Dr

Tomoka Oaks
Jeffery Miller
107 N St Andrews Dr

Tomoka Oaks
Sharon Salas
110 N St Andrews Dr

Tomoka Oaks
Renny & Missy Herrero
111 N St Andrews Dr

Tomoka Oaks
Peggy W. Brown
112 N St Andrews Dr

Tomoka Oaks
Joe & Bonnie Maloney
114 N St Andrews Dr

Tomoka Oaks
Alexis Abstein Robinson
116 N St Andrews Dr

Tomoka Oaks
Ashley Dufrene & Michael Ugarte
118 N St Andrews Dr

Tomoka Oaks
Mark & Susan Eisner
1 Nottingham Dr

Tomoka Oaks
Dennis & Kathy Bishop
3 Nottingham Dr

Tomoka Oaks
Brent Rohol
9 Nottingham Dr

Tomoka Oaks
Ralph & Rhonda Schwartz
12 Nottingham Dr

Tomoka Oaks
Wendy Mara
13 Nottingham Dr

Tomoka Oaks
Bonnie & Steven Carle
15 Nottingham Dr

Tomoka Oaks
Roland & Ann Miller
17 Nottingham Dr

Tomoka Oaks
Ralph Giuffrida
18 Nottingham Dr

Tomoka Oaks
Charlotte H. Lambert
23 Nottingham Dr

Tomoka Oaks
Lynn B Pettenger
5 Oakmont Circle

Tomoka Oaks
Leonard & Pamela Gaspary
7 Oakmont Circle

Tomoka Oaks
Paul Mena
9 Oakmont Circle

Tomoka Oaks
Christopher & Leah Washington
12 Oakmont Circle

Tomoka Oaks
John & Patsy Klipfel
13 Oakmont Circle

Tomoka Oaks
Todd Cramer
17 Oakmont Circle

Tomoka Oaks
Del & Yolinda McLin
21 Oakmont Circle

Tomoka Oaks
Peter Crescenzi
24 Oakmont Circle

Tomoka Oaks
Harold & Nicole Diehl
29 Oakmont Circle

Tomoka Oaks
John & Hema Jeyaseelan
31 Oakmont Circle

Tomoka Oaks
Molly English
34 Oakmont Circle

Tomoka Oaks
Lonnie Brown
37 Oakmont Circle

Tomoka Oaks
John & Lisa Purner
38 Oakmont Circle

Tomoka Oaks
Ronald A Fenrich
40 Oakmont Circle

Tomoka Oaks
Lou Fifer
42 Oakmont Circle

Tomoka Oaks
Lindsey Hamilton
43 Oakmont Circle

Tomoka Oaks
June Jacobsen
44 Oakmont Circle

Tomoka Oaks
Bob & Carolyn Davis
46 Oakmont Circle

Tomoka Oaks
Josh & Michelle Stover
48 Oakmont Circle

Tomoka Oaks
Susan & Charlie Hillman
50 Oakmont Circle

Tomoka Oaks
Lauren Riegner
51 Oakmont Circle

Tomoka Oaks
Pamela & Mark Toal
54 Oakmont Circle

Tomoka Oaks
Michael & Jill Reagan
56 Oakmont Circle

Tomoka Oaks
Win Burgess
58 Oakmont Circle

Tomoka Oaks
Neil Oslos
62 Oakmont Circle

Tomoka Oaks
James M Lanier
64 Oakmont Circle

Tomoka Oaks
Mark and Susan Lukasik
67 Oakmont Circle

Tomoka Oaks
Sharon D Kist
68 Oakmont Circle

Tomoka Oaks
Richard Lukac
69 Oakmont Circle

Tomoka Oaks
Lynn Wieland
72 Oakmont Circle

Tomoka Oaks
Laura Dickason
74 Oakmont Circle

Tomoka Oaks
Robert W. Parks
3 Pebble Beach Dr

Tomoka Oaks
Stephanie Janovsky & Clayton Gordner
4 Pebble Beach Dr

Tomoka Oaks
Natalie Weaver
8 Pebble Beach Dr

Tomoka Oaks
Vikki & Robert Stone
9 Pebble Beach Dr

Tomoka Oaks
Raymond Glover
13 Pebble Beach Dr

Tomoka Oaks
Dr. & Mrs. Ronald C. Wing
23 Pebble Beach Dr

Tomoka Oaks
Andrea Pagan
31 Pebble Beach Dr

Tomoka Oaks
Caitlyn Casey-Parker & Scott Parker
32 Pebble Beach Dr

Tomoka Oaks
Lilly & Nanu Manek
33 Pebble Beach Dr

Tomoka Oaks
Robert Bolles
34 Pebble Beach Dr

Tomoka Oaks
Dan & Margie Peckham
36 Pebble Beach Dr

Tomoka Oaks
Elizabeth Hill
10 Pine Valley Circle

Tomoka Oaks
Dr. Kenneth Weidler
14 Pine Valley Circle

Tomoka Oaks
Paul & Deborah Maybeck
15 Pine Valley Circle

Tomoka Oaks
Heidi Nates
19 Pine Valley Circle

Tomoka Oaks
Donald & Kathleen Izor
21 Pine Valley Circle

Tomoka Oaks
Faye Louras
22 Pine Valley Circle

Tomoka Oaks
Jeff & Wendy Steiskal
23 Pine Valley Circle

Tomoka Oaks
John & Carolyn Anthony
25 Pine Valley Circle

Tomoka Oaks
John and Mary Murphy
26 Pine Valley Circle

Tomoka Oaks
Lauren Huhta
30 Pine Valley Circle

Tomoka Oaks
Christopher & Dora Watton
32 Pine Valley Circle

Tomoka Oaks
Jeffrey Hawk & Sherri Rummel-Hawk
33 Pine Valley Circle

Tomoka Oaks
Kenneth & Amber Carter
37 Pine Valley Circle

Tomoka Oaks
Mike Vedder
41 Pine Valley Circle

Tomoka Oaks
Earl Whitt
42 Pine Valley Circle

Tomoka Oaks
Roberta Naleway
45 Pine Valley Circle

Tomoka Oaks
Jim Cantrell
46 Pine Valley Circle

Tomoka Oaks
John H. Russell, Jr.
47 Pine Valley Circle

Tomoka Oaks
Glen Huckins & Amy Reyes
49 Pine Valley Circle

Tomoka Oaks
Michael Green
5 Pine Valley Circle

Tomoka Oaks
Susan & Charlie Hyre
50 Pine Valley Circle

Tomoka Oaks
Ginger Stanley
51 Pine Valley Circle

Tomoka Oaks
Adam & Kelsey Kipi
52 Pine Valley Circle

Tomoka Oaks
Melissa Henderson
53 Pine Valley Circle

Tomoka Oaks
Paula Mousikos
54 Pine Valley Circle

Tomoka Oaks
Lynn D'Louhy
108 Rio Pinar Dr

Tomoka Oaks
Paul McCauley
110 Rio Pinar Dr

Tomoka Oaks
Michelle Dent Streets
111 Rio Pinar Dr

Tomoka Oaks
Bradley & Sandra VanCleef (Bass)
112 Rio Pinar Dr

Tomoka Oaks
Lindsey Williams
116 Rio Pinar Dr

Tomoka Oaks
Paul & Debra Marz
121 Rio Pinar Dr

Tomoka Oaks
William & Rebecca Shank
123 Rio Pinar Dr

Tomoka Oaks
Rebecca Marder
128 Rio Pinar Dr

Tomoka Oaks
CaChay Lilly
129 Rio Pinar Dr

Tomoka Oaks
Christopher & Sarah Alderson
204 Rio Pinar Dr

Tomoka Oaks
Keith Weedo
205 Rio Pinar Dr

Tomoka Oaks
Philip & Rodanthie Ranieri
216 Rio Pinar Dr

Tomoka Oaks
Leonardo Valdivieso & Haley Osborn
219 Rio Pinar Dr

Tomoka Oaks
Michael Peerless
220 Rio Pinar Dr

Tomoka Oaks
Marion Franklin & Wilma Jean Hudson
223 Rio Pinar Dr

Tomoka Oaks
Michael & Rhonda Kelly
227 Rio Pinar Dr

Tomoka Oaks
Christopher & Natalia Caldwell
301 Rio Pinar Dr

Tomoka Oaks
Susan Klippel
303 Rio Pinar Dr

Tomoka Oaks
Joaquin Sierra
307 Rio Pinar Dr

Tomoka Oaks
Richard & Diana Williams
309 Rio Pinar Dr

Tomoka Oaks
Richard & Pamela Turrill
312 Rio Pinar Dr

Tomoka Oaks
Palmer Crellin
313 Rio Pinar Dr

Tomoka Oaks
Cary & Elana Maister
315 Rio Pinar Dr

Tomoka Oaks
Cindy Tredo
316 Rio Pinar Dr

Tomoka Oaks
Jean & Steven Denslow
317 Rio Pinar Dr

Tomoka Oaks
Stacy Shafer
318 Rio Pinar Dr

Tomoka Oaks
Susan Charlton Tiede
2 River Bluff Ct

Tomoka Oaks
Deb Brown
4 River Bluff Ct

Tomoka Oaks
Pete Hardy
5 River Bluff Ct

Tomoka Oaks
Cathie & Herb Branham
6 River Bluff Ct

Tomoka Oaks
John Bobeck
110 River Bluff Dr

Tomoka Oaks
Dr. Cheryl A Manning
113 River Bluff Dr

Tomoka Oaks
Charles Whitlock
115 River Bluff Dr

Tomoka Oaks
Terri Hauser
117 River Bluff Dr

Tomoka Oaks
David Williams
118 River Bluff Dr

Tomoka Oaks
Charles & Jane Martin
126 River Bluff Dr

Tomoka Oaks
Ellen Lauturner
134 River Bluff Dr

Tomoka Oaks
Michael & Stefanie Ibison
136 River Bluff Dr

Tomoka Oaks
Howard Montgomery
213 River Bluff Dr

Tomoka Oaks
Billy & Julie Dee Duke
312 River Bluff Dr

Tomoka Oaks
William & Michelle Zirkelbach
328 River Bluff Dr

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H A Jones
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Susan & Stewart Gavett
43 S St Andrews Dr

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Daniel & Sonya Soldevilla
53 S St Andrews Dr

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76 S St Andrews Dr

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Harry H Wendelsted
88 S St Andrews Dr

Tomoka Oaks
Marsha V. Bosshold
98 S St Andrews Dr

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Fred & Shirley Hine
4 Sherwood Dr

Tomoka Oaks
Patrick & Vivian Heading
11 Sherwood Dr

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James & Corrie Wilson
10 Tomoka View Dr.

Tomoka Oaks
Zoe Hendrix
9 Tomoka View Dr.

Tomoka Oaks
Sandra D Grundmann
207 River Bluff Dr

Tomoka Oaks
Richard Kershaw
214 River Bluff Dr

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James Szumigala
320 River Bluff Dr

Tomoka Oaks
Gregory Tremmel
330 River Bluff Dr

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Barbara H. Doliner
108 S St Andrews Dr

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Jeffrey Pigliacampi
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46 S St Andrews Dr

Tomoka Oaks
Kim, Amy, Arch & Matt Kolis
58 S St Andrews Dr

Tomoka Oaks
Naimoli Dawn
77 S St Andrews Dr

Tomoka Oaks
Jill Wheelock
90 S St Andrews Dr

Tomoka Oaks
Scott & Mindy James
65 S St Andrews Ter

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Rick & Tracie Titus
8 Sherwood Dr

Tomoka Oaks
Warren & Nancy Lensmire
29 Terry Cir

Tomoka Oaks
Joe & Susie LaTorre
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Michael Hallman
209 River Bluff Dr

Tomoka Oaks
Denise Silverman
304 River Bluff Dr

Tomoka Oaks
Chip & Laura Weast
324 River Bluff Dr

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Peter Tupas
332 River Bluff Dr

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Alice & Walter Butcka
22 S St Andrews Dr

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Kevin Pate
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82 S St Andrews Dr

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Patrick Harvey
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Frederick A and Diane Fox
334 River Bluff Dr

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6 Barcelona Trail

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Doreen & Brice Lechler
6 Birchwood Trail

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Mary Barnett
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Lucia J. Gallagher
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John and Nora Duck
15 Cherokee Trail

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Richard Goldhair
21 Cherokee Trail

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James Davidson
35 Cherokee Trail

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Marion Schindler
58 Cherokee Trail

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Michael Gebert
10 Choctaw Trail

The Trails
Alan J. Rabin
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Al Legg
33 Choctaw Trail

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David & Caroline Casey
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Erik Emsing & Kathleen Tigersavedow
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Deborah Martin
40 Choctaw Trail

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Fredrick & Mary Michl
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Dirk & Lori Smith
48 Choctaw Trail

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7 Circle Oaks Trail

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Julia & Eric Harris
9 Circle Oaks Trail

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Francine Maugeri
7 Crooked Tree Trail

The Trails
Michael Nugent
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Linda Dunleavy
9 Crooked Tree Trail

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Paul Smith
8 Fernwood Trail

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Marilyn Dorinson
4 Holly Ridge Trail

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Paula Bolwerk
15 Indian Trail

The Trails
Scott & Kristen Okarski
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Josephine Biondi
30 Lake Walden Trail

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407 Main Trail

The Trails
Dolores Silvers
614 Main Trail

The Trails
Willam Beyer
10 Maplewood Trail

The Trails
Bernis O'Dell
17 Morning Dew Trail

The Trails
Mary Claire & Joseph Lennartz
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The Trails
Jan Donald & Cathy Applegarth
154 Pine Cone Trail

The Trails
Phillip Imler
231 Pine Cone Trail

The Trails
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21 Rio Pinar Trail

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Gus & Pat Sotir
4 Rising Moon Trail

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The Trails
Ted Brown
3 Havenwood Trail

The Trails
Marlys Omalley
3 Holly Ridge Trail

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Janice Marino
23 Indian Trail

The Trails
Jason & Michelle Edwards
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Ann M. Way
36 Lake Walden Trail

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Craig Shankland
409 Main Trail

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Bruce E. Slipock
624 Main Trail

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Randolph Thompson
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The Trails
Kenneth Houk
5 Navajo Trail

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The Trails
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234 Pine Cone Trail

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22 Rio Pinar Trail

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Lynn Taylor
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7 Eagle Rock Trail

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Charlene Murphy
8 Havenwood Trail

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Joye & Petr Berger
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Frances Steiner
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The Trails
Arun Singhal
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Carol Mahon
16 Morning Dew Trail

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Levi Finck
3 Old Trail

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Judith Dolata
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39 River Ridge Trail

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Diane E. Chanfrau
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Virginia Norred
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Diane Dodge
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Trisha Bechler
127 Shady Branch Trail

The Trails
Frank Reynolds
131 Shady Branch Trail

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David & Barbara Kauffman
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Doug & Darla Widnall
7 Shawnee Trail

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Brenda Morton
3 Soco Trail

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Sheri Knaebel
10 Soco Trail

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Patricia Litfin
34 Soco Trail

The Trails
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40 Soco Trail

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The Trails
Virginia J. Greco
4 Springwood Trail

The Trails
Frederick Jebens
7 Springwood Trail

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Tammy Walker
12 Stonequarry Trail

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William R. Reed II
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Elana Patonai
2 Stonehaven Trail

The Trails
Thomas Deery
8 Stonehaven Trail

The Trails
Bill and Shirley Rohm
3 Sunwood Trail

The Trails
Irene Kraby
4 D Timberline Trail

The Trails
Clark Lochridge
104 Timberline Tr

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Kristina Moore
106 Timberline Trail

The Trails
Harriet Nolan
250 Timberline Trail

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302 Timberline Trail

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David Evans
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Dayle Orciani
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323 Timberline Trail

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Melissa Escala
339 Timberline Trail

The Trails
Joan Hiatt
343 Timberline Trail

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Kenneth & Sharon Gordon
1 Twelve Oaks Trail

The Trails
Donald & Arlene Cardone
24 Twelve Oaks Trail

The Trails
Peter & Maria Carrasco
3 Whispering Pine Trail

The Trails
Joshua & Stacy Wall
20 Wildwood Trail

Talaquah
Mary Walke
5 N Ravensfield Ln

Talaquah
Jose R Gierbolini, MD
14 Carrington Ln

Talaquah
Mark Wolfe
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Talaquah
Virginia Buckles
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Robert Sutton
640 N Nova Rd Unit 210

Tomoka Oakwood N Condos
Maria S. Martin
640 N Nova Rd Unit 410

Tomoka Oakwood N Condos
James Nobles
640 N Nova Rd Unit 515

OB - General population
Anne Jennings
325 Chesham St 32174

OB - General population
Bradley Bower
975 Shockney Dr 32174

OB - General population
Carol Long
200 Kenilworth Ave. 32174

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Michael & Tara Sanders
4 Twelve Oaks Trail

The Trails
Gerald & Denise Siennicki
26 Twelve Oaks Trail

The Trails
Rose Grace
4 Whispering Pine Trail

The Trails
Daniel Dragone
23 Wildwood Trail

Talaquah
Jesse & Nicole Harres
10 N Ravensfield Ln

Talaquah
Kenneth Boss
23 Carrington Ln

Talaquah
Mark & Tina Webb
21 Talaquah Blvd

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Frank Migliore
640 N Nova Rd Unit 102

Tomoka Oakwood N Condos
Christine J. Allen
640 N Nova Rd Unit 202

Tomoka Oakwood N Condos
Margery Kostman
640 N Nova Rd Unit 213

Tomoka Oakwood N Condos
Alice Marvin
640 N Nova Rd Unit 414

Tomoka Oakwood N Condos
Mary Hintze
640 N Nova Rd Unit 518

OB - General population
Barbara N. Snitko
1092 Landers Street 32174

OB - General population
Brenda Mullen
44 Horseshoe Falls Drive 32174

OB - General population
Christine Goebel
11 Flowertree Dr. 32174

The Trails
William Brown
16 Twelve Oaks Trail

The Trails
Diane & Jim Ledford
34 Twelve Oaks Trail

The Trails
Linda J. Bartholomew
11 Wildwood Trail

The Trails
Mark Haack
1 Willow Oak Trail

Talaquah
Robert E Burch
12 N Ravensfield Ln

Talaquah
Sally A Wells
29 Carrington Ln

Talaquah
Jodi Doban
23 Talaquah Blvd

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Melinda Vyskocil
640 N Nova Rd Unit 103

Tomoka Oakwood N Condos
John & Dana Dimenno
640 N Nova Rd Unit 205

Tomoka Oakwood N Condos
Janice Ketchledge
640 N Nova Rd Unt 302

Tomoka Oakwood N Condos
Charles Stoll
640 N Nova Rd Unit 506

OB - General population
Alan Kisseloff
348 Chesham Street 32174

OB - General population
Barbara Williams
145 S Ridgewood Ave 32174

OB - General population
Bruce Hart
789 N Halifax Dr 32174

OB - General population
Cindy Kirby
1324 Overbrook Dr 32174

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Jane Dodson
22 Twelve Oaks Trail

The Trails
Yechiel Sprei
2 Whispering Pine Trail

The Trails
Donna Green
17 Wildwood Trail

The Trails
Bonnie Williamson
4 Willow Oak Trail

Talaquah
Bob Kirtley
12 Carrington Ln

Talaquah
Ginger & Martin Davis
9 Talaquah Blvd

Talaquah
John Palumbo
25 Talaquah Blvd

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Ellen R. Back
640 N Nova Rd Unit 108

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Larry & Christine Rothenberger
640 N Nova Rd Unit 209

Tomoka Oakwood N Condos
Diane Teets
640 N Nova Rd Unit 316

Tomoka Oakwood N Condos
Linda Anderson
640 N Nova Rd Unit 507

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Allie Williamson
1310 Wandering Oaks Dr 32174

OB - General population
Bonita Pqtkswinn
84 Melrose Avenue 32174

OB - General population
C Forester
37 Old Canyon 32174

OB - General population
Cj Coulson
81 Cypress Grove Lane 32174

OB - General population
Constance Colby
108 Roble Lane 32174

OB - General population
David Mott
115 Three Bears Trail 32174

OB - General population
Diane Goodreau
3550 Bareback Trail 32174

OB - General population
Dorena James
4 Malayan Sun Bear Path 32174

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Heather Fester
1951 Carolina Ave 32174

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Jacqueline Kelly
57 Cypress Grove Lane 32174

OB - General population
John Chadwell
11 Village Dr 32174

OB - General population
Kate Knight
1104 Landers St 32174

OB - General population
Leah Sessions
1544 Poplar Dr 32174

OB - General population
Marce Kinstle
99 Knollwood Estates Dr 32174

OB - General population
Mark Chase
1146 Roberts st 32174

OB - General population
Nancy Deluca
202 Deer Lake Circle 32174

OB - General population
Patricia Schmidt Dunn
51 Emerald Oaks Lane 32174

OB - General population
Robert Rossen
7 Coquina Stone Lane 32174

OB - General population
Seth Green
111 Roble Lane 32174

OB - General population
Corinne Everest
1312 Wandering Oaks Drive
32174

OB - General population
Dennis Manzer
30 Bluebird Lane 32174

OB - General population
Dianne Thatcher
4 Spring Meadows Dr 32174

OB - General population
Geoffrey Michl
26 Carriage Creek Way 32174

OB - General population
Irma Delbagno
138 Black Hickory Way 32174

OB - General population
Jayde Lyle
27 Forest View Way 32174

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Josie Bultman Coulson
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Kathleen Lowery
566 N. Yonge St. 32174

OB - General population
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32 Baywater Ct 32174

OB - General population
Margaret Pascale
12 Larisa Ter 32174

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136 Pinion circle 32174

OB - General population
Pamela Novy
26 Carriage Creek Way 32174

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Patrick Kalina
47 Misty Falls Dr 32174

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Sally Cullen
1317 Oak Forest Drive 32174

OB - General population
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Corinne Rider
44 Oak Ave 32174

OB - General population
Desiray Blackburn
5 Tara Place 32174

OB - General population
Don Miller
1305 Parkside Dr 32174

OB - General population
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8 Lake Isle Way 32174

OB - General population
Ivona Tydir
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OB - General population
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OB - General population
Joy Brinley
78 Broadmoor Cir 32174

OB - General population
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OB - General population
Marie Kennedy
101 Pinion Circle 32174

OB - General population
Mary Puglia
2467 Destrenan Drive 32174

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Pamela Skilling
11 Magnolia Avenue 32174

OB - General population
Patti Kennedy
8 Shelly Way 32174

OB - General population
Sarah Sherwood
6 Cotton Mill Ct. 32174

OB - General population
Susan Bacsick
1531 Poplar Drive 32174

OB - General population
Cynthia Rodriguez
32 Arbor Lake Park 32174

OB - General population
Diane Cluff
33 Ribbon Falls Dr 32174

OB - General population
Donald Diedo
22 Indianhead Dr. 32174

OB - General population
Heather Deblois
145 Gamble Ave 32174

OB - General population
J Vk
3 Inverray Ct 32174

OB - General population
Jody Miles
15 Wild Cat Lane 32174

OB - General population
Kali Zinger
8 Kim Ct 32174

OB - General population
Kim Kaszar
14 Meadow Ridge Vw 32174

OB - General population
Lynn Rambo
304 Fir St. 32174

OB - General population
Marita Kelly
3229 Lienster Circle 32174

OB - General population
Michele Houseworth
391 Muddy Creek Lane 32174

OB - General population
Patricia Isaac
355 S. Orchard St. 32174

OB - General population
Rhoda Barzak
118 Willow Bend Lane 32174

OB - General population
Serena Rajkumar
224 N. Nova Road 32174

OB - General population
Susan Kidd
23 Sycamore Cir 32174

OB - General population
Susan Waters
6 Old Canyon Lane 32174

OB - General population
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16 Jolynn Drive 32174

OB - General population
Sarah Gowen
Not Provided 32174

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20 La Palma Street 32176

OB - General population
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OB - General population
Vincent Delbagno
138 Black Hickory Way 32174

OB - General population
Toby Miller
Not Provided 32174

OB - General population
Barbara Moriarty
1425 Ocean Shore Blvd Unit 502 32176

OB - General population
Martha Chalker
1 John Anderson 32176

OB - General population
Theress Flanagan
6 Sherrington Dr 32174

OB - General population
Corey Mead
Not Provided 32174

OB - General population
John Mease
Not Provided 32174

OB - General population
Cheryl Oplt
13 Seafarers Dr 32176

OB - General population
Monique Von Oetinger
225 Royal Dunes Cir 32176

OB - General population
Toni Pollitz
155 Hidden Hills Drive 32174

OB - General population
Mindy Mclarnan
Not Provided 32174

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OB - General population
Jeff Boyle
614 N. Halifax Dr 32176

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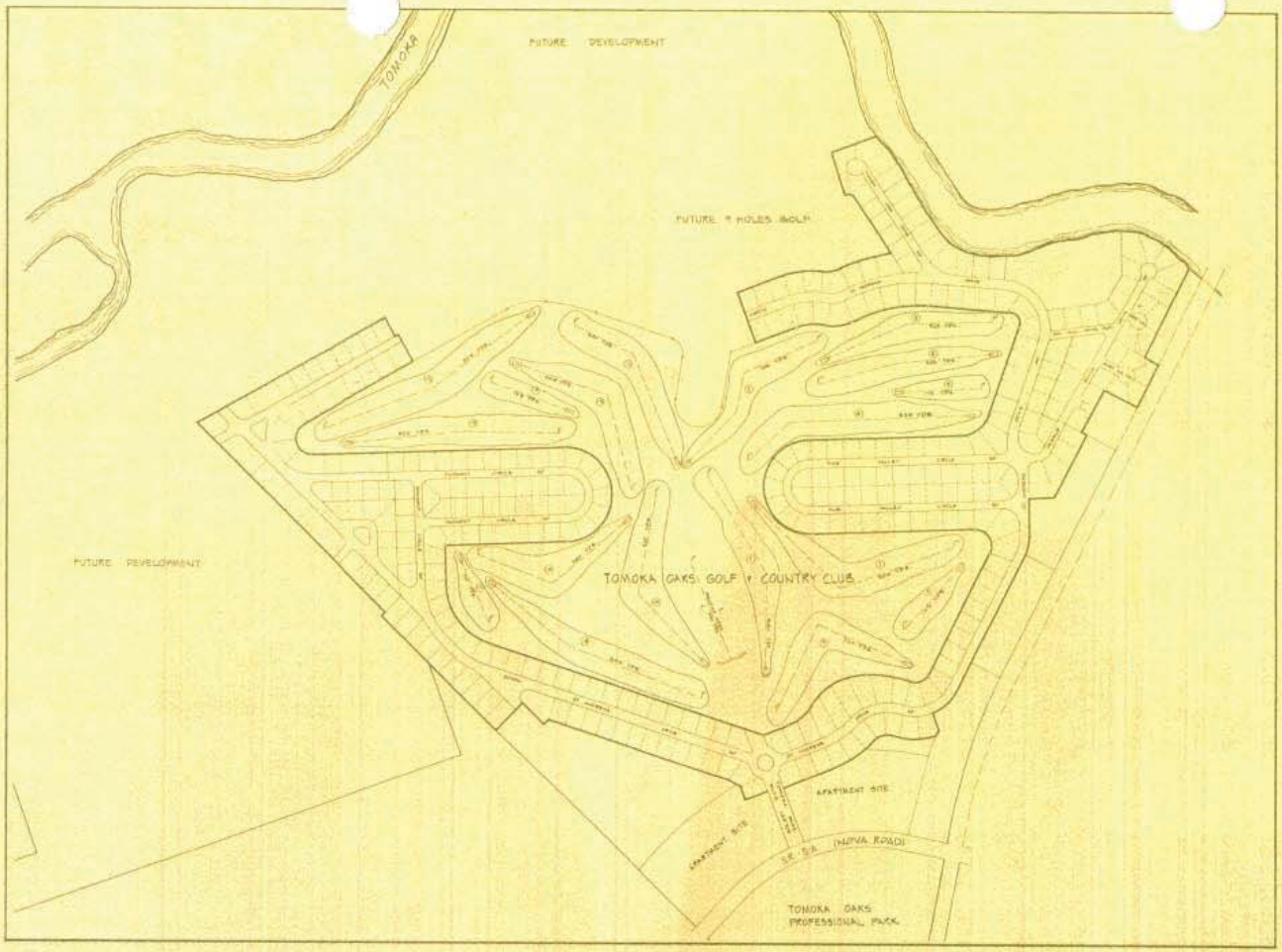



Page 10 of 23

Attachment I

Peine-Lemay, Mary

From: Hayes, Randy
Sent: Thursday, August 11, 2005 2:39 PM
To: Ervin, Clay
Cc: Peine-Lemay, Mary; Pinizzotto, Cindy
Subject: Tomoka Oaks Golf & Country Club

You asked the following question relative to TOG&CC: must it be maintained exclusively as a golf course? The following documents may be pertinent to any review:

a) Warranty Deed from Milton Pepper to RTH, Inc., dated February 14, 1979 (and recorded at Book 2052, Page 1019, Public records of Volusia County).

b) Any Development Order that may have been issued by the city for the development of the land.

c) Other restrictions place upon the land by virtue of privately recorded instruments of record, including any agreements or covenants between RTH, Inc., and members of TOG&CC.

d) Restrictions in an purchase money note held by any financial lender.

I have only been provided the Warranty Deed to review. An ownership and encumbrance search by a title company could verify the existence or non-existence of other related instruments that may have also been recorded regarding the use and/or any restrictions pertaining to the land.

The Warranty Deed indicates that RTH, Inc., took fee simple title to the land subject to:

a) taxes, easements and restrictions of record. (Comment: a title or ownership & encunbrance search would have to be conducted to make this determination); and

b) Lifetime Membership Agreement dated Ocotber 10, 1972 (recorded at OR Book 1487, Page 629, PRVC) (Comment: I do not have a copy of that instrument and therefore cannot make a determination relative thereto); and

c) Rights or claims to lifetime memberships of R.W. McFall, Richard I. Shelter, George L. Haller, and James P. Callahan and respective spouses. (Comment: I do not know whether or not any of these people may have an interest such that TOG&CC must be maintained exclusively as a golf course); and

d) Rights of members of TOG&CC. (Comment: I do not know whether or not there is a membership agreement that may (or may not) contain use restrictions); and

e) A reverted clause during the term of the purchase money note, which provides as follows: *"During the term of the purchase money note and wrap around mortgage executed of even date herewith by grantee to grantor, or for a period of 18 years in the event the said mortgage is prepaid in full, the above described property* ***shall revert to grantor upon the condition that any portion of said property is used for any purpose other than a golf course with club house and appurtenant amenities."***

(Comment: In the event the land was used for anything other than a golf course with country club and amenities during the prescribed period, the land would revert back to the grantor as stated in the **bold print** language.

The underlined language indicates there was a "reverter" clause, and that it was effective during the term of the mortgage or for a period of 18 years in the event the mortgage is paid off. Eighteen (18) years has certainly transpired since the date of the Warranty Deed (and deed indicates the mortgage was executed on the same date as the deed was executed), so one might assume that the reverter clause is no longer in effect. I would likewise assume that the mortgage has since been paid off, but I have not been provided any documents to verify that one

Per Carolyn Davis - I submitted a Public Records Request for the complete 2 page email, but I was informed emails are deleted after 3 years.

Attachment J

Mayor Costello stated whatever name was attached, be it a ditch or tributary, what was important was that this project can not stop water flowing onto the land. He asked if the height of the fence would be at a low point compared to the road.

Mr. Ervin stated the maximum height of the fence would be six feet along the property line. He explained the industrial parcel closest to US1 would have an extensive amount of fill and would be four feet higher at a finished floor elevation than the homes in Ormond Lakes, and the project would have a six foot wall at that location along with landscaping with the finished grade approximately two to three feet below the top of the wall. Mr. Ervin recommended a condition be added to correlate the fencing to the elevation of the roadway.

Mayor Costello advised it was very dark in front of the McDonalds west of I-95 where the lights were shielded, but was very bright after passing the screening which proved the screening does work well.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-222, approving the Special Exception to include the indoor pool as presented and the wall height to extend six feet above the elevation of a road entering or surrounding the property.

Call Vote:

Commissioner Kelley	yes
Commissioner Partington	yes
Commissioner Gillooly	yes
Commissioner Kent	yes
Mayor Costello	yes

Carried.

Mayor Costello called for a short break at 9:30 p.m. and he reconvened the meeting at 9:37 p.m.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(E).

Item #9(F) - "Ormond Beach Commercial Complex"

RESOLUTION NO. 2006-223

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR "ORMOND BEACH COMMERCIAL COMPLEX" SPECIAL EXCEPTION ON A SITE LOCATED AT 500 WEST GRANADA BOULEVARD WITHIN THE B-9 (BOULEVARD) ZONING DISTRICT; BY AUTHORIZING A WAIVER OF THE MASONRY BUFFER WALL REQUIREMENTS ALONG THE REAR PROPERTY LINE, BY ALLOWING THE USE OF AN EXISTING SIX FOOT HIGH WOOD FENCE IN LIEU THEREOF; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-223, as read by title only.

Call Vote:

Commissioner Partington	yes
Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(F).

Item #9(G) – "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 1, ARTICLE II, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL

PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was a rezoning for a 147 acre parcel from R-2 to Planned Residential Development (PRD). He noted there was a revised development order on the dais that identified the three items from the Planning Board recommendation that could be incorporated into the final development order. Mr. Ervin pointed out many comments from the Planning Board were recommendations for staff to check certain items such as water pressure and landscaping; therefore, they could not be identified in the development order; but the City Attorney culled through those comments to come up with specific requirements that could be incorporated into the development order, and they were addressed by staff. He stated the reuse availability, which was a major capital undertaking, was not feasible at this time. Mr. Ervin reported the landscaping plan was reviewed, and many of the trees being planted were already above and beyond the minimum requirement. He stated traffic improvements would be incorporated into site plan, and the applicant had agreed to those improvements. Mr. Ervin noted these improvements would include striping, signage, and cautionary signage. He advised staff contacted the Utilities Department regarding water presser concerns at least three times to verify whether or not water pressure problems were being experienced in the Tomoka Oaks area; but the pressures were meeting minimum requirements, and no specific problems were identified. Mr. Ervin stated there would not be any dead-end systems and would actually loop back into the existing system; therefore, water pressure should be maintained.

Mr. Ervin advised the development order would include notification to purchasers by a note on the plat that they were within proximity of the airport and within the flight plan of the airport. He stated the golf course shall remain a golf course and would not be able to be converted to any other use without approval by the City Commission. Mr. Ervin reiterated this property was Low Density Residential with an R-2 zoning; therefore, a developer could, in theory, develop the entire golf course for 600 homes, but considering the contours 300 single-family homes would be more realistic. He explained the proposal was for multi-family homes consisting of three and four story condominiums, town homes, and three single-family homes.

Mr. Rob Merrell, 1638 John Anderson Drive, representing the applicant, provided a visual presentation of the project. He reported he would rely on Mr. Ervin's conclusions in his staff report concerning Comprehensive Plan consistency, compliance with all of the City's Land Development Code requirements, and other issues. Mr. Merrell pointed out the Planning Board recommended unanimous approval with conditions that they have accepted. He stated there were issues everyone agreed on regarding some Smart Growth principles, and this project represented some of those principles such as the concept of urban renewal, proximity to services, clustering development, and the preservation of open space. Mr. Merrell explained this project was for 122 residential units, a new club house, pro shop, tennis center, tennis courts, and many amenities. He stated the property owner made a concession to cluster a lower number of units that would allow a great deal of open space. Mr. Merrell reported there would be a total of 84 condominium units, 35 townhouse units, and three residential units. He presented a computer rendering of the development proposed superimposed on the aerial photograph and pointed out the various elements of the proposed plan along with renderings of the buildings and landscaping. Mr. Merrell reported there would be considerable improvements to the lake system and the green for the golf course as a result of retrofitting the golf course for reuse water. He advised this request was for a planned redevelopment rezoning.

Mr. Harry Wendelstedt, 88 South St. Andrews, stated he has been a resident of Tomoka Oaks for 35 years, which was one of the finest residential developments in Volusia County. He stated he believed this would adversely affect the residents who live along the golf course. Mr. Wendelstedt reported people were told when purchasing their property that this golf course would remain for 99 years. He expressed a concern regarding property values; however, he has been informed that should not be a concern. Mr. Wendelstedt stated Tomoka Boulevard was two lanes, and he expressed concern regarding what would happen should another natural disaster occur such as the fires of 1998. He recommended placing a traffic light at the end of Tomoka Boulevard and Nova Road. Mr. Wendelstedt noted residents may have had a different view if the renderings and information were made available to the people earlier than this evening. He stated he opposed the development because the homeowners would loose the site of the rolling green fairways.

Ms. Joan Deemer, 86 South St. Andrews Drive, stated she lived in Tomoka Oaks for 28 years and opposed the recommended changes. She expressed concern that this would adversely affect the area with too many people and too many cars taking away the charm of Tomoka Oaks.

Ms. Zella Wilen, 48 Oakmont Circle, stated in the Fall of 1970 a request to rezone this property to R-5 was rejected at the Planning Board and in October 6, 1970, the Land Use Map was adopted by the Commission and that map showed Tomoka Oaks, including the golf course and undeveloped wooded areas, to be Single-family Residential Low Density zoned R-2, making Tomoka Oaks some of the largest lots in Ormond Beach. She reported that at the recent Planning Board meeting she objected to the entire rezoning change, stating Tomoka Oaks Boulevard should not be approved for an extension or a connection to any planned or named street within this area. Ms. Wilen voiced an objection to any overnight lodging should that be considered. She stated she opposed the increased traffic through Tomoka Oaks to the South St. Andrews area and noted this would add additional traffic to the Trails as well. Ms. Wilen reported the City Attorney in 1970 talked about spot zoning, cautioning the Planning Board that the golf course was a conditional use and would be able to request certain updating and remodeling, and that statement was relevant today. She noted restrooms were a problem due to vandalism, but were needed. Ms. Wilen pointed out the club house and garage areas could have been upgraded at any time in the past 36 years. She reported this change would impact the entire Tomoka Oaks area, not only those living on the golf course or within the 300 foot notification area. Ms. Wilen equated the 1970 R-5 request to this PRD request and opposed the change. She advised part of the selling point for homes in this area was that this would remain a golf course for 99 years, and she urged the zoning remain the same and the project be stopped.

Mr. Rob Merrell stated the property owner made a commitment to maintain the open space of the golf course in perpetuity. He pointed out the entire property was currently zoned for home sites; however, the development order under this proposal would indicate that the golf course would remain open space, and the City would then be able to enforce that as an element of the development order. Mr. Merrell reported speakers mentioned a 99-year provision, but there was no such covenant; however, this proposal would include a commitment to cluster 122 units in areas designed to be the least intrusive along with a recorded covenant to keep the golf course.

Mr. Hayes concurred that there was no covenant of record regarding the golf course; therefore, the applicant had a right to request this redevelopment of the Commission. He noted the City could now go back to try to do what some of the homeowners believed they already had for some 30 years.

Mr. Merrell advised the Commission received a complete traffic report in their information packet, and no failures in the transportation network were found, but several improvements were being proposed. He reported he met with as many people as possible prior to this meeting. Mr. Merrell advised that many people saw the pictures in advance of the Planning Board meeting, and there was a full-house at the Planning Board meeting. He noted many of those people did not come to make an objection tonight because they went away from the meeting satisfied that their questions and concerns were answered. He reported a DOT warrant would be needed for a traffic light, but the requirements for a light would not nearly be met. Mr. Merrell stated this was very different from what occurred in the 1970s because what was being shown now was what would occur if approved by the Commission, and it could not be changed.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on first reading, as read by title only.

Commissioner Kent reported he met with the developers a year ago, and the plans had not changed a great deal. He expressed concern regarding buffering for the current residents; however, the presentation showed this was addressed, and he could support this proposal.

Commissioner Gillooly stated the concept had merit, but she questioned what protection the people who purchased a home on a golf course would have. She noted people needed to be aware when purchasing a home what could occur to the property surrounding their home. Commissioner Gillooly pointed out nothing was uncovered that would protect the people to have this remain a golf course. She stated Tomoka Oaks was and remains a premier community in the City, but the golf course had not keep up to that premier status. Commissioner Gillooly suggested this development would bring in new residents, but at a greatly reduced rate than was permitted. She noted the design was thoughtful in that it kept the buffer, and the improvements may help bring the premier status back to the homes, increasing the value of the

existing homes. Commissioner Gillooly informed Mr. Merrell that she would like to assure the residents this would be the last residential plan for the Tomoka Oaks community. She advised she also told Mr. Merrell that she noted the developer planned the project with surrounding green space and improvements to the golf course, but she needed additional assurances that this would remain intact. Commissioner Gillooly reported the reply she received was an iron clad commitment. She stated the developer had a right to develop this property in a residential manner, and all of the above-noted improvements would to be made, which would make the overall project better.

Commissioner Partington advised he met with the developer last year and would vote for this for some of the same reasons as Commissioner Kent and Commissioner Gillooly previously mentioned. He noted this project would improve the entire subdivision, and this development set the standard for developments in other areas. Commissioner Partington reported he was comfortable this developer would make this project as high a quality, if not a higher quality, than he had done previously.

Commissioner Kelley reported he also met with the developer and saw a presentation last year. He stated this answered many questions; and while it would not answer the questions of those who want the land to stay exactly as it was, it did answer the question of whether there would be residential buildings constructed directly behind someone who now had a golf course view. Commissioner Kelley advised the placement of the development would not adversely impact the visual effect. He pointed out this would provide assurance that this would never come back to an R-2, R-3, or R-4 and would be dedicated. Commissioner Kelley reported the owner had prospective buyers come to him years ago to develop the property, but chose not to sell because he wanted to keep the golf course. He advised the proposal would only improve the value of all of the property in the area. Commissioner Kelley stated he shared a concern relative to the traffic, but was convinced the people would not come through the Trails because it would be faster to go to Nova Road and turn west to Clyde Morris Boulevard. He noted the only difficulty he could envision was the time it would take to exit on to Nova Road, particularly eastbound. Commissioner Kelley reported this project would be an improvement to the entire neighborhood, and it would assure the golf course would remain.

Mayor Costello reported he met with the developer a year ago, and the reality of the situation was that this was a residential piece of land that could hold 600 units and could realistically only hold 300 units without a golf course, but this proposal was for 122 homes with a golf course. He stated the choice was that in order to keep the golf course, the owner would have to make some money. Mayor Costello explained the alternative was, because the land was poorly permitted years ago, a developer had the right to construct 300 single-family homes and remove the golf course. He pointed out that in this development order the only thing permissible was the golf course open space. Mayor Costello recommended the developer set aside the finances for a traffic light even if it was not warranted at this point in that he believed traffic to be a valid concern. He asked if DOT would permit a light if the money was available.

Mr. Sans Lassiter, Traffic Engineer, replied if a traffic light was installed that does not meet the DOT warrants and an accident was caused by the fact the signal was installed, it would make the one installing the light liable. He explained traffic lights are a major liability issue because they increase rear end accidents and are meant to avoid right angle accidents which are more severe. Mr. Lassiter advised that due to this particular entrance on this particular road, most of the turns from Nova Road would be northbound left turns entering the parcel and most exiting from this project would be eastbound or outbound right turns, and those movements do not conflict with each other; therefore, this would not meet DOT's requirement for a traffic signal, and they would not allow it to be installed without a significant change in development such as a build-out of area. He reported the count at the peak hours did not meet the warrant, and the requirement was to meet eight hours to warrant a signal.

Mayor Costello stated the City had hired Mr. Lassiter on numerous occasions, and he was known to be honorable and would not state anything that could later be refuted. He assured Ms. Wilen the plan did not include any hotel/motel type proposal.

Call Vote:

Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Commissioner Partington	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(G).

Attachment K

businesses along A1A were permitted to have pole signs. He pointed out this was an older building with an architectural design that was somewhat limiting to allow for horizontal signs at or below 20 feet, and staff was trying to follow what was done previously at the other two sites referenced.

Commissioner Gillooly stated Commissioner Partington received an e-mail today questioning the fairness on how the Commission judged special exceptions. She requested Mr. Ervin explain what constituted a special exception.

Mr. Ervin stated the Land Development Code was specifically amended for this particular situation. He explained in the mid 1990s there was a prohibition of all signs over 20 feet, and Peninsula Hospital indicated they could not get a 20-foot sign, but it was imperative to have a sign. Mr. Ervin reported that rather than going through a variance procedure, the Planning Board recommendation was to make a special exception for applicants to go through a public hearing process at the Development Review Board and at the City Commission level. He pointed out that the concept behind a special exception was what was being requested may not work everywhere in the district but may be appropriate in certain locations. Mr. Ervin reported this was regulatory relief granted toward existing structures built along the beachfront and in the hospital zoning districts because it would deal with more institutional buildings that would typically be taller and did not have the architecture to support typical signage.

Mayor Costello asked why the parrot had to be removed from the hotel but this could stay.

Mr. Ervin stated this would meet the sign area requirements while the parrot exceeded the size limitation, and the parrot was considered a graphic representation used for commercial free speech; therefore, interpreted as a sign. He noted there was also a prohibition against murals.

Mayor Costello reported he worked hard to keep the parrot, and he did not understand why this was recommended for approval while the parrot had to be removed.

Commissioner Partington stated he also appreciated the pole sign on A1A. He summarized that Mr. Ervin was indicating that in order to be consistent with what was previously approved staff was recommending this be approved. Commissioner Partington noted he considered that to be an important factor.

Commissioner Kelley stated there was a very clear difference that the Development Review Board considered and assessed incorrectly which was that a special exception was granted to B-7 for a Planned Business Development (PBD). He pointed out the hospital had no place for a sign, but this applicant did have a place for a sign. Commissioner Kelley reported the sign would not be obtrusive, but the exception granted was meant to apply in those situations where there was no place for a sign, which was not the case in this instance; therefore, he would vote against this request.

Call Vote:

Commissioner Partington	yes
Commissioner Gillooly	no
Commissioner Kent	no
Commissioner Kelley	no
Mayor Costello	no

Failed.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(A).

Item #9(B) - "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 2, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL

INCONSISTENT ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on second reading, as read by title only.

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Hearing no objection, Mayor Costello closed the public hearing on Item #9(B).

Item #10 - Collection, Removal, and Disposal Of Debris Upon Private Roads and within Private Gated Communities During a Declared State of Emergency

ORDINANCE NO. 2006-18

AN ORDINANCE AMENDING CHAPTER 10, WASTE, YARD WASTE AND RECYCLABLES*, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-1, DEFINITIONS; AND BY AMENDING SECTION 10-18, RESERVED, TO PROVIDE FOR THE COLLECTION, REMOVAL, AND DISPOSAL OF DEBRIS UPON PRIVATE ROADS AND WITHIN PRIVATE GATED COMMUNITIES DURING A DECLARED STATE OF EMERGENCY; PROVIDING FOR SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2006-18, on second reading, as read by title only.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #11(A) - Signage for Professional Office Uses in the Greenbelt Overlay District

ORDINANCE NO. 2006-19

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE CRITERIA, ARTICLE IV, SIGN REGULATIONS, SECTION 3-48, SPECIALIZED SIGN STANDARDS, OF THE *LAND DEVELOPMENT CODE* BY ALLOWING FOR ADDITIONAL SIGNAGE FOR PROFESSIONAL OFFICE USES IN THE GREENBELT OVERLAY DISTRICT, SUBJECT TO MINIMUM CRITERIA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was an administratively initiated amendment to the Land Development Code to address a concern identified to the Commission from a local land developer. He reported there was a concern that the current land development regulations do not provide enough sign flexibility for larger office complexes located along the major thoroughfares of Granada Boulevard, Clyde Morris Boulevard, Williamson Boulevard and Hand Avenue. Mr. Ervin noted staff had been in discussion with this developer to determine what options were available in that there were no sign variances for new construction, so developers have two options: rezone their property to PBD where they would have some flexibility or to go forward with straight zoning and comply with the minimum established standards. He explained the current minimum standards call for monument signage, and the size of the sign would be based on the frontage of the property with a maximum number of six tenant panels in addition to the name of the facility. Mr. Ervin reported the applicant was concerned this was not meeting the needs of today's real estate market and identified that the purchasers need additional signage. He noted staff had some concerns relative to applying the regulations City-wide. Mr. Ervin pointed out staff was not indicating the proposal was unattractive, and the applicant did point out

Attachment L

From: Hayes, Randy
To: Spraker, Steven
Subject: FW: Tomoka Oaks- Historical Recorded Documents
Date: Thursday, June 30, 2022 11:47:49 AM
Attachments: Tomoka Oaks 1963 Warranty Deed and Release.pdf

Steven – for the reasons described below, there is no covenant requiring the golf course to be used in perpetuity.

From: McKee, Scott <Scott.McKee@ormondbeach.org>
Sent: Thursday, June 30, 2022 11:27 AM
To: Hayes, Randy <Randy.Hayes@ormondbeach.org>
Subject: Tomoka Oaks- Historical Recorded Documents

Randy,

As I mentioned earlier, I reviewed the public record archives pertaining to the Tomoka Oaks golf course, specifically as to the issue whether there were any recorded documents containing language that the property was "to be used as a golf course in perpetuity". I searched for any covenants/restrictions that would include such language. There was a document recorded at Book 431, beginning at page 32, titled "Restrictions", which was applicable to Tomoka Oaks Country Club Estates, Unit #1, and provided restrictions regarding the use of the residential properties by the individual homeowners,(i.e., such as only using the property for residential use, only buildings for private dwellings, no animals except for domestic animals, etc.) but the restrictions contained no such language pertaining to the use of the golf course property in perpetuity.

I was able however, to locate a document containing the language restricting the use in perpetuity as a golf club, as referenced in the detailed packet of materials containing the history of the development provided to planning staff by Carolyn Davis. The referenced clause is in a warranty deed executed in December of 1963, which conveyed the property from Tomoka Oaks, Inc., to an individual, Ralph Frederick, trustee. This 1963 warranty deed contained three paragraphs of notable interest. The first paragraph contained a right of refusal for Tomoka Oaks, Inc. to re-purchase the property in the event Mr. Frederick decided to sell the golf course. The second paragraph contained the referenced language that the property shall be used as a golf and country club, golf course, or related use, in perpetuity, or revert back to the seller. The third paragraph contained express conditions and provided a mechanism to release or modify the express conditions. Subsequent recorded documents including a corporate resolution adopted by the Tomoka Oaks, Inc. board of directors in 1969, and a release, recorded in 1971, were located that indicate the parties were released from the conditions of the 1963 warranty deed, which shall be discussed in detail below.

As a brief history, during the early development of the Tomoka Oaks subdivision, the golf course property was owned by Tomoka Oaks, Inc., a Florida corporation, and was initially leased in January of 1963 to Tomoka Oaks Golf and Country Club Inc., a non-profit, for a term of 99 years. For whatever reason, the lease was surrendered in October of the same year, and the golf course property was sold in December by Tomoka Oaks, Inc., to Ralph Frederick, Trustee. The golf course property was conveyed by warranty deed for consideration, executed on December 12, 1963, and recorded in the public records of Volusia County on December 13, 1963, at Book 585 beginning on page 157. As previously mentioned the warranty deed contained; 1) a right of first refusal in the event Mr. Frederick decided to sell the golf course property and received a good faith offer; 2) a reverter clause that the property would be used as a golf and country club, golf course, and related use in perpetuity; and 3) a paragraph expressing conditions of the right of first refusal and providing

a provision to allow the parties a release of the reverter clause if express conditions were met.

1963 Warranty Deed Conditions

Language of Right of First Refusal

The warranty deed executed on December 12, 1963 contained the following language, giving Tomoka Oaks, Inc., the right of first refusal to re-purchase the property should the grantee (party of second part) ever decide to sell the property and get a good faith offer.

> "*This conveyance is subject to the express conditions that should party of the second part (grantee), or his successors in interest, desire to sell or convey the above described property to any person, firm or corporation other that a subsidiary of party of the second part, any good faith offer acceptable to such owner must be referred to party of the first part (grantor) for its acceptance or rejection for a period of thirty days, and in the event of its rejection or failure to accept such offer, said offer shall then be presented to Tomoka Oaks Golf and Country Club, Inc., a Florida non-profit corporation, for its acceptance or rejection for a period of thirty days, such acceptance or rejection to be subject to the approval of party of first part (grantor). Such right to accept or reject said offer is transferable and may be transferred by either party of the first part or Tomoka Golf and Country Club, Inc. to the Tomoka Oaks Homeowners Association within said thirty day period and must be acted upon within said period*."

Language of Reverter Clause

The second condition in the 1963 warranty deed contained a condition that the property shall be used as a golf and country club, golf course and related uses by the grantee or its successors in interest or revert back to the seller. The language of the reverter clause is as follows:

> "*The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses, and in the event that party of second part, or its successors in interest, fail to utilize said property exclusively as a golf and country club, golf course, and related uses, and the property not be sold to Tomoka Oaks Homeowners Association as specified in the preceding paragraph, then the above described property shall automatically revert to and become the property of the first part, and all rights therein of party of the second part, or its successors in interest, shall immediately terminate unless party of the second part, or its successors in interest, shall within ninety days after the day of mailing to said party of the second part, or its successors in interest, at is last known address by certified mail, by Tomoka Oaks Inc., or Tomok Oaks Homeowners Association, a written notice to utilize said property as a gold and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.*"

Release of Modification of the Reverter Clause

The paragraph immediately following the reverter clause in the warranty deed allows the parties to be released from the reverter clause provided express conditions are met. The language is as follows:

> "The aforementioned reverter clause specified in the last preceding paragraph may be released or modified b resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomok Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in

Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc."

1969 Corporate Resolution and 1971 Release

A few years after the golf course property was conveyed from Tomoka Oaks, Inc. to Ralph Frederick, a sale of the golf course was pending to the entity, Ormond Ocean Homes, Inc. On February 18, 1969, the board of directors for Tomoka Oaks, Inc., held a special meeting and adopted a corporate resolution, by unanimous vote, which recited the reservations and restrictions contained in the December 1963 warranty deed, specifically the right of first refusal and the reverter clause. The resolution stated, "*it is within knowledge of Tomoka Oaks, Inc. at this time that the above described golf course property is under contract for sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has rejected its right to purchase said property and is agreeable to the said sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has not transferred the right to accept or reject said offer, and whereas, Tocc, Inc., the present owner of the aforesaid property, had requested Tomoka Oaks, Inc. to formalize its consent to the sale of the above described property to Ormond Ocean Homes, Inc., and Tocc, Inc., with the understanding that Tomoka Oaks, Inc. intends to liquidate and dissolve, has also requested Tomoka Oaks, Inc. to release forever its right of first refusal set forth in the aforesaid deed of conveyance and to also release the reverter clause contained in said deed, the release of the reverter clause to become effective December 13, 1973, the release specified in such reverter clause*." The corporate resolution adopted by the board of directors for Tomoka Oaks, Inc., was recorded in the public records of Volusia County October 22, 1970, at Book 1238, page 246. It is important to note that this resolution was adopted by the board of directors unanimously, and the date the release of the reverter clause was to become effective, December 13, 1973. As the warranty deed provided the reverter clause could be modified or released by a two-thirds vote by the board of directors *at any time after 10 years of the date of recording of the deed* (which was December 13, 1963). It appears the conditions were met. On June 16, 1971, a Release was filed in the public records of Volusia County at Book 1307, page 89, which acknowledged the corporate resolution adopted by the board of directors and recorded in the public records, further releasing the reverter clause contained in the 1963 deed, becoming effective December 13, 1973, the release date specified in the reverter clause, and stating the release is given for good and valuable consideration. In summary, the records confirm the existence of a document recorded in the public records that provided the property be used for purposes of a golf course in perpetuity. In this case, the document was not contained covenants and restrictions provided by a homeowners' association, but rather in a warranty deed, and as stated previously, subsequent records confirm the reverter clause containing the language was properly released by a recorded corporate resolution and release, and therefore no longer valid. I have attached and combined the three referenced documents as a scanned PDF, and highlighted key provisions for your review.

Thanks,

Scott McKee, Esq.
Assistant City Attorney
Office of City Attorney

173 South Beach Street | Ormond Beach, FL 32175
Main: (386) 676-3217| Direct: (386) 615-7035
Fax: (386) 676.3321
Email: scott.mckee@ormondbeach.org

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WARRANTY DEED

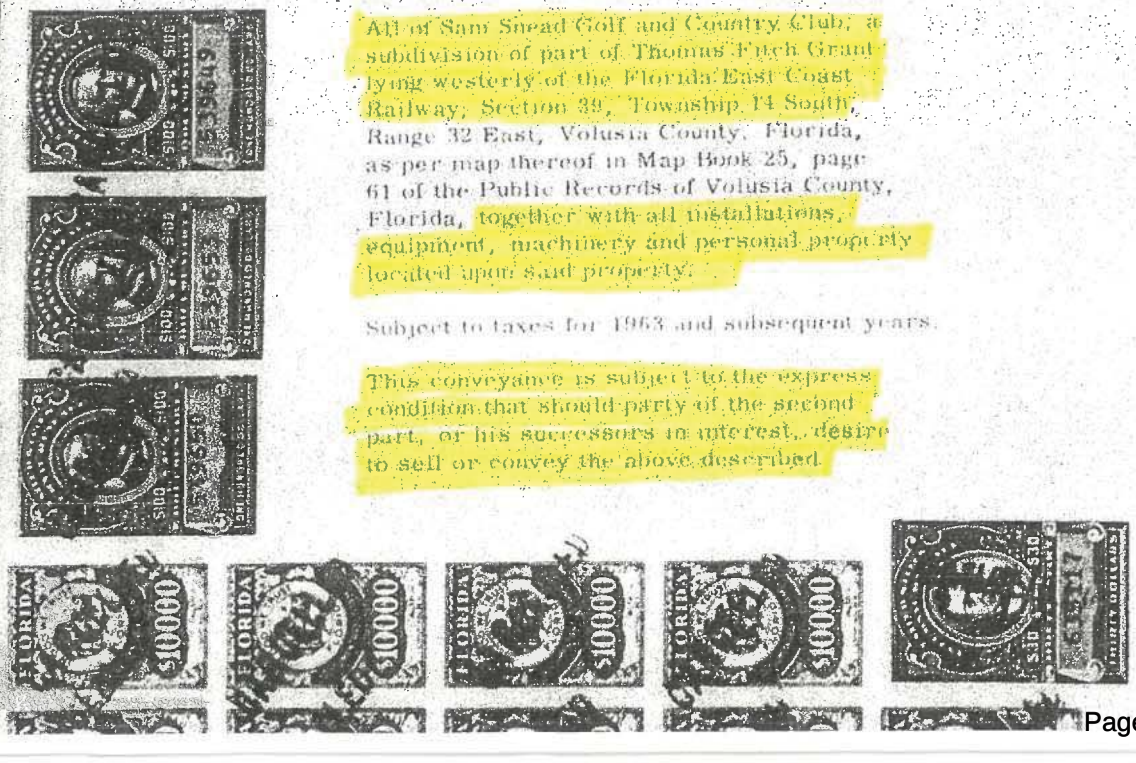
THIS INDENTURE made this 12th day of December, A. D., 1963, between TOMOKA OAKS, INC., a corporation existing under the laws of the State of Florida, having its principal place of business in the County of Volusia and State of Florida, party of the first part, and RALPH R. FREDERICK, TRUSTEE, of 945 John Anderson Drive, Ormond Beach, County of Volusia and State of Florida, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land situate, lying and being in the County of Volusia and State of Florida, to-wit:

All of Sam Snead Golf and Country Club, a subdivision of part of Thomas Fitch Grant lying westerly of the Florida East Coast Railway, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, as per map thereof in Map Book 25, page 61 of the Public Records of Volusia County, Florida, together with all installations, equipment, machinery and personal property located upon said property.

Subject to taxes for 1963 and subsequent years.

This conveyance is subject to the express condition that should party of the second part, or his successors in interest, desire to sell or convey the above described



property to any person, firm or corporation other than a subsidiary of party of the second part, any good faith offer acceptable to such owner must be referred to party of the first part for its acceptance or rejection for a period of thirty days, and in the event of its rejection or failure to accept such offer, said offer shall then be presented to Tomoka Oaks Golf and Country Club, Inc., a Florida non-profit corporation, for its acceptance or rejection for a period of thirty days, such acceptance or rejection to be subject to the approval of party of the first part. Such right to accept or reject said offer is transferable and may be transferred by either party of the first part or Tomoka Oaks Golf and Country Club, Inc. to the Tomoka Oaks Homeowners Association within said thirty day period and must be acted upon within said period.

The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses, and in the event that party of the second part, or its successors in interest, fail to utilize said property exclusively as a golf and country club, golf course, and related uses, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, then the above described property shall automatically revert to and become the property of party of the first part, and all rights therein of party of the second part, or its successors in interest, shall immediately terminate unless party of the second part, or its successors in interest, shall within ninety days after the day of mailing to said party of the second part, or its successors in interest, at its last known address by certified mail, by Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc., or Tomoka Oaks Homeowners Association, a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

The aforesaid reverter clause specified in the last preceding paragraph may be released or modified by resolution concurred in by two-thirds of the entire board

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of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, attested by its Secretary, the day and year above written.

Signed, Sealed and Delivered in the presence of:

TOMOKA OAKS, INC.

By Ralph R Frederick
President

Attest:
Donald W Acer
Secretary

STATE OF FLORIDA

COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day of A. D., 1963, before me personally appeared RALPH R. FREDERICK and DONALD W. ACER, JR., President and Secretary respectively of Tomoka Oaks, Inc., a corporation under the laws of the State of Florida, to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Daytona Beach in the County of Volusia and State of Florida, the day and year last aforesaid.

Notary Public, State of Florida at Large

THIS INSTRUMENT PREPARED BY
DAVID L. BLACK
ATTORNEY AT LAW
801 N. GRANDVIEW AVE., DAYTONA BEACH, FLA.

RESOLUTION

WHEREAS, TOMOKA OAKS, INC., a Florida corporation, made, executed, and delivered to Ralph R. Frederick, Trustee, a deed to certain property described as follows:

> All of Sec Knead Golf and Country Club, a subdivision of part of Thomas Fitch Grant lying westerly of the Florida East Coast Railway, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, as per map thereof in Map Book 25, page 61, of the Public Records of Volusia County, Florida, together with installations, equipment, machinery and personal property located upon said property.

which deed was duly recorded on December 13, 1963 in Official Records Book 585, page 157, Public Records of Volusia County, Florida, and

WHEREAS, such deed of conveyance contained the following reservations and restrictions:

> "This conveyance is subject to the express condition that should the party of the second part (Ralph R. Frederick, trustee), or his successors in interest, desire to sell or convey the above-described property to any person, firm, or corporation other than a subsidiary of party of the second part, any good faith offer acceptable to such owner must be referred to party of the first part for its acceptance or rejection for a period of thirty days, and in the event of its rejection or failure to accept such offer, said offer shall then be presented to Tomoka Oaks Golf and Country Club, Inc., a Florida non-profit corporation, for its acceptance or rejection for a period of thirty days, such acceptance or rejection to be subject to the approval of the party of the first part (Tomoka Oaks, Inc.) Such right to accept or reject said offer is transferable and may be transferred by either party of the first part or Tomoka Oaks Golf and Country Club, Inc. to the Tomoka Oaks Homeowners Association within said thirty day period and must be acted upon within said period.
>
> The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses, and in the event that party of the second part, or its successors in interest, fail to utilize said property exclusively as a golf and country club, golf course, and related uses, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, then the above described property shall automatically revert to and become the property of the party of the first part, and all rights therein

of party of the second part, or its successors in interest, shall immediately terminate unless the party of the second part, or its successors in interest, shall within ninety days after the date of mailing to said party of the second part, or its successors in interest, at its last known address by certified mail, by Tomoka Oaks, Inc., Tomoka Oks Golf and Country Club, Inc., or Tomoka Oaks Homeowners Association, a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

The aforesaid reverter clause specified in the last preceding paragraph may be released or modified by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths of the lots in Tomoka Oaks Country Club Estates; then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds of the Board of Directors, of the Tomoka Oaks Homeowners Association, Inc."

and

WHEREAS, it is within the knowledge of Tomoka Oaks, Inc. at this time that the above-described Golf Course property is under contract for sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has rejected its right to purchase the said property and is agreeable to the said sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has not transferred the right to accept or reject said offer, and

WHEREAS, Toco, Inc., the present owner of the aforesaid property, has requested Tomoka Oaks, Inc. to formalize its consent to the sale of the above-described property to Ormond Ocean Homes, Inc., and

WHEREAS, Toco, Inc., with the understanding that Tomoka Oaks, Inc. intends to liquidate and dissolve, has also requested Tomoka Oaks, Inc. to release forever its right of first refusal set forth in the aforesaid deed of conveyance and to also release the reverter clause contained in said deed, the release of reverter to become effective December 13, 1973, the release date specified in such reverter clause,

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NOW, THEREFORE, the following resolutions are hereby adopted:

"BE IT RESOLVED: That inasmuch as it has been submitted to Tomoka Oaks, Inc. that Tocc, Inc. has contracted to sell the following described property to Ormond Ocean Homes, Inc.:

All of Sam Snead Golf and Country Club, a subdivision of part of Thomas Fitch Grant lying westerly of the Florida East Coast Railway, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, as per map thereof in Map Book 25, page 61, of the Public Records of Volusia County, Florida, together with installations, equipment, machinery, and personal property located upon said property,

Tomoka Oaks, Inc. does hereby reject its right to exercise any option to purchase the aforesaid property and is in full accord with the sale of the aforesaid property to Ormond Ocean Homes, Inc. and that the said sale is hereby ratified and approved and that Tomoka Oaks, Inc. evidences its consent to the said sale by the action of its board of directors taken at this duly convened, authorized meeting of the board of directors of said corporation.

BE IT FURTHER RESOLVED: That since Tomoka Oaks, Inc. intends to liquidate and dissolve, Tomoka Oaks, Inc. does hereby release any and all rights reserved unto it in that certain deed of conveyance recorded in Official Records Book 585, page 157, Public Records of Volusia County, Florida, particularly its right of first refusal set forth in said deed, and Tomoka Oaks, Inc. further releases the reverter clause contained in the aforesaid deed, such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause, and the president and/or secretary of this corporation are hereby authorized and empowered to execute any and all further instruments which may be required in order to effect the releases herein referred to."

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a resolution passed by a unanimous vote of the board of directors of Tomoka Oaks, Inc. at a special meeting of the board of directors held on the 18th day of February, A. D. 1969, the said meeting having been duly convened and a quorum being present.

DATED: This 19th day of October, 1970.

Donald W. Acer, Jr.

Donald W. Acer, Jr. - Secretary of Tomoka Oaks, Inc.

22271

THIS INSTRUMENT PREPARED BY
DAVID L. BLACK
ATTORNEY AT LAW
501 N. GRANDVIEW AVE., DAYTONA BEACH, FLA.

RELEASE

KNOW ALL MEN BY THESE PRESENTS, That TOMOKA OAKS, INC., a Florida corporation, pursuant to that certain corporate resolution adopted by the board of directors of the said Tomoka Oaks, Inc. at a special meeting of the board of directors held on the 18th day of February, 1969, a certified copy of which resolution has been duly recorded among the Public Records of Volusia County, Florida in Official Records Book 1238, page 248, does hereby release any and all rights reserved unto it in that certain deed of conveyance recorded in Official Records Book 585, page 157, Public Records of Volusia County, Florida, particularly its right of first refusal set forth in said deed, and said Tomoka Oaks, Inc. further does hereby release the reverter clause contained in the aforesaid deed, such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause, This release is given for good and valuable consideration.

IN WITNESS WHEREOF, TOMOKA OAKS, INC. has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, this 16th day of June, A. D. 1971.

Signed, sealed, and delivered
in the presence of:

[signature]

Kathleen A. Wolff

TOMOKA OAKS, INC.

By R. W. Davis
Its President

STATE OF FLORIDA

COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared R. W. DAVIS, well known to be to be the president of Tomoka Oaks, Inc., a Florida corporation, and he acknowledged executing the above and

foregoing release in the presence of two subscribing witnesseas freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 16th day of June, A. D. 1971.

Notary Public, State of Florida at Large

My commission expires: 9/16/73

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Tyler Brown
90 North St. Andrews Drive
Ormond Beach, FL 32174

October 30, 2023

Ormond Beach City Commission:

DENISTY MATTERS

Executive Summary

The fact that Tomoka Reserve will affect the surrounding neighborhoods is undeniable. To what extent depends heavily on the density and development that is ultimately approved. While the developer is arguing that Tomoka Oaks has a density of 2.09 homes/acre, this number is highly circumspect and should be examined before any development density is considered. The next several pages will go through some of these considerations. As you will see there is a solid and consistent argument that Tomoka Oaks actually has a density of 1.11 homes/acre. This would reduce Tomoka Reserve to a comparable density of 165 homes from their current 272. Unfortunately, you will not find quippy one-liners or jokes in this analysis. What you will find are facts and numbers that affect the future of Tomoka Oaks and Ormond Beach. Hopefully, this information helps inform your deliberations concerning Tomoka Reserve.

History and Information

Since the announcement of Tomoka Reserve and the first Neighborhood Meeting, the residents of Tomoka Oaks, and Ormond Beach at large, have been worried about the impact this project would have on our quality of life and the character of the surrounding neighborhood. A copy of my letter supplied to the developer at that first meeting referencing these concerns is attached for your reference (Exhibit 1). As the process has proceeded, there have been many concerns discussed. Some have been addressed, while the larger quality of life issues including traffic, further crowding and strain on our school and hospital systems, property value loss, loss of recreational and green space, and environmental concerns have been mostly unresolved.

When you distill these concerns down to their root cause, you arrive at one aspect of the proposed development that, if altered, helps reduce every one of the major concerns. DENSITY. This issue has been discussed at every meeting concerning Tomoka Reserve including the three Planning Board meetings where one of the main reasons for the board's denial position was the overall property density. We can argue the appropriate density, but a good place to start is the density of the surrounding neighborhood, Tomoka Oaks.

Analysis

The land development code defines density as follows:

> Density means the total number of dwelling units per gross acre of land. For purposes of computing density allowances, the total amount of unbuildable area, including wetlands, retention ponds, and inaccessible areas shall not exceed ten percent (10%) of the gross acreage. Density, in turn relates to the total population load on the land in terms of families or persons per acre. In calculating maximum potential densities for any given parcel of property, such calculations shall be exclusive of that existing portion which is considered to be submerged lands.

This definition was verified and expanded on in a February 9, 2023, email from Steven Spraker, copy included, where he stated, "The overall subdivision size includes all aspects of the subdivision (roads, stormwater, parks, natural areas)."(Exhibit 2) This definition would indicate that all land, other than that considered to be submerged would be included in the calculation of a given property's density. Based on this definition and using available public records from the Volusia County Property Appraiser's Office, the 547 lot owners in Tomoka Oaks own 282.846 acres. Unfortunately, this does not include the acreage contained within common islands, roadways, or the golf course. These numbers yield a Tomoka Oaks density of 1.93 homes/acre. For comparison, currently, the developer and City Staff report that Tomoka Oaks has a density of 2.09 homes/acre.

Following the July 13, 2023, Planning Board meeting, at which I and others spoke about density, I asked for further clarification in an email to Steven Spraker, copy included, concerning the density calculations being used (Exhibit 3). In his response, he indicated that the total acreage of Tomoka Oaks according to the city Geographic Information System (GIS) was 343.37 acres. This number is inclusive of all areas including roads, common areas, and landscape area. This analysis, however, only yielded 542 units. Based on this and the definition provided above, one would believe the calculated density of Tomoka Oaks to be 1.58 homes/acre, however, as previously mentioned, the reported density is 2.09 homes/acre. You may ask, "Why the difference?" In Mr. Spraker's response he explains that 84.30 acres of the 343.37 acres in Tomoka Oaks must be removed from the density calculation because its land use designation is "Open Space/Conservation". He further included future land use panels E3 and E4 that generally show the West side of Tomoka Oaks and Future Land Use Element Goals Objectives and Policies (FLUE), page 6 with section 5, "Recreation/Open Space, 'Density: Not permitted.'" boxed in illustrating the rationale for the removal of 84.30 acres from the land area of Tomoka Oaks (Exhibit 4). While Mr. Spraker's email narrative calls out an "Open Space/Conservation" land use designation as not being able to be counted in the density calculation, we are left to conclude that the language existing in the "Recreation/Open Space" section equally applies under this rationale. Unfortunately, several issues exist when using this rationale to calculate the land area and thus density of Tomoka Oaks.

1. This interpretation of the FLUE is flawed. According to the definition available in the LDC and further clarified by Mr. Spraker, all land is included in the density calculation except for submerged land.
2. You would be removing land that Tomoka Oaks residents own, pay taxes on, and can improve with a board walk and/or dock from the land area of Tomoka Oaks.

This leads us to conclude that the density of Tomoka Oaks based on City and developer analysis should be 1.58 homes/acre. This, however, is still a flawed analysis.

If you take the Tomoka Oaks neighborhood as a whole, you also have to consider the original developers intended land use. The golf course property was placed in the middle of the neighborhood to act as a recreation green space for Ormond Beach and more specifically the tax paying property owners of Tomoka Oaks much as the developer claims the pocket parks and recreation space of the proposed Tomoka Reserve will serve its residents. This adds 148 acres of land to Tomoka Oaks resulting in 490.37 acres and a density, as constructed, of 1.11 lots/acre.

Conclusion

You may ask why nailing down a true and accurate interpretation of Tomoka Oaks density is important. The developer has claimed through the LDC they could construct over 625 homes on the 148 acres of the golf course property. They have used this inflated, impossible to construct number of homes to justify that their originally submitted proposal already compromised by reducing their legally allowable density by half. They have also resolutely stated 100-foot lots are not marketable to justify their 60-80 foot lots, but still have an application pending for straight R2 zoning, which would contain, according to the developer, unmarketable 100-foot wide lots, they are using as a threat to push through their submitted proposal.

As density plays a major role in the negative impacts imposed on Tomoka Oaks and Ormond Beach from this development, showing an incompatibility in density with Tomoka Oaks justifies the neighborhood's request for fewer and larger lots. The chart below shows how many lots could be placed on the golf course property at different density levels to be compatible with Tomoka Oaks:

	Tomoka Oaks Density	Tomoka Reserve Homes
Developer	2.09	307
Property Owned	1.93	284
Full GIS	1.53	232
Full GIS & Golf Course	1.11	165

As you can see, which density number is accurate changes the number of lots, if developed to a density compatible with Tomoka Oaks, by 142 lots. Reductions in density of 100 to 142 lots should have a significant impact on the larger quality of life issues still outstanding.

There is one more major consideration when looking at the comparable densities of Tomoka Oaks and Tomoka Reserve. If you do not accept the rationale above that the land contained within Tomoka Oaks with a future land use of "Open Space/Conservation" and the golf course should be included in the denominator of the density calculation, I would ask that you apply the same standard to the proposed Tomoka Reserve development. Based on their last PRD submission, if approved, of Tomoka Reserve's 147.94 acres, 67.84 would have a future land use consistent with "Recreation/Open Space" or "Open Space/Conservation" (Exhibit 5). Using the same logic applied to remove 84.30 acres of "Open Space/Conservation" acreage from Tomoka Oaks would leave Tomoka Reserve 80.1 acres to use in their density calculation. This puts the density of Tomoka Reserve at 3.40 lots/acre which is significantly above the Tomoka Oaks density of 2.09 using the same rationale. The current rationale

would leave the commission voting to approve a site plan that in discussion has a developer reported density of 1.84 lots/acre, but immediately after approval, which will change the future land use to some form of conservation, would have a density of 3.40. Density cannot and should not change based on a simple vote of the commission. Not using an apples-to-apples comparison on density exposes the existing Tomoka Oaks neighborhood to an unwarranted change in character and should not be allowed or condoned.

As you can see there is more than one way to look at the density of Tomoka Oaks and Tomoka Reserve. The current methodologies allow the developer to present lower numbers for their development while inflating that of Tomoka Oaks and surrounding neighborhoods. As a commissioner, please ensure that when you are presented with density numbers for Tomoka Oaks and Tomoka Reserve you are getting apples-to-apples comparisons. As the title indicates, density matters! How it is calculated changes the comparable Tomoka Oaks/Tomoka Reserve densities which ultimately determines the impact of the proposed Tomoka Reserve development on Tomoka Oaks and Ormond Beach.

Please feel free to contact me if you have any questions concerning the information contained herein.

Respectfully:

Tyler Brown
90 North St. Andrews Drive

Exhibit 1

Tyler Brown
90 North St. Andrews Drive
Ormond Beach, FL 32174
TLB1720@gmail.com
386-506-9322

Tomoka Oaks Golf Course Development

As development of the existing Tomoka Oaks Golf Course progresses, it is imperative that the developer mitigate impacts and maintains the nature/culture of the existing neighborhoods. Unlike most developments that abut existing neighborhoods, this development will be completely enveloped by existing and established neighborhoods. While it is understood that there has been no official plan submitted to the city there are several concerns that if not accounted for in any future development plan, could fundamentally alter the nature of several existing Ormond Beach neighborhoods.

1. Tomoka Oaks and The Trails contain an architecturally diverse housing stock situated on 1/3 to ½ acre lots with substantial tree cover which helps shape the appearance of the neighborhood. Construction of a development of cookie cutter homes, on minimally sized lots, with a minimal tree canopy would alter the fundamental nature of the neighborhood. Care should be given to ensure that the lots and subsequent construction located closest to the existing neighborhood, not alter the feel of the neighborhood. This can be done though the inclusion of various floor plans, materials, and roof lines in any new development. Varying and increasing lots sizes as the development approaches existing homes would also help retain character and appearance.
2. Larger lot sizes, walking/bicycle trails, and the golf course located in the neighborhood reduces residential density helping to ensure there is significant green space to allow wildlife and the environment to flourish. It helps keep our summer temperatures down and provides noise barriers for Nova Road, US1, and each other. If the new development would clear cut the golf course trees and build the currently allowable density of 4.3 home per acre, it would fundamentally alter the nature of the neighborhood by reducing green space while having possible significant environmental impacts. Condensing housing density to the core of the development through the use of smaller lots and possibly multi-story units, such as condominiums, while not exceeding the reasonable number of housing units that could have occupied the development in its current R-2 zoning, would allow for greater greenspace retention. This has the benefit of retained green space, the possibility of reduced construction prices, and increased values due to the desirability of the neighborhood resulting from extra green space.
3. The homes currently located on the golf course have the enjoyment of added space behind their homes. This space adds value and desirability, many times, allowing these owners to look across hundreds of feet before seeing the next home. This fact greatly impacted many home buying choices. This new development could definitively harm these owners and deprive them of a large benefit currently available by fundamentally altering the nature of the neighborhood. The use of substantial buffers between the existing homes and the new development consisting of open space, landscaped berms, walking/bicycle trails for the use of the new and existing developments, water retention ponds, etc. will help mitigate the impact of the new development on the existing homes. Many residences bordering the golf course, that do not currently have pools in their back yards, have no fences along golf course. Efforts should be made to allow this to remain an option for these owners through the use

of these buffers instead of the new development necessitating the installation of 6-8 foot privacy fencing.

4. Traffic loads through the community are currently manageable. Even with the expansion of vehicle ownership since Tomoka Oaks was first started, there is not a constant parade of vehicular traffic into and out of the development. Adding this new develop within the current neighborhood will certainly increase the number of vehicles traversing roads that were never intended to have such loads. The whole of Tomoka Oaks Blvd. from the current "roundabout" to Nova Road will need to be examined thoroughly to ensure safety of vehicular, pedestrian, and bicycle traffic. A traffic light at the development entrance/exit onto Nova Road will probably be required to promote adequate safety. If traffic concerns are not addressed and minimized this new development could fundamentally alter the nature of the neighborhood.

Without any submission from the developer, it is difficult to be specific about mitigation efforts needed to ensure minimal impact upon the existing neighborhoods. Obviously, the new development will affect the neighborhood in some way. How much will be determined by the density and design of the development. As time progresses and I obtain better information about the intended development through submissions to the city and conversations with the developer, I intend to be involved to ensure that the quality of life in Tomoka Oaks, The Trails, and Escondido remains high. When going through preliminary development discussions internally and with the community, I ask that you consider the current nature of the neighborhood. Our neighborhood was not built around profit margins, trying to cut cost by building as many and as similar of homes as possible. It is as a refuge from the hustle of daily life with trails, quiet natural green spaces, and low density, diverse construction. Hopefully, any development considers these items and helps preserve and enhance our neighborhood.

I look forward to working with the developer, city staff, the Planning Board, and the City Commission to move forward while not altering the fundamental nature of a neighborhood many have grown to love.

Respectfully,

Tyler Brown

Gmail **Tyler Brown <tlb1720@gmail.com>**

Density Calculation

Spraker, Steven <Steven.Spraker@ormondbeach.org> Thu, Feb 9, 2023 at 8:56 AM
To: Tyler Brown <tlb1720@gmail.com>

Good morning,

The Land Development Code defines density as:

> "Density means the total number of dwelling units per gross acre of land. For purposes of computing density allowances, the total amount of unbuildable area, including wetlands, retention ponds, and inaccessible areas shall not exceed ten percent (10%) of the gross acreage. Density, in turn relates to the total population load on the land in terms of families or persons per acre. In calculating maximum potential densities for any given parcel of property, such calculations shall be exclusive of that existing portion which is considered to be submerged lands."

So, the density would be the overall subdivision size in acreage divided by the number of lots. The overall subdivision size includes all aspects of the subdivision (roads, stormwater, parks, natural areas).

Thank you

Steven

Steven Spraker, AICP

Planning Director

Planning Department

22 South Beach Street, Room 104

Ormond Beach, FL 32174

Direct Line: 386.676.3341

Department: 386.676.3238

Cell: 386.366.1590

Fax: 386.676.3361

E-mail: Steven.Spraker@ormondbeach.org

From: Tyler Brown <tlb1720@gmail.com>
Sent: Thursday, February 9, 2023 8:35 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: Density Calculation

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Mr. Spraker:

First, thank you for attending the entire meeting last night. I know that was a large time commitment and it was noticed.

While I intend to draft a letter concerning the meeting last night, I am hoping you can assist me with understanding a portion of the meeting. Obviously, density of the proposed project, which is a direct driver of many of the other concerns including traffic, environment, views, etc., is a major concern. During conversations on density, Mr. Merrell indicated that not all math is the same. He later walked this back, as he did many things, indicating that there could be differences in definition. Further stating that it depends on what goes into the numerator and denominator.

An example would be the 300 lots proposed by the developer being built on roughly 147 acres that encompasses the previous golf course. 300 lots / 147 acres would yield 2.04 lots/acres.

Having a science background and understanding that definitions and units matter, my question, and what I hope you can assist me with, is the definition of density for this proposed development. What exactly goes into the numerator (which should be either homes or lots) and the denominator (which should be the number of acres developed or being developed). If there are further considerations such as the removal of roads, green space, buffers, pocket parks, retention ponds, etc. from the acreage number, I certainly want to make sure the developer and I are in concert and comparing apples to apples.

Thank you in advance.

Tyler Brown
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Gmail

Tyler Brown <tlb1720@gmail.com>

Tomoka Oaks Density Calculation

Tyler Brown <tlb1720@gmail.com> Fri, Jul 14, 2023 at 8:56 AM
To: "Spraker, Steven" <Steven.Spraker@ormondbeach.org>

Mr. Spraker:

Thank you for your work last night. I am sure that was a long day for you. You conducted yourself professionally throughout the entire meeting. My inquiry can certainly be answered next week.

The density calculations for Tomoka Oaks still seem to be inconsistent with readily available public data. The developer says that Tomoka Oaks is 2.09 units/acre. Using information from the county property appraiser for just the land owned by Tomoka Oaks homeowners on their lots (547 units and 282.85 acres), I get 1.93 unit/acre. I have attached an Excel Spreadsheet with the information used so you can verify the 282.85 acres if you so desire. This does not include roads or islands as the property appraiser does not have this info.

I understand that you cannot render an opinion on the "previous golf course" land being included in a density calculation for TOHA, but golf course inclusive, I am at 1.27 units/acre. This is a substantial departure from Tomoka Reserves numbers.

While this can seem like a minor issue, the developer continues to use density numbers to justify the number of units they are proposing. This was done last night to the point of Carl Velie mentioning they would be the least dense development in our area of Ormond Beach. In my opinion, facts matter and math is math.

Again, thank you.

TOHA - Total HOA Home Lots.xlsx
70K

Gmail

Tyler Brown <tlb1720@gmail.com>

Tomoka Oaks Density Calculation

Spraker, Steven <Steven.Spraker@ormondbeach.org> Fri, Jul 14, 2023 at 9:50 AM
To: Tyler Brown <tlb1720@gmail.com>

Good morning,

Thank you for your e-mail. Staff reviewed the applicant's density analysis, it is below and attached:

PLAT NAME	ACRES	LEGAL	OS/C	UNITS (Property Appraiser)	YEAR
Tomoka Oaks CC Estates Unit 1	51.81	MB 25 PG 58-59		103	1961
Tomoka Oaks CC Estates Unit 1B	12.93	MB 28 PG 129		26	1966
Tomoka Oaks CC Estates Unit 1C	12.37	MB 31 PG 165		27	1972
Tomoka Oaks CC Estates Unit 1D	2.32	MB 31 PG 168		5	1972
Tomoka Oaks CC Estates Unit 2	8.07	MB 31 PG 166		19	1973
Tomoka Oaks CC Estates Unit 3	14.34	MB 29 PG 81		41	1969
Tomoka Oaks CC Estates Unit 3A	22.91	MB 27 PG 285		53	1965
Tomoka Oaks CC Estates Unit 4	23.36	MB 31 PG 167		51	1972
Tomoka Oaks CC Estates Unit 5	6.53	MB 34 PG 142	1.42	12	1977
Tomoka Oaks Unit 6	6.05	MB 35 PG 130	1.54	11	1978
Tomoka Oaks Unit 7A	85.98	MB 34 PG 162-164	37.65	88	1977
Tomoka Oaks Unit 7B	48.46	MB 34 PG 200-201	22.43	57	1978
Tomoka Oaks Unit 7C	48.24	MB 35 PG 46-47	21.26	49	1978
TOTAL:	**343.37**		**84.30**	**542**	

Total Gross Acreage	**343.37**
Open Space/Conservation land area	**84.30**
Net Tomoka Oaks land area	**259.07**
Final Density (Minus OS/C)	**2.09**

The analysis obtained the land area from each plat and was calculated by the city Geographic Information System (GIS). All areas (roads, common areas, landscape areas) are included in the density calculation. Staff pulled each subdivision from the property appraiser information and used the original plat. The total of all Tomoka Oaks subdivision land area is 343.37 acres. Of the 343.37 acres, **84.30 has a land use designation of "Open Space/Conservation"** (See FLU E3 and E4) and these land areas **cannot be counted in the density calculation** (see attached). The density is 259.07 acres divided by 542 units or **2.09 units per acre**.

Please let me know if you have any questions. Thank you

Steven

Steven Spraker, AICP

Planning Director

Planning Department

22 South Beach Street, Room 104

Ormond Beach, FL 32174

Direct Line: 386.676.3341

Department: 386.676.3238

Cell: 386.366.1590

Fax: 386.676.3361

E-mail: Steven.Spraker@ormondbeach.org

From: Tyler Brown <tlb1720@gmail.com>
Sent: Friday, July 14, 2023 8:56 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: Tomoka Oaks Density Calculation

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5 attachments

Analysis of Existing Tomoka Oaks Density_GIS.xlsx
290K

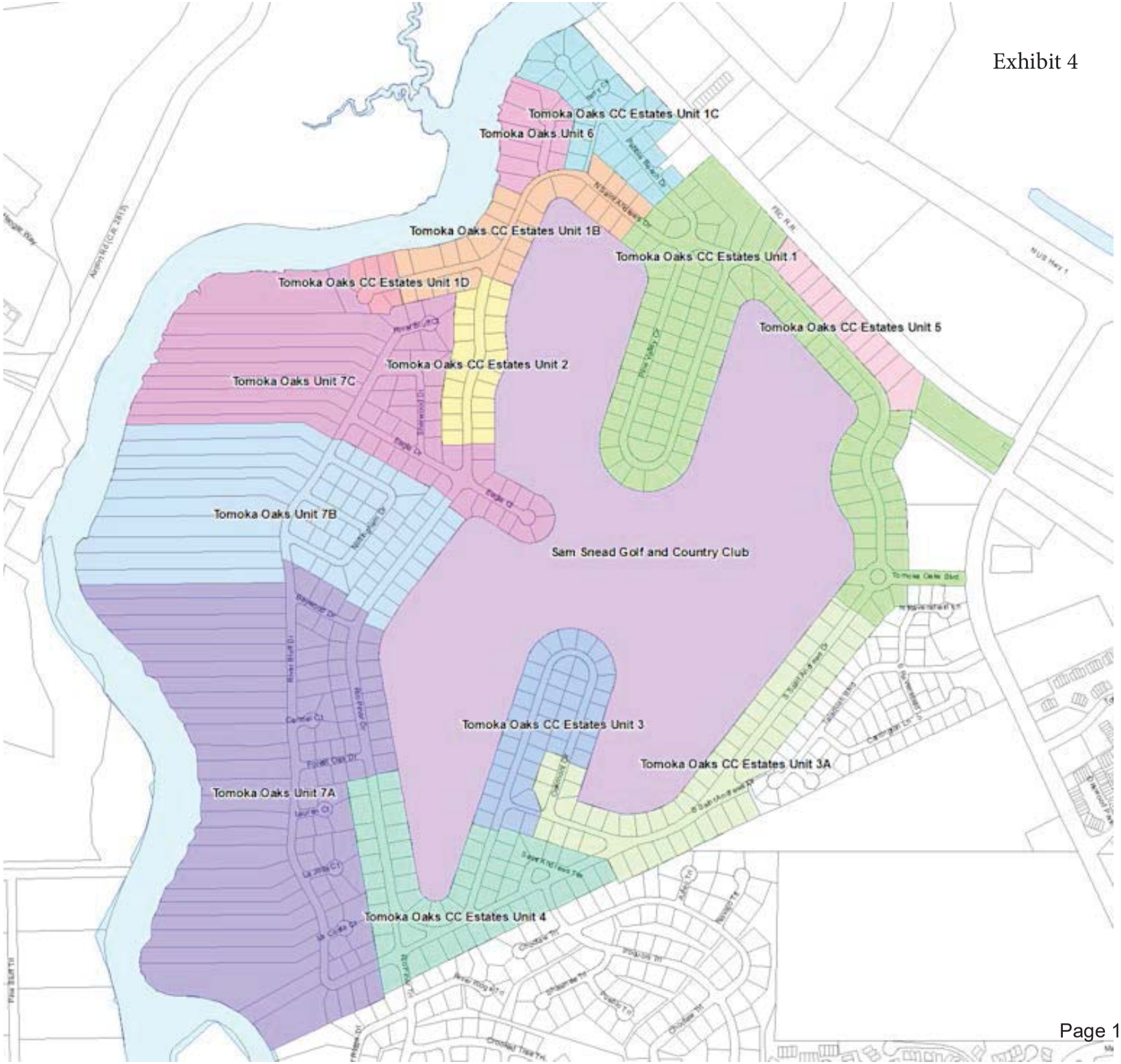
Plats.pdf
10114K

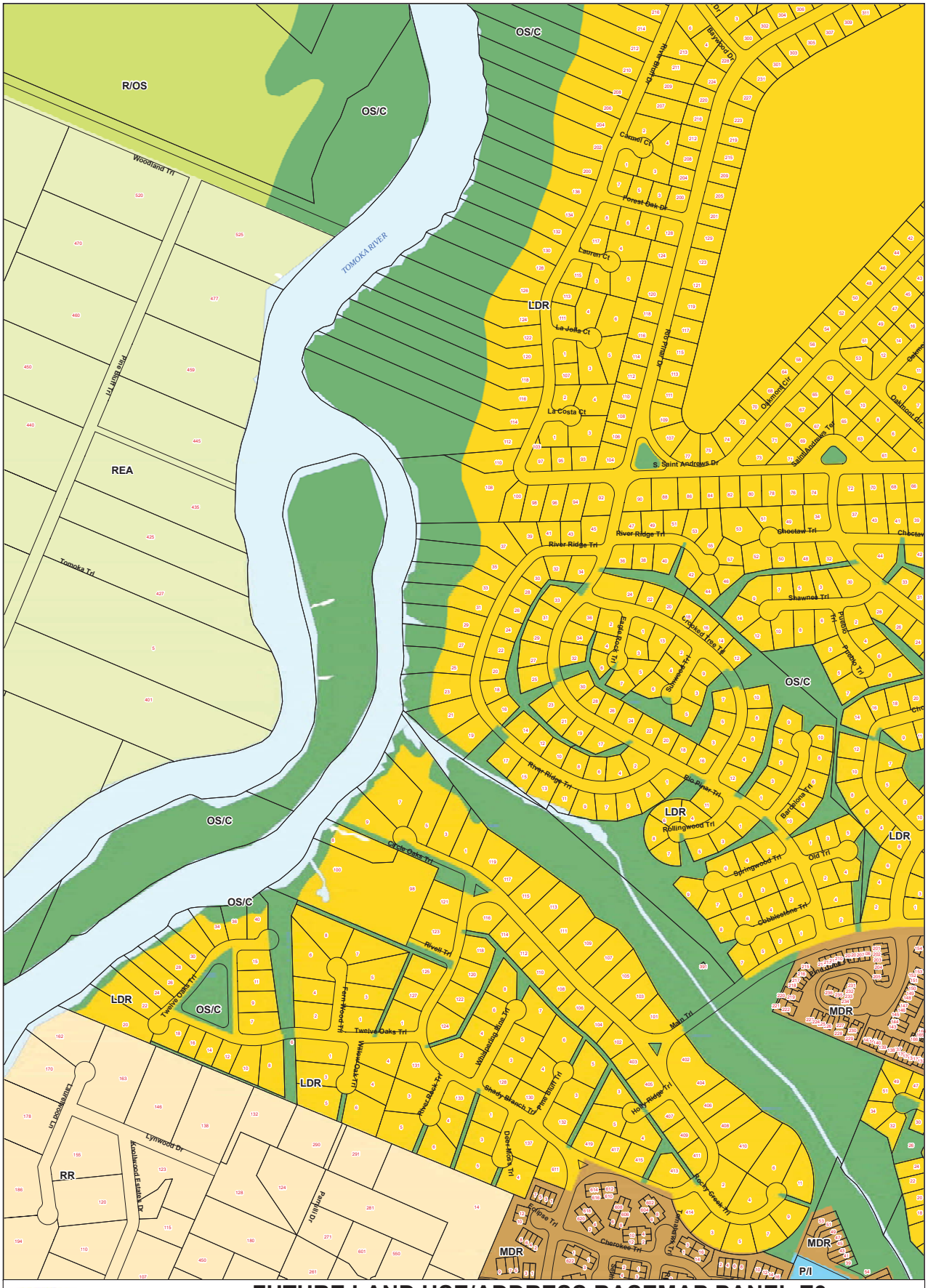
FLU_E3_201609091429504031.pdf
778K

FLU_E4_201609091430284656.pdf
667K

Pages from 1a. Future Land Use Element 7.5.2023-2.pdf
112K

Exhibit 4


Tomoka Oaks CC Estates Unit 1C
Tomoka Oaks Unit 6
Tomoka Oaks CC Estates Unit 1B
Tomoka Oaks CC Estates Unit 1
Tomoka Oaks CC Estates Unit 1D
Tomoka Oaks CC Estates Unit 5
Tomoka Oaks CC Estates Unit 2
Tomoka Oaks Unit 7C
Tomoka Oaks Unit 7B
Sam Snead Golf and Country Club
Tomoka Oaks CC Estates Unit 3
Tomoka Oaks CC Estates Unit 3A
Tomoka Oaks Unit 7A
Tomoka Oaks CC Estates Unit 4



FUTURE LAND USE/ADDRESS BASEMAP PANEL E3

Legend

LAND USE

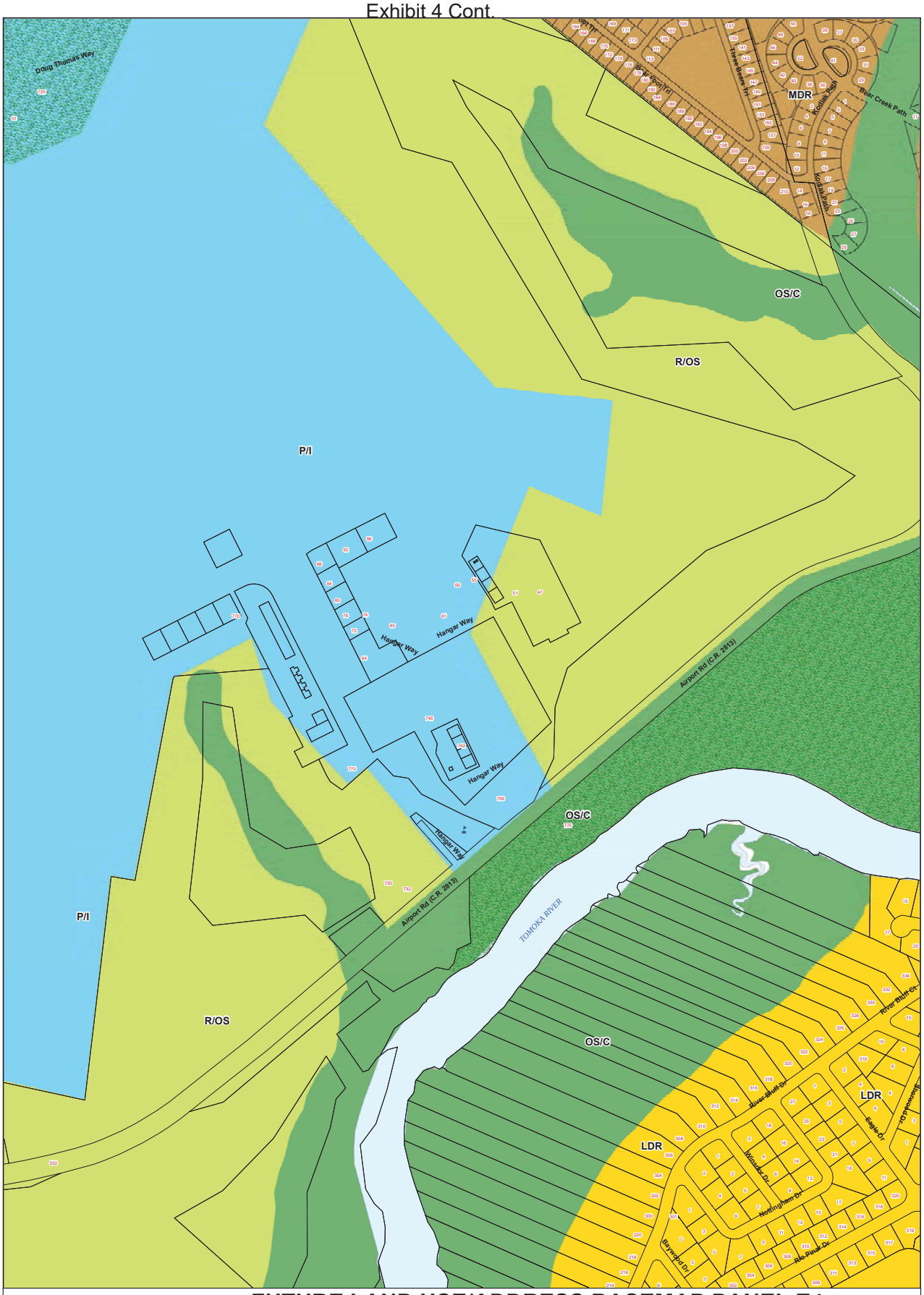
- Rural Estate/Agriculture (REA)
- Rural Residential (RR)
- Suburban Low Density Residential (SLDR)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Residential Office Retail (ROR)
- Low Intensity Commercial (LIC)
- Tourist Commercial (TC)
- General Commercial (GC)
- Heavy Commercial (HC)
- Public/Institutional (P/I)
- Activity Center (AC)
- Light Industrial/Utilities (LI/U)
- Recreation/Open Space (R/OS)
- Open Space/Conservation (OS/C)
- Park
- City Limits
- Church
- Private School
- Public School

22 Situs Address

MDR City of Ormond Beach Future Land Use

500 250 0 Feet

City of Ormond Beach
G.I.S. Department
June 2016



FUTURE LAND USE/ADDRESS BASEMAP PANEL E4

Legend

LAND USE

- Rural Estate/Agriculture (REA)
- Rural Residential (RR)
- Suburban Low Density Residential (SLDR)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Residential Office Retail (ROR)
- Low Intensity Commercial (LIC)
- Tourist Commercial (TC)
- General Commercial (GC)
- Heavy Commercial (HC)
- Public/Institutional (P/I)
- Activity Center (AC)
- Light Industrial/Utilities (LI/U)
- Recreation/Open Space (R/OS)
- Open Space/Conservation (OS/C)
- Park
- City Limits
- Church
- Private School
- Public School

22 Situs Address

MDR City of Ormond Beach Future Land Use

500 250 0 Feet

City of Ormond Beach
G.I.S. Department
June 2016

B. **Heavy Industrial**

Purpose: To depict those areas of the City that are now developed, or appropriate to be developed, in a general industrial manner and location consistent with surrounding use, transportation facilities, and natural resource characteristics. Heavier industrial land uses are generally appropriate to locations with sufficient size to encourage either an industrial park type arrangement with provision for internal service access or as a stand-alone industrial location, both of which incorporate adequate buffering of adverse noise, odor, or emissions; with minimal adverse impact on adjoining uses; and served directly by an arterial road network as well as by transit.

Density: Not permitted.

Maximum FAR: 0.75

5. **Recreation/Open Space**

A. **Recreation/Open Space (R/OS)**

Purpose: To provide land for public, semipublic, or privately-owned areas intended for active recreational uses. Permitted uses within this category include ball fields, golf courses, archery ranges, sports complexes, outdoor recreation areas, contoured golf courses, public parks, picnic areas and gymnasiums. Recreation uses are provided for in all zoning districts as principal uses or special exceptions depending on the specific districts and whether they are public or private and indoor or outdoor.

Density: Not permitted.

Maximum FAR: 0.5

6. **Open Space/Conservation**

A. **Open Space/Conservation (OS/C).**

Purpose: This category includes two (2) subcategories: Parks, which includes public areas used for passive recreation, and Conservation which consists of areas within the City that have significant limitations to development, related to elevations, soils, probability of flooding, relationship to a major water body, wetland characteristics, or similar factors. This category of land use is applicable to all zoning districts.

Density: Not permitted.

Maximum FAR: 0.5

B. **Activity Center**

Purpose: To encourage the development of master planned, mixed-use developments that serve as a catalyst for economic development opportunities and provide for balanced, integrated communities. Density and intensity standards are listed under Policy 1.7.7 of the Future Land Use Element.

Exhibit 5



LOT LEGEND (272 LOTS)

SYMBOL	MINIMUM LOT SIZES:	LOTS	LOT %
	60' X 120'	115	(42%)
	80' X 125'	157	(58%)

LAND USE LEGEND (147.94 ACRES)

SYMBOL	NOTES	ACRES	PERCENTAGE
	50' LANDSCAPE BUFFER	19.90	(13.45%)
	OPEN SPACE	23.04	(15.58%)
	DRAINAGE/HABITAT	15.56	(10.52%)
	OUTDOOR RECREATION/ COMMON OPEN SPACE	9.34	(6.31%)
	LOTS	62.46	(42.22%)
	ROW	17.64	(11.92%)

CONCEPT LEGEND

EMERGENCY ACCESS THRESHOLD

NOTE: THE LOT SIZES SHOWN WITHIN THIS PLAN ARE CONCEPTUAL AND WILL COMPLY TO THE WIDTH RANGES PROVIDED WITHIN LEGEND. THE MAXIMUM LOT COUNT SHALL NOT EXCEED 272 UNITS. THE LOT WIDTHS CAN DEVIATE FROM THE PROVIDED RANGES IF THEY INCREASE IN SIZE AND DEPTH.
NOTE: ADDITIONAL PEDESTRIAN ACCESS MAY BE PROVIDED TO TOMOKA OAKS LOTS WITH AN EASEMENT APPROVED BY THE INDIVIDUAL TOMOKA OAKS PROPERTY OWNER.
NOTE: TURN LANE SIZES SHALL BE DETERMINED AT THE TIME OF PERMITTING.
NOTE: SIDEWALK LOCATION IS SHOWN AS CONCEPTUAL, ACTUAL LOCATION TO BE DETERMINED AT SITE PLAN PERMTTING.

ZEV COHEN & ASSOCIATES, INC.
300 NEW COUNTY RD., SUITE C
WINDSOR BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
(04-4-14) (1-C-43)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT OVERALL DEVELOPMENT

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD2-PD6_21067 ODP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E. NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD2 OF 10

From: Susan Klippel
To: Community Development
Cc: Partington, Bill; Tolland, Lori; Sargent, Travis; Persis, Susan; Briley, Harold
Subject: For City Commission
Date: Tuesday, October 31, 2023 4:46:33 PM

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Good afternoon Mayor Partington and esteemed City Commissioners,

My name is Susan Klippel and I live at 303 Rio Pinar Road in Tomoka Oaks. My lot is adjacent to the former Tomoka Oaks Golf Course and planned residential Tomoka Reserve development. I would like to take this opportunity to voice my deep opposition to this project.

As an Ormond Beach native, born at Halifax Hospital in 1964, I have seen a lot of changes throughout our beloved "small town". I left the area for college and early career choices, but choose to return to Ormond to raise my family here. My husband and I are both Seabreeze High School graduates. I am all for progress and keeping our city up to date, but am deeply concerned with the amount of rapid commercial and residential growth, desecrating green space, creating traffic and in my opinion, decreasing the value of living in our beautiful city. The addition of this planned residential development in my literal back yard is beyond disappointing and if approved, would directly affect not only my property value, but my quality of life in this neighborhood.

My greatest concerns with the project are many of which you have heard over and over from Ormond Beach residents– traffic, safety, removal of green space, noise, congestion, overcrowded hospitals, and schools, etc. However, on a very personal note, the biggest loss for me would be the project taking away my beautiful back yard view. If I may reshare why this is so important to me … I remember the first time my husband and I walked through this home as if it were yesterday. With vaulted ceilings (my husband was 6' 7" and a vaulted ceiling was much appreciated), plenty of room for our family and in a neighborhood near our work, the beach, grocery, play ground etc. it was a great fit. The neighborhood was full of young families and all the homes had unique character. We walked to the back of the house and my husband saw the view and looked me in the eye and said "we are going to buy this house, aren't we? We immediately agreed and put an offer in that day. We were in love with this home. We moved in and then it happened…the "piece de resistance" … the sunrise. The home is set up to capitalize on the unobstructed golf course view, as I believe the majority of homes on the golf course are. A view that we quickly realized included the most unbelievable sunrises amongst stunning enormous oak trees. It was my husband's absolute favorite thing.

He would get up early to sit in the back room or on the back porch to capture the sunrise views. Sometimes the fog would linger in the trees and make the view more spectacular. We even had disagreements over whether to add blinds to the back windows, because he did not want anything obstructing the view. Anything. Tragically, my husband passed away very unexpectedly five years ago. He left for work, never to return. Now, that unobstructed view with beautiful sunrises is my connection to him. Not a day goes by that I do not say good morning to him while I look out my back sliders as the sun rises. I understand that "life goes on" as brutal as it can be at times, but if I can help protect this special, beautiful, memory filled space in any way, I will. I have included a few of my sunrise and backyard view photos in this correspondence.

I also would like to note that at the time the new development plans were announced we were asked if any homeowner would be interested in purchasing land behind their home. The Tomoka Oaks HOA board spent the time to research and compile a list of those interested. That map is attached. After this work was completed, we were told this option was off the table. The opportunity offered to briefly appease golf course lot owners now seems like an empty tactic used to try to win our approval of the project. I and I am certain many home owners on the golf course, have irrigation installed and maintain the property behind my home, although it is not included in my deed. I would gladly purchase this land. I am very concerned based on the way the property surrounding the land is being maintained now, how they maintain a buffer. A buffer will also take years to fill in.

I believe adding homes behind our golf course lots will greatly decrease property values. We purchased this home knowing it was on a golf course with a beautiful view and were told it was to remain a golf for in perpetuity for at least 99 years. However, often value is not about money. It is about memories made and memories to come. Time outdoors in green space, less stress with less congestion, less noise…. all of these are valuable. Let us not let greed get in the way of protecting what it truly valuable to our community and future generations of Ormond Beach residents.

I believe you have a choice to GREATLY impact our quality of life in Ormond Beach. Please, I urge you to do what is best for your citizens and vote NO to this development.

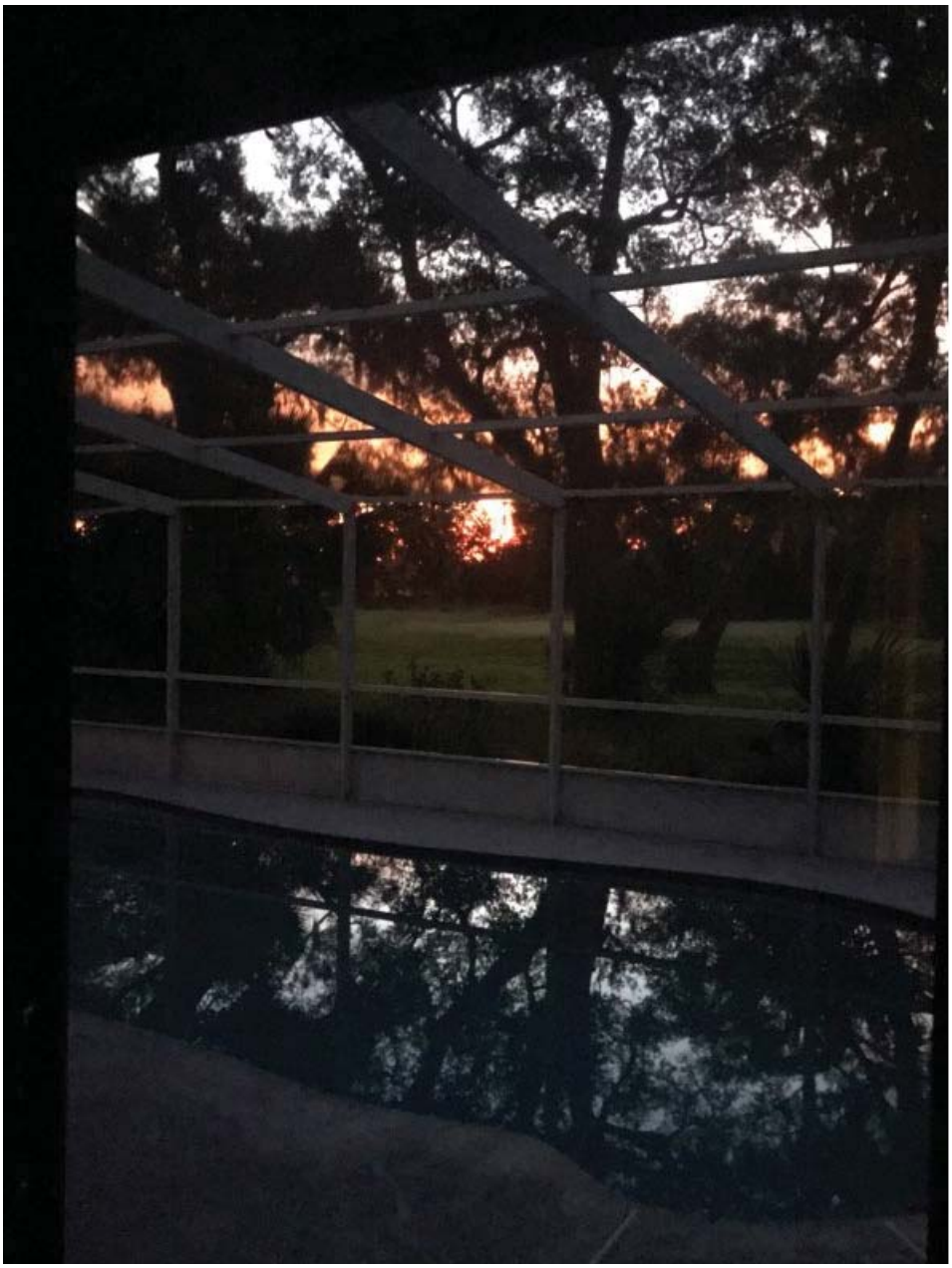
Thank you for your time and consideration,

Susan Klippel










VICINITY MAP (NO SCALE)
GRAPHIC SCALE
(IN FEET)
1 inch = 200 ft.
PROPERTY DESCRIPTION
SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 20, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
SAM SNEAD GOLF AND COUNTRY CLUB
MAP BOOK 25, PAGE 61
TOTAL AREA = 6,444,28 SQ. FEET
OR
147.8405 ACRES, MORE OR LESS
CLUBHOUSE DETAIL
GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.
TITLE EXCEPTION #3
SCHEDULE B-II EXCEPTIONS PER TITLE COMMITMENT
SURVEYOR'S NOTES:
Page 1194 of 3522

From:	Bill Partington
To:	Community Development
Cc:	Partington, Bill; Sargent, Travis; Harold Briley; Persis, Susan; Tolland, Lori; Hayes, Randy; Shanahan, Joyce
Subject:	for City Commission
Date:	Tuesday, October 31, 2023 11:23:00 AM

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Re: Development of Tomoka Oaks Golf Course Property

Please consider requiring some or all of the following restrictions pertaining to the development of this property:

1. Limit the construction hours of operation from 8 am to 5 PM, Monday through Friday, instead of the 7 to 7 - 6 days per week.
2. Consider 100 ft. frontage on new lots, to match Tomoka Oaks.
3. Require traffic circle/round-a-bout at the intersection of North and South St. Andrews and Tomoka Oaks Blvd.
4. Consider requiring a Round-a-bout on Nova at the entrance to Tomoka Oaks instead of a mechanical traffic control device. Besides **low maintenance and high safety benefits**, a traffic circle would slow down traffic and make right turns out of Tomoka Oaks easy, even during times when the railroad crossing is blocked. Northbound traffic will be delayed during times when the train is passing regardless of whether there is a mechanical traffic signal or a round-a-bout. A 20-mph speed limit at the traffic circle will move traffic more efficiently, with **less noise and exhaust pollution** than a signalized intersection.
5. Require sidewalks on both sides of Tomoka Oaks Boulevard from Nova, connecting to sidewalks in the new development. Require raised tables at pedestrian crosswalks within Tomoka Oaks.
6. Install traffic calming speed bumps or other devices on North and South St. Andrews Drive.
7. Explore sidewalks on North and South St. Andrews Drive.
8. Delay approval of any development until all legal challenges to the existing title restrictions have been settled.

Thank you for your consideration.

Bill Partington II, 4 Pine Valley Circle, Tomoka Oaks, Ormond Beach, Fl. 32174 cell 386-566-3004

From: Michelle Zirkelbach
To: Community Development
Subject: For City Commission - Tomoka Oaks Development
Date: Tuesday, October 31, 2023 4:59:42 PM

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Next week, each of you will formally have the Development of my beloved neighborhood on your Agenda.

I have appeared at the last few Commission Meetings to point out concerns and encourage all of you to do your research and really dig into the information that is being presented by the Applicant - there are a number of things that continue to be provided to you and spoken to general public and media that are flat out not true or a mathematical manipulation.

Density calculations are normally a pretty straightforward thing. But, all of a sudden you are being asked to look at a proposed plat and comparing it to the existing Tomoka Oaks plat and being told the calculations show the density is going to be similar. That is not possible. My husband and I own one of the lots the Applicant is cutting short on the lot size. We back up to the River - we own the land, pay taxes on the land, and most importantly could install a dock to increase the value of our home. ALL of the green space needs to be counted in the calculations for both communities so you are comparing apples to apples. I hope each of you will take the time to read and digest the amazing Executive Summary prepared by Tyler Brown addressing this very issue.

In addition, I hope that you keep in mind that the Tomoka Oaks Golf Course Development Committee has met with the Applicant **many** times and the result always seems to be the same - they say they hear our concerns, yet there is no meaningful movement on their part to address them. One example was an original consideration to sell land behind the existing golf course homes to allow current residents to own more of a buffer that they can control. We went through a great deal of time and expense to line up the interested parties only to be told that the Applicant is no longer willing to do that.

My primary concern from the start has been the density of the project. That concern is echoed by EVERY single person, whether they are a resident of Tomoka Oaks or not, that I have spoken to regarding this proposal. What are the odds of that in today's society where it is extremely hard to get people to agree the sky is blue, that there is not one legitimate person standing up in favor of these new homes? To be clear, I refuse to count the recent renter who stood up at the last Planning Board meaning to say how much he loved the idea, but immediately exited and mysteriously has never been seen or heard from again. And let's not forget Mr. Jim Cameron who spoke at a Planning Board Meeting but did not disclose he was hired by the Applicant. I personally called him myself to verify my understanding that he was making calls on his Clients' behalf trying to drum up support and he admitted that was correct. To put it bluntly, other than the professionals being employed by the Applicant and making a fortune in billable hours, NOT one person in OUR community feels it is appropriate to fill the "donut hole" of our community in this way.

When the Applicant decided to purchase this land, I am sure they were aware it had always

previously been a golf course and at one point had a PRD for 122 homes AND the golf course remaining in place for 100 years. In my opinion, they are not entitled to any expectation beyond that. Back in 2006 when the PRD was put in place, there were educated, caring, compassionate, and logical professionals - many whom I am sure you know and admire to this day - sitting in the seats you currently occupy. They spent a lot of time making sure that the existing Tomoka Oaks Residents would not be negatively impacted because we have property rights TOO. Since 2006, our population has increased, our roads continue to be overcrowded when project after project is approved with what can only be deemed "flawed" Traffic Studies (frequently by Sans Lassiter who is currently working for the Applicant) because the evidence of errors is in front of our eyes every day we attempt to travel on Granada, Nova, Clyde Morris, and the constantly congested Williamson.

In closing, I respectfully request that you ASK a lot of questions of the Applicant at this meeting and not feel pressured to make a decision.
This is among the most important decisions you will make and I beg of you to take all of the time you need.

With Respect and Warm Regards,

Michelle C. Zirkelbach

TOMOKA RESERVE – STAFF REPORT OUTLINE

	Staff Report, updated based upon September 6, 2023 site plan submittal **(new)**
Attachment 1:	Outstanding Site Plan Review Committee comments, dated September 13, 2023 **(new)**
Attachment 2:	Location, land use, and zoning maps
Attachment 3:	Correspondence received
Section A	Correspondence up until July 1, 2023
Section B	Correspondence from July 1,2023 to July 13, 2023 (former attachment 12)
Section C	Correspondence from July 12, 2023 to August 10, 2023 (former attachment 15)
Section D	Correspondence from August 10, 2023 to August 16, 2023 (former attachment 16)
Section E	Correspondence from August 16, 2023 to August 21, 2023 (former attachment 19)
Section F:	Correspondence from August 22, 2023 to September 13, 2023 **(new)**
Attachment 4:	Traffic Impact Analysis
Section A	Traffic Impact Analysis
Section B	Technical Memorandum – Impact of Nova Road Planned Improvement **(new)**
Attachment 5:	Environmental information
Attachment 6:	School concurrency
Attachment 7:	Neighborhood meetings summaries
Attachment 8:	Analysis of the ability to develop the former golf course
Section A	Attorney Brent Spain letter dated July 12, 2023 **(new)**
Section B	June 2022 document from Ms. Davis
Section C	June 30, 2022 City Attorney's Office analysis
Section D	February 23, 2023 Cobb Cole analysis
Attachment 9:	Applicant provided information
Section A	Information submitted on September 6, 2023 **(new)**
Section B	Additional Cobb Cole information (former attachment 13)
Section C	Original applicant provided information (former attachment 10)
Attachment 10:	Site plans provided September 6, 2023 **(new)**
Attachment 11:	Planning Board minutes
Section A	July 13, 2023
Section B	August 21, 2023 **(new)**
Attachment 12:	Staff and applicant PowerPoints
Section A	Staff PowerPoint for July 13, 2023 Planning Board meeting
Section B	Applicant PowerPoint for July 13, 2023 Planning Board meeting
Section C	Staff PowerPoint for August 21, 2023 Planning Board meeting
Attachment 13:	Information that was updated based on September 6, 2023 site plan submittal
Section A	Staff report for July 13, 2023 Planning Board meeting
Section B	Former Attachment 1 – outstanding SPRC comments
Section C	Former Attachment 8: requested and recommended setbacks
Section D	Former Attachment 11: Site plans for July 13, 2023 Planning Board meeting
Section E	Former Attachment 17: Additional Information provided by the applicant on August 16, 2023

STAFF REPORT

City of Ormond Beach
Department of Planning

MEETING DATE: September 26, 2023

SUBJECT: Tomoka Reserve– Issuance of a development order

APPLICANT: Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC

NUMBER: PRD 2022-043

PROJECT PLANNER: Steven Spraker, AICP, Planning Director

SECTION 1, INTRODUCTION:

This is an application submitted by Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC, for the issuance of a development order for the Tomoka Reserve subdivision. The application seeks to allow the issuance of a development order for 272 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The subject property is currently zoned as PRD, Planned Residential Development, and is located at 20 Tomoka Oaks Boulevard. The subject property is shown in Exhibit 1.

EXHIBIT 1:
Location Map



The Tomoka Reserve project was reviewed by the Planning Board on July 13, 2023 and August 21, 2023. This report has been updated based upon a site plan submittal on September 6, 2023. The project attachments have been re-organized and information that is no longer applicable is included as ATTACHMENT 13.

SECTION 2, BACKGROUND:

The subject property has a land use designation of "Low Density Residential" (LDR) and the zoning classification of Planned Residential Development. Maps of the subject property are included in ATTACHMENT 2. The land area for the application was platted in 1961 as the Sam Snead Golf and Country Club. The Tomoka Oaks Golf & Country Club included an 18-hole golf course, clubhouse, cart barn, and maintenance barn. On September 19, 2006, the City Commission approved Ordinance 2006-17 that authorized the following:

A. Zoning map amendment from R-2, Single-Family Low Density to PRD, Planned Residential Development;
B. The Tomoka Oaks Golf Village development order;
C. Development of 119 multi-family units (townhomes and condominiums) and 3 single-family homes, along with a re-designed golf course;
D. The property owner was to provide for covenants and restrictions that restrict the golf course to open space and golf course use with the development of the residential use; and
E. A phasing plan for site development.

The project development order expired in 2014 based on no permit activity. Because there was no construction, none of the development order conditions, including the covenant and restrictions for a golf course, were implemented. The applicant purchased the property in 2021 and has sought to implement a new development order to provide zoning entitlements for the property.

The uses around the subject property are as follows:

EXHIBIT 2: Land uses and zoning

Direction	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
South	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
East	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
West	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density

In 2022, all on-site structures were demolished and there are no existing buildings on-site. On May 4, 2023, the applicant applied for a zoning map amendment for the subject property seeking to go from PRD, Planned Residential Development, to the R-2, Single-Family Low-Density zoning designation. The applicant indicated that if the issuance of a development order application was unable to gain approval, the intent was to seek the original zoning designation of R-2, Single-Family Low Density and develop under those zoning district standards.

The Planning Board hearing on July 13, 2023 reviewed the project submitted that included 276 residential lots that included 50', 60', and 80' wide lots under certain conditions. The Planning Board completed the following parts of the public hearing:

1. Staff presentation;
2. Applicant presentation;
3. Tomoka Oaks Homeowners' Association presentation;
4. Audience/public comments;
5. Tomoka Oaks Homeowners' Association summary/rebuttal; and
6. Applicant summary/rebuttal.

The meeting was continued until August 21, 2023. The Planning Board meeting minutes are included in ATTACHMENT 11, Section A.

On August 16, 2023, Planning staff received an updated submittal that included submittal of 60' wide lots (117), 80' wide lots (101), 90' wide lots (10), and 100' wide lots (46). City staff advised the Planning Board that the additional information provided on August 16, 2023 should be considered a material change and the submittal had not been reviewed or advertised. At the August 21, 2023 Planning Board meeting, the Planning Board concurred that the August 16, 2023 submittal was a material change that required a new public hearing. Planning Board members provided broad direction on the project. The Planning Board minutes for the August 21, 2023 meeting are included in ATTACHMENT 11, Section B.

SECTION 3, PROJECT PROCESS:

The zoning map amendment to designate the Tomoka Reserve land area to the Planned Residential Development zoning category occurred in 2006. The 2006 development order has expired and the subject property does not have a standard zoning designation or an active development order. The purpose of the application is to provide a zoning designation through the issuance of a development order that details what is allowed on the property. Since the previous golf course use has been vacant for longer than six (6) months, the property does not have any allowed zoning uses. If the development order is denied, the applicant has indicated that they would pursue a zoning map amendment back to the original zoning designation of R-2, Single-Family Low Density.

Below are the steps for development within a Planned Residential Development:

A. Planned Residential Development (PRD) Development Order: This process requires the applicant to provide a holding capacity analysis, flood zone information, proposed lot layout, recreation areas, generalized areas of

stormwater, road layouts, and landscaping buffers. **The PRD development order does not require the applicant to provide detailed engineering information regarding the application. The detailed engineering work is not done until the preliminary plat approval process**. The application for a development order is reviewed under criteria within the analysis section and the application can be approved, approved with conditions, or denied based on the evaluation of the criteria.

Under the City's Land Development Code, the PRD becomes the zoning district of the project site. The zoning designation for this property occurred in 2006, and no development order is associated with the Planned Residential Development. The PRD development order becomes a contract between the developer and the city and identifies the overall development concept, the number and size of lots, and the location of the lots. The process for the issuance of the development order is depicted in Exhibit 3 as follows:

EXHIBIT 3: Application process

Reviewing entity/action	Date	Required advertising
Pre-application community meeting	May 20, 2021	Not required
Pre-application community meeting	July 15, 2021	Not required
SPRC submittal	April 13, 2022	SPRC review: May 3, 2022
Neighborhood meeting	February 8, 2023	1. Mail notice, 600' radius. 2. Newspaper advertisement.
SPRC comments (2nd review)	January 19, 2023	SPRC review: February 21, 2023
SPRC comments (3rd review)	April 30, 2023	SPRC review: May 11, 2023
SPRC comments (4th review)	June 7, 2023	SPRC Review: June 28, 2023
Planning Board	**July 13, 2023**	**1. Mail notice, 300' radius. 2. Newspaper advertisement. 3. Site posting.**
Planning Board	**August 21, 2023**	**1. Mail notice, 300' radius. 2. Newspaper advertisement. 3. Site posting.**
SPRC comments (5th review)	September 6, 2023	SPRC Review: September 13, 2023
Planning Board	**September 26, 2023**	**1. Mail notice, 300' radius. 2. Newspaper advertisement. 3. Site posting.**
City Commission	To be determined	1. Mail notice, 300' radius. 2. Newspaper advertisement.
If approved, proceed to preliminary plat (see below)	To be determined	To be determined

B. Preliminary Plat: After a PRD development order has been approved, the applicant's engineer performs detailed work regarding stormwater design, utilities, lot grading, and road layout. The preliminary plat requires review and a recommendation from the Planning Board and review/action by the City Commission. There are two (2) options for development once a preliminary plat has been approved:

   Option 1 - Proceed with the submittal of construction drawings for completion of the required improvements prior to recording the final plat per Section 4-18(8)(a) of the Land Development Code. When the required off-site and on-site improvements are constructed and inspected, the final plat would be submitted by the applicant to the Site Plan Review Committee (SPRC). The final plat would be acted upon by the Planning Board and City Commission, and, if approved, recorded with the Volusia County Clerk of the Court.

   Option 2 - Proceed with final plat review and approval process, with the completion of required improvements after recording the plat per Section 4-18(8)(b) of the Land Development Code. With this option, the applicant files surety documents guaranteeing that such improvements will be installed. All guarantees are incorporated in a bonded agreement for the construction of the required improvements in the form acceptable to the City Attorney. The final plat would be recorded and the applicant would then construct the improvements.

C. Final Plat: The final plat is a legal document that is reviewed by an independent City Surveyor and the City's Legal Department to ensure compliance with State Statutes. Under Option 1 above, the Planning Board and City Commission would review and act on the plat after all improvements have been constructed. Under Option 2, above the Planning Board and City Commission would review and act on the final plat with the preliminary plat.

The proposed Tomoka Reserve subdivision is seeking only the PRD development order approval at this time. If the issuance of a development order is approved, detailed engineering plans would need to be reviewed by the Site Plan Review Committee and forwarded to the Planning Board and City Commission for review and action when appropriate.

SECTION 4, PROJECT DESCRIPTION:

The application seeks to allow the issuance of a development order for 272 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The attachments detail the subdivision proposal and include a traffic impact analysis (ATTACHMENT 4), environmental information, (ATTACHMENT 5), applicant provided documents (ATTACHMENT 9), and the proposed site plans (ATTACHMENT 10). The project is summarized below:

1. The total project size is 147.94 acres.
2. The subdivision density is proposed at 1.84 units per acre or 272 single-family lots. The "Low Density Residential" land use allows 4.3 units per acre. The holding capacity analysis (ATTACHMENT 9) shows the property could support 887 total units.

3. The project shall be required to obtain a preliminary plat and provide detailed engineering plans with review by the Planning Board and final action by the City Commission prior to the issuance of a site construction permit. The applicant has agreed to a requirement of a neighborhood meeting for the preliminary plat.
4. The project narrative letter states that the proposed subdivision density of 1.84 units per acre is lower than the existing Tomoka Oaks subdivisions, which have an average density of 2.09 units per acre.
5. The subdivision phasing is proposed to be developed with the construction plans and may be modified with the review and approval of the Site Plan Review Committee.
6. The subdivision plan indicates the maximum number of lots to be 272. Within the subdivision process, the project can increase the lot widths from the site plan shown on PD2 (ATTACHMENT 10), but cannot reduce the lot size below the sizes shown.
7. The project is proposed to have a gated access point for vehicles and to allow pedestrian access into the subdivision. Private, gated subdivisions are required to provide easements to the city through the platting process for access and maintenance of the project utilities. The streets, sidewalks, and stormwater system would be privately owned and maintained by the Tomoka Reserve Homeowners' Association.
8. There have been inquiries as to whether the Live Local Act would be applicable to the subject property. The Tomoka Reserve project with a "Low Density Residential" land use would not qualify for the Live Local Act. The Live Local Act states: A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in Florida Statutes 420.0004.
9. The project proposes 16 model homes within the subdivision. Model homes are allowed to be started after a stabilized road is constructed and water and sewer clearances have been obtained which may be before final subdivision acceptance by the Site Plan Review Committee. No certificate of occupancies would be released until after all subdivision improvements are completed.
10. An emergency access connection point is shown on the site plan (ATTACHMENT 10) and is designed for emergency access only. The area would have a stabilized base and a grass surface. Construction details of the emergency access connection point would occur during the preliminary plat process, including the number of lots that would require the construction of the emergency access connection.
11. Sheet PD2 (ATTACHMENT 10) shows the following lot sizes:

EXHIBIT 4: Proposed lot sizes

Lot Width	Lot Depth	Lot square footage	Number of Lots	Location within subdivision	Lot Percentage of 272 total
60’	120’	7,200	115	Interior of subdivision	42.3%
80’	125’	10,000	157	Perimeter, generally abutting existing Tomoka Oaks lots.	57.7%

Additional discussion on the lot size is included in section 6 of this report.

12. School concurrency for the zoning action is provided in ATTACHMENT 6. Additional school concurrency would be required for the plat (detailed construction plans).
13. There are no wetlands on the property.
14. The property lies within Flood Zone X (area of minimal flood hazard).
15. ATTACHMENT 5 contains a summary of an environmental assessment performed by Ayden Environmental, LLC and approved by the Florida Department of Environmental Protection. The summary letter from Ayden Environmental, LLC states: “All work will be completed in accordance with Chapter 62-780 of the Florida Administrative Code, which is Florida’s regulatory framework for environmental cleanup.”
16. The project proposes a fifty-foot vegetation buffer around the exterior of the property abutting the existing Tomoka Oaks subdivision. This area is approximately 3.3 miles in length. The applicant has provided a “Buffer Planting & Maintenance Plan” for the fifty-foot buffer (see ATTACHMENT 10). Additional discussion on the planting plan is provided in section 6 of this report.
17. The project narrative letter states that 16 historic trees within the property will be saved.
18. The site plan shows areas for stormwater. The project seeks to use a low-impact development technique of berming around existing areas (keeping existing vegetation) to create stormwater retention areas. While the stormwater final design is part of the construction plans, the project team has indicated that the stormwater will exceed state and local stormwater regulations.
19. The site plans indicate a five (5’) foot sidewalk on both sides of the internal subdivision streets. The project also proposes a sidewalk outside of the property along both sides of Tomoka Oaks Boulevard to connect with Nova Road, which is not a required sidewalk. The addition of sidewalks to both sides of Tomoka Oaks Boulevard was a request from residents and added with the September 6, 2023 site plan submittal.
20. Throughout the site plan process, the applicant has indicated a willingness to connect the proposed Tomoka Reserve subdivision, via a sidewalk, to existing areas of the Tomoka Oaks subdivision. Any pedestrian connection would need the approval of the property owner(s) of the individual Tomoka Oaks subdivision lots.

21. The project has provided multiple areas for outdoor recreation. The amenities are proposed to be detailed in the construction drawings (preliminary plat). Some recreation areas provide access to the stormwater area for maintenance purposes.
22. The Planned Residential Development requirements include a provision for 20% of the property to be dedicated for natural preservation. The project is required to provide 29.6 acres and shows 34 acres dedicated to natural preservation.
23. Subdivision architectural requirements have been updated are provided in ATTACHMENT 10, sheet PD8.
24. A traffic impact analysis was performed and is included in ATTACHMENT 4. The project traffic engineer has provided a technical memorandum dated August 31, 2023 regarding the impact of the proposed Nova Road improvements. Additional discussion is included in section 6 of this report.
25. The traffic analysis determined a traffic signal was warranted at Nova Road and Tomoka Oaks Boulevard. The project traffic engineer has provided the Florida Department of Transportation a Traffic Warrant Analysis Study and correspondence has indicated verbal approval of a traffic signal.
26. The diamond intersection at St. Andrews Drive and Tomoka Oaks Boulevard has been the source of much discussion. Throughout the site plan process, there have been many concerns regarding the existing configuration and the Tomoka Reserve proposed project trips to the intersection. The traffic analysis determined that the intersection would operate at an acceptable level of service after the build out of the Tomoka Reserve subdivision and has not recommended any modifications. The applicant has agreed to provide improvements to be engineered at the preliminary plat to modify the existing drive aisle to resolve turning radii conflicts for emergency vehicles and provide additional landscaping.
27. The project is proposing two re-use irrigation ponds for landscape irrigation. These ponds would be supplemented with a well as needed.
28. The project would be required to provide water and sewer connections. Water lines would be looped to improve water pressure for Tomoka Oaks and Tomoka Reserve subdivisions.
29. The development order expiration would be five (5) years from the date of City Commission approval. If the development order were to expire, a zoning map amendment would need to occur to ensure the property had a city zoning designation.

SECTION 5, RESIDENTIAL PERMITTING:

Exhibit 5 details the residential permitting within Ormond Beach. In order to construct a single-family home, the lot must be platted. Exhibit 5 shows a decrease in the number of platted lots each decade as the city has been built out. The city has annexed the Plantation Oaks Planned Residential Development, which will lead to the ability to plat and construct residential units. The city has also seen applications that are utilizing commercially zoned properties for multi-family uses (Tymber Creek Apartments, Regal multi-family, and Ormond Enclave).

EXHIBIT 5: Residential permitting

Year	Population [1]	Percentage Change	SFH lots platted - recorded [2]	SFH Permits [3]	MF units Permits [3]	Manufactured & Mobile Home Permits [3]
1980	**21,436**	No data	2,442	No data	No data	No data
Totals (1980-1989):			**2,442**	**No data**	**No data**	**No data**
1990	**31,460**	No data	322	No data	No data	No data
1991	No data	No data	299	No data	No data	No data
1992	No data	No data	172	No data	No data	No data
1993	No data	No data	0	167	0	6
1994	No data	No data	28	166	167	2
1995	No data	No data	207	175	0	28
1996	32,426	No data	328	198	0	62
1997	34,038	4.97%	252	228	16	104
1998	34,791	2.21%	129	245	31	93
1999	36,000	3.48%	215	270	4	132
Totals (1990-1999):			**1,952**	**1,449**	**218**	**427**
2000	**36,301**	0.84%	192	212	0	118
2001	37,000	1.93%	64	230	0	115
2002	37,603	1.63%	210	261	4	104
2003	38,325	1.92%	241	306	2	111
2004	39,000	1.76%	301	327	344	41
2005	39,683	1.75%	0	196	0	7
2006	40,294	1.54%	51	113	0	5
2007	40,941	1.61%	65	43	0	7
2008	40,920	-0.05%	89	84	0	1
2009	40,832	-0.22%	48	61	0	1
Totals (2000-2009):			**1,261**	**1,833**	**350**	**510**
2010	**38,137**	-6.60%	0	83	184	3
2011	38,376	0.63%	0	43	0	1
2012	38,612	0.61%	0	35	0	1
2013	38,557	-0.14%	0	84	0	1
2014	39,246	1.79%	47	105	0	1
2015	40,013	1.95%	49	138	0	0
2016	40,360	0.87%	103	150	0	0
2017	40,716	0.88%	137	158	0	0
2018	41,134	1.03%	0	66	43	0
2019	41,284	0.36%	166	49	41	0
Totals (2010-2019):			**502**	**911**	**268**	**7**
2020	**43,080**	4.35%	5	134	4	7
2021	44,046	2.24%	138	135	18	7
2022	44,671	1.42%	0	47	54	18
2023[4]	44,935	0.59%	133	17	0	10
Totals (2020):			**276**	**333**	**76**	**42**

Notes:
(1) Population estimates from University of Florida Business of Economic and Business Research. 1980, 1990, 2000, 2010 in **bold** are from the U.S. Census.
(2) SFH lots plat are taken from the Volusia County Clerk of Court website, http://app02.clerk.org/or_plats/
(3) Single-Family, multi-family, manufactured and mobile home permits from the Ormond Beach Building Department.
(4) 2023 permitting information from January 1, 2023 to September 1, 2023.

SECTION 6, ANALYSIS:

The original staff report identified key issues and identified options for the review of the Planning Board. At the August 21, 2023 Planning Board meeting, the applicant agreed to a number of conditions recommended by the Site Plan Review Committee. Based on the review of the site plan submittal, the remaining key issues unresolved are (1) the proposed lot widths and (2) perimeter 50-foot planting plan and irrigation source.

The application has several key issues which are discussed below. The applicant and the Site Plan Review Committee have been unable to reach a consensus on several issues. These issues are policy issues that need a recommendation from the Planning Board and final action from the City Commission.

Key issue 1: development ability of the former golf course: The subject property was platted in 1961 as the Sam Snead Golf and Country Club. A key question is whether there is an ability to develop the property as a use other than a golf course. The city designated land use is "Low Density Residential" and the zoning is Planned Residential Development. The existing land use allows several uses, including a golf course and single-family homes.

Questions regarding private covenants and restrictions have been raised throughout the process. In 2006, with the original Planned Residential Development, there were no private covenants and restrictions that prevented the 122 residential units from being approved. The 2006 development order required that covenants and restrictions be placed on the subject property for the golf course use in order to build the 122 residential units. The project was never built and the property owner at the time did not restrict the use of the subject property for a golf course use only.

Included in ATTACHMENT 8 are four (4) documents: (1) letter dated July 12, 2023 from Attorney Brent Spain of Theriaque & Spain Law Firm, (2) June 2022 document prepared by resident Ms. Davis, (3) June 30, 2022 analysis from the City Attorney's office, and (4) February 23, 2023 analysis from Matthew Welch, Cobb Cole, and a title insurance document.

The documents examine if there is a private covenant and restriction or another legal document that restricts the use of the subject property to a golf course.

A letter was received from Attorney Brent Spain of Theriaque & Spain Law Firm on July 12, 2023, just prior to the original Planning Board meeting. The letter is now included with ATTACHMENT 8 and the letter states:

> "Further, even assuming the express restrictive covenant is no longer valid and in effect, as Triumph Oaks has erroneously suggested, our clients maintain that the Golf Club property is nevertheless subject to an implied restrictive covenant, thereby limiting the use of such property to a golf and country club, golf course, and related recreational uses. On this additional basis, our clients respectfully submit that the Planning Board should recommend **denial** of the proposed rezoning or otherwise table the matter until such time as a judicial determination is made regarding such implied restriction."

The City Attorney's Office analysis, included in ATTACHMENT 4, concluded:

> "In summary, the records confirm the existence of a document recorded in the public records that provided the property be used for purposes of a golf course in perpetuity. In this case, the document was not contained covenants and restrictions provided by a homeowners' association, but rather in a warranty deed, and as stated previously, subsequent records confirm the reverter clause containing the language was properly released by a recorded corporate resolution and release, and therefore no longer valid."

The city's land use classification does not prevent the development of the property for single-family uses or other uses within the "Low Density Residential" land use. The zoning needs either (1) an active development order or (2) a zoning map amendment back to the R-2, Single-Family Low-Density zoning designation. City staff are not aware of any private document that requires the subject property to be utilized as a golf course only.

Key issue 2: lot size/density/compatibility: The applicant originally (July 13, 2023) proposed lots with varying lot widths of 80' (abutting existing Tomoka Oaks lots), 60', and 50' with a density of 1.87 units per acre. On August 16, 2023, Planning staff received an updated submittal that included submittal of 60' wide lots (117), 80' wide lots (101), 90' wide lots (10), and 100' wide lots (46). The current submittal (September 6, 2023) shows two types of lots: (1) 60' X120' (115 lots) that are interior to the subdivision and (2) 80' X125' (157 lots) along the perimeter of the property. The proposed density is 1.84 units per acre.

The narrative letter (ATTACHMENT 9) analyzed the density of the existing Tomoka Oaks subdivision at 2.09 units per acre. In reviewing the Tomoka Oaks subdivision, the individual subdivisions were platted in the 1960s and 1970s and did not include common open space, recreational areas, or stormwater management systems which were not required at the time of platting. The Tomoka Reserve site plans show 67.84 acres or 46% of the site dedicated to landscape buffers, open space, stormwater, and recreational areas to support the subdivision. The project has clustered the lots in order to provide landscape buffers, open space, stormwater, and recreational areas.

Planned Residential Developments typically use the existing zoning district as a basis for allowed uses and dimensional standards. This property had a zoning map amendment in 2006 from the R-2, Single-Family Low-Density zoning designation to PRD, Planned Residential Development. Based on the previous zoning designation and the surrounding properties also being zoned R-2, Single-Family Low Density, this zoning district is being used as the basis for the review of the Tomoka Reserve project. The Planned Residential Development allows the ability to request alternative lot sizes or more intensive uses in a development order. Section 2-35(b) of the Land Development Code states: "More intense uses (e.g., townhouses in a single-family district, or apartments in a townhouse district) may be allowed, provided that their visual and functional impact on neighboring districts is minimized by providing adequate buffering and screening, and all the requirements of this section are met." The allowance is discretionary with the term "may" used in the standard and requires adequate buffering and screening.

Planned Residential Developments (Marshside, Pineland, Creekside) in the West Ormond Beach area previously sought lower lot dimensions than the SR, Suburban Residential zoning district minimum of 80'. The applications for smaller lot sizes were

either denied or amended to the 80’ lot width minimums. Staff sees similarities between the Tomoka Reserve and the Planned Residential Developments of West Ormond Beach. Throughout the application process, concerns have been raised about the lot sizes and the compatibility of the Tomoka Reserve application.

Staff continues to recommend the lots along the project perimeter abutting the Tomoka Oaks subdivision be 100’ in lot width and at least 10,000 square feet in lot area. The lot size and desire to match the existing residential lots has been identified as a key issue since the pre-submittal neighborhood meetings. Requirements for a larger lot size may lead the applicant to seek a zoning map amendment to the R-2, Single-Family Low-Density zoning designation. Staff concerns are that development within the R-2 zoning designation does not include the 50’ buffer (6’ landscape buffer is required) and the potential loss of additional natural areas and outdoor recreational areas. Review under the R-2 zoning district would require compliance with the Land Development Code requirements with no additional public benefits.

Key issue 3: Planting of the 50’ natural buffer: As part of the site design, a 50-foot buffer around the perimeter totaling approximately 3.3 miles is proposed. The buffer was designed to provide a natural area for both Tomoka Oaks and Tomoka Reserve lots. All existing natural vegetation will remain and areas with no vegetation would be planted. A key point of the project application has been the planting of the areas that do not have existing natural vegetation. Site Plan Review Committee staff have recommended a type 6 buffer planting plan that requires seven (7) trees, 70 shrubs & 70 ground covers per 100' linear feet with irrigation to the newly planted areas.

The applicant has created a Tomoka Reserve Planting and Maintenance Plan, dated September 6, 2023 (ATTACHMENT 9). The Site Plan Review Committee review of this plan is as follows:

1. The plan does not demonstrate meeting compliance with the type 6, 50' landscape buffer which requires 7 trees, 70 shrubs and 70 ground covers per 100' lineal feet.
2. Staff does not support the "modified buffer" of 5 trees and 50 shrubs.
3. The proposed planting plan does not meet the requirement that all landscape buffers require a minimum of 5' foot wide visual screen constructed of plant materials which are selected, located, and maintained to provide a visual barrier that is designed to achieve forty percent (40%) opacity within (3) years from the time of installation between three feet (3') and six feet (6') above the average ground level of the landscaped buffer area when viewed horizontally.
4. The proposed planting does not appear to comply with the Land Development Code requirement that trees shall be established along the entire length of and contiguous to any property line at a maximum spacing of fifty feet (50') on-center.
5. Staff supports the native/xeric landscape concepts like the Edge Plantings at Cherrylake project (referenced in the submittal), however this project was installed with an irrigation system which is essential for success.
6. Staff is not supportive of hand watering for establishment of plant materials/trees. A 26 weeks or 6 month establishment period is not long enough to establish a 2.5" caliper tree and longer for larger calipers. Planting establishments for trees can

take 1 to 2 plus years depending on the caliper size of the trees. Based on the University of Florida research, 3 gallons of water per caliper inch and establishment rates are based on 3 month per inch of trunk caliper. To establish a 30 gallon tree (8 gallons of water) or 45 gallon tree (9 gallons of water) at 2.5" caliper would take 8-12 months. You would need to water daily for 1-2 months and every other day for 4 months and weekly for the next 6 months until establishment. A permanent irrigation system needs to be in place for the establishment of the trees and plant materials as per Section 3-05(e) of the Land Development Code.

If the irrigation system is designed "strategically", then there would be no distance challenges to pump the water or installing long lengths of irrigation pipe. Irrigating a project of this size (3.3 lineal miles) with hand watering is very inefficient and time consuming. The best approach to watering plant materials is with an efficient irrigation system using "low volume" techniques where water can be applied "directly" to the root ball. Directing water to 100% of the root ball in a manner that water can be absorbed into the root ball when water is needed is critical to optimum tree establishment. Proper irrigation immediately after transplant will influence root growth; therefore, the diameter of the tree's irrigation pattern should increase, especially for sandy soils, as the tree's roots expand into the native soil. Efficient irrigation is critical and takes the guess work out with everything being automated and precise compared to hand watering. With frequent drought events as we experience with our weather, supplemental watering will be necessary to keep this buffer alive and maintaining positive health.

7. Regarding the maintenance responsibilities, staff is not supportive of a 2-year maintenance bond. Additionally, staff is not supportive of an 80% plant survivability but will support 100%. Assuming 20% or greater of the plant materials in the buffer dies that would not be complying with the Type 6 buffer standards, but also placing a huge burden on the Tomoka Reserve HOA, Tomoka Oaks and the City.

   If the Planning Board and City Commission desire is to allow hand watering, staff would suggest a maintenance bond of 6 years for each phase built. After each 2 years of each phase planted plant materials failed will be replaced by the Tomoka Reserve HOA. If the maintenance bond is implemented, it shifts reasonability to the Tomoka Reserve HOA to replace the buffer back per the approved plans and the City staff to conduct inspections for compliance after each 2-year period.

In summary, staff recommends planting the Type 6 landscape buffer and irrigation of the buffer area as needed for the new plantings.

Key issue 4: Setback plan: The original setback plan has been modified and the Site Plan Review Committee has no objections to the proposed setback plan provided on September 6, 2023 shown on sheet PD7. Key items on the setback plan include:

A. Building height = 35 feet.

B. Maximum building coverage is 50%. The R-2 zoning district maximum building coverage is 35%.

C. *Structure setbacks:*

Lot type	Lot width	Lot depth	Lot SF	Front	Rear	Side	Side Street	Porch
Park House	60’	120’	7,200	25’	20’	7.5’	15’	15’
Custom House	80’	125’	10,000	25’	20’	8’/20’	20’	15’

The R-2 zoning requirement is a front yard setback of 30’, rear yard setback of 25’, side yards setbacks of a minimum of 8’ to total 20’ between both setbacks, and a side corner setback of 20’.

Key issue 5: Sheet PD6 note on lot separation: The previous Sheet PD6 included a note with the lot separation table that stated, “The lot separation width shown on this sheet may be subject to change at the time of permitting. The represented distances are from existing residential lots in the Tomoka Oaks neighborhood and proposed lots within Tomoka Reserve.”

With the September 6, 2023 submittal, the note on Sheet PD6 on ATTACHMENT 10 states “The buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas.” It is important to note that the natural preservation is not only the 50’ buffer but also includes additional land area outside the 50’ buffer.

Key issue 6: Traffic review, including St. Andrews Drive and Tomoka Oaks Boulevard diamond:

ATTACHMENT 4 includes (1) Traffic Impact Analysis, (2) Response to comments, dated June 7, 2023, and (3) a technical memorandum, dated June 7, 2023. The project traffic engineer has provided a technical memorandum dated August 31, 2023 regarding the impact of the proposed Nova Road improvements. The June 7, 2023 technical memorandum is designed to summarize the traffic analysis for the project. Traffic impact analysis focuses on the impacts of traffic to intersections and roadways. Where intersections and roadway segments fail as a result of project trips, state law allows the project to pay its proportionate fair share to mitigate the project impacts. The project traffic analysis seeks to review and determine if a project diminishes the adopted level of services below the level of services adopted in the city’s Comprehensive Plan. An independent traffic engineer, employed by the city, has reviewed and provided comments on the traffic impact analysis. The traffic analysis went above the city requirements and analyzed the local road traffic impact of the proposed development based upon citizens’ concerns and questions.

Key aspects of the study include the following:

A. Traffic counts were performed in March of 2023 to update the original traffic analysis.

B. The technical memorandum states, “Due to the proposed location of the project’s access, peak hour data and transportation model results, it is anticipated that 96% of the project trips will utilize Tomoka Oaks Boulevard and 4% will use Iroquois Trail for external access. 4% of traffic (111 total daily, 8 total AM and 11 total PM) are expected to use this route to access SR 40.”

C. The traffic analysis has identified the need for a traffic signal at Nova Road and Tomoka Oaks Boulevard (see Table 10 of the TIA). The traffic analysis states that a Traffic Warrant Analysis Study was conducted and submitted to the Florida Department of Transportation. The response to comments states that the Florida Department of Transportation has verbally accepted the traffic signal as a treatment option for the intersection level of service.

   With the September 6, 2023 submittal, the applicant agreed to a voluntary condition that within 30 days of the phase 1 plat approval, the developer will initiate an application to FDOT to construct a traffic signal at the intersection of Nova Road and Tomoka Oaks Boulevard. Prior to the issuance of the first certificate of occupancy within the Tomoka Reserve Development, the traffic signal at Nova Road and Tomoka Oaks Boulevard has to be completed and functioning or fully bonded and/or the full cost of constructing said traffic signal system must be deposited with the City of Ormond Beach.

D. Table 10 of the Traffic Impact Analysis details the Level of Service for the unsignalized intersections, including the local intersections along Tomoka Oaks Boulevard, St. Andrews Drive, Rio Pinar Trail, and Iroquois Trail. All intersections operate at a Level of Service of “A” or “B” where the adopted Level of Service is “D”. Again, the analysis does not state that there will not be traffic. The analysis shows that the proposed traffic is within the Level of Service standards adopted by the city’s Comprehensive Plan.

E. St. Andrews Drive and Tomoka Oaks Boulevard diamond. The Traffic Impact Analysis (pages 17 & 18 of the TIA) provides a detailed analysis of the existing diamond intersection. The analysis concludes that the existing configuration is expected to operate within the adopted Level of Service and no improvements are proposed. There have been no crashes around the diamond within the last three (3) years. The diamond intersection is awkward, and in staff’s opinion, confusing and potentially dangerous as additional trips are added.

   With the September 6, 2023 submittal, the applicant has agreed to a modification of the existing drive aisle to resolve turning radii conflicts for emergency vehicles and the provision of additional landscaping. The final design of the diamond would be performed at the preliminary plat (which is reviewed by the Planning Board and acted upon by the City Commission). A final design may include some use of local road impact fee credits.

F. The response comments provided a draft proportionate fair share calculation.

G. In comments received from residents, there has been a desire to see sidewalks on both sides of Tomoka Oaks Boulevard. With the September 6, 2023 submittal, the applicant has proposed sidewalks on both sides of Tomoka Oaks Boulevard.

It is understood that traffic is a key part of the subdivision. From a technical perspective, the applicant has demonstrated compliance with the city’s Comprehensive Plan and state law regarding traffic concurrency. The analysis resulted in a traffic signal being required. The traffic analysis does not state that the project would not create additional trips, but instead that the project trips are within the Level of Services adopted by the

Comprehensive Plan and project traffic improvements will be made.

Key issue 7: Recreational areas: Section 2-35(h) of the Land Development Code details the recreational requirements for a Planned Residential Development. The Land Development Code allows a process to provide additional outdoor recreational area in lieu of indoor recreation which has been allowed for the Tattersall and RidgeHaven residential projects. Based on the size of the parcel, the Land Development Code requirement is 24,840 square feet of recreational area and the project has provided 140,000 square feet of recreational area throughout the subject property. The final details of the recreational amenities would be required with the construction drawings. The site plans show a multi-purpose field, pickle-ball courts, playgrounds, pavilions, an outdoor exercise area, and picnic tables. Staff recommends approval of the proposed subdivision areas with final details to occur with the preliminary plat.

Key issue 8: Environmental: The Tomoka Oaks Golf & Country Club included an 18-hole golf course, clubhouse, cart barn, and maintenance barn. Ayden Environmental was hired by the applicant to provide an environmental assessment of the golf course and to develop a remedial plan to address the conversion of the golf course to residential uses. Ayden Environmental has provided a summary that is included in ATTACHMENT 5. Key summary points are as follows:

A. Ayden Environmental submitted site assessment reports and a Soils Management Plan to the Florida Department of Environmental Protection.

B. All work will be managed by Ayden Environmental with Florida Department of Environmental Protection oversight. All work will be completed in accordance with Chapter 62-780 of the Florida Administrative Code.

C. The Florida Department of Environmental Protection approved the site assessment reports and Soils Management Plan in a letter dated November 16, 2022.

D. In the ATTACHMENT 5 cover sheet, a link is provided to the Florida Department of Environmental Protection website page for the project's submittals and reviews.

SECTION 7, INPUT RECEIVED:

The project team performed two (2) neighborhood meetings prior to the submittal of the project on May 20, 2021 and July 15, 2021. The applicant summarized "mentions" in these meetings that included traffic, density, lot size, cookie cutter homes, tree removal, and a large buffer. A neighborhood meeting was held on February 8, 2023 with a summary included in ATTACHMENT 7. Written correspondence has been received for this project and is included in ATTACHMENT 3.

Key concepts, ideas, and thoughts include:

A. Proposed development is not compatible with the existing Tomoka Oaks, including the smaller lot sizes. TMH Consulting, Inc. provided an analysis of development compatibility.

B. Property values will be diminished with the loss of the golf course land area. The development would alter the character of the Tomoka Oaks subdivisions.

C. Loss of quality of life.
D. The golf course was designed as part of Tomoka Oaks and should be used in perpetuity as a golf and country club, golf course, and related uses.
E. Concerns with the existing configuration of the diamond intersection at St. Andrews Drive and Tomoka Oaks Boulevard and no proposed improvements.
F. Potential backups along Tomoka Oaks Boulevard impacting the Escondido condominiums.
G. Development would not be in character with the existing neighborhood.
H. Construction traffic will have a negative impact on existing residents.
I. Traffic impacts of the proposed project.
J. Project traffic using the Trails subdivision (Iroquois Trail and Rio Pinar Trail).
K. Design concerns with smaller lots.
L. Only one sidewalk proposed on Tomoka Oaks Boulevard – should be on both sides of the street.
M. The timing of the traffic light should be in place before the development project on the golf course starts. TMH Consulting, Inc. states: "The applicant should be required to submit the application to FDOT for installation of the signal concurrent with the first application for subdivision design and prohibit the issuance of any residential building permits until the signal is approved and installation initiated."
N. Concerns over stormwater.
O. Concerns over Tomoka Reserve HOA and the ability to manage common areas, including the 50' buffer.
P. Location of the emergency access easement.
Q. Impacts on wildlife that exist on the golf course property.

Written correspondence received is included in ATTACHMENT 3. Correspondence related to each Site Plan Review Committee review is available at https://www.ormondbeach.org/1013/Tomoka-Reserve. Any additional correspondence received after publication of the staff report would be provided to the Planning Board by e-mail with a hard copy provided at the Planning Board meeting.

SECTION 8, CRITERIA FOR REVIEW:

The following are the review criteria for Planned Residential Developments from the Land Development Code:

Planned Residential Development Criteria

Section 2-35, Chapter 2, Article II of the Land Development Code details the requirements of a Planned Residential Development:

1. Section 2-35(d)(3) of the Land Development Code states: "All structures shall be set back a minimum of forty feet (40') from the project's perimeter boundaries unless natural or manmade features, such as lakes, creeks, wooded or conservation areas are present. Where a project abuts a collector or arterial street, the setback requirement may be increased if an

effective buffering treatment cannot be provided between the street and residential use."

The project has established a 50' vegetative buffer around the entire perimeter of the property and meets this requirement.

2. Section 2-35(h)(3) of the Land Development Code states, "Thirty (30) square feet of indoor recreation floor area, including exercise rooms, all-purpose space, dining areas and similar uses shall be provided for each dwelling unit, unless waived by the City Commission and replaced at a minimum as provided below:
   a. Subdivisions of 200 dwelling units or less may provide, at a minimum, an additional 30 square feet per unit of outdoor active recreation space in compliance with this Section in lieu of the indoor recreation floor area requirement.
   b. Subdivisions that do not provide indoor recreational facilities are not eligible for park and recreation impact fee credits.
   c. The open space and/or additional outdoor facilities must be compatible with adjacent properties and the recreational facilities must be consistent with the needs of the project.
   d. The Planning Board and City Commission determine, after reviewing the proposed development plan, that the preservation of natural resources and/or provision of additional recreation facilities is appropriate and that indoor recreational facilities can be waived."

   The applicant is providing additional square footage as outdoor recreation as permitted under Subsection 3a (above) in lieu of the indoor recreation requirement. The conversion of required indoor recreation to outdoor recreation has been permitted in other Planned Residential Developments such as Creekside, Southern Pines, Pineland, Tattersall, and RidgeHaven.

3. Section 2-35(h)(4) of the Land Development Code states, "Sixty (60) square feet of outdoor active recreation space (exclusive of parking, landscaping, retention/detention ponds and other site features), including pools, pool decks, shuffleboard courts, tennis courts, and fishing piers and similar uses, shall be provided for each dwelling unit. Impact fee credits for any specific outdoor recreation site shall be limited to three hundred (300) dwelling units."

   The project is required to provide a total of 16,560 square feet of outdoor recreation area. The additional 30 square feet of outdoor recreation area in lieu of the indoor recreation (8,280 square feet), requiring a total of 24,840 square feet of outdoor recreation area. The project is proposing 9.34 acres of recreational area throughout the project. The recreational amenities shown are a multi-purpose field, pickle-ball courts, playgrounds, pavilions, an outdoor exercise area, and picnic tables with the final design occurring at the preliminary plat.

4. Section 2-35(h)(7) of the Land Development Code states, "Thirty (30) square feet of common accessible, open space shall be provided for each dwelling unit.
   a. Common open space shall be available to all the residents of the development. At the option of the developer, subject to the approval of the City Commission, common open space may be dedicated to the use of the general public.

b. Common open space must be adequately landscaped and irrigated.

c. Natural features worthy of preservation shall be left in a natural state.

d. Waterbodies may be utilized to meet twenty-five percent (25%) of the available open space requirement, provided significant recreational use of the waterbody can be demonstrated. Water retention and wetlands areas may not be included in this calculation."

The project is required to provide 8,280 square feet of common space. The applicant has provided the common open space throughout the project.

5. Section 2-35(h)(8) of the Land Development Code states: "Twenty percent (20%) of the project shall be left in a natural state. This may include designated conservation areas within lots or common areas, but shall not include classified wetlands and required upland buffers."

   The project is proposing that 34 acres of the site remain in a natural state where the Land Development Code requirement is 29.6 acres. The project proposes a natural buffer around the boundary of the site.

6. Other Uses. Section 2-35(b)(2) of the Land Development Code allows other uses within planned residential developments.

   The only use proposed is single-family residential. No other uses are proposed.

Section 2-35(j)(4) of the Land Development Code states, "In considering an application for a PRD, the planning board may recommend approval, approval with conditions, or disapproval and the city commission may base its conditions of approval or denial of the issuance of a development order on the extent to which the development offers site amenities above that normally found for permitted uses in the district with regard to the following:"

a) Innovative Site Design

In ATTACHMENT 9, the applicant states: "In designing the proposed redevelopment plan, the Applicant took great measures to ensure the project would complement the surrounding area and integrate with the surrounding residential neighborhood." The proposed application provides additional site amenities above and beyond what a standard subdivision would provide, including open space, recreational facilities, architectural and landscape design for the lots. The project proposes off-site sidewalks (both sides) along Tomoka Oaks Boulevard to Nova Road.

In review by the Site Plan Review Committee, there have been comments regarding the perimeter lot size, buffer plantings, and setbacks. The use of the buffer to provide a natural area is an innovative site design. However, the planting material and long-term maintenance are critical to the buffer's long-term viability. The issue regarding the lot size has been discussed repeatedly, including at the pre-application meeting, neighborhood meeting, and Site Plan Review Committee meetings. Staff's recommendation is for 100' wide lot size along the Tomoka Reserve perimeter. The applicant has made a number of changes of the site plan (setbacks, reduction of units, notes on plans, traffic related, and site design) with the September 6, 2023 submittal.

b) Coordinated Architectural Design

The Tomoka Reserve project shall have an Architectural Control Committee tasked with enforcing the architectural design guidelines detailed in the plan set (see ATTACHMENT 10). The September 6, 2023 submittal has updated architectural standards on sheet PD8.

c) Open Space, Recreation, Common Areas

The project has exceeded the space required for open space, recreation, and common areas. The project has preserved 23% of the project land area. As discussed under the Planned Residential Development section, the applicant is providing a recreation area and common open space. The total area for open space, recreation, and stormwater is 67.84 acres or 46% of the overall property.

d) Coordinated Streetscape Elements

The site plan shows the subdivision entry feature (PD4 – ATTACHMENT 10). The project would be required to provide streetscape elements such as street tree plantings.

The project has a unique site design with natural preservation and recreation areas. The key issues in the review of the project's design revolve around the lot sizes and buffer planting. Throughout public meetings, it has been stated that the proposed lot dimensions are not consistent with the existing developed subdivision. One key decision for the Planning Board is to determine if the interior lot widths proposed at 60' wide are appropriate.

Section 1-15(e) of the Land Development Code states: "In its review of any application requiring a development order, planned developments, special exceptions and LDC amendment applications, the board shall consider:"

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

   The applicant has provided the required information in terms of lot sizes and layout, street locations, buffer requirements, traffic impacts, stormwater planning, and Planned Residential Development requirements. Please note that site-specific information (stormwater, lighting details, and landscaping details) shall be provided with preliminary and final plat applications. The application exceeds the requirements of site buffering, recreational amenities, and common space.

   Section 2-35(b) of the Land Development Code states: "More intense uses (e.g., townhouses in a single-family district, or apartments in a townhouse district) may be allowed, provided that their visual and functional impact on neighboring districts is minimized by providing adequate buffering and screening, and all the requirements of this section are met." The July 13, 2023 staff report conclusion of the Site Plan Review Committee was that modifications to the application are needed (lot size, buffer material, traffic mitigation, and revised setbacks) to recommend approval of the proposed site plan. The applicant has committed to a number of changes with the

September 6, 2023 site plan submittal. The key issues remaining are the lot size and the buffer planting plan. Site Plan Review Committee staff does not believe that the application submitted is compatible with the existing Tomoka Oaks subdivisions development pattern regarding lot sizes around the perimeter of the property. Additionally, there are concerns with the buffer planting plan in terms of the quantity of material and long-term maintenance.

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

The property is designated "Low Density Residential" on the City's Future Land Use Map. The Future Land Use Element of the Comprehensive Plan states:

Low Density Residential (LDR)

Purpose: To protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: up to 4.3 units per acre

Maximum FAR: 0.2

The following is a list of the Comprehensive Plan Objectives and Policies pertaining to the proposed PRD:

Future Land Use Element

GOAL 1. LAND USE DISTRIBUTION

FUTURE DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHOULD BE DIRECTED IN APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP TO MEET THE LAND USE NEEDS OF THE ANTICIPATED POPULATION, IN A MANNER CONSISTENT WITH SOUND PLANNING PRINCIPLES, THE GOALS, OBJECTIVES AND POLICIES CONTAINED HEREIN, AND THE DESIRED COMMUNITY CHARACTER.

THE FUTURE LAND USE ELEMENT SHOULD ALLOW LIMITED COMMERCIAL EXPANSION, PROMOTE INDUSTRIAL USE, AND MAINTAIN CURRENT RESIDENTIAL DENSITIES IN THE CORE AREA WHILE ESTABLISHING LOWER DENSITIES IN THE PERIMETER AREAS, FOCUSING REDEVELOPMENT IN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA, US1, AND SRA1A, AND PROVIDING FOR A CONTINUED HIGH LEVEL OF OPEN SPACE. FUTURE GROWTH SHALL BE TIMED AND LOCATED TO MAXIMIZE EXISTING PUBLIC INFRASTRUCTURE.

OBJECTIVE 1.1. RESIDENTIAL LAND USE

Ensure the availability of adequate lands to meet the residential land use needs of the community.

POLICY 1.1.3.

Preserve the character of existing neighborhoods by not allowing intrusion of land uses that would threaten to alter the neighborhood character and by encouraging voluntary rehabilitation and sound maintenance programs in viable neighborhoods which are capable of self-renewal

and establishing code enforcement or public redevelopment activities in areas not capable of self-renewal.

POLICY 1.1.5.

Encourage innovative design measures for new residential developments and ensure that adequate provision is made for neighborhood facilities suitable to the type of development proposed.

POLICY 1.1.6.

Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach.

POLICY 1.1.14.

Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit-oriented development, and walkable residential areas.

POLICY 2.4.7.

Encourage cluster development which promotes the efficient use of open space and reduces development costs, in areas where services and facilities exist or are planned.

Housing Element

GOAL 1. HOUSING SUPPLY

ENSURE THE AVAILABILITY OF SAFE AND ADEQUATE HOUSING UNITS OF DIFFERENT TYPES, SIZES, AND PRICE RANGES TO MEET THE NEEDS OF ALL CURRENT AND FUTURE RESIDENTS.

OBJECTIVE 1.1. HOUSING SUPPLY

The City shall continue to facilitate the private production of a housing supply, including adequate sites for mobile homes or manufactured housing and low and moderate-income housing, which will meet future community needs and offset housing deficiencies as noted in this Element.

OBJECTIVE 1.2. PROVISION OF ADEQUATE SERVICES AND FACILITIES

Each existing housing development and residential neighborhood along with all new housing development shall meet the existing adopted level of service standards.

POLICY 1.2.1.

The general residential development pattern in the city should be in accord with the community's growth strategy for residential densities, as stipulated within the Future Land Use Element.

The Comprehensive Plan contains policies that can support the proposed project or be used to deny the project. It is important to note that the land use density allows 4.3 units per acre and the proposed density is 1.84 units per acre. The project concern is focused on the Land Development Code zoning regulations regarding lot sizes and setbacks.

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

   The project has prepared an environmental summary included in ATTACHMENT 5. The property would be subject to environmental remediation from the former golf course that would be monitored by the Florida Department of Environmental Protection. The subject property does not have any on-site wetlands or floodplains. The project is seeking to use reuse water for irrigation. A Biological Assessment and Environmental Site Assessment is provided in ATTACHMENT 9.

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

   The land use and original zoning designation of R-2, Single-Family Residential, provides a variety of allowed uses, including single-family houses (permitted) and a golf course (Special Exception). Supporters of the application would state that the development of the golf course with a new subdivision that provides open space, natural areas, buffers, stormwater management, and recreational area would increase the land's value and abutting property's value. Single-family houses abutting single-family houses should be considered similar uses and would not cause depreciation of surrounding property values. The applicant has stated that the lesser lot sizes are needed to provide the buffering, natural areas, and recreational amenities. The applicant provided an analysis of the "Economic Impact of Redeveloping Tomoka Oaks Golf & Country Club" that is within ATTACHMENT 9, Section B.

   Individuals seeking denial of the application state that the proposed development (1) takes away open space that was to be used for the existing development and (2) proposes lots that are smaller in width and overall lot size to Tomoka Oaks existing lots. Multiple correspondences received detail that the proposed project is not similar to the existing development patterns of the area.

   The Site Plan Review Committee concludes that the proposed design is not consistent with the lot patterns of the Tomoka Oaks development and could cause nuisances or have visual impacts on adjoining properties. There are site design modifications (lot size and buffer planting types/irrigation) that could lead to support from the Site Plan Review Committee.

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

   There are adequate public facilities to serve the development. Traffic and sidewalks were discussed earlier in the staff report. With the September 6, 2023 site plan submittal, the applicant agreed to sidewalks on both sides of Tomoka Oaks Boulevard and reworking of the intersection of Tomoka Oaks Boulevard and Saint Andrews Street. Based on traffic study data and analysis, there was a conclusion on the impacts

on roadways and the intersection, that they operate at an acceptable level of service at build-out. Based upon state statutes any impacts of the project above the adopted level of services would be required to provide a proportionate fair share agreement. There is adequate water and wastewater capacity to serve the project. Finally, the project was reviewed by the Volusia County School Board and a concurrency certificate is shown in ATTACHMENT 6.

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

   ATTACHMENT 4 includes a (1) Traffic Impact Analysis, (2) Response to comments, dated 06.07.2023, and (3) a technical memorandum, dated 06.07.2023. The technical memorandum is designed to summarize the traffic analysis for the project. It is important to note that the subject property has a land use that allows residential uses at 4.3 units per acre. Traffic analysis is focused on the impacts of traffic on intersections and roadways. Where intersections and roadway segments fail as a result of project trips, state law allows the project to pay its proportionate fair share to mitigate the project impacts. The analysis seeks to review and determine if a project diminishes the adopted level of services below the level of services adopted in the city's Comprehensive Plan. An independent traffic engineer, employed by the city, has reviewed and provided comments on the traffic impact analysis. The traffic analysis went above the city requirements and analyzed the local road traffic impact of the proposed development.

   Key aspects of the study are summarized in section 6 of this report.

   It is understood that traffic and its impacts are a large part of any development. A professional traffic engineer has prepared an analysis of the project impacts that has been reviewed by a professional traffic engineer hired by the city. The analysis shows certain required improvements and a responsibility to pay a proportionate share for project impacts as required by state law. The analysis does not state that there will not be an increase in traffic impacts as the result of the Tomoka Reserve proposed subdivision. The analysis does state that the increased impacts of the Tomoka Reserve subdivision are within the Level of Service standards allowed by the city and payment of proportionate share as allowed by state law.

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

   Natural and landscaped areas are provided around the entire perimeter of the project to provide natural areas. The project is using a low impact development technique of berming around the stormwater area. The site design is functional and uses the land area effectively.

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

   The overall design indicates safe movement on the site. The proposed road and access layouts would be reviewed during the construction drawings of the preliminary plat.

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

   The project is required to utilize a Homeowners' Association (HOA), which will institute an Architectural Control Committee to review construction plans within the development. The site plan exhibits outline regulations governing the construction of buildings and landscaping on individual lots, in order to encourage aesthetics and harmony within the development.

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

    There have been two Planning Board meetings on July 13, 2023 and August 21, 2023. The meeting minutes for the project are within ATTACHMENT 11.

SECTION 9, RECOMMENDATION:

The Planning Board has the following options for a recommendation on the application for the issuance of a development order:

1. Approve the application as submitted;
2. Deny the application as submitted; or
3. Approve with conditions.

The applicant has made significant revisions to the original site plan. Key remaining considerations for deliberation of a recommendation include lot sizes and the planting/irrigations of the 50' natural buffer. The traffic impacts of this project have been analyzed and determined to be within the Level of Services adopted by the City's Comprehensive Plan, with the provision of a traffic signal at Nova Road and Tomoka Oaks Boulevard.

In reviewing the application, the Planning Board should consider:

1. Application submittal;
2. Staff report and Site Plan Review Committee comments;
3. Written correspondence provided;
4. Criteria of the Land Development Code contained within the staff report; and
5. Testimony provided at the Planning Board public hearing.

It is recommended that the Planning Board recommend **DENIAL** for the issuance of a development order for 272 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements based on criteria 1 and 4 analyzed above. Specific recommended changes in the site plan from the Site Plan Review Committee would include:

1. Requiring the Tomoka Reserve perimeter lots to be at least 100' in width and total 10,000 square feet of lot area.

2. A type 6 landscape buffer for the perimeter 50' buffer and irrigation of the buffer area as needed for the new plantings.

If there is a belief that the project has complied with the development order criteria, then the project should be recommended for approval. No City Commission date has been set for the project at this time.

Attachments:

Attachment 1:	Outstanding Site Plan Review Committee comments, dated September 13, 2023 **(new)**
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ATTACHMENT 1

Outstanding Site Plan Review Committee comments dated September 13, 2023

Note: former comments from the July 13, 2023 Planning Board packet in Section 13, Section B

Project Name: PZ-22-043
Project Description: Tomoka Reserve
Review Comments List Date: 9/13/2023

Ref. # 62, Landscape Architect, Cara Culliver, 1/25/23 3:25 PM, Cycle 2, Unresolved
Markup: Buffer Type, Tomoka Reserve PD Plans 5 -Buffer plan.pdf

- Staff is supporting a Type 6 landscape buffer which is consistent with the 50' buffer width & requires 7 trees, 70 shrubs & 70 ground covers per 100' lineal feet.

Ref. # 134, Landscape Architect, Cara Culliver, 6/12/23 5:00 PM, Cycle 4, Unresolved
Markup: High Density Buffer Planting, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- A Type 6 buffer which is 50' foot depth requires 7 trees, 70 shrubs & 70 ground covers per 100' lineal feet. The document states 30 shrubs and the planting depth is 20 foot which is inconsistent with Section 3-06(d)(1)(2) of the Land Development Code.

- The elevation & plan view drawings shall be to scale and should show a typical 100 foot length & 50' foot depth planting design. This applies to all of the Typical Buffer Sketches.
- There is no reference to the keyed out plant materials and not able to determine what's being proposed?

- The plan view sketch only shows 5 trees and the requirement is 7 trees per 100 lineal foot. Also, the shrub requirement is 70 and only 30 are shown.

- Spacing trees 15 feet apart doesn't give enough room for growth and you have a 50' foot wide buffer to work within.

- The wildflower areas should be shown in more natural shape.

Ref. # 135, Landscape Architect, Cara Culliver, 6/13/23 10:39 AM, Cycle 4, Unresolved
Markup: Master Buffer Plan, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- Need to reference on the master buffer plan where these 3 different typical buffer planting would occur.

- Ultimately, the 3 different planting sketches/specifications will have to be incorporated on 24x36 scaled drawing and included in the ZevCohen landscape plans.

Ref. # 136, Landscape Architect, Cara Culliver, 6/13/23 10:43 AM, Cycle 4, Unresolved
Markup: Tree Mitigation for Specimen & Protected Trees, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- Tree mitigation if applicable could drive the density of the buffers and tree caliper sizes. This will have to be worked out with final future detailed drawings.

Ref. # 137, Landscape Architect, Cara Culliver, 6/13/23 10:50 AM, Cycle 4, Unresolved
Markup: Medium Density Buffer & Intact Buffer Plantings Sketches, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- The medium and intact buffer sketches would need to be applied to the actual site to determine what needs to be planted back.

- There is a ground cover requirement and no mention of this in the written text for both of these sketches.

Ref. # 138, Landscape Architect, Cara Culliver, 6/13/23 11:01 AM, Cycle 4, Unresolved
Markup: Planting Details, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- Please use the City standard planting details.

Ref. # 139, Landscape Architect, Cara Culliver, 6/13/23 11:13 AM, Cycle 4, Unresolved
Markup: Watering Schedule, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- Staff is not supportive hand watering for establishment of plant materials/trees. A permanent irrigation system needs to be in place for the establishment of the trees and plant materials as per Section 3-05(e) of the Land Development Code.

- The watering requirement of trees wouldn't be the same as watering requirement for shrubs/ground covers. For example and based on the University of Florida research, 3 gallons of water per caliper inch and establishment rates are based on 3 month per inch of trunk caliper. To establish a 30 (8 gallons of water) or 45 gallon tree (9 gallons of water) at 2.5" caliper would take 8-12 months. You would need to water daily for 1-2 months and every other day for 4 months and weekly until establishment. This is not an efficient way to water a project of this size and there will be limited to no access to this 50 foot buffer when the project is developed. Also, we frequently experience drought which is going to be a factor in keeping this natural buffer alive.

Ref. # 140, Landscape Architect, Cara Culliver, 6/13/23 3:41 PM, Cycle 4, Unresolved
Markup: Intact Buffer, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- When 7 existing trees are not present with this buffer type, than Understory trees would be more appropriate than more shade canopy trees.

Ref. # 141, Landscape Architect, Cara Culliver, 6/13/23 3:52 PM, Cycle 4, Unresolved
Markup: Suggested Tree List, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- The intent is to provide screening please limit the amount of deciduous trees used in this plant palette.

- This project would have Canopy and Understory trees. Please add a category for native Understory Trees. Might want to call the Medium tree an Understory tree on the sketches.

- I don't think the American Olive, American Hornbeam, Redbud and Sugarberry are available to meet the cities minimum tree size of 10' foot height and 2.5" caliper, please check availability and revise list as necessary.

- The Florida Privet is semi-evergreen and can shed its leaves in the winter.

Ref. # 142, Landscape Architect, Cara Culliver, 6/14/23 8:37 AM, Cycle 4, Unresolved
Markup: Tree Size & Spacing, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- The minimum tree size is 10' foot height and 2.5" caliper per Sec.3-05(d)(2).

- Spacing trees 15 feet apart especially for canopy trees doesn't not provide enough room for growth. You have a 50' buffer depth and greater spacing can be achieved with a staggered spacing.
Ref. # 143, Landscape Architect, Cara Culliver, 6/14/23 9:02 AM, Cycle 4, Unresolved
Markup: Wildflowers, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- For the success of the wildflower seeds they are installed a certain way, during the fall season, type of seed mix and what's the application rate. Please provide more detailed specifications.
Ref. # 144, Landscape Architect, Cara Culliver, 6/14/23 9:16 AM, Cycle 4, Unresolved
Markup: Existing Turfgrass, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- The existing turfgrass will need to be removed for the plantings of the trees and shrubs. The existing grass is going to compete with the establishment of the shrubs and most likely grow over the shrubs and choke them out. This will become a long-term maintenance issue if the grass is left.

Once the plant materials are installed a 3" inch mulch layer (suggest using Pine Bark) will retain the soils moisture.

Ref. # 155, Landscape Architect, Cara Culliver, 9/8/23 10:05 AM, Cycle 5, Unresolved
Markup: Plans Preparation, 2023 09 06 Buffer Tree Planting Locations.pdf

- Per Section 3-05(b)(1),a landscape plan prepared by a person registered as a landscape architect under F.S. ch. 481, part II, shall be submitted in conjunction with any development requiring site plan approval. The plan shall include all items related to trees and tree protection, as well as the grade, type, size, and location of plant materials. All landscape plan sheets shall be signed and sealed.

Ref. # 156, Landscape Architect, Cara Culliver, 9/8/23 10:05 AM, Cycle 5, Unresolved
Markup: 50' Buffer Requirement (Applies To All Sheets BT-100-BT-108), 2023 09 06 Buffer Tree Planting Locations.pdf

- This plan does not demonstrate meeting compliance with the Type 6, 50' landscape buffer which requires 7 trees, 70 shrubs and 70 ground covers per 100' lineal feet. Five trees & 50 shrubs per 100 lineal feet doesn't meet Type 6 buffer requirements.

- Existing palms trees are three to one ratio (3:1), meaning 3 palms equals one required tree. A single palm can't be counted as a required tree.

- All plant materials shall be keyed out showing type, size and locations of plant materials, including a plant list with specifications.

- The landscaped buffer area shall include a minimum five-foot (5') wide visual screen constructed of plant materials which are selected, located, and maintained to provide a visual barrier that is designed to achieve forty percent (40%) opacity within three (3) years from the time of installation between three feet (3') and six feet (6') above the average ground level of the landscaped buffer area when viewed horizontally.

- Trees shall be established along the entire length of and contiguous to any property line at a maximum spacing of fifty feet (50') on-center.

- Abutting residential lot information needs to be show and referenced on this plan.

Ref. # 157, Landscape Architect, Cara Culliver, 9/8/23 10:18 AM, Cycle 5, Unresolved
Markup: Trees Required Chart, 2023 09 06 Buffer Tree Planting Locations.pdf

- This project buffer is 3.3 miles long which equals 17,424 L.F. divided by 100 (x) 7 required trees = 1,220 Required Trees for this buffer, 12,197 Shrubs & 12,197 ground covers.

- This 50' landscape buffer would require 1,220 trees and not 396 as per the chart and submitted plan.

- Please keep in mind protected and specimen tree mitigation might affect buffer density and design.

Ref. # 158, Landscape Architect, Cara Culliver, 9/8/23 11:44 AM, Cycle 5, Unresolved
Markup: Buffer Area Planting Requirements, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- Staff will not be supporting the "modified buffer" of 5 trees and 50 shrubs. We will be supporting the Type 6, 50' landscape buffer which requires 7 trees, 70 shrubs and 70 ground covers per 100' lineal feet.

- In addition to these requirements all landscape buffers require a minimum of 5' foot wide visual screen constructed of plant materials which are selected, located, and maintained to provide a visual barrier that is designed to achieve forty percent (40%) opacity within (3) years from the time of installation between three feet (3') and six feet (6') above the average ground level of the landscaped buffer area when viewed horizontally.

- Also, trees shall be established along the entire length of and contiguous to any property line at a maximum spacing of fifty feet (50') on-center.

Ref. # 159, Landscape Architect, Cara Culliver, 9/8/23 11:48 AM, Cycle 5, Unresolved
Markup: Ground Cover Requirement, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- The design team has submitted no documentation of existing ground covers. This will be determined when full design plans are submitted.

- Ground covers will be required as per the Type 6 buffer requirements.

Ref. # 160, Landscape Architect, Cara Culliver, 9/8/23 11:56 AM, Cycle 5, Unresolved
Markup: Standards for Success, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- The revised plans submitted did not have a phasing plan. Please submit phasing plan for review.

- Staff will not be supporting a 2 year maintenance bond. We will not be supporting 80% plant survivability but will support 100%. Assuming 20% or greater of the plant materials in the buffer dies that would be a huge burden on Tomoka Reserve, Tomoka Oaks & the City. The question is who would be responsible for establishing "replaced" trees and shrubs after the 2 year period?

- Staff would support a maintenance bond of 6 years for each phase built. After each 2 years of each phase planted plant materials failed will be replaced by Tomoka Reserves HOA. If the maintenance bond is implemented the Tomoka Reserves HOA would be responsible to replace the buffer back per the approved plans and the City staff will conduct necessary inspections for compliance after each 2 year period.

Ref. # 161, Landscape Architect, Cara Culliver, 9/8/23 12:57 PM, Cycle 5, Unresolved
Markup: Short Term Maintenance, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- Staff is not supportive hand watering for establishment of plant materials/trees. A permanent irrigation system needs to be in place for the establishment of the trees and plant materials as per Section 3-05(e) of the Land Development Code.

- A 26 weeks or 6 month establishment period is not long enough to establish a 2.5" caliper tree. Based on the University of Florida research, 3 gallons of water per caliper inch and establishment rates are based on 3 month per inch of trunk caliper. To establish a 30 (8 gallons of water) or 45 gallon tree (9 gallons of water) at 2.5" caliper would take 8-12 months. You would need to water daily for 1-2 months and every other day for 4 months and weekly until establishment another 6 months. The larger the tree caliper the longer the establishment period.

Ref. # 162, Landscape Architect, Cara Culliver, 9/8/23 1:13 PM, Cycle 5, Unresolved
Markup: Irrigation System, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- If the irrigation system is designed "strategically" than there would be no distance challenges to pump the water or installing long lengths of irrigation pipe.

Ref. # 163, Landscape Architect, Cara Culliver, 9/8/23 1:16 PM, Cycle 5, Unresolved
Markup: Existing Turfgrass, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- The existing turfgrass will need to be removed for the plantings of the trees, shrubs & ground covers within the planting bed areas. All planting beds shall be prepped to remove all turfgrasses, weeds and unsuitable materials prior to planting. Leaving the existing grass is not the industry standard & going to compete with the establishment of the shrubs & ground covers and most likely grow over the shrubs and choke them out. This will become a long-term maintenance issue if the grass is left & hinder the success of establishing plant materials. Once the plant materials are installed a 3" inch mulch layer (suggest using Pine Bark) will retain the soils moisture.

Ref. # 164, Landscape Architect, Cara Culliver, 9/8/23 1:26 PM, Cycle 5, Unresolved
Markup: Watering, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- Why would watering trees in Phase 1 be 4-6 gallons and less in Phase II & III with 2 gallons? The also applies to the shrubs. This is not based on University of Florida's research, "Planting & Establishing Trees" publication as noted in this report. A 2.5" caliper tree needs 9 gallons of water, 3.5" caliper needs 11 gallons, 4.5" caliper needs 17 gallons & 6" caliper needs 30 gallons of water.

Ref. # 165, Landscape Architect, Cara Culliver, 9/8/23 1:30 PM, Cycle 5, Unresolved
Markup: Irrigation System, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

Irrigating a project of this size (3.3 lineal miles) with hand watering is very inefficient and time consuming. The best approach to watering plant materials is with an efficient irrigation system using "low volume" techniques where water can be applied "directly" to the root ball. Directing water to 100% of the root ball in a manner that water can be absorbed into the root ball when water is needed is critical to optimum tree establishment. Proper irrigation immediately after transplant will influence root growth; therefore the diameter of the tree's irrigation pattern should increase, especially for sandy soils, as the tree's roots expand into the native soil. Efficient irrigation is critical and takes the guess work out with everything being automated and precise.

Ref. # 166, Landscape Architect, Cara Culliver, 9/8/23 1:41 PM, Cycle 5, Unresolved
Markup: Vegetation Maintenance, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- Before an area is planted it is stripped to bare soil removing all competing vines, weeds, unsuitable materials & turfgrasses. This eliminates the initial competing of weeds with the new plant materials. The applicant wants to keep all the turfgrass intact which is not the industry standard for establishing plant materials within large buffer areas. Staff will not be supportive of keeping turfgrasses intact within the landscape buffer.

Ref. # 167, Landscape Architect, Cara Culliver, 9/8/23 1:56 PM, Cycle 5, Unresolved
Markup: Long-term Buffer Maintenance, 2023 09 06 v2 Buffer Planting Maintenance Plan.pdf

- The applicant described this buffer as being natural and grass mowing in the buffer contradicts this concept? It would be a maintenance nightmare to mow around and between the trees, shrubs and ground covers. As stated already this buffer would be stripped prior to planting and then topped dressed with 3" mulch layer. There would be no mowing within the buffer and only weed/vine control & pruning of deadwood from trees as described in this plan.

- Other long-term maintenance items would be trimming the existing palms trees and removing the dead fronds, palm boots & seed heads. Also, newly planted trees/plant materials need fertilizer and should be part of the maintenance plan.

Ref. # 168, Landscape Architect, Cara Culliver, 9/8/23 4:48 PM, Cycle 5, Unresolved
Markup: Notes #7 & #8 Modified Buffer, PD1_21067 COV-C1.pdf

- Note #7, staff will not be supporting the "modified buffer" of 5 trees and 50 shrubs. We will be supporting the Type 6, 50' landscape buffer which requires 7 trees, 70 shrubs and 70 ground covers per 100' lineal feet.

- Note #8, an approved buffer plan will be in-place to identify where supplemental plantings will be required.

Ref. # 169, Landscape Architect, Cara Culliver, 9/8/23 4:57 PM, Cycle 5, Unresolved
Markup: Tree Replacement Note, PD2-PD6_21067 ODP-PD5.pdf

- Specimen trees removed will not be on a one to one replacement basis. Mitigation Chart A will determine how many trees will be replaced at 4.5" caliper based on the caliper removed.

Ref. # 65, Civil Engineer, David Allen, 1/31/23 4:34 PM, Cycle 2, Unresolved
Markup: Civil-Operating tables, 21067 Tomoka Reserve Storm Package.pdf

How were the discharge rates established for these tables.

Ref. # 103, Civil Engineer, David Allen, 2/21/23 9:50 AM, Cycle 2, Unresolved
Markup: Civil-=Emergency Access, Autoturn Analysis.pdf

Provide a detail that shows the island and the pavement widths for North St Andrews Drive. Provide the vehicle turn exhibit for this connection as well as the connection within the subdivision.

Ref. # 105, Civil Engineer, David Allen, 2/21/23 11:47 AM, Cycle 2, Unresolved
Markup: Civil-Lot Size, Tomoka Reserve PD Plans 6- typical lot layout.pdf

In the Neighborhood meeting, the width of the lot adjacent to the buff,(existing lots) was a significant question. The width was more important than the square footage of the lot. Please provide rationale for the proposed lot sizes.

Ref. # 118, Civil Engineer, David Allen, 5/10/23 2:15 PM, Cycle 3, Unresolved
Markup: Civil-Dry Retention, 21067 PD-04-28-23.pdf

Dry retention ponds were indicated as allowing infiltration to meet the time related requirements for stormwater management. The borings for the ponds indicated a layer of organics and top soil. How will the ponds function after several rain events have compacted the top layer into an impervious layer at the bottom of the pond.

If the pond bottom is being counted as natural preservation, these organics will seal the pond bottom. If the organics are removed then it should not count towards the natural preservation.

Provide time table of acceptable water stage on the trees within the dry retention.

Ref. # 119, Civil Engineer, David Allen, 5/10/23 2:39 PM, Cycle 3, Unresolved
Markup: Civil- Auto Turn, Autoturn Analysis.pdf

This configuration no longer matches the roadway layout for the [project. please provide an update to this figure.

Also provide a detail that demonstrates the emergency vehicle at the emergency access in conjunction with the existing island in N. St Andrews.

Ref. # 145, Civil Engineer, David Allen, 6/21/23 4:08 PM, Cycle 4, Unresolved
Markup: Civil-Phasing Plan, PD2-PD6_21067 ODP PD2 (1).pdf

Is there a phasing plan available for the project? If so, at what stage will the Emergency Access be constructed?

How will the construction of utility connections be staged in the overall project?

Ref. # 147, Civil Engineer, David Allen, 6/26/23 3:27 PM, Cycle 4, Unresolved
Markup: Civil-Lot Width, PD2-PD6_21067 ODP PD2 (1).pdf

Change the word size to width. The size can increase by depth only. The concern is the width of the lots.

Ref. # 148, Civil Engineer, David Allen, 6/26/23 3:27 PM, Cycle 4, Unresolved
Markup: Civil-Pedestrian access, PD2-PD6_21067 ODP PD2 (1).pdf

Add the term "and individual property owners affected. "

Ref. # 149, Civil Engineer, David Allen, 6/26/23 4:56 PM, Cycle 4, Unresolved
Markup: Civil-Revision Emailed 06-26-23, PD1_21067 COV C1 (1).pdf

Note No. 9, Indicates that this will be a gated subdivision. Provide note that the streets will be [privately maintained. Provide a note that there will be an access/utility easement placed over the entire roadway parcel dedicated to the City of Ormond Beach.

Ref. # 171, Civil Engineer, David Allen, 9/10/23 3:54 PM, Cycle 5, Unresolved
Markup: Civil Emergency Access, PD1_21067 9_5_23r.pdf

Provide the model showing the fire vehicle entering the emergency access.

Ref. # 172, Civil Engineer, David Allen, 9/11/23 8:36 AM, Cycle 5, Unresolved
Markup: Civil-Roadway Section, PD2-PD6_21067 ODP-PD3.pdf

Please show the limits of the tract on this cross-section. Note that the City of Ormond Beach will have an Access-Utility Easement placed on the tract.

Ref. # 173, Civil Engineer, David Allen, 9/11/23 9:57 AM, Cycle 5, Unresolved
Markup: Civil-Access Easement, PD2-PD6_21067 ODP-PD2.pdf

The access easement should be 20 feet wide.

Ref. # 181, Civil Engineer, David Allen, 9/12/23 9:04 AM, Cycle 5, Unresolved
Markup: Civil-Sanitary Sewer Collection System, PD7-PD8_21067 UTL-PD9.pdf
TECHNICAL COMMENT FOR THE PRELIMINARY PLAT

A recent evaluation for the lift stations within the Tomoka Oaks Subdivision shows a significant increase in run-times for the Lift Station 8M1. The proposed gravity system is shown to direct the flow from the new subdivision to this lift station. After discussion with the Utility Manager, we request that the gravity collection system be directed to the Lift Station 8M, Nova Road.

Ref. # 123, Planning Director, Steven Spraker, 5/11/23 8:21 AM, Cycle 3, Unresolved
Markup: 50' Landscape Buffer, PD2-PD6_21067 ODP-PD5B.pdf

- Staff will be supporting a Type 6 buffer plantings within the 50' landscape buffer. Response comments indicate plantings to be a type 4 buffer which will include existing natural vegetation with temporary irrigation is being proposed. Staff is not supportive of a type 4 buffer type and the information provided to date has not made staff supportive of the plant materials or temporary irrigation. A permanent irrigation system needs to be in place for establishment of the trees which can take years depending on the caliper size and drought situations. Staff also have concerns with the long-term maintenance of the buffer area and survivability of the plants with temporary irrigation.

Ref. # 150, Planning Director, Steven Spraker, 6/27/23 10:00 AM, Cycle 4, Unresolved
Comment:
Key policy issues:

1. **Lot Sizes:**

Applicant: mixture of 80', 60' and 50' lots. 80' wide lots abut existing Tomoka Oaks lots.

Staff recommendation: Staff recommends 100' wide lots to total at least 10,000 square feet abutting the perimeter of the existing Tomoka Oaks single-family houses.

2. **Buffer abutting existing Tomoka Oaks single-family houses:**

Applicant: See Tomoka Reserve Buffer Planting and Maintenance Plan, dated June 6, 2023.

Staff recommendation: Staff recommends typical planting (type 6) and irrigation plan. See city Landscape Architect's comments.

~~3. **Setback plan:**~~

~~Applicant: See Sheet PD7.~~

~~Staff recommendation: Staff not supportive of building coverages or proposed setbacks. Staff recommended setbacks included in the review.~~

~~4. **PD6 note on lot separation.**~~

~~Applicant: Note states: The lot separation width shown on this sheet may be subject to change at the time of permitting. The represented distances are from existing lot in Tomoka Oaks neighborhood and proposed lots within Tomoka Reserve.~~

~~Staff recommendation: The 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas.~~

~~5. **St. Andrews and Tomoka Oaks Boulevard "diamond".**~~

~~Applicant: Traffic Impact Analysis, response to comments, Item 3 states the existing diamond is expected to operate within the adopted level of service during the peak hours. No improvements are proposed.~~

~~Staff recommendation: The diamond is awkward and in staff's opinion's confusing and potentially dangerous as additional trips are added. Staff recommends that a diamond reconfiguration be required at the construction (preliminary plat) phase of the development.~~

~~6. **Recreation – additional outdoor recreation.**~~

~~Applicant: See sheets PD10 and PD3 where 9.06 acres of outdoor recreation is provided throughout the subdivision.~~

~~Staff recommendation: Staff supportive of the request. Similar request have been approved – RidgeHaven subdivision was the last similar request.~~

Ref. # 174, Planning Director, Steven Spraker, 9/11/23 11:59 AM, Cycle 5, Unresolved
Markup: Planning, inclusion of Tomoka Oaks addresses, 2023 09 06 Buffer Tree Planting Locations.pdf

Please include the address of the abutting properties within Tomoka Oaks.

Ref. # 175, Planning Director, Steven Spraker, 9/11/23 11:59 AM, Cycle 5, Unresolved
Markup: Planning staff, proposed plantings and irrigation, 2023 09 06 Buffer Tree Planting Locations.pdf

Planning staff support the City Landscape Architect's position on buffer type and irrigation requirements.

Ref. # 176, Planning Director, Steven Spraker, 9/11/23 12:20 PM, Cycle 5, Unresolved
Markup: Planning, architectural standards, Project Narrative-PB Revision List.pdf

Per an e-mail, the document on architectural standards was an old draft and not reviewed. Staff understands the architectural standards are contained in Sheet PD8.

Ref. # 177, Planning Director, Steven Spraker, 9/11/23 12:20 PM, Cycle 5, Unresolved
Markup: Planning, Letter - buffer type, Project Narrative-PB Revision List.pdf

Staff is not supportive of the lesser plant material than a type 6 buffer and hand watering - see city Landscape Architect comments.

Ref. # 178, Planning Director, Steven Spraker, 9/11/23 12:20 PM, Cycle 5, Unresolved
Markup: Planning, letter, lot width, Project Narrative-PB Revision List.pdf

The letter response states there are 46 lots that are 100' in width and 10 lots that are 90' in width. This appears to be an older version referencing the 100' wide lots. The plan submitted has 80' wide lots proposed along the perimeter which staff is not supportive of.

Ref. # 179, Planning Director, Steven Spraker, 9/11/23 12:20 PM, Cycle 5, Unresolved
Markup: Planning, timing of the traffic light, Project Narrative-PB Revision List.pdf

The response comments state 30 days after a phase 1 plat approval. Staff believes this to mean a preliminary plat approval.

Ref. # 180, Planning Director, Steven Spraker, 9/11/23 12:20 PM, Cycle 5, Unresolved
Markup: Planning, hearing date, Project Narrative-PB Revision List.pdf

Note that the Planning Board hearing date is September 26th - not September 21st as indicated in the letter.

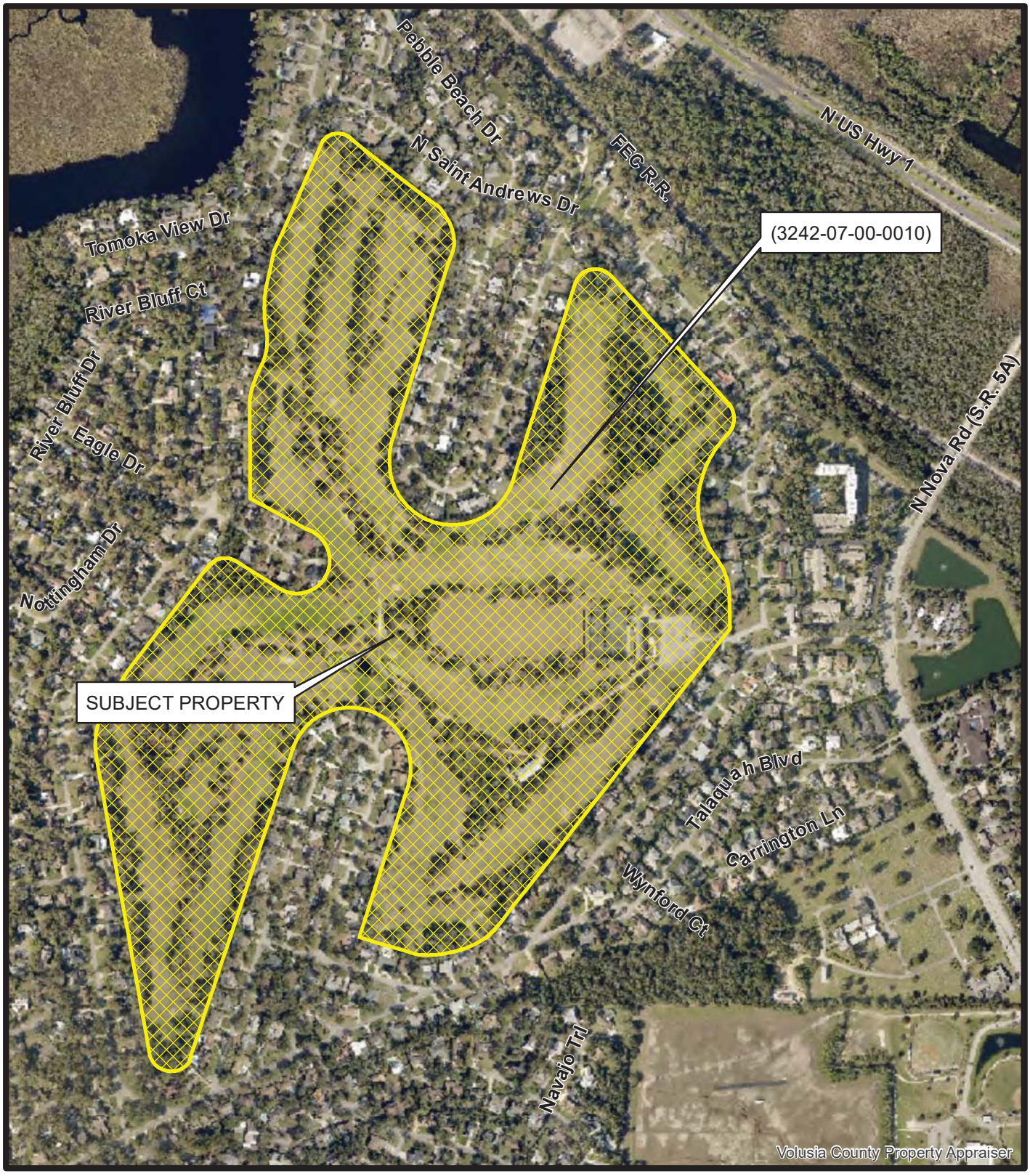
Ref. # 64, Utility 1, Mike Stephenson, 1/26/23 1:52 PM, Cycle 2, Unresolved
Markup: Site Plan - Revise and Resubmit, Tomoka Reserve PD Plans 7 - Utility plan.pdf

Utilities has no comments regarding the proposed planned residential development. Full site plan approval, however, will require review of more detailed construction plans and design documents. Elements that will be reviewed at that time include, but is not limited to: utility separation requirements, utility connection details, valves and hydrants spacing, applicable permit status, and the inclusion of applicable City standard details.

ATTACHMENT 2

Location, land use and zoning maps

Note: no changes to this attachment from original report



AERIAL MAP
20 TOMOKA OAKS BLVD
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - May 4, 2023

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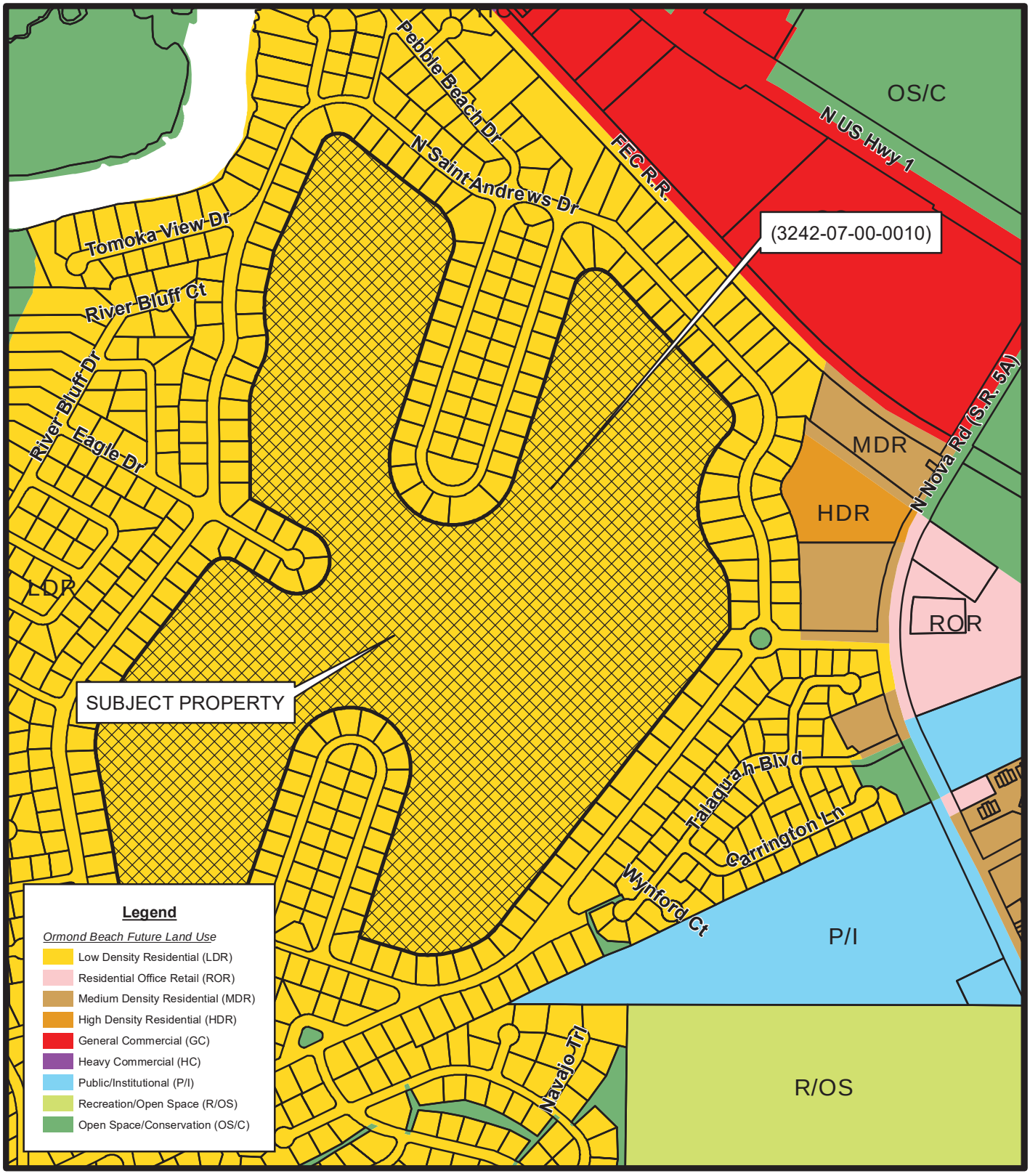

FUTURE LAND USE MAP
20 TOMOKA OAKS BLVD
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - May 4, 2023

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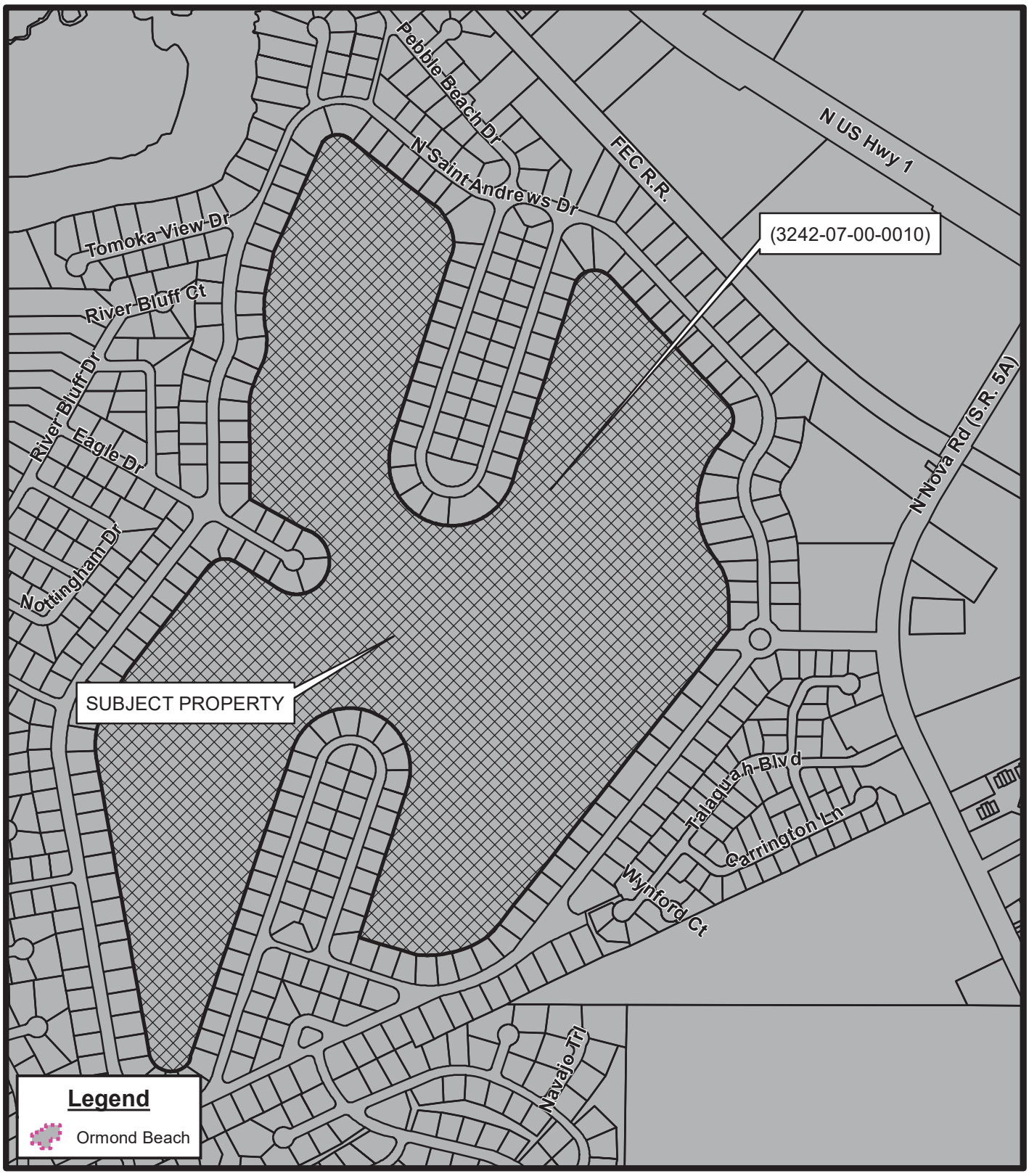

LOCATION MAP
20 TOMOKA OAKS BLVD
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - May 4, 2023

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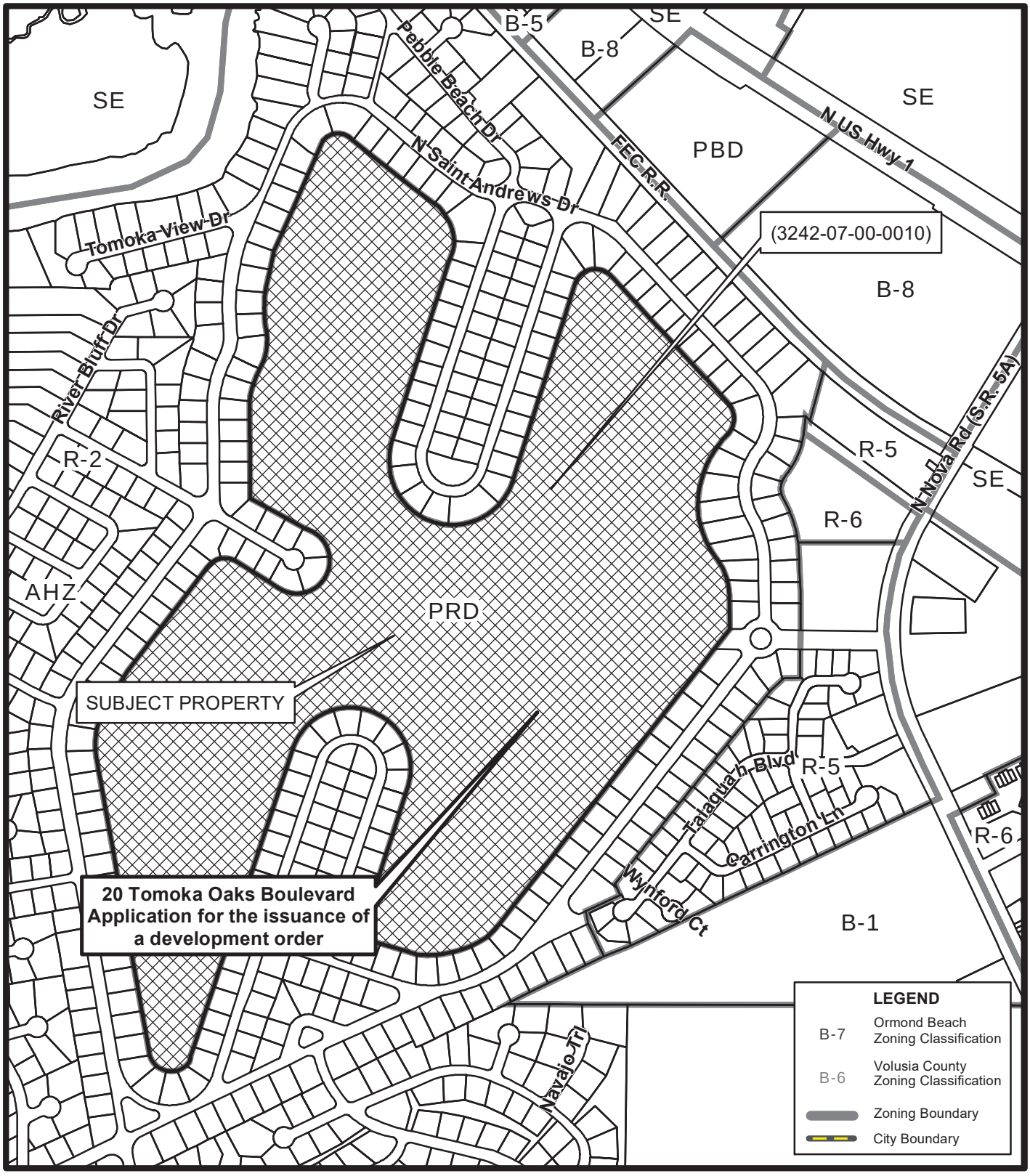

ZONING MAP
20 TOMOKA OAKS BLVD
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - June 19, 2023

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St. Andrews Drive and Tomoka Oaks Boulevard diamond intersection



ATTACHMENT 3

Correspondence received

Section A	Correspondence up until July 1, 2023
Section B	Correspondence from July 1,2023 to July 13, 2023 (former attachment 12)
Section C	Correspondence from July 12, 2023 to August 10, 2023 (former attachment 15)
Section D	Correspondence from August 10, 2023 to August 16, 2023 (former attachment 16)
Section E	Correspondence from August 16, 2023 to August 21, 2023 (former attachment 19)
Section F	Correspondence from August 22, 2023 to September 13, 2023 **(new)**

ATTACHMENT 3

Correspondence received

Section A

Correspondence up until
July 1, 2023

TMH CONSULTING, INC.
Community Planning Services

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Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: City of Ormond Beach Planning Board
FROM: Thomas Harowski, AICP
SUBJECT: Tomoka Preserve Proposed Development
DATE: June 28, 2023

The applicants are seeking to construct 278 single-family homes on the former Tomoka Oaks golf course. This proposed project will have a significant impact on the existing neighborhood in terms of compatibility between the new development and the existing neighborhood, traffic impacts from the proposed development, and the type and style of housing proposed for development. I, along with many of my neighbors, have invested a substantial amount of time over the past 12 to 24 months in meetings with the applicants in an effort to end up with a project that is supportable by both sides. While progress, in my opinion, has been made in this area, the project as currently proposed still falls short of a fully compatible development and neighborhood asset.

In this memo I am offering the board members my comments on the project and how I believe the proposal needs to be improved. Many of my neighbors believe the property should remain as community open space. However, absent a change in the current situation with regard to the property, I expect some development will occur, and we need to get the best possible product on this site. While some will agree with my comments, I suspect many will not. I have worked in community planning in Volusia County for most of the last 50 years. I have attached a resume at the end of this submittal as evidence of my qualifications. As a neighborhood resident, I felt that it was inappropriate for me to serve as the expert witness in planning for this application, but my resume and experience shows I am qualified to do so. I think that this background adds some weight to my comments.

It is clear from the future land use designation applied to the subject property that some development other than open space is likely. My comments assume that a mandatory linkage betweeen the existing neighborhood and the former golf course has been severed. However, that does not mean the proposed project is appropriate for the site as it is currently designed. The issues that need to be further considered are:

- What makes the two developments compatible?
- How can traffic impacts be addressed?
- What buffering is appropriate?
- What lot sizes are appropriate?

- Are there other plan revisions that can improve the overall project?
- How can the application package be constructed so it is an effective regulatory document?

(Please note that these comments are based on the June 8, 2023 submittal. The applicants submitted a last minute plan revision on June 28, 2023, and there is no indication of what changes were made. My cursory review of the latest submittal found that significant changes were not evident, and the comments offered in this report are still applicable.)

DEVELOPMENT COMPATIBILITY

From their submittals the applicants would have us believe that because their project proposes single-family homes at a density that approximates the existing neighborhood, they have proved their case for compatibility. The applicants also claim the project is desireable infill development.

- The claim of compatibility with the existing neighborhood is overstated. Compatibility includes more than housing type and residential density as discussed below. The declared compatibility in density is questionable.

- While the proposed project has some aspects of infill development, it differs from more general infill in that it creates a new community core rather than adding development adjacent to existing residential neighborhoods.

Compatibility Analysis

When looking at compatibility it is important to remember that this project is not an extension of a development pattern where the proposed subdivision is the next parcel to be developed in a linear growth pattern. When development is more linear, adequate buffering between existing and proposed development and proper management of access and public services is likely sufficient to mitigate impacts from the new development on existing neighborhoods. In this case the project is an injection into the heart of the community. It is not only a new development with impacts to surrounding properties, but it becomes the new heart of the neighborhood. As such, development in the new core will have wide ranging impacts on the character of the neighborhood. If the new development is substantially different than the existing neighborhood, it will affect how the entire neighborhood is viewed.

In the most recent submittal package, the applicants for the proposed development have stated that the new project is compatible with the existing neighborhood based on three factors. First the proposed use as single-family housing is the same. Secondly the gross density of the proposed development is approximately the same as the current Tomoka Oaks development; and third that the proposed layout includes approximately the same number of housing units at the perimeter of the project as exist adjacent to the old golf course property. These statements are debatable.

Housing Type: Not all single-family dwellings are equal. Substantial differences in factors such as lot size, setbacks and lot coverage can result in a significantly different character. The applicants propose larger lots at the periphery of the project and small lots toward the center. This is sound design, but there is still a gap in lot sizes between existing and proposed lots at the project periphery. This gap is not insignificant.

Residential Density: The applicants claim that the proposed residential density at 2.04 units/acre is nearly the same as the developed residential neighborhood and substantially below the maximum allowable density based on the comprehensive plan. Therefore, the proposed development is compatible with the existing neighborhood. This conclusion is debatable on several points. While the project gross density and the existing residential area density (approximately 1.93 units/acre) are similar, the applicant's calculation excludes the community open space which for Tomoka Oaks was the golf course in its original design. If the former golf course area is included in the calculation per the original community design, the original neighborhood single-family density is closer to 1.27 units/acre. Also, by the applicant's own calculation, the maximum unit yield for the subject property based on R-2 zoning is 336 units. Therefore, the proposal is building at 89% of the attainable density. Without a substantial change in the project (along with a substantial change in the character and compatibility of the new project) the reference to the allowable density based on the comprehensive plan is irrelevant.

Perimeter Residential Units: The applicant notes that the proposed development has a similar number of housing units at the perimeter of the new development as are existing along the boundary of the old golf course property. Presumably, this factor is cited to suggest that with a similar number of units the new development will be compatible with the existing neighborhood. Factors such as lot size, setbacks and lot coverage are much more directly related to compatibility. The proposed plan has smaller lots on an interior line which yields a suggested compatibility that is not in fact present.

There are four other fundamentals of neighborhood design that are applicable. These are:

Function: Is the community effective in providing convenience and comfort for its users as measured by access and/or interaction among the components of the community.

The Ormond Beach comprehensive plan calls for low density residential use applied when Tomoka Oaks, including the golf course, was long established and there was no thought that the golf course might have to be replaced with other uses. The proposed development even at the proposed density will negatively affect access and interaction within the existing neighborhood by the sheer volume of new development. Neighborhood safety and security afforded by the current comfortable lot sizes with ample yards and personal space will be

reduced as smaller and denser lots are introduced. Even with a buffer as proposed the proposed project design will not fully mitigate these concerns.

Order: Order refers to balance including the continuity and sequence of design.

Order is a rhythm that is achieved when lots are similar in size, streets are similar in size and layout, where structures have relatively uniform setbacks, mass, and orientation to the street. The existing neighborhood development patten was based on R-2 minimum lots with the golf course as community open space, and the existing neighborhood development reflects this sense of order. Accepting that some new development is likely to occur on the subject property, the sense of order suggests that at least perimeter development follow the original patterns as established in the neighborhood. Buffers can address some of the transition, but fully compatible lot sizes in conjunction with the buffer will carry the sense of order into the new portions of Tomoka Oaks.

Identity: the design of the community should be distinctive and recognizable in the elements which give the community its sense of place.

The identity of Tomoka Oaks was defined by the golf course and the suburban nature of the residential portion of the neighborhood. With the failure of the golf course there is a threat to the neighborhood identity as first the open space nature of the community and now the residential character is disturbed. The continuation of the existing suburban character of the neighborhood including replication of the existing lot sizes will support neighborhood identity.

Appeal: The community should be attractive and defined by scale.

Unit design and placement (similar scale) are critical factors defining neighborhood appeal. A sense of order and appeal comes from a similarity in setbacks, heights, and lot configuration. The current neighborhood is a leafy subdivision with generous lots and plenty of private open space. The design anticipated by the proposed dimensional standards will potentially result in large units closely spaced on smaller lots.

The applicants admit as much when they propose minimum building coverages of 50% and minimum impervious coverages of 75%. In the existing neighborhood the average building coverage of all units is about 16% according to the property appraiser records. For the most typical one-third acre lots the building coverage is 20% to 25%. For the proposed lot sizes the building mass will be close to two times greater with full development of the planned units.

As a second comparison I looked at the largest units in the existing neighborhood as these should represent the most building mass in comparison with the proposed units. There are five units in the neighborhood which exceed 6,000 square feet in building area and one unit just under 6,000 square feet. Excluding the house on River Bluff where the riverfront lots are very large, the building coverages ranged from 21% to 41%. In other words, the exceptional units in the

existing neighborhood have 10% to 30% less building mass than the expected standard design for the newly proposed housing units. The variance in building mass is an element of incompatibility.

Lot Sizes and Housing Design

As noted in the discussion above, the most compatable outcome results from a design where the perimeter units have the same lot sizes and building massing. Units located toward the center of the project could include designs with somewhat smaller lots. The city staff has taken the position that perimeter units should be on lots with 100 foot lot widths and that lots interior to the project should have lot widths of 60 feet or above. Much of the neighborhood supports this lotting pattern. In addition to making the overall project more compatible with the exising neighborhood, the overall number of units will necessarily be reduced. A smaller project will make negative traffic impacts less severe, limit the negative impacts of restricted emergency services access, and provide for less impacts on other public services.

In addition to the total number of units and applicable lot sizes, the actual design of the new homes is important as well. One of the character defining elements of the existing Tomoka Oaks neighborhood is the wide diversity in housing styles, building materials, articulation of the exterior house design, and management of site elements such as garage placement. Current development is typically characterized by the same design elements throughout. Houses are usually stucco on block with a hip roof design and garage forward placement. Most projects have few models resulting a monolithic neighborhood appearance. A project that offers this design result will certainly clash with the existing neighborhood.

The applicants have recognized this issue and provided a set of design guidelines which offer a positive point of departure, but these proposed guidelines need additional work. On June 15, 2023 I submitted a report to the Ormond Beach planning staff reviewing in detail the plan set that is before the Planning Board for consideration. (Copy attached.) Beginning on page five of that report, I offer specific suggestions regarding improvements that are needed to create a set of effective and meaningful design guidelines. Key among these suggestions are:

- The spacing between the same unit designs is inadequate. An alternative methodology is suggested. Note: flipping the floor plan or changing the exterior design does not consitutue a different model.
- The range of models offered needs to include models with varied exterior materials, varied roof lines, and varied garage placements.
- The modifications language needs to be eliminated or substantially revised to prevent the applicant from simply discarding the design criteria once the project is approved. The current language allows for neighborhood architectural review board to modify the criteria at will at any time. The developer will be the neighborhood ARB for much of the development term and will have unlimited ability to change or discard the design criteria.

50-Foot Lot Design Issues

Of particular concern in terms of design are the proposed 50-foot wide lots. If these lots remain a part of the overall project, the city should require that they be done with alley access. A currently proposed, the 50-foot lot area will be a 17 lot long string of "snout houses" with a projecting garage and a very narrow unit frontage facing the street. Based on the standards proposed by the applicant, the buildable lot width on a 50-foot wide lot is 35 feet of which 18-22 feet will be occupied by the garage access. This leaves 13 to 17 feet for the front door and hopefully a window for whatever room is placed at the front of the house. Design freedom will be limitied to whether the garage is on the left or the right side of the unit.

There is an alternative using alley access that will allow for full design freedom for the unit by placing the garage at the rear of the lot using an alley as access. On page 8 of my June 15th memo I have picture of a single-family design with the unit placed forward on the lot and fully detailed and landscaped providing a street frontage that would be an asset in any neighborhood. The photo on the next page shows the alley access noting that the driveways accommodate two cars in off-street parking along with the garage. The alleys have one-way traffic, reducing land demand and construction cost. In this project each alley is 300 feet long serving 12 units. These examples come from Venetian Bay in west New Smyrna Beach where the housing type has been popular with somewhere in the range of 15 to 20 blocks developed in this style. If the applicants are truly committed to a quality project, this is a model they should emulate.

TRAFFIC CONSIDERATIONS

The traffic study identifies a project traffic generation of over 2,700 vehicles per day. The study notes five road segments (3 on Granada, 1 on Hand and 1 on Williamson) with failing traffic conditions before the addition of project traffic. The study recommends road improvements to address the deficiencies – none of which are funded and only two of which (Hand Avenue and Williamson) have any prospect of making an entrance into a work program at some point. Fortunately Table 14 of the study declares that all will be well at the project build out in 2028 assuming these unfunded roads are constructed.

The study affirms that a traffic signal is required at the intersection of Tomoka Oaks Boulevard and Nova Road. The big question with regard to the traffic signal is the timing for installatiion of the signal. The development agreement for the project needs to specify when the traffic signal will be installed as, according to the applicant's information the signal is currently warranted. The applicant should be required to submit the application to FDOT for installation of the signal concurrent with the first application for subdivision design and prohibit the issuance of any residential building permits until the signal is approved and installation initiated. The planning board should also recommend the City Commission make every effort to support the signal application and timely issuance of a permit by FDOT. The study also recommends turn lane adjustments at three locations which also need to be part of the FDOT application.

On June 27, 2023, the Tomoka Oaks Homeowners Association president participated in an online call with FDOT, City, County, and local business interests regarding the revamping of Nova from US-1 to Granada. Basically, FDOT is proposing to revise a major portion of Nova Road from Granada north. This segment is proposed to be reduced from seven lanes down to four lanes with widened sidewalks, bike lanes, and a raised, landscaped median. The signalized proposal for Tomoka Oaks Blvd. wasn't mentioned, nor was the proposed development and, due to time constraints of the meeting organizer, our president did not get an opportunity to raise the issue. The traffic study for the project did not assess the segment between Wilmette Avenue and Granada Boulevard (despite our requests to do so) because the impact volume was just a fraction below the cut-offline. The Wilmette to Granada section is the one most likely to be impacted by the Tomoka Preserve project as this is the segment that would lose three lanes under the FDOT proposal. North of Wilmette the impacts are more likely be to the medians in order to widen sidewalks and add bike lanes. The applicants should be directed to modify the traffic study to assess these impacts.

Of equal importance to most Tomoka Oaks residents is the functioning of the intersetion of Tomoka Oaks Boulevard with North and South St. Andrews Drives. The intersection is complicted by an unusual diamond shaped island with essentially unrestricted traffic movements around the island. The applicants were asked to assess functioning of the intersection with the project impacts considered. The applicants did this assessment and report that while the report stated that a roundabout would be the safest and most effective design, the intersection will function within the level of service with no improvements needed. This does not mean that there will not be more traffic and the associated risk for more traffic safety incidents due to the project. It only means that the artificial level of service designation will not be exceeded.

There are some concerns about the output from this analysis. The study reported 18 conflict points (12 major and 6 minor) but a map showing the conflict points was not located in the traffic study material. I have some concern that the model run did not capture all of the legal turning movements through the intersection. I did an overlay of the legal traffic movements as I understand them and counted 15 potential conflict points not including the seven driveways. It would be comforting to know if the model fully included the allowable traffic movements.

In addition to the potential conflict points, the model may not have factored into the analysis the restricted turning radii at the east and west end of the diamond. The turning radii in these locations are so tight that anything other than a staandard sedan or small SUV has trouble turning around these two points. Delivery vans, service providers with trailers, and most any kind of larger truck will have to make more than one attempt to complete the turn or drive over the curb. These are turning movements that are relatively easily accommodated now given the current traffic volume and the lower volume of vehicles attempting these restricted turns. Adding another 2,700+ trips to the intersection can only aggrivate these issues. At a minimum the applicant should be required to improve the turning radii at the east and west points of the island. Ideally the diamond island should be replaced with a roundabout.

The applicant is proposing to construct a sidewalk on the south side of Tomoka Oaks Boulevard from the project entrance to Nova Road. The Tomoka Oaks neighborhood is very active with walkers, joggers, and cyclists, and the addition of 2,700+ trips will increase pedestrian exposure. Again, remember that operating within the designated service does not mean no increase in potential accidents involving pedestrians. The project should be required to provide sidewalk on both sides of Tomoka Oaks Boulevard from Nova Road to the project entrance.

PROJECT NARRATIVE COMMENTARY

As part of the application package, the applicants supplied a narrative that touts the wonderful benefits the project will bring to Ormond Beach and discusses how the proposed project supports the goals, objectives and policies of the City's comprehensive plan. This section will discuss some of these policy statements.

- The applicant response to Policy 1.1.2 assumes that sound planning for residential areas includes only recreation facilities and pedestrian amenities. More is involved as we discuss in our section on compatibility. The project will provide recreation area (although they are seeking exemption for the indoor recreation requirement) and sidewalks on the neighborhood streets. The 8-foot wide trail cited in the narrative response is no where to be found on the concept plan.

- The applicant commentary on Policy 1.1.6 cites infill development and a mix of lot sizes and unit types. The limitations on the benefits of the project as infill development have been previously discussed. The project includes a variety of proposed lot sizes, but the project does not propose a variety of housing types as stated in the narrative. Only single-family units are proposed.

- The applicant commentary on Policy 1.1.14 exagerates the project benefits. As proposed, the project is no more walkable than any other neighborhood where sidewalks are required by City code. A proposed multi-use path is not in evidence on the proposed cocnept plan. The response assumes that repurposing open space (the golf course) as housing, even if infill housing, is a community benefit.

- The applicants cite Policy 2.2.5 as supporting open space by providing infil development. Apparently the open space that is being preserved is somewhere else in Ormond Beach. While the proposed project does have signnificant open space as part of serveral elements of the plan, the overall open space serving Tomoka Oaks will necessarily be reduced.

- The applicants' citation in Policy 2.4.7 and 2.4.10 continues to reference benefits (multi-use trails, varied housing types) that are not evident in the concept plan submitted for consideration.

The applicants' case for support of the comprehensive plan policies is weak and cites only selective aspects of the development rather than a full accounting of the project consistency with the policies.

OTHER ISSUES OF CONCERN

A project of this size and complexity will have a number of concerns and issues both major and minor. The preceding discussion focused on the most significant neighborhood concerns, but there are other items the Planning Board needs to consider before a recommendation should be made to the City Commission. These items include:

- The plan package includes a number of provisions which allow the developer to self-amend the plan without any standards or conditions that would allow the staff to insist the project be completed as approved. For example:

    - We cited the provision in the design guidelines that allows the development to amend the design provisions at will.
    - The concept plan includes a note that the lot sizes are conceptual and can be modified to presumably change lot sizes from those shown on the plan in areas other than those that abut the perimeter buffer.
    - The natural preservation and buffer plan includes a note that allows the developer to modify any open space area by up to 20% without any reason or standard to support the revision. This provision applies to all areas except the 50-foot buffer.

    These self-amending provisions need to stricken from the plan or modified so that they are tied to specific standards that allow the staff to follow through on the construction of the plan as it may be finally approved.

- The buffer design seems to be over complicated. The applicants are proposing a Type 4 buffer and the staff is requesting a Type 6 buffer which the neighborhood supports. Whichever design is finally approved, the buffer planting should be brought up to standard for any area of the buffer that is deficient. Plantings should include basic native species and trees that already grow on the property. If this is done, eventually watering needs should be reduced or eliminated and maintenance of the buffer area limited to mowing and periodic shrub management. The proposed plan seems like a way to avoid maintenance and reduce landscaping costs.

- The applicants spent a lot of effort on a layout of perimeter lots comparing the view areas with 80-foot wide lots and 100-foot wide lots. They claim that the 80-foot lot configuration offers more viewing gaps between units. This may be true, but the argument misses the point that existing housing abutting the project has no interest in how many times they can peek between the new units. The valuable open space views will occur between the existing and new units, while any view between units from the existing neighborhood is only going to provide a view of other houses in most cases.

TOMOKA PRESERVE
COMMENTS ON JUNE 8, 2023 SUBMITTAL
MEMO TO CITY STAFF JUNE 15, 2023

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MEMORANDUM

TO:	Steve Spraker, AICP, Planning Director
CC:	Tomoka Oaks Golf Course Committee
FROM:	Thomas Harowski, AICP, President
SUBJECT:	Tomoka Reserve April 28, 2023, Submittal
DATE:	June 15, 2023

As I have with earlier versions of the Tomoka Reserve I have reviewed the June 8, 2023 submittal from the applicants for the development on the former Tomoka Oaks golf course. The comments I have offered in this memo are mine alone based on my knowledge of the neighborhood, past plan review and planning practice. Some of the comments may seem minor, but it is my understanding that this set of documents will become the regulatory document for the project if approved. I think it is important thst the approved plans be clear and correct so that enforcement of the project requirements will be as effective and complete as possible. I have presented my comments in page order.

Cover Page

- I repeat a comment from my last review regarding the number of model homes. The plan limits the model homes to 16. Is there a specific reason why there is a cap on the number of model units? Does model refer to the number of distinct unit designs or does it refer to the number of units the applicant plans to build as "models" without regard to floor plans and the exterior design? This term should be clarified.

- Note 5 states that the building setback shall be no less than 50 feet from the project boundary. Since each lot has a rear yard setback defined elsewhere in the plan set, what is the purpose of this note? The 50-foot perimeter buffer is clearly delineated elsewhere in the plan set.

- The cover sheet again calls out the Type 4 buffer plantings when the City staff and neighborhood have supported the Type 6 buffer. Is it the staff intent to pass the buffer type determination to Planning Board and City Commission as a policy decision item?

Overall Development Plan

- I saw staff comments to the effect that minimum lot widths in planned developments have, by policy, been kept the same as the underlying zoning (assumed R-2 in this case). Again I assume this item will be referred to the Planning Board and City Commission as a policy decision item.

- If the 50-foot wide lot product remains a part of the final development plan, I strongly urge the city to insist on alley access for these units. Given the dimensional standards listed elsewhere in the plan set, the maximum unit width on a 50-foot wide lot is 35 feet. Assuming a 2-car garage width of 18 to 22 feet, the only practical design is a snout house with the garage dominating the façade. This condition is one of the design outcomes that the neighborhood is hoping to avoid, espcially with a string of 17 consecutive lots. Using an alley product will move the garage to the rear of the unit. The front of the unit can be moved forward on the lot to allow sufficient room for driveway access. (See photos at the end of the report.)

- The plan shows the sidewalk connect between the project and the Nova Road intersection as only located on the south side of Tomokas Oaks Boulevard. The sidewalk shold be provided on both sides. The south side has three single-family units and the north side has two single-family units and the condominium. Both sides deserve safe pedestrain access when in excess of 2,700 new trips are proposed.

- The concept plan still includes the vague note that lot sizes are conceptual and will comply with the ranges provided in the plan. The lot size ranges have been removed so I am not clear on what this note is to accomplish. Is the note intended to allow lots designated as one size to be changed to another size lot so long as the overall lot total is not exceeded? This note needs to be explained and clarified or deleted.

- The location of some of the park areas seems haphazzard. More comment on this item is provided below.

- What purpose does the emergency access threshold serve? Is this a timing mechanism for mandatory installation of the emergency access?

Open Space Plan

- The placement of the smaller park areas seems a little random. It does not appear that locating the smaller parks with trees to be preserved was a primary factor in all cases, and some of the smaller parks just seem to be left over space they decided to call a park.

- The applicants are asking for a waiver of the indoor recreation requirement. Is this waiver typically an automatic grant, or is some specific justification required?

- The typical road way cross-section continues to show the roadway as 24 feet when four feet of this area is curb that is not typically used a travel area. The cross-section should be corrected.

Sign Plan

No comments.

Natural Preservation and Buffer Plan

A lot of the designated "natural preservation area" has no trees meeting the standards for inclusion in the tree survey. Is the city aware of other trees and natural plantings in these areas. Absent trees or other plantings does this area qualify as natural preservation area?

The lot breakout by "depth of buffer" is misleading. The buffer area that solely serves the purpose as a buffer is 50 feet in all locations. There are lots where other open space and retention area provides more distance between existing and proposed units, but these areas serve other functions in the plan and have lesser landscaping and potentially less permanence.

The note remains that allows the applicant to modify areas outside the 50-foot buffer by up to 20% without any standard to support the modification. (See the note above regarding the permanance of the claimed buffer.) Does the modification of the open space and stormwater areas by up to 20% compromise any of the standards for the 20% natural preservation area and the stormwater functions?

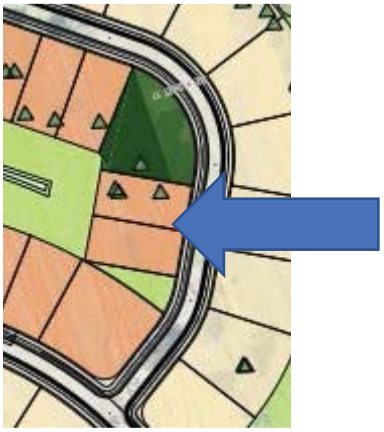
Relocating some of the proposed park area could easily be done to preserve more of the existing tree canopy. Some examples follow.



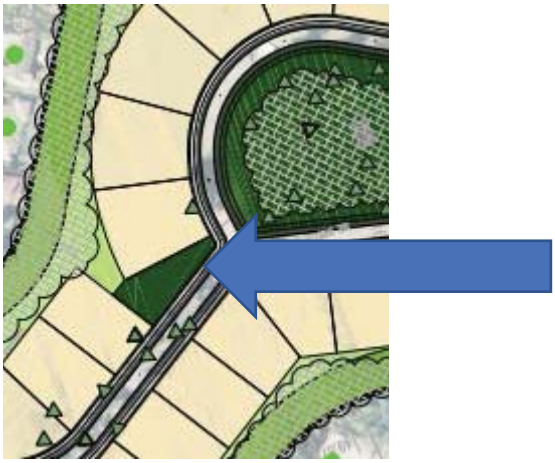
Shifting the park area to the right by one lot will preserve four additional trees.



Moving the park area to the other end of the row of lots will preserve 7 or 8 additional trees and provide a more direct link between the main recreation area and the open space area in the center of the adjacent block.



This open space should be swapped with the two adjacent lots to provide a complete through link mid-block. Walking areas and other passive recreation options can be more fully developed.



Is the goal of this green space tail to link open spaces? What purpose does this small area serve given the adjacent larger common park area. This space might be better used to increase lot size.

Typical Lot Layout

- Is the 75% impervious area allowed for each lot used as the basis for calculating the stormwater runoff volume?

- The chart still has typos that need to be corrected (Front z) (Front 5)

- Note 2 calls for a maximum front yard setback measurement, but no maximum setback is proposed in the chart.

- Note 3 allows garages to be front loaded or side loaded, but as a practical matter only the 80 foot wide lots have sufficient width to allow for a side loaded garage on any interior lot. As noted earlier the 50-foot lot diemnsions essentially mandate a snout house front-loaed garage. Trying to do a side entry on a 60 foot lot is difficult to do with the turning radius of anything other than a small sedan.

- Note 1 specifies a specific measurement protocol for building height. Why is this needed?

- For corner lots there is no specific setback for a garage. Is the setback the same as for the principal structure? Is the applicant likely to claim the noted side setback applies to interior and corner lots? If so, why should a garage on a corner lot project further into the secondary side yard than the principal structure?

Architectural Exhibit

- The provision for allowing a repeat of home designs every other lot is insufficient to support a diversity of dwelling unit types equivalent to the existing neighborhood. Having a diversity of housing styles is an essential element of compatibility of the proposed project with the existing neighborhood. Units should be limited within a "block face" dimension which includes both sides of the street. A block face of 400 feet is reasonable. Allowing the same unit two times within a given block face promotes diversity of housing styles while at the same time not demanding too many models. With 80-foot lots (10 units on the block face) a minimum of five models are required. The cover page proposes 16 models so it does not appear to be a hardship. When I have used a rule of this type in other communities, typically a waiver to the repeat rule is allowed when the project gets to the last five or ten percent of the lots to allow for the smooth close out of the projejct, and by then sufficient diversity is built into the project.

- Why exclude brick from the allowable exterior materials? Brick is a very common exterior cladding in the neighborhood.

- Under driveways what is contemplated with decorative concrete? Is this colors, textures, banding, something else? Maybe a better definition is needed.

- The applicants should be required to propose a minimum number of residential designs with front entry and side entry gargages to ensure that residents have a reasonable choice. Front entry designs should include recessed garages and arage designs even with the front façade as well as projecting garage designs. It is not uncommon to have a rule like the one proposed and then simply not offer units in all of the options.

- How are any of these rules on driveways and garages going to apply to the 50-foot wide lots?

- The modifications landguage needs to be removed or substantially modified. The language in this sections allows the ARB to dismiss all of the standards at their whim. Remember the applicant will be the ARB for most of the development period

Vehicle Turn Plan

The vehicle turn plan omits the diamond intersection where the turning radii at the east and west end of the diamond are very restrictive for anything but standard sedan. People do drive around the island in this manner and more will do so with the added traffic. The turning radii at the intersection need to be improved.

Stormwater and Utility Plan

No comments.

Amenity Plan

Landscaping. The best tree selection is to use what is growing on the property now.

Is a street tree program proposed? Required?

Parks should be modified based on earlier comments.

The proposed park designs should be strenghted beyond just random notes about picnic tables. There are several opportunties to create valuable community spaces using the proposed parks and designated open space areas. Walking trails are an option to add diversity for walkers, joggers and cyclists beyond just using the street areas.

Traffic Concerns

The applicants contend, that other than a traffic signal, their modeling shows no improvements are needed. They contend that the diamond interchange will work effciently with only stop sign controls and they claim their modeling shows that traffic backing up from the Tomoka Oaks Boulevard intersection with Nova Road will not block the driveway intersection for the Escondido condominium project. They also fail to provide sidewalk on both sides of Tomoka Oaks Boulevard from the project entrance to Nova Road. My comments are as follows:

1. Any project approval needs to include a specific timeline for installation of the traffic signal at Nova Road. Traffic impacts will begin with the initiation of subdivision construction affecting an interesection at Nova Road that the applicants have publicly stated already meets the standards for a signal. Application to FDOT for a permit to construct the signal should be required concurrent with the submital of any subdivisions plans seeking approval.

2. The diamond interchange is a difficult design to manage. The model tends to assign trips to the logical direction (bearing right) when exiting the project, but both right and left exits are permitted by the current traffic control. The model also does not recognize that the turning radii available at the east and west ends of the diamond are insufficient for any vehicles except standard sedans and smaller pick-up trucks and SUVs. Any larger vehicle or vehicle with a trailer, which are commen in the neighborhood, usually requires some jostling to make the turn. This movement is limited in the current condition to vehicles crossing between North and South Saint Andrews and there are relatively few vehicles making this maneuver. However, when vehicles make this turn, they cause delays for other motorists and these impacts will be much more common with the added project traffic. At a minimum the applicants should be required to improve the turning radius at these two locations.

3. The applicants have stated in our meetings with them that traffic stacking west from Nova Road on Tomoka Oaks Boulevard will not block any driveway access. Anecdotally I can report I personally witnessed an occasion in the past week where traffic waiting to exit the project stacked back past the Escondido driveway. This situation might improve with a traffic signal, but the benefits of the traffic signal in exit timing may be off-set with the higher traffic volumes from the project. It might be appropriate to consider moving the Escondido driveway further to the west and closing the existing driveway. In any event the modeling used by the applicant to predict the stacking should be carefully reviewed including the assumptions applied.

4. If sidewalks are to be provided from the project entrance to Nova Road, they need to be on both sides of Tomoka Oaks Boulevard. The applicants are proposing only the south side.

Alley Lot Design

This is a sample of a single-family detached unit on a 50-foot wide lot. This photo is from a neighborhood in Venetian Bay where alley access lots have been designed for an area of somewhere between 15 and 20 blocks. Each block is 300 feet long with six lots on each side of the alley. The units are diverse designs and sit forward on the lots to allow adequate space in the rear for garage access and off-street parking.

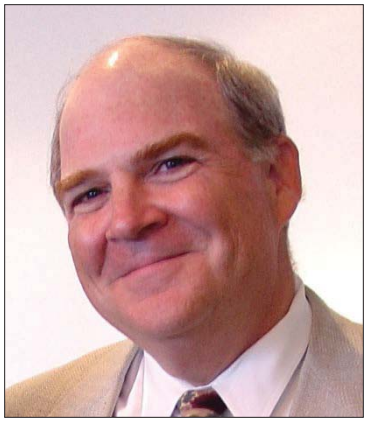


This is a view of the alley serving the house pictured above. The alley is a one-way design that allows for a reduced alley width. The picture shows access to garages is provided with sufficient driveway area to accommodate two vehicles while keeping the alley clear for traffic.

On-street parking is still possible in front of the units for guests and functions such as deliveries.



THOMAS A. HAROWSKI
RESUME AND QUALIFICATIONS



Thomas A. Harowski,

AICP

97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PHONE: 386.677.1485
CELL: 386.316-8426
E-MAIL: tom@TMHConsultingInc.com

CITY AND REGIONAL PLANNING – DEVELOPMENT SERVICES

CAREER PROFILE:

- Extensive background in directing advanced planning services including comprehensive planning, zoning and development regulation, building inspection services and code compliance; conducting small area and neighborhood studies, annexation studies and topical studies; presenting information to City Commission and Planning Boards; reviewing land use proposals; administering development regulations and formulating urban development strategies.

- Experience in implementing major capital construction projects through municipal capital improvements programs and tax-increment funded community redevelopment programs.

- Experience in grant writing and grant management for a wide range of local, State and Federal programs.

- Proven ability to manage professional, technical and support personnel, encouraging new ideas and cultivating a creative team atmosphere.

CAREER DEVELOPMENT:

TMH Consulting, Inc., Ormond Beach, FL 32174 2005 - present

President

- Provide planning, development and growth management services to an array of public and private clients.

City of New Smyrna Beach, FL 1991-2005
Director of Development Services
Community Redevelopment Agency Director

- Responsible for comprehensive planning activities including long and short range planning; engineering design of municipal road, drainage and recreation projects; construction management for all of the City's public construction, and oversight of the citizen code enforcement program.
- Manage a staff of 15 planners, engineers, and support staff and an annual budget of $3.5 million.

- Prepare and manage the City's comprehensive plan including plan amendments, special studies, annexations, and interlocal coordination efforts.

- Instrumental in planning a new development area of 10,000 acres that incorporates traditional neighborhood design concepts. This program requires multiple properties to develop in an integrated manner to produce a new urban development. Work included detailing the planning concepts, obtaining State and local development approvals, negotiating interlocal agreements, and approving specific construction plans.

- Successfully completed the Community Redevelopment Agency's key projects which include two major streetscape renovations, reconstruction of four major park facilities, a major bicycle/pedestrian facility, façade grant programs, economic incentive programs and business training.

- Prepare and manage a variety of grant programs that have generated in excess of $3 million in capital construction funds for parks, streetscape projects and a variety of other public improvements.

- Serve as the City's representative on Metropolitan Planning Organization technical advisory committees including the long-range transportation plan, TIP and UPWP.

PRIOR EXPERIENCE:

City of South Daytona 1987-1991

As Planning Director, responsible for long-range and current planning activity and oversight of construction permitting and inspection. Supervised staff of three. Planning work included preparation of the City's comprehensive plan, a detailed parks master plan, and a complete revision of the City's development regulations.

Florida Production Engineering 1984-1987

Responsible for inside sales coordination, purchasing and inventory management for a company manufacturing automotive components. Obtained certification in inventory and production management while at FPE.

Independent Planning Consultant 1983-1986

Completed reports and studies for a variety of public sector clients. Work included fiscal impact analyses, community development block grant programs and comprehensive planning studies.

Daytona Beach Area Chamber of Commerce 1983-1984
Served as staff to volunteer committees working on issues of interest to the local business community. Developed statistical reports on the Daytona Beach area.

Russell & Axon Consulting Engineers, Planners, Architects 1977-1983
Senior planner responsible for developing comprehensive plans, CDBG programs and special studies for public sector clients ranging in population from over 70,000 to under 1,000.

City of St. Petersburg, FL 1976-1977
Developed land use plan for a predominantly minority area of the City. Assisted with future land use plans for other sectors of the City.

Volusia County Planning Department/Volusia Council of Governments 1973-1976
Completed a variety of Section 701 planning studies on topics of countywide interest and served as contract planner for current planning needs in several small communities in Volusia County.

EDUCATION:

Masters Degree: City and Regional Planning, Rutgers University, 1973
BA Degree: Social Relations, Colgate University, 1971
University of Central Florida: Classes in marketing and management
Daytona Beach Community College: Classes in accounting

PROFESSIONAL CERTIFICATIONS AND AFFILIATIONS:

American Institute of Certified Planners, 1981 – active member
American Planning Association – active member
Florida Chapter of the American Planning Association – active member and past Secretary
Florida Planning and Zoning Association – active member and section board member
Eta Chapter, Phi Beta Kappa – member
AICP Continuing Education Certification

From: Kelsey Kipi
To: Spraker, Steven; Community Development
Subject: For Planning Board - Tomoka Reserve
Date: Wednesday, June 14, 2023 9:32:40 PM

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To Whom It May Concern,

In regards to the final planning board meeting for Tomoka Reserve (Tomoka Oaks Golf Course) scheduled on July 13, 2023, please accept this email in opposition of the development.

The Tomoka Reserve project is one of questionable substance and has been so since its initial proposal. The idea of wedging a neighborhood within a neighborhood like a nesting doll is strange, and the superfluous nature of the proposed buildout, stranger still. These developers have no interest in preserving the character of Tomoka Oaks or Ormond Beach. They have been uncompromising in their lot sizes and unconcerned about the hazardous traffic issues they will cause. Allowing them to proceed with this buildout will diminish home values and rob those of us in Tomoka Oaks of our peaceful community.

The proposed development is not compatible with the existing Tomoka Oaks. The lot sizes are smaller which allows for approximately one and a quarter homes for each existing lot in Tomoka. My property is on the golf course and holds a premium value because of the expanse of greenspace we back up to. The value of my home, and those like mine on the golf course, will be drastically diminished if the development is allowed to proceed. Future buyers much prefer expansive views of greenspace to that of home, after home, after home, as far as the eye can see. Furthermore, during the most recent SPRC meeting, the developers expressed that they wanted a large, gated, entrance to the community that will be within Tomoka Oaks.The current entrance to Tomoka Oaks is a modest sign that leads to our community. Under the developers plan, you would pass our modest sign and see within our entrance a secondary entrance, with elaborate architectural features and a gate. How is this compatible? How does this blend in?

The addition of nearly 300 new homes and their residents will create undue crowding in the area. The Trails Shopping Center is already congested. Most days involve a fight for a parking spot if a trip to Publix is needed. On the weekends, parking at The Magic Forest Playground is already a struggle without the addition of new residents. Ever tried to get out of the neighborhood using the exit on Main Trail and Granada when school is about to start? You'll be backed up past the condos and well into the Trails subdivision. This will not improve when more families move in and are driving to school and/or work first thing in the morning.

To add approximately 600+ new vehicles to the constantly flowing traffic in and out of Tomoka Oaks is daunting to say the least. The developers stated at the last SPRC that they will not be doing anything to address the diamond at the front of the neighborhood. This means that these proposed 600+ vehicles will have to navigate around the diamond and feed into the steady stream of cars that already abound at this unique roadway feature. If you have ever driven around it, you would be hard pressed that this will not be an issue. The developers also

stated no interest in devising a right turn lane from Tomoka Oaks Blvd onto Nova Rd. How do they propose that all of us get out of the neighborhood? The queue to leave backs up past Escondido at present, and would undoubtedly be much farther back with the addition of new residents. A traffic light is proposed for the future, but our ability to safely and efficiently exit our neighborhood will be rendered impossible until such a time as that traffic light is installed. Also, how can the installation of a traffic light be suggested so close to the train tracks? Cars going northbound on Nova Rd. routinely back up past the neighborhood entrance when a train rolls through. With the addition of traffic light, cars coming southbound will now also be stacking up, creating a scenario seen often in Lake Mary (Seminole County) where cars don't get clear of the tracks and are hit by the train.

In my opinion as a resident of Ormond Beach and Tomoka Oaks, we are at capacity in this quadrant of the city. We do not have adequate shopping and recreation facilities to support adding more residents. If anything, more recreation should be added to increase the quality of life for those of us who already call Ormond Beach home. Are you aware that most of the local golf courses are on a waitlist for new members? These include Halifax Plantation, Oceanside, and Riviera Country Club. There is a high demand by your current tax paying residents for facilities that provide outdoor entertainment, not a high demand for more people to congest our already busy town.

Your time and consideration of the above concerns are much appreciated.

Sincerely,

Kelsey Kipi
52 Pine Valley Cir
Ormond Beach, FL 32174

From: Tom Fitzgibbon
To: Community Development; denisejean@gmail.com
Subject: For Planning Board - Tomoka Reserve
Date: Friday, June 23, 2023 5:35:07 PM

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Dear SPRC and Planning Board -

1) Combining house construction and Tomoka Oaks Blvd road changes will create an unsafe and congested roadway. We would like to see Tomoka Oaks Blvd design be specified and most work completed before houses are built in Tomoka Reserve. Otherwise the combination of ripping up the roadbed and current traffic, Tomoka Reserve construction/utility trucks, bicycles, golf carts, walkers, etc. will be unsafe.

2) The Tomoka Oaks Golf Course entrance was designed to safely allow about 100 vehicle trips daily to Nova Road. Tomoka Reserve will add about 2700 daily trips on the same Tomoka Oaks Blvd. This is clearly unsafe and should not be allowed by the Planning Board and City Commission.

3) At the Dec 1, 2022 meeting Tomoka Reserve indicated that FDOT reported the Nova signal would take about two years to install. Without a traffic light all the construction vehicles on Tomoka Oaks Blvd, plus new electrical, sewage, water lines installed will paralyze Tomoka Oaks Blvd.

4) Speeding traffic is already a problem in Tomoka Oaks and the OB Public Works department is installing a speed table to slow down drivers. Pedestrians have been killed/injured on old Tomoka Oaks roads. These low volume roads were designed with beautiful curving landscaped narrow single lanes with multiple islands that have no sidewalks. On a typical day there are bicyclists, baby carriages, skate boarders, scooters, golf carts, dog walkers and parked cars/trucks sharing the Tomoka Oaks and Trails roads with drivers weaving around the obstructions, many times above the 25 mph speed limit.

5) Much of the current traffic and new Tomoka Reserve traffic will be redirected through the Trails on Iroquois and Rio Pinar causing a dangerous situation on the Trails' narrow, sight-line constrained roads with multiple islands that have no sidewalks.

6) Tomoka Reserve should install two sidewalks from their new development to Nova Road. At this point their plan only includes one sidewalk on the South side of Tomoka Oaks Blvd. a) This penalizes the houses on the South side by routing all walkers, baby carriages, skaters, bicycles, runners, etc. on their side of the street. b) all non car/truck traffic from N St Andrews will have to use the street to get to the single sidewalk and will result in unsafe movement across the already dangerous traffic diamond.

7) The traffic diamond proposed by Tomoka Reserve, causing all traffic to stop/go controlled

only by four stop signs is inadequate and dangerous. The current intersection is dangerous enough (I've witnessed several near collisions) with the current level of foot, bicycle, cars and trucks. Adding the Tomoka Reserve traffic and construction vehicles to the mix will injure/kill people. The traffic diamond will also look much worse than the current grassed and treed center island.

8) TOHA and Tomoka Oaks residents are unable to find any traffic engineers willing to rebut the findings of the Tomoka Reserve traffic engineer because no outside engineers are willing to testify against a large developer that could hire them for future jobs. This gives the developer an unfair advantage in the development review. Please appoint an independent outside traffic engineer to examine the Tomoka Reserve traffic study.

9) Houses on the golf course will lose value when their backyard view becomes another house instead of the open fairway. No one can argue otherwise. Homeowners on the golf course should be compensated for their loss in value and their property taxes should be reduced.

10) The Tomoka Reserve plan is required to design for a 25 year flood by code. The latest hurricanes have rated at least 500 year floods in Ormond Beach by the authorities. This means that current homes that are downhill from Tomoka Reserve will be flooded in the next large hurricane because of the new impermeable surfaces in the development. How can Ormond Beach responsibly accept this outcome?

Thanks for listening,

Tom Fitzgibbon and Denise Corley | 3474648531 | 51 S St Andrews Drive, Ormond Beach, FL

From: Denise Corley
To: Spraker, Steven; comdev@ormondbeach.com
Subject: For Planning Board- Comments on submittal 6-7-2023
Date: Sunday, June 25, 2023 9:36:33 PM
Attachments: The Beauty.mp4

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Dear Planning Board members, Mr. Spraker, Major Partington, and Commissioners,

My name is Denise Corley, my husband and I own a house on S. St. Andrews, #51.

After a long search we bought our house in December of 2019. In February 2021 we heard the golf course had been quietly sold to a developer.

We joined a group of neighbors who formed the Golf Course Committee to find out how we could prevent the golf course from being developed, were there covenants surrounding the golf course and the 2006 PDR, and/or try to have a better outcome, for our property investment and our community.

One neighbor at the community meeting in February said it best, this news of the development was like finding out our community had a cancer metastasizing right in the heart of it.

I see very few changes in this proposal in comparison to the last one.
Ormond Beach has never had a development proposal like this one where every border is going to affect an existing homeowner-the size and scale and disruption to so many people is unconscionable.

Quality of life will be ruined.

- For the residents who paid a higher premium to live on the golf course, this sale and development plan has felt like a betrayal of public trust. The 178 homeowners that are on the perimeter are looking at a Williamson Blvd type construction site in their backyard. Bulldozing of trees, earthmovers upending toxic soil, noise and dust. Unrest, from 7am-7pm six days a week.
- What is the community benefit? Does the city of Ormond Beach need these homes? Does the city have the services to cover this addition right now? This project will increase the use of schools, hospitals, city services, police and fire departments and more traffic on already crowded roads. I noticed the schools are running at 100% capacity or more, but more students from this and other projects does not seem to change capacity.
- There are 546 homes in Tomoka Oaks and an additional 276 is 50% more cars and traffic on our quiet narrow streets.
- Tomoka Oaks Blvd, the ONLY Entrance and Exit with the diamond configuration leading into this badly designed project is going to cause congestion, traffic, wait time increases and noise. The amount of traffic traveling on S. St. Andrews heading to Rio Pinar or Irquois is going to change the character of the neighborhood.
- Despite the traffic report commissioned by the applicant, Tomoka Oaks Blvd will have to be redesigned to squeeze through another 300 cars in peak traffic hours. And why do taxpayers have to fund this bill, when this project is being imposed upon them? The developer should pay for the design of Tomoka Oaks Blvd. It is an example of why this development is ill suited for this location.
- Timelines are not on the table now but I think the traffic light at Tomoka Oaks Blvd and Nova should be in

place before the development project on the golf course gets started. The need for a redesign of the Tomoka Oaks Blvd will become obvious. This proposal is bringing problems with it.

- If approved I would hope city planners would support the immediate planting of the buffer to start the screening of the invasive construction that is being set upon so many.
- This project is projected to last 5 years in a phased plan that is yet unknown.
- More traffic driving through the neighborhoods to get to Granada Blvd on narrow streets often blocked by lawn care services and other service vehicles will be twice as dangerous. People riding bikes, walking and pushing baby carriages often have to walk past the blindside to get around a vehicle on the street.
- The soil report- revised Updated TIA revised 06-07-2023 states arsenic and organochlorine toxins in the soil of the golf course will require strenuous remediation before houses can be built. Let sleeping dogs lie.
- It appears demolition of the existing buildings took place before the submission of the soil samples. While the samples were taken before the demolition of the club house, golf shack, toilets and the Golf Course Maintenance building. Further examination of the report points to several remediation steps that need to be performed for the "Soil Cleanup Target Levels" to meet standards for residential housing.
- The recommendation that the toxic soil be transported and piled on the open space and amenity areas of the proposal gives no comfort to the existing residences living close to the open spaces. Even the air-borne toxins released by moving soil is discomforting. Who will be monitoring the soil remediation? Does the city hire a firm to oversee the process of remediation of the soil because it's an important health issue? Will the soil containing unacceptable levels of Arsenic, Organochlorine (banned in the 1970's), Chlordane, Dieldrin, Heptachlor epoxide and Toxaphene be removed off site or mixed with other soil?
- This project is proposing 7 stormwater drainage ponds mainly on the perimeter of the property many abutting the 50 foot buffer of the Tomoka Oaks residence. These dry ponds will be surrounded by a berm. I hope this berm isn't the toxic soil piled up right behind all of our houses in a concentrated form, rather than what it is now spread over the course with the heaviest toxicity on the greens and around the maintenance shed.
- The dry stormwater ponds will direct stormwater runoff into close proximity with the homes of Tomoka Oaks. Nobody really knows how this system will work but we do know that runoff of fertilizers, poisons, animal feces, petroleum products and rubbish will end up in these ponds. Tomoka Oaks is located on a ridge built by the Tomoka river which lies below grade of the Tomoka Oaks subdivision and the golf course. Water doesn't just travel down, it will move to the lowest grade. The ecological logic would be good if this site weren't a golf course with decades of chemicals being used on the soil.
- One way water will travel to the stormwater dry ponds the proposed swale ditches behind the property line of the houses. These open air water drains are known to be mosquito habitats along with the stormwater dry ponds. Tomoka Oaks does not utilize dry ponds, it seems to have a pipe system.
- The developer hasn't decided if this is a gated community or not. The HOA of this proposed community is being heavily burdened with the maintenance of 7 dry stormwater ponds, a 50ft landscape buffer around the entire perimeter of the project, 2 ponds, and 8 acre amenities area and pickleball courts, a couple of proposed pavilions and 8 open space areas with picnic tables and the maintenance of the entryway lawns and structure and insurance of course. I am concerned that the HOA can just vote to change their by-laws and do away with some of these responsibilities? What assurances can be implemented to protect the 50' buffer and other HOA responsibilities?
- Almost 2,000 trees, 21 species counted and identified by Zev-Cohen. 16 trees were identified as historic. The proposal states they will make every possible effort to save these 16 trees. Many other trees located

in the buffer most likely will not be bulldozed. Other large trees that are bulldozed will be replaced with a 10' 2.5 caliper replacement. The point is, it will change the character of the entire subdivision when starter trees replace grand trees.

- Is the plan so loose that they don't know at this point what they are clearing and what is not being cleared. We need a count of how many trees are being saved and how many are being cleared. We do not want to see another Granada Blvd clear cut and city planners saying whoops. Please ask for specific details on this plan!
- Unlike Tomoka Oaks where 100' lots widths are average with varying square footage homes throughout the subdivision, this proposal sandwiches in the center cavity of the proposal the smallest tightly packed housing products. There doesn't seem to be room for a garage and I don't think I've even seen any conceptual pictures of what these "Village" houses would look like. So this area is not diverse and then the area in the northern corner seems to be larger lots with more open space or more upscale and a community unto itself. Claims of diversity are sketchy at best.
- The proposal touts the fact that the "centrally located smaller width homes are appropriately screened from the existing neighborhood" points to the fact that they are less desirable and not compatible or appropriate in the neighborhood.
- The proposal keeps referring to this project as some sort of gallant saving of a neighborhood, calling it "urban infill". This was a failed golf course, why it failed we don't know, bad management? Golf is on the rise. We know that this golf course functions as Open Space and recreational space in an established suburban neighborhood for decades. It is our Central Park. Calling it "infill" makes it sound as though it was a ghetto in an urban city. I think the use of this term "infill" is to diminish the value of this gem that is a piece of land functioning in a healthy and wealthy community, even in its recent natural state.
- I disagree with the statement that people do not want large lots. Some want large lots and large houses. The quarantine of the pandemic is over and people want to be outside and enjoy nature's blessings.
- If this is the zoning plan approval why are the lot sizes not marked and the square footage of the homes not marked on this submittal?
- Page 3 in the table has 300 as the number of homes. I believe that is incorrect.
- Why is the Typical Pavement selection not determined? Isn't this the point when the plan is nailed down and approved- to know what exactly is being approved.
- On page 6, a Note states, the buffer width shown on this sheet "May be subject to change at the time of permitting". The represented widths may be reduced or enlarged by no more than 20% but maintain the minimum 50' buffer. This is too open ended. Where on the map is this flexibility needed?
- Page 7, Lots are too small, setbacks aren't large enough from the street. Lot sizes should be consistent with the Tomoka Oaks. Where are all the cars going to be parked?
- Page 8, "Preferred architectural themes" does not sound like a commitment, it sounds wishful thinking instead of submitting an actual plan. Blank walls look bad and shouldn't be allowed, plantings will not hide the fact of an undesirable feature.
- It may or may not be a zoning platt question but no clue has been given about the structural building materials cinder block or stick wood. If this is a quality project I believe the material will be cinder block. With the various decorative elements described.
- Do we know whether the developer will be installing fences in the neighborhood? I am in favor of the new house lots should have a backyard fence marking the end of their property and the beginning of the buffer

Page 9, why should this developer be granted the ability to remove a tree and an Island in Tomoka Oaks neighborhood? He should not have bought a house for the second emergency exit that didn't give him the turning radius needed for a firetruck.

- Pages 14-31, It is unclear by the illustrations of the buffer plants where the plants are located in the buffer. The plantings appear vaguely in a straight line maybe 15' wide. Will these plant screens be on the far edge of the 50' buffer or at the property line of the Tomoka Oaks homeowners backyard?
- Keep in mind the original plan when developed called for the golf course to have a 99 year covenant. Even Dr. Rylas planned PRD put a covenant on the golf course remaining a golf course or open space for perpetuity. That PRD plan had to expire before the perpetuity clause would expire which it did in 2014. In 2021 the land was sold to a residential developer.
- I pray that Mr.Rubin will see that this proposal is wrong for all the reasons listed above and will offer the land to the city or make a philanthropic donation to the city of Ormond Beach, maybe a matching grant to recover his investment.

-Denise Corley

PS- I have included some of my pictures of beautiful Land, Trees and some Wildlife on the Tomoka Oaks Golf Course

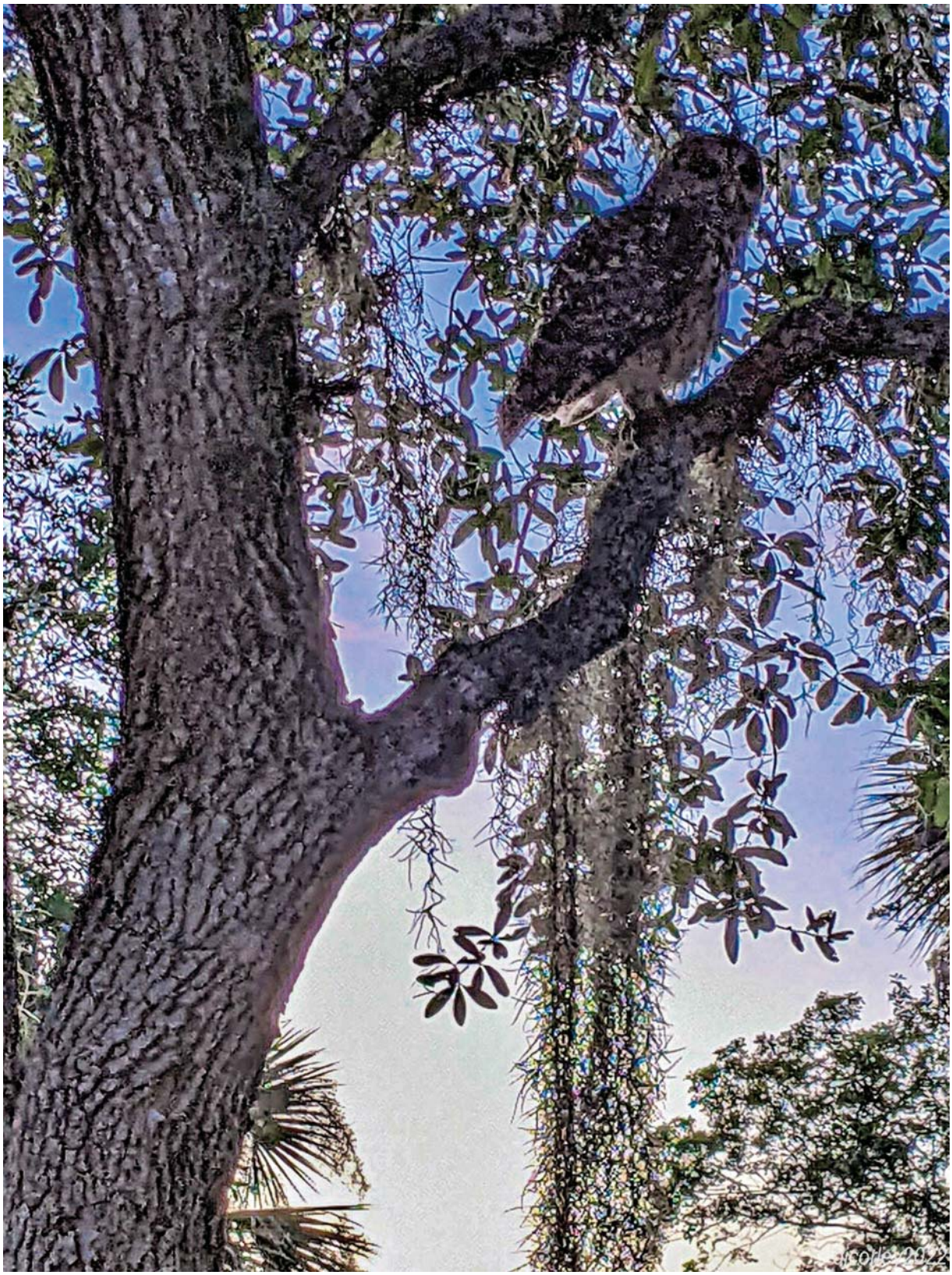

djcorley2021


djcorley2021


djcorley2021







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The Beauty of the Land, Trees
and Wildlife of
Tomoka Oaks Golf Course


The End?
djcorley2021

From: Michelle Zirkelbach
To: Spraker, Steven
Subject: Fwd: For Planning Board - Proposed Tomoka Oaks Development
Date: Wednesday, June 28, 2023 11:59:26 PM

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---------- Forwarded message ---------
From: **Michelle Zirkelbach** <zirkelfam13@gmail.com>
Date: Wed, Jun 28, 2023 at 11:58 PM
Subject: For Planning Board - Proposed Tomoka Oaks Development
To: <comdev@ormondbeach.org>

I am respectfully requesting your careful consideration of the development proposal being put forth by Mr. Rubin and Company to create a new and completely different neighborhood in the middle of my much beloved already existing neighborhood.

1. Traffic is a MAJOR concern and I do not see how anyone such as yourselves who live and work in Ormond Beach and travel on Granada, Nova, Clyde Morris, and Williamson can possibly approve putting more cars on our already crowded roads.

2. If I understand correctly, there is a FDOT approved project that will occur in the not too distant future that involves the revamping of Nova from US-1 to Granada. Basically, a major portion of Nova from Granada north is going to be reduced from 7 lanes down to 4 with widened sidewalks and bike lanes with raised and landscaped medians. How is that going to work with the contractor traffic on Nova and altered traffic patterns that will result at the Trails traffic light? Traffic studies have been done, but they do not seem to accurately reflect the impact of a LOT of existing Tomoka Oaks residents seeking alternate routing through The Trails to avoid proposed construction traffic.

3. Isn't it time for someone to start questioning the "models" that the Traffic Engineers continue to put forth indicating acceptable impact from proposed development?
Isn't it time to ask if what they say makes sense? Studies were done that said a proposed apartment project would have less of an impact on Williamson than the previous movie theater. REALLY? An apartment where people live and have to go to work and maybe take children to school at regularly scheduled work/rush hours is going to be less of an impact than customers attending a movie ... most of which are after 6 pm or on the weekend? Along the way, some governing bodies saw the same style report that has been presented to you and they made approvals based in part on that information, but surely you can see with your own eyes that the "models" have not proven to be accurate and we are all paying the price any time we need to travel on Williamson north to Granada and those apartments haven't even been built yet!

4. Speaking of Williamson, have you or a loved one or a friend's family member had to go to Advent Hospital lately? The horror stories are real - excessive traffic to get through; 6 hour, 8

hour, 10 hour waits; leaving the Emergency Department at midnight without ever being seen by a doctor; a lack of bed space so consistent that there are patient white boards with privacy draping permanently set up in the halls; and no current proposal for expansion ... despite the fact exponential residential units are in the pipeline, thus bringing more people that cannot be adequately served by the existing system.

5. The most recent proposals from Mr. Rubin do not reflect compatibility with the existing neighborhood. Our community is distinctive and has character and large lots and trees and random architecture - and those things were likely a driving force when people chose to purchase their homes here. How can an outside developer come in with what some are calling an "Infill Project" with units on 60 foot lots and completely destroy the aesthetic of current citizens' homes? A February 2023 Article from Lobo Investments makes the following observations about "Infill":

Increased congestion

Infill development can increase traffic congestion in dense neighborhoods and put additional strain on existing infrastructure and services.

Neighborhood character

Infill development can alter the character of existing neighborhoods, leading to concerns about loss of historic or cultural significance. Furthermore, infill development can reduce the amount of available open space and green areas in already developed areas.

As it relates to the issue at hand, I hope you will agree that the word "can" should be replaced with "will" in the above comments because there is no doubt in anyone's mind that there will be increased congestion, additional strain on resources, altered character, and reduced green space.

6. Since they mentioned "green space", let's remember the City has repeatedly spent money on surveys and OB Life activities to learn what Citizens want. Please go back and review the results. People want more green space, walking trails, parks, areas for active recreation, and places where pets are welcome. Does this current project advance any of those directives? You ask for the information, but then what do you do with it? Isn't it time to start walking the walk and talking the talk to demonstrate to your community that you understand what they want and start incorporating it in future development?

I understand that we have a highly desirable community and quality of life in Ormond Beach and that is something special new people will want to be a part of.
As a result, I am realistic enough to understand that growth is inevitable. I, and a lot of other people, are of the opinion your strategy should be focused on smart growth.
So what if you decided to do growth differently than how it has been done in the past?
What if the City of Ormond Beach decided to adopt a "Field of Dreams" growth plan

and "**Build it FIRST BEFORE** they come"?
This thought process would prevent stress on our infrastructure and avoid destroying the lives of people who love our current way of life.

I look forward to hearing your thoughts on this and supporting you in doing what is right not only for the Residents of Tomoka Oaks, but for *all* the Citizens of Ormond Beach that you work on behalf of or represent.

With Warm Regards,

Michelle C. Zirkelbach
386-233-5424

From: Jan Collier
To: Community Development
Subject: For the Planning Board
Date: Thursday, June 29, 2023 3:46:11 PM

[External Email-Use Caution] - OB/IT Helpdesk

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To whom it may concern,

As a resident of the Trails I'm concerned about the additional traffic that will occur with the proposed Tomoka Oaks New Home Development. In addition to the Traffic Light at the Tomoka Oaks Entrance, adding/extending Grass Boulevards in the middle of Nova Rd from Granada Blvd to US 1 would eliminate current traffic with uncontrolled left turns.

Jan Collier
21 River Ridge Trail
Ormond Beach, FL 32174

From:	Ashley DuFrene
To:	Community Development; Spraker, Steven
Subject:	For Planning Board Regarding Tomoka Reserve
Date:	Thursday, June 29, 2023 7:50:47 AM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Planning Board, and Staff:

My name is Ashley DuFrene and I live at 118 N. St Andrews Drive in Tomoka Oaks on the Golf Course.

I am writing to express why I think you should vote no and demand less density to the proposed development of Tomoka Reserve. The planned development is requesting to literally squeeze a new neighborhood into an existing neighborhood that has been part of this community (Ormond Beach) since the 1960s. A community that for decades was advertised as a golf course community, where people bought homes on a golf course expecting that their view will always be green or part of a fairway.

Policy 1.1.3 of the Ormond Beach Comprehensive Plan lists criteria that you must abide by when you cast your vote and I am here to articulate why this proposed planned community is under the the criteria of how a new development must NOT 1) Alter the character of Tomoka Oaks or existing neighborhoods 2) Create undue crowding 3) Adversely affect the public health, safety, welfare or quality of life and 4) Present potential adverse environment impacts

1. **This development must NOT alter the character of Tomoka Oaks or existing neighborhoods**

As mentioned in my above statement this development is literally being squeezed into a current neighborhood that has had a specific charm and character about it since the 1960s. At the heart of the neighborhood was a golf course / green space that many throughout the decades enjoyed. Also those homes on a golf course were bought due to the views they received. With this new development it will alter the current charm of the neighborhood, especially those who live on the course, by replacing their green views with a wall of boxed homes.

Not the mention the years of construction that will occur in people's backyards, which definitely alters the tranquility of the neighborhood

2.

Must NOT create undue crowding

With nearly 280 homes, that is over 900 trips a day to and from the neighborhood through ONE entrance and exit, spewing out on Tomoka Oaks Blvd. in front of homes that line the entrance and exit area (not to mention another community - Escondido Condos). This will also add to the traffic that has grown over the past 5 years throughout Ormond Beach.

Also with the construction occurring on Tomoka Oaks Blvd, and it being the one entrance and exit out of this new community, many people will divert their driving through The Trails causing undue crowding to another neighborhood.

3.

Must NOT adversely affect the public health, safety, welfare or quality of life

I don’t know if you have heard the horror stories of how overcrowding is affecting our healthcare system. I know a few people (including myself) who needed the emergency room and were met by hours of waiting, causing some to leave and not get the treatment necessary to survive. A person who lived on the Tomoka Oaks Golf Course was one of these people and unfortunately due to not getting the proper medical attention, he died this year.

Adding more homes and more population will only increase and adversely affect the public health of Ormond Beach.

4) Must NOT present potential adverse environment impacts

I feel this one is pretty self explanatory. The Golf Course is home to hundreds of variations of wildlife, from deer, to foxes, to gopher turtles, bald eagles and more. The chopping down of the trees, and disturbing the animals' space will definitely have an adverse environmental impact.

Also to consider is the Tomoka River that runs straight through the neighborhood. When we have heavy rains each summer and hurricanes throughout the years, where do you think the water will run off to? The Tomoka River. Currently the ground acts as a sponge and absorbs most if not all of the water that hits its grass blades. With 280 roof tops, asphalt streets and sidewalks, the water will no longer have the space needed to be absorbed.

The water retention system they have planned will most likely fail, like it has with many other developments throughout Florida. After Hurricane Ian, the amount of flooding that occurred throughout the state should have been a wake up call that development should slow.

Also be aware that the developer, who is from South Florida - Rubin - does not care about Ormond Beach. He cares only about making money. He would squeeze 30 foot lots on this property if he could (as we saw in a rendering previously). I know he is threatening the city with straight R2 zoning, but I know we don't have to abide by that. YOU have the power to ensure his threats if he does not get his way fall by the waist side. YOU have the power to determine what can be built on this land. Listen to your community's cries and ensure YOU are doing what is right for Ormond Beach. Not for a developers pocket who is not even from the area.

And I want to end on this note:

The previous 2006 PRD had a strong emphasis on this concept and multiple references to City Staff having concerns about the negative impacts to the existing homeowners. Specifically, it states *"The proposed use will not substantially or permanently depreciate the value of surrounding property, create a nuisance, or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties."*

I hope I articulated that what is currently proposed will in fact do what 2006 City of Ormond Beach was trying to prevent. We need our city officials to know they are about to embark on something that will affect hundreds, if not thousands, of those who live in, near or close to this proposed new development.

I appreciate your attention and look forward to you addressing these matters.

Sincerely,
Ashley DuFrene
118 N. St. Andrews Drive

From: Mary Greenlees
To: Spraker, Steven
Cc: Community Development
Subject: " For Planning Board"
Date: Thursday, June 29, 2023 4:22:00 PM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To: City of O.B. Planning Board

My name is Mary Greenlees. My husband and I have been residents of Ormond Beach for over 50 years, and have resided on the Tomoka Oaks golf course , for the past 21 years .

We moved from Breakaway Trails , as we were drawn to the architectural diversity of the neighborhood , in addition to the abundance of historical trees.

I understand that many of the letters included in this packet , are addressing issues relative to compatibility , access, safety , traffic , healthcare, and the lack of remaining green space .

I have personally attended several meetings that included Steven Spraker and his team , and would like to personally thank them for their professionalism and patience throughout this process .

What I am asking the Ormond Beach Planning Board to consider when reviewing the respective data presented , is to keep in mind that this project is the FIRST of it's kind in Ormond Beach .

I have confirmed with Steven Spraker , that neither him or anyone on his staff , has tackled this kind of project . Again, Steven and his staff have been extremely helpful , but this is new territory for all of us.

I am requesting that careful thought be considered , when decisions are made, going forward .

The idea of developing a new neighborhood , within an existing neighborhood , that includes residences around a perimeter of an existing golf course , in the center of Ormond Beach, needs special attention .
Let's think about what's good for the community , what's fair for the developers taking a risk, and create something that Ormond Beach can be proud of .

I think we all agree that Ormond Beach , and or the residents of Tomoka Oaks had a " Missed Opportunity " , in not exploring other options , or being properly informed , but this old news , and we have to deal the issue at hand .

Lastly , I would like to thank the Ormond Beach Planning Board for your countless volunteer hours , in reading over the information presented .

Mary Greenlees

94 N Saint Andrews Drive

June 28, 2023

Dear City of Ormond Beach Planning Board,

My name is Carolyn Davis, and I live at 46 Oakmont Circle. I have been a visible and vocal advocate for preventing residential development of the Tomoka Oaks golf course property.

You may be familiar with the newsletter I began publishing in December 2022 called the ***Tomoka Oaks Times*** whose purpose is to educate residents regarding the proposed development and provide steps they can take to voice opposition. One of those steps was inviting residents to provide letters to me explaining why they are against the Tomoka Reserve application. Those 48 letters are attached. Please note that I confirmed with Steven Spraker that having residents provide letters directly to me, with the understanding I would provide as a group effort to the City, was an acceptable method approved by Steven.

Purchasing property does not guarantee development, yet many residents are under the misguided impression that the development of the golf course property is a "done deal" awaiting a green light from the city. As you know, this is a misconception. The city has checks and balances to ensure responsible evaluation of development applications, and residents must be able to count on the Planning Board to filter out Applicant claims that do not align with the city's Comprehensive Plan and the city's Land Use Code.

I respectfully request that you take the time necessary to thoroughly read each letter. Each represents the thoughtful concerns of the 48 residents who invested their time to communicate directly with their Planning Board members, and these residents are placing their trust and faith in the Board's responsibility to evaluate their concerns when determining whether or not to recommend the Tomoka Reserve PRD application to the Commission.

Lastly, of note, not one of these 48 residents expressed support of any aspect of the Tomoka Reserve PRD application.

Carolyn Davis

Not giving in or up,

Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187
CarolynDavis3@gmail.com
TomokaOaksHistory.com

Ormond Beach Residents who submitted letters to Carolyn Davis to provide to the Planning Board before their July 13, 2023 hearing on the Tomoka Reserve PRD application:

1	Robert and Susan Banker	Escondido Condos	
2	Susan Banker	Escondido Condos	
3	Carolyn Brenner	Escondido Condos	
4	Dan Caldwell	Tomoka Oaks	
5	Melonie Caldwell	Tomoka Oaks	
6	Donald Cardone	The Trails	
7	Caitlyn Casey-Parker	Tomoka Oaks	
8	Diane Chanfrau	The Trails	
9	Connie Colby	The Trails	
10	Ellen Cook	Escondido Condos	
11	Denise Corley	Tomoka Oaks	
12	Carolyn Davis	Tomoka Oaks	
13	Steven Denslow	Tomoka Oaks	
14	Molly English	Tomoka Oaks	
15	Tom Fitzgibbon	Tomoka Oaks	
16	Len Gaspary	Tomoka Oaks	Builder of homes fronting the Tomoka Oaks golf course
17	Richard Goldhair	The Trails	
18	Vivian Heading	Tomoka Oaks	
19	Robert and DJ Henry	The Trails	
20	Diane Hoislbauer	Tomoka Oaks	
21	Paul Hughes	Tomoka Oaks	
22	Lauren Huhta	Tomoka Oaks	
23	Sam Kennel	Tomoka Oaks	
24	Kelsey Kipi	Tomoka Oaks	
25	Joe LaTorre	Tomoka Oaks	
26	Paul McCauley	Tomoka Oaks	

27	Harry McConnell	Tomoka Oaks	
28	Shon MacDughlas	The Trails	
29	Carol Mahon	The Trails	
30	Paula Mousikos	Tomoka Oaks	
31	Haley Osborn	Tomoka Oaks	
32	S & R O'Steen	Ormond-By-The-Sea	
33	Margie & Dan Peckham	Tomoka Oaks	
34	Juan & Caroline Prados	The Trails	
35	Greig Rabitaille	The Trails	
36	John Rhoades	Tomoka Oaks	
37	Rick Rickards	Escondido Condos	
38	Marcia Rudman	Escondido Condos	
39	John Richard Ryals	Tomoka Oaks	Prior owner of the Tomoka Oaks golf course 1979-2010
40	Craig Shankland	The Trails	PGA Hall of Fame
41	Krystal Ahmad & David Sonsky	Tomoka Oaks	
42	Dr. Ian Tafel	Tomoka Oaks	
43	Charles Thomas	The Trails	
44	Nell Thomas	The Trails	
45	Leonardo Valdivieso-Torres PhD	Tomoka Oaks	
46	LJ & Joan Van Lancker	Tomoka Oaks	Reside on the Tomoka Oaks Blvd diamond intersection
47	Laura Weast	Tomoka Oaks	
48	Darla Widnall	The Trails	

Tomoka Oaks Times - Public Hearing Notice

Inbox × Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Robert Banker Jun 23, 2023, 4:48 PM (5 days ago)

to me

Carolyn,

Many thanks for your email, and even more thanks for all your hard work. Not sure how to proceed as I have never done this before. But, here goes.

In regards to the development of the old Tomoka Oaks golf course area, I believe there are many issues that have not been sufficiently addressed.

-- Depreciation of property values
-- Creation of undue overcrowding
-- Adverse affects to public health, safety, welfare and quality of life
-- Potential adverse environmental impact
-- Traffic flow
-- Wild life habitat area's
-- Emergency access (keys to a gate??? how long does it take to find who has the key? unlock a gate? etc.)
-- Hurricane evacuation criteria
-- Adequate facilities and services for schools, roads, storm water runoff, police and fire protection, ems services
-- Impact of attempting to find parking and entering the local Publix, and surrounding stores (most assuredly overcrowded parking)
-- Single access and exit point to the development area in question

All of these ideas as well as the general and most obvious idea....WE, THE PEOPLE, who live closest to the planned development...DO NOT WANT THIS DEVELOPMENT TO PROCEED IN ANY WAY SHAPE OR FASHION.

Sincerely,

Robert and Susan Banker

1 Tomoka Oaks Blvd #135
Ormond Beach, Fla. 32174

Proposed Golf course development?

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

S. Banker Fri, Jun 23, 5:57 PM (5 days ago)

Hi Carolyn,

Don't know if I need to write a separate letter about the potential golf course development since my husband did, but I will add to what he said. We bought a condo in the Tomoka Oaks complex initially to be snowbirds, but liked it so much here that we decided to stay! We bought a first floor condo in Escondido to live here permanently. We haven't been here very long, and now see what the proposal is to put in this ridiculous development, when there's just enough room to get in and out of our development the way it is right now, without all those extra homes to contend with.

If this proposal goes through it will have a tremendously negative impact on this area. Horrible overcrowding of hospitals, schools, traffic jams so that emergency vehicles and fire trucks won't be able to get where they need to go quickly, and it will be a crowded nightmare. We are so close to Nova Rd., that we will never be able to turn left out of our complex to get out to Nova. Why don't the developers use the golf course for something positive for the community such as a community center or a place for kids to go to give them a place to go after school or in the summer, to keep them busy and out of trouble, instead of overcrowding it with more homes and traffic. Not to mention the fact that all these potential homes are anxiety inducing emotionally.

These are just some of my personal thoughts in addition to what my husband explained.

Thanks so much for all the hard and I'm sure exhausting work that you've been doing to try and save our living area and homes! We appreciate all of it much more than we can express!

Sincerely,

Susan Banker
1 Tomoka Oaks Blvd #135
Ormond Beach, Fla. 32174

Re: Letter to Planning Board

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Carolyn Brenner Mon, Jun 19, 9:54 AM (9 days ago)

to me

Ormond Beach Planning Commission:

I am writing so you are aware of the concerns of many of my fellow Tomoka Oaks residents as we approach the development of the golf course.

Currently, I reside in Escondido after owning a home on Oakmont Circle for more than 20 years. On many occasions, I have observed a line of cars hastily approaching Nova Road and have had to wait to exit the only entrance/exit to Escondido. I have not seen any proposed solution to this situation which will undoubtedly become more difficult with the addition of a large number of homes with an average of 2 cars per home.

I am asking that the City Planning Board takes into consideration before approval that a hazardous traffic situation currently exists within Tomoka Oaks. I have family and friends within the neighborhood and have frequent occasions to travel North and South St. Andrews by car, foot and bicycle. The streets are poorly lit, curving, with long straightaways where drivers feel enabled to increase their speed well beyond the 25-mile speed limit. For the safety of the current residents, there is a need for speed tables as the neighborhood exists now.

Additionally, a large number on new homes will necessitate the removal of many historic trees and put a strain on the aquifer and other environmental resources. Tomoka Oaks has long been known for the large size of the property lots.

Many of the residents have lived in Tomoka Oaks since its development and have supported the city with their taxes for many years. By allowing a large number of homes to be built on the golf course they were assured would remain a golf course for 99 years will certainly decrease their property values. We have already started to see property values decrease.

Citizens from all over Volusia County are concerned about congestion and lack of resources including roads, schools, hospitals, and doctors to name a few. An additional development where one should not exist will only exacerbate the drain on all of these resources.

Thank you for your consideration.

Sincerely,
Carolyn Brenner
1 Tomoka Oaks Boulevard #105

Tomoka Oaks Development

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Dan Caldwell Mon, Jun 26, 8:10 PM (2 days ago)

Ms. Davis, Please see my letter attached. Best Regards, Dan Caldwell Sent from Mail for Windows

June 26, 2023

Dan Caldwell
18 Oakmont Circle
Ormond Beach, FL 32174

Re: Tomoka Oaks Development

Greetings.

My name is Dan Caldwell and the purpose of this letter is to address the proposed development of the former Tomoka Oaks Golf course.

I am well aware that the reality of our situation is that something will be built on the old golf course. I am in favor of, and would support, any development that will retain the character of the existing Tomoka Oaks neighborhood. Specifically, the architectural style and lot size should be consistent with the existing properties.

However, I am still very concerned with two issues that as yet have yet to be properly addressed. One is traffic, and the other is flooding.

Regarding traffic, the ingress and egress from Tomoka Oaks from Nova Road is already very difficult. The addition of hundreds of new vehicles utilizing that intersection is a great safety concern. I have only lived in Tomoka Oaks for two years, and already I have seen two serious wrecks at that intersection. As I understand a traffic study has been done, but I am not privy to the results of that study. In my opinion at the very least a traffic light should be installed at this intersection in the future.

Regarding flooding, Tomoka Oaks Golf Course in it's current design is specifically engineered to drain effectively. Once the former golf course is covered in new houses, concrete and asphalt, drainage will obviously be altered. While I cannot recall the exact number of inches of rainfall that the new design will be built to accommodate, the engineer at the last public meeting indicated that drainage will be able to handle anything short of a hundred year flood, and identified the recent Hurricane Ian as an extraordinary event.

However, this ignores the fact that since the year 2004, this specific area has been hit by five hurricanes which caused extensive flooding. Hurricane Charley in August of 2004 (a category 4 storm); Hurricane Ivan in September of 2004 (a category 3 storm); Hurricane Jean in September of 2004 (a category 3 storm); Hurricane Matthew in 2016 (a category 5 storm); and Hurricane Ian (a category 4 storm) just this past year. Five hurricanes in eighteen years means that this area, on average, has a major flooding event every 3.6 years. Therefore, the flippant remark that the recent storm was an exception ignores the history of the area.

I hope that these concerns will be addressed in the future at the July 13th planning board meeting. Thank you for your consideration.

/S/ Dan Caldwell
Dan Caldwell

Tomoka Oaks Development

Golf Course/City of Ormond/Hearing Letters June and July 2023

Melonie Caldwell <mc
to CarolynDavis3@gmail.com

Mon, Jun 26, 8:42 PM (2 days ago)

Hello Carolyn,

Please find attached my letter to turn into the city, regarding the development in Tomoka Oaks. I really appreciate you putting all of these together for our community. If you are able, can you please let me know if this was received.

Thank you,
Melonie Caldwell

(Emailed by Melonie Caldwell to Carolyn Davis on 6/26/23 for inclusion in Planning Board letters from residents)

Ormond Beach Planning Board,

My name is Melonie Caldwell my Husband and I own and reside at 18 Oakmont Circle, Ormond Beach, FL. I am writing to you in regards of the development proposed within 20 Tomoka Oaks Boulevard.

I understand that growth and development are in our future. However, I have major concerns with this area being zoned for 276 more houses. With only one way in and out of this area there are safety concerns for all residents of Tomoka Oaks. The single entrance is also located on a small roundabout that will get backed up at the inter section Tomoka Oaks Blvd and Nova Road.

I see proposed emergency access points that will cut through the lots of the existing Tomoka Oaks residents. If these access points have to be created, doesn't it seem that the proposed development is too large for the area that they are trying to squeeze it into? All these factors along with excessive traffic, drainage issues, and wildlife relocation concern me.

During the last meeting, questions about the character of the new development were not answered directly. This is because they strictly want to plat the land and sell it. Do they even really know what the developers will do once the land is plated and sold?

The residents of this area want to keep the integrity of our neighborhood and the surrounding ones. As residents, we work extremely hard to maintain and upkeep our properties. The fact that we do not want to lose the peaceful, safe community and value we have created here is not unreasonable.

This development needs to mirror the surrounding areas for safety. Larger lots will cut back on traffic, drainage concerns, and less wildlife relocation.

This is why I oppose the large development that is being proposed.

Thank you for your time and consideration.

Best Regards,

Melonie Caldwell
18 Oakmont Cir
Ormond Beach, FL 32174

Re: It's Really Happening! Planning Board Hearing July 13

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Donald Cardone Sun, Jun 25, 9:10 PM (3 days ago)

For Carolyn Davis and Ormond Planning Board:

We are long-time residents of The Trails community adjacent to Tomoka Oaks and the proposed Tomoka Reserve project.

We are especially concerned about the increased traffic congestion and its attendant safety issues that the new development will engender. Ormond Beach residents have already discovered that they can take a "short cut" through Main Trail and avoid the traffic light at Nova Rd and Granada if they wish to go west on Granada Blvd by exiting at The Trails Granada exit. It will not take Ormond Reserve (clarification per Carolyn - Tomoka Reserve) residents long to emulate this. Speeding is already a concern along this route.Presently, this exit is quite congested at start and end of the school day due to the proximity of Tomoka Elementary School across the street. One can only wonder what further safety concerns this increased traffic flow will engender.

We only see negative effects for safety and quality of life for present and future residents of Tomoka Oaks and The Trails and strongly oppose this project in its present form.

Donald M. Cardone, M.D.
Arlene A. Cardone
24 Twelve Oaks Trail
Ormond Beach, Fl 32174

Hi Donald,

Thank you for taking the time to email me your concerns. I truly appreciate your effort and agree 100% with your observations.

BTW: Reality is that I am one of those Tomoka Oaks residents who uses Trails streets 3-4 times a week when I travel on Granada. Just yesterday, when I was going to church at 9:00 am (church is off Hand), I stopped at Rio Pinar and S. St. Andrews to wait for 4 separate bicyclists to ride through the intersection, 2 people walking 2 dogs, and one other car. Two of the people on bicycles continued onto Rio Pinar Trail, and I had to be extra cautious as I drove past them. I waited for them to clear an island before I felt comfortable driving even 15 mph around these cyclists.

I will be providing all letters and emails to the city this week.

Not giving in or up,
Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187
CarolynDavis3@gmail.com
TomokaOaksHistory.com

Planning Board

Inbox ×

Caitlyn Casey-Parker <... Tue, Jun 27, 11:18 AM (1 day ago)

to CarolynDavis3@gmail.com

To Planning Board

My name is Caitlyn Parker and I live at 32 Pebble Beach Dr. I have lived in Tomoka Oaks for most of my life (about 40 years).

I have many concerns about our quality of life if this development moves forward. Not withstanding the wildlife that inhabitants the green space.

This development will impact our lives in only a negative direction. There are absolutely no benefits to any of the residents of Tomoka Oaks or the city.

The biggest impact will be traffic. There is no way to mitigate the traffic issue and not impact the residents.

The next impact will be rain water runoff. Residents who have never flooded will likely incure some water damage. This is being see througout the county due to over development. It will happen in Tomoka Oaks if you pave over everything. Retention ponds don't work!

Another issue will likely be our property values. They will drop! Mostly due to the impacts listed above.

Continues on next page

Wildlife will also be negatively impacted. Let's face it, they will die or relocate to our propertys. I have counted over 100 active Gopher Tortoise dens on the golf course, a keystone species that is protected. The tortoises that survive may relocate to our propertys and tunnel under our homes.
I also think there might be an issue with the disposal of chemicals at the storage shed. The soil should be tested and may require mitigation.

Another negative impact will be litigation. Homeowners will sue the developer and the city to recoup their losses.

I believe the city and/or county are missing out on a rare opportunity to preserve this green space. It could be connected to the Central Park trail system. A crowning achievement that the city could be proud of.

The green space should be preserved! A natural space for wildlife and residents will be only be a benefit. And it is the right thing to do!

Do the right thing, and do NOT approve this development!

Thank You
Caitlyn Parker

Sent from Yahoo Mail on Android

Tomoka Golf Course Letter

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Diane Chanfrau Sat, Jun 24, 12:02 PM (4 days ago)

City of Ormond Beach Planning Board

Reference to Tomoka Oaks Golf Course Property

To Whom it may concern ,

As a resident of the Trails I am against the proposed Development of the Golf Course. The increased volume of traffic would disrupt the environment forever. These roads are not adequate for that volume of traffic. Autos cutting through the Trails from Granada to Wilmette are already an issue and 600 more cars coming on to the Trails narrow winding roads to Tomoka Oaks would be a disaster for the Trails residents.

The state of affairs now, these roads are often blocked by repair men, lawn services, garbage pickup causing traffic stops and passing difficulties. More traffic would hurt everyone's property values not only for Tomoka Oaks but for the Trails too. We as residents could vote City Commissioners out of office but then that would be too late to save our community. Why should 5 developers have precedence over hundreds of established home owners?

Impact fees are in the spot light now more than ever and bad decisions linger on long after the developer has moved on. Developers seem to escape the full affect, pushing expenses higher on the existing residents. No amount of impact fees could cover the depreciation of existing properties. This proposed development would affect every aspect of the areas quality of life.

The visual impact to existing surroundings would be devastating . The existing owners property values would be negatively impacted, even if they did not directly abut the golf course property.

Developers should not be able to hurt for many just to make more money for themselves at our expense.

Diane Ellis Chanfrau 55 River Ridge Trail, Ormond Bch. Fl.

letter for plannning board

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Connie Colby Tue, Jun 27, 7:45 PM (21 hours ago)

June 27, 2023

For Planning Board, RE Developing the Tomoka Oaks Golf Course Property

This is to serve as my objection to totally changing the character of the beautifully planned and maintained development of Tomoka Oaks Estates merely to cram in additional un-needed housing and line the pockets of a few developers who don't care that they are ruining a beautiful area of Ormond Beach.

Tomoka Oaks was approved with a golf course by a previous planning board. People who moved there had a reasonable expectation of being protected by the city who approved this plan. We keep hearing how developers have their rights. They do not have a right to a zoning change – they know what the zoning is when they purchase a property and should not assume that they will have an automatic right to get it approved for a change. On the other hand, homeowners have rights too and both the planning board and the city commission should be protecting them. I am not seeing this happen. At the very least the former golf course should be either redeveloped as a golf course or left as an open area.

The proposed plan does not enhance either the residents of Tomoka Oaks nor the residents of Ormond Beach. Adding a potential of 600 more daily vehicles using Nova Road is beyond dangerous. There have already been multiple deaths and accidents on that stretch of road. One can make a study say anything but those of us who drive that road and ever need to make a left turn anywhere along it, or have someone pull out from the side and cross multiple lanes of traffic know that this road is already suicide alley.

Tomoka Oaks as well as The Trails are beneficial assets for Ormond Beach and definitely a desirable residential area for new residents because of its openness, large old trees, large lots and well-planned amenities. Stuffing additional housing in where it was never intended to be lowers the value and attractiveness of these areas. Please protect both the residents of Tomoka Oaks and the livability of this area.

Connie Colby
108 Roble Lane
Ormond Beach, Florida 32174

(Hand delivered by Ellen Cook to Carolyn Davis on 6/26/23 for inclusion in Planning Board letters from residents)

To:

Planning Board - Mayor - Commissioners

Subject: Tomoka Reserve Subdivision.

This proposed and Planned Residential Development is not of the same character of Tomoka Oaks Golf Course.

It will create a hardship on Neighbor and Association in the entire area. The addional Cars and service Vehicles will lead to clogged Roads that were not designed for this much traffic.

The proposed traffic Light at Tomoka Oaks Blvd. and Nova Road, will make traffic worse as it is not ~~in~~ at same timing with the Railroad Signal. Cars are backed up at times past Tomoka Oaks Blvd. No left turn for any Car until Train has passed. Cars will be stacked on Nova, RD. Tomoka Oaks Blvd, and Residents at Escondido will be trapped. I have seen big Trucks make a U-turn on Nova RD. because of a long Train and the wait was to long. It will be a negative effect on other Services and create undue crowding.

Sincerely
Ellen L. Cook

1 Tomoka Oaks Blvd. Unit 120
O. B. Fla. 32174

For Planning Board- Comments on submittal 6-7-2023

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Denise Corley Sun, Jun 25, 7:36 PM (3 days ago)

Dear Planning Board members, Mr. Spraker, Major Partington, and Commissioners,

My name is Denise Corley, my husband and I own a house on S. St. Andrews, #51.

After a long search we bought our house in December of 2019. In February 2021 we heard the golf course had been quietly sold to a developer.

We joined a group of neighbors who formed the Golf Course Committee to find out how we could prevent the golf course from being developed, were there covenants surrounding the golf course and the 2006 PDR, and/or try to have a better outcome, for our property investment and our community.

One neighbor at the community meeting in February said it best, this news of the development was like finding out our community had a cancer metastasizing right in the heart of it.

I see very few changes in this proposal in comparison to the last one.
Ormond Beach has never had a development proposal like this one where every border is going to affect an existing homeowner-the size and scale and disruption to so many people is unconscionable.

Quality of life will be ruined.

- For the residents who paid a higher premium to live on the golf course, this sale and development plan has felt like a betrayal of public trust. The 178 homeowners that are on the perimeter are looking at a Williamson Blvd type construction site in their backyard. Bulldozing of trees, earthmovers upending toxic soil, noise and dust. Unrest, from 7am-7pm six days a week.
- What is the community benefit? Does the city of Ormond Beach need these homes? Does the city have the services to cover this addition right now? This project will increase the use of schools, hospitals, city services, police and fire departments and more traffic on already crowded roads. I noticed the schools are running at 100% capacity or more, but more students from this and other projects does not seem to change capacity.
- There are 546 homes in Tomoka Oaks and an additional 276 is 50% more cars and traffic on our quiet narrow streets.

- Tomoka Oaks Blvd, the ONLY Entrance and Exit with the diamond configuration leading into this badly designed project is going to cause congestion, traffic, wait time increases and noise. The amount of traffic traveling on S. St. Andrews heading to Rio Pinar or Irquois is going to change the character of the neighborhood.

- Despite the traffic report commissioned by the applicant, Tomoka Oaks Blvd will have to be redesigned to squeeze through another 300 cars in peak traffic hours. And why do taxpayers have to fund this bill, when this project is being imposed upon them? The developer should pay for the design of Tomoka Oaks Blvd. It is an example of why this development is ill suited for this location.

- Timelines are not on the table now but I think the traffic light at Tomoka Oaks Blvd and Nova should be in place before the development project on the golf course gets started. The need for a redesign of the Tomoka Oaks Blvd will become obvious. This proposal is bringing problems with it.

- If approved I would hope city planners would support the immediate planting of the buffer to start the screening of the invasive construction that is being set upon so many.

- This project is projected to last 5 years in a phased plan that is yet unknown.

- More traffic driving through the neighborhoods to get to Granada Blvd on narrow streets often blocked by lawn care services and other service vehicles will be twice as dangerous. People riding bikes, walking and pushing baby carriages often have to walk past the blindside to get around a vehicle on the street.

- The soil report- revised Updated TIA revised 06-07-2023 states arsenic and organochlorine toxins in the soil of the golf course will require strenuous remediation before houses can be built. Let sleeping dogs lie.

- It appears demolition of the existing buildings took place before the submission of the soil samples. While the samples were taken before the demolition of the club house, golf shack, toilets and the Golf Course Maintenance building. Further examination of the report points to several remediation steps that need to be performed for the "Soil Cleanup Target Levels" to meet standards for residential housing.

- The recommendation that the toxic soil be transported and piled on the open space and amenity areas of the proposal gives no comfort to the existing residences living close to the open spaces. Even the air-borne toxins released

by moving soil is discomforting. Who will be monitoring the soil remediation? Does the city hire a firm to oversee the process of remediation of the soil because it's an important health issue? Will the soil containing unacceptable levels of Arsenic, Organochlorine (banned in the 1970's), Chlordane, Dieldrin, Heptachlor epoxide and Toxaphene be removed off site or mixed with other soil?

- This project is proposing 7 stormwater drainage ponds mainly on the perimeter of the property many abutting the 50 foot buffer of the Tomoka Oaks residence. These dry ponds will be surrounded by a berm. I hope this berm isn't the toxic soil piled up right behind all of our houses in a concentrated form, rather than what it is now spread over the course with the heaviest toxicity on the greens and around the maintenance shed.

- The dry stormwater ponds will direct stormwater runoff into close proximity with the homes of Tomoka Oaks. Nobody really knows how this system will work but we do know that runoff of fertilizers, poisons, animal feces, petroleum products and rubbish will end up in these ponds. Tomoka Oaks is located on a ridge built by the Tomoka river which lies below grade of the Tomoka Oaks subdivision and the golf course. Water doesn't just travel down, it will move to the lowest grade. The ecological logic would be good if this site weren't a golf course with decades of chemicals being used on the soil.

- One way water will travel to the stormwater dry ponds the proposed swale ditches behind the property line of the houses. These open air water drains are known to be mosquito habitats along with the stormwater dry ponds. Tomoka Oaks does not utilize dry ponds, it seems to have a pipe system.

- The developer hasn't decided if this is a gated community or not. The HOA of this proposed community is being heavily burdened with the maintenance of 7 dry stormwater ponds, a 50ft landscape buffer around the entire perimeter of the project, 2 ponds, and 8 acre amenities area and pickleball courts, a couple of proposed pavilions and 8 open space areas with picnic tables and the maintenance of the entryway lawns and structure and insurance of course. I am concerned that the HOA can just vote to change their by-laws and do away with some of these responsibilities? What assurances can be implemented to protect the 50' buffer and other HOA responsibilities?

- Almost 2,000 trees, 21 species counted and identified by Zev-Cohen. 16 trees were identified as historic. The proposal states they will make every possible effort to save these 16 trees. Many other trees located in the buffer most likely will not be bulldozed. Other large trees that are bulldozed will be replaced with

a 10' 2.5 caliper replacement. The point is, it will change the character of the entire subdivision when starter trees replace grand trees.

- Is the plan so loose that they don't know at this point what they are clearing and what is not being cleared. We need a count of how many trees are being saved and how many are being cleared. We do not want to see another Granada Blvd clear cut and city planners saying whoops. Please ask for specific details on this plan!

- Unlike Tomoka Oaks where 100' lots widths are average with varying square footage homes throughout the subdivision, this proposal sandwiches in the center cavity of the proposal the smallest tightly packed housing products. There doesn't seem to be room for a garage and I don't think I've even seen any conceptual pictures of what these "Village" houses would look like. So this area is not diverse and then the area in the northern corner seems to be larger lots with more open space or more upscale and a community unto itself. Claims of diversity are sketchy at best.

- The proposal touts the fact that the "centrally located smaller width homes are appropriately screened from the existing neighborhood" points to the fact that they are less desirable and not compatible or appropriate in the neighborhood.

- The proposal keeps referring to this project as some sort of gallant saving of a neighborhood, calling it "urban infill". This was a failed golf course, why it failed we don't know, bad management? Golf is on the rise. We know that this golf course functions as Open Space and recreational space in an established suburban neighborhood for decades. It is our Central Park. Calling it "infill" makes it sound as though it was a ghetto in an urban city. I think the use of this term "infill" is to diminish the value of this gem that is a piece of land functioning in a healthy and wealthy community, even in its recent natural state.

- I disagree with the statement that people do not want large lots. Some want large lots and large houses. The quarantine of the pandemic is over and people want to be outside and enjoy nature's blessings.

- If this is the zoning plan approval why are the lot sizes not marked and the square footage of the homes not marked on this submittal?

- Page 3 in the table has 300 as the number of homes. I believe that is incorrect.

- Why is the Typical Pavement selection not determined? Isn't this the point when the plan is nailed down and approved- to know what exactly is being approved.

- On page 6, a Note states, the buffer width shown on this sheet "May be subject to change at the time of permitting". The represented widths may be reduced or enlarged by no more than 20% but maintain the minimum 50' buffer. This is too open ended. Where on the map is this flexibility needed?

- Page 7, Lots are too small, setbacks aren't large enough from the street. Lot sizes should be consistent with the Tomoka Oaks. Where are all the cars going to be parked?

- Page 8, "Preferred architectural themes" does not sound like a commitment, it sounds wishful thinking instead of submitting an actual plan. Blank walls look bad and shouldn't be allowed, plantings will not hide the fact of an undesirable feature.

- It may or may not be a zoning platt question but no clue has been given about the structural building materials cinder block or stick wood. If this is a quality project I believe the material will be cinder block. With the various decorative elements described.

- Do we know whether the developer will be installing fences in the neighborhood? I am in favor of the new house lots should have a backyard fence marking the end of their property and the beginning of the buffer.

- Page 9, why should this developer be granted the ability to remove a tree and an Island in Tomoka Oaks neighborhood? He should not have bought a house for the second emergency exit that didn't give him the turning radius needed for a firetruck.

- Pages 14-31, It is unclear by the illustrations of the buffer plants where the plants are located in the buffer. The plantings appear vaguely in a straight line maybe 15' wide. Will these plant screens be on the far edge of the 50' buffer or at the property line of the Tomoka Oaks homeowners backyard?

- Keep in mind the original plan when developed called for the golf course to have a 99 year covenant. Even Dr. Rylas planned PRD put a covenant on the golf course remaining a golf course or open space for perpetuity. That PRD plan had to expire before the perpetuity clause would expire which it did in 2014. In 2021 the land was sold to a residential developer.

- I pray that Mr.Rubin will see that this proposal is wrong for all the reasons listed above and will offer the land to the city or make a philanthropic donation to the city of Ormond Beach, maybe a matching grant to recover his investment.

-Denise Corley

PS- I have included some of my pictures of beautiful Land, Trees and some Wildlife on the Tomoka Oaks Golf Course (per Carolyn a video was attached to the email but for technical reasons it is not a part of the packet of resident letters prepared by Carolyn Davis for the Planning Board.)

June 25, 2023

Dear Planning Board,

My name is Carolyn Davis and I live at 46 Oakmont Circle in Tomoka Oaks. I am opposed to the residential development of the Tomoka Oaks golf course property because of the adverse impact it will have on the character of our neighborhood.

Goal 1, Policy 1.1.3 of the Ormond Beach Comprehensive Plan states new development must: "*Preserve the character of existing neighborhoods by not allowing intrusions of land uses that would threaten to alter the neighborhood's character.*" I spent much time thinking about what that specific city goal means in relation to the proposed Tomoka Reserve development which will be completely surrounded by the Tomoka Oaks neighborhood. My conclusion was influenced by hundreds of hours reading *Daytona Beach News Journal* archives and sifting through deeds at the Volusia County Records Office in Deland to piece together how our landmark Tomoka Oaks neighborhood came into existence. It was the process of accumulating this information that led to one very definitive conclusion: **Our HISTORY is our CHARACTER. Preserving the historical green space in the center of our historical neighborhood is key to preserving the heart of our character.**

Our "character" is the vision of men such as Milton Pepper, William McElroy, and Sam Snead who began planning our co-existing golf course and residential neighborhood back in the late 1950's and early 1960's. It is the multitude of golfers who played among the course's moss draped greens. It is the thousands of homeowners, who, over the years, purchased homes believing the golf course property was to be used in perpetuity as a golf course or recreational area. It is generations of families such as the Maybecks, Jacobsens, and Huhtas who have occupied the same homes since building in Tomoka Oaks in the 60's and 70's.

Our "character" comes from the magnificent variety of bird species who have lived on the golf course property year-upon-year or who migrate here year-after-year, taking refuge in the arms of the hundreds upon hundreds of trees that still grace the property. It is the gopher tortoises, perhaps some older than our neighborhood, who burrow under our stately oaks and give birth to their next generation. It is the deer, coyotes, foxes, snakes, racoons, armadillos, and tree frogs who have freely roamed the 147 acres of natural land in the center of Tomoka Oaks since our neighborhood's inception.

Our "character" is our history. It is our story. And you cannot add a new character into the middle of our story and not damage the very essence of who we are. During the 1960's when our golf course and homes were being built, one of the most popular books of the time was *To Kill a Mockingbird* with its iconic characters of Atticus, Scout, Jem and Boo Radley. To add a new chapter into the middle of this book, and introduce a new character such as Harry Potter to the dynamics of the existing characters, would forever alter the soul of *To Kill a Mockingbird*.

And to add a new neighborhood, Tomoka Reserve, into the very heart and center of Tomoka Oaks would forever alter our story and result in the loss of our established, cherished, iconic character.

The Merriam-Webster dictionary defines "character" as: *the aggregate of features and traits that form the individual nature of a person or thing*. Please recommend denial of this PRD application and preserve the established and future character of Tomoka Oaks.

Thank you.

Carolyn Davis

Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174

Planning Board letter

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

sd esd <sdenslow1678@gmail.com> 9:21 AM (8 hours ago)

June 27, 2023

Dear Planning Board,

My name is Steven Denslow and I live at 317 Rio Pinar Dr in Tomoka Oaks. I am very much opposed to the development of the golf course property because of the negative impact it will have on the neighborhood and my property.

I have resided at my current address in Tomoka Oaks for 24 years, before that I lived at 25 Oakmont Circle in Tomoka Oaks and before that 70 S St Andrews in Tomoka Oaks were I lived as a child with my parents. I have lived most of my life in the Tomoka Oaks community. My wife and I have raised all three of our children in this community.

Tomoka Oaks is a beautiful community, and the golf course is part of what makes it that way. If the golf course were to be developed it would be devastating to the community. With the added stress of 276 homes and the increased traffic the community would not be the same.

I purchased my current home because it is located on the golf course, and I have no doubt that if the golf course is allowed to be developed and my backyard overlooks another backyard instead of the golf course it will reduce the value of my property and the lure of the community. I urge you to please vote against the development of the Tomoka Oaks Golf Course.

Sincerely,

Steven Denslow

317 Rio Pinar Dr

Ormond Beach Fl. 32174

Re: Last Call for Planning Board Letters

Inbox x

mollyenglish@optimum.net

Jun 27, 2023, 4:05 PM (15 hours ago)

to me

The amount of building going on in Volusia County is out of control. The wildlife that keeps getting pushed out of their natural habitat is just beyond outrageous and downright cruel. Building on the golf course will most certainly cause an enormous amount of traffic coming and going in an otherwise very quiet and peaceful community I do understand that they will have their own entrance but since when has that stopped people from cutting through neighborhoods. Changing the landscape of Tamoka Oaks golf course would be a very big mistake.

Molly and George English
34 Oakmont Circle

Sent from my iPhone

(Emailed by Tom Fitzgibbon to the *Observer* and to Carolyn Davis on 6/23/23)

Ormond Beach Needs a Public Golf Course

Golf Course/City of Ormond/Hearing Letters June and July 2023 x

Tom Fitzgibbon

Ormond Beach Needs a Public Golf Course

Dear Editors,

Please challenge anyone who says golf is not popular in Ormond Beach. I received these numbers from a friend of the Meyers Family, owners of Riviera Golf Club in Holly Hill.

Since the closing of Riverbend in Ormond Beach and quite a few public courses nearby, the Riviera Golf Club is going gangbusters. Ormond Beach is full of avid golfers that would support a decently run public course. Golf got more popular because of covid and is staying popular.

Right now at the Riviera Country Club:

1) Eric Meyers owns the course and Ryan Meyers (son) runs the course
2) has a 75 person waiting list for memberships
3) each day has 225 rounds of 18 holes
4) has no tee times, only first come, first serve
5) has a busy driving range (I was there several days ago)

So if anyone tells you that Ormond Beach can't support a public course, just give them the numbers. Ormond Beach has extensive baseball, soccer, tennis, pickleball, etc., but no public golf course! Tomoka Oaks would be perfect with its wide fairways and convenient tees. The two nine hole fairways all begin and end in one location.

- Tom Fitzgibbon | 3474648531 | 51 S St Andrews St, Ormond Beach, FL

For Planning Board - Tomoka Reserve

Inbox × Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Tom Fitzgibbon Fri, Jun 23, 5:35 PM (5 days ago)

Dear SPRC and Planning Board -

1) Combining house construction and Tomoka Oaks Blvd road changes will create an unsafe and congested roadway. We would like to see Tomoka Oaks Blvd design be specified and most work completed before houses are built in Tomoka Reserve. Otherwise the combination of ripping up the roadbed and current traffic, Tomoka Reserve construction/utility trucks, bicycles, golf carts, walkers, etc. will be unsafe.

2) The Tomoka Oaks Golf Course entrance was designed to safely allow about 100 vehicle trips daily to Nova Road. Tomoka Reserve will add about 2700 daily trips on the same Tomoka Oaks Blvd. This is clearly unsafe and should not be allowed by the Planning Board and City Commission.

3) At the Dec 1, 2022 meeting Tomoka Reserve indicated that FDOT reported the Nova signal would take about two years to install. Without a traffic light all the construction vehicles on Tomoka Oaks Blvd, plus new electrical, sewage, water lines installed will paralyze Tomoka Oaks Blvd.

4) Speeding traffic is already a problem in Tomoka Oaks and the OB Public Works department is installing a speed table to slow down drivers. Pedestrians have been killed/injured on old Tomoka Oaks roads. These low volume roads were designed with beautiful curving landscaped narrow single lanes with multiple islands that have no sidewalks. On a typical day there are bicyclists, baby carriages, skate boarders, scooters, golf carts, dog walkers and parked cars/trucks sharing the Tomoka Oaks and Trails roads with drivers weaving around the obstructions, many times above the 25 mph speed limit.

5) Much of the current traffic and new Tomoka Reserve traffic will be redirected through the Trails on Iroquois and Rio Pinar causing a dangerous situation on the Trails' narrow, sight-line constrained roads with multiple islands that have no sidewalks.

6) Tomoka Reserve should install two sidewalks from their new development to Nova Road. At this point their plan only includes one sidewalk on the South side of Tomoka Oaks Blvd. a) This penalizes the houses on the South side by routing all walkers, baby carriages, skaters, bicycles, runners, etc. on their side of the street. b) all non car/truck traffic from N St Andrews will have to use the street to get to the single sidewalk and will result in unsafe movement across the already dangerous traffic diamond.

7) The traffic diamond proposed by Tomoka Reserve, causing all traffic to stop/go controlled only by four stop signs is inadequate and dangerous. The current intersection is dangerous enough (I've witnessed several near collisions) with the current level of foot, bicycle, cars and trucks. Adding the Tomoka Reserve traffic and construction vehicles to the mix will injure/kill people. The traffic diamond will also look much worse than the current grassed and treed center island.

8) TOHA and Tomoka Oaks residents are unable to find any traffic engineers willing to rebut the findings of the Tomoka Reserve traffic engineer because no outside engineers are willing to testify against a large developer that could hire them for future jobs. This gives the developer an unfair advantage in the development review. Please appoint an independent outside traffic engineer to examine the Tomoka Reserve traffic study.
9) Houses on the golf course will lose value when their backyard view becomes another house instead of the open fairway. No one can argue otherwise. Homeowners on the golf course should be compensated for their loss in value and their property taxes should be reduced.

10) The Tomoka Reserve plan is required to design for a 25 year flood by code. The latest hurricanes have rated at least 500 year floods in Ormond Beach by the authorities. This means that current homes that are downhill from Tomoka Reserve will be flooded in the next large hurricane because of the new impermeable surfaces in the development. How can Ormond Beach responsibly accept this outcome?

Thanks for listening,

Tom Fitzgibbon and Denise Corley | 3474648531 | 51 S St Andrews Drive, Ormond Beach, FL

(Emailed by Len Gaspary to Carolyn Davis on 6/27/23)

Re: Last Call for Planning Board Letters

Len Gaspary

I am attaching my sentiments on the newsletter on the next public hearing issues.



Criteria City Considers When Voting

*The new development must **NOT**:*

- Alter the character of Tomoka Oaks or existing neighborhoods such as The Trails, Escondido, or Talaquah.
  - Eliminating the golf course substantially alters the character of the existing neighborhood by replacing open area with lots that in general are smaller than existing residential lots making the subdivision have density that is greater than any of the surrounding sub-divisions.
- Substantially and permanently depreciate the value of the surrounding property.
  - Lots and homes with golf and riverfront frontages have traditionally been higher in value than other lots without such frontage.
  - I have lived in a golf course frontage home for almost 40 years. Initially, I paid more for my lot than non-golf course lots were selling for.
  - I have built 6 homes in Tomoka Oaks and rebuilt 1 during my time as a home builder. Three of the new homes I built were on the golf course and I selected those lots because they were more saleable.
- Create undue crowding.
  - If approved the density of the area would be greatly increased, causing an overall decrease in the quality of life.
- Adversely affect the public health, safety, welfare or quality of life.
  - There are no provisions for additional entrances or exits which will cause health, safety, and quality of life issues.
- Present potential adverse environmental impacts.
  - Currently, there is a great deal of wildlife that makes their home on the golf course. Although I haven't seen them for awhile, the course had been home to a fox den. There are several birds including hawks, and owls that inhabit the course.

*The new development **MUST**:*

- Ensure safe and convenient traffic flow.
  - Traffic flow will definitely be adversely affected unless an additional entrance/exit is added.
- Protect wildlife habitat areas.
  - Wildlife in the area has included foxes, rabbits, several species of birds, and other wild life.
- Be compatible with Tomoka Oaks i.e., lot widths, architectural styles, property setbacks.
  - Lot widths and depths in general are smaller than current lots.

Continues on next page

- Have adequate emergency access.
  - One entrance to the additional homes can cause severe problems when emergency access is required.
- Meet hurricane evacuation criteria.
  - One entrance/exit to increased density seems like it could cause a dangerous environment during hurricanes or other severe weather.
- Maintain adequate facilities and services: schools, roads, stormwater management, police and fire protection, EMS, and evacuation facilities.
  - Sub-divisions in the past have had to prove that they will add adequate facilities and services to support any new developments. I have seen nothing to that effect.

Len Gaspary
7 Oakmont Circle

Tomoka Oaks v4

Golf Course/City of Ormond/Hearing Letters June and July 2023 × Golf Course/City of Ormond/Public Hearings ×

Richard Golhair

Wed, Jun 21, 4:21 PM (7 days ago)

As a resident of The Trails, I have many concerns regarding the residential development of the Tomoka Oaks golf course property; traffic is major.

Only Tomoka Oaks Blvd. will be utilized for construction vehicles, which leaves Main Trail off Nova and off Granada to absorb the overflow traffic into and out of Tomoka Oaks and the new Tomoka Reserve development. UPS, Fedex, Amazon, food deliveries, waste trucks – in addition to homeowners and contractors driving wider and larger pickups – can create overflow hazardous situations for The Trails and Tomoka Oaks regarding school buses, joggers, walkers alone and with dogs, children on bicycles and families. Please note the Granada entrance at Main Trail now serves as a school crossing point, and it can take as long as 15 minutes for traffic to navigate into and out of Main Trail. This will only increase if Tomoka Reserve is developed. Plus, the construction trucks will tear up both The Trails and Tomoka Oaks streets and create additional hazards.

Main Trail off Nova Rd. will be the only alternate entrance/exit for the numerous Tomoka Oaks and Tomoka Reserve drivers who will want to avoid construction traffic at Tomoka Oaks Blvd. Main Trail off Granada will suffer the same consequences. And what about the increased traffic into The Trails shopping Center; has Publix, the property manager, and Nova Community Center been notified to make arrangements to anticipate traffic bottlenecks?

In the real world, who wants to drive behind a large construction truck entering and exiting the new development? What's the maximum size truck allowed? Are 18 wheelers allowed? Do the trucks need a special permit to access a residential area? Will the trucks be able to maneuver around narrow streets without damaging property and if they do damage, who's liable? What legal recourse do residents have as a result of accidents or negligence ? What about increased property taxes and insurance premiums? What happens to appraised and resale home values? If there's a traffic incident because of the new development, does that have to be disclosed by the seller on a home sale? Has anyone considered increased pollution? Construction will be allowed Monday-Saturday from 7:00 am – 7:00 pm. How will this impact the quality of life for residents of both communities if construction vehicles don't adhere to the mandated construction traffic entrance on Tomoka Oaks Blvd and affect Saturday activities, a time traditionally set aside for families?

Insurance Commissions in each state collect the data of claim payouts so all carriers are analyzing the same information to adjust rates. This includes construction debris, rocks, and flat tires. Remember - The Trails is 40 years old – the streets are narrow. For traffic using the Granada entrance accessing Main Trail to Iroquois and Rio Pinar, there's a sharp curve on Main Trail near Rocky Creek that can be dangerous, especially, for large trucks. Also, what are the effects of increased traffic on the city maintained Misners Branch bridge over time? Will the city, county or state be contacted to adjust the timing of the traffic signals at both Main Trail entrances to even out the increased flow, especially during school hours? Is someone prepared to notify parents of school children to wake them up 15 minutes earlier so they can sit in traffic on their school bus? Are commuters willing to do the same?

These are some of the many concerns residents are asking the Planning Board and Commission to take into consideration before approving any residential development of the Tomoka Oaks golf course property.

Thank you,

Richard Goldhair
21 Cherokee Trail

Play and dog park

Inbox ×

vivian heading <headingvivian933@gmail.com> 2:01PM (5 hours ago)
to CarolynDavis3

I have lived in this area over 24 years and I see what is happening to our once beautiful city and we have to keep the golf course open for recreational activities.

More people and less land is being sold out by greed.

Tomoka Oaks residents deserve the respect of the powers that make decisions.

Please use common sense.

In an emergency like the fires that ravaged parts of Palm Coast and Ormond Beach, people could not escape from subdivisions because of one road entrance and exit!

Please use common sense in this regard and I have not mentioned the loss of natural beauty and animals.

The Heading family on 11 Sherwood

Carolyn Davis <carolyndavis3... Fri, Jun 23, 2:52 PM (5 days ago)
to bobhenry

Hi Robert and DJ,

I received your postcard and handwritten letter today regarding the possible residential development of the golf course in Tomoka Oaks. I truly appreciate the effort you made to write me this letter.

Coincidentally, I had just sent out an email to all people on my Tomoka Oaks Times list asking them to provide me letters regarding their concerns about the development. I will be compiling all letters into one packet which I will provide the Planning Board next week. The date for the Planning Board hearing has been confirmed for July 13, and the receipt of your letter to me is perfect timing. Do I have your permission to include your letter? Let me know!

Not giving in or up,
Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187
CarolynDavis3@gmail.com
TomokaOaksHistory.com

BOB HENRY 9:50 AM (4 hours ago)
to me

Carolyn, you absolutely have our permission to share our response letter.

Dear Carolyn,

Your concerns are spot on. This is about "Traffic" and our quality of life, including safety.

We've lived in the Trails for over 30 years. Our driveway is on Rio Pinar.

Historically, we have had great difficulty backing out without other drivers blowing their horns at us or driving right up on our bumpers.

Also, no one, including the police, drives 25 mph.

over

South St. Andrews will become a freeway.

Iroquis and Rio Pinar will become feeder streets for those using Iroquis + Rio Pinar to cut through the Trails to get to Granada Blvd.

Thanks for your efforts and good luck.

Bob + DJ Henry
2 Old Trail
O.B.

Not giving in or giving up!!

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

dhoislba@gmail.com Tue, Jun 27, 9:49 AM (1 day ago)

Hi Carolyn,
Diane Hoislbauer from 1 Eagle Drive.

Here is one of my main concerns for the new development:

New Development MUST:
Maintain adequate facilities and services: schools, roads, storm water management, police and fire protection, EMS, and evacuation facilities.

From: Land Development Code Chapter 1
Adequate school capacity means the circumstance where there is sufficient school capacity by school type, based on adopted level-of-service standards (LOSS), to timely accommodate the demand created by a proposed residential development.

Where has the developer shown that current school capacity will be able to handle the new residents and their children? No new schools have been built to accommodate, thus impacting our children.

From: Land Development Code Chapter 1
Adequate police and fire protection means there is sufficient police and fire protection to timely accommodate the demand created by a proposed residential development.

Where has the developer shown that current police and fire protection will be able to accommodate the increased demand with the new development? According to Ormond Police and Fire, there are no new job openings for employment, thus impacting our response time and the elderly living in Tomoka Oaks.

New Development MUST NOT create UNDUE CROWDING.
There is an over crowding issue in Ormond Beach and it's getting worse. Adding 300 homes, up to 600+ new residents and possibly more than that creates HUGE UNDUE CROWDING. Main Trail Publix now cannot handle current traffic in and out. Has the City of Ormond and the new developer taken that into consideration?

I respectfully believe the new development will continue to add to the decline of Ormond Beach. Keep the golf course and turn it into a public park with a swimming pool. Just my opinion.

Thanks,
Diane Hoislbauer

Please consider and forward to OB Planning Re Tomoka Oaks/Golf Course and Country Club. Golf Course/City of Ormond/Hearing Letters June and July 2023 x

nukken
to me

Tue, Jun 27, 1:22 PM (1 day ago)

Paul W Hughes
4 Lauren Court
Ormond Beach, FL 32174

Objections to destruction of Green Space and conversion of Sam Snead Country Club land/facilities. Also additional points to consider.

To the Planning Board and all citizens concerned:

We moved back to Ormond 30 years ago after much consideration selecting a family home in the rear area of what is called Tomoka Oaks. Our criteria was based on many family factors to include green/open space as well as traffic safety around the neighborhood, schooling facilities, as well as normal issues, shopping, hospitals, amenities. Now a profit motive is proposed at the cost of original homeowner voters. Altering 6+ decades of road planning, ingress egress, electrical, water, gray water, noise etcetera is a huge undertaking. We believe the developers are creating an adverse environment and will leave an underfunded long term nightmare at the burden of local citizens. Most think it's not their neighborhood so why bother? Fact is every new home alters many older homes, especially with risk and insurances.

The neighborhood and all homes were planned around a known "superstar of the golf world" (Sam Snead) with a Country Club & Golf Course to include other social activities nested on 150 +/- acres that all could enjoy from avid golfers to strolling individuals. The golf course was designed as the heart and soul of all plats, lots, and homes in the original Tomoka Oaks subdivision. The course was diligently planned so as to harmonize with nature and the environment. Each individual plat was intentionally designed so local indigenous wildlife as well as humans could coexist. Watersheds and grounds watering was handled on the property. House setbacks were planned so as to eliminate fencing. Your backyard was the course. Today, current homeowners are exposed to neglected tall grass, mosquitos and a general altered state of a 60+ year co-relationship between the golf course property and nature.

In order for the proposed development to be fair and compatible with current Tomoka Oaks homes, the acreage of proposed Tomoka Reserve homes (on the perimeter and in the interior) must be similar in their characteristics; this similarity cannot be accomplished with the current Tomoka Reserve site plan. To enrich their financial return, the Applicant has placed an unreasonable burden of incompatibility on Tomoka Oaks homeowners who will now face diminished returns on their home investments. For example, sidewalks were not needed throughout Tomoka Oaks as the original plans of the 1950/60's allowed road widths adequate for single family homes with one+ car per family and kid's bikes. In addition to traffic safety, Tomoka Oaks residents will lose their legal right to quiet enjoyment; a right they have consistently counted on.

The original Tomoka Oaks now has 2 to 3 cars per family home, numerous bicycles, golf carts and boats. This can be verified via code enforcement and/or a simple driving or perhaps an aerial view. There is only one ingress/egress entrance into Tomoka Oaks via Nova Road. There are 2 "back door" exits which feed into the "Trails". (There is also a "sneaky" emergency access onto S. St

Andrews from the Talaqua gated neighborhood.) The proposed Tomoka Reserve will add to the current mix of traffic and increase safety concerns.

The Applicants road surveys avoided particular facts of current surrounding neighborhoods which will result in unsafe and inconvenient traffic flow. For example, Tomoka Elementary which has a significant impact on traffic at Main Trail and Granada was razed this week and is being rebuilt with a re-opening date of August 2024. How will this construction impact traffic into and out of the Trails and Tomoka Oaks and the proposed Tomoka Reserve and therefore compound the construction traffic generated by Tomoka Reserve? Was the temporary relocation of students factored into the Applicant's traffic analysis? Simply put, one cannot put 10 pounds of rocks in a one pound bag without something giving way. A new development on the 150 golf course acres would add "another 20 pounds".

The developers committed to a traffic signal at Nova road but have yet to put their money where their mouth is. Why not push the safety issue now? How committed are they? Nova road was altered a decade or so ago for Disaster Evacuation which has not been addressed. The state must look into a huge traffic alternative for all of us. Electrical power has only been altered with above ground poles. How many blackouts do we experience now, regardless of hurricanes? If we had true concern, utility code enforcement would reveal wires hanging below the standard 14 foot height, so as trucks will not pull wires (as happens often). Construction traffic has not been fully considered as to Nova Road or the wooden bridge in the Trails. There are tonnage requirements which the bridge could easily exceed and then it's done, needing replacement. The midroad "islands" in the Trails barely allow EMS now, not to mention on-street parking. So how would the equipment needed for earth removal and building supplies navigate Trails/Tomoka Oaks? The developer has not fully considered the impact of a full neighborhood within a neighborhood. Would they simply tie up traffic getting onto Nova Road?

Water and "Gray" water. Both during construction and after, dust, dirt and airborne particulates would cause harm to the original neighborhood and its occupants, pets and local wildlife. Gray water and atomization has not been studied. Anyone that deals with a breathing issue for themselves, babies or elderly, read this again! The demand for fresh or treated water on or in the proposed development cannot be handled by the city. Trucking in water would cause more road concerns for safety, congestion, wear and tear of existing roads thus destroying the main entrance. How heavy are those heavily laden trucks with water?

Widening of the entrance would involve severe hardship plus encroachment of several homeowners and the long-establish Escondido Condominium neighborhood and their exit. Most of the occupants are seniors on a fixed income which are afforded extra protection under the laws for the elderly. Yet, the developers has not "noticed" the occupants with official letters explaining their development. This highly localized entrance on Tomoka Blvd or into/out of Nova Road has been ignored as to planning signs or site plan documentation. If the developers have "nothing to hide" why are they not advertising their intentions via signage at the location? Place a few 4x8 full signs showing the road and alterations! One has to ask, why not!

The city or developers need to immediately install a traffic light at the Nova Road Tomoka Blvd entrance and to alter all appropriate signage and directorial traffic signs into and out of the

connected neighborhoods to include Granada and Nova Road. The developers have stated they would pay for the installation. The City should advance the costs and the Traffic Lights, and, if appropriate, balance the cost with the developer's future thoughts and plans. Is safety only timely after an accident?

The developer should delay or alter any planning so as to address all traffic concerns with ALL complexes, all neighborhoods, all landowners or tenants, to include Certified mailings and notices to elderly or special needs individuals and, as a suggested guideline, to any and all within 300 feet of any alteration and allow adequate time for response. The developer should erect large 4x8 foot signage with font sizes easily read from a road side distance to include boundary posts in any and all lands from Nova Road to the old Country Club parking lot. Several homes and the Escondido residences have had “open and notorious use” of properties, lawns and driveways. These owners will have “Title” issues and should be able to properly see and acknowledge what might be a “taking”. Let all see now what others will lose.

The City should develop a plan for road widening and sidewalks throughout the original Tomoka Neighborhood so as to allow for street parking, and concurrent EMS distances needed “between the sidewalks”. This should match the balance of the developers proposal. ALL utilities from Nova Road inward should be buried so as to balance both neighborhoods with both adequate utilities that consider amperage, water usage and sewage, hydrants and all other utilities, known or unknown as technology evolves. The costs should be balanced against the developers and current residents budgets. For most residents who wonder why there is no cell signal strength, imagine what will happen with all the new users. It gives you thoughts as to all of them flushing a toilet while you are taking a shower . . . you get the point.

The city needs to establish road usage from the NEW Tomoka Elementary school before rendering any decisions. Residents that have experienced the grid lock during school hours, especially drop off and pick up will attest to times in excess of half an hour so as to block the Trails ingress/egress. This also should be studied with road guards who disrupt the signals as appropriate for pedestrian crossing and safety. Also, folk ... what happens if the school is not finished on time? Plan your beachside driving appropriately.

The city and state need to study the adverse effect of alteration to the insurance modeling of homeowners insurance because of the adverse effect of numerous housing and the lack of increased services of (and on) the municipality and the balance of safety versus more housing, risk and resource analysis. This will increase the rates to existing homeowners and possibly place an unnecessary need on any new risks or structures. Insurance companies will subtract old homes when new homes show up. Ask your agent, they know what your chances are of losing your homeowners insurance because your carrier would rather drop you and pick up a Tomoka Reserve policy.

The city needs to develop a fair and reasonable “exit” plan to buy out the developers interests so as to convert the 150 acres back for use as community green space. This will eliminate future costs associated with the current Applicant's actions. It’s possible that this project could fail for a number of reasons including mortgage rates and lack of insurance.

These are just a few of my family's thoughts. We assume others will either concur or submit their own concerns as appropriate. Please ask the hard questions now. Business is risk and reward; a see-saw balance that we need working for us rather than against us.

Humbly submitted,

Paul W Hughes

Collecting Letters for the Planning Board

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Carolyn Davis <carolyndavis3@gmail.com> Sat, Jun 24, 12:28 PM (4 days ago)
to lauren

Hi Lauren,

As you may have seen, the Planning Board is hearing the golf course development application at their meeting on July 13. I am compiling letters from residents that I will provide to the Planning Board next week, and I would love to include your earlier letter printed in the April newsletter. Do I have your permission to do that? Also, can I include the email your mom sent me?

Let me know!

Not giving in or up,
Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187
CarolynDavis3@gmail.com
TomokaOaksHistory.com

Lauren Huhta.org Jun 24, 2023, 12:34 PM (4 days ago)
to me

Hello,
Thanks for keeping us in the loop. At this time, I plan on being there July 13.

Yes, you have my permission to use my earlier letter printed in the April newsletter. My mom, Pam Huhta, also says you have permission to include her e-mail.

Lauren Huhta
Sent from my iPhone

(Email sent by Lauren Huhta to Carolyn Davis on 4/2/23. Lauren provided permission to Carolyn Davis on 6/24/23 to provide her letter to the Planning Board.)

Hello,

Like many people, we are extremely concerned with the construction mess/debris from trucks and traffic from the unneeded development within the golf course.

One thing to consider is that the existing Tomoka Oaks is a mixture of retirees that may not drive as much and then families with multiple cars, including driving teenagers. When the last traffic study was done, not only was it during COVID-19 when less people were driving, but also when some elderly people like my grandfather were still alive and not driving. My grandfather, who designed the house here in Tomoka Oaks, lived to be 93 years old. One of his last wishes was to keep the house in the family. Now, I'm the third generation. My grandfather didn't drive for the last few years of his life, but now I live here with my partner and he also drives. Now, that's two extra drivers missing from the traffic study. I know many younger families have moved in within the past few years. Other people can move to get away from all this mess, but I will not.

A traffic light is going to be a total nightmare. If The Trails puts up gates, there is going to be a significant increase of the bottleneck effect at the main entrance of Tomoka Oaks to Nova Road. Cars will be zooming, or speeding, to get through Tomoka Oaks to Nova Road with extra time added to their commutes. We all know that when there is an increase of traffic, pedestrians are at risk of getting injured or killed. It's completely unacceptable to be fearful of walking around for exercise in fear of increased traffic and worrying about more cars zooming/speeding past. That's not quality of life.

Also, if they did the last traffic study during the summer months a few years ago, they probably did not consider school buses. Some of the bus stops are by our main entrance. When the school bus has its lights on, the traffic ceases and builds up.

My dad, Ned Huhta, had one of his car tires slashed from debris from a big truck when they were demolishing the club house last year. I have asked him to try to look back to send evidence photos if he still has them. New tires can be expensive. This shouldn't be an added expense for us in regards to something that shouldn't be happening in the first place.

Nobody in Tomoka Oaks wants this new, unneeded development. We are an established neighborhood with unique homes. A cookie cutter neighborhood of two-story houses creeping down on us is completely unacceptable and inconsiderate. Many of our homes along the golf course have big windows looking out to the golf course, now the windows will overlook pathetic buffers and two-story houses glaring down at us. No privacy. Not to mention the destruction of established wildlife is unacceptable. What are they going to do about the gopher turtles?

Lauren Huhta, MEd & Christopher Jaime, DPT
30 Pine Valley Circle
Ormond Beach, FL 32174

(Emailed by Sam Kennel to Carolyn Davis on 6/26/23 for inclusion in Planning Board letters from residents)

Dear Ormond Beach Planning Board,

My grandmother, June Jacobsen, has lived in Tomoka Oaks since 1968. First buying a house on Pine Valley Circle, they enjoyed the neighborhood so much that they decided to build a home at 44 Oakmont Circle. One of the main reasons they decided to build at Oakmont Circle was to live on the golf course. For nearly sixty years my family has enjoyed the view of the golf course and its natural beauty. Being able to look out the back window at the greenery and enjoy the trees and wildlife has brought us great joy. The construction of the house reflects this, with large windows built across the back of the house which face the golf course. My grandmother enjoys this view so much she has constructed a patio area outside, filled with her religious statues that she calls her place of serenity. It is here we have enjoyed the beauty and tranquility of the golf course.

For us, the current residents of 44 Oakmont Circle, the proposed development on the golf course is entirely incompatible with the City's Land Use Development Code. The view of the greens and the tranquility of the golf course we have enjoyed from our home is a "significant aesthetic feature" that would certainly be destroyed by the proposed development. To have the spacious view and quietness of the golf course replaced by a fence and the noise pollution of three hundred homes would be a significant reduction in our quality of life and the lives of all those who live in Tomoka Oaks, Escondido, and The Trails.

Sincerely,

Sam Kennel

Josie Kennel

Jonathan Kennel

June Jacobsen

For Planning Board - Tomoka Reserve

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Kelsey Kipi Wed, Jun 14, 9:37 PM

Carolyn - Please include the following letter with those you are compiling in opposition of the development. ...

To Whom It May Concern,

In regards to the final planning board meeting for Tomoka Reserve (Tomoka Oaks Golf Course) scheduled on July 13, 2023, please accept this email in opposition of the development.

The Tomoka Reserve project is one of questionable substance and has been so since its initial proposal. The idea of wedging a neighborhood within a neighborhood like a nesting doll is strange, and the superfluous nature of the proposed buildout, stranger still. These developers have no interest in preserving the character of Tomoka Oaks or Ormond Beach. They have been uncompromising in their lot sizes and unconcerned about the hazardous traffic issues they will cause. Allowing them to proceed with this buildout will diminish home values and rob those of us in Tomoka Oaks of our peaceful community.

The proposed development is not compatible with the existing Tomoka Oaks. The lot sizes are smaller which allows for approximately one and a quarter homes for each existing lot in Tomoka. My property is on the golf course and holds a premium value because of the expanse of greenspace we back up to. The value of my home, and those like mine on the golf course, will be drastically diminished if the development is allowed to proceed. Future buyers much prefer expansive views of greenspace to that of home, after home, after home, as far as the eye can see. Furthermore, during the most recent SPRC meeting, the developers expressed that they wanted a large, gated, entrance to the community that will be within Tomoka Oaks.The current entrance to Tomoka Oaks is a modest sign that leads to our community. Under the developers plan, you would pass our modest sign and see within our entrance a secondary entrance, with elaborate architectural features and a gate. How is this compatible? How does this blend in?

The addition of nearly 300 new homes and their residents will create undue crowding in the area. The Trails Shopping Center is already congested. Most days involve a fight for a parking spot if a trip to Publix is needed. On the weekends, parking at The Magic Forest Playground is already a struggle without the addition of new residents. Ever tried to get out of the neighborhood using the exit on Main Trail and Granada when school is about to start? You'll be backed up past the condos and well into the Trails subdivision. This will not improve when more families move in and are driving to school and/or work first thing in the morning.

To add approximately 600+ new vehicles to the constantly flowing traffic in and out of Tomoka Oaks is daunting to say the least. The developers stated at the last SPRC that they will not be doing anything to address the diamond at the front of the neighborhood. This means that these proposed 600+ vehicles will have to navigate around the diamond and feed into the steady stream of cars that already abound at this unique roadway feature. If you have ever driven around it, you would be hard pressed that this will not be an issue. The developers also stated no interest in devising a right turn lane from Tomoka Oaks Blvd onto Nova Rd. How do they propose that all of us get out of the neighborhood? The queue to leave backs up past

Escondido at present, and would undoubtedly be much farther back with the addition of new residents. A traffic light is proposed for the future, but our ability to safely and efficiently exit our neighborhood will be rendered impossible until such a time as that traffic light is installed. Also, how can the installation of a traffic light be suggested so close to the train tracks? Cars going northbound on Nova Rd. routinely back up past the neighborhood entrance when a train rolls through. With the addition of traffic light, cars coming southbound will now also be stacking up, creating a scenario seen often in Lake Mary (Seminole County) where cars don't get clear of the tracks and are hit by the train.

In my opinion as a resident of Ormond Beach and Tomoka Oaks, we are at capacity in this quadrant of the city. We do not have adequate shopping and recreation facilities to support adding more residents. If anything, more recreation should be added to increase the quality of life for those of us who already call Ormond Beach home. Are you aware that most of the local golf courses are on a waitlist for new members? These include Halifax Plantation, Oceanside, and Riviera Country Club. There is a high demand by your current tax paying residents for facilities that provide outdoor entertainment, not a high demand for more people to congest our already busy town.

Your time and consideration of the above concerns are much appreciated.

Sincerely,

Kelsey Kipi
kelsey.kipi@gmail.com
52 Pine Valley Cir
Ormond Beach, FL 32174

RE: It's Really Happening! Planning Board Hearing July 13

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Joe LaTorre Sun, Jun 25, 11:16 AM (3 days ago)

Hi Carolyn,

I'm Joe LaTorre, and I live on 11 Tomoka View Drive. I've lived here since 2000 with my wife Sue, and our two children, Gena and Mario. They were both raised in this outstanding neighborhood of Tomoka Oaks. I feel the impending greed filled money grab will destroy the character and quality of life that has been a long standing staple of living here. I find it interesting that some of the major players in this deal actually once lived here. In fact, they raised their families right here in our neighborhood. Is anyone surprised that they have sold their properties and moved out? How convenient, and how shameful. What a legacy they will leave. Do they really want to be remembered as those responsible for destroying the character of this great neighborhood where they raised their own kids? I write this in the hopes that they will read it and reconsider what is really important in our lives. Your legacy and your family name is on the line here. For gods sake do the right thing. Not everything and everyone has to have a price.

Now, onto more practical issues. As I began writing this my plan was to select the criteria I believed this proposed development violated. But as I read the criteria I began to chuckle. It was blatantly obvious that the proposed development violates all the criteria! How on earth did this proposal even get this far along in the process? The responses below will detail how each of these criteria are inconsistent with city's own standards.

Criteria City Considers When Voting

*The new development must **NOT**:*

- Alter the character of Tomoka Oaks or existing neighborhoods such as The Trails, Escondido, or Talaquah.

  My goodness, the neighborhood is called Tomoka oaks. Don't you think removing over 100 oak trees is going to alter the character of the neighborhood. Also the added traffic will forever change the look and feel of our community. It's already hard to take a bike ride without dodging the cars and navigating all the service vehicles that have to park on the side of the road. This development will simply make this neighborhood less livable.

- Substantially and permanently depreciate the value of the surrounding property.

  More cars, more traffic, less desirable place to live. That equates to less demand and depreciating property values. It's really that simple.

- Create undue crowding.

This one is actually laughable. We're already crowded, adding these extra homes will worsen the situation. Also where are these new folks going to go for healthcare? Advent is maxed out beyond capacity. I know this first hand as my neighbor had to sit in the hall without a bed as he awaiting heart surgery. Don't take my word for it. Please consult with the healthcare professionals at the hospital about this issue. This reason alone should be enough to halt this development in its tracks.

- Adversely affect the public health, safety, welfare or quality of life.

Please see above.

- Present potential adverse environmental impacts.

I love the Tomoka River. It's why I bought my house. I used to sit on my dock and write as I watched massive schools of snook swim by. The brackish water made an incredibly diverse ecosystem that included an incredible variety of both salt and freshwater marine life. It was not uncommon to see dolphins and manatees sharing the river in a single day. That has changed. Ask any fisherman that loves the Tomoka and we will tell you the salinity levels have dropped. This is due to recent development near the headwaters of the Tomoka. It really hard to catch snook, snapper, trout, flounder, jacks and any other saltwater species. Now a typical catch is mudfish, alligator garr, carp, and snapping turtles. I don't' have anything against these freshwater species, but more development will lead to more stormwater runoff. Where is it going to go? We all the answer is the Tomoka River. We must not let this happen.

*The new development **MUST**:*

- Ensure safe and convenient traffic flow.

It sure won't be convenieht. Even with re-design the entrances and exists will be a safety hazard.

- Protect wildlife habitat areas.

The entire golf course has become a wildlife habitat area. Eagles, ospreys, cranes, owls, foxes, deer, wild turkeys, and bears all live in that space. If it get's

developed they will have nowhere to go. This will cause irreversible harm to this wildlife and cause more dangerous encounters with humans.

- Be compatible with Tomoka Oaks i.e., lot widths, architectural styles, property setbacks.

  I assume the developers will have to adhere to agreed upon standards.

- Have adequate emergency access.

  I am not qualified to comment on this requirement.

- Meet hurricane evacuation criteria.

  I am not qualified to comment on this requirement.

- Maintain adequate facilities and services: schools, roads, stormwater management, police and fire protection, EMS, and evacuation facilities.

  Please see my comment above about overcrowding of our health care facilities. This is a serious problem and it will only be exasperated with the addition of new development.

Carolyn, on a personal note, thanks for fighting the good fight. Your efforts will be remembered and revered regardless of the ultimate outcome. God bless you and yours.

JOE LATORRE

DIRECTOR OF INNOVATION

(407) 865-6644 x216
EmploymentTechnologies.com

OVERBUILDING

Golf Course/City of Ormond/Hearing Letters June and July 2023

Paul R. McCauley-Cumminggs

Sat, Jun 24, 1:03 PM (4 days ago)

CAROLYN,

AS A VIA MENTALLY OPPOSED LONG-TERM CITIZEN OF TOMOKA OAKS THE FOLLOWING INFORMAITION IS SUBMITTED FOR CONSIDERATION IN THE PROPOSED BUILDING PROJECT .

CURRENTLY THERE IS NO EVIDENCE TO SHOW THAT THE PROJECT DOES ANYTHING TO IMPROVE THE QUALITY OF LIFE WITHIN THE COMMUNITYS OF TOMOKA OAKS,TRAILS, ESCONDIDO NOR THE CITY OF ORMOND BEACH. MOREOVER, THE OVERBUILDING INTRINSICALLY INVITES MORF TRAFIC WITH OVERCROWDING TO INCLUDE ADDITIONAL REQUIREMENTS FOR CITY SERVICES IN POLICE,FIRE AND OTHER EMERGENCY SERVICES. UNNECESSARY STRAIN ON WATER RESOURCE MANAGEMENT TO INCLUDE STORM WATER RUNOFF AND SALT WATER INTRUSION ISSUES. EACH OF THESE CONSIDERATIONS HAVE NEVER BEEN ADDRESSED IN THE PLANNING PROCESS AS TEY REQUIRE A DIRECT COSTS TO THE TAXPAYERS.

MAY REVORD SPEAKS FOR ITSLF AS A FORMER MEMBER OF THE QUALITY OF LIFE, ENVIRONMENTAL AND DEVELOPMENT REVIEW BOARDS IT IS FELT THAT MY POSITION HOLDS EXCEPTIONAL MERIT AND SHOULD BE CONSIDERED. ADDITIONALLY, AFTER 36 YEARS IN TOMOKA OAKS, S ERVING ON THE HOME OWNERS BOARD AND PRESIDENT AT A TIME WHEN THE HOMEOWNERS ASSOCIATION WAS IN A STATE OF DISREPAIR AND ALMOST NON -EXISTENT WE NOW ENJOY A FUNCTIONAL BOARD WITH COMMUNITY SUPPORT. WE HAVE BEEN INSTRUMENTAL IN STOPPING EXTREME HIGH RISE CONSTRUCTION WHICH ENHANCES THE ASTHETICS OF ORMOND BEACH.

THERE IS MUCH ORE TO SAY AND DO IN THE PROCES. THANK YOU FOR YOUR INPUT AND ALL THE BEST.

REGARDS,
PAUL R. McCAULEY
110 RIO PINAR DR.
TEL CELL (386) 846 3787

development Inbox ×

Harry Mcconnell <anthgmmar@icloud.com> Jun 22, 2023, 2:36 PM (6 days ago)
to CarolynDavis3

Dear Ms. Davis,

We are extremely grateful for your work to save us from the development plan currently under consideration for the former Tomoka Oaks golf course. Our three children grew up at 62 S. St. Andrews Drive, and our grandchildren visit frequently. We have lived here since the spring of 1988. We want to maintain the character and pleasant circumstances of this established community, and fear this proposed development will change it permanently for the worse.

We oppose the development under the current plan for several reasons, the first and in our view most important being the increase in traffic which would have the effect of making the exit on to Nova Road a bottleneck. It is not uncommon these days to see four or five cars waiting on a break in the Nova Road traffic, and the addition of hundreds of homes will bring in hundreds of personal vehicles, construction machines, delivery vehicles, and service vehicles, which will then go out again, creating chokepoints periodically every day. In the event of downed tree or serious accident blocking that intersection, there would be no good way in or out of the new development, and it is not hard to imagine cars and trucks lined up on South St. Andrews Drive clear to our house as part of the resulting traffic jam.

Furthermore, it does not appear to us that the development as proposed would do anything but lower our property values. Reasonable people can differ on this, and we would want to study the issue more closely before taking a firm position, but the smaller lot sizes as planned in this development would be inconsistent with the lots in Tomoka Oaks. We do not see how the cramming together of hundreds of homes in the center of an established neighborhood can have a positive effect. Factoring in the traffic problem, I see a drop in the attractiveness of our neighborhood and a resultant reduction in our property values.

We are also concerned about the environment and fear the impact this development would have on wildlife. What we heard at the meeting at Temple Beth-el did not encourage us; houses on small lots with concrete all around is not friendly to turtles, tortoises, rabbits, foxes, frogs and other animals.

The owners of this property seem to have purchased it without conducting an investigtion to determine what they could do while preserving the quality of Tomoka Oaks living. An exercise in due diligence would have shown them that this plan would not work. It is unfortunate that they would lose money, if that is what happens, but it would be better than having the Tomoka Oaks community sustain an ongoing an irreparable injury to the residents who have made their homes here for many years.

Please tell us what we can do to help prevent this ill-conceived plan from being implemented, and, again, thank you.

Harry McConnell

(Emailed by Shon MacDughlas to Carolyn Davis on 3/28/23. Shon provided permission for Carolyn Davis to provide to the Planning Board.

Carolyn Davis <carolyndavis3@gmail.com> Fri, Jun 23, 8:59 AM (5 days ago)
to Shon

Hi Shon,

May I print out the letter you sent me several months ago regarding traffic concerns? I would like to include that letter in the packet I am preparing for the Planning Board. Let me know!

Carolyn

...

Shon Macdughlas Fri, Jun 23, 9:28 AM (5 days ago)
Absolutely! Sent from my iPhone On Jun 23, 2023, at 6:59 AM, Carolyn Davis <carolyndavis3@gmail.com> wrote:

Shon MacDughlas <macdug... Tue, Mar 28, 9:05 AM
to Carolyn

Shon MacDughlas / Dee Pope
20 rio pinar trail

The traffic impact already from Tomoka Oaks pass thru traffic on rio pinar is terrible.
We have almost been hit by cars and trucks while trying to mow our lawns on the street side.
The increased traffic from the golf course development will directly affect us in the worst way.
It will ruin property values along rio pinar, congest peak hour travel, and pose a real safety threat to pets and people,
We stand firmly against this irresponsible decision to develop the golf course.
It will destroy our neighborhood.

Shon MacDughlas
Sound Life Productions LLC
Real Estate Professional
AdamsCameron Realtors & Co.

I'm against new development

Inbox ×

Richard Mahon <richard... Tue, Jun 27, 3:17 PM (21 hours ago)

to CarolynDavis3

I'm an Ormond Beach resident of the Trails and I would like to petition against any new development for our area because it is already very overcrowded.
Thank you,
Carol Mahon
The Trails

Sent from Yahoo Mail for iPhone

(Emailed sent by Paula Mousikos to Steven Spraker and the Commission on 12/13/21. Paula forwarded the email to Carolyn Davis on 6/27/23)

Fwd: Tomoka Oaks Golf Course Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Paula Mousikos Tue, Jun 27, 11:36 AM (1 day ago)

This email is really for everyone who is involved with Ormond Beach decision making.

I have lived on the golf course for 29 years. It's very sad that it closed but it is what it is. The idea of homes being built on any of it is bad enough but 300+ is ridiculous and obscene for so many reasons. I'm sure you've been made aware of most of them by my neighbors and others in this lovely community.

As a retired teacher, I'm also thinking of Tomoka Elementary having to absorb so many more students. Class sizes will be larger and more units will be needed in general. My daughter was a music teacher at Mims Elementary for 5 years. When that district closed some schools over 100 new students were sent to Mims. A couple ESE units were added. My daughter stuck it out for 2 more years after that then quit teaching in the public school setting. Mims Elementary went from a sweet little neighborhood school to a place where she no longer enjoyed being the music teacher. She teaches privately now and works with the Flagler Youth Orchestra. Tomoka Elementary is one of the best schools in the district. It needs to stay that way.

So traffic, which has never been an issue in Tomoka Oaks, certainly will be if a huge development like this is added in the middle of this beautiful long established neighborhood. I don't want to look at a buffer either with houses peeking through. There is no way to disguise or hide what will happen if this development is allowed to proceed.

I realize all plans are tentative and nothing has been submitted to the city yet so I just wanted to express myself as a resident in this wonderful neighborhood and city.

Sincerely yours,

Paula Mousikos
From the 6th Tee
54 Pine Valley Circle

letter for hearings

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Haley Osborn
to Carolyn

Tue, Jun 13, 2:49 PM

Dear Members of the Ormond Beach Planning Board and City Commission,

I live at 219 Rio Pinar Drive, a home that backs up to the Tomoka Oaks Golf Course. I chose to settle in this area for its beautiful green space, abundance of trees, serene atmosphere, safe environment for pedestrians and cyclists, balanced harmony between development and nature, varied architectural styles, large lot widths, and high property values stemming from these aspects. As such, I am writing to respectfully request that you deny the recently proposed residential development plan of the Tomoka Oaks Golf Course, as it threatens to disrupt and dismantle the current living conditions and violate Ormond Beach Comprehensive Plan and the City's Land Use Development Code.

The proposed plan of 276 lots of widths ranging from 50', 60' and 80' in place of the golf course will substantially alter the character of Tomoka Oaks and threaten the integrity of its aesthetic and natural features. It is not compatible with the present 100'-width lots, and that quantity of homes in this area will create undue crowding and an increase in traffic and noise. The heightened noise and chaotic traffic flow will likely have adverse effects on public safety and quality of life of residents, as it will no longer be a safe place for children to walk to the bus stop or for people to go running or cycling.

The development presents several harmful environmental impacts. Our backyards and golf course are home to important wildlife, such as gopher tortoises, a crucial protected Florida Keystone Species. Gopher tortoises' burrows house and protect hundreds of other species, like burrowing owls and the endangered indigo snake. Not only is it illegal to destroy their habitats without having a professional first safely relocate the tortoise, if we relocate or destroy these animals, countless other species could be threatened and lost to development.

We would also lose many beautiful trees, plants, and land formations that protect us from flooding and hurricane winds. The overdevelopment of lands, especially in coastal areas, can significantly alter natural drainage patterns, as has been noted by the United States Environmental Protection Agency, the United Nations Environment Programme (UNEP), and the National Oceanic and Atmospheric Administration (NOAA), among other environmental organizations and scholars. Forests, marshes, and wetlands help absorb and store water during heavy rainfall or storm events. With less of these and a higher quantity of impervious surfaces from development, rainfall will accumulate more rapidly and can overwhelm drainage system, leading to flooding, increased runoff, and erosion of natural protective barriers. As we have seen following the storms of last year, many areas of Florida that were not previously prone to flooding are now considered flood zones.

This altering of the neighborhood's character will substantially and permanently depreciate the value of surrounding property. Our current golf course/green space and the beauty and tranquility associated with it sustains our property values. If the green space is developed into houses, our property values will plummet.
We have seen this scenario before, and it was handled expertly. During the past review of the 2006 application for residential development of Tomoka Oaks Golf Village, city staff, the mayor, commissioners, the city attorney, the applicant, and the applicant's attorney unanimously decided that the proposed home development could not occur adjacent to existing homes due to the imminent threat posed to Tomoka Oaks home values and deemed the golf course property restricted in perpetuity to remain a golf course or recreational area as per the development order. These experts understood well the importance of protecting the character of Tomoka Oaks by reinforcing this covenant, and I implore you to say "no" to contradicting our 60-year historical character as a landmark Ormond Beach development. Allowing this development to move forward would be a total contradiction of it.

As a community, we would love an opportunity to talk about more reasonable approaches for maintaining the golf course area while preserving the integrity of our community. Rebuilding, cleaning up, and maintaining the golf course for the purpose of playing golf would be a welcome idea. If someone wanted to turn the golf course into a nature preserve, community garden, or manicured green space, many of us would support it. Better yet, give *us* the opportunity to execute this collectively. If this is impossible, at least give us all an opportunity to buy an acre or more behind our houses. I believe we can come up with very feasible alternatives.

I sincerely thank you for taking the time to read this letter and trust that your team of ethical professionals will keep the value of our homes and the wellbeing of our ecosystem and natural wildlife habitats in mind while making this paramount decision. If you have any questions or wish to contact me, please do not hesitate to do so.

Warm regards,



Haley L. Osborn, Ph.D.
219 Rio Pinar Drive
(502) 640-5694
osbornh09@alumni.hanover.edu

06-24-2023

Carolyn Dorris
46 Oakmont Circle
Ormond Beach, FL 32174

Tomoka Oaks Times Public Hearing

We have consistently requested no new development. Shame on you.
However, against residence requests.
We cannot allow the character of our neighborhoods and depreciation of all surrounding areas and property including the Loop.

The infrastructure is not in place, Police, Fire Station, storm water issues, traffic on our 2 lane roads and wildlife. Pollution and environmental impacts.
Traffic flow is horrible and will become worse with this development.

We do not need to ~~for~~ over build & over populate our small area. You are ~~destroying~~ ruining our area.

What about evacuation when required by hurricanes? More problems.

(1)

We have no urgent care or hospital in OBS and you allow more people.

It is not necessary. You are ruining our area & we respectfully ask you to STOP.

Again, please say no to this development.

We need less density in our area.
There are serious concerns about drainage, stormwater run off, no infrastructure in place to handle traffic issues and our prized animals & wild life.

We want more foliage, trees, wildlife, normal traffic, [redacted] and peaceful surroundings. Parks and residential activities for residents.
We don't have enough police or fire or roads to handle this amount of impacts.

Very disappointed in each of you. Reconsider!

S. & R. O'Steen
32 Camellia Dr
Ormond Beach, FL 32176

Re: Last Call for Planning Board Letters

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Margie Peckham Mon, Jun 26, 8:11 PM (2 days ago)

Thank you for your letter and all you have done to keep this travesty from happening no one could have done more.

We would like to put our names and support on your letter. Again thank you for trying to save this neighborhood and all of the wildlife.

Margie and Dan Peckham
36 Pebble Beach Drive

Per Carolyn Davis to the Planning Board -

Margie and Dan are referring to the letter I wrote (dated June 25, 2023) included in this packet of development opposition letters.

Re: It's Really Happening! Planning Board Hearing July 13

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

cmneeds@gmail.com Sun, Jun 25, 10:21 PM (3 days ago)

Hi Carolyn,

Juan and Caroline Prados.
My family lives at 44 River Ridge Trail.

We are strictly against the new development in Tomoka Oaks for these reasons.

- The new construction is not in keeping with the environment around it.
- It will surely devalue the prices of the existing houses around it which people have paid a premium for, being on the golf course.
- It will increase traffic flowing from Tomoka Oaks through the Trails in direction of the I95.
- This land should be for recreation only as it was originally planned.

Sincerely, Caroline Prados

Collecting Letters for the Planning Board hearing

Inbox x

Carolyn Davis <carolyndavis3@gmail.com> Jun 24, 2023, 12:30 PM (4 days ago)

to Greig

Hi Greig,

As you may have seen, the Planning Board is hearing the golf course development application at their meeting on July 13. I am compiling letters from residents that I will provide to the Planning Board next week, and I would love to include your earlier letter printed in the April newsletter. Do I have your permission to do that?

Not giving in or up,
Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187
CarolynDavis3@gmail.com
TomokaOaksHistory.com

Greig Rabitaille Jun 25, 2023, 10:19 AM (3 days ago)

to me

Hi Carolyn,
First, thank you for your hard work and commitment to a well worthy cause for all of us.
Yes we are very fine with you using my letter. We appreciate your efforts and look forward to seeing you at the meeting.

Greig and Beth Rabitaille
Sent from my iPhone

(Email sent by Greig Rabitaille to Carolyn Davis on 3/28/23. Greig provided permission to Carolyn on 6/25/23 to provide his letter to the Planning Board)

Hi Carolyn,

My name is Greig Rabitaille and we live next to Shon on Rio Pinar Trail. He is 100% correct that we nearly get hit by cars and trucks on the daily thoroughfare in front of our homes, and although not all are Trails homeowners, most of the existing traffic is coming from and going to Tomoka Oaks.

The traffic impact with the addition of another subdivision will make it more dangerous and will negatively impact the value of our homes. The entrance to the Trails at Granada Blvd. is already at capacity, especially when schools are in session and cannot bear another 200-300 cars daily(1/3-1/2 potential cars). The traffic studies performed during Covid were so grossly misinterpreted and we all fear that because the developer is paying the bill for the study, the results will be misinterpreted this time as well.

My wife and I routinely ride our bikes in the evening in the Trails and Tomoka Oaks neighborhoods. The increase in traffic would make it significantly more dangerous, given the lack of patience to drivers in general these days.

As for the impact of the quality of life as we know it in Ormond Beach, the one Mom at the second meeting (which we attended), hit it on the head as she explained trying to park now in the Publix parking lot, and how difficult it is to find a spot now. Adding potentially 600 cars would put a huge burden on all of us who shop there.

We find nothing beneficial about the additional subdivision for anyone and shame on the City of Ormond Beach City Commissioners who vote to proceed just to increase tax revenue. We all know that the developers will sell as soon as they get approval, commissioners will be long gone, and who will be held accountable in the long run. Nobody! And we will be stuck in the middle.

Thank you for your hard work and please continue to fight this. We appreciate it!

Greig Rabitaille
Rio Pinar Trail

Planning Board Letter

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

jrrhoades@c Mon, Jun 26, 7:20 PM (2 days ago)

Here is my letter, I hope its okay. John Rhoades 39 N St Andrews Dr

Dear Planning Board,

My name is John Rhoades and I live at 39 N St Andrews Dr, Ormond Beach, FL. I am against the redevelopment of the Tomoka Oaks Golf Course as it will change our entire neighborhood for the worse.

To start with there are too many new units that will be going in for the amount of ingress and egress that is available. The traffic system in this area was never meant to accommodate this amount of traffic load. The residents of the area will suffer from construction noise and dirt for years to come. This comes down to the reason that most people bought here. An established neighborhood with mature trees and lots of a size that you are not right on top of your neighbor, In other words peace and quiet. This new development will cause undue hardship for current residents with noise and construction equipment from morning to night 7 days a week. With the number of heavy trucks (such as cement), the entrance road will be torn up in no time. Again, this will be an undo hardship for current residents.

Let's talk about water, sewers, and electricity. It will have to come from somewhere. More than likely I see it either coming from the entrance or through existing residents' property through the use of easements. What a mess this will be, big ditches dug through residents' yards. The electric Company setting numerous power poles. All this just because there is no other way to do it. This is not what current residents thought would happen when they bought in Tomoka Oaks. This will negatively impact our Quality of Life.

I urge you to vote NO, this is not the place for a residential community of that size and scope to be built inside an existing residential community. Please give consideration to the residents of your city who call this home.

Thank You,

John Rhoades

39 N St Andrews Dr

Ormond Beach, FL 32174

Rick Rickards Jun 27, 2023, 7:44 AM (1 day ago)

to me

Hi, Carolyn;

I've made some tweaks on my letter, and I'm resubmitting it to you in pdf form. If you need a different format, just let me know.

Thanks,

Rick Rickards

(Emailed by Rick Rickards to Carolyn Davis on 6/26/23 for inclusion in Planning Board letters from residents)

June 26, 2023

To the Planning Board and all concerned;

My wife and I relocated to the Escondido condominiums in the fourth quarter of 2022, and shortly thereafter heard about the plans to build housing on the former Tomoka Oaks Golf Course.

We are opposed to developing homes on the former golf course for the following reasons:

1) First and foremost, I believe that building homes on the former golf course is a flagrant violation of trust. The people who bought homes on the golf course (or at least in a golf course community) were promised that the golf course would remain in perpetuity. To now build on that property because of some shady under-the-table dealings is completely dishonest and despicable. I don't live on the golf course myself, but I sympathize with the people who do, because they're being unfairly railroaded and taken advantage of.

2) It's undeniable that building on the golf course will significantly alter the character of Tomoka Oaks, The Trails, and Escondido. How could it not? Currently these are communities built around a grand open space. To drop 300 homes into that space will create an entirely different environment with a different character, thus reducing the quality of life of current residents.

3) Traffic flow in and around the existing developments will be severely impacted by the proposed development for two reasons. First, all the main circulating roads in the development, most notably St. Andrews, are narrow and without sidewalks or even shoulders. Even as things are now, it's dangerous to walk or bicycle along these existing roads — surely adding 500 or 600 or more cars to the traffic flow will make walking or biking even more precarious. Secondly, there are only three streets that provide ingress or egress to the development, and adding 500 or 600 or more cars will make it more difficult to safely get into or out of the development. In particular, the single entry/exit to the Escondido Condominiums dumps directly onto Tomoka Oaks Blvd. about 200 feet from Nova Road. If additional traffic is introduced onto Tomoka Oaks Blvd., it will make it much more difficult to exit the Escondido condos. Indeed, it will be necessary in most cases to rely on the courtesy of drivers on Tomoka Oaks Blvd. to allow us to pull out of our development.

I believe there are only two equitable uses for the former golf course from a zoning point of view:

1) To redevelop the property as a golf course.

2) To create a public park on the property, thus preserving the open space and wildlife habitat.

The former Tomoka Oaks Golf Course is a prime piece of property that the City of Ormond Beach Planning Commission should realize is a unique parcel in a centralized area that could benefit all residents of Ormond Beach. It should be committed to public use rather than squandering it by submitting it to housing development at the expense of existing residents' quality of life.

Thank you for considering my viewpoint in this matter.

Sincerely,

Rick Rickards
1 Tomoka Oaks Blvd., Unit 140
Ormond Beach, FL 32174

RE: Tomoka Reserve: My Planning Board Letter

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

marjc1@
to me

Fri, Jun 23, 10:20 PM (5 days ago)

CITY OF ORMOND BEACH
PLANNING BOARD MEETING
THURSDAY, JULY 13TH, 2023
RE: TOMOKA RESERVE PROJECT

TO ALL PLANNING BOARD MEMBERS, CITY OF ORMOMD BEACH:

My name is Marcia Rudman. I reside in Escondido.

At this time, I would like to state my reasons why I cannot under any circumstances support the approval of the proposed Tomoka Reserve development. I have several reasons why I do not support the development.

First and foremost, Ormond Beach already has too much development. Excessive development over the years has contributed to diminishing our quality of life in this beautiful city. Traffic is horrendous almost all day on the major roads and there are a lot of accidents.

Another important reason for my opposition is that we cannot keep developing or we will run out of potable water. It will reach the point where a desalination plant will have to be built and no one will be able to afford their water bill. The environmental impact of the proposed development of 300 homes will be very serious. Another concern regarding water would be stormwater runoff during a heavy rain or a hurricane when the water has nowhere to go.

Also, the character of our neighborhoods will be negatively impacted (I'm including Escondido, the Trails and Talquah), They are beautiful neighborhoods, each with their very own character. None of us want to see bulldozers and the attendant construction activity.

In addition, since there is only one entrance to Tomoka Oaks how will emergency vehicles access the neighborhood during construction? How will existing residents and their visitors enter the neighborhood during construction?

I understand the owners would like to see some kind of return on their investment. There must be an equitable and fair solution which will please everyone (or almost everyone) that doesn't include all of the negatives I have highlighted. It seems that the city always approves pending development as they want to see the increased property tax money come in. We existing residents pay taxes also and should have a say.

Please think long and hard about your decision before voting on this proposed development.

Thank you.

Sincerely,

Marcia A. Rudman

1 Tomoka Oaks Blvd.
#116

DATED: June 23rd, 2023

(Hand delivered by Dale Ryals to Carolyn Davis on 6/24/23 for inclusion in Planning Board letters from residents)

Carolyn Davis
46 Oakmont Circle
Ormond Beach, FL 3214

June 23, 2023

Dear Carolyn,

I find it difficult to limit my comments to ONE topic!

Maintaining the golf course as such is vitally necessary from too many aspects to count. It provided a recreational facility for a segment of our population who is living on a fixed income and cannot afford the $2,500.00 - $10,000,00 initiation fee and $5,000.00 - $10.000.00 annual dues of the nearest competitor.

We provided jobs for literally hundreds of Ormond Beach citizens over the 30+ years of my involvement.

There are 100+ acres of unfettered land providing recharge capability for the aquifer in the geometric center of Ormond Beach.

Literally tens of thousands of dollars have been raised over the years from charity golf tournaments.

As a tourist attraction we had to hire French speaking employees during winter months to accommodate our Canadian visitors, many of whom bought 6 month memberships adding to the economy of Ormond Beach.

As a wildlife habitat I have personally encountered white-tailed deer, red fox, red hawk, owls with 6 feet of wing span, racoon, and giant piliated woodpeckers, among many others.

I am NOT opposed to development on the golf course!!!...I am unalterably opposed to the irresponsible development as presently structured,

Yours truly,

John Richard Ryals

John Richard Ryals
20 Eagle Court
Ormond Beach, FL 32174

Note from Carolyn Davis: Dr. Richard Ryals owned the Tomoka Oaks golf course from 1979 - 2010 and submitted the 2006 Tomoka Golf Village PRD.

(Emailed by Craig Shankland to Steven Spraker on 5/23/23. Mailed to Carolyn Davis 6/21/23 for inclusion in Planning Board letters from residents.)

May 23 2023

To Steven.Sprager@ormondbeach.org.

Planning Department City of Ormond Beach

I have lived in the Award Winning Trails community for over 50 years, I live on Main Trail. I have witnessed the heavier and heavier increase in traffic am and pm on the "cut thru" passing my door on Main Trail every single day. With the proposed development of Tomoka Oaks golf course and an increase of at least 1200 + cars from the Tomoka Course development and more from developments all around route 1 using the Trails "cut" thru to Granada. Today it should be called "International Main Trail expressway". Because that's what it is. I walk multiple times a week in and around Tomoka Oaks and the Trails, I see people driving at least 40 to 60 plus mph, Tomoka Oaks has no sidewalks, residents have to walk on the side of the road, that's darned dangerous. Going back many years ago to what the City did to screw up the award winning Trails, by allowing Wilmette Ave to go thru over Nova Road into Main trail by putting a traffic light there, instead of an island. The reason was "to take the pressure off Granada Blvd" but look what that has done, nothing to take the pressure off Granada Blvd. It has ruined the serenity of the trails development and done nothing to ease traffic flow on Granada Blvd. At certain times of the day Granada Boulevard is a traffic disaster and getting worse and worse. Introduction of The bright new 25 MPH speed limit signs and "no thru road" signs on Main Trail have had no impact whatsoever on reduction of speed or to discourage the use of Main Trail as a "cut thru". The Trails is a beautiful development but increase in "Cut thru traffic', noise from big trucks, garden equipment trucks, heavy duty tractor trailers and light trucks, loud Motor bikes, loud radios from cars racing thru at way higher than posted speeds, has transformed the development. There is now a need to put in more 4 way stop streets, islands called "round abouts" and speed bumps. These "devices" should help slow down and discourage the "cut thru people", Cut thru drivers should rightfully respect the neighborhood and lower their loud noise and illegal high speeds. They should Please respect that this is a community development with people out walking on the paths, walking their dogs, children on walk paths walking to the public park, people riding bikes to and from the Trails community Pool and tennis courts, now golf carts and scooters, school students being picked up and dropped off by school buses daily. Main Trail is now extremely dangerous. Cross walks have not been maintained or added where they should be, (ie to and from Dairy Queen and the nearby Restaurants from the city park), there is no **cross walk**, it's highly dangerous, it looks like no one cares! Some cross walks on Main trail are not clearly visible to oncoming traffic, some are even worn out and badly need signage and be re painted.

There is enough "affordable housing" for all levels of income being built in our area, there is a "gem" of a course that is Tomoka Oaks and I am against the course being developed because of the obvious high impact on the Trails, and its asset value to Ormond Beach, which not too many politicians seem to care about or are aware of or even mention. I've been in the golf business all my life, owning two local successful public golf courses. Ocean Palm GC and Hidden lakes. Tomoka Oaks GC will make money. Golf is booming today, there are many examples of City owned golf courses making money. The real answer to why Tomoka Golf Course failed? Tomoka Oaks was a badly run course owned by people who did not know the business of golf, with no money to reinvest to upgrade, this caused the playing conditions to deteriorate and discouraged play, the core supporting group of players went somewhere else. Tomoka is a winner and should be given a chance to reopen with modern upgrades. Those that say it can't make

money are absolutely wrong, it's all about the condition. it's a "gem" a treasure waiting for the right time, that time is now.

In the past some area golf courses failed because there weren't enough people living here to support all of them. The courses were ahead of their time, build and they will come did not happen. Times have dramatically changed, today with 32 million people playing golf and people moving to Florida, Ormond Beach growing like a weed. Now is the time. Tomoka GC, a "gem" not to be lost for monitory greed. This "in Town treasure" will thrive for the Ormond community, a treasure to offer our community and winter season visitors. Once gone that means forever, that would be a travesty, a sad day for the residents of Ormond Beach.

Respectfully submitted

Craig Shankland

62 year member of the PGA of America. National PGA Teacher of the year. Hall of Fame PGA Golf Professional. Golf magazine top 100 teacher emeritus. Golf digest Magazine top 50 best teachers.

409 Main Trail
Ormond Beach Fla 32174

Collecting Letters for the Planning Board Hearing

Carolyn Davis <carolynoavis3@gmail.com> Sat, Jun 24, 12:29 PM (4 days ago)
to Krystal

Hi Krystal,

As you may have seen, the Planning Board is hearing the golf course development application at their meeting on July 13. I am compiling letters from residents that I will provide to the Planning Board next week, and I would love to include your earlier letter printed in the April newsletter. Do I have your permission to do that?

Let me know!

Not giving in or up,
Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187
CarolynDavis3@gmail.com
TomokaOaksHistory.com

Krystal Ahmad Tue, Jun 28, 2:30 PM (1 day ago)
to me

Of course!!

Re: I Need Your Safety and Traffic Concerns

Golf Course/Tomoka Oaks Times/Traffic ×

Krystal Ahmad <kdsonsky@gmail.com> Sun, Mar 28, 9:52 PM

to me

So what do I need from you?

- Your first and last name.
  Krystal Ahmad & David Sonsky

- The street you live on. (Specific address number is optional.)
  30 S St Andrews Drive, Ormond Beach, FL 32174

- A short explanation of how you or a family member's or pet's safety was threatened by current traffic issues while driving, walking, playing, or biking on our streets.
  Csrs frequently/all day like to speed down my street. I have almost been hit while walking my dogs and child in a stroller (literally jumping int o the grass shoving the stroller and almost falling over with my son), and stopped by drivers to harass me because I have a sign on my stroller that says "Please slow down." There have been people on my street that have been struck by vehicles and even someone that has died.

  In front of my house cars speed at probably 40+mph and I cried the day my husband and I ran full speed down my driveway at my toddler that was heading for the road. We never take our son to the front yard or let him walk himself to our car due to the fear of him getting struck by a car. We both know he wouldn't survive.

  This new development is going to add diverse housing that will bring my property value down, lots bigger than my 60x100 lot, and add an enormous amount of traffic that our neighborhood cannot sustain at a safe level. Also, if they conducted the traffic report in May or June when school was out then they are missing a lot of traffic in their report.
  If a 3rd lane is added to the entrance, which will remove all the nice grass sides when you drive up to our development downgrading our development's appearance and value from the moment you drive up, there will be an alarming increase of danger as Escondido residents will have to cross over to the 3rd lane to get out. It also won't be safe anymore for anyone to walk to the entrance to get to the sidewalk on Nova to walk to the nearby Rainbow Park. People will be shooting out from Escondido to try to get across. It'll be dangerous for all.

- A short explanation of your first-hand account where your property or vehicle was damaged or in danger of being damaged due to any current traffic-related circumstances.
  My street gets bombarded with worker trucks that park on the street. It's not a big deal except that even that is dangerous because you always have a person who for some reason has to race by them because they cannot wait.
  We had a car parked right in front of our driveway to allow some landscape work to be done and within 30 minutes it was struck by a driver. The card had major damage, had to get a rental car, and since Florida is a no-fault state the car insurance went up even though it was the other driver's fault. He was texting while driving and slammed into a parked car.
  Another incident was a big truck that was driving up our street and pulled over to the side of the road and smashed our mailbox because he was trying to allow traffic to get through.

- A picture of any damage sustained to your property or vehicle resulting from traffic issues.
  Sorry, don't have these photos anymore.
  I can send a picture of my mailbox if you'd like

- A picture of any portion of our neighborhood or your property, along with a short explanation of how that picture is representative of safety concerns should any level of new residential development be approved.
  I'd have to send a photo of the development entrance and my street. It's the connecting street to get to The Trsils development and S St Andrews also leads out of our development along with N St Andrews. Tons of residents pass/fly by my house all day long. I know I have videos somewhere on my phone recording drivers speeding down my street. If not I can get one anytime, any day because it happens daily.

- Krystal Ahmad & Dave Sonsky

1st Letter

Re: I Need Your Safety and Traffic Concerns

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Golf Course/Tomoka Oaks Times/Traffic ×

ian tafel Sun, Mar 26, 9:06 PM

to me

Good evening Carolyn,

First off thank you very much for all of your work on this, we greatly appreciate it. My wife and I, with our 3 children under 5, moved into this community in June 2022. Since we have moved in we have noticed increased traffic especially at the main entrance to our community and at/on Nova road. It's almost impossible to turn left out onto Nova road and turning left into the community from Nova road during morning and evening commutes is concerning because of the amount of traffic on Nova and coming out of the community.

When we bought the house we were told there were discussions about developing the old golf course, but that it would probably never happen. We do not see how adding even more houses to an already overstrained system is going to benefit anyone. Additionally, I am a Neurosurgeon at Halifax Hospital and take trauma call, so I am concerned about any more traffic getting out of the community as this would have a direct impact on my ability to get to the hospital for emergencies. We are currently 16 minutes away without traffic so even 4 or 5 more minutes of traffic could make a huge difference (this would put me out of the 20 minute radius from the hospital and may make us have to move).

Thank you again and please let us know if there is anything we can help with.

Sincerely,
Dr. Tafel

See next page for a second letter.

2nd Letter

ian tafel
to me

Jun 24, 2023, 1:10 PM (4 days ago)

Hi Carolyn,

Here is my letter. I tried to kindly address all of the "must have" and "must not" points in your email. I think it's very clear any development of the golf course flagrantly violates these terms. My letter is included below in this email. Thank you again.

---

*The new development must **NOT**:*

- Alter the character of Tomoka Oaks or existing neighborhoods such as The Trails, Escondido, or Talaquah.
    - The development of the golf course will fundamentally change not only the character of Tomoka Oaks, but the surrounding neighborhoods by virtue of the addition of a preposterous amount of new houses and the subsequent increase in traffic and massive increase in population density. Volusia county is running out of green space, open space. My family and I moved to Tomoka Oaks from Miami due to the massive increase in population and erosion of what Miami used to be due to this. With 3 children at ages 5 and under we sought out this neighborhood for its distance from traffic, congestion and its seclusion. When we purchased the house we were told by the sellers realtor that "the golf course has been considered for development for years, but it would never happen." If we had known then what we know now, then we would have not considered this area for a home. Developing the golf course will back up traffic throughout the area and will force many of the Tomoka Oaks residents to choose alternate pathways, including through the trails and surrounding neighborhoods. With the development of the golf course we would no longer be the "Estates at Tomoka Oaks", we would simply be another over congested neighborhood yearning for a time when the golf course had the potential to be a green space for this area to enjoy.

- Substantially and permanently depreciate the value of the surrounding property.
    - Any further development of the golf course would undoubtedly decrease the property value of all of the homes in Tomoka Oaks. As I stated above, if we had known there was a massive development being planned at the golf course then we would not have purchased our home here. I am not alone in that sentiment.

- Create undue crowding.
    - Simply put, 300 houses with 300-600 or more cars (assuming 1-2 cars per household), would turn the entrance to Nova road into a parking lot. The traffic already backs up into Nova and into the surrounding communities during rush hour and this will only get worse with more development.

- Adversely affect the public health, safety, welfare or quality of life.
    - Increased population density and the loss of green space would affect public health given the increase in pollution from more people living here. Safety would be affected

due to the increase in traffic. Our quality of life in the small, quiet area of Tomoka Oaks would be destroyed by the increase in traffic and population.

- Present potential adverse environmental impacts.
    - This goes without saying, that any development of the open green space of the golf course would destroy the natural beauty of the area. We are quickly running out of green spaces in this area. My drive from Tomoka Oaks to Halifax hospital, along Clyde Morris boulevard, attests to this every day. We do not need to put houses on every open field. Additionally, will these new houses tap in to the same underground wells that we have access to? Will their increase well water consumption force us to have to pay tens of thousands of dollars to dig these wells deeper? What about the natural aquifers that are in the golf course? Once disturbed, that natural beauty cannot be made back to what it was.

*The new development **MUST**:*

- Ensure safe and convenient traffic flow.
    - The traffic flow is already unsafe and inconvenient. I am at a loss to understand how adding more houses here with more people and vehicles will make this better.

- Protect wildlife habitat areas.
    - Chopping up the golf course and making tiny islands of "undisturbed" areas for wildlife amongst a sea of new construction that will occur for potentially years, is in no way, shape or form, protecting wildlife here. Has any analysis been completed on any at risk or endangered species that now call the golf course home after its been vacant for so long?

- Be compatible with Tomoka Oaks i.e., lot widths, architectural styles, property setbacks.
    - Part of the beauty of Tomoka Oaks is the individuality and character of each of the houses. Almost every one is different and wonderful. Cookie cutter, tooth pick houses will ruin the aesthetics of this area.

- Have adequate emergency access.
    - One road into the golf course, would not provide adequate access for emergency response vehicles. What if there is a broken down truck in that single roadway? The construction group has floated the idea of tearing down some of the existing houses in Tomoka Oaks to make room for new roads into the golf course. Yes, that would make emergency access better for the golf course, but it would increase traffic for Tomoka Oaks and ruin the best selling feature of this development.

- Meet hurricane evacuation criteria.
    - The increased population resulting from houses on the golf course would back up traffic and create an unnecessary hazard for Tomoka Oaks and surrounding neighborhoods evacuations.

- Maintain adequate facilities and services: schools, roads, stormwater management, police and fire protection, EMS, and evacuation facilities.
    - There is already not enough spaces in schools for our children. We were on a waitlist for months for the school and barely made it into a daycare here. We are not planning to increase our schools, police, EMS, fire, etc. for these houses are we? At the very least we need to stop a cart before the horse process of being in the position of needing these services before we have them available. For instance, at the hospital, it's a venerable war zone. We are barely covering the influx of people already here, let alone adding another 300 families to the golf course, plus all the other developments going up around here. We are not an unlimited resource.

In summary, I am seriously concerned about significant detrimental effects to Tomoka Oaks and the surrounding neighborhoods in the development of the golf course. Florida has had a massive increase in population, and we are struggling to accommodate the influx of people in every facet of life. All I am asking is for all of us to slow down and really consider what kind of Volusia County and Tomoka Oaks we want to leave to our children. For me and my family, we bought a house here with the intention of living here for generations and becoming a real part of this community, but overdevelopment, especially at the golf course, threatens to push us and other good people away. I implore you to please consider designating the golf course a wildlife sanctuary, as was the original intention of the area. Thank you for your time and consideration.

Dr. Tafel

Over-development

Inbox ×

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Charles Thomas ... Mon, Jun 26, 6:55 PM (2 days ago)

to CarolynDavis3

Development on Tomoka Oaks Golf course will increase hectic Granada traffic. Already, many drivers cut through The Trails to bypass congestion. Because of earlier development, roadways are much more heavily trafficked than ten years ago and nothing has been done to abate it. Vote in the people's interest; the infrastructure won't support limitless expansion.

Charles Thomas
Ormond Beach

Carolyn Davis Tue, Jun 27, 12:09 PM (1 day ago)

Hi Charles, Thank you so much for your letter. I also need to include your address f...

Charles Thomas Tue, Jun 27, 12:53 PM (1 day ago)

to me

14 Fox Run Trail
Ormond Beach, FL 32174-4911

Tomoka Oaks Golf Course Development

Nell Thomas <nmthomas0... Jun 26, 2023, 6:49 PM (2 days ago)
to CarolynDavis3

Development of the Tomoka Oaks Golf Course will severely impact traffic around and through The Trails where we live. Already, people cut through the community to avoid the congested area around the Nova Road / Granada Avenue intersection. Because of other developments, these two roads are much more heavily trafficked now than ten years ago and little has been done to accommodate the increased population. Please don't add to the problems by more building without supporting infrastructure.

Thank you,

Nell Thomas
14 Fox Run Trl.
Ormond Beach, FL 32174

Tomoka Oaks letter- 219 Rio Pinar dr

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

L VT Tue, Jun 27, 8:42 AM (1 day ago)

I am a resident of Rio Pinar Drive, residing in a property that overlooks the Tomoka Oaks Golf Course. I deliberately chose this location for its remarkable greenery, peaceful ambiance, pedestrian and cyclist-friendly environment, harmonious blend of development and nature, unique homes, spacious lot sizes, and the high property values. With utmost respect, I write to request that you kindly reject the recently proposed residential development plan as it currently is drawn for the Tomoka Oaks Golf Course, as it poses a significant threat to the existing living conditions and violates both the Ormond Beach Comprehensive Plan and the City's Land Use Development Code.

When the Tomoka Oaks neighborhood was built, the golf course was considered as part of the drainage system of the neighborhood. By taking away the golf course they would be taking away a significant part of our drainage system and not making up for it. The proposed water retention pond only addresses the need of the new 276 units and does not make up for our loss of drainage system.

Moreover, the proposed plan brings in 276 home units, adding 33,000 gallons/day more of water into our saturated sewer system, which has already proven to be problematic during the last two tropical storms that hit us in 2022. Those two storms were baby storms compared to what we could be experiencing in the near future. As a result our home insurance increased at least by 33 percent this year, and some are even requiring flood insurance for some of our homes that are as high as 40 feet above the water. Can you imagine what 33,000 gallons more per day in our sewer system would do to our saturated system—especially, during a hurricane?

Needless to say, good development is important and crucial in our society, but poor planning and development has led to multiple catastrophes that could have been easily prevented by simply not overdeveloping areas and better preparing for these events.

The proposed plan entails replacing the golf course with 276 lots of varying widths (ranging from 50', 60', and 80'), fundamentally altering the character of Tomoka Oaks and compromising its aesthetic and natural features. It lacks compatibility with the current 100'-width lots, leading to overcrowding and an inevitable surge in traffic and noise levels, which will likely jeopardize public safety and the quality of life for residents and lead to safety issues for walkers and cyclists.

Moreover, this development would have adverse environmental repercussions. Our backyards and the golf course itself serve as crucial habitats for a range of wildlife, including protected Florida Keystone Species such as gopher tortoises, whose shelters provide protection to numerous other species. It is essential to note that destroying their habitats without professional relocation is illegal, and such actions could threaten countless other species in the area. Additionally, the loss of beautiful trees, plants, and natural formations would leave us more vulnerable to flooding and hurricane winds.

This transformation of the neighborhood's character would undoubtedly lead to a depreciation in the value of surrounding properties. Our current golf course and green space, along with the associated beauty and serenity, significantly contribute to the value of our homes. If this green space were to be replaced by houses, it would have a detrimental effect on property values.

Previously in 2006 upon the review of an application for residential development of the Tomoka Oaks Golf Village, our city staff, the mayor, commissioners, the city attorney, the applicant, and the applicant's attorney collectively determined that the plan posed a threat to Tomoka Oaks home values. Consequently, the golf course property was legally restricted to remain a golf course or recreational area as specified in the

development order. These experienced professionals recognized the importance of safeguarding the character of Tomoka Oaks by reinforcing this covenant. I implore you to honor this precedent and uphold our 60-year history as a prominent Ormond Beach development. Allowing this development to proceed would contradict our established principles. I firmly believe that together we can propose viable alternatives to this plan, whether it entails allowing residents to purchase the land behind their houses or establishing a manicured community garden or park.

Thank you for your time. I have faith in the ethical professionalism of your team as you consider this crucial decision. I remain confident that you will prioritize the value of our homes as well as our beautiful natural surroundings that make our neighborhood so pleasant and valuable. If you have any questions or would like to speak further on this matter, do not hesitate to contact me.

Best regards,
Leonardo Valdivieso-Torres PhD
219 Rio Pinar dr, Ormond Beach 32174
Cel. 352-667-9710

Compiling letters for the Planning Board hearing

Inbox ×

Carolyn Davis <carolyndavis3@gmail.com> Jun 24, 2023, 12:36 PM (4 days ago)
to Joan

Hi Joan,

As you may have seen, the Planning Board is hearing the golf course development application at their meeting on July 13. I am compiling letters from residents that I will provide to the Planning Board next week, and I would love to include your earlier letter printed in the April newsletter. Do I have your permission to do that?

Let me know!

Not giving in or up,
Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5167
CarolynDavis3@gmail.com
TomokaOaksHistory.com

Joan Van Lancker Jun 24, 2023, 5:41 PM (4 days ago)
to me

Yes, of course.

(Emailed by Joan Van Lancker to Carolyn Davis on 3/28/23. Joan provided permission on 6/24/23 to provide her letter to the Planning Board)

Hello Carolyn,

First, May I say "Thank You" for all your work & dedication you have done & continue to do for our community, Tomoka Oaks.

My name is Joan Van Lancker. My husband, L.J. Van Lancker ["Van"] & I live at 15 N.St. Andrews Dr. We are the 1st. property next to Escondido.

We have lived here 34 yrs. & would not choose to live anywhere else. Unfortunately, over these many years, we have had cars & trucks driving onto our property & damaged many sprinkler heads & grass. Also, trash has been dropped on our lawn, and 4 yard ornaments [statues] have been stolen. Still, we very much enjoy this community & the residents who live here.

Needless to say, the proposed plan to increase the traffic with over 300 more homes concerns us very much. The road passing by our triple car driveway is at the most narrow point facing the island on N. St. Andrews Dr. We have not succeeded in convincing the city not to have the school buses stop & leave the children on & off at this very spot, so I know how much more unsafe this situation would be with increased traffic.

Personally, we must be extremely cautious when pulling out from the driveway. Vehicles coming down S. St. Andrews sometimes round the island in front of our home and onto N. St. Andrews. At times, I am backing out onto the street when I see them, only at the last possible safe minute, crossing behind my car onto N. St. Andrews. It's scary!

There are times now, we must wait 3-5 mins. in our vehicle before being able to leave our home. Imagine with even more traffic the safety of lives & property will be greatly compromised! There are times when our 5 children & 8 grandchildren come to visit. Van most often will go into the street & direct traffic so their vehicles can safely back out onto the street.

Finally, with more homes & obviously more vehicles & traffic directly passing in & out of our property, we are unhappy knowing our property value will surely go down. This is not a pleasant fact for seniors, or any homeowner to accept.

Again, thank you, & if you'd like to contact us for further details, please do not hesitate to let us know.

Best WIshes,
L.J. & Joan Van Lancker
15 N. St. Andrews
386-677-6973

FW: I Need Your Safety and Traffic Concerns

Golf Course/City of Ormond/Hearing Letters June and July 2023 ×

Laura Weast 10:28 AM (7 hours ago)

Hi Carolyn,

Thank you again for your hard work and dedication to protecting our neighborhood. Please let me know how I can help.

1) Not knowing if the islands and narrow streets will be protected, my main concern has to do with emergency vehicles being able to navigate the subdivision quickly during emergencies; i.e., medical emergencies, fire emergencies, hurricane evacuations and flooding emergencies. If that golf course is developed with over 300 homes or buildings...it will flood. And so will the rest of the neighborhood due to the downward path of the water flow toward the Tomoka River. Have the fire departments, police departments, EPA and SJRWM been consulted??? I doubt it.

2) The native species of wildlife that inhabit the current golf course is abounding: protected gopher tortoises, the protected American bald eagles, as well as the numerous other species of birds. Residents have noticed American white tail deer, raccoons, opossum, grey and red squirrels (there is also a white one I hear), grey and red fox, and the all important scary, yucky snakes. (Yes, they are important to the environment-ugh)

3) This should be number 2 perhaps: The massive oak trees on the golf course help prevent flooding as certain species of oaks can absorb over 100 gallons of water per day. According to www.americanforests.org, a large tree (25' tall), in a single **day**, **can** soak up about **100 gallons of water** out **of** the ground.

I will think about this more before the 2nd and send more info if needed for your presentation.

Thank you again,

Laura

Laura Weast
All Points Global Logistics Inc
324 River Bluff Drive
Ormond Beach, FL 32174
Tel: 386-256-5529
Cell: 904-704-4719
Email: lauraweast.apgl@comcast.net

June 14, 2023

Dear Planning Board Members,

My husband and I have lived in The Trails for 30 years. I am writing to respectfully ask that you **not** approve residential development on the Tomoka Oaks golf course.

The concept of building any homes in the middle of a historic development that would also impact 4 other communities: (The Trails [also historic], Escondido Condos, Tomoka Oaks North Condos and Talaquah) is beyond comprehension.

I have to laugh when the developers try to list ways that their development will enhance our neighborhoods. Really???? I think our neighborhoods are quite wonderful the way they are. There will only be negative consequences with this development.

I think of a professional photographer my husband and I met while on a walk through Tomoka Oaks. He has documented and photographed approximately 118 different species of animals, insects and birds on the golf course over the last 14 years. He has done everything but give each one a name and for all I know he has done that also.

I have to laugh when I read through the 266 pages of The City of Ormond Beach Parks and Recreation Master Plan 2022. According to the 2-year study that cost the City $125,000, people want more green space, more parks and a golf course. The National Recreation Parks Association recommends a median benchmark of 13.2 acres of park land per 1,000 people. Where will this land come from after we desecrate every last bit of it?

Yes, there's a lot to laugh about such as each time the developers submit a site plan that causes us to have more questions than answers. If I were not so busy laughing I'd probably be crying for the 147 acres of beautiful land that truly is an asset to our neighborhoods.

Darla Widnall

Darla Widnall
7 Shawnee Trail
Ormond Beach FL

From: Craig Shankland
To: Spraker, Steven
Subject: Fwd: development
Date: Wednesday, May 24, 2023 7:17:17 PM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Craig Shankland

Sent from my iPhone

Begin forwarded message:

From: Craig & MJ Shankland <cmshankland@mindspring.com>
Date: May 23, 2023 at 11:57:25 AM EDT
To: steven.spraker@ormondbeach.org
Subject: development

May 23 2023

To **Steven.Sprager@ormondbeach.org**

Planning Department City of Ormond Beach

I have lived in the Award Winning Trails community for over 50 years, I live on Main Trail. I have witnessed the heavier and heavier increase in traffic am and pm on the "cut thru" passing my door on Main Trail every single day. With the proposed development of Tomoka Oaks golf course and an increase of at least 1200 + cars from the Tomoka Course development and more from developments all around route 1 using the Trails "cut" thru to Granada. Today it should be called "International Main Trail expressway". Because that's what it is. I walk multiple times a week in and around Tomoka Oaks and the Trails, I see people driving at least 40 to 60 plus mph, Tomoka Oaks has no sidewalks, residents have to walk on the side of the road, that's darned dangerous. Going back many years ago to what the City did to screw up the award winning Trails, by allowing Wilmette Ave to go thru over Nova Road into Main trail by putting a traffic light there, instead of an island. The reason was "to take the pressure off Granada Blvd" but look what that has done, nothing to take the pressure off Granada Blvd. It has ruined the serenity of the trails development and done nothing to ease traffic flow on Granada Blvd. At certain times of the day Granada Boulevard is a traffic disaster and getting worse and worse. Introduction of The bright new 25 MPH speed limit signs and "no thru road" signs on Main Trail have had no impact whatsoever on reduction of speed or to discourage the use of Main Trail as a "cut thru". The Trails is a beautiful development but increase in "Cut thru traffic', noise from big trucks, garden equipment trucks, heavy duty tractor trailers and light trucks, loud Motor bikes, loud radios from cars racing thru at way higher than posted speeds, has transformed the development. There is now a need to put in more 4 way stop streets,

islands called “round abouts” and speed bumps. These “devices” should help slow down and discourage the “cut thru people”, Cut thru drivers should rightfully respect the neighborhood and lower their loud noise and illegal high speeds. They should Please respect that this is a community development with people out walking on the paths, walking their dogs, children on walk paths walking to the public park, people riding bikes to and from the Trails community Pool and tennis courts, now golf carts and scooters, school students being picked up and dropped off by school buses daily. Main Trail is now extremely dangerous. Cross walks have not been maintained or added where they should be, (ie to and from Dairy Queen and the nearby Restaurants from the city park), there is no **cross walk**, it’s highly dangerous, it looks like no one cares! Some cross walks on Main trail are not clearly visible to oncoming traffic, some are even worn out and badly need signage and be re painted.

There is enough “affordable housing” for all levels of income being built in our area, there is a “gem” of a course that is Tomoka Oaks and I am against the course being developed because of the obvious high impact on the Trails, and its asset value to Ormond Beach, which not too many politicians seem to care about or are aware of or even mention. I’ve been in the golf business all my life, owning two local successful public golf courses. Ocean Palm GC and Hidden lakes. Tomoka Oaks GC will make money. Golf is booming today, there are many examples of City owned golf courses making money. The real answer to why Tomoka Golf Course failed? Tomoka Oaks was a badly run course owned by people who did not know the business of golf, with no money to reinvest to upgrade, this caused the playing conditions to deteriorate and discouraged play, the core supporting group of players went somewhere else. Tomoka is a winner and should be given a chance to reopen with modern upgrades. Those that say it can’t make money are absolutely wrong, it’s all about the condition. it’s a “gem” a treasure waiting for the right time, that time is now.

In the past some area golf courses failed because there weren’t enough people living here to support all of them. The courses were ahead of their time, build and they will come did not happen. Times have dramatically changed, today with 32 million people playing golf and people moving to Florida, Ormond Beach growing like a weed. Now is the time. Tomoka GC, a “gem” not to be lost for monitory greed. This “in Town treasure” will thrive for the Ormond community, a treasure to offer our community and winter season visitors. Once gone that means forever, that would be a travesty, a sad day for the residents of Ormond Beach.

Respectfully submitted

Craig Shankland

62 year member of the PGA of America. National PGA Teacher of the year. Hall of Fame PGA Golf Professional. Golf magazine top 100 teacher emeritus. Golf digest Magazine top 50 best teachers.

409 Main
Trail
Ormond Beach Fla 32174

From:	BARBARA DOLINER
To:	Spraker, Steven
Cc:	Mary Greenlees; Missy Herrero; Missy Herrero
Subject:	FOR THE PLANNING BOARD
Date:	Friday, June 30, 2023 3:33:31 PM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please consider my comments for the review process
Tomoka RESERVE.

My name is
BARBARA HANDSMAN DOLINER.

I am a resident of Ormond Beach for 35 years. A property owner in THE TRAILS. And, full time resident, property owner, of TOMOKA OAKS.

The TOMOKA OAKS golf club location was a " draw" to our home selection. The beautiful trees , native foliage and , the serenity of the golf course aided our selection process.
Breakaway was just being developed.
And, many of our friends and neighbors left the TRAILS and
" migrated " west! But, we did not want " a cookie cutter" development home.

TOMOKA offered EXECUTIVE LOT SIZES, with a variety of architectural options and styles.
……..
Why is the developer so
RESISTANT TO EXECUTIVE LOT sizes TO MATCH THE EXISTING
TOMOKA OAKS COMMUNITY?

The proposed 276 units
are TOO MANY…

IF YOU WEAR A Size 8 SHOE,
NO MATTER HOW
HARD YOU TRY
A SIZE 6 WILL NOT FIT!

The current plan
Doesn't fit… this location.

PLEASE DO NOT ACCEPT THE PROPOSED LOT SIZEs.

THE SMALLEST TOMOKA OAKS LOT SHOULD BE MATCHED IN THE PROPOSED DEVELOPMENT.

The street width should match the existing community.
Can two SUVs pass each other, while a car is parked at the curb?

Please consider:
Our growth has not increased our
POLICE
FIRE
EMT

DOCTORS/
HEALTH PROFESSIONALS

PLEASE CONSIDER:
RIO PINAR
IROQUIS
SOUTH ST ANDREWS
MAIN TRAIL
THESE ARE COMMUNITY ROADS
NOT THOROUGH FARES…

HOW WILL THE MAIN TRAIL BRIDGE TOLERATE THE EXTRA LOAD OF SEMIS AND TRACTOR TRAILERS?
There is a new caution cone on the
North side! A small divot in the existing macadam.
_____-

PLEASE
PLEASE
DONT COOKIE CUTTER
OUR TOMOKA OAKS ,
OUR
ORMOND BEACH.

Thank you .

Barbara Handsman Doliner
108 South St Andrews Dr
Ormond Beach, Fl
32174

Sent from my iPhone

From: bkloe72931@aol.com
To: Community Development
Subject: For Planning Board
Date: Saturday, July 1, 2023 3:16:36 PM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

As usual, I'm a day late and a dollar short. I'm sending this regardless and hoping that it can included.

I moved to Tomoka Oaks last year, had a beautiful house built. It took us forever to figure out the plans on the property due to all the rules, regulations and set backs. We spent a lot of money on this house so it could accommodate my 95 year old mother to be with us. Now we are facing having a minimum of 600 cars racing past our home on a daily basis, that's if there are only 2 people to a household. It could be 1200 being more realistic. The traffic in this area is already ridiculous before this venture is even started. It will feel like we are on I 95. The value of my house will be in the toilet !!!

Why should some elite millionaire be allowed to barge in just because he has the big bucks, and all of sudden the rules change. Houses jammed in on tiny 50 ft or 40 ft frontages. People live here for a reason, now it looks like there is no concern for the people that have been here but whoever has the biggest pocketbook wins. It's sad but it's the new norm.

Richie and Bonnie Kloepfer
23 Tomoka Oaks Blvd.
Ormond Beach

ATTACHMENT 3

Correspondence received

Section B

Correspondence from
July 1, 2023 to July 13, 2023

Note: former attachment 12

July 12, 2023

VIA ELECTRONIC MAIL

Doug Thomas, Chairman
Ormond Beach Planning Board
22 South Beach Street
Ormond Beach, Florida 32174

Re: ***Tomoka Reserve – PRD-2022-043***

Dear Chairman Thomas & Planning Board Members:

Our law firm represents Carolyn Davis and a consortium of homeowners within the Tomoka Oaks Country Club Estates subdivision in Ormond Beach, Florida ("Tomoka Oaks"). At its regular meeting on ***Thursday, July 13, 2023***, the Ormond Beach Planning Board ("Planning Board") is scheduled to consider the above-referenced project, which seeks to rezone and convert the existing Tomoka Oaks golf course into 276 single-family residential lots. For the reasons discussed herein, our clients oppose the proposed redevelopment of the golf course property and respectfully request that the Planning Board recommend ***denial*** of the proposed rezoning.

A. General Factual Overview

Briefly stated, in April 2021, Triumph Oaks of Ormond Beach, LLC ("Triumph Oaks"), purchased the Tomoka Oaks Golf & Country Club ("Golf Club") for approximately $2,600,000. Thereafter, Triumph Oaks filed an application with the City of Ormond Beach ("City") seeking to rezone the golf course property to Planned Residential Development (PRD) and redevelop the golf course with 276 single-family residential lots. Based upon such rezoning application and Triumph Oaks' proposed plans to permanently close the Golf Club and convert the golf course into 276 single-family lots, the issue has arisen as to whether the property is restricted to use as a golf course, either expressly or impliedly.

As discussed herein and based upon the historical and recorded documentation relating to Tomoka Oaks, our clients maintain that the Golf Club property is subject to either an express covenant or an implied covenant limiting the use of the property to a golf and country club, golf course, and related recreational uses. Accordingly, our clients assert that the proposal to convert

Tallahassee	***Orlando***
433 North Magnolia Drive	1809 Edgewater Drive
Tallahassee, Florida 32308	Orlando, Florida 32804
(850) 224-7332	(407) 347-5388
Fax: (850) 224-7662	Fax: (407) 264-6132

www.theriaquelaw.com

the Golf Club property into 276 single-family residential lots is not permissible and the requested rezoning should be ***denied***.

B. The Golf Club Restriction

In 1961, the City approved plats for both the Golf Club (f/k/a Sam Snead Golf & Country Club) and Tomoka Oaks Country Club Estates Unit 1.[1] The Plat for Unit 1 of the Tomoka Oaks Country Club Estates subdivision contained 105 residential lots, including approximately 55 residential lots bordering the golf course.[2]

In conjunction with the development of Unit 1 of Tomoka Oaks, the developer recorded "Restrictions Tomoka Oaks Country Club Estates, Unit #1, Ormond Beach, Florida" ("Unit 1 Covenants").[3] Notably, Paragraph 10 of the Unit 1 Covenants states:

> The Grantee [*i.e.*, lot owner] shall automatically become a member of the Tomoka Oaks Homeowners Association, a non-profit corporation comprised of all lot owners in Tomoka Oaks Country Club Estates . . . .

Paragraph 11 of the Unit 1 Covenants expressly prohibited the developer from releasing in whole or in part any restriction or reservation set forth in Paragraph 10.

Thereafter, on or about January 1, 1963, Tomoka Oaks, Inc., entered a 99-year "Lease" with Tomoka Oaks Golf and Country Club, Inc., for the golf course property.[4] Paragraph 3 of the Lease, entitled "Use," provided in pertinent part:

> ***The demised premises shall be used perpetually for a country club and related uses***. . . . ***This provision shall survive the lease*** and be included in any deed but the deed restriction may be waived by a resolution of two-thirds (2/3) of the Board of Directors of the Lessee with the concurrence of two-thirds (2/3) of the members of said Lessee and the concurrence of two-thirds (2/3) of the members of Tomoka Oaks Homeowners Association. . . .[5]

On or about October 30, 1963, Tomoka Oaks Golf and Country Club, Inc., executed a "Surrender of Lease."[6] As noted above, however, the limitation that the subject property be "used perpetually for a country club and related uses" survived the Lease per the express terms of Paragraph 3 therein.

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1 *See* Book 25, Page 61, Official Records of Volusia County, Florida; *Id*. at Book 25, Page 58.
2 *See id*. at Book 25, Pages 58 and 59.
3 *See id*. at Book 431, Page 32.
4 *See id*. at Book 516, Page 360.
5 *See id*. at Page 362 (emphasis supplied).
6 *See id*. at Book 585, Page 155.

Following the Surrender of Lease, Tomoka Oaks, Inc., conveyed the golf course property to Ralph B. Frederick, Trustee, via Warranty Deed dated December 12, 1963 ("1963 Warranty Deed").[7] Notably, the 1963 Warranty Deed for the golf course property provided in pertinent part:

> ***The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses***, and in the event that party of the second part, or its successors in interest, ***fail to utilize said property exclusively as a golf and country club, golf course, and related uses***, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, ***then the above described property shall automatically revert*** to and become the property of party of the first part . . . .
>
> ***The aforesaid reverter clause specified in the last preceding paragraph may be released or modified*** by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc.[8]

Consistent with the terms of the surrendered Lease, the 1963 Warranty Deed expressly provided that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Moreover, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the 1963 Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses."

On or about February 18, 1969, Tomoka Oaks, Inc., purported to pass a "Resolution" to effectuate the sale of the golf course property to Ormond Ocean Homes, Inc.[9] Therein, Tomoka Oaks, Inc., purported to "release . . . its right of first refusal" and "further releases the reverter clause contained in [the 1963 Warranty Deed], such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause."[10] Relying upon such Resolution, Tomoka Oaks, Inc., executed a "Release" on or about June 16, 1971, purporting to

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[7] *See id*. at Book 585, Page 157. At the time of such conveyance, Ralph B. Frederick was also apparently the President of Tomoka Oaks, Inc.

[8] *See id*. at Page 159 (emphasis supplied).

[9] *See id*. at Book 1238, Page 246.

[10] *See id*. at Page 248.

release its "right of first refusal" and the "reverter clause contained in [the 1963 Warranty Deed], such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause."[11]

Based upon the foregoing Resolution and Release, Triumph Oaks and/or its representatives have suggested to the City that the use restriction imposed upon the golf course property is no longer valid or in effect. Our clients maintain that this view is legally flawed and without merit.

As reflected above, the 1963 Lease for the golf course property expressly provided that "[t]he demised premises shall be used perpetually for a country club and related uses" and that such "provision shall survive the lease." Additionally, and consistent with the 1963 Lease, the 1963 Warranty Deed expressly provided that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." While the 1963 Lease mentions a process by which such use restriction could potentially be waived, the historical documentation presented to our office does not establish that such process was ever followed – *i.e.*, concurrence of two-thirds of the Lessee and its members and two-thirds of the members of the Tomoka Oaks Homeowners Association.[12]

Further, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses." Rather, the 1963 Warranty Deed unambiguously states that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses."

Lastly, reliance upon the 1969 Resolution and the 1971 Release to claim that the use restriction was somehow waived or released is misplaced. Even assuming the 1969 Resolution and the 1971 Release are valid – which is questionable – neither document purports to release, waive, or otherwise modify the use restriction.[13]

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[11] *See id*. at Book 1307, Page 89.

[12] The historical documentation provided to our office, including newspaper articles, reflect the existence of a "Tomoka Oaks Homeowners Association" during the subject timeframe.

[13] The 1969 Resolution and the 1971 Release are of questionable validity given that they purport to "prospectively" release the "right of reverter." By its own terms, the 1963 Warranty Deed provided that Tomoka Oaks, Inc., could release or modify the reverter clause only by resolution "at any time ***after*** ten years ***after*** the date of recording of this Deed" and only if Tomoka Oaks, Inc., had not yet disposed of four-fifths (4/5) of the lots in Tomoka Oaks at such time. *See* Book 585, Pages 158-59, Official Records of Volusia County (emphasis supplied). Contrary to the plain language of the 1963 Warranty Deed, Tomoka Oaks, Inc., purported to pass a resolution more than four (4) years ***before*** the ten (10) year anniversary of the recording of the 1963 Warranty Deed seeking to release the right of reverter. Further, the fact that the 1969 Resolution and the 1971 Release purported to "delay" the effectiveness of such release until December 13, 1973 (*i.e.*, ten (10) years after the 1963 Warranty Deed was recorded) is irrelevant. Not only does it ignore the fact that the 1963 Warranty Deed required the resolution itself to occur ten (10) years ***after*** the

As discussed above, the 1969 Resolution and the 1971 Release purport to release the "right of first refusal" and the "reverter clause." Nothing in the express language of the 1969 Resolution or the 1971 Release, however, purports to waive, release, or otherwise modify the use restriction providing that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Accordingly, based upon the foregoing and the plain and unambiguous language in the 1963 Lease and the 1963 Warranty Deed, our clients maintain that such use restriction is valid and effective and was never lawfully released, waived, or otherwise terminated. On this basis alone, the proposed conversion of the golf course into 276 single-family residential lots would be prohibited and the Planning Board should recommend ***denial*** of the proposed rezoning.

C. Implied Restriction Limiting The Tomoka Oaks Property To Use As A Golf Club

In addition to the above, it is well established that a "restrictive covenant" may "arise by implication from the conduct of parties or from the language used in deeds, plats, maps, or general building development plans."[14] In this regard, courts have recognized:

> If there is a common plan of development that places restrictions on property use, then such restrictions may be enforced in equity. "A court's primary interest in equity is to give effect to the actual intent of the grantor . . . by looking not only to language in deeds, but variously to matters extrinsic to related written documents, including conduct, conversation, and correspondence."[15]

Consistent with the above, Florida courts have held that use restrictions may also be implied based upon notations denoted on plats or maps:

> Whenever the owner of a tract of land subdivides the same into lots and blocks, lays off streets and other public ways and designates portions of said lands to be parks[,] playgrounds[,] or similar facilities or uses similar words calculated to encourage prospective purchasers to buy said lots, and actually sells lots with reference to the plat, he becomes bound to his grantees by the plat and the representations thereon. As the maker of the plat and the one who selects the words used thereon it will be construed against him.

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recording of the Deed, but it ignores the fact that Tomoka Oaks, Inc., did not have any authority to adopt any such resolution if four-fifths (4/5) of the lots in Tomoka Oaks had been disposed of by such time.

[14] *See Skyline Woods Homeowners Ass'n. v. Broekmeier*, 805, 758 N.W.2d 376, 387 (Neb. 2008).

[15] *See id*. (citation omitted); *see also Strader v. Oakley*, 410 So. 2d 954, 955-56 (Fla. 1st DCA 1982) (recognizing implied restriction that limited construction to only single-family residences).

> Common honesty requires that he perform that which at the time of conveyance he represented he would perform.[16]

Turning to the instant case, several courts have examined implied restrictions and the requirement to maintain or operate property as a golf course when developed in conjunction with a surrounding residential subdivision. For example, in *Shalimar Association v. D.O.C. Enterprises*, 688 P.2d 682 (Az. Ct. App. 1984), the court held that there was an implied restrictive covenant to maintain property as a golf course even though there were no express covenants burdening the golf course property on behalf of the adjoining homeowners. The court concluded that the common plan of development, which included a golf course, combined with the representations made to the purchasers about the maintenance of the golf course and the adjoining homeowners' express covenants, created an implied restrictive covenant that the land be used only as a golf course.

Similarly, in *Ute Park Summer Homes Association v. Maxwell Land Grant Co.*, 427 P.2d 249 (N.M. 1967), the New Mexico Supreme Court found that an implied restriction existed requiring the subject property to be used as a golf course. In so doing, the court focused on the representations made to prospective purchasers and the materials used in the sales of the lots which pictured an area marked "golf course." The court reiterated that, when a map or plat showing a park or other open area is used to sell property, "the purchaser acquires a private right, generally referred to as an easement, that such area shall be used in the manner designated," and such private right "is not dependent on a proper making and recording of a plat for purposes of dedication."[17]

Numerous other courts have concluded that the facts surrounding the initial development of properties as golf course communities and the marketing of lots in such communities to prospective purchasers created an "implied restrictive covenant" limiting the use of the subject properties to a golf course. In reaching this conclusion, the courts have examined such things as: (1) the plats, maps, and drawings of the community; (2) advertisements, brochures, and marketing materials; (3) common schemes or plans of development; (4) recorded covenants; (5) general informational documents regarding the community; and (6) lot premiums and purchasers' reliance upon the existence of the golf course in acquiring their lots.[18]

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[16] *McCorquodale v. Keyton*, 63 So. 2d 906, 910 (Fla. 1953); *see also Boothby v. Gulf Props. of Ala.*, 40 So. 2d 117 (Fla. 1948). A common plan or scheme of development is a well-recognized principle in Florida law. *See Hagan v. Sabal Palms, Inc.*, 186 So. 2d 302, 307 (Fla. 1966).

[17] *Ute Park Summer Homes Association v. Maxwell Land Grant Co.*, 427 P.2d 249, 253 (N.M. 1967).

[18] *See Knight v. City of Albuquerque*, 794 P. 2d 739 (N.M. Ct. App. 2014) (holding property denoted on subdivision plats as a golf course must remain either a golf course or open space, stating "a developer will not be allowed to induce purchasers to buy property by purporting to include open space such as parks or golf course in a subdivision plat, only to subsequently change the uses of those open space areas"); *In re Heatherwood Holdings, LLC v. HGC, Inc.*, 746 F.3d 1206 (11th Cir. 2014) (holding evidence of common scheme of development that included golf course property as an integral part and as an inducement to purchasers of residential lots

Here, the historical documentation relating to Tomoka Oaks and the Golf Club establishes the following: (1) a common developer (Tomoka Oaks, Inc.) with a plan of development for a residential community surrounding an 18-hole championship golf course; (2) an approved unified master plan for Tomoka Oaks, which included the golf course and the residential lots; (3) references to "golf course" on the recorded plats for various portions of Tomoka Oaks; (4) recorded restrictions, as previously discussed, providing that the golf course property shall be used "for purposes of a golf and country club, golf course, and related uses"; (5) recorded residential covenants that reference the golf course and authorize reduced setbacks to take advantage of the adjoining golf course; (6) marketing and sales materials for the residential lots depicting the common development plan, including the golf course; (7) evidence of lot premiums being charged for residential lots with golf course frontage; and (8) evidence that successors developers had actual, as well as constructive, notice of the approved master plan and common plan of development. Additionally, it is indisputable that residents within Tomoka Oaks purchased their properties in reliance upon or because of the Golf Club.

Accordingly, even assuming the express covenant restricting use of the subject property to a golf and country club is no longer valid as Triumph Oaks has erroneously suggested, the above-summarized facts and cited case law would establish that, at a minimum, the use of the Golf Club property is limited to a golf course or similar open space purposes by virtue of an implied restrictive covenant. Simply put, whether by an implied grant, implied restriction, or estoppel, such restriction would prevent the subdivision and development of the Golf Club property with 276 single-family residential lots as currently proposed. Thus, on this additional basis, the Planning Board should recommend ***denial*** of the proposed rezoning.

D. Conclusion

In sum, as discussed herein, nothing in the express language of the 1969 Resolution or the 1971 Release purports to waive, release, or otherwise modify the use restriction imposed via the 1963 Lease and the 1963 Warranty Deed that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Thus, based upon the foregoing and the plain and unambiguous language in the 1963 Lease and the 1963 Warranty Deed that the use

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therein created an implied restriction limiting the use of such property to a golf course); *Ponderosa Pines Golf Course, LLC v. Ponderosa Pines Prop. Owner's Ass'n*, 2013 WL 4515569 (N.M. Ct. App. 2013) (holding "equitable servitude in favor of the individual subdivision property owners precluded Plaintiff from changing the use of the golf course"); *Skyline Woods Homeowners Ass'n.*, 758 N.W.2d at 390 ("We conclude that homeowners who bought their property relying on the proximity and existence of the golf course should be protected by implied restrictive covenants that the property be maintained as a golf course. We therefore agree with the district court that an implied restrictive covenant requiring that it be used only as a golf course burdens and runs with the golf course property."); *see also Victorville W. Ltd. P'ship v. Inverrary Ass'n*, 226 So. 3d 888 (Fla. 4th DCA 2017) (refusing to cancel golf course covenant even though course had become unprofitable, concluding that "the golf course preserves the character of the community and provides residents with a pleasant view" and, thus, "must be enforced because it remains a 'substantial value to' the surrounding residences").

restriction was to be "perpetual," our clients maintain that such use restriction is still valid and in effect. Accordingly, on this basis alone, our clients respectfully submit that the Planning Board should recommend ***denial*** of the proposed rezoning, which seeks to improperly convert the Golf Club property into 276 single-family residential lots, or otherwise table the matter until such time as a judicial determination is made regarding the continued validity of the express restrictive covenant.

Further, even assuming the express restrictive covenant is no longer valid and in effect, as Triumph Oaks has erroneously suggested, our clients maintain that the Golf Club property is nevertheless subject to an implied restrictive covenant, thereby limiting the use of such property to a golf and country club, golf course, and related recreational uses. On this additional basis, our clients respectfully submit that the Planning Board should recommend ***denial*** of the proposed rezoning or otherwise table the matter until such time as a judicial determination is made regarding such implied restriction.

Our clients appreciate the Planning Board's attention to this matter of great community importance to the residents of Tomoka Oaks and respectfully request that the Planning Board recommend ***denial*** of the proposed rezoning. Please do not hesitate to contact me if you have any questions or need additional information,

Sincerely,

S. Brent Spain

S. Brent Spain

cc: Honorable Bill Partington, Mayor (via e-mail)
Randy Hayes, Esquire (via e-mail)
Joyce Shanahan, City Manager (via e-mail)
Steven Spraker, Planning Director (via e-mail)

Donald & Katherine Izor
21 Pine Valley Circle
Ormond Beach, FL 32174
386-212-6532

June 23, 2023

To Whom It May Concern:

We have lived in Tomoka Oaks on the golf course for 18 years. We have enjoyed the view, wildlife and the peaceful surroundings of nature. Building a new development of this size is extremely concerning. Our concerns for the new development are as follows:

- Congested traffic with only one entrance into the development.
- Construction vehicles will be a nightmare going in and out of development.
- Possible crime in Tomoka Oaks with the number of construction employees possibly eyeing existing residents' homes.
- Possibly 600 more cars/trucks in and out of the development.
- Depreciation of property values.
- Inadequate emergency access.
- Inadequate hurricane evacuation.
- All lot sizes of new homes are not equivalent to existing lots in Tomoka Oaks
- Loss of green space & wildlife.
- Buffers behind existing homes on the golf course should be increased.
- Overcrowded schools, hospitals,
- Safety of current residents that walk and ride bikes in the neighborhood with all the additional traffic.

Like all residents of Tomoka Oaks, we do not want this major disruption to our beautiful neighborhood. Please take into consideration all of our concerns with this new development.

Regards,

Donald & Katherine Izor

From: Bill Partington
To: Community Development
Subject: for Planning Board Re: Tomoka Oaks
Date: Tuesday, July 11, 2023 11:04:53 AM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Member of the Ormond Beach Planning Board:

I would like to see consideration given to a round-a-bout or traffic circle where North St. Andrews, South St. Andrews and Tomoka Oaks Blvd. intersect. I think this area is now described as "the diamond".

Additionally, I think it would be a real win if we could get a traffic circle at N Nova Road and Tomoka Oaks Blvd. The traffic lanes on Nova could be put on a road diet, narrowing the lanes. The need for a suicide lane goes away. The current lanes on Nova approaching this intersection are the same width as the interstate highway. The speed limit on Nova is currently 45 MPH. As a traffic circle, many of the current problems we have when entering and exiting Tomoka Oaks would be eliminated and the cost to construct and operate a traffic circle would be much lower than a mechanical (electronic) signalized intersection. There may be a some room on the East side of Nova to expand this intersection if we needed it. Traffic flows better with circles and there is less noise and pollution from cars and trucks because of less starting and stopping. The Island in the middle can be "mountable" so large trucks will never have a problem navigating through the circle. Because the operation speed of the circle is about 20 MPH, a large tree in the middle can be focal point that will psychologically notify all drivers of the upcoming intersection. The distance to the railroad tracks is sufficient for stacking traffic during movement of the trains. These would be all positive improvements to the intersection and roadway in each direction.

Bill Partington II, (Sr) 4 Pine Valley Circle, Ormond Beach, Florida 32174 386-566-3004

From: Mary Pat Thomas Whiteside
To: Community Development
Subject: Tomoka Oaks
Date: Tuesday, July 11, 2023 11:18:11 AM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am a 32 year resident of Beautiful Tomoka Oaks. I beg you to not allow hundreds of homes to be built in our neighborhood of large custom homes.
Our beautiful tree canopy at the entrance will be lost
Our green areas gobbled up to make the roads larger
Getting in and out of our neighborhood will be more difficult
We will suffer the damage and noise from years of construction
My home will lose value as our neighborhood's uniqueness is damaged and is replaced with noisy, construction, and damage.
I walk my neighborhood every day, more traffic will make my walks more dangerous
Nova Road will be even more dangerous
My fear is that many of these houses will become corporate rentals adding a transient population to our neighborhood, and encouraging multiple renters in one house, bringing on more traffic. Corporate landlords are not good neighbors
Our neighborhood is single family homes
The small lots in the proposed will provide little parking
The golf course land if full of pesticides. How will the run off from construction spread them?
The developers could use the land to build 50 estate homes, and make their money that way.
Residents who have paid taxes for years for the privilege of the privacy of living on the golf course will have dozens of neighbors.
Thank you for your consideration
Mary Pat Whiteside
29 N St. Andrews Dr.

From: sdenslow@cfl.rr.com
To: Spraker, Steven
Subject: Tomoka Oaks
Date: Wednesday, July 12, 2023 7:38:00 PM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Director Spraker,

As a resident of the Tomoka Oaks Community and a registered voter, I am writing to express my opposition to the development of the Tomoka Oaks Golf Course.

Tomoka Oaks is a beautiful community, and the golf course is part of what makes it that way. If the golf course were to be developed it would be devastating to the community. With the added stress of 276 homes and the increased traffic the community would not be the same.

Please vote against the development of the Tomoka Oaks Golf Course.

Sincerely,

Steven Denslow

317 Rio Pinar Dr

Ormond Beach Fl. 32174

INSURANCE INSTITUTE FOR HIGHWAY SAFETY, HIGHWAY LOSS DATA INSTITUTE

IIHS HLDI

Home Topics Roundabouts

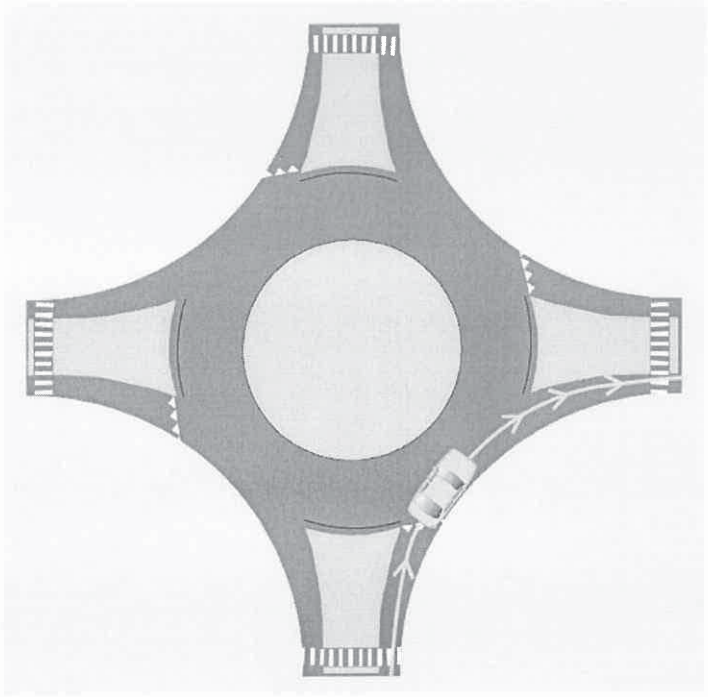
Roundabouts

Roundabouts are a safer alternative to traffic signals and stop signs. The tight circle of a roundabout forces drivers to slow down, and the most severe types of intersection crashes — right-angle, left-turn and head-on collisions — are unlikely.
Roundabouts improve traffic flow and are better for the environment. Research shows that traffic flow improves after traditional intersections are converted to roundabouts. Less idling reduces vehicle emissions and fuel consumption.
Roundabouts generally are safer for pedestrians. Pedestrians walk on sidewalks around the perimeter and cross only one direction of traffic at a time. Crossing distances are relatively short, and traffic speeds are lower than at traditional intersections.

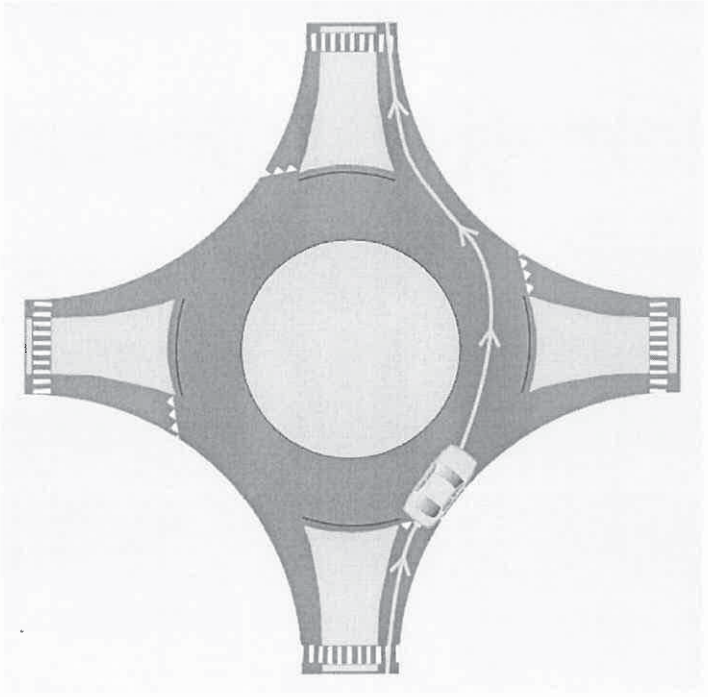
Roundabouts defined

The modern roundabout is a circular intersection with design features that promote safe and efficient traffic flow. It was developed in the United Kingdom in the 1960s and now is widely used in many countries, including the United States, where its use is growing.
At roundabouts in the U.S., vehicles travel counterclockwise around a raised center island, with entering traffic yielding the right-of-way to circulating traffic. In urban settings, entering vehicles negotiate a curve sharp enough to slow speeds to about 15-20 mph; in rural settings, entering vehicles may be held to somewhat higher speeds (30-35 mph). As vehicles circulate within the roundabout, slow and consistent speeds are maintained by the deflection of traffic around the center island and the relatively tight radius of the roundabout and exit lanes.
Slow speeds help vehicles move smoothly into, around, and out of a roundabout. Drivers approaching a roundabout must reduce their speeds, look for potential conflicts with vehicles already in the circle and be prepared to stop for pedestrians and bicyclists. Once in the roundabout, drivers proceed to the exits they need.

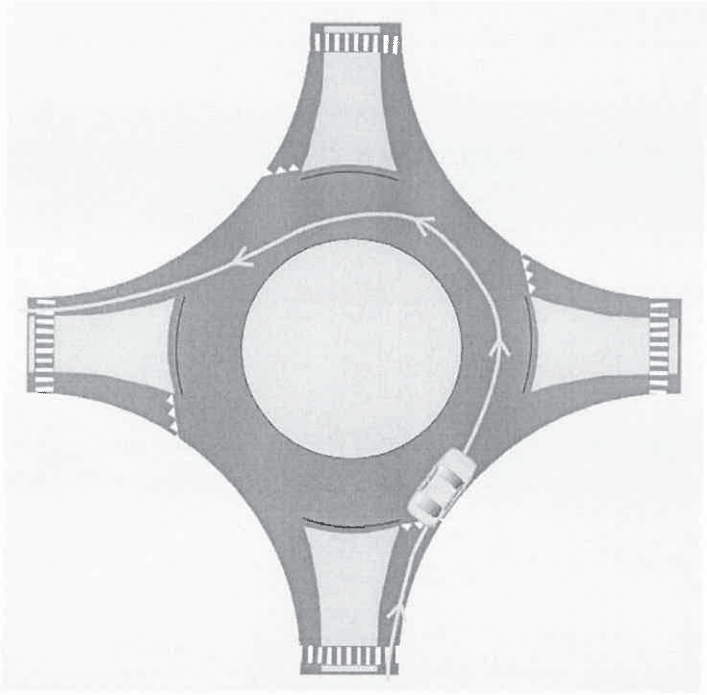
Common traffic maneuvers at roundabouts



Right turn



Straight through



Left turn

Modern roundabouts are much smaller than older traffic circles — also known as rotaries — and require vehicles to negotiate a sharper curve to enter. As a result, travel speeds in roundabouts slower than speeds in traffic circles.

Because of the higher speeds in older traffic circles, many are equipped with traffic signals or stop signs to help reduce potential crashes. In addition, some older traffic circles and rotaries operate according to the traditional "yield-to-the-right" rule, with circulating traffic yielding to entering traffic.



Modern roundabout



Older traffic circle

The first modern roundabouts in the United States were constructed in Nevada in 1990. Since then, many more have been built, although the precise number is unknown. Roundabouts are much more common in some other countries, including Australia, the United Kingdom and France.

Although some states and cities have been slow to build roundabouts, they are gaining more popularity in the United States. Roundabouts are one of the evidence-based safety countermeasures recommended by the Federal Highway Administration. Some states, such as New York and Virginia, have adopted "roundabout first" policies requiring that roundabouts be considered a preferred alternative when building new intersections or upgrading older ones if feasible (*New York State Department of Transportation, 2011*; *Virginia State Department of Transportation, 2009*).

Roundabouts are appropriate at many intersections, including high-crash locations and intersections with large traffic delays, complex geometry (more than four approach roads, for example), frequent left-turn movements, and relatively balanced traffic flows. Roundabouts can be constructed along congested arterials and at freeway exits and entrances, in lieu of traffic signals.

Sometimes space constraints or topography make it impossible to build a roundabout. Geometric design details vary from one site to another and must take into account traffic volumes, land use, topography and other factors. Roundabouts often require more space in the immediate vicinity of the intersection than comparable traditional intersections. However, because roundabouts can reduce delays and queue lengths, they require less space on the approaching roads than comparable intersections controlled by stop signs or traffic signals.

An intersection with highly unbalanced traffic flows (that is, a very high traffic volume on the main street and very light traffic on the side street) may not be an ideal candidate for a roundabout. The same is true for isolated intersections in a network of traffic signals.

While the initial construction cost of a roundabout varies site by site, its maintenance usually is cheaper than for intersections with signals. The service life of a roundabout is significantly longer, approximately 25 years, compared with 10 years for a typical traffic signal (*Rodegerdts et al., 2010*).

Safety benefits

At traditional intersections with stop signs or traffic signals, some of the most common types of crashes are right-angle, left-turn, and head-on collisions. These types of collisions can be severe because vehicles may be traveling through the intersection at high speeds. With roundabouts, these types of potentially serious crashes are essentially eliminated because vehicles travel in the same direction and at low speeds.

The vehicle-to-vehicle conflicts that do occur at roundabouts generally involve a vehicle merging into the circular roadway. In the case of multilane roundabouts, conflicts may also occur as vehicles exit.

- Studies of intersections in the United States converted from traffic signals or stop signs to roundabouts have found reductions in injury crashes of 72-80 percent and reductions in all crashes of 35-47 percent (*Retting et al., 2001*; *Eisenman et al., 2004*; *Rodegerdts et al., 2007*).
- A study of 19 higher-speed rural intersections (speed limits of 40 mph or higher) that originally had stop signs on the minor approaches and were converted to roundabouts found a 62 percent reduction in all crashes and an 85 percent reduction in injury crashes (*Isebrands & Hallmark, 2012*).
- Studies of intersections in Europe and Australia that were converted to roundabouts have reported 25-87 percent reductions in injury crashes and 36-61 percent reductions in all crashes (*Rodegerdts et al., 2010*).

Based on the results of a 2004 study (*Eisenman et al., 2004*), it's estimated that the conversion of 10 percent of the signalized intersections in the United States to roundabouts would have prevented approximately 51,000 crashes in 2018, including 231 fatal crashes and about 34,000 crashes involving injuries.

Most U.S. studies have focused primarily on single-lane roundabouts. When included, two-lane roundabouts have been associated with smaller reductions in crashes compared with single-lane roundabouts (*Retting et al., 2001*; *Eisenman et al., 2004*; *Rodegerdts et al., 2007*) or with increases in crashes (*Isebrands & Hallmark, 2012*; *Wang & Cicchino, 2022*).

A 2019 IIHS study, however, showed that the safety of two-lane roundabouts improves over time, as drivers become more familiar with them (*Hu & Cicchino, 2019*). The researchers looked at roundabouts built in Washington state between 2009 and 2015. They found that crashes at two-lane roundabouts decreased an average of 9 percent a year. At the same time, the odds that a crash at a two-lane roundabout involved an evident or incapacitating injury decreased by nearly one-third annually.

In addition to having fewer serious conflicts between vehicles than traditional intersections, roundabouts are generally safer for pedestrians as well. In a roundabout, pedestrians walk on sidewalks around the perimeter of the circular roadway. If they need to cross the roadway, they cross only one direction of traffic at a time. In addition, crossing distances are relatively short, and vehicle speeds tend to be low.

Studies in Europe indicate that, on average, converting conventional intersections to roundabouts can reduce pedestrian crashes by about 75 percent (*Brilon et al., 1993*; *Schoon & van Minnen, 1994*). Single-lane roundabouts, in particular, have been reported to involve substantially lower pedestrian crash rates than comparable intersections with traffic signals (*Brude & Larsson, 2000*).

Crossing at multi-lane roundabouts can be more difficult for pedestrians than crossing at single-lane roundabouts. A study found that motorists failed to yield to pedestrians 2-3 times more at multi-lane roundabouts than at single-lane roundabouts (*Rodegerdts et al., 2007*). Another study found that drivers exiting a roundabout were less likely to yield to pedestrians than drivers entering a roundabout (*Hourdos et al., 2012*).

Safety challenges

Despite the demonstrated safety benefits of roundabouts, some crashes still occur. An IIHS study of crashes at 38 roundabouts in Maryland found that four crash types — run-off-road, rear-end, sideswipe, and entering-circulating — accounted for almost all crashes (*Mandavilli et al., 2009*). Another common crash type involved a vehicle colliding with the central island. These crashes, which often involved unsafe speeds, accounted for almost half of all single-vehicle run-off-road crashes. Some drivers may not have seen the roundabout in time to slow down sufficiently.

A review of crashes at 39 roundabouts in the United States found that entering-circulating, exiting-circulating and rear-end collisions were the most common crash types (*Rodegerdts et al., 2007*). A large majority of crashes at the single-lane roundabouts were entering-circulating crashes. At multi-lane roundabouts, the majority of crashes were exiting-circulating.

A review of fatal crashes at roundabouts in the United States and injury crashes at roundabouts in Washington and Wisconsin found that motorcycle crashes, fixed object crashes, and crashes involving impaired driving were overrepresented (*Schroeder et al., 2015*).

Design features that encourage drivers to slow down are the key to optimizing roundabout safety.

Signs — including speed limits posted well in advance of roundabouts and larger "roundabout ahead" and yield signs — pavement markings and lighting help make sure drivers know they are approaching a roundabout and therefore need to slow down.

Center island landscaping can promote slower speeds and focus drivers' attention on the roadway close to them by limiting their through vision.

Islands separating the approach and exit lanes, known as splitter islands, should extend far enough from the roundabout to provide pedestrian refuge and to delineate the roundabout.

Other design features such as adequate curvature of approach roads far enough in advance of roundabouts and the alignment of approaching roads with the center island also may aid in reducing speeds.

Multilane roundabouts are more challenging. A study of a pair of two-lane roundabouts near Bellingham, Washington, found that confusion about some aspects of navigating the roundabouts persisted one year after the construction ended (*Hu et al., 2014*). More than 40 percent of drivers said it wasn't clear from signs and pavement markings what speed to drive, which lane has the right of way when exiting or that they shouldn't drive next to large trucks in the roundabouts.

At multilane roundabouts, signs and pavement marking should remind drivers of the correct yielding patterns and help them choose the appropriate lanes. At two-lane roundabouts, for example, signs need to convey clearly that entering traffic must yield to both lanes of traffic.

The photos below show sample signs and pavement markings used at roundabouts.



Guide sign



Roundabout sign



Yield sign



Pavement markings

Traffic flow benefits

Several studies conducted by IIHS and others have reported significant improvements in traffic flow following conversion of traditional intersections to roundabouts. A study of three intersections in Kansas, Maryland and Nevada where roundabouts replaced stop signs found that vehicle delays were reduced 13-23 percent and the proportion of vehicles that stopped was reduced 14-37 percent (*Retting et al., 2002*).

A study of three locations in New Hampshire, New York and Washington state where roundabouts replaced traffic signals or stop signs found an 89 percent average reduction in vehicle delays and a 56 percent average reduction in vehicle stops (*Retting et al., 2006*).

A study of 11 intersections in Kansas found a 65 percent average reduction in delays and a 52 percent average reduction in vehicle stops after roundabouts were installed (*Russell et al., 2004*).

An Institute study of two-lane roundabout conversions at two intersections near Bellingham, Washington, found substantial declines in vehicle delays on the minor roads (33 percent and 90 percent) and the proportion of vehicles waiting in queues (35 percent and 43 percent) (*Hu et al., 2014*). Overall intersections delays increased (12 percent and 22 percent), due to slightly longer delays on the major approaches as vehicles slowed to enter the roundabouts.

Because roundabouts improve the efficiency of traffic flow, they also reduce vehicle emissions and fuel consumption. Installing roundabouts in place of traffic signals or stop signs has been found to reduce carbon monoxide emissions by 15-45 percent, nitrous oxide emissions by 21-44 percent, carbon dioxide emissions by 23-34 percent and hydrocarbon emissions by 0-40 percent (*Hu et al., 2014*; *Várhelyi, 2002*).

Constructing roundabouts in place of traffic signals or stop signs reduced fuel consumption by an estimated 23-34 percent (*Hu et al., 2014*; *Várhelyi, 2002*; *Höglund & Niittymäki. 1999*).

A 2005 Institute study documented missed opportunities to improve traffic flow and safety at 10 urban intersections suitable for roundabouts where either traffic signals were installed or major modifications were made to 10 intersections with signals (*Bergh et al., 2005*). It was estimated that the use of roundabouts instead of traffic signals at these intersections would have reduced vehicle delays by 62-74 percent.

Based on the results of that study, we estimate that the conversion of 10 percent of the signalized intersections in the United States to roundabouts would have reduced vehicle delays by more than 981 million hours and fuel consumption by more than 654 million gallons in 2018.

Public opinion

Drivers may be skeptical of or even opposed to roundabouts when they are proposed. However, several IIHS studies show that opinions quickly change when drivers become familiar with them.

In three communities where single-lane roundabouts replaced stop sign-controlled intersections, 31 percent of drivers supported the roundabouts before construction, compared with 63 percent shortly after (*Retting et al., 2002*).

In three other communities where a one- or two-lane roundabout replaced stop signs or traffic signals, 36 percent of drivers supported the roundabouts before construction compared with 50 percent shortly after (*Retting et al., 2006*).

Follow-up surveys conducted in these six communities after roundabouts had been in place for more than one year found the level of public support increased to about 70 percent on average (*Retting et al., 2007*).

When two intersections near Bellingham, Washington, were converted to two-lane roundabouts, support for the roundabouts went from 34 percent before construction to 51 percent six months after and 70 percent more than one year after (*Hu et al., 2014*).

Effect on older drivers

Older drivers are more likely than other drivers to be wary of roundabouts, but they also are particularly likely to benefit from them in terms of improved safety. Relative to other age groups, senior drivers are over-involved in crashes occurring at intersections. In 2021, multiple-vehicle crashes at intersections accounted for 39 percent of fatal crash involvements among drivers 80 and older, compared with 22 percent for drivers ages 16-59.

Older drivers' intersection crashes often are due to their failure to yield the right-of-way (*Mayhew et al., 2006; Braitman et al., 2007*). Since all traffic flows in the same direction at roundabouts and more slowly than at traditional intersections, the consequence for failing to yield is likely less severe at roundabouts. Particular problems for older drivers at traditional intersections include left turns and entering busy thoroughfares from cross streets. Roundabouts eliminate these situations entirely.

Although safety effects of roundabouts specifically for older drivers are unknown, a 2001 IIHS study of 23 intersections converted from traffic signals or stop signs to roundabouts reported the average age of crash-involved drivers did not increase following the installation of roundabouts. This suggests roundabouts don't pose a problem for older drivers (*Retting et al., 2001*).

A study in six communities where roundabouts replaced traditional intersections found that about two-thirds of drivers 65 and older supported the roundabouts (*Retting et al., 2007*). A study of two intersections converted to roundabouts near Bellingham, Washington, found that about two-thirds of drivers 70 and older favored the roundabouts one year after construction (*Hu et al., 2014*). In both studies, the older drivers were less likely to favor roundabouts than younger drivers.

In another study, signs and pavement markings that improve the path and operational guidance were found to increase the comfort, confidence and perception of safety for drivers ages 65 and older (*Lord et al., 2007*). For example, a yield sign could have a plaque underneath reading "to traffic in circle," and an advance warning sign could have a plaque with the word "roundabout."

Updated June 2023

ATTACHMENT 3

Correspondence received

Section C

Correspondence from
July 13, 2023 to August 10, 2023

Note: former attachment 15

From: Stephanie Cox
To: Spraker, Steven
Subject: No to Tomoka Reserve
Date: Thursday, July 13, 2023 3:25:29 PM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr Spraker,

Part of my family lives in Ormond Beach, that's four votes against more development!!
I have been looking to purchase a residence in Ormond Beach over the past couple of years to be closer to my family, this continued development of clear cutting properties has sickened me to purchase in the area. Stop this overdevelopment of every square inch of land. I've been a licensed Real Estate Broker for some to be 34 years, what I am seeing isn't what we need without building up our infrastructure at the same time. You are making Ormond Beach unaffordable, traffic is ridiculous and what will be the end??
Thank you for your time!
Stephanie A. Cox
1526 Agatha Dr
Deltona, FL
386.717.3108

Sent from my iPhone

From: Lauren Huhta.org
To: Spraker, Steven
Subject: Tomoka Oaks Golf Course Development
Date: Thursday, July 13, 2023 4:27:29 PM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,
Like many Tomoka Oaks residents, I am very concerned with the development of the golf course. Safety, loss of trees/nature, displaced wildlife, flooding and traffic are the main concerns.

I am the THIRD generation in my house in Tomoka Oaks. My grandparents designed and built the house in 1978, my father lived in the house going to high school, and now I own the same house filled with love and memories. It was my grandparents' wish to keep the house in the family. When my grandparents built the house, they were promised that if anything happened to the golf course, it would be green space. Now here I am, wondering what happened with that promise. It seems like the developers are more concerned with the green in their pockets.

My house, like many others along the golf course, were designed with big windows overlooking the green space. Tomoka Oaks has charm. We don't want another "cookie cutter" neighborhood with two-story homes looking down on our unique houses.

I am a proud Ormond Beach resident. I was born and raised here. I teach in the historical building of Ormond Beach Elementary, just down the road. I am captivated every day by the beauty our city has. Oak trees and greenery are what we are known for. Let's keep the appeal and charm alive, let's not keep building "cookie cutter" houses crammed together to appease some developers. Please consider the current residents like me of Tomoka Oaks and the wonderful city of Ormond Beach with your decision. Other people can move away from all this, but I will not. This is the house I plan on passing down to my future children.

We don't want Ormond Beach to start looking like Daytona Beach with over development too.

Please consider saving the green space of the old Tomoka Oaks golf course. Please consider the promise that was made to us.

Attached is a picture of my grandparents, Hoot and Mary Lou Huhta, behind our house in Tomoka Oaks.



Thank you for your time.

Lauren Huhta
Sent from my iPhone
(386) 795-7618

July 17, 2023

To: The Ormond Beach Planning Board
From: Frank Agliata
Tomoka Oaks Resident
1 Bay Hill Dr.
Ormond Beach, FL 32174

I attended the meeting held at he Calvary Christian Center last Thursday, July 13th. I was not able to speak at that time however I wanted to express my views as they relate to your evaluation of the Tomoka Reserve development.

It is obvious that you have a difficult decision to digest and not everyone will be happy with whatever you decide. Your attorney asked that we keep our comments to facts not opinions. With that in mind I only have one thing to ask you.

The Tomoka Reserve developers have made it clear that they have no plans to address the intersection "diamond" of Tomoka Oaks Blvd and North and South St. Andrews Drive. I have two articles included with this letter. One from the DOT/ FHWA Highway Safety Program and the other from the Insurance Institute for Highway Safety and the Highway Loss Data Institute. Facts not Opinion. They both state clearly that a ROUNDABOUT is best and safest way to handle this issue.

I ask that whatever decision you make that you require the developers of Tomoka Reserve to be responsible for the construction of a **Full and Formal Roundabout.** Furthermore I ask that this Roundabout be constructed before any other aspect of this project.

This Roundabout solution will address the most important aspects on traffic for the existing homeowners of Tomoka Oaks, Escondido, and the Trails. It also will be a welcome solution to any residents that may buy a home in this development – should you decide to approve some sort of housing.

Thank you for your attention.

Frank Agliata

IIHS HLDI

Roundabouts

Roundabouts are a safer alternative to traffic signals and stop signs. The tight circle of a roundabout forces drivers to slow down, and the most severe types of intersection crashes — right-angle, left-turn and head-on collisions — are unlikely.

Roundabouts improve traffic flow and are better for the environment. Research shows that traffic flow improves after traditional intersections are converted to roundabouts. Less idling reduces vehicle emissions and fuel consumption.

Roundabouts generally are safer for pedestrians. Pedestrians walk on sidewalks around the perimeter and cross only one direction of traffic at a time. Crossing distances are relatively short, and traffic speeds are lower than at traditional intersections.

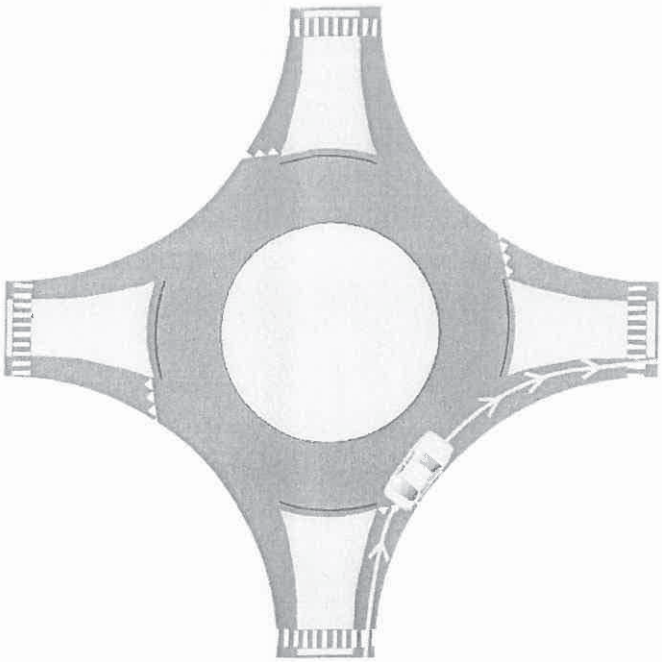
Roundabouts defined

The modern roundabout is a circular intersection with design features that promote safe and efficient traffic flow. It was developed in the United Kingdom in the 1960s and now is widely used in many countries, including the United States, where its use is growing.

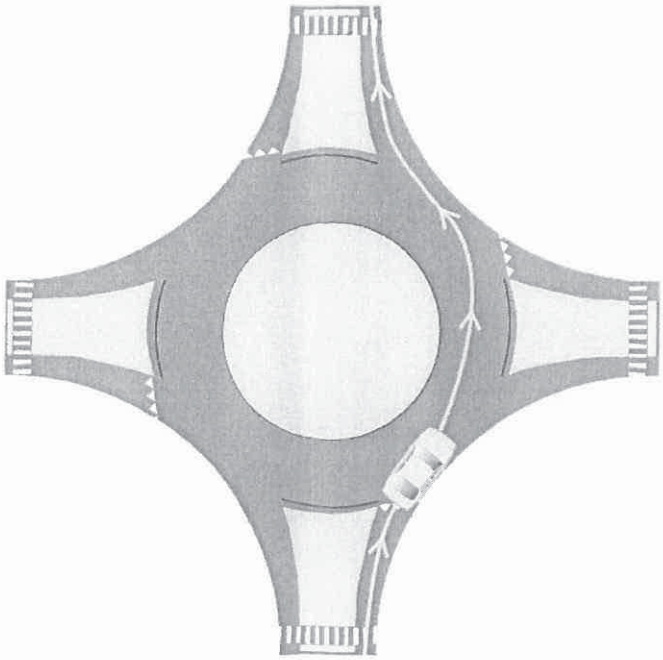
At roundabouts in the U.S., vehicles travel counterclockwise around a raised center island, with entering traffic yielding the right-of-way to circulating traffic. In urban settings, entering vehicles negotiate a curve sharp enough to slow speeds to about 15-20 mph; in rural settings, entering vehicles may be held to somewhat higher speeds (30-35 mph). As vehicles circulate within the roundabout, slow and consistent speeds are maintained by the deflection of traffic around the center island and the relatively tight radius of the roundabout and exit lanes.

Slow speeds help vehicles move smoothly into, around, and out of a roundabout. Drivers approaching a roundabout must reduce their speeds, look for potential conflicts with vehicles already in the circle and be prepared to stop for pedestrians and bicyclists. Once in the roundabout, drivers proceed to the exits they need.

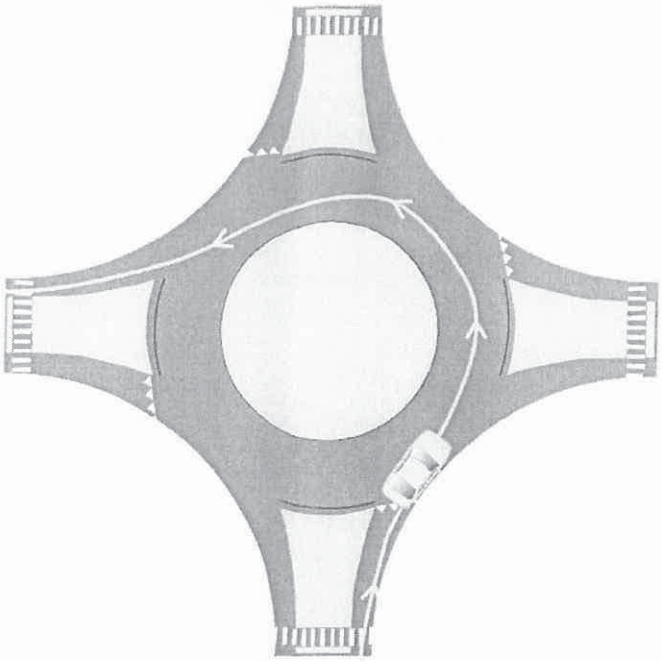
Common traffic maneuvers at roundabouts



Right turn



Straight through



Left turn

Modern roundabouts are much smaller than older traffic circles — also known as rotaries — and require vehicles to negotiate a sharper curve to enter. As a result, travel speeds in roundabouts slower than speeds in traffic circles.

Because of the higher speeds in older traffic circles, many are equipped with traffic signals or stop signs to help reduce potential crashes. In addition, some older traffic circles and rotaries operate according to the traditional "yield-to-the-right" rule, with circulating traffic yielding to entering traffic.



Modern roundabout



Older traffic circle

The first modern roundabouts in the United States were constructed in Nevada in 1990. Since then, many more have been built, although the precise number is unknown. Roundabouts are much more common in some other countries, including Australia, the United Kingdom and France.

Although some states and cities have been slow to build roundabouts, they are gaining more popularity in the United States. Roundabouts are one of the evidence-based safety countermeasures recommended by the Federal Highway Administration. Some states, such as New York and Virginia, have adopted "roundabout first" policies requiring that roundabouts be considered a preferred alternative when building new intersections or upgrading older ones if feasible (*New York State Department of Transportation, 2011*; *Virginia State Department of Transportation, 2009*).

Roundabouts are appropriate at many intersections, including high-crash locations and intersections with large traffic delays, complex geometry (more than four approach roads, for example), frequent left-turn movements, and relatively balanced traffic flows. Roundabouts can be constructed along congested arterials and at freeway exits and entrances, in lieu of traffic signals.

Sometimes space constraints or topography make it impossible to build a roundabout. Geometric design details vary from one site to another and must take into account traffic volumes, land use, topography and other factors. Roundabouts often require more space in the immediate vicinity of the intersection than comparable traditional intersections. However, because roundabouts can reduce delays and queue lengths, they require less space on the approaching roads than comparable intersections controlled by stop signs or traffic signals.

An intersection with highly unbalanced traffic flows (that is, a very high traffic volume on the main street and very light traffic on the side street) may not be an ideal candidate for a roundabout. The same is true for isolated intersections in a network of traffic signals.

While the initial construction cost of a roundabout varies site by site, its maintenance usually is cheaper than for intersections with signals. The service life of a roundabout is significantly longer, approximately 25 years, compared with 10 years for a typical traffic signal (*Rodegerdts et al., 2010*).

Safety benefits

At traditional intersections with stop signs or traffic signals, some of the most common types of crashes are right-angle, left-turn, and head-on collisions. These types of collisions can be severe because vehicles may be traveling through the intersection at high speeds. With roundabouts, these types of potentially serious crashes are essentially eliminated because vehicles travel in the same direction and at low speeds.

The vehicle-to-vehicle conflicts that do occur at roundabouts generally involve a vehicle merging into the circular roadway. In the case of multilane roundabouts, conflicts may also occur as vehicles exit.

Studies of intersections in the United States converted from traffic signals or stop signs to roundabouts have found reductions in injury crashes of 72-80 percent and reductions in all crashes of 35-47 percent (*Retting et al., 2001; Eisenman et al., 2004*; *Rodegerdts et al., 2007*).

A study of 19 higher-speed rural intersections (speed limits of 40 mph or higher) that originally had stop signs on the minor approaches and were converted to roundabouts found a 62 percent reduction in all crashes and an 85 percent reduction in injury crashes (*Isebrands & Hallmark, 2012*).

Studies of intersections in Europe and Australia that were converted to roundabouts have reported 25-87 percent reductions in injury crashes and 36-61 percent reductions in all crashes (*Rodegerdts et al., 2010*).

Based on the results of a 2004 study (*Eisenman et al., 2004*), it's estimated that the conversion of 10 percent of the signalized intersections in the United States to roundabouts would have prevented approximately 51,000 crashes in 2018, including 231 fatal crashes and about 34,000 crashes involving injuries.

Most U.S. studies have focused primarily on single-lane roundabouts. When included, two-lane roundabouts have been associated with smaller reductions in crashes compared with single-lane roundabouts (*Retting et al., 2001*; *Eisenman et al., 2004*; *Rodegerdts et al., 2007*) or with increases in crashes (*Isebrands & Hallmark, 2012*; *Wang & Cicchino, 2022*).

A 2019 IIHS study, however, showed that the safety of two-lane roundabouts improves over time, as drivers become more familiar with them (*Hu & Cicchino, 2019*). The researchers looked at roundabouts built in Washington state between 2009 and 2015. They found that crashes at two-lane roundabouts decreased an average of 9 percent a year. At the same time, the odds that a crash at a two-lane roundabout involved an evident or incapacitating injury decreased by nearly one-third annually.

In addition to having fewer serious conflicts between vehicles than traditional intersections, roundabouts are generally safer for pedestrians as well. In a roundabout, pedestrians walk on sidewalks around the perimeter of the circular roadway. If they need to cross the roadway, they cross only one direction of traffic at a time. In addition, crossing distances are relatively short, and vehicle speeds tend to be low.

Studies in Europe indicate that, on average, converting conventional intersections to roundabouts can reduce pedestrian crashes by about 75 percent (*Brilon et al., 1993*; *Schoon & van Minnen, 1994*). Single-lane roundabouts, in particular, have been reported to involve substantially lower pedestrian crash rates than comparable intersections with traffic signals (*Brude & Larsson, 2000*).

Crossing at multi-lane roundabouts can be more difficult for pedestrians than crossing at single-lane roundabouts. A study found that motorists failed to yield to pedestrians 2-3 times more at multi-lane roundabouts than at single-lane roundabouts (*Rodegerdts et al., 2007*). Another study found that drivers exiting a roundabout were less likely to yield to pedestrians than drivers entering a roundabout (*Hourdos et al., 2012*).

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FHWA Highway Safety Programs

Intersection Safety
Safe System Intersections
Intersection Control Evaluation
Corridor Access Management
Intersection Types

Roundabouts

Roundabouts are a Proven Safety Countermeasure because they can substantially reduce crashes that result in serious injury or death. Roundabouts can:

- Improve safety
- Promote lower speeds and traffic calming
- Reduce conflict points
- Lead to improved operational performance
- Meet a wide range of traffic conditions because they are versatile in size, shape, and design



Source:JamesBrey,E+,Getty Images

Outreach and Education Resources

- Roundabout Rules Video
- Roundabout Rules PDF
- Roundabouts Public Service Announcement –
  - Audio Recording
  - Transcript
- Modern Roundabouts: An Innovative Solution to Intersection Safety Concerns – Video
- Modern Roundabouts: A Safer Choice
  - Video
  - PDF (English)
  - PDF (Spanish)
- Table Top or Floor Decal Educational Illustration of Multilane Roundabout
  - JPG
  - PDF **Please note that this graphic is not intended to be a design template or a standard for roundabouts. Shown here at a trade show.*
- Roundabouts with Pedestrians and Bicycles – A Safe Choice for Everyone
- Roundabouts and First Responders – Saving Lives Together
- Roundabouts along Rural Highways
- Roundabouts and Tribal Governments
- Carmel, IN, Engages the Public through Print and Web Outreach
- Washington County, MN, Educates Drivers through "Roundabout U"
- Washington State Focuses on Outreach, Illustrates How to Drive a Roundabout
- Bend, OR, Teaches through Children Using Coloring Books to Communicate about Roundabouts
- Missouri DOT Convinces Skeptics That Roundabouts Work
- Iowa DOT Provides "Expert-on-Hand" Technical Assistance to Promote Roundabouts
- Virginia DOT's Roundabouts Review Committee Spearheads Outreach Efforts
- Brown County, WI, Roundabouts Calm Traffic, Improve School Zone Safety
- Clearwater, FL, Public Charrettes Produce Strong Support for Roundabouts
- Sioux Falls, SD, Conducts Roundabout Rodeo
- Washington State DOT Hosts Roundabout Rodeo
- Montpelier, VT, Constructs Roundabout with Local Roundabouts Steering Committee
- Madison, WI, Makes Roundabouts Work for Pedestrians and Bicycles
- Wisconsin DOT Engages Freight Stakeholders in the Roundabout Design Process
- Santa Cruz, CA, Chooses a Roundabout as a Multimodal Solution
- Austin, TX, Hosting General Information Briefings to Promote Roundabouts
- Kansas DOT Designing Roundabouts for Truck Traffic

Related Links

- Roundabouts: An Informational Guide, Second Edition

Technical Materials and Research

- Roundabouts: An Informational Guide, Second Edition (NCHRP Report 672)
- Turbo Roundabout
  - Synthesis Report
  - Technical Primer
- Accelerating Roundabout Implementation in the United States
  - Volume I – Evaluation of Rectangular Rapid-Flashing Beacons (RRFB) at Multilane Roundabouts – Final Report
  - Volume II – Assessment of Roundabout Capacity Models for the Highway Capacity Manual – Final Report
  - Volume III – Assessment of the Environmental Characteristics of Roundabouts – Final Report
  - Volume IV – Review of Fatal and Severe Injury Crashes at Roundabouts – Final Report
  - Volume V – Evaluation of Geometric Parameters that Affect Truck Maneuvering and Stability – Final Report
  - Volume VI – Investigation of Crosswalk Design and Driver Behaviors – Final Report
  - Volume VII – Human Factor Assessment of Traffic Control Device Effectiveness – Final Report
- Temporary Traffic Control for Building & Maintaining Single & Multilane Roundabouts
- Roundabout Practices (NCHRP Synthesis 488)
- Estimating the Life-Cycle Cost of Intersection Designs (NCHRP Web-Only Document 220)
- Crossing Solutions at Roundabouts and Channelized Turn Lanes for Pedestrians with Vision Disabilities – A Guidebook (NCHRP Report 834)
- Evaluating the Performance of Corridors with Roundabouts (NCHRP Report 772)
- A Study of the Traffic Safety at Roundabouts in Minnesota
- Evaluation of Safety and Mobility of Two-Lane Roundabouts
- Strategies for Effective Roundabout Approach Speed Reduction
- Accommodating Oversize/Overweight (OSOW) Vehicles at Roundabouts

Connections to Other Transportation Safety Topics

- Roundabouts can be designed to safely accommodate both pedestrians and bicycles
- Roundabouts are an effective speed management strategy
- Roundabouts can be part of an effective corridor access management plan
- Roundabouts work as great intersection designs for road diet projects
- Pavement friction plays an important role in road safety performance, including at intersections
- The Manual on Uniform Traffic Control Devices for Streets and Highways provides the national standards for all traffic control devices, including pavement markings, signs, and traffic signals

Last updated: Tuesday, May 9, 2023

U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
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202-366-4000

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Effect on older drivers

Older drivers are more likely than other drivers to be wary of roundabouts, but they also are particularly likely to benefit from them in terms of improved safety. Relative to other age groups, senior drivers are over-involved in crashes occurring at intersections. In 2021, multiple-vehicle crashes at intersections accounted for 39 percent of fatal crash involvements among drivers 80 and older, compared with 22 percent for drivers ages 16-59.

Older drivers' intersection crashes often are due to their failure to yield the right-of-way (*Mayhew et al., 2006; Braitman et al., 2007*). Since all traffic flows in the same direction at roundabouts and more slowly than at traditional intersections, the consequence for failing to yield is likely less severe at roundabouts. Particular problems for older drivers at traditional intersections include left turns and entering busy thoroughfares from cross streets. Roundabouts eliminate these situations entirely.

Although safety effects of roundabouts specifically for older drivers are unknown, a 2001 IIHS study of 23 intersections converted from traffic signals or stop signs to roundabouts reported the average age of crash-involved drivers did not increase following the installation of roundabouts. This suggests roundabouts don't pose a problem for older drivers (*Retting et al., 2001*).

A study in six communities where roundabouts replaced traditional intersections found that about two-thirds of drivers 65 and older supported the roundabouts (*Retting et al., 2007*). A study of two intersections converted to roundabouts near Bellingham, Washington, found that about two-thirds of drivers 70 and older favored the roundabouts one year after construction (*Hu et al., 2014*). In both studies, the older drivers were less likely to favor roundabouts than younger drivers.

In another study, signs and pavement markings that improve the path and operational guidance were found to increase the comfort, confidence and perception of safety for drivers ages 65 and older (*Lord et al., 2007*). For example, a yield sign could have a plaque underneath reading "to traffic in circle," and an advance warning sign could have a plaque with the word "roundabout."

Updated June 2023

From: Doug Widnall
To: Miller, Marcella
Subject: Letter to Planning Board from Darla
Date: Friday, July 21, 2023 10:23:04 AM

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July 21, 2023

To: Planning Director Steven Spraker, Planning Board Chair Doug Thomas and Planning Board Members GG Galloway, Mike Scudiero, Angie Shull, Barry Dumoulin, Alan Jorczak and Troy Railsback,

Thank you in advance for reviewing the following research I have done regarding how the Government (County and City) and Citizens of Seminole County saved the "green space" of their struggling golf courses:

Twin Rivers Golf Club

2100 Ekana Drive, Oviedo (Seminole County) (407) 366-1211

The City of Oviedo purchased the struggling Twin Rivers Golf Club for $5 million in early 2017. It was a way to protect the land from being turned into homes, apartments and stores. It now serves to provide an important function through its designation as open space and provides an important function in the City's Community Rating System (CRS). The City is also able to provide a discount of 10% for those in flood hazard areas. Without the golf course, the discount reduces to 5%. The golf course has been awarded a Certificate of Achievement for Environmental Planning Certificate by Audubon International.

Rolling Hills Community Park Project

1749 Art Hagan Place, Longwood (Seminole County)

The Seminole County Board of County Commissioners purchased the former Rolling Hills Golf Course (established in 1926) in 2018 for $3.95 million and it is being converted to a 98-acre public park with recreational amenities. They bought it from developers who were intent on building houses compatible with the existing homes but their plan was met with opposition from residents angered at the prospect of losing the green space.

Turning it into a park would protect it from development and the commission chambers were packed with residents hoping to preserve their precious green space corridors. The park will include crosswalks, traffic-calming features, roundabouts and stormwater considerations. Teams are ensuring that the design details prioritize safety, meet permit requirements and are cost-efficient before construction begins. Seminole County Leisure Services crews and contractors continue to maintain the park. New trees have been planted to replace the loss of aging vegetation and dead or aging trees are being removed. The project is expected to be completed by 2024.

Deer Run Park and Country Club (Used to be Deer Run Golf Course that opened in 1971)

300 Daneswood Way, Casselberry (Seminole County) (407) 799-9592

The Save Deer Run campaign for the nearly 3,000 homes which would be affected by residential development on the golf course was headed up by Deborah Bauer. The land was bought for $13,500,000 (along with Wekiva Golf Course) by the County. The golf club building turned into a Country Club for the residents and the land is now a park. The citizens formed a group and agreed to pay a self-imposed tax yearly for 15 years of $65 to $130 to keep this land as green space. The County is looking for a multi-million dollar savings in the long run which involves "water" that is underneath what used to be the golf course. "Those wells have something called a consumption of use permit, the right to pull water out of the ground," according to Seminole County Commissioner Bob Dallari. The Deer Run Golf Course can pull about 200,000 gallons of water a day.

Casselberry Golf Club

300 S. Triplet Lake Drive, Casselberry FL (Seminole County) (407) 699-9310.

Opened in 1947, the City of Casselberry bought the golf course for $2.2 million in 2018 and the golf course has continued operating as a golf course.

Wekiva Golf Course

4100 Wekiva Club Court, Longwood (Seminole County) (407) 862-5113

Opened in 1972. Bought along with the Deer Run Golf Course (now Deer Run Park and Country Club, see above) by the County for $13,500,000 plus citizen's self-imposed tax of $65 to $130 a year for 15 years. It is still a working golf course. According to Commissioner Dallari, before they bought it he felt it was a high recharge area for water and that water would be valuable to the county.

It has been brought to my attention that Winter Park Golf Course (Orange County) in the heart of Winter Park (opened in 1914) was revived in 2016 after it long being a "budgeted-for" six-figure annual loss. It was brought to life again by "a couple of young, unheralded course designers," Keith Rhebb and Riley Johns, who won their bid for the project, in part, with the tag line, "This isn't a golf course; it's a community park with pin flags." This golf course is listed on the U.S. National Register of Historic Places.

Thank you again.

Darla Widnall
The Trails
7 Shawnee Trail
Ormond Beach

STEVEN SPRAGER

City of Ormond Beach Planning department

July 25th 2023.

Second letter; of deep concerns and suggestions about the impact on the Trails from any proposed building on Tomoka Oaks Golf Course.

Whatever happened to what "the people think", is anyone really listening, does it count any more or do we allow a small committee of people duly elected yes, but to make "critical" decisions for the thousands of Ormond Residents. The Tomoka Reserve is a "critical" decision. This decision affects everyone in the City of Ormond Beach one way oR another. The City of Ormond has stirred up the ant hill by the possibility of allowing the Tomoka Reserve project. Incidently "Reserve" is farthest from what it would or will be! Ormond is rapidly changing to an over crowded mess. Its time to rethink development before its too late and we become a Ft Lauderdale of a mess.

I mentioned before, Main Trail where I have lived for over 50 years, has become an "Expressway" especially between the hours of 6.30am and 9.30pm and 3.30pm and 7pm very **fast** cars and especially **huge** trucks along with **noisy** motor bikes are dangerously exeeding the 25mph speed limit. I walk the paths on Main Trail three to four times a week to the Ormond Park, drivers have absolutely no regard for the limit, they just want to get thru to Granada and miss the back ups at the corners of Granada and Nova Road. We used to have Ormond Police that patrolled for speeders on Main Trail but the city has done nothing to curb speeding that have made any difference, do any of the City Commisioners care?

I realise that Main Trail is a "cut thru now", to take "the load off Granada" , that's poor planning and a joke. Main Trail will be more of a cut thru if the "Reserve" goes thru (ruining the award winning Trails) The cut thru has to be made into a safer slower driving road that people will repect, they are driving thru a community, not on an expressway. We have two areas of four way stop streets that should be added on Main Trail, all it takes are stop signs. An example is Wilmet where the city has 4 sections of 4 way stop streets to slow traffic before you get to Beach street from Nova Road, they do slow traffic. Main Trail needs at least two or three more stop streets added. When you get onto main trail from Nova or Granada, there is only one stop sign **on** Main trail, where most drivers make a "rolling stop". Speed bumps are another solution but never popular.

Thank you for passing on my first letter of concerns to the powers that be..

Respectfully submitted



Craig Shankland

Resident/Owner 409 Main Trail Ormond Beach 32174

Consider; 3 or 4 way stop streets on Main trail. First 4 way at Main trail, Timberline and Autumn wood. Second 4 way at Main Trail, Pine Cone and Iraquois. Third 3 way at Main Trail, Rio pinar. There are two school bus pick up sights at the first two intersections.

From: Doug Widnall
To: Miller, Marcella
Subject: Analysis Report from Darla Widnall
Date: Wednesday, July 26, 2023 2:44:40 PM

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To: Planning Director Steven Spraker, Planning Board Chair Doug Thomas and Planning Board Members GG Galloway, Mike Scudiero, Angie Shull, Barry Dumoulin, Alan Jorczak and Troy Railsback

July 26, 2023

Re: Economic Impact Report of proposed Tomoka Reserve 6/30/23

I began my research of this report with calling Fishkind Litigation Services (FLS) in Orlando, Florida. My concern was whether they were a legitimate business and if so, do they use A.I. (Artificial Intelligence) to write their reports. Their report seemed very disconnected from our situation in Ormond Beach with the proposed building on the Tomoka Oaks Golf Course. It was as if they were given a couple of key words and figures and those were then plugged into a standard report that they could then send out to anyone who wants to justify building on a golf course. The lady who answered the phone was very nice and said they do not use A.I. and that their business employs economists and CPA's.

The following is my analysis of the Executive Summary of the Economic Impact of Redeveloping Tomoka Oaks Golf & Country Club written by Fishkind Litigation Services regarding the proposed Tomoka Reserve:

FLS belief: "All its (proposed Tomoka Reserve Development) traffic will be directed through Tomoka Oaks Boulevard to Nova."

My belief: I don't think any of us believe that.

FLS belief: "Shuttered golf courses depress the values of surrounding residential properties. This is proven in the professional literature."

My belief: Please refer to my research on Seminole County's (5) struggling golf courses along with (1) in Orange County dated 7/21/23 that I sent to all Planning Board Members, the Mayor and Commissioners. These golf courses were revived and are now successfully functioning either as green space, parks or golf courses enhancing the values of the homes around them. I am sure I could find more.

FLS belief: "The redevelopment of the Club into a modern community with homes valued at $550,00 to over $763,000, surrounded by a large landscaped/open space buffer will enhance the values of the surrounding neighborhood.

My belief: I believe the development will devalue the homes around it.

FLS belief: "The redevelopment project will also generate a substantial surplus for the City's budget."

My belief: At what cost? Perhaps using up our last bit of green space and stretching the limits of our

infrastructure. It would permanently take away the implied or stated perpetuity of the green space which will affect not only our historic Tomoka Oaks residents who bought on the golf course but (4) other surrounding communities, one of which is also historic. Our City might better enjoy the money coming from tourists who flock to our golf courses and businesses, especially during tournaments.

FLS belief: "That the pandemic reversed a 30-year decline in golf rounds played." "The volume of rounds on an 18-hole equivalent basis increased significantly in 2020 and rose to almost 40,000 in 2021." In addition to that, the FLS graph Figure 3 shows that we are now equal to the amount of golfers we had in 1986. Further down in the report it states, "The rebalancing of the golf market does not mean that all areas of the country have returned to equilibrium nor does this imply that a stand-alone golf course can once again become a viable business operation. This is particularly true of Florida."

My belief: Please explain how this is particularly true of Florida. A constant stream of retirees and younger folks are looking for lower costs of living or similar political minds here in Florida which will ensure our need for golf courses. We have 20 viable golf courses operating within 20 miles of us. Your analysis of annual income of a revived Tomoka Oaks Golf Course of $1,575,00 minus annual costs of $983,069 equals $591,931 net operating income. If the City or County bought the land in conjunction with ECHO, Volusia Forever, etc. or private investment, this may work. We also have investors who may be interested in the golf course. We do not have a willing seller at this time, but I am discussing this since you brought it up.

FLS belief: "Course closure exposes the surrounding real estate to the blight of an abandoned course."

My belief: This land could be green space, a park or a golf course. Please note that our 2022 Parks and Recreation survey revealed that we may need to buy additional park land in the next 10 years to meet the recommendation of the National Recreation Parks Association median benchmark of 13.2 acres per 1000 people. They also highlighted the area of the Tomoka Golf Course as needing a park to accommodate the recommendation that all residents be able to access a quality park within 1/2 mile of their home.

FLS belief: The Boca Flores Condominium Community (See Figure 5 showing an aerial view) is comparative to the proposed Tomoka Reserve development.

My belief: Picture putting a development inside a development, picture a donut with a development inside of it and having a 450-foot road being the only exit for both the donut community and the new development to leave the development. You are comparing apples to oranges. Boca Flores appears to have many accessible roads.

The following is my favorite part of the Executive Summary by FLS:

Analysis of Concerns by the Surrounding Property Owners cited by the Tomoka Oaks Homeowners Association:

1. **HOMEOWNERS FEAR THAT THE DEVELOPMENT WILL DECREASE PROPERTY VALUES.**

FLS belief: Homeowners cited no particular facts to support this concern.

My belief: They do not need facts, just common sense and the history of what we know increases the value of homes and it is not a development jammed inside another development. Think donut hole.

2. HOMEOWNERS POINT OUT INCOMPATIBILITY.

FLS belief: The combination of lots 60 feet to 80 feet on the periphery coupled with the large, landscaped buffer mitigates any concern over compatibility.

My belief: Their message tells me, don't believe your lying eyes. That 50' buffer with houses crammed behind it is the same as looking out on a green space/golf course so shut up.

3. CONCERN FOR ADEQUATE PUBLIC FACILITIES.

FLS belief: "The relatively small number of additional homes in the project will not stress existing facilities and infrastructure." "Moreover, new housing with modern conveniences and design will invigorate older homes to be updated, which may also be a benefit to homeowners against potential property losses from extreme weather-related storm events, as well as the City of Ormond providing hurricane relief expenses to an older outdated neighborhood. Hospital facilities and school space is adequate relative to the increment of demand from the redevelopment. Finally, as demonstrated in the fiscal impact analysis, the redevelopment project will generate very substantial financial surpluses to the City that can be tapped to fund any additional public facilities."

My belief: Let's keep our green space while we still have it so we don't have to tap into funds received from a development to fund future public facilities that we have no land to put them on and give the residents what they believed they would have (implied or stated) for perpetuity. Please don't insult our beautiful historic Tomoka Oaks Community by saying they need new houses to inspire them to repair their homes. And by the way, our schools and hospitals are already overtaxed.

3. STORMWATER RUNOFF CONCERNS.

FLS belief: "The redevelopment of the Club will provide adequate stormwater detention and treatment facilities."

My belief: Yes, the best laid plans. These stormwater detention and treatment facilities do not always work as planned. The Tomoka Oaks Golf Course land in and of itself is on the highest elevation in East Volusia County. Its coquina limestone base soaks water in very quickly providing a filter for all water that might reach our aquifer and already "impaired" Tomoka River.

4. HOMEOWNERS TRAFFIC CONCERNS.

FLS belief: "The project is engineered to direct all its traffic via Tomoka Oaks Boulevard to Nova Road. Project traffic may exit the community on alternative roadways; however those are longer and circuitous. Additionally, the alternative longer routes will provide emergency ingress and egress."

My belief: It is obvious you did not do your homework. Tomoka Oaks residents already use the "longer and circuitous" roadways through The Trails Development. What will stop the new residents from doing the same? Now that you mention emergency ingress and egress, that is something that was not addressed by the traffic study.

5. QUALITY OF LIFE CONCERNS.

FLS belief: TOHOA is concerned over traffic and noise during the development period. As noted above, the traffic is routed via Tomoka Oaks Boulevard to Nova Road and internally does not go through the existing neighborhood. Again, the direct route to the collector roads is out to Nova Road.

My belief: I repeat, you did not do your homework. At least look at an aerial view of the area in question.

Darla Widnall
The Trails
7 Shawee Trail

From:	Connie Colby
To:	alanjrczak@cfl.rr.com; angieshull@gmail.com; Barry duMoulin; doug@weatherguardshutters.com; ggalloway@cbcbenchmark.com; mikeschu@yahoo.com; troyrailsback@yahoo.com
Cc:	Spraker, Steven
Subject:	additional concerns about Tomoka Reserve and its effect on this part of OB
Date:	Friday, August 4, 2023 7:39:48 PM
Attachments:	Pine Trails Elem coverage.pdf Tomoka-Elementary_August-2021.pdf

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Members of the Planning Board

I did not speak at the meeting at Calvary as there were so many Tomoka residents who deserved that time. There is the possibility that you may not permit further speakers at the meeting on Hand Ave. I do not live in Tomoka Oaks but there are a few issues that do affect me anyways.

Nova Road - from my house we go past the entrance to Tomoka Oaks to get to US1 and 95. As you are aware, it is already a death trap and the addition of hundreds of new vehicles is a recipe for disaster.

The school concurrency is flawed. They suggest about 80 new kids from nearly 300 homes. Tomoka Elementary is already above capacity. But worse than that is that the kids in my neighborhood who live about 1.7 miles from TE are in a pocket of OB (east and south of the school) that is assigned to Pine Trails Elementary – 7 miles from here. Yet, the new kids who would be in Tomoka Reserve will be assigned to Tomoka Elementary while our kids continue to ride by both Tomoka Elementary and Tomoka Reserve on their 7 mile ride to school each day. Most of these kids are driven to school as they would be on the bus all day or waiting for the bus in the dark. Some people have made a special request to allow their kids to go to the school to which they should already be assigned. Wouldn't it be more fair to put the local kids in their local school and OOPS if there isn't room for these new kids assign them out of the area?

As we know, you can make numbers say just about anything. Traffic study looks about the same. I believe I heard only about 18 more cars coming out of the entrance on Granada.

Which brings up the question….will a school bus come to that area? They do not go into gated communities and the suggestion of kids waiting at the diamond shaped area is scary.

Next… the distances between these houses is somewhere between 7 ½ to 8' as I read it. The city of Ormond Beach and private communities do not permit parking boats, campers, etc on a driveway- only in backyards and side yards that are fenced. This plan does not appear to have a storage area for people to

park these vehicles. There is not enough room between houses for this either.

The plan does not show a vehicle emergency entrance or exit should there be any type of blockage at the only entry/exit location. I don't know if there is any law about this- there is for manufactured home communities – but could be a disaster.

They addressed (and poo-pooed) the possibility of affordable housing in their development order. I'm attaching what they say on page 10 about apartments and townhouses. They leave it open for coming back and requesting this change. This could only be done with a PRD. If approved and the developer comes back for a change for apartments (rentals) in my opinion (having read all of 102) there wouldn't be a choice but to accept it.
Tomoka Oaks was advertised as having a golf course and people spent additional money to live on those lots. It was part of the development. A city should protect the residents from carpetbaggers like these and assure that promises made are kept. Developers have rights but more importantly, residents have rights. It appears that this may be settled in a courthouse.
Im attaching pictures of the two school zones that I've referenced and also page 10 of the development order where the developer wants to give himself permission to come back and change his plans.
Connie Colby
108 Roble Lane
Ormond Beach, FL 32174
386-871-2751

1.87 units per acre (abutting existing Tomoka Oaks lots), 60', and 50'. The applicant is proposing lots with varying lot existing Tomoka Oaks subdivision at 2.09 units per acre. The narrative letter (ATTACHMENT 10) analyzed the density of the subdivision, the individual subdivisions were platted in the 1960s and 1970s and did not include common open space, recreational areas, or stormwater management systems which were not required at the time of platting. The Tomoka Reserve site plans show 78.28 acres or 53% of the site dedicated to landscape buffers, open space, stormwater, and recreational areas to support the subdivision. The project has clustered the lots in order to provide landscape buffers, open space, stormwater, and recreational areas.

Planned Residential Developments typically use the existing zoning district as a basis for allowed uses and dimensional standards. This property had a zoning map amendment in 2006 from the R-2, Single-Family Low Density zoning designation to PRD, Planned Residential Development. Based on the previous zoning designation and the surrounding properties also being zoned R-2, Single-Family Low Density, this zoning district is being used as the basis for the review of the Tomoka Reserve project. The Planned Residential Development allows the ability to request alternative lot sizes or more intensive uses in a development order. Section 2-35(b) of the Land Development Code states: "More intense uses (e.g., townhouses in a single-family district, or apartments in a townhouse district) may be allowed, provided that their visual and functional impact on neighboring districts is minimized by providing adequate buffering and screening, and all the requirements of this section are met." The allowance is discretionary with the term "may" used in the standard and requires adequate buffering and screening.

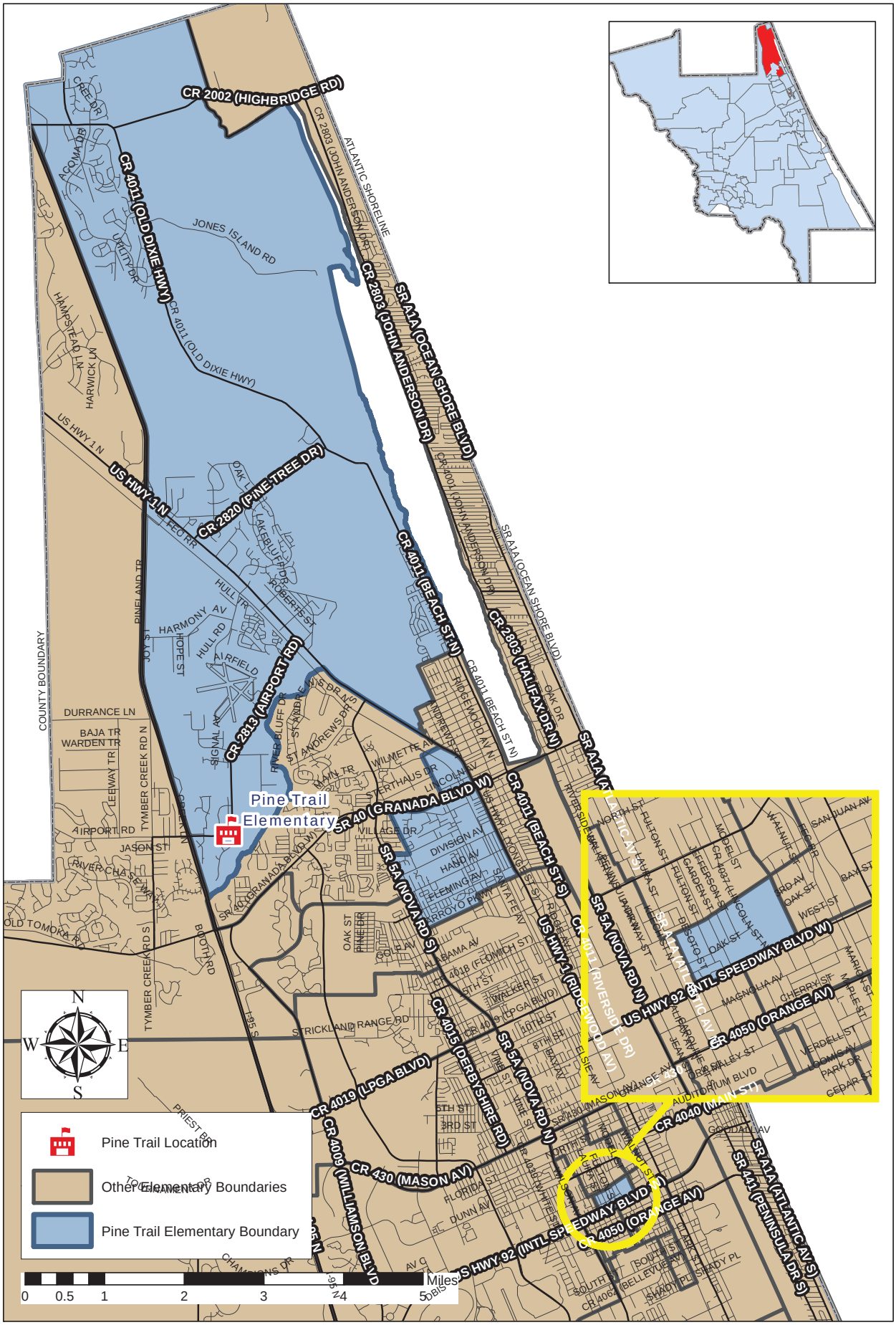
Planned Residential Developments (Marshside, Pineland, Creekside) in the West Ormond Beach area previously sought lower lot dimensions than the SR, Suburban Residential zoning district minimum of 80'. The applications for smaller lot sizes were either denied or amended to the 80' lot width minimums. Staff sees similarities between the Tomoka Reserve and the Planned Residential Developments of West Ormond Beach. Throughout the application process, concerns have been raised about the lot

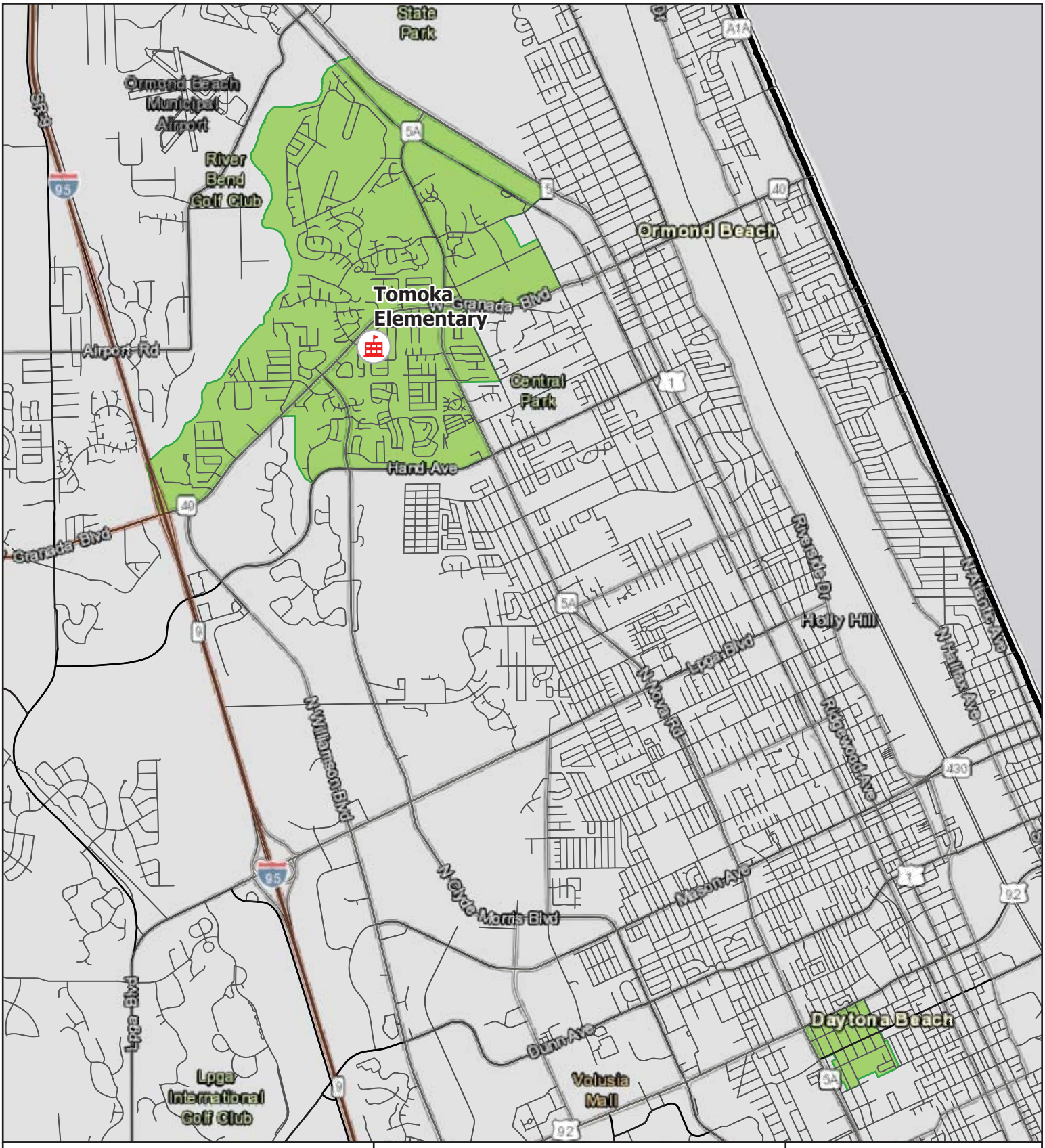
School Attendance Boundary Map

Pine Trail Elementary

Created by Facilities Services
February, 2016

Maps are for illustrative purposes
School attendance boundaries are identified
in the Zone Description Manual.





School Attendance Boundary Map

Tomoka Elementary

Interactive Map:
https://arcg.is/18ijWv0

Updated July 2021
Maps are for illustrative purposes
School attendance boundaries are identified in the Zone Description Manual.

VOLUSIA COUNTY SCHOOLS

School
Attendance Boundary
Streets
Thoroughfares

N

0 0.45 0.9 1.8
Miles

Spraker, Steven

From: Denise Corley <denisejean@gmail.com>
Sent: Sunday, August 6, 2023 3:27 PM
To: Miller, Marcella
Subject: Perserve Tomoka Oaks
Attachments: Screen Shot 2023-08-04 at 10.24.26 PM.png; Screen Shot 2023-08-04 at 10.24.43 PM.png; Screen Shot 2023-08-04 at 10.24.12 PM.png

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Dear Marcella Miller,







My name is Denise Corley, my husband and I bought a house in Tomoka Oaks because it was on a golf course. It was the open space and view of trees that made the sale. I spoke at the July 13th planning boarc meeting about the toxic soil and tightly packed " housing products". I hope you have had the time to read the Environmental Report submitted. The SPRC board accepted the planned remediation for the soil that is laid out in the Soil remediation plan.

How many residential developments have you been asked to approve that need this much oversight into the soil remediation?

Steve Spraker and his team have been doing a thorough job of responding to the developers and the community that will be directly affected by this development.
The SPRC board has recommended that you do NOT approve this plan.

I have not seen a new submittal from the developer with the changes the SPRC has been asking for even though Rob Merrell says tell me what you want. SPRC has over and over, but nothing happens, they have a price point that Carl Veile needs to hit. Does the city of Ormond Beach care if the developer hits his desired price points?

A "subperb" plan would be a Preserve, keeping this land open space and part of the community not a gated community.

Some of you on the planning board have said, "Something is going to be built there". May that something should be something that enhances the Quality of Life in Ormond Beach.

Please read Clay Henderson's book "Forces of Nature" just published. This book describes the people, like Walter Boardman who through their love and wisdom of the fragile natural beauty of Florida with its unique ecosystem, plants and wildlife and water unique in the world, fought with their money and influence to help Preserve Florida's unique environment.

This golf course is toxic, let's let the land heal. Let's put environmental health over individuals' wealth.

Let's keep Ormond beach unique and not overrun by development.
Please vote NO on this plan.
Send a message to developers that Ormond Beach wants to stay unique among this raging over development taking place everywhere else.

Thank you for your service to the community of Ormond Beach,

Denise Corley
51 S. St. Andrews Dr.
I have include the Recommended Remediation Plan from the Environment Report

FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Memorandum

TO: Alex Courneya, Environmental Specialist III
Central District Office

THROUGH: Brian Dougherty, Program Manager
District & Business Support Program, DWM

Digitally signed by Brian Dougherty
Date: 2022.10.25 13:35:46 -04'00'

FROM: Leah J. Smith, Environmental Consultant
District & Business Support Program, DWM

Digitally signed by Leah J. Smith
Date: 2022.10.25 10:33:24 -04'00'

SUBJECT: Former Tomoka Oaks Golf Course
20 Tomoka Oaks Boulevard
Ormond Beach, Volusia County
Soil Management Plan (Amended), September 2022
Site ID: ERIC_18037

DATE: October 25, 2022

The document *Soil Management Plan (Amended)* dated September 2022 for the above referenced site has been reviewed by the Florida Department of Environmental Protection (FDEP) District and Business Support Program (DBSP). Review observations and comments are provided to assist the Central District Office staff with their review of this document and should not be inferred to be an approval of the subject document. DBSP offers the following observations:

1. General:

   a. The site is slated to be redeveloped into single-family residential lots (298 lots), retention stormwater management areas, roadways, amenity and open space areas. The submittal notes that the intent is to comply with residential soil cleanup target levels (SCTLs) in both the residential and non-residential areas of the site.

   b. The original Soil Management Plan (SMP) was previously reviewed by DBSP and the University of Florida. Response to comments were submitted and have been reviewed under separate cover.

   c. Prior soil sampling identified chlordane, dieldrin, heptachlor epoxide, and toxaphene as soil contaminants of concern (COCs) within the greens. Arsenic, dieldrin and toxaphene were identified as soil COCs within the tees. Arsenic was identified as the soil COC within the driving ranges and fairways.

2. Soil Management Plan (SMP):
    a. Additional soil assessment within the former course greens is proposed to further define organochlorine pesticide (OCP) impacts. The submittal proposes stockpiling the upper two feet of unsaturated soil from each green into 1,000 cubic yard (cy) stockpiles. Each stockpile will be sampled for total and synthetic precipitation leaching procedure (SPLP) dieldrin and toxaphene analyses, and for total arsenic analyses at a frequency of 5 soil samples per 1,000 cy.
        i. Soil with dieldrin and/or toxaphene residential SCTL exceedances will be disposed of at a licensed landfill facility.
        ii. Soil with concentrations of dieldrin and/or toxaphene above the leachability SCTL but below the residential SCTL will be mixed with clean onsite soil and resampled. Once reuse sample results meet the leachability SCTL the soil will be managed based on corresponding arsenic concentrations.
        iii. Soil with concentrations of dieldrin or toxaphene below residential and leachability SCTLs will be placed within appropriate future land uses based on corresponding arsenic concentrations.
    b. The submittal recommends excavation and transportation of arsenic-impacted soil within the fairways, driving range, tees, Golf Course Maintenance Area (GCMA) and greens to non-residential areas (open space and amenity areas) within the site for placement below engineering caps with a minimum of two feet cover.
    c. Five composite soil samples per 1,000 cy will be sampled and analyzed for arsenic from imported fill material not from a certified quarry or from excavated onsite soil. Each composite sample will be comprised of a minimum of 10 aliquots collected from various heights and depths of the stockpile.
3. Post Soil Excavation Certification Sampling:
    a. Former green areas: Former green areas are impacted with OCPs and arsenic and assessment soil samples were not collected below 2 feet below ground surface (bgs). The submittal proposes collecting a series of three discrete soil samples from the excavation floor of each green at a depth of 2 feet for arsenic and OCP analysis following the removal of impacted soil. This process (soil removal followed by sampling) would be repeated until SCTLs were achieved.
    b. Non green areas: Four soil samples per an acre are proposed from a depth of 0-2 feet bgs for arsenic analysis for a total of 592 discrete soil samples across the site. Based on the analytical results soil will be classified as arsenic-impacted or soil requiring no further assessment or remediation. This process (soil removal followed by sampling) would be repeated until SCTLs were achieved.
4. Site Grading Procedures:
    a. Imported fill or soil sampled and determined to meet residential and leachability SCTLs will be used within the site to meet geotechnical requirements and for site grading and flood protection within the development areas.
    b. A two-feet minimum soil cap of clean fill is proposed as an engineering control for the open space/amenity areas (non-residential).
5. In-Situ Certification Testing
    a. Two soil samples collected from random location within each single-family building lot at depths of 0-2 feet bgs and 2-4 feet bgs are recommended for arsenic analysis. A total of 1,192 confirmation samples are estimated within the single-family lots.

b. Five soil samples collected from random locations within each acre of open space are proposed at a depth of 0-2 feet bgs for arsenic analysis.

DBSP offers the following comments:

1. According to the Site Assessment Report (SAR) for this site in addition to dieldrin and toxaphene, chlordane and heptachlor epoxide were detected in soil collected from the greens. These COCs are included in the confirmation sampling of the excavation floor of the former green areas but are not included in the stockpile sampling or in-situ characterization sampling.
   a. According to SAR Exhibit 5: Individual Greens OCP Data chlordane was detected in approximately 30% (16 out of 54) and heptachlor epoxide was detected in approximately 11% (6 out of 54) of the samples collected from the greens. Therefore, DBSP recommends that the in-situ characterization sampling include these COCs in locations where soil from the greens is re-used.
2. While stockpile sample results may be useful in characterizing the placement and/or blending of soil, they are not included in the consideration for a no further action decision because they may under or overestimate the actual concentration of COCs within the re-used soil.
   a. DBSP concurs that following the stockpiling, blending, grading, etc. of soil, the approach outlined in the in-situ certification for the finished lot sampling and amenity/open space sampling appears to be reasonable to verify that blended soils meet applicable SCTLs.
   b. The areas where an engineering control is implemented will need to be clearly defined following redevelopment activities. A survey will need to be conducted and included with a Declaration of Restrictive Covenant (DRC) documenting these areas. An engineering control maintenance plan (ECMP) will need to be prepared and will be reviewed upon submittal.
3. The submittal notes that a 95% upper confidence limit (UCL) may be calculated for arsenic in soil within each of the open space/amenity areas. Depending on the proposed decision unit(s) this may be a reasonable approach for evaluating arsenic concentrations in soil within the open space/amenity areas.

If you have any questions, please contact me at 850-245-8717 or at Leah.J.Smith@FloridaDEP.gov.

ATTACHMENT 3

Correspondence received

Section D

Correspondence from
August 10, 2023 to
August 16, 2023

Note: former attachment 16

From: Spraker, Steven
To: "Carolyn Davis"
Subject: RE: 7-13-23 Planning Board hearing minute markers 4:51:41 - 4:52:13
Date: Monday, August 14, 2023 7:16:00 AM

Good morning,

The July 25, 2023 e-mail was sent to Randy Hayes and I was copied. There was no indication that the e-mail was intended for the Planning Board and was not marked For Planning Board. Staff is happy to provide to the planning board and include in the Planning Board packet. For future e-mails, if you can indicate somewhere that the e-mail is intended for the Planning Board or City Commission, staff will include in the packet.

Thank you

Steven

Steven Spraker, AICP
Planning Director

Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

From: Carolyn Davis <carolyndavis3@gmail.com>
Sent: Friday, August 11, 2023 4:31 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Cc: Hayes, Randy <Randy.Hayes@ormondbeach.org>; doug@weatherguardshutters.com; alanjorczak@cfl.rr.com; angieshull1@gmail.com; barry_dumoulin@msn.com; ggalloway@cbcbenchmark.com; mikescud@yahoo.com; troyrailsback@yahoo.com; Miller, Marcella <Marcella.Miller@ormondbeach.org>
Subject: Re: 7-13-23 Planning Board hearing minute markers 4:51:41 - 4:52:13

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Steven,

RE: Attachment 15: Additional Correspondence - 07.13.2023 to 08.10.2023
https://www.ormondbeach.org/DocumentCenter/View/24875/Attachment-15-Correspondence-from-071323-to-08102023

I noticed my email sent on 7/25/23 was not included in the link for Planning Board hearing correspondence received during 7/13/23 - 8/10/23. Perhaps its omission was due to the fact it was addressed to both Steven and Randy.

I am including all members of the Planning Board on this email as I wish to ensure they are all made aware of my concerns that the Planning Board gave the appearance that **DENIAL** was not an option being considered by the Planning Board. There are legitimate uses for the property that are exclusive of residential development and are supported by a large core group numbering 500+ residents of Ormond Beach; over half living in Tomoka Oaks. This core group is not desiring the property go unused or left to grow wild but rather be used by the applicant for purposes of green space recreational use as was originally intended by the 1963 developers of Tomoka Oaks. And we are relying on the integrity of the Planning Board to sift through applicant claims that do not support our Land Use Code criteria thus denying the application should just one criteria not be met.

How many chances is the Planning Board prepared to provide the applicant? It appears as many as possible until the board can recommend approval. This does not sit well with our core group who testified that denial is the best outcome.

The attached *Tomoka Oaks Times* newsletter provides a concise summary of resident testimony objections on page 3 which should not be summarily dismissed by the "opinion" of the Planning Board Chair prior to evaluation of all hearing testimony. I am requesting that the Chair recognize his opinion, when stated in a public forum, carries as much weight and influence with our citizens as does his final recommendation to the Commission.

Thank you,

Carolyn Davis
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187

On Wed, Jul 26, 2023 at 11:37 AM Hayes, Randy <Randy.Hayes@ormondbeach.org> wrote:

> Thank you Carolyn. Chairman Thomas was only stating his personal opinion and applicants are always encouraged to explore potential resolutions with residents. As you know, the HOA is a party to the proceeding and I would expect the attorneys for the parties to discuss possible resolutions to present the board. And I customarily provide cautionary advice to all decision-

makers not to pre-determine an outcome prior to receiving all evidence at a public hearing.

Thank you very much.

Randy

From: Carolyn Davis <carolyndavis3@gmail.com>
Sent: Tuesday, July 25, 2023 4:03 PM
To: Hayes, Randy <Randy.Hayes@ormondbeach.org>
Cc: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: 7-13-23 Planning Board hearing minute markers 4:51:41 - 4:52:13

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Randy,

Re: the 7-13-23 Planning Board hearing for the Tomoka Reserve application PRD-2022-043

I want to thank you for requiring the sworn oath acknowledgement for speakers at this meeting. Chairman Doug Thomas was diligent in assuring that each speaker acknowledged whether they took the oath requiring they tell the truth. Each Planning Board member took the oath as well.

As you know, the Planning Board determined it needs to continue this hearing to August 21, 2023, as the board was unable to render a recommendation. In his closing remarks addressing the not-yet-approved development order for the golf course property, Chairman Thomas stated verbatim -

> *But I think that developers have rights, the land owners have rights, but you know who else has rights, all these people out here. All these people out here have rights. And whatever goes in there is going to impact their life. It's gonna impact their happiness. And Randy has cautioned me not to talk about certain things, but like GG said, "something's going in there." Something is going to go in there. And so we've got to compromise, we've got to find something because there is a hard core group of residents who don't want anything in there. But I'm gonna tell you something, that is just not going to happen cause something will go in there.*
> Minute markers 4:51:41 - 4:52:13
> https://www.youtube.com/watch?v=ZtdFx0FIdq8

Such a definitive statement by the Planning Board Chairman prior to any formal, public board recommendation is gravely troubling and goes against the spirit of the hearing. This statement implies the Planning Board has already made a determination to negotiate a development and is willing to review as many site plans as needed until one is acceptable.

Please note my concern for the public record that the Chairman's remarks at the end of the July 13, 2023 hearing casts a shadow on the ability and responsibility of the Planning Board to remain unbiased. It clearly indicated a recommendation of denial was not an option being considered by the Planning Board.

Please acknowledge receipt of this email.

Regards,

Carolyn Davis
Tomoka Oaks
46 Oakmont Circle
Ormond Beach, FL 32174
386-316-5187
CarolynDavis3@gmail.com

Notice: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

ORMOND BEACH

Issue 7 - August 2023

Tomoka Oaks Times

An Independent Newsletter Focused on Preventing Residential Development of the Tomoka Oaks Golf Course

What happened at the Planning Board Hearing held July 13, 2023?

A lot happened at the hearing. But first let's back up and talk about the city's **Staff Report** which was received by each Board member for review prior to the hearing. This 802 page report can be viewed at https://www.ormondbeach.org/Archive.aspx?ADID=10425

The report is separated into different areas such as the traffic analysis, site plans, correspondence received, environmental analysis, and the City staff's recommendation to the Planning Board.

Keep in mind, the Planning Board only makes a recommendation to the City Commissioners on whether the Planning Board believes the Commission should accept or deny the development application.

The City Staff Report advised the Planning Board recommend **DENIAL** of the issuance of a development order based on certain conditions and staff requests for associated site plan improvements.

Page 11 of the report contains an Analysis which identifies 8 key issues the Site Plan Review Committee and the Applicant (Developer) were unable to agree on (see box below).

Key unresolved issues with potential for resolution by the Applicant include: lot sizes, density, compatibility, planting of the 50' natural buffer, project setbacks, lot separation note (sheet PD6), key traffic issues (diamond intersection at St. Andrews Drive & Tomoka Oaks Boulevard, and sidewalks on both sides Tomoka Oaks Boulevard), and acceptance of outdoor recreation areas.

The **Staff Report** provides options, where available, to assist the Planning Board in their formulation of the policy direction and their resolution of key issues. Alternative options can also be created through the public hearing process. And the Planning Board's recommendation to the Commission can be to 1) approve, 2) approve with conditions, or 3) deny the application.

With this understanding of the function of the **Staff Report**, we can examine the Planning Board hearing held July 13, 2023. Highlights of the hearing begin on page two of the *Tomoka Oaks Times*.

NOTE: Links to articles written by local journalists Clayton Park, ***Daytona Beach News-Journal*** and Jarleene Almenas, ***Observer*** contain comprehensive coverage.

Carolyn's Message

Dear Neighbors,

Well, we did it again! We united and we came out in force at the July 13 Planning Board hearing. Hundreds of us attended to express concern and opposition to the PRD zoning application for residential development of the Tomoka Oaks golf course property.

During the hearing, passionate residents from Tomoka Oaks, Escondido, The Trails and other Ormond Beach neighborhoods, spoke with conviction as to why we oppose building 276 homes in the "green heart" of our established Tomoka Oaks neighborhood.

And prior to the hearing, 48 of you sent me letters which I proudly had included in the City's 802 page Planning Board packet. Our letters begin on page 127 of the packet.

Much has happened in a short amount of time. This newsletter provides highlights related to our efforts to prevent this intrusive development.

It also provides links to several resources so you can educate yourself on the many factors that impact where we are at the time I am writing our August newsletter.

In the future, you may see more short email blasts, rather than full issues of the ***Tomoka Oaks Times***, as I strive to keep you up-to-date on new information.



Not giving in or up,

Carolyn Davis
46 Oakmont Circle
CarolynDavis3@gmail.com

v1

MEDIA COVERAGE

THE DAYTONA BEACH NEWS-JOURNAL



WATCH: Residents, Tomoka Reserve developer speak at Ormond Beach Planning Board meeting

Ormond Beach's planning board hears from residents, developer on plans to build a new gated community on the site of the old Tomoka Oaks golf course.

Clayton Park Clayton Park, The Daytona Beach News-Journal
Published 1:35 p.m. ET July 14, 2023

Watch video excerpt.

Read the 7/14/23 Daytona Beach News-Journal article written by Clayton Park.

Subscription Info

Observer
Palm Coast. Ormond Beach.



Board members Mike Scudiero, Angeline Schull, Chair Doug Thomas, Barry du Moulin, Al Jorczak and G.G. Galloway. Photo by Jarleene Almenas.

Read the 7/14/23 Observe article written by Jarleene Almenas.

Subscription Info

Key Unresolved Issues

The applicant and the Site Plan Review Committee have been unable to reach a consensus on several issues. These issues are policy issues that need a recommendation from the Planning Board and final action from the City Commission.

- Key issue 1: Development ability of the former golf course (more on this on page 2 of the *Tomoka Oaks Times*)
- Key issue 2: Lot size, density, and compatibility
- Key issue 3: Planting of the 50' natural buffer
- Key issue 4: Setback plan
- Key issue 5: Sheet PD6 note on lot separation
- Key issue 6: Traffic review, including St. Andrews Drive and Tomoka Oaks Boulevard diamond
- Key issue 7: Recreational areas
- Key issue 8: Environmental

Highlights of the Planning Board Hearing Held July 13th

The entire 5 hour audio and Power Point slides from the Planning Board hearing held July 13, 2023 are located at https://www.youtube.com/watch?v=ZtdFx0FIdq8 Obviously there is a lot to listen to. Here are some highlights.

Some Quick Facts

- Length of the July 13, 2023 hearing: 5 hours
- Hearing Outcome: Continued to August 21, 2023
- Number of attendees: 300 +/-
- Number of residents who addressed the Planning Board: 30
- Total number of hours of resident testimony: 1.5
- Number of pages in the Planning Board packet: 802
- Number of resident opposition letters contained in the packet: 56
- Number of Key Issues unresolved between the SPRC and the Applicant that need to be addressed by the Planning Board: 8
- Staff's Recommendation to the Planning Board: **DENIAL** based on certain conditions and staff requests for associated site plan improvements.
- Date, time and location of next Planning Board Hearing:

  Monday, August 21, 2023 at 6:00 pm

  Tomoka Christian Church, 1450 Hand Ave, Ormond Beach, FL 32174 (map)

A group oath was administered requesting people who were testifying to swear to tell the truth. Why? Is that normal procedure?

No, it has never been normal procedure. City Attorney Randy Hayes asked witnesses to take the oath to preserve the record for a judge in anticipation of any legal challenges that might follow.

Brent Spain, an attorney retained by Carolyn Davis and a consortium of homeowners, provided a Letter of Opinion to Chairman Thomas and the City the day before the hearing. What did it say? And why was it not allowed at the hearing?

Mr. Spain informed the Chairman and the City that cited case law would establish that, at a minimum, the use if the golf club property is limited to a golf course or similar open space purposes by virtue of an implied restrictive covenant. City Attorney Randy Hayes advised the Planning Board that if there are legal issues raised by a legal analysis, then it is incumbent on the party represented by that attorney to initiate their own civil action. (Read Spain's Letter of Opinion)

Note from Carolyn: The legal opinion of attorney Brent Spain is a separate legal effort and is not associated with our voluntary HOA's development mitigation efforts represented by attorney Dennis Bayer. I am a member of our voluntary HOA, but I chose to research a separate path focusing on historical and legal records that present legal challenges to residential development of the golf course property. I disclose in every issue of the *Tomoka Oaks Times* my belief that both the voluntary HOA efforts and my efforts are necessary to address all aspects of this potential development.

What did our voluntary HOA's attorney have to say at the hearing?

Dennis Bayer presented the following concerns still unresolved after extensive HOA negotiations:

- Excess traffic volume
- Inadequacies in the perimeter landscape buffer, it's lack of irrigation, and lack of an enforcement mechanism
- Lot sizes and unit density
- Loopholes allowing the applicant to self-amend lot sizes and number of lots without any official review.
- Applicant's identification of the project as "infill" which is taking a blighted area with rundown houses and putting in a new development. This application is not infill; it is filling a green space with residential development.
- Argues a PRD denial should not allow straight R-2 zoning. "Its current zoning is PRD, it's not R2, this does not behold it from process."

What is the difference between PRD and R-2?

If the developer's PRD application is denied, the developer has a back up application for an R-2 zoning map amendment. The City Attorney ruled against any Planning Board discussion of the R-2 alternative, although the applicant attorney raised the R-2 threat throughout the hearing.

Note from Carolyn: This newsletter does not contain enough space to address the differences between PRD and R-2. At a very basic level:

- The PRD application increases the buffer between existing Tomoka Oaks golf course homes and the proposed development. But is reduces the rear set back of the new homes so there is less footage at the back of the structure where it backs up to the buffer. By contrast, an R-2 has a smaller buffer between the new homes and the existing Tomoka Oaks homes, but the rear setback of the R-2 home requires more footage between the home's rear structure and the buffer.
- The PRD allows smaller lot sizes such as 50' - 80' widths. But the R-2 requires all lots be 100' wide as is standard in Tomoka Oaks.
- The PRD has requirements for recreational areas; R-2 does not.
- The PRD requires 20% natural preservation of the land; R-2 requires 15%.
- Prior to issuing a development order, the PRD requires a Neighborhood Meeting, Site Plan Review Committee submissions, and public hearings by the Planning Board and Commission. The R-2 does not have these same requirements but still must meet city codes and technical criteria.
- With a PRD, the Preliminary Plat review is the next step after the Commission has approved a development order, whereas the Preliminary Plat review is the first step in the R-2 process. Neighborhood meetings are suggested (but not required) at this step for both PRD and R-2.
- The last step for both the PRD and the R-2 is review and approval of the Final Plat by the Planning Board and Commission. Public comments regarding plat details are allowed.

Why didn't the Planning Board render a recommendation to the Commission?

Planning Board Chairman Doug Thomas indicated that during his 33 years on the board, this is in the top five of the most important issues he has ever heard. And he is not going to go along with forcing this through even if it takes the board two or three months.

Chairman Thomas also stated at the end of the five hour hearing that, "Something is going to go in there, and so we've got to compromise. We've got to find something because there is a hard core group of residents who don't want anything in there. But I'm gonna tell you something, that is just not going to happen cause something *will* go in there." *Meeting Minute Marker 4:51:50 - 4:52:13*

Note from Carolyn: I emailed City Attorney Randy Hayes expressing my concern the Chairman's comments implied "denial" was not an option this board was considering.

Mr. Hayes responded in part, "Chairman Thomas was only stating his personal opinion . . . And I customarily provide cautionary advice to all decision-makers not to pre-determine an outcome prior to receiving all evidence at a public hearing."

Our "core group" currently numbering 500+ households (over half living in Tomoka Oaks and many being members of the voluntary HOA such as I am) believes the Planning Board should heed Mr. Hayes' advice.



Provided by Tomoka Oaks resident djcorley

Public Comments - July 13 Planning Board Hearing

Members of the audience were allowed 3 minutes to make public comments. All 30 speakers are listed in the order they testified along with a brief summary of their comments. Only 1 speaker was in favor of the PRD.

1. **Carolyn Davis** (Tomoka Oaks): Reported Attorney Brent Spain's letter of opinion which questions the legality of any development, PRD or R-2.

2. **Stephanie Cox** (Volusia County): Board should seriously consider problems of growth, traffic, schools and infrastructure.



Provided by Tomoka Oaks resident djcorley

3. **Len Gaspery** (Tomoka Oaks): Builder of original custom Tomoka Oaks homes stated golf course lots were substantially more expensive.

4: **Jeff Boyle** (Ormond Beach): Identified development issues that are in conflict with 7 of the City's Comprehensive Plan policies.

5: **Denise White** (Trails): Has issues with traffic analysis not accurately assessing flow and impact on the Trails two-lane, narrow roads laden with medians.

6. **Ashley Dufrene** (Tomoka Oaks): Purposely paid more for a golf course-fronting home. Proposed use will violate all aspects of OB LDC 1-15, article 2.

7. **Michelle Zirkelbach** (Tomoka Oaks): Is a real estate agent who never had a buyer ask to, "find me a house on a 50', 60' or 80' lot." Proposal seeks max profits/acre without regard for quality of life of current residents.

8. **Ellen Cook** (Escondido): Current traffic impacted by RR crossing on Nova will only get worse and result in excess stacking and accidents.

9. **Adele Shaw** (Escondido): The sign for "Tomoka Reserve" makes her think of nature, not a residential development.

10. **Tom Fitzgibbon** (Tomoka Oaks): Traffic concerns with a) FDOT expecting 2 years to install traffic light at Nova & Tomoka Oaks Blvd. b) FDOT rebuild of Nova during Tomoka Reserve development, and c) inaccurate analysis of traffic at Granada & Main Trail.

11. **Denise Corley** (Tomoka Oaks): Concerned soil remediation may simply redistribute toxic golf course chemicals to open space, berms, rec areas, and drainage ponds.

12: **Jane Eddy** representing **Julie Freidus** (Tomoka Oaks): Lack of critical medical care infrastructure, including physician shortage, creating life threatening hardships for current Ormond Beach population.

13. **Scott Ryals** (Tomoka Oaks): as a former golf course owner family member involved in the 2006 PRD application, he understands current developer's mitigation promises might later be identified as "not doable" resulting in unforeseen approvals of developer alterations. Residents' individual freedoms will decrease over time.

14. **Peter Tupas** (Tomoka Oaks): Real estate broker for 30 years disagrees with appraiser's valuation that golf course-fronting homes won't depreciate in any way. In the real estate business, anything that happens behind you will change the value of your property. Plus more traffic on our 2 lane-roads will impinge upon infrastructure.

15. **Ned and Lauren Huhta** (Tomoka Oaks): Second and third generation living in golf course home built by Len Gaspery supported all points made by Dennis Bayer. Believe applicant should fund 100% of Tomoka Oaks Blvd reconfiguration since they are the cause for it.

16. Richard Goldhair (Trails): Construction traffic lasting 3-5 years, 7am-7pm, Monday - Saturday will adversely impact the safety and quality of the Trails and compromise Misner Branch bridge as residents and contractors avoid the construction entrance at Tomoka Oaks Blvd. and use Trails roads instead.

17. **Barbara Doliner** (Tomoka Oaks): "We do not want cookie cutter homes. This just doesn't fit our community. This Cinderella will never have that shoe fit, no matter how many different ways its going to be packaged to us, it doesn't fit."

18. Jim Cameron (Ormond Beach): Only audience member to support this development. "It's important that we hopefully find a happy medium that everybody can agree on."

19. **Renee Herrero** (Tomoka Oaks): Moved here with expectation of always being outdoors and playing the Tomoka Oaks golf course. That changed, but golf is not going anywhere. Could relaunch the 18 hole course if accompanied by a financially supported development.

20. **Caroline Herrero** (Tomoka Oaks): Grew up in a Tomoka Oaks home built by Len Gaspery. Loves being outside in our neighborhood and taking evening walks with her grandmother, but the years of growth in Ormond Beach have changed the experience of living here. Does not want proposed density.



Provided by Tomoka Oaks resident djcorley

21. **Adam Kipi** (Tomoka Oaks): His background in environmental mitigation makes him question how contaminated soil will be mitigated and how 2 feet of clean fill will create drainage issues if not sloped and graded properly. Also bought home believing the golf course property would not be built on.

22. **Tyler Brown** (Tomoka Oaks): Developer's density numbers (1.87/acre) do not accurately represent their claims of compatibility with Tomoka Oaks density (which they claim is 2.09/acre). Tomoka Oaks originally built around 147 acres of a green space golf course which results in original Tomoka Oaks density of 1.27/acre which is quite a bit lower than the applicant's claim of 2.09/acre.

23. **Missy Herrero** (Tomoka Oaks): Asked Board to clarify whether any sworn witnesses who were recruited and paid by the applicant should disclose that when testifying. Board and City Attorney stated they had no evidence of paid testimony and did not answer what the City's hearing policy is on this issue.

Ms. Herrero shared that an overburdened medical infrastructure compromised hospital care for her critically ill father. And a shortage of hospice nurses resulted in a 5 day care gap requiring the family to provide home care unaided until medical professionals arrived prior to his passing.

24. **Paul Hughes** (Tomoka Oaks) Logic is missing regarding emergency, back door access which ultimately leads vehicles back to the main Tomoka Oaks Blvd entrance. If the main entrance is blocked during a natural disaster, any traffic flowing from the emergency exit still faces the main entrance bottleneck. This impacts Escondido too. Also, residents paid dearly for golf course-fronting property and should remain entitled to that green space right.

25. **Janice Rose** (Tomoka Oaks): Development order should contain provision Tomoka Reserve HOA be required to preserve and maintain the buffer. Tomoka Oaks residents should have right to sue if not maintained.

26. **Leah Washington** (Tomoka Oaks): She and her husband are a military family who purchased in Tomoka Oaks for the peaceful stability it affords their children. This will be gone forever if the property is developed. Also, finding *local* pediatric medical care is extremely challenging.

27. **Logan Pigliacampi** (Tomoka Oaks): The beauty of nature and the serene green space of the Tomoka Oaks golf course property are critical to our fundamental way of living. They should not be compromised by industrialization and money.

28. **Darla Widnall** (Trails): The City spent $125,000 for a Parks & Recreational Survey which identified the Top 10 needs for Ormond Beach; 8 of those needs can be solved by retaining the golf course green space for uses such as parks and a golf course.

29. **Debra Gatz** (Tomoka Oaks): Buffer will contain existing trees which go down during storms and are overgrown with invasive vines that grow onto her property. This is not acceptable. Tomoka Reserve HOA should have responsibility for maintaining the buffer.

30. **Beth Rabitaille** (Trails): Sees, firsthand, vehicles speeding down Rio Pinar Trail to Tomoka Oaks. It will get even busier and less safe with new development. Questioned accuracy of traffic analysis which did not report on Rio Pinar Trail impacts.

An Open Letter to the Applicant

Dear Partners of Triumph Oaks of Ormond Beach I, LLC,

You have a lot on your plates at the moment regarding your Tomoka Reserve application. You have a Planning Board saying this current site plan is just not going to cut it. Do you increase your lot sizes? Do you irrigate the buffer? Are you willing to accept lower profits? Do you throw in the towel on the PRD application and push forward with R2? Decisions, decisions.

I understand you are in this to make a profit. And you want a zoning that maximizes that profit. But you are facing a lot of resistance.

What if you could still realize a profit and, at the same time, become respected partners with the citizens of Ormond Beach? If you could pay off the Mortgage and Security Agreement, make a few million in profit, PLUS have your names identified as part of a positive legacy in the history of Ormond Beach, would you be willing to add that to your plate of options? How might this look?

What if you retained the Tomoka Reserve property as dedicated green space? You could sell the Reserve's ***Naming Right*** *to one of our local businesses or private philanthropic residents who desires to keep this area green.*

Would you consider partnering with businesses who could help design and fund the green space? The property could provide:

- *The Sheldon Rubin Environmental Education Center where visitors could learn about the value of nature and preserving the environment.*
- *Perhaps the grounds surrounding the Center could be showcased with the Emily Rubin Rose Garden.*
- *Maybe the Center could contain the Velie Sustainable Living exhibit where visitors could learn how to reduce their ecological footprint when building or redesigning homes.*
- *And there could be a Barshay Community Vegetable Garden where residents can grow and share food for themselves and the less fortunate.*

What other ***Naming Opportunities*** *could provide revenue for your company which is aptly named Triumph Oaks?*

- *A botanical garden perhaps maintained by one of our state universities*
- *Separately designed walking paths and bike paths*
- *Recreational areas for tennis and swimming as were original amenities for Tomoka Oaks*
- *A recreational and educational area designed specifically for our special needs residents*
- *A children's playground and learning area*
- *A dog park*
- *An outdoor plaza and fountain*
- *A meditation garden*
- *A butterfly house*
- *A caretaker's cottage*

Once Triumph Oaks and any potential business partners have realized a return on investment, perhaps the property could be sold to the City? And the city might be able to use grants and/or Parks and Recreation funds for buying and maintaining the land, structures, and legacy naming rights?

And of course, the last obvious option to consider - what about restoring the golf course, or a portion of it? If partners came forward to fund and manage the restoration, would Triumph Oaks like to partner with them? Or outright sell to them?

Please know this "Open Letter to the Applicant" is meant with respect. As I told Mr. Rubin months ago, my home is always open to him. And that invitation is extended to Ms. Emily Rubin, Mr. Barshay and Mr. Velie.

Nothing has been decided yet. Nothing has been set in stone. As hockey legend Wayne Gretzky said, "You miss 100% of the shots you don't take." So I am taking a shot and reaching out to suggest options for the win-win being sought by the Planning Board, the City, our residents, and yourselves.

Respectfully,

Carolyn Davis

Commission Corner

Dear Mayor and Commissioners,

Public sentiments expressed at the July Planning Board hearing itemized concerns with traffic, density, medical infrastructure, and the lose of implied restrictions protecting our green space.

City planning staff recommended denial of the application on a number of key issues, still unresolved after four site plans. With the Planning Board hearing now in a 39-day recess, these issues are currently being negotiated out of the public sunshine. That concerns me. Residents will find out at the next Planning Board hearing on August 21 the results of these closed-door negotiations.

What will the Board ultimately place in your hands to vote on?

Carolyn

The *Tomoka Oaks Times* is an independent newsletter whose goal is to prevent residential development of the Tomoka Oaks Golf Course property. This newsletter is separate from the voluntary Tomoka Oaks HOA Golf Course Committee whose efforts are directed only at mitigating development. It is our belief that our development opposition is necessary to accurately and fairly represent Tomoka Oaks residents who desire no **residential** development.

Carolyn Davis • 46 Oakmont Circle • 32174 • CarolynDavis3@gmail.com

From: Carolyn Davis
To: Spraker, Steven
Cc: doug@weatherguardshutters.com; Hayes, Randy
Subject: Refusal of Public Comments at the 8/21/23 Planning Board Hearing
Date: Friday, August 11, 2023 3:29:49 PM

[External Email-Use Caution] - OB/IT Helpdesk

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Hi Steven,

RE: Tomoka Reserve PRD Hearing Continuation on 8/21/23

A screen shot attached of the city's website at https://www.ormondbeach.org/1013/Tomoka-Reserve informs that the public comment section of the Tomoka Reserve hearing is closed.

During the time period of July 14 - through the end of the hearing on August 21, 2023:

- If the Tomoka Reserve applicant present any modification(s) to their application or site plan
- Or if the applicant or their representatives or any planning board member disclose that the applicant or their representatives had meetings with any city staff, planning board members, commissioners, or any party to the proceeedings out of the public sunshine,
- Then I want to go on record stating:

    1. Details of those conversations should be fully communicated during the 8/21/23 hearing to comply with Florida Sunshine laws regarding matters before the Board for the Board's action.
    2. The refusal to hear any resident's public comments at the 8/21/23 hearing regarding any applicant modifications or meetings that occur out of public sunshine is a violation of due process; a right of every resident of Ormond Beach at this PRD hearing.

Please include this email in any future links to resident correspondence received during the Tomoka Reserve hearing process.

Regards,
Carolyn Davis
46 Oakmont Circle
Ormond Beach, FL 32174

Tomoka Reserve

Updates:

**08/11/2023 update: The August 21, 2023 Planning Board packet is available and located here.

** 08/02/2023 update: The continuation of the July 13, 2023 Planning Board meeting shall occur on August 21, 2023 starting at 6:00 p.m. at Tomoka Christian Church, located at 1450 Hand Avenue.

**08/02/2023 update: The continuation of the July 13, 2023 Planning Board meeting was in the Board discussion portion of the meeting and this is where the August 21, 2023 meeting shall resume. The Planning Board may call upon city staff, the applicant and the Tomoka Oaks Homeowners' Association for any

From: bkloe72931@aol.com
To: Spraker, Steven
Subject: Tomoka Reserve
Date: Friday, August 11, 2023 4:07:49 PM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Spraker,

I should also be sending this to all the other planning board members but I can't find their emails. At this point I am sad, frustrated, exhausted, angry, depressed and I could go on.....
I've lived in Ormond for about 20 years and luckily have my whole family here with me. We sold our 2 story house in Mallard's Reach and took all our savings to be lucky enough, so I thought to be in Tomoka Oaks, so I could have my 95 yr old mother live with us. It took a longer time than we had hoped to build jumping through all the hoops with set backs, clearances , trees, this rule, that rule but followed all the rules. My front lawn is so big I could be a park ! We ended up with a beautiful home.

Now along comes big money people and it seems they don't need the same set backs or have to follow the rules that we did. I didn't work my whole life to have to settle for having a housing complex with squished together homes plopped out of nowhere right down the road from me. I will literally have over 600 plus vehicles going past my home back and forth every single day and night !

What am I supposed to do with at least 5 years of building and listening to heavy trucks, having dirt and crap being thrown all over my brand new beautiful WHITE house????
That is my selfish part.....I could go on.....

I don't care what surveys they have said they've done.....they don't live here, they are not sitting in our traffic and they don't have kids in our schools and they are not trying to get Doctors here or trying to get into emergency rooms and hospital care !!!!
To say you can't stop progress is an easy way out. Since when does progress have to make everyone else's life miserable. It's just not fair and it seems that the biggest pocketbook wins.

My last chance I guess to get it off my chest. Thank you for listening.

Bonnie Kloepfer
23 Tomoka Oaks Blvd.
Ormond Beach
386 615 0635

From: Tyler Brown
To: Spraker, Steven
Subject: August 21, 2023 Planning Meeting - Due Process
Date: Monday, August 14, 2023 9:02:15 AM

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Mr. Spraker:

While I understand the City's position that public comment has been completed concerning the continuation of the Tomoka Reserve Planning Board meeting that started July 13, 2023, if the developer has altered their proposal, taking into account recommendations from City Staff and the Planning Board, it would be my opinion that residents should be able to speak on at least those matters altered by the developer. Alterations to the project could create new and different concerns the public did not get to contemplate and comment on at the meeting held July 13, 2023.

As the Planning Board Chair mentioned, this approval could be the most important in his decades on the board. Cutting off public comment on what could be considered a new submission by the developer is a violation of our due process and should be reconsidered by the City prior to the August 21, 2023, meeting.

Tyler Brown
90 N. St. Andrews

From:	Michelle Zirkelbach
To:	Spraker, Steven; Partington, Bill; Selby, Dwight; Kent, Troy; Persis, Susan; Littleton, Rob; alanjorczak@cfl.rr.com; angieshull1@gmail.com; doug@weatherguardshutters.com; ggalloway@cbcbenchmark.com; HDB43@aol.com; Lori Tolland; mikescud@yahoo.com
Subject:	Tomoka Oaks - Proposed Redevelopment
Date:	Tuesday, August 15, 2023 9:36:34 PM

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At the last Planning Board meeting held at Calvary Christian Center, Development Partner Carl Velie - who is a licensed Realtor - struggled to clarify or satisfactorily address questions regarding why Triumph Oaks is so adamantly opposed to creating bigger lots in their proposed Tomoka Preserve Subdivision ... which is right in the center of our already established neighborhood with large lots.

In my allotted three minutes, I pointed out that in my 19 years as a Realtor I have never, ever, not even once had a Buyer ask me to find them a home on a 50, 60, or 80 foot lot. Unfortunately, in my opinion, the majority of new developments are being brought forth with more houses on less land simply to maximize Developer profits - NOT because that is what the market is demanding.

It's almost as if Mr. Velie is shying away from having to market estate style properties at a higher price point. I assure you that there are any number of Professionals within the Daytona Beach Area Association of Realtors who would relish the opportunity to be a visionary in creating a water feature on this land, throwing in some amenities, playing up the amazing central location, and selling the homes to upscale buyers who currently live west of 95 and are absolutely horrified by the thought of the additional traffic they will sitting in due to new Avalon boondoggle.

I encourage every elected official and staff member to continue to keep the best interests of ALL Citizens of Ormond Beach in mind and prohibit the current proposal. The Ryals Family previously had approval for a happy medium development that preserved green space and made an effort to offer a mix of residential units that were more desirable to the community as a whole. Since that time, our roads, schools, and hospitals have only gotten more crowded while our environment and water supply have been adversely affected at every turn - facts that should be a top priority and heavily considered before approving any more construction.

From: Barbara Handsman
To: Spraker, Steven
Subject: Fwd: TOMOKA OAKS
Date: Wednesday, August 16, 2023 12:23:07 PM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Steven,
Thank you for your updates.
Is the Planning Boards meeting still AUGUST 21, 2023 ?
The attached text should have been originally " cc'd" to you.
Best regards
Barbara

Barbara H Doliner

Sent from my iPhone

Begin forwarded message:

> **From:** Barbara Handsman <blacktie108@yahoo.com>
> **Date:** August 16, 2023 at 12:08:38 PM AST
> **To:** doug@weatherguardshutters.com, angieshull1@gmail.com, barry_dumoulin@msn.com, ggalloway@cbcbenchmark.com, alanjorczak@cfl.rr.com, troyrailsback@yahoo.com, mikescud@yahoo.com
> **Cc:** barbara h doliner <blacktie108@yahoo.com>
> **Subject: TOMOKA OAKS**
>
> Dear Commissioners,
>
> Just recently , in a neighbors chat, a resident of THE TRAILS stated,
> … " the developers plan is being accepted as is… low income housing will be built on the old golf course. Don't bother fighting. It's a done deal"…
>
> Now.
> I
> Take offense at that comment.
>
> I sat at the community meeting.
> I got up to speak.
> I offered my observation.
> The " Cinderella shoe"
> JUST DOESNT FIT.

I WATCHED ALL OF YOU…

You listened.
You asked questions.
You HEARD YOUR NEIGHBORS.

Please
Continue to
HEAR YOUR NEIGHBORS

THERE IS A COMPROMISE
TO BE REACHED

PLEASE
DONT
“RUBBER STAMP”
The existing proposal.

Thank you
Your NEIGHBOR
BARBARA H DOLINER

Sent from my iPhone

ATTACHMENT 3

Correspondence received

Section E

Correspondence from August 16, 2023 to August 21, 2023

(former attachment 19)

August 19, 2023

To: Ormond Beach Planning Board Members

From: Scott Ryals, 24 Tomoka Oaks Blvd., Ormond Beach; 50+ year resident, developer of Spivey's Court in Ormond Beach, longest running tenue as Club Manager of property being considered.

I would like to propose the Planning Board of the City appoint an exploratory committee to allow all concerned a voice and ground for compromise. Let's bring the approval and acceptance level of this project to a level we honestly say we improved our City with a "yes" vote today. As Chairman Thomas stated, this is one of the top five of the toughest issues in his thirty years on the Board. As a previous applicant for this project I feel we can soften the impact to all concerned.

Topics & Goal: Improvement of Neighborhood & Benefits to the City / Allowing Developers the Chance to a Fair Profit

Minimizing impact of Traffic / Front Island Stops to Four Way Stops / New Traffic Light on Nova Road / Long Term Traffic and Parking Impact on existing Businesses such as Hulls, Publix, Trails Shopping Stores / Baseball Fields and Nova Recreation Facilities etc. etc.

Increase in Green Zones for Recreational Facilities which could benefit all residents. Review the current proposal so that the City nor the current residents bear the long term expenses of being required to water or maintain such areas.

Guarantee that Ormond Builders be asked to partake in the lot purchases and development of the project so that our local economy will benefit.

Develop a plan to satisfy resale values and commitments to current neighborhood while offering developers the chance to earn fair profits on their investment.

Positive Actions to ensure ground water recharge zones are kept and improved to maintain future aquifer requirements placed on the City by St. John's.

Respectfully Submitted,

Scott Ryals

If there is any doubt about this project a "No Vote" should be reached.

"WINDOWS CLOSE SO THAT DOORS MAY OPEN"

From:	Barbara Handsman
To:	doug@weatherguardshutters.com; angieshull1@gmail.com; barry_dumoulin@msn.com; ggalloway@cbcbenchmark.com; alanjorczak@cfl.rr.com; troyrailsback@yahoo.com; mikescud@yahoo.com; Bonnie; Missy Herrero; Mary Greenlees
Cc:	Spraker, Steven
Subject:	Re: TOMOKA OAKS
Date:	Friday, August 18, 2023 4:13:16 PM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

REMEMBER
RUBINS. PLAN.

Just
DOESNT
FIT….

Send a clear message to this developer….

He might own the land

But it's
OUR COMMUNITY.

His plan doesn't FIT
NO LESS THEN 80-100 feet
No More THEN 150 homes

Barbara

Sent from my iPhone

> On Aug 16, 2023, at 12:08 PM, Barbara Handsman <blacktie108@yahoo.com> wrote:
>
> Dear Commissioners,
>
> Just recently , in a neighbors chat, a resident of THE TRAILS stated,
> … " the developers plan is being accepted as is… low income housing will be built on the old golf course. Don't bother fighting. It's a done deal"…
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> Please
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> “RUBBER STAMP”
> The existing proposal.
>
> Thank you
> Your NEIGHBOR
> BARBARA H DOLINER
>
>
>
>
>
>
>
>
> Sent from my iPhone

ATTACHMENT 3

Correspondence received

Section F (New)

Correspondence from
August 16, 2023 to
September 13, 2023

TMH CONSULTING, INC.
Community Planning Services

TMHConsulting@cfl.rr.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: Ormond Beach Planning Board
CC: S. Spraker, AICP, Planning Director
FROM: Thomas Harowski, AICP
SUBJECT: Tomoka Reserve July 16, 2023 Concept Plan
DATE: August 5, 2023

Just prior to the continued public hearing on July 23, 2023, the applicants submitted a revised concept plan and summary of changes made to the proposed project in response to staff comments offered at the initial public hearing meeting. There was little opportunity to review and respond to the revised plan and other materials prior to the public hearing continuation. This report is offered as my comments on the revised concept plan and other actions.

The concept plan was revised to call out lots with a minimum width of 100-feet at the rear property line, lots with a minimum of 90-feet lot width, and the elimination of the proposed 50-foot wide lots in favor of lots with a minimum width of 60-feet. The assumption is that these changes responded to comments from planning board members questioning the inclusion of 50-foot lots and to show movement toward the staff and homeowners position that perimeter lots should meet a 100-foot minimum lot width. An analysis of the revised plans shows the new design achieves somewhat less than this outcome.

- The 46 lots with minimum 100-foot lot widths were almost all in place on the June plan presented at the first public hearing date. . Two 100-foot wide lots replaced a parks and were additional lots. There may be a couple of other instances where some green space was converted lot area and/or lot lines juggled to add a couple of lots at the 100-foot width For the most part the 100-foot wide lots were simply grouped with the 80-foot lots in the initial submittal and are now called out separately.

- The same condition applies to the 90-foot wide lots. It is clear that the rear property lines on some of the 90-foot wide lots are larger than the front lot width due to the curvature of the subdivision design. These are essentially 80-foot wide lots with a fortunate shape adding some dimension to the rear lot line.

- In part they kept the unit count up by removing five of the smaller park areas included in the original proposal. Only three of the parks removed from the plan

contributed to the creation of a 100-foot or 90-foot wide lot. The other parks were replaced with 60-foot wide lots.

- Some other former green space was removed to create additional lot area. The parks and the green space removed will change the open space calculations. While these changes may not be large, the applicants should update the data based on the new plan.

- The revised plan is really more smoke than overall subdivision improvement. The lots designated as 100-foot wide and 90-foot wide are generally located in the cul-de-sac areas where lots are almost always larger and on the outer curves of the roads where the rear property lines will be larger and might make the cut for the larger lots. A thoughtful approach would have located larger lots in the perimeter areas where only the 50-foot buffer is proposed. Absent a commitment to place 100-foot wide lots around the entire perimeter of the project, this approach would have maximized the benefit to neighboring lots by adding to the value of the 50-foot buffer.

- The removal of proposed park areas and other open space will likely not affect the Tomoka Oaks area, but it will certainly degrade the neighborhood quality for future residents.

- The applicants only submitted a revised concept plan, but if approved, the concept plan will affect many of the other pages in subdivision package.

The applicants also submitted a letter that listed the items where they agreed to make changes to conform to staff recommendations. These revisions for the most part were "easy" gives that cost little or nothing in some cases (such as revised setbacks). The most significant commitments were to the reconstruction of the diamond and the addition of sidewalk to the north side of Tomoka Oaks Boulevard. These changes were basic safety needs regardless of the outcome of any predictive traffic model. While it will cost some money to make these improvements, they were likely going to have to do them no matter what lot layout is finally approved. On the major items they really changed nothing.

- They declined the staff recommendation on the buffer and proposed their natural buffer with a bond commitment to increase the buffer design to the Type 6 if the result of their buffer is inadequate. The real key to this proposal is setting some kind of standard to measure the outcome. Without some type of standard (maybe opacity of the buffer), we just end up in an argument about the result. The city proposal of Type 6 buffer avoids this problem because a simple count of the plants determines compliance.

- On the design guidelines they took the vegetables and threw away the meat. They have some specifics about what the units look like, but they only said the same unit design could not be placed adjacent to or across the street from a particular design. This is no different than the every-other-lot proposal they

offered initially. We proposed a system that is based on a length of street where repeats are limited.

- On the traffic signal they say the application for the signal will be submitted within 30 days of the subdivision approval and that no permits for subdivision construction will be issued prior to the signal approval. I think this commitment just needs some wordsmithing. The application should be submitted concurrent with the application for subdivision approval and no building permits for houses issued until the signal is installed. This will allow the permit for the signal to work its way through the FDOT review process while the city is reviewing and approving the subdivision construction plans. The applicant would then have the period when the subdivision improvements are being constructed to finish the signal permit process and get the construction lined up.

- I have a couple of nits to pick with the building setbacks and porch setbacks, but these are minor clarifications. If we have 100-foot and 90-foot wide lots on the plan, why are they not represented in the setback tables. They also want to use the rear property line to measure the qualified lot width. This is unusual, but the applicant's argument is that the effective lot width at the rear of the property is what really matters to the neighbors. The city staff can give this argument whatever weight they think is appropriate.

As always we appreciate the opportunity to submit comments for consideration by the staff, planning board and city commission.

From: Julie Freidus
To: Community Development
Subject: For the Planning Board regarding the Tomoka Reserve Project
Date: Wednesday, September 6, 2023 3:44:46 PM

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Good afternoon! My name is Julie Freidus and I live at 316 River Bluff Dr in Tomoka Oaks. I have lived in Ormond Beach since 1976 (barring time out of state for college). First, I want to thank you for your service on the planning board and for your thoughtful comments and questions during the first two community meetings regarding this project.

I previously spoke with Al Jorczak who generously gave me 30 minutes of his time. My concerns with this project are many and I believe shared by the majority of you including traffic, stuffing a development inside an existing development, property values, pollution and loss of green space within our small community. However, I have one additional concern that I spoke with Al about a couple of months ago which is our communities lack of critical infrastructure to handle all of the people moving to our area.

I recently had to take my mother to the ER and we sat in the waiting area for close to 5 hours. She was finally taken to a room, but not seen by a doctor for another three hours. I had to call my neighbor, who is the CFO, of Advent Daytona for help. Turns out she was in AFIB and was a stroke risk that entire time. I have heard Halifax isn't much better. I want to be clear that I don't believe the hospitals are at fault. They are expanding as fast as possible, but my fear is we won't catch up in time with all of the future development expected. I truly fear for my mothers life who still has ongoing health concerns.

I work in the healthcare insurance industry and I also know it is very difficult for those in our community to find primary care physicians and many therefore self-refer to specialists when they can. However, specialists don't provide a wholistic review of one's health. I just wonder how long is this sustainable until some in our community suffer serious health consequences.

Have you thought about this for your own family and those you care about?

I understand the developer has rights, but I think the planning board and city commission have a responsibility to recognize significant issues in our community such as lack healthcare services for citizens and consider a more phased approach to any further development. At this point, I think the minimum possible number of homes for Tomoka reserve is very reasonable and responsible.

Thank you again for serving on the planning board and for your time in reading this email.

Julie

From: nukken
To: Spraker, Steven
Subject: Please include me, via e-mail, all interactions regarding the purposed Tomoka Reserve.
Date: Wednesday, September 6, 2023 11:56:09 AM

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Dear.Mr Speaker:

I Am particularly concerned with the impact to Tomoka Oaks (T.O.)mand my home and investments regarding Tomoka Reserve and The Fuel Dump.

The Nova entrance cannot handle the traffic to T.O., especially when Tomoka Blvd is dug up to change out the entire infrastructure of sewer, grey water, water supply and underground utilities (as shown in the latest revision). While the new revision will require a new round of interactive meetings, full disclosure appears to be hidden. No discussion has addressed the sewage interruption, nor water. “Grey water” that will be dispersed as an airborne particulate. Grey water dispersal has not been either studied nor fully understood.

While the builders delay on providing a traffic light into/out of the Tomoka Oaks, the city is apparently endorsing this delay. Why? Is our safety a low priority? Nova Road is a State of Florida approved and widen evacuation route. The railroad is just a short distance away to the Northeast. With the county apparently planning a fuel dump of 30 million gallons, that Rail road intersection will back up traffic,even more so , at the Tomoka Oaks main point of ingress/egress. This study has not occurred, especially with consideration of anticipated fuel tankers and speed restriction afforded to such cars.

The hamlet of Escondido Condos has NOT been fully informed via proper signage for alteration to their only entrance, which they must either move West or create another entrance. Since most of the owners are of senior age, you must protect them with more requirements. Your department appears to have ignored Talequa also, as to notification. There is a requirement for posted notice at the site of the respective enterances. As you know, there is also a “back door” purposal , as is similar into Tomoka Oaks via a precarious relationship with someone’s driveway mid St Andrews.

The builders latest purposal also shows a purchase of 100 St Andrews as a “back door” to the Tomoka Reserve. How was this purposal accepted without a variance notice or meeting via the posting at the address?

What measures have been taken as to traffic flow over the Meisner Creek wooden bridge and the increase of traffic?Remeber, tonnage is cumulative in nature which means all weight on the bridge at one time. There is also concern for “humping” of the load as to the piling into the earth. What is the tonnage restriction over the bridge as to wear and tear on the surface asphalt or the under structure? The builders offer no assurance of any weight bearing soil or trash truck which easily would excesses 25 tons? (I believe the last calculation of weight bearing was 20 ton). What guarantees will the builder provide as to a bond for damages?

With Tomoka Oaks under construction for the next 2 years, what has been the altered traffic

flow numbers as to Iroquois and Rio Pinar in relation to Main Trail?

We bought our Tomoka Oaks home over 30 years ago based on the green space and traffic flows. We raised children whom bicycle the neighborhood, all based on a Country Club/Golf Course. The traffic studies were misleading as it did not include bicycles, pedestrians, golf carts with underage kids, etc…safety is paramount. Many other bought homes with a rear yard based on the course. Has the city engaged with any Title Insurance concerns with those owners? If so, what is that status?

Just a few thoughts for now. If the 30 Million plus gallon fuel farm as a tentative misuse of land just North of our neighborhood and waterways, we fear for the impact of this abusive growth. Even if the first disaster is contained to a few railroad cars at (or about) Hull road we will see Ormond Beach on CNN worldwide. With CSX and NSC railroads, their affiliates, having dismal recent records and the close proximity to our Ormond one can only imagine the nightmare that will bestowed upon all, especially folks involved with “growth”.

Sincerely,
Paul W Hughes
Tomoka Oaks resident/property owner.

3 blind

Sent from the all new AOL app for iOS

From: Brett Mcginnis
To: Community Development
Subject: for planning board
Date: Thursday, September 7, 2023 10:27:12 AM

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

The developer for Tomoka Reserve have not listened to a single comment from Tomoka Oaks home owners. The latest site plan of 80' wide lots around the perimeter is absurd. One of the biggest concerns all along has been to have the proposed development to match up with the existing lots so current homes do not end up with 2 neighbors directly behind them instead of 1. The big redesign of the entrance traffic island is pointless. In no way shape or form will it reduce the risk of peolple from North or South St Andrews being ran into. The new development drivers will speed around the diamond and the number of accidents will increase substantially. As a home owner that walks my dog through that area it will become high risk at best. The Developers desire to cram in maximum home to increase profit is being done at the expense of the people who have lived in Tomoka Oaks for decades, paid property taxes and hopefully have the City's support and value the peaceful neighborhood over a few people trying to turn a profit.

Brett McGinnis

From: Kelsey Kipi
To: Community Development; Spraker, Steven
Subject: For Planning Board- Tomoka Reserve
Date: Friday, September 8, 2023 8:13:18 AM

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To Steven & the Planning Board,

After the last meeting, the commissioners requested that we come forward with new concerns and/or ideas instead of the same complaints regarding a profound disapproval for the redevelopment of the golf course. On that line of thought, I have two concerns that I have yet to hear be addressed, and one suggestion for redevelopment that would make everyone happy.

Concern #1

- The FDEP stated that the contamination of fairways on the golf course will be remedied by adding 2 feet of clean fill. Do the developers plan on digging out the contaminated soil and then adding clean fill back, or do they plan on adding the clean fill directly on top of the contaminated grounds? Should they do the latter, runoff will become an issue for those of us on golf course adjacent lots. Currently, drainage is fine, however, if you add two feet of elevation to all new homes, those of us on the golf course are going to have runoff from the new construction polluting our yards.

Concern #2

- The developers have stated emergency access will be on the back side of the property on N St Andrews, specifically 100 N St Andrews. Will they be demolishing the home that is currently there? Will they then be taking out the median and oak tree directly in front of said lot in order to have clearance for emergency vehicles at times when speedy ingress and egress from their development is necessary? Do the homeowners on either side of 100 N St Andrews have any rights regarding a thoroughfare now being next to their homes?

Suggestion

- The developers are requesting such a high density of homes be built because they need to meet their bottom line. Anything less than 272 homes nd they won't be able to make enough money to prove their investment a reasonable one. Their greed is coming at the expense of all of us here on the golf who stand to lose an estimated 3-5% of our home value based upon the National Association of Realtors stance that homes on green space hold a premium (https://www.nar.realtor/trails-and-greenways). They also claim that the sport of golf is dying even though every local course (Halifax Plantation, Oceanside, Riviera) all have waiting lists due to such high interest and not enough courses in the area. Therefore, what if they do something unique? 27 hole golf course, three 9 hole courses, like Addison Reserve in South Florida, https://www.addisonreserve.cc/golf. Courses such as this are rare, and with such a unique redevelopment of the course, popularity with both local and tourist alike is assured, and so is the

subsequent prosperity for the developers. The developers will be able to fill their pockets while leaving a legacy in our community by saving the course, rather than their current path which is leaving behind a wake of disgust and resentment.

Thank you for your time and consideration of these concerns and the solitary suggestion. I look forward to hearing more on this project on September 26th.

Best Regards,

Kelsey Kipi
52 Pine Valley Cir
Ormond Beach, FL 32174

From:	Denise Corley
To:	Community Development; Spraker, Steven; troyrailsback@yahoo.com; mikescud@yahoo.com; doug@weatherguardshutters.com; barry_dumoulin@msn.com; alanjorczak@cfl.rr.com
Subject:	For Planning Board
Date:	Wednesday, September 13, 2023 1:33:34 PM
Attachments:	Screen Shot 2023-09-12 at 1.47.03 PM.png

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Dear Planning Board members,

My name is Denise Corley. My husband and I own a house on the golf course at Tomoka Oaks Estates.
I have been reviewing the latest submittal by Triumph Oaks, of Ormond Beach I, LLC.

I am disappointed that Triumph Oaks, LLC, did not dramatically reduce the amount of houses that they are proposing.
The number of dwellings and tightness of their position on the landscape still make this submittal unacceptable.

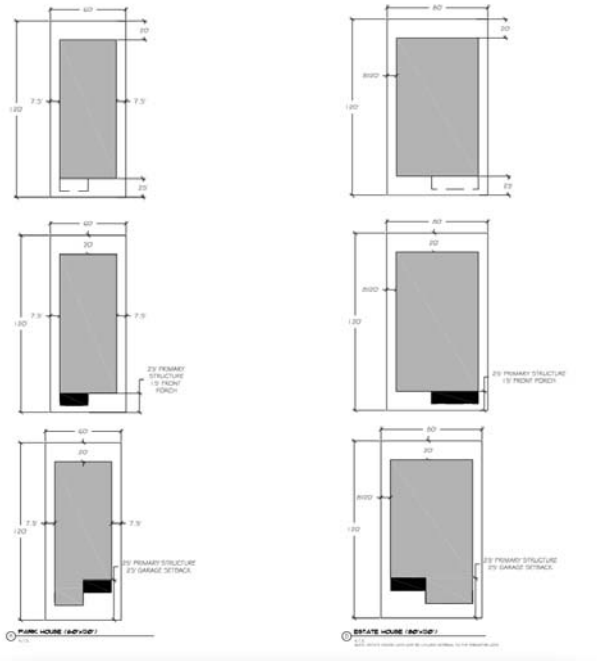
The traffic, street safety, emergency vehicle access, environmental impact (toxic soil remediation, wildlife habitat displacement) all point to an incompatible plan and a huge quality of life disruption for the thousands of people directly impacted by this project.

In the succinct words of Barbara Doliner "the shoe doesn't fit", (Cinderella step-sisters) no matter how hard you squeeze.

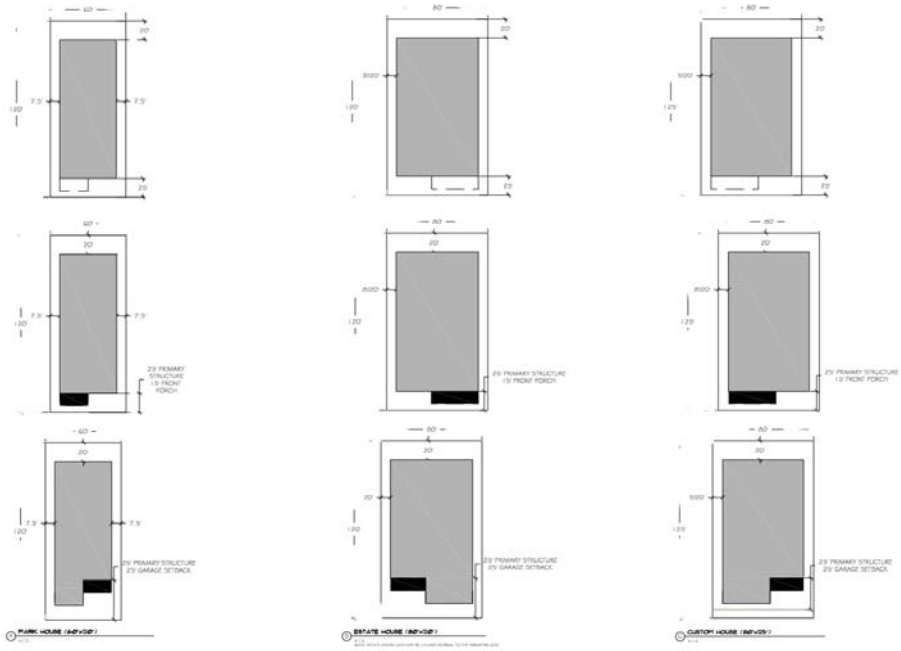
I would like to comment on the new plan and written proposals.

1) I would like to draw your attention to the deceptive drawings of the scale of house to land diagrams-
I removed the confusing lines of the diagrams on page 7 scale drawing - what we see is the very tight urban concept being proposed.

Imagine these lots with their structure on them one after another and compare that to what Tomoka Oaks looks like with our 100' wide and 100' deep lots, spacious frontyards with houses sitting horizontally on the lot.



Below- REALITY



Please note that none of the concept photos of the homes give any clues as to how close the house next door is, in fact the homes look to be set on wide lots and with short frontages. Imagine the cars on those driveways.

2) There has been much talk about the 50 foot buffer.

I noticed Rob Merrell did not call the major ground cover of the golf course "grass" . Typically the ground cover called grass is mowed.

I would like a planning board member to ask a representative of Zev Cohen if they have ever had a client who would invest so much money in landscape plants in Florida and not plan for

irrigation.

First, I love Piet Odoulf international landscape architect, with his inspired "natural" landscapes but he will tell you that to achieve that beauty it takes much time and care and maintenance. We at Tomoka Oaks Estates are being asked to exchange the mowed groomed golf course for what sounds like a hodgepodge planting that will not be maintained or mowed but as my neighbor said will become covered in vines.

Second, after reading through the submittal it sounded like the buffer plantings (not the Type 6 asked for by the SPRC) but a modified plan was being planted in a phased manner.

The buffers' appeal is that it saves a lot of trees from clear cutting and it screens out years of construction happening in our backyards. Our onclave of Tomoka Oaks Estates was NOT supposed to be a crowded urban infill project. A phased in buffer that was never on the table.

Either the developer is committing to the buffer planting for the entire project all at once or it would seem to be a flimsy promise not intended to be kept.

Compare- Type 6 buffer recommended by the SPRC- 7 trees, 70 shrubs, 70 ground covers per 100 linear feet

Modified Buffer proposed- 5 trees, 50 shrubs, (present "grass "ground cover unmowed except near new plantings) xeriscapes can be heavily planted.

Thirdly, If a 5 foot visual screen buffer is planted it should be on the property line of the new invasive homes. The existing homes have been enjoying and paying for a spacious view from their backyard of a golf course.

According to the planting statement 80% success rate is sufficient. The 80% should be clarified to 80% of new plantings. I noticed the tree planting locations but the shrubs aren't even mentioned.

On the map, what is the difference between the care of the buffer and the care of the "Open Space", generally surrounding the stormwater dry ponds. It's my understanding that these giant swales full of runoff won't be mowed surrounded by a 3 foot tall sloping berm. Trees unaccustomed to flooding will be in the swale. Sounds like an eyesore and smelly.

3) Emergency Access doesn't seem to be a priority to Triumph Oaks, LLC. It appears the emergency vehicles barely have room to maneuver corners and it's hard to understand the colored map. Does the fire engine have to drive through the soccer field to avoid a sharp turn onto one main road of the cramped subdivision? What would happen if a car or lawn care vehicle is parked on the road? The press to cram as many houses in this urbanized infill project is dangerous, one exit/entrance and an emergency exit that can barely be called sufficient. Tomoka Oaks Estates should not have to change our islands, cut down trees just because this project is ill suited to this piece of land!

I4) In the narrative Rob Merrell says they will put sidewalks on both sides of Tomoka Oaks Blvd, but the sidewalk in the schematic doesn't appear to go all the way to the entrance of Tomoka Reserve. Do pedestrians have to cross the only exit/entrance traffic anyway? The sidewalk appears halfway on one side. Why doesn't it go all the way on both sides?

5) This developer is saddling the Triumph Reserve HOA with a lot of responsibilities and built in costs that they may not be able to afford and that is a disaster for Tomoka Oaks Estates.

Please vote No on this submittal. It is only "superb" for 4 people who won't even live there, bad for the rest of us.

Thank you for your voluntary service the our community,

Sincerely,
Denise Corley

From:	bethelmin@aol.com
To:	Spraker, Steven
Cc:	Tomoka Oaks Times; John Jeyaseelan
Subject:	Objection to the New Development at Tomoka Oaks Subdivision!
Date:	Wednesday, September 13, 2023 2:45:33 PM

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Dear Mr. Spraker:

Greetings from Tomoka Oaks, Ormond Beach! My name is John Jeyaseelan. My wife, Mrs. Hema Jeyaseelan, and I are the proud citizens of our beautiful city of Ormond Beach, Florida. If you may kindly recall, I have the privilege of offering invocation at the City Council meetings at least a couple of times every year. I am proud of our city leaders who submit to the wisdom of God's guidance in all the decisions you take in every meeting.

My wife and I live at 31 Oakmont Circle, Ormond Beach in Tomoka Oaks. The new site plan for the development of 272 homes shows an emergency access point right on our property. To this date, we have neither been contacted by the developers nor the planners with regard to the access point adjacent to the property. My wife and I strongly object to the development of the new roads on our property. I have a busy travel schedule and therefore I may not be able to make it to the Public Meeting on September 26 but strongly object to the development next to our property.

I hope and pray that the leaders of the city of Ormond Beach will make the decision for the benefit and not for the detriment of the citizens to safeguard us from congestion and unstoppable traffic without outlets that the builders are proposing in their site plan.

Please feel free to contact me at any time. Thank you for your attention to this very important matter.

Most Sincerely,

John Jeyaseelan
31 Oakmont Circle
Ormond Beach, FL 32174
Phone: (386) 672-0250 (Home)
(386) 295-8836 (Cell)

From: N Weaver
To: Community Development
Subject: For Planning Board
Date: Wednesday, September 13, 2023 7:34:09 PM

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Two questions.

1) Will the gate to the community be a slowly moving pull back gate or a quick up and down gate? Concern about backup onto Tomoka Oaks Blvd of this becomes a round about as asked by residents. Drivers coming south on N. St. Andrews going out to Nova turn right onto the roundabout and into a possible line of cars waiting for the gate during evening getting home from work time.

2) just a curiosity question.
How does the emergency access happen? Are they a road between two homes in Tomoka Oaks? Have they purchased the homes or are the present homeowners required to let a path go between their homes?

Thank you.

Natalie Weaver

ATTACHMENT 4

Traffic Impact Analysis

Section A: Traffic Impact Analysis (no change)

Section B: Technical memorandum- impact of Nova Road Planned Improvement **(new)**

ATTACHMENT 4

Traffic Impact Analysis

Section A

Traffic Impact Analysis – no change from July 13, 2023 Planning Board report

LTG Engineering & Planning

Via email (Steven.Spraker@ormondbeach.org)

Ref: 5361.05

June 7, 2023

Steven Spraker, AICP
Planning Director
City of Ormond Beach
22 S. Beach Street
Ormond Beach, 32174

Re: Tomoka Oaks Residential Traffic Analysis – Response to Comments
Ormond Beach, FL

Dear Mr. Spraker:

Thank you for your review of the Tomoka Oaks Residential Traffic Impact Analysis (TIA). LTG, Inc. is in receipt of separate comments provided by the City on May 5, 2023, regarding the updated TIA prepared for the project. The list of comments, sorted by each recipient, is presented below in plain text with our responses to those applicable topics in **bold** text.

Comments Received from Steven Spraker, AICP – City of Ormond Beach (05/05/2023):

1.) Comment: Please see the technical memorandum from Tanya N. King, P.E. of Traffic Engineering Data Solutions, Inc (TEDS).

Response: Understood. Our responses to the comments are in the following response letter.

2.) Comment: The previous site plan comments suggested a brief non-technical memorandum to detail the traffic analysis and conclusions – particularly regarding the local traffic impacts (Escondido condo access, diamond intersection, and traffic into the Trails). Staff would still suggest this.

Response: A brief summary was included in the Response to Comments letter dated April 11, 2023, for items A-G with explanation also provided in the Updated TIA. A technical memorandum explaining the history and conclusions of the traffic analysis is attached as Exhibit A.

3.) Comment: Staff is unclear what the resolution of the "diamond" at Tomoka Oaks Boulevard and North and South Saint Andrews Street. The response comments (#2) from LTG provides an analysis of the intersection and appears to recommend a roundabout design. The analysis is not part of the traffic impact analysis or conclusion. What is the design option that is proposed to be implemented. The design option needs to be included in the traffic study or project submittal.

Response: The analysis comparison, including the roundabout, was provided as supplemental data to the TIA as requested by the City. Supplemental information on the comparison analysis has been added to the text of the report and summarized in Table 12 of the revised TIA report.

Based on the future buildout results, the existing diamond is expected to operate within the adopted level of service during the peak hours (all options operate within a level B or better). From a mitigation standpoint, no improvements or modifications are required for intersections that are not deficient. At this time, the existing configuration is proposed to remain.

4.) Comment: Regarding the tree along Nova Road and Tomoka Oaks Boulevard, staff will include a condition that this tree is to remain.

Response: Understood.

Comments Received from Tanya N. King, P.E. – TEDS (05/04/2023):

1.) Comment: The existing AM and PM traffic volumes at the Tomoka Oaks Blvd at N St Andrews intersection in Figure 2 differ from the traffic volumes in the count sheet. The synchro analysis will also need to be corrected.

Response: The A.M. and P.M. peak hour for the diamond intersections (S St. Andrews Drive, East Diamond, and West Diamond) and Escondido Multifamily Driveway are consistently from 8:00- 9:00 a.m. and from 5:00 -6:00 p.m. However, the volumes at Tomoka Oaks Blvd. at N. St. Andrews show a slightly different peak hour. In order evaluate the diamond system as one complete intersection, the volumes at this intersection were balanced/adjusted for the peak hours specified. The count data detail sheets are provided as Appendix C in the Updated TIA.

2.) Comment: The existing PM volumes for the Tomoka Oaks Blvd at Tomoka Oaks Blvd (west) intersection differ from what is shown in Figure 2.

Response: Please refer to the response provided for Comment #1 above. Also, note that this intersection was not included in the existing intersection analysis as it currently operates under free-flow conditions for all approaches.

3.) Comment: The roadway segment analysis peak hour two-way capacity is not correct for the SR 5A/Nova Rd and SR 40/Granada Blvd segments.

Response: The roadway segment peak hour two-way capacity for state-maintained facilities such as SR 5A/Nova Rd and SR 40/Granada Blvd. segments were derived from the 2023 Multimodal Quality/Level of Service Handbook and based on the Context Classification identified by the FDOT.

4.) Comment: The LOS presented in the LOS summary tables for Tomoka Oaks Blvd at S. St Andrews Dr is incorrect for all analysis scenarios.

Response: The adopted LOS has been revised from LOS "C" to LOS "D", in accordance with the City's Comprehensive Plan, as requested.

5.) Comment: Based on the traffic volume tables no vested traffic trips were applied to the intersection analysis. Only the segment analysis. Vested trips need to be applied to the intersection analysis.

Response: The vested data provided by the governing agencies is limited to roadway segments in the study area; No vested trips are recorded or documented at the intersections included in the study area. Therefore, historical annual growth rates were applied to the existing data at the intersections to determine future background volumes, consistent with the segment growth determination table.

6.) Comment: For the roadway segment analysis under background conditions, several roadway segments are mentioned that need to be widened to achieve acceptable LOS. There is no mention of any planned roadway improvements for these segments. This needs to be addressed along with proportionate fair share calculations towards these improvements. In addition, provide an ARTPLAN analysis for these segments.

Response: **The recommended improvements for those segments deficient due to background traffic are shown in Table 8. Hand Ave. and Williamson Blvd. widening projects are shown in the County's Long Range Transportation Plan. No segments are shown to be deficient due to project traffic.**

The draft proportionate share calculations for those segments shown deficient due to background traffic and the anticipated transportation impact fees for the project are attached as Exhibit B. In summary, the roadway segments and turn lane mitigation cost equates to approximately $758,145.32 and the total estimated transportation impact fee equates to approximately $1.68M. It is understood that these estimates are provided for reference information only, as the values are anticipated to vary slightly due to time between the rezoning and concurrency process.

7.) Comment: For the deficient turn lanes mentioned in the report under future conditions at the Nova Rd at US 1, Nova Rd at Tomoka Oaks Blvd, and Nova Rd at Wilmette Ave intersections, the developer will need to provide costs for these improvements as well and it needs to be stated in the report that the developer will extend these turn lanes to meet the queue requirement.

Response: **The proportionate share for the deficient turn lanes, based on the number of project trips anticipated for each movement, is included in the draft proportionate share calculations attached as Exhibit A. Please note the applicant will be mitigating these impacts through transportation impact fees and PS payment process.**

8.) Comment: The diamond intersection analysis needs to be provided in the report along with a comparison LOS table of the existing conditions versus the proposed roundabout.

Response: **The supplemental analysis, of the alternative comparison has been added as an Appendix to the report, as requested.**

9.) Comment: With the 70 project trips projected to make SBR turns at Tomoka Oaks Blvd intersection, this brings the total to 131 turns. Based on FDOT guidance, this warrants an exclusive right-turn lane. Based on posted speed of 50 mph, it should be approximately 400' long.

Response: **The FDOT guidance using NCHRP Report 457, and the Access Management Guidebook provide recommendations for unsignalized intersection conditions. The Tomoka Oaks Blvd. at Nova Rd. intersection is proposed to be signalized under future buildout conditions. Under these conditions, the intersection operates within the adopted LOS under a.m. and p.m. peak hours without the exclusive right-turn lane. It is understood that final lane geometry and timing parameters will be discussed with FDOT staff at the time of design, during the pre-application meeting required as part of the permit process.**

10.) Comment: The traffic impact analysis and new signal warrant analysis should be submitted to FDOT for review.

Response: **The Traffic Signal Warrant Study has been submitted to the FDOT for review and accepted verbally as an acceptable treatment option. Further discussion with FDOT on the design and layout of the proposed signal is forthcoming and pending concurrency approval.**

Thank you for your review of the updated TIA, and we appreciate your cooperation and assistance as we move through the traffic concurrency process. If you have any questions or comments, please feel free to call me at (386) 257-2571.

Sincerely,

LTG, INC.



Kady L Dearing, PE
Sr. Project Engineer

Attachments:

Exhibit A – Traffic Analysis Summary

Exhibit B – Draft Proportionate Share (PS) Calculations

EXHIBIT A

Traffic Analysis Summary

LTG Engineering & Planning

Via Email: (Steven.Spraker@ormondbeach.org)

Ref: 5361.05

TECHNICAL MEMORANDUM

To: Steven Spraker, AICP

From: Kady L. Dearing, P.E.

Date: June 7, 2023

Subject: Tomoka Oaks Residential – Traffic Analysis Summary
Ormond Beach, FL

INTRODUCTION

LTG, Inc. has been requested by the City of Ormond Beach Staff to prepare a brief summary of the traffic analyses and conclusions that have been prepared on behalf of the proposed project known as Tomoka Oaks Residential. The following documentation provides an overview of the anticipated project impact on the road network and results and conclusions developed from the transportation analyses conducted.

TRAFFIC ANALYSIS SUMMARY

- The original Traffic Impact Analysis (TIA) included data collected in May and June of 2021. Growth factors and Florida Department of Transportation (FDOT) Seasonal Factors (SF) were used to adjust the volume to estimate 2022 volumes for the analysis. As requested by the City's traffic consultant, new data was collected in March 2023. The updated volumes did not show a significant change from the original data used.

- The updated TIA, dated April 10, 2023, concluded that traffic operations at the existing diamond configuration are expected to continue to operate within the adopted service levels under future buildout conditions. Therefore, modifications or improvement to the configuration are not required to meet concurrency.

- However, the City requested that an additional, supplemental analysis, be provided at the internal diamond configuration to determine potential design alternatives. The two alternatives include an ALL-WAY STOP intersection and a single-lane roundabout.
    - All options, including the existing configuration, result in acceptable levels of service during the a.m. and p.m. peak hours (an overall intersection delay of 10 seconds or less).
    - 95th percentile vehicular queue (stacking) not expected exceed 50 ft. under all alternatives; vehicular stacking not shown to be a concern.
    - The roundabout design reduces the number of vehicular conflict points from 18 with the existing configuration to 8. The ALL-WAY STOP design results in 32 vehicular conflict points. Reducing the number of conflict points reduces the potential for vehicular crashes.
    - Crash data reports were requested from the Ormond Beach Police Department and through Signal 4 Analytics (an interactive web-based system used to track crash reports in the State of Florida). As a result, no crashes have been reported at the internal diamond configuration.

- Due to the proposed location of the project's access, peak hour data and transportation model results, it is anticipated that 96% of project trips will utilize Tomoka Oaks Boulevard and 4% will use Iroquois Trail for external access. 4% of traffic (111 total daily, 8 total AM, and 11 total PM) are expected to use this route to access SR 40.

- The buildout network condition includes installation of a traffic signal at the Tomoka Oaks Boulevard at Nova Road intersection.
    - Signalization helps to reduce the minor street delay and vehicular queue under a.m. and p.m. peak hour conditions.
    - The future signal will also include two eastbound/outbound lanes; one shared-through left and one right-turn lane.
    - The existing tree within the median is to remain under future signal control.
    - Exclusive southbound right-turn lane not shown warranted in the TIA. However, further discussions with the FDOT regarding the lane geometry, alignment, and signal timings will occur during the permitting application process.
- The Escondido Apartment driveway was also included in the Updated TIA, as requested by City staff.
    - The future buildout results of the analysis, under signal control at the Tomoka Oaks Blvd. at Nova Rd. intersection, show the driveway operating at acceptable levels of service during the a.m. and p.m. peak hours.
    - Additionally, under future improved conditions at the Nova Rd. at Tomoka Oaks Blvd. intersection, under signal control with two outbound lanes present, the maximum eastbound/outbound vehicle queue at the intersection is expected to extend 125 ft., avoiding blockage of the Escondido driveway.

EXHIBIT B

Draft Proportionate Share (PS) Calculations

LTG Engineering & Planning

Draft Print
05/18/2023 7:53:28 PM

Tomoka Oaks Residential Proportionate Share (PS) Determination

Roadway	Segment From:	Segment To:	FDOT Cost per Mile Model[1]	Estimated Length (miles)	Improvement	Base Improvement Cost	Additional Cost[2]	Total Estimated Improvement Cost[3]	Project Volume (a)	Unimproved Capacity (b)	Improved Capacity (c)	PS (%) (d)=a/(c-b)	Proportionate Share Cost
SR 40/Granada Blvd.	I-95	Clyde Morris Blvd.	$6,551,618.80	1.58	Widen from 4 to 6 lanes (Urban)	$10,351,557.70	$0.00	$12,939,447.13	33	3,455	5,114	1.99%	$257,385.02
	Clyde Morris Blvd.	Nova Rd.	$6,551,618.80	1.06	Widen from 4 to 6 lanes (Urban)	$6,944,715.93	$0.00	$8,680,894.91	47	3,455	5,114	2.83%	$245,932.53
	US 1	Halifax Ave.	$6,551,618.80	1.11	Widen from 4 to 6 lanes (Urban)	$7,272,296.87	$0.00	$9,090,371.09	20	3,413	5,366	1.02%	$93,091.36
Hand Ave.	Clyde Morris Blvd.	Shangri La Dr.	Volusia County	0.71	Widen from 2 to 4 lanes (Rural)	$5,849,057.00	$0.00	$4,152,830.47	8	1,540	3,410	0.43%	$17,766.12
Williamson Blvd.	Hand Ave.	Strickland Range Rd.	Volusia County	1.12	Widen from 2 to 4 lanes (Rural)	-	-	$11,049,000.00	11	1,540	3,410	0.59%	$64,994.12
												Segment PS Subtotal:	**$679,169.15**

Turn Lane Length Extensions	FDOT Cost per 300 ft	Improvement	Additional Cost[2]	Total Estimated Improvement Cost[3] (a)	Build-out Queue Length (ft.) (b)	Background Queue Length (ft.) (c)	Proportionate Share Cost (d)=(b)-(c)/300*(a)
Nova Rd at US 1	$210,603.13	Extend northbound left-turn lane by 25-ft.	$0.00	$263,253.91	615	590	$21,937.83
Nova Rd at Tomoka Oaks Blvd	$210,603.13	Extend northbound left-turn lane by 50-ft.	$0.00	$263,253.91	315	265	$43,875.65
Nova Rd at Wilmette Ave	$210,603.13	Extend southbound left-turn lane by 15-ft.	$0.00	$263,253.91	315	300	$13,162.70
						Offsite Intersection PS Subtotal:	**$78,976.17**

PS GRAND TOTAL:	**$758,145.32**

[1] *Cost obtained from FDOT long Range Estimates (LRE) for improvement identified; unless otherwise stated.*
[2] *Additional costs pertain to site specific modifications associated with the improvement (examples include traffic signal updates, right-of-way, bridge modifications, etc.)*
[3] *Improvement includes Design & CEI (25%).*
[4] *Turn lanes are measured in feet and unit cost is based on 300 feet unless otherwise stated.*
[5] *Existing and Impoved Capacity on SR 40/Granada Blvd. obtained from FDOT 2023 Quality/Level of Service Handbook (includes 1.05 multiplier for exclusive left-turn lanes)*

Tomoka Oaks Residentail
Estimated Transportation Impact Fees

Land Use	Land Use Code	Quantity		Volusia County Impact Fee Rate (per unit)[1]	Volusia County Total Fee	City of Ormond Beach Impact Fee Rate (per unit)	City of Ormond Beach Total Fee
Single Family Residential	210	300	DU	$ 5,432.45	$ 1,629,735.00	$ 162.61	$ 48,783.00
Estimated Grand Total:				**$1,678,518.00**			

[1] *Volusia County Impact Fees rate as of January 2023*

Tomoka Oaks Residential
Ormond Beach, Florida

Traffic Impact Analysis

Prepared for: Triumph Oaks of Ormond Beach, LLC
By: LTG, Inc.
***Revised* June 2023**

LTG Engineering & Planning

PROFESSIONAL ENGINEERING CERTIFICATION

I hereby certify that I am a Professional Engineer properly registered in the State of Florida practicing with LTG, Inc., a corporation authorized to operate as an engineering business, EB 0009227, by the State of Florida Department of Professional Regulation, Board of Professional Engineers, and that I have prepared or approved the evaluations, findings, opinions, conclusions, or technical advice attached hereto for:

PROJECT: Tomoka Oaks Residential – Traffic Impact Analysis
LOCATION: Ormond Beach, Florida
CLIENT: Triumph Oaks of Ormond Beach I, LLC
JOB #: 5361.09

I hereby acknowledge that the procedures and references used to develop the results contained in these computations are standard to the professional practice of Transportation Engineering as applied through professional judgment and experience.

Prepared by:
LTG, Inc.
1450 W. Granada Blvd, Suite 2
Ormond Beach, FL 32174
Certificate of Authorization 9227
386/257-2571



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY:

ON THE DATE ADJACENT TO THE SEAL

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

LTG, Inc.
1450 W. GRANADA BLVD, SUITE 2
ORMOND BEACH, FL 32174
CERTIFICATE OF AUTHORIZATION 9227
KADY L. DEARING, P.E. NO. 84234

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1

INTRODUCTION

LTG, Inc. (LTG) has been retained by Triumph Oaks of Ormond Beach I, LLC to prepare a Traffic Impact Analysis (TIA) for the Tomoka Oaks Residential development, located west of the Nova Road/Tomoka Oaks Boulevard intersection in the City of Ormond Beach, Florida**. Figure 1** shows the location of the project relative to the surrounding road network. The development will consist of 300 single family dwelling units. Build-out of the proposed development is anticipated by 2028.

Access to the development will be provided at the western leg of the Tomoka Oaks Boulevard/St. Andrews Drive intersection with primary external access at the existing Tomoka Oaks Boulevard at Nova Road intersection. A preliminary site plan is attached as Appendix A.

Study Area

The following roadway segments and intersections are included in the analysis, per the approved methodology (Appendix B):

Intersections:

1. Nova Road at US 1
2. Nova Road at Wilmette Avenue
3. SR 40 at Main Trail
4. Tomoka Oaks Boulevard at Nova Road
5. Tomoka Oaks Boulevard at Escondido Multifamily Driveway
6. Tomoka Oaks Boulevard at N. St. Andrews Drive
7. Tomoka Oaks Boulevard at S. St. Andrews Drive
8. Tomoka Oaks Boulevard at West Diamond
9. Tomoka Oaks Boulevard at East Diamond
10. St. Andrew's Drive at W Rio Pinar Trail
11. St. Andrew's Drive at E Rio Pinar Trail
12. St. Andrew's Drive at Iroquois Trail

Roadway Segments:

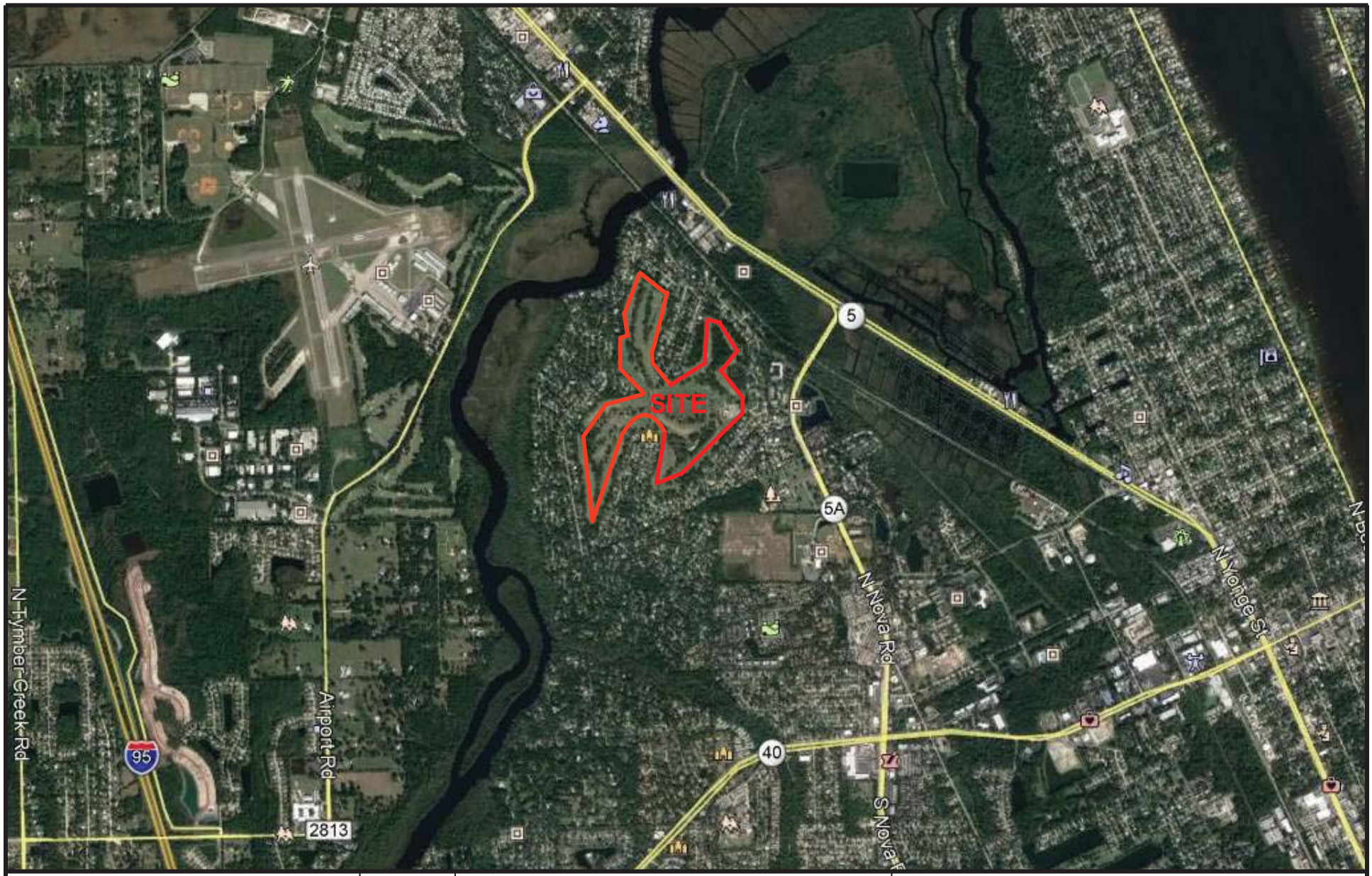
- Nova Road from US 1 to Wilmette Avenue (Significant)
- SR 40/Granada Boulevard from I-95 to Clyde Morris Boulevard (near critical)
- SR 40/Granada Boulevard from Clyde Morris Boulevard to Nova Road (near critical)
- SR 40/Granada Boulevard from US 1 to Halifax Avenue (critical)
- Hand Avenue from Clyde Morris Boulevard to Nova Road (vested near critical)
- Williamson Boulevard from Hand Avenue to Strickland Range Road (vested critical)

Study Procedures

Standard engineering and planning procedures were used to determine the impacts of the proposed project. Reference data was obtained from the Florida Department of Transportation (FDOT), the Volusia County Traffic Engineering Department, the City of Ormond Beach Planning Department, the Institute of Transportation Engineers (ITE), and the River to Sea Transportation Planning Organization (R2CTPO).

Planned Roadway Improvements

Information on programmed or planned roadway improvements in the area of interest was obtained from the FDOT Five-Year Work Program, Volusia County, the R2CTPO Long Range Transportation Plan, and previously approved projects. There are no capacity-enhancing programs currently planned within the study area.



Tomoka Oaks Residential	N NTS	**Project Location Map**	LTG Engineering & Planning
		Project No.: 5361.09 / Figure: 1	1450 W. Granada Blvd., Suite 2, Ormond Beach, Florida 32174 Telephone: 386.257.2571 Fax: 386.257.6996

2

EXISTING ROADWAY ANALYSIS

Turning movement counts (TMCs) were conducted during the AM and PM peak-hours on March 2nd, 2023, at the study area intersections (see Appendix C). FDOT's 2021 Seasonal Factors (SF) for the corresponding dates were applied to the existing counts. Please note, if the FDOT SF was less than 1.0, a minimum SF of 1.0 was applied to the counts. The turning movement counts during the AM and PM peak-hours for Tomoka Oaks Boulevard at N. St. Andrews Drive and Tomoka Oaks Boulevard at West Diamond during the PM peak-hours were calibrated to the same peak hour as Tomoka Oaks Boulevard at the study intersections to reflect the balancing turning movements. The existing AM and PM peak-hour traffic volumes used in the analysis are depicted in **Figure 2**.

Unsignalized Intersection Analysis

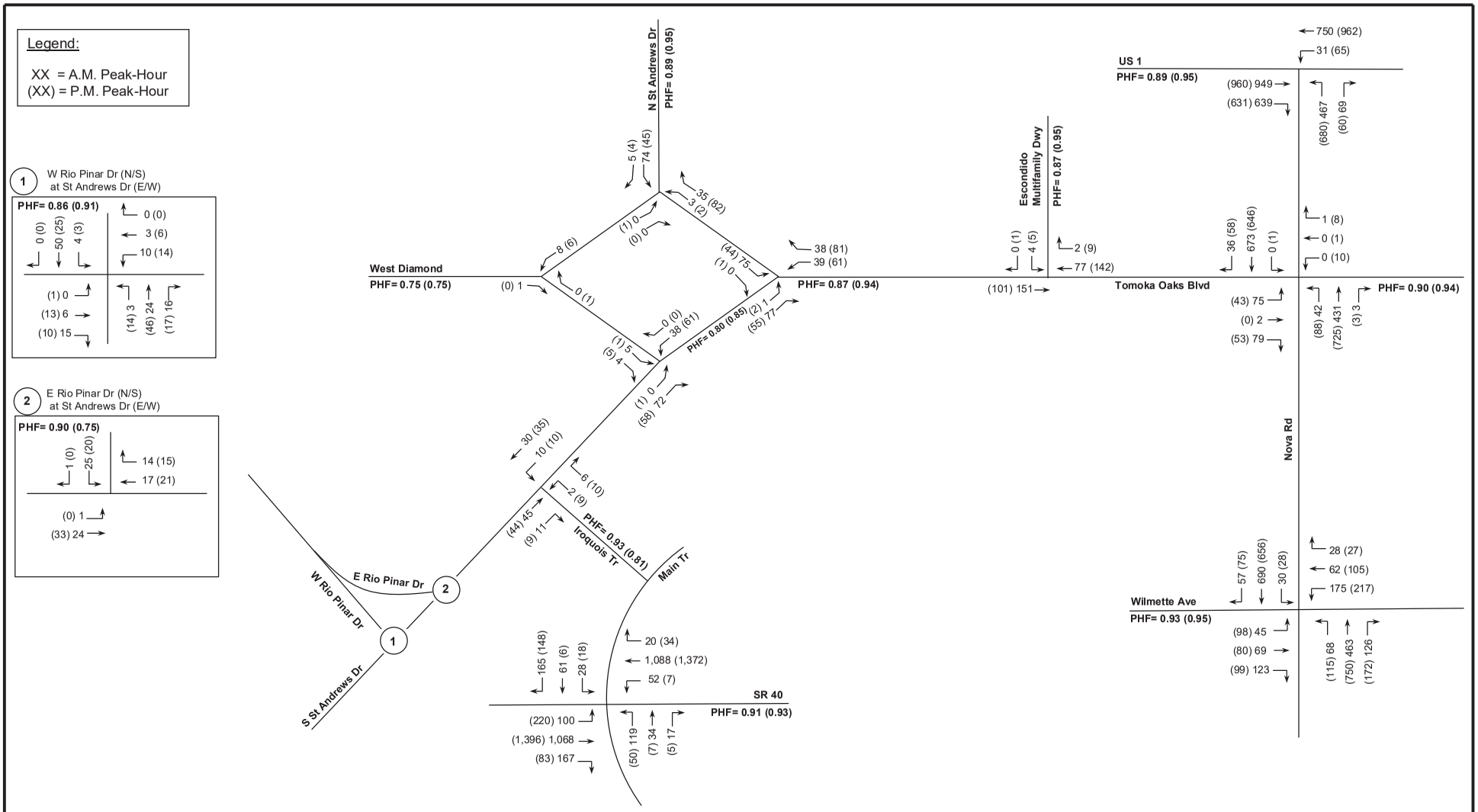
The existing operating conditions at the unsignalized intersections were analyzed using *HCS 2023 or Synchro 11* at the study area intersections. This software utilizes the procedures outlined in Chapter 20 of the Highway Capacity Manual (6th Edition) titled, "Two-Way Stop-Controlled Intersections". **Table 1** shows the existing AM and PM peak-hour level of service (LOS) at the study area intersections. The HCS and Synchro summary sheets are attached as Appendix D.

Table 1
Existing AM and PM Peak-Hour LOS - Unsignalized Intersections
Tomoka Oaks Residential

Intersection	Adopted LOS	Analysis Method	AM Peak-Hour			PM Peak-Hour		
			Critical Approach	Delay (sec.)	LOS	Critical Approach	Delay (sec.)	LOS
Nova Rd. at Tomoka Oaks Blvd.	D	Synchro	EB	23.4	C	EB	20.1	C
Tomoka Oaks Blvd at Escondido Multifamily Access	D	Synchro	SB	10.0	B	SB	10.0	B
Tomoka Oaks Blvd. at N. St. Andrews Dr.	D	Synchro	SB	9.0	A	SB	8.9	A
Tomoka Oaks Blvd. at S. St. Andrews Dr.[1]	D	Synchro	NB	8.6	A	NB	8.6	A
Tomoka Oaks Blvd. at West Diamond [2]	D	Synchro	N/A	-	-	N/A	-	-
Tomoka Oaks Blvd. at East Diamond	D	Synchro	SB	9.9	A	SB	9.7	A
St. Andrew's Dr. at W Rio Pinar Tr.	D	HCS	SB	7.8	A	EB	8.9	A
St. Andrew's Dr. at E Rio Pinar Tr.	D	HCS	SB	8.9	A	SB	9.1	A
St. Andrew's Dr. at Iroquois Tr.	D	HCS	NB	8.7	A	NB	9.0	A

[1]The HCM 6th methodology is not compatible with the geometry, therefore HCM 2000 was used to report the LOS.
[2]The intersection currently operates under free-flow conditions (no stop control present) with minimal peak hour volumes; therefore, no LOS is reported.

As indicated, all unsignalized intersections are currently operating within the adopted level of service under existing conditions.



Tomoka Oaks Residential

N

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Existing A.M. & P.M. Turning Movement Counts

Project Number: 5361.09

Figure: 2

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Signalized Intersection Analysis

The existing operating conditions at the signalized intersections were analyzed using *HCS 2023*, which utilizes the procedures outlined in Chapter 19 of the *Highway Capacity Manual 6th Edition*, titled "Signalized Intersections". **Table 2** shows the existing LOS and volume to capacity ratios (v/c) at the study area intersections. The signal timings are provided in Appendix E and the HCS summary sheets are provided in Appendix D.

Table 2
Existing AM and PM Peak-Hour LOS - Signalized Intersections
Tomoka Oaks Residential

Intersection	Adopted LOS	AM Peak-Hour			PM Peak-Hour		
		Delay (sec.)	LOS	V/C greater than 1.0?	Delay (sec.)	LOS	V/C greater than 1.0?
Nova Rd. at US 1	D	14.5	B	No	17.9	B	No
Nova Rd. at Wilmette Ave.	D	26.2	C	No	31.4	C	No
SR 40 at Main Trail	D	23.2	C	No	20.4	C	No

As indicated, all signalized intersections are currently operating within the adopted level of service under existing conditions.

Roadway Segment Analysis

Roadway LOS describes the operating condition determined from the number of vehicles passing over a given section of roadway during a specified time period. It is a qualitative measure of several factors which include speed, travel time, traffic interruptions, freedom to maneuver, driver comfort, convenience, safety, and vehicle operating costs. Six LOS categories have been established as standards by which to gauge roadway performance, designated by the letters A through F. The LOS categories are defined as follows:

Level of Service A: *Free flow, individual users virtually unaffected by the presence of others.*
Level of Service B: *Stable flow with a high degree of freedom to select operating conditions.*
Level of Service C: *Flow remains stable, but with significant interactions with others.*
Level of Service D: *High-density stable flow in which the freedom to maneuver is severely restricted.*
Level of Service E: *This condition represents the capacity level of the road.*
Level of Service F: *Forced flow in which the traffic exceeds the amount that can be served.*

The Average Annual Daily Traffic (AADT) for the study roadway segments was obtained from the FDOT *Traffic Online* database and Volusia County 2021 Average Annual Daily Traffic & Historical Counts spreadsheet. The existing LOS for the study area road segments during the peak-hour are provided in **Table 3**. As indicated, all roadway segments currently operate within the adopted LOS under peak hour two-way conditions.

Table 3
Existing PM Peak-Hour LOS - Roadway Segments
Tomoka Oaks Residential

Roadway	Segment		No. of Lanes	Adopted LOS	Peak-Hour Two-Way Capacity[1]	Count Source	2021 AADT	Existing Peak-Hour Two-Way Volume[2]	Existing PM Volume Exceed Adopted LOS?
SR 5A/Nova Rd.	US 1	Wilmette Ave.	4	D	3,455	FDOT	14,400	1,296	No
SR 40/Granada Blvd.	I-95	Clyde Morris Blvd.	4	D	3,455	FDOT	36,000	3,240	No
	Clyde Morris Blvd.	Nova Rd.	4	D	3,455	FDOT	35,500	3,195	No
	US 1	Halifax Ave.	4	D	3,413	FDOT	35,500	3,380	No
Hand Ave.	Clyde Morris Blvd.	Shangri La Dr.	2	E	1,540	Volusia	14,880	1,200	No
	Shangri La Dr.	Nova Rd.	4	E	3,410	Volusia	16,250	1,350	No
Williamson Blvd.	Hand Ave.	Strickland Range Rd.	2	E	1,540	Volusia	17,520	1,420	No

[1]Adopted LOS, capacity, existing AADT, and existing PM Peak-Hour Two-Way Volume obtained from the 2021 Volusia County Traffic Count Spreadsheet for County maintained facilities. FDOT Generalized Service Volume Tables, Context Classification, and adjustment factors used for FDOT roadways.
[2]Existing Peak Hour Two-Way Volume obtained from Volusia County Spreadsheet for County roadways and determined using a K-factor (0.09) for FDOT roadways.

3

FUTURE TRAFFIC CONDITIONS

Traffic in the area is expected to grow due to local government approvals. The following section documents the methods used to project future 2028 traffic conditions by using either historical growth rates and/or vested trip information and anticipated project traffic.

2028 Background Traffic

The growth rates for each study area roadway segment will be determined using the following method:

- Historic growth trends calculated based upon the last five years of historic count data to determine a roadway segment's applicable trend growth rate using the best fitted regression analysis.
- If the R^2 value is less than 0.70, then ten (10) years of historical traffic data will be used to determine the trends growth rate using the best fitted regressions analysis.
- If the R^2 is still less than 0.70, the R^2 for the adjoining northbound and southbound segments will be analyzed to determine the average growth rate of adjoining segments can be utilized.
- Then the growth rate shall be determined by the trend fitted curve. If the overall trend fitted curve is positive, 2% shall be used. If the overall trend fitted curve is negative, then a 1% growth rate will be applied.
- In no case shall the growth rate be negative.
- Vested trips will be applied in addition to growth rates where applicable.
- If the R^2 value is greater than 70%, and the growth rate is greater than 3%, the background growth will be determined using either vested trips or the growth rate, whichever is more conservative.
- If the R^2 value is greater than 70%, and the growth rate is greater than 3%, and there is a high number of vested trips to be applied by multiple vested projects with various land uses, a request may be made to reduce vested traffic by 30% if the vested traffic is 30% of the total background growth.
- Per County Directive, exponential regression will not be used to determine growth.

The growth comparison and applied growth used in the analysis are provided in **Table 4**. The FDOT *Traffic Trends* analysis worksheets, updated critical/near critical map and significant table, the vested trip information was obtained from the County's vested trip database and the spreadsheet used to develop the existing, background and build-out traffic volumes attached as Appendix F.

Table 4
Historical Growth Rates and Vested Traffic
Tomoka Oaks Residential

Roadway	Limits		5-Year			10-Year			Resulting Historical Annual Growth Rate	Applied Growth If Using Adjacent Segment	High Growth? Y/N	Vested Trips	Existing Peak-Hour Volume	Total Historical Growth (# of Trips)	Applied Growth Method	Total Growth Applied (# of Trips)	2028 Total Background Volume
	From	To	Best Fit Regression	R^2 Value	Historical Growth Rate	Best Fit Regression	R^2 Value	Historical Growth Rate									
SR 5A/Nova Rd.	US 1	Wilmette Ave.	Linear	43.4%	1.36%	Linear	85.9%	1.82%	1.82%	-	N	0	1,296	165	Historical Growth	165	1,461
SR 40/Granada Blvd.	I-95	Clyde Morris Blvd.	Linear	11.2%	-0.77%	Linear	38.5%	0.78%	Check adjacent	1.23%	N	77	3,240	279	Historical + Vested	356	3,596
	Clyde Morris Blvd.	Nova Rd.	Linear	47.1%	1.26%	Linear	70.9%	1.23%	1.23%	-	N	104	3,195	275	Historical + Vested	379	3,574
	US 1	Halifax Ave.	Linear	57.1%	-2.19%	Linear	43.0%	1.74%	Check adjacent	1.23%	N	46	3,380	291	Historical + Vested	337	3,717
Hand Ave.	Clyde Morris Blvd.	Shangri La Dr.	Linear	84.8%	-3.31%	-	-	-	1.00%	-	N	435	1,200	84	Historical + Vested	519	1,719
	Shangri La Dr.	Nova Rd.	Linear	57.5%	-2.26%	Decaying Exp	62.8%	0.41%	Check adjacent	1.00%	N	0	1,350	95	Historical Growth	95	1,445
Williamson Blvd.	Hand Ave.	Strickland Range Rd.	Linear	35.6%	3.53%	Linear	83.0%	4.05%	4.05%	-	Y	702	1,420	403	Vested	702	2,122
Growth Determination - Additional Segments for Intersection Analyses																	
Roadway	Limits		5-Year			10-Year			Resulting Historical Annual Growth Rate	Applied Growth If Using Adjacent Segment	High Growth? Y/N	Vested Trips	Existing Peak-Hour Volume	Total Historical Growth (# of Trips)	Applied Growth Method	Total Growth Applied (# of Trips)	2028 Total Background Volume
	From	To	Best Fit Regression	R^2 Value	Historical Growth Rate	Best Fit Regression	R^2 Value	Historical Growth Rate									
Nova Road	SR 40	Wilmette Ave	Linear	78.1%	-4.48%	-	-	-	1.00%	-	N	0	1,935	135	Historical Growth	135	2,070
US 1	Nova Rd	Airport Rd	Linear	43.2%	1.26%	Linear	89.2%	2.97%	2.97%	-	N	0	2,790	580	Historical Growth	580	3,370
US 1	SR 40	Nova Rd	Decaying Exp	27.0%	-0.22%	Linear	73.8%	1.77%	1.77%	-	N	0	1,755	217	Historical Growth	217	1,972

Note: A minimum 1% annual growth rate was used for local segments and intersections.

4

2028 BACKGROUND ROADWAY ANALYSIS

The study area intersections and roadway segments were analyzed based on the future roadway conditions to determine potential impacts and to investigate mitigation requirements. **Figure 3** graphically depicts the 2028 background volumes during a.m. and p.m. peak-hours. The results of the analysis are presented below.

2028 Background – Unsignalized Intersection Analysis

The unsignalized intersections were analyzed to determine the operating conditions under 2028 background conditions and the results are presented in **Table 5**. The HCS and Synchro summary sheets are included in Appendix G.

Table 5
2028 Background AM and PM Peak-Hour LOS - Unsignalized Intersections
Tomoka Oaks Residential

Intersection	Adopted LOS	Analysis Method	AM Peak-Hour			PM Peak-Hour		
			Critical Approach	Delay (sec.)	LOS	Critical Approach	Delay (sec.)	LOS
Nova Rd. at Tomoka Oaks Blvd.	D	Synchro	EB	26.3	D	EB	21.7	C
Tomoka Oaks Blvd at Escondido Multifamily Access	D	Synchro	SB	10.1	B	SB	10.1	B
Tomoka Oaks Blvd. at N. St. Andrews Dr.	D	Synchro	SB	9.0	A	SB	9.0	A
Tomoka Oaks Blvd. at S. St. Andrews Dr.	D	Synchro	NB	8.6	A	NB	8.6	A
Tomoka Oaks Blvd. at West Diamond [1]	D	Synchro	N/A	-	-	N/A	-	-
Tomoka Oaks Blvd. at East Diamond	D	Synchro	SB	9.9	A	SB	9.7	A
St. Andrew's Dr. at W Rio Pinar Tr.	D	HCS	SB	7.9	A	EB	8.9	A
St. Andrew's Dr. at E Rio Pinar Tr.	D	HCS	SB	8.9	A	SB	9.2	A
St. Andrew's Dr. at Iroquois Tr.	D	HCS	NB	8.7	A	NB	9.0	A

[1] Existing intersection is not currently under stop-control; no LOS reported in Synchro.

As indicated in Table 5, all unsignalized intersections are expected to operate within the adopted level of service under background conditions.

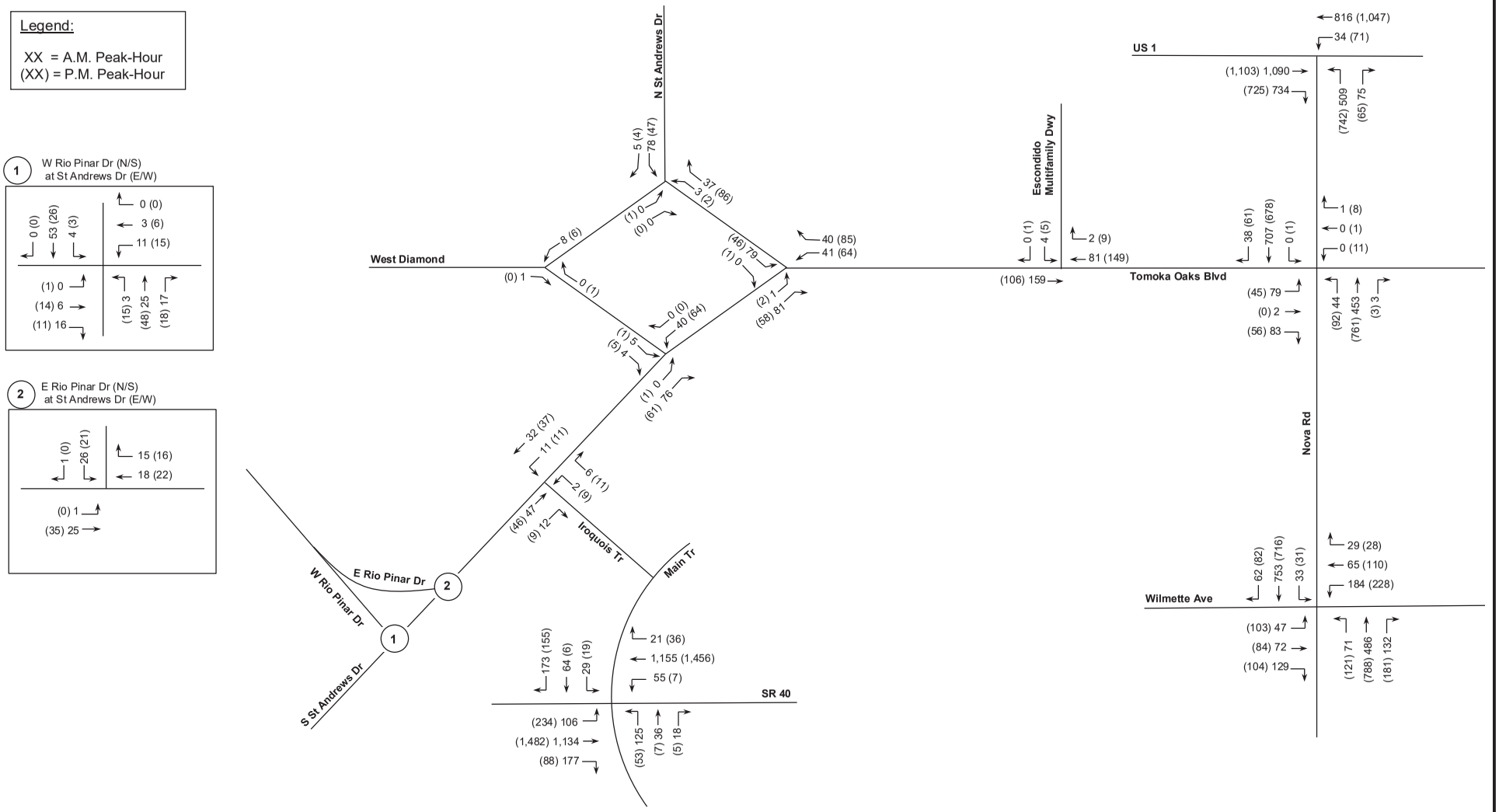
2028 Background – Signalized Intersection Analysis

The signalized intersections were analyzed to determine the operating conditions under 2028 background conditions and the results are presented in Table 6. The HCS summary sheets are included in Appendix G.

Table 6
2028 Background AM and PM Peak-Hour LOS - Signalized Intersections
Tomoka Oaks Residential

Intersection	Adopted LOS	AM Peak-Hour			PM Peak-Hour		
		Delay (sec.)	LOS	V/C greater than 1.0?	Delay (sec.)	LOS	V/C greater than 1.0?
Nova Rd. at US 1	D	15.8	B	No	19.8	B	No
Nova Rd. at Wilmette Ave.	D	27.4	C	No	33.7	C	No
SR 40 at Main Trail	D	26.0	C	No	23.0	C	No

As indicated, all signalized intersections are expected to operate within the adopted level of service under background conditions.



Tomoka Oaks Residential

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2028 Background A.M. & P.M. Traffic Volumes

Project Number: 5361.09

Figure: 3

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2028 Background – Roadway Segment Analysis

The study area roadway segments were analyzed under 2028 background conditions to determine the anticipated two-way peak-hour LOS. The results are provided in **Table 7**. As indicated, all study area roadway segments currently operate within their adopted LOS during the PM peak-hour except for the segments of SR 40/Granada Boulevard from I-95 to Clyde Morris Boulevard, Clyde Morris Boulevard to Nova Road and US 1 to Halifax Avenue; Hand Avenue from Clyde Morris Boulevard to Shangri La Drive and Williamson Boulevard from Hand Avenue to Strickland Range Road. The following improvements are recommended to improve the LOS deficiency:

SR 40/Granada Boulevard from I-95 to Clyde Morris Boulevard:

- Widen from 4-lanes to 6-lanes.

SR 40/Granada Boulevard from Clyde Morris Boulevard to Nova Road:

- Widen from 4-lanes to 6-lanes.

SR 40/Granada Boulevard from US 1 to Halifax Avenue:

- Widen from 4-lanes to 6-lanes.

Hand Avenue from Clyde Morris Boulevard to Shangri La Drive:

- Widen from 2-lanes to 4-lanes.

Williamson Boulevard from Hand Avenue to Strickland Range Road:

- Widen from 2-lanes to 4-lanes.

The improved roadway segment analysis for the deficient segments is provided in **Table 8.**

Table 7
2028 Background PM Peak-Hour LOS - Roadway Segments
Tomoka Oaks Residential

Roadway	Segment		No. of Lanes	Adopted LOS	Peak-Hour Two-Way Capacity	Existing PM Peak-Hour Two-Way Volume	Growth Method Applied	Total Growth Applied (# of Trips)	2028 Total Background Volume	Background PM Volume Exceed Adopted LOS?
SR 5A/Nova Rd.	US 1	Wilmette Ave.	4	D	3,455	1,296	Historical Growth	165	1,461	No
SR 40/Granada Blvd.	I-95	Clyde Morris Blvd.	4	D	3,455	3,240	Historical + Vested	356	3,596	Yes
	Clyde Morris Blvd.	Nova Rd.	4	D	3,455	3,195	Historical + Vested	379	3,574	Yes
	US 1	Halifax Ave.	4	D	3,413	3,380	Historical + Vested	337	3,717	Yes
Hand Ave.	Clyde Morris Blvd.	Shangri La Dr.	2	E	1,540	1,200	Historical + Vested	519	1,719	Yes
	Shangri La Dr.	Nova Rd.	4	E	3,410	1,350	Historical Growth	95	1,445	No
Williamson Blvd.	Hand Ave.	Strickland Range Rd.	2	E	1,540	1,420	Vested	702	2,122	Yes

Table 8
2028 Background PM Peak-Hour LOS - Roadway Segments – Improved*
Tomoka Oaks Residential

Roadway	Segment		No. of Lanes	Adopted LOS	Peak-Hour Two-Way Capacity	Existing PM Peak-Hour Two-Way Volume	Growth Method Applied	Total Growth Applied (# of Trips)	2028 Total Background Volume	Background PM Volume Exceed Adopted LOS?
SR 40/Granada Blvd.	I-95	Clyde Morris Blvd.	6	D	5,114	3,240	Historical + Vested	356	3,596	No
	Clyde Morris Blvd.	Nova Rd.	6	D	5,114	3,195	Historical + Vested	379	3,574	No
	US 1	Halifax Ave.	6	D	5,366	3,380	Historical + Vested	337	3,717	No
Hand Ave.	Clyde Morris Blvd.	Shangri La Dr.	4	E	3,410	1,200	Historical + Vested	519	1,719	No
Williamson Blvd.	Hand Ave.	Strickland Range Rd.	4	E	3,410	1,420	Vested	702	2,122	No

**Improved peak-hour two-way capacity determined using FDOT 2023 Generalized Service Tables and comparable capacity from Volusia County's AADT Spreadsheet; Improvements not fully funded for construction at this time.*

5

2028 BUILD-OUT ROADWAY ANALYSIS

The study area intersections and roadway segments were analyzed based on the roadway conditions at the time of project build-out to determine potential impacts of project-generated trips and identify mitigation requirements. The improvements recommended in background conditions have been included in the 2028 build-out analysis for those applicable intersections and roadway segments.

Project Trip Generation

The daily, a.m., and p.m. peak hour trip generation for the development presented in **Table 9** was determined using the Institute of Transportation Engineers (ITE) 11th Edition of the *Trip Generation Manual*.

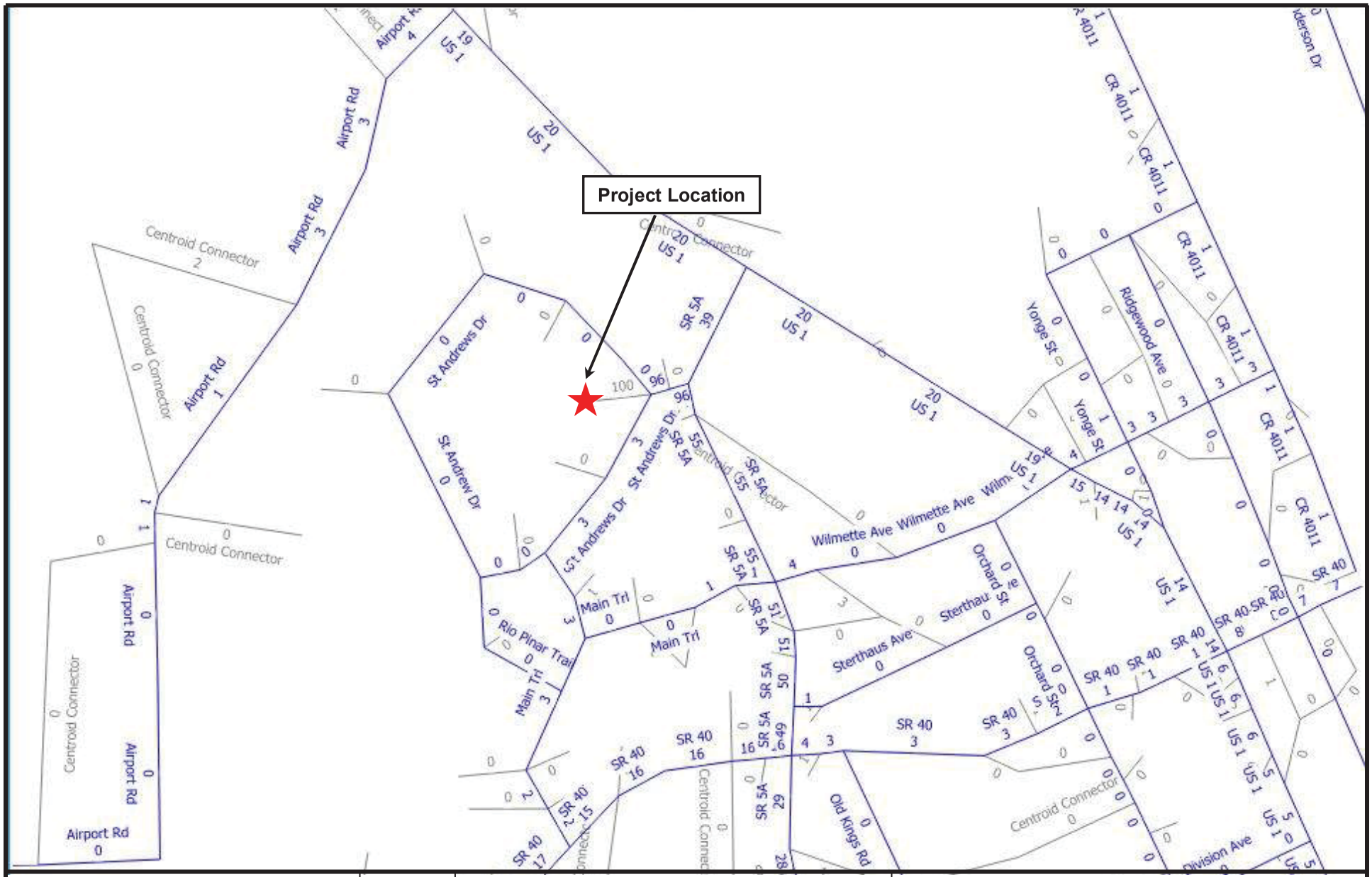
Table 9
Project Trip Generation
Tomoka Oaks Residential

Time Period	Land Use	ITE Code	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips (T)
Daily	Single Family Residential	210	Ln(T) = 0.92 Ln(X) + 2.68	300	DU	50%	50%	1,387	1,387	2,774
AM Peak-Hour			Ln(T) = 0.91 Ln(X) + 0.12			26%	74%	53	149	202
PM Peak-Hour			Ln(T) = 0.94 Ln(X) + 0.27			63%	37%	176	103	279

Project Trip Distribution

The Central Florida Regional Planning Model, version 6.1 (CFRPM) was used to obtain the project trip distribution for the proposed development. A select zone analysis was completed and resulted in the project trip distribution shown in **Figure 4A**. **Figure 4B** provides a more detailed view of the model output in the vicinity of the site.

Using the trip distribution, the a.m. and p.m. peak hour project trips were assigned to the study area roadway network. **Figure 5** and **Figure 6** graphically depict the 2028 total background traffic, project trips, and resulting 2028 buildout traffic at the study area intersections.



Tomoka Oaks Residential

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Project Trip Distribution

Project No.: 5361.09

Figure: 4A

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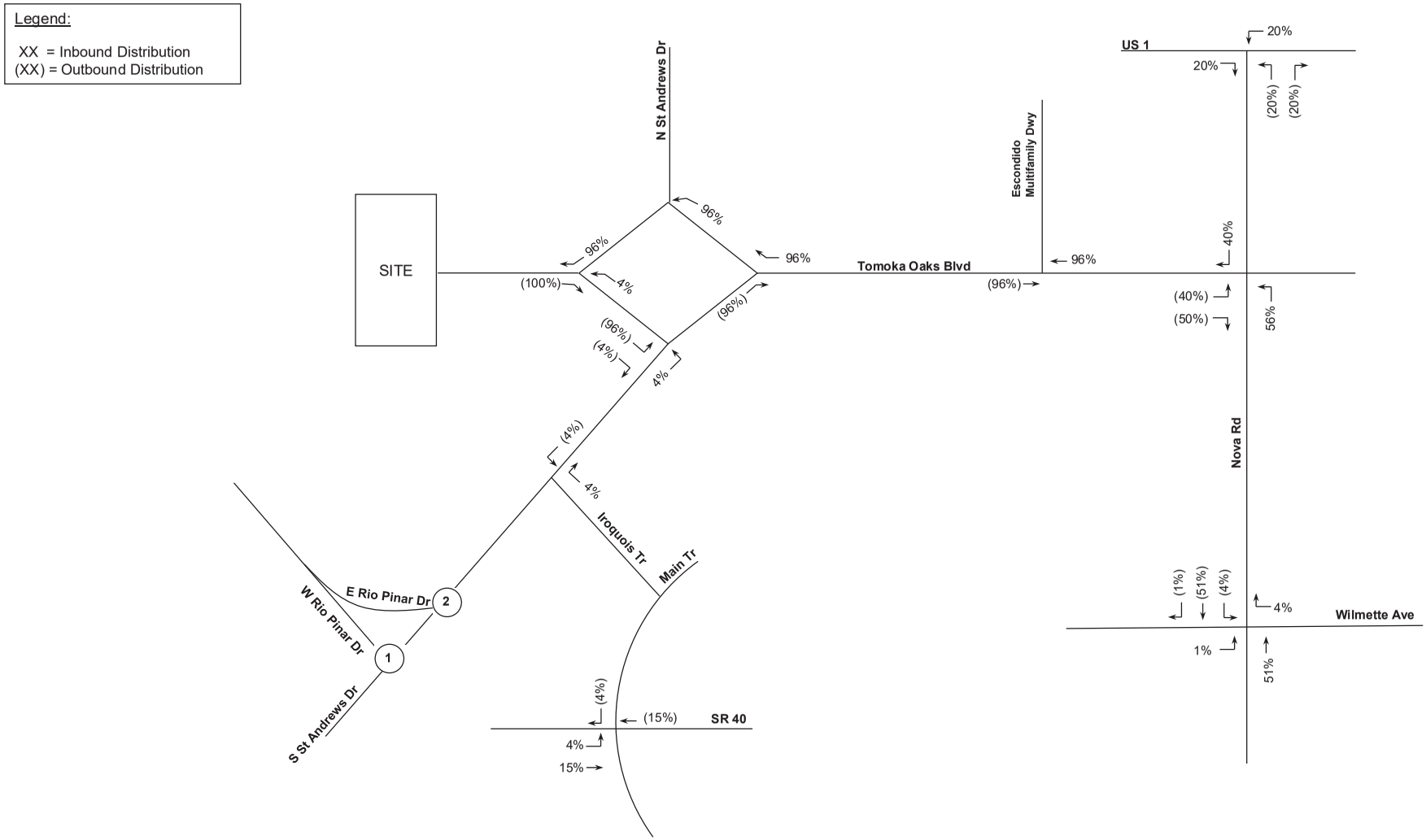

Tomoka Oaks Residential	N / NTS	Project Trip Distribution	
		Project Number: 5361.09	Figure: 4B

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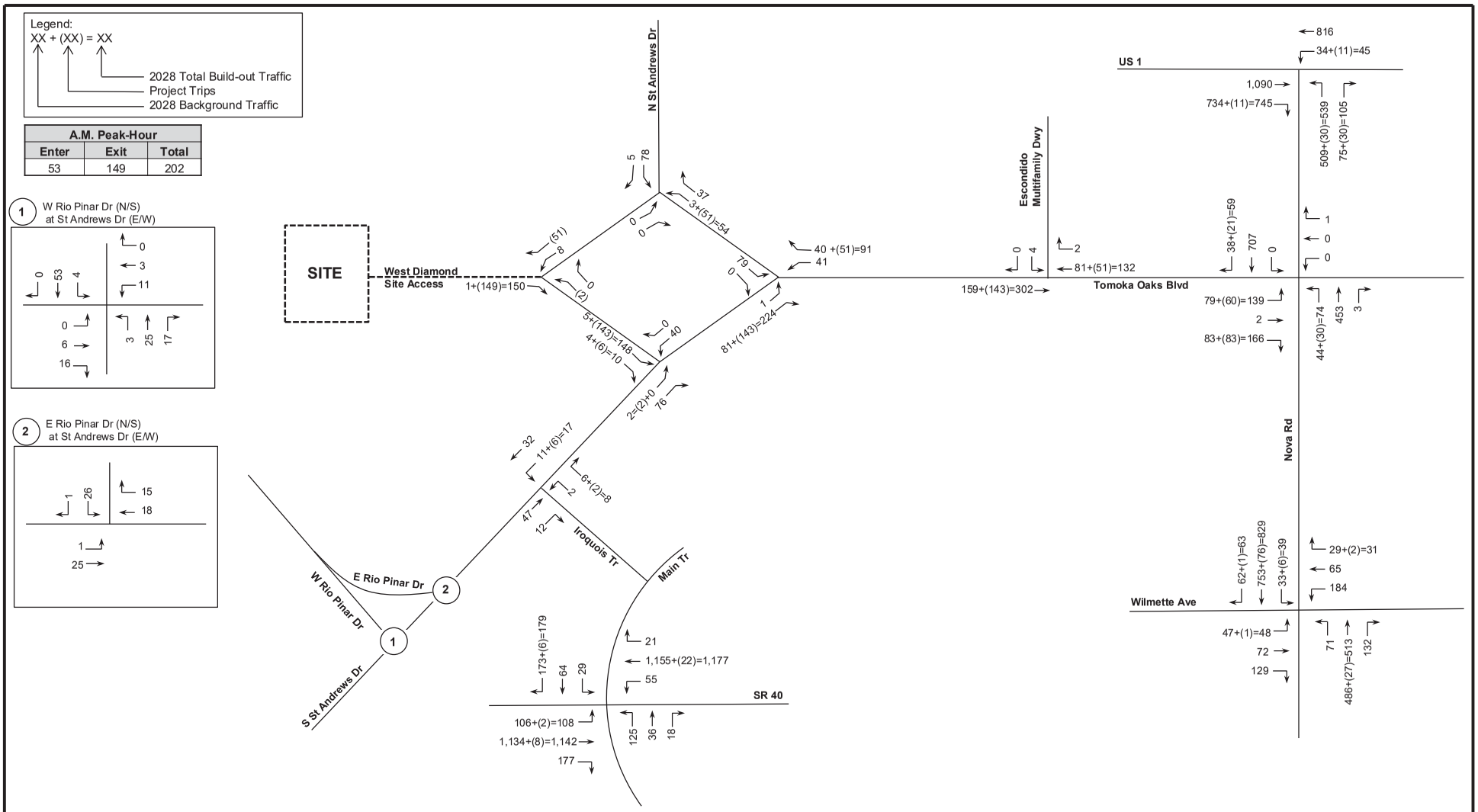

Tomoka Oaks Residential	N / NTS	2028 Buildout A.M. Peak-Hour Traffic Volumes	
		Project Number: 5361.09	Figure: 5

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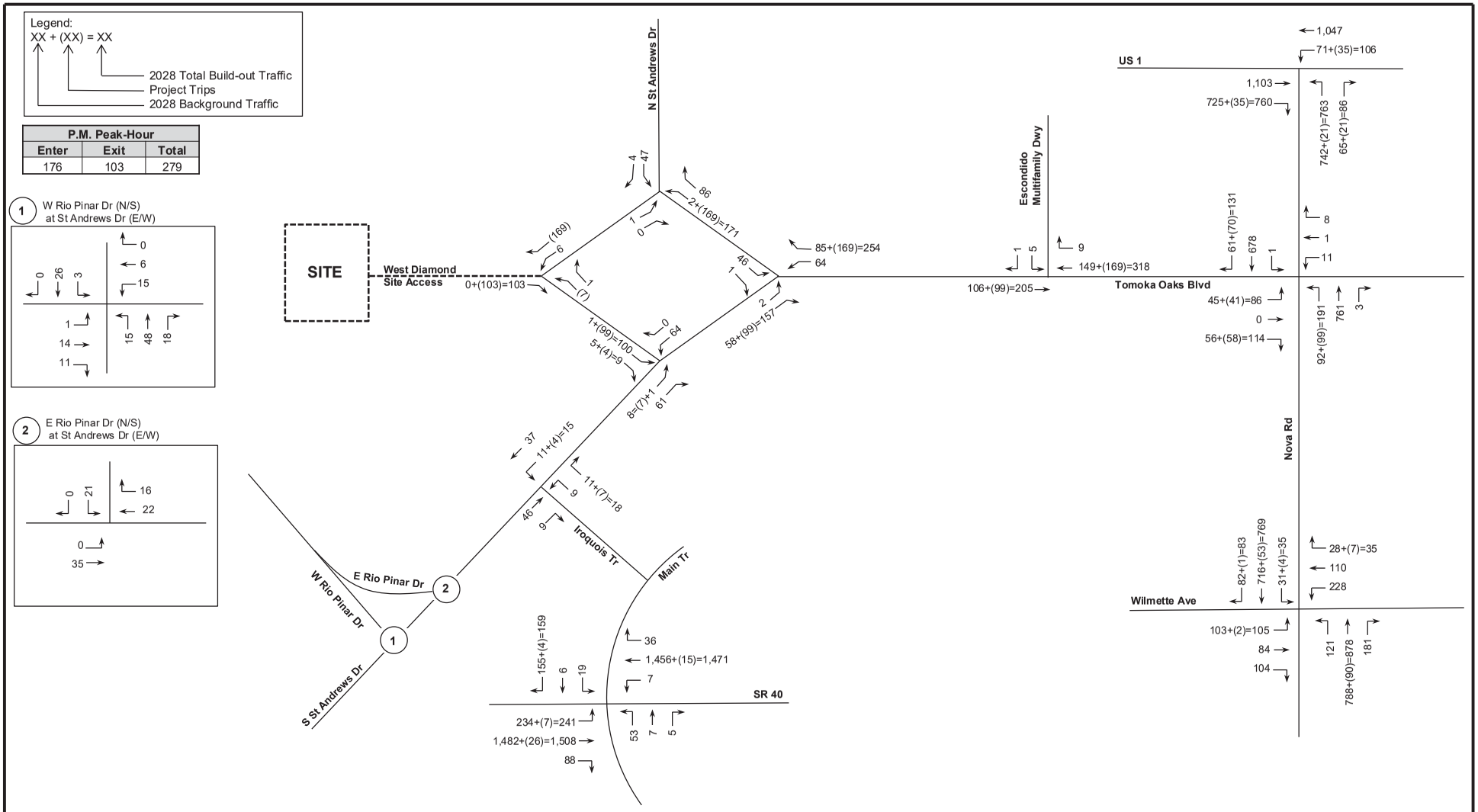

Tomoka Oaks Residential	N NTS	**2028 Buildout P.M. Peak-Hour Traffic Volumes**	Project Number: 5361.09 / Figure: 6

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2028 Build-Out – Unsignalized Intersection Analysis

The unsignalized intersections and the project driveway were analyzed to determine the operating conditions under 2028 build-out conditions, and the results are presented in **Table 10**. The HCS and Synchro summary sheets are included in Appendix H.

Table 10
2028 Build-Out AM and PM Peak-Hour LOS – Unsignalized Intersections
Tomoka Oaks Residential

Intersection	Adopted LOS	Analysis Method	AM Peak-Hour			PM Peak-Hour		
			Critical Approach	Delay (sec.)	LOS	Critical Approach	Delay (sec.)	LOS
Nova Rd. at Tomoka Oaks Blvd.	D	Synchro	EB	93.1	F	EB	72.3	F
Tomoka Oaks Blvd at Escondido Multifamily Access	D	Synchro	SB	11.9	B	SB	12.3	B
Tomoka Oaks Blvd. at N. St. Andrews Dr.	D	Synchro	SB	9.4	A	SB	10.1	B
Tomoka Oaks Blvd. at S. St. Andrews Dr.	D	Synchro	NB	8.7	A	NB	8.8	A
Tomoka Oaks Blvd. at West Diamond	D	Synchro	EB	9.5	A	EB	10.3	B
Tomoka Oaks Blvd. at East Diamond	D	Synchro	SB	11.6	B	SB	11.2	B
St. Andrew's Dr. at W Rio Pinar Tr.	D	HCS	SB	7.9	A	EB	8.9	A
St. Andrew's Dr. at E Rio Pinar Tr.	D	HCS	SB	8.9	A	SB	9.2	A
St. Andrew's Dr. at Iroquois Tr.	D	HCS	NB	8.7	A	NB	9.0	A

As indicated, the unsignalized intersection of Nova Road at Tomoka Oaks Boulevard is not expected to operate within the adopted level-of-service under build-out conditions. It is common that unsignalized intersections operate at higher levels of service with extended delay on the minor street approaches during peak-hour when conflicted with high major street volumes. However, a Traffic Signal Warrant Study (TSWS) was conducted at the intersection to determine whether future signal control at the intersection is warranted. The result of the analysis indicates that Warrants 1B and 2 are met by future peak hour volumes under build-out conditions. The TSWS, dated June 2021 and previously reviewed by the FDOT, is included as Appendix I.

The analysis results of the intersection of Nova Road at Tomoka Oaks Boulevard under traffic signal control is provided in **Table 11**. The intersection modification also includes adding striping for an exclusive right-turn lane to the eastbound approach approximately 75 ft. in length in order to separate right-turns from the shared left-through movement. The Synchro summary sheets are included in Appendix J. As indicated, the intersection is anticipated to operate with an acceptable LOS and with v/c ratios less than 1.0 under build-out conditions with the installation of a traffic signal.

Table 11
2028 Build-Out AM and PM Peak Hour LOS – Intersection Improvement
Tomoka Oaks Residential

Intersection	Adopted LOS	AM Peak-Hour			PM Peak-Hour		
		Delay (sec.)	LOS	V/C greater than 1.0?	Delay (sec.)	LOS	V/C greater than 1.0?
Nova Rd. at Tomoka Oaks Blvd.	**D**	**12.4**	**B**	**No**	**16.7**	**B**	**No**

It should be noted that the intersection improvement results at Nova Road and Tomoka Oaks Boulevard does not include an exclusive southbound right-turn lane. Since the intersection is expected to operate at adopted levels of service during the a.m. and p.m. peak hours, no southbound right-turn lane is proposed at this time. Final lane geometry, alignment and signal timings for the signal shall be discussed with the FDOT during the permit application process before final design of the signal.

Site Access Analysis

Access to the development will be provided at the western leg of the Tomoka Oaks Boulevard/St. Andrews Drive intersection with primary external access at the existing Tomoka Oaks Boulevard at Nova Road. No additional turn-lanes are warranted or recommended at this location. However, adding stop control for the westbound approach will be required.

As requested by City Staff, additional analysis of the proposed site access driveway, as it relates to the existing diamond-intersection configuration, was performed. The analysis includes evaluation and comparison of two alternative intersection scenarios to determine whether improved vehicular circulation and safety could be achieved. The alternative scenarios include converting the configuration to an ALL-WAY STOP or modifying to a traditional single-land roundabout. Each alternative, including the existing scenario, were evaluated for average peak hour vehicular delay, 95th percentile queue length, the average number of stops, and number of minor and major conflict points. The results are summarized in **Table 12**. The Synchro analysis outputs are attached as Appendix K.

Table 12
Alternative Scenario Comparison – Diamond Intersection
Tomoka Oaks Residential

Build-Out Alternatives	Evaluation Criteria									
	Peak Time Period	Average Total Delay (sec.)	LOS	Max 95th Percentile Queue*			No. of Conflict Points*			Average No. of Stops*
				Approach	Veh/Lane	Length (ft.)	Major	Minor	Total	
Existing Diamond	AM	9.8	A	-	1	25	6	12	18	2
	PM	10.1	B	-	1	25				
All-Way Stop Control	AM	8.4	A	EB	1	25	16	16	32	1
	PM	9.5	A	WB	2	50				
Roundabout	AM	4.1	A	EB	1	25	0	8	8	0
	PM	4.4	A	WB	1	25				

**95th Percentile Queue reported for existing diamond configuration anticipated at each internal intersection.*

**Based on common vehicle travel paths; Major conflict points include crossing maneuvers, and minor conflicts include merge/diverge maneuvers.*

**Roundabout is designed under yield condition for all approaches.*

Comparing each alternative, we can conclude that the roundabout design slightly improves the peak hour delay and results in a lower number of conflict points than the existing and ALL-WAY STOP configurations. Reducing the number of conflict points at the intersection improves the overall safety for roadway users. Not only does the roundabout decrease the number of conflict points, but the ones that remain are classified as minor and typically aren't as server as major/crossing maneuvers. Crash data reports were requested from the Ormond Beach Police Department and through Signal 4 Analytics from year 2017 through year 2021. As a result, no crashes have been reported at the internal diamond configuration.

It should be noted that the existing configuration is expected to operate within the adopted LOS during the a.m. and p.m. peak hours. Therefore, from a mitigation standpoint, no improvements or modifications are required at intersections that are not deficient. At this time, the existing configuration is proposed to remain under future buildout conditions.

Local Road Impact Analysis

At the request of City Staff, the anticipated impact of project trips to local roads and neighborhoods (particularly the existing Tomoka Oaks and Trails Development) was examined. Due to the ease and pace of alternative travel paths, project trips utilizing South Saint Andrews Drive to Iroquois Trail and ultimately to SR 40/Granada Boulevard is expected to be minimal, approximately 4% of project traffic, which equates to 111 daily trips, 8 total a.m. peak hour trips and 11 total p.m. peak hour trips. No project traffic is expected to travel to W. Rio Pinar Trail, as no complementary uses are present. The results of the build-out intersection analyses indicate no degradation of levels of service at these intersections due to the addition of project trips.

Additionally, vehicular queues and potential blocking of the existing Escondido driveway were evaluated. In summary, the 95th percentile vehicular queue at the Nova Rd./Tomoka Oaks Blvd. intersection, under future signalized conditions, results in approximately 125 ft. in the a.m. and p.m. peak hours. The location of the Escondido

driveway is approximately 160 ft. from Nova Rd. (measured from eastbound stop bar to driveway centerline). Therefore, under the future buildout scenario, with signal control, indicated that the existing driveway will not be blocked during the a.m. and p.m. peak hours.

2028 Build-Out – Signalized Intersections Analysis

The signalized intersections were analyzed to determine the operational LOS under build-out conditions. The results are presented in **Table 13**. The HCS summary sheets are contained in Appendix H.

Table 13
2028 Build-Out AM and PM Peak-Hour LOS - Signalized Intersections
Tomoka Oaks Residential

Intersection	Adopted LOS	AM Peak-Hour			PM Peak-Hour		
		Delay (sec.)	LOS	V/C greater than 1.0?	Delay (sec.)	LOS	V/C greater than 1.0?
Nova Rd. at US 1	D	16.8	B	No	20.8	C	No
Nova Rd. at Wilmette Ave.	D	28.2	C	No	34.9	C	No
SR 40 at Main Trail	D	26.4	C	No	24.3	C	No

As indicated in Table 13, all signalized intersections are anticipated to operate with an acceptable LOS and with v/c ratios less than 1.0 under build-out conditions.

2028 Build-Out Roadway Segment Analysis

The study area roadway segments were analyzed under build-out conditions, including the improvements identified during 2028 background conditions, to determine the anticipated LOS and the results are presented in Table 14. As indicated, all study area roadway segments are expected to operate within the adopted LOS.

Queue Length and Turn Lane Analysis

A queue length analysis was conducted to determine recommended storage lengths for existing turn lanes at external study area intersections that are impacted by project traffic. The HCS results were used to obtain the 95th percentile queue lengths expected for each exclusive turn lane during the AM and PM peak-hours. Turn lane requirements were evaluated using the Volusia County LDC Section 72-619, Table VI and FDOT Design Manual Exhibit 212-1. The resulting recommended turn lane lengths for the intersections are provided in Table 15. The results are listed below:

Nova Road at US 1
- Northbound left-turn lane by 25-feet.

Nova Road at Tomoka Oaks Boulevard
- Northbound left-turn lane by 50-feet.

Nova Road at Wilmette Avenue
- Southbound left-turn lane by 15-feet.

Additionally, a circulation and queue analysis at the internal diamond intersections/St. Andrews Drive, the Escondido Multifamily Driveway access, and Nova Road along Tomoka Oaks Boulevard was conducted using SIM Traffic/Synchro Simulation Software under future AM and PM peak hour conditions. The analysis was conducted under existing roadway geometry and proposed future geometry (signal at Tomoka Oaks Blvd./Nova Rd.) to determine whether additional mitigation is recommended in order to improve safety and vehicle circulation. As a result, the vehicle queue is improved with the addition of the signal at Nova Road. The resulting 95th percentile queue length equates to 125 feet in the AM peak hour and 125 feet in the PM peak hour for the eastbound approach. The Escondido Multifamily Driveway is located approximately 160 feet west of Nova Road (measured from the eastbound stop bar to the driveway centerline), indicating that the driveway is not expected to be blocked under future improved buildout conditions.

Table 14
2028 Build-Out PM Peak-Hour LOS - Roadway Segments*
Tomoka Oaks Residential

Roadway	Segment		No. of Lanes	Adopted LOS	Peak-Hour Two-Way Capacity	Existing PM Peak-Hour Two-Way Volume	2028 Background Volume	Project Distribution	Project Trips	2028 Total Build-Out Volume	2028 Build-Out Volume Exceed Adopted LOS?
SR 5A/Nova Rd.	US 1	Wilmette Ave.	4	D	3,455	1,296	1,461	57%	159	1,620	No
SR 40/Granada Blvd.	I-95	Clyde Morris Blvd.	4	D	5,114	3,240	3,596	12%	33	3,629	No
	Clyde Morris Blvd.	Nova Rd.	4	D	5,114	3,195	3,574	17%	47	3,621	No
	US 1	Halifax Ave.	6	D	5,366	3,380	3,717	7%	20	3,737	No
Hand Ave.	Clyde Morris Blvd.	Shangri La Dr.	4	E	3,410	1,200	1,719	3%	8	1,727	No
	Shangri La Dr.	Nova Rd.	4	E	3,410	1,350	1,445	2%	6	1,451	No
Williamson Blvd.	Hand Ave.	Strickland Range Rd.	4	E	3,410	1,420	2,122	4%	11	2,133	No

**Includes improvements recommended in background conditions, which are currently not fully funded for construction.*

Table 15
Queue Length and Turn Lane
Tomoka Oaks Residential[1]

Intersection	Turn Lane	Posted Speed Limit (mph)	Existing Lane Length (ft)	Required Deceleration (ft)*	Existing				Background			Build-Out				
					# of Lanes	95th Percentile Queue Length (veh x 25 ft)	Total Required Turn Lane Length (ft)	Lane Length Deficiency (ft)	95th Percentile Queue Length (veh x 25 ft)	Total Required Turn Lane Length (ft)	Lane Length Deficiency (ft)	95th Percentile Queue Length (veh x 25 ft)	Total Required Turn Lane Length (ft)	Lane Length Deficiency (ft)	Difference in Length Deficiency; Background to Build-Out (ft)	Project Trips
AM																
Nova Rd. at US 1	NBL	45	370	240	2	225	465	95	250	490	120	275	515	145	25	30
	WBL	55	760	350	1	25	375	0	25	375	0	25	375	0	0	11
Nova Rd. at Tomoka Oaks Blvd.[2]	EB	25	160	0	1	75	75	0	75	75	0	125	125	0	0	143
	NBL	45	150	240	1	25	265	115	25	265	115	25	265	115	0	30
	SBL	45	305	240	1	0	240	0	0	240	0	0	240	0	0	21
Nova Rd. at Wilmette Ave.	NBL	45	130	240	1	75	315	185	100	340	210	100	340	210	0	0
	NBR	45	300	240	1	25	265	0	25	265	0	25	265	0	0	0
	SBL	45	300	240	1	50	290	0	50	290	0	50	290	0	0	6
SR 40 at Main Tr.	EBL	45	380	240	1	75	315	0	75	315	0	100	340	0	0	2
	WBL	45	380	240	1	50	290	0	50	290	0	50	290	0	0	0
PM																
Nova Rd. at US 1	NBL	45	370	240	2	300	540	170	350	590	220	375	615	245	25	21
	WBL	55	760	350	1	50	400	0	50	400	0	75	425	0	0	35
Nova Rd. at Tomoka Oaks Blvd.[2]	EB	25	160	0	1	50	50	0	50	50	0	125	125	0	0	99
	NBL	45	150	240	1	25	265	115	25	265	115	75	315	165	50	99
	SBL	45	305	240	1	0	240	0	0	240	0	0	240	0	0	70
Nova Rd. at Wilmette Ave.	NBL	45	130	240	1	150	390	260	175	415	285	175	415	285	0	0
	NBR	45	300	240	1	50	290	0	50	290	0	50	290	0	0	0
	SBL	45	300	240	1	50	290	0	50	290	0	75	315	15	15	4
SR 40 at Main Tr.	EBL	45	380	240	1	250	490	110	325	565	185	325	565	185	0	7
	WBL	45	380	240	1	25	265	0	25	265	0	25	265	0	0	0

[1]Based upon Volusia County LDC Section 72-619 Table VI and FDOT Exhibit 212-1.
[2]Evaluted as one shared lane during existing and background conditions; exclusive EBR and shared EBTL assumed to accommodate stacking for 2-vehicles per lane (combined queue reported).

Alternate Mode Analysis

An alternative mode analysis has been conducted to determine existing and proposed alternate modes of transportation within the immediate project study area. At this time, there is an existing sidewalk along the east and west sides of Nova Road. The project design also includes the extension of the sidewalk network out to Nova Road.

Votran, Volusia County's public transportation system, provides transportation alternatives to all urban areas of the county via fixed route buses and paratransit vehicles. The frequency of most routes is one hour, with a few operating on the half-hour. Standard daily service is provided from 6:00 a.m. to 7:00 p.m., Monday through Saturday, with a limited fixed route service at night and on Sunday. At this time, the closest Votran bus stop is 0.60 miles south of the proposed development driveway on Nova Road at Wilmette Avenue.

Proportionate Share (PS)

Based on the current Florida Statue and procedures outlined in the R2CTPO TIA guidelines, the proportionate share shall be calculated based upon the number of trips from the proposed development being approved. The project traffic is then divided by the change in roadway capacity resulting from the recommended improvements to result in a PS percentage. The total estimated construction cost for the improvement is multiplied by the PS percentage to determine the applicant's PS contribution.

The PS formula is to be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. The recommended improvements eligible for PS determination, the estimated improvements costs and PS calculation are to be negotiated once the TIA has been approved.

6

CONCLUSION AND RECOMMENDATIONS

A Traffic Impact Analysis (TIA) was conducted to evaluate the potential transportation impact of the proposed Tomoka Oaks Residential development. Access to the development will be provided by the western leg at the Tomoka Oaks Boulevard and St. Andrews Drive intersection with primary external access at the existing Tomoka Oaks Boulevard at Nova Road intersection. The development is expected to generate 202 AM peak-hour and 279 PM peak-hour trips. The results of the analysis are summarized in Tables 16 and 17, below.

Table 16
Recommended Improvements - Roadway Segments
Tomoka Oaks Residential

Roadway	Segment		When Improvement Recommended		
	To	From	2023 Existing	2028 Background	2028 Build-Out
SR 40/Granada Blvd.	I-95	Clyde Morris Blvd.	-	6L	-
	Clyde Morris Blvd.	Nova Rd.	-	6L	-
	US 1	Halifax Ave.	-	6L	-
Hand Ave.	Clyde Morris Blvd.	Shangri La Dr.	-	4L	-
Williamson Blvd.	Hand Ave.	Strickland Range Rd.	-	4L	-

Table 17
Recommended Improvements - Intersection
Tomoka Oaks Residential

Intersection	When Improvement Recommended		
	2023 Existing	2028 Background	2028 Build-Out
Nova Rd. at Tomoka Oaks Blvd.	-	-	Install traffic signal; Add striping for eastbound approach for exclusive right-turn lane

Additionally, the following existing turn lanes are shown to be deficient under 2028 build-out conditions. Based on turn lane standards adopted by Volusia County and the FDOT, the deficient length due to project trips are present at the following intersections:

Nova Road at US 1
- Northbound left-turn lane by 25-feet.

Nova Road at Tomoka Oaks Boulevard
- Northbound left-turn lane by 50-feet.

Nova Road at Wilmette Avenue
- Southbound left-turn lane by 15-feet.

The 95th percentile queue for the eastbound approach at the Tomoka Oaks Boulevard and Nova Road intersection, under signal control and using 2028 build-out peak hour volumes, is anticipated to extend 125 ft. in the AM and PM peak hours. The existing Escondido Multifamily Driveway is located approximately 160 ft. west of Nova Road (measured from the eastbound stop bar to the driveway centerline), indicating that the driveway is not expected to be blocked under future improved buildout conditions during the peak hour.

If required by the reviewing agencies, the recommended improvements eligible for proportionate share (PS), the estimated improvement cost, and PS calculations are to be negotiated once the TIA results are accepted by the City of Ormond Beach.

APPENDIX A

Preliminary Site Plan

TOMOKA PRESERVE

CITY OF ORMOND BEACH - VOLUSIA COUNTY, FL

PLANNED DEVELOPMENT

OWNER:
TRIUMP OAKS OF ORMOND BEACH I, LLC
7765 LAKE WORTH ROAD, BOX 320
LAKE WORTH, FL 33467
PHONE NUMBER
FAX NUMBER
CONTACT PERSON: SHELDON RUBIN
e-mail: sheldonwrubin@gmail.com

CIVIL ENGINEER:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: KRIS ROWLEY, P.E.
e-mail: krowley@zevcohen.com

SURVEYOR:
SLIGER & ASSOCIATES, INC.
3921 NOVA ROAD
PORT ORANGE, FL 32127
PHONE NUMBER: (386) 761-5385
FAX NUMBER
CONTACT PERSON: NAME
e-mail: name@name.com

GEOTECHNICAL ENGINEER:
NAME
ADDRESS
ADDRESS
PHONE NUMBER
FAX NUMBER
CONTACT PERSON: NAME
e-mail: name@name.com

LANDSCAPE ARCHITECT:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: JAKE STEHR, RLA
e-mail: jstehr@zevcohen.com

PROJECT DESCRIPTION:

REZONING OF A MULTIFAMILY PLANNED DEVELOPMENT AND GOLF COURSE.

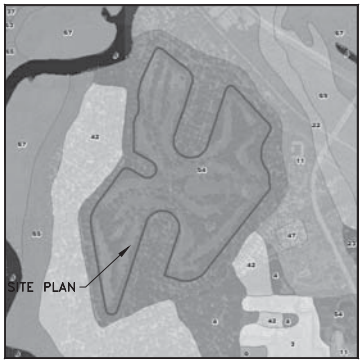
SITE INFORMATION:	
SITE ADDRESS:	30 TOMOKA OAKS BLVD., ORMOND BEACH, FL 32174
PROJECT AREA:	147.94 ACRES
TAX PARCEL I.D. #:	324207000010
EXISTING ZONING:	PRD
PROPOSED ZONING:	PRD
EXISTING LAND USE:	VACANT
PROPOSED LAND USE:	SINGLE FAMILY
EXISTING FUTURE LAND USE:	LDR
MAXIMUM UNIT/LOT COUNT:	300
UNIT/LOT DENSITY:	2 PER ACRE
LOT TYPE	VARIES
REQUIRED LANDSCAPE BUFFER(S):	50 FT. MINIMUM TYPE 2 PLANTINGS (2 TREES, 30 SHRUBS, 30 GROUND COVER)
MINIMUM LOT DEPTH:	140 FT.
UTILITIES:	PROVIDED BY CITY OF ORMOND BEACH



VICINITY MAP
SCALE: 1" = 2000'



ZONING MAP
SCALE: 1" = 1000'
CURRENT ZONING FOR THIS SITE IS: PRD



SOILS MAP
SCALE: 1" = 1000'
THE SITE LIES WITHIN THE FOLLOWING VOLUSIA COUNTY SOIL CLASSIFICATIONS: 0-WATER; 3-ARENTS; 4-ASTATULA FINE SAND, 0 TO 8 PERCENT SLOPES;11-BULOW SAND, 0 TO 5 PERCENT SLOPES; 22-ELECTRA FINE SAND, 0 TO 5 PERCENT SLOPES; 23-FARMTON FINE SAND;37-ORSINO FINE SAND, 0 TO 5 PERCENT SLOPES; 42-PAOLA FINE SAND, 0 TO 8 PERCENT SLOPES; 47-PITS; 54-QUARTZIPSAMMENTS, GENTLY SLOPING; 63-TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES; 65-TERRA CEIA MUCK; 67-TURNBULL MUCK; 69-TUSCAWILLA FINE SAND



FLOOD ZONE MAP
SCALE: 1" = 1000'
THE PROPERTY LIES IN:
FLOOD ZONE AE PER FEMA MAPS 12127C0211K AND 12127C0212K FEE 9/29/2017

SHEET INDEX:

01 COVER SHEET
1-4 EXHIBITS

LEGAL DESCRIPTION:

SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.

ZEV COHEN & ASSOCIATES, INC.
WWW.ZEVCOHEN.COM
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA PRESERVE
FINAL ENGINEERING PLANS
COVER SHEET
VOLUSIA COUNTY, FLORIDA
CITY OF ORMOND BEACH

PROJECT NO: ZC 21087 PD
DESIGNED BY: KTR
DRAFTED BY: XXX
CHECKED BY: XX
DRAWING FILE: 01_21087 COV
XREF'S: XXXXX.DWG
XREF'S: XXXXX.DWG

KRISTOPHER T. ROWLEY P.E. NO. 84263
NOT VALID WITHOUT SEAL

SHEET: C1 OF 2



LOT LEGEND (298 LOTS/ 69.06 ACERS/ 46%)

SYMBOL	NOTES	LOTS	LOT %
	40' X 140'	41	(13%)
	50' x 140'	55	(18%)
	60' X 140'	84	(28%)
	70' X 140'	59	(20%)
	80' X 140'	59	(20%)

LAND USE LEGEND

SYMBOL	NOTES	ACRES	
	50' LANDSCAPE BUFFER	19.92	(13%)
	OPEN SPACE	31.3	(21%)
	DRAINAGE/HABITAT	15.73	(10%)
	AMENITY POCKET PARKS	7.08	(4%)

CONCEPT LEGEND

EMERGENCY ACCESS THRESHOLD

Pedestrian Access

TAKEOFF: 4

PROPOSED PEDESTRIAN & VEHICULAR GATE LOCATION

TAKEOFF: 2

PUD Development Standards

Lot Type	Minimum Lot Width	SF Range	Required Parking Spaces	% Impervious 6	Maximum Height 1,5	Minimum Front Porch Setbacks			Minimum Primary Structure Setbacks 2			Minimum Garage Setbacks 3,4, 5			
						Front	Side	Side Street	Front	Rear 2	Side	Front 3	Rear	Side	Side Street
Coach Homes	30 feet	1550-1850 sf	2	80%	35 feet	5 feet	5 feet	5 feet	12 feet	5/15 feet	5 feet	N/A	5 feet	5 feet	5 feet
Paired Villa	35 feet	1800-2100 sf	2	80%	35 feet	5 feet	5 feet	5 feet	12 feet	5/15 feet	5 feet	N/A	5 feet	5 feet	5 feet
Cottage	40 feet	1650-2050 sf	2	80%	35 feet	5 feet	5 feet	5 feet	12 feet	5/15 feet	5 feet	N/A	5 feet	5 feet	5 feet
Village Home	50 feet	1950-2750 sf	2	80%	35 feet	5 feet	5 feet	5 feet	12 feet	5/15 feet	5 feet	N/A	5 feet	5 feet	5 feet
Park House	60 feet	2500-3200 sf	2	80%	35 feet	5 feet	5 feet	5 feet	12 feet	5/15 feet	5 feet	N/A	5 feet	5 feet	5 feet
Estate House	70 feet	2750-4000 sf	2.5	75%	40 feet	5 feet	5 feet	5 feet	12 feet	15 feet	5 feet	N/A	5 feet	5 feet	10 feet
Custom House	80+ feet	2800+ sf	3	75%	40 feet	5 feet	5 feet	5 feet	12 feet	15 feet	7 feet	N/A	5 feet	5 feet	10 feet

NOTE: NO MULTIFAMILY STRUCTURE AND ASSOCIATED PARKING AREAS ARE TO BE WITHIN TWO HUNDRED FEET OF ANY SINGLE-FAMILY DISTRICT ADJOINING THE PROPOSED DEVELOPMENT.

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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO. | DATE: | BY: | SUBMITTALS / REVISIONS

TOMOKA PRESERVE
PLANNED DEVELOPMENT
OVERALL DEVELOPMENT PLAN

CITY OF ORMOND BEACH | VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21007 PD
DESIGNED BY: KTR
DRAFTED BY: XXX
CHECKED BY: XX
DRAWING FILE: 07_21007 ODP
XREFS: XXXXX.DWG
XREFS: XXXXX.DWG

KRISTOPHER T. ROWLEY P.E. NO. 84263
NOT VALID WITHOUT SEAL

SHEET: EX1 OF 4

LAND USE LEGEND

SYMBOL	NOTES	ACRES
	50' LANDSCAPE BUFFER	19.92 (13%)
	OPEN SPACE	24.57 (16%)
	DRAINAGE/HABITAT	19.12 (13%)
	AMENITY	5.7 (4%)

CONCEPT LEGEND

EMERGENCY ACCESS THRESHOLD

Pedestrian Access

TAKEOFF: 4

PROPOSED PEDESTRIAN & VEHICULAR GATE LOCATION

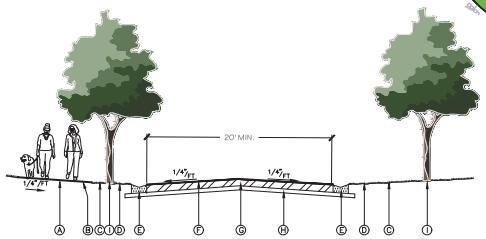
TAKEOFF: 2

20% NATURAL PRESERVATION

TOTAL SITE AREA	147.94 AC
MINIMUM TREE COVERAGE AREA REQUIRED (CALCULATION: 147.94 AC. x 20% = 29.6 AC.	29.6 AC.
TOTAL MINIMUM TREE COVERAGE PROVIDED	51.2 AC.

MINIMUM ON SITE RECREATION FACILITIES

	REQUIRED	PROVIDED
RESIDENTIAL UNITS	300	286
MINIMUM ACTIVE INDOOR RECREATION REQUIRED CALCULATION: 30 S.F. * 300 UNITS = 9,000	9,000 SQFT	9,000 SQFT
MINIMUM ACTIVE OUTDOOR RECREATION REQUIRED CALCULATION: 60 S.F. * 300 UNITS = 18,000	18,000 SQFT	18,000 SQFT
MINIMUM COMMON ACCESSIBLE OPEN SPACE CALCULATION: 30 S.F. * 300 UNITS = 9,000	308,000 SQFT	18,000 SQFT



A. 8'-0" WIDE MULTI-USE TRAIL SINGLE MULTI-USE TRAIL REDUCES IMPERVIOUS BY 15,100 SQFT

B. 6" ABOVE CENTERLINE ROAD GRADE

C. SOD or SEED AND MULCH PER F.D.O.T. STANDARD SPECIFICATION SECTION 570. 1' SOD STRIP REQUIRED ADJACENT TO CURB AND AROUND DRAINAGE STRUCTURES.

D. 4' WIDE AREA WITH MAX. SLOPE OF 1\4 FEET

E. CONCRETE MIAMI CURB, 2500 P.S.I.

F. ASPHALT PAVEMENT: 1-1.0" ASPHALT BITUMINOUS CONCRETE SP-9.5 OR SP-12.5; MINIMUM MARSHALL FIELD STABILITY 1500.

G. BASE: 6" LIMEROCK (LBR 100) COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST, OR 6" CRUSHED CONCRETE (LBR 100) COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST.

H. SUB BASE: 6" SUB BASE COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST WITH MINIMUM LBR 40.

I. PROPOSED STREET TREE, SPACING TO BE COORDINATED WITH DRIVEWAY AND UTILITY LOCATIONS.

(A) TYPICAL ROADWAY SECTION

N.T.S.

DETAIL-FILE

0 75 150 225 300

SCALE : 1" = 150'

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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE:	BY	SUBMITTALS / REVISIONS

TOMOKA PRESERVE
PLANNED DEVELOPMENT
OPEN SPACE PLAN

VOLUSIA COUNTY, FLORIDA

CITY OF ORMOND BEACH

PROJECT NO: ZC 21087

DESIGNED BY: KR

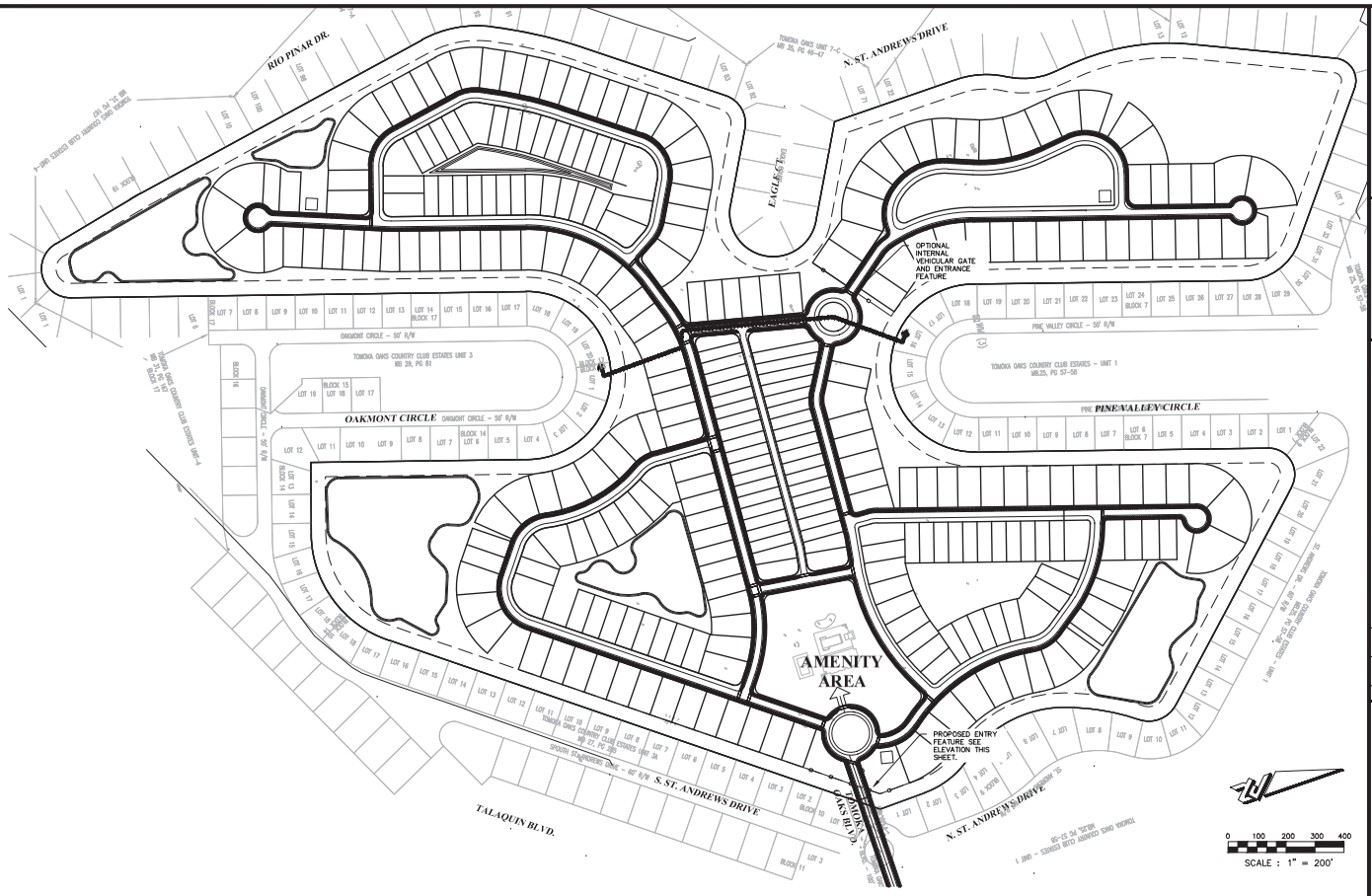
DRAFTED BY: --

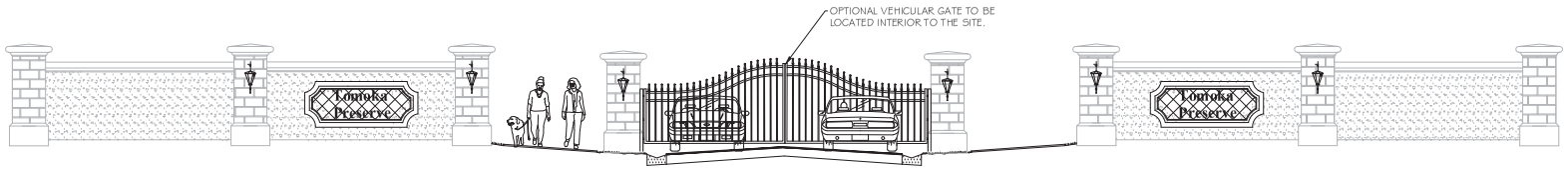
CHECKED BY: RH

DRAWING FILE: 07_21087.ODP
XREFS: XXXXX.DWG
XREFS: XXXXX.DWG

KRISTOPHER T. RONALDI, P.E. NO.84263
NOT VALID WITHOUT SEAL

SHEET: EX2 OF 4





A CONCEPTUAL ENTRANCE ELEVATION

N.T.S.

DETAIL-FILE

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ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE:	BY	SUBMITTALS / REVISIONS

TOMOKA PRESERVE
PLANNED DEVELOPMENT
SIGN PLAN

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH
DRAWING FILE: 07_21067 ODP
XREF'S: XXXXX.DWG
XREF'S: XXXXX.DWG

KRISTOPHER T. RONALDI, P.E. NO.84263
NOT VALID WITHOUT SEAL

SHEET: CP1 OF 1

APPENDIX B

Approved Methodology

LTG Engineering & Planning

Via Email: (Steven.Spraker@ormondbeach.org)

Ref: 5361.02

May 16, 2022

Mr. Steven S. Spraker, AICP
Ormond Beach Planning Director
22 South Beach Street
Ormond Beach, FL 32174

Re: Tomoka Oaks - Traffic Impact Analysis (TIA) Methodology Letter
Ormond Beach, Florida

Dear Mr. Spraker:

LTG, Inc. (LTG) has been retained by Triumph Oaks of Ormond Beach I, LLC to prepare a Traffic Impact Analysis (TIA) for the proposed Tomoka Oaks development, located west of the Nova Road/Tomoka Oaks Boulevard intersection in the City of Ormond Beach, Florida. Figure 1 shows the location of the project relative to the surrounding road network. The development consists of 300 single family dwelling units. Build-out of the project is anticipated by year 2026. Access to the site is proposed via the existing intersection of SR 5A (Nova Road) and Tomoka Oaks Boulevard. A preliminary site plan is attached as Exhibit A.

The City of Ormond Beach has adopted the River to Sea Transportation Planning Organization (R2CTPO). In accordance with these guidelines, this letter outlines the proposed methodology by which the analysis will be conducted. The analysis will be based on the latest concurrency information as obtained from the City of Ormond Beach and Volusia County Traffic Engineering Department.

Analysis Period

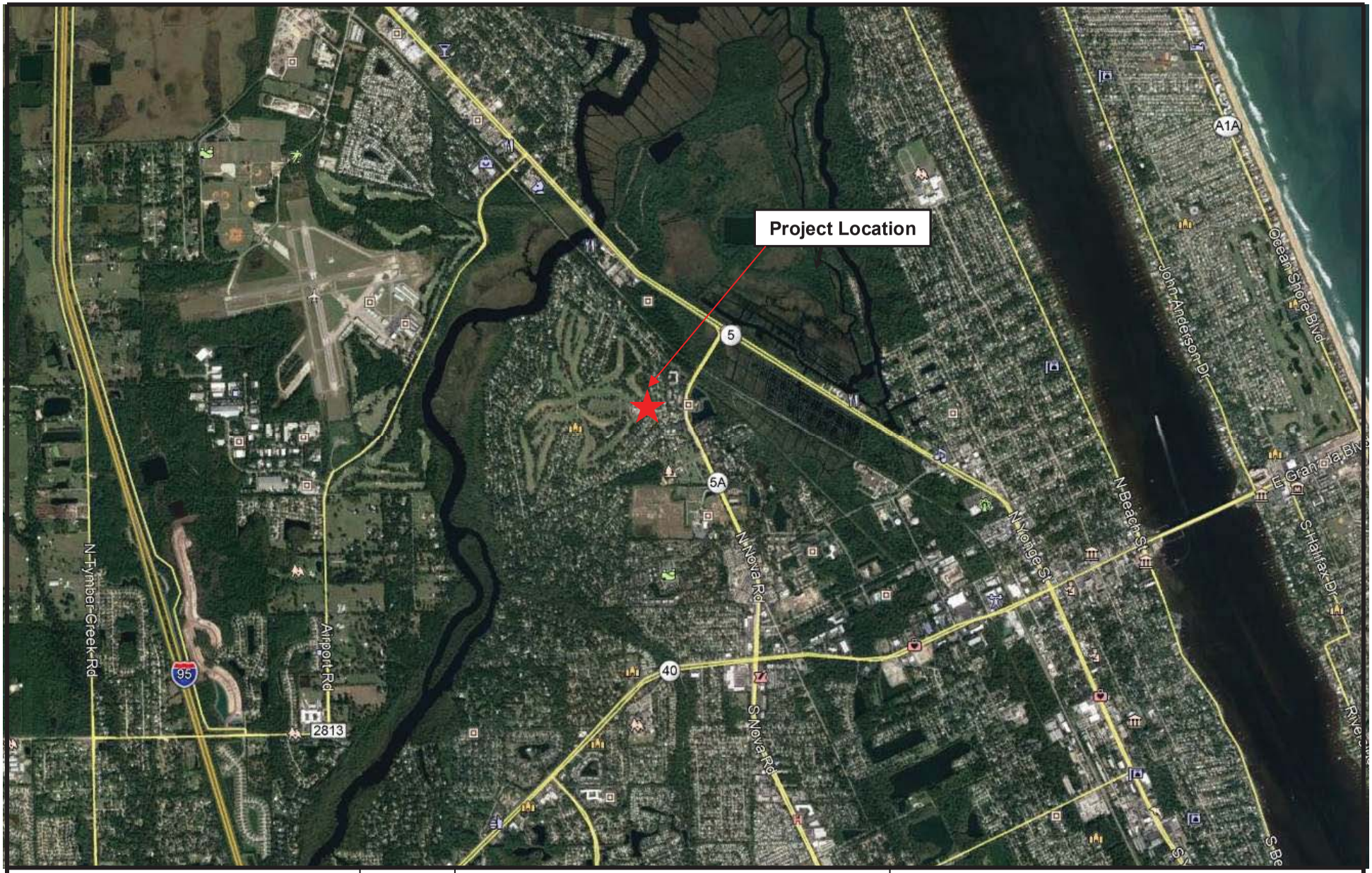
Roadway segments will be analyzed based on p.m. peak-hour two-way traffic and intersections will be analyzed for the a.m. and p.m. peak-hours. The analysis will be conducted under 2022 existing conditions and 2026 future build-out conditions. The a.m. and p.m. peak-hour turning movement counts will be collected on a typical weekday (Tuesday, Wednesday, or Thursday) between the hours of 7:00 a.m.-9:00 a.m. and 4:00 p.m.-6:00 p.m. The existing traffic counts will be adjusted by the 2019 FDOT Seasonal Factor (SF) specified for the week the data is collected.

Project Trip Generation

The daily, a.m., and p.m. peak-hour trip generation for the development was determined using the Institute of Transportation Engineers (ITE), 11^{h} edition of the *Trip Generation Manual*. The resulting project trip generation is summarized in Table 1.

Table 1
Project Trip Generation
Tomoka Oaks

Period	Land Use	Land Use Code	Trip Rate Equation	Size	Units	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single Family	210	Ln(T) = 0.92 Ln(X) + 2.68	300	DU	50%	50%	1,387	1,387	2,774
A.M. Peak-Hour	Single Family	210	Ln(T) = 0.91 Ln(X) + 0.12	300	DU	26%	74%	53	149	202
P.M. Peak-Hour	Single Family	210	Ln(T) = 0.94 Ln(X) + 0.27	300	DU	63%	37%	176	103	279



Tomoka Oaks	N NTS	**Project Location Map**	LTG Engineering & Planning
		Project No.: 5361.02 / Figure: 1	1450 W. Granada Blvd., Suite 2, Ormond Beach, Florida 32174 Telephone: 386.257.2571 Fax: 386.257.6996

Project Trip Distribution

The Central Florida Regional Planning Model, version 6.1 (CFRPM) was used to obtain the project trip distribution for the proposed development. A select zone analysis was completed and resulted in the project trip distribution shown in Figure 2.

Study Area

Per the R2CTPO guidelines, projects must include all roadway segments to which the site has direct connections, which are impacted by the proposed project to within three percent or greater of the peak-hour two-way adopted level of service (LOS) capacity, major intersections along the significant segments, and roadway segments that have been designated as "critical" or "near critical" within the site traffic influenced segments.

Critical and near critical roadways are defined by Volusia County as roadways with a volume to capacity (v/c) ratio that is equal to or greater than 1.0 and 0.90, respectively. Figure 3 depicts the critical and near critical roadway segments within the area.

Using the project trip distribution, p.m. peak-hour project trips were assigned to the roadway network to determine the roadway segments that are impacted by the proposed project to within three percent or greater of the peak-hour two-way adopted level of service (LOS) capacity. Table 2 presents the significance test on area roadways for the proposed development. The following intersections and roadway segments will be included in the study:

Roadway Segments:

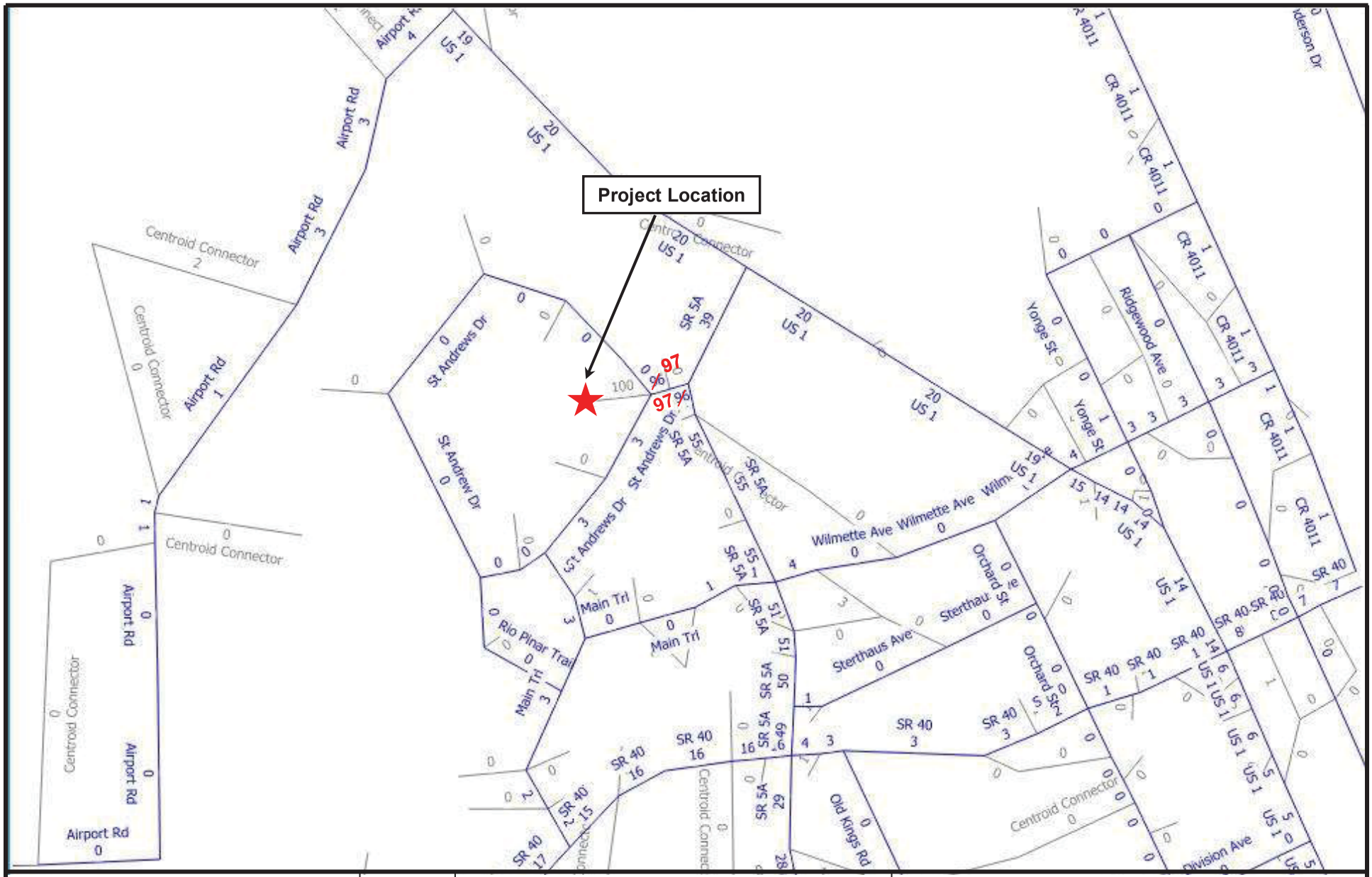
- Nova Road from Wilmette Avenue to US 1 (Significant)
- SR 40/Granada Boulevard from Clyde Morris Boulevard to Nova Road (near critical)
- SR 40/Granada Boulevard from US 1 to Halifax Drive (critical)
- Hand Avenue from Clyde Morris Boulevard to Nova Road (critical)
- Williamson Boulevard from Hand Avenue to Strickland Range Road (vested critical)

Intersections:

- Signalized
  - SR 40 at Main Trail
  - Wilmette Ave at Nova Rd
  - US 1 at Nova Rd
- Unsignalized
  - St. Andrew's Drive at Rio Pinar Trail
  - St. Andrew's Drive at Iroquois Trial
  - Tomoka Oaks Blvd at Nova Rd
  - Tomoka Oaks Blvd at N. St. Andrews Blvd
  - Tomoka Oaks Blvd at S. St. Andrews Blvd
  - Tomoka Oaks Blvd at West Diamond
  - Tomoka Oaks Blvd at East Diamond

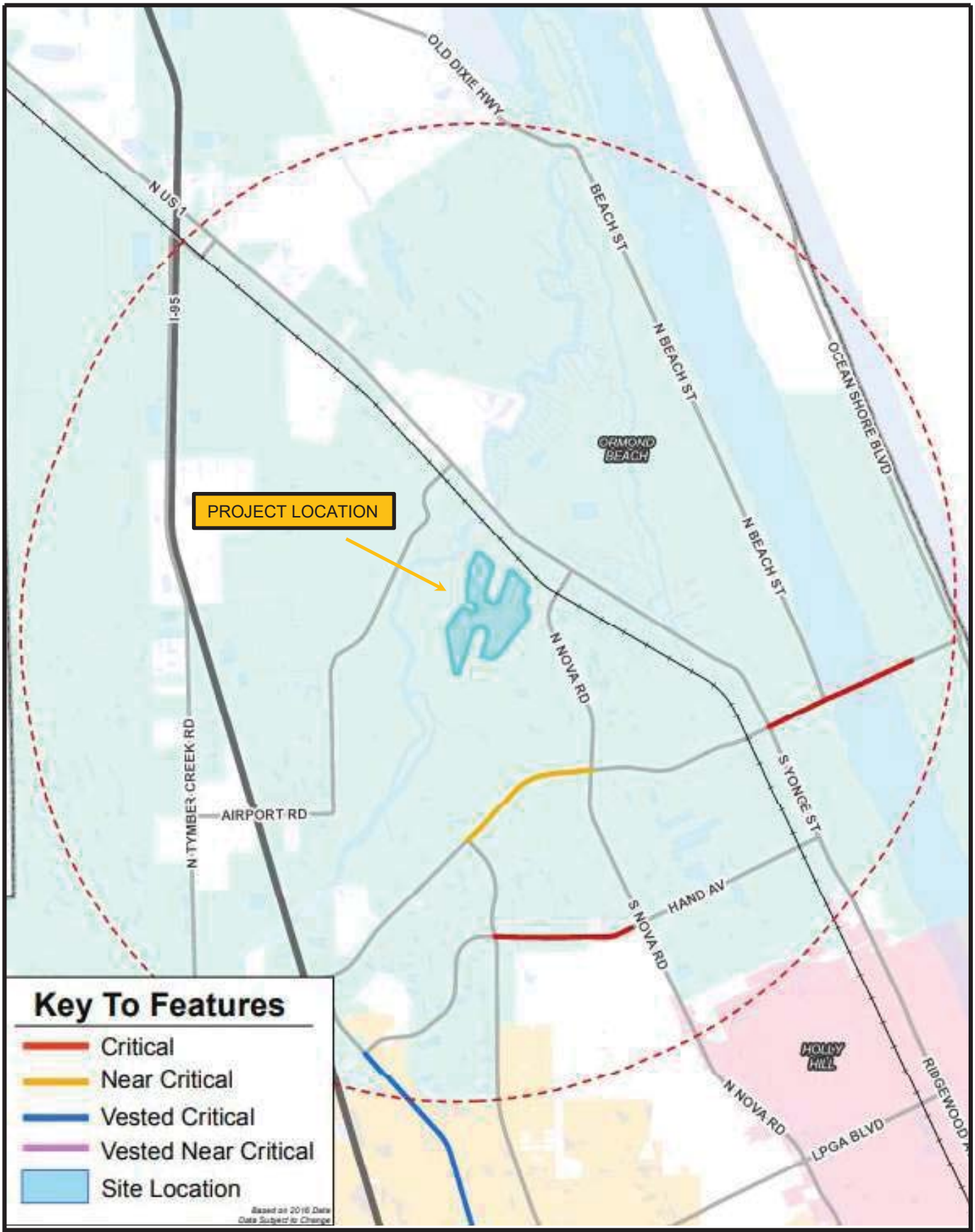
Build-Out Traffic

The build-out traffic will be developed by the sum of the background traffic (derived from historical growth rates and vested trips as identified by Volusia County) and the estimated project traffic. The growth rate for each study area roadway segment was determined using the method developed by Volusia County in August of 2020 (see Exhibit B), the vested trips as identified by the County's latest vested trips table, received June 2021, and the latest Volusia County AADT spreadsheet. The FDOT *Traffic Trends* summary sheets are attached as Exhibit B. Tables 3 summarize the historical annual growth, vested trips, and the applied growth method used in the analysis for the study area roadway segments and the additional segments needed for the intersection analyses.



Tomoka Oaks	N NTS	**Project Trip Distribution**	
		Project No.: 5361.02	Figure: 2

LTG Engineering & Planning
1450 W. Granada Blvd., Suite 2, Ormond Beach, Florida 32174
Telephone: 386.257.2571 Fax: 386.257.6996



Tomoka Oaks	N NTS	**3-Mile Critical/Near Critical Map** Project No.: 5361.02 | Figure: 3	LTG Engineering & Planning 1450 W. Granada Blvd., Suite 2, Ormond Beach, Florida 32174 Telephone: 386.257.2571 Fax: 386.257.6996

Table 2
Significance Test
Tomoka Oaks

Roadway	Limits		No. of Lanes	Adopted LOS[1]	Peak-Hour Two-Way Capacity at Adopted LOS[2]	Build Out Project Distribution	Peak-Hour Two-Way		
	From	To					Project Trips	Impact on LOS	3% Significant?
I-95	LPGA Blvd.	SR 40/Granada Blvd	6	D	12,310	0%	0	0.00%	No
	SR 40/Granada Blvd	US 1	6	D	10,510	0%	0	0.00%	No
US 1/Ridgewood Ave.	Hand Ave.	SR 40/Granada Blvd	4	D	3,580	6%	18	0.49%	No
	SR 40/Granada Blvd	SR 5A/Nova Rd.	4	D	3,580	20%	58	1.63%	No
	SR 5A/Nova Rd.	Airport Dr	4	D	3,580	20%	58	1.63%	No
	Airport Dr	I-95	4	D	3,580	15%	44	1.23%	No
SR 5A/Nova Rd.	LPGA Blvd.	Hand Ave.	6	D	5,390	23%	67	1.24%	No
	Hand Ave.	SR 40/Granada Blvd.	6	D	5,390	29%	85	1.58%	No
	SR 40/Granada Blvd.	Wilmette Ave	6	D	5,390	51%	149	2.76%	No
	Wilmette Ave	US 1	4	D	3,580	57%	166	4.64%	Yes
SR 40/Granada Blvd.	I 95	Clyde Morris Blvd.	4	D	3,580	12%	35	0.98%	No
	Clyde Morris Blvd.	Nova Rd.	4	D	3,580	17%	50	1.40%	No
	SR 5A/Nova Rd.	US 1	4	D	3,580	3%	9	0.25%	No
	US 1	Halifax Ave.	4	D	3,580	7%	20	0.56%	No
Clyde Morris Blvd.	SR 40	Hand Ave.	4	E	2,740	5%	15	0.55%	No
	Hand Ave.	LPGA Blvd.	4	E	3,410	4%	12	0.35%	No
Hand Ave.	Williamson Blvd.	Clyde Morris Blvd.	2	E	1,540	2%	6	0.39%	No
	Clyde Morris Blvd.	Shangri La Dr.	2	E	1,540	3%	9	0.58%	No
	Shangri La Dr.	Nova Rd.	4	E	3,410	2%	6	0.18%	No
	Nova Rd.	US 1	2	E	1,020	1%	3	0.29%	No
Williamson Blvd.	SR 40	Hand Ave.	4	E.	3,410	2%	6	0.18%	No
	Hand Ave.	Strickland Range Rd	2	E	1,540	4%	12	0.78%	No
Airport Road	Tymber Creek Rd Ext.	Pineland Trl	2	E	2,240	0%	0	0.00%	No
	Pineland Trl	Sunshine Blvd	2	E	2,240	1%	3	0.13%	No
	Sunshine Blvd	US 1	2	E	2,240	3%	9	0.40%	No

Critical
Near Critical
Vested Critical
Vested Near Critical
3% Significant and/or provide project access

Table 3
Trends Growth and Vested Trips – Study Area Roadway Segments
Tomoka Oaks

Roadway	Limits		5-Year			10-Year			Applied Growth Rate	Applied Growth If Using Adjacent Segment	High Growth? Y/N	Vested Trips	Existing Peak-Hour Volume	Existing AADT Year	Build-Out Year	Growth (# of Trips)	Use Greater of Vested vs Growth	Total Growth Applied (# of Trips)	2026 Total Background Volume
	From	To	Best Fit Regression	R^2 Value	Historical Growth Rate	Best Fit Regression	R^2 Value	Historical Growth Rate											
Nova Rd	Wilmette Ave	US 1	Linear	70.6%	1.86%	N/A	-	-	1.86%	-	N	0	1,200	2019	2026	156	N/A	156	1,356
Williamson Blvd	Strickland Range Rd	LPGA Blvd	Linear	47.2%	4.00%	Linear	85.6%	4.23%	4.23%	-	Y	535	1,450	2021	2026	307	Vested	535	1,985
SR 40/Granada Blvd	Clyde Morris Blvd	Nova Rd	Linear	78.5%	2.67%	N/A	-	-	2.67%	-	N	89	2,670	2019	2026	499	N/A	588	3,258
	US 1	Halifax Ave	Linear	82.4%	5.16%	N/A	-	-	5.16%	-	Y	435	3,140	2019	2026	1,134	Growth	1,134	4,274
Hand Ave	Clyde Morris Blvd	Shangri La Dr	Linear	84.5%	-2.73%	Linear	-	-	1.00%	-	N	105	1,230	2021	2026	62	N/A	167	1,397
	Shangri La Dr	Nova Rd	Linear	54.2%	-2.06%	Decaying Exponential	64.6%	0.34%	Check adjacent	1.00%	N	0	1,360	2021	2026	68	N/A	68	1,428

Segment Analysis – Existing and Build-Out Conditions

If the future projected volume is expected to exceed the maximum service volume of a roadway segment, a transportation analysis may be conducted to determine service volume specific to that segment. The procedures documented in the latest version of the FDOT *Quality/Level of Service Handbook* will be used to determine specific capacity, if necessary.

Intersection Analysis – A.M. & P.M. Weekday Peak-Hour

The operating conditions for both the existing and future conditions at the signalized and unsignalized intersections will be analyzed using the *Highway Capacity Software 2022* (HCS). These software programs utilize the procedures outlined in Chapters 19 and 20 of the HCM 6th Edition *Highway Capacity Manual*, titled "Signalized Intersections" and "Two-Way Stop Control Intersections," respectively.

Alternative Mode Analysis

An alternate mode analysis will be conducted to analyze any transit stops within ¼ mile of the site, provisions for sidewalks adjacent to public roads within the limits of the site, sidewalk connectivity between parcels, provisions for any bicycle amenities, such as bike racks or lockers, and identification to any schools within 2-mile of the site.

Improvements

All improvements funded for construction within the first three years of the Volusia County and FDOT five-year work programs will be considered in the analysis. If warranted, appropriate roadway and intersection improvements will be identified. Conditions will be analyzed for improvements that are required for mitigation. Proportionate share calculations will be based on construction costs approved by Volusia County Engineering and Construction Division. Site access needs in terms of turn lane storage and deceleration shall be identified.

It is understood that this methodology will remain valid for a period of six (6) months from the date of approval. This methodology letter is a second submittal that has been updated in response to comments received from the City of Ormond Beach. Attached to those City comments was correspondence from other parties not affiliated with the City of Ormond Beach Planning Department regarding the proposed development. At the request of City Staff, that correspondence is included as Exhibit C.

Please review and advise if the City is in agreement with this proposed methodology or provide comments relating to preferred revisions. If you have any questions, please contact me at 386.257.2571.

Sincerely,
LTG, Inc.

Crystal Mercedes, PTP, RSP
Senior Transportation Planner

Attachments:

Exhibit A: Preliminary Site Plan

Exhibit B: FDOT Traffic Trends

Exhibit C: Methodology Correspondence

c: Sheldon W. Rubin, Manager, Triumph Oaks of Ormond Beach I, LLC (sheldonwrubin@gmail.com)
Emily Rubin, Triumph Oaks of Ormond Beach I, LLC (emily@rubincommunities.com)
Carl Velie, Triumph Oaks of Ormond Beach I, LLC (carlvelie@gmail.com)
Ray Barshay, Triumph Oaks of Ormond Beach I, LLC (raybar10@aol.com)
Dwight Durant, Zev Cohen & Associates (ddurant@zevcohen.com)
Rob Merrell, Cobb Cole (rob.merrell@cobbcole.com)
Jessica Gow, Cobb Cole (jessica.gow@cobbcole.com

EXHIBIT A

Concept Plan

TOMOKA PRESERVE

CITY OF ORMOND BEACH - VOLUSIA COUNTY, FL

PLANNED DEVELOPMENT

OWNER:
TRIUMP OAKS OF ORMOND BEACH I, LLC
7765 LAKE WORTH ROAD, BOX 320
LAKE WORTH, FL 33467
PHONE NUMBER
FAX NUMBER
CONTACT PERSON: SHELDON RUBIN
e-mail: sheldonwrubin@gmail.com

CIVIL ENGINEER:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: KRIS ROWLEY, P.E.
e-mail: krowley@zevcohen.com

SURVEYOR:
SLIGER & ASSOCIATES, INC.
3921 NOVA ROAD
PORT ORANGE, FL 32127
PHONE NUMBER: (386) 761-5385
FAX NUMBER
CONTACT PERSON: NAME
e-mail: name@name.com

GEOTECHNICAL ENGINEER:
NAME
ADDRESS
ADDRESS
PHONE NUMBER
FAX NUMBER
CONTACT PERSON: NAME
e-mail: name@name.com

LANDSCAPE ARCHITECT:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: JAKE STEHR, RLA
e-mail: jstehr@zevcohen.com

PROJECT DESCRIPTION:

REZONING OF A MULTIFAMILY PLANNED DEVELOPMENT AND GOLF COURSE.

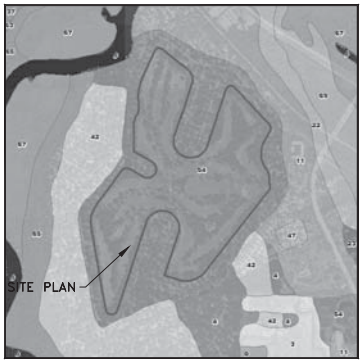
SITE INFORMATION:	
SITE ADDRESS:	30 TOMOKA OAKS BLVD., ORMOND BEACH, FL 32174
PROJECT AREA:	147.94 ACRES
TAX PARCEL I.D. #:	324207000010
EXISTING ZONING:	PRD
PROPOSED ZONING:	PRD
EXISTING LAND USE:	VACANT
PROPOSED LAND USE:	SINGLE FAMILY
EXISTING FUTURE LAND USE:	LDR
MAXIMUM UNIT/LOT COUNT:	300
UNIT/LOT DENSITY:	2 PER ACRE
LOT TYPE	VARIES
REQUIRED LANDSCAPE BUFFER(S):	50 FT. MINIMUM TYPE 2 PLANTINGS (2 TREES, 30 SHRUBS, 30 GROUND COVER)
MINIMUM LOT DEPTH:	140 FT.
UTILITIES:	PROVIDED BY CITY OF ORMOND BEACH



VICINITY MAP
SCALE: 1" = 2000'



ZONING MAP
SCALE: 1" = 1000'
CURRENT ZONING FOR THIS SITE IS: PRD



SOILS MAP
SCALE: 1" = 1000'
THE SITE LIES WITHIN THE FOLLOWING VOLUSIA COUNTY SOIL CLASSIFICATIONS: 0-WATER; 3-ARENTS; 4-ASTATULA FINE SAND, 0 TO 8 PERCENT SLOPES;11-BULOW SAND, 0 TO 5 PERCENT SLOPES; 22-ELECTRA FINE SAND, 0 TO 5 PERCENT SLOPES; 23-FARMTON FINE SAND;37-ORSINO FINE SAND, 0 TO 5 PERCENT SLOPES; 42-PAOLA FINE SAND, 0 TO 8 PERCENT SLOPES; 47-PITS; 54-QUARTZIPSAMMENTS, GENTLY SLOPING; 63-TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES; 65-TERRA CEIA MUCK; 67-TURNBULL MUCK; 69-TUSCAWILLA FINE SAND



FLOOD ZONE MAP
SCALE: 1" = 1000'
THE PROPERTY LIES IN:
FLOOD ZONE AE PER FEMA MAPS 12127C0211K AND 12127C0212K FEE 9/29/2017

SHEET INDEX:

01	COVER SHEET
1-4	EXHIBITS

LEGAL DESCRIPTION:

SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.

ZEV COHEN & ASSOCIATES, INC.
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS/REVISIONS

TOMOKA PRESERVE
FINAL ENGINEERING PLANS
COVER SHEET

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21087 PD
DESIGNED BY: KTR
DRAFTED BY: XXX
CHECKED BY: XX
DRAWING FILE: 01_21087.COV
XREFS: XXXXX.DWG
XREFS: XXXXX.DWG

KRISTOPHER T. ROWLEY P.E. NO. 84263
NOT VALID WITHOUT SEAL

SHEET: C1 OF 2



LOT LEGEND (298 LOTS/ 69.06 ACERS/ 46%)

SYMBOL	NOTES	LOTS	LOT %
	40' X 140'	41	(13%)
	50' x 140'	55	(18%)
	60' X 140'	84	(28%)
	70' X 140'	59	(20%)
	80' X 140'	59	(20%)

LAND USE LEGEND

SYMBOL	NOTES	ACRES	
	50' LANDSCAPE BUFFER	19.92	(13%)
	OPEN SPACE	31.3	(21%)
	DRAINAGE/HABITAT	15.73	(10%)
	AMENITY POCKET PARKS	7.08	(4%)

CONCEPT LEGEND

EMERGENCY ACCESS THRESHOLD

Pedestrian Access

TAKEOFF: 4

PROPOSED PEDESTRIAN & VEHICULAR GATE LOCATION

TAKEOFF: 2

PUD Development Standards

Lot Type	Minimum Lot Width	SF Range	Required Parking Spaces	% Impervious 6	Maximum Height 1,5	Minimum Front Porch Setbacks			Minimum Primary Structure Setbacks 2			Minimum Garage Setbacks 3,4, 5			
						Front	Side	Side Street	Front	Rear 2	Side	Front 3	Rear	Side	Side Street
Coach Homes	30 feet	1550-1850 sf	2	80%	35 feet	5 feet	5 feet	5 feet	12 feet	5/15 feet	5 feet	N/A	5 feet	5 feet	5 feet
Paired Villa	35 feet	1800-2100 sf	2	80%	35 feet	5 feet	5 feet	5 feet	12 feet	5/15 feet	5 feet	N/A	5 feet	5 feet	5 feet
Cottage	40 feet	1650-2050 sf	2	80%	35 feet	5 feet	5 feet	5 feet	12 feet	5/15 feet	5 feet	N/A	5 feet	5 feet	5 feet
Village Home	50 feet	1950-2750 sf	2	80%	35 feet	5 feet	5 feet	5 feet	12 feet	5/15 feet	5 feet	N/A	5 feet	5 feet	5 feet
Park House	60 feet	2500-3200 sf	2	80%	35 feet	5 feet	5 feet	5 feet	12 feet	5/15 feet	5 feet	N/A	5 feet	5 feet	5 feet
Estate House	70 feet	2750-4000 sf	2.5	75%	40 feet	5 feet	5 feet	5 feet	12 feet	15 feet	5 feet	N/A	5 feet	5 feet	10 feet
Custom House	80+ feet	2800+ sf	3	75%	40 feet	5 feet	5 feet	5 feet	12 feet	15 feet	7 feet	N/A	5 feet	5 feet	10 feet

NOTE: NO MULTIFAMILY STRUCTURE AND ASSOCIATED PARKING AREAS ARE TO BE WITHIN TWO HUNDRED FEET OF ANY SINGLE-FAMILY DISTRICT ADJOINING THE PROPOSED DEVELOPMENT.

ZEV COHEN & ASSOCIATES, INC.
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO. | DATE: | BY: | SUBMITTALS / REVISIONS

TOMOKA PRESERVE
PLANNED DEVELOPMENT
OVERALL DEVELOPMENT PLAN

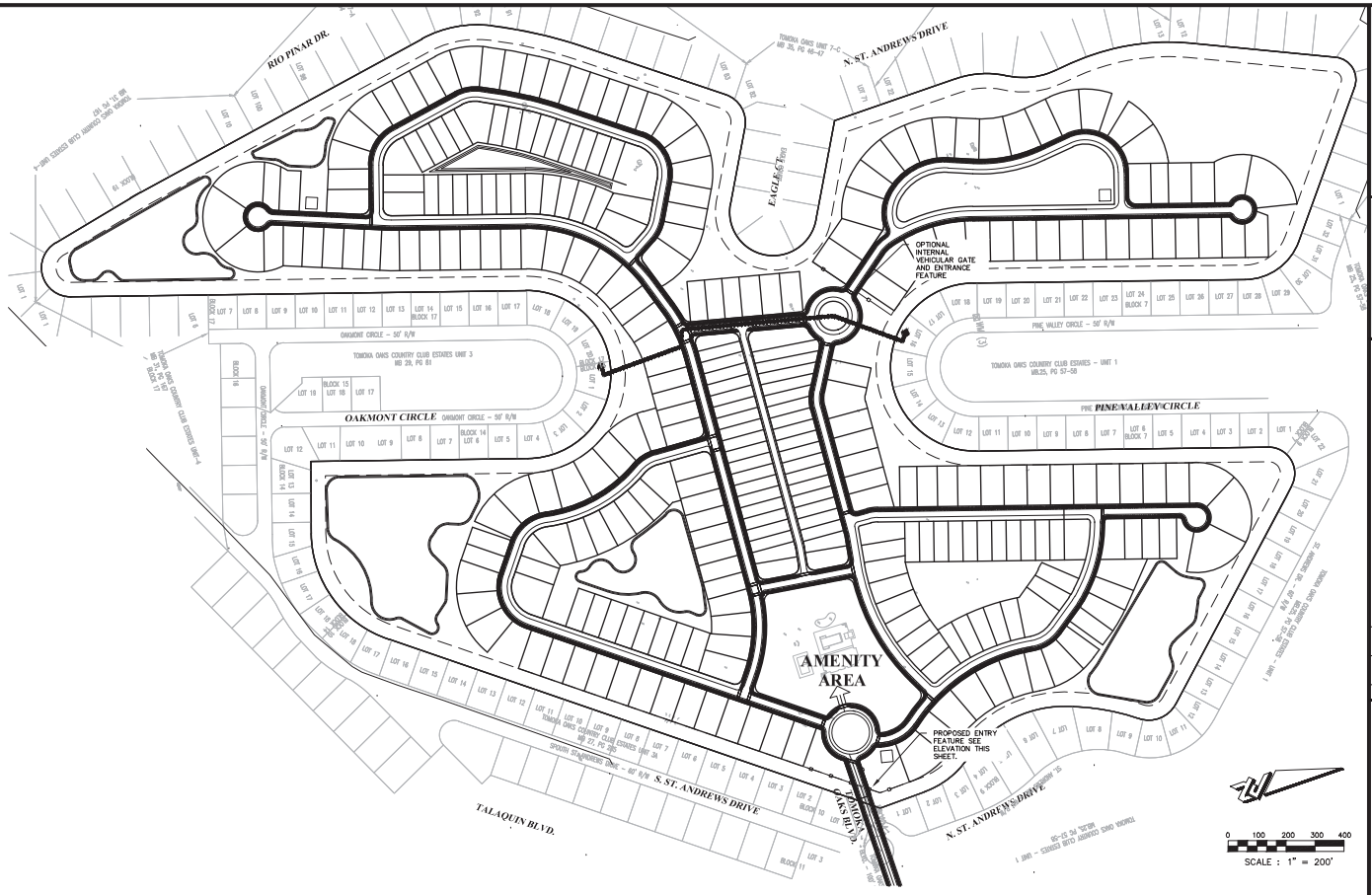
CITY OF ORMOND BEACH | VOLUSIA COUNTY, FLORIDA

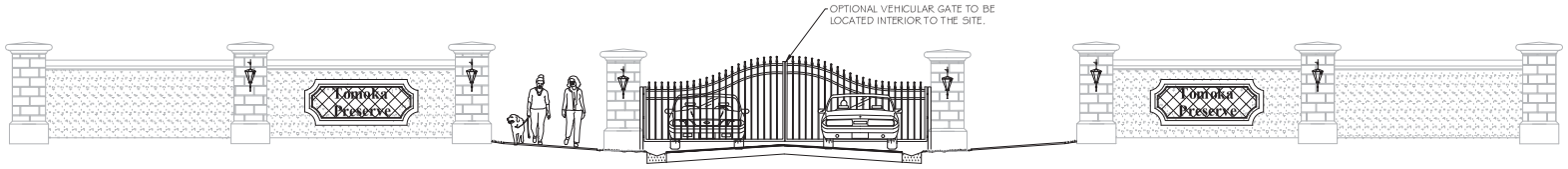
PROJECT NO: ZC 21007 PD
DESIGNED BY: KTR
DRAFTED BY: XXX
CHECKED BY: XX
DRAWING FILE: 07_21007 ODP
XREFS: XXXXX.DWG
XREFS: XXXXX.DWG

KRISTOPHER T. ROWLEY P.E. NO. 84263
NOT VALID WITHOUT SEAL

SHEET: EX1 OF 4


LAND USE LEGEND
SYMBOL
NOTES
ACRES
50' LANDSCAPE BUFFER
19.92 (13%)
OPEN SPACE
24.57 (16%)
DRAINAGE/HABITAT
19.12 (13%)
AMENITY
5.7 (4%)
CONCEPT LEGEND
EMERGENCY ACCESS THRESHOLD
Pedestrian Access
TAKEOFF: 4
PROPOSED PEDESTRIAN & VEHICULAR GATE LOCATION
TAKEOFF: 2
20% NATURAL PRESERVATION
TOTAL SITE AREA
147.94 AC
MINIMUM TREE COVERAGE AREA REQUIRED (CALCULATION: 147.94 AC. x 20% = 29.6 AC.
29.6 AC.
TOTAL MINIMUM TREE COVERAGE PROVIDED
51.2 AC.
MINIMUM ON SITE RECREATION FACILITIES
REQUIRED
PROVIDED
RESIDENTIAL UNITS
300
298
MINIMUM ACTIVE INDOOR RECREATION REQUIRED CALCULATION: 30 S.F. * 300 UNITS = 9,000
9,000 SQFT
9,000 SQFT
MINIMUM ACTIVE OUTDOOR RECREATION REQUIRED CALCULATION: 60 S.F. * 300 UNITS = 18,000
18,000 SQFT
18,000 SQFT
MINIMUM COMMON ACCESSIBLE OPEN SPACE CALCULATION: 30 S.F. * 300 UNITS = 9,000
308,000 SQFT
18,000 SQFT
20' MIN.
1/4"/FT
1/4"/FT
1/4"/FT
A
B
C
D
E
F
G
H
E
D
C
I
A 8'-0" WIDE MULTI-USE TRAIL SINGLE MULTI-USE TRAIL REDUCES IMPERVIOUS BY 15,100 SQFT
B 6" ABOVE CENTERLINE ROAD GRADE
C SOD or SEED AND MULCH PER F.D.O.T. STANDARD SPECIFICATION SECTION 570. 1' SOD STRIP REQUIRED ADJACENT TO CURB AND AROUND DRAINAGE STRUCTURES.
D 4' WIDE AREA WITH MAX. SLOPE OF 1\4 FEET
E CONCRETE MIAMI CURB, 2500 P.S.I.
F ASPHALT PAVEMENT: 1-1.0" ASPHALT BITUMINOUS CONCRETE SP-9.5 OR SP-12.5; MINIMUM MARSHALL FIELD STABILITY 1500.
G BASE: 6" LIMEROCK (LBR 100) COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST, OR 6" CRUSHED CONCRETE (LBR 100) COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST
H SUB BASE: 6" SUB BASE COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST WITH MINIMUM LBR 40
I PROPOSED STREET TREE, SPACING TO BE COORDINATED WITH DRIVEWAY AND UTILITY LOCATIONS.
A TYPICAL ROADWAY SECTION
N.T.S.
DETAIL-FILE
RIO PINAR DR.
N. ST. ANDREWS DRIVE
EAGLE CT.
50'LANDSCAPE BUFFER (MIN.)
PUBLIC PEDESTRIAN ACCESS ACCESS IS TO BE PROVIDED AS APPROVED BY TOMOKA OAKS RESIDENTS.
DRY RETENTION
SWM
OAKMONT CIRCLE – 50' R/W
TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3 MB 29, PG 81
PINE VALLEY CIRCLE – 50' R/W
AMENITY AREA
S. ST. ANDREWS DRIVE – 80' R/W
TALAQUIN BLVD.
TOMOKA OAKS BLVD.
0 75 150 225 300
SCALE : 1" = 150'
ZEVCOHEN
ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
WWW.ZEVCOHEN.COM
NO. DATE BY SUBMITTALS/REVISIONS
TOMOKA PRESERVE
PLANNED DEVELOPMENT
OPEN SPACE PLAN
VOLUSIA COUNTY, FLORIDA
CITY OF ORMOND BEACH
PROJECT NO: ZC 21087
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH
DRAWING FILE: 07_21087 ODP
XREFS: XXXXX.DWG
XREFS: XXXXX.DWG
KRISTOPHER T. RONALDI, P.E. NO.84263
NOT VALID WITHOUT SEAL
SHEET: EX2 OF 4





A CONCEPTUAL ENTRANCE ELEVATION

N.T.S.

DETAIL-FILE

ZEV COHEN & ASSOCIATES, INC.
MAINTENANCE BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA PRESERVE PLANNED DEVELOPMENT SIGN PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: ---
CHECKED BY: RH
DRAWING FILE: 07_21067 ODP
XREF'S: XXXXX.DWG
XREF'S: XXXXX.DWG

KRISTOPHER T. ROWLEY, P.E. NO.84263
NOT VALID WITHOUT SEAL

SHEET: CP1 OF 1

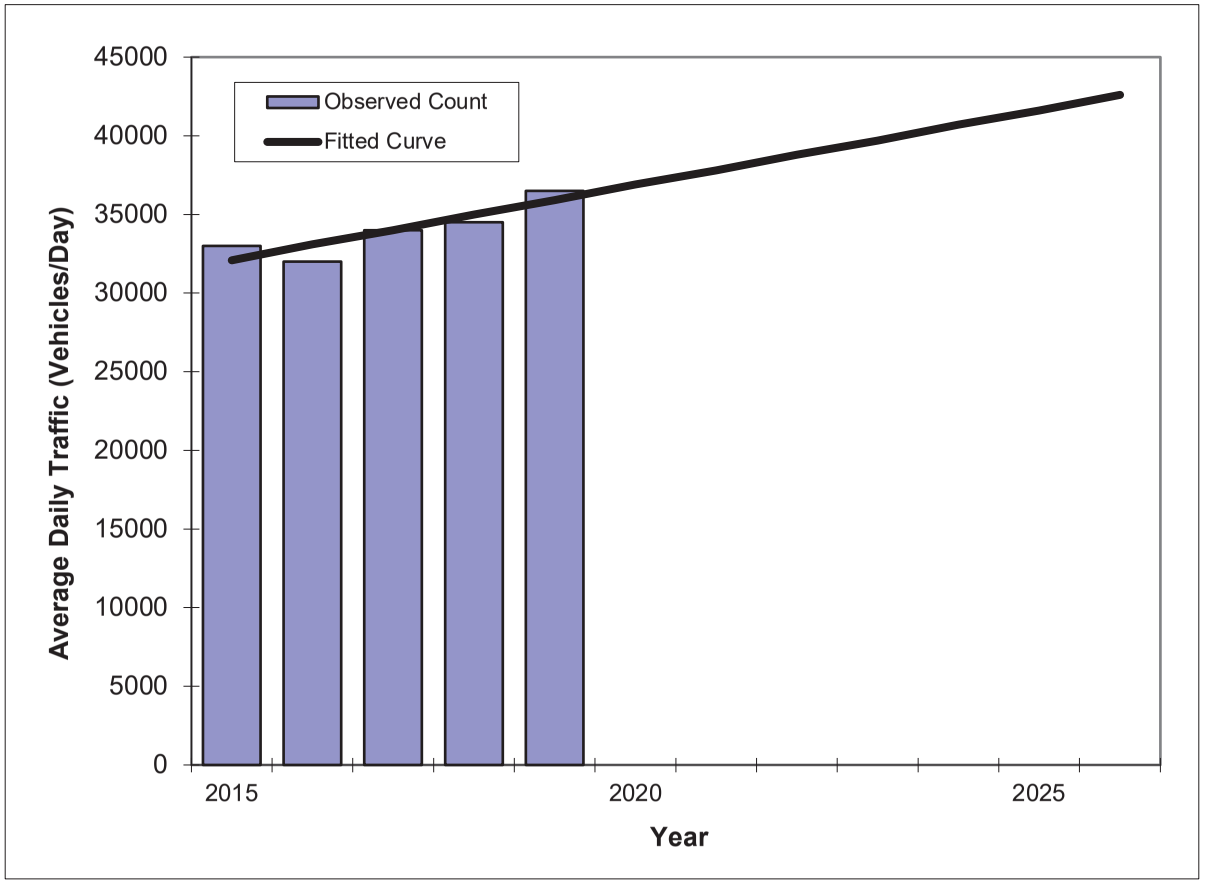
EXHIBIT B

FDOT Traffic Trends

TRAFFIC TRENDS

SR 40 -- Clyde Morris Boulevard to Nova Road

County:	Volusia
Station #:	489
Highway:	SR 40



Year	Traffic (ADT/AADT) Count*	Trend**
2015	33000	32100
2016	32000	33100
2017	34000	34000
2018	34500	35000
2019	36500	35900
2022 Opening Year Trend		
2022	N/A	38800
2024 Mid-Year Trend		
2024	N/A	40700
2026 Design Year Trend		
2026	N/A	42600
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

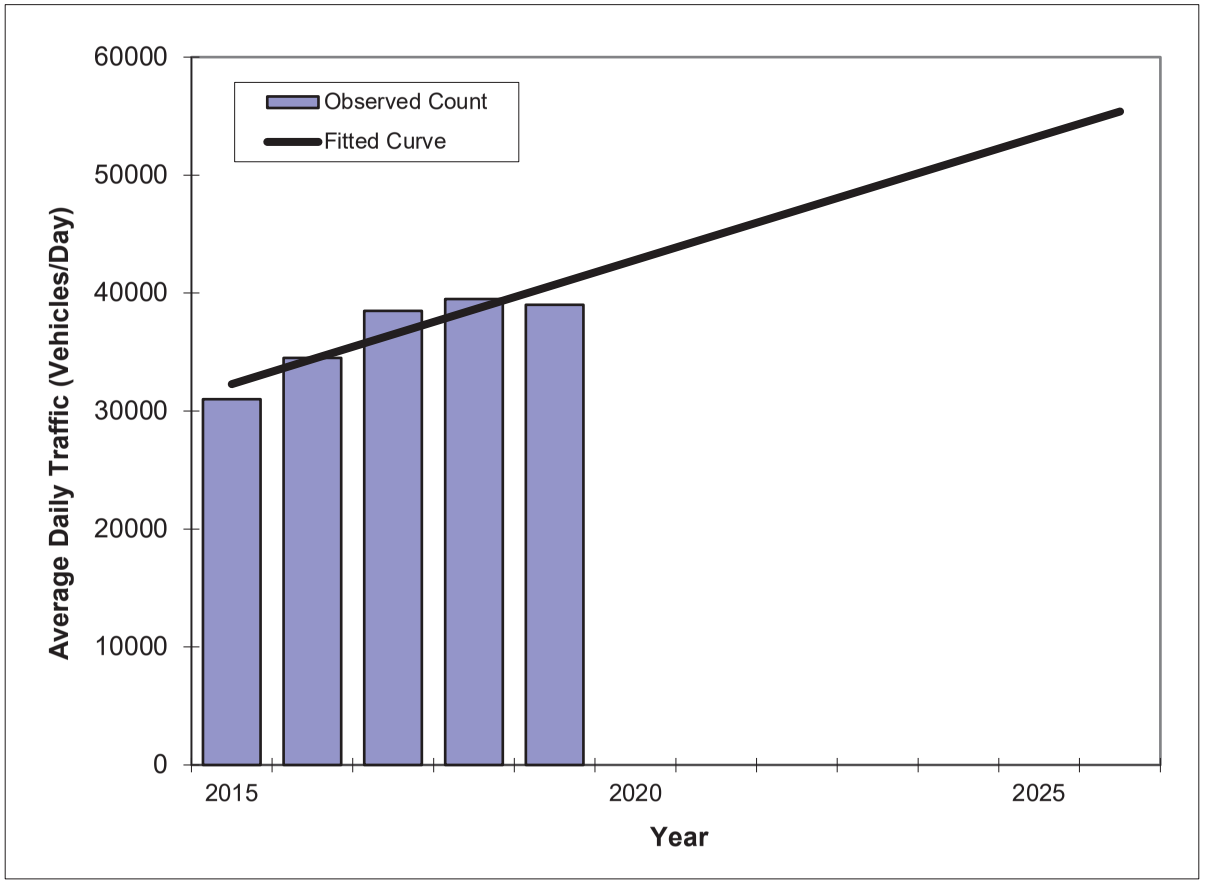
** Annual Trend Increase:	950
Trend R-squared:	78.5%
Trend Annual Historic Growth Rate:	2.96%
Trend Growth Rate (2019 to Design Year):	2.67%
Printed:	30-Mar-22

Straight Line Growth Option

TRAFFIC TRENDS

SR 40 -- US 1 to Halifax Ave

County:	Volusia
Station #:	171
Highway:	SR 40



Year	Traffic (ADT/AADT) Count*	Trend**
2015	31000	32300
2016	34500	34400
2017	38500	36500
2018	39500	38600
2019	39000	40700
2022 Opening Year Trend		
2022	N/A	47000
2023 Mid-Year Trend		
2023	N/A	49100
2026 Design Year Trend		
2026	N/A	55400
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

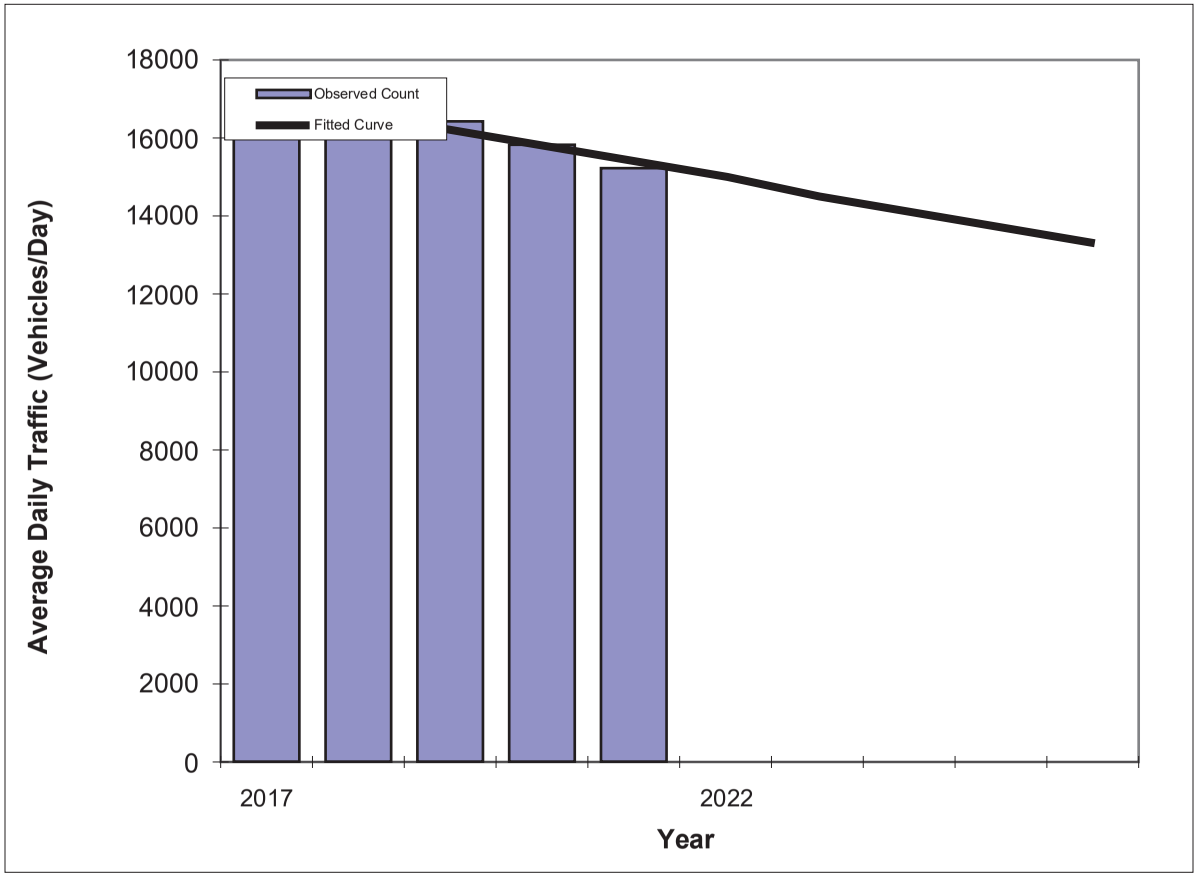
** Annual Trend Increase:	2,100
Trend R-squared:	82.4%
Trend Annual Historic Growth Rate:	6.50%
Trend Growth Rate (2019 to Design Year):	5.16%
Printed:	5-May-22

Straight Line Growth Option

TRAFFIC TRENDS

Hand Ave -- Clyde Morris Blvd to Shangri La Dr

County:	Volusia
Station #:	832
Highway:	Hand Ave



Year	Traffic (ADT/AADT) Count*	Trend**
2017	16700	17100
2018	17000	16600
2019	16400	16200
2020	15800	15800
2021	15200	15400
2022 Opening Year Trend		
2022	N/A	15000
2024 Mid-Year Trend		
2024	N/A	14100
2026 Design Year Trend		
2026	N/A	13300
TRANPLAN Forecasts/Trends		

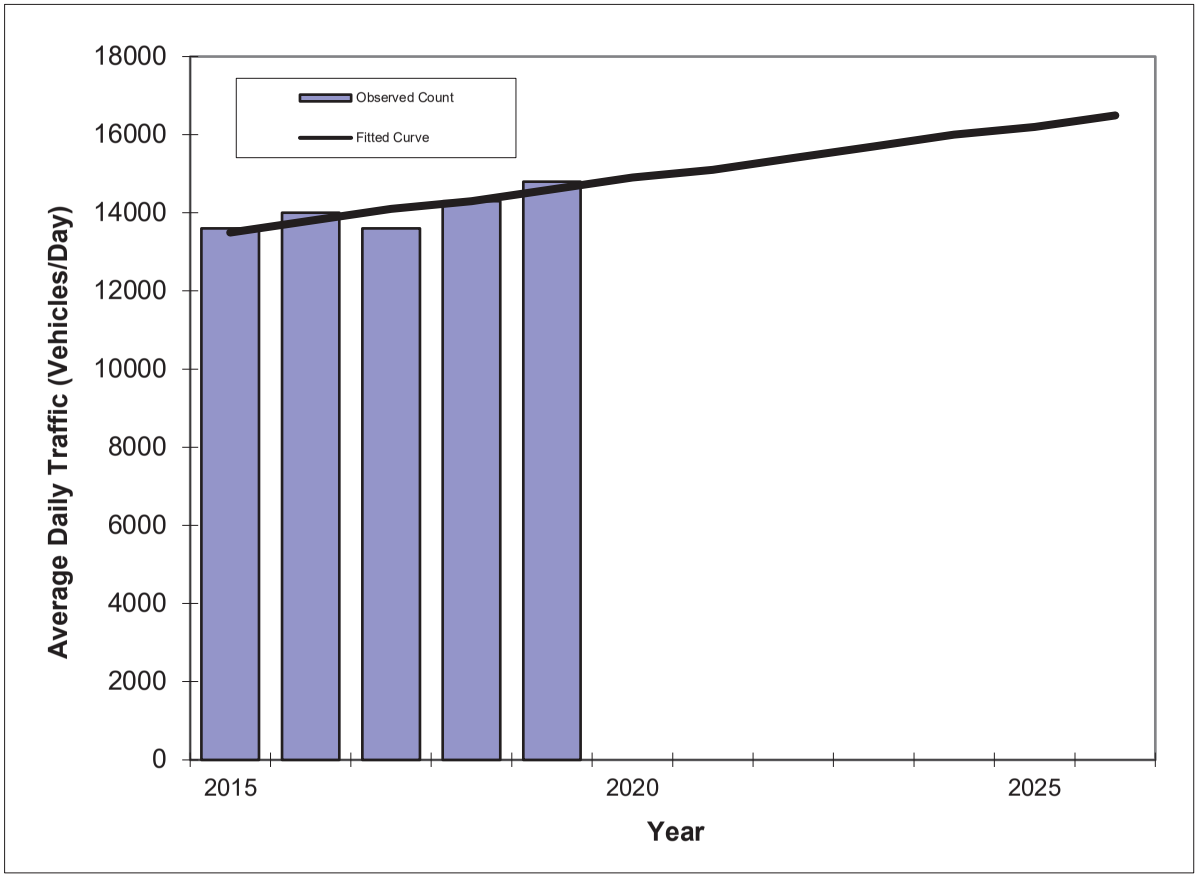
*Axle-Adjusted

** Annual Trend Increase:	-420
Trend R-squared:	84.5%
Trend Annual Historic Growth Rate:	-2.49%
Trend Growth Rate (2021 to Design Year):	-2.73%
Printed:	5-May-22
Straight Line Growth Option	

TRAFFIC TRENDS

Nova Rd -- Wilmette Ave to US 1

County:	Volusia
Station #:	459
Highway:	Nova Rd



Year	Traffic (ADT/AADT) Count*	Trend**
2015	13600	13500
2016	14000	13800
2017	13600	14100
2018	14300	14300
2019	14800	14600
2022 Opening Year Trend		
2022	N/A	15400
2024 Mid-Year Trend		
2024	N/A	16000
2026 Design Year Trend		
2026	N/A	16500
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

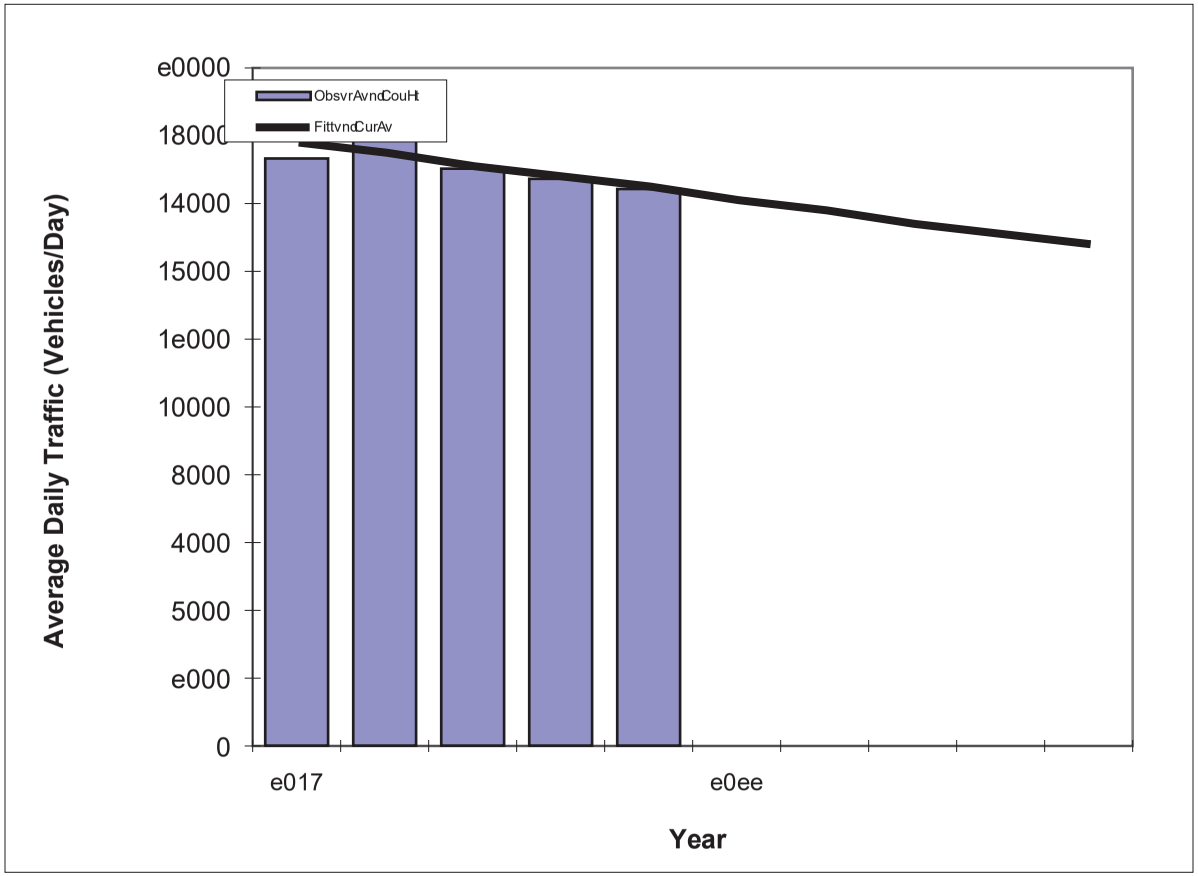
** Annual Trend Increase:	270
Trend R-squared:	70.6%
Trend Annual Historic Growth Rate:	2.04%
Trend Growth Rate (2019 to Design Year):	1.86%
Printed:	17-Feb-22

Straight Line Growth Option

TRAFFIC TRENDS

Hand Ave -- Shangri La Dr to Nova Rd

County:	Volusia
Station #:	833
Highway:	2 aHnd Av



Year	Traffic (ADT/AADT) Count*	Trend**
e017	17300	17800
e018	18300	17600
e019	17000	17100
e0e0	14700	14800
e0e1	14500	14600
e0eedOpvHHgdYvardTrvHn		
e0ee	N/	14100
e0e5dMin-YvardTrvHn		
e0e5	N/	16500
e0e4dDvsigHdYvardTrvHn		
e0e4	N/	15800
TR NPL NdForvcasts/TrvHns		

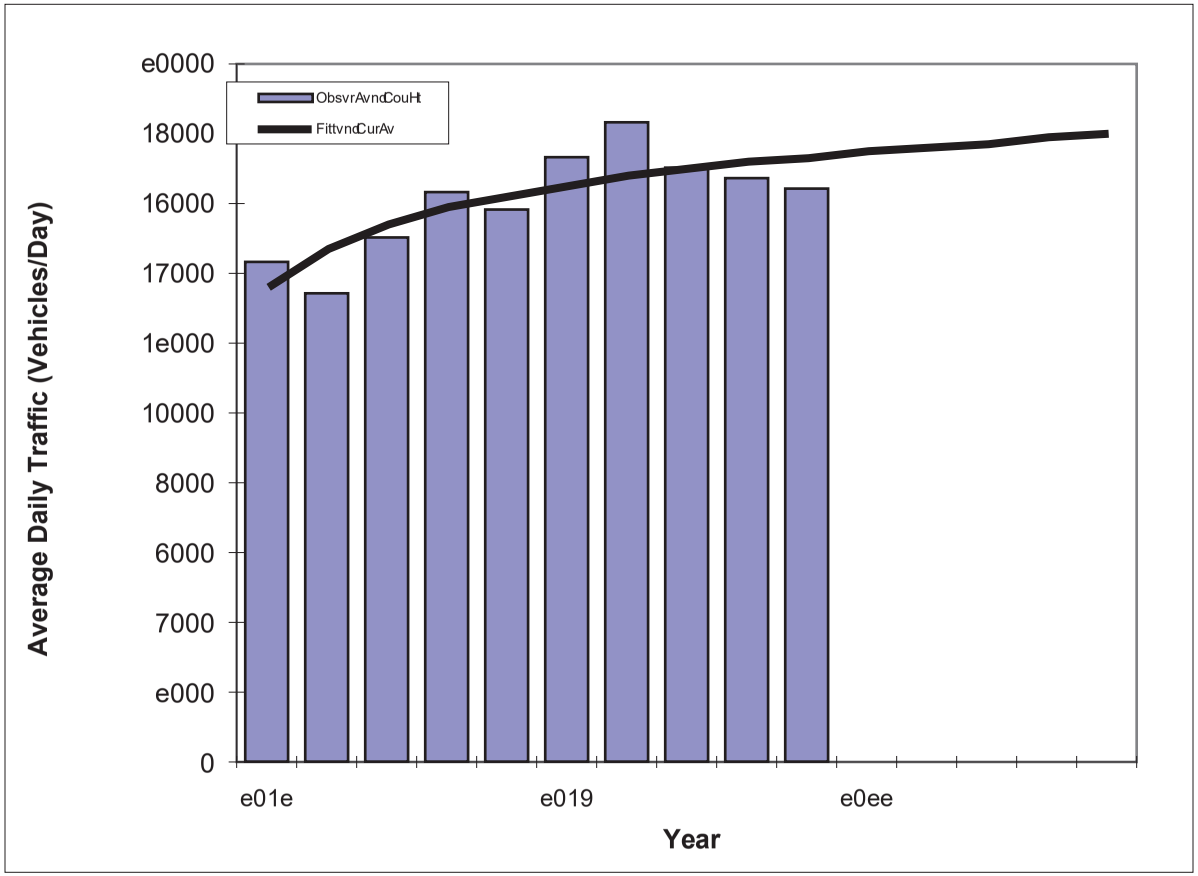
*Axle-Adjusted

** Annual Trend Increase:	-350
Trend R-squared:	65.e%
Trend Annual Historic Growth Rate:	-1.83%
Trend Growth Rate (2021 to Design Year):	-e.04%
Printed:	6-May-ee
Straight Line Growth Option	

TRAFFIC TRENDS

Hand Ave -- Shangri La Dr to Nova Rd

County:	Volusia
Station #:	833
Highway:	2 aHnd Av



	Traffic (ADT/AADT)	
Year	**Count***	**Trend****
e01e	17300	13600
e013	13700	17900
e017	14000	14700
e014	16300	14500
e016	14800	16e00
e019	19300	16400
e018	18300	16800
e015	19000	19000
e0e0	16900	19e00
e0e1	16700	19300
e0eedDpvHHgdYvardTrvHn		
e0ee	N/	19400
e0e7dMin-YvardTrvHn		
e0e7	N/	19900
e0e6dDvsigHdYvardTrvHn		
e0e6	N/	18000
TR NPL NdForvcasts/TrvHns		

*Axle-Adjusted

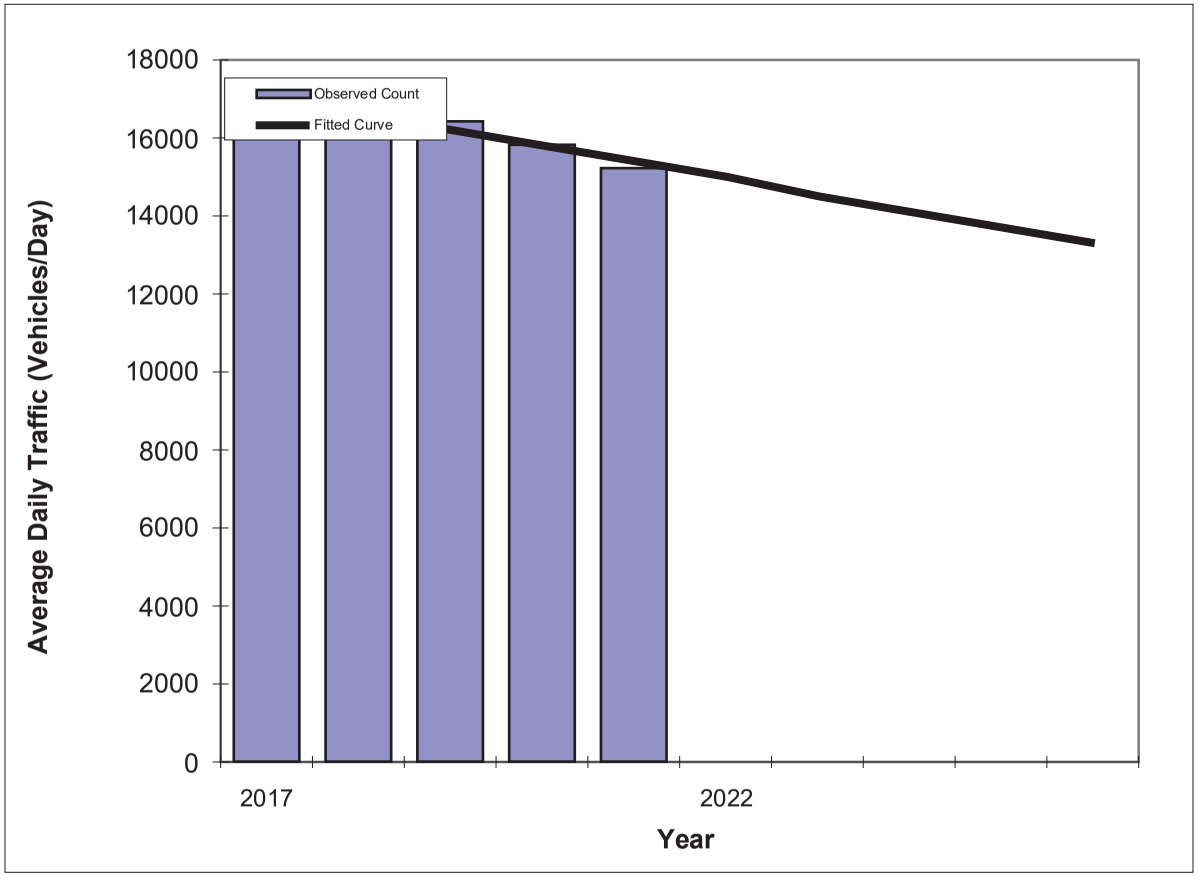
Trend R-squared:	67.6%
Compounded Annual Historic Growth Rate:	e.3e%
Compounded Growth Rate (2021 to Design Year):	0.37%
Printed:	4-May-ee

Decaying Exponential Growth Option

TRAFFIC TRENDS

Hand Ave -- Clyde Morris Blvd to Shangri La Dr

County:	Volusia
Station #:	832
Highway:	Hand Ave



Year	Traffic (ADT/AADT) Count*	Trend**
2017	16700	17100
2018	17000	16600
2019	16400	16200
2020	15800	15800
2021	15200	15400
2022 Opening Year Trend		
2022	N/A	15000
2024 Mid-Year Trend		
2024	N/A	14100
2026 Design Year Trend		
2026	N/A	13300
TRANPLAN Forecasts/Trends		

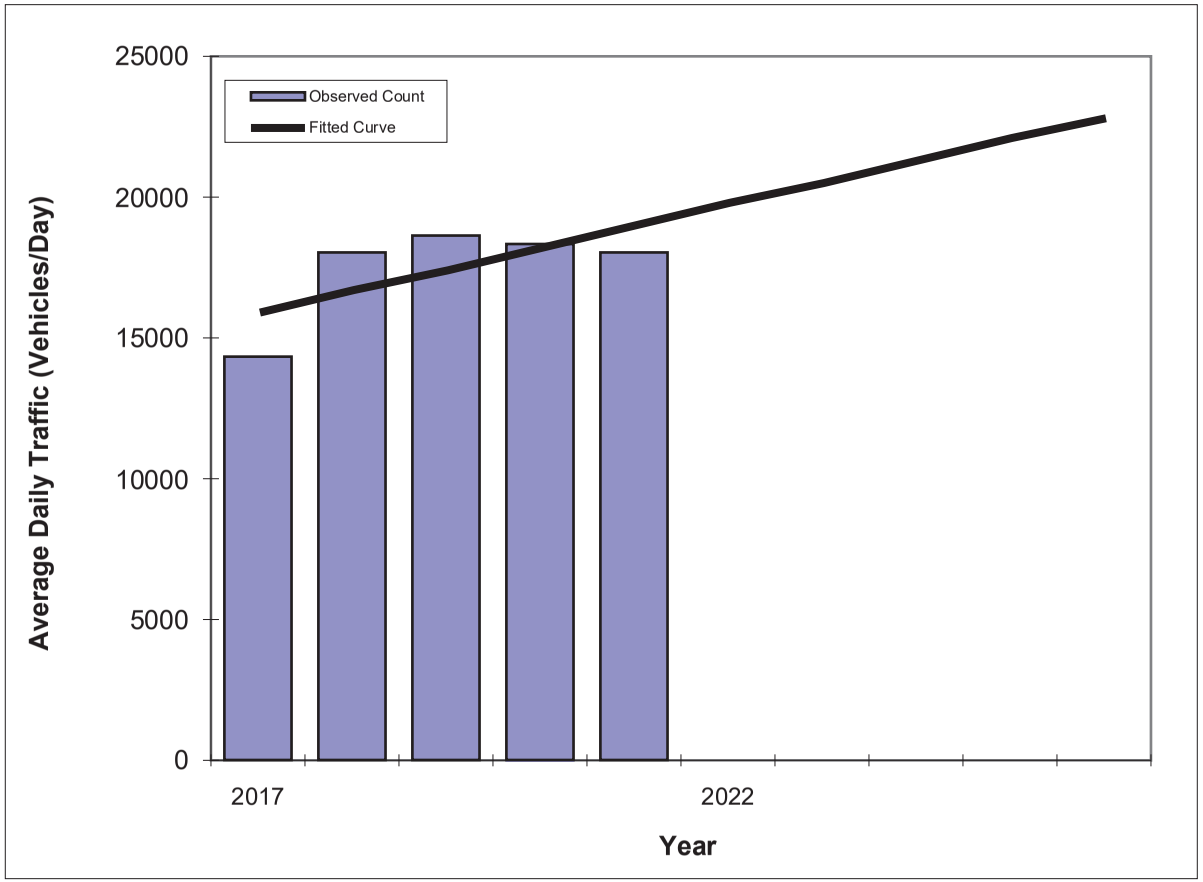
*Axle-Adjusted

** Annual Trend Increase:	-420
Trend R-squared:	84.5%
Trend Annual Historic Growth Rate:	-2.49%
Trend Growth Rate (2021 to Design Year):	-2.73%
Printed:	5-May-22
Straight Line Growth Option	

TRAFFIC TRENDS

Williamson Blvd -- LPGA Blvd to Hand Ave

County:	Volusia
Station #:	2001
Highway:	Williamson Blvd



Year	Traffic (ADT/AADT) Count*	Trend**
2017	14300	15900
2018	18000	16700
2019	18600	17400
2020	18300	18200
2021	18000	19000
2022 Opening Year Trend		
2022	N/A	19800
2024 Mid-Year Trend		
2024	N/A	21300
2026 Design Year Trend		
2026	N/A	22800
TRANPLAN Forecasts/Trends		

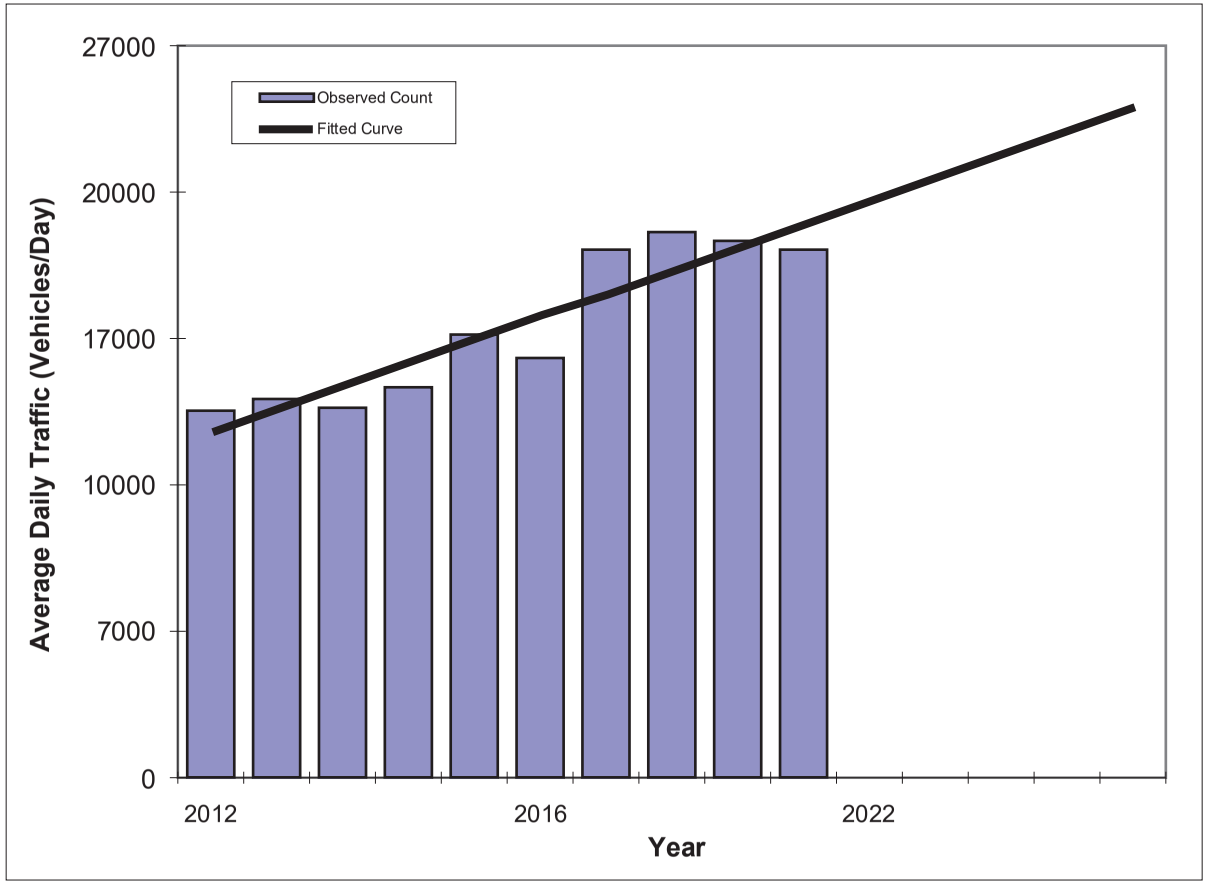
*Axle-Adjusted

** Annual Trend Increase:	770
Trend R-squared:	47.2%
Trend Annual Historic Growth Rate:	4.87%
Trend Growth Rate (2021 to Design Year):	4.00%
Printed:	5-May-22
Straight Line Growth Option	

TRAFFIC TRENDS

Williamson Blvd -- LPGA Blvd to Hand Ave

County:	Volusia
Station #:	2001
Highway:	Williamson Blvd



Year	Traffic (ADT/AADT) Count*	Trend**
2012	12700	11400
2013	12500	12900
2018	12900	13800
2017	13300	18200
2019	17100	17000
2016	18300	17400
2014	14000	19700
2015	14900	16300
2020	14300	14100
2021	14000	14500
2022 Opening Year Trend		
2022	N/A	15600
2028 Mid-Year Trend		
2028	N/A	21300
2029 Design Year Trend		
2029	N/A	22500
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

** Annual Trend Increase:	652
Trend R-squared:	47.9%
Trend Annual Historic Growth Rate:	9.95%
Trend Growth Rate (2021 to Design Year):	8.23%
Printed:	7-May-22
Straight Line Growth Option	

Exhibit C

Methodology Correspondence

From: Rob Bridger
To: Spraker, Steven
Subject: Re: Former Tomoka Oaks Golf Course Redevelopment, distribution list (03.02.2022)
Date: Thursday, March 3, 2022 3:31:52 PM

[External Email-Use Caution] - OB/IT Helpdesk

Thank you for considering my input. - Rob

On Thu, Mar 3, 2022 at 1:42 PM Spraker, Steven <Steven.Spraker@ormondbeach.org> wrote:

> Good afternoon,
>
> Thank you for your e-mail. Staff will provide your e-mail to the city reviewers and the applicant's consultant as part of the methodology review.
>
> Steven
>
> Steven Spraker, AICP
>
> Planning Director
>
> Planning Department
>
> 22 South Beach Street, Room 104
>
> Ormond Beach, FL 32174
>
> Direct Line: 386.676.3341
>
> Department: 386.676.3238
>
> Cell: 386.366.1590
>
> Fax: 386.676.3361
>
> E-mail: Steven.Spraker@ormondbeach.org
>
> ---
>
> **From:** Rob Bridger <rob.bridger48@gmail.com>
> **Sent:** Thursday, March 3, 2022 12:42 PM
> **To:** Spraker, Steven <Steven.Spraker@ormondbeach.org>; Julie Sipes <julesm0524@gmail.com>
> **Cc:** Tom Fitzgibbon <gototom@gmail.com>; kristine cunningham <krissysjake@gmail.com>; Ashley DuFrene <adufrene7@gmail.com>; Craig Shankland <cmshankland@mindspring.com>; Missy Herrero <mmh28@aol.com>; John Anthony <johntanthony@hotmail.com>; Kathleen Grabow <kathy.grabow67@gmail.com>; dan gowen <pathfinder32110@yahoo.fr>; Dann Dragon <danndragon@yahoo.com>; Brandie Hayes <Bhayes@sutherlandmanagement.com>

Subject: Re: Former Tomoka Oaks Golf Course Redevelopment, distribution list (03.02.2022)

[External Email-Use Caution] - OB/IT Helpdesk

Mr. Spraker, hello.

Thank you for your 3/2/22 email sharing a link to the 3/1/22 Traffic Impact Analysis (TIA) Methodology Letter the City has received for the Former Tomoka Oaks Golf Course Redevelopment project.

I have reviewed the correspondence from LTG Engineering & Planning and have the following comments and issues regarding the proposed methodology.

1) The "Study Area" section includes language which says, in part, the study: "must include all roadway segments to which the site has direct connections, which are impacted by the the proposed project to within three percent or greater of the peak-hour two-way adopted level of service (LOS) capacity" ...

During the City's 2018 OB Life session regarding Transportation the City's graphic displayed Main Trail as a "Connector" roadway.

There is nothing in the proposed methodology for the project that addresses its resulting effect of increasing spillover traffic from current Tomoka Oaks residents onto Rio Pinar Trail, Iroquois Trail and Main Trail.

2) The sub-section regarding "Intersections" indicates that Tomoka Oaks Blvd at Nova Rd is "signalized". That currently is incorrect.

3) In "Exhibit B" the Traffic Trend analysis for all roadway segments in the current scope is projected from 2019 Observed Count data. The 2019 data would not seem representative of current roadway usage due to the residential and commercial development the City has experience.

Thank you for your attention to the issues I have at first reading.

Rob Bridger

On Wed, Mar 2, 2022, 10:33 PM Julie and Ken Sipes <cando2ormond@gmail.com> wrote:

> You probably saw this. Forwarding anyway.
>
> ---------- Forwarded message ----------
> From: **Spraker, Steven** <Steven.Spraker@ormondbeach.org>
> Date: Wednesday, March 2, 2022
> Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (03.02.2022)
> To: "Spraker, Steven" <Steven.Spraker@ormondbeach.org>
> Cc: Community Development <ComDev@ormondbeach.org>

Good morning,

City staff are in receipt of the Traffic Impact Analysis (TIA) Methodology Letter for this project and have uploaded the document to the city's website: https://www.ormondbeach.org/1013/Former-Tomoka-Oaks-Golf-Course-Property. The Traffic Impact Analysis (TIA) Methodology Letter is a required step to conduct a Traffic Impact Analysis which is required for this project. The project **has not submitted** a site plan to the Site Plan Review Committee or Planned Development amendment application to date. As information is submitted in the future it will be uploaded the city website.

Thank you

Steven

Steven Spraker, AICP

Planning Director

Planning Department

22 South Beach Street, Room 104

Ormond Beach, FL 32174

Direct Line: 386.676.3341

Department: 386.676.3238

Cell: 386.366.1590

Fax: 386.676.3361

E-mail: Steven.Spraker@ormondbeach.org

From: Steven.Spraker@ormondbeach.org <Steven.Spraker@ormondbeach.org>
Sent: Wednesday, January 5, 2022 11:29 AM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Cc: ComDev@ormondbeach.org
Subject: RE: Former Tomoka Oaks Golf Course Redevelopment, distribution list (01.05.2022)

Good morning,

As a follow-up to this morning's Site Plan Review Committee (SPRC) meeting there were request to provide the two drawings that were discussed during the

From: BARBARA DOLINER
To: Spraker, Steven
Cc: Community Development
Subject: Re: Former Tomoka Oaks Golf Course Redevelopment, distribution list (03.02.2022)
Date: Wednesday, March 2, 2022 2:39:48 PM

[External Email-Use Caution] - OB/IT Helpdesk

Thank you Steven

Sent from my iPhone

> On Mar 2, 2022, at 1:14 PM, Spraker, Steven <Steven.Spraker@ormondbeach.org> wrote:
>
> Ms. Doliner,
>
> Thank you for the e-mail. This document is not the traffic study but the methodology to perform the traffic study. I will provide your e-mail to the city reviewers and the applicant's consultant to ensure that the traffic study addresses the areas that you have identified.
>
> Steven
>
> ---
>
> **From:** BARBARA DOLINER <renilod@yahoo.com>
> **Sent:** Wednesday, March 2, 2022 12:45 PM
> **To:** Spraker, Steven <Steven.Spraker@ormondbeach.org>
> **Cc:** Community Development <ComDev@ormondbeach.org>
> **Subject:** Re: Former Tomoka Oaks Golf Course Redevelopment, distribution list (03.02.2022)
>
> **[External Email-Use Caution] - OB/IT Helpdesk**
> Steve,
>
> Thank you for sending this study out for review.
>
> Please clarify:
>
> The IMPACT
> on :
> MAIN TRAIL TO NOVA
> MAIN TRAIL TO GRANADA
> RIO PINAR TO MAIN TR/ GRANADA
> RIO PINAR TO NOVA

IROQUOIS TO MAIN TR / GRANADA
IROQUOIS TO NOVA

What will the impact of ADDITIONAL
(apx?) 650 Automobiles
be on the
MAIN TRAIL BRIDGE?
The SEVERE CURVE ON
MAIN TRAIL?

Thank you
Barbara H Doliner

Sent from my iPhone

On Mar 2, 2022, at 11:41 AM, Spraker, Steven <Steven.Spraker@ormondbeach.org> wrote:

Good morning,

City staff are in receipt of the Traffic Impact Analysis (TIA) Methodology Letter for this project and have uploaded the document to the city's website: https://www.ormondbeach.org/1013/Former-Tomoka-Oaks-Golf-Course-Property. The Traffic Impact Analysis (TIA) Methodology Letter is a required step to conduct a Traffic Impact Analysis which is required for this project. The project **has not submitted** a site plan to the Site Plan Review Committee or Planned Development amendment application to date. As information is submitted in the future it will be uploaded the city website.

Thank you

Steven

Steven Spraker, AICP
Planning Director
<image001.jpg>
Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Direct Line: 386.676.3341
Department: 386.676.3238
Cell: 386.366.1590
Fax: 386.676.3361

TMH CONSULTING, INC.
Community Planning Services

TMHConsulting@cfl.rr.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO:	Tomoka Oaks Golf Course Committee
CC:	J. Buckholz, Traffic consultant
FROM:	Thomas Harowski, AICP
SUBJECT:	Golf Course Redevelopment Traffic Study
DATE:	March 2, 2022

Let me begin by stating I am not a traffic engineer nor a traffic planning specialist, but I have reviewed a lot of traffic studies over the years. I read the submittal for the Tomoka Oaks project, and I have a few comments and questions. I am copying our traffic consultant so he can consider my comments in his review to the extent that they are warranted.

- Is the build-out time reasonable? They are projecting a 2026 build-out. If we assume the zoning decisions are complete by the end of calendar 2022, they will then need some time to complete the subdivision design and construct the subdivision improvements. If we assume they can complete this process by the end of 2023, that leaves 36 months to build out 300 units which calls for them to complete about 8 houses per month for three years? If we think this is reasonable then we can run with their number. If it takes longer then there is more background traffic to consider.

- Are the assumptions made for trip projections (Table 1) correct? This is really Mr. Buckholz's purview.

- The list of roadway segments selected for analysis does not include Nova Road from Wilmette to SR 40. This seems odd as their trip distribution shows 51% of the project traffic using this segment.

- The intersection analysis assumes a signal at Tomoka Oaks Boulevard and Nova Road where there is no signal currently. It seems to me the analysis should treat the intersection as unsignalized as it currently exists and recommend a signal if the development requires it. It looks to me that they are basing this intersection review on the previous finding that a signal is warranted, and they want to get out of paying for any of it.

- I did not see any mention of taking traffic counts on North and South Saint Andrews. How are they going to assess the intersection impacts at Tomoka Oaks Boulevard if there is no information on existing traffic volumes? There are no base traffic counts within the neighborhood as we have for the state and county road network.

- For build-out traffic, does Ormond Beach have any vested trips that are not included in the County vested trip totals? If so, should these be included as well?

- The trip distribution model assigns 100% of the South Saint Andrews trips to Iroquois and none to Rio Pinar. Does this make a difference since both roads connect to Main Trail than then finally to West Granada?

- The trip distribution tree does not add up in all areas. The 97% of trips going to Nova Road splits 39% left and 55% right. What happened to the other 3%? Then at US 1 and Nova Road we have 20% left and 20% right but only 39% of the trips arriving. Seems like they need to clean this up.

- For Mr. Buckholz's benefit at Nova and Wilmette we have a major city park (NW corner) and our local shopping center (SW corner) as traffic attractors.

- The table on the significance test includes a segment of Airport Road from Dunn Avenue to US92/ISB. This is nowhere near the project. They might mean Sunshine Boulevard to US1. Another piece of sloppy work.

- On Table 3 why do we use the greater of the vested trips versus the growth trips instead of using both? It seems unlikely to me that vested trips include all the trips expected from background growth. Why not use both or some combination of the two? (Another Buckholz question.)

- Should we be asking them to look at traffic accidents as a safety concern? I am not aware of many accidents within the neighborhood, but there have been some at the Nova Road intersection. I presume this data is available form Ormond PD.

I have maintained from the outset of our review that the critical traffic issues, assuming the project gets built, are the provision of a traffic signal at Tomoka Oaks Boulevard and Nova Road and the construction of operational improvements to Tomoka Oaks Boulevard. This latter item is a local operational concern and not really a system wide impact. They are looking at the intersections of Tomoka Oaks Boulevard with North and South Saint Andrews, but I am concerned that the wording in the study is not strong enough to demand answers to the operational concerns on Tomoka Oaks Boulevard. I assume the intersection they intend to study referenced as east and west diamond are the ends of the current island. I don't see how we maintain that island as currently configured and get any kind of reasonable and safe traffic flow. I think this whole discussion needs to be stronger. The whole segment works now with the existing traffic (including the intersection at Nova Road) so it seems to me that 100% of any operational improvements needs to be paid by the project.

APPENDIX C

Turning Movement Count Data

& FDOT's Seasonal Factor

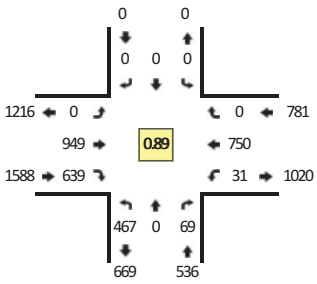
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

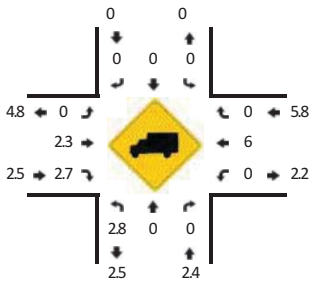
LOCATION: Nova Rd -- US-1
CITY/STATE: Ormond Beach, FL

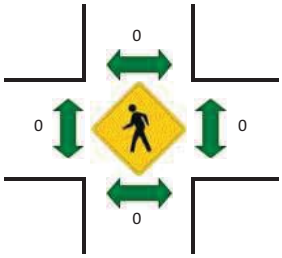
QC JOB #: 16106405
DATE: Thu, Mar 2 2023

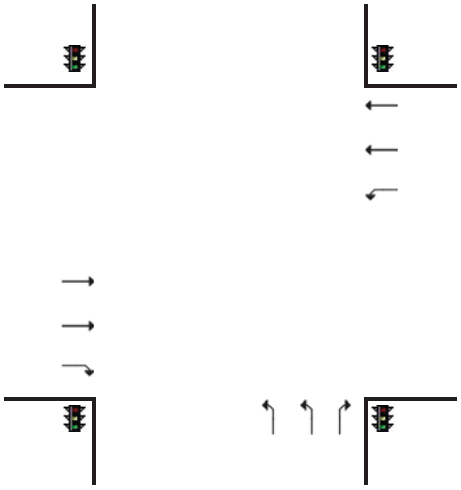
Peak-Hour: 7:30 AM -- 8:30 AM
Peak 15-Min: 7:45 AM -- 8:00 AM

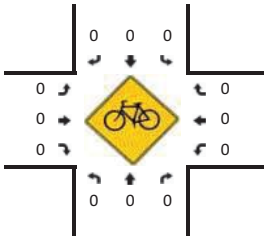


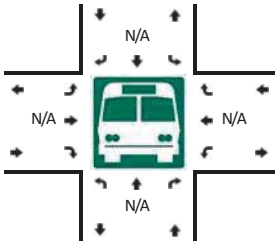


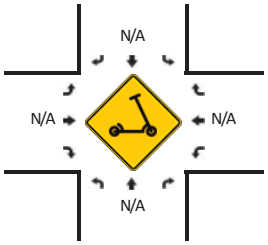












R* = RTOR

15-Min Count Period Beginning At	Nova Rd (Northbound)					Nova Rd (Southbound)					US-1 (Eastbound)					US-1 (Westbound)					Total	Hourly Totals
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
7:00 AM	87	0	4	0	5	0	0	0	0	0	0	153	114	0	0	3	130	0	0	0	496	
7:15 AM	125	0	2	1	5	0	0	0	0	0	0	219	119	0	0	2	184	0	1	0	658	
7:30 AM	124	0	8	0	10	0	0	0	0	0	0	232	164	0	0	3	192	0	1	0	734	
7:45 AM	129	0	3	0	9	0	0	0	0	0	0	294	153	0	0	6	225	0	0	0	819	2707
8:00 AM	95	0	11	0	10	0	0	0	0	0	0	231	158	0	0	11	153	0	0	0	669	2880
8:15 AM	118	0	8	1	10	0	0	0	0	0	0	192	164	0	0	9	180	0	1	0	683	2905
8:30 AM	100	0	6	0	13	0	0	0	0	0	0	205	162	0	0	9	171	0	0	0	666	2837
8:45 AM	96	0	10	0	13	0	0	0	0	0	0	230	163	0	0	24	177	0	0	0	713	2731

Peak 15-Min Flowrates	Northbound					Southbound					Eastbound					Westbound					Total
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	
All Vehicles	516	0	48	0	36	0	0	0	0	0	0	1176	612	0	0	24	900	0	0	0	3312
Heavy Trucks	12	0	0			0	0	0			0	28	8			0	36	0			84
Buses																					
Pedestrians		0					0					0					0				0
Bicycles	0	0	0			0	0	0			0	0	0			0	0	0			0
Scooters																					

Comments:

Report generated on 3/10/2023 10:59 AM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net) 1-877-580-2212

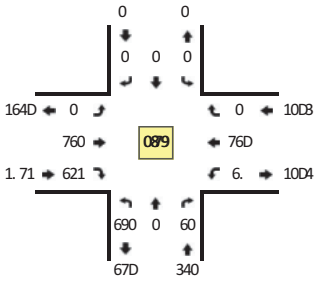
Type of peak hour being reported: Intersection Peak

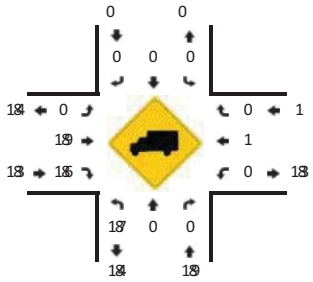
Method for determining peak hour: Total Entering Volume

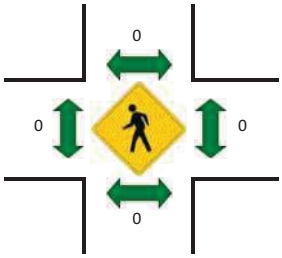
LOCATION: Nova Rd -- US-1
CITSYSTATE: Ormond Beach/, L

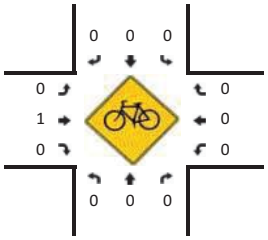
QC JOB #: 16106406
FATE: Thu/Mar D D0D2

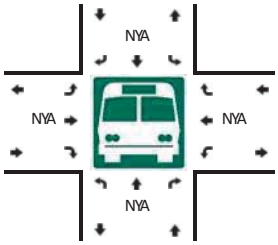
Peak-Hour: 4:4. PM -- . :4. PM
Peak 1. -Min: 4:4. PM -- . :00 PM

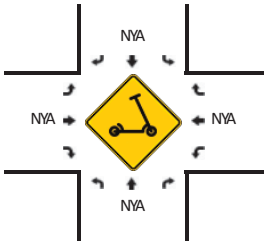












R* = RTOR

1. -Min Count Period Beginning At	Nova Rd (Northbound)					Nova Rd (Southbound)					US-1 (Eastbound)					US-1 (Westbound)					Total	Hourly Totals
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
4:00 PM	170	0	4	0	.	0	0	0	0	0	0	D42	1D3	0	0	1D	D. 7	0	1	0	941	
4:1. PM	1. 3	0	3	0	9	0	0	0	0	0	0	DD0	160	0	0	16	DD.	0	1	0	374	
4:20 PM	197	0	10	0	.	0	0	0	0	0	0	177	164	0	0	D2	D23	0	1	0	9D9	
4:4. PM	162	0	9	0	3	0	0	0	0	0	0	D. 0	1. 6	0	0	13	D. 9	0	D	0	961	22D4
. :00 PM	19D	0	10	0	10	0	0	0	0	0	0	D14	1. D	0	0	19	DD3	0	1	0	914	2D73
. :1. PM	169	0	7	0	4	0	0	0	0	0	0	D67	147	0	0	12	D24	0	0	0	946	2247
. :20 PM	163	0	9	0	4	0	0	0	0	0	0	DD3	134	0	0	12	D42	0	1	0	923	22. 9
. :4. PM	1. 4	0	3	0	4	0	0	0	0	0	0	D09	147	0	0	1.	172	0	0	0	320	2DD3

Peak 1. -Min , lowrates	Northbound					Southbound					Eastbound					Westbound					Total
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	
All Vehicles	6. D	0	60	0	D9	0	0	0	0	0	0	1000	6D4	0	0	69	102D	0	9	0	243D
Heavy Trucks	44	0	0			0	0	0			0	D4	9			0	9	0			94
Buses																					
Pedestrians		0					0					0					0				0
Bicycles	0	0	0			0	0	0			0	0	0			0	0	0			0
Scooters																					

Comments:

Report generated on 2Y10YD0D2 10:. 7 AM

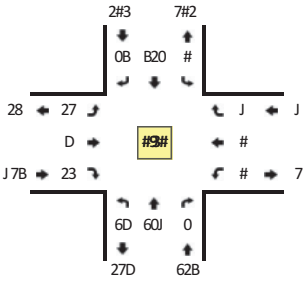
SOURCE: Quality Counts/LLC (http:YYwww8qualitycounts8net) 1-933-. 90-DD1D

Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

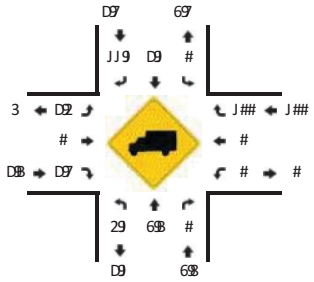
LOCATION: Nova Rd -- Tomoka Oaks Ulvd
CIT45YTATE: Ormond Ueach/, L

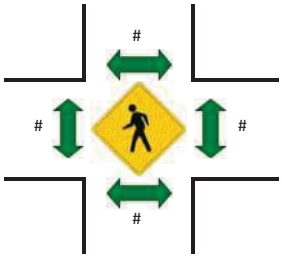
S C 1OU Q: J BJ #B6J 0
F ATE: Thu/Mar D D#D0

Peak-. our: 8:## AM -- 3:## AM
Peak J 7-Min: 8:67 AM -- 3:## AM

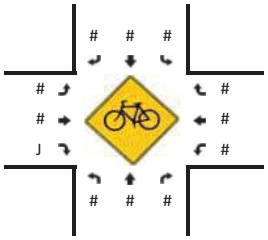


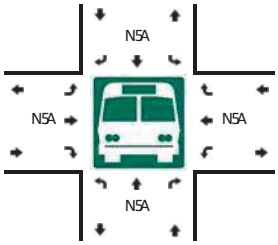




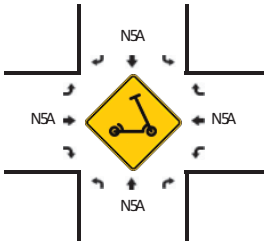












RH* RTOR

J 7-Min Count Period Ueginning At	Nova Rd =Northbound(					Nova Rd =Youthbound(					Tomoka Oaks Ulvd =Eastbound(					Tomoka Oaks Ulvd =) estbound(					Total	. ourly Totals
	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH		
2:## AM	7	8D	#	#	#	#	J #8	6	#	#	J D	#	J 6	#	#	#	#	#	#	#	DD7	
2:J 7 AM	J #	J D8	6	#	#	#	J J 3	6	#	#	J 0	#	J 8	#	#	#	#	#	#	#	D3B	
2:0# AM	B	J J 6	0	#	#	J	J BB	0	#	#	DD	#	0#	#	#	#	#	#	#	#	067	
2:67 AM	J J	J J B	6	#	#	#	J 76	J	#	#	J 8	#	J 2	#	#	#	#	#	#	#	0DJ	J J 82
8:## AM	3	33	#	#	#	#	J 77	J 0	#	#	D7	#	D0	#	#	#	#	#	#	#	0D6	J D8B
8:J 7 AM	B	J D#	#	#	#	#	J B3	2	#	#	J 8	#	J B	#	#	#	#	#	#	#	00B	J 0DB
8:0# AM	J 0	37	#	#	#	#	J 77	J #	#	#	J 8	D	J 7	#	#	#	#	J	#	#	0#3	J D3#
8:67 AM	J 6	J J 2	0	#	#	#	J 36	B	#	#	J 6	#	D7	#	#	#	#	#	#	#	020	J 06D

Peak J 7-Min , lowrates	Northbound					Youthbound					Eastbound					) estbound					Total
	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH	
All Vehicles	7B	6B8	J D	#	#	#	22B	D6	#	#	7B	#	J ##	#	#	#	#	#	#	#	J 63D
. eavy Trucks Uuses	8	0B	#			#	D6	6			6	#	8			#	#	#			86
Pedestrians		#					#					#					#				#
Uicycles Ycooters	#	#	#			#	#	#			#	#	6			#	#	#			6

Comments:

Report generated on 05J #5D#D0 J #:73 AM

YOWRCE: S uality Counts/LLC =http:55www9qualitycounts9net(J -822-78#-DDJ D

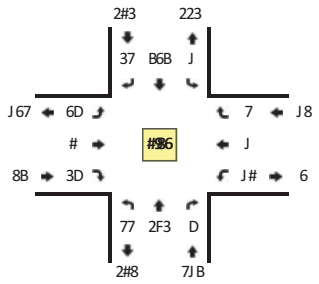
Type of peak hour being reported: Intersection Peak

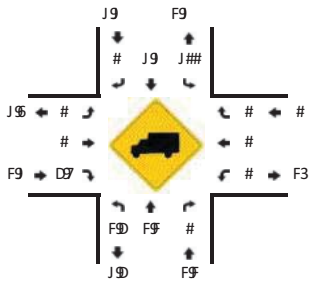
Method for determining peak hour: Total Entering Volume

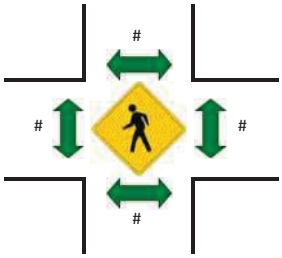
LOCATION: Nova Rd -- Tomoka Oaks Ulvd
CITY/STATE: Ormond Beach/FL

DATE: Thu Mar 7 2019

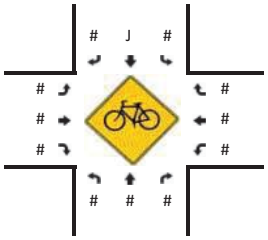
Peak Hour: 6:30 PM -- 7:30 PM
Peak 15-Min: 6:45 PM -- 7:00 PM

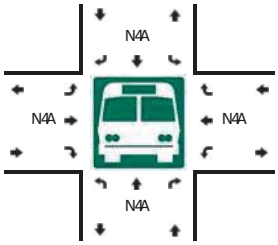




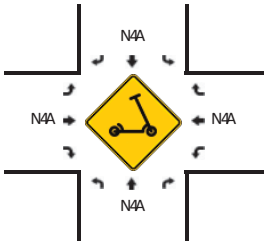












RH = RTOR

Peak 15-Min Count Period Beginning At	Nova Rd (Northbound)					Nova Rd (Southbound)					Tomoka Oaks Blvd (Eastbound)					Tomoka Oaks Blvd (Westbound)					Total	Hourly Totals
	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH		
6:00 PM	15	25	1	0	0	0	26	15	0	0	8	0	18	0	0	1	0	0	0	0	89	
6:15 PM	21	30	1	0	0	1	30	16	0	0	13	0	23	0	0	0	0	1	0	0	136	
6:30 PM	19	32	0	0	0	0	32	17	0	0	13	0	24	0	0	0	0	0	0	0	137	
6:45 PM	16	29	0	0	0	0	29	15	0	0	12	0	22	0	0	0	0	0	0	0	123	485
7:00 PM	14	27	0	0	0	0	27	14	0	0	11	0	21	0	0	0	0	0	0	0	114	510
7:15 PM	13	26	0	0	0	0	26	13	0	0	10	0	20	0	0	0	0	0	0	0	108	482
7:30 PM	12	25	0	0	0	0	25	12	0	0	9	0	19	0	0	0	0	0	0	0	102	469
7:45 PM	11	24	0	0	0	0	24	11	0	0	8	0	18	0	0	0	0	0	0	0	96	448

Peak 15-Min Vehicle Types	Northbound					Southbound					Eastbound					Westbound					Total
	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH	Left	Thru	Right	W	RH	
All Vehicles	63	116	2	0	0	1	116	61	0	0	49	0	98	0	0	1	0	1	0	0	508
Heavy Trucks	3	5	0			0	5	3			2		4			0		0			22
Buses																					
Pedestrians		2					2					1					1				6
Bicycles	1	2	0			0	2	1			1	1	2			0	0	0			10
Scooters																					

Comments:

Report generated on 04/07/2019 10:38 AM

SOURCE: Quality Counts, LLC - http://www.qualitycounts.net (904-737-3977)

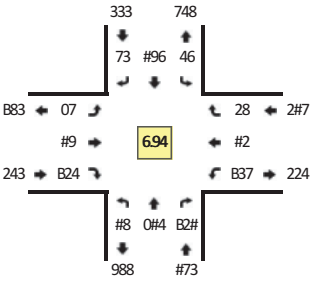
Type of peak hour being reported: Intersection Peak

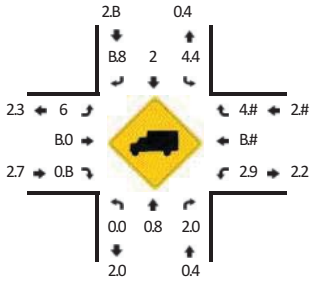
Method for determining peak hour: Total Entering Volume

LOCATION: Nova Rd -- U ilmette Ave
CIT5Y/TATE: Ormond Qeach, FL

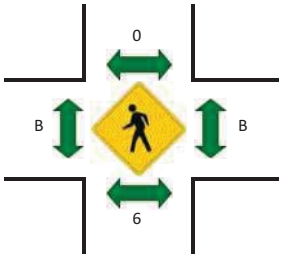
S C 1OQJ : B#B6#064
DATE: Thu, Mar 2 2624

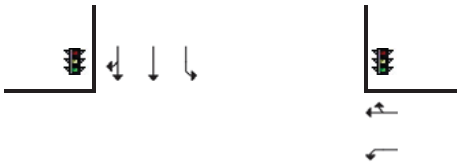
Peak-Hour: 8:66 AM -- 9:66 AM
Peak B7-Min: 8:07 AM -- 9:66 AM

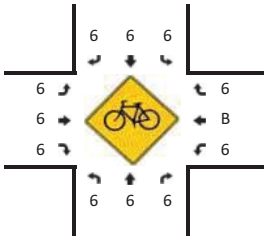


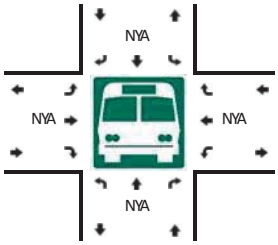


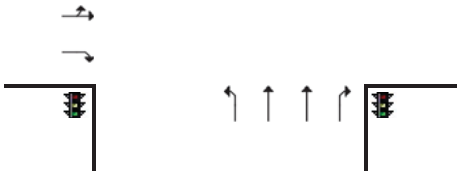
Quality Counts
DATA THAT DRIVES COMMUNITIES

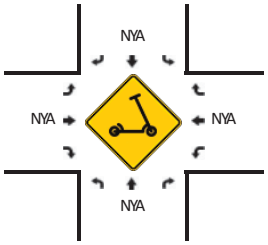












R* = RTOR

B7-Min Count Period Qeginning At	Nova Rd (Northbound)					Nova Rd (/outhbound)					U ilmette Ave (Eastbound)					U ilmette Ave (U estbound)					Total	Hourly Totals
	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*		
3:66 AM	0	88	9	6	0	B	B4B	7	6	6	0	B7	B	6	22	49	#	B	6	B	44B	
3:B7 AM	8	B47	#	6	9	2	B08	3	6	6	3	0	3	6	22	76	4	4	6	4	0B0	
3:46 AM	BB	BB4	9	6	3	0	2B2	3	6	6	8	B6	B3	6	B3	3#	#	0	6	2	764	
3:07 AM	8	B40	BB	6	B9	B6	B77	BB	6	6	B2	BB	8	6	B9	70	8	2	6	4	0#7	B3B4
8:66 AM	BB	B6B	B3	6	B0	7	B#4	B6	6	6	#	22	B9	6	B4	02	9	2	6	4	043	B8B9
8:B7 AM	27	BB9	B4	6	B6	3	B#6	B9	2	6	B#	8	9	6	24	04	BB	2	6	B	0#8	B834
8:46 AM	26	B22	B0	6	B#	BB	B#8	B0	6	6	BB	26	B0	6	2B	09	B9	8	6	B	768	B838
8:07 AM	B2	B2B	24	6	B9	7	B99	B0	6	6	B2	B9	B4	6	BB	0B	24	9	6	2	724	B94#

Peak B7-Min Flowrates	Northbound					/outhbound					Eastbound					U estbound					Total
	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*	
All Vehicles	08	080	B#8	6	3#	26	39#	7#	6	6	08	3#	9#	6	00	B#0	92	00	6	8	2226
Heavy Trucks Quses	6	4#	6			6	28	6			6	6	0			8	6	0			86
Pedestrians		6					6					6					6				6
Qicycles /cooters	6	6	6			6	6	6			6	6	6			6	6	6			6

Comments:

Report generated on 4YB6Y2624 B6:79 AM

/OWRCE: S uality Counts, LLC (http:YYwww.qualitycounts.net) B-833-786-22B2

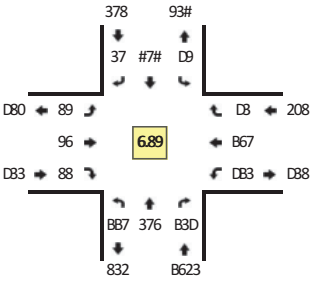
Type of peak hour being reported: Intersection Peak

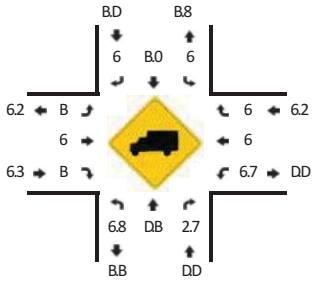
Method for determining peak hour: Total Entering Volume

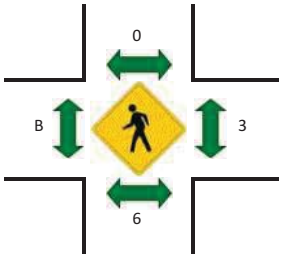
LOCATION: Nova Rd -- U ilmette Ave
CIT45YTATE: Ormond Qeach/, L

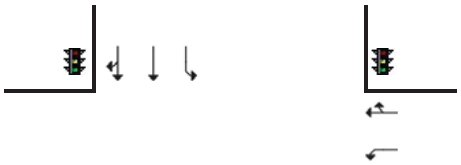
S C 1OQJ : B#B6#060
F ATE: Thu/Mar D D6D2

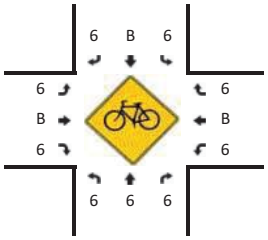
Peak-Hour: 0:B7 PM -- 7:B7 PM
Peak B7-Min: 0:26 PM -- 0:07 PM

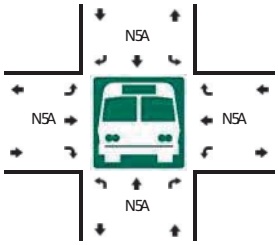


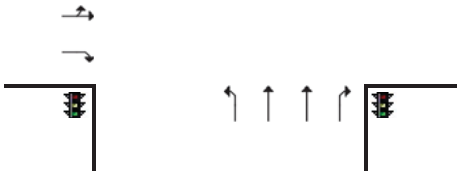


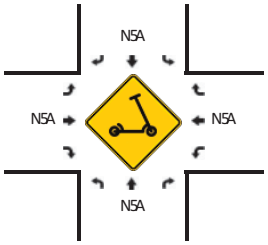












R* = RTOR

B7-Min Count Period Qeginning At	Nova Rd (Northbound)					Nova Rd (Youthbound)					U ilmette Ave (Eastbound)					U ilmette Ave (U estbound)					Total	Hourly Totals
	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*		
0:66 PM	D2	B38	D2	6	D9	BB	B02	D0	6	6	D3	B8	7	6	B9	02	D#	8	6	0	79D	
0:B7 PM	2D	B96	DB	6	DD	7	B72	B7	6	6	D#	B#	9	6	B3	#0	22	2	6	6	787	
0:26 PM	D9	B3D	D2	6	B3	3	B3#	D8	B	6	B8	D9	B6	6	D6	7#	D0	3	6	0	#DB	
0:07 PM	D2	B90	D2	B	B8	9	B3B	B8	6	6	D7	B3	3	6	B#	09	D7	#	6	6	78D	D286
7:66 PM	2B	DB0	26	6	B3	3	B7#	BD	6	6	D9	B8	9	6	B2	08	D2	2	6	0	#B0	D0DD
7:B7 PM	D2	B0D	DB	6	2D	0	B7B	B3	6	6	D9	D2	B#	6	8	00	D8	#	6	B	70#	D232
7:26 PM	D9	B#6	DB	6	D2	8	B#2	DD	6	6	D7	DB	B7	6	B9	D8	D2	BD	6	2	73D	D2D0
7:07 PM	27	B#7	26	6	B#	2	B2B	D#	6	6	D0	B3	9	6	B0	D8	B9	7	6	7	7D#	DD79

Peak B7-Min , lowrates	Northbound					Youthbound					Eastbound					U estbound					Total
	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*	Left	Thru	Right	W	R*	
All Vehicles	BBD	#99	B#6	6	#9	D9	360	BB#	0	6	3#	BBD	BD6	6	96	DD0	8#	00	6	B#	D#09
Heavy Trucks	6	B#	9			6	BD	6			6	6	6			6	6	6			2#
Quses																					
Pedestrians		6					6					6					6				6
Qicycles	6	6	6			6	6	6			6	6	6			6	6	6			6
Ycooters																					

Comments:

Report generated on 25B65D6D2 B6:78 AM

YOWRCE: S uality Counts/LLC (http:55www.qualitycounts.net) B-933-796-DDBD

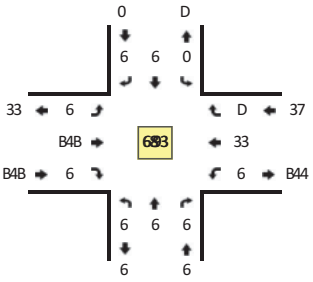
Type of peak hour being reported: Intersection Peak

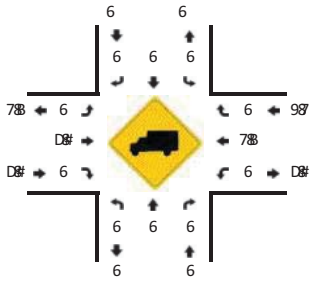
Method for determining peak hour: Total Entering Volume

LOCATION: Escondido Multifamily v R y -- Tomoka Oaks UlSd
CIT5Y/TATE: Ormond Ueach, FL

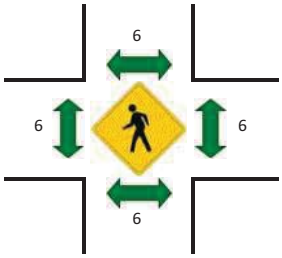
1 C QUJ : B#B6#0B4
v ATE: Thu, Mar D D6D2

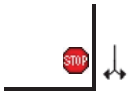
Peak-. our: 9:66 AM -- 7:66 AM
Peak B4-Min: 9:66 AM -- 9:B4 AM

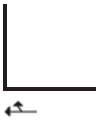


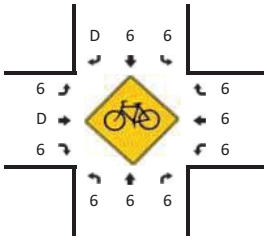


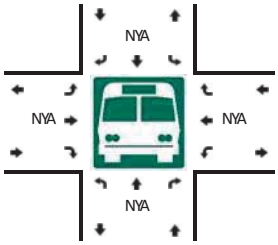
Quality Counts
DATA THAT DRIVES COMMUNITIES

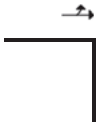




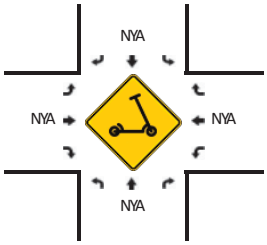












H* = HTOH

B4-Min Count Period Ueginning At	Escondido Multifamily v R y (Northbound)					Escondido Multifamily v R y (/outhbound)					Tomoka Oaks UlSd (Eastbound)					Tomoka Oaks UlSd (Westbound)					Total	. ourly Totals
	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*		
3:66 AM	6	6	6	6	6	B	6	6	6	6	6	D4	6	6	6	6	9	B	6	6	24	
3:B4 AM	6	6	6	6	6	6	6	6	6	6	6	2D	6	6	6	6	B0	6	6	6	0#	
3:26 AM	6	6	6	6	6	B	6	6	6	6	6	46	6	6	6	6	7	6	6	6	#6	
3:04 AM	6	6	6	6	6	B	6	6	6	6	6	29	6	6	6	6	BD	6	6	6	4B	B7D
9:66 AM	6	6	6	6	6	B	6	6	6	6	6	00	6	6	6	6	DD	6	6	6	#3	DD0
9:B4 AM	6	6	6	6	6	6	6	6	6	6	6	2#	6	6	6	6	BD	B	6	6	07	DD3
9:26 AM	6	6	6	6	6	B	6	6	6	6	6	22	6	6	6	6	D2	B	6	6	49	DD4
9:04 AM	6	6	6	6	6	D	6	6	6	6	6	29	6	6	6	6	D6	6	6	6	#6	D20

Peak B4-Min FloR rates	Northbound					/outhbound					Eastbound					Westbound					Total
	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	
All Vehicles	6	6	6	6	6	0	6	6	6	6	6	B3#	6	6	6	6	99	6	6	6	D#9
. eaSy Trucks Uuses	6	6	6			6	6	6			6	6	6			6	9	6			9
Pedestrians		6					6					6					6				6
Uicycles /cooters	6	6	6			6	6	6			6	6	6			6	6	6			6

Comments:

Heport generated on 2YB6YD6D2 B6:47 AM

/OwHCE: 1 uality Counts, LLC (http:YYR R R 8qualitycounts8net) B-933-496-DDBD

Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Escondido Multifamily v R y -- Tomoka Oaks UlSd

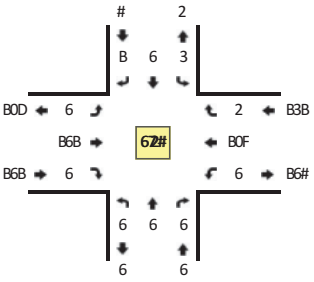
CIT45YTATE: Ormond Ueach/, L

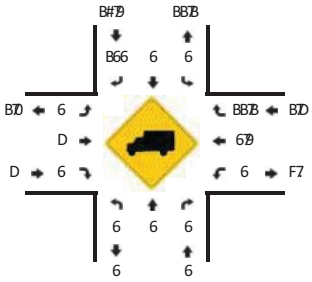
1 C QQU J : B#B6#0B#

v ATE: Thu/Mar F F6FD

Peak-8our: 3:66 PM -- #:66 PM

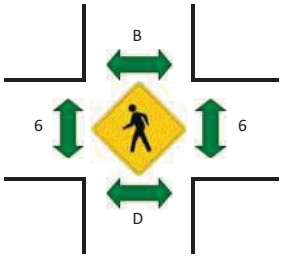
Peak B3-Min: 3:B3 PM -- 3:D6 PM



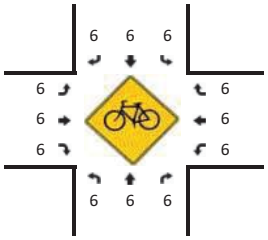


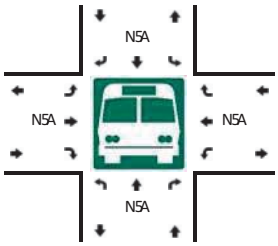
Quality Counts

DATA THAT DRIVES COMMUNITIES

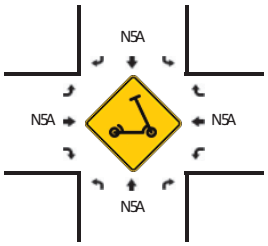












H* = HTOH

B3-Min Count Period Ueginning At	Escondido Multifamily v R y (Northbound)					Escondido Multifamily v R y (Youthbound)					Tomoka Oaks UlSd (Eastbound)					Tomoka Oaks UlSd (Westbound)					Total	8ourly Totals
	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*		
0:66 PM	6	6	6	6	6	F	6	6	6	6	6	F#	6	6	6	6	F2	D	6	6	#6	
0:B3 PM	6	6	6	6	6	6	6	6	6	6	6	F.	6	6	6	6	F.	D	6	6	32	
0:D6 PM	6	6	6	6	6	B	6	6	6	6	6	F2	6	6	6	6	D9	0	6	6	9B	
0:03 PM	6	6	6	6	6	B	6	6	6	6	6	FB	6	6	6	6	DF	D	6	6	39	F09
3:66 PM	6	6	6	6	6	6	6	6	6	6	6	B2	6	6	6	6	D.	3	6	6	#F	F02
3:B3 PM	6	6	6	6	6	B	6	6	6	6	6	F9	6	6	6	6	D2	6	6	6	#9	F39
3:D6 PM	6	6	6	6	6	F	6	B	6	6	6	F.	6	6	6	6	DF	D	6	6	##	F3F
3:03 PM	6	6	6	6	6	F	6	6	6	6	6	F9	6	6	6	6	DD	B	6	6	#D	F3.

Peak B3-Min , loR rates	Northbound					Youthbound					Eastbound					Westbound					Total
	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	
All Vehicles	6	6	6	6	6	0	6	6	6	6	6	B6.	6	6	6	6	B3#	6	6	6	F#.
8eaSy Trucks	6	6	6			6	6	6			6	.	6			6	6	6			.
Uuses																					
Pedestrians		6					6					6					6				6
Uicycles	6	6	6			6	6	6			6	6	6			6	6	6			6
Ycooters																					

Comments:

Heport generated on D5B65F6FD B6:32 AM

YOwHCE: 1 uality Counts/LLC (http:55R R R 7quality counts7het) B-. 99-3. 6-FFBF

Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: N vt AndreR s - r UU Tomoka Oaks Sl1d

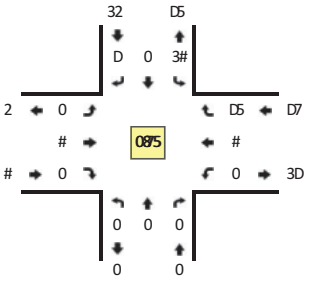
QC JOS B: #6#064#5

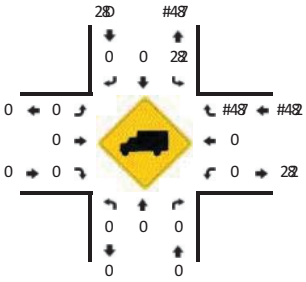
CITY/vTATE: Ormond Seach, FL

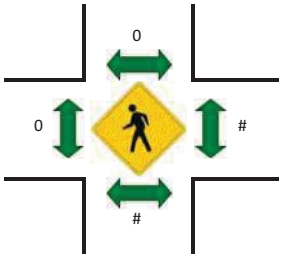
- ATE: Thu, Mar D D0D2

PeakU9 our: 5:#. AM UU7:#. AM

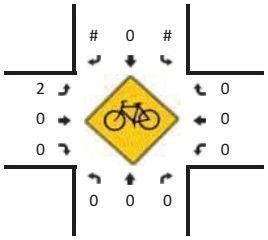
Peak #. UMin: 5:20 AM UU5:4. AM

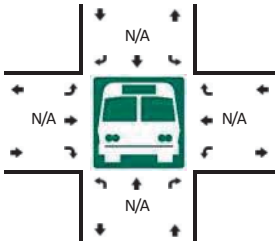




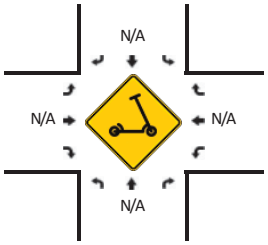












H* = HTOH

#. UMin Count Period Seginning At	N vt AndreR s - r (Northbound)					N vt AndreR s - r (vouthbound)					Tomoka Oaks Sl1d (Eastbound)					Tomoka Oaks Sl1d (Westbound)					Total	9 ourly Totals
	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*		
5:00 AM	0	0	0	0	0	#0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	#5	
5:#. AM	0	0	0	0	0	#7	0	0	0	0	0	0	0	0	0	0	0	##	0	0	D3	
5:20 AM	0	0	0	0	0	2#	0	#	0	0	0	0	0	0	0	0	#	D	0	0	2.	
5:4. AM	0	0	0	0	0	D0	0	0	0	0	0	#	0	0	0	0	0	6	0	0	D5	#07
7:00 AM	0	0	0	0	0	DD	0	#	0	0	0	0	0	0	0	0	0	7	0	0	2#	#DD
7:#. AM	0	0	0	0	0	#7	0	#	0	0	0	0	0	0	0	0	0	7	0	0	D5	#D0
7:20 AM	0	0	0	0	0	#4	0	#	0	0	0	0	0	0	0	0	0	##	0	0	D6	###
7:4. AM	0	0	0	0	0	D0	0	D	0	0	0	0	0	0	0	0	2	7	0	0	22	##5

Peak #. UMin FloR rates	Northbound					vouthbound					Eastbound					Westbound					Total
	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	
All Vehicles	0	0	0	0	0	#D4	0	4	0	0	0	0	0	0	0	0	4	7	0	0	#40
9ea1y Trucks Suses	0	0	0			4	0	0			0	0	0			0	0	0			4
Pedestrians		0					0					0					0				0
Sicycles vcooters	0	0	0			4	0	0			4	0	0			0	0	0			7

Comments:

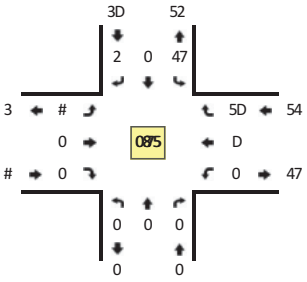
Heport generated on 2/#0/D0D2 #0:. 3 AM

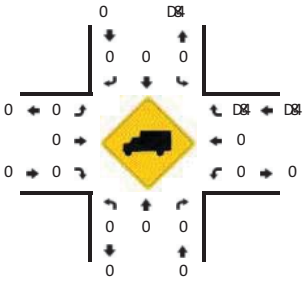
vOwHCE: Quality Counts, LLC (http://R R R 8qualitycounts8net) #U755U 70UDD#D

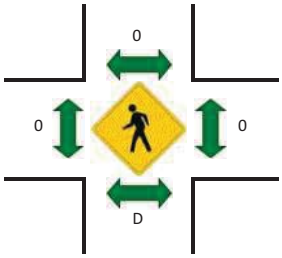
Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

LOCATION: N vt AndreR s - r UU Tomoka Oaks Sl1d | **QC JOS B:** #6#064#5
CITY/vTATE: Ormond Seach, FL | **- ATE:** Thu, Mar D D0D2

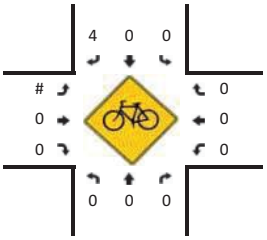
PeakU9 our: 4:43 PM UU3:43 PM
Peak #3UMin: 3:00 PM UU3:#3 PM

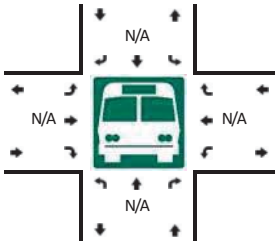




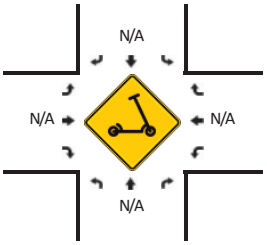












. H* . TO.

#3UMin Count Period Seginning At	N vt AndreR s - r =Northbound(					N vt AndreR s - r =vouthbound(					Tomoka Oaks Sl1d =Eastbound(					Tomoka Oaks Sl1d =) estbound(					Total	9ourly Totals
	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H		
4:00 PM	0	0	0	0	0	#6	0	D	0	0	0	0	0	0	0	0	2	#w	0	0	25	
4:#3 PM	0	0	0	0	0	7	0	#	0	0	#	0	0	0	0	0	2	#7	0	0	22	
4:20 PM	0	0	0	0	0	#0	0	0	0	0	#	0	0	0	0	0	#	#7	0	0	2#	
4:43 PM	0	0	0	0	0	#6	0	0	0	0	#	0	0	0	0	0	0	#6	0	0	22	#23
3:00 PM	0	0	0	0	0	##	0	#	0	0	0	0	0	0	0	0	0	D2	0	0	23	#2D
3:#3 PM	0	0	0	0	0	##	0	#	0	0	0	0	0	0	0	0	D	D#	0	0	23	#24
3:20 PM	0	0	0	0	0	##	0	#	0	0	0	0	0	0	0	0	0	DD	0	0	24	#2w
3:43 PM	0	0	0	0	0	#D	0	#	0	0	#	0	0	0	0	0	0	#6	0	0	20	#24

Peak #3UMin FloR rates	Northbound					vouthbound					Eastbound					) estbound					Total
	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	
All Vehicles	0	0	0	0	0	44	0	4	0	0	0	0	0	0	0	0	0	7D	0	0	#40
9ea1y Trucks	0	0	0			0	0	0			0	0	0			0	0	4			4
Suses																					
Pedestrians		0					0					0					0				0
Sicycles vcooters	0	0	0			0	0	0			0	0	0			0	0	0			0

Comments:

. eport generated on 2/#0/D0D2 #0:37 AM

vOW. CE: Quality Counts, LLC =http://R R R 8qualitycounts8net(#U5wwU350UDD#D

QUALITY COUNTS REPORT
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Intersection:	N St Andrn Tomoka Oaks Blvd		Lane Configuration:										
City/State:	Ormand B FL			STOP	SBLane1	SBLane2	SBLane3	SBLane4	SBLane5	SBLane6	SBLane7		
QCJobNo:	1.6E+07				LR								
ClientID:			EBLane7									TR	WBLane1
Date:	3/2/2023		EBLane6										WBLane2
Comments:			EBLane5										WBLane3
Latitude/Longitude	29.2943	-81.0896	EBLane4										WBLane4
PEAK HOUR START	8:00 AM		EBLane3										WBLane5
PEAK HOUR END	9:00 AM		EBLane2										WBLane6
PEAK 15-MIN START	8:30 AM		EBLane1	LT									WBLane7
PEAK 15-MIN END	8:45 AM												
PHF	0.89				NBLane7	NBLane6	NBLane5	NBLane4	NBLane3	NBLane2	NBLane1	STOP	

PEAK-HOUR VOLUMES

	NBLeft	NBThru	NBRight	SBLeft	SBThru	SBRight	EBLeft	EBThru	EBRight	WBLeft	WBThru	WBRight	NBEntering	SBEntering	EBEntering	WBEnterin	NBLeaving	SBLeaving	EBLeaving	WBLeaving
	0	0	0	91	0	2	0	1	0	0	1	27	0	93	1	28	27	0	92	3

PERCENT HEAVY VEHICLES

	NBLeft	NBThru	NBRight	SBLeft	SBThru	SBRight	EBLeft	EBThru	EBRight	WBLeft	WBThru	WBRight	NBEntering	SBEntering	EBEntering	WBEnterin	NBLeaving	SBLeaving	EBLeaving	WBLeaving
HEAVY VEHICLES	0	0	0	3.3	0	0	0	0	0	0	0	14.8	0	3.2	0	14.3	14.8	0	3.3	0
BUSES																				

PEAK-HOUR VOLUMES - PEDESTRIANS

Leg/Crosswalk	South	North	West	East
	1	0	0	1

PEAK-HOUR VOLUMES - MICROMOBILITY

	NBLeft	NBThru	NBRight	SBLeft	SBThru	SBRight	EBLeft	EBThru	EBRight	WBLeft	WBThru	WBRight
Bicycles	0	0	0	1	0	1	3	0	0	0	0	0
Scooters												

PEAK 15-MIN FLOWRATES

VehicleType	NBLeft	NBThru	NBRight	NBU-Turn	NBRTOR	SBLeft	SBThru	SBRight	SBU-Turn	SBRTOR	EBLeft	EBThru	EBRight	EBU-Turn	EBRTOR	WBLeft	WBThru	WBRight	WBU-Turn	WBRTOR	Total
All Vehicles	0	0	0	0	0	124	0	4	0	0	0	0	0	0	0	0	4	8	0	0	140
Heavy Trucks	0	0	0			4	0	0			0	0	0			0	0	0			4
Buses																					
Pedestrians		0					0					0					0				0
Bicycles	0	0	0			4	0	0			4	0	0			0	0	0			8
Scooters																					

ALL-VEHICLE VOLUMES

Time Period	NB Left	NB Thru	NB Right	NB U-Turn	NB RTOR	SB Left	SB Thru	SB Right	SB U-Turn	SB RTOR	EB Left	EB Thru	EB Right	EB U-Turn	EB RTOR	WB Left	WB Thru	WB Right	WB U-Turn	WB RTOR	Total	Hourly Totals
7:00 AM	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	0	7	0	0	17	
7:15 AM	0	0	0	0	0	18	0	0	0	0	0	0	0	0	0	0	0	11	0	0	29	
7:30 AM	0	0	0	0	0	31	0	1	0	0	0	0	0	0	0	0	1	2	0	0	35	
7:45 AM	0	0	0	0	0	20	0	0	0	0	0	1	0	0	0	0	0	6	0	0	27	108
8:00 AM	0	0	0	0	0	22	0	1	0	0	0	0	0	0	0	0	0	8	0	0	31	122
8:15 AM	0	0	0	0	0	18	0	1	0	0	0	0	0	0	0	0	0	8	0	0	27	120
8:30 AM	0	0	0	0	0	14	0	1	0	0	0	0	0	0	0	0	0	11	0	0	26	111
8:45 AM	0	0	0	0	0	20	0	2	0	0	0	0	0	0	0	0	3	8	0	0	33	117
sum	**0**	**0**	**0**	**0**	**0**	**74**	**0**	**5**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3**	**35**	**0**	**0**	**117**	

HEAVY-VEHICLE VOLUMES

Time Period	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	2	2
7:15 AM	0	0	0	1	0	0	0	0	0	0	0	1	2
7:30 AM	0	0	0	1	0	0	0	0	0	0	0	0	1
7:45 AM	0	0	0	1	0	0	0	0	0	0	0	1	2
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	2	2
8:15 AM	0	0	0	1	0	0	0	0	0	0	0	0	1
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	1	1
8:45 AM	0	0	0	2	0	0	0	0	0	0	0	2	4
sum	**0**	**0**	**0**	**3**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**5**	**8**

BUS VOLUMES

Time Period	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
7:00 AM													
7:15 AM													
7:30 AM													
7:45 AM													
8:00 AM													
8:15 AM													
8:30 AM													
8:45 AM													

PEDESTRIAN VOLUMES

Time Period	South Leg	North Leg	West Leg	East Leg	Total
7:00 AM	0	0	0	0	0
7:15 AM	0	0	0	0	0
7:30 AM	0	0	0	0	0
7:45 AM	1	0	0	1	2
8:00 AM	0	0	0	0	0
8:15 AM	0	0	0	0	0
8:30 AM	0	0	0	0	0
8:45 AM	0	0	0	0	0

BICYCLE VOLUMES

Time Period	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	1	1	0	0	0	0	0	2
7:30 AM	0	0	0	1	0	0	1	0	0	0	0	0	2
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	1	0	0	0	0	0	1
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	2	2

SCOOTER VOLUMES

Time Period	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
7:00 AM													
7:15 AM													
7:30 AM													
7:45 AM													
8:00 AM													
8:15 AM													
8:30 AM													
8:45 AM													

QUALITY COUNTS REPORT
==========

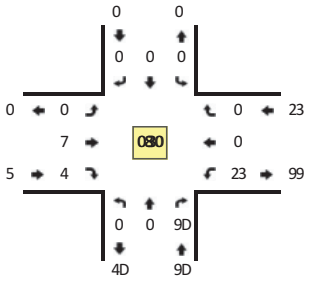
| | | |

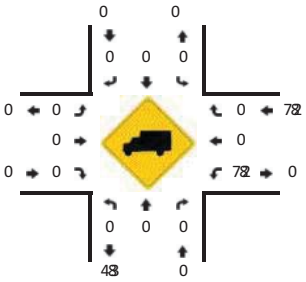
Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

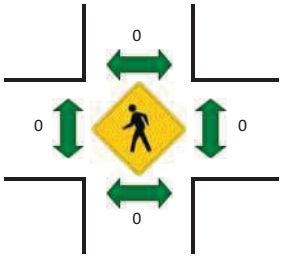
LOCATION: v vt AndreR s - r UUTomoka Oaks Sl1d
CITY/vTATE: Ormond Seach, FL

QC JOS B: #6#064#5
- ATE: Thu, Mar D D0D2

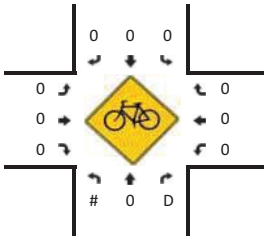
PeakU our: 3:00 AM UU5:00 AM
Peak #7UMin: 3:00 AM UU3:#7 AM

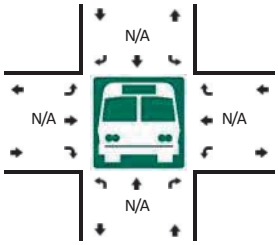




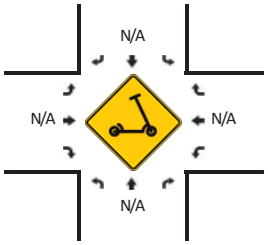












H* = HTOH

#7UMin Count Period Seginning At	v vt AndreR s - r (Northbound)					v vt AndreR s - r (vouthbound)					Tomoka Oaks Sl1d (Eastbound)					Tomoka Oaks Sl1d (Westbound)					Total	. ourly Totals
	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*		
9:00 AM	0	0	#4	0	0	0	0	0	0	0	0	0	0	0	0	D	0	0	0	0	#6	
9:#7 AM	0	0	#7	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	#3	
9:20 AM	0	0	D0	0	0	0	0	0	0	0	0	0	D	0	0	9	0	0	0	0	D5	
9:47 AM	#	0	#3	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	0	0	D6	35
3:00 AM	0	0	DD	0	0	0	0	0	0	0	0	#	#	0	0	#2	0	0	0	0	29	##0
3:#7 AM	0	0	#6	0	0	0	0	0	0	0	0	0	#	0	0	7	0	0	0	0	DD	##4
3:20 AM	0	0	D0	0	0	0	0	0	0	0	0	#	0	0	0	#D	0	0	0	0	22	##3
3:47 AM	0	0	#4	0	0	0	0	0	0	0	0	2	D	0	0	3	0	0	0	0	D9	##5

Peak #7UMin FloR rates	Northbound					vouthbound					Eastbound					Westbound					Total
	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	Left	Thru	Hight	w	H*	
All Vehicles	0	0	33	0	0	0	0	0	0	0	0	4	4	0	0	7D	0	0	0	0	#43
. ea1y Trucks Suses	0	0	0			0	0	0			0	0	0			0	0	0			0
Pedestrians		0					0					0					0				0
Sicycles vcooters	4	0	0			0	0	0			0	0	0			0	0	0			4

Comments:

Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: v vt AndreR s - r UU Tomoka Oaks Sl1d

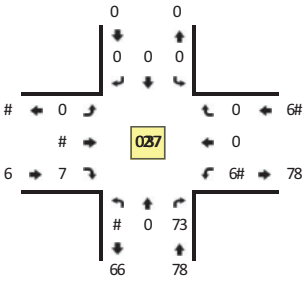
CITY/vTATE: Ormond Seach, FL

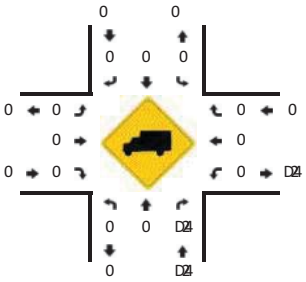
QC JOS B: #6#06450

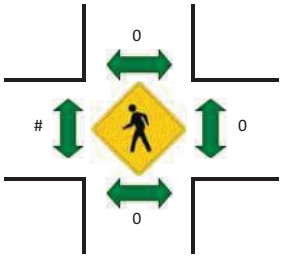
- ATE: Thu, Mar 5 505D

PeakU9 our: 7:00 PM UU6:00 PM

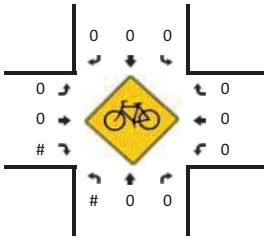
Peak #7UMin: 7:#7 PM UU7:D0 PM

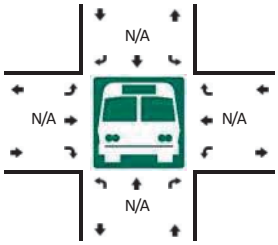




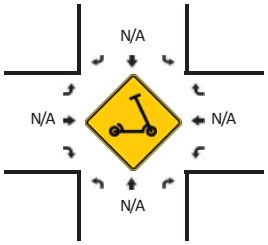












. H* . TO.

#7UMin Count Period Seginning At	v vt AndreR s - r =Northbound(					v vt AndreR s - r =vouthbound(					Tomoka Oaks Sl1d =Eastbound(					Tomoka Oaks Sl1d =) estbound(					Total	9 ourly Totals
	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H		
4:00 PM	0	0	#5	0	0	0	0	0	0	0	0	#	D	0	0	##	0	0	0	0	5w	
4:#7 PM	#	0	50	0	0	0	0	0	0	0	0	#	#	0	0	8	0	0	0	0	D5	
4:D0 PM	#	0	#6	0	0	0	0	0	0	0	0	0	#	0	0	#7	0	0	0	0	DD	
4:47 PM	#	0	7	0	0	0	0	0	0	0	0	0	0	0	0	#7	0	0	0	0	5#	##D
7:00 PM	0	0	8	0	0	0	0	0	0	0	0	#	0	0	0	#6	0	0	0	0	56	##5
7:#7 PM	0	0	#w	0	0	0	0	0	0	0	0	0	D	0	0	#w	0	0	0	0	Dw	##w
7:D0 PM	0	0	#6	0	0	0	0	0	0	0	0	0	#	0	0	##	0	0	0	0	53	##5
7:47 PM	#	0	#6	0	0	0	0	0	0	0	0	0	#	0	0	#w	0	0	0	0	D7	#56

Peak #7UMin FloR rates	Northbound					vouthbound					Eastbound					) estbound					Total
	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	
All Vehicles	0	0	63	0	0	0	0	0	0	0	0	0	#5	0	0	63	0	0	0	0	#43
9 ea1y Trucks	0	0	3			0	0	0			0	0	0			0	0	0			3
S uses																					
Pedestrians		0					0					4					0				4
Sicycles	4	0	0			0	0	0			0	0	0			0	0	0			4
vcooters																					

Comments:

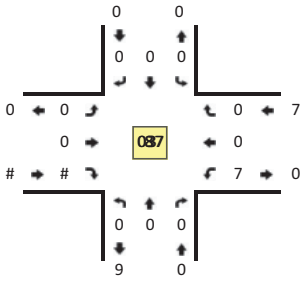
. eport generated on D/#0/505D #0:78 AM

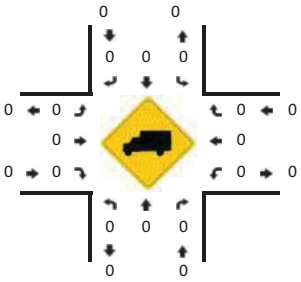
vOW. CE: Quality Counts, LLC =http://R R R 2quality counts2net(#U3wwU730U55#5

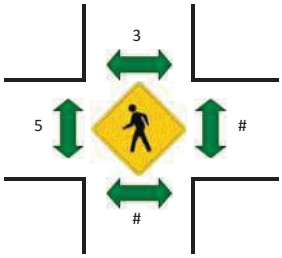
Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

LOCATION: Tomoka Oaks vlRd -- Tomoka Oaks vlRd US est1 | **QC JOv B:** #6#0645#
CITY/, TATE: Ormond veachFDL | **2ATE:** ThuFMar 5 5053

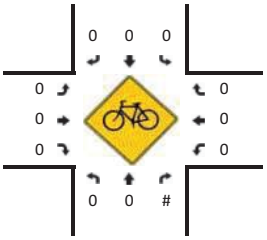
Peak-. our: 7:00 AM -- 9:00 AM
Peak #H-Min: 7:4H AM -- 9:00 AM

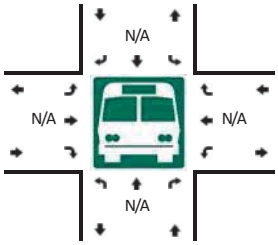




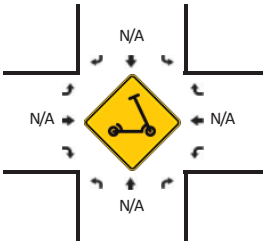












*= (*TO*

#H-Min Count Period veginning At	Tomoka Oaks vlRd UNorthbound1					Tomoka Oaks vlRd Uouthbound1					Tomoka Oaks vlRd US est1 UEastbound1					Tomoka Oaks vlRd US est1 U) estbound1					Total	. ourly Totals
	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=		
w:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
w:#H AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
w:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	5	
w:4H AM	0	0	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	#	3
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	#	0	0	#	0	0	0	0	5	H
7:#H AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	#	0	0	0	0	#	6
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
7:4H AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0	0	6	9

Peak #H-Min DloS rates	Northbound					, outhbound					Eastbound					) estbound					Total
	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	
All Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	54	0	0	0	0	54
. eaRy Trucks vuses	0	0	0			0	0	0			0	0	0			0	0	0			0
Pedestrians		0					0					0					0				0
vicycles , cooters	0	0	0			0	0	0			0	0	0			0	0	0			0

Comments:

*eport generated on 3/#0/5053 #0:H9 AM | , OW*CE: Quality CountsFLLC Uhttp://S S S 8quality counts8net1#-7ww-H70-55#5

Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Tomoka Oaks vlRd -- Tomoka Oaks vlRd US est1

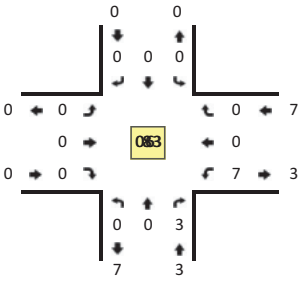
QC JOv B: #6#06455

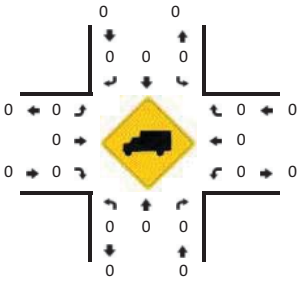
CITY/, TATE: Ormond veachFDL

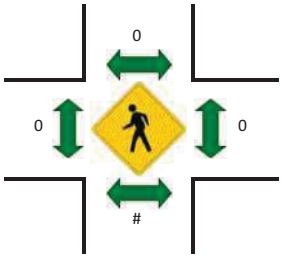
2ATE: ThuFMar 5 5053

Peak-9our: 4:00 PM -- . :00 PM

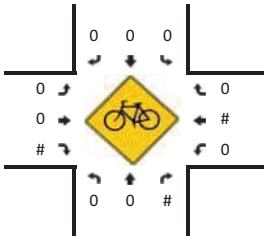
Peak #. -Min: 4:00 PM -- 4:#. PM

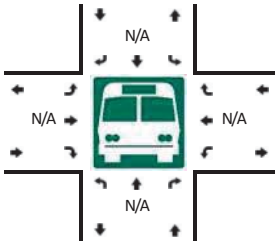




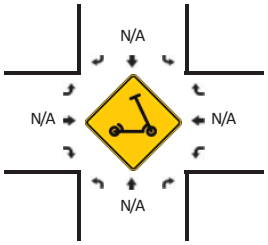












H* = HTOH

#. -Min Count Period veginning At	Tomoka Oaks vlRd UNorthbound1					Tomoka Oaks vlRd Uouthbound1					Tomoka Oaks vlRd US est1 UEastbound1					Tomoka Oaks vlRd US est1 U estbound1					Total	9ourly Totals
	Left	Thru	Hight	)	H*	Left	Thru	Hight	)	H*	Left	Thru	Hight	)	H*	Left	Thru	Hight	)	H*		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	4	
4:#. PM	0	0	#	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	3	
4:30 PM	0	0	#	0	0	0	0	0	0	0	0	0	0	0	0	#	0	0	0	0	5	
4:4. PM	0	0	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	#	#0
. :00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	#	0	0	0	0	#	7
. :#. PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	3	7
. :30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	#	0	0	0	0	#	6
. :4. PM	0	0	#	0	0	0	0	0	0	0	0	0	0	0	0	#	0	0	0	0	5	7

Peak #. -Min DloS rates	Northbound					, outhbound					Eastbound					(estbound					Total
	Left	Thru	Hight	)	H*	Left	Thru	Hight	)	H*	Left	Thru	Hight	)	H*	Left	Thru	Hight	)	H*	
All Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	#6	0	0	0	0	#6
9eaRy Trucks vuses	0	0	0			0	0	0			0	0	0			0	0	0			0
Pedestrians		4					0					0					0				4
vicycles , cooters	0	0	4			0	0	0			0	0	0			0	0	0			4

Comments:

Heport generated on 3/#0/5053 #0:. WAM

, O) HCE: Quality CountsFLLC Uhttp://S S S 8wualitycounts8net1#-q77-. q0-55#5

QUALITY COUNTS REPORT
==========

| | | |

Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Tomoka Oaks vlRd -- Tomoka Oaks vlRd UeastS

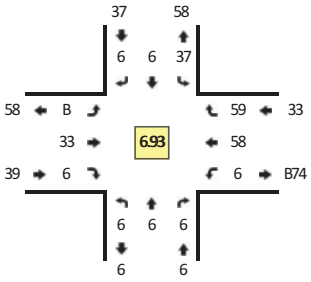
1 C QQv J : B#B6#045

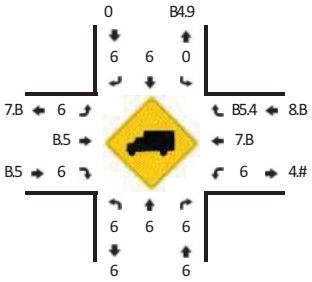
CITY/, TATE: Ormond veachFDL

2 ATE: ThuFMar 4 4645

Peak-Hour: 9:66 AM -- 8:66 AM

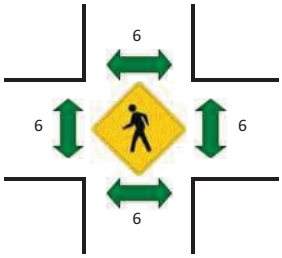
Peak B7-Min: 9:66 AM -- 9:B7 AM



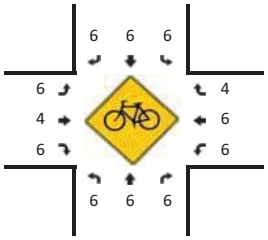


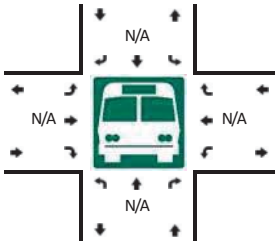
Quality Counts

DATA THAT DRIVES COMMUNITIES

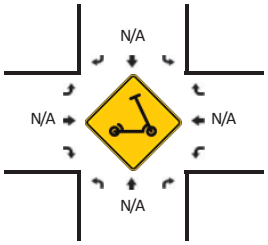












*= (*TO*

B7-Min Count Period veginning At	Tomoka Oaks vlRd UNorthboundS					Tomoka Oaks vlRd UJouthboundS					Tomoka Oaks vlRd UeastS UEastboundS					Tomoka Oaks vlRd UeastS UJestboundS					Total	Hourly Totals
	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=		
3:66 AM	6	6	6	6	6	B6	6	6	6	6	6	B7	6	6	6	6	4	#	6	6	55	
3:B7 AM	6	6	6	6	6	B9	6	6	6	6	6	B7	6	6	6	6	5	BB	6	6	03	
3:56 AM	6	6	6	6	6	56	6	6	6	6	B	B8	6	6	6	6	3	4	6	6	78	
3:07 AM	6	6	6	6	6	46	6	B	6	6	6	B9	6	6	6	6	#	#	6	6	7B	B86
9:66 AM	6	6	6	6	6	45	6	6	6	6	6	44	6	6	6	6	B5	9	6	6	##	445
9:B7 AM	6	6	6	6	6	B9	6	6	6	6	6	B3	6	6	6	6	7	9	6	6	09	440
9:56 AM	6	6	6	6	6	B0	6	6	6	6	6	B8	6	6	6	6	B4	BB	6	6	7#	44B
9:07 AM	6	6	6	6	6	46	6	6	6	6	B	B8	6	6	6	6	8	BB	6	6	#6	456

Peak B7-Min Dlowrates	Northbound					, outhbound					Eastbound					) estbound					Total
	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	
All Vehicles	6	6	6	6	6	84	6	6	6	6	6	99	6	6	6	6	74	54	6	6	4#0
HeaRy Trucks vuses	6	6	6			6	6	6			6	6	6			6	6	9			9
Pedestrians		6					6					6					6				6
vicycles , cooters	6	6	6			6	6	6			6	6	6			6	6	6			6

Comments:

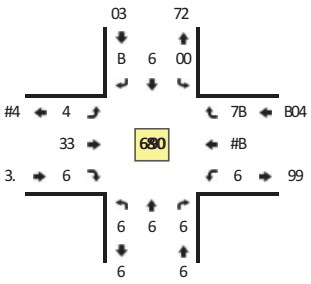
*eport generated on 5/B6/4645 B6:78 AM

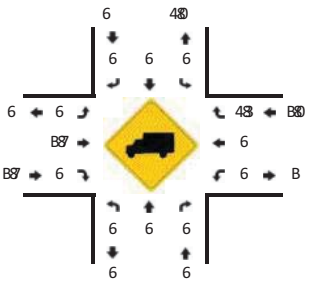
, OW*CE: 1 uality CountsFLLC Uhttp://www.qualitycounts.netSB-933-796-44B4

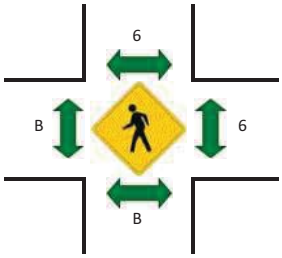
Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

LOCATION: Tomoka Oaks vlRd -- Tomoka Oaks vlRd UeastS | **1 C QQv J :** B#B6#040
CIT5Y/TATE: Ormond veach, FL | **DATE:** Thu, Mar 4 4642

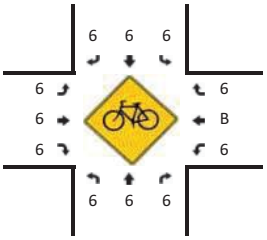
Peak-Hour: 3:66 PM -- #:66 PM
Peak B3-Min: 3:B3 PM -- 3:26 PM

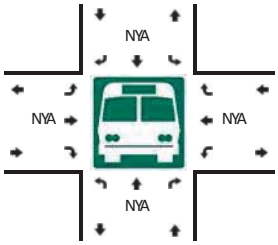




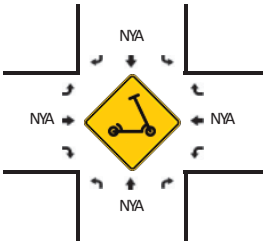












*= (*TO*

B3-Min Count Period veginning At	Tomoka Oaks vlRd UNorthboundS					Tomoka Oaks vlRd U/outhboundS					Tomoka Oaks vlRd UeastS UeastboundS					Tomoka Oaks vlRd UeastS U) estboundS					Total	Hourly Totals
	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=		
0:66 PM	6	6	6	6	6	B#	6	6	6	6	4	B6	6	6	6	6	BB	B7	6	6	3.	
0:B3 PM	6	6	6	6	6	B6	6	6	6	6	2	B7	6	6	6	6	9	B9	6	6	39	
0:26 PM	6	6	6	6	6	BB	6	6	6	6	6	B#	6	6	6	6	B3	46	6	6	#4	
0:03 PM	6	6	6	6	6	B#	6	6	6	6	6	3	6	6	6	6	B3	B.	6	6	32	42B
3:66 PM	6	6	6	6	6	B6	6	B	6	6	B	9	6	6	6	6	B#	4B	6	6	37	424
3:B3 PM	6	6	6	6	6	BB	6	6	6	6	B	B0	6	6	6	6	B.	44	6	6	#3	427
3:26 PM	6	6	6	6	6	BB	6	6	6	6	6	B.	6	6	6	6	BB	44	6	6	#B	42.
3:03 PM	6	6	6	6	6	B4	6	6	6	6	6	B3	6	6	6	6	B.	B#	6	6	#6	400

Peak B3-Min Flowrates	Northbound					/outhbound					Eastbound					) estbound					Total
	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	Left	Thru	*ight	W	*=	
All Vehicles	6	6	6	6	6	00	6	6	6	6	0	3#	6	6	6	6	#7	77	6	6	4#6
HeaRy Trucks vuses	6	6	6			6	6	6			6	0	6			6	6	6			0
Pedestrians		6					6					0					6				0
vicycles /cooters	6	6	6			6	6	6			6	6	6			6	6	6			6

Comments:

*eport generated on 2YB6Y4642 B6:39 AM | /OW*CE: 1 uality Counts, LLC Uhttp:YYwww8qualitycounts8netSB-7. . -376-44B4

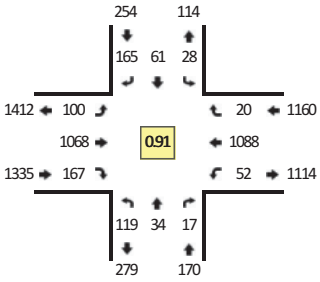
Type of peak hour being reported: Intersection Peak

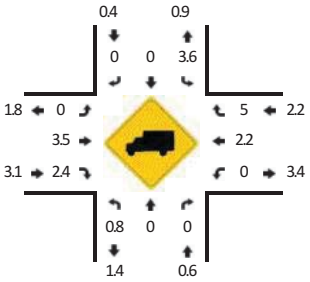
Method for determining peak hour: Total Entering Volume

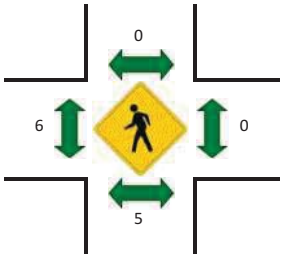
LOCATION: Main Trl -- SR 40/Granada Blvd
CITY/STATE: Ormond Beach, FL

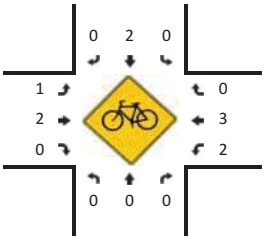
QC JOB #: 16106401
DATE: Thu, Mar 2 2023

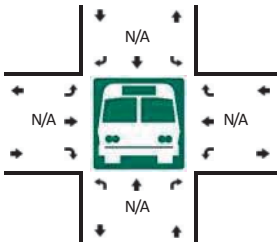
Peak-Hour: 7:15 AM -- 8:15 AM
Peak 15-Min: 7:45 AM -- 8:00 AM

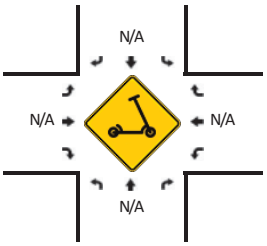












R* = RTOR

15-Min Count Period Beginning At	Main Trl (Northbound)					Main Trl (Southbound)					SR 40/Granada Blvd (Eastbound)					SR 40/Granada Blvd (Westbound)					Total	Hourly Totals
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
7:00 AM	11	0	1	0	1	5	3	11	0	16	1	149	18	10	10	2	183	0	0	0	421	
7:15 AM	34	10	4	0	0	5	29	38	0	1	10	237	30	13	13	11	230	1	0	0	666	
7:30 AM	31	16	4	0	0	8	28	40	0	0	13	243	55	1	1	31	270	9	1	0	751	
7:45 AM	43	8	5	0	0	6	3	52	0	7	20	263	34	12	12	7	323	6	0	0	801	2639
8:00 AM	11	0	2	0	2	9	1	17	0	10	17	325	8	14	14	2	265	3	0	1	701	2919
8:15 AM	8	0	0	0	0	12	0	24	0	12	9	319	7	4	4	1	235	2	0	1	638	2891
8:30 AM	8	0	0	0	1	8	2	39	0	8	18	334	5	14	14	0	282	5	0	0	738	2878
8:45 AM	6	1	0	0	0	8	0	31	0	7	25	318	11	8	8	3	298	6	0	2	732	2809

Peak 15-Min Flowrates	Northbound					Southbound					Eastbound					Westbound					Total
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	
All Vehicles	172	32	20	0	0	24	12	236	0	28	80	1052	184	48	48	28	1292	24	0	0	3280
Heavy Trucks	0	0	0			4	0	0			0	40	8			0	32	0			84
Buses																					
Pedestrians		4					0					4					0				8
Bicycles	0	0	0			0	0	0			0	0	0			0	0	0			0
Scooters																					

Comments:

Report generated on 3/10/2023 10:59 AM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net) 1-877-580-2212

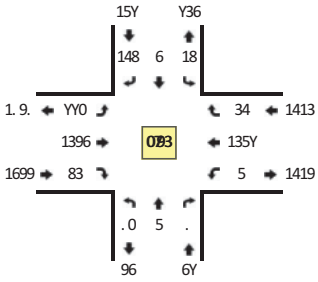
Type of peak hour being reported: Intersection Peak

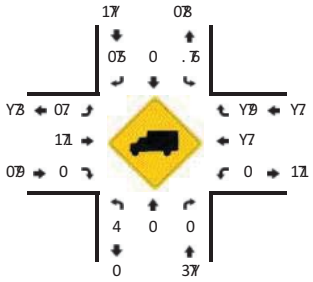
Method for determining peak hour: Total Entering Volume

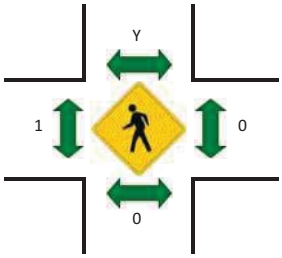
LOCATION: Main Trl -- SR 40/Granada Blvd
CIT, /STATE: Ormond BeachFDL

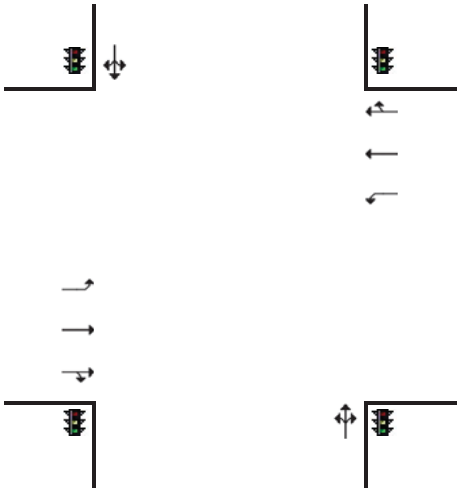
QC JOB #: 1610640Y
2ATE: ThuFMar Y Y0Y3

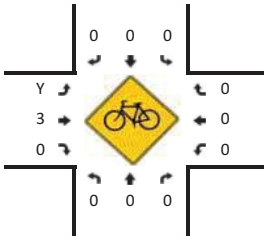
Peak-Hour: 4:00 PM -- . :00 PM
Peak 1. -Min: 4:1. PM -- 4:30 PM

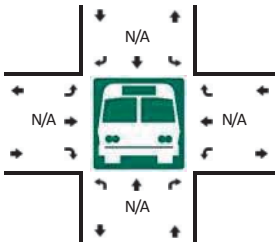


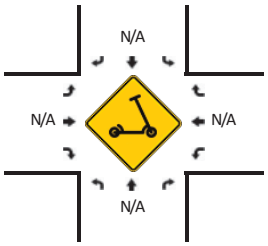












R* = RTOR

1. -Min Count Period Beginning At	Main Trl (Northbound)					Main Trl (Southbound)					SR 40/Granada Blvd (Eastbound)					SR 40/Granada Blvd (Westbound)					Total	Hourly Totals
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*		
4:00 PM	1.	Y	0	0	1	4	Y	3.	0	6	44	360	16	9	9	3	3Y3	6	0	1	836	
4:1. PM	14	0	1	0	1	6	1	31	0	8	. .	369	1Y	6	6	1	384	9	0	0	904	
4:30 PM	11	3	1	0	0	.	1	Y5	0	13	. 9	346	1Y	8	8	Y	315	9	0	0	8YY	
4:4. PM	10	Y	0	0	1	3	Y	Y1	0	5	35	3Y1	18	Y	Y	1	348	9	0	0	584	3346
. :00 PM	11	1	0	0	Y	4	Y	15	0	.	48	336	15	6	6	4	3. 1	11	0	0	8Y1	3331
. :1. PM	11	4	0	0	1	5	4	Y0	0	3	. 9	3. 3	11	.	.	.	Y84	11	1	1	58.	3Y1Y
. :30 PM	1	1	0	0	3	6	1	Y3	0	5	36	3Y5	13	4	4	0	316	1Y	0	0	5. 4	3144
. :4. PM	5	Y	Y	0	0	5	Y	Y6	0	4	3Y	Y94	.	4	4	Y	34Y	5	1	Y	543	3103

Peak 1. -Min Dlowrates	Northbound					Southbound					Eastbound					Westbound					Total
	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	Left	Thru	Right	U	R*	
All Vehicles	. 6	0	8	0	4	Y4	4	1. 6	0	3Y	YY0	1456	5Y	Y4	Y4	4	1. 36	36	0	0	3656
Heavy Trucks	4	0	0			0	0	4			0	4	0			0	40	4			. 6
Buses																					
Pedestrians		0					0					0					0				0
Bicycles	0	0	0			0	0	0			0	4	0			0	0	0			4
Scooters																					

Comments:

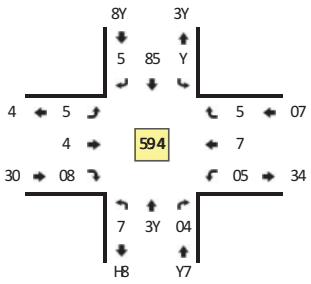
Report generated on 3/10/Y0Y3 10:. 9 AM

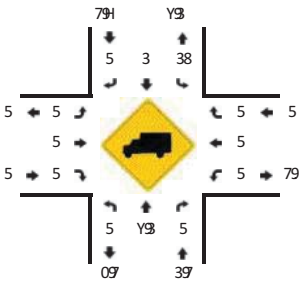
SOURCE: Quality CountsFLLC (http://www7ualitycounts7net) 1-855-. 80-YY1Y

Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

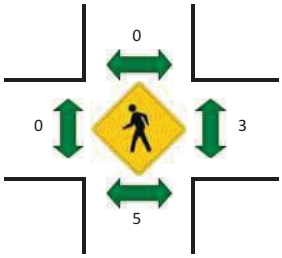
LOCATION: vio Pinar Trl R- estUSS 1t Andre- s Qr | **J C BO# 6:** 04054Y5/
CIT, F1TATE: Ormond #eachD2L | **QATE:** ThuDMar 3 3537

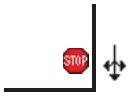
PeakS* our: H:08 AM SS. :08 AM
Peak 08SMin: H:75 AM SSH:Y8 AM

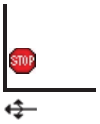


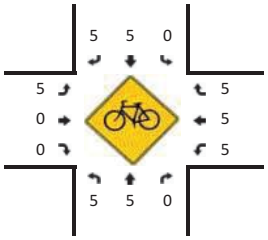


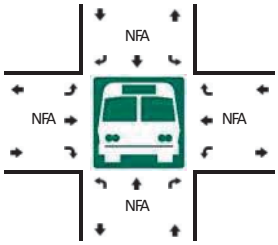
Quality Counts
DATA THAT DRIVES COMMUNITIES

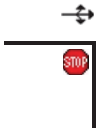


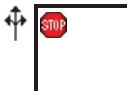


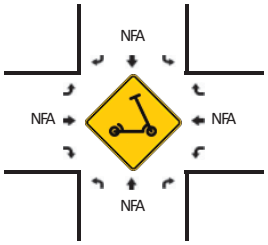












v= (vTOv

08SMin Count Period #eginning At	vio Pinar Trl R- estU RNorthboundU					vio Pinar Trl R- estU RlouthboundU					1t Andre- s Qr REastboundU					1t Andre- s Qr R) estboundU					Total	*ourly Totals
	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=		
H:55 AM	5	3	5	5	5	5	H	5	5	5	5	5	3	5	5	8	0	5	5	5	0H	
H:08 AM	5	8	Y	5	5	5	08	5	5	5	5	0	7	5	5	3	0	5	5	5	70	
H:75 AM	0	7	7	5	5	0	35	5	5	5	5	3	Y	5	5	Y	5	5	5	5	7.	
H:Y8 AM	3	.	4	5	5	3	05	5	5	5	5	0	4	5	5	0	3	5	5	5	7.	03Y
. :55 AM	5	.	7	5	5	0	8	5	5	5	5	3	3	5	5	7	5	5	5	5	3Y	070
. :08 AM	5	8	0	5	5	5	.	5	5	5	5	3	4	5	5	H	0	5	5	5	75	075
. :75 AM	3	H	7	5	5	0	/	5	5	5	5	7	8	5	5	3	3	5	5	5	7Y	034
. :Y8 AM	3	8	5	5	5	5	/	5	5	5	5	7	3	5	5	0	5	5	5	5	33	005

Peak 08SMin 2lo- rates	Northbound					1outhbound					Eastbound					) estbound					Total
	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	
All Vehicles	Y	03	03	5	5	Y	. 5	5	5	5	5	.	04	5	5	04	5	5	5	5	083
*eawy Trucks #uses	5	5	5			Y	5	5			5	5	5			5	5	5			Y
Pedestrians		5					5					5					5				5
#icycles 1cooters	5	5	5			5	5	5			5	Y	5			5	5	5			Y

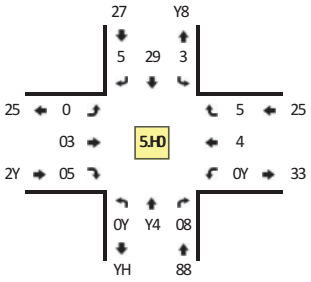
Comments:

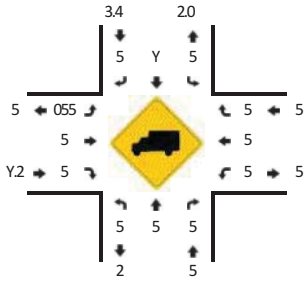
veport generated on 7F05F3537 05:8/ AM | 1OWvCE: J uality CountsDLLC Rhttp:FF- - - 9quality counts9hetU0S. HHS8. 5S3303

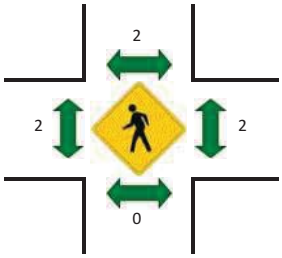
Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

LOCATION: vio Pinar Trl R- estUSS 1t Andre- s Qr | **J C BO# 6:** 04054Y05
CIT/, 1TATE: Ormond #eachFDL | **QATE:** ThuFMar 2 2523

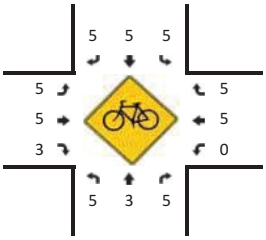
PeakS* our: 9:55 PM SS 4:55 PM
Peak 09SMin: 9:55 PM SS 9:09 PM

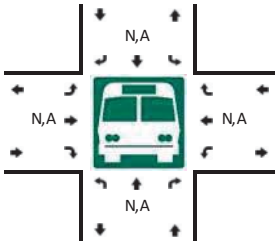




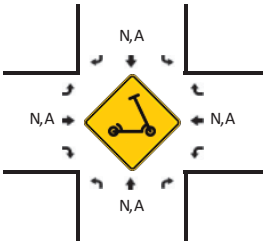












v= (vTOv

09SMin Count Period #eginning At	vio Pinar Trl R- estU RNorthboundU					vio Pinar Trl R- estU RLouthboundU					1t Andre- s Qr REastboundU					1t Andre- s Qr R) estboundU					Total	*ourly Totals
	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=		
Y:55 PM	2	00	3	5	5	5	02	5	5	5	5	3	0	5	5	3	0	5	5	5	34	
Y:09 PM	2	09	4	5	5	0	Y	5	5	5	5	3	2	5	5	2	5	5	5	5	39	
Y:35 PM	Y	H	0	5	5	3	Y	5	5	5	5	0	0	5	5	Y	0	5	5	5	27	
Y:Y9 PM	2	00	2	5	5	5	9	5	5	5	5	5	2	5	5	0	2	5	5	5	29	02Y
9:55 PM	3	09	4	5	5	0	4	5	5	5	0	2	Y	5	5	3	5	5	5	5	Y0	02H
9:09 PM	0	03	4	5	5	2	9	5	5	5	5	3	0	5	5	Y	2	5	5	5	38	030
9:35 PM	2	00	Y	5	5	5	00	5	5	5	5	3	2	5	5	3	3	5	5	5	3H	0Y2
9:Y9 PM	7	8	0	5	5	5	3	5	5	5	5	9	3	5	5	Y	0	5	5	5	32	0YH

Peak 09SMin Dlo- rates	Northbound					1outhbound					Eastbound					) estbound					Total
	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	
All Vehicles	02	45	2Y	5	5	Y	2Y	5	5	5	Y	7	04	5	5	02	5	5	5	5	04Y
*eawy Trucks #uses	5	5	5			5	5	5			Y	5	5			5	5	5			Y
Pedestrians		5					5					5					5				5
#icycles 1cooters	5	5	5			5	5	5			5	5	02			Y	5	5			04

Comments:

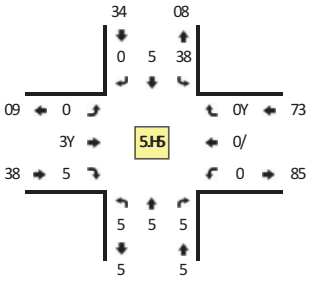
veport generated on 3, 05, 2523 05:9H AM | 1OWvCE: J uality CountsFLLC Rhttp:, , - - - .qualitycounts.netU0S788S975S2202

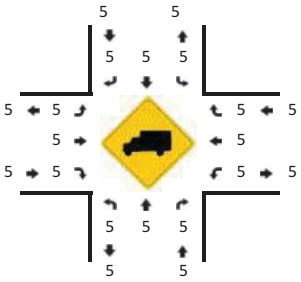
Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

LOCATION: vio Pinar Trl Reast- UUSt Andre1 s Qr
CIT, FSTATE: Ormond #eachD2L

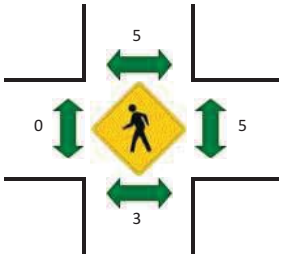
J C BO# 6: 04054Y5/
QATE: ThuDMar 3 3537

PeakU* our: /:Y8 AM UU9:Y8 AM
Peak 08UMin: 9:55 AM UU9:08 AM

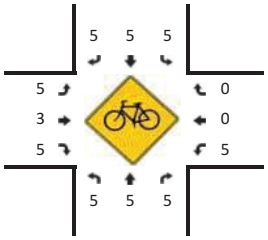


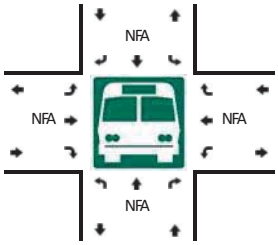


Quality Counts
DATA THAT DRIVES COMMUNITIES

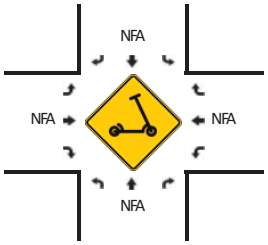












v= (vTOv

08UMin Count Period #eginning At	vio Pinar Trl Reast- RNorthbound-					vio Pinar Trl Reast- RSouthbound-					St Andre1 s Qr REastbound-					St Andre1 s Qr R) estbound-					Total	*ourly Totals
	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=		
/:55 AM	5	5	5	5	5	4	5	5	5	5	5	5	5	5	5	5	4	5	5	5	03	
/:08 AM	5	5	5	5	5	4	5	5	5	5	5	4	5	5	5	5	7	5	5	5	08	
/:75 AM	5	5	5	5	5	Y	5	5	5	5	5	8	5	5	5	5	Y	3	5	5	08	
/:Y8 AM	5	5	5	5	5	7	5	0	5	5	0	9	5	5	5	5	3	7	0	5	0H	40
9:55 AM	5	5	5	5	5	/	5	5	5	5	5	4	5	5	5	5	7	/	5	5	37	/3
9:08 AM	5	5	5	5	5	4	5	5	5	5	5	7	5	5	5	5	9	7	5	5	35	//
9:75 AM	5	5	5	5	5	H	5	5	5	5	5	/	5	5	5	5	Y	0	5	5	30	97
9:Y8 AM	5	5	5	5	5	9	5	5	5	5	5	7	5	5	5	5	0	7	5	5	08	/H

Peak 08UMin 2lo1 rates	Northbound					Southbound					Eastbound					) estbound					Total
	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	Left	Thru	vight	W	v=	
All Vehicles	5	5	5	5	5	39	5	5	5	5	5	3Y	5	5	5	5	03	39	5	5	H3
* eavy Trucks	5	5	5			5	5	5			5	5	5			5	5	5			5
#uses																					
Pedestrians		5					5					5					5				5
#icycles	5	5	5			5	5	5			5	Y	5			5	5	5			Y
Scooters																					

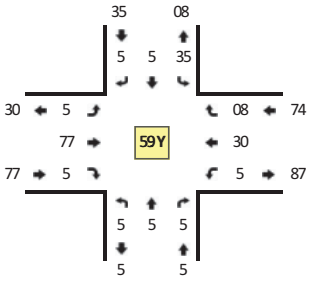
Comments:

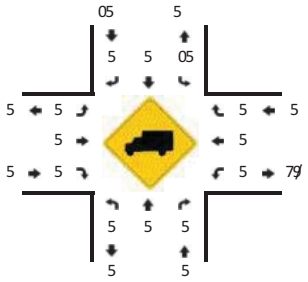
Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

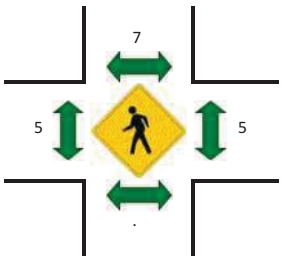
LOCATION: vio Pinar Trl Reast- UUSt Andre1 s Qr
CIT, FSTATE: Ormond #eachD2L

J C BO# 6: 04054Y5/
QATE: ThuDMar 3 3537

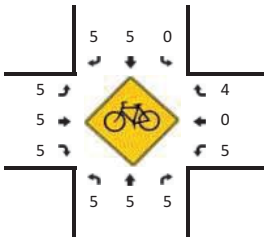
PeakUHour: 8:55 PM UU4:55 PM
Peak 08UMin: 8:08 PM UU8:75 PM

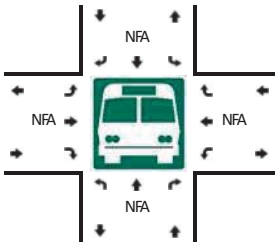




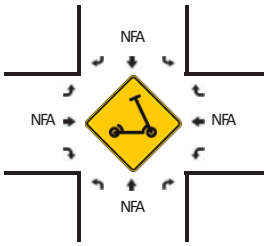












v* = vTOv

08UMin Count Period #eginning At	vio Pinar Trl Reast- RNorthbound-					vio Pinar Trl Reast- RSouthbound-					St Andre1 s Qr REastbound-					St Andre1 s Qr R(estbound-					Total	Hourly Totals
	Left	Thru	vight	)	v*	Left	Thru	vight	)	v*	Left	Thru	vight	)	v*	Left	Thru	vight	)	v*		
Y:55 PM	5	5	5	5	5	3	5	5	5	5	5	4	5	5	5	5	Y	8	5	5	0.	
Y:08 PM	5	5	5	5	5	7	5	5	5	5	0	/	5	5	5	5	7	7	5	5	0/	
Y:75 PM	5	5	5	5	5	4	5	5	5	5	5	4	5	5	5	5	Y	W	5	5	38	
Y:Y8 PM	5	5	5	5	5	3	5	5	5	5	0	0	5	5	5	5	7	4	5	5	07	. 7
8:55 PM	5	5	5	5	5	3	5	5	5	5	5	/	5	5	5	5	7	Y	5	5	0.	. 7
8:08 PM	5	5	5	5	5	.	5	5	5	5	5	00	5	5	5	5	4	4	5	5	75	/8
8:75 PM	5	5	5	5	5	.	5	5	5	5	5	/	5	5	5	5	4	Y	5	5	38	/8
8:Y8 PM	5	5	5	5	5	Y	5	5	5	5	5	4	5	5	5	5	4	0	5	5	0.	/W

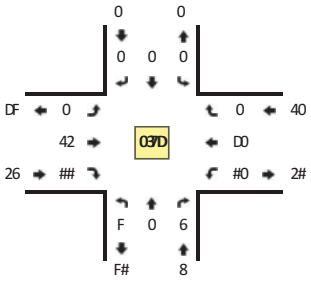
Peak 08UMin 2lo1 rates	Northbound					Southbound					Eastbound					(estbound					Total
	Left	Thru	vight	)	v*	Left	Thru	vight	)	v*	Left	Thru	vight	)	v*	Left	Thru	vight	)	v*	
All Vehicles	5	5	5	5	5	3/	5	5	5	5	5	YY	5	5	5	5	3Y	3Y	5	5	035
Heavy Trucks #uses	5	5	5			Y	5	5			5	5	5			5	5	5			Y
Pedestrians		03					/					5					5				35
#icycles Scooters	5	5	5			Y	5	5			5	5	5			5	5	Y			/

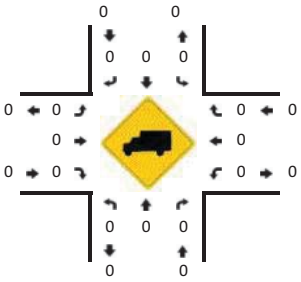
Comments:

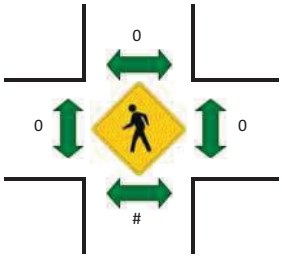
Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

LOCATION: Irovuois Trl RR- t AndreUs S r | **1 C QQJ B:** #6#064##
CIT5Y- TATE: Ormond J each/, L | **S ATE:** Thu/Mar F F0FD

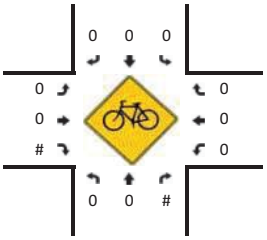
PeakR9 our: 8:00 AM RR7:00 AM
Peak #2RMin: 8:D0 AM RR8:42 AM

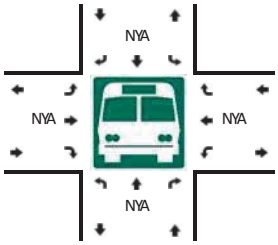




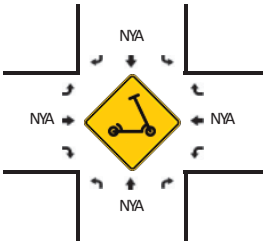












. H* . TO.

#2RMin Count Period J eginning At	Irovuois Trl =Northbound(					Irovuois Trl =outhbound(					-t AndreUs S r =Eastbound(					-t AndreUs S r =) estbound(					Total	9ourly Totals
	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H		
w:00 AM	#	0	0	0	0	0	0	0	0	0	0	8	0	0	0	#	#	0	0	0	##	
w:#2 AM	0	0	F	0	0	0	0	0	0	0	0	##	D	0	0	4	D	0	0	0	FD	
w:D0 AM	0	0	D	0	0	0	0	0	0	0	0	#0	F	0	0	F	2	0	0	0	FF	
w:42 AM	#	0	#	0	0	0	0	0	0	0	0	#0	F	0	0	#	2	0	0	0	F0	w6
8:00 AM	0	0	#	0	0	0	0	0	0	0	0	#F	#	0	0	#	#F	0	0	0	Fw	7F
8:#2 AM	0	0	#	0	0	0	0	0	0	0	0	7	F	0	0	F	8	0	0	0	FF	7#
8:D0 AM	0	0	#	0	0	0	0	0	0	0	0	#6	D	0	0	D	2	0	0	0	F8	7w
8:42 AM	F	0	D	0	0	0	0	0	0	0	0	8	2	0	0	4	2	0	0	0	Fw	#04

Peak #2RMin , loUrates	Northbound					-outhbound					Eastbound					) estbound					Total
	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	
All Vehicles	0	0	4	0	0	0	0	0	0	0	0	64	#F	0	0	#F	F0	0	0	0	##F
9eaqy Trucks	0	0	0			0	0	0			0	0	0			0	0	0			0
J uses																					
Pedestrians		0					0					0					0				0
J icycles	0	0	0			0	0	0			0	0	0			0	0	0			0
-cooters																					

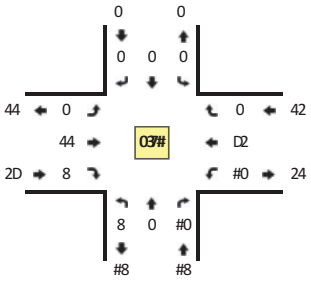
Comments:

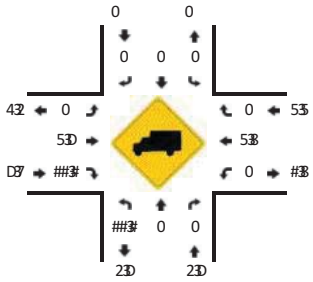
. eport generated on DY#0YF0FD#0:27 AM | -OW. CE: 1 uality Counts/LLC =http:YYUUU3vualitycounts3net(#R8wwR280RFF#F

Type of peak hour being reported: Intersection Peak | Method for determining peak hour: Total Entering Volume

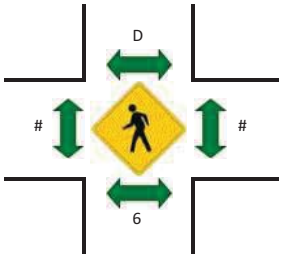
LOCATION: Irovuois Trl RR- t AndreUs S r | **1 C QQJ B:** #6#064#5
CITY/- TATE: Ormond J each, FL | **S ATE:** Thu, Mar 5 505D

PeakR9our: 2:00 PM RR6:00 PM
Peak #2RMin: 2:D0 PM RR2:42 PM

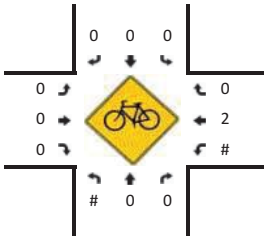


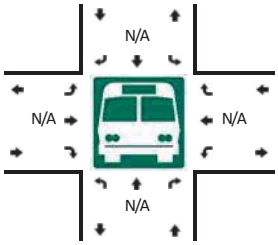


Quality Counts
DATA THAT DRIVES COMMUNITIES

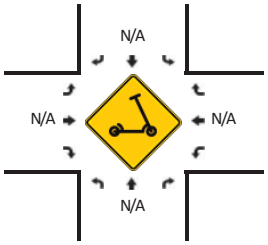












. H* . TO.

#2RMin Count Period J eginning At	Irovuois Trl =Northbound(					Irovuois Trl = outhbound(					- t AndreUs S r =Eastbound(					- t AndreUs S r =) estbound(					Total	9 ourly Totals
	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H		
4:00 PM	5	0	D	0	0	0	0	0	0	0	0	2	4	0	0	5	w	0	0	0	5D	
4:#2 PM	#	0	2	0	0	0	0	0	0	0	0	##	0	0	0	#	2	0	0	0	5D	
4:D0 PM	5	0	4	0	0	0	0	0	0	0	0	##	2	0	0	5	##	0	0	0	D2	
4:42 PM	#	0	4	0	0	0	0	0	0	0	0	5	4	0	0	#	w	0	0	0	#8	#00
2:00 PM	0	0	5	0	0	0	0	0	0	0	0	w	5	0	0	5	w	0	0	0	50	8w
2:#2 PM	#	0	#	0	0	0	0	0	0	0	0	#D	5	0	0	5	##	0	0	0	D0	#04
2:D0 PM	6	0	5	0	0	0	0	0	0	0	0	#D	D	0	0	5	#0	0	0	0	D6	#02
2:42 PM	5	0	2	0	0	0	0	0	0	0	0	##	5	0	0	4	w	0	0	0	D#	##w

Peak #2RMin FloU rates	Northbound					- outhbound					Eastbound					) estbound					Total
	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	Left	Thru	. ight	W	. H	
All Vehicles	54	0	7	0	0	0	0	0	0	0	0	25	#5	0	0	7	40	0	0	0	#44
9 eaqy Trucks	4	0	0			0	0	0			0	0	4			0	0	0			7
J uses																					
Pedestrians		7					0					0					4				#5
J icycles	0	0	0			0	0	0			0	0	0			0	7	0			7
- cooters																					

Comments:

. eport generated on D/#0/505D #0:28 AM | - OW. CE: 1 uality Counts, LLC =http://UUU3vualitycounts3net(#R7wwR270R55#5

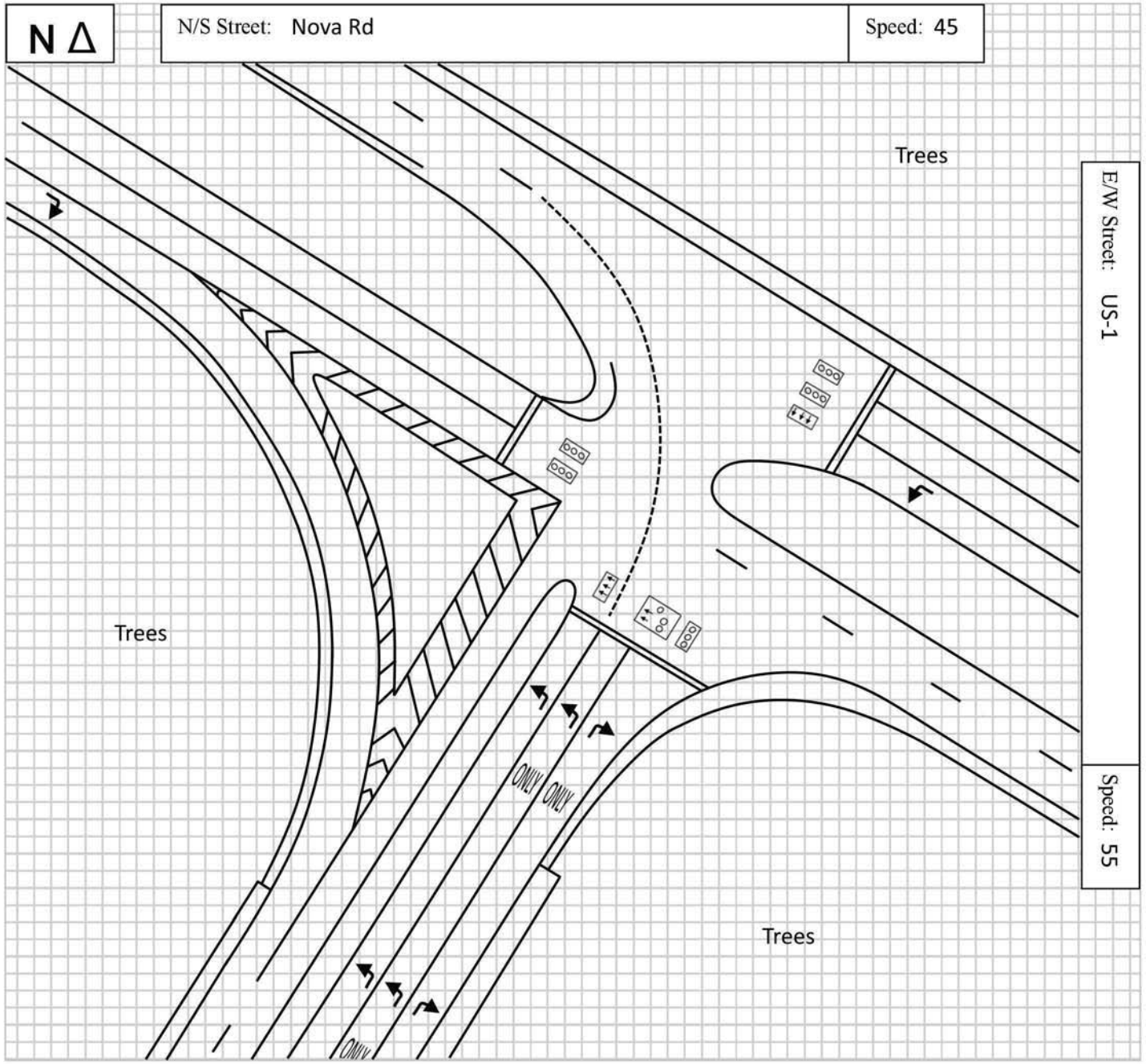
Quality Counts
DATA THAT DRIVES COMMUNITIES

Site Code: 16106405/06

Date: 3/2/2023

City: Ormond Beach

County: Volusia



Quality Counts
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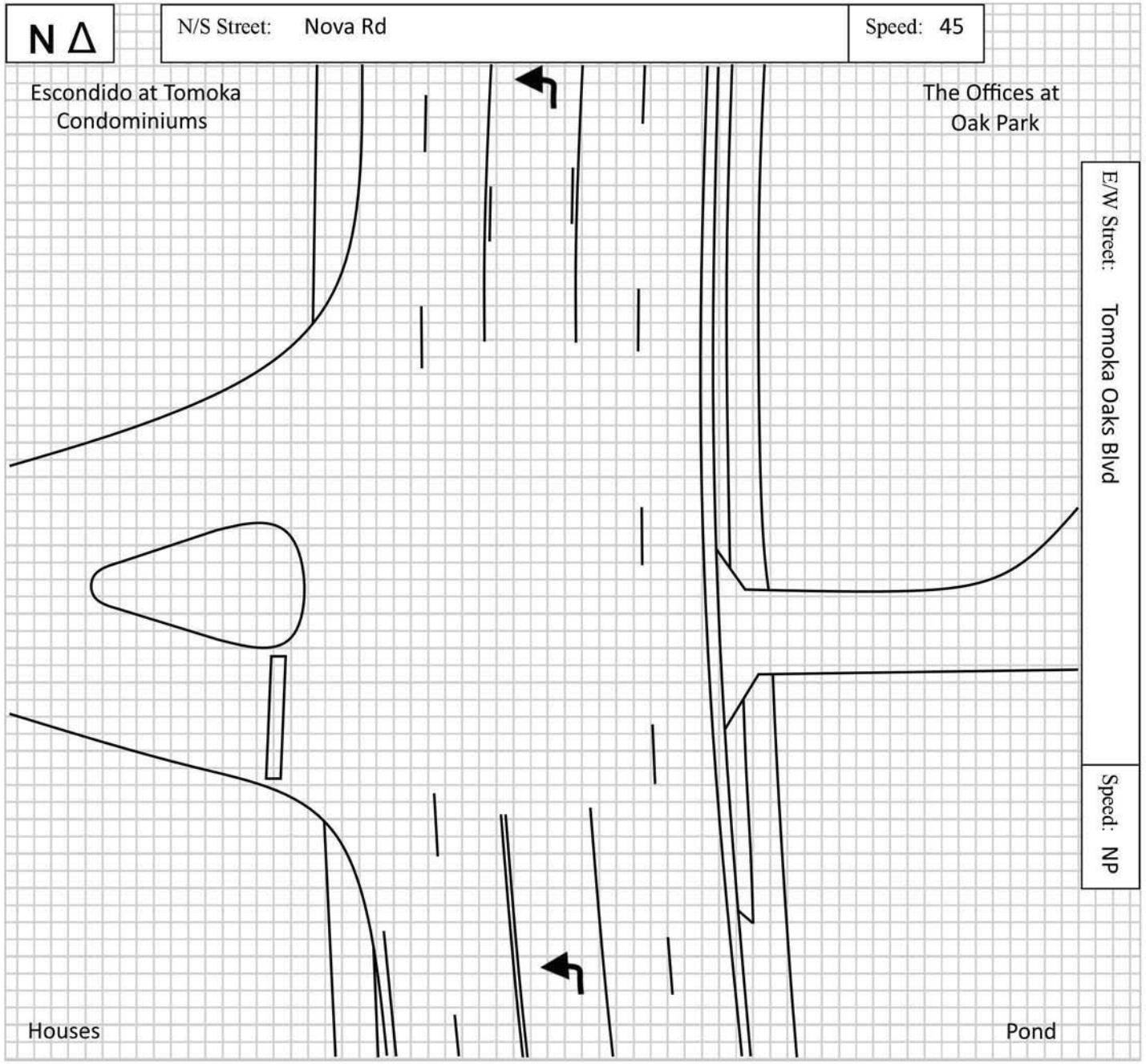
Site Code: 16106413/14

Date: 3/2/2023

City: Ormond Beach

County: Volusia



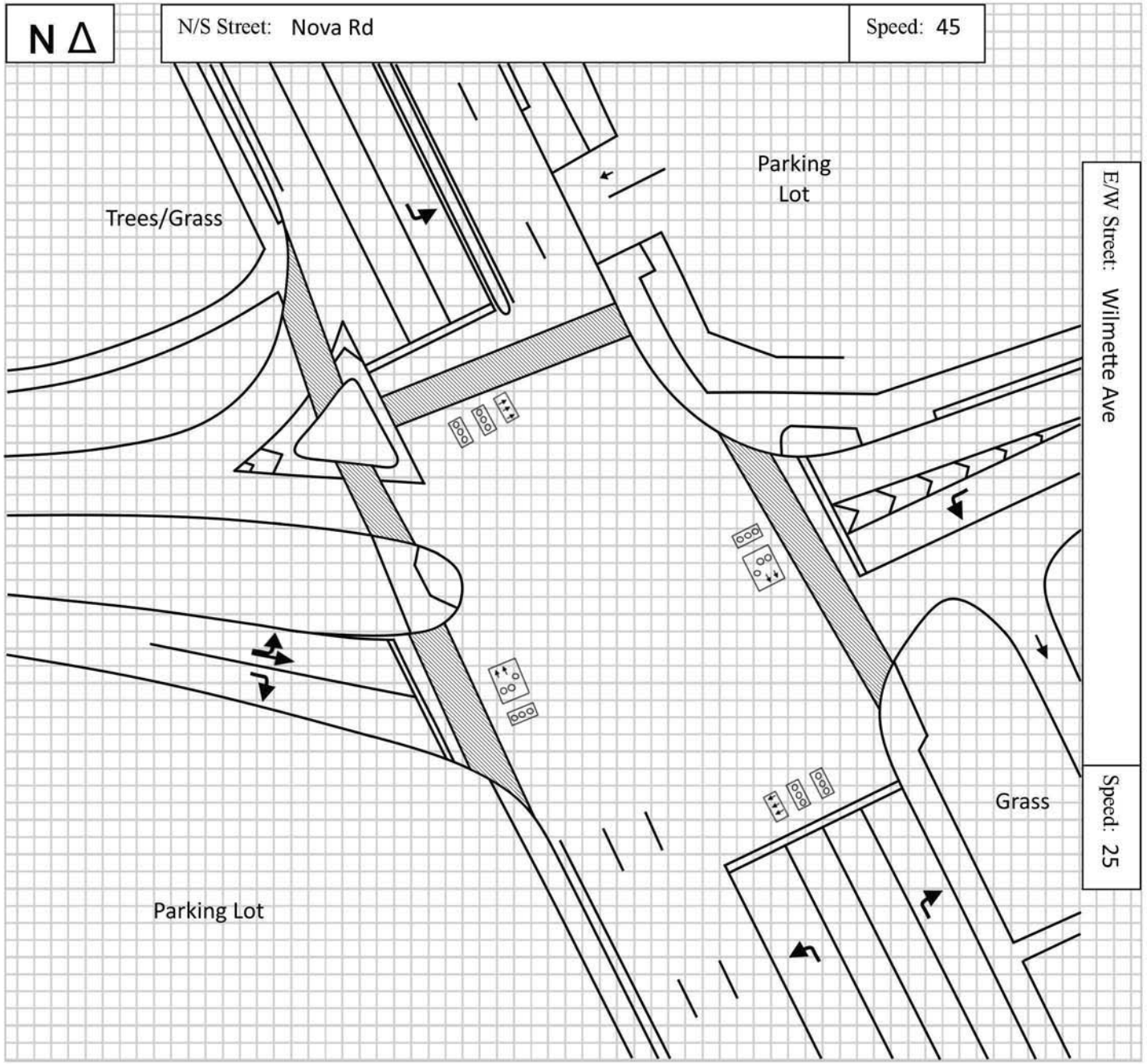
Quality Counts
DATA THAT DRIVES COMMUNITIES

Site Code: 16106403/04

Date: 3/2/2023

City: Ormond Beach

County: Volusia



Quality Counts
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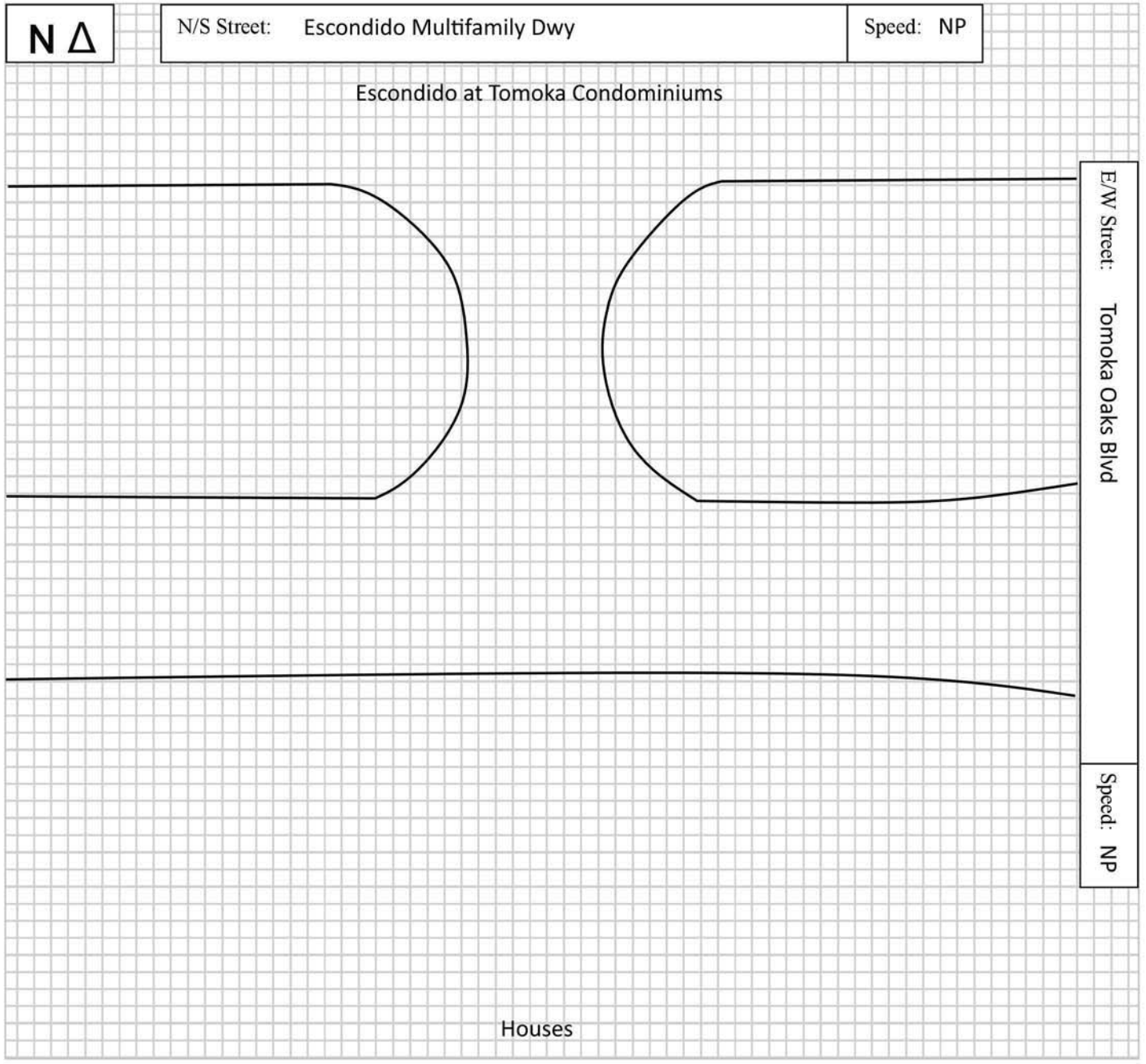
Date: 3/2/2023

City: Ormond Beach

County: Volusia



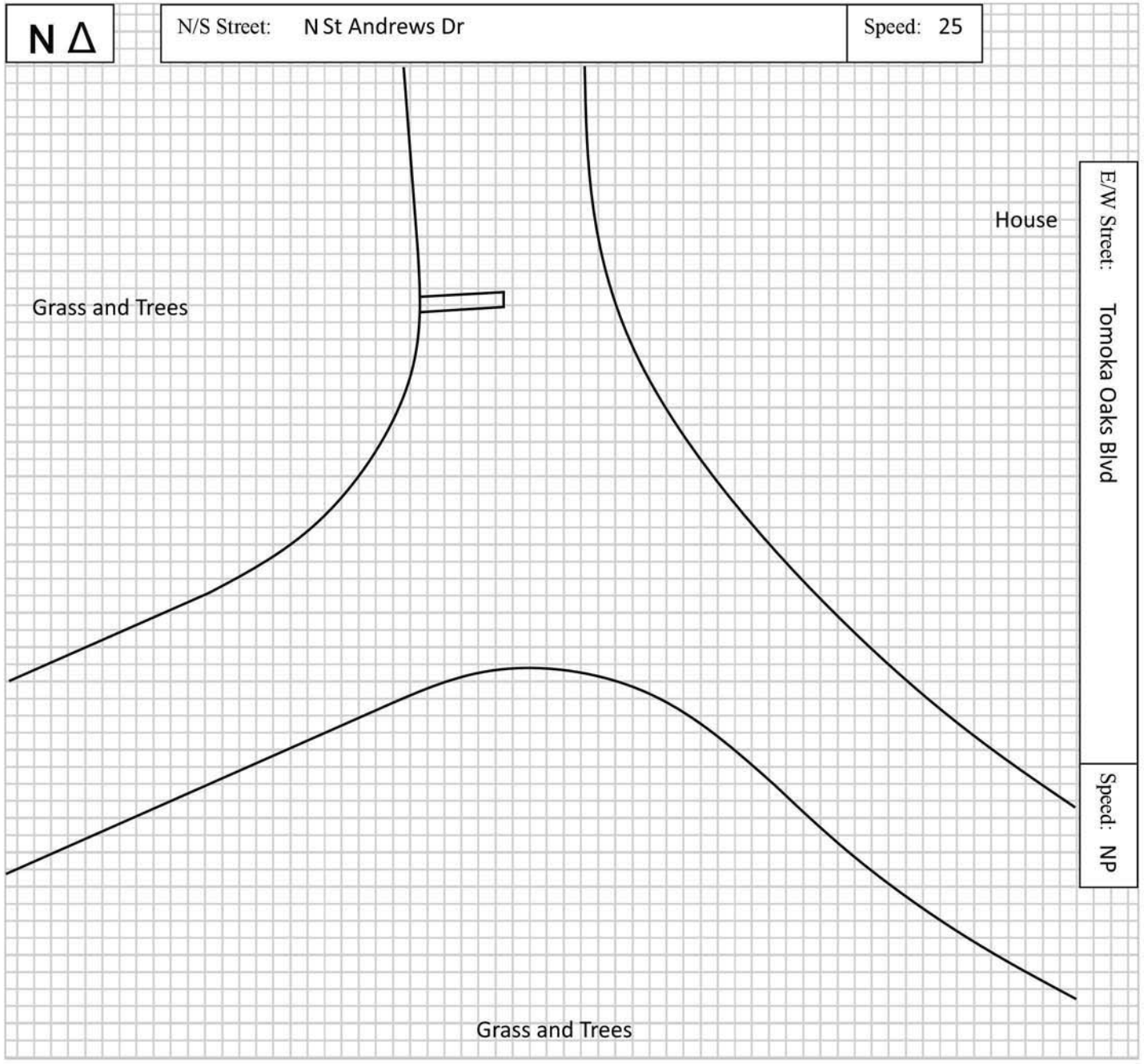
Quality Counts
DATA THAT DRIVES COMMUNITIES

Site Code: 16106417/18

Date: 3/2/2023

City: Ormond Beach

County: Volusia



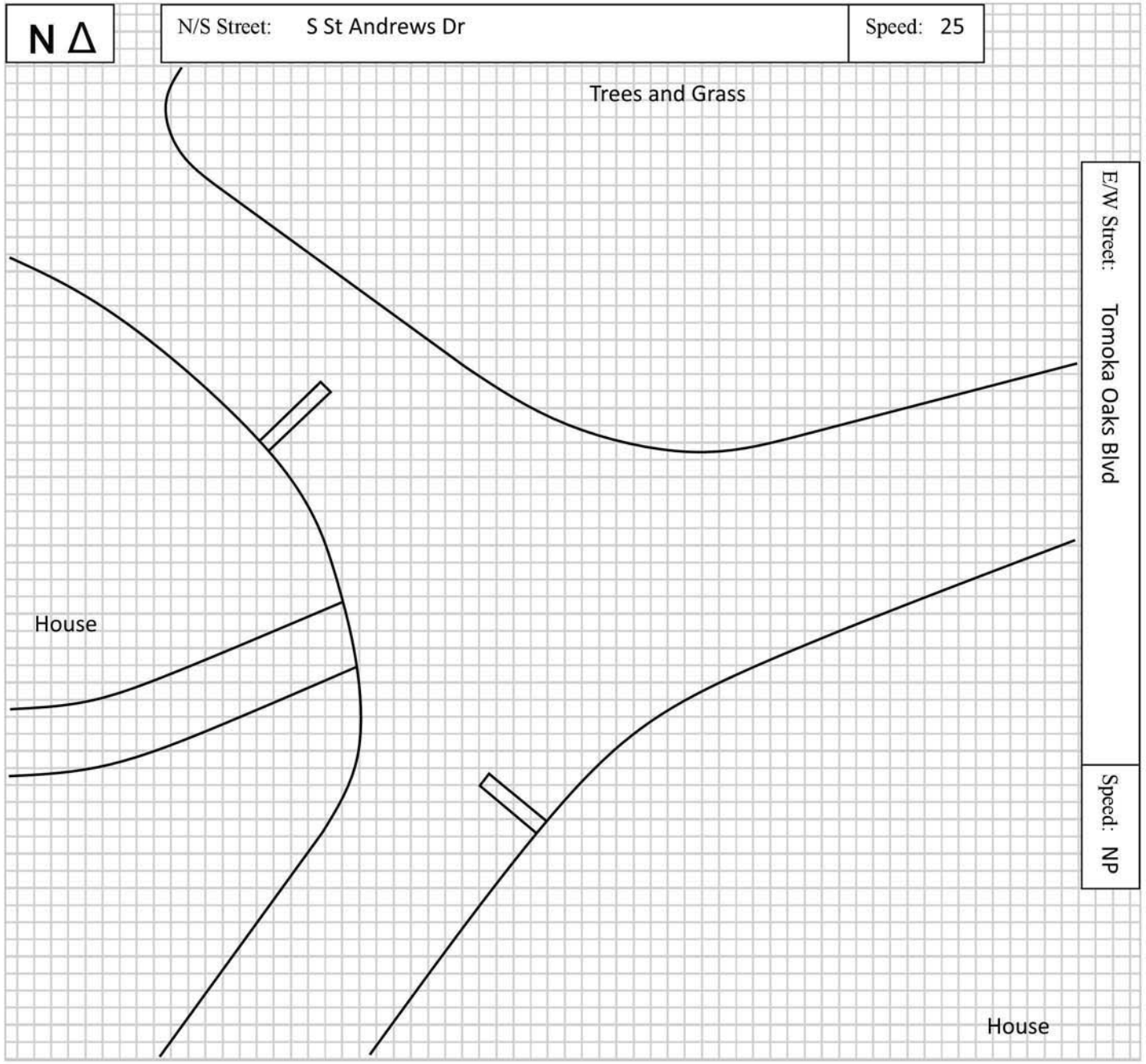
Quality Counts
DATA THAT DRIVES COMMUNITIES

Site Code: 16106419/20

Date: 3/2/2023

City: Ormond Beach

County: Volusia



Quality Counts
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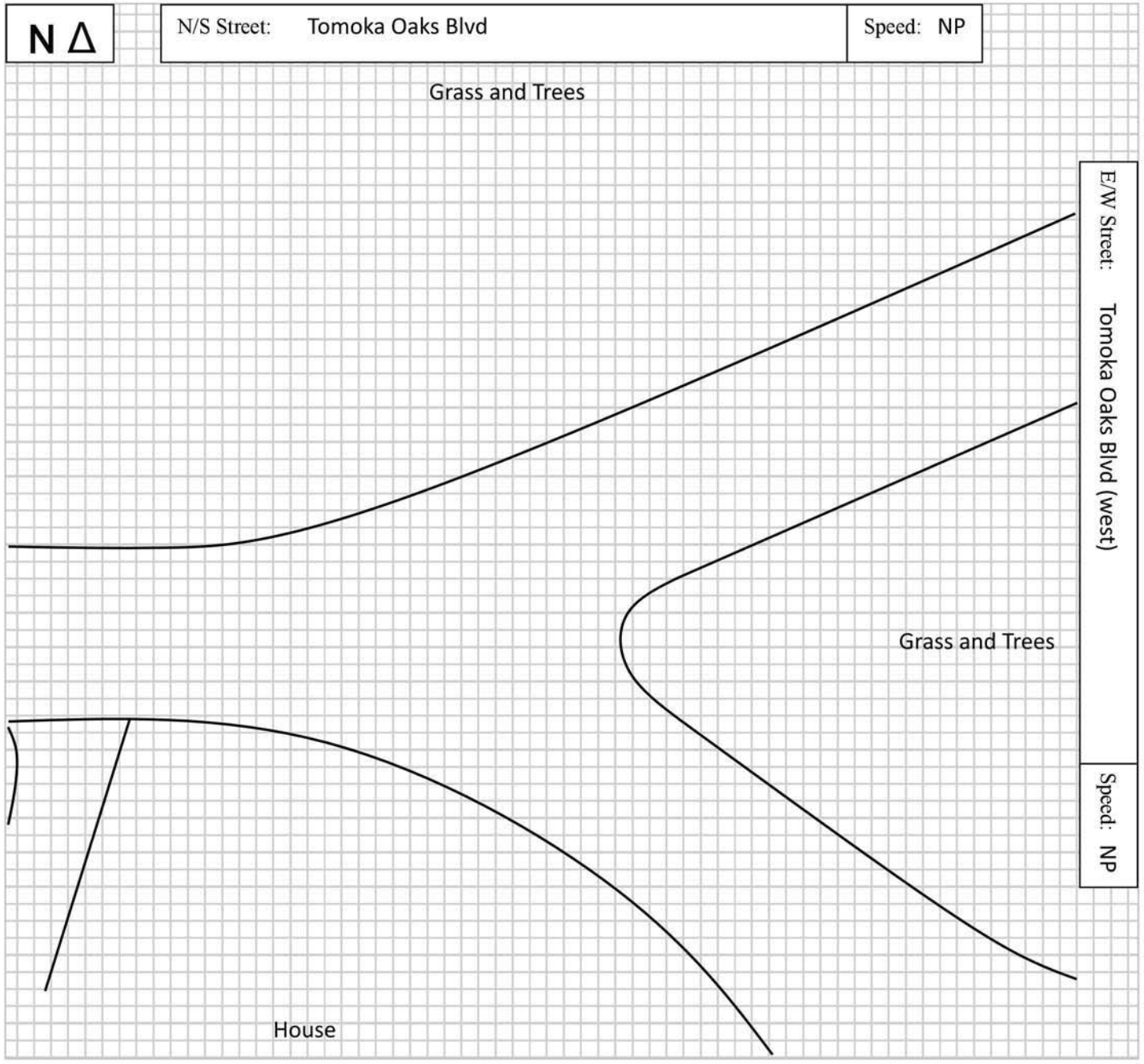
Site Code: 16106421/22

Date: 3/2/2023

City: Ormond Beach

County: Volusia



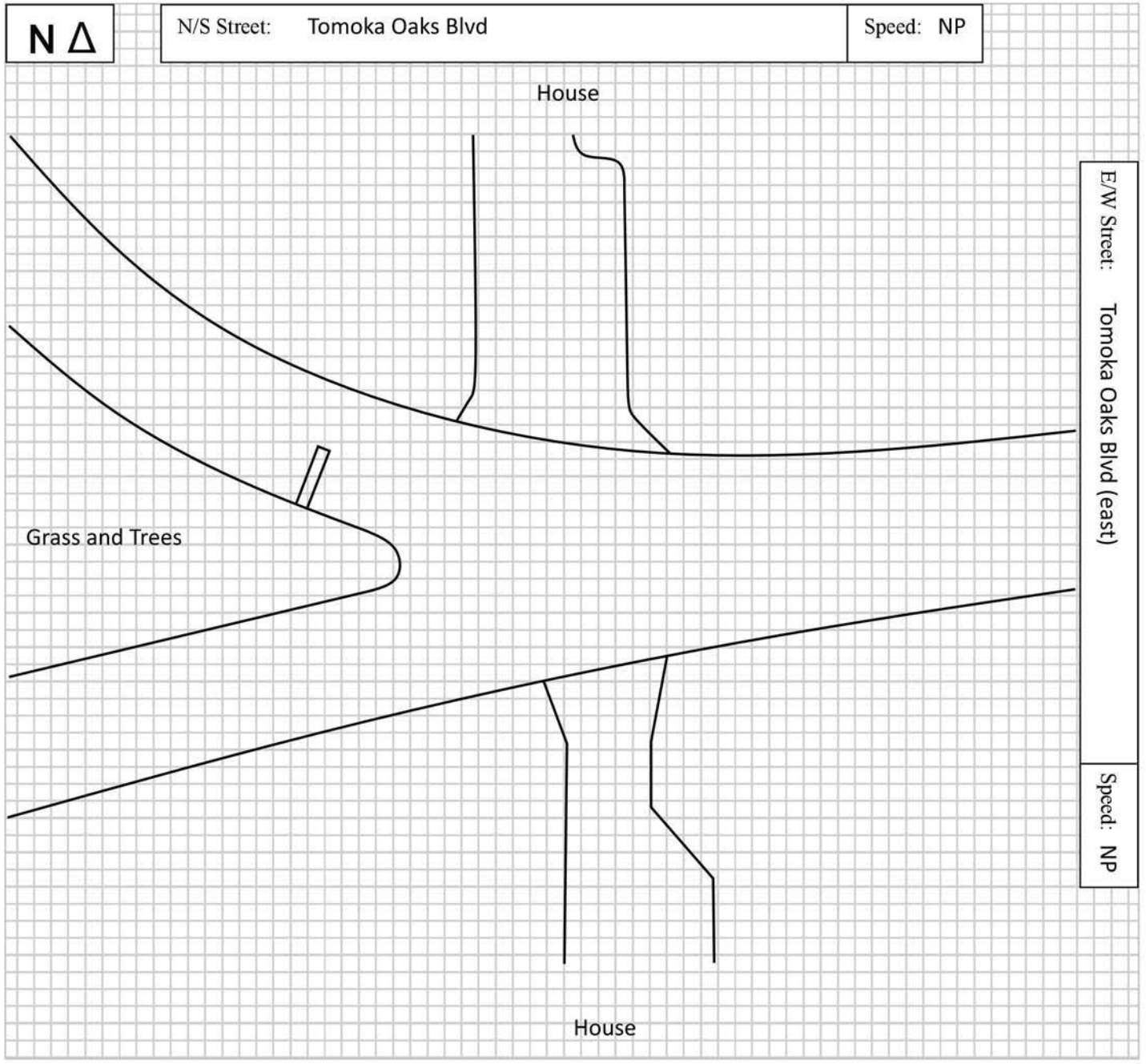
Quality Counts
DATA THAT DRIVES COMMUNITIES

Site Code: 16106423/24

Date: 3/2/2023

City: Ormond Beach

County: Volusia



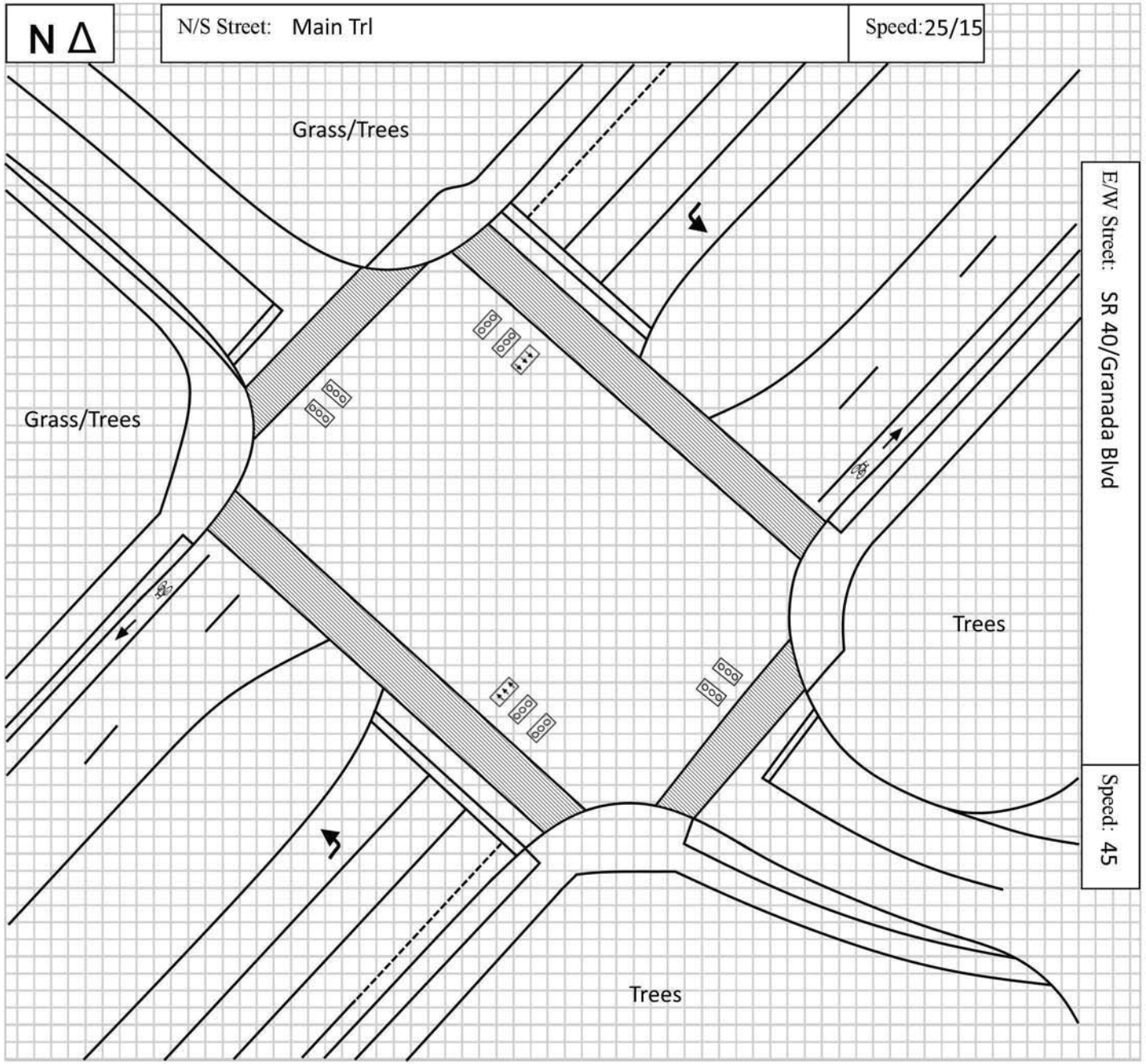
Quality Counts
DATA THAT DRIVES COMMUNITIES

Site Code: 16106401/02

Date: 3/2/2023

City: Ormond Beach

County: Volusia



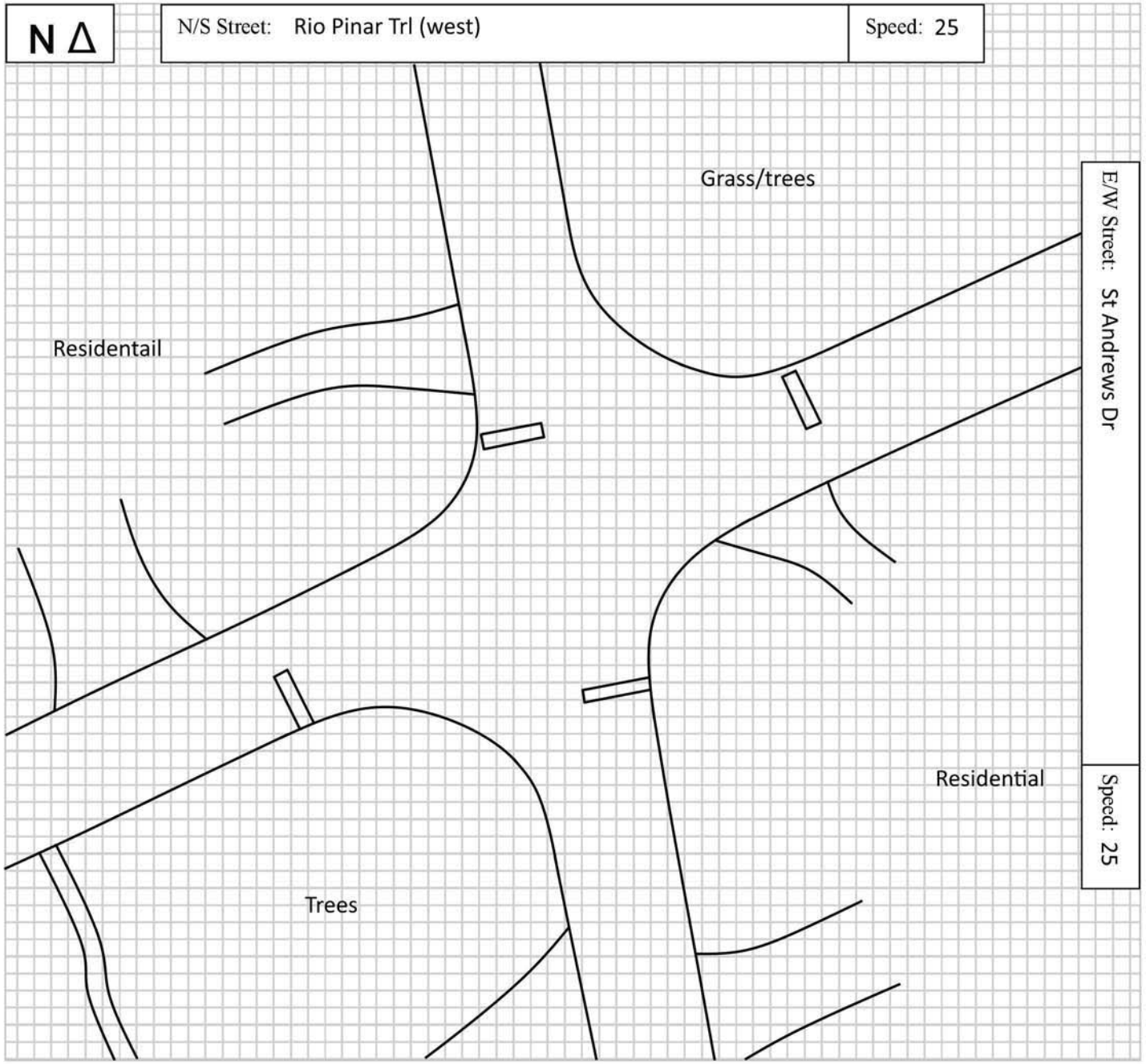
Quality Counts
DATA THAT DRIVES COMMUNITIES

Site Code: 16106409/10

Date: 3/2/2023

City: Ormond Beach

County: Volusia



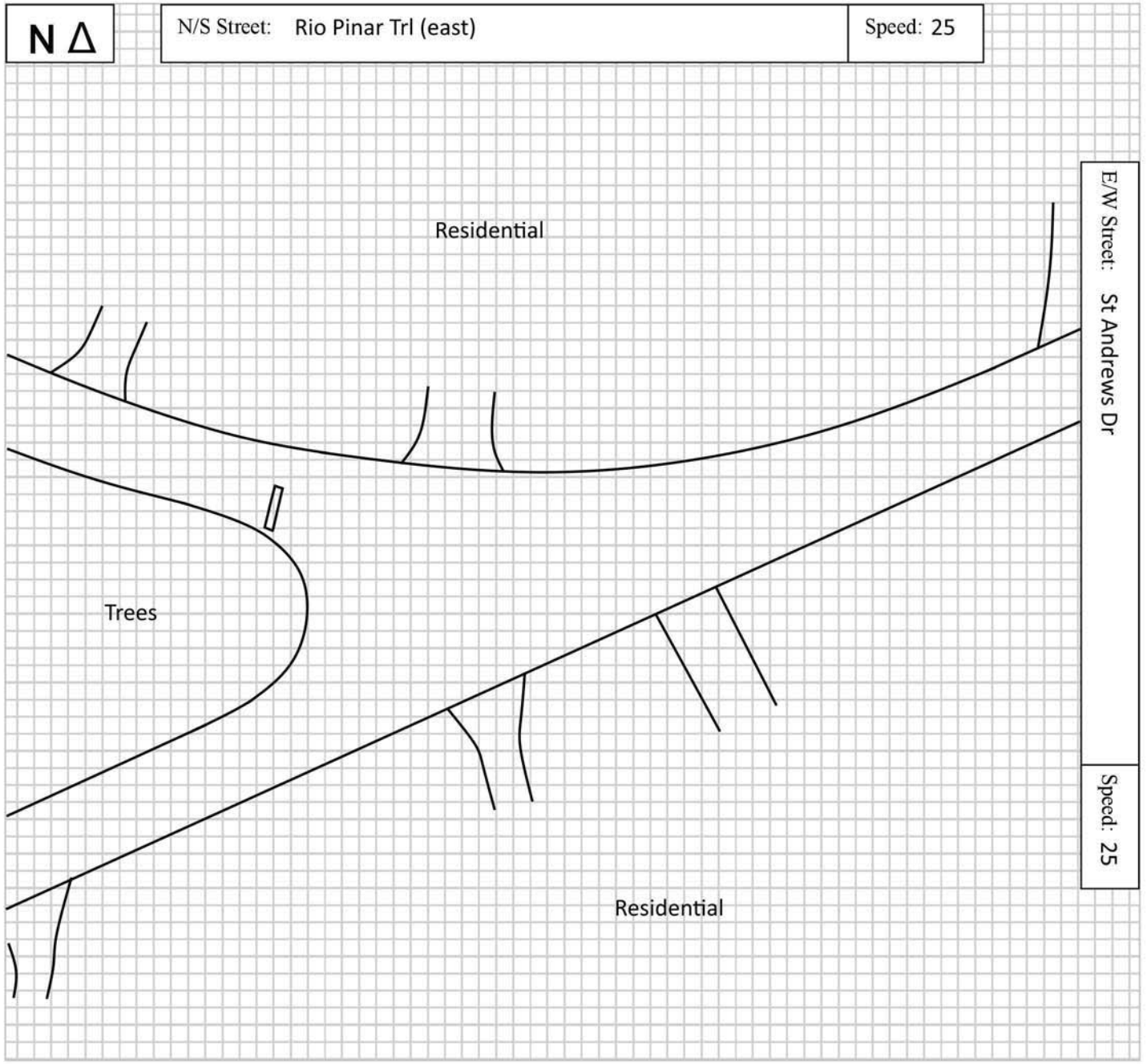
Quality Counts
DATA THAT DRIVES COMMUNITIES

Site Code: 16106407/08

Date: 3/2/2023

City: Ormond Beach

County: Volusia



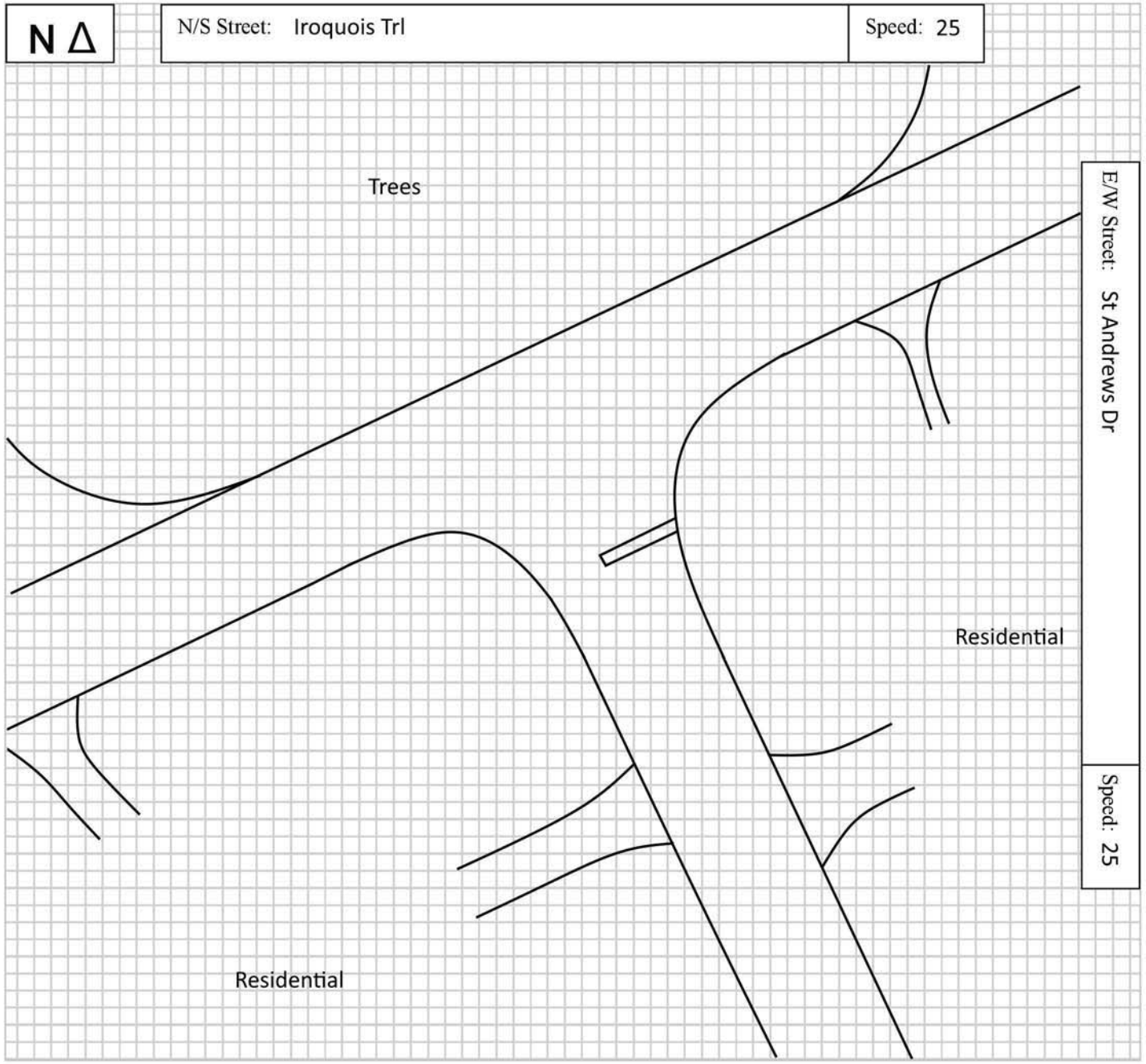
Quality Counts
DATA THAT DRIVES COMMUNITIES

Site Code: 16106411/12

Date: 3/2/2023

City: Ormond Beach

County: Volusia



2021 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
CATEGORY: 7900 VOLUSIA COUNTYWIDE

MOCF: 0.97

WEEK	DATES	SF	PSCF
1	01/01/2021 - 01/02/2021	1.01	1.04
2	01/03/2021 - 01/09/2021	1.04	1.07
3	01/10/2021 - 01/16/2021	1.06	1.09
4	01/17/2021 - 01/23/2021	1.05	1.08
5	01/24/2021 - 01/30/2021	1.04	1.07
6	01/31/2021 - 02/06/2021	1.03	1.06
7	02/07/2021 - 02/13/2021	1.02	1.05
8	02/14/2021 - 02/20/2021	1.00	1.03
9	02/21/2021 - 02/27/2021	0.99	1.02
*10	02/28/2021 - 03/06/2021	0.97	1.00
*11	03/07/2021 - 03/13/2021	0.95	0.98
*12	03/14/2021 - 03/20/2021	0.94	0.97
*13	03/21/2021 - 03/27/2021	0.95	0.98
*14	03/28/2021 - 04/03/2021	0.95	0.98
*15	04/04/2021 - 04/10/2021	0.96	0.99
*16	04/11/2021 - 04/17/2021	0.97	1.00
*17	04/18/2021 - 04/24/2021	0.98	1.01
*18	04/25/2021 - 05/01/2021	0.98	1.01
*19	05/02/2021 - 05/08/2021	0.98	1.01
*20	05/09/2021 - 05/15/2021	0.99	1.02
*21	05/16/2021 - 05/22/2021	0.99	1.02
*22	05/23/2021 - 05/29/2021	0.99	1.02
23	05/30/2021 - 06/05/2021	0.99	1.02
24	06/06/2021 - 06/12/2021	1.00	1.03
25	06/13/2021 - 06/19/2021	1.00	1.03
26	06/20/2021 - 06/26/2021	1.01	1.04
27	06/27/2021 - 07/03/2021	1.02	1.05
28	07/04/2021 - 07/10/2021	1.04	1.07
29	07/11/2021 - 07/17/2021	1.05	1.08
30	07/18/2021 - 07/24/2021	1.05	1.08
31	07/25/2021 - 07/31/2021	1.05	1.08
32	08/01/2021 - 08/07/2021	1.05	1.08
33	08/08/2021 - 08/14/2021	1.05	1.08
34	08/15/2021 - 08/21/2021	1.05	1.08
35	08/22/2021 - 08/28/2021	1.05	1.08
36	08/29/2021 - 09/04/2021	1.04	1.07
37	09/05/2021 - 09/11/2021	1.04	1.07
38	09/12/2021 - 09/18/2021	1.03	1.06
39	09/19/2021 - 09/25/2021	1.02	1.05
40	09/26/2021 - 10/02/2021	1.00	1.03
41	10/03/2021 - 10/09/2021	0.99	1.02
42	10/10/2021 - 10/16/2021	0.98	1.01
43	10/17/2021 - 10/23/2021	0.98	1.01
44	10/24/2021 - 10/30/2021	0.99	1.02
45	10/31/2021 - 11/06/2021	0.99	1.02
46	11/07/2021 - 11/13/2021	1.00	1.03
47	11/14/2021 - 11/20/2021	1.00	1.03
48	11/21/2021 - 11/27/2021	1.00	1.03
49	11/28/2021 - 12/04/2021	1.01	1.04
50	12/05/2021 - 12/11/2021	1.01	1.04
51	12/12/2021 - 12/18/2021	1.01	1.04
52	12/19/2021 - 12/25/2021	1.04	1.07
53	12/26/2021 - 12/31/2021	1.06	1.09

* PEAK SEASON

08-MAR-2022 12:36:28 830UPD 5_7900_PKSEASON.TXT

APPENDIX D

Intersections Summary Work Sheets

2023 Existing Conditions

Intersection	
Int Delay, s/veh	3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	75	2	79	0	0	1	42	431	3	0	673	36
Future Vol, veh/h	75	2	79	0	0	1	42	431	3	0	673	36
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	118	-	-	100	-	-
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	3	2	3	2	2	100	7	5	2	2	2	11
Mvmt Flow	83	2	88	0	0	1	47	479	3	0	748	40

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	1102	1344	394	950	1363	241	788	0	0	482	0	0
Stage 1	768	768	-	575	575	-	-	-	-	-	-	-
Stage 2	334	576	-	375	788	-	-	-	-	-	-	-
Critical Hdwy	7.56	6.54	6.96	7.54	6.54	8.9	4.24	-	-	4.14	-	-
Critical Hdwy Stg 1	6.56	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.56	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.53	4.02	3.33	3.52	4.02	4.3	2.27	-	-	2.22	-	-
Pot Cap-1 Maneuver	165	151	602	215	147	531	796	-	-	1077	-	-
Stage 1	358	409	-	470	501	-	-	-	-	-	-	-
Stage 2	651	500	-	618	400	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	157	142	602	174	138	531	796	-	-	1077	-	-
Mov Cap-2 Maneuver	261	264	-	289	245	-	-	-	-	-	-	-
Stage 1	337	409	-	442	471	-	-	-	-	-	-	-
Stage 2	611	471	-	525	400	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	23.4	11.8	0.9	0
HCM LOS	C	B		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	796	-	-	366	531	1077	-	-
HCM Lane V/C Ratio	0.059	-	-	0.474	0.002	-	-	-
HCM Control Delay (s)	9.8	-	-	23.4	11.8	0	-	-
HCM Lane LOS	A	-	-	C	B	A	-	-
HCM 95th %tile Q(veh)	0.2	-	-	2.5	0	0	-	-

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	151	77	2	4	0
Future Vol, veh/h	0	151	77	2	4	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	2	3	9	2	2	2
Mvmt Flow	0	174	89	2	5	0

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	91	0	-	0	264	90
Stage 1	-	-	-	-	90	-
Stage 2	-	-	-	-	174	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1504	-	-	-	725	968
Stage 1	-	-	-	-	934	-
Stage 2	-	-	-	-	856	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1504	-	-	-	725	968
Mov Cap-2 Maneuver	-	-	-	-	725	-
Stage 1	-	-	-	-	934	-
Stage 2	-	-	-	-	856	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	10
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1504	-	-	-	725
HCM Lane V/C Ratio	-	-	-	-	0.006
HCM Control Delay (s)	0	-	-	-	10
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	6.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	3	35	74	5
Future Vol, veh/h	0	0	3	35	74	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	2	2	2	14	4	2
Mvmt Flow	0	0	3	39	83	6

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	42	0	-	0	23	23
Stage 1	-	-	-	-	23	-
Stage 2	-	-	-	-	0	-
Critical Hdwy	4.12	-	-	-	6.44	6.22
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	2.218	-	-	-	3.536	3.318
Pot Cap-1 Maneuver	1567	-	-	-	988	1054
Stage 1	-	-	-	-	994	-
Stage 2	-	-	-	-	-	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1567	-	-	-	988	1054
Mov Cap-2 Maneuver	-	-	-	-	988	-
Stage 1	-	-	-	-	994	-
Stage 2	-	-	-	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	9
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1567	-	-	-	992
HCM Lane V/C Ratio	-	-	-	-	0.089
HCM Control Delay (s)	0	-	-	-	9
HCM Lane LOS	A	-	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.3



Movement	WBL	WBR	SEL	SER	NEL	NER
Lane Configurations						
Traffic Volume (veh/h)	38	0	5	4	0	72
Future Volume (Veh/h)	38	0	5	4	0	72
Sign Control	Free		Stop		Stop	
Grade	0%		0%		0%	
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	48	0	6	5	0	90
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	0		186	96	96	0
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	0		186	96	96	0
tC, single (s)	4.1		7.1	6.5	6.5	6.2
tC, 2 stage (s)						
tF (s)	2.2		3.5	4.0	4.0	3.3
p0 queue free %	97		99	99	100	92
cM capacity (veh/h)	1604		694	770	770	1085

Direction, Lane #	WB 1	SE 1	NE 1
Volume Total	48	11	90
Volume Left	48	6	0
Volume Right	0	0	90
cSH	1604	727	1085
Volume to Capacity	0.03	0.02	0.08
Queue Length 95th (ft)	2	1	7
Control Delay (s)	7.3	10.0	8.6
Lane LOS	A	B	A
Approach Delay (s)	7.3	10.0	8.6
Approach LOS		B	A

Intersection Summary			
Average Delay	8.3		
Intersection Capacity Utilization	21.1%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection	
Int Delay, s/veh	3.3

Movement	EBL	EBT	WBT	WBR	SEL	SER
Lane Configurations						
Traffic Vol, veh/h	1	77	39	38	75	0
Future Vol, veh/h	1	77	39	38	75	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	2	2	5	13	4	2
Mvmt Flow	1	89	45	44	86	0

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	89	0	-	0	158	67
Stage 1	-	-	-	-	67	-
Stage 2	-	-	-	-	91	-
Critical Hdwy	4.12	-	-	-	6.44	6.22
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	2.218	-	-	-	3.536	3.318
Pot Cap-1 Maneuver	1506	-	-	-	829	997
Stage 1	-	-	-	-	951	-
Stage 2	-	-	-	-	928	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1506	-	-	-	828	997
Mov Cap-2 Maneuver	-	-	-	-	828	-
Stage 1	-	-	-	-	950	-
Stage 2	-	-	-	-	928	-

Approach	EB	WB	SE
HCM Control Delay, s	0.1	0	9.9
HCM LOS			A

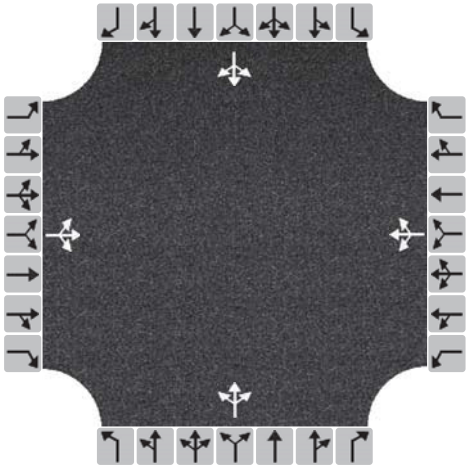
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SELn1
Capacity (veh/h)	1506	-	-	-	828
HCM Lane V/C Ratio	0.001	-	-	-	0.104
HCM Control Delay (s)	7.4	0	-	-	9.9
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.3

HCS All-Way Stop Control Report

General and Site Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2023
Analysis Time Period (hrs)	0.25
Time Analyzed	Existing A.M. Peak-hour
Project Description	5361.09 Tomoka Oaks Residential
Intersection	S St. Andrews at W Rio
Jurisdiction	Volusia
East/West Street	S St. Andrews Dr
North/South Street	W Rio Pinar Dr
Peak Hour Factor	0.86

Lanes



Turning Movement Demand Volumes

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume (veh/h)	0	6	15	10	3	0	3	24	16	4	50	0
% Thrus in Shared Lane												

Lane Flow Rate and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	24			15			50			63		
Percent Heavy Vehicles	2			2			2			25		
Initial Departure Headway, h_d (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.022			0.013			0.044			0.056		
Final Departure Headway, h_d (s)	3.77			4.36			3.87			4.47		
Final Degree of Utilization, x	0.026			0.018			0.054			0.078		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, t_s (s)	1.77			2.36			1.87			2.47		

Capacity, Delay and Level of Service

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	24			15			50			63		
Capacity (veh/h)	955			825			929			806		
95% Queue Length, Q_{95} (veh)	0.1			0.1			0.2			0.3		
Control Delay (s/veh)	6.9			7.4			7.1			7.8		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh) | LOS	6.9	A		7.4	A		7.1	A		7.8	A	
Intersection Delay (s/veh) | LOS	7.4						A					

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HCS Two-Way Stop-Control Report

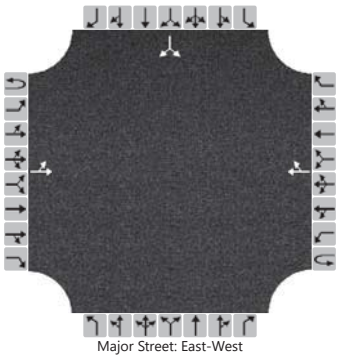
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2023
Time Analyzed	Existing A.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetial

Site Information

Intersection	St. Andrews Dr at E Rio
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	E Rio Pinar Dr
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes



Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	0	0		0	1	0
Configuration		LT						TR							LR	
Volume (veh/h)		1	24				17	14						25		1
Percent Heavy Vehicles (%)		2												2		2
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.12												6.42		6.22
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.22												3.52		3.32

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		1													29	
Capacity, c (veh/h)		1577													955	
v/c Ratio		0.00													0.03	
95% Queue Length, Q_{95} (veh)		0.0													0.1	
Control Delay (s/veh)		7.3	0.0												8.9	
Level of Service (LOS)		A	A												A	
Approach Delay (s/veh)	0.3												8.9			
Approach LOS	A												A			

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HCS Two-Way Stop-Control Report

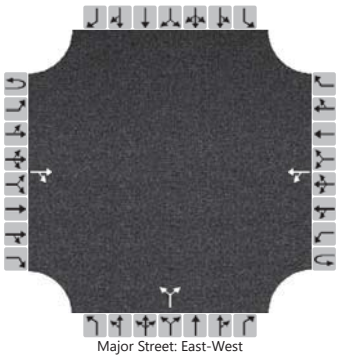
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2023
Time Analyzed	Existing A.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetioal

Site Information

Intersection	St. Andrews Dr at Iroquoi
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	Iroquois Tr
Peak Hour Factor	0.93
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			45	11		10	30			2		6				
Percent Heavy Vehicles (%)						2				2		2				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.12				6.42		6.22				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.22				3.52		3.32				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						11					9					
Capacity, c (veh/h)						1543					977					
v/c Ratio						0.01					0.01					
95% Queue Length, Q_{95} (veh)						0.0					0.0					
Control Delay (s/veh)						7.3	0.1				8.7					
Level of Service (LOS)						A	A				A					
Approach Delay (s/veh)					1.9				8.7							
Approach LOS					A				A							

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Intersection	
Int Delay, s/veh	1.9

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	43	0	53	10	1	8	88	725	3	1	646	58
Future Vol, veh/h	43	0	53	10	1	8	88	725	3	1	646	58
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	118	-	-	100	-	-
Veh in Median Storage,-#		1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	94	94	94	94	94	94	94	94	94	94	94	94
Heavy Vehicles, %	2	2	4	2	2	2	2	2	2	100	2	2
Mvmt Flow	46	0	56	11	1	9	94	771	3	1	687	62

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	1294	1682	375	1307	1712	387	749	0	0	774	0	0
Stage 1	720	720	-	961	961	-	-	-	-	-	-	-
Stage 2	574	962	-	346	751	-	-	-	-	-	-	-
Critical Hdwy	7.54	6.54	6.98	7.54	6.54	6.94	4.14	-	-	6.1	-	-
Critical Hdwy Stg 1	6.54	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.54	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.52	4.02	3.34	3.52	4.02	3.32	2.22	-	-	3.2	-	-
Pot Cap-1 Maneuver	120	94	617	117	90	611	856	-	-	419	-	-
Stage 1	385	430	-	275	333	-	-	-	-	-	-	-
Stage 2	471	332	-	643	416	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	108	83	617	97	80	611	856	-	-	419	-	-
Mov Cap-2 Maneuver	219	195	-	187	177	-	-	-	-	-	-	-
Stage 1	343	429	-	245	296	-	-	-	-	-	-	-
Stage 2	412	295	-	583	415	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	20.1	19.8	1	0
HCM LOS	C	C		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	856	-	-	340	263	419	-	-
HCM Lane V/C Ratio	0.109	-	-	0.3	0.077	0.003	-	-
HCM Control Delay (s)	9.7	-	-	20.1	19.8	13.6	-	-
HCM Lane LOS	A	-	-	C	C	B	-	-
HCM 95th %tile Q(veh)	0.4	-	-	1.2	0.2	0	-	-

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	101	142	9	5	1
Future Vol, veh/h	0	101	142	9	5	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	2	3	2	11	2	100
Mvmt Flow	0	106	149	9	5	1

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	158	0	-	0	260	154
Stage 1	-	-	-	-	154	-
Stage 2	-	-	-	-	106	-
Critical Hdwy	4.12	-	-	-	6.42	7.2
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	4.2
Pot Cap-1 Maneuver	1422	-	-	-	729	688
Stage 1	-	-	-	-	874	-
Stage 2	-	-	-	-	918	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1422	-	-	-	729	688
Mov Cap-2 Maneuver	-	-	-	-	729	-
Stage 1	-	-	-	-	874	-
Stage 2	-	-	-	-	918	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	10
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1422	-	-	-	722
HCM Lane V/C Ratio	-	-	-	-	0.009
HCM Control Delay (s)	0	-	-	-	10
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	3.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	1	0	2	82	45	4
Future Vol, veh/h	1	0	2	82	45	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	0	2	86	47	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	88	0	-	0	47	45
Stage 1	-	-	-	-	45	-
Stage 2	-	-	-	-	2	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1508	-	-	-	963	1025
Stage 1	-	-	-	-	977	-
Stage 2	-	-	-	-	1021	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1508	-	-	-	962	1025
Mov Cap-2 Maneuver	-	-	-	-	962	-
Stage 1	-	-	-	-	976	-
Stage 2	-	-	-	-	1021	-

Approach	EB	WB	SB
HCM Control Delay, s	7.4	0	8.9
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1508	-	-	-	967
HCM Lane V/C Ratio	0.001	-	-	-	0.053
HCM Control Delay (s)	7.4	0	-	-	8.9
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.2



Movement	WBL	WBR	SEL	SER	NEL	NER
Lane Configurations						
Traffic Volume (veh/h)	61	0	1	5	1	58
Future Volume (Veh/h)	61	0	1	5	1	58
Sign Control	Free		Stop		Stop	
Grade	0%		0%		0%	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	72	0	1	6	1	68
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	0		212	144	144	0
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	0		212	144	144	0
tC, single (s)	4.1		7.1	6.5	6.5	6.2
tC, 2 stage (s)						
tF (s)	2.2		3.5	4.0	4.0	3.3
p0 queue free %	96		100	99	100	94
cM capacity (veh/h)	1623		673	714	714	1082

Direction, Lane #	WB 1	SE 1	NE 1
Volume Total	72	7	69
Volume Left	72	1	0
Volume Right	0	0	68
cSH	1623	708	1074
Volume to Capacity	0.04	0.01	0.06
Queue Length 95th (ft)	3	1	5
Control Delay (s)	7.3	10.1	8.6
Lane LOS	A	B	A
Approach Delay (s)	7.3	10.1	8.6
Approach LOS		B	A

Intersection Summary			
Average Delay	8.0		
Intersection Capacity Utilization	20.4%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection	
Int Delay, s/veh	1.9

Movement	EBL	EBT	WBT	WBR	SEL	SER
Lane Configurations						
Traffic Vol, veh/h	2	55	61	81	44	1
Future Vol, veh/h	2	55	61	81	44	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	59	65	86	47	1

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	151	0	-	0	171	108
Stage 1	-	-	-	-	108	-
Stage 2	-	-	-	-	63	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1430	-	-	-	819	946
Stage 1	-	-	-	-	916	-
Stage 2	-	-	-	-	960	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1430	-	-	-	818	946
Mov Cap-2 Maneuver	-	-	-	-	818	-
Stage 1	-	-	-	-	915	-
Stage 2	-	-	-	-	960	-

Approach	EB	WB	SE
HCM Control Delay, s	0.3	0	9.7
HCM LOS			A

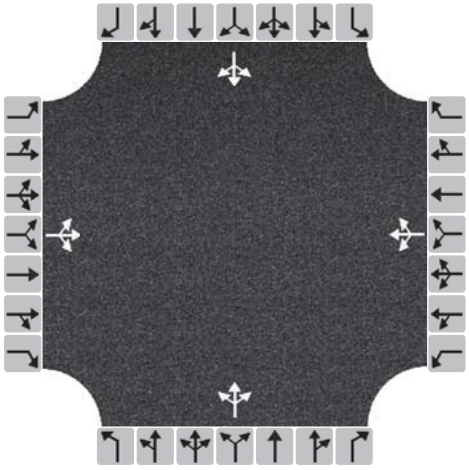
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SELn1
Capacity (veh/h)	1430	-	-	-	820
HCM Lane V/C Ratio	0.001	-	-	-	0.058
HCM Control Delay (s)	7.5	0	-	-	9.7
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.2

HCS All-Way Stop Control Report

General and Site Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2023
Analysis Time Period (hrs)	0.25
Time Analyzed	Existing P.M. Peak-hour
Project Description	5361.09 Tomoka Oaks Residentail
Intersection	S St. Andrews at W Rio
Jurisdiction	Volusia
East/West Street	S St. Andrews Dr
North/South Street	W Rio Pinar Dr
Peak Hour Factor	0.91

Lanes



Turning Movement Demand Volumes

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume (veh/h)	1	13	10	14	6	0	14	46	17	3	25	0
% Thrus in Shared Lane												

Lane Flow Rate and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	26			22			85			31		
Percent Heavy Vehicles	100			2			2			2		
Initial Departure Headway, h_d (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.023			0.020			0.075			0.027		
Final Departure Headway, h_d (s)	5.63			4.36			4.00			4.16		
Final Degree of Utilization, x	0.041			0.027			0.094			0.036		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, t_s (s)	3.63			2.36			2.00			2.16		

Capacity, Delay and Level of Service

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	26			22			85			31		
Capacity (veh/h)	639			827			901			865		
95% Queue Length, Q_{95} (veh)	0.1			0.1			0.3			0.1		
Control Delay (s/veh)	8.9			7.5			7.4			7.3		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh) | LOS	8.9	A		7.5	A		7.4	A		7.3	A	
Intersection Delay (s/veh) | LOS	7.6						A					

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HCS Two-Way Stop-Control Report

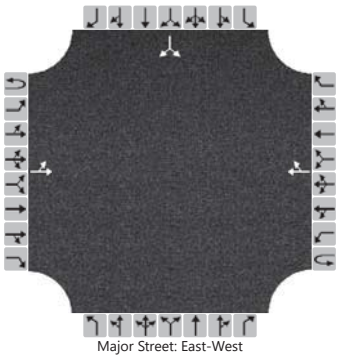
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2023
Time Analyzed	Existing P.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetial

Site Information

Intersection	St. Andrews Dr at E Rio
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	E Rio Pinar Dr
Peak Hour Factor	0.75
Analysis Time Period (hrs)	0.25

Lanes



Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	0	0		0	1	0
Configuration		LT						TR							LR	
Volume (veh/h)		0	33				21	15						20		0
Percent Heavy Vehicles (%)		2												10		2
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.12												6.50		6.22
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.22												3.59		3.32

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		0													27	
Capacity, c (veh/h)		1559													901	
v/c Ratio		0.00													0.03	
95% Queue Length, Q_{95} (veh)		0.0													0.1	
Control Delay (s/veh)		7.3	0.0												9.1	
Level of Service (LOS)		A	A												A	
Approach Delay (s/veh)	0.0												9.1			
Approach LOS	A												A			

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HCS Two-Way Stop-Control Report

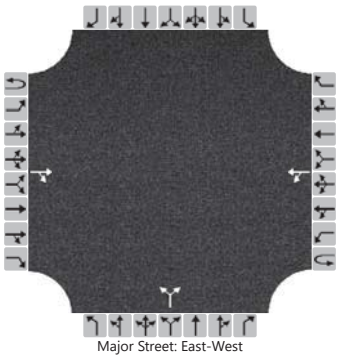
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2023
Time Analyzed	Existing P.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetial

Site Information

Intersection	St. Andrews Dr at Iroquoi
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	Iroquois Tr
Peak Hour Factor	0.81
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			44	9		10	35			9		10				
Percent Heavy Vehicles (%)						2				11		2				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.12				6.51		6.22				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.22				3.60		3.32				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						12					23					
Capacity, c (veh/h)						1537					919					
v/c Ratio						0.01					0.03					
95% Queue Length, Q_{95} (veh)						0.0					0.1					
Control Delay (s/veh)						7.4	0.1				9.0					
Level of Service (LOS)						A	A				A					
Approach Delay (s/veh)					1.7				9.0							
Approach LOS					A				A							

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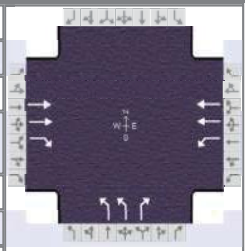
HCS Signalized Intersection Results Summary

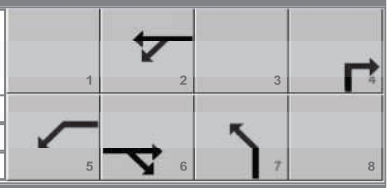
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Existing AM Peak-hour	PHF	0.89
Urban Street	US 1	Analysis Year	2023	Analysis Period	1> 7:00
Intersection	US 1 at Nova Rd	File Name	1- US 1 at Nova Rd_existing AM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h		949	639	31	750		467		69			

Signal Information			
Cycle, s	80.4	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	3.2	37.5	17.0	0.0	0.0	0.0
Yellow	5.5	5.5	4.5	0.0	0.0	0.0
Red	2.0	2.0	3.2	0.0	0.0	0.0



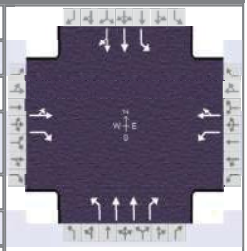
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		6	5	2		4		
Case Number		7.3	1.0	4.0		9.0		
Phase Duration, s		45.0	10.7	55.7		24.7		
Change Period, ($Y+R_c$), s		7.5	7.5	7.5		7.7		
Max Allow Headway (*MAH*), s		4.9	4.9	4.9		5.2		
Queue Clearance Time (g_s), s		23.0	2.8	12.4		13.5		
Green Extension Time (g_e), s		14.2	0.1	21.3		3.5		
Phase Call Probability		1.00	0.54	1.00		1.00		
Max Out Probability		0.68	0.00	0.54		0.07		

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement		6	16	5	2		7		14			
Adjusted Flow Rate (*v*), veh/h		1066	520	35	843		525		78			
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1781		1781	1724		1716		1585			
Queue Service Time (g_s), s		18.4		0.8	10.4		11.5		3.3			
Cycle Queue Clearance Time (g_c), s		18.4		0.8	10.4		11.5		3.3			
Green Ratio (*g/C*)		0.47		0.53	0.60		0.21		0.21			
Capacity (*c*), veh/h		1660		287	2068		725		335			
Volume-to-Capacity Ratio (*X*)		0.642		0.121	0.408		0.723		0.231			
Back of Queue (*Q*), ft/ln (95 th percentile)		260.8		11.5	132.2		211.2		56.1			
Back of Queue (*Q*), veh/ln (95 th percentile)		10.3		0.5	5.0		8.2		2.2			
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00		0.02	0.00		0.66		0.00			
Uniform Delay (d_1), s/veh		16.4		11.8	8.5		29.5		26.3			
Incremental Delay (d_2), s/veh		0.7		0.3	0.2		2.0		0.5			
Initial Queue Delay (d_3), s/veh		0.0		0.0	0.0		0.0		0.0			
Control Delay (*d*), s/veh		17.1	0.0	12.0	8.7		31.5		26.8			
Level of Service (LOS)		B	A	B	A		C		C			
Approach Delay, s/veh / LOS	11.5	B		8.8	A		30.9	C		0.0		
Intersection Delay, s/veh / LOS	14.5						B					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.09	B	0.67	A	2.31	B	2.56	C
Bicycle LOS Score / LOS	1.80	B	1.21	A		F		

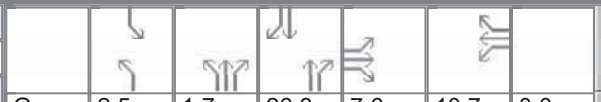
HCS Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Existing AM Peak-hour	PHF	0.93
Urban Street	Nova Rd	Analysis Year	2023	Analysis Period	1> 7:00
Intersection	Nova Rd at Wilmette Rd	File Name	3- Nova Rd at Wilmette Ave_existing AM.xus		
Project Description	5361.09 Tomoka Oaks Residentail				

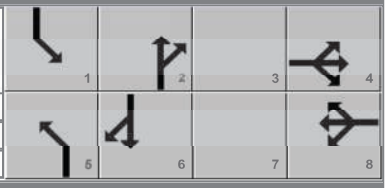


Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	45	69	123	175	62	28	68	463	126	30	690	57

Signal Information			
Cycle, s	76.3	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On



Green	2.5	1.7	26.8	7.6	10.7	0.0
Yellow	5.0	0.0	4.0	4.0	4.0	0.0
Red	2.5	0.0	2.5	2.5	2.5	0.0



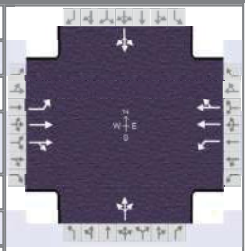
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		11.0		10.0	2.0	3.0	2.0	4.0
Phase Duration, s		14.1		17.2	11.7	35.0	10.0	33.3
Change Period, ($Y+R_c$), s		6.5		6.5	7.5	7.5	7.5	7.5
Max Allow Headway (*MAH*), s		4.3		4.3	4.0	4.9	4.0	4.9
Queue Clearance Time (g_s), s		6.9		9.8	5.1	10.2	3.4	16.1
Green Extension Time (g_e), s		0.7		0.9	0.1	10.0	0.0	9.7
Phase Call Probability		0.99		1.00	0.79	1.00	0.50	1.00
Max Out Probability		0.00		0.00	0.00	0.05	0.00	0.08

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h		123	96	188	97		73	498	41	32	407	396
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1834	1560	1767	1771		1753	1738	1585	1767	1870	1820
Queue Service Time (g_s), s		4.9	4.5	7.8	3.8		3.1	8.2	1.3	1.4	14.0	14.1
Cycle Queue Clearance Time (g_c), s		4.9	4.5	7.8	3.8		3.1	8.2	1.3	1.4	14.0	14.1
Green Ratio (*g/C*)		0.10	0.10	0.14	0.14		0.05	0.36	0.36	0.03	0.34	0.34
Capacity (*c*), veh/h		183	155	248	249		96	1254	572	58	633	616
Volume-to-Capacity Ratio (*X*)		0.672	0.617	0.757	0.389		0.762	0.397	0.071	0.560	0.643	0.643
Back of Queue (*Q*), ft/ln (95 th percentile)		108.5	85.7	165.9	76		72.7	138.3	19.7	31.7	245	236.4
Back of Queue (*Q*), veh/ln (95 th percentile)		4.3	3.3	6.5	3.0		2.8	5.3	0.8	1.2	9.6	9.5
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00	1.32	2.21	0.00		0.55	0.00	0.07	0.13	0.00	0.00
Uniform Delay (d_1), s/veh		33.2	33.0	31.6	29.8		35.6	18.2	16.0	36.4	21.4	21.4
Incremental Delay (d_2), s/veh		4.2	3.9	4.7	1.0		11.7	0.3	0.1	8.2	1.6	1.6
Initial Queue Delay (d_3), s/veh		0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh		37.4	36.9	36.2	30.8		47.3	18.5	16.1	44.6	22.9	23.0
Level of Service (LOS)		D	D	D	C		D	B	B	D	C	C
Approach Delay, s/veh / LOS	37.2	D		34.4	C		21.8	C		23.8	C	
Intersection Delay, s/veh / LOS	26.2						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.57	C	2.30	B	1.91	B	1.96	B
Bicycle LOS Score / LOS	0.85	A	0.96	A	0.99	A	1.18	A

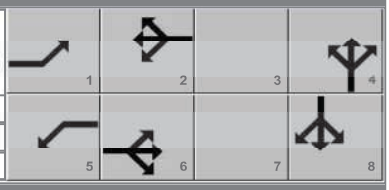
HCS Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Existing AM Peak-hour	PHF	0.91
Urban Street	SR 40	Analysis Year	2023	Analysis Period	1> 7:00
Intersection	SR 40 at Main Trail	File Name	9- SR 40 at Main Trail_existing AM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	100	1068	167	52	1088	20	119	34	17	28	61	165

Signal Information													
Cycle, s	113.3	Reference Phase	2										
Offset, s	0	Reference Point	End										
Uncoordinated	Yes	Simult. Gap E/W	On										
Force Mode	Fixed	Simult. Gap N/S	On										
				Green	4.2	0.8	60.7	26.5	0.0	0.0			
				Yellow	4.8	0.0	4.8	3.5	0.0	0.0			
				Red	2.8	0.0	2.0	3.3	0.0	0.0			



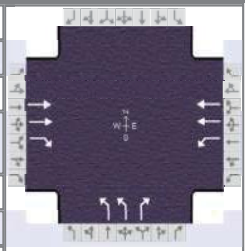
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	1	6	5	2		4		8
Case Number	1.1	4.0	1.1	4.0		8.0		8.0
Phase Duration, s	12.6	68.3	11.8	67.5		33.3		33.3
Change Period, ($Y+R_c$), s	7.3	6.8	7.6	6.8		6.8		6.8
Max Allow Headway (*MAH*), s	4.0	5.0	4.0	5.0		4.5		4.5
Queue Clearance Time (g_s), s	5.1	33.2	3.6	27.5		25.6		18.8
Green Extension Time (g_e), s	0.3	28.2	0.1	30.0		0.9		1.6
Phase Call Probability	0.97	1.00	0.83	1.00		1.00		1.00
Max Out Probability	0.00	0.53	0.00	0.49		1.00		0.09

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	1	6	16	5	2	12	7	4	14	3	8	18
Adjusted Flow Rate (*v*), veh/h	110	693	665	57	611	607		187			279	
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1781	1856	1768	1781	1870	1858		918			1728	
Queue Service Time (g_s), s	3.1	30.9	31.2	1.6	25.5	25.5		6.8			0.0	
Cycle Queue Clearance Time (g_c), s	3.1	30.9	31.2	1.6	25.5	25.5		23.6			16.8	
Green Ratio (*g/C*)	0.58	0.54	0.54	0.57	0.54	0.54		0.23			0.23	
Capacity (*c*), veh/h	289	1007	959	229	1002	995		268			439	
Volume-to-Capacity Ratio (*X*)	0.381	0.688	0.693	0.249	0.609	0.610		0.696			0.636	
Back of Queue (*Q*), ft/ln (95 th percentile)	54.1	463.5	440	28.2	394.2	386		239.6			302.5	
Back of Queue (*Q*), veh/ln (95 th percentile)	2.1	18.1	17.6	1.1	15.5	15.4		9.4			11.9	
Queue Storage Ratio (*RQ*) (95 th percentile)	0.19	0.00	0.00	0.10	0.00	0.00		0.00			0.00	
Uniform Delay (d_1), s/veh	14.3	18.9	19.0	16.1	18.1	18.1		43.4			39.9	
Incremental Delay (d_2), s/veh	0.8	1.4	1.5	0.6	0.9	0.9		5.6			2.3	
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Control Delay (*d*), s/veh	15.2	20.3	20.5	16.7	19.0	19.0		49.1			42.2	
Level of Service (LOS)	B	C	C	B	B	B		D			D	
Approach Delay, s/veh / LOS	20.0	B		18.9	B		49.1	D		42.2	D	
Intersection Delay, s/veh / LOS	23.2						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	1.67	B	1.67	B	2.30	B	2.30	B
Bicycle LOS Score / LOS	1.70	B	1.54	B	0.80	A	0.95	A

HCS Signalized Intersection Results Summary

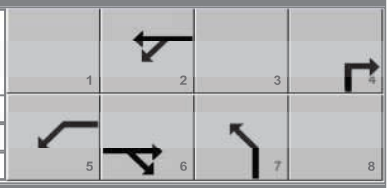
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Existing PM Peak-hour	PHF	0.95
Urban Street	US 1	Analysis Year	2023	Analysis Period	1> 7:00
Intersection	US 1 at Nova Rd	File Name	1.1- US 1 at Nova Rd_existing PM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h		960	631	65	962		680		60			

Signal Information			
Cycle, s	87.2	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	4.9	37.0	22.7	0.0	0.0	0.0
Yellow	5.5	5.5	4.5	0.0	0.0	0.0
Red	2.0	2.0	3.2	0.0	0.0	0.0



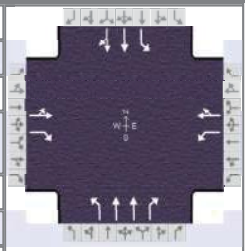
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		6	5	2		4		
Case Number		7.3	1.0	4.0		9.0		
Phase Duration, s		44.5	12.4	56.8		30.4		
Change Period, ($Y+R_c$), s		7.5	7.5	7.5		7.7		
Max Allow Headway (*MAH*), s		4.9	4.9	4.9		5.1		
Queue Clearance Time (g_s), s		23.8	3.7	17.1		18.8		
Green Extension Time (g_e), s		12.8	0.2	19.8		3.9		
Phase Call Probability		1.00	0.81	1.00		1.00		
Max Out Probability		0.71	0.00	0.62		0.35		

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement		6	16	5	2		7		14			
Adjusted Flow Rate (*v*), veh/h		1011	479	68	1013		716		63			
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1781		1781	1781		1730		1585			
Queue Service Time (g_s), s		19.9		1.7	15.1		16.8		2.7			
Cycle Queue Clearance Time (g_c), s		19.9		1.7	15.1		16.8		2.7			
Green Ratio (*g/C*)		0.42		0.50	0.57		0.26		0.26			
Capacity (*c*), veh/h		1509		290	2013		901		413			
Volume-to-Capacity Ratio (*X*)		0.670		0.236	0.503		0.794		0.153			
Back of Queue (*Q*), ft/ln (95 th percentile)		294.9		28.2	209.4		291.6		45.7			
Back of Queue (*Q*), veh/ln (95 th percentile)		11.6		1.1	8.2		11.5		1.8			
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00		0.04	0.00		0.91		0.00			
Uniform Delay (d_1), s/veh		20.2		14.4	11.5		30.1		24.8			
Incremental Delay (d_2), s/veh		0.9		0.6	0.3		3.3		0.2			
Initial Queue Delay (d_3), s/veh		0.0		0.0	0.0		0.0		0.0			
Control Delay (*d*), s/veh		21.1	0.0	15.0	11.8		33.4		25.1			
Level of Service (LOS)		C	A	B	B		C		C			
Approach Delay, s/veh / LOS	14.3	B		12.0	B		32.7	C		0.0		
Intersection Delay, s/veh / LOS	17.9						B					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.10	B	0.68	A	2.31	B	2.56	C
Bicycle LOS Score / LOS	1.72	B	1.38	A		F		

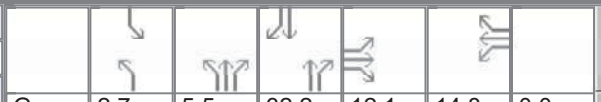
HCS Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Existing PM Peak-hour	PHF	0.95
Urban Street	Nova Rd	Analysis Year	2023	Analysis Period	1> 7:00
Intersection	Nova Rd at Wilmette Rd	File Name	3.1- Nova Rd at Wilmette Ave_existing PM.xus		
Project Description	5361.09 Tomoka Oaks Residentail				

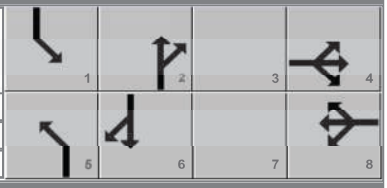


Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	98	80	99	217	105	27	115	750	172	28	656	75

Signal Information			
Cycle, s	94.2	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On



Green	2.7	5.5	32.2	12.1	14.8	0.0
Yellow	5.0	0.0	4.0	4.0	4.0	0.0
Red	2.5	0.0	2.5	2.5	2.5	0.0



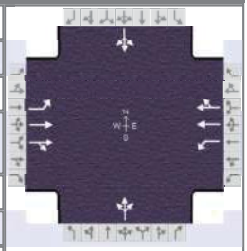
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		11.0		10.0	2.0	3.0	2.0	4.0
Phase Duration, s		18.6		21.3	15.7	44.2	10.2	38.7
Change Period, ($Y+R_c$), s		6.5		6.5	7.5	7.5	7.5	7.5
Max Allow Headway (*MAH*), s		4.3		4.2	4.0	5.0	4.0	5.0
Queue Clearance Time (g_s), s		11.4		13.7	8.3	18.4	3.5	18.7
Green Extension Time (g_e), s		0.7		1.1	0.2	12.5	0.0	12.4
Phase Call Probability		1.00		1.00	0.96	1.00	0.54	1.00
Max Out Probability		0.00		0.04	0.00	0.20	0.00	0.21

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h		187	43	228	139		121	789	66	29	392	378
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1820	1585	1781	1804		1781	1781	1415	1781	1870	1803
Queue Service Time (g_s), s		9.4	2.3	11.7	6.6		6.3	16.4	2.8	1.5	16.7	16.7
Cycle Queue Clearance Time (g_c), s		9.4	2.3	11.7	6.6		6.3	16.4	2.8	1.5	16.7	16.7
Green Ratio (*g/C*)		0.13	0.13	0.16	0.16		0.09	0.39	0.39	0.03	0.33	0.33
Capacity (*c*), veh/h		234	204	280	283		155	1386	551	51	619	597
Volume-to-Capacity Ratio (*X*)		0.802	0.212	0.817	0.491		0.783	0.570	0.120	0.578	0.632	0.633
Back of Queue (*Q*), ft/ln (95 th percentile)		207	42.2	238.7	138.5		137.2	268.2	40.9	36.4	294	281.5
Back of Queue (*Q*), veh/ln (95 th percentile)		8.2	1.7	9.4	5.5		5.4	10.6	1.6	1.4	11.6	11.3
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00	0.65	3.18	0.00		1.03	0.00	0.14	0.15	0.00	0.00
Uniform Delay (d_1), s/veh		39.9	36.8	38.5	36.3		42.2	22.6	18.5	45.3	26.7	26.7
Incremental Delay (d_2), s/veh		6.3	0.5	5.8	1.3		8.3	0.5	0.1	9.9	1.5	1.6
Initial Queue Delay (d_3), s/veh		0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh		46.2	37.3	44.3	37.6		50.5	23.1	18.6	55.2	28.2	28.3
Level of Service (LOS)		D	D	D	D		D	C	B	E	C	C
Approach Delay, s/veh / LOS	44.6	D		41.8	D		26.2	C		29.3	C	
Intersection Delay, s/veh / LOS	31.4						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.61	C	2.31	B	1.91	B	2.00	B
Bicycle LOS Score / LOS	0.87	A	1.09	A	1.29	A	1.15	A

HCS Signalized Intersection Results Summary

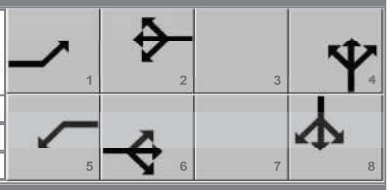
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Existing PM Peak-hour	PHF	0.93
Urban Street	SR 40	Analysis Year	2023	Analysis Period	1> 7:00
Intersection	SR 40 at Main Trail	File Name	9.1- SR 40 at Main Trail_existing PM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	220	1396	83	7	1372	34	50	7	5	18	6	148

Signal Information			
Cycle, s	170.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	10.7	105.0	5.0	20.8	0.0	0.0
Yellow	4.8	4.8	4.8	3.5	0.0	0.0
Red	2.5	2.0	2.8	3.3	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	1	6	5	2		4		8
Case Number	1.2	4.0	1.3	4.0		8.0		8.0
Phase Duration, s	18.0	129.8	12.6	124.4		27.6		27.6
Change Period, ($Y+R_c$), s	7.3	6.8	7.6	7.6		6.8		6.8
Max Allow Headway (*MAH*), s	4.0	0.0	4.0	0.0		4.5		4.5
Queue Clearance Time (g_s), s	10.0		2.0			20.4		19.8
Green Extension Time (g_e), s	0.7	0.0	1.9	0.0		0.4		0.5
Phase Call Probability	1.00		1.00			1.00		1.00
Max Out Probability	0.00		1.00			0.82		0.61

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	1	6	16	5	2	12	7	4	14	3	8	18
Adjusted Flow Rate (*v*), veh/h	237	800	790	8	758	754		67			185	
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1781	1870	1833	1781	1870	1854		688			1714	
Queue Service Time (g_s), s	8.0	35.1	35.6	0.0	36.3	36.4		0.5			0.0	
Cycle Queue Clearance Time (g_c), s	8.0	35.1	35.6	0.0	36.3	36.4		18.4			17.8	
Green Ratio (*g/C*)	0.69	0.72	0.72	0.64	0.69	0.69		0.12			0.12	
Capacity (*c*), veh/h	294	1353	1326	256	1285	1274		122			233	
Volume-to-Capacity Ratio (*X*)	0.805	0.591	0.596	0.029	0.590	0.592		0.545			0.793	
Back of Queue (*Q*), ft/ln (95 th percentile)	245.9	510.9	501.1	6.7	542.7	532.3		139.2			349.2	
Back of Queue (*Q*), veh/ln (95 th percentile)	9.7	20.1	20.0	0.3	21.4	21.3		5.5			13.7	
Queue Storage Ratio (*RQ*) (95 th percentile)	0.88	0.00	0.00	0.02	0.00	0.00		0.00			0.00	
Uniform Delay (d_1), s/veh	22.7	11.3	11.4	19.1	14.0	14.0		73.4			73.5	
Incremental Delay (d_2), s/veh	5.1	1.9	2.0	0.0	2.0	2.0		3.7			12.8	
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Control Delay (*d*), s/veh	27.9	13.3	13.4	19.1	16.0	16.0		77.1			86.3	
Level of Service (LOS)	C	B	B	B	B	B		E			F	
Approach Delay, s/veh / LOS	15.2	B		16.0	B		77.1	E		86.3	F	
Intersection Delay, s/veh / LOS	20.4						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	1.75	B	1.66	B	2.32	B	2.32	B
Bicycle LOS Score / LOS	1.99	B	1.74	B	0.60	A	0.79	A

APPENDIX E

Volusia County Signal Timings

COUNTY OF VOLUSIA TRAFFIC SIGNAL TIMING SHEET

LOCATION: US 1 & Nova Road North
Ormond Beach

FREE: X

DATE: 1/12/2022

SIGNAL #: 227

CO-ORD:

Design By: S.Castello

System #: 17

Controller Timing Chart

PHASE	1	WB 2	3	NB 4	WBL 5	EB 6	7 NBL	8	
DIRECTION	-	NB	-	EB	NBL	SB	EBL	-	
TURN TYPE	-	-	-	-	PERM/PROT	-	-	-	
MIN GREEN	-	16	-	11	6	16	11	-	
WALK	-	-	-	-	-	-	-	-	
PED CLR	-	-	-	-	-	-	-	-	
YELLOW	-	5.5	-	4.5	5.5	5.5	4.5	-	
RED CLR	-	2.0	-	3.2	2.0	2.0	3.2	-	
EXTENSION	-	4	-	4	4	4	4	-	
MAX 1	-	45	-	30	25	45	30	-	
MAX 2	-	-	-	-	-	-	-	-	
MAX 3	-	-	-	-	-	-	-	-	
DYM MAX	-	90	-	60	35	90	60	-	
DYM STP	-	10	-	10	10	10	10	-	
RECALL	-	MIN	-	-	-	MIN	-	-	
DETECTOR	-	LOCK	-	NON-LOCK	LOCK	LOCK	NON-LOCK	-	
FLASH	-	YELLOW	-	RED	RED	YELLOW	RED	-	

PATTERN	1	2	3	4	5	6	7	8	
CYCLE	-	-	-	-	-	-	-	-	
OFFSET	-	-	-	-	-	-	-	-	

PHASE	1	2	3	4	5	6	7	8	
PATTERN 1	-	-	-	-	-	-	-	-	
PATTERN 2	-	-	-	-	-	-	-	-	
PATTERN 3	-	-	-	-	-	-	-	-	
PATTERN 4	-	-	-	-	-	-	-	-	
PATTERN 5	-	-	-	-	-	-	-	-	
PATTERN 6	-	-	-	-	-	-	-	-	
PATTERN 7	-	-	-	-	-	-	-	-	

Controller IP	)	Switch IP		Camera IP	-
Controller Gateway	0	Switch Gateway		Camera Gateway	-

REMARKS:

Phase 5, FYA becomes Permitted/Protected at 9 PM.

2 4
5 6

COUNTY OF VOLUSIA TRAFFIC SIGNAL TIMING SHEET

LOCATION: Nova Rd & Main Trl / Willmette Ave
Ormond Beach

ISOLATED: X

DATE: 3/25/2021

SIGNAL #: 287

CO-ORD:

Design By: Sean Castello

System #: 17

Controller Timing Chart

PHASE	1	2	3	4	5	6	7	8
DIRECTION	SBL	NB	-	EB	NBL	SB	-	WB
TURN TYPE	PROT	-	-	SPLIT LEAD	PROT	-	-	SPLIT LAG
MIN GREEN	5	15		6	5	15		6
EXTENSION	3	4		3	3	4		3
CLEARANCE	5.0	5.0		4.0	5.0	5.0		4.0
ALL RED	2.5	2.5		2.5	2.5	2.5		2.5
WALK	-	7		-	-	7		7
FDW	-	40		-	-	40		20
MAX 1	20	50		25	20	50		25
MAX 2	-	-		-	-	-		-
MAX 3	-	90		-	-	90		-
ADJUST	-	10		-	-	10		-
RECALL	-	MIN		-	-	MIN		-
DETECTOR	LOCK	LOCK		NON-LOCK	LOCK	LOCK		NON-LOCK
FLASH	RED	YELLOW		RED	RED	YELLOW		RED
SET	-	2		-	-	2		-
CLEAR	-	2		-	-	2		-

BASE DAY		1	2	3	4	5	6	7
MON #1	TIME	00:01-00:00						
	PLAN	FREE						
TUES#1	TIME	00:01-00:00						
	PLAN	FREE						
WED #1	TIME	00:01-00:00						
	PLAN	FREE						
THU #1	TIME	00:01-00:00						
	PLAN	FREE						
FRI #1	TIME	00:01-00:00						
	PLAN	FREE						
SAT #1	TIME	00:01-00:00						
	PLAN	FREE						
SUN #1	TIME	00:01-00:00						
	PLAN	FREE						

CONTROLLER TYPE		CONDITION OF OVERHEAD	OK	PROM NUMBER	
Econolite ASC/3		OVERHEAD STREET NAMES	NO		
PHASES:	8Φ	ILLUMINATED STREET NAMES	YES	02.65.00	
CABINET TYPE	V	PRE-EMPTION	YES	IP ADDRESS	
CABINET DATE	11/2009	PRE-EMPTION TYPE	GPS		

Crosswalk Length	
P2	
80 Feet	
P4	
-	
P6	
141 Feet	
P8	
70 Feet	
SIGNAL OWNER	
FDOT	
LED	YES

REMARKS:

4 & 8 are Split Phase

1	2	4	8
5	6		

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION - DISTRICT FIVE
SR 40 - TSMO Signal Retiming
Volusia County
FIN 440412-1-32-02

Designed By:	J.M.
Date:	1/7/2019
Checked By:	R.A.A
Date:	1/7/2019

Section	79100	Mile Post	28.264	Node	8
Sig ID	207	Controller	Econolite ASC/3-2100	System ID	17
Maj. Street	SR 40	Orientation	E-W	SOP	7
Min. Street	Main Tr / Old Tomoka Rd	Orientation	N-S		

Pedestrians

Movement # (Controller Phase Ø)	1	2	3	4	5	6	7	8	Notes
Direction	EBL	WB		NB	WBL	EB		SB	
Speed Limit (mph)	45	45		25	45	45		25	
Vehicle Traversed Width	106	88		136	116	90		135	
Approach Grades	-0.5%	0.0%		-3.2%	0.0%	-0.5%		-1.9%	
Ped-X (curb to curb)		45		104		47		106	
Crossing Time		15		35		16		36	
Ped-X (button to curb)		18		13		21		14	
Ped-X (button to far curb)		63		117		68		120	
Crossing Time (to far curb)		21		39		23		40	

Controller Timings (seconds)

Movement # (Controller Phase Ø)	1	2	3	4	5	6	7	8	Notes
Direction	EBL	WB		NB	WBL	EB		SB	
Turn Type	Prot				Prot				
Min Green	5	15		10	5	15		10	
Ext	3.0	4.0		3.0	3.0	4.0		3.0	
Yellow Change Interval	4.8	4.8		3.5	4.8	4.8		3.5	
Red Clearance Interval	2.5	2.0		3.3	2.8	2.0		3.3	
Max I	20	60		40	20	60		40	
Max II (Timing Plan 1)	30	80		30	20	80		30	
Walk		7		7		7		7	Alternate walk and PED CL in notes below for school periods (Timing Plan 2 - TP2)
Flashing Don't Walk		15		35		16		36	
Min Splits	13.0	29.0		49.0	13.0	30.0		50.0	
Detector Memory		ON				ON			
Det. Cross Switch.									
Recall		Min				Min			
CNA									
Coord Phase		YES				YES			

Coordination Timings (seconds)

Plan	Pattern	C-O-S	Splits								Cycle Length	Offset	Seq
AM	1		23	86	-	51	18	91	-	51	160	80	1
MIDDAY	2		24	76	-	50	18	82	-	50	150	83	1
PM	3		31	107	-	32	18	120	-	32	170	22	2

Timing Plan 2

Walk		8		18		8		18			
Flashing Don't Walk		17		32		17		32			
Max II	23	80		30	11	80		30			

Notes

1. Offset referenced to end of first through movement 2 & 6
2. Program Max II (Timing Plan 1) for Patterns 1 & 2
3. Program fixed force-offs
4. Intersection runs FREE Max II & TP2 from 7:30 to 8:30 and 14:00 to 15:00 on weekdays
5. PED recall on coord phases. Program to rest in walk
6. Phase 5 lags for pattern 3, program Min recall on phase 5 for pattern 3
7. Additional programmed Max timings with the Pattern they run on are provided below

Patterns 1 & 2

Ring-1	1	2	4
Ring-2	5	6	8

Patterns 3

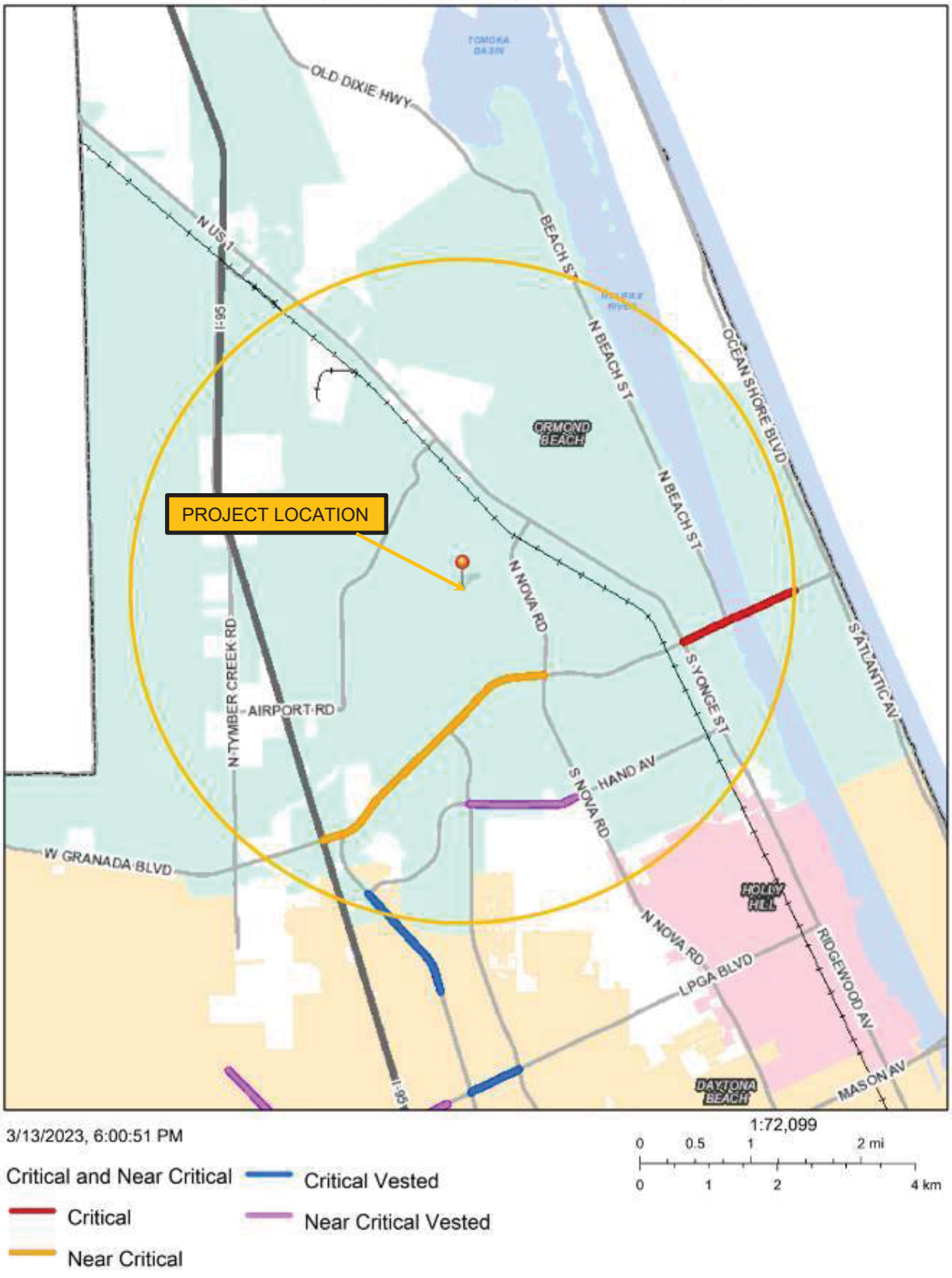
Ring-1	2	1	4
Ring-2	5	6	8

Timing Plan	Pattern	Max #	1	2	3	4	5	6	7	8
1	3	Max III	24	80	0	18	14	80	0	18

APPENDIX F

FDOT Traffic Trends Analysis & Vested Trip Information & Trip Assignments

Traffic Impact Buffer Map - 3 Mile Radius



Tomoka Oaks	N NTS	**3-Mile Critical/Near Critical Map**	LTG Engineering & Planning
		Project No.: 5361.02 | Figure: 3	1450 W. Granada Blvd., Suite 2, Ormond Beach, Florida 32174 Telephone: 386.257.2571 Fax: 386.257.6996

Roadway	Limits		No. of Lanes	Adopted LOS[1]	Two-Way Capacity at Adopted LOS[2]	Build Out Project Distribution	PM Peak-Hour Two-Way		
	From	To					Project Trips	Impact of LOS	3% Significant?
I-95	LPGA Blvd.	SR 40/Granada Blvd	6	D	12,310	0.0%	0	0.00%	No
	SR 40/Granada Blvd	US 1	6	D	10,510	0.0%	0	0.00%	No
US 1/Ridgewood Ave.	Hand Ave.	SR 40/Granada Blvd	4	D	3,580	6.0%	17	0.47%	No
	SR 40/Granada Blvd	SR 5A/Nova Rd.	4	D	3,580	20.0%	56	1.56%	No
	SR 5A/Nova Rd.	Airport Dr	4	D	3,580	20.0%	56	1.56%	No
	Airport Dr	I-95	4	D	3,580	15.0%	42	1.17%	No
SR 5A/Nova Rd.	LPGA Blvd.	Hand Ave.	6	D	5,390	23.0%	64	1.19%	No
	Hand Ave.	SR 40/Granada Blvd.	6	D	5,390	29.0%	81	1.50%	No
	SR 40/Granada Blvd.	Wilmette Ave	6	D	5,390	51.0%	142	2.63%	No
	Wilmette Ave	US 1	4	D	3,580	57.0%	159	4.44%	Yes
SR 40/Granada Blvd.	I 95	Clyde Morris Blvd.	4	D	3,580	12.0%	33	0.92%	No
	Clyde Morris Blvd.	Nova Rd.	4	D	3,580	17.0%	47	1.31%	No
	SR 5A/Nova Rd.	US 1	4	D	3,580	3.0%	8	0.22%	No
	US 1	Halifax Ave.	4	D	2,920	7.0%	20	0.68%	No
Clyde Morris Blvd.	SR 40	Hand Ave.	4	E	2,740	5.0%	14	0.51%	No
	Hand Ave.	LPGA Blvd.	4	E	3,410	4.0%	11	0.32%	No
Hand Ave.	Williamson Blvd.	Clyde Morris Blvd.	2	E	1,540	2.0%	6	0.39%	No
	Clyde Morris Blvd.	Shangri La Dr.	2	E	1,540	3.0%	8	0.52%	No
	Shangri La Dr.	Nova Rd.	4	E	3,410	2.0%	6	0.18%	No
	Nova Rd.	US 1	2	E	1,020	1.0%	3	0.29%	No
Williamson Blvd.	SR 40	Hand Ave.	4	E	3,410	2.0%	6	0.18%	No
	Hand Ave.	Strickland Range Rd	2	E	1,540	4.0%	11	0.71%	No
Airport Road	Tymber Creek Rd Ext.	Pineland Trl	2	E	2,200	0.0%	0	0.00%	No
	Pineland Trl	Sunshine Blvd	2	E	2,200	1.0%	3	0.14%	No
	Sunshine Blvd	US 1	2	E	2,200	3.0%	8	0.36%	No

[1] *Per Comprehensive Plan of Jurisdiction*

[2] *Per 2021 VC AADT Spreadsheet*

[3] *Per 2019 VC AADT Spreadsheet*

Critical

Near Critical

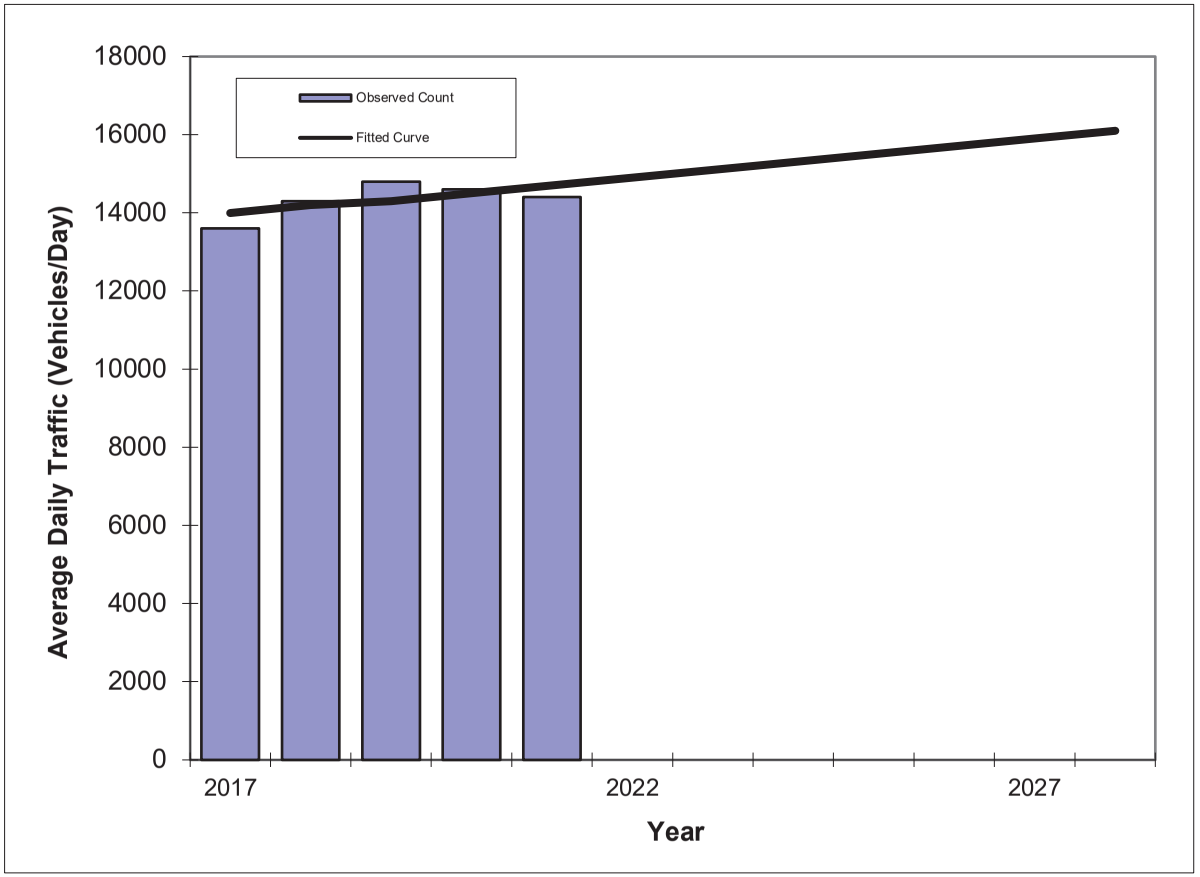
Vested Critical

Vested Near Critical

TRAFFIC TRENDS

Nova Rd -- Wilmette Ave to US 1

County:	Volusia
Station #:	459
Highway:	Nova Rd



Year	Traffic (ADT/AADT) Count*	Trend**
2017	13600	14000
2018	14300	14200
2019	14800	14300
2020	14600	14500
2021	14400	14700
2023 Opening Year Trend		
2023	N/A	15100
2026 Mid-Year Trend		
2026	N/A	15700
2028 Design Year Trend		
2028	N/A	16100
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

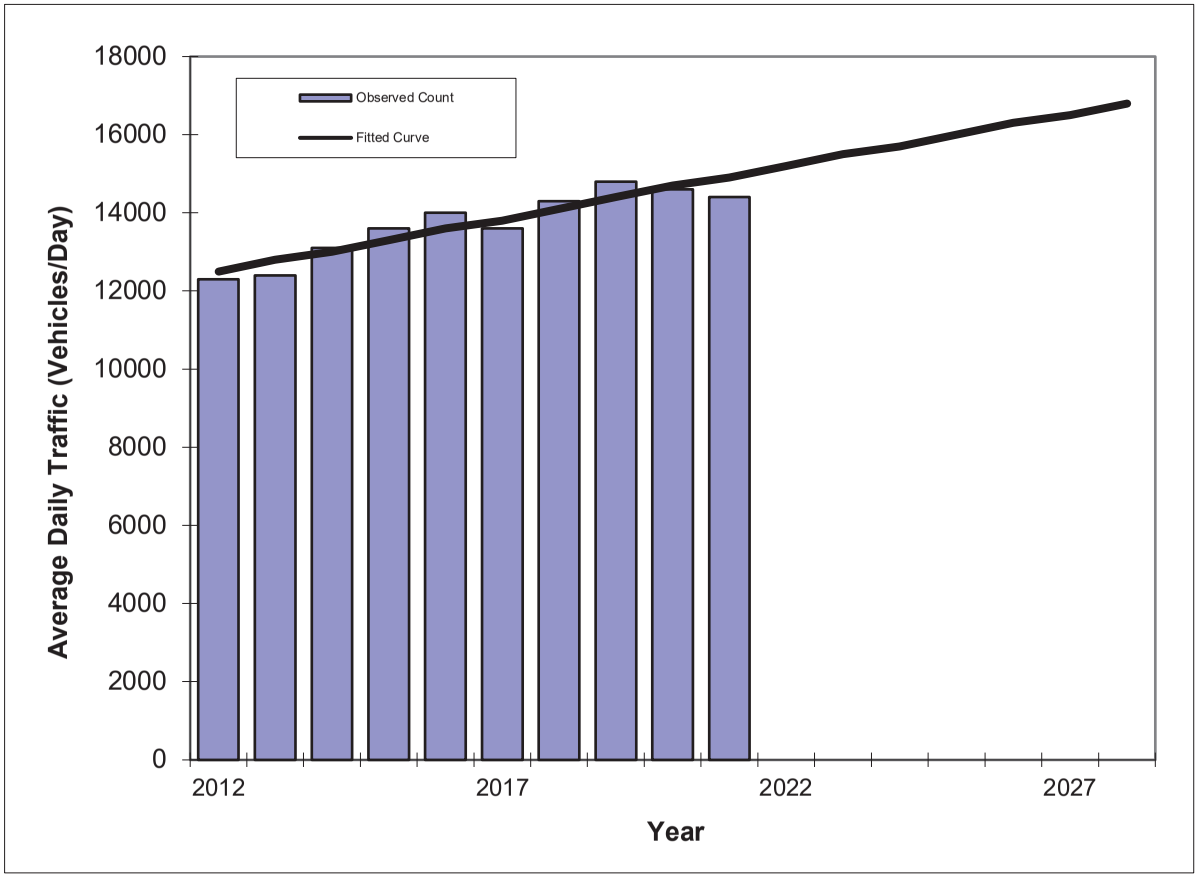
** Annual Trend Increase:	190
Trend R-squared:	43.4%
Trend Annual Historic Growth Rate:	1.25%
Trend Growth Rate (2021 to Design Year):	1.36%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

Nova Rd -- Wilmette Ave to US 1

County:	Volusia
Station #:	459
Highway:	Nova Rd



Year	Traffic (ADT/AADT) Count*	Trend**
2012	12300	12500
2013	12400	12800
2014	13100	13000
2015	13600	13300
2016	14000	13600
2017	13600	13800
2018	14300	14100
2019	14800	14400
2020	14600	14700
2021	14400	14900
2023 Opening Year Trend		
2023	N/A	15500
2026 Mid-Year Trend		
2026	N/A	16300
2028 Design Year Trend		
2028	N/A	16800
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

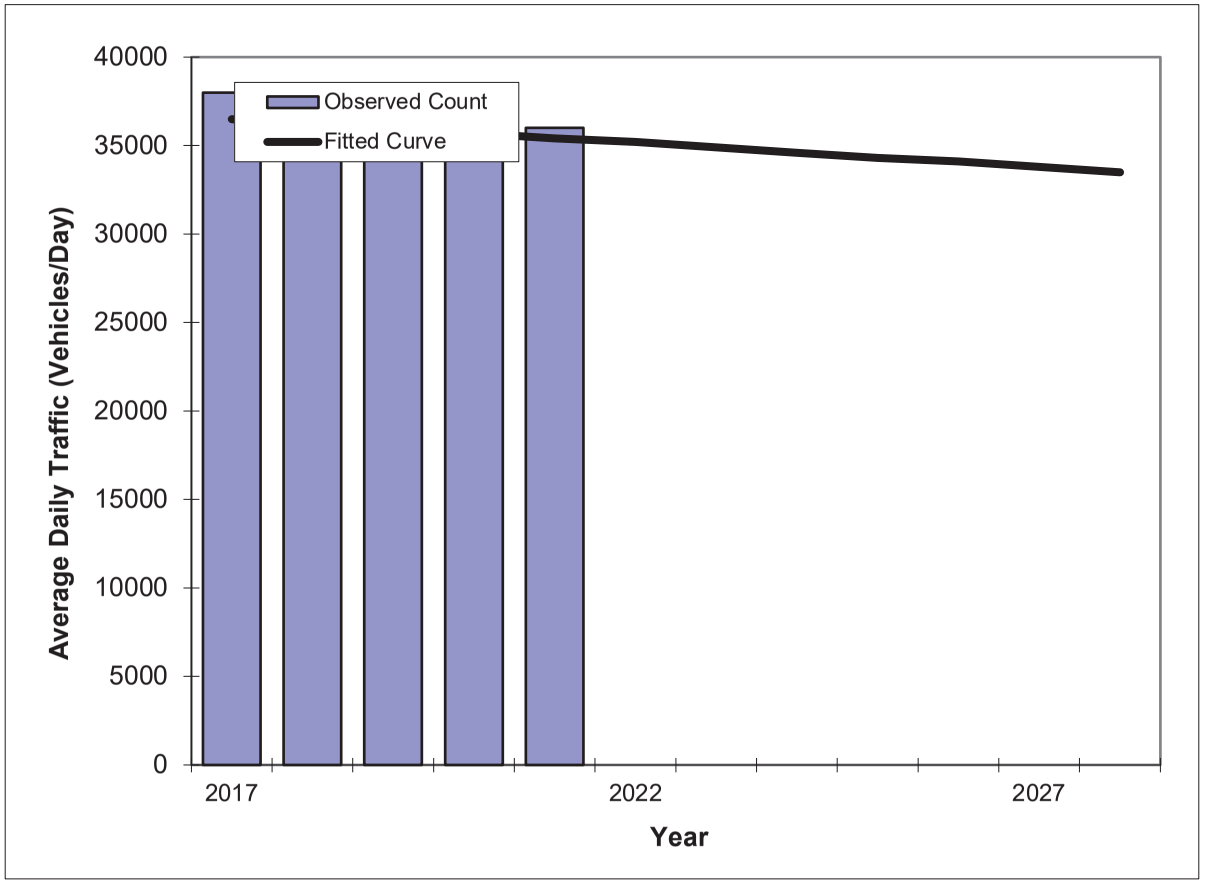
** Annual Trend Increase:	270
Trend R-squared:	85.9%
Trend Annual Historic Growth Rate:	2.13%
Trend Growth Rate (2021 to Design Year):	1.82%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

SR 40 -- I-95 to Clyde Morris Boulevard

County:	Volusia
Station #:	522
Highway:	SR 40



Year	Traffic (ADT/AADT) Count*	Trend**
2017	38000	36500
2018	34500	36200
2019	35500	36000
2020	35800	35700
2021	36000	35400
2023 Opening Year Trend		
2023	N/A	34900
2026 Mid-Year Trend		
2026	N/A	34100
2028 Design Year Trend		
2028	N/A	33500
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

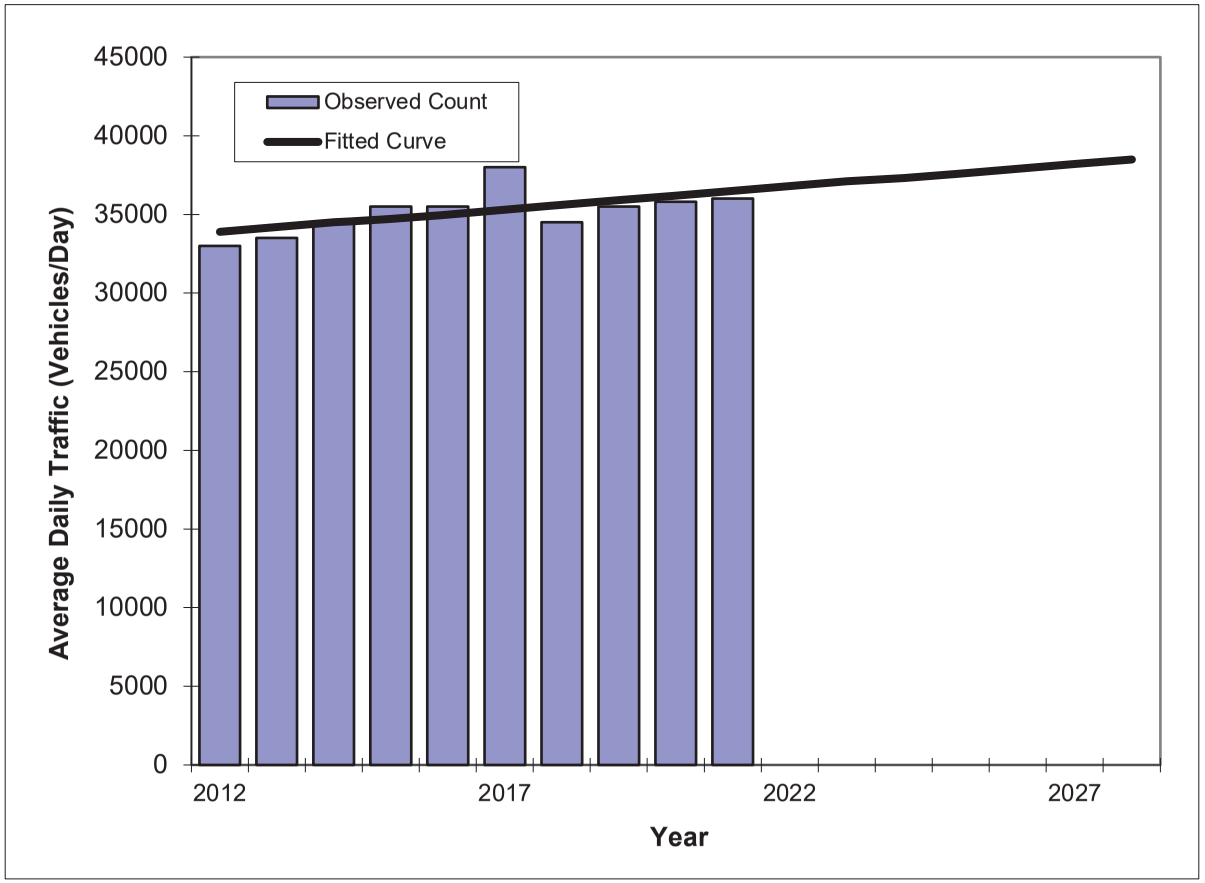
** Annual Trend Increase:	-270
Trend R-squared:	11.2%
Trend Annual Historic Growth Rate:	-0.75%
Trend Growth Rate (2021 to Design Year):	-0.77%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

SR 40 -- I-95 to Clyde Morris Boulevard

County:	Volusia
Station #:	522
Highway:	SR 40



Year	Traffic (ADT/AADT) Count*	Trend**
2012	33000	33900
2013	33500	34200
2014	34500	34500
2015	35500	34700
2016	35500	35000
2017	38000	35300
2018	34500	35600
2019	35500	35900
2020	35800	36200
2021	36000	36500
2023 Opening Year Trend		
2023	N/A	37100
2026 Mid-Year Trend		
2026	N/A	37900
2028 Design Year Trend		
2028	N/A	38500
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

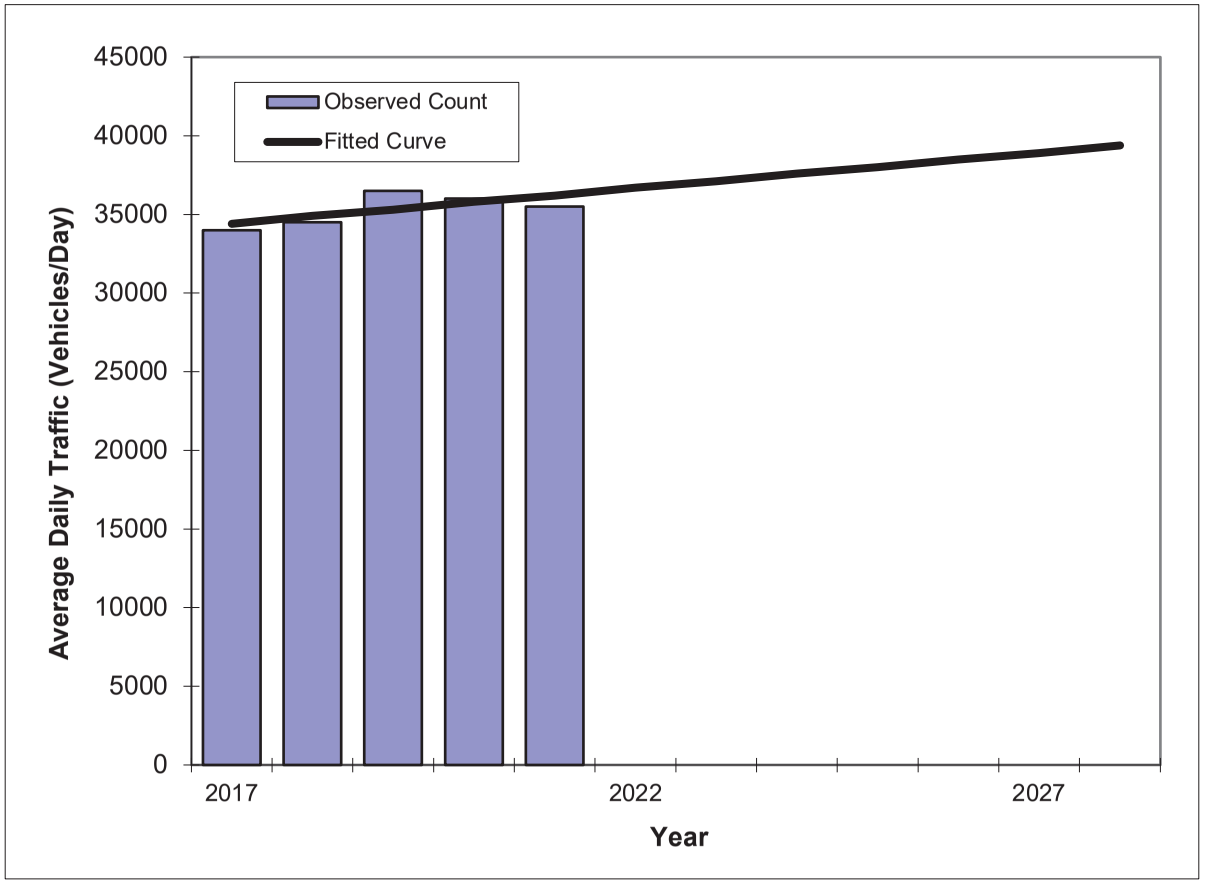
** Annual Trend Increase:	288
Trend R-squared:	38.5%
Trend Annual Historic Growth Rate:	0.85%
Trend Growth Rate (2021 to Design Year):	0.78%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

SR 40 -- Clyde Morris Boulevard to Nova Road

County:	Volusia
Station #:	489
Highway:	SR 40



Year	Traffic (ADT/AADT) Count*	Trend**
2017	34000	34400
2018	34500	34900
2019	36500	35300
2020	36000	35800
2021	35500	36200
2023 Opening Year Trend		
2023	N/A	37100
2026 Mid-Year Trend		
2026	N/A	38500
2028 Design Year Trend		
2028	N/A	39400
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

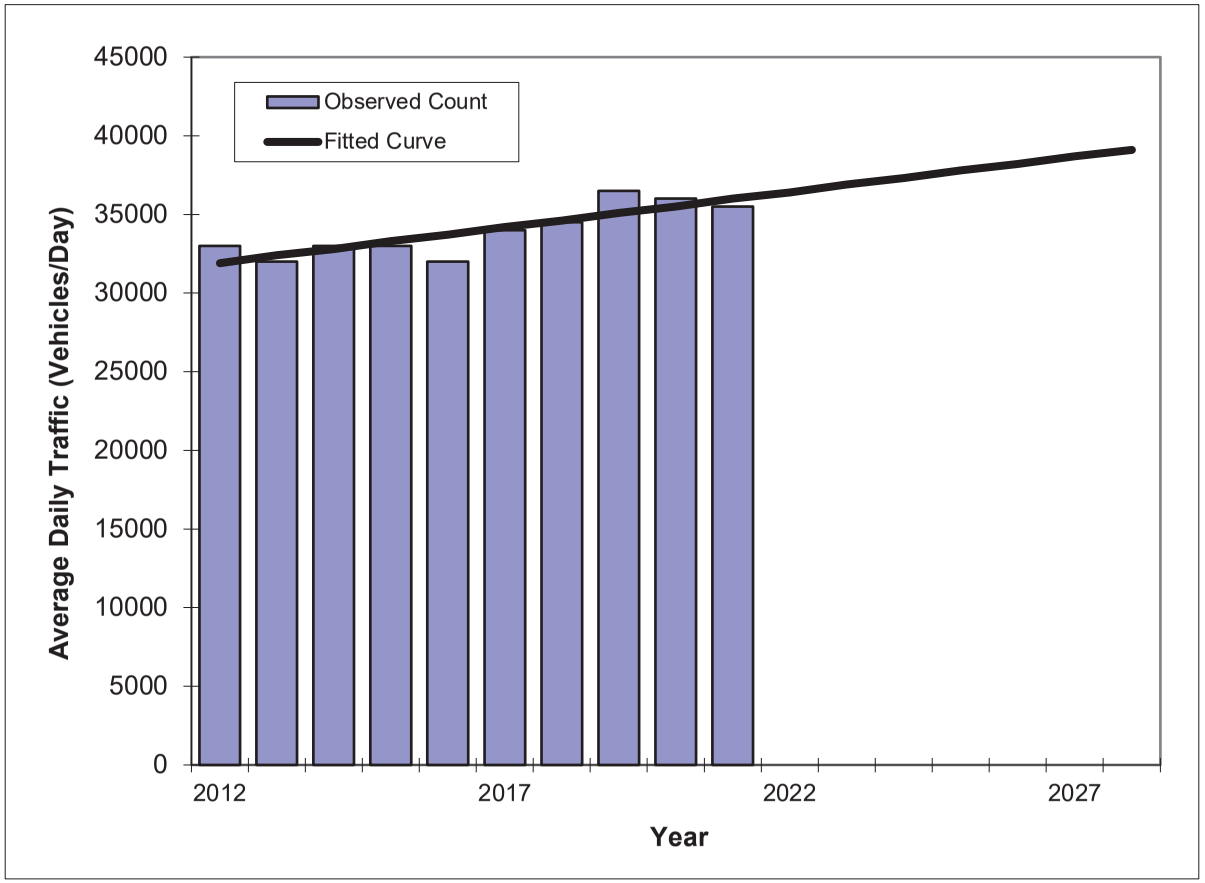
** Annual Trend Increase:	450
Trend R-squared:	47.1%
Trend Annual Historic Growth Rate:	1.31%
Trend Growth Rate (2021 to Design Year):	1.26%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

SR 40 -- Clyde Morris Boulevard to Nova Road

County:	Volusia
Station #:	489
Highway:	SR 40



Year	Traffic (ADT/AADT) Count*	Trend**
2012	33000	31900
2013	32000	32400
2014	33000	32800
2015	33000	33300
2016	32000	33700
2017	34000	34200
2018	34500	34600
2019	36500	35100
2020	36000	35500
2021	35500	36000
2023 Opening Year Trend		
2023	N/A	36900
2026 Mid-Year Trend		
2026	N/A	38200
2028 Design Year Trend		
2028	N/A	39100
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

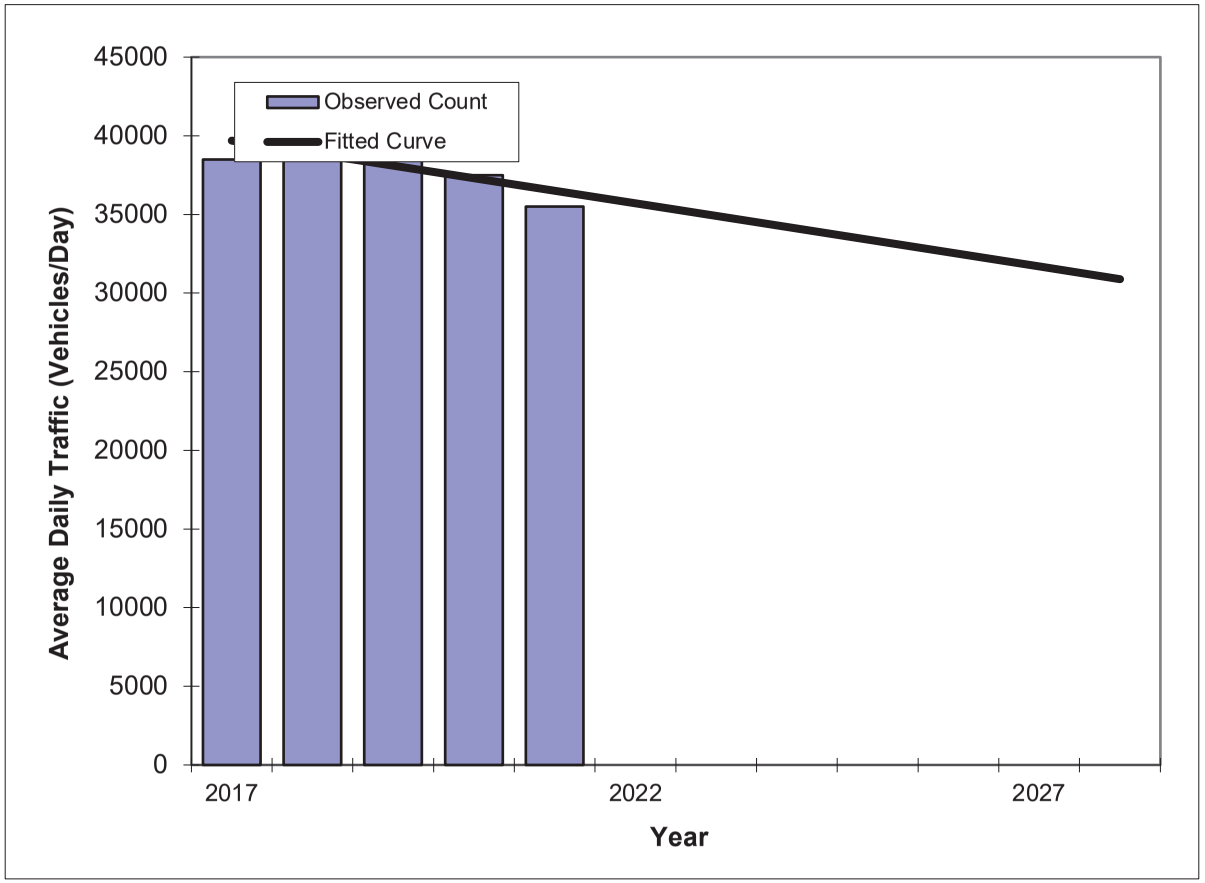
** Annual Trend Increase:	452
Trend R-squared:	70.9%
Trend Annual Historic Growth Rate:	1.43%
Trend Growth Rate (2021 to Design Year):	1.23%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

SR 40 -- US 1 to Halifax Ave

County:	Volusia
Station #:	171
Highway:	SR 40



Year	Traffic (ADT/AADT) Count*	Trend**
2017	38500	39700
2018	39500	38900
2019	39500	38100
2020	37500	37300
2021	35500	36500
2023 Opening Year Trend		
2023	N/A	34900
2026 Mid-Year Trend		
2026	N/A	32500
2028 Design Year Trend		
2028	N/A	30900
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

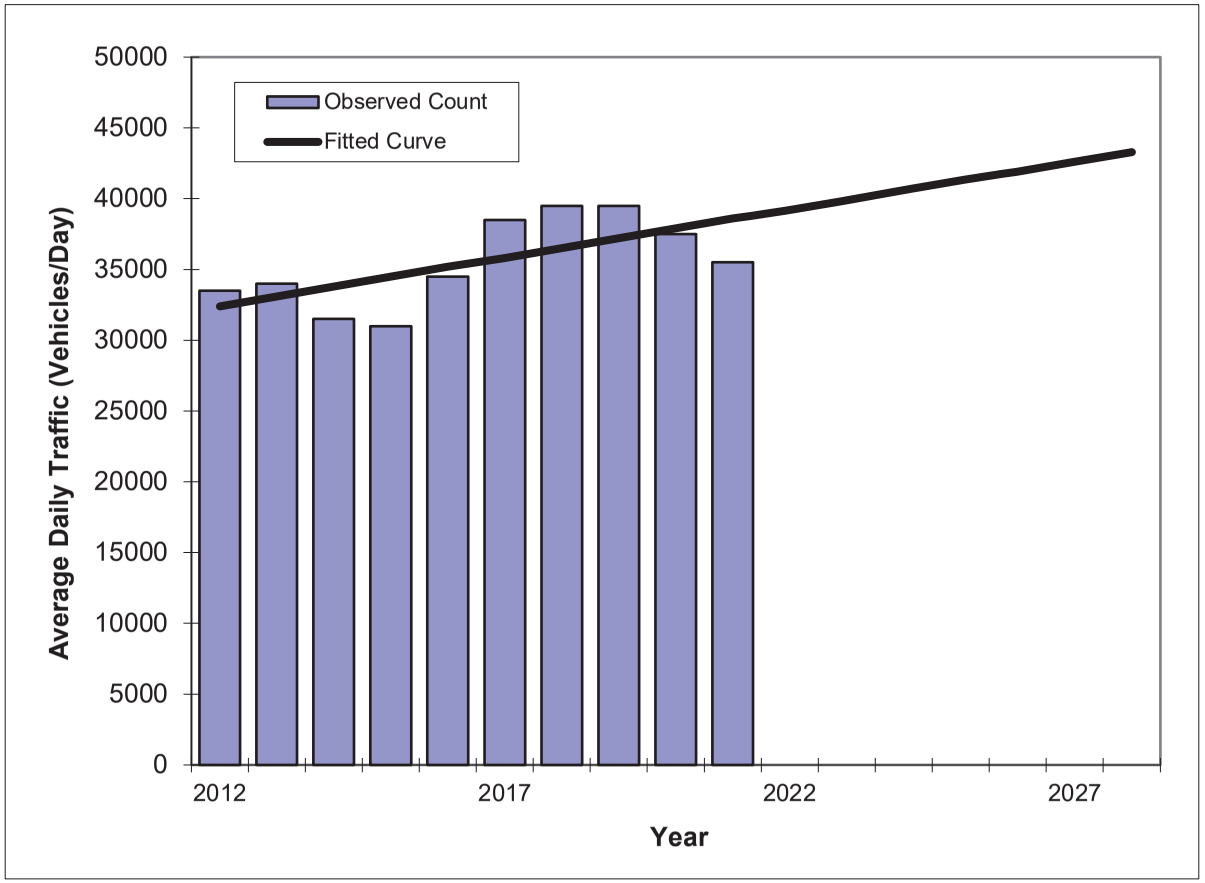
** Annual Trend Increase:	-800
Trend R-squared:	57.1%
Trend Annual Historic Growth Rate:	-2.02%
Trend Growth Rate (2021 to Design Year):	-2.19%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

SR 40 -- US 1 to Halifax Ave

County:	Volusia
Station #:	171
Highway:	SR 40



Year	Traffic (ADT/AADT) Count*	Trend**
2012	33500	32400
2013	34000	33100
2014	31500	33800
2015	31000	34500
2016	34500	35200
2017	38500	35800
2018	39500	36500
2019	39500	37200
2020	37500	37900
2021	35500	38600
2023 Opening Year Trend		
2023	N/A	39900
2026 Mid-Year Trend		
2026	N/A	41900
2028 Design Year Trend		
2028	N/A	43300
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

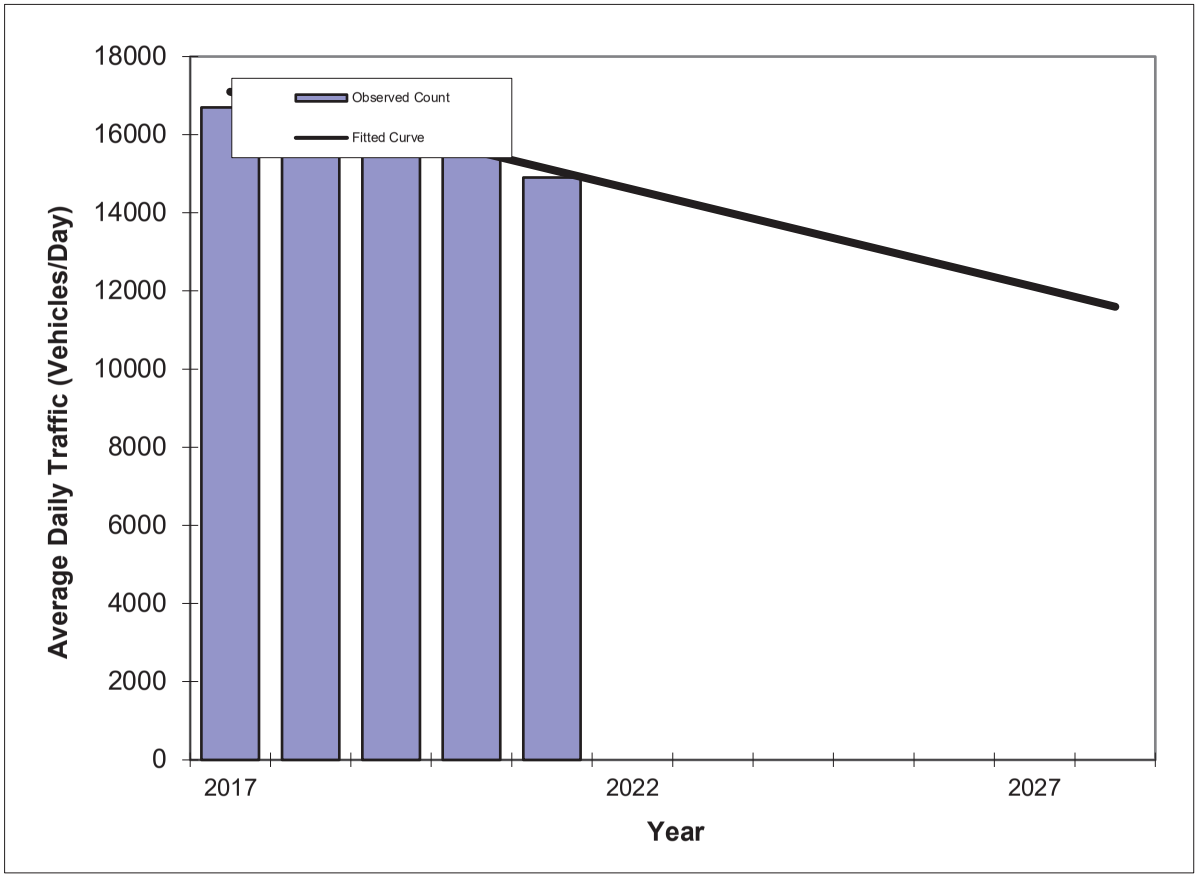
** Annual Trend Increase:	679
Trend R-squared:	43.0%
Trend Annual Historic Growth Rate:	2.13%
Trend Growth Rate (2021 to Design Year):	1.74%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

Hand Ave -- Clyde Morris Blvd to Shangri La Dr

County:	Volusia
Station #:	832
Highway:	Hand Ave



Year	Traffic (ADT/AADT) Count*	Trend**
2017	16700	17100
2018	17000	16600
2019	16400	16100
2020	15600	15600
2021	14900	15100
2023 Opening Year Trend		
2023	N/A	14100
2026 Mid-Year Trend		
2026	N/A	12600
2028 Design Year Trend		
2028	N/A	11600
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

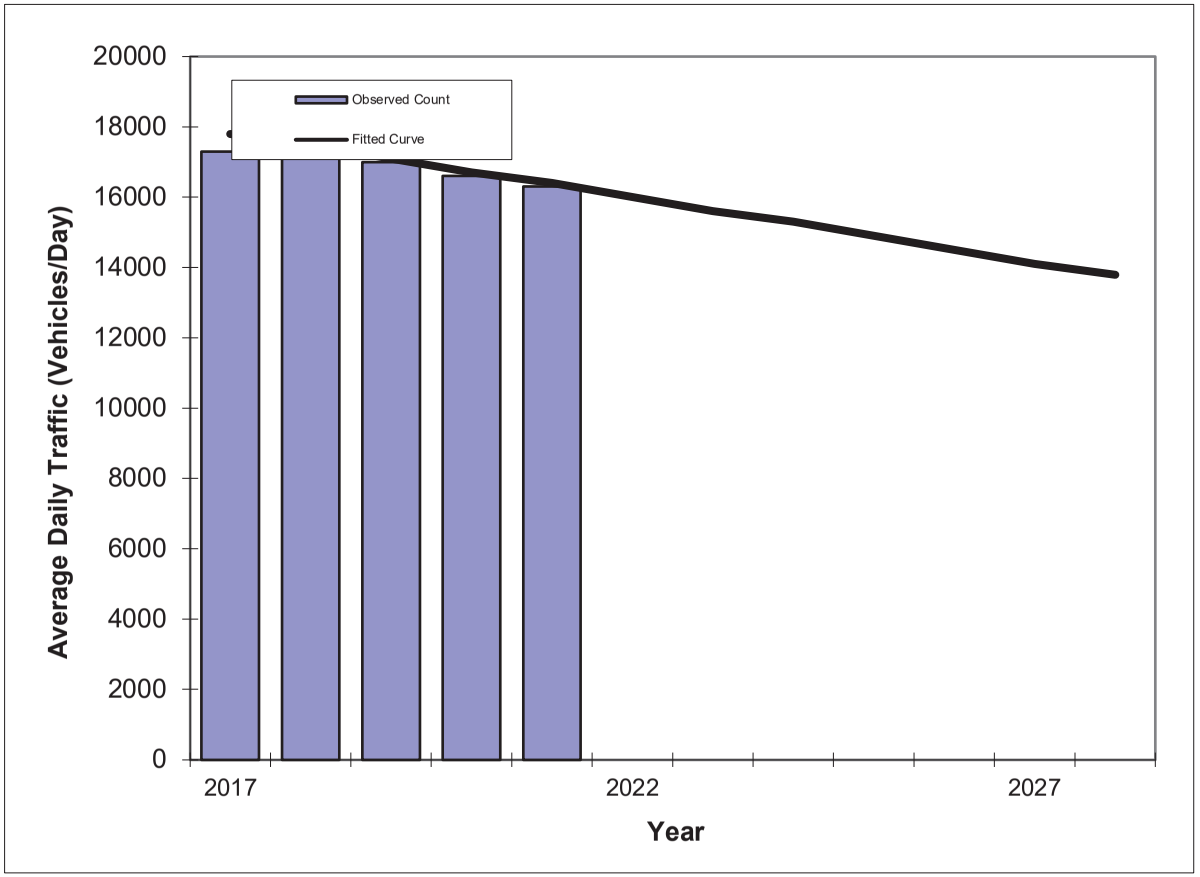
** Annual Trend Increase:	-500
Trend R-squared:	84.8%
Trend Annual Historic Growth Rate:	-2.92%
Trend Growth Rate (2021 to Design Year):	-3.31%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

Hand Ave -- Shangri La Dr to Nova Rd

County:	Volusia
Station #:	833
Highway:	Hand Ave



Year	Traffic (ADT/AADT) Count*	Trend**
2017	17300	17800
2018	18300	17500
2019	17000	17100
2020	16600	16700
2021	16300	16400
2023 Opening Year Trend		
2023	N/A	15600
2026 Mid-Year Trend		
2026	N/A	14500
2028 Design Year Trend		
2028	N/A	13800
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

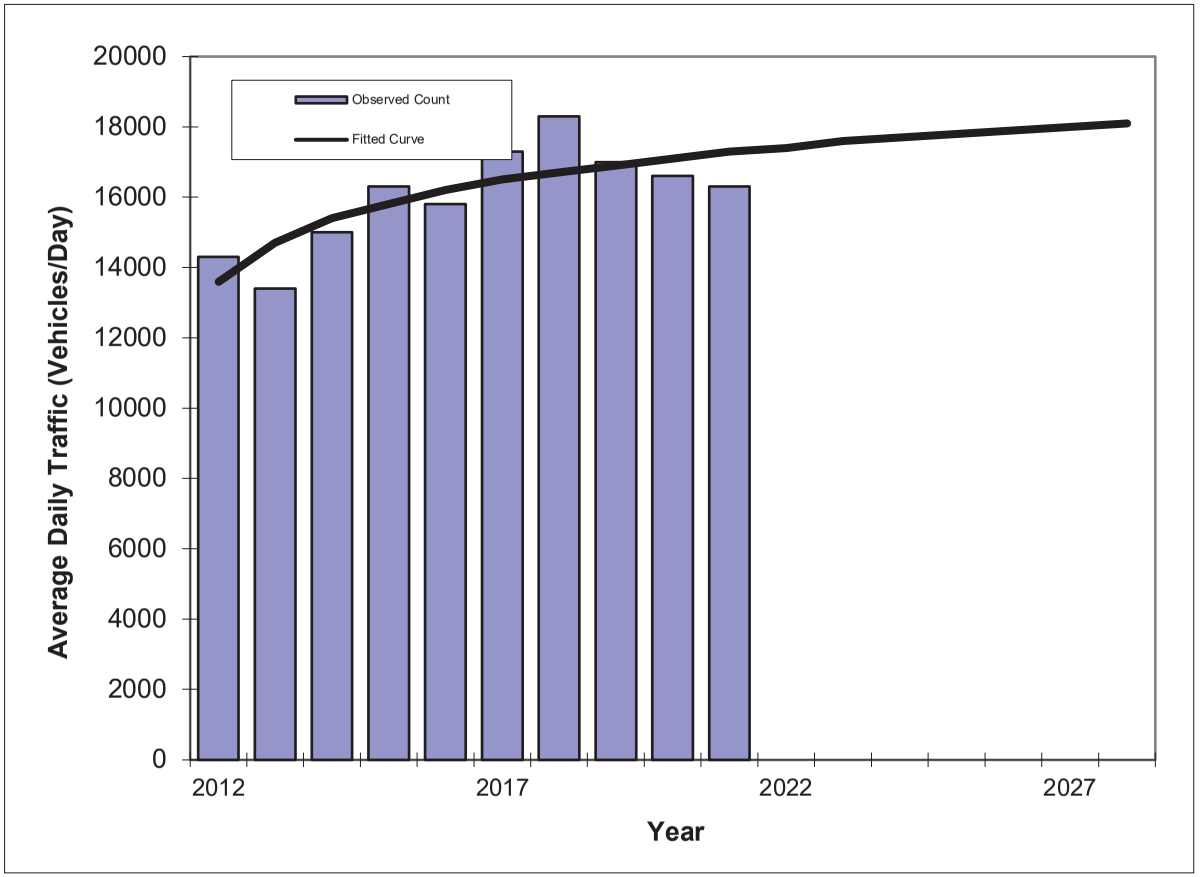
** Annual Trend Increase:	-370
Trend R-squared:	57.5%
Trend Annual Historic Growth Rate:	-1.97%
Trend Growth Rate (2021 to Design Year):	-2.26%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

Hand Ave -- Shangri La Dr to Nova Rd

County:	Volusia
Station #:	833
Highway:	Hand Ave



Year	Traffic (ADT/AADT) Count*	Trend**
2012	14300	13600
2013	13400	14700
2014	15000	15400
2015	16300	15800
2016	15800	16200
2017	17300	16500
2018	18300	16700
2019	17000	16900
2020	16600	17100
2021	16300	17300
2023 Opening Year Trend		
2023	N/A	17600
2026 Mid-Year Trend		
2026	N/A	17900
2028 Design Year Trend		
2028	N/A	18100
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

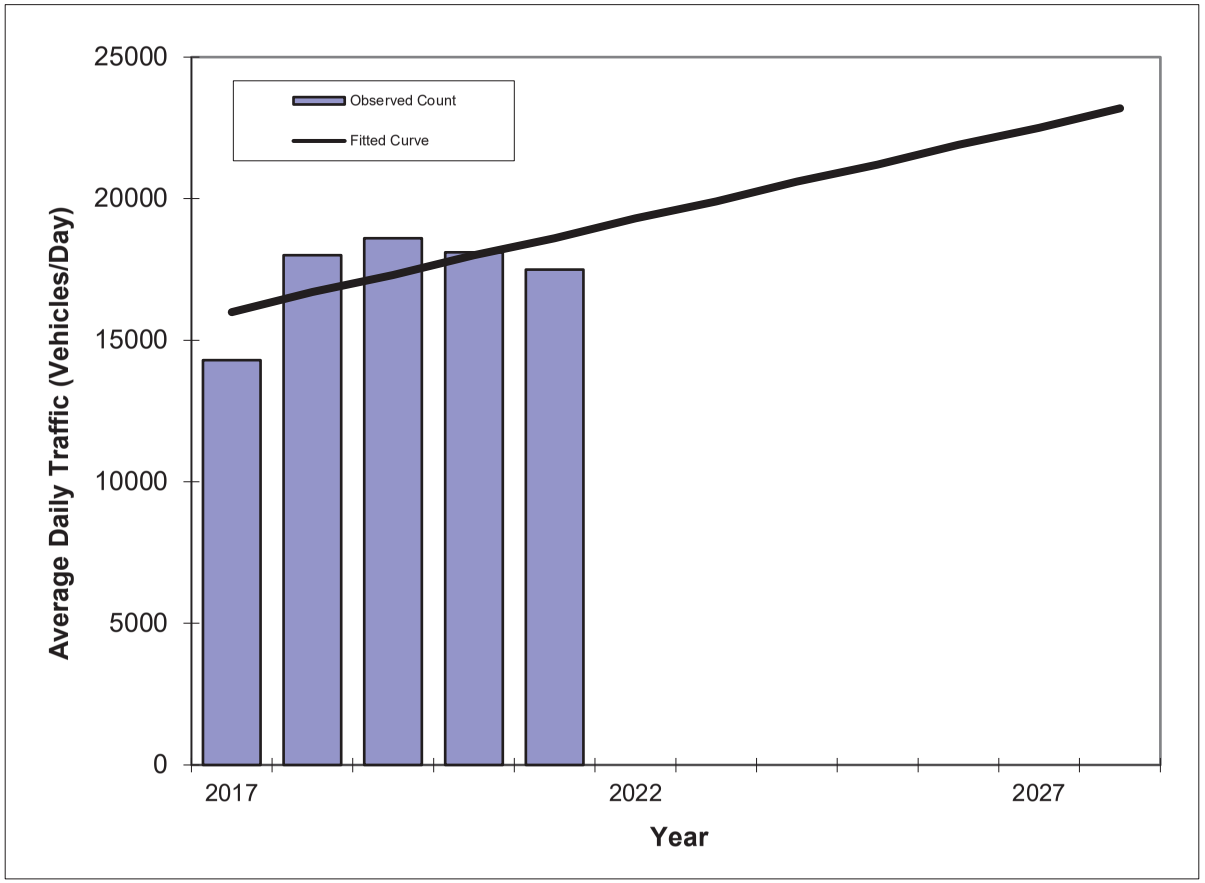
Trend R-squared:	62.8%
Compounded Annual Historic Growth Rate:	2.18%
Compounded Growth Rate (2021 to Design Year):	0.41%
Printed:	27-Mar-23

Decaying Exponential Growth Option

TRAFFIC TRENDS

Williamson Blvd -- LPGA Blvd to Hand Ave

County:	Volusia
Station #:	2001
Highway:	Williamson Blvd



Year	Traffic (ADT/AADT) Count*	Trend**
2017	14300	16000
2018	18000	16700
2019	18600	17300
2020	18100	18000
2021	17500	18600
2023 Opening Year Trend		
2023	N/A	19900
2026 Mid-Year Trend		
2026	N/A	21900
2028 Design Year Trend		
2028	N/A	23200
TRANPLAN Forecasts/Trends		

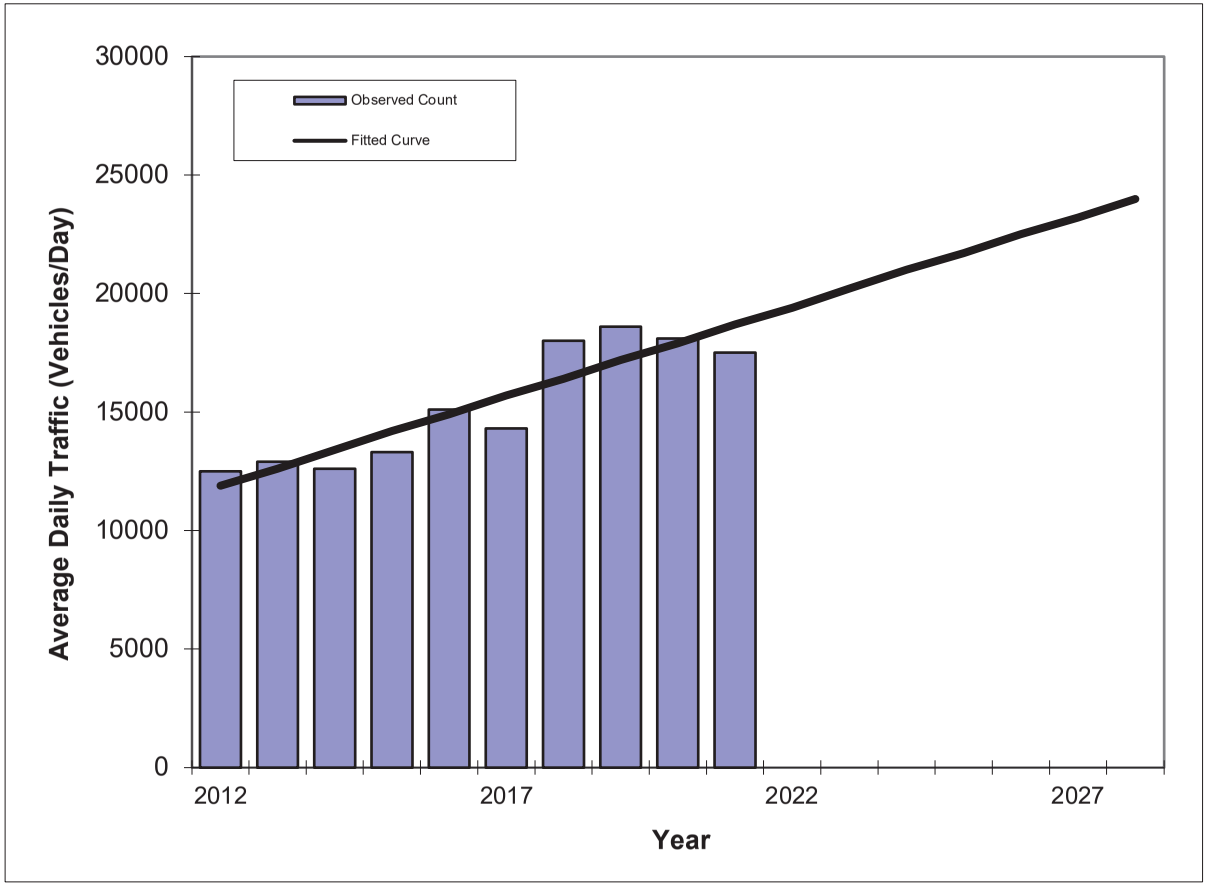
*Axle-Adjusted

** Annual Trend Increase:	650
Trend R-squared:	35.6%
Trend Annual Historic Growth Rate:	4.06%
Trend Growth Rate (2021 to Design Year):	3.53%
Printed:	27-Mar-23
Straight Line Growth Option	

TRAFFIC TRENDS

Williamson Blvd -- LPGA Blvd to Hand Ave

County:	Volusia
Station #:	2001
Highway:	Williamson Blvd



Year	Traffic (ADT/AADT) Count*	Trend**
2012	12500	11900
2013	12900	12600
2014	12600	13400
2015	13300	14200
2016	15100	14900
2017	14300	15700
2018	18000	16400
2019	18600	17200
2020	18100	17900
2021	17500	18700
2023 Opening Year Trend		
2023	N/A	20200
2026 Mid-Year Trend		
2026	N/A	22500
2028 Design Year Trend		
2028	N/A	24000
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

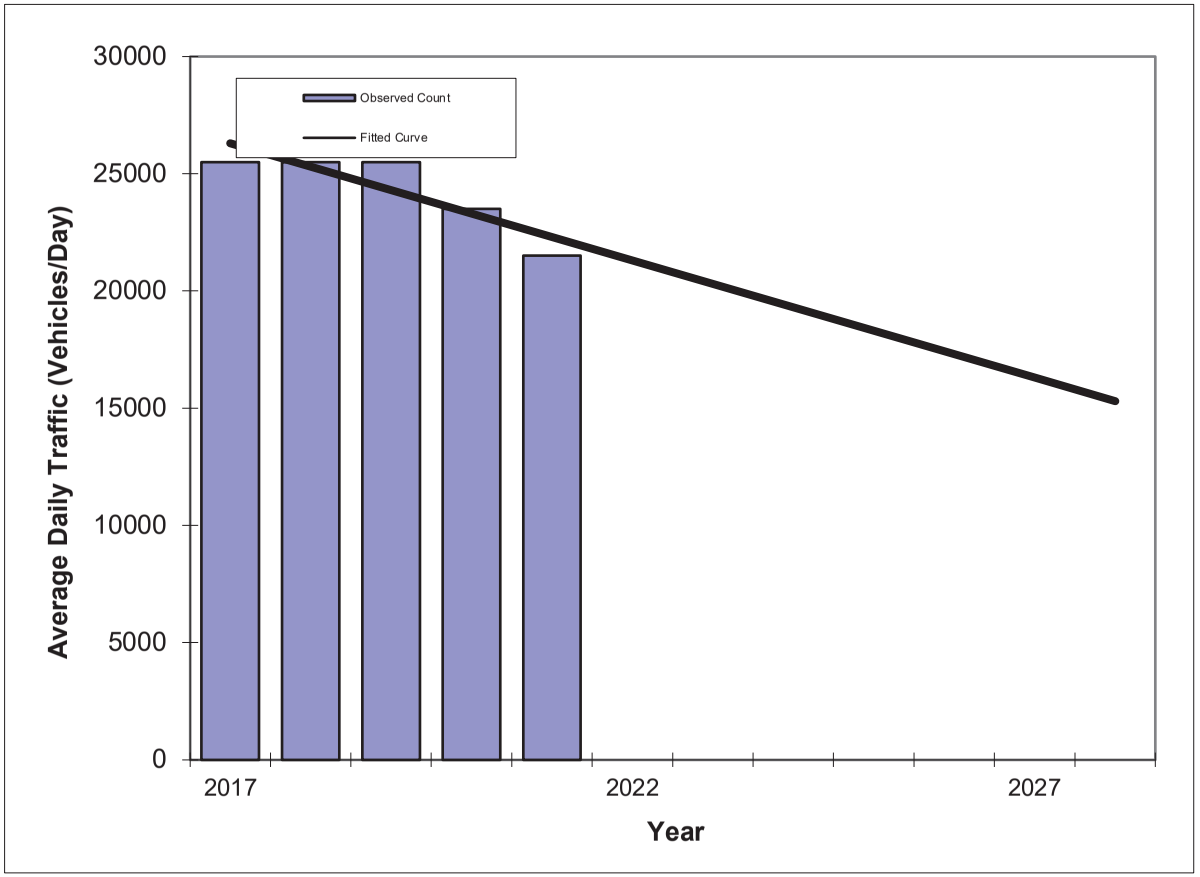
** Annual Trend Increase:	756
Trend R-squared:	83.0%
Trend Annual Historic Growth Rate:	6.35%
Trend Growth Rate (2021 to Design Year):	4.05%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

Nova Rd -- SR 40 to Wilmette Ave

County:	Volusia
Station #:	518
Highway:	Nova Rd



Year	Traffic (ADT/AADT) Count*	Trend**
2017	25500	26300
2018	25500	25300
2019	25500	24300
2020	23500	23300
2021	21500	22300
2023 Opening Year Trend		
2023	N/A	20300
2026 Mid-Year Trend		
2026	N/A	17300
2028 Design Year Trend		
2028	N/A	15300
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

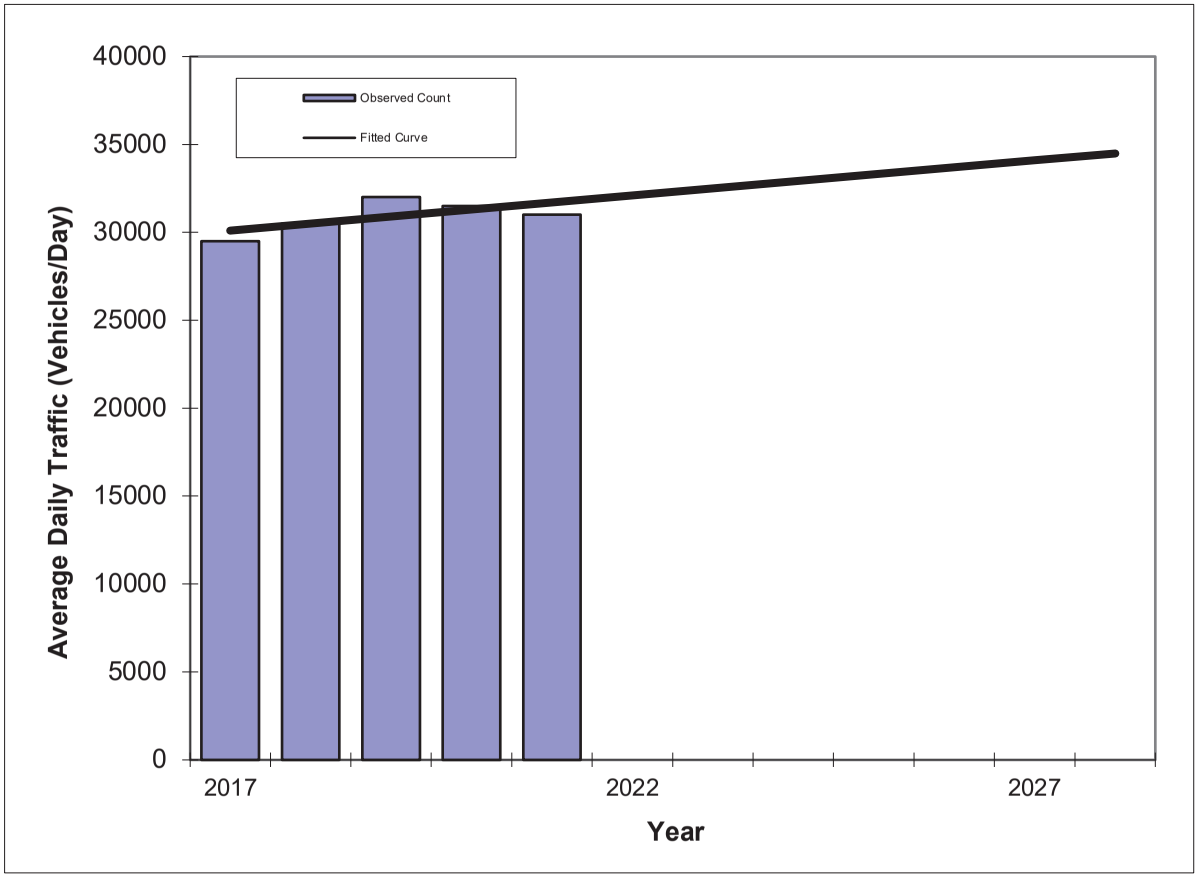
** Annual Trend Increase:	-1,000
Trend R-squared:	78.1%
Trend Annual Historic Growth Rate:	-3.80%
Trend Growth Rate (2021 to Design Year):	-4.48%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

US 1 -- Nova Rd to Airport Rd

County:	Volusia
Station #:	100
Highway:	US 1



Year	Traffic (ADT/AADT) Count*	Trend**
2017	29500	30100
2018	30500	30500
2019	32000	30900
2020	31500	31300
2021	31000	31700
2023 Opening Year Trend		
2023	N/A	32500
2026 Mid-Year Trend		
2026	N/A	33700
2028 Design Year Trend		
2028	N/A	34500
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

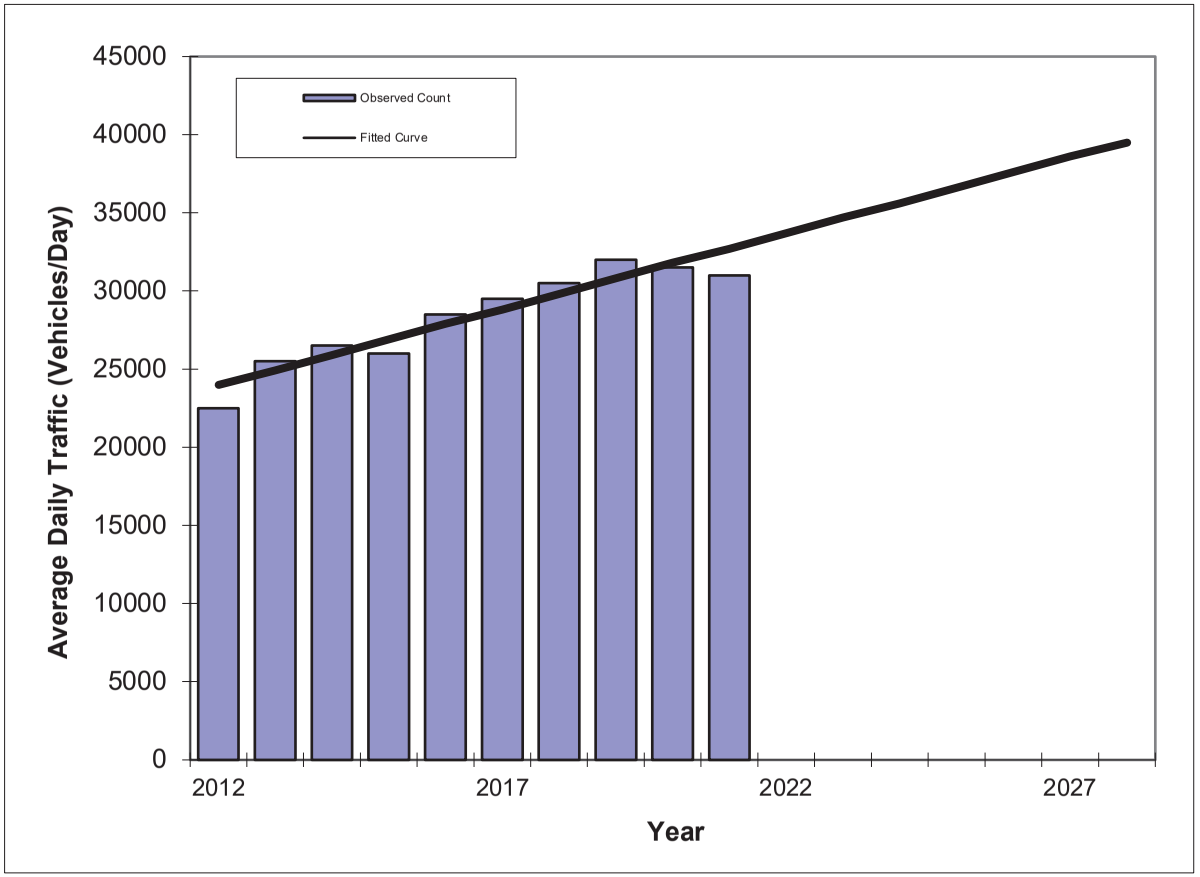
** Annual Trend Increase:	400
Trend R-squared:	43.2%
Trend Annual Historic Growth Rate:	1.33%
Trend Growth Rate (2021 to Design Year):	1.26%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

US 1 -- Nova Rd to Airport Rd

County:	Volusia
Station #:	100
Highway:	US 1



Year	Traffic (ADT/AADT) Count*	Trend**
2012	22500	24000
2013	25500	24900
2014	26500	25900
2015	26000	26900
2016	28500	27900
2017	29500	28800
2018	30500	29800
2019	32000	30800
2020	31500	31800
2021	31000	32700
2023 Opening Year Trend		
2023	N/A	34700
2026 Mid-Year Trend		
2026	N/A	37600
2028 Design Year Trend		
2028	N/A	39500
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

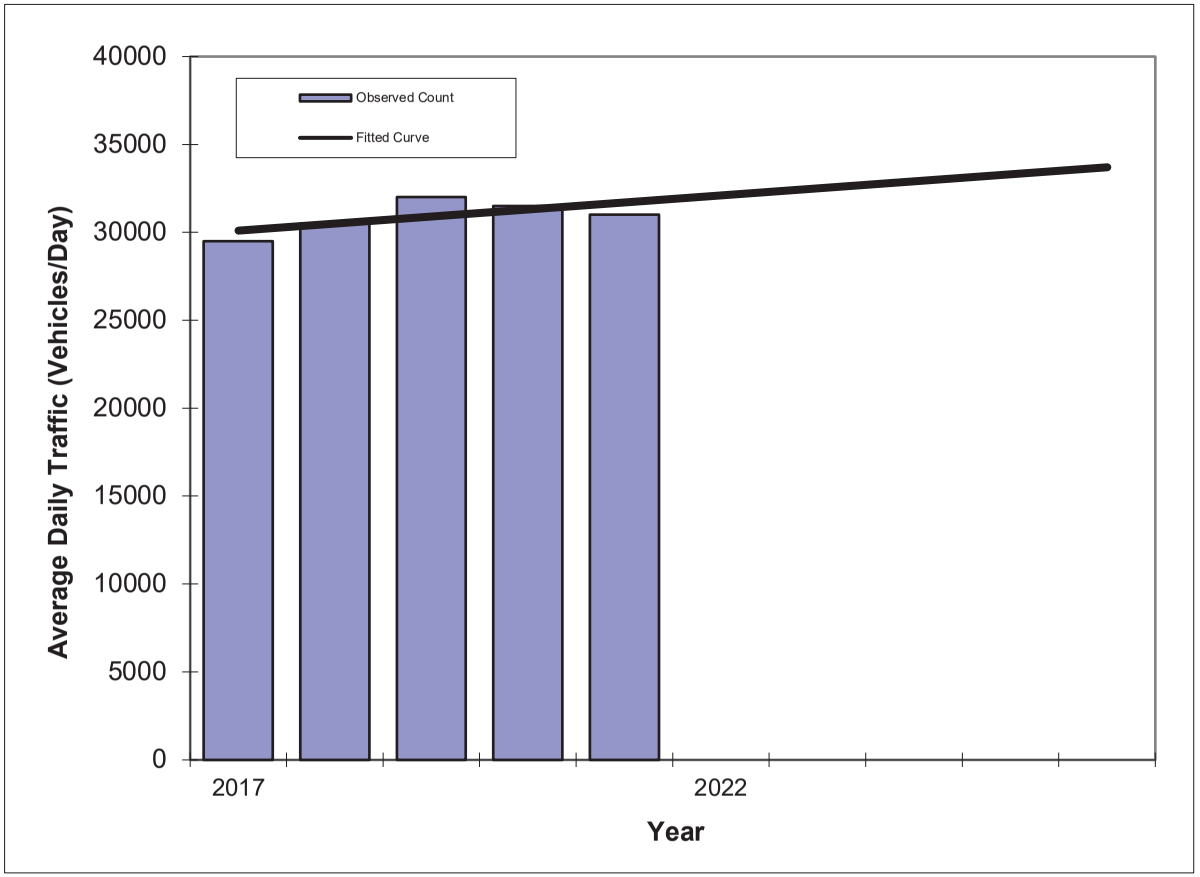
** Annual Trend Increase:	973
Trend R-squared:	89.2%
Trend Annual Historic Growth Rate:	4.03%
Trend Growth Rate (2021 to Design Year):	2.97%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

US 1 -- Nova Rd to Airport Rd

County:	Volusia
Station #:	100
Highway:	US 1



Year	Traffic (ADT/AADT) Count*	Trend**
2017	29500	30100
2018	30500	30500
2019	32000	30900
2020	31500	31300
2021	31000	31700
2023 Opening Year Trend		
2023	N/A	32500
2025 Mid-Year Trend		
2025	N/A	33300
2026 Design Year Trend		
2026	N/A	33700
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

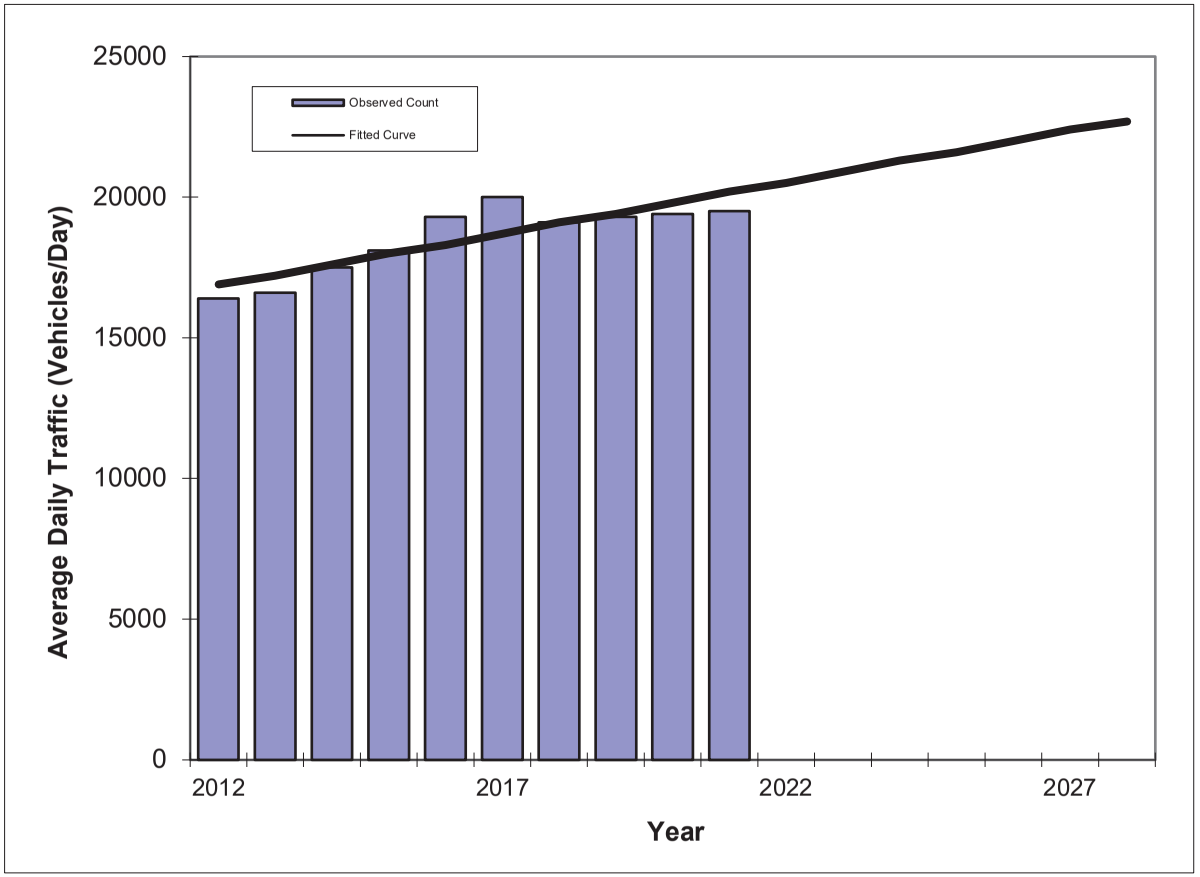
** Annual Trend Increase:	400
Trend R-squared:	43.2%
Trend Annual Historic Growth Rate:	1.33%
Trend Growth Rate (2021 to Design Year):	1.26%
Printed:	22-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

US 1 -- SR 40 to Nova Rd

County:	Volusia
Station #:	1019
Highway:	US 1



Year	Traffic (ADT/AADT) Count*	Trend**
2012	16400	16900
2013	16600	17200
2014	17500	17600
2015	18100	18000
2016	19300	18300
2017	20000	18700
2018	19100	19100
2019	19300	19400
2020	19400	19800
2021	19500	20200
2023 Opening Year Trend		
2023	N/A	20900
2026 Mid-Year Trend		
2026	N/A	22000
2028 Design Year Trend		
2028	N/A	22700
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

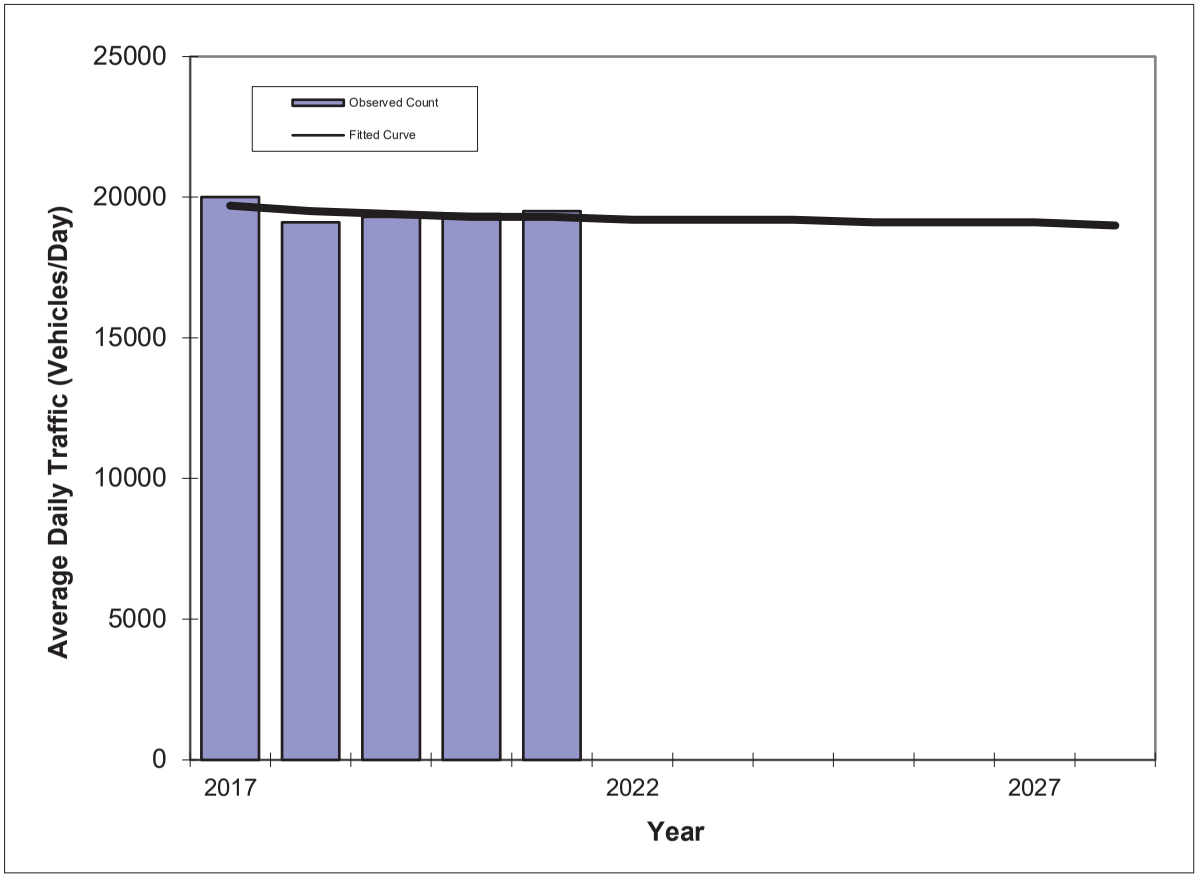
** Annual Trend Increase:	365
Trend R-squared:	73.8%
Trend Annual Historic Growth Rate:	2.17%
Trend Growth Rate (2021 to Design Year):	1.77%
Printed:	27-Mar-23

Straight Line Growth Option

TRAFFIC TRENDS

US 1 -- SR 40 to Nova Rd

County:	Volusia
Station #:	1019
Highway:	US 1



Year	Traffic (ADT/AADT) Count*	Trend**
2017	20000	19700
2018	19100	19500
2019	19300	19400
2020	19400	19300
2021	19500	19300
2023 Opening Year Trend		
2023	N/A	19200
2026 Mid-Year Trend		
2026	N/A	19100
2028 Design Year Trend		
2028	N/A	19000
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

Trend R-squared:	27.0%
Compounded Annual Historic Growth Rate:	-0.38%
Compounded Growth Rate (2021 to Design Year):	-0.22%
Printed:	27-Mar-23

Decaying Exponential Growth Option

Volusia County Vested Trip Database on Critical/Non-Critical Roads - By Critical Area, PM Peak

Approved Devts and Devts under Review

Developments not considered vested

Parent Tract trips - should not be included in overall, only for informational purposes

****ALWAYS REFER TO THE VC AADT SPREADSHEET FOR COUNT AND CAPACITY INFO. (Not this spreadsheet)****

Updated 3/22/2023

**** ALWAYS REFER TO THE VC AADT SPREADSHEET FOR COUNT AND CAPACITY INFO. (Not this spreadsheet)****

North Daytona/Ormond Beach Area

Updated 6-21-22 & 7-25-22

Roadway	Segment	2021PM Pk Hr (VCTE) VCTE Staff note: RED font = FDOT pk volumes based on daily VC properties)	Capacity	2026 Fully Vested Metro Buildout Removed (0%)	Bayberry Pt (A & B, 22% only child)	Fountainhead (NE 2021 (10% removal of 548 PM Pk Trips)	Integrated LPGA Residential Direct Res Pk (0%)	The Preserve (0%)	Williamson Crossings 2019 (Removed 60%)	Ormond Crossings 2010 Vested (REMOVED 0.1%)	Granada Pointe (REMOVED 20%	Pineland PUD REMOVED 0%	Ormond Central	LPGA Multifamily Expenses 2019	Edison Apartments 2019	Tomoka Village Apartments 2021	Clear 2025 2026	Reserve at Strickland 2023	Veterans Administration Bldg 2023	Tyrebor Creek Village 2022	Halifax Plantation* Remaining Trips (222 units remaining under DRI)	Interim Plantation Subdiv (of the 1170 platted & construction approved in 2021, 200 vested but not generating	Plantation Bay* Flagler County Remaining Trips (as of Aug 2021) (719 units - 59% Distribution on Old Dixie Hwy	Plantation Oaks (National Gardens DRI) - (to build x trips) 30 SFRs having Phase 1 TI's developed, 1051 remaining; some will be Lofts	Plantation Oaks Major Amendment (Fka or Match 18-21 City of Holly	Westford Reserve 2021 Traffic memo (Vested PUD 2003)	Eagle Lakes Flagler County Phase I	Project Tarpon 2023	Watermark 2024	Cornerstone Exchange 2025	KFC Permit Trust	LPGA Dunn Residential	Clyde Morris Apartments additional units	Waypoint MF Project Update	Walkers Green	Capstone 2021 (removed 10%)	Tomoka Village Small***	Strickland Range Williamson Multifamily***	Total Vested Trips	Latest AADT plus Vested trips	VC with Vested trips	VC without Vested Trips		Critical	Near Critical	Vested Critical	Vested Near Critical	Ever Route?	
Bird Ave	Shangri La Dr to Clyde Morris	1,200	1,440			29				4		3																																				Added by mgmt
SR 40	Different to Clyde Morris Blvd	3,128	3,580							40																																						
SR 40	Clyde Morris Blvd to Nova Rd	3,195	3,580							40																																						
SR 40	Nova Rd to US 17	3,195	3,580			29				40		3																																			
Williamson	Bird Ave to Strickland Range	1430	1540	19	12	0	0	0	24				0	0	0	0	0	0	0	26																											

*NE Volusia DRI projects – Halifax Plantation, Plantation Bay, & Plantation Oaks used a Plantation Bay Biennial Traffic Monitoring Report, Aug 2021, Daily trip rate of 4.31. VCTE staff converted to 0.61 trips in the PM Peak hour.

**Plum segment data is not available. Source is derived from TIA that shows "+total trips" in LOS column. Only to be used when other previous data is unknown.

***TCR count was not taken in 2019. Used Clear Property TIA 2019 to get cont.

****Added by LT Ghaleb on Harrison approval. TIA in the study area.

LTG Engineering & Planning

ADD A PASS-BY COLUMN AS NEEDED

AM Peak-Hour Factored Volumes

*Note:
Peak-Hour Factor
Min = 0.75 Max = 0.95

Nova Rd. at US 1

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	2028 Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Nova Rd. at US 1	Eastbound	U-Turn	2023			0%	1,588	0%	1.00	1,588	0	0	0%	2.97%	1,824	0	0	0			0	0	0.89
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through		949	22	2%		60%			949	22	2%			1090	0	1,090			0	1,090	
		Right		639	17	3%		40%			639	17	3%			734	0	734	20.0%	in	11	745	
	Westbound	U-Turn				0%	781	0%		781	0	0	0%	1.77%	850	0	0	0			0	0	
		Left		31	0	0%		4%			31	0	0%			34	0	34	20.0%	in	11	45	
		Through		750	45	6%		96%			750	45	6%			816	0	816			0	816	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Northbound	U-Turn				0%	536	0%		536	0	0	0%	1.82%	585	0	0	0			0	0	
		Left		467	13	3%		87%			467	13	3%			509	0	509	20.0%	out	30	539	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right		69	0	0%		13%			69	0	0%			75	0	75	20.0%	out	30	105	
	Southbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	

Nova Rd. at Tomoka Oaks Blvd.

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Nova Rd. at Tomoka Oaks Blvd.	Eastbound	U-Turn	2023			0%	156	0%	1.00	156	0	0	0%	1.00%	164	0	0	0			0	0	0.90
		Left		75	2	3%		48%			75	2	3%			79	0	79	40.0%	out	60	139	
		Through		2	0	0%		1%			2	0	0%			2	0	2			0	2	
		Right		79	2	3%		51%			79	2	3%			83	0	83	56.0%	out	83	166	
	Westbound	U-Turn				0%	1	0%		1	0	0	0%	1.00%	1	0	0	0			0	0	
		Left		0	0	0%		0%			0	0	0%			0	0	0			0	0	
		Through		0	0	0%		0%			0	0	0%			0	0	0			0	0	
		Right		1	1	100%		100%			1	1	100%			1	0	1			0	1	
	Northbound	U-Turn				0%	476	0%		476	0	0	0%	1.00%	500	0	0	0			0	0	
		Left		42	3	7%		9%			42	3	7%			44	0	44	56.0%	in	30	74	
		Through		431	20	5%		91%			431	20	5%			453	0	453			0	453	
		Right		3	0	0%		1%			3	0	0%			3	0	3			0	3	
	Southbound	U-Turn				0%	709	0%		709	0	0	0%	1.00%	744	0	0	0			0	0	
		Left		0	0	0%		0%			0	0	0%			0	0	0			0	0	
		Through		673	14	2%		95%			673	14	2%			707	0	707			0	707	
		Right		36	4	11%		5%			36	4	11%			38	0	38	40.0%	in	21	59	

Nova Rd. at Willowtie Ave.

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Nova Rd. at Willowtie Ave.	Eastbound	U-Turn	2023			0%	237	0%	1.00	237	0	0	0%	1.00%	249	0	0	0			0	0	0.93
		Left		45	0	0%		19%			45	0	0%			47	0	47	1.0%	in	1	48	
		Through		69	1	1%		29%			69	1	1%			72	0	72			0	72	
		Right		123	5	4%		52%			123	5	4%			129	0	129			0	129	
	Westbound	U-Turn				0%	265	0%		265	0	0	0%	1.00%	278	0	0	0			0	0	
		Left		175	5	3%		66%			175	5	3%			184	0	184			0	184	
		Through		62	1	2%		23%			62	1	2%			65	0	65			0	65	
		Right		28	1	4%		11%			28	1	4%			29	0	29	4.0%	in	2	31	
	Northbound	U-Turn				0%	657	0%		657	0	0	0%	1.00%	690	0	0	0			0	0	
		Left		68	3	4%		10%			68	3	4%			71	0	71			0	71	
		Through		463	22	5%		70%			463	22	5%			486	0	486	51.0%	in	27	513	
		Right		126	3	2%		19%			126	3	2%			132	0	132			0	132	
	Southbound	U-Turn				0%	777	0%		777	0	0	0%	1.82%	848	0	0	0			0	0	
		Left		30	1	3%		4%			30	1	3%			33	0	33	4.0%	out	6	39	
		Through		690	14	2%		89%			690	14	2%			753	0	753	51.0%	out	76	829	
		Right		57	1	2%		7%			57	1	2%			62	0	62	1.0%	out	1	63	

Tomoka Oaks Blvd at Escondido Multifamily

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Tomoka Oaks Blvd at Escondido Multifamily	Eastbound	U-Turn	2023			0%	151	0%	1.00	151	0	0	0%	1.00%	159	0	0	0			0	0	0.87
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through		151	4	3%		100%			151	4	3%			159	0	159	96.0%	out	143	302	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Westbound	U-Turn				0%	79	0%		79	0	0	0%	1.00%	83	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through		77	7	9%		97%			77	7	9%			81	0	81	96.0%	in	51	132	
		Right		2	0	0%		3%			2	0	0%			2	0	2			0	2	
	Northbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Southbound	U-Turn				0%	4	0%		4	0	0	0%	1.00%	4	0	0	0			0	0	
		Left		4		0%		100%			4	0	0%			4	0	4			0	4	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	

Tomoka Oaks Blvd. at N. St. Andrews Dr.

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Tomoka Oaks Blvd. at N. St. Andrews Dr.	Eastbound	U-Turn	2023			0%	0	0%	1.00	0	0	0	0%	1.00%	0	0	0	0			0	0	0.89
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Westbound	U-Turn				0%	38	0%		38	0	0	0%	1.00%	40	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through		3		0%		8%			3	0	0%			3	0	3	96.0%	in	51	54	
		Right		35	5	14%		92%			35	5	14%			37	0	37			0	37	
	Northbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Southbound	U-Turn				0%	79	0%		79	0	0	0%	1.00%	83	0	0	0			0	0	
		Left		74	3	4%		94%			74	3	4%			78	0	78			0	78	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right		5		0%		6%			5	0	0%			5	0	5			0	5	

Tomoka Oaks Blvd. at S. St. Andrews Dr.

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Tomoka Oaks Blvd. at S. St. Andrews Dr.	Eastbound	U-Turn	2023			0%	9	0%	1.00	9	0	0	0%	1.00%	9	0	0	0			0	0	0.80
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through		5		0%		56%			5	0	0%			5	0	5	96.0%	out	143	148	
		Right		4		0%		44%			4	0	0%			4	0	4	4.0%	out	6	10	
	Westbound	U-Turn				0%	38	0%		38	0	0	0%	1.00%	40	0	0	0			0	0	
		Left		38	2	5%		100%			38	2	5%			40	0	40			0	40	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Northbound	U-Turn				0%	72	0%		72	0	0	0%	1.00%	76	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0	4.0%	in	2	2	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right		72		0%		100%			72	0	0%			76	0	76			0	76	
	Southbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	

Tomoka Oaks Blvd. at West Diamond

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Tomoka Oaks Blvd. at West Diamond	Eastbound	U-Turn	2023			0%	1	0%	1.00	1	0	0	0%	1.00%	1	0	0	0			0	0	0.75
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right		1		0%		100%			1	0	0%			1	0	1	100.0%	out	149	150	
	Westbound	U-Turn				0%	8	0%		8	0	0	0%	1.00%	8	0	0	0			0	0	
		Left		8		0%		100%			8	0	0%			8	0	8			0	8	
		Through				0%		0%			0	0	0%			0	0	0	96.0%	in	51	51	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Northbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0	4.0%	in	2	2	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Southbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	

Tomoka Oaks Blvd. at East Diamond

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Tomoka Oaks Blvd. at East Diamond	Eastbound	U-Turn	2023			0%	78	0%	1.00	78	0	0	0%	1.00%	82	0	0	0			0	0	0.87
		Left		1		0%		1%			1	0	0%			1	0	1			0	1	
		Through		77	1	1%		99%			77	1	1%			81	0	81	96.0%	out	143	224	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Westbound	U-Turn				0%	77	0%		77	0	0	0%	1.00%	81	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through		39	2	5%		51%			39	2	5%			41	0	41			0	41	
		Right		38	5	13%		49%			38	5	13%			40	0	40	96.0%	in	51	91	
	Northbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Southbound	U-Turn				0%	75	0%		75	0	0	0%	1.00%	79	0	0	0			0	0	
		Left		75	3	4%		100%			75	3	4%			79	0	79			0	79	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	

SR 40 at Main Trail

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
SR 40 at Main Trail	Eastbound	U-Turn	2023			0%	1,335	0%	1.00	1,335	0	0	0%	1.23%	1,417	0	0	0			0	0	0.91
		Left		100		7%		7%			100	0	0%			106	0	106	4.0%	in	2	108	
		Through		1068	37	3%		80%			1068	37	3%			1134	0	1,134	15.0%	in	8	1,142	
		Right		167	4	2%		13%			167	4	2%			177	0	177			0	177	
	Westbound	U-Turn				0%	1,160	0%		1,160	0	0	0%	1.23%	1,231	0	0	0			0	0	
		Left		52		4%		4%			52	0	0%			55	0	55			0	55	
		Through		1088	24	2%		94%			1088	24	2%			1155	0	1,155	15.0%	out	22	1,177	
		Right		20	1	5%		2%			20	1	5%			21	0	21			0	21	
	Northbound	U-Turn				0%	170	0%		170	0	0	0%	1.00%	179	0	0	0			0	0	
		Left		119	1	1%		70%			119	1	1%			125	0	125			0	125	
		Through		34	0	0%		20%			34	0	0%			36	0	36			0	36	
		Right		17		0%		10%			17	0	0%			18	0	18			0	18	
	Southbound	U-Turn				0%	254	0%		254	0	0	0%	1.00%	267	0	0	0			0	0	
		Left		28	1	4%		11%			28	1	4%			29	0	29			0	29	
		Through		61		0%		24%			61	0	0%			64	0	64			0	64	
		Right		165		0%		65%			165	0	0%			173	0	173	4.0%	out	6	179	

LTG Engineering & Planning

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
St. Andrew's Dr. at W Rio Pinar Tr.	Eastbound	U-Turn	2023			0%	21	0%	1.00	21	0	0	0%	1.00%	22	0	0	0			0	0	0.86
		Left		0		0%		0%			0	0	0%			0	0	0			0	0	
		Through		6		29%		29%			6	0	0%			6	0	6			0	6	
		Right		15		71%		71%			15	0	0%			16	0	16			0	16	
	Westbound	U-Turn				0%	13	0%		13	0	0	0%	1.00%	14	0	0	0			0	0	
		Left		10		0%		77%			10	0	0%			11	0	11			0	11	
		Through		3		0%		23%			3	0	0%			3	0	3			0	3	
		Right		0		0%		0%			0	0	0%			0	0	0			0	0	
	Northbound	U-Turn				0%	43	0%		43	0	0	0%	1.00%	45	0	0	0			0	0	
		Left		3		0%		7%			3	0	0%			3	0	3			0	3	
		Through		24	1	4%		56%			24	1	4%			25	0	25			0	25	
		Right		16		0%		37%			16	0	0%			17	0	17			0	17	
	Southbound	U-Turn				0%	54	0%		54	0	0	0%	1.00%	57	0	0	0			0	0	
		Left		4	1	25%		7%			4	1	25%			4	0	4			0	4	
		Through		50	1	2%		93%			50	1	2%			53	0	53			0	53	
		Right		0		0%		0%			0	0	0%			0	0	0			0	0	

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
St. Andrew's Dr. at E Rio Pinar Tr.	Eastbound	U-Turn	2023			0%	25	0%	1.00	25	0	0	0%	1.00%	26	0	0	0			0	0	0.90
		Left		1		0%		4%			1	0	0%			1	0	1			0	1	
		Through		24		0%		96%			24	0	0%			25	0	25			0	25	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Westbound	U-Turn				0%	31	0%		31	0	0	0%	1.00%	33	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through		17		0%		55%			17	0	0%			18	0	18			0	18	
		Right		14		0%		45%			14	0	0%			15	0	15			0	15	
	Northbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Southbound	U-Turn				0%	26	0%		26	0	0	0%	1.00%	27	0	0	0			0	0	
		Left		25		0%		96%			25	0	0%			26	0	26			0	26	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right		1		0%		4%			1	0	0%			1	0	1			0	1	

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
St. Andrew's Dr. at Iroquois Tr.	Eastbound	U-Turn	2023			0%	56	0%	1.00	56	0	0	0%	1.00%	59	0	0	0			0	0	0.93
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through		45		0%		80%			45	0	0%			47	0	47			0	47	
		Right		11		0%		20%			11	0	0%			12	0	12			0	12	
	Westbound	U-Turn				0%	40	0%		40	0	0	0%	1.00%	42	0	0	0			0	0	
		Left		10		0%		25%			10	0	0%			11	0	11	4.0%	out	6	17	
		Through		30		0%		75%			30	0	0%			32	0	32			0	32	
		Right				0%		0%			0	0	0%			0	0	0			0	0	
	Northbound	U-Turn				0%	8	0%		8	0	0	0%	1.00%	8	0	0	0			0	0	
		Left		2		0%		25%			2	0	0%			2	0	2			0	2	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right		6		0%		75%			6	0	0%			6	0	6	4.0%	in	2	8	
	Southbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0			0	0	
		Left				0%		0%			0	0	0%			0	0	0			0	0	
		Through				0%		0%			0	0	0%			0	0	0			0	0	
		Right				0%		0%			0	0	0%			0	0	0			0	0	

LTG Engineering & Planning

ADD A PASS-BY COLUMN AS NEEDED

PM Peak-Hour Factored Volumes

*Note:
Peak-Hour Factor
Min = 0.75 Max = 0.95

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	2028 Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Nova Rd. at US 1	Eastbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through		960	17	2%	1,591	60%		1,591	960	17	2%	2.97%	1,827	1103	0	1,103	0.0%	0	0	0	1,103
		Right		631	10	2%		40%			631	10	2%			725	0	725	20.0%	in	35	760	
	Westbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		65	0	0%		6%			65	0	0%			71	0	71	20.0%	in	35	106	
		Through		962	10	1%	1,027	94%		1,027	962	10	1%	1.77%	1,118	1047	0	1,047	0.0%	0	0	1,047	
		Right	2023			0%		0%	1.00		0	0	0%			0	0	0	0.0%	0	0	0	0.95
	Northbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		680	13	2%		92%			680	13	2%			742	0	742	20.0%	out	21	763	
		Through				0%	740	0%		740	0	0	0%	1.82%	807	0	0	0	0.0%	0	0	0	
		Right		60	0	0%		8%			60	0	0%			65	0	65	20.0%	out	21	86	
	Southbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Nova Rd. at Tomoka Oaks Blvd.	Eastbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		43	0	0%		45%			43	0	0%			45	0	45	40.0%	out	41	86	
		Through		0	0	0%	96	0%		96	0	0	0%	1.00%	101	0	0	0	0.0%	0	0	0	
		Right		53	2	4%		55%			53	2	4%			56	0	56	56.0%	out	58	114	
	Westbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		10	0	0%		53%			10	0	0%			11	0	11	0.0%	0	0	11	
		Through		1	0	0%	19	5%		19	1	0	0%	1.00%	20	1	0	1	0.0%	0	0	1	
		Right	2023	8	0	0%		42%	1.00		8	0	0%			8	0	8	0.0%	0	0	8	0.94
	Northbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		88	2	2%		11%			88	2	2%			92	0	92	56.0%	in	99	191	
		Through		725	16	2%	816	89%		816	725	16	2%	1.00%	857	761	0	761	0.0%	0	0	761	
		Right		3	0	0%		0%			3	0	0%			3	0	3	0.0%	0	0	3	
	Southbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		1	1	100%		0%			1	1	100%			1	0	1	0.0%	0	0	1	
		Through		646	7	1%	705	92%		705	646	7	1%	1.00%	740	678	0	678	0.0%	0	0	678	
		Right		58	0	0%		8%			58	0	0%			61	0	61	40.0%	in	70	131	

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Nova Rd. at Willowtie Ave.	Eastbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		98	1	1%		35%			98	1	1%			103	0	103	1.0%	in	2	105	
		Through		80	0	0%	277	29%		277	80	0	0%	1.00%	291	84	0	84	0.0%	0	0	84	
		Right		99	1	1%		36%			99	1	1%			104	0	104	0.0%	0	0	104	
	Westbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		217	1	0%		62%			217	1	0%			228	0	228	0.0%	0	0	228	
		Through		105	0	0%	349	30%		349	105	0	0%	1.00%	366	110	0	110	0.0%	0	0	110	
		Right	2023	27	0	0%		8%	1.00		27	0	0%			28	0	28	4.0%	in	7	35	0.95
	Northbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		115	1	1%		11%			115	1	1%			121	0	121	0.0%	0	0	121	
		Through		750	16	2%	1,037	72%		1,037	750	16	2%	1.00%	1,089	788	0	788	51.0%	in	90	878	
		Right		172	6	3%		17%			172	6	3%			181	0	181	0.0%	0	0	181	
	Southbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		28	0	0%		4%			28	0	0%			31	0	31	4.0%	out	4	35	
		Through		656	9	1%	759	86%		759	656	9	1%	1.82%	828	716	0	716	51.0%	out	53	769	
		Right		75	0	0%		10%			75	0	0%			82	0	82	1.0%	out	1	83	

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Tomoka Oaks Blvd at Escondido Multifamily	Eastbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through		101	3	3%	101	100%		101	101	3	3%	1.00%	106	106	0	106	96.0%	out	99	205	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
	Westbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through		142	1	1%	151	94%		151	142	1	1%	1.00%	159	149	0	149	96.0%	in	169	318	
		Right	2023	9	1	11%		6%	1.00		9	1	11%			9	0	9	0.0%	0	0	9	0.95
	Northbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
	Southbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		5		0%		83%			5	0	0%			5	0	5	0.0%	0	0	5	
		Through				0%	6	0%		6	0	0	0%	1.00%	6	0	0	0	0.0%	0	0	0	
		Right		1	1	100%		17%			1	1	100%			1	0	1	0.0%	0	0	1	

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Project Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Tomoka Oaks Blvd. at N. St. Andrews Dr.	Eastbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		1		0%		100%			1	0	0%			1	0	1	0.0%	0	0	1	
		Through				0%	1	0%		1	0	0	0%	1.00%	1	0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
	Westbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through		2		0%	84	2%		84	2	0	0%	1.00%	88	2	0	2	96.0%	in	169	171	
		Right	2023	82	2	2%		98%	1.00		82	2	2%			86	0	86	0.0%	0	0	86	0.95
	Northbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
	Southbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		45		0%		92%			45	0	0%			47	0	47	0.0%	0	0	47	
		Through				0%	49	0%		49	0	0	0%	1.00%	51	0	0	0	0.0%	0	0	0	
		Right		4		0%		8%			4	0	0%			4	0	4	0.0%	0	0	4	

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Tomoka Oaks Blvd. at S. St. Andrews Dr.	Eastbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through		1		0%	6	17%		6	1	0	0%	1.00%	6	1	0	1	96.0%	out	99	100	
		Right		5		0%		83%			5	0	0%			5	0	5	4.0%	out	4	9	
	Westbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		61		0%	61	100%		61	61	0	0%	1.00%	64	64	0	64	0.0%	0	0	64	
		Through				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Right	2023			0%		0%	1.00		0	0	0%			0	0	0	0.0%	0	0	0	0.85
	Northbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		1		0%		2%			1	0	0%			1	0	1	4.0%	in	7	8	
		Through				0%	59	0%		59	0	0	0%	1.00%	62	0	0	0	0.0%	0	0	0	
		Right		58	2	3%		98%			58	2	3%			61	0	61	0.0%	0	0	61	
	Southbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Tomoka Oaks Blvd. at West Diamond	Eastbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	100.0%	out	103	103	
	Westbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		6		0%	6	100%		6	6	0	0%	1.00%	6	6	0	6	0.0%	0	0	6	
		Through				0%		0%			0	0	0%			0	0	0	96.0%	in	169	169	
		Right	2023			0%		0%	1.00		0	0	0%			0	0	0	0.0%	0	0	0	0.75
	Northbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%	1	0%		1	0	0	0%	1.00%	1	0	0	0	4.0%	in	7	7	
		Through				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Right		1		0%		100%			1	0	0%			1	0	1	0.0%	0	0	1	
	Southbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
Tomoka Oaks Blvd. at East Diamond	Eastbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		2		0%		4%			2	0	0%			2	0	2	0.0%	0	0	2	
		Through		55	1	2%	57	96%		57	55	1	2%	1.00%	60	58	0	58	96.0%	out	99	157	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
	Westbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through		61		0%	142	43%		142	61	0	0%	1.00%	149	64	0	64	0.0%	0	0	64	
		Right	2023	81	2	2%		57%	1.00		81	2	2%			85	0	85	96.0%	in	169	254	0.94
	Northbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
	Southbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		44		0%		98%			44	0	0%			46	0	46	0.0%	0	0	46	
		Through				0%	45	0%		45	0	0	0%	1.00%	47	0	0	0	0.0%	0	0	0	
		Right		1		0%		2%			1	0	0%			1	0	1	0.0%	0	0	1	

Intersection	Approach	Mvmn't.	TMCs Collected: TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	2023 Factored Existing Traffic: Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Background Traffic: Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	Build-Out Traffic: % Model Distribution	Trip Direction	Project Trips	Total Build-Out Volume	Peak-Hour Factor
SR 40 at Main Trail	Eastbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		220	1	0%	1,699	13%		1,699	220	1	0%	1.23%	1,803	234	0	234	4.0%	in	7	241	
		Through		1396	15	1%		82%			1396	15	1%			1482	0	1,482	15.0%	in	26	1,508	
		Right		83		0%		5%			83	0	0%			88	0	88	0.0%	0	0	88	
	Westbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		7		0%	1,413	0%		1,413	7	0	0%	1.23%	1,500	7	0	7	0.0%	0	0	7	
		Through		1372	34	2%		97%			1372	34	2%			1456	0	1,456	15.0%	out	15	1,471	
		Right	2023	34	1	3%		2%	1.00		34	1	3%			36	0	36	0.0%	0	0	36	0.93
	Northbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		50	2	4%	62	81%		62	50	2	4%	1.00%	65	53	0	53	0.0%	0	0	53	
		Through		7		0%		11%			7	0	0%			7	0	7	0.0%	0	0	7	
		Right		5		0%		8%			5	0	0%			5	0	5	0.0%	0	0	5	
	Southbound	U-Turn				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Left		18	1	6%	172	10%		172	18	1	6%	1.00%	181	19	0	19	0.0%	0	0	19	
		Through		6		0%		3%			6	0	0%			6	0	6	0.0%	0	0	6	
		Right		148	1	1%		86%			148	1	1%			155	0	155	4.0%	out	4	159	

LTG Engineering & Planning

Intersection	Approach	Mvmn't.	TMCs Collected						2023 Factored Existing Traffic					Background Traffic					Build-Out Traffic				Peak-Hour Factor
			TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	% Model Distribution	Trip Direction	Project Trips	Total Build-Out Volume	
St. Andrew's Dr. at W Rio Pinar Tr.	Eastbound	U-Turn	2023			0%	24	0%	1.00	24	0	0	0%	1.00%	25	0	0	0	0.0%	0	0	0	0.91
		Left		1	1	100%		4%			1	1	100%			1	0	1	0.0%	0	0	1	
		Through		13		0%		54%			13	0	0%			14	0	14	0.0%	0	0	14	
		Right		10		0%		42%			10	0	0%			11	0	11	0.0%	0	0	11	
	Westbound	U-Turn				0%	20	0%		20	0	0	0%	1.00%	21	0	0	0	0.0%	0	0	0	
		Left		14		0%		70%			14	0	0%			15	0	15	0.0%	0	0	15	
		Through		6		0%		30%			6	0	0%			6	0	6	0.0%	0	0	6	
		Right		0		0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
	Northbound	U-Turn				0%	77	0%		77	0	0	0%	1.00%	81	0	0	0	0.0%	0	0	0	
		Left		14		0%		18%			14	0	0%			15	0	15	0.0%	0	0	15	
		Through		46		0%		60%			46	0	0%			48	0	48	0.0%	0	0	48	
		Right		17		0%		22%			17	0	0%			18	0	18	0.0%	0	0	18	
	Southbound	U-Turn				0%	28	0%		28	0	0	0%	1.00%	29	0	0	0	0.0%	0	0	0	
		Left		3		0%		11%			3	0	0%			3	0	3	0.0%	0	0	3	
		Through		25	1	4%		89%			25	1	4%			26	0	26	0.0%	0	0	26	
		Right		0		0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	

Intersection	Approach	Mvmn't.	TMCs Collected						2023 Factored Existing Traffic					Background Traffic					Build-Out Traffic				Peak-Hour Factor
			TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	% Model Distribution	Trip Direction	Project Trips	Total Build-Out Volume	
St. Andrew's Dr. at E Rio Pinar Tr.	Eastbound	U-Turn	2023			0%	33	0%	1.00	33	0	0	0%	1.00%	35	0	0	0	0.0%	0	0	0	0.75
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through		33		0%		100%			33	0	0%			35	0	35	0.0%	0	0	35	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
	Westbound	U-Turn				0%	36	0%		36	0	0	0%	1.00%	38	0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through		21		0%		58%			21	0	0%			22	0	22	0.0%	0	0	22	
		Right		15		0%		42%			15	0	0%			16	0	16	0.0%	0	0	16	
	Northbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
	Southbound	U-Turn				0%	20	0%		20	0	0	0%	1.00%	21	0	0	0	0.0%	0	0	0	
		Left		20	2	10%		100%			20	2	10%			21	0	21	0.0%	0	0	21	
		Through				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	

Intersection	Approach	Mvmn't.	TMCs Collected						2023 Factored Existing Traffic					Background Traffic					Build-Out Traffic				Peak-Hour Factor
			TMC Year	Raw Count	Raw Truck Count	% Heavy Vehicles	Approach Volume	% Turn Distribution	Seasonal Factor	Approach Volume	Est. Count	Est. Truck Count	% Heavy Vehicles	Approach Growth Rate	Approach Volume	Background Volume w/o Vested	Vested Traffic	Total Background Volume	% Model Distribution	Trip Direction	Project Trips	Total Build-Out Volume	
St. Andrew's Dr. at Iroquois Tr.	Eastbound	U-Turn	2023			0%	53	0%	1.00	53	0	0	0%	1.00%	56	0	0	0	0.0%	0	0	0	0.81
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through		44	1	2%		83%			44	1	2%			46	0	46	0.0%	0	0	46	
		Right		9	1	11%		17%			9	1	11%			9	0	9	0.0%	0	0	9	
	Westbound	U-Turn				0%	45	0%		45	0	0	0%	1.00%	47	0	0	0	0.0%	0	0	0	
		Left		10		0%		22%			10	0	0%			11	0	11	4.0%	out	4	15	
		Through		35	1	3%		78%			35	1	3%			37	0	37	0.0%	0	0	37	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
	Northbound	U-Turn				0%	19	0%		19	0	0	0%	1.00%	20	0	0	0	0.0%	0	0	0	
		Left		9	1	11%		47%			9	1	11%			9	0	9	0.0%	0	0	9	
		Through				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Right		10		0%		53%			10	0	0%			11	0	11	4.0%	in	7	18	
	Southbound	U-Turn				0%	0	0%		0	0	0	0%	1.00%	0	0	0	0	0.0%	0	0	0	
		Left				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Through				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	
		Right				0%		0%			0	0	0%			0	0	0	0.0%	0	0	0	

APPENDIX G

Intersections Summary Work Sheets

2028 Background Conditions

Intersection	
Int Delay, s/veh	3.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	79	2	83	0	0	1	44	453	3	0	707	38
Future Vol, veh/h	79	2	83	0	0	1	44	453	3	0	707	38
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	118	-	-	100	-	-
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	3	2	3	2	2	100	7	5	2	2	2	11
Mvmt Flow	88	2	92	0	0	1	49	503	3	0	786	42

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	1157	1411	414	997	1431	253	828	0	0	506	0	0
Stage 1	807	807	-	603	603	-	-	-	-	-	-	-
Stage 2	350	604	-	394	828	-	-	-	-	-	-	-
Critical Hdwy	7.56	6.54	6.96	7.54	6.54	8.9	4.24	-	-	4.14	-	-
Critical Hdwy Stg 1	6.56	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.56	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.53	4.02	3.33	3.52	4.02	4.3	2.27	-	-	2.22	-	-
Pot Cap-1 Maneuver	150	137	584	198	133	519	768	-	-	1055	-	-
Stage 1	339	392	-	453	487	-	-	-	-	-	-	-
Stage 2	637	486	-	602	384	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	142	128	584	158	124	519	768	-	-	1055	-	-
Mov Cap-2 Maneuver	245	250	-	272	231	-	-	-	-	-	-	-
Stage 1	317	392	-	424	456	-	-	-	-	-	-	-
Stage 2	595	455	-	504	384	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	26.3	12	0.9	0
HCM LOS	D	B		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	768	-	-	347	519	1055	-	-
HCM Lane V/C Ratio	0.064	-	-	0.525	0.002	-	-	-
HCM Control Delay (s)	10	-	-	26.3	12	0	-	-
HCM Lane LOS	B	-	-	D	B	A	-	-
HCM 95th %tile Q(veh)	0.2	-	-	2.9	0	0	-	-

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	159	81	2	4	0
Future Vol, veh/h	0	159	81	2	4	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	2	3	9	2	2	2
Mvmt Flow	0	183	93	2	5	0

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	95	0	-	0	277	94
Stage 1	-	-	-	-	94	-
Stage 2	-	-	-	-	183	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1499	-	-	-	713	963
Stage 1	-	-	-	-	930	-
Stage 2	-	-	-	-	848	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1499	-	-	-	713	963
Mov Cap-2 Maneuver	-	-	-	-	713	-
Stage 1	-	-	-	-	930	-
Stage 2	-	-	-	-	848	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	10.1
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1499	-	-	-	713
HCM Lane V/C Ratio	-	-	-	-	0.006
HCM Control Delay (s)	0	-	-	-	10.1
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	6.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	3	37	78	5
Future Vol, veh/h	0	0	3	37	78	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	2	2	2	14	4	2
Mvmt Flow	0	0	3	42	88	6

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	45	0	-	0	24	24
Stage 1	-	-	-	-	24	-
Stage 2	-	-	-	-	0	-
Critical Hdwy	4.12	-	-	-	6.44	6.22
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	2.218	-	-	-	3.536	3.318
Pot Cap-1 Maneuver	1563	-	-	-	987	1052
Stage 1	-	-	-	-	993	-
Stage 2	-	-	-	-	-	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1563	-	-	-	987	1052
Mov Cap-2 Maneuver	-	-	-	-	987	-
Stage 1	-	-	-	-	993	-
Stage 2	-	-	-	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	9
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1563	-	-	-	991
HCM Lane V/C Ratio	-	-	-	-	0.094
HCM Control Delay (s)	0	-	-	-	9
HCM Lane LOS	A	-	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.3



Movement	WBL	WBR	SEL	SER	NEL	NER
Lane Configurations						
Traffic Volume (veh/h)	40	0	5	4	0	76
Future Volume (Veh/h)	40	0	5	4	0	76
Sign Control	Free		Stop		Stop	
Grade	0%		0%		0%	
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	50	0	6	5	0	95
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	0		195	100	100	0
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	0		195	100	100	0
tC, single (s)	4.1		7.1	6.5	6.5	6.2
tC, 2 stage (s)						
tF (s)	2.2		3.5	4.0	4.0	3.3
p0 queue free %	97		99	99	100	91
cM capacity (veh/h)	1604		681	765	765	1085

Direction, Lane #	WB 1	SE 1	NE 1
Volume Total	50	11	95
Volume Left	50	6	0
Volume Right	0	0	95
cSH	1604	717	1085
Volume to Capacity	0.03	0.02	0.09
Queue Length 95th (ft)	2	1	7
Control Delay (s)	7.3	10.1	8.6
Lane LOS	A	B	A
Approach Delay (s)	7.3	10.1	8.6
Approach LOS		B	A

Intersection Summary			
Average Delay	8.3		
Intersection Capacity Utilization	21.4%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection	
Int Delay, s/veh	3.3

Movement	EBL	EBT	WBT	WBR	SEL	SER
Lane Configurations						
Traffic Vol, veh/h	1	81	41	40	79	0
Future Vol, veh/h	1	81	41	40	79	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	2	2	5	13	4	2
Mvmt Flow	1	93	47	46	91	0

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	93	0	-	0	165	70
Stage 1	-	-	-	-	70	-
Stage 2	-	-	-	-	95	-
Critical Hdwy	4.12	-	-	-	6.44	6.22
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	2.218	-	-	-	3.536	3.318
Pot Cap-1 Maneuver	1501	-	-	-	821	993
Stage 1	-	-	-	-	948	-
Stage 2	-	-	-	-	924	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1501	-	-	-	820	993
Mov Cap-2 Maneuver	-	-	-	-	820	-
Stage 1	-	-	-	-	947	-
Stage 2	-	-	-	-	924	-

Approach	EB	WB	SE
HCM Control Delay, s	0.1	0	9.9
HCM LOS			A

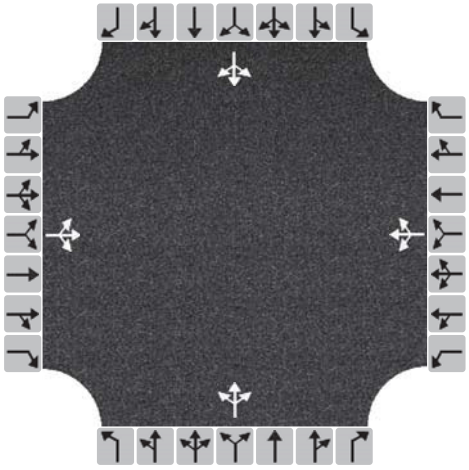
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SELn1
Capacity (veh/h)	1501	-	-	-	820
HCM Lane V/C Ratio	0.001	-	-	-	0.111
HCM Control Delay (s)	7.4	0	-	-	9.9
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.4

HCS All-Way Stop Control Report

General and Site Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Analysis Time Period (hrs)	0.25
Time Analyzed	Background A.M. Peak-hour
Project Description	5361.09 Tomoka Oaks Residential
Intersection	S St. Andrews at W Rio
Jurisdiction	Volusia
East/West Street	S St. Andrews Dr
North/South Street	W Rio Pinar Dr
Peak Hour Factor	0.86

Lanes



Turning Movement Demand Volumes

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume (veh/h)	0	6	16	11	3	0	3	25	17	4	53	0
% Thrus in Shared Lane												

Lane Flow Rate and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	26			16			52			66		
Percent Heavy Vehicles	2			2			2			25		
Initial Departure Headway, h_d (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.023			0.014			0.047			0.059		
Final Departure Headway, h_d (s)	3.78			4.38			3.88			4.48		
Final Degree of Utilization, x	0.027			0.020			0.056			0.082		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, t_s (s)	1.78			2.38			1.88			2.48		

Capacity, Delay and Level of Service

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	26			16			52			66		
Capacity (veh/h)	953			822			928			804		
95% Queue Length, Q_{95} (veh)	0.1			0.1			0.2			0.3		
Control Delay (s/veh)	6.9			7.5			7.1			7.9		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh) | LOS	6.9	A		7.5	A		7.1	A		7.9	A	
Intersection Delay (s/veh) | LOS	7.4						A					

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HCS Two-Way Stop-Control Report

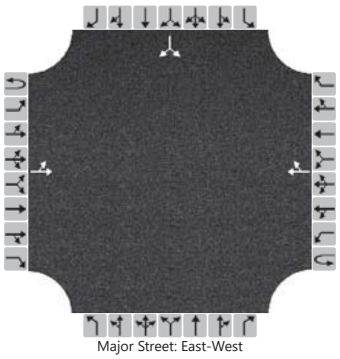
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Time Analyzed	Background A.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetial

Site Information

Intersection	St. Andrews Dr at E Rio
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	E Rio Pinar Dr
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes



Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	0	0		0	1	0
Configuration		LT						TR							LR	
Volume (veh/h)		1	25				18	15						26		1
Percent Heavy Vehicles (%)		2												2		2
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.12												6.42		6.22
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.22												3.52		3.32

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		1													30	
Capacity, c (veh/h)		1574													951	
v/c Ratio		0.00													0.03	
95% Queue Length, Q_{95} (veh)		0.0													0.1	
Control Delay (s/veh)		7.3	0.0												8.9	
Level of Service (LOS)		A	A												A	
Approach Delay (s/veh)	0.3												8.9			
Approach LOS	A												A			

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HCS Two-Way Stop-Control Report

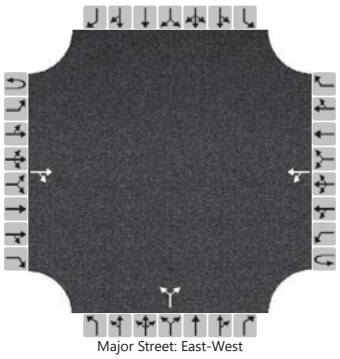
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Time Analyzed	Background A.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetioal

Site Information

Intersection	St. Andrews Dr at Iroquoi
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	Iroquois Tr
Peak Hour Factor	0.93
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			47	12		11	32			2		6				
Percent Heavy Vehicles (%)						2				2		2				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.12				6.42		6.22				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.22				3.52		3.32				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						12					9					
Capacity, c (veh/h)						1539					972					
v/c Ratio						0.01					0.01					
95% Queue Length, Q_{95} (veh)						0.0					0.0					
Control Delay (s/veh)						7.4	0.1				8.7					
Level of Service (LOS)						A	A				A					
Approach Delay (s/veh)					1.9				8.7							
Approach LOS					A				A							

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Intersection	
Int Delay, s/veh	2.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	45	0	56	11	1	8	92	761	3	1	678	61
Future Vol, veh/h	45	0	56	11	1	8	92	761	3	1	678	61
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	118	-	-	100	-	-
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	94	94	94	94	94	94	94	94	94	94	94	94
Heavy Vehicles, %	2	2	4	2	2	2	2	2	2	100	2	2
Mvmt Flow	48	0	60	12	1	9	98	810	3	1	721	65

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	1358	1765	393	1371	1796	407	786	0	0	813	0	0
Stage 1	756	756	-	1008	1008	-	-	-	-	-	-	-
Stage 2	602	1009	-	363	788	-	-	-	-	-	-	-
Critical Hdwy	7.54	6.54	6.98	7.54	6.54	6.94	4.14	-	-	6.1	-	-
Critical Hdwy Stg 1	6.54	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.54	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.52	4.02	3.34	3.52	4.02	3.32	2.22	-	-	3.2	-	-
Pot Cap-1 Maneuver	107	83	600	105	79	593	829	-	-	398	-	-
Stage 1	366	414	-	258	316	-	-	-	-	-	-	-
Stage 2	453	316	-	628	400	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	95	73	600	86	69	593	829	-	-	398	-	-
Mov Cap-2 Maneuver	204	183	-	173	164	-	-	-	-	-	-	-
Stage 1	323	413	-	228	279	-	-	-	-	-	-	-
Stage 2	392	279	-	564	399	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	21.7	21.5	1.1	0
HCM LOS	C	C		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	829	-	-	322	240	398	-	-
HCM Lane V/C Ratio	0.118	-	-	0.334	0.089	0.003	-	-
HCM Control Delay (s)	9.9	-	-	21.7	21.5	14.1	-	-
HCM Lane LOS	A	-	-	C	C	B	-	-
HCM 95th %tile Q(veh)	0.4	-	-	1.4	0.3	0	-	-

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	106	149	9	5	1
Future Vol, veh/h	0	106	149	9	5	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	2	3	2	11	2	100
Mvmt Flow	0	112	157	9	5	1

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	166	0	-	0	274	162
Stage 1	-	-	-	-	162	-
Stage 2	-	-	-	-	112	-
Critical Hdwy	4.12	-	-	-	6.42	7.2
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	4.2
Pot Cap-1 Maneuver	1412	-	-	-	716	680
Stage 1	-	-	-	-	867	-
Stage 2	-	-	-	-	913	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1412	-	-	-	716	680
Mov Cap-2 Maneuver	-	-	-	-	716	-
Stage 1	-	-	-	-	867	-
Stage 2	-	-	-	-	913	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	10.1
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1412	-	-	-	710
HCM Lane V/C Ratio	-	-	-	-	0.009
HCM Control Delay (s)	0	-	-	-	10.1
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	3.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	1	0	2	86	47	4
Future Vol, veh/h	1	0	2	86	47	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	0	2	91	49	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	93	0	-	0	50	48
Stage 1	-	-	-	-	48	-
Stage 2	-	-	-	-	2	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1501	-	-	-	959	1021
Stage 1	-	-	-	-	974	-
Stage 2	-	-	-	-	1021	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1501	-	-	-	958	1021
Mov Cap-2 Maneuver	-	-	-	-	958	-
Stage 1	-	-	-	-	973	-
Stage 2	-	-	-	-	1021	-

Approach	EB	WB	SB
HCM Control Delay, s	7.4	0	9
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1501	-	-	-	963
HCM Lane V/C Ratio	0.001	-	-	-	0.056
HCM Control Delay (s)	7.4	0	-	-	9
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.2



Movement	WBL	WBR	SEL	SER	NEL	NER
Lane Configurations						
Traffic Volume (veh/h)	64	0	1	5	1	61
Future Volume (Veh/h)	64	0	1	5	1	61
Sign Control	Free		Stop		Stop	
Grade	0%		0%		0%	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	75	0	1	6	1	72
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	0		222	150	150	0
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	0		222	150	150	0
tC, single (s)	4.1		7.1	6.5	6.5	6.2
tC, 2 stage (s)						
tF (s)	2.2		3.5	4.0	4.0	3.3
p0 queue free %	95		100	99	100	93
cM capacity (veh/h)	1623		660	707	707	1082

Direction, Lane #	WB 1	SE 1	NE 1
Volume Total	75	7	73
Volume Left	75	1	0
Volume Right	0	0	72
cSH	1623	700	1074
Volume to Capacity	0.05	0.01	0.07
Queue Length 95th (ft)	4	1	5
Control Delay (s)	7.3	10.2	8.6
Lane LOS	A	B	A
Approach Delay (s)	7.3	10.2	8.6
Approach LOS		B	A

Intersection Summary			
Average Delay	8.1		
Intersection Capacity Utilization	20.7%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection	
Int Delay, s/veh	1.9

Movement	EBL	EBT	WBT	WBR	SEL	SER
Lane Configurations						
Traffic Vol, veh/h	2	58	64	85	46	1
Future Vol, veh/h	2	58	64	85	46	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	62	68	90	49	1

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	158	0	-	0	179	113
Stage 1	-	-	-	-	113	-
Stage 2	-	-	-	-	66	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1422	-	-	-	811	940
Stage 1	-	-	-	-	912	-
Stage 2	-	-	-	-	957	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1422	-	-	-	810	940
Mov Cap-2 Maneuver	-	-	-	-	810	-
Stage 1	-	-	-	-	911	-
Stage 2	-	-	-	-	957	-

Approach	EB	WB	SE
HCM Control Delay, s	0.3	0	9.7
HCM LOS			A

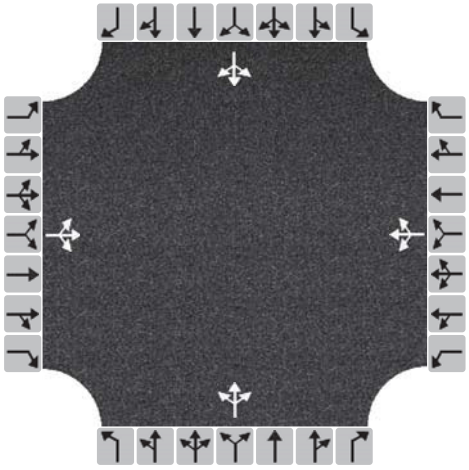
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SELn1
Capacity (veh/h)	1422	-	-	-	812
HCM Lane V/C Ratio	0.001	-	-	-	0.062
HCM Control Delay (s)	7.5	0	-	-	9.7
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.2

HCS All-Way Stop Control Report

General and Site Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Analysis Time Period (hrs)	0.25
Time Analyzed	Background P.M. Peak-hour
Project Description	5361.09 Tomoka Oaks Residentail
Intersection	S St. Andrews at W Rio
Jurisdiction	Volusia
East/West Street	S St. Andrews Dr
North/South Street	W Rio Pinar Dr
Peak Hour Factor	0.91

Lanes



Turning Movement Demand Volumes

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume (veh/h)	1	14	11	15	6	0	15	48	18	3	26	0
% Thrus in Shared Lane												

Lane Flow Rate and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	29			23			89			32		
Percent Heavy Vehicles	100			2			2			2		
Initial Departure Headway, h_d (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.025			0.021			0.079			0.028		
Final Departure Headway, h_d (s)	5.64			4.37			4.01			4.18		
Final Degree of Utilization, x	0.045			0.028			0.099			0.037		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, t_s (s)	3.64			2.37			2.01			2.18		

Capacity, Delay and Level of Service

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	29			23			89			32		
Capacity (veh/h)	638			823			898			862		
95% Queue Length, Q_{95} (veh)	0.1			0.1			0.3			0.1		
Control Delay (s/veh)	8.9			7.5			7.4			7.3		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh) | LOS	8.9	A		7.5	A		7.4	A		7.3	A	
Intersection Delay (s/veh) | LOS	7.7						A					

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HCS Two-Way Stop-Control Report

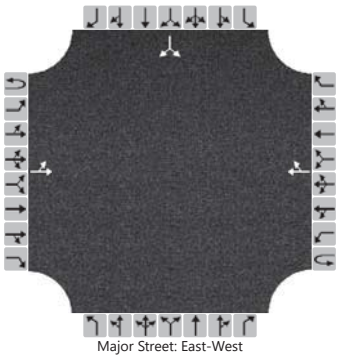
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Time Analyzed	Background P.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetial

Site Information

Intersection	St. Andrews Dr at E Rio
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	E Rio Pinar Dr
Peak Hour Factor	0.75
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	0	0		0	1	0
Configuration		LT						TR							LR	
Volume (veh/h)		0	35				22	16						21		0
Percent Heavy Vehicles (%)		2												10		2
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.12												6.50		6.22
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.22												3.59		3.32

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		0													28	
Capacity, c (veh/h)		1556													895	
v/c Ratio		0.00													0.03	
95% Queue Length, Q_{95} (veh)		0.0													0.1	
Control Delay (s/veh)		7.3	0.0												9.2	
Level of Service (LOS)		A	A												A	
Approach Delay (s/veh)	0.0												9.2			
Approach LOS	A												A			

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HCS Two-Way Stop-Control Report

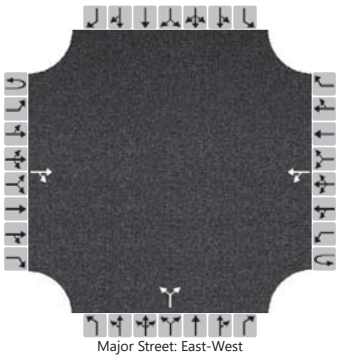
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Time Analyzed	Background P.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetial

Site Information

Intersection	St. Andrews Dr at Iroquoi
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	Iroquois Tr
Peak Hour Factor	0.81
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			46	9		11	37			9		11				
Percent Heavy Vehicles (%)						2				11		2				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.12				6.51		6.22				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.22				3.60		3.32				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						14					25					
Capacity, c (veh/h)						1533					917					
v/c Ratio						0.01					0.03					
95% Queue Length, Q_{95} (veh)						0.0					0.1					
Control Delay (s/veh)						7.4	0.1				9.0					
Level of Service (LOS)						A	A				A					
Approach Delay (s/veh)					1.7				9.0							
Approach LOS					A				A							

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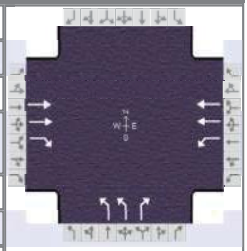
HCS Signalized Intersection Results Summary

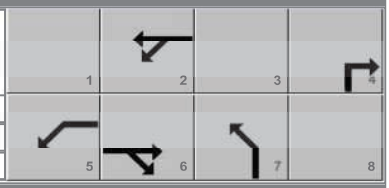
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Background AM Peak-hour	PHF	0.89
Urban Street	US 1	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	US 1 at Nova Rd	File Name	1- US 1 at Nova Rd_AM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h		1090	734	34	816		509		75			

Signal Information			
Cycle, s	85.6	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	3.6	40.3	19.0	0.0	0.0	0.0
Yellow	5.5	5.5	4.5	0.0	0.0	0.0
Red	2.0	2.0	3.2	0.0	0.0	0.0



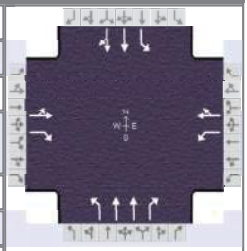
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		6	5	2		4		
Case Number		7.3	1.0	4.0		9.0		
Phase Duration, s		47.8	11.1	58.9		26.7		
Change Period, ($Y+R_c$), s		7.5	7.5	7.5		7.7		
Max Allow Headway (*MAH*), s		4.9	4.9	4.9		5.2		
Queue Clearance Time (g_s), s		31.6	2.9	14.4		15.3		
Green Extension Time (g_e), s		8.3	0.1	23.4		3.7		
Phase Call Probability		1.00	0.60	1.00		1.00		
Max Out Probability		0.89	0.00	0.70		0.13		

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement		6	16	5	2		7		14			
Adjusted Flow Rate (*v*), veh/h		1225	627	38	917		572		84			
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1781		1781	1724		1716		1585			
Queue Service Time (g_s), s		23.7		0.9	12.4		13.3		3.7			
Cycle Queue Clearance Time (g_c), s		23.7		0.9	12.4		13.3		3.7			
Green Ratio (*g/C*)		0.47		0.54	0.60		0.22		0.22			
Capacity (*c*), veh/h		1676		246	2069		763		352			
Volume-to-Capacity Ratio (*X*)		0.731		0.155	0.443		0.750		0.239			
Back of Queue (*Q*), ft/ln (95 th percentile)		332.8		13.8	165		239.3		64.7			
Back of Queue (*Q*), veh/ln (95 th percentile)		13.1		0.5	6.3		9.3		2.5			
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00		0.02	0.00		0.75		0.00			
Uniform Delay (d_1), s/veh		18.3		13.7	9.3		31.1		27.3			
Incremental Delay (d_2), s/veh		1.5		0.4	0.2		2.1		0.5			
Initial Queue Delay (d_3), s/veh		0.0		0.0	0.0		0.0		0.0			
Control Delay (*d*), s/veh		19.8	0.0	14.1	9.5		33.2		27.8			
Level of Service (LOS)		B	A	B	A		C		C			
Approach Delay, s/veh / LOS	13.1	B		9.7	A		32.5	C		0.0		
Intersection Delay, s/veh / LOS	15.8						B					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.09	B	0.68	A	2.31	B	2.56	C
Bicycle LOS Score / LOS	2.02	B	1.28	A		F		

HCS Signalized Intersection Results Summary

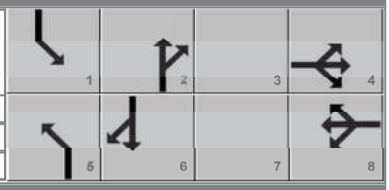
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Background AM Peak-hour	PHF	0.93
Urban Street	Nova Rd	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	Nova Rd at Wilmette Rd	File Name	3- Nova Rd at Wilmette Ave_ AM.xus		
Project Description	5361.09 Tomoka Oaks Residentail				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	47	72	129	184	65	29	71	486	132	33	753	62

Signal Information			
Cycle, s	81.6	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	2.8	1.9	30.0	8.2	11.7	0.0	
Yellow	5.0	0.0	4.0	4.0	4.0	0.0	
Red	2.5	0.0	2.5	2.5	2.5	0.0	



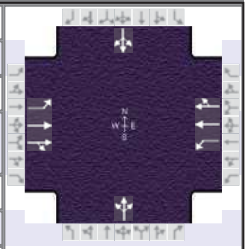
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		11.0		10.0	2.0	3.0	2.0	4.0
Phase Duration, s		14.7		18.2	12.2	38.4	10.3	36.5
Change Period, ($Y+R_c$), s		6.5		6.5	7.5	7.5	7.5	7.5
Max Allow Headway (*MAH*), s		4.3		4.3	4.0	4.9	4.0	4.9
Queue Clearance Time (g_s), s		7.5		10.8	5.5	11.0	3.6	18.4
Green Extension Time (g_e), s		0.7		0.9	0.1	11.1	0.0	10.5
Phase Call Probability		0.99		1.00	0.82	1.00	0.55	1.00
Max Out Probability		0.00		0.00	0.00	0.08	0.00	0.14

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h		128	100	198	101		76	523	43	35	444	432
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1834	1560	1767	1772		1753	1738	1585	1767	1870	1820
Queue Service Time (g_s), s		5.5	5.0	8.8	4.2		3.5	9.0	1.4	1.6	16.4	16.4
Cycle Queue Clearance Time (g_c), s		5.5	5.0	8.8	4.2		3.5	9.0	1.4	1.6	16.4	16.4
Green Ratio (*g/C*)		0.10	0.10	0.14	0.14		0.06	0.38	0.38	0.03	0.35	0.35
Capacity (*c*), veh/h		185	157	255	255		100	1315	600	60	664	646
Volume-to-Capacity Ratio (*X*)		0.692	0.636	0.777	0.396		0.761	0.397	0.072	0.591	0.669	0.669
Back of Queue (*Q*), ft/ln (95 th percentile)		122.2	96.4	188.7	85.4		80.6	154.2	21.8	37.5	279.9	269.9
Back of Queue (*Q*), veh/ln (95 th percentile)		4.8	3.7	7.4	3.4		3.1	5.9	0.9	1.5	11.0	10.8
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00	1.48	2.52	0.00		0.61	0.00	0.07	0.15	0.00	0.00
Uniform Delay (d_1), s/veh		35.5	35.3	33.7	31.7		38.0	18.6	16.2	38.9	22.3	22.3
Incremental Delay (d_2), s/veh		4.6	4.2	5.1	1.0		11.2	0.3	0.1	8.9	1.7	1.7
Initial Queue Delay (d_3), s/veh		0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh		40.1	39.5	38.8	32.7		49.1	18.9	16.3	47.8	23.9	24.0
Level of Service (LOS)		D	D	D	C		D	B	B	D	C	C
Approach Delay, s/veh / LOS	39.8	D		36.7	D		22.3	C		24.9	C	
Intersection Delay, s/veh / LOS	27.4						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.58	C	2.31	B	1.91	B	1.96	B
Bicycle LOS Score / LOS	0.86	A	0.98	A	1.02	A	1.24	A

HCS Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Background AM Peak-hour	PHF	0.91
Urban Street	SR 40	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	SR 40 at Main Trail	File Name	9- SR 40 at Main Trail_ AM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	106	1134	177	55	1155	21	125	36	18	29	64	173

Signal Information													
Cycle, s	122.7	Reference Phase	2										
Offset, s	0	Reference Point	End										
Uncoordinated	Yes	Simult. Gap E/W	On	Green	4.4	1.1	66.1	30.0	0.0	0.0	1	2	3	4
Force Mode	Fixed	Simult. Gap N/S	On	Yellow	4.8	0.0	4.8	3.5	0.0	0.0	5	6	7	8
				Red	2.8	0.0	2.0	3.3	0.0	0.0				

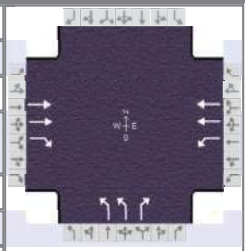
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	1	6	5	2		4		8
Case Number	1.1	4.0	1.1	4.0		8.0		8.0
Phase Duration, s	13.1	74.0	12.0	72.9		36.8		36.8
Change Period, ($Y+R_c$), s	7.3	6.8	7.6	6.8		6.8		6.8
Max Allow Headway (*MAH*), s	4.0	5.0	4.0	5.0		4.5		4.5
Queue Clearance Time (g_s), s	5.6	39.0	3.8	32.1		29.9		20.9
Green Extension Time (g_e), s	0.3	28.2	0.1	31.2		0.0		1.5
Phase Call Probability	0.98	1.00	0.87	1.00		1.00		1.00
Max Out Probability	0.00	0.65	0.00	0.60		1.00		0.21

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	1	6	16	5	2	12	7	4	14	3	8	18
Adjusted Flow Rate (*v*), veh/h	116	734	707	60	648	644		197			292	
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1781	1856	1768	1781	1870	1858		878			1737	
Queue Service Time (g_s), s	3.6	36.3	37.0	1.8	30.0	30.1		9.0			0.0	
Cycle Queue Clearance Time (g_c), s	3.6	36.3	37.0	1.8	30.0	30.1		27.9			18.9	
Green Ratio (*g/C*)	0.59	0.55	0.55	0.57	0.54	0.54		0.24			0.24	
Capacity (*c*), veh/h	268	1016	968	207	1007	1001		264			457	
Volume-to-Capacity Ratio (*X*)	0.435	0.722	0.730	0.292	0.643	0.644		0.744			0.640	
Back of Queue (*Q*), ft/ln (95 th percentile)	63.8	545.8	521.6	33.3	460.9	451.5		279.9			337.8	
Back of Queue (*Q*), veh/ln (95 th percentile)	2.5	21.3	20.9	1.3	18.1	18.1		11.0			13.3	
Queue Storage Ratio (*RQ*) (95 th percentile)	0.23	0.00	0.00	0.12	0.00	0.00		0.00			0.00	
Uniform Delay (d_1), s/veh	16.3	20.8	20.9	18.5	20.0	20.0		47.3			42.3	
Incremental Delay (d_2), s/veh	1.1	2.1	2.3	0.8	1.1	1.1		10.8			3.0	
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Control Delay (*d*), s/veh	17.5	22.8	23.2	19.3	21.1	21.1		58.2			45.3	
Level of Service (LOS)	B	C	C	B	C	C		E			D	
Approach Delay, s/veh / LOS	22.6	C		21.1	C		58.2	E		45.3	D	
Intersection Delay, s/veh / LOS	26.0						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	1.67	B	1.68	B	2.30	B	2.30	B
Bicycle LOS Score / LOS	1.77	B	1.60	B	0.81	A	0.97	A

HCS Signalized Intersection Results Summary

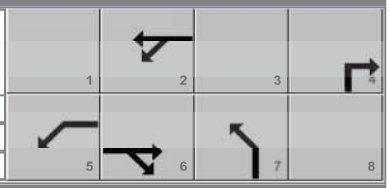
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Background PM Peak-hour	PHF	0.95
Urban Street	US 1	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	US 1 at Nova Rd	File Name	1.1- US 1 at Nova Rd_PM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h		1103	725	71	1047		742		65			

Signal Information			
Cycle, s	92.2	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	5.1	39.3	25.1	0.0	0.0	0.0
Yellow	5.5	5.5	4.5	0.0	0.0	0.0
Red	2.0	2.0	3.2	0.0	0.0	0.0



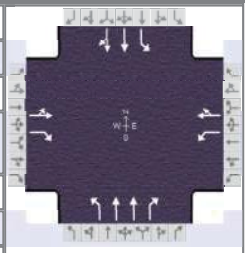
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		6	5	2		4		
Case Number		7.3	1.0	4.0		9.0		
Phase Duration, s		46.8	12.6	59.4		32.8		
Change Period, (*Y+R c*), s		7.5	7.5	7.5		7.7		
Max Allow Headway (*MAH*), s		4.9	4.9	4.9		5.1		
Queue Clearance Time (*g s*), s		32.4	4.0	20.1		21.6		
Green Extension Time (*g e*), s		6.9	0.3	20.2		3.5		
Phase Call Probability		1.00	0.85	1.00		1.00		
Max Out Probability		0.90	0.00	0.77		0.60		

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement		6	16	5	2		7		14			
Adjusted Flow Rate (*v*), veh/h		1161	578	75	1102		781		68			
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1781		1781	1781		1730		1585			
Queue Service Time (*g s*), s		25.6		2.0	18.1		19.6		3.0			
Cycle Queue Clearance Time (*g c*), s		25.6		2.0	18.1		19.6		3.0			
Green Ratio (*g/C*)		0.43		0.50	0.56		0.27		0.27			
Capacity (*c*), veh/h		1517		249	2004		943		432			
Volume-to-Capacity Ratio (*X*)		0.765		0.301	0.550		0.829		0.158			
Back of Queue (*Q*), ft/ln (95 th percentile)		374.2		34.1	249.5		337.3		52.1			
Back of Queue (*Q*), veh/ln (95 th percentile)		14.7		1.3	9.8		13.3		2.1			
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00		0.05	0.00		1.05		0.00			
Uniform Delay (*d 1*), s/veh		22.6		16.8	12.8		31.5		25.5			
Incremental Delay (*d 2*), s/veh		2.1		1.0	0.4		5.0		0.2			
Initial Queue Delay (*d 3*), s/veh		0.0		0.0	0.0		0.0		0.0			
Control Delay (*d*), s/veh		24.6	0.0	17.7	13.2		36.5		25.8			
Level of Service (LOS)		C	A	B	B		D		C			
Approach Delay, s/veh / LOS	16.4	B		13.5	B		35.7	D		0.0		
Intersection Delay, s/veh / LOS	19.8						B					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.10	B	0.69	A	2.31	B	2.56	C
Bicycle LOS Score / LOS	1.92	B	1.46	A		F		

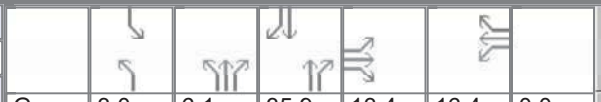
HCS Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Background PM Peak-hour	PHF	0.95
Urban Street	Nova Rd	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	Nova Rd at Wilmette Rd	File Name	3.1- Nova Rd at Wilmette Ave_PM.xus		
Project Description	5361.09 Tomoka Oaks Residentail				

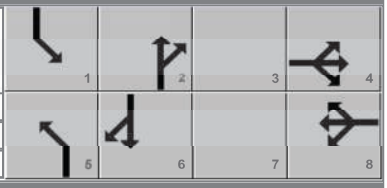


Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	103	84	104	228	110	28	121	788	181	31	716	82

Signal Information			
Cycle, s	101.8	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On



Green	3.0	6.1	35.9	13.4	16.4	0.0
Yellow	5.0	0.0	4.0	4.0	4.0	0.0
Red	2.5	0.0	2.5	2.5	2.5	0.0



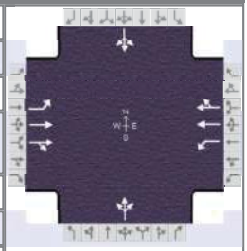
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		11.0		10.0	2.0	3.0	2.0	4.0
Phase Duration, s		19.9		22.9	16.6	48.5	10.5	42.4
Change Period, ($Y+R_c$), s		6.5		6.5	7.5	7.5	7.5	7.5
Max Allow Headway (*MAH*), s		4.3		4.2	4.0	5.0	4.0	5.0
Queue Clearance Time (g_s), s		12.7		15.3	9.1	20.5	3.8	21.9
Green Extension Time (g_e), s		0.7		1.0	0.2	13.3	0.0	13.0
Phase Call Probability		1.00		1.00	0.97	1.00	0.60	1.00
Max Out Probability		0.01		0.08	0.00	0.28	0.00	0.30

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h		197	45	240	145		127	829	71	33	428	412
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1820	1585	1781	1804		1781	1781	1415	1781	1870	1802
Queue Service Time (g_s), s		10.7	2.6	13.3	7.5		7.1	18.5	3.2	1.8	19.9	19.9
Cycle Queue Clearance Time (g_c), s		10.7	2.6	13.3	7.5		7.1	18.5	3.2	1.8	19.9	19.9
Green Ratio (*g/C*)		0.13	0.13	0.16	0.16		0.09	0.40	0.40	0.03	0.34	0.34
Capacity (*c*), veh/h		240	209	287	290		160	1435	570	53	641	618
Volume-to-Capacity Ratio (*X*)		0.821	0.217	0.837	0.500		0.796	0.578	0.124	0.618	0.667	0.667
Back of Queue (*Q*), ft/ln (95 th percentile)		230.2	48	272.3	157.3		156.7	298.5	46.6	43.8	341.6	326.8
Back of Queue (*Q*), veh/ln (95 th percentile)		9.1	1.9	10.7	6.2		6.2	11.8	1.8	1.7	13.5	13.1
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00	0.74	3.63	0.00		1.18	0.00	0.16	0.18	0.00	0.00
Uniform Delay (d_1), s/veh		43.1	39.5	41.5	39.0		45.5	23.7	19.1	48.9	28.5	28.5
Incremental Delay (d_2), s/veh		6.8	0.5	8.5	1.3		8.7	0.5	0.1	11.2	1.7	1.8
Initial Queue Delay (d_3), s/veh		0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh		49.9	40.1	50.0	40.4		54.1	24.2	19.3	60.0	30.2	30.3
Level of Service (LOS)		D	D	D	D		D	C	B	E	C	C
Approach Delay, s/veh / LOS	48.1	D		46.3	D		27.6	C		31.4	C	
Intersection Delay, s/veh / LOS	33.7						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.62	C	2.31	B	1.91	B	2.01	B
Bicycle LOS Score / LOS	0.89	A	1.12	A	1.34	A	1.21	A

HCS Signalized Intersection Results Summary

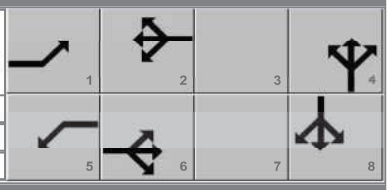
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Background PM Peak-hour	PHF	0.93
Urban Street	SR 40	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	SR 40 at Main Trail	File Name	9.1- SR 40 at Main Trail_ PM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	234	1482	88	7	1456	36	53	7	5	19	6	155

Signal Information			
Cycle, s	170.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	11.5	103.0	5.0	21.9	0.0	0.0
Yellow	4.8	4.8	4.8	3.5	0.0	0.0
Red	2.5	2.0	2.8	3.3	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	1	6	5	2		4		8
Case Number	1.2	4.0	1.3	4.0		8.0		8.0
Phase Duration, s	18.8	128.7	12.6	122.4		28.7		28.7
Change Period, ($Y+R_c$), s	7.3	6.8	7.6	7.6		6.8		6.8
Max Allow Headway (*MAH*), s	4.0	0.0	4.0	0.0		4.5		4.5
Queue Clearance Time (g_s), s	10.8		2.0			21.6		20.6
Green Extension Time (g_e), s	0.7	0.0	2.0	0.0		0.4		0.4
Phase Call Probability	1.00		1.00			1.00		1.00
Max Out Probability	0.00		1.00			1.00		0.95

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	1	6	16	5	2	12	7	4	14	3	8	18
Adjusted Flow Rate (*v*), veh/h	252	848	840	8	804	800		70			194	
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1781	1870	1833	1781	1870	1854		672			1718	
Queue Service Time (g_s), s	8.8	39.9	40.7	0.0	41.6	41.9		0.9			0.0	
Cycle Queue Clearance Time (g_c), s	8.8	39.9	40.7	0.0	41.6	41.9		19.6			18.6	
Green Ratio (*g/C*)	0.69	0.72	0.72	0.62	0.68	0.68		0.13			0.13	
Capacity (*c*), veh/h	277	1341	1314	231	1263	1252		125			245	
Volume-to-Capacity Ratio (*X*)	0.909	0.632	0.639	0.033	0.637	0.639		0.558			0.790	
Back of Queue (*Q*), ft/ln (95 th percentile)	309.5	575	567.4	7.3	616.9	606.9		145.9			362.2	
Back of Queue (*Q*), veh/ln (95 th percentile)	12.2	22.6	22.7	0.3	24.3	24.3		5.7			14.3	
Queue Storage Ratio (*RQ*) (95 th percentile)	1.11	0.00	0.00	0.03	0.00	0.00		0.00			0.00	
Uniform Delay (d_1), s/veh	28.5	12.5	12.6	22.3	15.7	15.8		73.1			72.8	
Incremental Delay (d_2), s/veh	15.6	2.3	2.4	0.1	2.5	2.5		3.9			13.0	
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Control Delay (*d*), s/veh	44.1	14.7	15.0	22.3	18.2	18.3		76.9			85.8	
Level of Service (LOS)	D	B	B	C	B	B		E			F	
Approach Delay, s/veh / LOS	18.6	B		18.2	B		76.9	E		85.8	F	
Intersection Delay, s/veh / LOS	23.0						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	1.75	B	1.66	B	2.32	B	2.32	B
Bicycle LOS Score / LOS	2.09	B	1.82	B	0.60	A	0.81	A

APPENDIX H

Intersections Summary Work Sheets

2028 Buildout Conditions

Intersection	
Int Delay, s/veh	18.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	139	2	166	0	0	1	74	453	3	0	707	59
Future Vol, veh/h	139	2	166	0	0	1	74	453	3	0	707	59
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	118	-	-	100	-	-
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	3	2	3	2	2	100	7	5	2	2	2	11
Mvmt Flow	154	2	184	0	0	1	82	503	3	0	786	66

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	1235	1489	426	1063	1521	253	852	0	0	506	0	0
Stage 1	819	819	-	669	669	-	-	-	-	-	-	-
Stage 2	416	670	-	394	852	-	-	-	-	-	-	-
Critical Hdwy	7.56	6.54	6.96	7.54	6.54	8.9	4.24	-	-	4.14	-	-
Critical Hdwy Stg 1	6.56	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.56	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.53	4.02	3.33	3.52	4.02	4.3	2.27	-	-	2.22	-	-
Pot Cap-1 Maneuver	~ 132	123	574	177	117	519	751	-	-	1055	-	-
Stage 1	334	388	-	413	454	-	-	-	-	-	-	-
Stage 2	582	454	-	602	374	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	~ 121	110	574	109	104	519	751	-	-	1055	-	-
Mov Cap-2 Maneuver	222	231	-	207	201	-	-	-	-	-	-	-
Stage 1	298	388	-	368	405	-	-	-	-	-	-	-
Stage 2	517	405	-	406	374	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	93.1	12	1.4	0
HCM LOS	F	B		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	751	-	-	332	519	1055	-	-
HCM Lane V/C Ratio	0.109	-	-	1.027	0.002	-	-	-
HCM Control Delay (s)	10.4	-	-	93.1	12	0	-	-
HCM Lane LOS	B	-	-	F	B	A	-	-
HCM 95th %tile Q(veh)	0.4	-	-	11.9	0	0	-	-

Notes			
~: Volume exceeds capacity	$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

Intersection	
Int Delay, s/veh	0.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	302	132	2	4	0
Future Vol, veh/h	0	302	132	2	4	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	2	3	9	2	2	2
Mvmt Flow	0	347	152	2	5	0

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	154	0	-	0	500	153
Stage 1	-	-	-	-	153	-
Stage 2	-	-	-	-	347	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1426	-	-	-	530	893
Stage 1	-	-	-	-	875	-
Stage 2	-	-	-	-	716	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1426	-	-	-	530	893
Mov Cap-2 Maneuver	-	-	-	-	530	-
Stage 1	-	-	-	-	875	-
Stage 2	-	-	-	-	716	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	11.9
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1426	-	-	-	530
HCM Lane V/C Ratio	-	-	-	-	0.009
HCM Control Delay (s)	0	-	-	-	11.9
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	4.5

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	54	37	78	5
Future Vol, veh/h	0	0	54	37	78	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	2	2	2	14	4	2
Mvmt Flow	0	0	61	42	88	6

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	103	0	-	0	82	82
Stage 1	-	-	-	-	82	-
Stage 2	-	-	-	-	0	-
Critical Hdwy	4.12	-	-	-	6.44	6.22
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	2.218	-	-	-	3.536	3.318
Pot Cap-1 Maneuver	1489	-	-	-	915	978
Stage 1	-	-	-	-	936	-
Stage 2	-	-	-	-	-	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1489	-	-	-	915	978
Mov Cap-2 Maneuver	-	-	-	-	915	-
Stage 1	-	-	-	-	936	-
Stage 2	-	-	-	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	9.4
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1489	-	-	-	919
HCM Lane V/C Ratio	-	-	-	-	0.101
HCM Control Delay (s)	0	-	-	-	9.4
HCM Lane LOS	A	-	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.3



Movement	WBL	WBR	SEL	SER	NEL	NER
Lane Configurations						
Traffic Volume (veh/h)	40	0	148	10	2	76
Future Volume (Veh/h)	40	0	148	10	2	76
Sign Control	Free		Stop		Stop	
Grade	0%		0%		0%	
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	50	0	185	12	2	95
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	0		196	100	100	0
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	0		196	100	100	0
tC, single (s)	4.1		7.1	6.5	6.5	6.2
tC, 2 stage (s)						
tF (s)	2.2		3.5	4.0	4.0	3.3
p0 queue free %	97		73	98	100	91
cM capacity (veh/h)	1604		678	765	765	1085

Direction, Lane #	WB 1	SE 1	NE 1
Volume Total	50	197	97
Volume Left	50	185	0
Volume Right	0	0	95
cSH	1604	683	1076
Volume to Capacity	0.03	0.29	0.09
Queue Length 95th (ft)	2	30	7
Control Delay (s)	7.3	12.4	8.7
Lane LOS	A	B	A
Approach Delay (s)	7.3	12.4	8.7
Approach LOS		B	A

Intersection Summary			
Average Delay	10.6		
Intersection Capacity Utilization	27.0%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection	
Int Delay, s/veh	6.8

Movement	EBT	EBR	WBL	WBT	NWL	NWR
Lane Configurations						
Traffic Vol, veh/h	0	150	8	51	2	0
Future Vol, veh/h	0	150	8	51	2	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	200	11	68	3	0

Major/Minor	Minor2		Major2	
Conflicting Flow All	90	68	0	0
Stage 1	90	-	-	-
Stage 2	0	-	-	-
Critical Hdwy	6.52	6.22	4.12	-
Critical Hdwy Stg 1	5.52	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	4.018	3.318	2.218	-
Pot Cap-1 Maneuver	800	995	-	-
Stage 1	820	-	-	-
Stage 2	-	-	-	-
Platoon blocked, %				-
Mov Cap-1 Maneuver	0	995	-	-
Mov Cap-2 Maneuver	0	-	-	-
Stage 1	0	-	-	-
Stage 2	0	-	-	-

Approach	EB	WB
HCM Control Delay, s	9.5	
HCM LOS	A	

Minor Lane/Major Mvmt	EBLn1	WBL	WBT
Capacity (veh/h)	995	-	-
HCM Lane V/C Ratio	0.201	-	-
HCM Control Delay (s)	9.5	-	-
HCM Lane LOS	A	-	-
HCM 95th %tile Q(veh)	0.7	-	-

Intersection	
Int Delay, s/veh	2.1

Movement	EBL	EBT	WBT	WBR	SEL	SER
Lane Configurations						
Traffic Vol, veh/h	1	224	41	91	79	0
Future Vol, veh/h	1	224	41	91	79	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	2	2	5	13	4	2
Mvmt Flow	1	257	47	105	91	0

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	152	0	-	0	359	100
Stage 1	-	-	-	-	100	-
Stage 2	-	-	-	-	259	-
Critical Hdwy	4.12	-	-	-	6.44	6.22
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	2.218	-	-	-	3.536	3.318
Pot Cap-1 Maneuver	1429	-	-	-	636	956
Stage 1	-	-	-	-	919	-
Stage 2	-	-	-	-	780	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1429	-	-	-	635	956
Mov Cap-2 Maneuver	-	-	-	-	635	-
Stage 1	-	-	-	-	918	-
Stage 2	-	-	-	-	780	-

Approach	EB	WB	SE
HCM Control Delay, s	0	0	11.6
HCM LOS			B

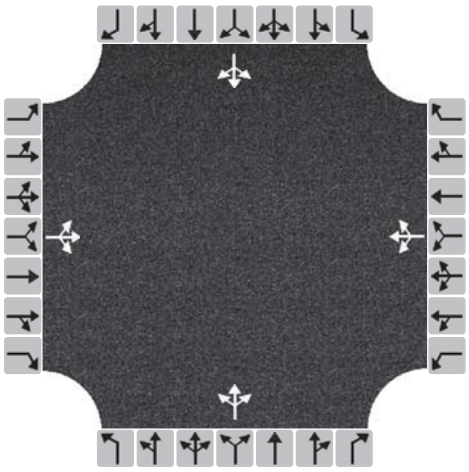
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SELn1
Capacity (veh/h)	1429	-	-	-	635
HCM Lane V/C Ratio	0.001	-	-	-	0.143
HCM Control Delay (s)	7.5	0	-	-	11.6
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.5

HCS All-Way Stop Control Report

General and Site Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Analysis Time Period (hrs)	0.25
Time Analyzed	Buildout A.M. Peak-hour
Project Description	5361.09 Tomoka Oaks Residential
Intersection	S St. Andrews at W Rio
Jurisdiction	Volusia
East/West Street	S St. Andrews Dr
North/South Street	W Rio Pinar Dr
Peak Hour Factor	0.86

Lanes



Turning Movement Demand Volumes

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume (veh/h)	0	6	16	11	3	0	3	25	17	4	53	0
% Thrus in Shared Lane												

Lane Flow Rate and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	26			16			52			66		
Percent Heavy Vehicles	2			2			2			25		
Initial Departure Headway, h_d (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.023			0.014			0.047			0.059		
Final Departure Headway, h_d (s)	3.78			4.38			3.88			4.48		
Final Degree of Utilization, x	0.027			0.020			0.056			0.082		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, t_s (s)	1.78			2.38			1.88			2.48		

Capacity, Delay and Level of Service

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	26			16			52			66		
Capacity (veh/h)	953			822			928			804		
95% Queue Length, Q_{95} (veh)	0.1			0.1			0.2			0.3		
Control Delay (s/veh)	6.9			7.5			7.1			7.9		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh) | LOS	6.9	A		7.5	A		7.1	A		7.9	A	
Intersection Delay (s/veh) | LOS	7.4						A					

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HCS Two-Way Stop-Control Report

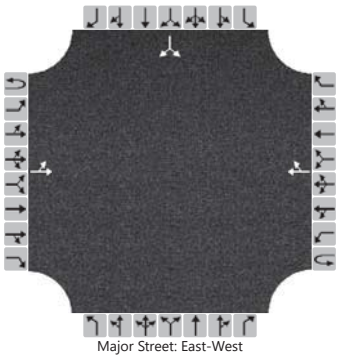
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Time Analyzed	Buildout A.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetial

Site Information

Intersection	St. Andrews Dr at E Rio
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	E Rio Pinar Dr
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes



Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	0	0		0	1	0
Configuration		LT						TR							LR	
Volume (veh/h)		1	25				18	15						26		1
Percent Heavy Vehicles (%)		2												2		2
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.12												6.42		6.22
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.22												3.52		3.32

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		1													30	
Capacity, c (veh/h)		1574													951	
v/c Ratio		0.00													0.03	
95% Queue Length, Q_{95} (veh)		0.0													0.1	
Control Delay (s/veh)		7.3	0.0												8.9	
Level of Service (LOS)		A	A												A	
Approach Delay (s/veh)	0.3												8.9			
Approach LOS	A												A			

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HCS Two-Way Stop-Control Report

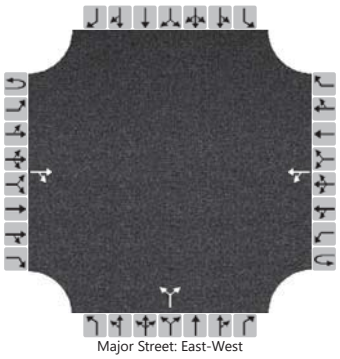
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Time Analyzed	Buildout A.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetioal

Site Information

Intersection	St. Andrews Dr at Iroquoi
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	Iroquois Tr
Peak Hour Factor	0.93
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			47	12		17	32			2		8				
Percent Heavy Vehicles (%)						2				2		2				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.12				6.42		6.22				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.22				3.52		3.32				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						18					11					
Capacity, c (veh/h)						1539					974					
v/c Ratio						0.01					0.01					
95% Queue Length, Q_{95} (veh)						0.0					0.0					
Control Delay (s/veh)						7.4	0.1				8.7					
Level of Service (LOS)						A	A				A					
Approach Delay (s/veh)					2.6				8.7							
Approach LOS					A				A							

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Intersection	
Int Delay, s/veh	8.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	86	0	114	11	1	8	191	761	3	1	678	131
Future Vol, veh/h	86	0	114	11	1	8	191	761	3	1	678	131
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	118	-	-	100	-	-
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	94	94	94	94	94	94	94	94	94	94	94	94
Heavy Vehicles, %	2	2	4	2	2	2	2	2	2	100	2	2
Mvmt Flow	91	0	121	12	1	9	203	810	3	1	721	139

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	1605	2012	430	1581	2080	407	860	0	0	813	0	0
Stage 1	793	793	-	1218	1218	-	-	-	-	-	-	-
Stage 2	812	1219	-	363	862	-	-	-	-	-	-	-
Critical Hdwy	7.54	6.54	6.98	7.54	6.54	6.94	4.14	-	-	6.1	-	-
Critical Hdwy Stg 1	6.54	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.54	5.54	-	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.52	4.02	3.34	3.52	4.02	3.32	2.22	-	-	3.2	-	-
Pot Cap-1 Maneuver	~ 70	58	568	73	53	593	777	-	-	398	-	-
Stage 1	348	398	-	191	251	-	-	-	-	-	-	-
Stage 2	339	251	-	628	370	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	~ 55	43	568	46	39	593	777	-	-	398	-	-
Mov Cap-2 Maneuver	139	131	-	104	98	-	-	-	-	-	-	-
Stage 1	257	397	-	141	185	-	-	-	-	-	-	-
Stage 2	245	185	-	493	369	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	72.3	32.1	2.3	0
HCM LOS	F	D		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	777	-	-	244	154	398	-	-
HCM Lane V/C Ratio	0.262	-	-	0.872	0.138	0.003	-	-
HCM Control Delay (s)	11.3	-	-	72.3	32.1	14.1	-	-
HCM Lane LOS	B	-	-	F	D	B	-	-
HCM 95th %tile Q(veh)	1	-	-	7.2	0.5	0	-	-

Notes			
~: Volume exceeds capacity	$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

Intersection	
Int Delay, s/veh	0.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	205	318	9	5	1
Future Vol, veh/h	0	205	318	9	5	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	2	3	2	11	2	100
Mvmt Flow	0	216	335	9	5	1

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	344	0	-	0	556	340
Stage 1	-	-	-	-	340	-
Stage 2	-	-	-	-	216	-
Critical Hdwy	4.12	-	-	-	6.42	7.2
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	4.2
Pot Cap-1 Maneuver	1215	-	-	-	492	526
Stage 1	-	-	-	-	721	-
Stage 2	-	-	-	-	820	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1215	-	-	-	492	526
Mov Cap-2 Maneuver	-	-	-	-	492	-
Stage 1	-	-	-	-	721	-
Stage 2	-	-	-	-	820	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	12.3
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1215	-	-	-	497
HCM Lane V/C Ratio	-	-	-	-	0.013
HCM Control Delay (s)	0	-	-	-	12.3
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	1.7

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	1	0	171	86	47	4
Future Vol, veh/h	1	0	171	86	47	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	0	180	91	49	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	271	0	-	0	228	226
Stage 1	-	-	-	-	226	-
Stage 2	-	-	-	-	2	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1292	-	-	-	760	813
Stage 1	-	-	-	-	812	-
Stage 2	-	-	-	-	1021	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1292	-	-	-	759	813
Mov Cap-2 Maneuver	-	-	-	-	759	-
Stage 1	-	-	-	-	811	-
Stage 2	-	-	-	-	1021	-

Approach	EB	WB	SB
HCM Control Delay, s	7.8	0	10.1
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1292	-	-	-	763
HCM Lane V/C Ratio	0.001	-	-	-	0.07
HCM Control Delay (s)	7.8	0	-	-	10.1
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.2



Movement	WBL	WBR	SEL	SER	NEL	NER
Lane Configurations						
Traffic Volume (veh/h)	64	0	100	9	8	61
Future Volume (Veh/h)	64	0	100	9	8	61
Sign Control	Free		Stop		Stop	
Grade	0%		0%		0%	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	75	0	118	11	9	72
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	0		226	150	150	0
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	0		226	150	150	0
tC, single (s)	4.1		7.1	6.5	6.5	6.2
tC, 2 stage (s)						
tF (s)	2.2		3.5	4.0	4.0	3.3
p0 queue free %	95		82	98	99	93
cM capacity (veh/h)	1623		650	707	707	1082

Direction, Lane #	WB 1	SE 1	NE 1
Volume Total	75	129	81
Volume Left	75	118	0
Volume Right	0	0	72
cSH	1623	655	1022
Volume to Capacity	0.05	0.20	0.08
Queue Length 95th (ft)	4	18	6
Control Delay (s)	7.3	11.8	8.8
Lane LOS	A	B	A
Approach Delay (s)	7.3	11.8	8.8
Approach LOS		B	A

Intersection Summary			
Average Delay	9.8		
Intersection Capacity Utilization	23.8%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection	
Int Delay, s/veh	3.8

Movement	EBT	EBR	WBL	WBT	NWL	NWR
Lane Configurations						
Traffic Vol, veh/h	0	103	6	169	7	1
Future Vol, veh/h	0	103	6	169	7	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	137	8	225	9	1

Major/Minor	Minor2		Major2	
Conflicting Flow All	241	225	0	0
Stage 1	241	-	-	-
Stage 2	0	-	-	-
Critical Hdwy	6.52	6.22	4.12	-
Critical Hdwy Stg 1	5.52	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	4.018	3.318	2.218	-
Pot Cap-1 Maneuver	660	814	-	-
Stage 1	706	-	-	-
Stage 2	-	-	-	-
Platoon blocked, %				-
Mov Cap-1 Maneuver	0	814	-	-
Mov Cap-2 Maneuver	0	-	-	-
Stage 1	0	-	-	-
Stage 2	0	-	-	-

Approach	EB	WB
HCM Control Delay, s	10.3	
HCM LOS	B	

Minor Lane/Major Mvmt	EBLn1	WBL	WBT
Capacity (veh/h)	814	-	-
HCM Lane V/C Ratio	0.169	-	-
HCM Control Delay (s)	10.3	-	-
HCM Lane LOS	B	-	-
HCM 95th %tile Q(veh)	0.6	-	-

Intersection	
Int Delay, s/veh	1

Movement	EBL	EBT	WBT	WBR	SEL	SER
Lane Configurations						
Traffic Vol, veh/h	2	157	64	254	46	1
Future Vol, veh/h	2	157	64	254	46	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	167	68	270	49	1

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	338	0	-	0	374	203
Stage 1	-	-	-	-	203	-
Stage 2	-	-	-	-	171	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1221	-	-	-	627	838
Stage 1	-	-	-	-	831	-
Stage 2	-	-	-	-	859	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1221	-	-	-	626	838
Mov Cap-2 Maneuver	-	-	-	-	626	-
Stage 1	-	-	-	-	829	-
Stage 2	-	-	-	-	859	-

Approach	EB	WB	SE
HCM Control Delay, s	0.1	0	11.2
HCM LOS			B

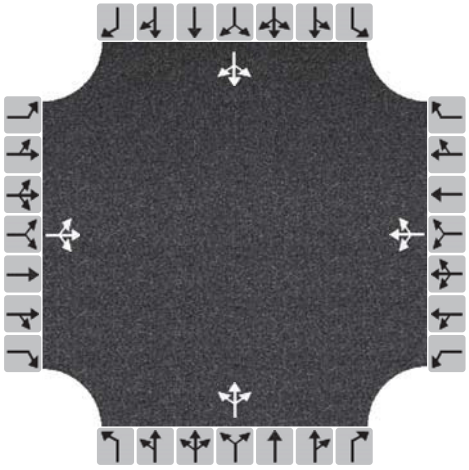
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SELn1
Capacity (veh/h)	1221	-	-	-	629
HCM Lane V/C Ratio	0.002	-	-	-	0.079
HCM Control Delay (s)	8	0	-	-	11.2
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.3

HCS All-Way Stop Control Report

General and Site Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Analysis Time Period (hrs)	0.25
Time Analyzed	Buildout P.M. Peak-hour
Project Description	5361.09 Tomoka Oaks Residentail
Intersection	S St. Andrews at W Rio
Jurisdiction	Volusia
East/West Street	S St. Andrews Dr
North/South Street	W Rio Pinar Dr
Peak Hour Factor	0.91

Lanes



Turning Movement Demand Volumes

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume (veh/h)	1	14	11	15	6	0	15	48	18	3	26	0
% Thrus in Shared Lane												

Lane Flow Rate and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	29			23			89			32		
Percent Heavy Vehicles	100			2			2			2		
Initial Departure Headway, h_d (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.025			0.021			0.079			0.028		
Final Departure Headway, h_d (s)	5.64			4.37			4.01			4.18		
Final Degree of Utilization, x	0.045			0.028			0.099			0.037		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, t_s (s)	3.64			2.37			2.01			2.18		

Capacity, Delay and Level of Service

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	29			23			89			32		
Capacity (veh/h)	638			823			898			862		
95% Queue Length, Q_{95} (veh)	0.1			0.1			0.3			0.1		
Control Delay (s/veh)	8.9			7.5			7.4			7.3		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh) | LOS	8.9	A		7.5	A		7.4	A		7.3	A	
Intersection Delay (s/veh) | LOS	7.7						A					

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HCS Two-Way Stop-Control Report

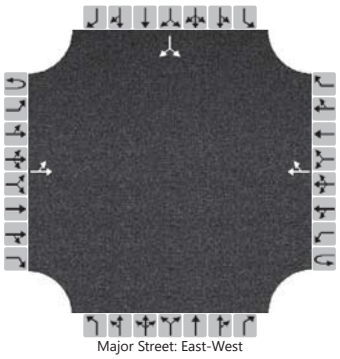
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Time Analyzed	Buildout P.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetial

Site Information

Intersection	St. Andrews Dr at E Rio
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	E Rio Pinar Dr
Peak Hour Factor	0.75
Analysis Time Period (hrs)	0.25

Lanes



Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	0	0		0	1	0
Configuration		LT						TR							LR	
Volume (veh/h)		0	35				22	16						21		0
Percent Heavy Vehicles (%)		2												10		2
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.12												6.50		6.22
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.22												3.59		3.32

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		0													28	
Capacity, c (veh/h)		1556													895	
v/c Ratio		0.00													0.03	
95% Queue Length, Q_{95} (veh)		0.0													0.1	
Control Delay (s/veh)		7.3	0.0												9.2	
Level of Service (LOS)		A	A												A	
Approach Delay (s/veh)	0.0												9.2			
Approach LOS	A												A			

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HCS Two-Way Stop-Control Report

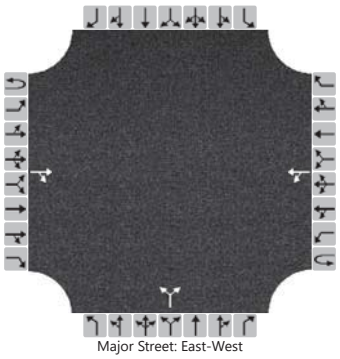
General Information

Analyst	BNH
Agency/Co.	LTG
Date Performed	03.21.2023
Analysis Year	2028
Time Analyzed	Buildout P.M. Peak-hour
Intersection Orientation	East-West
Project Description	5361.09 Tomoka Oaks Residetial

Site Information

Intersection	St. Andrews Dr at Iroquoi
Jurisdiction	Volusia
East/West Street	St. Andrews Dr
North/South Street	Iroquois Tr
Peak Hour Factor	0.81
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			46	9		15	37			9		18				
Percent Heavy Vehicles (%)						2				11		2				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.12				6.51		6.22				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.22				3.60		3.32				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						19					33					
Capacity, c (veh/h)						1533					932					
v/c Ratio						0.01					0.04					
95% Queue Length, Q_{95} (veh)						0.0					0.1					
Control Delay (s/veh)						7.4	0.1				9.0					
Level of Service (LOS)						A	A				A					
Approach Delay (s/veh)					2.2				9.0							
Approach LOS					A				A							

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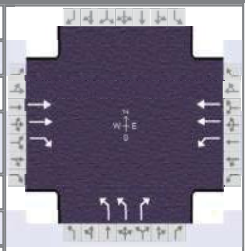
HCS Signalized Intersection Results Summary

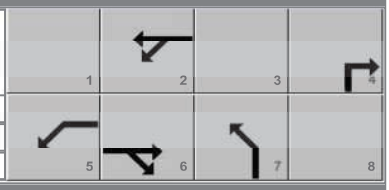
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Buildout AM Peak-hour	PHF	0.89
Urban Street	US 1	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	US 1 at Nova Rd	File Name	1- US 1 at Nova Rd_AM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h		1090	745	45	816		539		105			

Signal Information			
Cycle, s	88.1	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	4.3	40.7	20.4	0.0	0.0	0.0
Yellow	5.5	5.5	4.5	0.0	0.0	0.0
Red	2.0	2.0	3.2	0.0	0.0	0.0



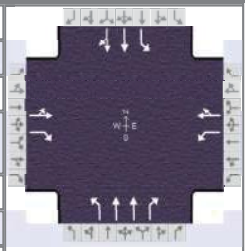
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		6	5	2		4		
Case Number		7.3	1.0	4.0		9.0		
Phase Duration, s		48.2	11.8	60.0		28.1		
Change Period, ($Y+R_c$), s		7.5	7.5	7.5		7.7		
Max Allow Headway (*MAH*), s		4.9	4.9	4.9		5.2		
Queue Clearance Time (g_s), s		34.1	3.2	14.9		16.5		
Green Extension Time (g_e), s		6.6	0.2	23.2		3.9		
Phase Call Probability		1.00	0.71	1.00		1.00		
Max Out Probability		0.92	0.00	0.71		0.20		

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement		6	16	5	2		7		14			
Adjusted Flow Rate (*v*), veh/h		1225	639	51	917		606		118			
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1781		1781	1724		1716		1585			
Queue Service Time (g_s), s		24.9		1.2	12.9		14.5		5.4			
Cycle Queue Clearance Time (g_c), s		24.9		1.2	12.9		14.5		5.4			
Green Ratio (*g/C*)		0.46		0.53	0.60		0.23		0.23			
Capacity (*c*), veh/h		1645		250	2053		797		368			
Volume-to-Capacity Ratio (*X*)		0.745		0.202	0.447		0.760		0.321			
Back of Queue (*Q*), ft/ln (95 th percentile)		351.9		19.3	176.5		257.4		94.6			
Back of Queue (*Q*), veh/ln (95 th percentile)		13.9		0.8	6.7		10.1		3.7			
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00		0.03	0.00		0.80		0.00			
Uniform Delay (d_1), s/veh		19.4		14.5	9.8		31.6		28.1			
Incremental Delay (d_2), s/veh		1.7		0.6	0.2		2.3		0.7			
Initial Queue Delay (d_3), s/veh		0.0		0.0	0.0		0.0		0.0			
Control Delay (*d*), s/veh		21.2	0.0	15.1	10.0		33.9		28.8			
Level of Service (LOS)		C	A	B	B		C		C			
Approach Delay, s/veh / LOS	13.9	B		10.3	B		33.1	C		0.0		
Intersection Delay, s/veh / LOS	16.8						B					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.09	B	0.68	A	2.31	B	2.56	C
Bicycle LOS Score / LOS	2.03	B	1.29	A		F		

HCS Signalized Intersection Results Summary

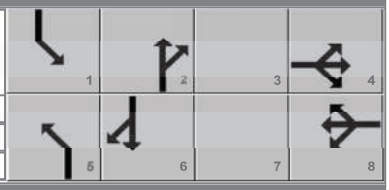
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Buildout AM Peak-hour	PHF	0.93
Urban Street	Nova Rd	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	Nova Rd at Wilmette Rd	File Name	3- Nova Rd at Wilmette Ave_ AM.xus		
Project Description	5361.09 Tomoka Oaks Residentail				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	48	72	129	184	65	31	71	513	132	39	829	63

Signal Information			
Cycle, s	86.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	3.2	1.7	33.2	8.6	12.2	0.0
Yellow	5.0	0.0	4.0	4.0	4.0	0.0
Red	2.5	0.0	2.5	2.5	2.5	0.0



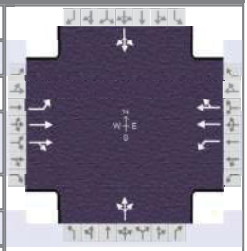
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		11.0		10.0	2.0	3.0	2.0	4.0
Phase Duration, s		15.1		18.7	12.4	41.5	10.7	39.7
Change Period, ($Y+R_c$), s		6.5		6.5	7.5	7.5	7.5	7.5
Max Allow Headway (*MAH*), s		4.3		4.3	4.0	4.9	4.0	4.9
Queue Clearance Time (g_s), s		7.9		11.3	5.7	11.8	4.0	20.9
Green Extension Time (g_e), s		0.7		0.9	0.1	12.4	0.1	11.3
Phase Call Probability		1.00		1.00	0.84	1.00	0.63	1.00
Max Out Probability		0.00		0.01	0.00	0.12	0.00	0.21

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h		129	100	198	103		76	552	43	42	486	473
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1834	1560	1767	1768		1753	1738	1585	1767	1870	1823
Queue Service Time (g_s), s		5.9	5.3	9.3	4.6		3.7	9.8	1.5	2.0	18.9	18.9
Cycle Queue Clearance Time (g_c), s		5.9	5.3	9.3	4.6		3.7	9.8	1.5	2.0	18.9	18.9
Green Ratio (*g/C*)		0.10	0.10	0.14	0.14		0.06	0.40	0.40	0.04	0.38	0.38
Capacity (*c*), veh/h		183	156	252	252		100	1374	627	65	702	684
Volume-to-Capacity Ratio (*X*)		0.704	0.641	0.786	0.410		0.762	0.401	0.069	0.643	0.692	0.692
Back of Queue (*Q*), ft/ln (95 th percentile)		131	102.1	198.7	92.7		84.9	169.5	22.5	46.9	314.1	303.1
Back of Queue (*Q*), veh/ln (95 th percentile)		5.2	4.0	7.8	3.6		3.3	6.5	0.9	1.8	12.4	12.1
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00	1.57	2.65	0.00		0.64	0.00	0.07	0.19	0.00	0.00
Uniform Delay (d_1), s/veh		37.5	37.2	35.6	33.6		40.0	18.7	16.2	40.9	22.7	22.7
Incremental Delay (d_2), s/veh		4.9	4.3	5.4	1.1		11.2	0.3	0.1	10.1	1.8	1.8
Initial Queue Delay (d_3), s/veh		0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh		42.4	41.6	41.0	34.7		51.2	19.0	16.2	51.0	24.5	24.5
Level of Service (LOS)		D	D	D	C		D	B	B	D	C	C
Approach Delay, s/veh / LOS	42.0	D		38.8	D		22.5	C		25.6	C	
Intersection Delay, s/veh / LOS	28.2						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.58	C	2.31	B	1.91	B	1.96	B
Bicycle LOS Score / LOS	0.87	A	0.98	A	1.04	A	1.31	A

HCS Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Buildout AM Peak-hour	PHF	0.91
Urban Street	SR 40	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	SR 40 at Main Trail	File Name	9- SR 40 at Main Trail_ AM.xus		
Project Description	5361.09 Tomoka Oaks Residential				

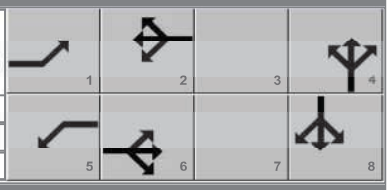


Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	108	1142	177	55	1177	21	125	36	18	29	64	179

Signal Information			
Cycle, s	123.4	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On



Green	4.4	1.2	66.6	30.0	0.0	0.0
Yellow	4.8	0.0	4.8	3.5	0.0	0.0
Red	2.8	0.0	2.0	3.3	0.0	0.0



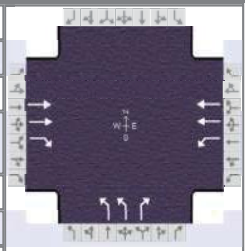
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	1	6	5	2		4		8
Case Number	1.1	4.0	1.1	4.0		8.0		8.0
Phase Duration, s	13.2	74.6	12.0	73.4		36.8		36.8
Change Period, ($Y+R_c$), s	7.3	6.8	7.6	6.8		6.8		6.8
Max Allow Headway (*MAH*), s	4.0	5.0	4.0	5.0		4.5		4.5
Queue Clearance Time (g_s), s	5.6	39.4	3.8	33.0		30.8		21.5
Green Extension Time (g_e), s	0.3	28.4	0.1	31.4		0.0		1.5
Phase Call Probability	0.98	1.00	0.87	1.00		1.00		1.00
Max Out Probability	0.00	0.67	0.00	0.62		1.00		0.26

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	1	6	16	5	2	12	7	4	14	3	8	18
Adjusted Flow Rate (*v*), veh/h	119	738	711	60	660	656		197			299	
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1781	1856	1769	1781	1870	1859		853			1743	
Queue Service Time (g_s), s	3.6	36.7	37.4	1.8	31.0	31.0		9.2			0.0	
Cycle Queue Clearance Time (g_c), s	3.6	36.7	37.4	1.8	31.0	31.0		28.8			19.5	
Green Ratio (*g/C*)	0.59	0.55	0.55	0.58	0.54	0.54		0.24			0.24	
Capacity (*c*), veh/h	264	1020	972	206	1010	1004		257			456	
Volume-to-Capacity Ratio (*X*)	0.450	0.724	0.732	0.293	0.654	0.654		0.766			0.656	
Back of Queue (*Q*), ft/ln (95 th percentile)	65.4	551.4	527.3	33.4	474	465		286.8			348.6	
Back of Queue (*Q*), veh/ln (95 th percentile)	2.6	21.5	21.1	1.3	18.7	18.6		11.3			13.7	
Queue Storage Ratio (*RQ*) (95 th percentile)	0.23	0.00	0.00	0.12	0.00	0.00		0.00			0.00	
Uniform Delay (d_1), s/veh	16.7	20.8	20.9	18.6	20.2	20.2		48.1			42.9	
Incremental Delay (d_2), s/veh	1.2	2.1	2.4	0.8	1.2	1.2		12.9			3.4	
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Control Delay (*d*), s/veh	17.9	22.9	23.3	19.4	21.4	21.4		61.0			46.3	
Level of Service (LOS)	B	C	C	B	C	C		E			D	
Approach Delay, s/veh / LOS	22.7	C		21.3	C		61.0	E		46.3	D	
Intersection Delay, s/veh / LOS	26.4						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	1.67	B	1.68	B	2.30	B	2.30	B
Bicycle LOS Score / LOS	1.78	B	1.62	B	0.81	A	0.98	A

HCS Signalized Intersection Results Summary

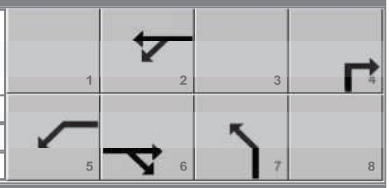
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Buildout PM Peak-hour	PHF	0.95
Urban Street	US 1	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	US 1 at Nova Rd	File Name	1.1- US 1 at Nova Rd_PM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h		1103	760	106	1047		763		86			

Signal Information			
Cycle, s	96.2	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	5.7	41.4	26.3	0.0	0.0	0.0
Yellow	5.5	5.5	4.5	0.0	0.0	0.0
Red	2.0	2.0	3.2	0.0	0.0	0.0



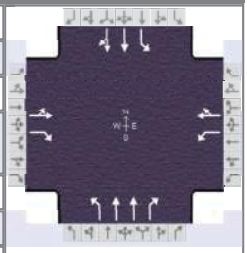
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		6	5	2		4		
Case Number		7.3	1.0	4.0		9.0		
Phase Duration, s		48.9	13.2	62.1		34.0		
Change Period, ($Y+R_c$), s		7.5	7.5	7.5		7.7		
Max Allow Headway (*MAH*), s		4.9	4.9	4.9		5.1		
Queue Clearance Time (g_s), s		36.7	5.1	22.1		23.1		
Green Extension Time (g_e), s		4.7	0.4	19.0		3.2		
Phase Call Probability		1.00	0.95	1.00		1.00		
Max Out Probability		0.96	0.00	0.80		0.78		

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement		6	16	5	2		7		14			
Adjusted Flow Rate (*v*), veh/h		1161	615	112	1102		803		91			
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1781		1781	1692		1730		1585			
Queue Service Time (g_s), s		26.5		3.1	20.1		21.1		4.2			
Cycle Queue Clearance Time (g_c), s		26.5		3.1	20.1		21.1		4.2			
Green Ratio (*g/C*)		0.43		0.51	0.57		0.27		0.27			
Capacity (*c*), veh/h		1535		256	1922		947		434			
Volume-to-Capacity Ratio (*X*)		0.757		0.437	0.573		0.848		0.209			
Back of Queue (*Q*), ft/ln (95 th percentile)		388.5		54.6	264.3		364.8		73.2			
Back of Queue (*Q*), veh/ln (95 th percentile)		15.3		2.1	10.4		14.4		2.9			
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00		0.08	0.00		1.14		0.00			
Uniform Delay (d_1), s/veh		23.1		17.8	13.3		33.0		26.9			
Incremental Delay (d_2), s/veh		2.1		1.7	0.5		6.3		0.3			
Initial Queue Delay (d_3), s/veh		0.0		0.0	0.0		0.0		0.0			
Control Delay (*d*), s/veh		25.2	0.0	19.4	13.8		39.3		27.2			
Level of Service (LOS)		C	A	B	B		D		C			
Approach Delay, s/veh / LOS	16.5	B		14.3	B		38.1	D		0.0		
Intersection Delay, s/veh / LOS	20.8						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.10	B	0.69	A	2.31	B	2.56	C
Bicycle LOS Score / LOS	1.95	B	1.49	A		F		

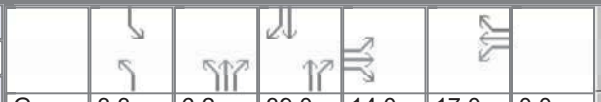
HCS Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Buildout PM Peak-hour	PHF	0.95
Urban Street	Nova Rd	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	Nova Rd at Wilmette Rd	File Name	3.1- Nova Rd at Wilmette Ave_PM.xus		
Project Description	5361.09 Tomoka Oaks Residentail				

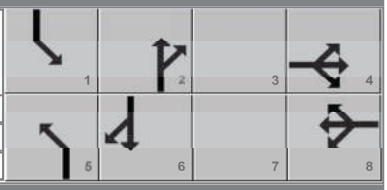


Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	105	84	104	228	110	35	121	878	181	35	769	83

Signal Information			
Cycle, s	106.5	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	Yes	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On



Green	3.3	6.2	39.0	14.0	17.0	0.0
Yellow	5.0	0.0	4.0	4.0	4.0	0.0
Red	2.5	0.0	2.5	2.5	2.5	0.0



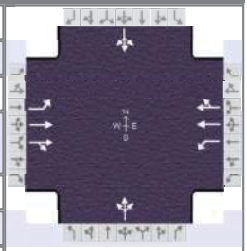
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		11.0		10.0	2.0	3.0	2.0	4.0
Phase Duration, s		20.5		23.5	17.0	51.7	10.8	45.5
Change Period, ($Y+R_c$), s		6.5		6.5	7.5	7.5	7.5	7.5
Max Allow Headway (*MAH*), s		4.3		4.2	4.0	5.0	4.0	5.0
Queue Clearance Time (g_s), s		13.4		16.0	9.5	23.9	4.2	24.1
Green Extension Time (g_e), s		0.7		1.0	0.2	13.9	0.1	13.9
Phase Call Probability		1.00		1.00	0.98	1.00	0.66	1.00
Max Out Probability		0.01		0.12	0.00	0.41	0.00	0.41

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h		199	45	240	153		127	924	71	37	456	441
Adjusted Saturation Flow Rate (*s*), veh/h/ln		1820	1585	1781	1792		1781	1781	1415	1781	1870	1806
Queue Service Time (g_s), s		11.4	2.7	14.0	8.3		7.5	21.9	3.3	2.2	22.1	22.1
Cycle Queue Clearance Time (g_c), s		11.4	2.7	14.0	8.3		7.5	21.9	3.3	2.2	22.1	22.1
Green Ratio (*g/C*)		0.13	0.13	0.16	0.16		0.09	0.41	0.41	0.03	0.36	0.36
Capacity (*c*), veh/h		240	209	284	286		159	1477	587	56	667	644
Volume-to-Capacity Ratio (*X*)		0.830	0.217	0.844	0.534		0.801	0.626	0.120	0.663	0.684	0.684
Back of Queue (*Q*), ft/ln (95 th percentile)		241.7	50.4	286.3	175		164.7	344.9	48	52.1	376.1	360
Back of Queue (*Q*), veh/ln (95 th percentile)		9.5	2.0	11.3	6.9		6.5	13.6	1.9	2.1	14.8	14.4
Queue Storage Ratio (*RQ*) (95 th percentile)		0.00	0.78	3.82	0.00		1.24	0.00	0.16	0.21	0.00	0.00
Uniform Delay (d_1), s/veh		45.1	41.4	43.5	41.1		47.6	24.7	19.2	51.1	29.2	29.2
Incremental Delay (d_2), s/veh		7.2	0.5	10.0	1.5		9.0	0.8	0.1	12.7	1.9	2.0
Initial Queue Delay (d_3), s/veh		0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh		52.3	41.9	53.5	42.7		56.6	25.4	19.3	63.8	31.1	31.2
Level of Service (LOS)		D	D	D	D		E	C	B	E	C	C
Approach Delay, s/veh / LOS	50.4	D		49.3	D		28.6	C		32.4	C	
Intersection Delay, s/veh / LOS	34.9						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.62	C	2.32	B	1.91	B	2.01	B
Bicycle LOS Score / LOS	0.89	A	1.14	A	1.41	A	1.26	A

HCS Signalized Intersection Results Summary

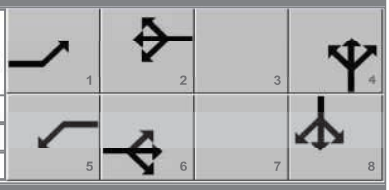
General Information				Intersection Information	
Agency	LTG			Duration, h	0.250
Analyst	BNH	Analysis Date	Mar 21, 2023	Area Type	Other
Jurisdiction	Volusia	Time Period	Buildout PM Peak-hour	PHF	0.93
Urban Street	SR 40	Analysis Year	2028	Analysis Period	1> 7:00
Intersection	SR 40 at Main Trail	File Name	9.1- SR 40 at Main Trail_ PM.xus		
Project Description	5361.09 Tomoka Oaks Residential				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	241	1508	88	7	1471	36	53	7	5	19	6	159

Signal Information			
Cycle, s	170.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	13.1	101.1	5.0	22.3	0.0	0.0
Yellow	4.8	4.8	4.8	3.5	0.0	0.0
Red	2.5	2.0	2.8	3.3	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	1	6	5	2		4		8
Case Number	1.2	4.0	1.3	4.0		8.0		8.0
Phase Duration, s	20.4	128.3	12.6	120.5		29.1		29.1
Change Period, ($Y+R_c$), s	7.3	6.8	7.6	7.6		6.8		6.8
Max Allow Headway (*MAH*), s	4.0	0.0	4.0	0.0		4.5		4.5
Queue Clearance Time (g_s), s	12.4		2.0			22.0		21.0
Green Extension Time (g_e), s	0.7	0.0	2.0	0.0		0.3		0.4
Phase Call Probability	1.00		1.00			1.00		1.00
Max Out Probability	0.00		1.00			1.00		1.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	1	6	16	5	2	12	7	4	14	3	8	18
Adjusted Flow Rate (*v*), veh/h	259	862	855	8	812	808		70			198	
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1781	1870	1834	1781	1870	1854		659			1719	
Queue Service Time (g_s), s	10.4	41.4	42.3	0.0	43.9	44.2		0.9			0.0	
Cycle Queue Clearance Time (g_c), s	10.4	41.4	42.3	0.0	43.9	44.2		20.0			19.0	
Green Ratio (*g/C*)	0.68	0.71	0.71	0.61	0.66	0.66		0.13			0.13	
Capacity (*c*), veh/h	284	1337	1311	224	1242	1231		125			249	
Volume-to-Capacity Ratio (*X*)	0.912	0.645	0.652	0.034	0.654	0.657		0.560			0.795	
Back of Queue (*Q*), ft/ln (95 th percentile)	317.3	595.6	588.8	7.5	651.9	642.1		145.9			370	
Back of Queue (*Q*), veh/ln (95 th percentile)	12.5	23.4	23.6	0.3	25.7	25.7		5.7			14.6	
Queue Storage Ratio (*RQ*) (95 th percentile)	1.13	0.00	0.00	0.03	0.00	0.00		0.00			0.00	
Uniform Delay (d_1), s/veh	32.5	12.8	13.0	23.3	17.0	17.0		72.9			72.7	
Incremental Delay (d_2), s/veh	17.7	2.4	2.5	0.1	2.7	2.7		3.9			13.6	
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Control Delay (*d*), s/veh	50.2	15.2	15.5	23.4	19.7	19.8		76.8			86.3	
Level of Service (LOS)	D	B	B	C	B	B		E			F	
Approach Delay, s/veh / LOS	19.9	B		19.7	B		76.8	E		86.3	F	
Intersection Delay, s/veh / LOS	24.3						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	1.75	B	1.66	B	2.32	B	2.32	B
Bicycle LOS Score / LOS	2.12	B	1.83	B	0.60	A	0.81	A

APPENDIX I

Traffic Signal Warrant

Traffic Signal Warrant Study

Nova Road at Tomoka Oaks Boulevard
2026 Build-Out Conditions
(Volusia County / City of Ormond Beach)

LTG Job No.: 5361.04

Prepared For:

Triumph Oaks of Ormond Beach, LLC

Prepared By:

LTG Engineering & Planning

1450 W. Granada Blvd., Suite 2
Ormond Beach, Florida 32714

August 18, 2022

PROFESSIONAL ENGINEERING CERTIFICATION

I hereby certify that I am a Professional Engineer properly registered in the State of Florida practicing with LTG, Inc., a corporation authorized to operate as an engineering business, by the State of Florida Department of Professional Regulation, Board of Professional Engineers, and that I have prepared or approved the evaluations, findings, opinions, conclusions, or technical advice attached hereto for:

PROJECT: Nova Road at Tomoka Oaks Boulevard – Preliminary Traffic Signal Warrant Study
LOCATION: City of Ormond Beach, Florida
CLIENT: Triumph Oaks of Ormond Beach, LLC
JOB #: 5361.04

I hereby acknowledge that the procedures and references used to develop the results contained in these computations are standard to the professional practice of Transportation Engineering as applied through professional judgment and experience.

Prepared by:
LTG, Inc.
1450 W. Granada Blvd, Suite 2
Ormond Beach, FL 32174
Registration No. 9227
386/257-2571

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY:

ON THE DATE ADJACENT TO THE SEAL

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

LTG, INC.
1450 W. GRANADA BLVD, SUITE 2
ORMOND BEACH, FL 32174
REGISTRATION NO. 9227
GEORGE A. GALAN, P.E. NO. 60080

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APPENDICES

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EXECUTIVE SUMMARY

LTG, Inc. has conducted a Preliminary Traffic Signal Warrant Study (TSWS) at the intersection of Nova Road and Tomoka Oaks Boulevard located in the City of Ormond Beach, Florida. Based on the results of the analysis and engineering judgment, the following recommendations and conclusions were developed:

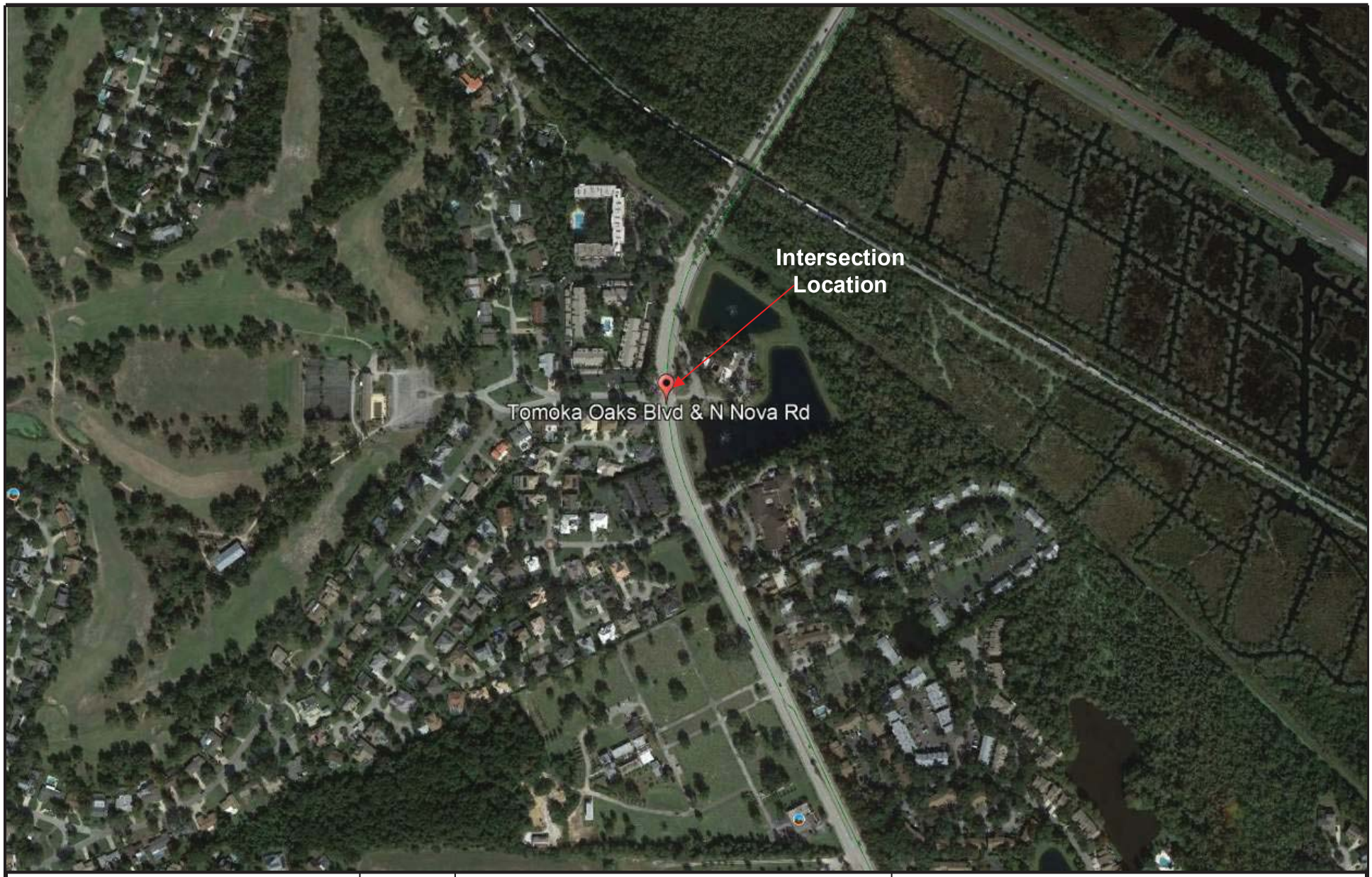
- The intersection meets the following warrants:
  - Warrant 1B: Interruption of Continuous Traffic
  - Warrant 2: 4-Hour Vehicular Volume

LTG's analysis was based on methods which are consistent with those set forth in the *Manual on Uniform Traffic Control Devices* (MUTCD) and standard practice in the State of Florida.

INTRODUCTION

LTG, Inc. has been retained by Triumph Oaks of Ormond Beach, LLC to conduct a Preliminary Traffic Signal Warrant Study (TSWS) at the intersection of SR 5A (Nova Road) and Tomoka Oaks Boulevard, located in the City of Ormond Beach, Florida. The location of the subject intersection is shown in Figure 1.

The purpose of this study is to determine if signalized traffic control may be warranted at the intersection of Nova Road and Tomoka Oaks Boulevard upon build-out of the proposed Tomoka Oaks development. The analysis methods used in conducting this study are consistent with those set forth in the *Manual on Uniform Traffic Control Devices* (MUTCD), the *Manual on Uniform Traffic Studies* (MUTS), and Florida Department of Transportation (FDOT) guidelines and procedures. This report documents the existing conditions, future conditions, signal warrant analysis, and recommendations.



Nova Road at Tomoka Oaks Boulevard Preliminary TSWS	N NTS	**Project Location Map**	LTG Engineering & Planning
		Project No.: 5361.04 / Figure: 1	1450 W. Granada Blvd., Suite 2, Ormond Beach, Florida 32174 Telephone: 386.257.2571 Fax: 386.257.6996

EXISTING CONDITIONS

The intersection of Nova Road at Tomoka Oaks Boulevard is currently unsignalized. This section of Nova Road is currently maintained by FDOT as an Access Class 5 roadway. Significant features of the roadway are summarized in Table 1 below:

Table 1
Summary of Existing Conditions
Nova Road at Tomoka Oaks Boulevard Preliminary TSWS

Feature	Description
Main Street	Nova Road
Side Street	Tomoka Oaks Boulevard
Area Location	Volusia County
Surrounding Development	Residential and Commercial Land Uses
Land Uses at Intersection	This intersection provides access to existing residential development to the west.
Traffic Control	The eastbound approach is currently under stop-sign control.
Signal Spacing	Nearest signals: Nova Road at US 1, approximately 2,000 ft north Nova Road at Wilmette Avenue, approximately 3,300 ft south (Minimum spacing for Access Class 5 at 45 mph is 1,320 ft.)
Additional Features	Function – North-South principal arterial
	Connectivity – US 1 to the north and SR 40 to the south
	Posted Speed Limit – 45miles per hour (mph)
	Sidewalks – There are sidewalks present along both sides of Nova Road at this location.
	Utilities – There are overhead utilities along the east side of Nova Road.
	Street Lighting – Street lighting is provided along the west side of Nova Road.

Existing Traffic Volumes

The 24-hour directional volume counts were collected at the existing approaches to the subject intersection on Tuesday, May 27, 2021, prior to the end of the Volusia County school year. The eight highest hours were identified from the 24-hour volume counts. The eight highest count hours selected include 9:00 a.m. to 10:00 a.m., and 12:00 p.m. to 7:00 p.m. The existing directional approach volumes are summarized in Table 1 below, with the raw count data attached as Appendix A.

Table 2
24-Hour Approach Volumes
Nova Road at Tomoka Oaks Boulevard Preliminary TSWS

		Major Street			Minor Street
Hour		NB	SB	Total	EB
12:00 AM	1:00 AM	66	59	**125**	9
1:00 AM	2:00 AM	56	50	**106**	0
2:00 AM	3:00 AM	26	59	**85**	5
3:00 AM	4:00 AM	31	58	**89**	2
4:00 AM	5:00 AM	27	27	**54**	2
5:00 AM	6:00 AM	89	58	**147**	9
6:00 AM	7:00 AM	121	135	**256**	15
7:00 AM	8:00 AM	350	334	**684**	74
8:00 AM	9:00 AM	713	600	**1313**	122
9:00 AM	10:00 AM	785	641	**1426**	136
10:00 AM	11:00 AM	650	560	**1210**	82
11:00 AM	12:00 PM	692	689	**1381**	82
12:00 PM	1:00 PM	760	782	**1542**	107
1:00 PM	2:00 PM	793	845	**1638**	104
2:00 PM	3:00 PM	802	815	**1617**	88
3:00 PM	4:00 PM	815	895	**1710**	107
4:00 PM	5:00 PM	717	859	**1576**	98
5:00 PM	6:00 PM	713	825	**1538**	109
6:00 PM	7:00 PM	688	779	**1467**	87
7:00 PM	8:00 PM	480	468	**948**	69
8:00 PM	9:00 PM	364	367	**731**	55
9:00 PM	10:00 PM	243	227	**470**	40
10:00 PM	11:00 PM	136	154	**290**	22
11:00 PM	12:00 AM	99	68	**167**	12
	ADT:	10,216	10,354	20,570	1,436

FUTURE CONDITIONS

The evaluation of signal warrants was based on future roadway conditions. The following presents the methods used to determine the traffic volumes for the preliminary signal warrant evaluation.

Trip Generation

The daily trip generation for the Tomoka Oaks development was calculated using the nationally accepted trip generation software, TripGen (10th Edition), prepared by the Institute of Transportation Engineers (ITE) and is shown in Table 3.

Table 3
Daily Trip Generation
Nova Road at Tomoka Oaks Boulevard Preliminary TSWS

Period	Land Use	Land Use Code	Trip Rate Equation	Size	Units	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single Family	210	Ln(T)=0.92Ln(X)+2.71	300	DU	50%	50%	1,429	1,429	2,858

Hourly Trip Variation

The Tomoka Oaks development will have site access at Nova Road at Tomoka Oaks Boulevard. The anticipated hourly project traffic utilizing the intersection was included to determine the anticipated build-out volumes. The percent of 24-hour traffic was determined using the hourly variation percentages from the existing residential development, which were derived from the 24-hour eastbound (exiting) volumes. Table 4 presents the predicted hourly variation of the project trips for the proposed development exiting through the intersection for the identified eight highest hours. Note that the distribution for left-turning (39%) and right-turning (57%) project trips was obtained from the Central Florida Regional Planning Model (CFRPM) model run used in the TIA.

The raw directional approach data was factored using FDOT's Seasonal Factor (Appendix A) and a growth rate of two percent per year, was applied to determine the 2026 background hourly traffic. Table 5 shows the resultant total mainline and minor street volumes used in the signal warrant, with the highest four hours volumes highlighted based on the minor street approach.

Table 4
Hourly Variation of Project Traffic – Major and Minor Streets
Nova Road at Tomoka Oaks Boulevard Preliminary TSWS

Tomoka Oaks						
Hourly Variation * Distribution * Exit Daily Project Trips						
				Movement		
				Exit =	1,429	
8-Highest Hours		Enter	Exit	EBL (39%)	EBR (57%)	Total Exiting
9:00 AM	10:00 AM	0.0%	9.5%	53	77	130
12:00 PM	1:00 PM	0.0%	7.5%	42	61	103
1:00 PM	2:00 PM	0.0%	7.2%	40	59	99
2:00 PM	3:00 PM	0.0%	6.1%	34	50	84
3:00 PM	4:00 PM	0.0%	7.5%	42	61	103
4:00 PM	5:00 PM	0.0%	6.8%	38	56	94
5:00 PM	6:00 PM	0.0%	7.6%	42	62	104
6:00 PM	7:00 PM	0.0%	6.1%	34	49	83

Table 5
Preliminary TSWS Total Volumes
Nova Road at Tomoka Oaks Boulevard Preliminary TSWS

Time		Northbound and Southbound					Eastbound				
From	To	NB Raw Data (RD)	NB Hourly Traffic (a=RD*SF)	SB Raw Data (RD)	SB Hourly Traffic (b=RD*SF)	Background Total Hourly Traffic (c=(a+b)*GR	EB Raw Data (RD)	EB Hourly Traffic (d=RD*SF)	EB Background Left-Turn Trips (e)	EB Total Hourly Project Left-Turn Trips (f)	Total Build-Out Hourly Left-Turn Trips (g)
9:00 AM	10:00 AM	785	824	641	673	1,653	136	143	56	53	109
12:00 PM	1:00 PM	760	798	782	821	1,788	107	112	44	42	86
1:00 PM	2:00 PM	793	833	845	887	1,899	104	109	43	40	83
2:00 PM	3:00 PM	802	842	815	856	1,875	88	92	36	34	70
3:00 PM	4:00 PM	815	856	895	940	1,982	107	112	44	42	86
4:00 PM	5:00 PM	717	753	859	902	1,827	98	103	40	38	78
5:00 PM	6:00 PM	713	749	825	866	1,783	109	114	45	42	87
6:00 PM	7:00 PM	688	722	779	818	1,701	87	91	36	34	70

Abbreviations: RD = Raw Data, SF = Seasonal Factor, and GR = Growth Rate
A seasonal Factor of 1.05 and a growth rate of 2.00% per year was applied to the data. Build-out year for Tomoka Oaks is 2026.

PRELIMINARY SIGNAL WARRANT ANALYSIS

The traffic volumes and geometric conditions were compared with the warrants for the installation of traffic signals contained in the latest edition of the *Manual on Uniform Traffic Control Devices* (MUTCD).

For the purposes of the Preliminary Signal Warrant Analysis, Nova Road was considered the major street and the eastbound approach of Tomoka Oaks Boulevard was considered the minor street. The eastbound approach of this intersection functions as two lanes since the existing lane width facilitates separation of left-turn and right-turns. However, right-turns were excluded from the minor approach warrant volumes, and the minor approach was considered a one lane roadway. The analysis was performed under 2026 build-out year conditions. The signal warrant forms are included as Appendix B. Table 6 summarizes the results of the analyses during the study hours:

Table 6
Summary of Signal Warrant Analysis
Nova Road at Tomoka Oaks Boulevard Preliminary TSWS

Warrant		Applicable	Satisfied	Comments
1A	Minimum Vehicular Volume	Yes	No	**Warrant is not satisfied.**
1B	Interruption of Continuous Traffic	Yes	Yes	**Warrant is satisfied.**
2	Four-Hour Vehicular Volume	Yes	Yes	**Warrant is satisfied.**
3A	Peak-Hour Delay	Yes	No	**Warrant is not satisfied.**
3B	Peak-Hour Volume	Yes	No	**Warrant is not satisfied.**
4	Pedestrian Volume	Yes	No	**Warrant is not satisfied.**
5	School Crossing	No	No	This warrant is not applicable.
6	Coordinated Signal System	No	No	This warrant is not applicable.
7	*Crash Experience	Yes	No	**Warrant is not satisfied.**
8	Roadway Network	No	No	This warrant is not applicable.

**Available crash data from Signal4 Analytics between December 2017 and December 2021 was reviewed and determined not to meet warrant thresholds.*

RECOMMENDATIONS

Based on the results of the Preliminary Signal Warrant Analyses and engineering judgement of projected 2026 build-out conditions at the intersection of Nova Road and Tomoka Oaks Boulevard, the following recommendations were developed:

- The intersection meets the following warrants:
    - Warrant 1B: Interruption of Continuous Traffic
    - Warrant 2: 4-Hour Vehicular Volume

Appendix A
Raw Count Data & FDOT's Seasonal Factor

2020 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
CATEGORY: 7900 VOLUSIA COUNTYWIDE

MOCF: 0.93

WEEK	DATES	SF	PSCF
* 1	01/01/2020 - 01/04/2020	0.99	1.06
* 2	01/05/2020 - 01/11/2020	0.95	1.02
* 3	01/12/2020 - 01/18/2020	0.92	0.99
* 4	01/19/2020 - 01/25/2020	0.91	0.98
* 5	01/26/2020 - 02/01/2020	0.89	0.96
* 6	02/02/2020 - 02/08/2020	0.88	0.95
* 7	02/09/2020 - 02/15/2020	0.87	0.94
* 8	02/16/2020 - 02/22/2020	0.88	0.95
* 9	02/23/2020 - 02/29/2020	0.90	0.97
*10	03/01/2020 - 03/07/2020	0.92	0.99
*11	03/08/2020 - 03/14/2020	0.94	1.01
*12	03/15/2020 - 03/21/2020	0.96	1.03
*13	03/22/2020 - 03/28/2020	1.05	1.13
14	03/29/2020 - 04/04/2020	1.14	1.23
15	04/05/2020 - 04/11/2020	1.24	1.33
16	04/12/2020 - 04/18/2020	1.33	1.43
17	04/19/2020 - 04/25/2020	1.26	1.35
18	04/26/2020 - 05/02/2020	1.20	1.29
19	05/03/2020 - 05/09/2020	1.14	1.23
20	05/10/2020 - 05/16/2020	1.07	1.15
21	05/17/2020 - 05/23/2020	1.06	1.14
22	05/24/2020 - 05/30/2020	1.05	1.13
23	05/31/2020 - 06/06/2020	1.03	1.11
24	06/07/2020 - 06/13/2020	1.02	1.10
25	06/14/2020 - 06/20/2020	1.01	1.09
26	06/21/2020 - 06/27/2020	1.02	1.10
27	06/28/2020 - 07/04/2020	1.02	1.10
28	07/05/2020 - 07/11/2020	1.03	1.11
29	07/12/2020 - 07/18/2020	1.04	1.12
30	07/19/2020 - 07/25/2020	1.03	1.11
31	07/26/2020 - 08/01/2020	1.02	1.10
32	08/02/2020 - 08/08/2020	1.02	1.10
33	08/09/2020 - 08/15/2020	1.01	1.09
34	08/16/2020 - 08/22/2020	1.01	1.09
35	08/23/2020 - 08/29/2020	1.01	1.09
36	08/30/2020 - 09/05/2020	1.01	1.09
37	09/06/2020 - 09/12/2020	1.01	1.09
38	09/13/2020 - 09/19/2020	1.01	1.09
39	09/20/2020 - 09/26/2020	1.00	1.08
40	09/27/2020 - 10/03/2020	0.99	1.06
41	10/04/2020 - 10/10/2020	0.98	1.05
42	10/11/2020 - 10/17/2020	0.97	1.04
43	10/18/2020 - 10/24/2020	0.98	1.05
44	10/25/2020 - 10/31/2020	0.98	1.05
45	11/01/2020 - 11/07/2020	0.98	1.05
46	11/08/2020 - 11/14/2020	0.99	1.06
47	11/15/2020 - 11/21/2020	0.99	1.06
48	11/22/2020 - 11/28/2020	0.99	1.06
49	11/29/2020 - 12/05/2020	0.99	1.06
50	12/06/2020 - 12/12/2020	0.99	1.06
51	12/13/2020 - 12/19/2020	0.99	1.06
52	12/20/2020 - 12/26/2020	0.95	1.02
53	12/27/2020 - 12/31/2020	0.92	0.99

* PEAK SEASON

27-FEB-2021 10:30:05 830UPD 5_7900_PKSEASON.TXT

DE Traffic

VOLUME SUMMARY
Thu 5/27/2021

Station #: NB
Site ID: NB
Location: Nova Rd NB south of Tomoka Oaks Blvd

File: Nova NB.prn
Steet Name: Nova Rd NB
County: Volusia

TIME	1 NORTH	Total
01:00	56	56
02:00	26	26
03:00	31	31
04:00	27	27
05:00	89	89
06:00	121	121
07:00	350	350
08:00	713	713
09:00	785	785
10:00	650	650
11:00	692	692
12:00	760	760
13:00	793	793
14:00	802	802
15:00	815	815
16:00	717	717
17:00	713	713
18:00	688	688
19:00	480	480
20:00	364	364
21:00	243	243
22:00	136	136
23:00	99	99
24:00	66	66
DAY TOTAL	10216	10216
PERCENTS	100.0	100
AM Times	08:00	
AM Peaks	804	
PM Times	14:45	
PM Peaks	826	

VOLUME SUMMARY
Thu 5/27/2021

Station #: NB
Site ID: NB
Location: Nova Rd NB south of Tomoka Oaks Blvd

File: Nova NB.prn
Steet Name: Nova Rd NB
County: Volusia

TIME	1 NORTH	Total
00:15	13	13
00:30	15	15
00:45	13	13
01:00	15	15
Hour Total	56	56
01:15	5	5
01:30	4	4
01:45	8	8
02:00	9	9
Hour Total	26	26
02:15	7	7
02:30	8	8
02:45	9	9
03:00	7	7
Hour Total	31	31
03:15	5	5
03:30	6	6
03:45	9	9
04:00	7	7
Hour Total	27	27
04:15	13	13
04:30	26	26
04:45	24	24
05:00	26	26
Hour Total	89	89
05:15	19	19
05:30	24	24
05:45	35	35
06:00	43	43
Hour Total	121	121
06:15	65	65
06:30	78	78
06:45	109	109
07:00	98	98
Hour Total	350	350
07:15	161	161
07:30	185	185
07:45	172	172
08:00	195	195
Hour Total	713	713

Station #: NB
Site ID: NB
Location: Nova Rd NB south of Tomoka Oaks Blvd

File: Nova NB.prn
Steet Name: Nova Rd NB
County: Volusia

TIME	1 NORTH	Total
08:15	225	225
08:30	198	198
08:45	186	186
09:00	176	176
Hour Total	785	785
09:15	157	157
09:30	172	172
09:45	156	156
10:00	165	165
Hour Total	650	650
10:15	153	153
10:30	167	167
10:45	185	185
11:00	187	187
Hour Total	692	692
11:15	198	198
11:30	178	178
11:45	186	186
12:00	198	198
Hour Total	760	760
12:15	187	187
12:30	210	210
12:45	198	198
13:00	198	198
Hour Total	793	793
13:15	201	201
13:30	198	198
13:45	187	187
14:00	216	216
Hour Total	802	802
14:15	198	198
14:30	187	187
14:45	224	224
15:00	206	206
Hour Total	815	815
15:15	198	198
15:30	198	198
15:45	157	157
16:00	164	164
Hour Total	717	717

Station #: NB
Site ID: NB
Location: Nova Rd NB south of Tomoka Oaks Blvd

File: Nova NB.prn
Steet Name: Nova Rd NB
County: Volusia

TIME	1 NORTH	Total
16:15	158	158
16:30	199	199
16:45	181	181
17:00	175	175
Hour Total	713	713
17:15	185	185
17:30	199	199
17:45	162	162
18:00	142	142
Hour Total	688	688
18:15	135	135
18:30	115	115
18:45	124	124
19:00	106	106
Hour Total	480	480
19:15	106	106
19:30	89	89
19:45	94	94
20:00	75	75
Hour Total	364	364
20:15	84	84
20:30	75	75
20:45	42	42
21:00	42	42
Hour Total	243	243
21:15	35	35
21:30	51	51
21:45	24	24
22:00	26	26
Hour Total	136	136
22:15	34	34
22:30	25	25
22:45	16	16
23:00	24	24
Hour Total	99	99
23:15	19	19
23:30	17	17
23:45	11	11
24:00	19	19
Hour Total	66	66

Station #: NB
Site ID: NB
Location: Nova Rd NB south of Tomoka Oaks Blvd

File: Nova NB.prn
Steet Name: Nova Rd NB
County: Volusia

TIME	1 NORTH	Total
DAY TOTAL	10216	10216
PERCENTS	100.0	100
AM Times	08:00	
AM Peaks	804	
PM Times	14:45	
PM Peaks	826	

2020 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
CATEGORY: 7941 VOLUSIA I4 RURAL

MOCF: 0.92

WEEK	DATES	SF	PSCF
* 1	01/01/2020 - 01/04/2020	0.91	0.99
* 2	01/05/2020 - 01/11/2020	0.88	0.96
* 3	01/12/2020 - 01/18/2020	0.86	0.93
* 4	01/19/2020 - 01/25/2020	0.85	0.92
* 5	01/26/2020 - 02/01/2020	0.85	0.92
* 6	02/02/2020 - 02/08/2020	0.84	0.91
* 7	02/09/2020 - 02/15/2020	0.83	0.90
* 8	02/16/2020 - 02/22/2020	0.87	0.95
* 9	02/23/2020 - 02/29/2020	0.91	0.99
*10	03/01/2020 - 03/07/2020	0.96	1.04
*11	03/08/2020 - 03/14/2020	1.00	1.09
*12	03/15/2020 - 03/21/2020	1.04	1.13
*13	03/22/2020 - 03/28/2020	1.20	1.30
14	03/29/2020 - 04/04/2020	1.36	1.48
15	04/05/2020 - 04/11/2020	1.53	1.66
16	04/12/2020 - 04/18/2020	1.69	1.84
17	04/19/2020 - 04/25/2020	1.57	1.71
18	04/26/2020 - 05/02/2020	1.46	1.59
19	05/03/2020 - 05/09/2020	1.34	1.46
20	05/10/2020 - 05/16/2020	1.23	1.34
21	05/17/2020 - 05/23/2020	1.19	1.29
22	05/24/2020 - 05/30/2020	1.15	1.25
23	05/31/2020 - 06/06/2020	1.12	1.22
24	06/07/2020 - 06/13/2020	1.08	1.17
25	06/14/2020 - 06/20/2020	1.04	1.13
26	06/21/2020 - 06/27/2020	1.03	1.12
27	06/28/2020 - 07/04/2020	1.03	1.12
28	07/05/2020 - 07/11/2020	1.02	1.11
29	07/12/2020 - 07/18/2020	1.02	1.11
30	07/19/2020 - 07/25/2020	1.01	1.10
31	07/26/2020 - 08/01/2020	1.01	1.10
32	08/02/2020 - 08/08/2020	1.00	1.09
33	08/09/2020 - 08/15/2020	1.00	1.09
34	08/16/2020 - 08/22/2020	0.99	1.08
35	08/23/2020 - 08/29/2020	0.99	1.08
36	08/30/2020 - 09/05/2020	0.99	1.08
37	09/06/2020 - 09/12/2020	0.98	1.07
38	09/13/2020 - 09/19/2020	0.98	1.07
39	09/20/2020 - 09/26/2020	0.97	1.05
40	09/27/2020 - 10/03/2020	0.96	1.04
41	10/04/2020 - 10/10/2020	0.96	1.04
42	10/11/2020 - 10/17/2020	0.95	1.03
43	10/18/2020 - 10/24/2020	0.95	1.03
44	10/25/2020 - 10/31/2020	0.95	1.03
45	11/01/2020 - 11/07/2020	0.95	1.03
46	11/08/2020 - 11/14/2020	0.95	1.03
47	11/15/2020 - 11/21/2020	0.95	1.03
48	11/22/2020 - 11/28/2020	0.94	1.02
49	11/29/2020 - 12/05/2020	0.93	1.01
50	12/06/2020 - 12/12/2020	0.92	1.00
51	12/13/2020 - 12/19/2020	0.91	0.99
52	12/20/2020 - 12/26/2020	0.88	0.96
53	12/27/2020 - 12/31/2020	0.86	0.93

* PEAK SEASON

27-FEB-2021 10:30:05 830UPD 5_7941_PKSEASON.TXT

2020 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
CATEGORY: 7995 VOLUSIA I95

MOCF: 0.92

WEEK	DATES	SF	PSCF
* 1	01/01/2020 - 01/04/2020	0.90	0.98
* 2	01/05/2020 - 01/11/2020	0.89	0.97
* 3	01/12/2020 - 01/18/2020	0.88	0.96
* 4	01/19/2020 - 01/25/2020	0.87	0.95
* 5	01/26/2020 - 02/01/2020	0.87	0.95
* 6	02/02/2020 - 02/08/2020	0.86	0.93
* 7	02/09/2020 - 02/15/2020	0.85	0.92
* 8	02/16/2020 - 02/22/2020	0.88	0.96
* 9	02/23/2020 - 02/29/2020	0.90	0.98
*10	03/01/2020 - 03/07/2020	0.93	1.01
*11	03/08/2020 - 03/14/2020	0.95	1.03
*12	03/15/2020 - 03/21/2020	0.98	1.07
*13	03/22/2020 - 03/28/2020	1.15	1.25
14	03/29/2020 - 04/04/2020	1.33	1.45
15	04/05/2020 - 04/11/2020	1.50	1.63
16	04/12/2020 - 04/18/2020	1.68	1.83
17	04/19/2020 - 04/25/2020	1.55	1.68
18	04/26/2020 - 05/02/2020	1.42	1.54
19	05/03/2020 - 05/09/2020	1.29	1.40
20	05/10/2020 - 05/16/2020	1.16	1.26
21	05/17/2020 - 05/23/2020	1.13	1.23
22	05/24/2020 - 05/30/2020	1.10	1.20
23	05/31/2020 - 06/06/2020	1.07	1.16
24	06/07/2020 - 06/13/2020	1.04	1.13
25	06/14/2020 - 06/20/2020	1.01	1.10
26	06/21/2020 - 06/27/2020	1.01	1.10
27	06/28/2020 - 07/04/2020	1.02	1.11
28	07/05/2020 - 07/11/2020	1.02	1.11
29	07/12/2020 - 07/18/2020	1.03	1.12
30	07/19/2020 - 07/25/2020	1.03	1.12
31	07/26/2020 - 08/01/2020	1.03	1.12
32	08/02/2020 - 08/08/2020	1.03	1.12
33	08/09/2020 - 08/15/2020	1.03	1.12
34	08/16/2020 - 08/22/2020	1.02	1.11
35	08/23/2020 - 08/29/2020	1.02	1.11
36	08/30/2020 - 09/05/2020	1.01	1.10
37	09/06/2020 - 09/12/2020	1.01	1.10
38	09/13/2020 - 09/19/2020	1.01	1.10
39	09/20/2020 - 09/26/2020	1.00	1.09
40	09/27/2020 - 10/03/2020	0.99	1.08
41	10/04/2020 - 10/10/2020	0.98	1.07
42	10/11/2020 - 10/17/2020	0.97	1.05
43	10/18/2020 - 10/24/2020	0.96	1.04
44	10/25/2020 - 10/31/2020	0.95	1.03
45	11/01/2020 - 11/07/2020	0.94	1.02
46	11/08/2020 - 11/14/2020	0.94	1.02
47	11/15/2020 - 11/21/2020	0.93	1.01
48	11/22/2020 - 11/28/2020	0.92	1.00
49	11/29/2020 - 12/05/2020	0.92	1.00
50	12/06/2020 - 12/12/2020	0.91	0.99
51	12/13/2020 - 12/19/2020	0.90	0.98
52	12/20/2020 - 12/26/2020	0.89	0.97
53	12/27/2020 - 12/31/2020	0.88	0.96

* PEAK SEASON

27-FEB-2021 10:30:05 830UPD 5_7995_PKSEASON.TXT

Appendix B
Signal Warrants

SIGNAL WARRANT ANALYSIS

Introduction

- The Signal Warrant Analysis Spreadsheets are a tool for assisting traffic engineers when evaluating the need for a traffic signal installation
- The filled spreadsheets can be used as part of the supporting documents for the signal warrant evaluation

Note: This templates are a useful resource, but it remains necessary to apply engineering judgment and to consider specific environmental, traffic, geometric, and operational conditions

Instructions

Fill in "Orange" areas only	
Automated cells based on in Input Data in "orange" cells	
General Information	Fill in below the general information including: District, County (drop-down menu) City, Engineer, Date Major and Minor Street with corresponding number of lanes and speed limits
Enter Eight Hour Volumes	Any 8 hours of an average day. Major-street and minor-street volumes shall be for the same 8 hours; however, the 8 hours satisfied in Condition A shall not be required to be the same 8 hours satisfied in Condition B for 80% columns only. On the minor street, the higher volume shall not be required to be on the same approach during each of the 8 hours.
Enter Four Hour Volumes	Any 4 hours of an average day. Vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the higher-volume minor-street approach (one direction only, not required to be on the same approach during each of the 4 hours)
Enter Pedestrian Volumes (4-hr)	Pedestrians per hour crossing the major street (total of all crossings)
Enter Peak Hour Volumes	Vehicular: Any four consecutive 15-minute periods of an average day Pedestrian: Any four consecutive 15-minute periods of an average day representing the vehicles per hour on the major street (total of both approaches) and the corresponding pedestrians per hour crossing the major street (total of all crossings)

Input Data

Form 750-020-01
TRAFFIC ENGINEERING
10/15

City:	Ormond Beach				
County:	79 – Volusia	Engineer:	CAM1		
District:	Five	Date:	June 7, 2021		
Major Street:	SR 5A	# Lanes:	2	Major Approach Speed:	45
Minor Street:	Tomoka Oaks	# Lanes:	1	Minor Approach Speed:	25

Eight Hour Volumes (Condition A)

Hours	Major Street (total of both approaches)	Minor Street (one direction only)
9:00-10:00 AM	1,653	109
12:00-1:00 PM	1,788	86
1:00-2:00 PM	1,899	83
2:00-3:00 PM	1,875	70
3:00-4:00 PM	1,982	86
4:00-5:00 PM	1,827	78
5:00-6:00 PM	1,783	87
6:00-7:00 PM	1,701	70

Eight Hour Volumes (Condition B)

Hours	Major Street (total of both approaches)	Minor Street (one direction only)
9:00-10:00 AM	1,653	109
12:00-1:00 PM	1,788	86
1:00-2:00 PM	1,899	83
2:00-3:00 PM	1,875	70
3:00-4:00 PM	1,982	86
4:00-5:00 PM	1,827	78
5:00-6:00 PM	1,783	87
6:00-7:00 PM	1,701	70

Highest Four Hour Vehicular Volumes

Hours	Major Street (total of both approaches)	Minor Street (one direction only)
9:00-10:00 AM	1,653	109
1:00-2:00 PM	1,899	83
3:00-4:00 PM	1,982	86
5:00-6:00 PM	1,783	87

Highest Four Hour Pedestrian Volumes

Hours	Major Street (total of both approaches)	Pedestrian Crossings on Major Street
9:00-10:00 AM	1,653	
1:00-2:00 PM	1,899	
3:00-4:00 PM	1,982	
5:00-6:00 PM	1,783	

Vehicular Peak Hour Volumes

Peak Hour	Major Street (total of both approaches)	Minor Street (one direction only)	Total Entering Volume
5:00-6:00 PM	1,783	87	

Pedestrian Peak Hour Volumes

Peak Hour	Major Street (total of both approaches)	Pedestrian Crossing Volumes on Major Street
5:00-6:00 PM	1,783	87

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

City:	Ormond Beach	Engineer:	CAM1
County:	79 – Volusia	Date:	June 7, 2021
District:	Five		

Major Street:	SR 5A	Lanes:	2	Major Approach Speed:	45
Minor Street:	Tomoka Oaks	Lanes:	1	Minor Approach Speed:	25

MUTCD Electronic Reference to Chapter 4: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf

Volume Level Criteria

1. Is the posted speed or 85th-percentile of major street > 40 mph (70 km/h)? ☑ Yes ☐ No
2. Is the intersection in a built-up area of an isolated community with a population < 10,000? ☐ Yes ☑ No

"70%" volume level **may** be used if Question 1 **or** 2 above is answered "Yes" ☑ 70% ☑ 100%

WARRANT 1 - EIGHT-HOUR VEHICULAR VOLUME

Warrant 1 is satisfied if Condition A or Condition B is "100%" satisfied for eight hours. ☐ Yes ☑ No

Warrant 1 is also satisfied if both Condition A and Condition B are "80%" satisfied (should only be applied after an adequate trial of other alternatives that could cause less delay and inconvenience to traffic has failed to solve the traffic problems). ☐ Yes ☑ No

Condition A - Minimum Vehicular Volume

Condition A is intended for application at locations where a large volume of intersecting traffic is the principal reason to consider installing a traffic control signal.

100% Satisfied: ☐ Yes ☑ No
80% Satisfied: ☐ Yes ☑ No
70% Satisfied: ☐ Yes ☑ No

Number of Lanes for moving traffic on each approach		Vehicles per hour on major-street (total of both approaches)			Vehicles per hour on minor-street (one direction only)		
Major	Minor	100%[a]	80%[b]	70%[c]	100%[a]	80%[b]	70%[c]
1	1	500	400	350	150	120	105
2 or more	1	600	480	420	150	120	105
2 or more	2 or more	600	480	420	200	160	140
1	2 or more	500	400	350	200	160	140

[a] Basic Minimum hourly volume
[b] Used for combination of Conditions A and B after adequate trial of other remedial measures
[c] May be used when the major-street speed exceeds 40 mph or in an isolated community with a population of less than 10,000

Record 8 highest hours and the corresponding major-street and minor-street volumes in the Instructions Sheet.

Street	Eight Highest Hours							
	9:00-10:00 AM	12:00-1:00 PM	1:00-2:00 PM	2:00-3:00 PM	3:00-4:00 PM	4:00-5:00 PM	5:00-6:00 PM	6:00-7:00 PM
Major	1,653	1,788	1,899	1,875	1,982	1,827	1,783	1,701
Minor	109	86	83	70	86	78	87	70

Existing Volumes

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

Condition B - Interruption of Continuous Traffic

Condition B is intended for application where Condition A is not satisfied and the traffic volume on a major street is so heavy that traffic on the minor intersecting street suffers excessive delay or conflict in entering or crossing the major street.

Applicable:	☑ Yes	☐ No
100% Satisfied:	☐ Yes	☑ No
80% Satisfied:	☑ Yes	☐ No
70% Satisfied:	☑ Yes	☐ No

Number of Lanes for moving traffic on each approach		Vehicles per hour on major-street (total of both approaches)			Vehicles per hour on minor-street (one direction only)		
Major	**Minor**	**100%[a]**	**80%[b]**	**70%[c]**	**100%[a]**	**80%[b]**	**70%[c]**
1	1	750	600	525	75	60	53
2 or more	1	900	720	630	75	60	53
2 or more	2 or more	900	720	630	100	80	70
1	2 or more	750	600	525	100	80	70

[a] Basic Minimum hourly volume

[b] Used for combination of Conditions A and B after adequate trial of other remedial measures

[c] May be used when the major-street speed exceeds 40 mph or in an isolated community with a population of less than 10,000

Record 8 highest hours and the corresponding major-street and minor-street volumes in the Instructions Sheet.

Eight Highest Hours								
Street	**9:00-10:00 AM**	**12:00-1:00 PM**	**1:00-2:00 PM**	**2:00-3:00 PM**	**3:00-4:00 PM**	**4:00-5:00 PM**	**5:00-6:00 PM**	**6:00-7:00 PM**
Major	1,653	1,788	1,899	1,875	1,982	1,827	1,783	1,701
Minor	109	86	83	70	86	78	87	70

Existing Volumes

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

City:	Ormond Beach	Engineer:	CAM1
County:	79 – Volusia	Date:	June 7, 2021
District:	Five		

Major Street:	SR 5A	Lanes:	2	Major Approach Speed:	45
Minor Street:	Tomoka Oaks	Lanes:	1	Minor Approach Speed:	25

MUTCD Electronic Reference to Chapter 4: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf

Volume Level Criteria

1. Is the posted speed or 85th-percentile of major street > 40 mph (70 km/h)? ☑ Yes ☐ No
2. Is the intersection in a built-up area of an isolated community with a population < 10,000? ☐ Yes ☑ No

"70%" volume level **may** be used if Question 1 **or** 2 above is answered "Yes" ☑ Yes ☐ No

WARRANT 2 - FOUR-HOUR VEHICULAR VOLUME

If all four points lie above the appropriate line, then the warrant is satisfied.

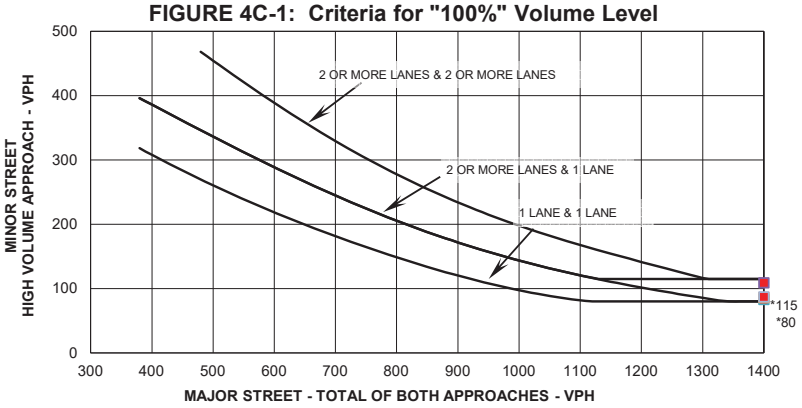
Applicable: ☑ Yes ☐ No
Satisfied: ☑ Yes ☐ No

Plot four volume combinations on the applicable figure below.

100% Volume Level

Four Highest Hours	Volumes	
	Major Street	Minor Street
9:00-10:00 AM	1653	109
1:00-2:00 PM	1899	83
3:00-4:00 PM	1982	86
5:00-6:00 PM	1783	87

FIGURE 4C-1: Criteria for "100%" Volume Level



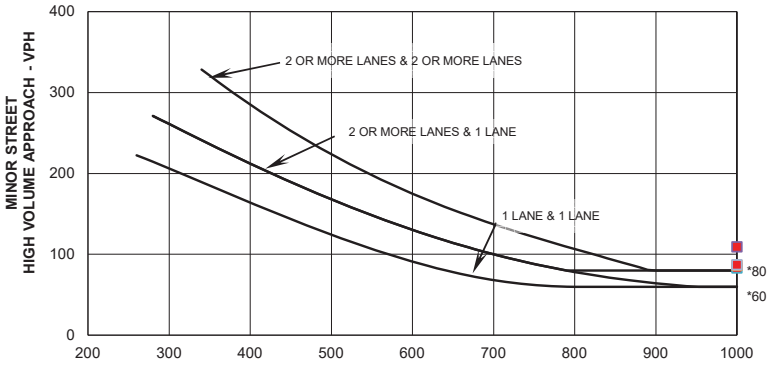
** Note: 115 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 80 vph applies as the lower threshold volume threshold for a minor street approach with one lane.*

70% Volume Level

Four Highest Hours	Volumes	
	Major Street	Minor Street
9:00-10:00 AM	1653	109
1:00-2:00 PM	1899	83
3:00-4:00 PM	1982	86
5:00-6:00 PM	1783	87

FIGURE 4C-2: Criteria for "70%" Volume Level

(Community Less than 10,000 population or above 70 km/hr (40 mph) on Major Street)



** Note: 80 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 60 vph applies as the lower threshold volume threshold for a minor street approach with one lane.*

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

City:	Ormond Beach	Engineer:	CAM1
County:	79 – Volusia	Date:	June 7, 2021
District:	Five		

Major Street:	SR 5A	Lanes:	2	Major Approach Speed:	45
Minor Street:	Tomoka Oaks	Lanes:	1	Minor Approach Speed:	25

MUTCD Electronic Reference to Chapter 4: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf

Volume Level Criteria

1. Is the posted speed or 85th-percentile of major street > 40 mph (70 km/h)? ☑ Yes ☐ No
2. Is the intersection in a built-up area of an isolated community with a population < 10,000? ☐ Yes ☑ No

"70%" volume level **may** be used if Question 1 **or** 2 above is answered "Yes" ☑ 70% ☑ 100%

WARRANT 3 - PEAK HOUR

*If all three criteria are fulfilled **or** the plotted point lies above the appropriate line, then the warrant is satisfied.*

Applicable: ☑ Yes ☐ No
Satisfied: ☐ Yes ☑ No

Unusual condition justifying use of warrant:

Record hour when criteria are fulfilled and the corresponding delay or volume in boxes provided.

Peak Hour 100% Volume		
Time	Major Vol.	Minor Vol.
5:00-6:00 PM	1783	87

Peak Hour 70% Volume		
Time	Major Vol.	Minor Vol.
5:00-6:00 PM	1783	87

Criteria

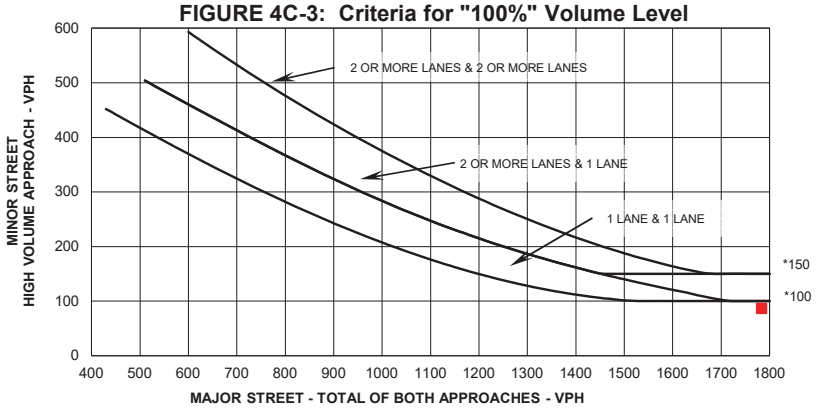
1. Delay on Minor Approach *(vehicle-hours)		
Approach Lanes	1	2
Delay Criteria*	4.0	5.0
Delay*		
Fulfilled?:	☐ Yes ☑ No	

2. Volume on Minor Approach One-Direction *(vehicles per hour)		
Approach Lanes	1	2
Volume Criteria*	100	150
Volume*		
Fulfilled?:	☐ Yes ☑ No	

3. Total Intersection Entering Volume *(vehicles per hour)		
No. of Approaches	3	4
Volume Criteria*	650	800
Volume*		
Fulfilled?:	☑ Yes ☐ No	

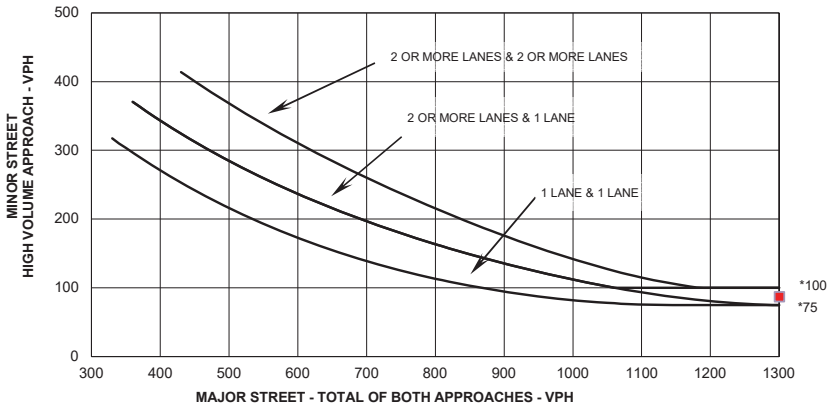
Plot volume combination on the applicable figure below.

FIGURE 4C-3: Criteria for "100%" Volume Level



** Note: 150 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 100 vph applies as the lower threshold volume threshold for a minor street approach with one lane.*

FIGURE 4C-4: Criteria for "70%" Volume Level
(Community Less than 10,000 population or above 70 km/hr (40 mph) on Major Street)



** Note: 100 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 75 vph applies as the lower threshold volume threshold for a minor street approach with one lane.*

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

City:	Ormond Beach	Engineer:	CAM1
County:	79 – Volusia	Date:	June 7, 2021
District:	Five		

Major Street:	SR 5A	Lanes:	2	Major Approach Speed:	45
Minor Street:	Tomoka Oaks	Lanes:	1	Minor Approach Speed:	25

MUTCD Electronic Reference to Chapter 4: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf

Volume Level Criteria

1. Is the posted speed or 85th-percentile of major street > 40 mph (70 km/h)? ☑ Yes ☐ No
2. Is the intersection in a built-up area of an isolated community with a population < 10,000? ☐ Yes ☑ No

"70%" volume level **may** be used if Question 1 **or** 2 above is answered "Yes" ☑ 70% ☐ 100%

WARRANT 4 - PEDESTRIAN VOLUME

For each of any 4 hours of an average day, the plotted points lie above the appropriate line, then the warrant is satisfied.

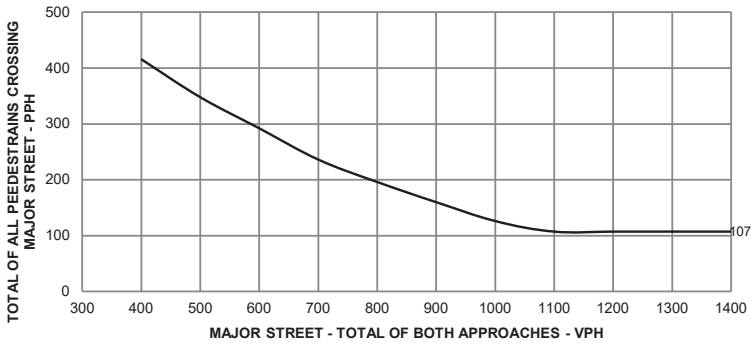
Applicable: ☐ Yes ☑ No
Satisfied: ☐ Yes ☑ No

100% Volume Level

Four Highest Hours	Volumes	
	Major Street	Pedestrian Total

Plot four volume combinations on the applicable figure below.

Figure 4C-5. Criteria for "100%" Volume Level

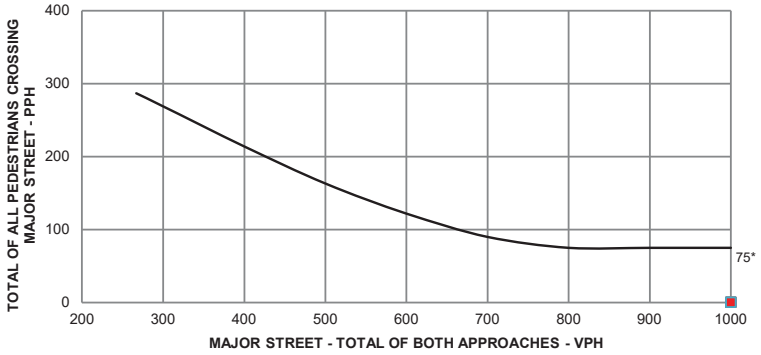


** Note: 107 pph applies as the lower threshold volume*

70% Volume Level

Four Highest Hours	Volumes	
	Major Street	Pedestrian Total
9:00-10:00 AM	1653	
1:00-2:00 PM	1899	
3:00-4:00 PM	1982	
5:00-6:00 PM	1783	

Figure 4C-6 Criteria for "70%" Volume Level



** Note: 75 pph applies as the lower threshold volume*

WARRANT 4 - PEDESTRIAN VOLUME

For 1 hour (any four consecutive 15-minute periods) of an average day, the plotted point falls above the appropriate line, then the warrant is satisfied.

Applicable: ☐ Yes ☐ No

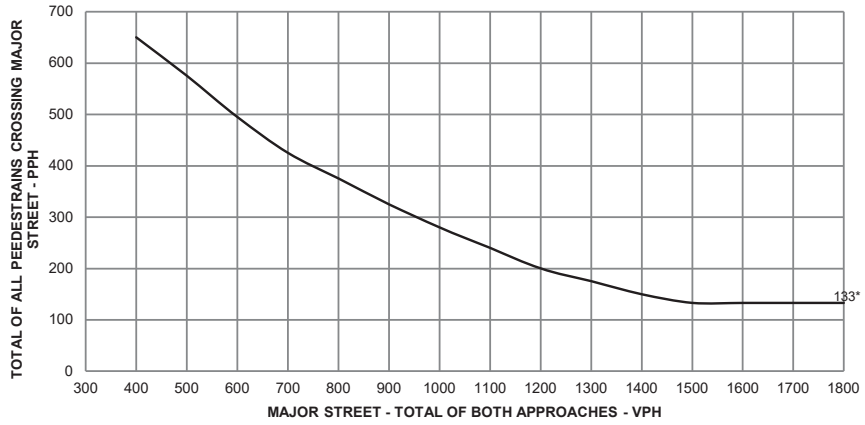
Satisfied: ☐ Yes ☐ No

Plot one volume combination on the applicable figure below.

100% Volume Level

Peak Hour	Volumes	
	Major Street	Pedestrian Total

Figure 4C-7. Criteria for "100%" Volume Level - Peak Hour

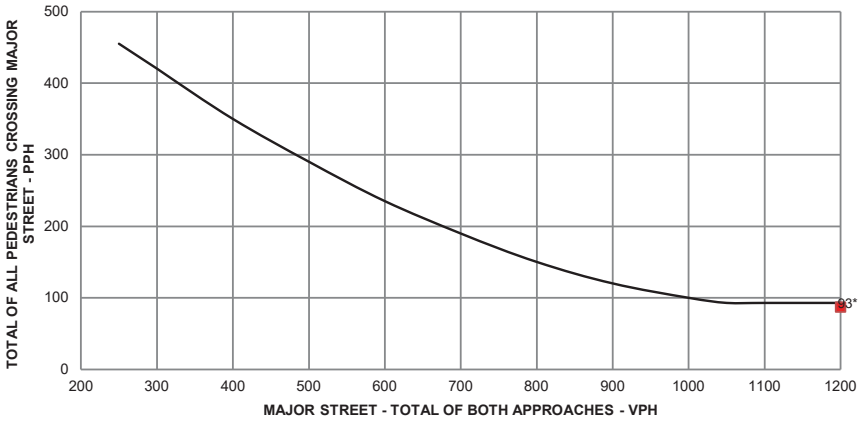


** Note: 133 pph applies as the lower threshold volume*

70% Volume Level

Peak Hour	Volumes	
	Major Street	Pedestrian Total
5:00-6:00 PM	1783	87

Figure 4C-8 Criteria for "70%" Volume Level - Peak Hour



** Note: 93 pph applies as the lower threshold volume*

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

City:	**Ormond Beach**	Engineer:	**CAM1**
County:	**79 – Volusia**	Date:	**June 7, 2021**
District:	**Five**		

Major Street:	**SR 5A**	Lanes:	**2**	Major Approach Speed:	**45**
Minor Street:	**Tomoka Oaks**	Lanes:	**1**	Minor Approach Speed:	**25**

MUTCD Electronic Reference to Chapter 4: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf

WARRANT 5 - SCHOOL CROSSING

Record hours where criteria are fulfilled and the corresponding volume or gap frequency in the boxes provided. The warrant is satisfied if all three of the criteria are fulfilled.

Applicable: ☐ Yes ☑ No

Satisfied: ☐ Yes ☑ No

Criteria				Fulfilled? Yes	Fulfilled? No
1. There are a minimum of 20 students crossing the major street during the highest crossing hour.	Students:	Hour:			
2. There are fewer adequate gaps in the major street traffic stream during the period when the children are using the established school crossing than the number of minutes in the same period.		Minutes:	Gaps:		
3. The nearest traffic signal along the major street is located more than 300 ft. (90 m) away, or the nearest signal is within 300 ft. (90 m) but the proposed traffic signal will not restrict the progressive movement of traffic.					

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

City:	**Ormond Beach**	Engineer:	**CAM1**
County:	**79 – Volusia**	Date:	**June 7, 2021**
District:	**Five**		

Major Street:	**SR 5A**	Lanes:	**2**	Major Approach Speed:	**45**
Minor Street:	**Tomoka Oaks**	Lanes:	**1**	Minor Approach Speed:	**25**

MUTCD Electronic Reference to Chapter 4: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf

WARRANT 6 - COORDINATED SIGNAL SYSTEM

Indicate if the criteria are fulfilled in the boxes provided. The warrant is satisfied if either criterion is fulfilled. This warrant should not be applied when the resulting signal spacing would be less than 300 m (1,000 ft.).

Applicable: ☐ Yes ☑ No

Satisfied: ☐ Yes ☑ No

Criteria	Fulfilled? Yes	Fulfilled? No
1. On a one-way street or a street that has traffic predominately in one direction, the adjacent signals are so far apart that they do not provide the necessary degree of vehicle platooning.		
2. On a two-way street, adjacent signals do not provide the necessary degree of platooning, and the proposed and adjacent signals will collectively provide a progressive operation.		

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

City:	**Ormond Beach**	Engineer:	**CAM1**
County:	**79 – Volusia**	Date:	**June 7, 2021**
District:	**Five**		

Major Street:	**SR 5A**	Lanes:	**2**	Major Approach Speed:	**45**
Minor Street:	**Tomoka Oaks**	Lanes:	**1**	Minor Approach Speed:	**25**

MUTCD Electronic Reference to Chapter 4: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf

WARRANT 7 - CRASH EXPERIENCE

Record hours where criteria are fulfilled, the corresponding volume, and other information in the boxes provided. The warrant is satisfied if all three of the criteria are fulfilled.

Applicable: ☑ Yes ☐ No

Satisfied: ☐ Yes ☑ No

Criteria		Hour	Volume		Met?		Fulfilled?	
			Major	Minor	Yes	No	Yes	No
1. One of the warrants to the right is met.	Warrant 1, Condition A (80% satisfied)							
	Warrant 1, Condition B (80% satisfied)							
	Warrant 4, Pedestrian Volume at 80% of volume requirements: # ped/hr for four (4) hours or # ped/hr for one (1) hour.							
2. Adequate trial of other remedial measure has failed to reduce crash frequency.		Measure tried:						
3. Five or more reported crashes, of types susceptible to correction by signal, have occurred within a 12-month period.		Observed Crash Types:	Number of crashes per 12 months:					

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

City:	Ormond Beach	Engineer:	CAM1
County:	79 – Volusia	Date:	June 7, 2021
District:	Five		

Major Street:	SR 5A	Lanes:	2	Major Approach Speed:	45
Minor Street:	Tomoka Oaks	Lanes:	1	Minor Approach Speed:	25

MUTCD Electronic Reference to Chapter 4: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf

WARRANT 8 - ROADWAY NETWORK

Record hours where criteria are fulfilled, and the corresponding volume or other information in the boxes provided. The warrant is satisfied if at least one of the criteria is fulfilled and if all intersecting routes have one or more of the Major Route characteristics listed.

Applicable: ☐ Yes ☑ No

Satisfied: ☐ Yes ☑ No

Criteria								Met? Yes	Met? No	Fulfilled? Yes	Fulfilled? No
1. Both of the criteria to the right are met.	a. Total entering volume of at least 1,000 veh/hr during a typical weekday peak hour.		Entering Volume:								
	b. Five-year projected volumes that satisfy one or more of Warrants 1, 2, or 3.		Warrant:	1	2	3					
			Satisfied?:								
2. Total entering volume at least 1,000 veh/hr for each of any 5 hrs of a non-normal business day (Sat. or Sun.)							← Hour				
							←Volume				

Characteristics of Major Routes		Met? Yes	Met? No	Fulfilled? Yes	Fulfilled? No
1. Part of the street or highway system that serves as the principal roadway network for through traffic flow.	Major Street:				
	Minor Street:				
2. Rural or suburban highway outside of, entering, or traversing a city.	Major Street:				
	Minor Street:				
3. Appears as a major route on an official plan.	Major Street:				
	Minor Street:				

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

City:	Ormond Beach	Engineer:	CAM1
County:	79 – Volusia	Date:	June 7, 2021
District:	Five		

Major Street:	SR 5A	Lanes:	2	Major Approach Speed:	45
Minor Street:	Tomoka Oaks	Lanes:	1	Minor Approach Speed:	25

MUTCD Electronic Reference to Chapter 4: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf

Approach Lane Criteria

1. How many approach lanes are there at the track crossing? ☐ 1 ☐ 2 or

If there is 1 lane, use Figure 4C-9 and if there are 2 or more, use Figure 4C-10. ☐ Fig 4C-9 ☐ Fig 4C-10

WARRANT 9 - INTERSECTION NEAR A GRADE CROSSING

This signal warrant should be applied only after adequate consideration has been given to other alternatives or after a trial of an alternative has failed to alleviate the safety concerns associated with the grade crossing.

Indicate if both criteria are fulfilled in the boxes provided. The warrant is satisfied if both criteria are met.

Applicable: ☐ Yes ☐ No

Satisfied: ☐ Yes ☐ No

Criteria	Fulfilled? Yes	Fulfilled? No
1. A grade crossing exists on an approach controlled by a STOP or YIELD sign and the center of the track nearest to the intersection is within 140 feet of the stop line or yield line on the approach; and	☐	☐
2. During the highest traffic volume hour during which the rail uses the crossing, the plotted point falls above the applicable curve for the existing combination of approach lanes over the track and the distance D (clear storage distance).	☐	☐

Use the following tables (4C-2, 4C-3, and 4C-4 to appropriately adjust the minor-street approach volume).

Inputs		Adjustment Factors from Tables
Occurrences of Rail traffic per day		
% of High Occupancy Buses on Minor-Street Approach		1.00
Enter D (feet)		
% of Tractor-Trailer Trucks on Minor-Street Approach		0.50

Table 4C-2. Adjustment Factor for Daily Frequency of Rail Traffic

Rail Traffic per Day	Adjustment Factor
1	0.67
2	0.91
3 to 5	1.00
6 to 8	1.18
9 to 11	1.25
12 or more	1.33

Table 4C-3. Adjustment Factor for Percentage of High-Occupancy Buses

% of High-Occupancy Buses* on Minor Street Approach	Adjustment Factor
0%	1.00
2%	1.09
4%	1.19
6% or more	1.32

* A high-occupancy bus is defined as a bus occupied by at least 20 people

Table 4C-4. Adjustment Factor for Percentage of Tractor-Trailer Trucks

% of Tractor-Trailer Trucks on Minor-Street Approach	Adjustment Factor	
	D less than 70 feet	D of 70 feet or more
0% to 2.5%	0.50	0.50
2.6% to 7.5%	0.75	0.75
7.6% to 12.5%	1.00	1.00
12.6% to 17.5%	2.30	1.15
17.6% to 22.5%	2.70	1.35
22.6% to 27.5%	3.28	1.64
More than 27.5%	4.18	2.09

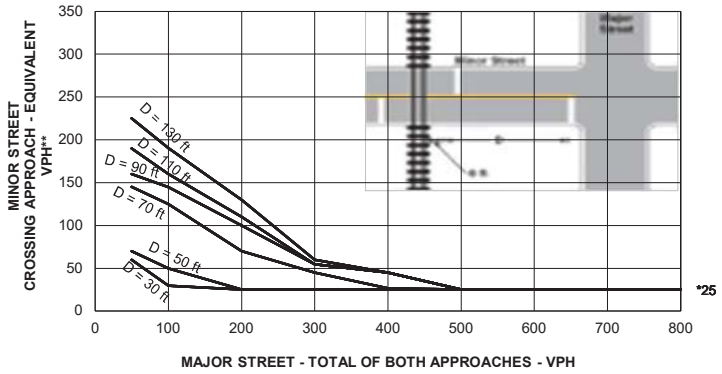
Input the major and minor street volumes before adjustment factors are applied

1 Approach Lane		
D (ft)	Major Vol.	Minor Vol.

After adjustment factors are applied

1 Approach Lane w/Factors		
D (ft)	Major Vol.	Minor Vol.

FIGURE 4C-9: Criteria for 1 Approach Lane at the Track Crossing



** Note: 25 vph applies as the lower threshold volume*

** *Note: VPH after applying the adjustment factors in Tables 4C-2, 4C, and or 4C-4, if appropriate*

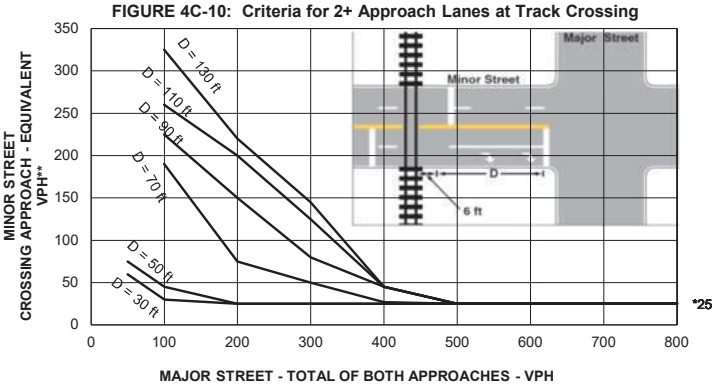
Input D and the major and minor street volumes before adjustment factors are applied

2 or more Approach Lanes		
D (ft)	Major Vol.	Minor Vol.

After adjustment factors are applied

2+ Approach Lane w/Factors		
D (ft)	Major Vol.	Minor Vol.

FIGURE 4C-10: Criteria for 2+ Approach Lanes at Track Crossing



** Note: 25 vph applies as the lower threshold volume*

** *Note: VPH after applying the adjustment factors in Tables 4C-2, 4C, and or 4C-4, if appropriate*

Form 750-020-01
TRAFFIC ENGINEERING
10/15

State of Florida Department of Transportation

TRAFFIC SIGNAL WARRANT SUMMARY

City:	**Ormond Beach**	Engineer:	**CAM1**
County:	**79 – Volusia**	Date:	**June 7, 2021**
District:	**Five**		

Major Street:	**SR 5A**	Lanes:	**2**	Major Approach Speed:	**45**
Minor Street:	**Tomoka Oaks**	Lanes:	**1**	Minor Approach Speed:	**25**

MUTCD Electronic Reference to Chapter 4: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf

CONCLUSIONS

Remarks:

WARRANTS SATISFIED:

☑ Warrant 1	☐ Not Applicable
☑ Warrant 2	☐ Not Applicable
☐ Warrant 3	☐ Not Applicable
☐ Warrant 4	☐ Not Applicable
☐ Warrant 5	☐ Not Applicable
☐ Warrant 6	☐ Not Applicable
☐ Warrant 7	☐ Not Applicable
☐ Warrant 8	☐ Not Applicable
☐ Warrant 9	☐ Not Applicable

APPENDIX J

Intersections Summary Work Sheets

2028 Build-Out Improvement Conditions

Lane Group	EBT	EBR	WBT	NBL	NBT	SBT	Ø1
Lane Configurations							
Traffic Volume (vph)	2	166	0	74	453	707	
Future Volume (vph)	2	166	0	74	453	707	
Turn Type	NA	Perm	NA	pm+pt	NA	NA	
Protected Phases	4		8	5	2	6	1
Permitted Phases		4		2			
Detector Phase	4	4	8	5	2	6	
Switch Phase							
Minimum Initial (s)	6.0	6.0	6.0	6.0	10.0	10.0	6.0
Minimum Split (s)	24.0	24.0	24.0	12.0	24.0	24.0	12.0
Total Split (s)	27.0	27.0	24.0	20.0	40.0	40.0	20.0
Total Split (%)	24.3%	24.3%	21.6%	18.0%	36.0%	36.0%	18%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0	6.0	
Lead/Lag				Lead	Lag	Lag	Lead
Lead-Lag Optimize?				Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	Min	Min	None

Intersection Summary
Cycle Length: 111
Actuated Cycle Length: 61.4
Natural Cycle: 85
Control Type: Actuated-Uncoordinated

Splits and Phases: 1: Nova Rd & Tomoka Oaks Blvd



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	139	2	166	0	0	1	74	453	3	0	707	59
Future Volume (veh/h)	139	2	166	0	0	1	74	453	3	0	707	59
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1856	1870	1856	1870	1870	418	1796	1826	1870	1870	1870	1737
Adj Flow Rate, veh/h	154	2	184	0	0	1	82	503	3	0	786	66
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	3	2	3	2	2	100	7	5	2	2	2	11
Cap, veh/h	313	4	280	0	0	0	392	1996	12	472	1167	98
Arrive On Green	0.18	0.18	0.18	0.00	0.00	0.00	0.08	0.56	0.56	0.00	0.35	0.35
Sat Flow, veh/h	1760	23	1572		0		1711	3536	21	1781	3318	279
Grp Volume(v), veh/h	156	0	184		0.0		82	247	259	0	421	431
Grp Sat Flow(s),veh/h/ln	1782	0	1572				1711	1735	1822	1781	1777	1820
Q Serve(g_s), s	3.7	0.0	5.1				1.2	3.4	3.4	0.0	9.4	9.4
Cycle Q Clear(g_c), s	3.7	0.0	5.1				1.2	3.4	3.4	0.0	9.4	9.4
Prop In Lane	0.99		1.00				1.00		0.01	1.00		0.15
Lane Grp Cap(c), veh/h	317	0	280				392	979	1029	472	625	640
V/C Ratio(X)	0.49	0.00	0.66				0.21	0.25	0.25	0.00	0.67	0.67
Avail Cap(c_a), veh/h	803	0	709				762	1266	1330	1004	1296	1328
HCM Platoon Ratio	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00				1.00	1.00	1.00	0.00	1.00	1.00
Uniform Delay (d), s/veh	17.3	0.0	17.8				8.3	5.2	5.2	0.0	12.8	12.8
Incr Delay (d2), s/veh	1.2	0.0	2.6				0.3	0.1	0.1	0.0	1.3	1.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0				0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(95%),veh/ln	2.6	0.0	3.4				0.5	1.1	1.2	0.0	5.2	5.3
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	18.4	0.0	20.5				8.5	5.3	5.3	0.0	14.1	14.1
LnGrp LOS	B	A	C				A	A	A	A	B	B
Approach Vol, veh/h		340						588			852	
Approach Delay, s/veh		19.5						5.7			14.1	
Approach LOS		B						A			B	

Timer - Assigned Phs	1	2		4	5	6
Phs Duration (G+Y+Rc), s	0.0	32.3		14.3	9.9	22.4
Change Period (Y+Rc), s	6.0	6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s	14.0	34.0		21.0	14.0	34.0
Max Q Clear Time (g_c+I1), s	0.0	5.4		7.1	3.2	11.4
Green Ext Time (p_c), s	0.0	2.8		1.3	0.1	5.0

Intersection Summary	
HCM 6th Ctrl Delay	12.4
HCM 6th LOS	B

Lane Group	EBT	EBR	WBT	NBL	NBT	SBL	SBT
Lane Configurations							
Traffic Volume (vph)	0	114	1	191	761	1	678
Future Volume (vph)	0	114	1	191	761	1	678
Turn Type	NA	Perm	NA	pm+pt	NA	pm+pt	NA
Protected Phases	4		8	5	2	1	6
Permitted Phases		4		2		6	
Detector Phase	4	4	8	5	2	1	6
Switch Phase							
Minimum Initial (s)	6.0	6.0	6.0	6.0	10.0	6.0	10.0
Minimum Split (s)	24.0	24.0	24.0	12.0	24.0	12.0	24.0
Total Split (s)	27.0	27.0	24.0	20.0	40.0	20.0	40.0
Total Split (%)	24.3%	24.3%	21.6%	18.0%	36.0%	18.0%	36.0%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0	6.0	6.0
Lead/Lag				Lead	Lag	Lead	Lag
Lead-Lag Optimize?				Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	Min	None	Min

Intersection Summary
Cycle Length: 111
Actuated Cycle Length: 69
Natural Cycle: 85
Control Type: Actuated-Uncoordinated

Splits and Phases: 1: Nova Rd & Tomoka Oaks Blvd



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	86	0	114	11	1	8	191	761	3	1	678	131
Future Volume (veh/h)	86	0	114	11	1	8	191	761	3	1	678	131
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1841	1870	1870	1870	1870	1870	1870	418	1870	1870
Adj Flow Rate, veh/h	91	0	121	12	1	9	203	810	3	1	721	139
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Percent Heavy Veh, %	2	2	4	2	2	2	2	2	2	100	2	2
Cap, veh/h	210	0	184	29	2	21	386	1581	6	166	989	191
Arrive On Green	0.12	0.00	0.12	0.03	0.03	0.03	0.10	0.44	0.44	0.00	0.33	0.33
Sat Flow, veh/h	1781	0	1560	927	77	695	1781	3631	13	398	2972	573
Grp Volume(v), veh/h	91	0	121	22	0	0	203	396	417	1	431	429
Grp Sat Flow(s),veh/h/ln	1781	0	1560	1699	0	0	1781	1777	1868	398	1777	1767
Q Serve(g_s), s	2.8	0.0	4.3	0.7	0.0	0.0	3.9	9.4	9.4	0.1	12.4	12.4
Cycle Q Clear(g_c), s	2.8	0.0	4.3	0.7	0.0	0.0	3.9	9.4	9.4	0.1	12.4	12.4
Prop In Lane	1.00		1.00	0.55		0.41	1.00		0.01	1.00		0.32
Lane Grp Cap(c), veh/h	210	0	184	52	0	0	386	774	813	166	592	588
V/C Ratio(X)	0.43	0.00	0.66	0.42	0.00	0.00	0.53	0.51	0.51	0.01	0.73	0.73
Avail Cap(c_a), veh/h	646	0	566	528	0	0	632	1043	1097	262	1043	1038
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	23.8	0.0	24.4	27.6	0.0	0.0	11.8	11.9	11.9	13.0	17.0	17.0
Incr Delay (d2), s/veh	1.4	0.0	4.0	5.2	0.0	0.0	1.1	0.5	0.5	0.0	1.7	1.8
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(95%),veh/ln	2.1	0.0	3.1	0.7	0.0	0.0	2.2	5.3	5.5	0.0	7.8	7.8
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	25.2	0.0	28.4	32.8	0.0	0.0	12.9	12.4	12.4	13.0	18.7	18.8
LnGrp LOS	C	A	C	C	A	A	B	B	B	B	B	B
Approach Vol, veh/h		212			22			1016			861	
Approach Delay, s/veh		27.0			32.8			12.5			18.8	
Approach LOS		C			C			B			B	

Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	6.1	31.2		12.8	12.0	25.3		7.8				
Change Period (Y+Rc), s	6.0	6.0		6.0	6.0	6.0		6.0				
Max Green Setting (Gmax), s	14.0	34.0		21.0	14.0	34.0		18.0				
Max Q Clear Time (g_c+I1), s	2.1	11.4		6.3	5.9	14.4		2.7				
Green Ext Time (p_c), s	0.0	4.7		0.7	0.3	4.9		0.0				

Intersection Summary	
HCM 6th Ctrl Delay	16.7
HCM 6th LOS	B

APPENDIX K

Intersections Summary Work Sheets – Alternative Scenario Comparison

Intersection	
Int Delay, s/veh	4.5

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	54	37	78	5
Future Vol, veh/h	0	0	54	37	78	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	2	2	2	14	4	2
Mvmt Flow	0	0	61	42	88	6

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	103	0	-	0	82	82
Stage 1	-	-	-	-	82	-
Stage 2	-	-	-	-	0	-
Critical Hdwy	4.12	-	-	-	6.44	6.22
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	2.218	-	-	-	3.536	3.318
Pot Cap-1 Maneuver	1489	-	-	-	915	978
Stage 1	-	-	-	-	936	-
Stage 2	-	-	-	-	-	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1489	-	-	-	915	978
Mov Cap-2 Maneuver	-	-	-	-	915	-
Stage 1	-	-	-	-	936	-
Stage 2	-	-	-	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	9.4
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1489	-	-	-	919
HCM Lane V/C Ratio	-	-	-	-	0.101
HCM Control Delay (s)	0	-	-	-	9.4
HCM Lane LOS	A	-	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.3



Movement	WBL	WBR	SEL	SER	NEL	NER
Lane Configurations						
Traffic Volume (veh/h)	40	0	148	10	2	76
Future Volume (Veh/h)	40	0	148	10	2	76
Sign Control	Free		Stop		Stop	
Grade	0%		0%		0%	
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	50	0	185	12	2	95
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)	642					
pX, platoon unblocked						
vC, conflicting volume	0		196	100	100	0
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	0		196	100	100	0
tC, single (s)	4.1		7.1	6.5	6.5	6.2
tC, 2 stage (s)						
tF (s)	2.2		3.5	4.0	4.0	3.3
p0 queue free %	97		73	98	100	91
cM capacity (veh/h)	1604		678	765	765	1085

Direction, Lane #	WB 1	SE 1	NE 1
Volume Total	50	197	97
Volume Left	50	185	0
Volume Right	0	0	95
cSH	1604	683	1076
Volume to Capacity	0.03	0.29	0.09
Queue Length 95th (ft)	2	30	7
Control Delay (s)	7.3	12.4	8.7
Lane LOS	A	B	A
Approach Delay (s)	7.3	12.4	8.7
Approach LOS		B	A

Intersection Summary			
Average Delay	10.6		
Intersection Capacity Utilization	27.0%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection	
Int Delay, s/veh	6.8

Movement	EBT	EBR	WBL	WBT	NWL	NWR
Lane Configurations						
Traffic Vol, veh/h	0	150	8	51	2	0
Future Vol, veh/h	0	150	8	51	2	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	200	11	68	3	0

Major/Minor	Minor2		Major2	
Conflicting Flow All	90	68	0	0
Stage 1	90	-	-	-
Stage 2	0	-	-	-
Critical Hdwy	6.52	6.22	4.12	-
Critical Hdwy Stg 1	5.52	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	4.018	3.318	2.218	-
Pot Cap-1 Maneuver	800	995	-	-
Stage 1	820	-	-	-
Stage 2	-	-	-	-
Platoon blocked, %				-
Mov Cap-1 Maneuver	0	995	-	-
Mov Cap-2 Maneuver	0	-	-	-
Stage 1	0	-	-	-
Stage 2	0	-	-	-

Approach	EB	WB
HCM Control Delay, s	9.5	
HCM LOS	A	

Minor Lane/Major Mvmt	EBLn1	WBL	WBT
Capacity (veh/h)	995	-	-
HCM Lane V/C Ratio	0.201	-	-
HCM Control Delay (s)	9.5	-	-
HCM Lane LOS	A	-	-
HCM 95th %tile Q(veh)	0.7	-	-

Intersection	
Int Delay, s/veh	2.1

Movement	EBL	EBT	WBT	WBR	SEL	SER
Lane Configurations						
Traffic Vol, veh/h	1	224	41	91	79	0
Future Vol, veh/h	1	224	41	91	79	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	2	2	5	13	4	2
Mvmt Flow	1	257	47	105	91	0

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	152	0	-	0	359	100
Stage 1	-	-	-	-	100	-
Stage 2	-	-	-	-	259	-
Critical Hdwy	4.12	-	-	-	6.44	6.22
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	2.218	-	-	-	3.536	3.318
Pot Cap-1 Maneuver	1429	-	-	-	636	956
Stage 1	-	-	-	-	919	-
Stage 2	-	-	-	-	780	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1429	-	-	-	635	956
Mov Cap-2 Maneuver	-	-	-	-	635	-
Stage 1	-	-	-	-	918	-
Stage 2	-	-	-	-	780	-

Approach	EB	WB	SE
HCM Control Delay, s	0	0	11.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SELn1
Capacity (veh/h)	1429	-	-	-	635
HCM Lane V/C Ratio	0.001	-	-	-	0.143
HCM Control Delay (s)	7.5	0	-	-	11.6
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.5

Intersection	
Int Delay, s/veh	1.7

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	1	0	171	86	47	4
Future Vol, veh/h	1	0	171	86	47	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	0	180	91	49	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	271	0	-	0	228	226
Stage 1	-	-	-	-	226	-
Stage 2	-	-	-	-	2	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1292	-	-	-	760	813
Stage 1	-	-	-	-	812	-
Stage 2	-	-	-	-	1021	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1292	-	-	-	759	813
Mov Cap-2 Maneuver	-	-	-	-	759	-
Stage 1	-	-	-	-	811	-
Stage 2	-	-	-	-	1021	-

Approach	EB	WB	SB
HCM Control Delay, s	7.8	0	10.1
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1292	-	-	-	763
HCM Lane V/C Ratio	0.001	-	-	-	0.07
HCM Control Delay (s)	7.8	0	-	-	10.1
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.2



Movement	WBL	WBR	SEL	SER	NEL	NER
Lane Configurations						
Traffic Volume (veh/h)	64	0	100	9	8	61
Future Volume (Veh/h)	64	0	100	9	8	61
Sign Control	Free		Stop		Stop	
Grade	0%		0%		0%	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	75	0	118	11	9	72
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)	642					
pX, platoon unblocked						
vC, conflicting volume	0		226	150	150	0
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	0		226	150	150	0
tC, single (s)	4.1		7.1	6.5	6.5	6.2
tC, 2 stage (s)						
tF (s)	2.2		3.5	4.0	4.0	3.3
p0 queue free %	95		82	98	99	93
cM capacity (veh/h)	1623		650	707	707	1082

Direction, Lane #	WB 1	SE 1	NE 1
Volume Total	75	129	81
Volume Left	75	118	0
Volume Right	0	0	72
cSH	1623	655	1022
Volume to Capacity	0.05	0.20	0.08
Queue Length 95th (ft)	4	18	6
Control Delay (s)	7.3	11.8	8.8
Lane LOS	A	B	A
Approach Delay (s)	7.3	11.8	8.8
Approach LOS		B	A

Intersection Summary			
Average Delay	9.8		
Intersection Capacity Utilization	23.8%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection	
Int Delay, s/veh	3.8

Movement	EBT	EBR	WBL	WBT	NWL	NWR
Lane Configurations						
Traffic Vol, veh/h	0	103	6	169	7	1
Future Vol, veh/h	0	103	6	169	7	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	137	8	225	9	1

Major/Minor	Minor2		Major2	
Conflicting Flow All	241	225	0	0
Stage 1	241	-	-	-
Stage 2	0	-	-	-
Critical Hdwy	6.52	6.22	4.12	-
Critical Hdwy Stg 1	5.52	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	4.018	3.318	2.218	-
Pot Cap-1 Maneuver	660	814	-	-
Stage 1	706	-	-	-
Stage 2	-	-	-	-
Platoon blocked, %				-
Mov Cap-1 Maneuver	0	814	-	-
Mov Cap-2 Maneuver	0	-	-	-
Stage 1	0	-	-	-
Stage 2	0	-	-	-

Approach	EB	WB
HCM Control Delay, s	10.3	
HCM LOS	B	

Minor Lane/Major Mvmt	EBLn1	WBL	WBT
Capacity (veh/h)	814	-	-
HCM Lane V/C Ratio	0.169	-	-
HCM Control Delay (s)	10.3	-	-
HCM Lane LOS	B	-	-
HCM 95th %tile Q(veh)	0.6	-	-

Intersection	
Int Delay, s/veh	1

Movement	EBL	EBT	WBT	WBR	SEL	SER
Lane Configurations						
Traffic Vol, veh/h	2	157	64	254	46	1
Future Vol, veh/h	2	157	64	254	46	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	167	68	270	49	1

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	338	0	-	0	374	203
Stage 1	-	-	-	-	203	-
Stage 2	-	-	-	-	171	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1221	-	-	-	627	838
Stage 1	-	-	-	-	831	-
Stage 2	-	-	-	-	859	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1221	-	-	-	626	838
Mov Cap-2 Maneuver	-	-	-	-	626	-
Stage 1	-	-	-	-	829	-
Stage 2	-	-	-	-	859	-

Approach	EB	WB	SE
HCM Control Delay, s	0.1	0	11.2
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SELn1
Capacity (veh/h)	1221	-	-	-	629
HCM Lane V/C Ratio	0.002	-	-	-	0.079
HCM Control Delay (s)	8	0	-	-	11.2
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.3

Intersection	
Intersection Delay, s/veh	8.4
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	SBL	SBR	NEL	NER
Lane Configurations										
Traffic Vol, veh/h	0	0	150	41	91	0	78	5	2	76
Future Vol, veh/h	0	0	150	41	91	0	78	5	2	76
Peak Hour Factor	0.75	0.75	0.75	0.87	0.87	0.87	0.89	0.89	0.80	0.80
Heavy Vehicles, %	2	2	2	5	13	2	4	2	2	2
Mvmt Flow	0	0	200	47	105	0	88	6	3	95
Number of Lanes	0	1	0	0	1	0	1	0	1	0

Approach	EB	WB	SB	NE
Opposing Approach	WB	EB		
Opposing Lanes	1	1	0	0
Conflicting Approach Left	SB	NE	WB	EB
Conflicting Lanes Left	1	1	1	1
Conflicting Approach Right	NE	SB	NE	WB
Conflicting Lanes Right	1	1	1	1
HCM Control Delay	8.1	8.9	8.8	7.8
HCM LOS	A	A	A	A

Lane	NELn1	EBLn1	WBLn1	SBLn1
Vol Left, %	3%	0%	31%	94%
Vol Thru, %	0%	0%	69%	0%
Vol Right, %	97%	100%	0%	6%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	78	150	132	83
LT Vol	2	0	41	78
Through Vol	0	0	91	0
RT Vol	76	150	0	5
Lane Flow Rate	98	200	152	93
Geometry Grp	1	1	1	1
Degree of Util (X)	0.115	0.22	0.198	0.129
Departure Headway (Hd)	4.238	3.959	4.694	4.994
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	843	906	765	717
Service Time	2.275	1.987	2.726	3.032
HCM Lane V/C Ratio	0.116	0.221	0.199	0.13
HCM Control Delay	7.8	8.1	8.9	8.8
HCM Lane LOS	A	A	A	A
HCM 95th-tile Q	0.4	0.8	0.7	0.4

Intersection	
Intersection Delay, s/veh	9.5
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	SBL	SBR	NEL	NER
Lane Configurations										
Traffic Vol, veh/h	0	0	103	64	254	0	47	4	8	61
Future Vol, veh/h	0	0	103	64	254	0	47	4	8	61
Peak Hour Factor	0.75	0.75	0.75	0.94	0.94	0.94	0.95	0.95	0.85	0.85
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	3
Mvmt Flow	0	0	137	68	270	0	49	4	9	72
Number of Lanes	0	1	0	0	1	0	1	0	1	0

Approach	EB	WB	SB	NE
Opposing Approach	WB	EB		
Opposing Lanes	1	1	0	0
Conflicting Approach Left	SB	NE	WB	EB
Conflicting Lanes Left	1	1	1	1
Conflicting Approach Right	NE	SB	NE	WB
Conflicting Lanes Right	1	1	1	1
HCM Control Delay	7.8	10.6	8.7	8.1
HCM LOS	A	B	A	A

Lane	NELn1	EBLn1	WBLn1	SBLn1
Vol Left, %	12%	0%	20%	92%
Vol Thru, %	0%	0%	80%	0%
Vol Right, %	88%	100%	0%	8%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	69	103	318	51
LT Vol	8	0	64	47
Through Vol	0	0	254	0
RT Vol	61	103	0	4
Lane Flow Rate	81	137	338	54
Geometry Grp	1	1	1	1
Degree of Util (X)	0.103	0.154	0.417	0.078
Departure Headway (Hd)	4.547	4.029	4.436	5.223
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	787	889	812	684
Service Time	2.586	2.062	2.465	3.266
HCM Lane V/C Ratio	0.103	0.154	0.416	0.079
HCM Control Delay	8.1	7.8	10.6	8.7
HCM Lane LOS	A	A	B	A
HCM 95th-tile Q	0.3	0.5	2.1	0.3

Intersection	
Intersection Delay, s/veh	4.1
Intersection LOS	A

Approach	EB	WB	SB	NE
Entry Lanes	1	1	1	1
Conflicting Circle Lanes	1	1	1	1
Adj Approach Flow, veh/h	200	152	94	97
Demand Flow Rate, veh/h	204	168	98	99
Vehicles Circulating, veh/h	147	2	168	92
Vehicles Exiting, veh/h	119	189	2	259
Ped Vol Crossing Leg, #/h	0	0	0	0
Ped Cap Adj	1.000	1.000	1.000	1.000
Approach Delay, s/veh	4.6	3.9	3.9	3.6
Approach LOS	A	A	A	A

Lane	Left	Left	Left	Left
Designated Moves	TR	LT	LR	LR
Assumed Moves	TR	LT	LR	LR
RT Channelized				
Lane Util	1.000	1.000	1.000	1.000
Follow-Up Headway, s	2.609	2.609	2.609	2.609
Critical Headway, s	4.976	4.976	4.976	4.976
Entry Flow, veh/h	204	168	98	99
Cap Entry Lane, veh/h	1188	1377	1163	1256
Entry HV Adj Factor	0.980	0.907	0.959	0.980
Flow Entry, veh/h	200	152	94	97
Cap Entry, veh/h	1164	1248	1115	1231
V/C Ratio	0.172	0.122	0.084	0.079
Control Delay, s/veh	4.6	3.9	3.9	3.6
LOS	A	A	A	A
95th %tile Queue, veh	1	0	0	0

Intersection	
Intersection Delay, s/veh	4.4
Intersection LOS	A

Approach	EB	WB	SB	NE
Entry Lanes	1	1	1	1
Conflicting Circle Lanes	1	1	1	1
Adj Approach Flow, veh/h	137	338	53	81
Demand Flow Rate, veh/h	140	344	54	83
Vehicles Circulating, veh/h	123	9	344	50
Vehicles Exiting, veh/h	275	124	9	213
Ped Vol Crossing Leg, #/h	0	0	0	0
Ped Cap Adj	1.000	1.000	1.000	1.000
Approach Delay, s/veh	4.0	4.8	4.3	3.3
Approach LOS	A	A	A	A

Lane	Left	Left	Left	Left
Designated Moves	TR	LT	LR	LR
Assumed Moves	TR	LT	LR	LR
RT Channelized				
Lane Util	1.000	1.000	1.000	1.000
Follow-Up Headway, s	2.609	2.609	2.609	2.609
Critical Headway, s	4.976	4.976	4.976	4.976
Entry Flow, veh/h	140	344	54	83
Cap Entry Lane, veh/h	1217	1367	972	1311
Entry HV Adj Factor	0.979	0.981	0.981	0.976
Flow Entry, veh/h	137	338	53	81
Cap Entry, veh/h	1191	1342	954	1280
V/C Ratio	0.115	0.252	0.056	0.063
Control Delay, s/veh	4.0	4.8	4.3	3.3
LOS	A	A	A	A
95th %tile Queue, veh	0	1	0	0

ATTACHMENT 4

Traffic Impact Analysis

Section B

Technical Memorandum – Impact of Nova Road Planned Improvement (New)

LTG Engineering & Planning

Via Email: (Steven.Spraker@ormondbeach.org)

Ref: 5361.05

Draft Print
08/31/2023 1:00:30 PM

TECHNICAL MEMORANDUM

To: Steve Spraker, AICP – Planning Direction, City of Ormond Beach

From: Kady L. Dearing, P.E.

Date: August 31, 2023

Subject: Tomoka Oaks Residential – Impact of Nova Road Planned Improvement
City of Ormond Beach, Florida

INTRODUCTION

LTG, Inc. has been retained by Triumph Oaks or Ormond Beach I, LLC to prepare a technical memorandum summarizing the impacts of the planned and programmed Nova Road safety improvements proposed by the Florida Department of Transportation (FDOT). The following documentation and analysis are prepared to address residents' concerns, at the request of City Staff, regarding the effects of the proposed safety improvement in relation to the Traffic Impact Analysis (TIA) Report prepared for the Tomoka Oaks Residential project.

BACKGROUND

The FDOT is conducting a maintenance project for the segment of Nova Road with a focus on the primary segment of SR 40/Granada Boulevard to Wilmette Avenue (approximately 0.5 miles). The goal of the project is to rehabilitate the pavement and improve safety for all roadway users. As a result, the segment is expected to be revised from a 6-lane divided roadway, with shared left-turn lane, to a 4-lane divided roadway separated by a concrete median and enhanced with landscaping areas on the east and west sides of Nova Road. A copy of the project limits and proposed alternatives for the improvement project is provided as **Exhibit A**.

The TIA has been competed in accordance with the analysis standards adopted by the City of Ormond Beach, FDOT, and the River to Sea Transportation Planning Organization (R2CTPO) TIA Guidelines. As such, the study area for the analysis is based on a standard 3% project significance test and agreed upon during the methodology phase of the analysis. The part of Nova Road that will be modified by the safety improvement project was not within the 3% significant threshold for the TIA. However, the segment of Nova Road, from Wilmette Avenue to US-1, was included as part of the analysis and is expected to remain as a 4-lane divided section upon buildout of the safety improvement project. It should be noted that the segment of Nova Road from Wilmette Avenue to US-1 is expected to continue to operate within the adopted level-of-service upon buildout of the Tomoka Oaks Residential project.

SEGMENT ANALYIS

The segment of Nova Road, from SR 40/Granada Boulevard to Wilmette Avenue, was evaluated to determine the operating conditions under the existing roadway configuration and under the future planned configuration with buildout of the proposed development. The latest Annual Average Daily Traffic (AADT) count data, as released by the FDOT for the year 2022, was used. Due to the annual historical trend resulting in a negative growth, using 5-year and 10-year historical data, a 3% annual growth rate was used to determine 2028 background traffic. The results of the segment analysis are shown in **Table 1**.

Table 1
Nova Road Segment Analysis
Tomoka Oaks Residential

Roadway	Segment		No. of Lanes	Adopted LOS	Peak Hour Two-Way Capacity	Existing Peak Hour Two-Way Volume (2022)	Annual Growth Rate	2028 Background Volume	Project Trip Distribution	Project Volume	2028 Buildout Volume
Nova Rd.	SR 40	Wilmette Ave.	6	D	5,114	1,935	3%	2,283	51%	142	2,425
			4	D	3,455						

As shown in Table 1, the future 2028 volume is not expected to exceed the 4-lane divided capacity with inclusion of the proposed development. Therefore, no additional mitigation improvements or funds are required.

CONCLUSION

An additional segment analysis was conducted on Nova Road, from SR 40 to Wilmette Avenue, in order to address residents' concerns regarding the potential impact of the proposed development on the new safety improvements planned by the FDOT. In summary, the segment was not included in the original TIA, as it did not meet the significant test thresholds for analysis. In analyzing the additional segment, with and without the proposed safety improvements, the segment is expected to remain within the adopted level-of-service under 2028 future conditions with inclusion of the proposed development. Therefore, no additional mitigation improvements or funds, other than what was previously reported in the TIA, are required.

Attachments:

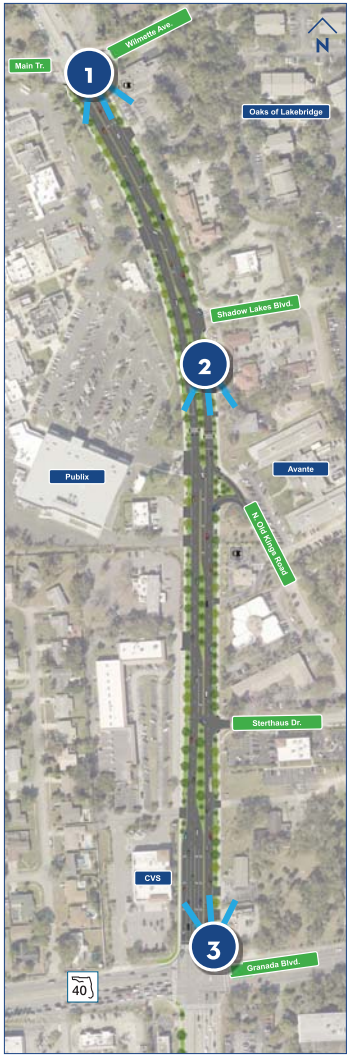
Exhibit A – Nova Road Planned Safety Improvement Alternatives

EXHIBIT A

Nova Road Planned Safety Improvement Alternatives

Nova Road 5A

ALTERNATIVE 1 - Wider Sidewalk and Landscape Buffer



Existing Conditions







Proposed Renderings

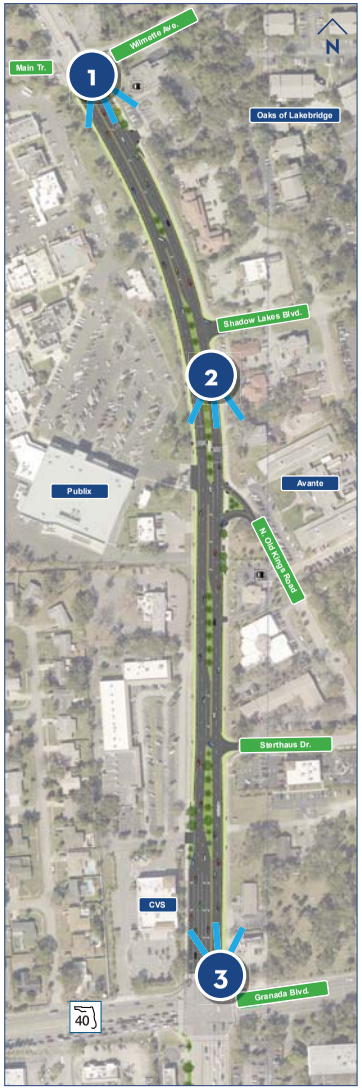






Nova Road 5A

ALTERNATIVE 2 - Separated Bicycle Lane



Existing Conditions







Proposed Renderings



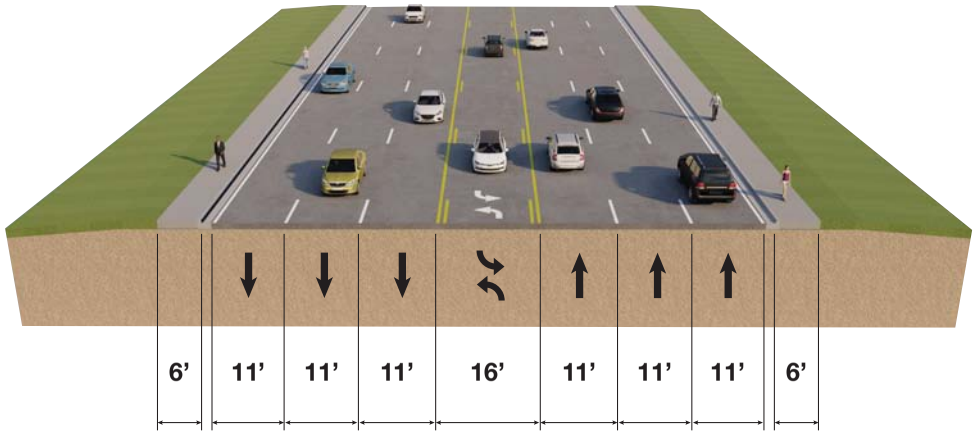




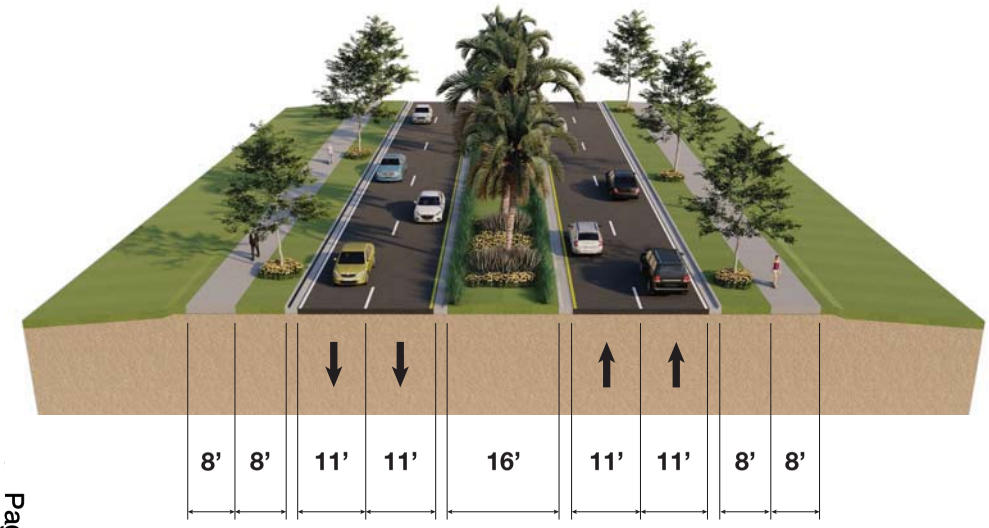
Nova Road 5A

TYPICAL SECTIONS

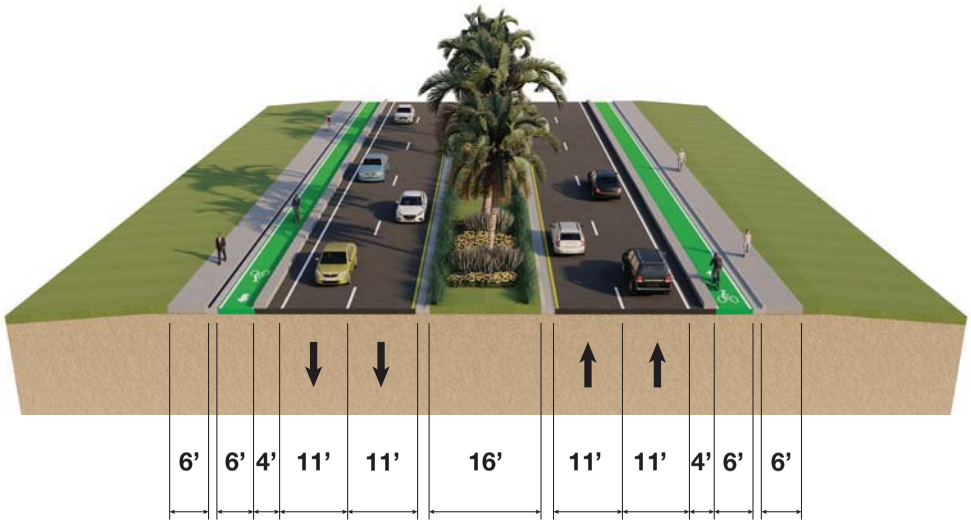
Existing Conditions



Alternative 1



Alternative 2



ATTACHMENT 5

Environmental information

Florida Department of Environmental Protection database site

https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=hitlist&[freeText=]&[folderName=]&[profile=Cleanup_Remediation]&[creator=]&[entityType=any]&[createdDateTo=]&[catalog=5]&[searchBy=Profile]&[sortBy=Document+Date]&[createdDate=]&{County=_EQ_VOLUSIA}&{District=_EQ_CD}&{Facility-Site+ID=_EQ_ERIC_18037}

If prompted, just select the “public oculus login” link and it should automatically direct you to the project documents.

Note: no changes to this attachment from original report

AYDEN Environmental

jeff@aydenenv.com
P: 954.707.2724

May 26, 2023

Steven Spraker, AICP
Planning Director
City of Ormond Beach
22 South Beach Street, Room 104
Ormond Beach, FL 32174

Re: Environmental Regulatory Process Summary
Tomoka Oaks Golf Course Redevelopment (the "Site")
Ormond Beach, Florida

Dear Steven:

The environmental regulatory review and approval process for the former Tomoka Oaks Golf Course is being conducted by the Florida Department of Environmental Protection (FDEP) relating to its former use as a golf course and proposed redevelopment for residential uses. During the prior operation of the golf course, it is understood by FDEP that certain agrichemicals were lawfully applied to the golf course playing areas of the Site for the purposes of turf management. The Site owner contracted with a Florida-certified environmental engineer, Jeff Flairty, P.E. of Ayden Environmental LLC, to complete the required environmental assessment of the Site and develop a remedial plan to address to support the land use change from golf course to residential land uses.

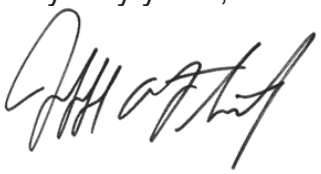
In 2022, Ayden Environmental submitted site assessment reports (i.e., an initial report and a response to FDEP comments) and a Soil Management Plan (SMP) to FDEP. The site assessment reports document the extensive soil and groundwater testing performed by Ayden Environmental and the areas of the Site requiring further site rehabilitation. The SMP details the process for additional site assessment, remediation of impacted soil, and confirmatory sampling to ensure the Site can be redeveloped for residential uses. Implementation of the SMP is intended to run parallel with the proposed redevelopment of the Site and will be managed by Ayden Environmental with FDEP oversite. All work will be completed in accordance with Chapter 62-780 of the Florida Administrative Code, which is Florida's regulatory framework for environmental cleanup. FDEP completed a review of Ayden's regulatory submittals and approved the site assessment reports and SMP in a letter dated, November 16, 2022.

South Florida Region: 2441 NE 19th Terrace, Wilton Manors, FL 33305
Mailing Address: PO Box 350422, Fort Lauderdale, FL 33335
Regional Offices:
Mid-Atlantic Region 302.270.4514
Northern California Region 530.721.5059

FDEP will maintain review and administrative authority over environmental activities at the Site. Please note that FDEP approved an extension of time for until October 1, 2023 for implementation of the SMP. A copy of the FDEP approval letter of the SMP and the extension of time are included as attachments.

Please let me know if there is any further information I can provide to assist in review of this matter. Please do not hesitate to contact me at (954) 707-2724 or jeff@aydenenv.com.

Very truly yours,



Jeffrey A. Flairty, P.E.
President

Enc: FDEP Approval Letter dated November 16, 2022
FDEP Time Extension dated May 9, 2023

Cc: Sheldon Rubin
Carl Velie
Ray Barshay
Rob Merrell, Esq., Cobb Cole
Jessica Gow, Esq., Cobb Cole

FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD, SUITE 232
ORLANDO FLORIDA 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

November 16, 2022

Triumph Oaks of Ormond Beach I, LLC
C/o: Mr. Sheldon Rubin
Rubin Communities
7765 Lake Worth Road, Ste 320
Lake Worth, Florida 34767
sheldonwrubin@gmail.com

Volusia County - Waste Cleanup
Former Tomoka Oaks Golf Course
20 Tomoka Oaks Blvd
Ormond Beach, Volusia County, Florida 32174
WCU Site ID: ERIC_18037
Review of Site Assessment Report (SAR), SAR Addendum Response, and Soil Management Plan (SMP)

Dear Mr. Rubin,

The Department's District and Business Support Program (DBSP) and the University of Florida Center for Environment and Human Toxicology (UF) have reviewed the May 2022 "Site Assessment Report" (Report) that was submitted by Ayden Environmental, LLC (Ayden) on your behalf for the property referenced above (Site). Additionally, the September 8, 2022 "Updated Soil Management Plan" (SMP) as well as the September 27, 2022 "SAR Addendum Letter Response" were also reviewed. The review memos from DBSP regarding the reviewed documents were sent to Ayden on October 25, 2022.

As stated in the DBSP review memos "DBSP Response to Comments (RTC) Review" and "DBSP Updated SMP Review", it is understood that additional site assessment activities will be conducted as outlined in the SMP, with regard to the responses outlined in the DBSP review memos. Therefore, the Department approves of the submitted reports and the SMP. The DBSP review memos are attached for reference herein.

Additionally, review of the data included in the Report indicates that the necessary requirements for Site Assessment completion under Ch. 62-780.600, Florida Administrative Code (F.A.C.) have been met.

Please proceed with the implementation of the SMP with regard to the responses outlined in the DBSP review memos within 90 days of receipt of this letter, or by February 2, 2023. Pursuant to Rule 62-780.790, F.A.C., please provide the Department seven (7) days, but not less than 24-hours' notice prior to conducting field activities. The Department anticipates receiving a report detailing the

activities conducted at the site by April 2, 2023. Please submit the report in electronic format to Alex.Courneya@FloridaDEP.gov.

If you have any questions concerning this correspondence, please contact me at (407) 897-2916, or at Alex.Courneya@FloridaDEP.gov.

Sincerely,

Alex Courneya
Environmental Specialist III
Permitting and Waste Cleanup Program

Attachments: DBSP RTC Review
DBSP Updated SMP Review

cc: DEP Staff: Alex Courneya; Lu Burson; Reggie Phillips
Ayden Environmental, LLC, Jeff Flairty, P.E.: jeff@aydenenv.com

FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Memorandum

TO: Alex Courneya, Environmental Specialist III
Central District Office

THROUGH: Brian Dougherty, Program Manager
District & Business Support Program, DWM

X BJD
Digitally signed by Brian Dougherty
Date: 2022.10.25 13:34:16 -04'00'

FROM: Leah J. Smith, Environmental Consultant
District & Business Support Program, DWM

X
Digitally signed by Leah J. Smith
Date: 2022.10.25 10:38:48 -04'00'

SUBJECT: Former Tomoka Oaks Golf Course
20 Tomoka Oaks Boulevard
Ormond Beach, Volusia County
Response to SAR Comments, September 27, 2022
Site ID: ERIC_18037

DATE: October 25, 2022

The document *Response to SAR Comments* dated September 27, 2022 for the above referenced site has been reviewed by University of Florida Center for Environment and Human Toxicology (UF), and the Florida Department of Environmental Protection (FDEP) District and Business Support Program (DBSP). UF's review is attached. Review observations and comments are provided to assist the Central District Office staff with their review of this document and should not be inferred to be an approval of the subject document. In addition to UF's attached review, comments were provided in response to DBSP's comments. DBSP's original comments are provided below. The responses to comments are documented in italic font followed by DBSP's subsequent response to comments in bold font.

1. The ISM sampling standard operating procedures appear to have been performed correctly:
    i. Three replicate sample sets of 30 soil borings were collected within each decision unit (DU). Samples were sieved through a #10 sieve and subsampled utilizing the two-dimensional Japanese slabcake process prior to obtaining each ISM sample.
    ii. Results from the ISM sampling event were used to calculate 95% upper confidence limits (UCLs) for each DU and at each sample depth (0-0.5', 0.5-2', and 2-4') for each contaminant of concern (COC) using the ISM calculator.

    Response: No response required.

    DBSP concurs.

2. The SAR conclusions state that based on Phase II discrete and ISM soil sampling no arsenic impacts above residential soil cleanup target levels (SCTLs) were noted below 6-inches throughout the site, except for the greens. Based on Exhibit 1: Phase II ESA Golf Course Discrete

Soil Concentrations (mg/kg) and Sheet 6: Phase II Soil Boring Location Map, arsenic impacts appear to be present in areas identified other than greens at depths greater than 6 inches.

Response: No response required.

Finished lot sampling will be conducted within each single-family building lot including two soil samples per lot at a depth of 0-2 feet and 2-4 feet below land surface (bls). This should identify potential impacts remaining following development activities at depths greater than 6 inches bls that may need to be further addressed.

3. Several conclusions in the SAR are based on ISM sampling results, including the depth of arsenic impacts and the lack of organochlorine pesticides (OCPs) in soil above SCTLs in areas of the former golf course outside of the greens.

   Response: No response required.

   DBSP concurs.

4. The data was pooled across golf course features (e.g. greens, tees, fairways, and rough) without first demonstrating that these features had similar concentrations or distributions. Such pooling of separate datasets limits the usefulness of the pooled dataset and renders them unusable for site closure decisions.

   Response: No response required.

   It is DBSP's understanding that based on the proposed in-situ certification sampling within the finished lots and open spaces the pooled datasets will not be used for site closure decisions.

5. DUs for ISM are based on the historic use of the site as a golf course. As noted in UF's attached review, DUs should reflect future exposure units. The discrete arsenic data in comparison to the ISM arsenic data imply that the large size of the DUs may underestimate the concentrations of COCs, including arsenic and OCPs.

   i. The large size of the DUs also may make them unreliable for decision making purposes regarding delineation. Per UF's comment #2, a DU of 63.9-acres is too large to definitively state that arsenic exceedances are limited to the GCMA abutting this DU.

   Response: The relative size of SAR DUs was discussed in a conference call with FDEP, DBSP, and Ayden on August 23, 2022. It was agreed that additional certification soil sampling would be completed onsite after the removal of arsenic and OCP-impacted soil at a rate of four soil samples per acre totaling 592 additional certification soil samples prior to the placement of any clean fill material onsite. A complete description of the additional SMP soil certification sampling is provided in Section 4.4 of the revised SMP submitted to the FDEP/DBSP on September 7, 2022.

   Section 4.6 – In-Situ Certification Testing of the SMP documents that two soil samples will be collected per lot at a depth of 0-2 feet and 2-4 feet bls, and five soil samples will be collected within each acre of open space at a depth of 0-2 feet bls. With the implementation of the proposed in-situ certification sampling the DUs do not need to be re-evaluated.

6. The ISM Decision Unit Map (Sheet 13 of 29) does not identify the individual subunits for each of the golf course ISM areas. For example, Fairway 1, 2, and 3 are identified, however, the location of the subunits (F-1 through F-9) is not clear. As part of the conceptual site model it would be helpful to know where each subunit is located.

   Response: The ISM Decision Unit Map (Sheet 13 of the SAR) provides an identification of the various decision units of golf courses as follows: Driving Range, Fairway 1, 2, and 3, Green, GCMA, Tee, and Rough 1, 2 and 3. As noted within the SAR, the Green and GCMA were sampled

using discrete sampling techniques, not ISM. Within the remaining DUs, the individual subunits for each DU are defined on their respective DU sampling sheets as follows:

- *Tees: T-1, T-2, and T-3 (Sheet 14),*
- *Driving Range: DR-1, DR-2, and DR-3 (Sheet 15)*
- *Fairway 1: F-1, F-2, and F-3 (Sheet 16),*
- *Fairway 2: F-4, F-5, and F-6 (Sheet 17),*
- *Fairway 3: F-7, F-8, and F-9 (Sheet 18),*
- *Rough 1: R-1, R-2, and R-3 (Sheet 19),*
- *Rough 2: R-4, R-5, and R-6 (Sheet 20), and*
- *Rough 3: R-7, R-8, and R-9 (Sheet 21).*

Updated versions of Sheet 13 through Sheet 21 are provided as Attachment A of this response letter.

Sheets 14 through 21 have been updated with "typical soil sample location grouping" on each of the sheets.

The submittal satisfactorily addresses comments provided by UF and DBSP. If you have any questions, please contact me at 850-245-8717 or at Leah.J.Smith@FloridaDEP.gov.

UF UNIVERSITY of FLORIDA

Center for Environment & Human Toxicology

PO Box 110885
Gainesville, FL 32611-0885
352-392-2243 Tel
352-392-4707 Fax

October 19, 2022

Leah J. Smith
District and Business Support Program
Division of Waste Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Review of the responses to comments regarding the Former Tomoka Oaks Golf Course, ERIC_18037

Dear Ms. Smith:

At your request, I have reviewed the *Response to SAR Comments, Former Tomoka Oaks Golf Course (the "Site"), 20 Tomoka Oaks Boulevard, Ormond Beach, Volusia County.* This document was prepared by Ayden Environmental and is dated September 27, 2022. The document includes responses to the University of Florida comment letter dated June 23, 2022 and updated tables and figures. The updated tables and figures were reviewed along with the responses. For clarity, the original comments and responses are repeated below. Follow-up comments are written in bold text.

UF Comment 1: ISM sampling was performed in eight decision units (DUs) including 1 DU for the 18 former golf course tees, 1 DU for the former driving range, 3 DUs for the former fairways with 6 fairways in each DU, and 3 DUs for the rough with each containing one-third of the non-golf course playing area. Ten of the 18 greens were sampled discretely, so the greens were not included in the ISM sampling. The DUs in this assessment reflect similar use at the time the golf course closed and do not reflect future exposures. Although the three ISM samples for the rough showed that the average concentration was below the residential SCTL, smaller areas could exceed the criteria. Houses built near those areas would have exposures above the residential SCTLs. Therefore, the DU should reflect future exposure units, not past use. As promulgated in Chapter 62-780, F.A.C., the residential exposure unit should not exceed ¼-acre unless it is demonstrated with statistically appropriate techniques that the contaminants are uniformly distributed. Although the DUs chosen were hypothesized to have uniformly distributed contaminants, the data to support this was not provided. Therefore, it is unclear whether the assessment is protective of future residents at the site.

Response 1: As noted in the FDEP Response 5 above, the relative size of SAR DUs was discussed in a conference call with FDEP, DBSP, and Ayden on August 23, 2022. It was agreed during this call that additional certification soil sampling would be completed onsite after the

removal of arsenic and OCP-impacted soil at a rate of four soil samples per acre totaling 592 additional certification soil samples prior to the placement of any clean fill material onsite. A complete description of the additional SMP soil certification sampling is provided as Section 4.4 of the revised SMP submitted to the FDEP/DBSP on September 7, 2022.

UF Follow-up Comment 1: The response states a revised soil management plan (SMP) was submitted to the Florida Department of Environmental Protection (FDEP) that proposes 4 additional certification soil samples per acre. I have not reviewed the SMP; however, the proposed additional sampling appears to address the exposure unit size for future residential use. I defer to the FDEP to determine whether the proposed additional sampling meets the requirements of Chapter 62-780, F.A.C.

UF Comment 2: Soil surrounding the GCMA contains arsenic concentrations greater than the residential SCTL. Section 4.2.5 states these impacts do not extend past the GCMA boundary to the surrounding rough as documented by the ISM result for Rough-3. Rough-3 is 63.9-acres in size. While the ISM result for this rough does show that a 95% UCL on the mean concentration over the DU is below the residential arsenic SCTL, it does not indicate that exceedances of the residential SCTL are limited to the GCMA and is not a substitute for the delineation of contamination. Further discussion with the Florida Department of Environmental Protection (FDEP) appears necessary to determine whether delineation is required for the arsenic exceedances in soil at the GCMA.

Response 2: Based on the incomplete delineation of arsenic impacted soil surrounding the former GCMA documented in the SAR, Ayden remobilized with JAEE Environmental Services on August 30, 2022, to locate and additional 50 supplemental soil borings outside of the previous 20 SAR SBs along the boundary between the GCMA and Rough-3 DUs (Sheet 1). Within each SB, Ayden then collected discrete soil samples from 0-6 in bls, 6-24 in bls, and 24-48 in bls soil layers using direct push drilling technology. Each soil sample were analyzed for total arsenic using EPA Method 6010.

The arsenic concentration data from all sample intervals of the supplemental discrete soil samples was compiled in Table 1. As noted on Sheet 2 depicting the arsenic concentrations of the 0-6 in bls soil layer, the August 30, 2022, supplemental soil sampling effort documented only one additional soil sample (SS-5) with an arsenic concentration exceeding the residential arsenic SCTL of 2.1 mg/kg. Within the 6-24 in bls soil layer, the August 30, 2022, supplemental soil sampling effort documented only four additional soil samples (SS-2, 3, 4, and 5) with an arsenic concentration exceeding the residential arsenic SCTL of 2.1 mg/kg (Sheet 3). No soil samples collected from 24-48 in bls during the supplemental sampling effort exceeded the residential arsenic SCTL (Sheet 4). The respective analytical data for the supplemental GCMA arsenic soil sampling effort is included as Attachment B to this response.

As depicted on Sheets 2, 3, and 4, each of the SB locations where arsenic concentrations exceed the residential SCTL are bounded by additional SB locations where arsenic concentrations are below the residential arsenic SCTL. This full delineation of arsenic impacts is achieved for both the 0-6 in bls and 6-24 in bls soil layers. No exceedances of the residential arsenic SCTL were noted within the 24-48 in bls soil layer.

UF Follow-up Comment 2: The response is satisfactory. The additional sampling completes delineation of soil exceedances in the GCMA.

UF Comment 3: Section 2.3 states no structures were present on the site at the time of the assessment. However, the figures show a clubhouse and a maintenance building still present onsite. The report should clarify whether the structures shown in the figures have been demolished or still remain in the assessment area.

Response 3: Ayden confirms that the maintenance building and clubhouse were present during the site assessment efforts in 2021. As of the time of this submission, all onsite buildings have been demolished.

UF Follow-up Comment 3: The clarification is satisfactory.

UF Comment 4: The groundwater data for pesticides were combined in Table 4 because no analytes were detected. It is unclear from this table whether the detection limits for these chemicals were below their groundwater cleanup target levels (GCTLs). The individual analytes with their detection limits could be added to the table for clarity. Alternatively, a statement could be added to Section 4.1.4 regarding whether the detection limits for the analyzed OCPs were below their respective GCTLs.

Response 4: An updated Table 4.rev (Exhibit 4 of the SAR) is provided with individual analytes and corresponding detection limits for the GCMA sample collected on November 22, 2020, as part of Phase II sampling activities. A review of the data confirms no detections of targeted OCP (EPA Method 8081) or OP pesticides (EPA Method 8141). For the EPA Method 8081 analysis, one OCP (aldrin) MDL was above the corresponding GCTL. For the EPA Method 8141 analysis, three OP pesticides (dichlorvos, EPN, and merphos) MDLs were above the corresponding GCTLs.

UF Follow-up Comment 4: The response is satisfactory.

UF Comment 5: Section 4.2 states 9 fairways were included in each of the 3 fairway DUs. This appears to be a typographical error. Each fairway DU only contained 6 fairways for a total of 18 fairways at the golf course.

Response 5: Ayden acknowledges the typographical error and confirms that each of the 3 fairway DUs only contains 6 fairways for a total of 18 fairways within the onsite golf course.

UF Follow-up Comment 5: The response is satisfactory.

UF Comment 6: In Figure 3, the triangle, pentagon, and "x" icons are not defined in the legend. It is unclear what these symbols represent.

Response 6: In their preparation of the Tomoka Reserve Planned Development Overall Development (Figure 3), the City of Ormand Beach had requested that existing trees be located on the base map of the proposed development plan. The triangle, pentagon and “x” icons represent different tree species currently present onsite.

UF Follow-up Comment 6: The clarification is satisfactory.

UF Comment 7: In Figure 12, it is unclear what the colors indicate for the sampling results. A legend should be added to the figure explaining the color scheme. It is also unclear which OCPs exceed their SCTLs at each location. It would be helpful to insert small tables in the figure at

each sample location for the four contaminants of concern (COCs) or place each OCP in a separate figure.

Response 7: An updated Sheet 5 (SAR Sheet 12.rev) is attached to this response and includes an updated legend explaining the color scheme. Additionally, individual tables of analytical results are provided in the figure at each sample location for the four contaminants of concern (COCs). Values exceeding applicable SCTLs are highlighted in red.

UF Follow-up Comment 7: The response is satisfactory.

UF Comment 8: Table 9 data labels do not match the description of the fairway DUs in Section 4.2 and Figures 16 through 18 of the document. Fairway-1, -2, and -3 each represent a different fairway DU. Fairway samples 4 through 9 are not defined. If they are replicates; it should be clearly labeled on the table. The same is true for Table 10 and Rough-1, -2, and -3 represented in Figures 19 through 21.

Response 8: As noted in the FDEP Response 6 above, the individual subunits for Fairway and Rough DUs are defined on their respective DU sampling sheets as follows:

- Fairway 1: F-1, F-2, and F-3 (Sheet 16),
- Fairway 2: F-4, F-5, and F-6 (Sheet 17),
- Fairway 3: F-7, F-8, and F-9 (Sheet 18),
- Rough 1: R-1, R-2, and R-3 (Sheet 19),
- Rough 2: R-4, R-5, and R-6 (Sheet 20), and
- Rough 3: R-7, R-8, and R-9 (Sheet 21).

Updated versions of Sheet 16 through Sheet 21 are provided as Attachment A of this response letter. Additionally, Table 9.rev and Table 10.rev have been revised to reflect the assignment of DUs and replicate IDs for the Fairway and Rough DUs, respectively.

UF Follow-up Comment 8: The response is satisfactory.

Please let me know if you have any questions regarding these responses.

Sincerely,

Leah D. Stuchal, Ph.D. .

FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Memorandum

TO: Alex Courneya, Environmental Specialist III
Central District Office

THROUGH: Brian Dougherty, Program Manager
District & Business Support Program, DWM

X BJD
Digitally signed by Brian Dougherty
Date: 2022.10.25 13:35:46 -04'00'

FROM: Leah J. Smith, Environmental Consultant
District & Business Support Program, DWM

X
Digitally signed by Leah J. Smith
Date: 2022.10.25 10:33:24 -04'00'

SUBJECT: Former Tomoka Oaks Golf Course
20 Tomoka Oaks Boulevard
Ormond Beach, Volusia County
Soil Management Plan (Amended), September 2022
Site ID: ERIC_18037

DATE: October 25, 2022

The document *Soil Management Plan (Amended)* dated September 2022 for the above referenced site has been reviewed by the Florida Department of Environmental Protection (FDEP) District and Business Support Program (DBSP). Review observations and comments are provided to assist the Central District Office staff with their review of this document and should not be inferred to be an approval of the subject document. DBSP offers the following observations:

1. General:

   a. The site is slated to be redeveloped into single-family residential lots (298 lots), retention stormwater management areas, roadways, amenity and open space areas. The submittal notes that the intent is to comply with residential soil cleanup target levels (SCTLs) in both the residential and non-residential areas of the site.

   b. The original Soil Management Plan (SMP) was previously reviewed by DBSP and the University of Florida. Response to comments were submitted and have been reviewed under separate cover.

   c. Prior soil sampling identified chlordane, dieldrin, heptachlor epoxide, and toxaphene as soil contaminants of concern (COCs) within the greens. Arsenic, dieldrin and toxaphene were identified as soil COCs within the tees. Arsenic was identified as the soil COC within the driving ranges and fairways.

2. Soil Management Plan (SMP):
    a. Additional soil assessment within the former course greens is proposed to further define organochlorine pesticide (OCP) impacts. The submittal proposes stockpiling the upper two feet of unsaturated soil from each green into 1,000 cubic yard (cy) stockpiles. Each stockpile will be sampled for total and synthetic precipitation leaching procedure (SPLP) dieldrin and toxaphene analyses, and for total arsenic analyses at a frequency of 5 soil samples per 1,000 cy.
        i. Soil with dieldrin and/or toxaphene residential SCTL exceedances will be disposed of at a licensed landfill facility.
        ii. Soil with concentrations of dieldrin and/or toxaphene above the leachability SCTL but below the residential SCTL will be mixed with clean onsite soil and resampled. Once reuse sample results meet the leachability SCTL the soil will be managed based on corresponding arsenic concentrations.
        iii. Soil with concentrations of dieldrin or toxaphene below residential and leachability SCTLs will be placed within appropriate future land uses based on corresponding arsenic concentrations.
    b. The submittal recommends excavation and transportation of arsenic-impacted soil within the fairways, driving range, tees, Golf Course Maintenance Area (GCMA) and greens to non-residential areas (open space and amenity areas) within the site for placement below engineering caps with a minimum of two feet cover.
    c. Five composite soil samples per 1,000 cy will be sampled and analyzed for arsenic from imported fill material not from a certified quarry or from excavated onsite soil. Each composite sample will be comprised of a minimum of 10 aliquots collected from various heights and depths of the stockpile.
3. Post Soil Excavation Certification Sampling:
    a. Former green areas: Former green areas are impacted with OCPs and arsenic and assessment soil samples were not collected below 2 feet below ground surface (bgs). The submittal proposes collecting a series of three discrete soil samples from the excavation floor of each green at a depth of 2 feet for arsenic and OCP analysis following the removal of impacted soil. This process (soil removal followed by sampling) would be repeated until SCTLs were achieved.
    b. Non green areas: Four soil samples per an acre are proposed from a depth of 0-2 feet bgs for arsenic analysis for a total of 592 discrete soil samples across the site. Based on the analytical results soil will be classified as arsenic-impacted or soil requiring no further assessment or remediation. This process (soil removal followed by sampling) would be repeated until SCTLs were achieved.
4. Site Grading Procedures:
    a. Imported fill or soil sampled and determined to meet residential and leachability SCTLs will be used within the site to meet geotechnical requirements and for site grading and flood protection within the development areas.
    b. A two-feet minimum soil cap of clean fill is proposed as an engineering control for the open space/amenity areas (non-residential).
5. In-Situ Certification Testing
    a. Two soil samples collected from random location within each single-family building lot at depths of 0-2 feet bgs and 2-4 feet bgs are recommended for arsenic analysis. A total of 1,192 confirmation samples are estimated within the single-family lots.

b. Five soil samples collected from random locations within each acre of open space are proposed at a depth of 0-2 feet bgs for arsenic analysis.

DBSP offers the following comments:

1. According to the Site Assessment Report (SAR) for this site in addition to dieldrin and toxaphene, chlordane and heptachlor epoxide were detected in soil collected from the greens. These COCs are included in the confirmation sampling of the excavation floor of the former green areas but are not included in the stockpile sampling or in-situ characterization sampling.
   a. According to SAR Exhibit 5: Individual Greens OCP Data chlordane was detected in approximately 30% (16 out of 54) and heptachlor epoxide was detected in approximately 11% (6 out of 54) of the samples collected from the greens. Therefore, DBSP recommends that the in-situ characterization sampling include these COCs in locations where soil from the greens is re-used.
2. While stockpile sample results may be useful in characterizing the placement and/or blending of soil, they are not included in the consideration for a no further action decision because they may under or overestimate the actual concentration of COCs within the re-used soil.
   a. DBSP concurs that following the stockpiling, blending, grading, etc. of soil, the approach outlined in the in-situ certification for the finished lot sampling and amenity/open space sampling appears to be reasonable to verify that blended soils meet applicable SCTLs.
   b. The areas where an engineering control is implemented will need to be clearly defined following redevelopment activities. A survey will need to be conducted and included with a Declaration of Restrictive Covenant (DRC) documenting these areas. An engineering control maintenance plan (ECMP) will need to be prepared and will be reviewed upon submittal.
3. The submittal notes that a 95% upper confidence limit (UCL) may be calculated for arsenic in soil within each of the open space/amenity areas. Depending on the proposed decision unit(s) this may be a reasonable approach for evaluating arsenic concentrations in soil within the open space/amenity areas.

If you have any questions, please contact me at 850-245-8717 or at Leah.J.Smith@FloridaDEP.gov.

From: Courneya, Alex
To: Jeff Flairty
Subject: RE: Former Tomoka Oaks Golf Course Development Approval Delays (ERIC_18037)
Date: Tuesday, May 9, 2023 1:22:55 PM
Attachments: image004.png

Thank you for the update Jeff. We will extend the schedule to October 1, 2023.

Alex Courneya
Environmental Specialist III
Permitting and Waste Cleanup Program
FDEP Central District - Orlando
Phone: 407-897-2916
alex.courneya@floridadep.gov
Links: Waste | Rules | Permitting | Oculus
Contamination Locator Map | INFO PORTAL

From: Jeff Flairty <jeff@aydenenv.com>
Sent: Tuesday, May 9, 2023 1:20 PM
To: Courneya, Alex <Alex.Courneya@FloridaDEP.gov>
Cc: sheldonwrubin@gmail.com
Subject: Former Tomoka Oaks Golf Course Development Approval Delays (ERIC_18037)

EXTERNAL MESSAGE
This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Good Afternoon Alex:

I am forwarding a copy of a recent email from the City of Ormond Beach documenting that the site's proposed development plan is still under review based on City and community feedback. The Project Team is hopeful that this process will be completed with the pending planning commission and city council meetings that are to come. Getting on the agenda for each group will take up to 5 months so I would request that we push back the required start date for the SMP to October 1, 2023.

Thank you.

Jeff Flairty, P.E.
Ayden Environmental LLC
(954) 707-2724
jeff@aydenenv.com
AYDEN Environmental

From: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Sent: Monday, May 1, 2023 11:49 AM

ATTACHMENT 6

School concurrency

Note: no changes to this attachment from original report

VOLUSIA COUNTY SCHOOLS

Carmen J. Balgobin, Ed.D
Superintendent of Schools

School Board of Volusia County

Ms. Jamie M. Haynes, Chairman
Mrs. Anita Burnette, Vice Chairman
Mr. Ruben Colón
Mr. Carl Persis
Mrs. Jessie Thompson

School Adequate Capacity Determination
Finding of Adequate Capacity Letter

March 27, 2023

Mr. Robert A. Merrell III, Esq.
Cobb Cole
149 S Ridgewood Ave, Suite 700
Daytona Beach, FL 32114

RE : Tomoka Reserve RPUD – City of Ormond Beach
School Capacity Review # 23-02-24-002-A

Dear Mr. Merrell:

The County Charter requires any Comprehensive Plan Amendment or Rezoning that allows increased residential density to be effective only when adequate public schools can be timely planned and constructed to serve the projected increase in student population. The district uses this requirement as the guiding principle behind the school adequate capacity review.

District staff reviewed the updated information for the proposed Tomoka Reserve RPUD associated with 147.94+/- acres of property located at or near the intersection of N US Hwy 1 and N Nova Rd within Ormond Beach city limits. Proposed project would provide for three hundred (300) single family home units.

The district uses a county wide Student Generation Rate (SGR) of (0.273) per single family dwelling unit to calculate projected students. By applying the SGR to the use types in Table 1 below, the project could generate eighty-two (82) full time students.

Table 1

UNIT TYPE	SGR	UNIT COUNT	STUDENTS GENERATED
Single Family Dwelling Unit	0.273	300	82
Multifamily Dwelling Unit	0.127	0	0
Manufactured Home Dwelling Unit	0.047	0	0
	Total	**300**	**82**

When performing adequate capacity review district staff evaluates the effects of the proposed change compared to any remaining permanent capacity within the impacted schools, up to 100%, Table 2 (next page). The projected increase in student population may be over 100% if there are plans to serve increased student population in that planning area within the long-term planning horizon. A finding of adequate capacity may be issued in either case.

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Table 2

Schools	SY 2022/23 Enrollment	% of Permanent Capacity	Plans for Capacity Increase Long-Term	Traditional K-12 students projected
Tomoka Elementary	690	109%	Yes	36
David C. Hinson, Sr. Middle	943	108%	No	21
Halifax CSA (Seabreeze High)	1,679	102%	No	24
Other				1

The student projections generated by this project **will** increase the existing percentage above 100% permanent capacity at all school levels. If evaluated against level of service (LOS) standards, Tomoka Elementary and Hinson Middle are at or over 100% but below 115% of current utilization rates. Tomoka Elementary is also on the school district's capital work program for a capacity increase and is included in an attendance boundary rezoning plan in the short term. At the middle school level, the use of adjacent concurrency service areas (CSAs) may also be needed at the time of school concurrency review. The high school CSA for Seabreeze High is also at or over 100% but below 120% for LOS standards. Because of the foregoing, the school district has no objections to the proposed development plan. Minimum planning considerations should include pedestrian and vehicular access, safety, connectivity, and buffering.

All future development orders, such as site plans and subdivisions, are subject to school concurrency review. School concurrency will be evaluated at the time when the impact of development is specifically quantified and known. Only funded school improvements and then current capacity will be considered at that time.

No student reservations have been made at this time.

Please note the School Board has the right to adjust the attendance boundaries to balance the student enrollment populations at these area schools. Consequently, students generated from this project may not attend the current assigned schools.

Should you need additional information, please contact me at (386) 947-8786, extension 50709.
Sincerely,

Stephanie B. Doster,
Coordinator, Planning

CC: Carmen J. Balgobin, Ed.D, Superintendent of Schools
Ron Young, Director, Planning and Construction
Steven Spraker, Planning Director, City of Ormond Beach
Lisa V. Divina, Volusia County School Board Project File

VOLUSIA COUNTY SCHOOLS

Finding of Adequate School Capacity

VOLUSIA COUNTY SCHOOL BOARD

Project Information	
Project Name	Tomoka Reserve RPUD
VCSB Project #	**23-02-24-002-A**
Jurisdiction Project #	
Parcel ID Numbers	3242-07-00-0010
Project Location	N US Hwy 1 and N Nova Rd
Potential Residential Units	300 Single Family Homes
Property Owner/Applicant	Robert A. Merrell III, Esq., Cobb Cole
Notes: Additional review will be required at the time of subdivision/site plan submittal(s). No Student Reservations have been made.	

Based upon the Findings of Fact, pursuant to School Board Policy 612 and Section 206 of the County Charter, the school district has determined at this time that school capacity is adequate to serve the proposed increase in residential density. This Finding shall constitute competent substantial evidence that adequate public school capacity is likely to be available at the time it is required to serve the planned new development.

Capacity is <u>not</u> being reserved with this Finding unless otherwise noted on this document. This Finding of Adequate School Capacity allows this subject project to continue through the Comprehensive Plan Amendment and/or rezoning process; however, it may be subject to additional school capacity review in the future.

Stephanie B. Doster
Coordinator, Planning

March 27, 2023
Issue Date

Created: 9/2007
Owner: Facilities Services

2007-073-VCS
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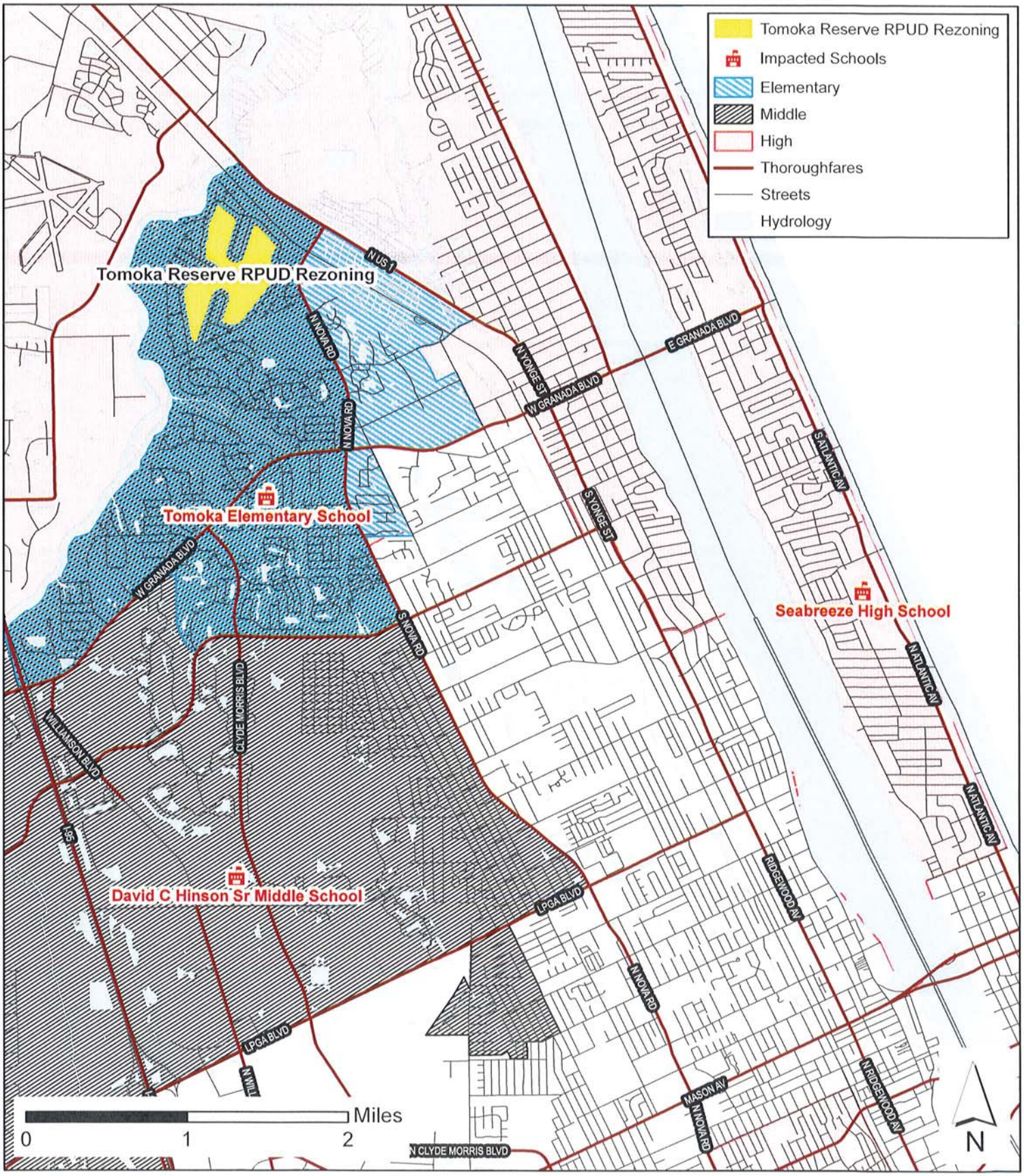
VCSB Schools Impacted by Development

School Concurrency Review - Tomoka Reserve RPUD Rezoning

VOLUSIA COUNTY SCHOOLS

Created by Facilities Services
March 2023



ATTACHMENT 7

Neighborhood meetings summaries

Note: no changes to this attachment from original report

Applicant summary of pre-application meetings

Category	Mentions	Category	Mentions
Homes		**Traffic**	
Concern over cookie cutter / mass produced homes	25	Concern over limited access to Nova / One entrance	23
Concern over Quality of homes (upscale)	11	Concern about Pedestrian safety	14
Concern over lot size	23	Sidewalks	12
Concern over Density of homes	15	Concern with traffic (amount, new traffic)	48
No Fencing	3	Replacing stop signs with large roundabout at entrance	7
Concern over property values	13	Concerns with speeding in the neighborhood	4
Concern over architecture of new homes (mid century)	7	Concern with blind curves	2
Concern over number of homes	8	Speed bumps should be added to existing roads	2
Energy efficient homes	2	Concern with Emergency vehicle access	3
Concern over variation in homes (appearance and floor plan)	13	Concern over entry width	3
Estate lots and homes	7	Traffic Study is needed	7
5 acre lots	1	Traffic light on Nova Road needed	4
1 acre lots	1	No perimeter road	1
Type of homes	1	Concern over island condition after construction	2
No quads	1		
Setback	3		
LEED Building Design	2		

Category	Mentions	Category	Mentions
Environmental		**Buffer / Land**	
Concerns over Environment preservation	17	100'-200' buffer	24
Tree removal concerns (amount of trees removed, type of trees removed)	33	50' buffer	1
Greenspace	28	Right for Golf course adjacent home-owners to purchase land	12
Concern over Views in the neighborhood	5	City should purchase land	4
Water features / Ponds should be added	2	Buffer with trails	9
Pursue a grant from Florida Forever or Volusia Forever	11	Buffer without trails	3
No clear cutting	12	Buffer needs to be added	24
Concerns over wildlife population	22	River access needs to be added	4
Pocket parks should be added	4	Re-imagine land for recreation	1
Transplanting trees / moving trees	4	Existing buffers should remain	4
Concern over berms	2	Loss of golf course frontage	10
Concerns over the amount of open space	5	Concerns over peace and quiet	6
Concerns over tree line / canopy	2		
Concerns over mowing	3		
Property upkeep	2		
Concern over pesticides	3		
Concern over development's impact on environment	12		
Arsenic Remediation	1		
Clean up Damaged Trees	1		
Concern over residents that have been maintaining their own golf course property	4		

Category	Mentions	Category	Mentions
Utilities		**Miscellaneous**	
Utilities should be moved underground	11	Will new development be a part of the HOA?	4
Concern over drainage impacts	8	Concern over dues to HOA	2
Concern over water and electricity impact	12	Agri-hood should be considered	3
Concern over potable water	3	Beautiful entrance for community should be added	1
Street lights should be added	3	Concern over impact on the school system	10
Concern over irrigation	1	Sam Sneed Historic Golf Course	2
concern over natural gas	1	Clearly deliniate meeting subject	1
Solar should be used	4	Un-gated community	3
No windmills should be added	1	Equestrian neighborhood	1
Hydrology study requested	1	Non-equestrian neighborhood	1
Concern over Tomoka River water quality	1	Integrity of the neighborhood	6
		Jets	1
		Financial disclosure	1
		Concern about housing collapse	1
		Deed restrictions	2
		R-2 zoning	2
		Easement	3
		Poll Community members through HOA website	2
		Include the Trails residents in future meetings	1

Category	Mentions	Category	Mentions
Development		**Ammenities requested**	
Concern over development in general (against development / no development)	12	Organic Garden	2
Hours of construction	3	Pickeball	2
Business in front to generate revenue	2	Dog Park	4
Concern over community space	2	Trails (not including sidewalks) for walking, biking, etc.)	26
Concern over maintenance before development	1	Restaurant	3
Concern about existing sign	2	Bird Sanctuary	2
Concern over staging area location	2	Club house renovation / revival	4
Concern over future development (future phases)	6	Pool	4
Concern over maintenance after develpment	1	Sports	1
Concern over ground water pumps being used to maintain storm water pond levels	1	Daycare	1
Concern about impact on local aquifer	1	park	7
		Golf course should be converted into a 9-hole course	21
		Concern over ammenities for current residents	10
		amphitheater	1
		Disc Golf	1
		Food Garden	1
		Tennis	1

Observer
Palm Coast. Ormond Beach.

Developers host first 'pre-neighborhood' meeting for Tomoka Oaks golf course project

The development process is estimated to take about two years.

By Jarleene Almenas | 12:00 p.m. May 21, 2021



ORMOND BEACH OBSERVER NEWS

Share

A marathon, not a sprint.

That is how Rob Merrell, attorney with Cobb Cole Law Firm, described the development process of the Tomoka Oaks Golf Course at the first of three community meetings held at the Ormond Beach Performing Arts Center on Thursday, May 20.



The golf course property was sold for $2.6 million and the developers — Carl Velie, Ray Barshay, Sheldon and Emily Rubin, which make up Triumph Oaks of Ormond Beach I, LLC — want to build single-family homes on the land. Velie and Barshay are locals. No site plans have been submitted to the city yet. Dwight DuRant, president of Zev Cohen and Associates, led the bulk of the two meetings, held at 4 p.m. and 6 p.m. DuRant said the purpose of the meetings was to listen to the Tomoka Oaks residents.

“We’re not selling anything tonight," DuRant said. "We want to seek your input and comments, and more specifically, your ideas. That’s most important to us. So we’re going to have big ears and small mouths.”

Some residents expected the meeting to consist of an open forum where they could voice their concerns, but DuRant explained that would likely take place in the second of the three community meetings, where they would present concepts as a result of feedback collected at the first meeting. Instead, following a short presentation, meeting attendees were instructed to split off into small groups to provide their feedback. Those attending online via Zoom were also encouraged to send in their comments.

Jim Rose, a resident of Tomoka Oaks and chairman of the homeowners association golf course committee, said he thought the meetings went well. The developers did what they said they were going to do. Certainly, he and his neighbors are not in a "great situation" — Rose's home borders the golf course — but he said it's unusual to have developers host pre-neighborhood meetings. He said residents who attended all had the opportunity to make their concerns on buffers, greenspace, tree preservation and traffic heard.

> “This is a tough situation for the 550 homes in Tomoka Oaks and the 178 on the golf course. It’s a difficult process but as a neighborhood, I think we’ll come together and try to make the best of it that we can to preserve the way of life that we’ve had there for so long.”
>
> *Jim Rose, chairman of the homeowners association golf course committee*

"We as the homeowner’s association, the golf course committee, are just trying to make the situation as palatable as possible considering that pretty much we’re sure there’s going to be development going in," Rose said.

Having lived in Tomoka Oaks for 31 years, Rose said it's a "shock to the system" to see change in their neighborhood. As outlined in the meeting, the process to develop the golf course is estimated to take about two years.

“This is a tough situation for the 550 homes in Tomoka Oaks and the 178 on the golf course," Rose said. "It’s a difficult process but as a neighborhood, I think we’ll come together and try to make the best of it that we can to preserve the way of life that we’ve had there for so long.”

City Commissioner Susan Persis, who represents Zone 3 of which Tomoka Oaks is in, attended both meetings, and said the development remains frightening for many longterm residents.

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February 9, 2023

Tomoka Oaks residents question development of 300 homes in former golf course



January 31, 2023

4 letters: Neighbors discuss Tomoka Oaks golf course project, Pioneer Trail interchange



Dwight DuRant, of Zev Cohen and Associates, speaks to homeowners during the first community meeting at the Performing Arts Center on Thursday, May 20. Photo by Jarleene Almenas

"There's a lot of feelings because they did buy on a golf course," Persis said."...People are just used to having a beautiful view and I don't think that should be taken away. I really don't."

The golf course, which spans 130 acres according to the Volusia County Property Appraiser's website, does not have a designated zoning, as a previous Planned Residential Development zoning order has since expired. It does, however, have a future land use of low density residential, which allows a maximum of 4.3 units per acre.

Persis doubts the maximum density of units could be placed on the property. More density means more traffic and she said she believes the current roads cannot handle much more. She believes there is a chance the golf course could be made into something beautiful, but that at the same time, developers want to make money. That shouldn't come at the cost of the residents' quality of life though, she said.

"The only thing I can do is, when the plan comes before the commission, vote in the best interest of those citizens," Persis said.

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PRE-APPLICATION NEIGHBORHOOD MEETING

MEETING NOTES (Ormond Beach Planning staff)

6:00 P.M., July 15, 2021

Neighborhood Meeting commenced at 6:00 PM on July 15, 2021.

- Brief overview of the purpose of the meeting and results of the previous meeting were presented.

- Preliminary plan with 318 single family lots at 70' x 140', pocket parks in walkable distances, minimum 50', average 80' vegetative buffer around perimeter, street trees, pushing homes towards interior street to increase rear buffer.

- Public Comments:

    - **Overall concept:** Some residents were opposed to any development at all and some others praised the developer for sharing information above and beyond what was required. Some residents asked if the property, which was purchased for about $2.6 million could be purchased again by residents to stop the development altogether. Mr. Merrill said the property was not for sale but also that no viable offer has been made for consideration. Another resident asked the developer to consider innovative alternatives, such as an "agrihood" — a small farm surrounded by larger homes — rather than hundreds of average-sized homes. Concerns about Ormond Beach as a whole being overdeveloped. Concerns about housing values decreasing.

    - **Traffic concerns:** Concern for traffic was expressed. Sans Lassiter explained that based on the preliminary studies, a traffic signal is already warranted for the Nova intersection – without the new development. There was concerns about current traffic flow onto Nova and through the Trails Subdivision, single access onto Tomoka Oaks Blvd and existing pedestrian safety. Residents were advised to contact Shawn Finley about traffic calming solutions on S. Saint Andrews Drive.

    - **Tree preservation**- Tree assessment is ongoing. Tree preservation is high priority for design team.

    - **Buffers**- Some residents requested 100' minimum. Most residents were in favor of a trail located in the buffer area but away from existing homes.

    - **Amenities** – multiple residents expressed the desire for biking paths and trails. Concerns about access for Tomoka Oaks residents to the trails and pocket parks (access easement are needed

    - **Lot sizes**- some residents were opposed to the lot size and density by requesting larger lots widths. Most seemed in favor of lot depth however some residents suggested excess lot depth could go to increasing buffer size.

    - **Utilities**- concerns about existing electric coming in from Tomoka Oaks Blvd. Concerns about irrigation encroachment onto golf course. One resident mentioned concerns about protecting existing utilities during construction. One resident mentioned concerns of existing well supply.

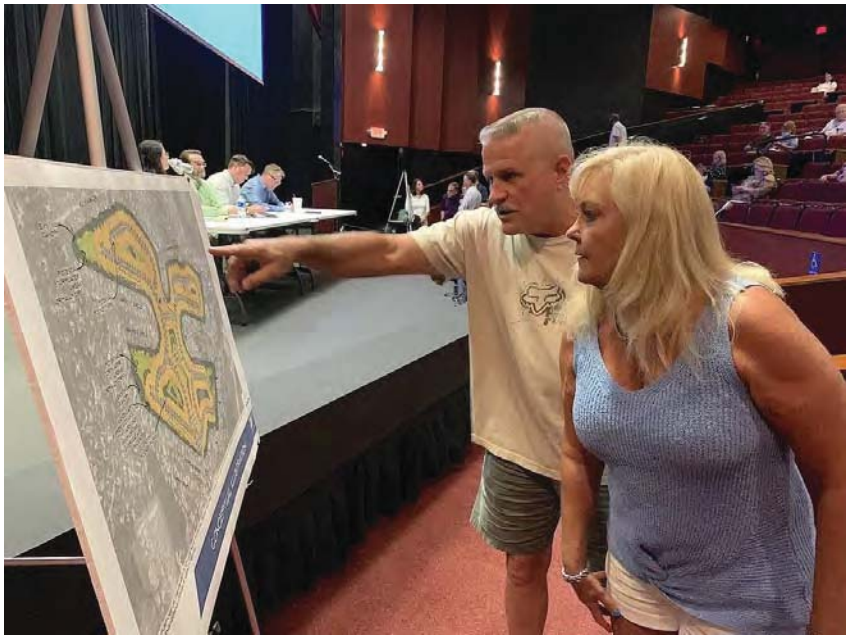
    - **Architectural standards-** there were concerns about architecture however the design team is not at that stage yet.

Observer
Palm Coast. Ormond Beach.

Early concept: 318 homes on former Tomoka Oaks Golf Course

Ormond Beach Performing Arts Center hosted second of three neighborhood meetings to keep residents apprised of development.

By Brian McMillan | 8:15 p.m. July 15, 2021



ORMOND BEACH OBSERVER NEWS

After many people criticized the concept that 300 homes could be built on the former Tomoka Oaks Golf Course, another resident asked how many homes could legally be built there. The answer, 645, elicited gasps of disbelief

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Rob Merrill, of Cobb Cole

Cobb Cole attorney Rob Merrill, representing the developers, reminded the residents that the conceptual plan presented at the meeting was preliminary: The lot size of 70 feet by 140 feet is not final, and neither is the number of homes, nor the layout.

“This is a starting point for conversation,” he said. “So if there’s something you hate about it, don’t hate it too much, because it could go away.”

Many attendees said they lived in nearby neighborhoods, Tomoka Oaks and The Trails, which were built in the 1970s and 1980s. One resident called the plan "insane," another said it was "ugliness." Others praised the developer for sharing information above and beyond what was required.

Traffic concerns

Several comments showed that residents are concerned about the traffic. Engineer Sans Lassiter said the plan was to have one entrance/exit from the proposed development onto Nova Road, which is maintained by the state. A study has shown, he said, that a traffic signal is already warranted at Nova and Tomoka Oaks.

“I don’t think this development is moving forward without a signal,” Lassiter said. He added, “We’re anticipating that the city will require us to look at much more than just the access point to Nova Road.”



Sans Lassiter, engineer

Lassiter suggested that traffic should not impact The Trails to a great degree, but he said modeling was being done to analyze the issue further.

The development will likely not be gated and likely will have its own homeowners association.

Saving trees

The developer hopes to build houses closer to the interior streets, with larger backyards and buffers, Merrill said. “Pocket parks” would add to the walkability of the new neighborhood.

Tree surveys are being conducted by Zev Cohen and Associates. Because the golf course land is at a higher elevation than most developments, fill dirt will not be needed, meaning that many more trees can be preserved than is typical.

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Developers host first 'pre-neighborhood' meeting for Tomoka Oaks golf course project



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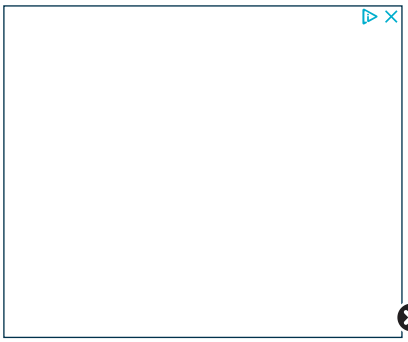

For sale?

Some residents asked if the property, which was purchased for about $2.6 million by Carl Velie, Ray Barshay and a third partner, could be purchased again by residents to stop the development altogether. Merrill said the property was not for sale.

Another resident asked the developer to consider innovative alternatives, such as an “agrihood” — a small farm surrounded by larger homes — rather than hundreds of average-sized homes.

Next steps?

The meeting on July 15 was the second of three to take place before submitting plans to the city for approval.



Dwight Durant, president of Zev Cohen and Associates

The third meeting, which has not yet been scheduled, is the first that would actually be required by the city of Ormond Beach; the first two were done as a goodwill gesture to provide transparency and solicit feedback.

“We are purposely not trying to work in the dark,” said Zev Cohen and Associates President Dwight Durant.

After the third meeting, the developer would make an application to the city; after staff input, the development would go to the Planning Board for approval, and then two votes by the City Commission.



Over 100 attended the meeting at the Performing Arts Center.



A rendering was created, Cobb Cole's Rob Merrill said, at the residents' request, but it is too early to make true plans.



AUTHOR

Brian McMillan

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Tomoka Oaks residents resigned to development

By Brent Woronoff bworonoff@hometownnewsmediagroup.com
May 27, 2021

Most Tomoka Oaks residents seem to have accepted the inevitable.

The new owners of the former Tomoka Oaks golf course will eventually build single family homes on the 147-acre property.

“We have a portion of people who hope the city of Ormond Beach or Florida Forever or Volusia Forever will (purchase the golf course) and keep it for green space,” said Jim Rose, chairman of the Tomoka Oaks Homeowners Association’s golf course committee. “I don’t think that’s going to happen, but we’re going to explore everything we can. I think most people have accepted that the development will go forward.”

Local businessmen Ray Barshay and Carl Velie bought the golf course property along with South Florida developer Sheldon Rubin and his daughter, Emily Rubin, for $2.6 million. They have yet to submit a site plan to the city.

On May 20, representatives of the new owners conducted two identical community meetings at the Ormond Beach Performing Arts Center to listen to residents’ concerns and suggestions.



Travel Places NearBy

Nearly 200 residents either attended the meetings in person or via Zoom. Dwight DuRant, president of Zev Cohen & Associates civil engineering firm, and Rob Merrell of the Cobb Cole law firm, told the attendees the purpose of the meeting was to share ideas on what the development would look like.

The residents were then broken down into small groups and all questions, suggestions and concerns were recorded, including those submitted online. The residents were told another meeting will be conducted within three months when possible plans will be discussed.

“These are not the mandated neighborhood meetings since they haven’t submitted a plan yet,” Mr. Rose said. “This is a very difficult situation, very emotional for many people. The developers know this is a fraught situation and they’ve gone above and beyond listening to what we have to say.”

Residents are most concerned about traffic problems that a possible 300 or more new homes could bring. The golf course property has a future land use designation of low density residential, which would allow up to 4.3 homes per acre.

Tomoka Oaks has one main entrance from Nova Road with a couple of smaller roads that go through The Trails subdivision.

"We're looking for a traffic light," Mr. Rose said. "And I think most people would like to see some kind of enhancement to the entrance to allow traffic to flow better."

Of the 550 homes in Tomoka Oaks, 178 are on the golf course. Those residents, especially, would like to see green-space buffers surrounding the new development. An online petition with more than 1,800 signatures requested a 100-foot conservation zone around the perimeter of the golf course property.

Peggy Brown was one of several Tomoka Oaks residents who spoke during public comments at the May 18 Ormond Beach City Commission meeting airing their concerns.

"People who purchase (their homes) on a golf course have certain expectations that they'll be living on a golf course or green space," she said. "I moved here four and a half years ago expecting that I'd have green space behind my home."

Among requests made in the break-out sessions at the community meetings were adding sidewalks – Tomoka Oaks currently has none – a nine hole golf course, which could be used as a buffer; saving the putting and driving range; adding amenities, such as a park, tennis and pickleball courts, a dog park, lighted trails and bike paths; and making sure the new homes fit the community.

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"This is not a cookie-cutter neighborhood," one online commenter stated.

"Tomoka Oaks has pretty eclectic architecture," said Mr. Rose, a 31-year Tomoka Oaks resident. "It's nothing like houses you see now -- one style and close together."

The Sam Snead signature golf course opened in 1964 and closed about three years ago.

"I'm not happy with the situation," Mr. Rose said. "But I think the first pre-meeting went well and I think the people handled it well under the circumstances."

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meeting

NEIGHBORHOOD MEETING
MEETING NOTES (Ormond Beach Planning staff)
February 8, 2023

Project team presentation:

1. Described lot layout and lot sizes. Larger lots planned along the project perimeter.
2. Detailed recreation and amenity areas.
3. 50-foot buffer planned with native planted buffer where gaps in the buffer exists.
4. Project provides deeper lots.
5. Description of the project stormwater and statement that the project would discharge less water than it does today.
6. Discussion by the traffic engineering firm regarding traffic. A traffic signal at Tomoka Oaks Boulevard and Nova Road is warranted.
7. Commitment to update traffic counts from original traffic study.

Meeting discussion points/comments/statements:

A. Traffic

1. Concern regarding the stacking of vehicles impacting the Escondido Condominiums.
2. Project traffic will impact the Trails subdivisions as individuals seek to access SR40.
3. Concern with the St. Andrews Drive and Tomoka Oaks Boulevard intersection.
4. Concern with construction traffic.
5. Existing traffic is dangerous and adding trips is more dangerous. It is an accident waiting to happen.
6. Inquiry on who is paying for the traffic signal.
7. Questions on the date of the traffic counts. Traffic engineer commented to performing updated traffic counts for the project.
8. Pedestrians have been hit with existing traffic in the area.
9. Live at the diamond intersection and traffic will be like I-95.
10. Sidewalks are needed.

B. Environmental

1. Increase pressure on the use of water as a result of this project.
2. Tomoka Oaks HOA should have standing to enforce buffer maintenance once planted.
3. There needs to be guarantees that vegetative buffer always to remain in place.
4. What are the impacts to existing trees of the proposed project.

C. Density/Lot Size

1. Project should be compatible with existing development.
2. Project should have less density then existing subdivisions.
3. Lot width is more important than lot depth.
4. Smaller lots are not compatible with existing Tomoka Oaks development.
5. Golf course should be included in Tomoka Oaks density calculations.
6. Multiple statements that the project, as designed, is not compatible with the existing development pattern of the area.
7. Oversized/large lots are needed.
8. Questions on the number of lots and lot sizes.

D. Stormwater

1. Concern with recent flooding events and storms.
2. How will project drainage concerns be addressed.
3. The fertilizers associated with the project lots will have negative impacts.

E. Comments

1. Shoving 10 pounds into a 5-pound bag.
2. Project should provide underground utilities.
3. Project lacks specification and there are inconsistencies.
4. Project is playing games with numbers.
5. Development in development is not good for Tomoka Oaks residents.
6. Development plans should not be self-amending.
7. Devastating impacts to schools.
8. Project will decrease the quality of life and property value for existing residents.

Observer
Palm Coast. Ormond Beach.

Tomoka Oaks residents question development of 300 homes in former golf course

The developers held two neighborhood meeting sessions on Wednesday, Feb. 8.

By Jarleene Almenas | 1:40 p.m. February 9, 2023



Tomoka Oaks resident Tom Fitzgibbon speaks during the first session of the neighborhood meeting for the development of the Tomoka Oaks golf course. Photo by Jarleene Almenas

ORMOND BEACH OBSERVER

Share

Three-hundred homes. Roughly 600 more cars. One shared entrance and exit.

"This is a community trying to be built within a community," Tomoka Oaks resident Michelle Zirkelbach said.

For the past two years, Tomoka Oaks residents have been paying close attention to what's been happening on their former golf course, located at 20 Tomoka Oaks Boulevard. When developers Carl Velie, Ray Barshay, Sheldon and Emily Rubin purchased the property in April 2021, and indicated a desire to build single-family homes on the approximately 147-acre golf course, residents went on high-alert.

And on Wednesday, Feb. 8, as representatives of Triumph Oaks of Ormond Beach I, LLC presented preliminary plans for the Tomoka Reserve development during two neighborhood meeting sessions at Temple Beth-El, residents questioned how it would impact current traffic, the proposed density and claims from the project's engineers that the proposed subdivision would be compatible with Tomoka Oaks, despite having smaller lot sizes.

"Compatible means to get along with in harmony," Zirkelbach said. "And mathematically, compatible means to be congruent, and congruent means coinciding on all points."

Density in numbers

In order to move forward with the project, the developers are seeking a rezoning of the golf course property to a Planned Residential Development. The land is currently zoned Low Density Residential, allowing 4.3 homes per acre.

By rezoning to a PRD, the developers said the proposed unit count would equate to a maximum density of 2.03 units per acre, according to the project narrative submitted to the city.

Jake Stehr, with Zev Cohen and Associates, stated that the proposed development is below the existing density of Tomoka Oaks.



The developers are proposing the construction of 300 homes in the former Tomoka Oaks Golf Course property. Courtesy of the city of Ormond Beach

"We feel like we're really trying to match what's around us, and we're doing this in a couple different ways," Stehr said. "Obviously, we're not coming in with the same units that you're seeing. We're coming with a more modern footprint, coming with park spaces distributed throughout the development. We're really trying to have a site that celebrates existing landscapes and allows for outdoor recreational opportunities."

In addition to single-family homes, the development could have quadplexes.

Stehr added that the developers will be increasing the vegetation in the buffers, with the minimum buffer length being 50 feet. A total of 17%, or 29 lots, will have that minimum buffer. The remaining 172 proposed lots along the development's edges would have buffers varying between 50 to 125 feet.

In addition, 22% of the site would be dedicated as open space, plus 11% for dry retention ponds.

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Residents, however, expressed distrust in the developers' numbers. One resident pointed out that the numbers in the project's narrative submitted to the city, particularly concerning the Tomoka Oaks subdivision, were different than the ones presented during the meeting.

At the meeting, engineers cited Tomoka Oaks' density, with about 550 homes, was 2.6. The narrative stated it was 2.82.

"So I don't have confidence in your numbers," resident Carolyn Davis said.

Cobb Cole attorney Rob Merrill, representing the developers, directed residents to talk to Ormond Beach city staff regarding numbers.

"I think what we were trying to get across was our intent in coming up with this plan in large part was based on trying to match the density you guys had or be less than your density, Merrill said. "That's the plans we brought forth, the way we've calculated it. Everybody can differ about mathematics."

The residents hummed in disagreement.

Too many cars

To address future traffic generated by the proposed development, a new traffic signal will be constructed by the developer at Tomoka Oaks Boulevard and North Nova Road.

"Do we really think a traffic light is the solution?" Tomoka Oaks resident Caryn Baker asked. "... I don't think anybody here believes that a traffic light is going to solve the additional traffic that we're going to have to deal with."

Sans Lassiter, president of LTG Engineering and Planning, said yes. Based on simulations, a stop sign wouldn't work at Tomoka Oaks Boulevard and North Nova Road. A traffic light would, and the simulation showed queues to exit the subdivisions on Tomoka Oaks Boulevard wouldn't extend past the Escondido condominiums.



Tomoka Oaks resident Carolyn Davis holds a sign opposing the development during the first neighborhood meeting session on Wednesday, Feb. 9. Photo by Jarleene Almenas

Residents said that there would be too many cars utilizing Tomoka Oaks Boulevard once the development is built out. If the developer constructs 300 homes, and each home has an average of two cars, there will be 600 more cars on the current two-lane residential street.

"You've got a rotary that you guys are creating, then you are indicating to us that you're going to have just a simple intersection, a cross-intersection with stop signs right [at Tomoka Oaks Boulevard]," Tomoka Oaks resident Tom Fitzgibbon said. "Now, that will not handle the volume of traffic."

The only other way to exit or enter Tomoka Oaks is through The Trails.

Lassiter said they are looking at existing traffic conditions as well as projected conditions, and that the traffic analysis isn't complete yet.

"We're going to have to do an updated analysis at the time that we come in for concurrency and final approvals," he said.

Tomoka Oaks resident Mary Greenlees asked if the developers were sure they didn't want to sell the former golf course property.

"You guys have a long road ahead of you," she said. "The momentum is building. Your legal accounting, traffic engineering fees are building up."

Lot size dispute

When it comes down to proposed lot sizes, engineers said the lots adjacent to the buffers will all be 80 feet by 140 feet. Merrill said the developers were trying to be mindful of the lot sizes, but several residents voiced opposition against this, pointing out that the average lot in Tomoka Oaks is much larger, particularly in width.

Resident Missy Herrera said some lots in Tomoka Oaks could face two or three houses in their backyard. She argued against the developers' claim that their lot sizes are compatible because the square footage is similar.

"You guys are playing games with numbers," Herrera said. "But the reality is, we're talking about 100-foot lots (in Tomoka Oaks) and you're manipulating things to say, 'Oh, we're less dense.' The reality is it's not less dense. We're going to be looking at a solid wall of houses with 14 feet between them."



The developers are proposing the construction of 300 homes on the former Tomoka Oaks Golf Course land. Photo by Jarleene Almenas

Merrill responded that no one was playing games, and that they now understood width was more important, though he said that Tomoka Oaks residents would likely not see into the backyards of the new development due to the buffer and setbacks.

"Although most communities, people do live in each other's backyards, but we understand that in this case, it used to be a golf course," Merrill said. "So we get it. We understand."

Dennis Bayer, an attorney representing the Tomoka Oaks Homeowners Association, said he felt like he was in "Groundhog Day" during the meeting.

"We've talked about the 100-foot widths a year and a half ago when we first met," Bayer said. "We talked about the design on Tomoka Oaks Boulevard. I really would like to emphasize we need to see some more specifics at this point in the game before going forward."

Issues the HOA had raised months ago, Bayer said, continue to be unaddressed.

Picking up on the fact the developers are proposing a pickleball court for the new subdivision, Zirkelbach asked the developers if a court measuring 30 feet by 60 feet would be just as suitable for the sport as one measuring 10 feet by 180 feet.

"Are they both compatible for playing pickleball? The answer would be no, Mr. Merrill, you and I both know that," she said.

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Tomoka Oaks neighbors don't want more neighbors in Ormond Beach

By John Bozzo jbozzo@hometownnewsmediagroup.com
Feb 16, 2023

About 250 people attended back-to-back neighborhood meetings with criticisms and questions about plans to build 300 homes on Tomoka Oaks Golf Course in Ormond Beach.

Homeowners who live around the golf course expressed outrage their homes will no longer surround one.

More than one speaker derided the idea of a "development within a development."

"Don't take this seriously, but take it seriously, we don't really want you here," resident Robert Banker said toward the end of the four-hour sessions.

A few residents wore green T-shirts asking to save the golf course and some had a small sign opposing the development.

One woman passed out a green sheet of paper with "talking points" for opponents of the Tomoka Reserve plan.

Talking points included:

•Traffic impact in an already congested area

•Fear of decreasing property value of homes originally sold as part of a golf course community

•Disputing developer claims that Tomoka Reserve would be compatible with existing homes

•Reduced quality of life from the visual impact of a neighborhood instead of a golf course, as well as years of construction noise and dust, more traffic increasing congestion and decreasing safety

Social Golf

•Questioning whether public infrastructure, such as hospital beds, classrooms and water are adequate

People also expressed concerns on their own without prompting from a cheat sheet, including whether the landscape buffer would be maintained, urging tree preservation and, the concern of many, stormwater runoff and flooding.

Members of the development team responded to the questions and comments, although satisfying people appeared unlikely.

Landscape buffers would be maintained by a homeowners association, home placement on lots will be done to minimize tree removal and a stormwater plan will be designed to contain rainwater and treat it on site, according to various members of the development team.

A traffic light will be placed at Tomoka Oak Boulevard and Nova Road.

In response to numerous questions about the traffic study, Sans Lassiter, president of Lassiter Transportation Group, guaranteed a traffic study performed in 2021 during the Covid-19 pandemic would be re-done.

Residents pressed for another public neighborhood meeting.

Rob Merrell, a Cobb Cole attorney representing the developer, said the Feb. 8 meeting at Temple Beth-El was the third neighborhood meeting. When he doubted whether there could be another neighborhood meeting there was a loud groan of disapproval from the audience.

Mr. Merrill explained how the proposed Tomoka Reserve project must still go through a full review with the City of Ormond Beach, including a meeting with the Site Plan Review Committee, an appearance on the Planning Board agenda and two public hearings with the City Commission.

All the meetings are public and the public may speak at the Planning Board and City Commission meetings.

Dates for those meetings have not yet been set.

ATTACHMENT 8

Analysis of the ability to develop the former golf course

Section A: Attorney Brent Spain letter dated July 12, 2023 **(new)** was part of Attachment 12 - correspondence

Section B: June 2022 document from Ms. Davis

Section C: June 30, 2022 City Attorney's Office analysis

Section D: February 23, 2023 Cobb Cole analysis

ATTACHMENT 8

Analysis of the ability to develop the former golf course

Section A

Attorney Brent Spain letter dated July 12, 2023 (new) was part of Attachment 12 - correspondence

July 12, 2023

VIA ELECTRONIC MAIL

Doug Thomas, Chairman
Ormond Beach Planning Board
22 South Beach Street
Ormond Beach, Florida 32174

Re: ***Tomoka Reserve – PRD-2022-043***

Dear Chairman Thomas & Planning Board Members:

Our law firm represents Carolyn Davis and a consortium of homeowners within the Tomoka Oaks Country Club Estates subdivision in Ormond Beach, Florida ("Tomoka Oaks"). At its regular meeting on ***Thursday, July 13, 2023***, the Ormond Beach Planning Board ("Planning Board") is scheduled to consider the above-referenced project, which seeks to rezone and convert the existing Tomoka Oaks golf course into 276 single-family residential lots. For the reasons discussed herein, our clients oppose the proposed redevelopment of the golf course property and respectfully request that the Planning Board recommend ***denial*** of the proposed rezoning.

A. General Factual Overview

Briefly stated, in April 2021, Triumph Oaks of Ormond Beach, LLC ("Triumph Oaks"), purchased the Tomoka Oaks Golf & Country Club ("Golf Club") for approximately $2,600,000. Thereafter, Triumph Oaks filed an application with the City of Ormond Beach ("City") seeking to rezone the golf course property to Planned Residential Development (PRD) and redevelop the golf course with 276 single-family residential lots. Based upon such rezoning application and Triumph Oaks' proposed plans to permanently close the Golf Club and convert the golf course into 276 single-family lots, the issue has arisen as to whether the property is restricted to use as a golf course, either expressly or impliedly.

As discussed herein and based upon the historical and recorded documentation relating to Tomoka Oaks, our clients maintain that the Golf Club property is subject to either an express covenant or an implied covenant limiting the use of the property to a golf and country club, golf course, and related recreational uses. Accordingly, our clients assert that the proposal to convert

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the Golf Club property into 276 single-family residential lots is not permissible and the requested rezoning should be ***denied***.

B. The Golf Club Restriction

In 1961, the City approved plats for both the Golf Club (f/k/a Sam Snead Golf & Country Club) and Tomoka Oaks Country Club Estates Unit 1.[1] The Plat for Unit 1 of the Tomoka Oaks Country Club Estates subdivision contained 105 residential lots, including approximately 55 residential lots bordering the golf course.[2]

In conjunction with the development of Unit 1 of Tomoka Oaks, the developer recorded "Restrictions Tomoka Oaks Country Club Estates, Unit #1, Ormond Beach, Florida" ("Unit 1 Covenants").[3] Notably, Paragraph 10 of the Unit 1 Covenants states:

> The Grantee [*i.e.*, lot owner] shall automatically become a member of the Tomoka Oaks Homeowners Association, a non-profit corporation comprised of all lot owners in Tomoka Oaks Country Club Estates . . . .

Paragraph 11 of the Unit 1 Covenants expressly prohibited the developer from releasing in whole or in part any restriction or reservation set forth in Paragraph 10.

Thereafter, on or about January 1, 1963, Tomoka Oaks, Inc., entered a 99-year "Lease" with Tomoka Oaks Golf and Country Club, Inc., for the golf course property.[4] Paragraph 3 of the Lease, entitled "Use," provided in pertinent part:

> ***The demised premises shall be used perpetually for a country club and related uses***. . . . ***This provision shall survive the lease*** and be included in any deed but the deed restriction may be waived by a resolution of two-thirds (2/3) of the Board of Directors of the Lessee with the concurrence of two-thirds (2/3) of the members of said Lessee and the concurrence of two-thirds (2/3) of the members of Tomoka Oaks Homeowners Association. . . .[5]

On or about October 30, 1963, Tomoka Oaks Golf and Country Club, Inc., executed a "Surrender of Lease."[6] As noted above, however, the limitation that the subject property be "used perpetually for a country club and related uses" survived the Lease per the express terms of Paragraph 3 therein.

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1 *See* Book 25, Page 61, Official Records of Volusia County, Florida; *Id*. at Book 25, Page 58.
2 *See id*. at Book 25, Pages 58 and 59.
3 *See id*. at Book 431, Page 32.
4 *See id*. at Book 516, Page 360.
5 *See id*. at Page 362 (emphasis supplied).
6 *See id*. at Book 585, Page 155.

Following the Surrender of Lease, Tomoka Oaks, Inc., conveyed the golf course property to Ralph B. Frederick, Trustee, via Warranty Deed dated December 12, 1963 ("1963 Warranty Deed").[7] Notably, the 1963 Warranty Deed for the golf course property provided in pertinent part:

> ***The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses***, and in the event that party of the second part, or its successors in interest, ***fail to utilize said property exclusively as a golf and country club, golf course, and related uses***, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, ***then the above described property shall automatically revert*** to and become the property of party of the first part . . . .
>
> ***The aforesaid reverter clause specified in the last preceding paragraph may be released or modified*** by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc.[8]

Consistent with the terms of the surrendered Lease, the 1963 Warranty Deed expressly provided that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Moreover, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the 1963 Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses."

On or about February 18, 1969, Tomoka Oaks, Inc., purported to pass a "Resolution" to effectuate the sale of the golf course property to Ormond Ocean Homes, Inc.[9] Therein, Tomoka Oaks, Inc., purported to "release . . . its right of first refusal" and "further releases the reverter clause contained in [the 1963 Warranty Deed], such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause."[10] Relying upon such Resolution, Tomoka Oaks, Inc., executed a "Release" on or about June 16, 1971, purporting to

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[7] *See id*. at Book 585, Page 157. At the time of such conveyance, Ralph B. Frederick was also apparently the President of Tomoka Oaks, Inc.

[8] *See id*. at Page 159 (emphasis supplied).

[9] *See id*. at Book 1238, Page 246.

[10] *See id*. at Page 248.

release its "right of first refusal" and the "reverter clause contained in [the 1963 Warranty Deed], such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause."[11]

Based upon the foregoing Resolution and Release, Triumph Oaks and/or its representatives have suggested to the City that the use restriction imposed upon the golf course property is no longer valid or in effect. Our clients maintain that this view is legally flawed and without merit.

As reflected above, the 1963 Lease for the golf course property expressly provided that "[t]he demised premises shall be used perpetually for a country club and related uses" and that such "provision shall survive the lease." Additionally, and consistent with the 1963 Lease, the 1963 Warranty Deed expressly provided that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." While the 1963 Lease mentions a process by which such use restriction could potentially be waived, the historical documentation presented to our office does not establish that such process was ever followed – *i.e.*, concurrence of two-thirds of the Lessee and its members and two-thirds of the members of the Tomoka Oaks Homeowners Association.[12]

Further, while the 1963 Warranty Deed included language and a process for the release or modification of the "reverter clause," there is no language in the Warranty Deed authorizing the release or modification of the actual restrictive covenant limiting the use of the property to a "golf and country club, golf course, and related uses." Rather, the 1963 Warranty Deed unambiguously states that the subject property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses."

Lastly, reliance upon the 1969 Resolution and the 1971 Release to claim that the use restriction was somehow waived or released is misplaced. Even assuming the 1969 Resolution and the 1971 Release are valid – which is questionable – neither document purports to release, waive, or otherwise modify the use restriction.[13]

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[11] *See id*. at Book 1307, Page 89.

[12] The historical documentation provided to our office, including newspaper articles, reflect the existence of a "Tomoka Oaks Homeowners Association" during the subject timeframe.

[13] The 1969 Resolution and the 1971 Release are of questionable validity given that they purport to "prospectively" release the "right of reverter." By its own terms, the 1963 Warranty Deed provided that Tomoka Oaks, Inc., could release or modify the reverter clause only by resolution "at any time ***after*** ten years ***after*** the date of recording of this Deed" and only if Tomoka Oaks, Inc., had not yet disposed of four-fifths (4/5) of the lots in Tomoka Oaks at such time. *See* Book 585, Pages 158-59, Official Records of Volusia County (emphasis supplied). Contrary to the plain language of the 1963 Warranty Deed, Tomoka Oaks, Inc., purported to pass a resolution more than four (4) years ***before*** the ten (10) year anniversary of the recording of the 1963 Warranty Deed seeking to release the right of reverter. Further, the fact that the 1969 Resolution and the 1971 Release purported to "delay" the effectiveness of such release until December 13, 1973 (*i.e.*, ten (10) years after the 1963 Warranty Deed was recorded) is irrelevant. Not only does it ignore the fact that the 1963 Warranty Deed required the resolution itself to occur ten (10) years ***after*** the

As discussed above, the 1969 Resolution and the 1971 Release purport to release the "right of first refusal" and the "reverter clause." Nothing in the express language of the 1969 Resolution or the 1971 Release, however, purports to waive, release, or otherwise modify the use restriction providing that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Accordingly, based upon the foregoing and the plain and unambiguous language in the 1963 Lease and the 1963 Warranty Deed, our clients maintain that such use restriction is valid and effective and was never lawfully released, waived, or otherwise terminated. On this basis alone, the proposed conversion of the golf course into 276 single-family residential lots would be prohibited and the Planning Board should recommend ***denial*** of the proposed rezoning.

C. Implied Restriction Limiting The Tomoka Oaks Property To Use As A Golf Club

In addition to the above, it is well established that a "restrictive covenant" may "arise by implication from the conduct of parties or from the language used in deeds, plats, maps, or general building development plans."[14] In this regard, courts have recognized:

> If there is a common plan of development that places restrictions on property use, then such restrictions may be enforced in equity. "A court's primary interest in equity is to give effect to the actual intent of the grantor . . . by looking not only to language in deeds, but variously to matters extrinsic to related written documents, including conduct, conversation, and correspondence."[15]

Consistent with the above, Florida courts have held that use restrictions may also be implied based upon notations denoted on plats or maps:

> Whenever the owner of a tract of land subdivides the same into lots and blocks, lays off streets and other public ways and designates portions of said lands to be parks[,] playgrounds[,] or similar facilities or uses similar words calculated to encourage prospective purchasers to buy said lots, and actually sells lots with reference to the plat, he becomes bound to his grantees by the plat and the representations thereon. As the maker of the plat and the one who selects the words used thereon it will be construed against him.

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recording of the Deed, but it ignores the fact that Tomoka Oaks, Inc., did not have any authority to adopt any such resolution if four-fifths (4/5) of the lots in Tomoka Oaks had been disposed of by such time.

[14] *See Skyline Woods Homeowners Ass'n. v. Broekmeier*, 805, 758 N.W.2d 376, 387 (Neb. 2008).

[15] *See id*. (citation omitted); *see also Strader v. Oakley*, 410 So. 2d 954, 955-56 (Fla. 1st DCA 1982) (recognizing implied restriction that limited construction to only single-family residences).

> Common honesty requires that he perform that which at the time of conveyance he represented he would perform.[16]

Turning to the instant case, several courts have examined implied restrictions and the requirement to maintain or operate property as a golf course when developed in conjunction with a surrounding residential subdivision. For example, in *Shalimar Association v. D.O.C. Enterprises*, 688 P.2d 682 (Az. Ct. App. 1984), the court held that there was an implied restrictive covenant to maintain property as a golf course even though there were no express covenants burdening the golf course property on behalf of the adjoining homeowners. The court concluded that the common plan of development, which included a golf course, combined with the representations made to the purchasers about the maintenance of the golf course and the adjoining homeowners' express covenants, created an implied restrictive covenant that the land be used only as a golf course.

Similarly, in *Ute Park Summer Homes Association v. Maxwell Land Grant Co.*, 427 P.2d 249 (N.M. 1967), the New Mexico Supreme Court found that an implied restriction existed requiring the subject property to be used as a golf course. In so doing, the court focused on the representations made to prospective purchasers and the materials used in the sales of the lots which pictured an area marked "golf course." The court reiterated that, when a map or plat showing a park or other open area is used to sell property, "the purchaser acquires a private right, generally referred to as an easement, that such area shall be used in the manner designated," and such private right "is not dependent on a proper making and recording of a plat for purposes of dedication."[17]

Numerous other courts have concluded that the facts surrounding the initial development of properties as golf course communities and the marketing of lots in such communities to prospective purchasers created an "implied restrictive covenant" limiting the use of the subject properties to a golf course. In reaching this conclusion, the courts have examined such things as: (1) the plats, maps, and drawings of the community; (2) advertisements, brochures, and marketing materials; (3) common schemes or plans of development; (4) recorded covenants; (5) general informational documents regarding the community; and (6) lot premiums and purchasers' reliance upon the existence of the golf course in acquiring their lots.[18]

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[16] *McCorquodale v. Keyton*, 63 So. 2d 906, 910 (Fla. 1953); *see also Boothby v. Gulf Props. of Ala.*, 40 So. 2d 117 (Fla. 1948). A common plan or scheme of development is a well-recognized principle in Florida law. *See Hagan v. Sabal Palms, Inc.*, 186 So. 2d 302, 307 (Fla. 1966).

[17] *Ute Park Summer Homes Association v. Maxwell Land Grant Co.*, 427 P.2d 249, 253 (N.M. 1967).

[18] *See Knight v. City of Albuquerque*, 794 P. 2d 739 (N.M. Ct. App. 2014) (holding property denoted on subdivision plats as a golf course must remain either a golf course or open space, stating "a developer will not be allowed to induce purchasers to buy property by purporting to include open space such as parks or golf course in a subdivision plat, only to subsequently change the uses of those open space areas"); *In re Heatherwood Holdings, LLC v. HGC, Inc.*, 746 F.3d 1206 (11th Cir. 2014) (holding evidence of common scheme of development that included golf course property as an integral part and as an inducement to purchasers of residential lots

Here, the historical documentation relating to Tomoka Oaks and the Golf Club establishes the following: (1) a common developer (Tomoka Oaks, Inc.) with a plan of development for a residential community surrounding an 18-hole championship golf course; (2) an approved unified master plan for Tomoka Oaks, which included the golf course and the residential lots; (3) references to "golf course" on the recorded plats for various portions of Tomoka Oaks; (4) recorded restrictions, as previously discussed, providing that the golf course property shall be used "for purposes of a golf and country club, golf course, and related uses"; (5) recorded residential covenants that reference the golf course and authorize reduced setbacks to take advantage of the adjoining golf course; (6) marketing and sales materials for the residential lots depicting the common development plan, including the golf course; (7) evidence of lot premiums being charged for residential lots with golf course frontage; and (8) evidence that successors developers had actual, as well as constructive, notice of the approved master plan and common plan of development. Additionally, it is indisputable that residents within Tomoka Oaks purchased their properties in reliance upon or because of the Golf Club.

Accordingly, even assuming the express covenant restricting use of the subject property to a golf and country club is no longer valid as Triumph Oaks has erroneously suggested, the above-summarized facts and cited case law would establish that, at a minimum, the use of the Golf Club property is limited to a golf course or similar open space purposes by virtue of an implied restrictive covenant. Simply put, whether by an implied grant, implied restriction, or estoppel, such restriction would prevent the subdivision and development of the Golf Club property with 276 single-family residential lots as currently proposed. Thus, on this additional basis, the Planning Board should recommend ***denial*** of the proposed rezoning.

D. Conclusion

In sum, as discussed herein, nothing in the express language of the 1969 Resolution or the 1971 Release purports to waive, release, or otherwise modify the use restriction imposed via the 1963 Lease and the 1963 Warranty Deed that the property "shall be used perpetually for purposes of a golf and country club, golf course, and related uses." Thus, based upon the foregoing and the plain and unambiguous language in the 1963 Lease and the 1963 Warranty Deed that the use

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therein created an implied restriction limiting the use of such property to a golf course); *Ponderosa Pines Golf Course, LLC v. Ponderosa Pines Prop. Owner's Ass'n*, 2013 WL 4515569 (N.M. Ct. App. 2013) (holding "equitable servitude in favor of the individual subdivision property owners precluded Plaintiff from changing the use of the golf course"); *Skyline Woods Homeowners Ass'n.*, 758 N.W.2d at 390 ("We conclude that homeowners who bought their property relying on the proximity and existence of the golf course should be protected by implied restrictive covenants that the property be maintained as a golf course. We therefore agree with the district court that an implied restrictive covenant requiring that it be used only as a golf course burdens and runs with the golf course property."); *see also Victorville W. Ltd. P'ship v. Inverrary Ass'n*, 226 So. 3d 888 (Fla. 4th DCA 2017) (refusing to cancel golf course covenant even though course had become unprofitable, concluding that "the golf course preserves the character of the community and provides residents with a pleasant view" and, thus, "must be enforced because it remains a 'substantial value to' the surrounding residences").

restriction was to be "perpetual," our clients maintain that such use restriction is still valid and in effect. Accordingly, on this basis alone, our clients respectfully submit that the Planning Board should recommend ***denial*** of the proposed rezoning, which seeks to improperly convert the Golf Club property into 276 single-family residential lots, or otherwise table the matter until such time as a judicial determination is made regarding the continued validity of the express restrictive covenant.

Further, even assuming the express restrictive covenant is no longer valid and in effect, as Triumph Oaks has erroneously suggested, our clients maintain that the Golf Club property is nevertheless subject to an implied restrictive covenant, thereby limiting the use of such property to a golf and country club, golf course, and related recreational uses. On this additional basis, our clients respectfully submit that the Planning Board should recommend ***denial*** of the proposed rezoning or otherwise table the matter until such time as a judicial determination is made regarding such implied restriction.

Our clients appreciate the Planning Board's attention to this matter of great community importance to the residents of Tomoka Oaks and respectfully request that the Planning Board recommend ***denial*** of the proposed rezoning. Please do not hesitate to contact me if you have any questions or need additional information,

Sincerely,

S. Brent Spain

S. Brent Spain

cc: Honorable Bill Partington, Mayor (via e-mail)
Randy Hayes, Esquire (via e-mail)
Joyce Shanahan, City Manager (via e-mail)
Steven Spraker, Planning Director (via e-mail)

ATTACHMENT 8

Analysis of the ability to develop the former golf course

Section B

June 2022 document from Ms. Davis

FOR A LIFETIME OF
LIESURE AND CONTENTMENT

TOMOKA OAKS

COUNTRY CLUB ESTATES

P.O. BOX 307 ORMOND BEACH, FLORIDA / 677-5931



Beautiful Championship Tomoka Oaks Golf Course.

- High, Rolling, Wooded Lots. Up to 40 Feet Elevation.
- Sanitary Sewers.
- Storm Drains.
- Paved Streets.
- City Water.
- Community Fountains and Parks.
- Mail Delivery.
- School Bus.

A planned residential community located in the famous Ormond-Daytona Beach Resort Area for those seeking a true suburban atmosphere with protected property values. Complete facilities nearby: 5 minutes to shopping and churches; 10 minutes to beach, downtown, hospitals and schools.

- Tennis Courts.
- Olympic-size Pool.
- Driving Range.
- Water Skiing.
- Grill and Bar.
- Dining and Dancing.
- Steam Room.
- Boating Marina.
- Fishing Areas.

Florida's Finest Residential Area

Exclusive Country Club Living

At Your Doorstep
Entrance to the Intracoastal Waterway

Five Minutes to
Ormond Beach Business District,
Churches and Schools

Seven Minutes to
World's Most Famous Beach

Ten Minutes to
Area's Industrial Complex,
Airport and Speedway Race Track



TOMOKA OAKS

COUNTRY CLUB ESTATES

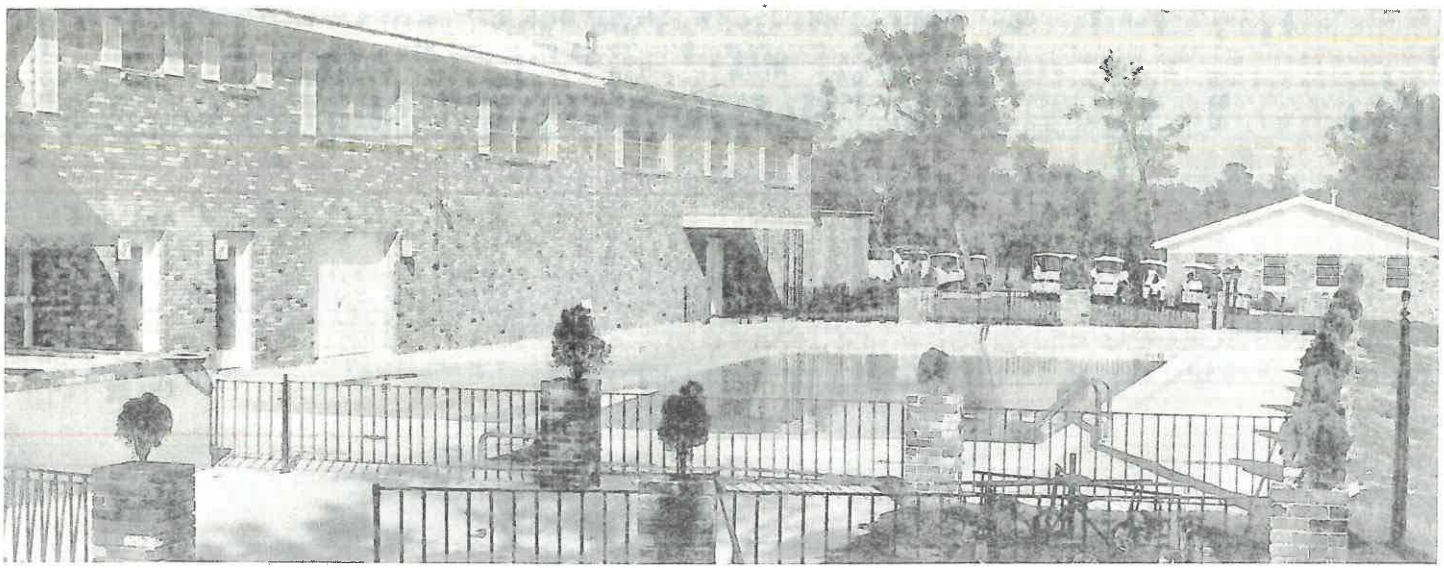
Map Book 25, Pages 58, 59

VOLUSIA COUNTY

FLORIDA

TOMOKA OAKS

country club estates

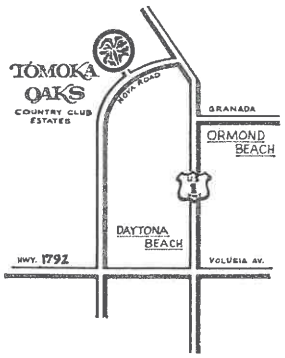




A carefully planned area of homes in the $22,500 to $90,000 range on lots priced from $3,750 to $15,000. Including beautiful high riverfront homesites.



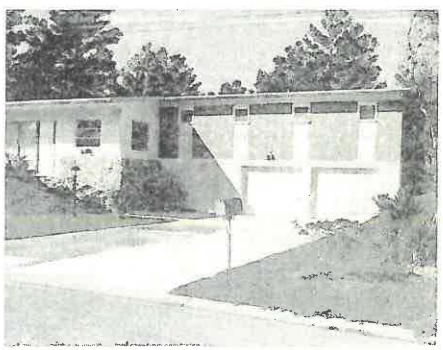












History of: Sam Snead Golf and Country Club
Tomoka Oaks Country Club Estates

Prepared By: Carolyn Davis
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Prepared For: City of Ormond Beach
Planning Department

Date Provided: June 14, 2022

Contents

- Introduction Statement
- Section: Master Planned Community
- Section: Protective Covenants and Restrictions
- Section: Conflicts of Interest in Cross Ownership
- Goal: Preservation of Green Space
- Ownership Chart: Parcel 39-14-32
- Timeline: Tomoka Oaks, Inc.
- Timeline: Ormond Ocean Homes, Inc.
- Timeline: Milton. W. Pepper
- Timeline: RTH, Inc. to Present
- Warranty Deed - Book 585 / Pages 157 - 159
- Tomoka Oaks, Inc. - Marketing Materials

Introduction Statement for City of Ormond Beach Planning Board Members

RE: Parcel 39-14-32

- The Sam Snead Golf and Country Club
- Tomoka Oaks Country Club Estates

Based on extensive research of Volusia County Records, *Daytona Beach News-Journal* archives, and current Florida Case Law involving residential development of golf course property, it is my opinion the Sam Snead Golf and Country Club has a current protected "use" as follows: **Property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**

And I believe the Tomoka Oaks Homeowners association has been vested with Reverter rights as intended in the original protective covenants and restrictions should the golf course property not be used as restricted.

My goal with this report is to show:

1. The **Sam Snead Golf and Country Club** and the **Tomoka Oaks Country Club Estates** were designed as a **Master Planned Community** and were developed, marketed and sold as coexisting for their mutual benefit and protection.

2. Protective covenants and restrictions recorded in Book 585 Page 157 dated 12/12/1963 by the original developer, Tomoka Oaks, Inc.:

- Encumbered upon the Sam Snead Golf and Country club a restrictive covenant declaring, "**Property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**"
- Recorded specific protective covenants and restrictions to ensure homeowners investments and rights were protected via Reverter rights should the coexisting golf course ever be sold and not used as intended.

3. Beginning in 1969, officers and stockholders in the **Sam Snead Golf and Country Club** and the **Tomoka Oaks Country Club Estates**, recorded questionable, unethical, and possibly illegal recordings with Volusia County which attempted to systematically release or negate the original protective covenants and restrictions from 1963.

4. Multiple conflicts of interest in cross-ownership invalidate the Recordings referenced in the above preceding paragraph; therefore the original 1963 protective covenants and restrictions are still in effect today and continue to:

- Protect the restricted "use" of the **Sam Snead Golf and Country Club** as follows: **Property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**
- Grant to the Tomoka Oaks Homeowners Association the reverter right should the owners of the Sam Snead Golf and Country Club fail to utilize the property exclusively as a golf and country club, golf course, and related uses.

5. My last goal is to ensure for all time that the golf course property be protected from residential development.

Disclosures:

My research was done independent of any other homeowner in Tomoka Oaks Country Club Estates or the Tomoka Oaks Homeowners Association. Therefore all opinions expressed are my own.

I have included Citations throughout this report that reference:

- Recordings on file with Volusia Country
- Plats and Meeting Minutes on file with Volusia County and the City of Ormond Beach
- *Daytona Beach News-Journal* archives accessed at NewsBank.com

I am not an attorney or a real estate lawyer. In order to familiarize myself with the current climate around the development of vacant golf courses in Florida, I researched recent Florida judicial decisions related to this controversial topic. I was encouraged by recent rulings that parallel the current development proposal for the Sam Snead Golf and Country Club and which favor the upholding of covenants and restrictions that benefit residential estate owners, preserve the character of a community, prevent overcrowding, and provide homeowners a tranquil and pleasant view.

As stated, I am not an attorney but am in the process of identifying law firms which can represent my interests should civil litigation become necessary.

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Master Planned Community

According to my research: Beginning in 1956, Tomoka Oaks, Inc. designed and developed a master planned community comprised of a coexisting golf course surrounded by residential lots:

- The Sam Snead Golf and Country Club
- Tomoka Oaks Country Club and Estates

As characteristic of a master planned community, the golf course and the estates:

1. Shared a common developer: Tomoka Oaks, Inc.

2. Were designed, developed and marketed to coexist; the golf course restricted 'use' contributed to the value of the lots that surrounded it, and restrictions on the lots contributed to the value of the golf course.

3. The planned amenities of the golf course were intended to enhance homeowners' enjoyment.

4. Were developed in phases and units that required and received Volusia County Commission approval and/or Ormond Beach City Commission approval to ensure adherence to the master plan.

5. Recorded restrictions and covenants which:

    - Encumbered golf course property use as: **Property shall be used perpetually for purposes of a golf and country club, golf course, and related uses**
    - Originally provided (and intended to provide) automatic membership in the Tomoka Oaks Homeowners Association for all lot owners.
    - Protected residential property owners' financial investments in this "exclusive, luxury" community which was purposely planned and protected to provide residents "healthful, contented living" in their enjoyment of this "magnificent natural beauty spot."

6. Differentiated lot parcel 'neighborhood descriptions' in Volusia County Property Appraisals as either:

    - Neighborhood: 2678 - TOMOKA OAKS (GOLF COURSE)*
    - Neighborhood: 2680 - TOMOKA OAKS (NON GOLF COURSE)

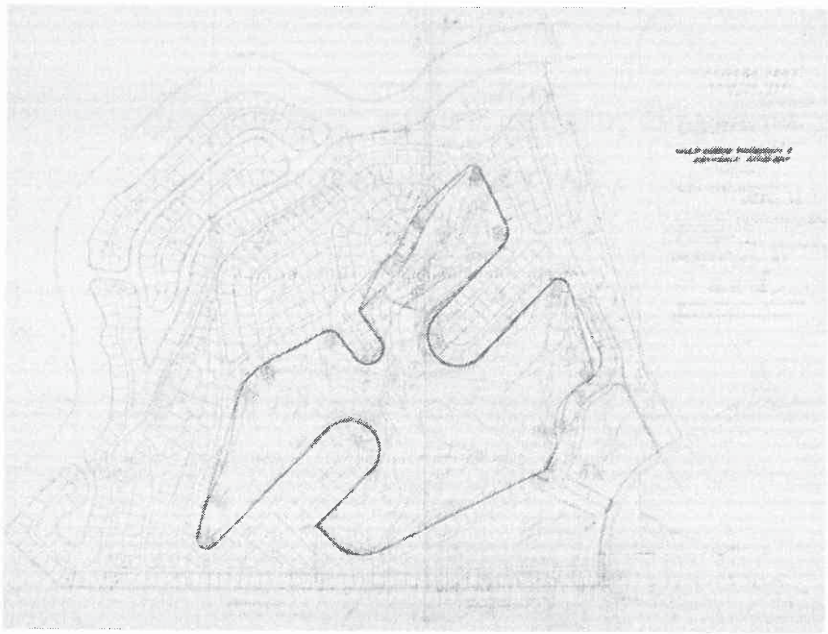
For the Reader's information:

- The proceeding pages of this section explain the planned development of The Sam Snead Golf and Country Club and the Tomoka Oaks Country Club Estates from 1960 - 1979. Citations for all master plan references, and the opinions I expressed above and throughout the proceeding pages, are cited on the proceeding pages as well as in the End Notes.
- All *Daytona Beach News-Journal* article citations come from www.newsbank.com accessed through the Volusia County Library.
- Throughout this "Master Plan" section, there are specific references by the Ormond Beach City Commission to the "master plan." At the end of this section of the report (just prior to Endnote citations), I provide details on the Public Records Requests I submitted to the City of Ormond Beach for all supporting documents related to the master plan.
- All opinions are my own. I did not collaborate with any other Tomoka Oaks homeowner or with the Tomoka Oaks HOA.
- *The Volusia County Property Appraiser's website now defines Neighborhood: 2678 as" TOMOKA OAKS (FORMER GOLF COURSE)." The addition of "FORMER" occurred sometime after August 2021 when I exported parcel information from https://vcpa.vcgov.org/search/real-property#gsc.tab=0 . My Excel exports from August 2021 define Neighborhood: 2678 as "TOMOKA OAKS (GOLF COURSE).

The Origination of the Master Plan

1950's – Parcel 39-14-32 (the future site of the golf course and residential estates) was in an undeveloped, unincorporated area of Volusia County.[1] A group of primarily local investors formed a private syndicate to develop the parcel[2], and on **May 21, 1956**, the Tomoka Oaks Master Plan was approved; the original Oaks architect was Milton Pepper.[3]

The **Tomoka Oaks Country Club – Estates, Golf Course Boundary and Entrance Road Map** below dated **5/21/1956** is signed by syndicate member Vernon Stepp and shows the golf course boundary and the surrounding estates:



4 areas within golf course: Commercial, Motel, Apts, Recreation

Tomoka Oaks Country Club Estates Survey

5/21/1956 Land Survey dated and signed by Vernon G. Stepp, Registered Surveyor

Golf Course Boundary & Entrance Road Map; 135 acre +/- Golf Course

8/31/1960 Lot layout added; designed by Walter K. Smith, Jr.

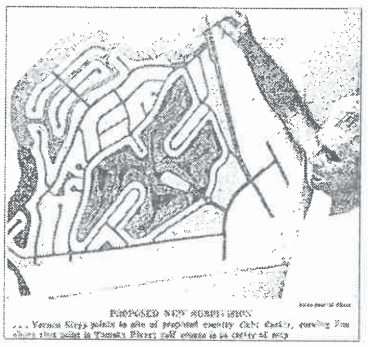
9/1/1960 lot layout revised by Vernon G. Stepp

• Waterfront Lots	190
• Waterfront view lots	52
• Golf course frontage lots	177
• Golf course view lots	84
• Number of Blocks	36

June 7, 1960 - City of Ormond Beach passed an ordinance to annex 4,500 unincorporated acres which included parcel 39-14-32.[4] Prior to the ordinance passing, the private investment syndicate (referred to in paragraph 1 above) had arranged to finance an exclusive residential subdivision in the area marked for annexation. About 30 investors, most of them local, reportedly put up the money to buy the land, which would surround the 18-hole golf course. Land in the center of the tract reportedly would be given outright to the Snead Corporation which would build, maintain and operate The Sam Snead Golf and Country Club. The course would mean an immediate increase in the value of adjoining homesites.[5]

September 12, 1960 - Tomoka Oaks, Inc. was formed to manage the planned development of the golf course and residential estates in parcel 39-14-32.[6] The 545 acre subdivision, Tomoka Oaks Country Club, would be built around the 18-hole golf course, with a portion of the lots to front on the golf course.[7]

September 15, 1960 - Tomoka Oaks, Inc. presented their master planned development to Volusia County Board of Commissions and received Plat approval subject to final approval of streets, paving, and drainage.[8] Plat consists of:



- 135 acre golf course in the middle of the development. Only ingress / egress via main entrance situated off a single residential street.
- 357 Residential acres of which 175 lots front the golf course
- 53 Commercial acres



Tomoka Oaks Country Club Estates Plat Approval Dates:

- Volusia District #4 Zoning Board; Sept 7, 1960
- Volusia County Board of Commissioners; Sept 15, 1960
- Approved by City of Ormond Beach, August 1961

DESIGNERS

- Golf Course – Porter Gibson – Sam Snead, Inc.
- Lot Layout – Walter K. Smith, Jr., AIA
- Subdivision Detailing – Vernon G. Stepp, PE
- Surveys – Water, Sanitary & Storm Sewer Systems – Stepp Inc., Registered Engineers & Surveyors

COOPERATION

- De Witt McGee & Associates, City Planners & Consultants
- George Scott, Engineer, Florida State Board of Health

DESIGN DATA areas

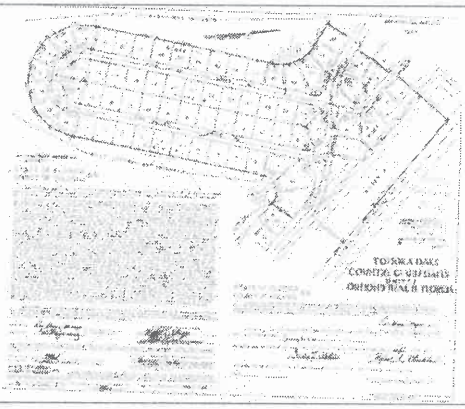
Golf Course	135 Acres	
Commercial*	53 Acres	*Hotel, Motel, Apartments, Utilities
Residential	357 Acres	
	545 Acres	

LOT CLASSIFICATION

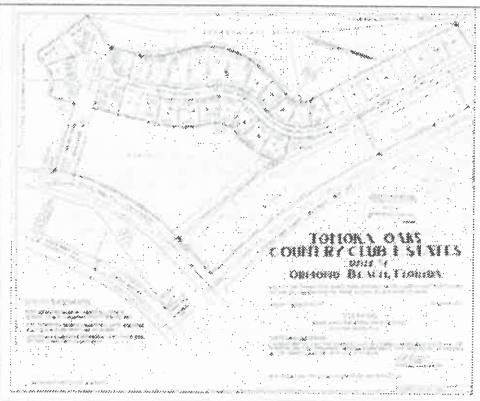
Waterfront	185
Waterview	65
Golf Course Frontage	174
Golf Course View	132
Other	183
	718

September 20, 1960 - Tomoka Oaks, Inc. purchased parcel 39-14-32 in Warranty Deed, Book 319 / Page 660.

September 22, 1960 - The approved Plat of Tomoka Oaks Country Club Estates, Unit 1 was filed for record in Map Book 25, Page 58 and 59.



Map Book 25, Page 58



Map Book 25, Page 59

Late September/Early October 1960 - Per Ordinance passed on 6/7/1960, City of Ormond Beach annexed parcel 39-14-32 and began working with Tomoka Oaks, Inc. regarding development of Tomoka Oaks Country Club and Estates. [9], [10]

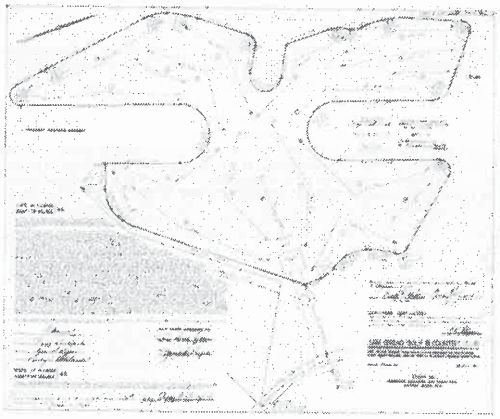
1961 City of Ormond Beach Approves Development of Golf Course and Estates

- **February 1961** - Tomoka Oaks Country Club Estates launches informal groundbreaking. "The 530 acre tract will have a golf course on 135 acres in the center, surrounded by three and a half miles of lots for higher priced homes."[11]

- **April 1961** - Ormond Beach Board of Adjustment unanimously approves construction of the golf course within the Tomoka Oaks Country Club subdivision. [12]

- **August 1961** - Ormond Beach City Commission approves Golf Course plat of Tomoka Oaks Country Club Estates subdivision "provided it substantially complies with the master plan." [13]

- **August 18, 1961**, Mayor Cassen and City Clerk Althouse sign golf course plat on file with Volusia County Map Book 25, Page 61.



- **September 1961** – Agreement signed between City of Ormond Beach and Tomoka Oaks, Inc. regarding development plans for Tomoka Oaks Country Club Estates.[14] City Commission approves two sectional plats for Unit 1[15] (as shown above in Map Book 25, pages 58 and 59).

1961 - 1962 Development of both the Golf course and the Estates Begins

In **October 1961,** Tomoka Oaks, Inc. conveyed the Sam Snead golf course property (Warranty Deed 316/660 dated 10/10/1961) to Golf Course Developers, Inc. to build a Sam Snead Golf and Country Club which would provide a membership tie-in[16] with buyers of Tomoka Oak, Inc. lots. Therefore the golf course and country club facilities were an amenity for the enjoyment of the residential home owners. After construction of the golf course, the golf course property was sold back to Tomoka Oaks, Inc. in July 1962 due to financial issues experienced by Golf Course Developers, Inc.[17]

William R. (Bill) McElroy, president of Tomoka Oaks, Inc. stated publically in **July 1962** that a new corporation would be formed to operate the golf course. It would be a "**permanent golf club**" and, "When the new golf club corporation is formed, the land will be conveyed to the new corporation. **It will be subject to restrictions for use only as a golf club and other recreational use.**" [18]

Note: Related to the paragraph above:

- Tomoka Oaks Golf and Country Club, Inc. was filed with the Florida State Division of Corporations on 1/8/1963 and was intended to manage the golf course via a lease with Tomoka Oaks, Inc.
- In **November 1962**, Ormond Beach Board of Adjustment passed a motion to set golf course facing houses back to within fifteen feet of the rear lot line to take advantage of the adjoining golf course because, as Tomoka Oaks, Inc. secretary Ted Brousseau explained to the board, "The golf course will be there for ninety-nine years, there will be no subdivision."[19] (Per my opinion, Brousseau was in the planning stages of the forthcoming lease which is why he was able to make the "ninety-nine years" reference. The master plan intended for the "perpetual" use of the land as a golf course and country club and related uses[20] and the City Commission was aware of the master plan as demonstrated in citations throughout this section of the report.)
- **January 1, 1963,** Tomoka Oaks, Inc. signed a 99 year lease with Tomoka Oaks Golf and Country Club, Inc. on 1/1/1963 (Book 516 / Page 360) which defined Use as: **The demised premises shall be used perpetually for a country club and related uses**. (Lease was surrendered back to Tomoka Oaks, Inc. in late 1963, and Tomoka Oaks, Inc. took over management of the golf course.)

September 1962 - April 1963 Tomoka Oaks, Inc. Announces And Begins Marketing their Planned Community

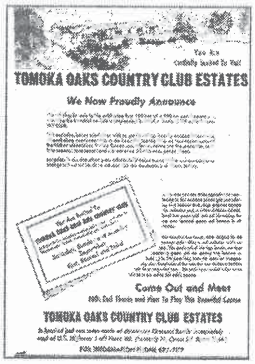
Tomoka Oaks, Inc. was the owner and developer of both the Sam Snead Golf and Country Club and the Tomoka Oaks Country Club Estates. In 1962, Tomoka Oaks, Inc. began placing marketing ads in the *Daytona Beach News-Journal* promoting the coexistence of the golf course and the luxury estates.

- **August 1962** Tomoka Oaks Country Club Estates places an Announcement/Advertisement in *Daytona Beach Morning Journal*, page 23, 8/31/1962:

Excerpts from the ad state:

YOU ARE CORDIALLY INVITED TO VISIT TOMOKA OAKS COUNTRY CLUB ESTATES

We Now Proudly Announce
The offering for sale to the public, the first 103 lots of a 750 lot development surrounding the beautiful 18 hole championship TOMOKA OAKS GOLF AND COUNTRY CLUB.

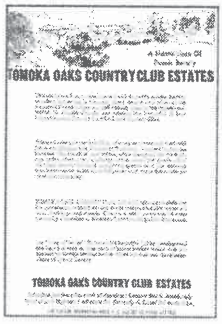

TOMOKA OAKS COUNTRY CLUB ESTATES
We Now Proudly Announce
Come Out and Meet
TOMOKA OAKS COUNTRY CLUB ESTATES

- **September 1962** Tomoka Oaks Country Club Estates places an Announcement/Advertisement in *Daytona Beach Sunday News-Journal*, page 53, 9/30/1962:

Excerpts from the ad state:

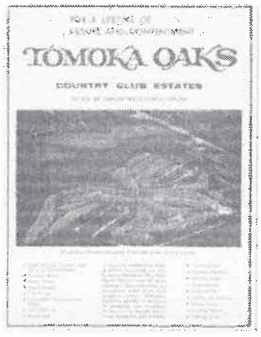
TOMOKA OAKS COUNTRY CLUB ESTATES
A Masterpiece of Scenic Beauty

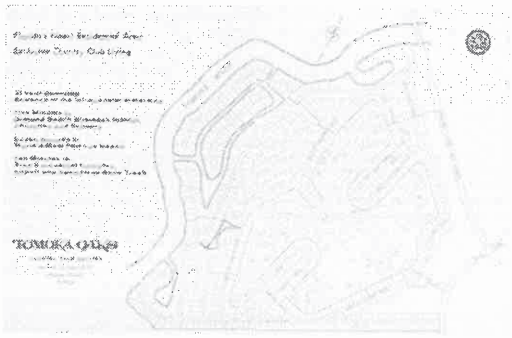
This exclusive, luxury development with its gently rolling, heavily wooded homes is situation along nearly two miles of the beautiful Tomoka River on land having some of the highest elevation in Volusia County, surrounding the Beautiful 18 hole Championship Tomoka Oaks Golf and Country Club.


TOMOKA OAKS COUNTRY CLUB ESTATES
TOMOKA OAKS COUNTRY CLUB ESTATES

Tomoka Oaks Country Club Estates **Promotional Brochure** (full size copy attached) promotes the coexistence of the estates and golf course which includes these "master plan" features:

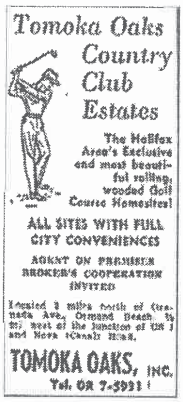
- A Lifetime of Leisure and Contentment
- Beautiful Championship Tomoka Oaks Golf Course
- Amenities include tennis, Olympic-size pool, grill and bar, dining and dancing
- **A planned residential community** located in the famous Ormond-Daytona Beach Resort Area for those seeking a true suburban atmosphere **with protected property values**.


TOMOKA OAKS
COUNTRY CLUB ESTATES
Front Cover


TOMOKA OAKS
Inside


TOMOKA OAKS
Back Cover

- **January 1963 through April 1963**
  - Tomoka Oaks, Inc. begins series of marketing ads[21] in the *Daytona Beach News-Journal* marketing "The Halifax Area's Exclusive and most beautiful rolling, wooded **Golf Course Homesites**."
  - Broker's Cooperation Invited
  - This same promotional ad runs during January, February, March, and April 1963.



- **February 1963**
  - Tomoka Oaks, Inc. and its president William R. (Bill) McElroy place two public announcement display ads in the *Daytona Beach News-Journal* promoting the planned, exclusive community of Tomoka Oaks Country Club Estates and the inclusion of protective covenants that "are necessary for the benefit and protection of all property owners" in these coexisting developments:

Tomoka Oaks Country Club Estates invites the public to visit.

Feb 16, 1963 *Daytona Beach Morning-Journal*, page 2, excerpts:

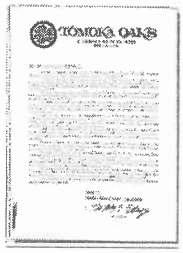
- From its very inception, no effort was spared in planning and developing Tomoka Oaks Country Club Estates to be one of the finest exclusive residential areas in the state of Florida.
- Right in the center of this magnificent natural beauty spot, has been built Tomoka Oaks Golf and Country Club - an 18 hole championship Golf Course.
- To keep this Area in all its natural beauty, certain **protective covenants** are necessary for the benefit and protection of all property owners and will be included in the deed [Book 585 / Page 157 dated 12/12/1963].



Tomoka Oaks Country Club Estates 2nd public Invitation

Feb 23, 1963 *Daytona Beach Morning-Journal, page14,* excerpts:

- Ad promotes same overall marketing points as Feb. 16th ad but now includes.
  - Certain protective covenants have been provided for the benefit and protection of all property owners.
  - It will truly be as we have **planned** – one of Florida's most exclusive residential areas for **healthful contented living**.
  - Signed by W. L. McElroy, President of Tomoka Oaks Country Club Estates [and Tomoka Oaks, Inc]



Sincerely,
TOMOKA OAKS COUNTY CLUB ESTATES.
by W. L. McElroy
President

Ads placed by Tomoka Oaks, Inc. promoting coexisting golf course lots and golf course homes		
NOW YOU CAN ENJOY A HOME OVERLOOKING A NEW CHAMPIONSHIP GOLF COURSE Drive out today to TOMOKA OAKS COUNTRY CLUB ESTATES Nova Road just off Route 1 ORMOND BEACH	A TOP GOLF COURSE BEAUTIFUL OLD TREES ROLLING TERRAIN ALL CITY FACILITIES Add up to Gracious Suburban Living. See for yourself at TOMOKA OAKS COUNTRY CLUB ESTATES Nova Road just off Route 1 ORMOND BEACH	
April 5, 1963 *Daytona Beach Morning-Journal* page 23	April 5, 1963 *Daytona Beach Morning-Journal* page 23	May 4, 1963 *Daytona Beach Sunday News-Journal* page 44

December 1963

On 12/12/1963, Tomoka Oaks, Inc. conveys the golf course to the trusteeship of Ralph R. Frederick in Warranty Deed, Book 585 / Pages 157-159 (copy of original attached signed by Frederick as President of Tomoka Oaks, Inc). In my opinion this is the primary instrument that established the coexistence of the golf course and the estates, protected the perpetual 'use' of the golf course property, and provided protective rights and restrictions to homeowners:

- Tomoka Oaks, Inc. conveyed the Sam Snead Golf and Country Club to the trusteeship of Ralph R. Frederick [President of Tomoka Oaks, Inc.].
- This Warranty Deed encumbers property "use" as: **"The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses."**
- Warranty Deed 585/157 includes express conditions defining Referral Rights should trustee Frederick desires to sell or convey the golf course to any person, firm, or corporation other than a subsidiary of Frederick:

  Paraphrase of Referral Rights*

  - Offers acceptable to owner (Ralph R. Frederick) are referred to Tomoka Oaks, Inc. (TOI) for their acceptance or rejection for a period of 30 days.
  - If TOI rejects or fails to accept the offer, offer shall be presented to Tomoka Oaks Golf and Country Club, Inc. (TOGCC) for its acceptance or rejection for a period of 30 days. Acceptance or rejection is subject to the approval of TOI.
  - Right to accept or reject offer is transferrable and may be transferred by TOI or TOGCC to the Tomoka Oaks Homeowners Association (HOA) within 30 days and acted upon within those 30 days.

- Warranty Deed 585/157 includes a Reverter Clause should the Sam Snead Golf and Country Club not be used as intended:

  Paraphrase of Reverter Clause*

  - IF Frederick or successors in interest fail to utilize the property exclusively as a golf and country club, golf course, and related uses
  - AND the property not be sold to TOI or TOGCC or HOA as specified in preceding paragraph regarding Referral rights
  - THEN property shall automatically revert to and become the property of TOI
    - AND all rights of FREDERICK or successors in interest shall immediately terminate

      - UNLESS

      FREDERICK or successors shall within 90 days after the day of mailing to FREDERICK or successors by TOI or TOGCC or HOA a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

  The reverter clause may be released or modified by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed on 12/12/1963; providing that

  - IF TOI shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates

  - THEN the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks HOA to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks HOA.

- Warranty Deed 585/157 is signed by Ralph R. Frederick, President [and Trustee], Tomoka Oaks, Inc.

* This paraphrased copy breaks the Deed into sections for easy readability. A copy of Deed 585/157 is attached for reference.

The section titled "Protective Covenants and Restrictions" provides more detailed information on additional covenants and restrictions recorded that are intended to protect the "use" of the golf course and protect homeowners' investments in these coexisting properties.

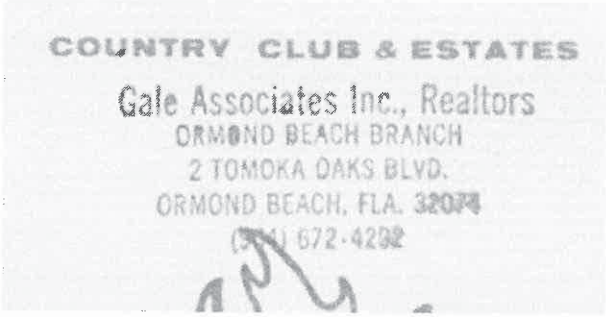
1963 - 1970 Home builders, brokers, and realtors market golf course home sites and lots

Tomoka Oaks provides marketing brochures to realtors where the agent can stamp the name of their brokerage (copy of original attached). Brochures inform potential buyers of:

- "Wooded Golf Course Lots"
- "Lovely Off Course Lots"
- Surrounding the fabulous Tomoka Oaks Country Club

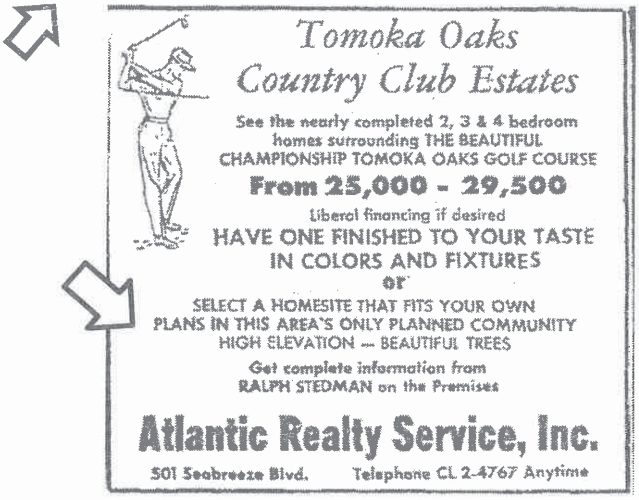


Front Cover Inside Flap Inside Back Cover



Home builders, brokers, and realtors advertise golf course lots and homes during Tomoka Oaks, Inc. ownership of the estates. Ads make references such as:

- A perfect home on the golf course. Overlooking 7th green.[22]
- Lovely homes on large wooded lots around 18 hole golf course. [23]
- Situated on the 8th Fairway at the 9th Tee. [24]
- Area's only **planned community**. Surrounding the beautiful championship golf course.



February 16, 1964
Daytona Beach Sunday News-Journal
page 47

TAMPA BUILDERS PLAN TOMOKA OAKS PROGRAM

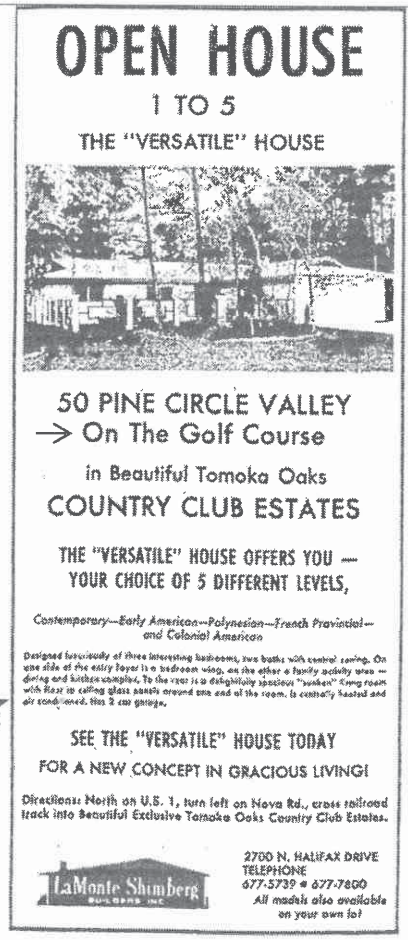
Plans for building a number of homes in Ormond Beach's Tomoka Oaks Country Club Estates were announced last week by **LaMonte-Shimberg** of Tampa.

At a meeting Thursday with 35 real estate brokers, President Charles LaMonte said the company intends to build 50 houses a year in the $21,000 to over $30,000 price range. All will be on large, tree-shaded lots and **many will border on the Tomoka golf course**, he told the group.

August 9, 1964
Daytona Beach Sunday News-Journal
page 36



December 4, 1964
Daytona Beach Sunday News-Journal
page 22



December 5, 1965
Daytona Beach Sunday News-Journal
page 43

1966

January 10, 1966, TOCC, Inc., Ralph R. Frederick, President, signs a Mortgage Deed (Book 774 / Page 699) with First Atlantic National Bank of Daytona Beach for the Sam Snead Golf and Country Club owned by Tomoka Oaks, Inc., Ralph R. Frederick, President and Trustee.

March 3, 1966, an Agreement is filed (Book 816 / Page 206) by Tomoka Oaks, Inc. with First Atlantic National Bank of Daytona Beach which reinforces that the golf course is a valuable asset to Tomoka Oaks, Inc. as they own the residential lots surrounding the course:

Brief summary:

- Tomoka Oaks, Inc. owns a majority of the land surrounding the Golf Course
- Operation of a Golf Club and Golf Course on the greater portion of the above described property is a valuable asset to Tomoka Oaks, Inc.

- Both parties agree that Tomoka Oaks, Inc. can remedy any TOCC, Inc. default or redeem the TOCC, Inc. mortgage and receive assignment of Note.

Signed by:

Tomoka Oaks, Inc.
Albert J. Gowan, President
Donald W. Acer, Jr., Sec

1970 Golf Course and the Estates sold to Ormond Ocean Homes, Inc.

On **March 5, 1970**, Ormond Ocean Homes, Inc. purchased:

- The Sam Snead Golf & Country Club from TOCC, Inc. (Book 1188 / Page 533)
- Tomoka Oaks Country Club Estates from Tomoka Oaks, Inc. (Book 1188 / Page 529)

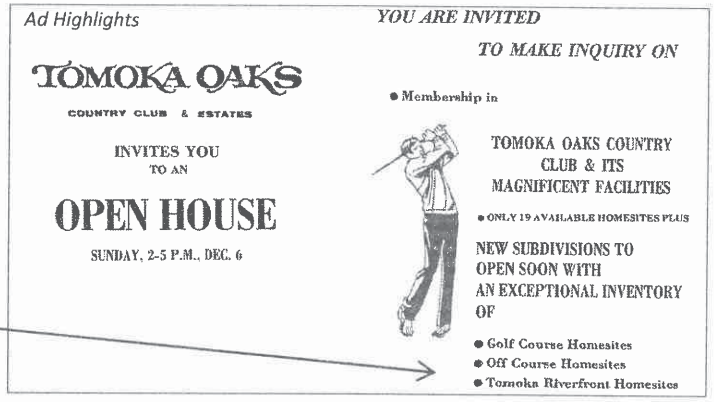
On **March 28, 1970**, Sovereign Industries, Inc. acquires all stock of Ormond Ocean Homes, Inc .
Bill Currens, manager of Sovereign's Florida holdings, states, "We will call a meeting of all club members and home owners in the Tomoka development to outline the extensive improvement program and plans for club operation . . . The members and home owners at Tomoka can expect high standards of development. **Sovereign will do everything possible to improve the home owner's investments** and to make the golf club outstanding." [25]

July 31, 1970, Sovereign Industries, Inc. presented plans for golf course and estates improvements to the present homeowners . . . Presently there are about 160 landowners in Tomoka Oaks. [26]

In **November 1970**, Sovereign Industries, Inc. purchases more acreage and states" the price of lots will range in price from $9,000 to $15,000, **depending on location with respect to the golf course** and Tomoka River." [27]

On **December 5, 1970**, Ormond Ocean Homes, Inc. (AKA Sovereign Industries, Inc.) place announcement in *Daytona Beach Morning News-Journal,* page 6, inviting the public to their **Tomoka Oaks Country Club & Estates Open House**.

The invitation ad copy states: *New Subdivision to Open Soon with an **Exceptional Inventory of Golf Course Home sites**, Off Course Home sites, Tomoka Riverfront Home sites.*



Throughout 1970 - 1971 real estate brokers and agents place marketing ads promoting **golf course home sites and lots.** (See Ormond Ocean Homes timeline for a more comprehensive list of ads.)



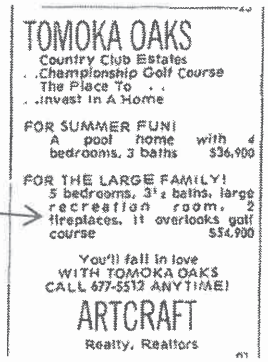
Scenic Tomoka Oaks
Country Club Estates

Winding streets, stately Oak trees and the Country Club are the surroundings for the prettiest homes in this area. We have some of the most beautiful homes to show you priced from $35,000 to $70,000. 3 Bedrooms to 5 Bedrooms-some have pools, some are right off the fair way! They are exceptional in design and setting.

CALL
Artcraft Realty 677-5512
Today for details on any of these homes. You'll find your choice home here.
REALTOR-CALL ANYTIME!

28

June 20, 1970
Daytona Beach Morning-Journal
page 23



TOMOKA OAKS
Country Club Estates
Championship Golf Course
The Place To
Invest In A Home

FOR SUMMER FUN!
A pool home with 4 bedrooms, 3 baths $36,900

FOR THE LARGE FAMILY!
5 bedrooms, 3½ baths, large recreation room, 2 fireplaces, it overlooks golf course $54,900

You'll fall in love
WITH TOMOKA OAKS
CALL 677-5512 ANYTIME!
ARTCRAFT
Realty, Realtors

February 21, 1971
Daytona Beach Sunday News-Journal
page 27

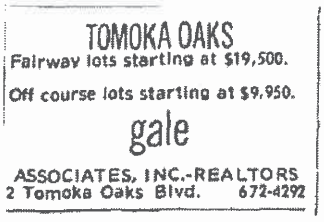
1971 Golf Course and Estates sold to PLR Development, LTD who confirms existence of a Master Plan

On **June 15, 1971**, PLR Development, LTD purchased the Sam Snead Golf & Country Club and the Tomoka Oaks Country Club Estates in Warranty Deed Book 1306 / Page 286. Milton W. Pepper, credited with writing the Tomoka Oaks Master Plan in 1956,[28] is General Manager of PLR. [29]

March 2, 1972 Ormond Beach Planning Board, at the request of the City Commission, reviewed the Tomoka Oaks **Master Plan** with PLR's attorney Kermit Coble. Coble informed the board PLR was not aware of the Master Plan submitted by previous owner Sovereign Industries (see July 31, 1970 above), and that PRL intended to develop according to **the original master plan approved by the Commission in 1961**. Any changes would be minor adjustments. [30]

Throughout **1971-1975** real estate brokers and agents place marketing ads promoting golf course home sites and lots. As shown directly below, golf course lots are 70% - 96% higher than non-course lots which reinforces the coexistence of the golf course and the estates as intended in the master plan. (See PLR Development, LTD. timeline for additional ads.)

Price of Golf Course Lots Significantly Higher than Non-Course Lots

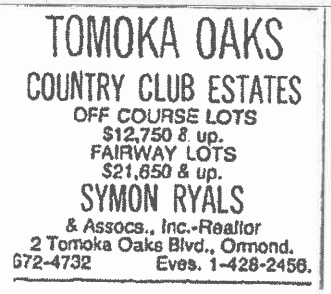


TOMOKA OAKS
Fairway lots starting at $19,500.
Off course lots starting at $9,950.
gale
ASSOCIATES, INC.-REALTORS
2 Tomoka Oaks Blvd. 672-4292

February 10, 1974
Daytona Beach Sunday News-Journal,
Page 56

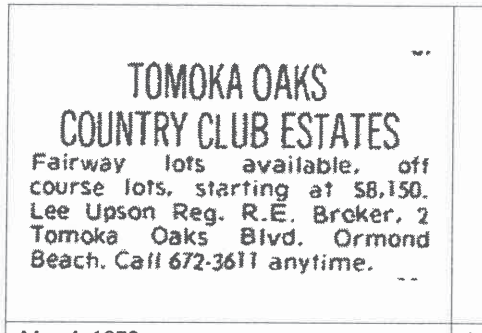
Golf Course Lots are priced from **96%** higher to **70%** higher than non-course lots

☆ ☆ ☆

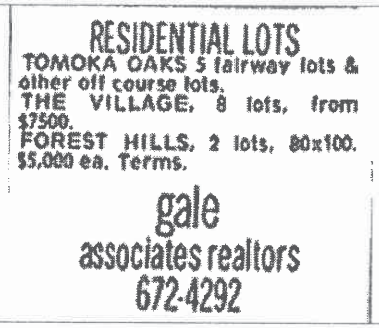


TOMOKA OAKS
COUNTRY CLUB ESTATES
OFF COURSE LOTS
$12,750 & up.
FAIRWAY LOTS
$21,650 & up.
SYMON RYALS
& Assocs., Inc.-Realtor
2 Tomoka Oaks Blvd., Ormond.
672-4732 Eves. 1-428-2456.

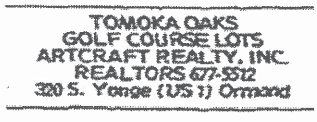
August 17, 1975
Daytona Beach Sunday News-Journal
Page 54



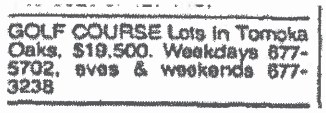
May 4, 1972
Daytona Beach Morning-Journal
Page 49



Jan 14, 1973
Daytona Beach Sunday News-Journal
Page 24



Feb 3, 1973
Daytona Beach Morning-Journal
Page 28



January 16, 1975
Daytona Beach Morning-Journal
Page 42



August 11, 1975
Daytona Beach Morning-Journal
Page 35



April 6, 1974
Daytona Beach Morning-Journal
Page 31



February 7, 1976
Daytona Beach Morning-Journal
Page 30

Subsequent Sam Snead Golf and Country Club sales (golf course property only)

- Beginning in 1975, the golf course was sold independent of the residential Estates. In entirety, Milton W. Pepper retained an ownership interest in the golf course from June 1971 – February 1979.
  - **February 27, 1975** Book 1768 / Page 1798 - PLR (Milton W. Pepper, General Manager) sells the golf course to AKRON Enterprises, Inc. (Milton W. Pepper, President)
  - **February 27, 1978** Book 2001 / Page 382 - AKRON Enterprises, Inc. (Milton W. Pepper, President) sells the golf course to himself (Milton W. Pepper) and leases it for one year to RTH, Inc. with option to buy. [31]

- **February 14, 1979** Book 2052 / Page 1019 - Milton W. Pepper sells the golf course to RTH, Inc. via a mortgage deed which stipulates: During the term of the purchase money note and wrap around mortgage executed of even date herewith by grantee to grantor, or for a period of 18 years in the event the mortgage is prepaid in full**, the above described property shall revert to the grantor upon the condition that any portion of said property is used for any purpose other than a golf course with club house and appurtenant amenities**.
  (See section "Protective Covenants and Restrictions" for complete details.)

- See "Ownership Chart" for subsequent golf course owners.

1977 Estates sold to BML Investments and PRN Investments

On **February 28, 1977** Book 1887 / Page 301 - BML Investments and PRN Investments bought the remaining lots in Tomoka Oaks Country Club Estates from PLR Development, LTD. Loan Modification Agreement with Cameron-Brown Investment Group Book 1187 / Page 320 details releases of estate lots as follows with golf course frontage prices 42% higher than non-golf course lots:

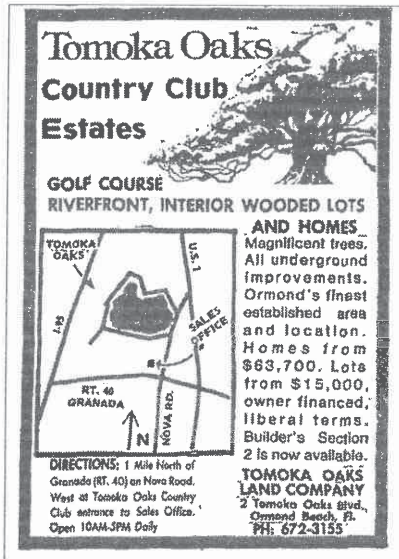
- Golf course frontage $7,000/lot
- Tomoka River frontage $5,000/lot
- All other lots in Parcel A and B $4,000/lot

Officers of BML Investments and PRN Investments (William J. Goodman and Norman A. Rossman[32]) also were officers in the following development companies that built and sold homes in Tomoka Oaks Country Club Estates. Note that all shared the same phone number:

- Residential Communities of America; phone 672-3155
- Tomoka Oaks Land Company; phone 672-3155
- Development Corporation of Switzerland; phone 672-3155

August 18, 1977 A *Daytona Beach News-Journal* article explains why the developers, BML Investments and PRN Investments, dropped their waiver request regarding development fees. The article states: "When proposed in the late 50's by Developer Milton Pepper, the more than 400 acres of the subdivision were to be **built according to a master plan** which included the water and sewer payback plan."[33]

From 1977 to final development in approximately 1981, the above developers of the estate lots continue to market coexistence of golf course and estates using text such as "golf course lots" and "golf course home sites."



February 15, 1978
Daytona Beach Morning-Journal
Page 34

670—Land

TOMOKA OAKS Lots from $14,000, also Golf Course lots & Riverfront avail. 672-3155

November 12, 1977
Daytona Beach Morning-Journal
Page 38



December 7, 1978
Daytona Beach Evening News-Journal
Page 42



January 15, 1979
Daytona Beach Morning-Journal
Page 25

Master Plan: Summary and My Opinion

I believe Tomoka Oaks, Inc.'s intent was to design, develop, and market a master planned community which contained a coexisting Golf and Country Club surrounded by exclusive, luxury residential homes. Protective covenants and restrictions recorded by the original developer, Tomoka Oaks, Inc., protected homeowners' property values by defining the Sam Snead Golf and Country Club's perpetual use as: **Property shall be used perpetually for purposes of a golf and country club, golf course, and related uses**. And Tomoka Oaks, Inc. recorded specific protective covenants and restrictions to ensure homeowners were protected via Referral and Reverter rights should the coexisting golf course ever be sold.

The master plan was approved by Volusia County and the City of Ormond Beach. Every developer of the "exclusive, luxury" Tomoka Oaks Residential Estates consistently marketed the estates as coexisting with the golf course and country club they surrounded. Homeowners purchased lots and built homes based on the premise that their investments were secure due to the coexisting golf course. And the master plan ensured the area would remain in all its natural beauty thus preserving homeowners' enjoyment of "their healthful, contented living."

Notes from Carolyn Davis about the Master Plan research:

I submitted **Public Records Request** to the City of Ormond Beach on:

- September 22, 2021
- November 9, 2021
- November 15, 2021

Each **Request** individually identified multiple separate documents and cited the sources that lead me to request the documents. The majority of my **Requests** included requests for any documents relevant to the **master plan**. Taylor Lochert, Administrative Assistant in the City Clerk's office, was very responsive and was able to fulfill most of my requests by providing me detailed plats, meeting minutes, and many supporting documents. Unfortunately, Taylor was unable to provide me a comprehensive master plan narrative submitted by Tomoka Oaks, Inc. to the City of Ormond Beach as citied throughout this Master Plan section of my report.

The documents the City of Ormond Beach could not provide are:

#1) I wrote in my **Public Records Request Form** submitted November 9, 2021, that my objective was to get the Agreement or Contract made by the City of Ormond Beach with the developers of Tomoka Oaks regarding the master plan for the subdivision and the golf course. My request form provided an excerpt from the City Commission Meeting Minutes dated April 4, 1961 (page 1069) which stated:

> *Mr. McElroy: I am representing Tomoka Oaks. When the property was annexed [September or October 1960] there was an agreement that our general plan for developing was approved by a contract with the Commission. The general plan included a Golf Course in the development.*
>
> Outcome of my request: I was informed in an email from Taylor Lochert dated December 20, 2021, "Please be advised that we do not have documents to fulfill your requests."
>
> My Opinion: Although William R. (Bill) McElroy, original Chairman of the Board of Tomoka Oaks, Inc., used the term "general plan," it is my opinion this was his synonymous reference to the "master plan." Either way, it was evident that an agreement existed and was submitted to the City of Ormond Beach regarding the development of a golf course within the residential estate subdivision, and the City was unable to locate that agreement.

#2) In **Public Records Request Form** submitted November 9, 2021, I requested copies of the master plan referred to in City Commission Minutes of August 1, 1961; page 1123 which stated:

> *Mayor Cassen: Item #9 - Plat and Data - Tomoka Oaks subdivision. City Clerk indicated that the plat show the proposed golf course submitted by Stepp Inc., and that the plat is part of a transfer of land to the golf course, and there is no dedication of public right-of-way or easements involved.*
>
> *Mayor Cassen advised, however, that as previously state by Mr. Hoover of the Planning Board, if this fits in with the preliminary plans as approved, there is no question about it but if it does not coincide with them, there might be some category in which something could be worked out. Discussion followed.*

Mayor Cassen asked for a motion to authorize the Mayor and the City Clerk to sign and approve the plat, provided that it meets with the approval of Briley, Wild and Associates to the point that ***it substantially complies with the master plan****. Commissioner Rizzo so moved, Commissioner Black seconded.*

Outcome of my request: I was provided the approved plat but not any Master Plan narrative. When I informed Taylor in an email dated December 16, 2021 that this document had not been provided, she replied on December 20, 2021, "Please be advised that we do not have documents to fulfill your requests."

#3) My **Public Records Request Form** submitted November 15, 2021, stated:

On March 8, 1972, the *Daytona Beach Morning- Journal* reported the City Commission "Accepted a letter from J. Kermit Coble, representing PRL Development, stating the company plans to develop Tomoka Oaks according to the **1961 master plan**, not a later plan proposed by Sovereign Industries."

I requested a copy of the Commission meeting minutes, the letter from Coble, and the 1961 Tomoka Oaks master plan.

Outcome of my request: Taylor provided me the March 7, 1972 City Commission meeting minutes; page 3078-3083 [or pages 8078-8083 as the first number was difficult to decipher as either a 3 or an 8] and the letter from Coble dated March 2, 1972. But I did not receive any Tomoka Oaks Master Plan narrative.

I emailed Taylor Lockert on December 16, 2021 informing her of the missing Master Plan document, and she replied on December 20, 2021, "Please be advised that we do not have documents to fulfill your requests."

In summary, I was expecting to receive from the City of Ormond Beach a comprehensive narrative master plan document that, based on my research, I believe existed and would have been submitted by Tomoka Oaks Inc. prior to any development. I was only provided plat layouts. The omission by the City of Ormond Beach of a master plan narrative prevents my summary from providing a complete development picture of Tomoka Oaks at its inception; therefore I relied on other sources of information as cited throughout this summary and the ownership timelines to communicate the master plan details.

ENDNOTES

[1] (Daytona Beach Sunday News-Journal pg 23 - Large Tract on Tomoka is Sold For $302,500, 12/8/1957)
[2] (Daytona Beach Morning News-Journal pg 11 - Ormond Annexation 9/27/1960)
[3] (Daytona Beach Sunday News-Journal pg 73 - Tomoka Oaks Time Capsule, 11/5/198)
[4] (Daytona Beach Evening News-Journal pg 4 - Suits Seek To Block Annexation 7/11/1960)
[5] (Daytona Beach Morning News-Journal pg 11 - Ormond Annexation 9/27/1960)
[6] (Daytona Beach Morning News-Journal pg 16 - Plans Subdivision, Golf Course, 9/16/1960)
[7] (Sunbiz.org, Division of Corporations 9/12/1960)
[8] (Volusia County, FL, Board of County Commissions - Meeting Minutes 9/15/1960)
[9] (Daytona Beach Morning News-Journal pg 11 - Ormond Annexation 9/27/1960)
[10] (Daytona Beach Sunday News-Journal pg 53 - Water-Sewer Pact Signed For Luxury Subdivision 12/12/1960)
[11] (Daytona Beach Sunday News-Journal pg 31 - Tomoka Oaks Development Is Started 2/5/1961)
[12] (Ormond Beach Board of Adjustments Meeting Minutes 4/5/1961)
[13] (Ormond Beach City Commission Meeting Minutes; page 1123 8/1/1961)
[14] (City of Ormond Beach Agreement Unit 1 9/7/1961)
[15] (Ormond Beach City Commission Meeting pg 1144 9/21/1961)
[16] (Daytona Beach Evening News Journal pg 13 - Thorin Named Pro At New Snead Club Here 10/11/1961)
[17] (Daytona Beach Sunday News-Journal pg16 - Tomoka Links Sold To McElroy Group 7/8/1962)
[18] (Daytona Beach Sunday News-Journal pg16 - Tomoka Links Sold To McElroy Group 7/8/1962)
[19] (Ormond Beach Board Of Adjustment Meeting Minutes pg 4 11/19/1962)
[20] (Warranty Deed Book 585 Page 157 12/12/1963)
[21] (Daytona Beach Morning News-Journal pg 23 1/1/1963)
[22] (Daytona Beach News-Journal pg 39 - Vedder-Hansford Corp 5/10/1964)
[23] (Daytona Beach News Journal pg 28 - Artcraft Realty 3/21/1969)
[24] (Daytona Beach News Journal pg 40, Atlantic Realty Services 5/10/1964)
[25] (Daytona Beach Sunday News-Journal pg 2 - Tomoka Oaks Property, Firm Sold 3/29/1970)
[26] (Daytona Beach Morning News-Journal pg 1 - New Look Unveiled For Tomoka Oaks 7/31/1970)
[27] (Daytona Beach Sunday News-Journal pg 48 - More Funds, Acreage For Tomoka Oaks 11/8/1970)
[28] (Daytona Beach Sunday News-Journal pg 73 - Tomoka Oaks Time Capsule, 11/5/198)
[29] (Sunbiz.org, Division of Corporations 6/11/1971)
[30] (Ormond Beach City Commission Meeting Minutes; page 8078, Item #7 3/7/1972)
[31] (Daytona Beach Sunday News-Journal pg 73 - Tomoka Oaks Time Capsule, 11/5/198)
[32] (Daytona Beach News-Journal pg 16 - Registration of Ficticious Name Tomoka Oaks Land Co 2/22/1977)
[33] (Daytona Beach Morning-Journal pg 7 - Tomoka Oaks: Engineer Says No Harship From Rates 8/18/1977)

Protective Covenants and Restrictions

I researched the history of parcel 39-14-32, which was developed into the **Sam Snead Golf and Country Club** and the **Tomoka Oaks Country Club Estates,** to reconstruct the sales and ownership history of these two properties and the recordings of covenants and restrictions related to the properties.

Based on this research, I have formed the opinion that:

1. In the early 1960's, Tomoka Oaks, Inc. recorded protective covenants restricting land use of the Sam Snead Golf and Country Club to be "**perpetually for use as a golf and country club, golf course, and related uses**."

2. Throughout the early 1960's, Tomoka Oaks, Inc. recorded deeds, leases, covenants, restrictions, referral rights, and reverter clauses to protect the intended perpetual use of the golf course property, as well as protect the financial interests of lot and homeowners should the golf course property not be used as recorded in the protective covenants and restrictions.

3. Beginning in 1969, conflicts of interest in cross-ownership resulted in recordings being filed with Volusia County that intentionally, systematically and possibly illegally negated or released many of the earlier protective covenants and restrictions, and eliminated rights of current and future Tomoka Oaks Country Club Estates home owners should the golf course property not be used as originally encumbered: **perpetually for use as a golf and country club, golf course, and related uses**.

4. The unethical and possibly illegal documents filed in #3 above are invalid due to cross-ownership conflicts of interest, and the protective covenants and restrictions originally recorded in the early 1960's (specifically Warranty Deed 585/157 recorded 12/12/1963 and Restrictions 431/32 recorded 1/31/1962) are in effect today.

5. There are no officially recorded Volusia County documents that modified or released the encumbered use of the golf course in 585/157 or the covenants in 431/32. Therefore reverter rights are automatically and exclusively vested in the Tomoka Oaks Homeowners Association since 4/5's of the lots in Tomoka Oaks Country Club Estates have been disposed of, and the current owner's development proposal will fail to utilize the property exclusively as a golf and country club, golf course, and related uses.

For the Reader's information:

- The preceding pages of this section contain tables detailing recordings on file with Volusia County, and articles in the *Daytona Beach News-Journal,* that are the basis for my opinions throughout this section. Tables cite the document's recording date and book and page number for each specific deed, lease, covenant, restriction, referral right, and reverter clause.

- All *Daytona Beach News-Journal* article citations come from www.newsbank.com accessed through the Volusia County Library.

- All opinions are my own. I did not collaborate with any other Tomoka Oaks homeowner or with the HOA.

Protective Covenants and Restrictions: January 1962 - December 1963

It is my opinion that:

- William R. McElroy, as the first president and Chairman of the Board of Tomoka Oaks, Inc.,[1] fulfilled his fiduciary responsibility to both Tomoka Oaks, Inc. stockholders and to the Tomoka Oaks Country Club Estate lot owners and homeowners by filing official recordings with Volusia County that:
    1. Encumbered the use of the golf course property as "**perpetually for use as a golf and country club, golf course, and related uses**."
    2. Protected Tomoka Oaks, Inc. and protected residential lot owners and homeowners by recording covenants, restrictions, referral rights, and reverter clauses should the golf course property not be used perpetually as a golf and country club, golf course, and related uses.
    3. Provided current and future residential lot owners and homeowners in Unit 1 with automatic Tomoka Oaks Homeowner Association (HOA) membership, of which said HOA:
        - Could be transferred the referral right to accept or reject Sam Snead golf course property sales offers should Tomoka Oaks, Inc. transfer to the HOA the right to accept or reject the offer.
        - Has legal standing via reverter rights should future Sam Snead Golf and Country Club owners not use the golf course property as perpetually intended.

Table 1	Official Recording Date 1/31/1962

Restrictions – Unit 1, Tomoka Oaks Country Club Estates
Recorded 1/31/1962. Book 431 / Page 32.

Verbatim Text
Tomoka Oaks, Inc. the owner and grantor of all lots, desires the lots be subject to certain restrictions for the mutual benefit and protection of said owner and to persons both natural and corporate who may hereafter purchase or acquire any interest in said property.

The owner declares and creates the following restrictions, reservations and conditions to be binding upon it and upon each and every person and corporation hereafter.

Paraphrase of Restriction Highlights

#3 Construction on lots adjoining the golf course can be within 10 feet of golf course boundary

#10 Grantee automatically a member of the Tomoka Oaks Homeowners Association

#11 Grantor reserves right to release restrictions except #10

#14 Grantor may transfer right to enforce restrictions to the Tomoka Oaks Homeowners Association

#15 Covenants binding for 25 years, then automatically extended for successive periods of 10 years unless instrument signed by majority of lot owners is recorded agreeing to covenant changes.

Submitted and signed by:
Tomoka Oaks, Inc.
W. L. McElroy, President
Ted Brousseau, Secretary

My opinion

I believe Tomoka Oaks, Inc. intended Restrictions be consistent from Unit to Unit. Therefore, restrictions recorded for Unit 1 would also be recorded for subsequent Units such as Unit 3, etc. Paragraph #11's last sentence states, "The Grantor further reserves the right to include, in any contract or deed hereafter made, any additional restrictive covenants not inconsistent with these herein contained.

During my research, I found no official recordings by the majority of the lot owners agreeing to any covenant changes or releasing any restrictions in Unit 1.

Table 2 *Daytona Beach Sunday News-Journal* 7/8/1962

Daytona Beach Sunday News-Journal, 7/8/1962, page 16
NEW TOMOKA LINKS SOLD TO McELROY GROUP

Paraphrase:

- Golf Course Developers, Inc. sold out to Tomoka Oaks, Inc. due to financial issues.
- William R. (Bill) McElroy, president of Tomoka Oaks, Inc. announced the purchase.
- McElroy said plans under way for formation of a new corporation named Tomoka Oaks Golf Club, Inc.
- McElroy said it will be a "**permanent golf club**" and "When the new golf club corporation is formed, the land will be conveyed to the new corporation. **It will be subject to restrictions for use only as a golf club and other recreational use.**"

My research shows:

- On 10/10/1961, the golf course property was conveyed by Tomoka Oaks, Inc. to Golf Course Developers, Inc., Mortgage Deed, Book 404 / Page 18.
- Golf Course Developers developed the Sam Snead Golf and Country Club during 1961-1962. As shown in the article above, Golf Course Developers sold the course back to Tomoka Oaks, Inc. The sale was finalized 8/1/1962, Mortgage Deed, Book 465 / Page 204.
- Tomoka Oaks Golf Club, Inc. was filed with Division of Corporations, State of Florida on 7/19/1962.
- Another corporation was filed 1/8/1963 called Tomoka Oaks Golf and Country Club, Inc. which was formed to handle the conveyance referred to in McElroy's article comments above. This conveyance took the form of a lease whose terms stated leased property "**shall be used perpetually for a country club and related uses**. " (See Table 3).

Table 3 Official Recording Date 1/1/1963

Golf Course Lease
Recorded 1/1/1963. Book 360 / Page 366.

Lease Start Date: 1/1/1963
Lessor: Tomoka Oaks, Inc. Signed by W. R. McElroy, President
Lessee: Tomoka Oaks Golf and Country Club, Inc. Signed by W. R. McElroy, President

Paraphrase of Lease Highlights:

- Premises: All of Sam Snead Golf and Country Club
- Term and Rental : Ninety-nine (99) years subject to termination as per terms of lease
- Use: Premises shall be used perpetually for a country club and related uses. This provision shall survive the lease and be included in the deed. Deed restrictions may be waived by two-thirds of Lessee Board of Directors with concurrence of:
    - 2/3's of the members of said Lessee
    - 2/3's of the members of the Tomoka Oaks Homeowners Association

My opinion:

- McElroy fulfilled his 7/8/1962 public statement (Table 2) to convey the Sam Snead Golf and Country Club, and that it was "subject to restrictions for use only as a golf club and other recreational use."
- McElroy fulfilled his 7/8/1962 public statement (Table 2) regarding the permanent use of the premises by incorporating into the lease deed restrictions that protected homeowners and golf club members should the property not be used perpetually for a country club and related uses.
- The lease was surrendered in late 1963 (Book 585 / Page 155) but as stated in the lease, the "use" provision survived the lease and was subsequently included in a Warranty Deed dated 12/12/1963, Book 585 / Page 157 (Table 6).
- The lease was another of the master plan elements which demonstrated the coexistence of the golf course and the residential estates.

Table 4 *Daytona Beach Sunday News-Journal* 2/23/1963

Daytona Beach Sunday News-Journal, 2/23/1963, page 15
ANNOUNCEMENT: Your Invitation to Visit Tomoka Oaks Country Club Estates

Paraphrased Excerpts

W.R. McElroy personally signed an **Invitation** as President of Tomoka Oaks Country Club Estates inviting potential home buyers to visit "the ultimate in gracious and contented living," where "from it's very inception, no effort has been spared in planning and developing . . . one of the finest exclusive residential areas in the State of Florida." The Estates are "cut from 545 beautiful wooded acres . . . Right in the center of this magnificent natural beauty spot has been built Tomoka Oaks Golf and Country Club – an eighteen hole championship Golf Course."

McElroy went on to state, "To keep this Area in all its natural beauty, **certain protective covenants have been provided** for the benefit and protection of all property owners."

And in a prior **Invitation** published on 2/16/1963, page 2, of the *Daytona Beach News-Journal*, Tomoka Oaks Country Club Estates informed potential home buyers that, "To keep this Area in all its natural beauty, **certain protective covenants are necessary** for the benefit and protection of all property owners and will be included in the deed."

My opinion

McElroy fulfilled his public assurance to include protective covenants. (See Tables 5 and 6.)
This marketing invitation was another of the master plan elements of coexistence.

Table 5 Official Recording Date 3/1/1963

Supplemental Restrictions – Unit, 1 Tomoka Oaks Country Club Estates
Recorded 3/1/1963. Book 516 / Page 358

Paraphrased Excerpts

- Whereas Tomoka Oaks, Inc., a Florida Corporation, is the owner of all lots in Tomoka Oaks Country Club Estates, Unit #1 . . .
- Whereas said owner does now wish to subject said property to certain further restrictions relating to the size of residential buildings to be build adjacent to the golf course. . .
- No principal residence shall be constructed upon any lot adjacent to the golf course . . . which shall contain less than 1500 square feet of enclosed living area and 2300 square feet of total covered area.

Submitted and signed by:
Tomoka Oaks, Inc.
W. L. McElroy, President
Ted Brousseau, Secretary

My Opinion

The Sam Snead Golf and Country Club and the Tomoka Oaks Country Club Estates shared the common developer: Tomoka Oaks, Inc.

The golf course and the residential subdivision estates were designed and intended to coexist.

Tomoka Oaks, Inc. (a Florida Profit Corporation) wanted to protect their interest by ensuring the golf course would always be surrounded by homes that contained at least 2300 square feet. The value of the golf course was tied to the value of the lots surrounding it, and the value of the lots was tied to the value of the golf course bordering those lots. McElroy incorporated these supplemental restrictions to protect both Tomoka Oaks, Inc. financial interests and homeowners' financial interests.

Table 6	Official Recording Date 12/12/1963

Warranty Deed (Copy of original deed is attached.)
Recorded 12/12/1963. Page 585 / Book 157.

Paraphrased summary separated into understandable segments

Warranty Deed - All of the Sam Snead Golf and Country Club
Between
Tomoka Oaks, Inc.; party of the first part (TOI)
AND
Ralph R. Frederick, trustee; party of the second part (FREDERICK)

[*start of Referral Rights*]

This conveyance is subject to the express condition that if FREDERICK desires to sell or convey the golf course to any person, firm, or corporation other than a subsidiary of FREDERICK, offers acceptable to owner (Ralph R. Frederick) are referred to TOI for TOI's acceptance or rejection for a period of 30 days.

If TOI rejects or fails to accept the offer, offer shall be presented to Tomoka Oaks Golf and Country Club, Inc. (TOGCC) for its acceptance or rejection for a period of 30 days. Acceptance or rejection is subject to the approval of TOI.

Right to accept or reject offer is transferrable and may be transferred by TOI or TOGCC to the Tomoka Oaks Homeowners Association (HOA) within 30 days and acted upon within those 30 days.

[*end of Referral Rights*]

The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.

[*start of Reverter clause*]

- IF Frederick or successors in interest fail to utilize the property exclusively as a golf and country club, golf course, and related uses
- AND the property not be sold to TOI or TOGCC or HOA as specified in preceding paragraph
- THEN property shall automatically revert to and become the property of TOI
    - AND all rights of FREDERICK or successors in interest shall immediately terminate
        - UNLESS

        FREDERICK or successors shall within 90 days after the day of mailing to FREDERICK or successors by TOI or TOGCC or HOA a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

The reverter clause may be released or modified by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed on 12/12/1963; providing that

- IF TOI shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates

- THEN the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks HOA to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks HOA.

[*end of Reverter clause*]

Deed signed by: Ralph R. Frederick, President, Tomoka Oaks, Inc.

My opinion

Deed 585/157 was the primary instrument Tomoka Oaks, Inc. recorded to encumber and protect the use of the Sam Snead Golf and Country Club to be "**used perpetually for purposes of a golf and country club, golf course, and related uses**."

I believe the intent of deed 585/157 was to protect the financial interest of Tomoka Oaks, Inc. and the financial interest of the residential homeowners in Tomoka Oaks Country Club Estates should the golf course property ever be sold.

Regarding future sales, the "referral right:"

- Gave Tomoka Oaks, Inc. the right to match the offer thus preserving the "restricted use" of the golf course property.
- AND it gave Tomoka Oaks, Inc. the right to transfer the offer to the HOA of which every lot owner (in Unit 1 at the time of deed recording) was a member (Table 1).

Regarding the restricted use of the Sam Snead Golf and Country Club property, the reverter clause:

- Ensured the golf course property would revert back to Tomoka Oaks, Inc. should the owners fail to utilize the property exclusively as a golf and country club, golf course, and related uses
- Ensured that if 4/5's of the lots had been sold (which at the time of this deed recording would have been the Unit 1 lot owners) the reverted was vested automatically in the HOA of which every lot owner (in Unit 1 at the time of deed recording) was a member (Table 1), and the right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks HOA.

I believe Tomoka Oaks, Inc. intended that HOA membership would be automatic for all lot and homeowners for every Unit in Tomoka Oaks Country Club Estates (Table 1). Therefore the language of deed 585/157 would apply to all Units even though Unit 1 was the only Unit under development during the recording of Deed 585/157.

I am not including Tomoka Oaks Golf and Country Club, Inc. (TOGCC) in my opinion here, because TOGCC surrendered their lease in late 1963. But I did find inconsistencies in TOGCC's official recordings subsequent to the lease surrender as shown in Table 13.

This deed also fulfilled McElroy's public assurance to provide protective covenants for the benefit and protection of homeowners (Table 2).

Ralph R. Frederick's Conflict of Interest in Cross Ownership

Frederick was president and the primary stock holder of TOCC, Inc. when TOCC, Inc. sold the Sam Snead Golf and Country Club to Ormond Ocean Homes, Inc. in March 1970. Frederick was also the President, General Manager, and a stockholder of Ormond Ocean Homes, Inc. at the time of the sale.

The newspaper articles in **Table 7** detail Ralph R. Frederick's cross ownership interests which, I believe, resulted in questionable and unethical filings and intentions as explained in subsequent tables in the section directly below titled: "Protective Covenants and Restrictions during Ralph R. Frederick's Ownership Interest: January 1966 - August 1969."

Table 7

Ralph R. Frederick had cross ownership interests in:

- Sam Snead Golf and Country Club
  - President, Trustee, and majority stock holder under Tomoka Oaks, Inc. from 12/12/1963 – 1/10/1966
  - President and majority stockholder under TOCC, Inc. from 1/10/1966 – 3/5/1970.
- Tomoka Oaks Country Club Estates
  - President and stock holder under Tomoka Oaks, Inc. from 12/12/1963 – 3/5/1970
- Ormond Ocean Homes
  - Stockholder, General Manager, President from 1961 - 3/28/1970 (as per news articles immediately below)

Three *Daytona Beach News-Journal* articles detail Ralph R. Frederick's ownership interest in Ormond Ocean Homes, Inc.

Sunday Issue Date 7/16/1961, page 35

ELLINOR MAKES DEAL ON NORTH HALF OF VILLAGE

- $1.5 million purchase of north section of Ellinor Village scheduled to close 9/10/1961.
- Buyers, all from Freeport, IL, will do business as Ormond Ocean Homes Inc., a Florida corporation.
- Stock held by officers and by Ralph R. Frederick of Ormond Beach who will be general manager.
- Frederick is a personal friend of the Freeport group and brought the two parties together.

Sunday Issue Date 5/30/1965, page 32

ORMOND RENTAL PROJECT GETS BIG FHA LOAN

- Ormond Ocean Homes, a 232-unit rental housing development on the Ormond peninsula, will spend $1,832,000 for modernizing, president Ralph Frederick announced last week.
- Money will be used to renovate the former north half of the Ellinor Village resort.
- Frederick will be the prime contractor
- Frederick, who heads 11 corporations here and is general manager of the Tomoka Oaks development, and Ray Gramley of Freeport, IL bought the development several years ago.

Evening Issue Date 3/6/1970, page 32

IT SAYS IT HERE by Bernard Kahn - page 16

What is brewing is negotiation by Phoenix [Arizona based Sovereign Industries, Inc. see 3/29/1970 Sunday, page 1], an investment conglomerate, to buy the Tomoka Oaks Golf and Country Club and Tomoka Oaks, Inc., the neighboring real estate development, plus Ormond Ocean Homes Apartments (the former north section of Ellinor Village.)
Hustlin' Ralph Frederick, the card playing pro motor, has the big piece of the action in all three parcels.

My Opinion

Ralph R. Frederick had a conflict of interest in ownership regarding the 3/5/1970 sale of the Sam Snead Golf and Country Club (which Frederick owned stock in under his corporation TOCC, Inc.) and the sale of Tomoka Oaks Country Club Estates (which

Frederick owned stock in under Tomoka Oaks, Inc.) to Ormond Ocean Homes, Inc. where Frederick was a stockholder, president, and general manager. Just 23 days after the sale, Sovereign Industries, Inc. acquired all stock in Ormond Ocean Homes, Inc. on 3/28/1970 (Table 10). Therefore Frederick benefitted financially from the sales of the golf course and the estates, and from the purchase of his Ormond Ocean Homes, Inc. stock. And it was in Frederick's best financial interest that prior recorded restrictions and covenants not jeopardize those sales.

Official filings recorded by Tomoka Oaks, Inc. and Tomoka Oaks Golf and Country Club, Inc. (that I see as questionable, unethical, and potentially illegal), were recorded AFTER 3/28/1970 and all relate to the systematic removal of protective covenants and/or the release of referral rights and reverter rights intended to protect golf course property "use" and protect the rights and financial interests of Tomoka Oaks lot and home owners. Tables 11, 12, 13, 15 and 16 detail these questionable filings.

Protective Covenants and Restrictions during Ralph R. Frederick's Ownership Interest: January 1966 - August 1969

Table 8	Official Recording Date 1/10/1966

Mortgage Deed
Dated 1/10/1966. Book 774 / Page 699.

TOCC, Inc., whose president and majority stockholder was Ralph R. Frederick, took possession of the Sam Snead Golf and Country Club via Mortgage Deed, Book 774 / Page 699, dated 1/10/1966.

The Note was endorsed by Ralph R. Frederick (as majority stockholder), James P. Callahan, George L. Haller, Russell W. McFall, and Richard L. Shelter who were all officers of Tomoka Oaks, Inc., and who all owned homes fronting the Sam Snead golf course.

I found no official recordings with Volusia County that reversed or modified the "restrictive use" of the Sam Snead Golf and Country Club in Deed 585/157 to be anything other than, "**The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**"

My Opinion

This mortgage deed represents a conflict of interest in ownership as it was endorsed by officers of Tomoka Oaks, Inc. who also owned and lived in homes that fronted the Sam Snead golf course:

Ralph R Frederick	24 TOMOKA OAKS BLVD	Book 897 / Page 525
George L. Haller	23 PINE VALLEY CIR	Book 503 / Page 219
Russell W McFall	41 S ST ANDREWS DR	Book 830 / Page 396
Richard L. Shetler	66 ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 9/9/1962, pg 36 *Daytona Beach Morning Journal*, 12/21/1963, pg 11
James Callahan	Owner of lots:	
	29 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 10/23/1966, page 36
	33 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 8/18/1968, page 42

I believe this conflict carried forward in the future **Conveyance** of Tomoka Oaks Country Club Estates recorded 7/6/1970, Book 1212 / Page 70, which, in my opinion, was an unethical conveyance (Table 11).

Table 9	Official Recording Date 8/4/1969

RESTRICTIONS - Unit 3 Tomoka Oaks Country Club Estates
Dated 8/4/1969. Book 1121 / Page 556.

- Same as Unit 1 restrictions, but omitted automatic HOA membership of lot owners in Unit 3.

Signed by: Tomoka Oaks, Inc., R. W. Davis, President and Donald W. Acer, Jr., Secretary

Issues with Restrictions on Unit 3

When comparing line-for-line the Restrictions for Unit 1 (Table 1) and Unit 3, there were minor differences with two notable exceptions.

Exception 1. The entirety of paragraph #10 in the Unit 1 Restrictions was omitted in the Unit 3 Restrictions. The first sentence of paragraph #10 in Unit 1 states:

> *The Grantee shall automatically become a member of the Tomoka Oaks Homeowners Association; a non-profit corporation comprised of all of the lot owners in Tomoka Oaks Country Club Estates and shall be liable to pay such dues and/or assessments as may be required by said Association in proportion to the number of lots owned.*

Exception 2. Paragraph #11 in the Unit 1 Restrictions states:

> *The Grantor reserves the right to release in whole or in part any restrictions or reservation hereunder, except paragraph 10 immediately next preceding.*

Unit 3 Restrictions state:

> *The Grantor reserves the right to release in whole or in part any restrictions or reservation.*

NOTE: Both Unit 1 and Unit 3 Restrictions state in their final paragraphs:

> *These covenants are to run with the land and shall be binding on all parties claiming under them for a period of 25 years from date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless instrument signed by a majority of the then lot owners has been recorded agreeing to change said covenants in whole or in part.*
>
> NOTE: My Volusia County research did not uncover any official records filed and recorded by lot owners or the HOA changing covenants in the Unit 1 or Unit 3 Restrictions.

My Opinion

Ralph R. Frederick was president of Tomoka Oaks, Inc. (owner of the residential estates) at the time Unit 3 Restrictions were recorded. He was also president and majority stockholder of TOCC, Inc. which owned the golf course property.

At the time Unit 3 Restrictions were recorded, Frederick knew both the golf course property and the remaining residential lots were under negotiation for sale to Ormond Ocean Homes, Inc. (of which Frederick was a stock holder - see Table 7), and he did not want the homeowners in Unit 3 to have legal recourse (as provided in Warranty Deed 157/159 reverter clause), through HOA membership that might potentially challenge any future sale by Ormond Ocean Homes, Inc. And I believe Frederick had Ralph. W. Davis sign the Restrictions as President of Tomoka Oaks, Inc. to avoid the appearance of Frederick's conflict of interest in ownership in the golf course property and residential lots as relative to the upcoming sale to Ormond Ocean Homes, Inc.

I also believe the omission of automatic HOA membership in Unit 3 was a violation of Frederick's fiduciary responsibility as the prior trustee of the Sam Snead Golf and Country Club and as the current president of Tomoka Oaks Country Club Estates. Frederick knew the intent of prior Tomoka Oaks, Inc. president W. R. McElroy was to protect homeowners if the course were ever sold and not used as a golf course, yet Frederick omitted homeowners' membership into the very Association that gave the homeowners their reverter rights and the possibility to match future sales offers via the referral right in Deed 585/157 (Table 6).

Protective Covenants and Restrictions during Ormond Ocean Homes, Inc. Ownership: March 1970 - June 1971

Table 10	Official Recording Date 3/5/1970
Warranty Deed Dated 3/5/1970. Book 1188 / Page 533. TOCC, Inc. grantor Ormond Ocean Homes, Inc. grantee All of the Sam Snead Golf and Country Club. Subject to restrictions and reservations of Record. *Deed signed by:* Ralph R. Frederick, President of TOCC, Inc.	
Warranty Deed Dated 3/5/1970. Book 1188 / Page 529. Tomoka Oaks, Inc. Grantor Ormond Ocean Homes, Inc. Grantee Deed is for lots in Tomoka Oaks Country Club Estates as detailed in Schedule A, Book 1188 / Page 530. Subject to restrictions and easements of record. *Deed signed by:* Ralph R. Frederick, President of Tomoka Oaks, Inc.	
My Opinion On 3/5/1970, the golf course property was still subject to the "use restriction" specified in Deed 585/157 which specifically stated: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** The "use" can be inferred from the inclusion of "Subject to restrictions and reservations of Record," so it is my opinion the "restrictive use" was in effect and deemed approved in the 'subject to' statement in Deed 1188/533. The "use" restriction was also in effect at the time Sovereign Industries, Inc. acquired all Ormond Ocean Home, Inc. stock three weeks after the 3/5/1970 sale.[2] My Volusia County Records research did not find any prior officially recorded reversal of the restricted use prior to March 1970 or at any time after. On 3/5/1970, and when Sovereign acquired all Ormond Ocean Homes stock three weeks later, the referral rignts and reverter rights in Deed 585/157 were still in effect. It is my opinion, as explained in Table 11 below, that Sovereign had concerns about Deed 585/157 which resulted in the unethical systematic removal of those 585/157 rights as explained in Table 11.	

Table 11	Official Recording Date 7/6/1970
Conveyance Recorded 7/6/1970. Book 1212 / Page 70. Tomoka Oaks, Inc. conveys all holdings in Tomoka Oaks Country club Estates to Ormond Ocean Homes, Inc.	

Paraphrase of Conveyance

- Tomoka Oaks Homeowners Association has never had any being as a corporation or association.
- Tomoka Oaks, Inc. is conveying to Ormond Ocean Homes, Inc. all of its remaining holdings in Tomoka Oaks Country Club Estates.
- Tomoka Oaks, Inc. sets over, transfers, and assigns to Ormond Ocean Homes Inc. any right, title or interest in the restrictions and the right to enforce, alter, change the Restrictive Covenants dated Jan 31, 1962.

Conveyance signed by: R. W. Davis, President, Tomoka Oaks, Inc. on 3/5/1970

My Opinion

- The timeline of this Conveyance is questionable. It was signed by Tomoka Oaks, Inc. president Ralph W. Davis on 3/5/1970 which conveniently matches the date of the Warranty Deed, but the Conveyance was not recorded until 4 months later.
- The Conveyance was signed by R. W. Davis, President, Tomoka Oaks, Inc. rather than Ralph R. Frederick as President of Tomoka Oaks, Inc. which I believe was done to avoid Frederick's conflict of interest in ownership (Table 7).
- **There was an active homeowners association/club at the time of the 3/5/1970 sale of both the estates and the golf course to Ormond Ocean Homes, Inc.*** (See Table 11 A below.) Therefore it was unethical of Ralph W. Davis to sign a Conveyance stating," Tomoka Oaks Homeowners Association has never had any being as a corporation or association."
- It was unethical (and possibly illegal) of Ralph W. Davis to sign a Conveyance transferring to Ormond Ocean Homes, Inc. "any right, title or interest in the restrictions and the right to enforce, alter, change the Restrictive Covenants dated Jan 31, 1962."

  As Table 1 shows, the Unit 1 Restrictions dated 1/31/1962 stated:

  - #10 Grantee automatically a member of the Tomoka Oaks Homeowners Association
  - #11 Grantor reserves right to release restrictions except #10
  - #15 These covenants are to run with the land and shall be binding on all parties claiming under them for a period of 25 years from date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless instrument signed by a majority of the then lot owners has been recorded agreeing to change said covenants in whole or in part.

    Therefore, only Unit 1 homeowners could release the #10 restriction; not Tomoka Oaks, Inc., and my research did not find any recordings by lot 1 homeowners or the HOA that released the #10 automatic HOA membership.

    Also, as per #15, my research did not locate any recording by the majority of all lot owners agreeing to change said covenants in whole or in part, therefore it was unethical and possibly illegal to assign that right to Ormond Ocean Homes, Inc. because the right belongs only to the lot owners.

    I also believe that the intent of the Unit 1 restrictions, filed by William R. McElroy, was to protect homeowners. Both Ralph R. Frederick and Ralph W. Davis were aware of this intent, but filed records that negated and denied the existence of an HOA, which in turn released homeowners' reverter rights should the property not be perpetually used as a golf course, country club, and related uses.

- Sovereign Industries, Inc. acquired all Ormond Ocean Homes, Inc. stock three weeks after the 3/5/1970 sales, and, in my opinion, Sovereign wanted assurance from Tomoka Oaks, Inc. that the 3/5/1970 sale could not be challenged due to the referral rights and reverter clause in deed 585/157. And I believe Sovereign did not want to be legally bound by the referral rights and reverter clause should Ormond Ocean Homes, Inc. (aka Sovereign) decide to sell the Sam Snead Golf and Country Club at some point in the future. Therefore, Frederick had to officially justify the release of the referral rights and the reverter clause in deed 585/157, and this was done in these four documents which systematically negated the protections defined in Deed 585/157:

- Conveyance recorded 7/6/1970 (Table 11)
- Resolution recorded 10/19/1970 (Table 12)
- Affidavit recorded 11/22/1970 (Table 13)
- Release recorded 6/16/1971 (Table 15)

It is my opinion Tomoka Oaks, Inc. officers acted unethically, and possibly illegally, when they filed the above four documents which were in direct opposition of the intent of Deed 585/157.

- The following Tomoka Oaks, Inc. officers and stockholders were Tomoka Oaks homeowners whose homes bordered the golf course at the time of the Conveyance. They were aware of the homeowners association of which some officers were active participants (See Table 11 A):

Ralph R Frederick	24 TOMOKA OAKS BLVD	Book 897 / Page 525
Ralph W Davis	40 N St. Andrews Drive	Book 643 / Page 637
Russell W McFall	41 S ST ANDREWS DR	Book 947 / Page 178
James Bochhoven	5 OAKMONT CIRCLE	Book 716 / Page 551
Richard L. Shetler	66 ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 9/9/1962, pg 36 *Daytona Beach Morning Journal*, 12/21/1963, pg 11
Rockwell V Collins	28 ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 11/5/1989, page 8
James Callahan	Owners of lots:	
	29 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 10/23/1966, page 36
	33 S ST ANDREWS DR	*Daytona Beach Sunday News-Journal*, 8/18/1968, page 42

NOTE: The "Tomoka Oaks, Inc., Timeline" section goes into further details about each officer, the offices they held, and the residential lots/homes they had ownership in.

Table 11 A

Tomoka Oaks Homeowners Association

Two years prior to the Conveyance, there was a Tomoka Oaks Homeowners Association/Club:

Daytona Beach Evening News, 6/25/1968, page 2
The Tomoka Oaks Homeowners Club* had a Christmas Party in July and distributed gifts to the 100 or so members present. [Mrs. James Bochoven, whose husband was an officer of Tomoka Oaks, Inc., was an attendee.]

And less than one year after the Conveyance, *News Journal* articles again mention the Homeowners Association / Club:

Daytona Beach Sunday News, 4/18/1971, page 42
The Tomoka Oaks Homeowners Association had a covered dish supper at the Tomoka Oaks Country Club with about 120 attending.

Daytona Beach Evening News, 6/21/1971, page 11
The Tomoka Oaks Homeowners Club* had a buffet Supper at Tomoka Oaks Country Club for about 80.

During PLR Development, LTD's ownership, the *Tomoka Oaks Country Club Acquisition Committee* was formed in an attempt to buyout PLR. Although the acquisition attempt failed, the article below demonstrates continuance of the HOA:

Daytona Beach Evening News, 4/26/1974, page 18
Tomoka Oaks Country Club moved closer Friday to becoming a private club, owned and operated by the members . . . The original committee of eight was expanded to 14 following meetings of the Tomoka Oaks Home Owners Assn earlier in the week . . . [Rockwell Collins, former officer of Tomoka Oaks Golf and Country Club. Inc. and resident of Tomoka Oaks Country Club Estates with a golf course facing home at 28 ST ANDREWS DR, was a member of the *Tomoka Oaks Country Club Acquisition Committee*.]

My opinion

* In this context, *club* can also indicate *association*. During the 1960's, the concept of a homeowner association was gaining more prominence, but it was not as common a term as it is today. I can see where a newspaper reporter would use the word "club" as opposed to "association" and vice versa. These articles are a direct indication that Tomoka Oaks Homeowners did meet and communicate on a regular basis.

Table 12 Official Recording Date 10/19/1970

Resolution
Recorded 10/19/1970. Book 1238 / Page 248.

RE: Board of Directors Meeting held 1.75 years earlier on 2/18/1969 in which:

Paraphrase

- It has been submitted to Tomoka Oaks, Inc. that TOCC, Inc. has contracted to sell the golf course property to Ormond Ocean Homes, Inc.
- Tomoka Oaks, Inc. rejects its right to exercise any option to purchase the property, and is in full accord with the sale which is hereby ratified and approved by its Board of Directors on 2/18/1969.
- Tomoka Oaks, Inc. intends to liquidate and dissolve and releases all rights reserved it in the deed of conveyance 585/157 recorded 12/12/63.
- Release of Reverter to become effective 12/13/1973

Signed by: Donald W. Acer, Jr., Secretary

My Opinion

The timeline regarding the official filing of this Resolution is questionable.

The intent of the Resolution is unethical and possibly illegal.

1. The official recording of this 2/18/1969 Resolution was not until 10/19/1970 which was
   - 21 months after the date of the Board of Director's Meeting
   - 7 months after the sale of the golf course to Ormond Ocean Homes, Inc. by TOCC, Inc. on 3/5/1970.
2. The deed of conveyance 585/157 recorded 12/12/1963 specifically indicates:
   - The reverter clause could only be released or modified by BOD resolution at any time AFTER ten years of the 585/157 deed recording date of 12/12/1963. Therefore:
     - The earliest date the BOD could release or modify the reverter clause was 12/13/1973.
     - The BOD resolution that was passed on 2/18/1969 (which modified the clause) was only 6.25 years after 12/12/1963; not 10 years as required by 585/157.
     - BOD meeting held 2/18/1969 specified a reverter release date of 12/12/1973 which was almost 3.75 years in the future.
     - Tomoka Oaks, Inc. was dissolved by Proclamation on 7/11/1972 which was 16 months before the release of the reverter

       I question the ethics of how the Board, in 1969, could specify a reverter release date of 1973 knowing Tomoka Oaks, Inc. was liquidating and would therefore no longer be in existence should the property need to revert to Tomoka Oaks, Inc. due to Ormond Ocean Homes (aka Sovereign) not using the property

perpetually for a golf and country club, golf course, and related uses.

- If Tomoka Oaks, Inc. has sold four-fifths of the lots in Tomoka Oaks Country Club Estates, the right to release or modify the reverter clause is vested automatically and exclusively in the Tomoka Oaks Homeowners Association.

  I question how the BOD could ethically and legally release all reverter rights, including those provided to the Tomoka Oaks HOA,

  - Knowing they were releasing one of the protections McElroy publically promised in his Invitation to the Public (Table 4).
  - Not knowing if 4/5 of the lots would or would not have been sold by 12/12/1973.

3. Ralph R. Frederick had a definite conflict of interest in ownership at the time the Resolution was passed (Table 7). This conflict directly jeopardized and negated the homeowners' reverter rights (Table 6).

   In my opinion, Frederick, as president of Tomoka Oaks Country Club Estates, had a fiduciary responsibility to lot owners and homeowners to protect their financial interests. Throughout 1962 and continuing into 1970, Tomoka Oaks Country Club Estates (owned by Tomoka Oaks, Inc.) marketed the estates as coexisting with the golf course. Golf course facing lots and homesites were more desirable and therefore priced higher than non-golf course facing lots and homesites. (See Section "Master Planned Community" of this report for details and citations.) Due to this representation of coexistence, Fredericks should have included specific referral rights and reverter rights in Deed 1188/533, rather than using this Resolution to release all rights.

4. Deed 1188/533 was "subject to restrictions and reservations of Record."

   Prior to the filing of Resolution 1238/248 in October 1970, I found no official Volusia County Record filings releasing or modifying the reverter clause, or the restriction in Units 1 and 3. And I found no recorded reversal or modification of the "restricted use" defined as: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**

Table 13	Official Recording Date 11/22/1970

Affidavit
Recorded 11/22/1970. Book 1238 / Page 244.

Summary:

- Corp has been inactive for the last 5 years
- Corp granted rights from Tomoka Oaks, Inc. while in a lease agreement regarding the golf course dated 1/1/1963
- Lease canceled by mutual consent 12/13/1963

Signed 11/5/1968 by: William R. Conway, VP, Tomoka Oaks Golf and Country Club, Inc.

My Opinion

This Affidavit was another document Ralph R. Frederick needed to prove there could be no legal challenges to TOCC, Inc.'s March 1970 sale of the Sam Snead golf course to Ormond Ocean Homes, Inc. (aka Sovereign Industries, Inc.). It is my opinion the Affidavit did not truthfully state the facts, and that Tomoka Oaks Golf and Country Club, Inc. was active after 11/5/1968 and after the Tomoka Oaks, Inc. BOD 2/18/1969 resolution approving the sale of the golf course property to Ormond Ocean Homes, Inc.

- The Affidavit was signed 11/5/1968 but not recorded with Volusia County until 11/22/1970, which was 2 years later.

- The recording date of the Affidavit was 8 months after the sale of the golf course property to Ormond Ocean Homes/Sovereign.
- Tomoka Oaks Golf and Country Club, Inc. filed two recordings with Volusia County during their stated inactive timeframe:
  - Warranty Deed recorded 9/14/1965; Book 735 / Page 428
  - Quit Claim Deed recorded 2/18/1966; Book 774 / Page 657
- Florida's Division of Corporations indicates the corporation was dissolved by proclamation on 10/21/1974, which was 6 years after their stated inactive date.

Table 14	Official Recording Date 6/15/1971

Warranty Deed
Recorded 6/15/1971. Book 1306 / Page 286.

Ormond Ocean Homes, Inc. grantor
PLR Development, LTD grantee

- All of the Sam Snead Golf and Country Club.
- Remaining lots in Tomoka Oaks Country Club Estates

Subject to restrictions, reservations, and easements of Record.

My Opinion

On 6/15/1971 the golf course property was still subject to the "use restriction" specified in Deed 585/157 which specifically stated: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** The "use" can be inferred in 1306/286 from the inclusion of "Subject to restrictions, reservations, and easements of Record.," so it is my opinion the "restrictive use" was in effect and deemed approved in Deed 1306/286. My Volusia County Records research did not find any officially recorded reversal or modification of the encumbered use.

It is my opinion that on 6/15/1971 the golf course property was still subject to the reverter clause in Deed 585/157 despite the filings in Tables 11, 12, and 13. Ormond Ocean Homes, Inc. (aka Sovereign Industries, Inc.), still had a fiduciary responsibility to lot owners and homeowners to protect their financial interests because throughout their ownership, Ormond Ocean Homes, Inc. marketed the estates as coexisting with the golf course. Golf course facing lots and homesites were more desirable and therefore priced than non-golf course facing lots and homesites. (See Section "Master Planned Community" of this report for additional details and citations.) Due to this representation of coexistence, Ormond Ocean Homes, Inc. (aka Sovereign) had a fiduciary responsibility to uphold in Deed 1306/286 the referral rights and reverter rights in 585/157. Instead, in my opinion, Ormond Ocean Homes, Inc. and Tomoka Oaks, Inc. intentionally and unethically released the protective rights of home owners should the golf course not be perpetually used as intended: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**

Protective Covenants and Restrictions during Milton W. Pepper's Ownership Interest: June 1971 - February 1979

It is my opinion that beginning in June 1971 through February 1979 (see Ownership Chart), Milton W. Pepper failed in his fiduciary responsibility to protect homeowners' reverter rights and potential referral rights as intended in Tomoka Oak, Inc.'s 12/12/1963 Deed 585/157 (Table 7).

1. Pepper perpetuated Tomoka Oak, Inc.'s:
   - 1970's unethical denial of the existence of an HOA (Tables 11 and 16).
   - 1970's unethical release of any and all rights reserved onto it in 585/157 (Tables 12 and 15).
   - Unethical assignment of rights, titles, or interest in all restrictions and rights to enforce, alter, change or wave Restrictive Covenants dated 1/31/1962 (Table 11).
2. Pepper included reverter rights protecting himself as the individual golf course owner, but he did not include referral or reverter protections for estate lot owners and homeowners when he sold the Sam Snead Golf and Country Club to RTH, Inc. in February 1979. (Table 19)

Table 15	Official Recording Date 6/16/1971
Release Recorded 6/16/1971. Book 1307 / Page 89. *Summary*: ▪ As per BOD meeting held 2/18/1969, Tomoka Oaks, Inc.: ○ Releases any and all rights reserved unto it in Deed 585/157, particularly its right of first refusal set forth in said deed ○ Releases the Reverter Clause contained in Deed 585/157 ▪ The release of the Reverter Clause to be effective 12/13/1973 *Release signed by:* R. W. Davis, President, Tomoka Oaks, Inc.	
My Opinion See Table 12 regarding the BOD Resolution on 2/18/1969 as Table 12 directly relates to the 1307/89 Release in Table 15. In my opinion, the major differences between Resolution 1238/248 (Table 12) and Release 1307/89 (Table 15) are that: • 1307/89 was filed and recorded one day after Ormond Ocean Homes, Inc. sold the golf course property to PLR Development, LTD. • PLR was, in my opinion, asking for legal assurance from Tomoka Oaks, Inc. that the Reverter in Deed 585/157 did not present a legal obstacle to the sale of the golf course property to PLR. • PLR did not want to be legally bound by the 585/157 reverter clause should PLR sell the Sam Snead golf course.	

Table 16	Official Recording Date 5/8/1972

Assignment
Recorded: 5/8/1972. Book 1420 / Page 159

Paraphrase

- Tomoka Oaks Homeowners Association has never had any being as a corp or association.
- Tomoka Oaks, Inc. conveyed to Ormond Ocean Homes all of its remaining holdings in Tomoka Oaks Country Club Estates and assigned all of its right, title or interest originally contained in the Restrictive Covenants dated Jan 31, 1962.
- Ormond Ocean Homes, Inc. does hereby set over, transfer, and assign to PLR any right, title or interest in all restrictions and the right to enforce, alter, change or waive any original restrictions.

Signed by Ormond Ocean Homes, Inc.

My Opinion

Ormond Ocean Homes, Inc.'s Assignment of the Estates to PLR was based on the same unethical premise as Tomoka Oaks, Inc.'s 7/6/1970 Conveyance of the Estates to Ormond Ocean Homes (Table 11). Therefore the same issues detailed in the Table 11 Conveyance carry forward to this Assignment. And my opinion remains the same:

- The timeline regarding the official filing of this Assignment is questionable as per same rationale in Table 11.
- The intent of the Assignment is unethical because there was an active HOA at the time of the Assignment as detailed in Table 11 A.

Table 17	Official Recording Date 2/27/1975

Warranty Deed
Recorded 2/27/1975. Book 1768 / Page 1798.

PLR Development, LTD grantor (Milton W. Pepper, General Partner)
AKRON Enterprises, Inc. grantee (Milton W. Pepper, President)

Sale of all of the Sam Snead Golf and Country Club to AKRON subject to easements, restrictions and reservations of record, if any.

My Opinion

On 2/27/1975 the golf course property was still subject to the "restrictive use" in Deed 585/157 (Table 6): **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**

My Volusia County Records research did not find any officially recorded reversal or modification of the restricted use.

Table 18	Official Recording Date 2/28/1977
Warranty Deed Recorded 2/28/1977. Book 1887 / Page 301. PLR Development, LTD grantor BML Investments and PRN Investments grantees Sale of remaining lots in Tomoka Oaks Country Club Estates. Subject to restrictions, reservations, and easements of record.	
My Opinion • I believe the Unit 1 Restrictions were still in effect at the time of the 2/28/1977 sale of Tomoka Oaks Country Club Estates, and therefore if 4/5's of the lots in Unit 1 had been sold, the reverter right would vest automatically in the HOA. (Tables 1, 11 and 16)	

Table 19	Official Recording Date 2/14/1979
Warranty Deed Recorded 2/14/1979. Book 2052 / Page 1019. Milton W. Pepper grantor RTH, Inc. grantee Sale of the Sam Snead Golf and Country Club to RTH, Inc. Subject to easements and restrictions of record, if any. *Reverter* "During the term of the purchase money note and wrap around mortgage executed of even date herewith by grantee to grantor, or for a period of 18 years in the event the mortgage is prepaid in full, the above described property shall revert to the grantor upon the condition that any portion of said property is used for any purpose other than a golf course with club house and appurtenant amenities.	
My Opinion On 2/14/1979 the golf course property was still subject to the "use restriction" specified in Deed 585/157 which specifically stated: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** The "use" can be inferred from the inclusion of "Subject to easements and restrictions of record, if any." Therefore, it is my opinion the "restrictive use" was in effect and deemed approved in the 'subject to' statement in Deed 2052/1019. It is my opinion that on 2/14/1979 the golf course property was still subject to the reverter clause in Deed 585/157 despite the filings in Tables 15 and 16. The intent of the Reverter was to continue to protect the original restrictive use. The reverter may have capped at 18 years upon payment of the note, but the **intent** was still **perpetual**. Milton W. Pepper as sole owner of the golf course, and as stockholder in PLR Development, LTD., still had a fiduciary responsibility to lot owners and homeowners to protect their financial interests. Throughout its ownership, PLR marketed the estates as coexisting with the golf course. Golf course facing lots were more desirable and therefore priced 70% - 96% higher[3], [4] than non-golf course facing lots and homesites. (See Section "Master Planned Community" of this report for details and citations.) Due to this representation of coexistence, Pepper had a fiduciary responsibility to uphold in Deed 2052/1019 the referral rights and reverter rights intended in 585/157. Instead, in my opinion, Milton W. Pepper, PLR Development, LTD, and	

Tomoka Oaks, Inc. intentionally and unethically released the protective rights of home owners should the golf course not be perpetually used as intended.

Also, it should be noted:

- Milton W. Pepper's son-in-law, Ben Horne, was a real estate agent who listed homes in Tomoka Oaks Country Club Estates and who placed ads in the *Daytona Beach News- Journal* advertising golf course fronting lots and homes.
- Milton W. Pepper and Ben Horne were both stockholders in Tomoka Oakwood Development Corp. which owned and developed Tomoka Oaks North condominiums of which buyers received a paid membership in Tomoka Oaks Country Club.
- The above conflicts of interest in cross ownership are detailed and cited in the section of this report titled "Conflicts of Interest in Cross-Ownership."

Table 20 Official Recording Dates 7/21/2010 - present

Warranty Deed
Recorded 7/21/2010. Book 6496 / Page 4634.

RTH, Inc. grantor
Putnam State Bank grantee

Verbatim excerpt:
It is the intent of the grantor and grantee that the conveyance of the above described property to Putnam State Bank will not act in any way as satisfaction of the notes and mortgages RTH, Inc. to Putnam State Bank (copies of which are recorded in O.R. Book 6160 at page 132 and O. R. Book 6296 at page 4639 of the public records of Volusia County, Florida.) It is the express intent of the parties that the above-described notes and mortgages will not merge with the interest of Putnam acquired under this deed until it is determined that there are no intervening liens.

Special Warranty Deed
Recorded 12/12/2011. Book 6659 / Page 1525.

Putnam State Bank grantor
EJTS Holding, LLC grantee

Sale of Sam Snead Golf and Country Club subject to encumbrances, easements and restriction of records.
Together with all the tenements, hereditaments and appurtenances thereto belonging in any wise appertaining.

Warranty Deed
Recorded 4/21/2021. Book 8036 / Page 3448.

EJTS Holding, LLC grantor
Triumph Oaks of Ormond Beach I, LLC grantee

Sale of Sam Snead Golf and Country Club subject to reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Protective Covenants and Restrictions: Summary and My Opinion

Regardless of whatever entity owned (or owns) the Sam Snead Golf and Country Club:

- The golf course property was originally intended and encumbered as: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.**
- My Volusia County Records research did not find any officially recorded reversal or modifications of the restricted, perpetual use defined in Deed 585/157. And I found no modifications to the convenants in Restrictions 431/32.
- The Reverter clause in Deed 585/157 is still current today, and due to the fact that over 4/5's of the lots in Tomoka Oaks Country Club Estates have been disposed of, the reverter is now vested automatically and exclusively with the Tomoka Oaks Homeowners Association.
- Since its inception in the early 1960's and continuing to present time, buyers in Tomoka Oaks Country Club Estates purchased lots and homes predicated on their value as related to the coexisting golf course.
- The golf course property continues to benefit the surrounding residential properties; it preserves the character of the community, and provides residents with a pleasant view.

ENDNOTE

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[1] (Daytona Beach Sunday News-Journal pg 36 - Tomoka Oaks Subdivision Work Starts, 10/1/1961)
[2] (Daytona Beach Sunday News-Journal pg 1 - Tomoka Oaks Property, Firm Sold, 3/29/1970)
[3] (Daytona Beach Sunday News-Journal pg 56 - Tomoka Oaks ad by Gale Asso, 2/10/1974)
[4] (Daytona Beach Sunday News-Journal pg 54 - Tomoka Oaks ad by Symon Ryals, 8/17/1975)

Conflicts of Interest in Cross-Ownership

It is my opinion that throughout the ownership of the **Sam Snead Golf and Country Club** and the **Tomoka Oaks Country Club Estates**, conflicts of interest in cross-ownership resulted in questionable and unethical business practices by stockholders which ultimately jeopardized and negated the protective covenants and restrictions originally recorded to protect home values of residential estate owners and to protect the use of the golf course property as: **Property shall be used perpetually for purposes of a golf and country club, golf course, and related uses**.

Throughout the ownership of the Sam Snead Golf and Country Club and the Tomoka Oaks Country Club Estates, officers in Tomoka Oaks, Inc., TOCC, Inc., Ormond Ocean Homes, Inc., PLR Development LTD, AKRON Enterprises, Inc. and the individuals Ralph R. Frederick and Milton W. Pepper were involved in one or more of the following conflicts of interest:

1. Bought and sold lots in Tomoka Oaks Country Club Estates
2. Lived in golf course facing homes in Tomoka Oaks Country Club Estates
3. Made unethical and possibly illegal modifications to protective covenants and restrictions.
4. Jeopardized and negated homeowner rights through questionable and unethical Volusia County filings and recordings.

It is my opinion that the unethical and possibly illegal documents filed in #3 above are invalid due to cross-ownership conflicts of interest. And I believe the protective covenants and restrictions originally recorded in the early 1960's (specifically Warranty Deed 585/157 recorded 12/12/1963 and Restrictions 431/32 recorded 1/31/1962) are still in effect today.

For the Reader's information:

- All *Daytona Beach News-Journal* article citations come from www.newsbank.com accessed through the Volusia County Library.
- All opinions are my own. I did not collaborate with any other Tomoka Oaks homeowner or with the Tomoka Oaks HOA.

TOMOKA OAKS, INC. Conflicts of Interest in Cross-Ownership
Owner of both the golf course and estates Sept 1960 - March 1970

Tomoka Oaks, Inc. officers who bought lots from Tomoka Oaks, Inc.

Sales Date	Buyer/Officer	Office Held	Lot/Block/Price		Address	Book/Page
12/10/1962	Thomas Kittrell	VP	2/9	$9	22 N ST ANDREWS DR	494/618
12/10/1962	Thomas Kittrell	VP	5/9	$9	28 N ST ANDREWS DR	494/618
12/12/1962	Ted Brousseau	Sec/Trea/GM	4/9	$9	26 N ST ANDREWS DR	495/576
1/7/1963	George Haller	Dir	12/7		23 PINE VALLEY CIR	503/219
2/24/1964	Ralph R. Frederick	Pres, Trustee	12/9		42 N ST ANDREWS DR	604/363
4/27/1965	Ralph R. Frederick	Pres, Trustee	3/10	$640	27 S ST ANDREWS DR	703/502
5/4/1965	Ralph R. Frederick	Pres, Trustee	4/10	$640	27 S ST ANDREWS DR	705/243
12/27/1966	Ralph R. Frederick	Pres, Trustee	1/10		24 TOMOKA OAKS BLVD	DBNJ*
5/17/1968	Ralph R. Frederick	Pres, Trustee	14/10	$5K	47 S ST ANDREWS DR	1017/520
11/17/1968	Ralph R. Frederick	Pres, Trustee	Block 1	$15K		DBNJ*
12/18/1968	Ralph R. Frederick	Pres, Trustee	5/12		27 N ST ANDREWS DR	1062/573
3/24/1969	Ralph R. Frederick	Pres, Trustee	4/12		25 N ST ANDREWS DR	1085/471
9/4/1969	Ralph R. Frederick	Pres, Trustee	16/18		64 S ST ANDREWS DR	1125/423
3/11/1970	Ralph R. Frederick	Pres, Trustee	Block 2,3		Unit 3A	1183/17
10/23/1966	James P. Callahan	Dir	5&6/10		29 S ST ANDREWS DR	DBNJ*
8/18/1968	James P. Callahan	Dir	7&8/10		33 S ST ANDREWS DR	DBNJ*
8/10/1964	Ralph W. Davis	Pres	10&11/9		40 N ST ANDREWS DR	DBNJ*
6/23/1965	James Bochhoven	Dir	14/14		5 OAKMONT CIR	DBNJ*
4/27/1967	James P. Walker	Partner**	12/14	$5K	9 OAKMONT CIR	923/317
8/20/1967	James P. Walker	Partner**	11/14	$5K	11 OAKMONT CIR	DBNJ*
8/20/1967	James P. Walker	Partner**	10/14	$5K	13 OAKMONT CIR	DBNJ*
12/31/1967	James P. Walker	Partner**	18/14	$5K	57 S ST ANDREWS DR	DBNJ*

*DBNJ = The Sales Date column contains the issue date of the Deed Recording published in the *Daytona Beach News-Journal*

** James P. Walker and Ralph R. Frederick were partners in Tomoka Pines, Inc. filed 7/13/1967

Tomoka Oaks, Inc. officers who purchased lots and lived in homes bordering the golf course:

Officer	Offices Held	Address	Book/Page
Ralph R Frederick	Pres, Trustee	24 TOMOKA OAKS BLVD	Book 897 / Page 525
R. (Ralph) W. Davis	Pres	40 N ST ANDREWS DR	Per Corp Filing [1]
James Bochhoven	Dir	5 OAKMONT CIR	Per Corp Filing [2]
Russell W. McFall	Dir	41 S ST ANDREWS DR	Book 830 / Page 396
George L. Haller	Dir	23 PINE VALLEY CIR	Book 503 / Page 219
Richard L. Shetler	Dir	66 ST ANDREWS DR	DBNJ* 9/9/1962, pg 36
Rockwell V. "Rocky" Collins	Dir	28 N ST ANDREWS DR	Per Corp Filing [3]

Tomoka Oaks, Inc. officers with questionable conflict of interest in cross-ownership

1. Donald W. Acer, Jr., Secretary, Tomoka Oaks, Inc.

Donald W. Acer, Jr. served as secretary of Tomoka Oaks, Inc. from 1960 - 1972 and signed many of the corporate filings on record with Volusia County. Documents that I believe are unethical and possibly illegal include:

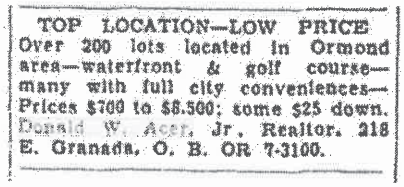
RESTRICTIONS - Unit 3 Tomoka Oaks Country Club Estates
Dated 8/4/1969. Book 1121 / Page 556.
Full details in Table 9 "Protective Covenants and Restrictions."

Resolution
Recorded 10/19/1970. Book 1238 / Page 248.
Full details in Table 12 "Protective Covenants and Restrictions"

Acer was also very active in local real estate during the entire time he held the office of Secretary with Tomoka Oaks, Inc.[4] Therefore Acer was well versed in the ethics and fiduciary duties of real estate agents.

- Member of the Ormond Beach Board of Realtors[5]
- President of the Florida Mortgage Brokers Assn, Daytona Beach Chapter[6]
- Real Estate Agent with Key Realtor Asso Inc.[7]
- President of the Daytona Beach - Ormond Beach Board of realtors in 1970[8]

In September 1962, Acer ran a series of ads in the *Daytona Beach Morning-Journal*[9] advertising golf course lots (see right). It is my opinion Acer was marketing lots in Tomoka Oaks Country Club Estates thus creating a conflict of interest should Acer have benefitted financially due to his position on the Tomoka Oaks, Inc. Board of Directors.


TOP LOCATION—LOW PRICE
Over 200 lots located in Ormond area—waterfront & golf course—many with full city conveniences—Prices $700 to $8,500; some $25 down. Donald W. Acer, Jr., Realtor, 218 E. Granada, O. B. OR 7-3100.

As shown above, Acer was also a real estate agent with Key Realty Asso, Inc. Throughout the 1970's, Key Realty placed numerous real estate ads in *the Daytona Beach News-Journal* which promoted golf course fronting homes for sale in Tomoka Oaks Country Club Estates. Example ad text included:

- Overlooking fairway (6/23/1970; pg 19)
- On the golf course (7/14/1974; pg 41)
- Tee off from your backyard (10/15/1974; pg 19)
- Home on the 17th tee (12/30/1974; pg 30)
- On the 13th fairway (5/28/1975; pg 30)
- Overlooking 16th tee (9/25/1977; pg 59)
- Golf course home (4/8/1979; pg 53)

Acer was fully aware that Tomoka Oaks, Inc.'s Resolution 1238/248 voted on in February 1969, intended to release any and all reverter rights of Tomoka Oaks, Inc. and Tomoka Oaks Homeowners Association. If Acer served as a listing agent or buyer's agent on any of those advertised homes during his agency with Key, it was with the full knowledge homeowners' protective reverter rights were released effective 12/13/1973. In my opinion that represented a conflict of interest if Acer did not disclose the release of rights.

2. Ralph W. Davis, President, Tomoka Oaks, Inc.

Ralph W. Davis served as president of Tomoka Oaks, Inc. from 1960 - 1972 and signed questionable, and in my opinion unethical, recordings with Volusia County that negated the homeowner rights and protections recorded in Deed 585/157. Specific documents include:

RESTRICTIONS - Unit 3 Tomoka Oaks Country Club Estates

Recorded 8/4/1969. Book 1121 / Page 556.
Full details in Table 9 "Protective Covenants and Restrictions."

Conveyance

Recorded 7/6/1970. Book 1212 / Page 70.
Full details in Table 11 "Protective Covenants and Restrictions."

Release

Recorded 6/16/1971. Book 1307 / Page 89.
Full details in Table 15 "Protective Covenants and Restrictions."

Davis was also a real estate agent who listed many of the golf course facing homes for sale in Tomoka Oaks Country Club estates throughout the 1970's. Like Acer, Davis knew that Tomoka Oaks, Inc.'s Resolution 1238/248 voted on in February 1969, intended to release any and all reverter rights of Tomoka Oaks, Inc. and Tomoka Oaks Homeowners Association, yet he continued marketing golf course facing homes fully knowing homeowners' protective reverter rights were released effective 12/13/1973.

Davis also served as First Vice President of the Daytona Beach - Ormond Beach Board of Realtors during 1971[10], so he was fully aware of his ethical and fiduciary duties to home buyers. It is my opinion he did not exercise those duties when his advertisements for Tomoka Oaks Country Club Estate listings used marketing text such as:

- Overlooking number 3 Fairway (9/7/1973; pg 31)
- Tomoka Oaks Beauty on Golf Course lot (1/4/1974; pg 22)
- Choice executive home on GOLF COURSE (3/2/1974; pg 33)
- A Bit of Paradise located on the 5th Green (7/22/1974; pg 32)
- Prestige Tomoka Oaks. On golf course (10/7/1974; pg 20)
- Beautiful lot facing 16th tee (11/23/1974; pg 41)
- Located on the 17th hole (5/19/1975; pg 26)

ORMOND PRESTIGE AREA High on a hill, overlooking, number 3 Fairway, Tomoka Oaks Country Club Golf Course Well appointed "POOL HOME", with screened patio area for outdoor living & gracious entertaining. 3 bedroom, 2 baths, deluxe equipped kitchen, carpets, drapes, oversized 2 car garage, with elec.-eye opener. Beautifully landscaped, nicer than new. See today!! RALPH W. DAVIS, Realtor 715 S. Yonge (US1) Ormond 677-8469	TOMOKA OAKS Prestige Privacy Beauty Choice executive home on GOLF COURSE, screened pool, spacious patio area for outside enjoyment & entertainment. CUSTOM BUILT 3 bedroom, split plan, featuring all electric kitchen and separate equipped laundry room. Wall to wall carpets and custom drapes. Wooded area. A MUST TO SEE BEFORE YOU DECIDE ON A HOME!! RALPH W. DAVIS, Realtor 715 S. Yonge (US1) Ormond 677-8469	PRESTIGE TOMOKA OAKS Large 4 bedroom, 3½ bath, family size kitchen, abundance of cabinets. ON GOLF COURSE WITH SCREENED POOL. Split bedroom plan for privacy. A must to see. RALPH W. DAVIS, Realtor 715 S. Yonge (US1) Ormond 677-8469
9/7/1973; pg 31	3/2/1974; pg 33	10/7/1974; pg 20

3. Ralph R. Frederick had ownership interests in multiple corporations:

- Sam Snead Golf and Country Club
  - President, Trustee, and majority stock holder under Tomoka Oaks, Inc. from 12/12/1963 – 1/10/1966
  - President and majority stockholder under TOCC, Inc. from 1/10/1966 – 3/5/1970.
- Tomoka Oaks Country Club Estates
  - President and stock holder under Tomoka Oaks, Inc. from 12/12/1963 – 3/5/1970
- Ormond Ocean Homes
  - Stockholder, General Manager, President from 1961 - 3/28/1970 (as per news articles in Table 7 "Protective Covenants and Restrictions.")
- Tomoka Pines, Inc.
  - President per Corporate filing 7/13/1967

It is my opinion that Ralph R. Frederick's conflict of interest in cross-ownership in TOCC, Inc., Tomoka Oaks, Inc., and Ormond Ocean Homes, Inc. resulted in the intentional, systematic, and unethical removal of the prior protective covenants and restrictions in Deed 585/157 recorded on 12/12/1963 intended to protect homeowner investments in Tomoka Oaks Country Club Estates.

- During his presidency of Tomoka Oaks Country Club Estates, Frederick as an individual buyer purchased from Tomoka Oaks, Inc. multiple golf course facing lots in the Estates (see above) which he presumably then sold to other individuals or developers. One of those lots became his own personal residence at 24 TOMOKA OAKS BLVD located just west of the entrance to the Sam Snead Golf and Country Club.

- Also during Frederick's presidency of Tomka Oaks Country Club Estates, Restrictions were recorded for Unit 3 which omitted automatic HOA membership (see Table 9 in "Protective Covenants and Restrictions"). It is my opinion that Frederick's knowledge of the upcoming sale of the golf course and estates to Ormond Ocean Homes, Inc. influenced Unit 3 Restrictions because:

  a) Deed 585/157 provided reverter rights to the HOA should the golf course not be used perpetually as encumbered: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses**

  b) Frederick did not want TOCC, Inc. and Ormond Ocean Homes, Inc. and Sovereign Industries, Inc. to be bound by the 585/157 reverter clause during the upcoming sale to Ormond Ocean Homes and any future sales of the golf course by Ormond Ocean Homes/Sovereign.

  c) Unit 3 restrictions were signed by Tomoka Oaks, Inc., R. W. Davis, President and Donald W. Acer, Jr., Secretary. Frederick did not sign the Restrictions in order to avoid the obvious appearance of his conflict of interest.

- Frederick was president of Tomoka Oaks Country Club Estates, and he was president of Tomoka Oaks, Inc., which sold four residential lots to James P. Walker. Walker and Frederick were also partners in Tomoka Pines, Inc. [11] Although Walker purchased Tomoka Oaks lots as an individual, and not through Tomoka Pines, the business partnership Walker and Frederick shared in Tomoka Pines makes the Tomoka Oaks lot sales a questionable conflict of interest.

- Frederick was president and majority stock holder of TOCC, Inc. when Ormond Ocean Homes, Inc. purchased the Sam Snead Golf and Country Club on 3/5/1970 from TOCC, Inc. Frederick was a stock holder, president, and general manager of Ormond Ocean Homes, Inc. at the time of this sale (see Table 7 in "Protective Covenants and Restrictions").

- Frederick was president and stockholder in Tomoka Oaks, Inc. when Ormond Ocean Homes, Inc. purchased Tomoka Oaks Country Club Estates on 3/5/1970 from Tomoka Oaks, Inc. And Frederick was

a stock holder, president, and general manager of Ormond Ocean Homes, Inc. at the time of this sale (Table 7 "Protective Covenants and Restrictions").

- Shortly after Ormond Ocean Homes, Inc. purchased the Sam Snead golf course and the residential Estates, the stock of Ormond Ocean Homes, Inc. was acquired by Sovereign Industries, Inc. on 3/28/1970. Therefore Frederick, who owned stock in all three corporations and benefitted financially, had a definite conflict of interest in cross-ownership.

- After Sovereign acquired all Ormond Ocean Homes, Inc. stock, Tomoka Oaks, Inc. filed questionable, and unethical (and perhaps illegal) documents which released the protective covenants and reverter rights set forth in Deed 585/157 dated 12/12/1963. And it negated any existence of a Tomoka Oaks HOA therefore nullifying HOA rights in the 585/157 Reverter Clause. Documents filed are listed here and are explained in detail in Tables located in the "Protective Covenants and Restrictions" section of this report:

  - **Conveyance,** Recorded 7/6/1970. Book 1212 / Page 70. (Table 11)
  - **Resolution,** Recorded 10/19/1970. Book 1238 / Page 248. (Table 12)
  - **Affidavit,** Recorded 11/22/1970. Book 1238 / Page 244. (Table 13)
  - **Release,** Recorded 6/16/1971. Book 1307 / Page 89. (Table 15)

  It is my opinion that Sovereign wanted assurance that the Referral Rights and Reverter Rights in Deed 585/157 would not present any legal issues with Ormond Ocean Homes, Inc.'s recent purchase of the Sam Snead Golf and Country Club or with any future sale of the golf course by Sovereign. I believe officers of Tomoka Oaks, Inc. intentionally submitted the above four documents to systematically release and negate the Referral Rights and Reverter Rights recorded in Deed 585/157. These four documents went directly against the intent of Deed 585/157.

  I believe Frederick, Acer, Davis and other Tomoka Oaks, Inc. officers were complicit in removing rights and protections that were originally intended in Deed 585/157 to protect homeowners' investments and the use of the golf course as: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses**.

  And I believe Tomoka Oaks, Inc.'s acted unethically when they recorded **Conveyance** 1212/70 and **Assignment** 1420/159 which both stated: Tomoka Oaks Homeowners Association has never had any being as a corp or association. My research indicates there was an active homeowners' club/association at the time of these recordings (Table 11 A).

  - Lastly, Deed 585/157 dated 12/12/1963 made Frederick the **trustee** of the Sam Snead Golf and Country Club. The intent of 585/157 was clearly to provide referral rights and reverter rights to protect the perpetual use of the golf course property and the financial investments of homeowners who purchased lots based on the coexistence of the golf course and estates. I believe Frederick did not honor his trusteeship but instead coordinated systematic recordings that took away the very rights and protections of Deed 585/157.

ORMOND OCEAN HOMES, INC (AKA SOVEREIGN INDUSTRIES, INC.) Conflicts of Interest in Cross-Ownership
Owner of both the golf course and estates March 1970 - June 1971

Ormond Ocean Homes, Inc./Sovereign Industries, Inc. took ownership of the Sam Snead Golf and Country Club and Tomoka Oaks Country Club Estates in March 1970. Prior to the sale, Ralph R. Frederick had ownership interest in all three parcels.

As detailed above, Tomoka Oaks, Inc. officers filed recordings after the March 1970 sale to Ormond Ocean Homes that I believe were unethical and possibly illegal:

- **Conveyance,** Recorded 7/6/1970. Book 1212 / Page 70. (Table 11)
- **Resolution,** Recorded 10/19/1970. Book 1238 / Page 248. (Table 12)
- **Affidavit,** Recorded 11/22/1970. Book 1238 / Page 244. (Table 13)
- **Release,** Recorded 6/16/1971. Book 1307 / Page 89. (Table 15)

NOTE: Citations for the above opinions are included in Tables located in the "Protective Covenants and Restrictions" section of this report.

PLR DEVELOPMENT, LTD. and **AKRON ENTERPRISES, INC.** and **MILTON W. PEPPER**
Conflicts of Interest in Cross-Ownership
June 1971 - Feb 1979

Milton W. Pepper had ownership interest in both the Sam Snead Golf and Country Club and in Tomoka Oaks Country Club Estates, as well as Tomoka Oakwood Development Corporation, which I believe resulted in conflicts of interest that jeopardized home owner investments in the estates:

- Sam Snead Golf and Country Club
  - General Manager and stock holder under PLR Development, LTD. from 6/15/1971 - 2/27/1975
  - President and primary stock holder under AKRON Enterprises, Inc. from 2/27/1975 - 2/27/1978
  - Individual, sole Owner from 2/27/1978 - 2/14/1979
- Tomoka Oaks Country Club Estates
  - General Manager and stockholder under PLR Development, LTD. from 6/15/1971 - 2/28/1977
- Tomoka Oakwood Development Corporation of Ormond Beach, FL
  - Secretary and Director from 4/27/1972 - 9/3/1976
- Tomoka Oakwood Development Corporation, Inc.
  - President from 8/28/1972 - 10/21/1974

Milton W. Pepper was the original architect of the Tomoka Oaks Master Plan[12]. Therefore Pepper had firsthand knowledge of the intent that the golf course and the estates were to coexist. I believe Pepper:

- Used his position to purchased lots in Tomoka Oaks Country Club estates for his personal benefit.
- Did not want to be bound by the Unit 1 Restrictions and the reverter clause in Deed 585/157 when PLR Development, LTD (of which Pepper was a stockholder) sold the Sam Snead Golf and Country Club to AKRON Enterprises, Inc. (of which Pepper was a stockholder), which in turn sold the golf course property to Milton W. Pepper as sole owner, who in turn sold the golf course to RTH, Inc.

  During all sales, I believe Pepper neglected his fiduciary duty to include homeowner reverter rights in golf course deeds. Pepper was an officer in PRL Development LTD which consistently marketed the coexistence of the golf course and residential estates.
- Used his stock ownership in multiple corporations to promote Sam Snead golf course membership as an amenity in Pepper's development of Tomoka Oaks North Condominiums.
- Created a separate corporation for himself and his son-in law, realtor Ben J. Horn, Jr., that may have enabled Horn to profit from lot sales in Tomoka Oaks Country Club Estates.
- Did intend to keep the encumbered "use" of the golf course as: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses**. But failed to exercise his fiduciary responsibility to include referral and reverter clauses that protected Tomoka Oaks Country Club Estates homeowner investments.

  NOTE: Citations for the above opinions are included in the text below and in Tables located in the "Protective Covenants and Restrictions" section of this report.

On 6/15/1971, Ormond Ocean Homes, Inc. sold the Sam Snead Golf and Country Club and the Tomoka Oaks Country Club Estates to PLR Development, LTD, (Book 1306 / Page 286), of which Milton W. Pepper was a stockholder and General Manager.[13]

On 6/16/1971, the day after the sale above,

1. Tomoka Oaks, Inc., former owner of the golf course property and the residential estates, filed a **Release** with Volusia County in Book 1307 / Page 89. (Table 15)

2. The **Release** related to the Tomoka Oaks, Inc. Board of Director's Meeting held 2.5 years earlier on 2/18/1969 in which the Board:

    a. Released the right of first refusal in deed of conveyance 585/157 filed 12/12/1963
    b. Released the reverter clause to be effective 12/13/1973
    c. Release signed by R. W. Davis, President, Tomoka Oaks, Inc.

    It is my opinion that PLR, (just like former owner Sovereign Industries, Inc.), wanted officially recorded documentation that the Referral Rights and Reverter Rights in Deed 585/157 would not present any legal issues with Ormond Ocean Homes, Inc.'s recent sale to PLR of the Sam Snead Golf and Country Club or with any future sale of the golf course by PLR.

    PLR (of which Pepper was General Manager) subsequently sold the Sam Snead Golf and Country Club to AKRON Enterprises, Inc. (of which Pepper was President)[14] on 2/27/1975; Book 1768 / Page 1798. And AKRON sold the property to Milton W. Pepper as an individual on 2/27/1978; Book 2001 / Page 382.

    As stated in the "Protective Covenants and Restrictions" section Table 15, and the related Table 12, I believe this **Release** was unethical and possibly illegal based on:

    The deed of conveyance 585/157 recorded 12/12/1963 which specifically states:

    1. The reverter clause could only be released or modified by BOD resolution at any time AFTER ten years of the 585/157 deed recording date of 12/12/1963. Therefore:

        - The earliest date the BOD could release or modify the reverter clause was 12/13/1973.
        - The BOD resolution that was passed on 2/18/1969 which was only 6.25 years after 12/12/1963; not 10 years as required by 585/157.
        - BOD meeting held 2/18/1969 specified a reverter release date of 12/12/1973 which was almost 3.75 years in the future.
        - Tomoka Oaks, Inc. was dissolved by Proclamation on 7/11/1972 which was 16 months before the release of the reverter.

        I question the ethics and legality of how the Board, in 1969, could specify a reverter release date of 12/13/1973 knowing Tomoka Oaks, Inc. was liquidating and would therefore no longer be in existence should the property need to revert to Tomoka Oaks, Inc. due to any future entity not using the property perpetually for a golf and country club, golf course, and related uses prior to the 12/13/1973 release date.

2. If Tomoka Oaks, Inc. has sold four-fifths of the lots in Tomoka Oaks Country Club Estates, the right to release or modify the reverter clause is vested automatically and exclusively in the Tomoka Oaks Homeowners Association.

   I question how the BOD could ethically and legally release all reverter rights, including those provided to the Tomoka Oaks HOA,

   - Knowing they were releasing one of the protections McElroy publically promised in his Invitation to the Public (Table 4).
   - Not knowing if 4/5 of the lots would or would not have been sold by 12/12/1973

On 5/8/1972, 11 months after Ormond Ocean Homes, Inc. sold the golf course and estates to PRL, Ormond Ocean Homes, Inc. filed:

- **Assignment,** Recorded: 5/8/1972. Book 1420 / Page 159 (Table 16)
  - Negated the existence of a Tomoka Oaks HOA
  - Assigned to PLR all rights in the Restrictive Covenants dated 1/31/1962

  It is my opinion the Assignment was based off the same unethical premise as Conveyance 1212/70 (Table 11), and that PLR wanted official documentation that PLR's ownership of the golf course and any future sale could not be legally challenged by home owners in Tomoka Oaks Country Club Estates. My research did find there was an active homeowners' association/club at the time of the Conveyance (Table 11 A) and the Assignment (Table 16).

  In addition to negating the existence of the HOA, PLR wanted all rights assigned to homeowners in the Unit 1 Restrictions to be assigned to PLR. But this Assignment was not allowable as stated in Tables 1 and 11 "Protective Covenants and Restrictions":

  The Unit 1 Restrictions dated 1/31/1963 stated:

  - #10 Grantee automatically a member of the Tomoka Oaks Homeowners Association
  - #11 Grantor reserves right to release restrictions except #10
  - #15 These covenants are to run with the land and shall be binding on all parties claiming under them for a period of 25 years from date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless instrument signed by a majority of the **then** lot owners has been recorded agreeing to change said covenants in whole or in part.

  So, in my opinion, every lot owner in Unit 1 was automatically a member of the Tomoka Oaks Homeowners Association, and only those lot owners could change the covenants in the Unit 1 Restrictions. Therefore Ormond Ocean Homes, Inc. and Tomoka Oaks, Inc. did not have the authority to assign the rights in Unit 1 to any other entity until at least 1998. AND the covenants were still binding after 1998 unless the majority of the **then** lot owners record agreement to change the

covenants. My Volusia County research did not find any recorded instrument by the majority of the lot owners changing Unit 1 Restrictions or any subsequent Restrictions.

Cross-Ownership of Residential Lots in relation to Milton W. Pepper

The following sales show cross-ownership interest when Tomoka Oaks Country Club homes and lots were sold to individuals, officers, and corporations associated with Milton Pepper.

Seller and Sales Date	Buyer	Lot/Block	Address	Book/Page
Ormond Ocean Homes, Inc. 6/15/1971*	Milton Pepper - as an individual	6/6	75 N ST ANDREWS DR	1306/296
Ormond Ocean Homes, Inc. 6/15/1971*	Milton Pepper - as an individual	8/15	39 OAKMONT CIR	1306/296
PLR Development, LTD 2/28/1975	AKRON Enterprises, Inc[15] -Milton Pepper is a stockholder/President	12/9	42 N ST ANDREWS DR	1768/1795
PLR Development, LTD 5/2/1975	J. Kermit Coble -Attorney for PLR[16] - Director in Tomoka Oakwood Development Corp of Ormond Beach, FL[17]	10/5 11/5	17 JANET CIR	1777/1864
* These two sales occurred the same day Ormond Ocean Homes, Inc. sold the golf course and the estates to PLR of which Pepper was stockholder and General Manager.				

Lifetime Membership

On 10/10/1972, PLR Development, LTD filed a Lifetime Membership Agreement in Tomoka Oaks Golf and Country Club (Book 1487 / Page 629) for:

- Milton W. Pepper
- J. Kermit Coble

And on 2/14/1979, Milton W. Pepper as the sole owner of the Sam Snead Golf and Country Club provided Lifetime Memberships in Tomoka Oaks Golf and Country Club (Book 2052 / Page 1019) to former Tomoka Oaks, Inc. officers (Table 8):

- R. W. McFall
- Richard L. Shetler
- George L. Haller
- James P. Callahan

Lifetime memberships included:

- Right to assign one other lifetime membership
- No green fees

- No assessments or dues
- Free use of electric golf carts
- 50% off food/beverages
- Sales in Pro Shop at wholesale

Milton W. Pepper's other cross-ownership Interests

1. Tomoka Oaks North Condominiums were owned and developed **by Tomoka Oakwood Development Corporation**[18] of which Milton W. Pepper was Secretary and Director, and J. Kermit Coble was a Director.[19] The property for the development was originally owned by Ormond Ocean Homes, which then sold the property to PLR Development, which then sold the property to Tomoka Oakwood Development Corporation.[20]

It is my opinion that Pepper intended to market the condos as coexisting with the Sam Snead Golf and Country Club and with Tomoka Oaks Country Club Estates. Tomoka Oakwood Development Corporation's marketing ads in October 1972 informed potential buyers that Tomoka Oaks North was located "adjacent to the fabulous Tomoka Oaks Country Club and Estates." It also informed readers that "**Your club membership is paid.**" [21] which establishes that the condos and the Sam Snead Golf Course and Country Club were developed and marketed to coexist.

During 1972 - 1974, multiple real estate ads published by the Tomoka Oaks North developer appeared in the *Dayton Beach News-Journal* with ad text promoting:

- Luxury Condominiums at Tomoka Oaks Country Club . . . All residents have reserved membership in Tomoka Oaks Country Club (Sunday, 1/21/1973, pg 18)
- The finest country club living at a fraction of the cost. All residents have reserved membership in the Tomoka Oaks Country Club. (Morning 2/27/1974, pg 24)
- Reserved membership in Tomoka Oaks Country Club is included for all residents. Play golf, tennis, swim ... (Morning 6/14/1974, pg 40)
- Amenities for buyers include a membership in Tomoka Oaks Country Club, swimming and wading pools and a recreation building. The developer is Tomoka Oakwood Development Co., Inc. in which Will Geiger, Orlando contractor, and Milton Pepper, shopping center owner and developer are principals. (Sunday, 4/14/1974, pg 59)

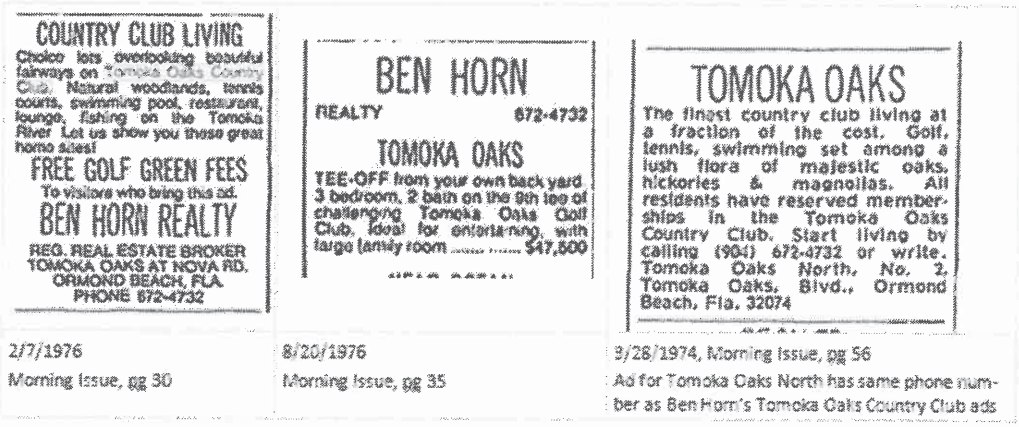
And realtor ads promoting Tomoka Oaks North contained marketing copy stating:

- Gracious Condominium Living . . . With the Advantage of Membership in Tomoka Oaks Country Club . . . Golf, Swimming, Companionship at Your Door (Sunday, 10/8/1972, pg 106)
- Luxury Condominiums at Tomoka Oaks Country Club. Country Club living at its very finest . . . Adjacent to the exclusive Tomoka Oaks Country Club and Estates. All residents of Tomoka Oaks North have reserved membership in the country club... (Sunday, 1/21/1973, pg 18)

2. **Ben J. Horn, Jr.**

It is my opinion that Ben J. Horn, Jr.'s personal connection to Milton W. Pepper presented a conflict of interest for PLR Development, LTD of which Pepper was the GM. Horn was:

- Milton Pepper's son-in law[22]
- Real estate agent who listed and marketed golf course lots in Tomoka Oaks Country Club Estates and Tomoka Oaks North.
- An officer of Tomoka Oakwood Development Corporation,[23] Inc., developer of Tomoka Oaks North Condominiums whose marketing ads promoted membership in Tomoka Oaks Golf and Country Club.[24]



COUNTRY CLUB LIVING
Choice lots overlooking beautiful fairways on Tomoka Oaks Country Club. Natural woodlands, tennis courts, swimming pool, restaurant, lounge, fishing on the Tomoka River. Let us show you these great home sites!
FREE GOLF GREEN FEES
To visitors who bring this ad.
BEN HORN REALTY
REG. REAL ESTATE BROKER
TOMOKA OAKS AT NOVA RD.
ORMOND BEACH, FLA.
PHONE 672-4732

2/7/1976
Morning Issue, pg 30

BEN HORN
REALTY 672-4732
TOMOKA OAKS
TEE-OFF from your own back yard. 3 bedroom, 2 bath on the 9th tee of challenging Tomoka Oaks Golf Club. Ideal for entertaining, with large family room $47,500

8/20/1976
Morning Issue, pg 35

TOMOKA OAKS
The finest country club living at a fraction of the cost. Golf, tennis, swimming set among a lush flora of majestic oaks, hickories & magnolias. All residents have reserved memberships in the Tomoka Oaks Country Club. Start living by calling (904) 672-4732 or write, Tomoka Oaks North, No. 2, Tomoka Oaks, Blvd., Ormond Beach, Fla. 32074

9/28/1974, Morning Issue, pg 56
Ad for Tomoka Oaks North has same phone number as Ben Horn's Tomoka Oaks Country Club ads

Milton W. Pepper's Fiduciary Responsibility

On 2/14/1979, Milton W. Pepper sold the Sam Snead Golf and Country Club to RTH, Inc. as recorded in Book 2052 / Page 1019.

Pepper included a reverter clause as follows:
"During the term of the purchase money note and wrap around mortgage executed of even date herewith by grantee to grantor, or for a period of 18 years in the event the mortgage is prepaid in full, the above described property shall revert to the grantor upon the condition that any portion of said property is used for any purpose other than a golf course with club house and appurtenant amenities."

It is my opinion the intent of the Reverter in 2052/1019 was to continue to protect the original restrictive use. The reverter may have capped at 18 years upon payment of the note, but the **intent** was still **perpetual**. And I believe that on 2/14/1979 the golf course property was still subject to the reverter clause in Deed 585/157 related to Tomoka Oaks Country Club Estates homeowners reverter rights (table 19 "Protective Covenants and Restrictions).

I also believe Milton W. Pepper as sole owner of the golf course, and as stockholder in PLR Development, LTD. (owner of the estates), still had a fiduciary responsibility to lot owners and homeowners to protect their financial interests. Throughout its ownership, PLR marketed the estates as coexisting with the golf course. Golf course facing lots were more desirable and therefore priced 70% - 95% higher [25], [26] than non-golf course facing lots. (See Section "Master Planned Community" of this report for additional details and citations.) Due to this representation of coexistence, Pepper had a fiduciary responsibility to uphold in Deed 2052/1019 the referral rights and reverter rights intended in 585/157. But these homeowner rights were omitted.

Conflicts of Interest in Cross-Ownership: Summary and My Opinion

There are multiple instances of conflicts of interest in cross-ownership throughout the ownership of the Sam Snead Golf and Country Club and throughout the ownership of Tomoka Oaks Country Club Estates. I believe these conflicting interests resulted in unethical filings with Volusia County that released the originally intended protective covenants and restrictions in Deed 585/157 dated 12/12/1963, and which now have a direct, detrimental impact on the financial interests and enjoyment rights of present day homeowners. I believe I have demonstrated how those conflicts place into question the validity and ethical intention of those questionable recorded documents which released homeowner rights.

I also believe the restricted, encumbered use of the Sam Snead Golf and Country Club as defined in Deed 585/157 dated 12/12/1963 is still in effect today as it passed from deed to deed in the "Subject To" clause of each subsequent Warranty Deed: **Property shall be used perpetually for purposes of a golf and country club, golf course, and related uses**. I could not locate any official recordings that modified or removed the encumbrance. Therefore, it is my opinion the Reverter Clause in Deed 585/157 is still in effect, and the decision to release that clause is now vested exclusively in the Tomoka Oaks Homeowners Association.

ENDNOTES

[1] (Sunbiz.org, Division of Corporations - Tomoka Oaks Incorporated, 9/12/1960)
[2] (Sunbiz.org, Division of Corporations - Tomoka Oaks Incorporated, 9/12/1960)
[3] (Sunbiz.org, Division of Corporations - Tomoka Oaks Golf and Country Club, Inc., 1/8/1963)
[4] (Daytona Beach News-Journal pg 44 - Daytona Beach Area Board of Realtors Presents A Profile of A Citizen, 5/12/1974)
[5] (Daytona Beach Morning Journal pg 32 - Ormond Beach Board of Realtors display ad, 9/7/1962)
[6] (Daytona Beach Morning Journal pg 6 - Officers Elected By Brokers Assn, 12/18/1963)
[7] (Daytona Beach News-Journal pg 57 - Ask a Realtor to Help You, 2/14/1965)
[8] (Daytona Beach Morning Journal pg 3 - Realtors Pick New Officers , 9/6/1969)
[9] (Daytona Beach Morning Journal pg 21, 9/21/1962)
[10] (Daytona Beach Sunday News-Journal pg 48, 11/29/1970)
[11] (Sunbiz.org, Division of Corporations - Tomoka Pines, Inc., 7/13/1967)
[12] (Daytona Beach Sunday News-Journal pg 73 - Tomoka Oaks Time Capsule, 11/5/198)
[13] (Sunbiz.org, Division of Corporations - PLR Development, LTD, 6/11/1971)
[14] (Sunbiz.org, Division of Corporations - AKRON Enterprises, Inc., 2/4/1975)
[15] (Sunbiz.org, Division of Corporations - AKRON Enterprises, Inc., 2/4/1975)
[16] (Ormond Beach City Commission Meeting Minutes; page 8078, Item #7, 3/7/1972)
[17] (Sunbiz.org, Division of Corporations - Tomoka Oakwood Development Corp of Ormond Beach, FL, 4/27/1972)
[18] (Daytona Beach Sunday News-Journal pg 55 - Condos Sold to Chase Manhattan, 5/18/1975)
[19] (Sunbiz.org, Division of Corporations - Tomoka Oakwood Development Corp of Ormond Beach, FL, 4/27/1972)
[20] (Daytona Beach Sunday News-Journal pg 55 - Condos Sold to Chase Manhattan, 5/18/1975)
[21] (Daytona Beach News-Journal pg 49 - Tomoka Oaks North, 10/22/1972)
[22] (Daytona Beach Morning Journal pg 26 - Ellinor Village Complex Sold To Boston Group, 2/2/1979)
[23] (Daytona Beach Morning Journal pg 15 - Chase Manhattan Buys 90 Tomoka Oakwood Condos, 5/13/1975)
[24] (Daytona Beach News-Journal pg 18 - Tomoka Oaks North Condo ad, 1/23/1973)
[25] (Daytona Beach Sunday News-Journal pg 56 - Gale Associates, 2/10/1974)
[26] (Daytona Beach Sunday News-Journal pg 54 - Simon Ryals, 8/17/1975)

Goal: Preservation
Of Green Space

Goal: Preservation of Green Space

As stated in my "Introduction," one of my goals with this report is to ensure the Sam Snead Golf and Country Club is never developed into a residential subdivision.

As also stated in my "Introduction," all opinions expressed in this report are solely my own. I have not collaborated with any other homeowner in Tomoka Oaks Country Club Estates or with the Tomoka Oaks Homeowner's Association.

It is my opinion that the Sam Snead Golf and Country club is currently encumbered by a restrictive covenant protecting its use: **Property shall be used perpetually for purposes of a golf and country club, golf course, and related uses**. [1] Should the current owners, Triumph Oaks of Ormond Beach, I, LLC, decide not to pursue development of the property and instead place the property up for sale, it is my opinion the property could be purchased by the City of Ormond Beach to fulfill some of the goals in the City's Parks and Recreations master plan currently being updated.[2]

On October 6, 2021, the City of Ormond held a second public meeting regarding the city's parks and recreation master plan update.[3] More nature trails, an indoor recreation center for the west side of Ormond, and new neighborhood parks were among the recommendations presented. The master plan update process conducted by Barth Associates had gathered information from over 1,100 participant surveys, public meetings, focus groups, as well as input gathered from the Leisure Services and Quality of Life advisory boards. Two primary needs were identified:

1. Provision of safe bicycle and pedestrian facilities in the city
2. Walking and hiking nature trails

Carlos Perez, parks planner with Perez Planning and Design, recommended the city build a west Ormond indoor recreation center. Perez also recommended the city explore the creation of new neighborhood parks.

And in a workshop held **March 22, 2022**, "a majority of Ormond Beach Commissions showed support for a bond issue to build a much-need community center for the city's west side." [4] (It should be noted the Sam Snead Golf and Country Club property is located in Ormond's Zone 3 which is located on the west side of Ormond Beach.)

Zone 3 Commissioner Susan Persis, said "she would back a bond issue for a community center in the west side zone she represents. She said the area is growing like crazy and something nice needs to be done out there."

Zone 4 Commissioner Rob Littleton agreed with Persis, saying, "I think the most pressing need is something on the west side of Ormond." And Zone 1 Commissioner Dwight Selby "listed a west side indoor-outdoor community recreation center as his top priority . . ."

The article went on to say the Commissioners talked about a west side recreation center six year ago, and feared they would still be talking in another six years if they didn't embrace funding options to get the ball rolling. Selby said he was totally in support for finding a dedicated funding source for Leisure Services, parks and recreation.

A sidebar located to the right of the above article in the *Ormond Beach Hometown News*, listed Ormond Beach Parks and Recreation Master Plan's top 10 list of priorities identified by residents:

1. Nature area and nature trails
2. Off-beach parking and new beach access
3. Pave multi-purpose trails
4. Indoor recreation centers
5. Improve existing Parks
6. New Parks
7. Sports facilities and programs
8. Aquatics and splash pads
9. Community events, summer concerts and programs
10. Golf

It is my opinion the Sam Snead Golf and Country Club could be a viable solution for fulfilling priorities 1, 3, 4, 6, 7, 8, 10 should the property become available for sale as I believe the current encumbrance on the golf course allows for recreational "use" of the property.

I also believe the Sam Snead Golf and Country Club property could potentially be a good fit for a west side recreation center and would merit consideration by the Commissioners if the property were to become available.

ENDNOTES

[1] (Warranty Deed 585/157, 1963)
[2] (https://www.ormondbeach.org/984/Parks-and-Recreation-Master-Plan-Update, 2021-2022)
[3] (Ormond Beach Observer, pg 7 - Possibilities Presented for Ormond Beach Parks, 10/14/21)
[4] (Ormond Beach Hometown News, pg A1, A2 - Commissioners push for west side rec center, 4/1/2022)

Ownership Chart for Parcel: 39-14-32

Buyer: Tomoka Oaks, Inc

Purchased Date: 9-20-1960

Approved Plat: Tomoka Oaks Country Club Estates

Plat Recorded: 9/22/1960 Map Book 25, Pages 58 and 59

Sam Snead Golf and Country Club | *Tomoka Oaks Country Club Estates*

Seller: Tomoka Oaks, Inc.
Buyer: Golf Course Developers, Inc.
Purchase Date: 10/10/1961

Seller: Golf Course Developers, Inc.
Buyer: Tomoka Oaks, Inc.
Purchase Date: 8/1/1962

Lessor: Tomoka Oaks, Inc.
Lessee: Tomoka Oaks Golf and Country Club, Inc.
Lease Date: 1/1/1963

Surrender of Lease
Date: 12/13/1963

Seller: Tomoka Oaks, Inc.
Buyer: Tomoka Oaks, Inc.,
Ralph R. Frederick, Trustee
Purchase Date: 12/12/1963

Seller: Tomoka Oaks, Inc.
Buyer: TOCC, Inc.
Purchase Date: 1/10/1966

Seller: TOCC, Inc.
Buyer: Ormond Ocean Homes, Inc.
Purchase Date: 3/5/1970

Seller: Tomoka Oaks, Inc.
Buyer: Ormond Ocean Homes, Inc.
Purchase Date: 3/5/1970

Ownership Chart for Parcel: 39-14-32 *Continued*

Sam Snead Golf and Country Club	*Tomoka Oaks Country Club Estates*

Seller: Ormond Ocean Homes, Inc.
Buyer: PLR Development, LTD
Purchase Date: 6/15/1971

Seller: PLR Development, LTD
Buyer: AKRON Enterprises, Inc.
Purchase Date: 2/27/1975

Seller: AKRON Enterprises, Inc.
Buyer: Milton W. Pepper
Purchase Date: 2/27/1978

Seller: Milton W. Pepper
Buyer: RTH, Inc.
Purchase Date: 2/14/1979

Seller: RTH, Inc.
Buyer: Putnam State Bank
Purchase Date: 7/20/2010

Seller: Putnam State Bank
Buyer: EJTS Holding, LLC
Purchase Date: 11/22/2011

Seller: EJTS Holding, LLC
Buyer: Triumph Oaks of Ormond Beach, I, LLC
Purchase Date: 4/23/2021

Seller: Ormond Ocean Homes, Inc.
Buyer: PLR Development, LTD
Purchase Date: 6/15/1971

Seller: PLR Development, LTD
Buyer: BLM Investments
PRN Investments
Purchased the remaining estate lots
Purchase Date: 2/28/1977

Seller: BLM Investments
PRN Investments
Buyer: Residential Communities of America
Purchased portion of remaining estate lots
Purchase Dates: March 1977 - 1979

Seller: BLM Investments
PRN Investments
Buyer: Development Corp of Switzerland
Purchased portion of remaining estate lots
Purchase Dates: Aug 1978 - 1980

Seller: Development Corp of Switzerland
Buyer: Residential Communities of America
Purchased portion of remaining estate lots
Purchase Date: 1978 - 1979

Date Prepared: 6/12/2022

Sam Snead Golf and Country Club

Owners: Tomoka Oaks, Inc. 9/20/1960 - 1/10/1966
TOCC, Inc. 1/10/1966 - 3/5/1970

Parcel: 39-14-32

Tomoka Oaks Country Club Estates

Owners: Tomoka Oaks, Inc. 9/20/1960 - 3/5/1970

Prior to 1960, parcel 39-14-32 consisted of 572 undeveloped acres. It was part of the Thomas Fitch Grant tract of 4,500 acre . The 572 acres were north of Ormond Beach City limits. As detailed below, members of a private investment syndicate planned to finance a development called Tomoka Oaks Country Club: golf course and exclusive residential subdivision.

* All *Daytona Beach News-Journal* page citations in this document originate from NewsBank, Inc.

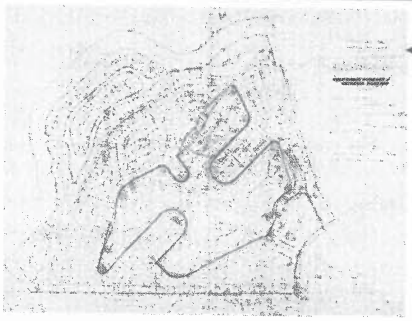
Mortgage Deed
Mortgagee: F.M. Ford
Mortgagor: N.P. Dodge Corp
Parcel : 39-14-32
SALE
Older Book 375 Page 465

4/26/1956

1956

5/21/1956

TOMOKA OAKS TIME CAPSULE - pages 73, 74*
"The Tomoka Oaks Master Plan, calling for a 521-unit single/family development, was approved May 21, 1956. . . The original Oaks



Tomoka Oaks Country Club Estates

May 21, 1956 Land Survey dated and signed by Vernon G. Stepp, Registered Surveyor

Golf Course Boundary & Entrance Road Map; 135 acre +/- Golf Course

8/31/1960 Lot layout added; designed by Walter K. Smith, Jr.

9/1/1960 lot layout revised by Vernon G. Stepp

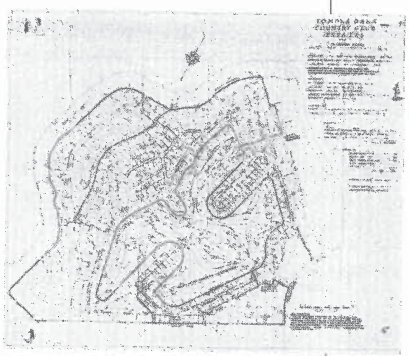
- Waterfront Lots 190
- Waterfront view Lots 52
- Golf course frontage Lots 177
- Golf course view Lots 84

Mortgage Deed
Mortgagee: N.P. Dodge Corp
Mortgagor: Floyd E. Lundgren
Parcel : 39-14-32
SALE
Book 78 Page 133

11/15/1957

1957

1960



6/7/1960

City of Ormond Beach *City Commission* passes ordinance declaring City's intention of annexing 39-14-32 into the City of Ormond Beach - page 4, issue date 7/11/1960

7/11/1960

SUITS SEEK TO BLOCK ANNEXATION - page 4

Suit to halt annexation filed by Floyd E. Lundgren and several prospective members of a private investment syndicate which has arranged to finance an exclusive residential subdivision in the area marked for annexation.

(NOTE: Litigants included Thomas J. Kittrel, Ralph R. Frederick, W.R. McElroy,and Edward M. Townsend who later all became officers of Tomoka Oaks, Inc. which purchased 39-14-32 on 9/20/1960.)

9/12/1960

Tomoka Oaks, Inc. filed with State of Florida Division of Corporations

Officers listed as:

Ralph W Davis, President	Vernon Stepp, Dir
Walter K Smith, Jr, VP	James Bochhoven, Dir
Donald W Acer, Jr, Secretary	

Tomoka Oaks Country Club Estates in Ormond Beach

9/7/1960 approved by Volusia County District #4 Zoning Board

9/15/1960 approved by Volusia County Board of County Commission

August 1961 approved by City of Ormond Beach

Areas:

Golf Course	135 acres
Commercial	53 acres
Residential	357 acres

Lot Classification - Minimum Lot Size: 12,000 sq ft

Waterfront	184
Waterview	65
Golf Course Frontage	175
Golf Course View	132
Other	200

9/15/1960

Volusia County Meeting Minutes: SEPT 15, 1960

Volusia County, FL, *Board of County Commissions* approves plat for 545 acre **Tomoka Oaks Country Club Estates** subject to the final approval of detailed streets and paving and drainage plans.

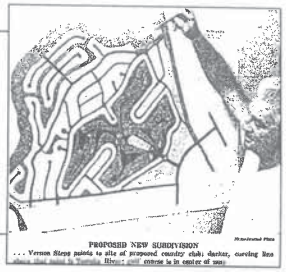
Plat consists of:

- 135 acre Golf Course
- 53 acres Commercial
- 357 acres Residential

9/16/1960

PLANS SUBDIVISION, GOLF COURSE - page 15

A new 545 acre subdivision northwest of Ormond Beach was approved tentatively yesterday by the County Commission, meeting at DeLand (subject to final approval of detailed streets, paving, drainage plans).
The subdivision, named Tomoka Oaks Country Club, will be built around an 18 hole golf course with 175 lots fronting the golf course. Local engineer Vernon Stepp, president of the development firm presented layout during meeting showing course surrounded by residential streets. (No ingress or egress)



PROPOSED NEW SUBDIVISION
. . . Vernon Stepp points to site of proposed country club; dashed, curving line shows road to Tomoka River; golf course is in center of area

Warranty Deed
Grantor/Seller: Floyd E. Lundgren
Grantee/Buyer: Tomoka Oaks, Inc.
Parcel : 39-14-32
SALE
BOOK 319 PAGE 660

9/20/1960

9/22/1960

The approved Plat of Tomoka Oaks Country Club Estates was filed for record in Map Book 25, Page 58 and 59.

10/3/1960

LAST OF SUITS OPPOSING ANNEXATION DISMISSED - page 2

A local syndicate for a golf course and subdivision dropped suit to block annexation by city of Ormond Beach. Negotiations for the development will proceed.

- W.R. McElroy, member of the syndicate
- T. J. Kittrell, acting as trustee for the syndicate
- Golf course will bring about a substantial increase in land values

Record in Map Book 25, Page 58 and 59.

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- Golf course will bring about a substantial increase in land values

NEWS-JOURNAL

TOMOKA OAKS CLOSES DEAL - page 41

10/9/1960

Tomoka Oaks Inc., a development corporation which plans a big luxury subdivision on the Tomoka River, last week took title to its 545 acre tract in a warranty deed. The land is part of the 4,500 acres recently annexed by the city of Ormond Beach.
- Vernon Stepp, of Tomoka Oaks Inc., said the development and plat is called Tomoka Oaks Country Club.
- The new subdivision is to be built around an 18 hole golf course. The course is to be built and operated by Sam Snead Inc.

NEWS-JOURNAL

1961

TOMOKA OAKS DEVELOPMENT IS STARTED - page 31

2/5/1961

Tomoka Oaks County Club Estates launches informal groundbreaking. The 530 acre tract will have a golf course on 135 acres in the center, surrounded by three and a half miles of lots for higher priced homes. Officers listed as:

W. L. McElroy, Pres	H.E. Hale, Dir
Thomas Kittrell, VP	R. V. Collins, Dir
Ted Brousseau Sec/Tr	Walter K. Smith, Dir

NEWS-JOURNAL

GOLF COURSE owned by **Tomoka Oaks, Inc.**

Division of Golf Course (left side) and Estates (right side) Both are owned by Tomoka Oaks, Inc.

ESTATES owned by **Tomoka Oaks, Inc.**

Board of Adjustment Special Meeting Minutes; 4/5/1961

4/5/1961

City of Ormond Beach *Board of Adjustment* unanimously approves construction of a Golf Course in **Tomoka Oaks Country Club** subdivision.

4/5/1961

CITY COMMISSION MEETING - page 11

City of Ormond Beach *City Commission* approves two tentative plats of **Tomoka Oaks County Club Estates** based on the recommendation of the Planning Board.

NEWS-JOURNAL

GOLFING by Bob Desiderio - page 14

7/19/61

Highlights
- New links, to be built on a conveyed parcel of real estate investor W. R. McElroy's Tomoka Oaks Estate subdivision
- Will be a Sam Snead franchise course.
- The course will be built by Fritz Gibson Associates of Charlotte, NC. Fritz Gibson is president of Golf Course Developers, Inc.

NEWS-JOURNAL

AGREEMENT ON FILE WITH CITY OF ORMOND BEACH - 9/7/1961

RE: Tomoka Oaks Country Club Estates - Unit 1

Tomoka Oaks, Inc. and City of Ormond Beach, FL agree to the development plans and surety bond provided for Unit 1. Signed by:

Tomoka Oaks, Inc.	*City of Ormond Beach*
Thomas J. Kittrell, VP	Robert S. Strickland, Acting Mayor
Ted Brousseau, Secretary	

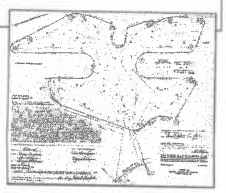
Ormond Beach City Commission Meeting Minutes; page 1123

8/1/1961

- Approves Golf Course plat of **Tomoka Oaks Country Club Estates** subdivision provided it substantially complies with the master plan (see plat in 9/15/1960 entry above)
- Plat shows the proposed golf course submitted by Stepp, Inc.
- Plat is part of a transfer of land to the golf course
- There is no dedication of public right-of-way or easements involved.

9/7/1961

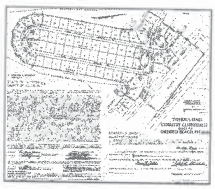
Map Book 25; Page 61 →



9/21/1961

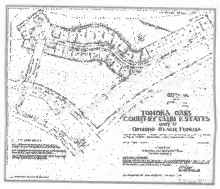
Ormond Beach City Commission Meeting Minutes; page 1144

Commission accepts the *Planning Board* recommendation to approve two sectional plats of **Tomoka Oaks Country Club Estates**, Unit 1.



← Map Book 25; Page 58

Map Book 25; Page 59 →



Mortgage Deed

Mortgagee: First Federal Savings and Loan Association of Daytona Beach

Mortgagor: Golf Course Developers, Inc.

Parcel: Sam Snead Golf and Country Club

Book 404 Page 18

10/10/1961

10/1/1961

TOMOKA OAKS SUBDIVISION WORK STARTS - page 36

Article highlights:

The first unit, with 103 lots along the proposed 135 acre Sam Snead Championship Golf Course, have been recorded and approved by the City of Ormond Beach.

Plans for the development were announced a year ago when Vernon Stepp, then president of the group of 30 persons in the organization, asked and received County Commission approval of the development. . . The group incorporated about six months ago, with William R. McElroy, land developer, elected chairman of the board of directors. Other officers are Thomas J. Kittrell and Ted Brousseau, both developers, vice president and secretary, respectively, and Walter K. Smith, architect, as treasurer.

NEWS-JOURNAL

WORK STARTS ON NEW GOLF COURSE, SUBDIVISION - page 9

10/10/1961

Article highlights

J. Porter Gibson, Charlotte, NC, VP of Golf Course Developers, Inc., announced the golf plans yesterday. The course is part of a 550 acre parcel of land bought by Tomoka Oaks, Inc.

Tomoka Oaks, Inc. is getting up a new 410 acre subdivision adjacent to the golf course. Will sell lots but not build homes . . . The Tomoka Oaks group has 747 lots, of which 175 are on the perimeter of the golf course.

NEWS-JOURNAL

Floyd E Lundgren releases and assigns to Tomoka Oaks Inc :

10/16/1961

Block 2,3,4	Block 9 lots 1-22
Block 5 lots 1-5	Block 10 lot 1
Block 6 lots 1-3	Block 11 lots 1-3
Block 7 lots 1-32	Block 12 lots 1-10
Block 8 lots 1-27	*Per plat filed 9/22/1960* BOOK 411 PAGE 415

THORIN NAMED PRO AT NEW SNEAD CLUB HERE - pg 13

10/11/1961

Article Highlights:
- Golf Course Developers Inc acquired 140 acres from Tomoka Oaks Inc.
- Tomoka Oaks still has 410 acres of adjacent land to develop as a luxury subdivision with 175 lots on the perimeter of the course.
- **There will be a membership tie-in with buyers of Tomoka Oaks, Inc. lots.**

12/31/1961

BIDS ASKED ON TOMOKA STREETS - page 13

Bids on paving a mile and a half of streets in the first section of Tomoka Oaks Country Club Estates, the golf course subdivision on the north Ormond Beach mainland, were invited last week by the developer, Tomoka Oaks, Inc.
The first section contains 103 lots, all of them on the 18 hole golf course being built by Sam Snead, Inc. a spokesman for the developer, Engineer Vernon Stepp, said the lots will go on sale next month.

NEWS-JOURNAL

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NEWS-JOURNAL

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NEWS-JOURNAL

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NEWS-JOURNAL

Mortgage Deed 8/1/1962

Mortgagee: Golf Course Developers Inc

Mortgagor: Tomoka Oaks, Inc.

Parcel: Sam Snead Golf and Country Club

Subject to mortgage dated 10/10/1961, BK 404 PG 18

Signed by:
Tomoka Oaks, Inc.
W. L. McElroy, President
Ted Brousseau, Secretary

SALE

BOOK 465 PAGE 204

8/1/1962

1962

1/31/1962

RESTRICTIONS

RE: Tomoka Oaks Country Club Estates, Unit 1

Paraphrase of restrictions

Tomoka Oaks, Inc. the owner and grantor of all lots, desires the lots be subject to certain restrictions for the mutual benefit and protection of said owner and to persons both natural and corporate who may hereafter purchase or acquire any interest in said property.

The owner declares and creates the following restrictions, reservations and conditions to be binding upon it and upon each and every person and corporation hereafter.

Submitted and signed by:
Tomoka Oaks, Inc.
W. L. McElroy, President
Ted Brousseau, Secretary

Highlights

#3 Construction on lots adjoining the golf course can be within 10 feet of golf course boundary

#10 Grantee automatically a member of the Tomoka Oaks Homeowners Association

#11 Grantor reserves right to release restrictions except #10

#14 Grantor may transfer right to enforce restrictions to the Tomoka Oaks Homeowners Association

#15 Covenants binding for 25 years, then automatically extended for successive periods of 10 years unless instrument signed by majority of lot owners is recorded agreeing to covenant changes

Book 431 Pages 32-37

NEW TOMOKA LINKS SOLD TO McELROY GROUP

NEWS-JOURNAL

Daytona Beach Sunday News-Journal; 7/8/1962, page 16

Article Highlights:

- Golf Course Developers, Inc. sold out to Tomoka Oaks, Inc. due to financial issues. [Closing occurred 8/1/1962 via Mortgage Deed 465/204.]
- William R. (Bill) McElroy, president of Tomoka Oaks, Inc. announced the purchase on 7/7/1962.
- McElroy said plans under way for formation of a new corporation named Tomoka Oaks Golf Club, Inc. [Filed with Division of Corporations, State of Florida on 7/19/1962]
- McElroy said it will be a "permanent golf club" and "When the new golf club corporation is formed, the land will be conveyed to the new corporation. It will be subject to restrictions for use only as a golf club and other recreational use."
- Ted Brousseau to serve as general manager of both the golf course and residential estates.

8/31/1962

Announcement/Advertisement in Daytona Beach Morning Journal - page 23

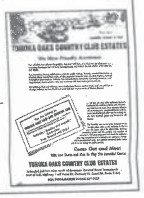
Excerpts:

YOU ARE CORDIALLY INVITED TO VISIT TOMOKA OAKS COUNTRY CLUB ESTATES

We Now Proudly Announce

The offering for sale to the public, the first 103 lots of a 750 lot development surrounding the beautiful 18 hole championship TOMOKA OAKS GOLF AND COUNTRY CLUB.

NEWS-JOURNAL



9/30/1962

Announcement/Advertisement in Daytona Beach Sunday News Journal - page 53

Excerpts:

TOMOKA OAKS COUNTRY CLUB ESTATES
A Masterpiece of Scenic Beauty

This exclusive, luxury development with its gently rolling, heavily wooded homes is situation along nearly two miles of the beautiful Tomoka River on land having some of the highest elevation in Volusia County, surrounding the Beautiful 18 hole Championship Tomoka Oaks Golf and Country Club.

NEWS-JOURNAL



11/5/1962

City of Ormond Beach *Board of Adjustment* Meeting Minutes 11/5/1962

T. H. Brousseau, Secretary of Tomoka Oaks Inc. requested permission to set houses back to within fifteen feet of the rear lot line to take advantage of the adjoining golf course. All lots included adjoin the golf course. Legal description is Lots 1 through 32, inclusive, Block 7, Tomoka Oaks Country Club Estates; and lots 1 through 22, inclusive, Block 9, Tomoka Oaks Country Club Estates.

Mr. Brousseau was present and explained:

- Houses would be approximately 200 ft. from the fairways
- Lots are 120 ft. deep
- The golf course will be there for ninety-nine years, there will be no subdivision

11/19/1962

City of Ormond Beach *Board of Adjustment* meeting:

RE: Request by Ted Brousseau to to set houses back to within fifteen feet of the rear lot line

The Board met at Tomoka Oaks on 12/12/61 to see how the line of the defined area relates to the rear lot line of the lots in question. Unanimously passed motion to set houses back to within fifteen feet of the rear lot line to take advantage of the adjoining golf course.

TOMOKA OAKS GOLF CLUB ACCEPTING APPLICATIONS - page

Article highlights:

- Ted Brousseau is the secretary, treasurer and general manager of the Golf Club and of Tomoka Oaks, Inc., which owns the golf course and the subdivision.
- Brousseau explained that Tomoka Oaks, Inc., which owns a real estate subdivision surrounding the course, had leased the course itself to Tomoka Oaks Country Club, Inc. for 99 years.

NEWS-JOURNAL

12/28/1962

12/15/1962

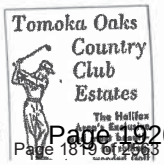
Tomoka Oaks, Inc. begins marketing ads for **Tomoka Oaks Country Club Estates** and invite brokers to help sell their "golf course homesites."

Ad runs multiple times in December 1962:
Example: 12/13/1962 pg 45

Tomoka Oaks Country Club Estates

The Halifax Area's Exclusive and most beautiful rolling, wooded Golf Course Homesites!

NEWS-JOURNAL



- page

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The Halifax Area's Exclusive and most beautiful rolling, wooded Golf Course Homesites!

NEWS-JOURNAL



Tomoka Oaks Inc.
Lessor

Tomoka Oaks Golf and Country Club, Inc.
Lessee

LEASE

Paraphrase of Lease Highlights

- Premises: All of Sam Snead Golf and Country Club
- Term and Rental : Ninety-nine (99) years subject to termination as per terms of lease (see attached lease for specifics)
- Use: Premises shall be used perpetually for a country club and related uses. This provision shall survive the lease and be included in the deed. Deed restrictions may be waived by two-thirds of Lessee Board of Directors with concurrence of:
  - ◊ 2/3's of the members of said Lessee
  - ◊ 2/3's of the members of the Tomoka Oaks Homeowners Association

Signatures:

Tomoka Oaks, Inc.
W. R. McElroy, President
Donald W. Acer, Jr. Sec

Tomoka Oaks Golf and Country Club Inc.
W. R. McElroy, President
T. H. Brousseau, Secretary

OFFC RECS BOOK 516; Pages 360 - 366

1/1/1963

1/1/1963

1963

Tomoka Oaks, Inc. continues marketing their "golf course homesites."

Kept using the same ad as was used in December 1962.

Same Ad runs multiple times in January, February, and March 1963.

Examples: 1/1/1963 pg 23
2/15/1963 pg 21
3/11/1963 pg 23

NEWS-JOURNAL

Tomoka Oaks Golf and Country Club Inc.
Filed with Division of Corporations,
State of Florida (created to handle lease only)

Officers:
Philip F Debeaubien, President
William R. Conway Vice President
Louis Fuchs, Sec/Treas

Directors
- Rockwell V. Collins,
- David W. Goddard
- James K. Lawrence

1/8/1963

2/16/1963

Announcement/Advertisement in *Daytona Beach News-Journal* - page 2

Tomoka Oaks Country Club Estates invites the public to visit.

Feb. 16th ad promotes:

- From its very inception, no effort was spared in planning and developing Tomoka Oaks Country Club Estates to be one of the finest exclusive residential areas in the state of Florida.
- Right in the center of this magnificent natural beauty spot, has been built Tomoka Oaks Golf and Country Club - an 18 hole championship Golf Course.
- To keep this Area in all its natural beauty, certain protective covenants are necessary for the benefit and protection of all property owners and will be included in the deed.

NEWS-JOURNAL



2/23/1963

Announcement/Advertisement in *Daytona Beach Sunday News-Journal* - page 14



Tomoka Oaks Country Club Estates publishes 2nd Invitation to the public. Ad promotes same overall marketing points as Feb. 16th ad but now includes:

- Revision to text to indicate "certain protective covenants have been provided for the benefit and protection of all property owners.
- Personally signed by W. R. McElroy, president of Tomoka Oaks Country Club Estates.

NEWS-JOURNAL

FOUR NAMED TO TOCGG OFFICIALDOM pg 23

Tomoka Oaks Golf and Country Club Inc. elects Board of Directors for Golf Club - page

3 year terms
Rockwell V. Collins — Jim Stephens
Richard L. Shetler — Byron Underwood

2 year terms
Bill Conway — Phil deBeaubien
Dave Goddard — Ed Williams

1 year term
Louis Fuchs — James K. Lawrence
Charles Stansfield

NEWS-JOURNAL

3/29/1963

SUPPLEMENTAL RESTRICTIONS
RE: Tomoka Oaks Country Club Estates, Unit 1

Submitted and signed by:
Tomoka Oaks, Inc.
W. R. McElroy, President
Donald A Acer, Jr., Secretary

3/1/1963

Summary:

1. No principal residence shall be constructed upon any lot adjacent to the golf course or water courses which shall contain less than 1500 square feet of enclosed living area and 2300 square feet of total covered area.

BOOK 516 PAGE 358

Warranty Deed conveys Golf Course to the trusteeship of Ralph R. Frederick.

Brief paraphrase of Deed:

Property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.

Conveyance subject to express conditions should Ralph R Frederick as trustee desire to sell or convey the golf course, offers referred for acceptance or rejection to:

- Tomoka Oaks Inc.
- Then to Tomoka Oaks Golf and Country Club, Inc.
- Or may be transferred to Tomoka Oaks HOA

If Property not used as described above, and not sold to any of the 3 entities above, it reverts to Tomoka Oaks, Inc.

Reverter clause can be released or modified by Tomoka Oaks, Inc. ten years after 12/12/1963. But if 4/5's of estate lots are sold, re-

Surrender of Lease

Tomoka Oaks Golf and Country Club, Inc. surrenders unto Tomoka Oaks Inc. lease dated 1/1/1963

LEASE

Signed by:
Tomoka Oaks Golf and Country Club, Inc
Phil De Beaubien, President
Louis Fuchs, Secretary

Book 585 Page 155

10/30/1963

4/3/1963

Tomoka Oaks, Inc. continues marketing their "golf course homesites."

These same two ads runs multiple times in April 1963.
Example: 4/3/1963 page 23





NEWS-JOURNAL

TOMOKA OAKS IS SOLD; PREDOMINANTLY LOCAL GROUP PURCHASE LINKS - page 12, 13

Closing on the sale, which involves the transfer of title to the trusteeship of Frederick is scheduled for Thursday (12/12/63).

Board of Directors of Tomoka Oaks Inc approved contract for the sale of the golf course. Approval followed a reorganizational meeting of Tomoka Oaks Inc., developers of a residential area adjoining the golf course. Heading the group of stockholders are:

Ralph R. Frederick - President
Robert Mallie - VP
Donald Acer - Secretary and Treasurer

BOARD MEMBERS
Bert Gowan — William Conway
Fred Conway — Rockwell Collins
Arthur Zimmet — Walter Smith

NEWS-JOURNAL

12/10/63

12/12/1963

Warranty Deed conveys Golf Course to the trusteeship of Ralph R. Frederick.

Brief paraphrase of Deed:

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Conveyance subject to express conditions should Ralph R Frederick as trustee desire to sell or convey the golf course, offers referred for acceptance or rejection to:

- Tomoka Oaks Inc.
- Then to Tomoka Oaks Golf and Country Club, Inc.
- Or may be transferred to Tomoka Oaks HOA

If Property not used as described above, and not sold to any of the 3 entities above, it reverts to Tomoka Oaks, Inc.

Reverter clause can be released or modified by Tomoka Oaks, Inc. ten years after 12/12/1963. But if 4/5's of estate lots are sold, reverter vested automatically and exclusively in Tomoka Oaks Homeowners Association.

Signed by:
Tomoka Oaks, Inc.
Ralph R. Fredericks, president
Donald W Acer, Jr., Secretary

Book 585 Pages 157-159
12/12/1963

Surrender of Lease

Tomoka Oaks Golf and Country Club, Inc. surrenders unto Tomoka Oaks Inc. lease dated 1/1/1963

Signed by:
Tomoka Oaks Golf and Country Club, Inc
Phil De Beaubien, President
Louis Fuchs, Secretary

Book 585 Page 155

10/30/1963

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Donald Acer - Secretary and Treasurer

BOARD MEMBERS

Bert Gowan	William Conway
Fred Conway	Rockwell Collins
Arthur Zimmet	Walter Smith

12/10/63

12/12/1963

Satisfaction of Mortgage 12/13/1963
Owner of Note:
First Federal Saving & Loan Asso of Daytona Beach

Mortgage Holder:
Golf Course Developers, Inc. Book 404 Page 18

Book 585 Page 152

4/3/1963

Tomoka Oaks, Inc. continues marketing their "golf course homesites."

These same two ads runs multiple times in April 1963.
Example: 4/3/1963 page 23





Mortgage Deed 12/12/63
(all golf course property)

Mortgagee
Ormond Beach National Bank

Mortgagor
Ralph R. Frederick, trustee

Book 585 Page 160 - 162

12/12/1963

1964

TOCC Inc.
Filed with Division of Corporations, State of Florida

2/4/1964

TEE TO GREEN by Jim Walters - page 15

Things are going so well at Tomoka (Oaks golf club) that Club President Ralph Frederick closed out memberships . . . we have 750 lots in the Tomoka Oaks residential development on which we are obligated to offer memberships.

2/20/1964

8/9/1964

TAMPA BUILDERS PLAN TOMOKA OAKS PROGRAM - page 36

Plans for building a number of homes in Ormond Beach's Tomoka Oaks Country Club Estates were announced last week by LaMonte-Shimberg of Tampa.

At a meeting Thursday with 35 real estate brokers, President Charles LaMonte said the company intends to build 50 houses a year in the $21,000 to over $30,000 price range. All will be on large, tree-shaded lots and many will border on the Tomoka golf course, he told the group.

Newspaper Ad 12/4/1964; pg 22



Warranty Deed 9/14/65
(approx 6 acres only)

Grantor	Grantee
Tomoka Oaks, Inc.	Tomoka Oaks Golf & Country Club Inc
Albert J Gowan, President	
Donald W. Acer, Jr., Secretary	

BOOK 735 PAGE 428

9/14/1965

1965

1966

Mortgage Deed 1/10/66
(all golf course property and 6 acres of Block 1, unit 1)

Mortgagee
First Atlantic National Bank of Daytona Beach

Mortgagor
TOCC, Inc
Ralph R Frederick, President
Broyles Plemmons, Sec

Note Endorsed by:
Ralph R. Frederick
Ann A. Frederick
James P Callahan
George L. Haller
Russell W. McFall
Richard L. Shetler

BOOK 774 PAGE 699

1/10/1966

Quit **Claim Deed** 2/18/66
(6 acres of Block 1, Unit 1)

Party Y of the 1st Part
Tomoka Oaks Golf and Country Club Inc
Phil De Beaubien, President
Louis Fuchs, Secretary

Party of the 2nd Part
TOCC, Inc.

BOOK 774 PAGE 657

2/18/1966

AGREEMENT 3/1/66

RE: Note executed by TOCC, Inc
Book 774 Page 699

Party of the 1st Part
Tomoka Oaks, Inc.

Party of the 2nd Part
First Atlantic National Bank of Daytona Beach

Mortgage Deed 3/11/1966

1966

Mortgage Deed 1/10/66
(all golf course property and 6 acres of Block 1, unit 1)

Mortgagee
First Atlantic National Bank of Daytona Beach

Mortgagor
TOCC, Inc
Ralph R Frederick, President
Broyles Plemmons, Sec

Note Endorsed by:
Ralph R. Frederick
Ann A. Frederick
James P Callahan
George L. Haller
Russell W. McFall
Richard L. Shetler

SALE 25

BOOK 774 PAGE 699

1/10/1966

Quit Claim Deed 2/18/66
(6 acres of Block 1, Unit 1)

Party Y of the 1st Part
Tomoka Oaks Golf and Country Club Inc
Phil De Beaubien, President
Louis Fuchs, Secretary

Party of the 2nd Part
TOCC, Inc.

BOOK 774 PAGE 657

2/18/1966

AGREEMENT 3/1/66

RE: Note executed by TOCC, Inc
Book 774 Page 699

Party of the 1st Part
Tomoka Oaks, Inc.

Party of the 2nd Part
First Atlantic National Bank of Daytona Beach

Brief summary:

- Tomoka Oaks, Inc. owns a majority of the land surrounding the Golf Course
- Operation of a Golf Club and Golf Course on the greater portion of the above described property is a valuable asset to Tomoka Oaks, Inc.
- Both parties agree that Tomoka Oaks, Inc. can remedy any TOCC,Inc default or redeem the TOCC, Inc mortgage and receive assignment of Note.

Tomoka Oaks, Inc.
Albert J. Gowan, President
Donald W. Acer, Jr., Sec

BOOK 816 PAGE 206 - 207

3/31/1966

Mortgage Deed 3/11/1966

Mortgagee:
Ormond Beach First National Bank

Mortgagor
Tomoka Oaks, Inc
Robert Millie, VP
Donald W. Acer, Jr., Secretary

Block 20 Lots 1-12
Block 24 Lots 1-7
Block 26 Lot 1-9

Book 825 Page 621

1967

TOMOKA OAKS SALE UNDER DISCUSSION - page 12

Brief summary

There was a closed Tomoka Oaks Club meeting to discuss future of Tomoka Oaks Golf and Country Club.

One of the attendees was Dick Shetler, former home owner and current stock holder who was one of the most active members of the Tomoka Oaks Club during his term as head of GE's operations in this area.

Another of the attendees mentioned was R. W. McFall, Western Union president, who recently purchased a home facing the course and who has stock in the club.

Ralph R. Frederick, general manager of Tomoka Oaks Golf Club and Country Club Estates has told friends he has received a "feeler" on the sale of the course from a group headed by two local amateur golfers.

NEWS-JOURNAL

6/18/1967

IT SAYS HERE by Bernard Kahn, Sports Editor - page 12

Ralph Frederick has been talking to a group . . . interested in buying the golf course. . . Frederick is an astute go-go businessman who also owns the superb neighboring Tomoka Oaks real estate development and, of course, will protect the property in any possible sale arrangement.

NEWS-JOURNAL

6/22/1967

IT SAYS HERE by Bernard Kahn, Sports Editor - page 12

Ralph Frederick has been talking to a group . . . interested in buying the golf course. . . Frederick is an astute go-go businessman who also owns the superb neighboring Tomoka Oaks real estate development and, of course, will protect the property in any possible sale arrangement.

NEWS-JOURNAL

6/22/1967

1968

AFFIDAVIT
Signed 11/5/1968 by: William R. Conway, VP
Tomoka Oaks Golf and Country Club Inc

Summary:

- Corp has been inactive for the last 5 years*
- Corp granted rights from Tomoka Oaks, Inc while in a lease agreement regarding golf course dated 1/1/1963
- Lease canceled by mutual consent 12/13/1963

*NOTE: This Affidavit is contradicted by legal transactions three years prior to Affidavit:

- Warranty Deed dated 9/14/1965; Book 735 Page 428
- Quit Claim Deed dated 2/18/1966; Book 774, Page 657

Affidavit signed 11/5/1968 but not officially recorded until 11/22/1970 in BOOK 1238 PAGE 244

11/5/1968

CHATTERBOX - page 9

'Tis the Season to be Jolly

Members of the Tomoka Oaks Homeowners Club held Yuletide party at the Tomoka Oaks Golf and Country Club bar and restaurant. Distributed gifts to 100 or so members present. (Pictured Mrs. James Bochhoven and Joe Callahan) Earlier article dated 6/20/1968 listed committee members: Carol (James) Bockhoven, Barbara (Joe) Callahan.

NEWS-JOURNAL

6/25/1968

11/7/1968

Mortgage Deed
2nd Mortgage $60,000

Primary mortgage is recorded on **Book 774 Page 699—701**

11/7/1968

11/7/1968

AGREEMENT 11/7/1968

RE: Note and mortgage executed by TOCC, Inc
OFFC Records 1054 Page 171

Party of the 1st Part
Tomoka Oaks, Inc.

GOLFING by Brad Wilson - page

Bill McNall, Dave Campbell and Larry Hogan now

11/17/1968

CHATTERBOX - page 9

'Tis the Season to be Jolly

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NEWS-JOURNAL

6/25/1968

11/7/1968

Mortgage Deed
2nd Mortgage $60,000

Primary mortgage is recorded on **Book 774 Page 699—701**

Willie Page Odem
Mortgagee

TOCC, Inc
Mortgagors

Signed by:
David C. Campbell, President
William F McNall, Secretary
TOCC, Inc

SALE

BOOK 1054 PAGE 171

11/7/1968

11/7/1968

AGREEMENT 11/7/1968

RE: Note and mortgage executed by TOCC, Inc
OFFC Records 1054 Page 171

Party of the 1st Part
Tomoka Oaks, Inc.

Party of the 2nd Part
Willie Page Odem

Brief summary:

- Party of the 1st part owns a majority of the land surrounding the Golf Course
- Operation of a Golf Club and Golf Course on the greater portion of the above described property is a valuable asset to the party of the 1st part,
- Both parties agree that for the mortgage only, Tomoka Oaks, Inc. waives and releases reverter and option rights.

Tomoka Oaks, Inc.
R. W. Davis, VP
Donald W. Ace, Jr., Sec

BOOK 1059 PAGE 230

GOLFING by Brad Wilson - page

Bill McNall, Dave Campbell and Larry Hogan now own Tomoka Oaks CC (golf course) as of Nov 14, 1968.

The trio . . . took over management of the 130 acre Ormond Beach country club two weeks ago. Ralph Frederick was the majority stockholder of Tomoka Oaks CC.

NEWS-JOURNAL

NOTE: Per article dated 8/8/1969 - Frederick still has a substantial interest in Tomoka Oaks via mortgage and other payments in **Mortgage Deed dated 1/10/66; OFFC Records 774 Page 699—701**

11/17/1968

1969

Resolution Recorded with Volusia County

Not until 10/19/1970, does Tomoka Oaks, Inc. officially record their **Resolution** from their Board of Directors Meeting held over 1.75 years earlier on 2/18/1969 in which:

Paraphrased

- It has been submitted to Tomoka Oaks, Inc. that TOCC, Inc. has contracted to sell the golf course property to Ormond Ocean Homes, Inc.
- Tomoka Oaks, Inc. rejects its right to exercise any option to purchase the property, and is in full accord with the sale which is hereby ratified and approved by its Board of Directors on 2/18/1969.
- Tomoka Oaks, Inc. intends to liquidate and dissolve and releases all rights reserved it in the deed of conveyance 585/157 filed 12/12/63.
- Release of Reverter to become effective 12/13/1973

Resolution signed by Donald W. Acer, Jr., Secretary, Tomoka Oaks Inc.

BOOK *1238* *PAGE 248*

2/18/1969

Tomoka Oaks Inc (owner of Estates), **Board of Directors Meeting** 2/18/1969

According to: **Resolution 1238/248, filed 10/19/1970** and
Release 1307/89 filed 6/16/1971

Tomoka Oaks, Inc. Board of Directors held a meeting on 2/18/1969 in which the board:

- Rejected its right to purchase the Sam Snead Golf and Country Club from TOCC, Inc.
- Released any and all rights reserved unto it in the deed of conveyance 585/157 filed 12/12/63.
- Release of Reverter to become effective 12/13/1973

Resolution signed by: Donald W. Acer, Jr., Secretary, Tomoka Oaks Inc.
Release signed by: R. W. Davis, President, Tomoka Oaks, Inc.

Release Recorded with Volusia County

Not until 6/16/1971 does Tomoka Oaks, Inc. officially record the **Release** voted on at their Board of Directors Meeting held over 2.5 years earlier on 2/18/1969 in which:

Paraphrased

Tomoka Oaks Inc, Board of Directors passed resolution on 2/18/1969 to:

- Releases any and all rights reserved unto it in Deed 585/157, particularly its right of first refusal set forth in said deed
- Releases the Reverter Clause contained in Deed 585/157
- The Release of the reverter clause to be effective 12/13/1973

Release signed by:
R. W. Davis, President, Tomoka Oaks, Inc.

Book 1307 Page 89

Ethical and Legal Issues with: **Resolution 1238/248, filed 10/19/1970** and **Release 1307/89 filed 6/16/1971**

See **Table 12** and **Table 15** in the section of the written narrative report titled "Protective Covenants and Restrictions" which details why, in my opinion, the Release and the related Resolution were unethical and possible illegal.

4/16/1969

OTHER COMMISSION BUSINESS - page 15

In a split vote, the Commission approved third phase of construction at Tomoka Oaks Country Club Estates.

NEWS-JOURNAL

IT SAYS HERE by Bernard Kahn - page 18

Ralph Frederick has taken back Tomoka Oaks Country Club and issued a report to members stating the decision not to foreclose on the previous owners (Bill McNall, Dave Campbell, Larry Hogan) was made in order to protect the TOCC creditors.

NEWS-JOURNAL

12/3/1969

8/14/1969

RESTRICTIONS - Unit 3

Tomoka Oaks Inc files restrictions on Unit 3 which omit that all lot owners are automatic members of Tomoka Oaks Homeowners Association as was recorded in Restrictions filed for Unit 1.

Restrictions signed by: R. W. Davis, Pres and Donald W Acer, Jr., Sec **Book 1121 Page 554**

It is my opinion that the intention of the Master Plan and the Unit 1 Restrictions were both designed to protect homeownier rights and investments. I believe Unit 3 Restrictions did not honor that intent.

See **Table 1, Table 9** and **Table 11** in the section of the written narrative report titled "Protective Covenants and Restrictions" which cite reasons for this opinion.

Warranty Deed

Buyer: Ormond Ocean Homes Inc.
Seller: TOCC, INC
Signed by:
SALE Ralph R. Frederick, President*

BOOK 1188 PAGE 533

3/5/1970

3/5/1970

*NOTE: Frederick was a stock holder in TOCC and in Ormond Ocean Homes as shown in these *Daytona Beach News-Journal* articles. In my opinion, this resulted in the loss of homeowner rights as detailed in the report section "Conflicts of Interest in Cross-Ownership."

Warranty Deed

Buyer: Ormond Ocean Homes Inc.
Seller: Tomoka Oaks, Inc.
Signed by: Ralph W. Davis, President

SALE

Book 1188 Page 529

7/16/1961

ELLINOR MAKES DEAL ON NORTH HALF OF VILLAGE pg 35, Sunday Issue

- $1.5 million purchase of north section of Ellinor Village scheduled to close 9/10/1961.
- Buyers, all from Freeport, IL, will do business as Ormond Ocean Homes Inc., a Florida corporation.
- Stock held by officers and by Ralph R. Frederick of Ormond Beach who will be

CONVEYANCE **Filed 7/6/1970**
Tomoka Oaks, Inc. conveys all holdings in Tomoka Oaks Country club Estates to Ormond Ocean Homes, Inc.

1969

Resolution Recorded with Volusia County

Not until 10/19/1970, does Tomoka Oaks, Inc. officially record their **Resolution** from their Board of Directors Meeting held over 1.75 years earlier on 2/18/1969 in which:

Paraphrased

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- Tomoka Oaks, Inc. rejects its right to exercise any option to purchase the property, and is in full accord with the sale which is hereby ratified and approved by its Board of Directors on 2/18/1969.
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BOOK 1238 PAGE 248

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- Release of Reverter to become effective 12/13/1973

Resolution signed by: Donald W. Acer, Jr., Secretary, Tomoka Oaks Inc.
Release signed by: R. W. Davis, President, Tomoka Oaks, Inc.

Release Recorded with Volusia County

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Paraphrased

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- Releases any and all rights reserved unto it in Deed 585/157, particularly its right of first refusal set forth in said deed
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- The Release of the reverter clause to be effective 12/13/1973

Release signed by:
R. W. Davis, President, Tomoka Oaks, Inc.

Book 1307 Page 89

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Restrictions signed by: R. W. Davis, Pres and Donald W Acer, Jr., Sec **Book 1121 Page 554**

It is my opinion that the intention of the Master Plan and the Unit 1 Restrictions were both designed to protect homeowner rights and investments. I believe Unit 3 Restrictions did not honor that intent.

See **Table 1, Table 9** and **Table 11** in the section of the written narrative report titled "Protective Covenants and Restrictions" which cite reasons for this opinion.

Warranty Deed

Buyer: Ormond Ocean Homes Inc.
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Signed by:
SALE Ralph R. Frederick, President*

BOOK 1188 PAGE 533

3/5/1970

3/5/1970

*NOTE: Frederick was a stock holder in TOCC and in Ormond Ocean Homes as shown in these *Daytona Beach News-Journal* articles. In my opinion, this resulted in the loss of homeowner rights as detailed in the report section "Conflicts of Interest in Cross-Ownership."

Warranty Deed

Buyer: Ormond Ocean Homes Inc. SALE
Seller: Tomoka Oaks, Inc.
Signed by: Ralph W. Davis, President

Book 1188 Page 529

7/16/1961 **ELLINOR MAKES DEAL ON NORTH HALF OF VILLAGE** pg 35, Sunday Issue

- $1.5 million purchase of north section of Ellinor Village scheduled to close 9/10/1961.
- Buyers, all from Freeport, IL, will do business as Ormond Ocean Homes Inc., a Florida corporation.
- Stock held by officers and by Ralph R. Frederick of Ormond Beach who will be general manager.
- Frederick is a personal friend of the Freeport group and brought the two parties together.

5/30/1965 **ORMOND RENTAL PROJECT GETS BIG FHA LOAN** - page 32, Sunday Issue

- Ormond Ocean Homes, a 232-unit rental housing development on the Ormond peninsula, will spend $1,832,000 for modernizing, president Ralph Frederick announced last week.
- Money will be used to renovate the former north half of the Ellinor Village resort.
- Frederick will be the prime contractor
- Frederick, who heads 11 corporations here and is general manager of the Tomoka Oaks development, and Ray Gramley of Freeport, IL bought the development several years ago.

3/6/1970 **IT SAYS HERE** by Bernard Kahn - page 16, Evening Issue

What is brewing is negotiation by Phoenix [Arizona based Sovereign Industries, Inc.], an investment conglomerate, to buy the Tomoka Oaks Golf and Country Club and Tomoka Oaks, Inc., the neighboring real estate development, plus Ormond Ocean Homes Apartments (the former north section of Elinor Village.)
Hustlin' Ralph Frederick, the card playing pro motor, has the big piece of the action in all three parcels.

5/23/1970 **IT SAYS HERE** by Bernard Kahn - page 14 Morning Issue

Frederick recently announced sale of the Tomoka Oaks Country Club and surrounding real estate to Arizon based Sovereign. Frederick also sold Ormond Ocean Homes to the Sovereign group.

7/6/1970

CONVEYANCE **Filed 7/6/1970**

Tomoka Oaks, Inc. conveys all holdings in Tomoka Oaks Country club Estates to Ormond Ocean Homes, Inc.

Paraphrase

Tomoka Oaks Homeowners Association has never had any being as a corporation or association.

Tomoka Oaks, Inc. is conveying to Ormond Ocean Homes, Inc. all of its remaining holdings in Tomoka Oaks Country Club Estates.

Tomoka Oaks, Inc. sets over, transfers, and assigns to Ormond Ocean Homes Inc. any right, title or interest in the restrictions and the right to enforce, alter, change Restrictive Covenants dated Jan 31, 1962.

Signed 3/5/1970 by:
R. W. Davis, President
Tomoka Oaks, Inc.

BOOK 1212 PAGE 70

Issues with Conveyance

It is my opinion this Conveyance was not truthful. The timing is questionable and the intent is unethical and possibly illegal. See **Table 11 and 11 A** in the section of the written narrative report titled "Protective Covenants and Restrictions" which cite reasons for this opinion.

Timeline: Tomoka Oaks, Inc. - Prepared: 6/12/2022

Conflicts of Interest in Cross-Ownership: golf course lots were sold to officers of: Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club Inc., and TOCC, Inc.

*This is not intended to be an inclusive list of all cross-ownership. *Dates with an asterisk designate the issue of the Daytona Beach News-Journal that listed the Deed Recording in Newsbank.com*

Seller	Buyer / Offices Held	Golf Course Lot Address	Lot / Block / $	Volusia County Official Records: *Date/Book/Page		Cross-Ownership Notes
Tomoka Oaks Inc.	Thomas Kittrell • Building contractor and developer in Ormond Beach (*Daytona Beach News-Journal,* 2/25/2002, page 05C) • Trustee of original syndicate of investors prior to the annexation of parcel 39-14-32 by City of Ormond Beach. • Tomoka Oaks, Inc - VP	22 N ST ANDREWS DR 28 N ST ANDREWS DR	2/9 $9 5/9 $9	12/10/1962 12/10/1962	494/618 494/618	**Tomoka Oaks Time Capsule** 11/5/1989 - page 73 NEWS-JOURNAL Tom Kittrell built 28 N. St. Andrews Dr. in 1962 for Rockwell V. "Rocky" Collins. Collins held the offices of: • Tomoka Oaks, Inc., Director • Tomoka Oaks Golf and Country Club, Inc., Director • Resident of Tomoka Oaks Estates
Tomoka Oaks Inc.	Ted Brousseau, Inc. Ted Brousseau owned Ted Brousseau, Inc., a development company. (*Daytona Beach News-Journal,* 10/1/1961, page 36) Brousseau held the offices of: • Tomoka Oaks, Inc., Secretary/Trea • Tomoka Oaks Golf and Country Club Inc., Secretary • General Manager of the golf course and residential estates	26 N ST ANDREWS DR	4/9 $9	12/12/1962	495/576	
Ted Brousseau, Inc.	Charles H. Strasser Wynn E. Walters	26 N ST ANDREWS DR 32 PINE VALLEY CIR	4/9 $41,000 17/7 $29,500	5/19/1963* 3/28/1965*		
Tomoka Oaks Inc.	George Haller • Endorsed TOCC, Inc. mortgage note dated 1/10/1966, Book 774 Page 699 • Promised lifetime membership in golf course in AGREEMENT - Book 2052 Page 1019 • Resident of Tomoka Oaks Estates 23 Pine Valley Circle	23 PINE VALLEY CIR	12/7	1/7/1963	503/219	George Haller was a home owner and resident of Tomoka Oaks Estates (*Daytona Beach News-Journal,* 9/9/1962, page 36)

Conflicts of Interest in Cross-Ownership: golf course lots were sold to officers of: Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club Inc., and TOCC, Inc.

*This is not intended to be an inclusive list of all cross-ownership. *Dates with an asterisk designate the issue of the Daytona Beach News-Journal that listed the Deed Recording in Newsbank.com*

Seller	Buyer / Offices Held	Golf Course Lot Address	Lot / Block / $	Volusia County Official Records: *Date/Book/Page		Cross-Ownership Notes
Tomoka Oaks Inc. and TOCC, Inc.	Ralph R Frederick (as an individual buyer) • Tomoka Oaks, Inc., Pres & Trustee • Tomoka Oaks Golf Club, Pres & GM • Tomoka Oaks Country Club Estates, Pres & GM • TOCC Inc., President • Resident of Tomoka Oaks Estates, 24 Tomoka Oaks Blvd. (*Daytona Beach News-Journal* 12/3/1967, page 25)	On Golf Course 42 N ST ANDREWS DR 27 S ST ANDREWS DR 27 S ST ANDREWS DR 24 TOMOKA OAKS BLVD 47 S ST ANDREWS DR	 12/9 3/10 $640 4/10 $640 1/10 14/10 $5,000	 2/24/1964 4/27/1965 5/4/1965 12/27/1966* 5/17/1968	 604/363 703/502 705/243 1017/520	
Tomoka Oaks Inc. and TOCC, Inc.	Ralph R Frederick (as an individual buyer) See above for offices held	Off Golf Course Block 1 27 N ST ANDREWS DR 25 N ST ANDREWS DR 64 S ST ANDREWS DR Unit 3A	 $15,000 $15,000 5/12 4/12 16/18 Block 2, Block 3	 11/17/1968* 12/18/1968 3/24/1969 9/4/1969 3/11/1970	 1062/573 1085/471 1125/423 1183/17	
Ralph R Frederick (as an individual seller) See above for offices held	Tomoka Oaks, Inc. (buyer) James J. DePalma Rondal G Surrency David R. (Rockwell) Collins Ormond Ocean Homes, Inc.	42 N ST ANDREWS DR 64 S ST ANDREWS DR Block 1	12/9 $18,700 Lot 4 & 3 $47,500 2/5 $26,500 16/18 $28,000	4/19/1970* 12/25/1966* 9/7/1969* 1/4/1970* 6/28/1970*		Lot 4 and part of lot 3

Conflicts of Interest in Cross-Ownership: golf course lots were sold to officers of: Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club Inc., and TOCC, Inc.

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Seller	Buyer	Golf Course Lot Address	Lot / Block / $	Volusia County Official Records: *Date/Book/Page	Cross-Ownership Notes
Tomoka Oaks Inc.	James P Callahan • TOCC, Inc - endorsed mortgage note Book 774 Page 699 • AGREEMENT - Promised lifetime membership in golf course Book 2052 Page 1019 • Signed plat Map Book 27 Page 285 for Unit 3-A	29 S ST ANDREWS DR 31 S ST ANDREWS DR 33 S ST ANDREWS DR	5/10 6/10 7&8 / 10	5/22/1964* 5/22/1964* 5/22/1964*	
James P Callahan	Richard M Pennington John S Cooper	29 S ST ANDREWS DR 33 S ST ANDREWS DR	5/10 $5,300 7&8 / 10	10/23/1966* 8/18/1968*	
Tomoka Oaks Inc.	R. (Ralph) W. Davis • Tomoka Oaks, Inc. - President & Dir & VP • Resident of Tomoka Oaks Estates 40 N. St. Andrews - per Tomoka Oaks, Inc. Corporate Filing 9/12/1960	40 N ST ANDREWS DR	10/9 $9,000 and 11/9	8/10/1964*	
Tomoka Oaks Inc.	James Bochhoven (Bochoven) • Tomoka Oaks, Inc - Director • Resident of Tomoka Oaks Estates 5 Oakmont Circle - per Tomoka Oaks, Inc. Corporate Filing 9/12/1960	5 OAKMONT CIR	14/14 $5,400	6/23/1965*	
	Rockwell V. Collins • Tomoka Oaks, Inc ., Director • Tomoka Oaks Golf and Country Club, Inc., Director • Resident of Tomoka Oaks Estates 28 N ST ANDREWS DR	28 N ST ANDREWS DR			**Tomoka Oaks Time Capsule** 11/5/1989 - page 73 Tom Kittrell built 28 N. St. Andrews Dr. in 1962 for Rockwell V. "Rocky" Collins.

Conflicts of Interest in Cross-Ownership: golf course lots were sold to officers of: Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club Inc., and TOCC, Inc.

*This is not intended to be an inclusive list of all cross-ownership. *Dates with an asterisk designate the issue of the Daytona Beach News-Journal that listed the Deed Recording in Newsbank.com*

Seller	Buyer	Golf Course Lot Address	Lot / Block / $	Volusia County Official Records: *Date/Book/Page	Cross-Ownership Notes
Thomas F. Wilhelm	Russell W. McFall • TOCC, Inc - endorsed mortgage note Book 774 Page 699 • AGREEMENT - Promised lifetime membership in golf course Book 2052 Page 1019 • Stockholder in the golf course • Resident of Tomoka Oaks Estates 41 S ST Andrews	43 S ST ANDREWS DR 41 S ST ANDREWS DR	12/10 $34,500 11/10	4/21/1966 830/396 6/16/1967 947/178	
Tomoka Oaks, Inc.	James P. Walker • Partner with Ralph R Fredericks in Tomoka Pines, Inc. filed in 1967	9 OAKMONT CIR 11 OAKMONT CIR 13 OAKMONT CIR 57 S ST ANDREWS DR	12/14 $5,000 11/14 $5,000 10/14 $5,500 18/14 $5,500	4/27/1967 928/317 8/20/1967* 10/1/1967* 12/31/1967*	
James P. Walker	Richard B Hardy Phyllis W Harriss William K Callam	11 OAKMONT CIR 13 OAKMONT CIR 31 OAKMONT CIR	11/14 $21,000 10/14 $30,800 1/14 $31,000	11/26/1967* 7/7/1968* 8/25/1968*	
	Richard L. Shetler • Tomoka Oaks, Inc., stockholder • Tomoka Oaks Golf and Country Club, Inc., Director • TOCC, Inc. - endorsed mortgage note Book 774 Page 699 • AGREEMENT - Promised lifetime membership in golf course Book 2052 Page 1019 • Resident of Tomoka Oaks Estates 66 ST ANDREWS DR				Resident of Tomoka Oaks Estates at: 66 ST ANDREWS DR *Daytona Beach Sunday News-Journal*, 9/9/1962, pg 36

Builders who purchased lots and advertised their homes as being on the golf course.

This is not intended to be an inclusive list of all builders and sales.

Seller	Buyer	Golf Course Lot Address	Lot / Block / $	Volusia County Official Records Date and Book and Page		Daytona Beach News Journal Issue Date listing the Deed Recording
Tomoka Oaks Inc.	Artcraft Homes Inc	36 N ST ANDREWS DR	9/9	2/27/1963	514/596	
		46 N ST ANDREWS DR	14/9 $6,800			10/27/1963
		44 N ST ANDREWS DR	13/9 $4,000	12/4/1963	582/259	
		52 PINE VALLEY CIR	27/7	2/7/1964	600/140	
		40 PINE VALLEY CIR	21/7 $5,400			7/16/1967
Artcraft Homes Inc	Harold G. Francis	52 PINE VALLEY CIR	27/7 $34,500			7/26/1964
	Paul R Adams	40 PINE VALLEY CIR	21/7 $45,500			12/7/1969
Tomoka Oaks Inc.	Vedder-Hansard Corp	5 PINE VALLEY CIR	3/7	1/8/1964	591/539	
	AKA Sherwood Building Corp	9 PINE VALLEY CIR	5/7	1/8/1964	591/539	
	AKA Royal Dunes, Inc.	11 PINE VALLEY CIR	6/7	5/24/1964	626/433	
		13 PINE VALLEY CIR	7/7	2/17/1965	687/395	
Vedder-Hansard Corp	James L. Schmitt	5 PINE VALLEY CIR	3/7 $28,000			3/21/1965
AKA Sherwood Building Corp	Robert C. Wallace	9 PINE VALLEY CIR	5/7 $27,900			2/14/1965
AKA Royal Dunes, Inc.	Jim H Wells	13 PINE VALLEY CIR	7/7 $5,250			5/12/1968
	Kenneth G Bucklin	11 PINE VALLEY CIR	6/7 $41,000			2/23/1969
Tomoka Oaks Inc.	La Monte Shimberg Builders Inc.	59 S ST ANDREWS DR	17/14 $5,100	4/22/1965	702/527	
		54 PINE VALLEY CIR	28/7 $5,600	6/10/1965	716/526	
		55 S ST ANDREWS DR	18/10 $5,100	7/30/1965	724/667	
La Monte Shimberg Builders Inc	Harold E Laymon	55 S ST ANDREWS DR	18/10 $26,000			11/21/1965
Tomoka Oaks Inc.	Charles W Barcelo	38 PINE VALLEY CIR	20/7			
Charles W Barcelo	George W Stark	38 PINE VALLEY CIR	20/7 $32,000			19690412

Real Estate ads placed in *Daytona Beach News-Joural* by brokers other than Tomoka Oaks, Inc. **Ads promote coexistence of golf course and residential estates.**

All Journal dates are from the Real Estate section of the issue as sourced in Newsbank.com.

This is not meant to be an inclusive list of all ads.

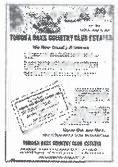
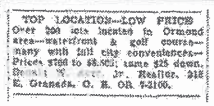
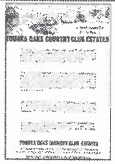
Date	Broker/Realtor	Reference to Golf Course	Address and Price if listed in ad
5/4/1963	Atlantic Realty Serv Inc	Overlooking 9th green	22 St. Andrews Dr
2/16/1964	Atlantic Realty Serv Inc	**Areas only planned community.** Surrounding the beautiful championship golf course.	
3/15/1964	Atlantic Realty Serv Inc	7th fairway	15 Pine Valley Cir $28,500
4/26/1964	Atlantic Realty Serv Inc	2,3,and 4 bedroom homes on the Fairway or off the golf course	$25,500 - $29,500
5/10/1964	Vedder-Hansford Corp	A perfect home on the golf course. Overlooking 7th green	5 Pine Valley Cir
5/10/1964	Atlantic Realty Serv Inc	Situated on the 8th Fairway at the 9th Tee	44 St. Andrews Dr
9/2/1964	Atlantic Realty Serv Inc	On Golf course - lot 100x142'	44 St. Andrews Dr
9/28/1964	Vedder-Hansford Corp	Overlooking Golf course	5 Pine Valley Cir, $27,900
12/4/1964	LaMonte Shimberg Builders, Inc	Tomoka Oaks. Beautiful golf and country club	
8/1/1965	Rose Crovella, Realtor	On golf course	50 Pine Valley Cir
8/25/1965	Atlantic Realty Serv Inc	Golf Course	$22,500
12/5/1965	LaMonte Shimberg Builders, Inc.	On the Golf Course	50 Pine Valley Circle
5/3/1967	Atlantic Realty Serv Inc	Home located right on fairway	
5/3/1967	Garster Realty	On golf course	$31,900
9/27/1967	Atwood Teagle, Realtor	Home on Golf course lot	19 Pine Valley Cir
10/28/1967	Garster Realty	On the golf course	59 S. St. Andrews, $29,500
11/9/1968	Artcraft Realty Office at Tomoka Oaks Entrance	Smack on Golf Course	$30,000
3/19/1969	Owner	Bordering the golf course	57 S. St. Andrews
3/21/1969	Artcraft Realty Office: Entrance Tomoka Oaks Country Club	Lovely homes on large wooded lots around 18 hole golf course	$27,900 - $46,500
10/13/1969	Artcraft Realty	On the 6th fairway	

Tomoka Oaks, Inc. real estate ads marketing the coexistence of the **Sam Snead Golf and Country Club** and the **Tomoka Oaks Country Club Estates.** Ads run in the ***Daytona Beach News Journal*** during May 1963 - March 1970. All citations come from Newsbank.com.

This is not meant to be an inclusive list of all ads.

Sam Snead Golf and Country Club
Owned By: Tomoka Oaks, Inc. 9/20/1960 - 1/10/1966
TOCC, Inc. 1/10/1966 - 3/6/1970

Tomoka Oaks Country Club Estates
Owned By: Tomoka Oaks, Inc. 9/20/1960 - 3/6/1970

News Journal Date	Broker/Realtor	Reference to Golf Course	
8/31/1962 Morning edition Pg 2	Tomoka Oaks, Inc	For sale to the public, the first 103 lots of a 750 lot development surrounding the beautiful 18 hole championship Tomoka Oaks Golf and Country Club.	
9/21/1962 Morning edition Pg 21 Run multiple x's	Donald W Acer, Jr Realtor NOTE: Also Secretary of Tomoka Oaks, Inc.	Top location. Low Price. Over 200 lots located in Ormond area - waterfront & golf course	
9/30/1962 Sunday edition Pg 53	Tomoka Oaks, Inc	This exclusive, luxury development . . . Surrounding the beautiful 18 hole Championship Tomoka Oaks Golf and Country Club	
Dec 1962 - March 1963 run multiple x's 1/1/1963 Morning edition Pg 23	Tomoka Oaks, Inc.	The Halifax Area's Exclusive and most beautiful rolling wooded Golf Course Home sites	

News Journal Date	Broker/Realtor	Reference to Golf Course	
2/16/1963 Morning edition Pg 2	Tomoka Oaks, Inc.	No effort was spared in planning and developing Tomoka Oaks Country Club Estates to be one of the finest exclusive residential areas in the state of Florida. Right in the center . . . has been built the Tomoka Oaks Golf and Country Club - an 18 hole championship Golf Course	
2/23/1963 Morning edition Pg 14	Tomoka Oaks, Inc.	Same overall text as 2/16/1963 ad but also states "certain protective covenants have been provided for the benefit and protection of all property owners" Signed by W. M. McElroy, president of Tomoka Oaks, Inc.	
April 1963 Run multiple times in April 4/5/1963 Pg 23	Tomoka Oaks, Inc.	Now you can enjoy a home overlooking a new Championship Golf Course	NOW YOU CAN ENJOY A HOME OVERLOOKING A NEW CHAMPIONSHIP GOLF COURSE Drive out today to TOMOKA OAKS COUNTRY CLUB ESTATES Nova Road just off Route 1 ORMOND BEACH
April 1963 Run multiple times in April 4/5/1963 Pg 23	Tomoka Oaks, Inc.	A Top Golf Course Gracious Suburban Living	A TOP GOLF COURSE BEAUTIFUL OLD TREES ROLLING TERRAIN ALL CITY FACILITIES Add up to Gracious Suburban Living. See for yourself at TOMOKA OAKS COUNTRY CLUB ESTATES Nova Road just off Route 1 ORMOND BEACH

Parcel: 39-14-32

Sam Snead Golf and Country Club

Owners: Ormond Ocean Homes, Inc.

Dates of Ownership: 3/5/1970 - 6/15/1971

Tomoka Oaks Country Club Estates

Owners: Ormond Ocean Homes, Inc.

Dates of Ownership: 3/5/1970 - 6/15/1971

1970

3/5/1970

Warranty Deed

Buyer: Ormond Ocean Homes Inc.

Seller: TOCC, INC

Signed by:

Ralph R. Frederick, President

SALE

BOOK 1188 PAGE 533

STOCK TRANSFER 3/28/1970

Sovereign Industries, Inc. acquires all stock of Ormond Ocean Homes, Inc. and all assets of Tomoka Oaks, Inc. and Tomoka Oaks Country Club estates

Continues transacting business as Ormond Oceans Homes, Inc.

Issues with Warranty Deed

As noted in the TOCC, Inc. timeline, at the time of this Warranty Deed, Ralph R. Frederick was:

- A stockholder and president in Ormond Ocean Homes, Inc.
- President and primary stockholder of TOCC, Inc. which owned the Sam Snead Golf and Country Club.
- President and stock holder in Tomoka Oaks, Inc. which owned the Tomoka Oaks Country Club Estates surrounding the golf course.

It is my opinion this dual ownership ultimately resulted in the loss of homeowner Referral and Reverter rights as detailed in the section of the written narrative, "Conflicts of Interest in Cross-Ownership" page 4.

3/5/1970

Warranty Deed

Buyer: Ormond Ocean Homes Inc.

Seller: Tomoka Oaks, Inc.

Signed by: Ralph W. Davis, President

SALE

Book 1188 Page 529

STOCK TRANSFER 3/28/1970

Sovereign Industries, Inc. acquires all stock of Ormond Ocean Homes, Inc. and all assets of Tomoka Oaks, Inc. and Tomoka Oaks Country Club estates

Continues transacting business as Ormond Oceans Homes, Inc.

7/6/1970

CONVEYANCE Filed 7/6/1970

Tomoka Oaks, Inc. conveys all holdings in Tomoka Oaks Country club Estates to Ormond Ocean Homes, Inc.

Paraphrase

Tomoka Oaks Homeowners Association has never had any being as a corporation or association.

Tomoka Oaks, Inc. is conveying to Ormond Ocean Homes, Inc. all of its remaining holdings in Tomoka Oaks Country Club Estates.

Tomoka Oaks, Inc. sets over, transfers, and assigns to Ormond Ocean Homes Inc. any right, title or interest in the restrictions and the right to enforce, alter, change Restrictive Covenants dated Jan 31, 1962.

Signed 3/5/1970 by: R. W. Davis, President, Tomoka Oaks, Inc.

BOOK 1212 PAGE 70

Issues with Conveyance

It is my opinion this Conveyance was not truthful. The timing is questionable and the intent is unethical and possibly illegal. See **Table 11 and 11 A** in the section of the written narrative report titled "Protective Covenants and Restrictions" which cite reasons for this opinion.

3/29/1970

TOMOKA OAKS PROPERTY, FIRM SOLD

Highlights:

Arizona based Sovereign Industries, Inc. acquired:

- all of the stock of Ormond Ocean Home Inc.
- all of the assets of Tomoka Oaks, Inc. and the Tomoka Oaks County Club in an agreement finalized March 28, 1970.

Sovereign assumed control of:

- 130 acre Tomoka Country Club golf course and club
- 415 acres of the plush Tomoka Oaks real estate development

Tomoka Oaks golf course was built in 1961. The Tomoka Oaks estates began soon thereafter and number many of the most expensive homes in the area.

Sovereign will do everything possible to improve the home owner's investments and to make the golf club outstanding.

Frederick's called the Sovereign purchase "satisfying and an assurance that the high type program I started will be continued and improved."

NEWS-JOURNAL

7/31/1970

NEW LOOK UNVEILED FOR TOMOKA OAKS

Sovereign Industries Inc., presented plans for golf course and estates improvements to the present homeowners on Thursday night. . . Presently there are about 160 landowners in Tomoka Oaks.

NEWS-JOURNAL

10/19/1970

Resolution Recorded with Volusia County

Not until 10/19/1970, does Tomoka Oaks, Inc. officially record their **Resolution** from their Board of Directors Meeting held over 1.5 years earlier on 2/18/1969 in which:

Paraphrased

- It has been submitted to Tomoka Oaks, Inc. that TOCC, Inc. has contracted to sell the golf course property to Ormond Ocean Homes, Inc.
- Tomoka Oaks, Inc. rejects its right to exercise any option to purchase the property, and is in full accord with the sale which is hereby ratified and approved by its Board of Directors on 2/18/1969.
- Tomoka Oaks, Inc. intends to liquidate and dissolve and releases all rights reserved it in the deed of conveyance 585/157 filed 12/12/63.
- Release of Reverter to become effective 12/13/1973

Resolution signed by Donald W. Acer, Jr., Secretary, Tomoka Oaks Inc.

Book 1238 Page 248

*Issues with **Resolution 1238/248, filed 10/19/1970***

*It is my opinion that this Resolution was unethical and potentially illegal. See **Table 12** in the written narrative report, "Protective Covenants and Restrictions" for details and citations regarding my opinion.*

11/8/1970

MORE FUNDS, ACREAGE FOR TOMOKA OAKS

Highlights:

The owners of Tomoka Oaks Country Club and Estates purchased a 168 acre tract from Tomoka Ridge, Inc. for a reported price of $506,000.

Lots average 120 x 130 feet and range in price from $9,000 to $15,000, depending on location with respect to the golf course and Tomoka River.

Construction will begin soon on a group of single family homes to sell from $32,000 to $55,000.

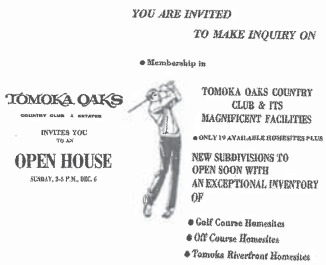
NEWS-JOURNAL

12/5/1970

Announcement/Advertisement in Daytona Beach News Journal

Ormond Ocean Homes, Inc markets Tomoka Oaks Golf Course Homesites in their promotional Open House advertisement.

NEWS-JOURNAL



1971

4/18/1971

Supper Party At Tomoka Oaks C.C. - page 42

The **Tomoka Oaks Homeowners Assn.** had a covered dish supper Saturday night at the Tomoka Oaks Country Club with about 120 attending..

NEWS-JOURNAL

- all of the stock of Ormond Ocean Home Inc.
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Sovereign will do everything possible to improve the home owner's investments and to make the golf club outstanding.

Frederick's called the Sovereign purchase "satisfying and an assurance that the high type program I started will be continued and improved." NEWS-JOURNAL

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Sovereign Industries Inc., presented plans for golf course and estates improvements to the present homeowners on Thursday night. . . . Presently there are about 160 landowners in Tomoka Oaks. NEWS-JOURNAL

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- Tomoka Oaks, Inc. rejects its right to exercise any option to purchase the property, and is in full accord with the sale which is hereby ratified and approved by its Board of Directors on 2/18/1969.
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- Release of Reverter to become effective 12/13/1973

Resolution signed by Donald W. Acer, Jr., Secretary, Tomoka Oaks Inc.

Book 1238 Page 248

10/19/1970

Issues with ***Resolution 1238/248, filed 10/19/1970***

It is my opinion that this Resolution was unethical and potentially illegal. See **Table 12** in the written narrative report, "Protective Covenants and Restrictions" for details and citations regarding my opinion.

11/8/1970

MORE FUNDS, ACREAGE FOR TOMOKA OAKS

Highlights:

The owners of Tomoka Oaks Country Club and Estates purchased a 168 acre tract from Tomoka Ridge, Inc. for a reported price of $506,000.

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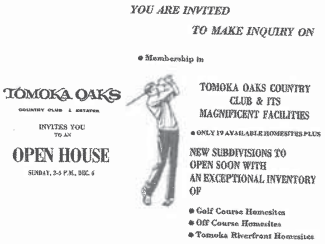
12/5/1970

Announcement/Advertisement in Daytona Beach News Journal

Ormond Ocean Homes, Inc markets Tomoka Oaks Golf Course Homesites in their promotional Open House advertisement. NEWS-JOURNAL



1971

4/18/1971

Supper Party At Tomoka Oaks C.C. - page 42

The **Tomoka Oaks Homeowners Assn**. had a covered dish supper Saturday night at the Tomoka Oaks Country Club with about 120 attending.. NEWS-JOURNAL

Warranty Deed 6/15/1971
Golf Course and remaining lots

Ormond Ocean Homes, Inc.
Grantor

PLR Development LTD
Grantee

SALE

Book 1306 PAGE 286

6/15/1971

6/15/1971

Warranty Deed 6/15/1971
Golf Course and remaining lots

Ormond Ocean Homes, Inc.
Grantor

PLR Development LTD
Grantee

SALE

Book 1306 PAGE 286

TOMOKA OAKS CLUB AND ESTATES SOLD IN $4.5 MILLION DEAL

Tomoka Oaks Country Club, plus Tomoka Oaks Estates, was sold by Sovereign Industries, Inc., to a partnership under the control of Milton W. Pepper, real estate developer. A group of local people also are involved in the transaction, but Pepper said, "I can't disclose their names at this time." NEWS-JOURNAL

6/17/1971

6/16/1971

Release Recorded with Volusia County

Tomoka Oaks, Inc., former owner of Tomoka Oaks County Club Estates records **Release** from Board of Directors Meeting held 2.5 years ago on 2/18/1969 to:

- Release all rights including right of first refusal in deed of conveyance 585/157 filed 12/12/1963
- Release of Reverter clause to be effective 12/13/1973

Release signed by: R. W. Davis, President, Tomoka Oaks, Inc. **BOOK 1307 PAGE 89**

It is my opinion that this **Release** was unethical and potentially illegal. See **Table 15** in the written narrative report, "Protective Covenants and Restrictions" for details and citations regarding my opinion.

Timeline: Ormond Ocean Homes, Inc. - Prepared: 6/12/2022

Samples of Real Estate ads run in the ***Daytona Beach News Journal*** during 3/7/1970 - 6/15/1971 which promote the coexistence of the golf course and the estates. All citations come from Newsbank.com

Sam Snead Golf and Country Club and Tomoka Oaks Country Club Estates

- Owned by Ormond Ocean Homes, Inc. 3/5/1970 - 3/28/1970
- Owned by Ormond Ocean Homes, Inc. / Sovereign Industries, Inc. 3/28/1970 - 6/15/1971

This is not meant to be an inclusive list of all ads.

News Journal **Date**	**Broker/Realtor**	**Reference to Golf Course**	**Address and Price if listed in ad**
5/24/1970	Artcraft Realty	Overlooking Golf Course	$39,000
5/26/1970	Artcraft Realty	Overlooking fairway	61 S. St. Andrews
6/20/1970	Artcraft Realty	Winding streets, stately Oak trees and the Country Club are the surroundings for the prettiest home in the area. . . Some are right off the fair way!	
6/23/1970	Key Realty Asso, Inc.	Overlooking fairway	$42,000
12/5 1970	**Ormond Ocean Homes, Inc.**	Tomoka Oaks Country Club & Estates Open House Invitation New subdivisions to open soon with an exceptional inventory of: • Golf Course Homesites • Off Course Homesites • Tomoka Riverfront Homesites	
2/14/1971	Atlantic Realty Services	Overlooks the 5th green	70 N. St. Andrews Dr
2/21/1971	Artcraft Realty	Overlooks golf course	$54,900

Ad Highlights

TOMOKA OAKS
COUNTRY CLUB & ESTATES

INVITES YOU
TO AN

OPEN HOUSE

SUNDAY, 2-5 P.M., DEC. 6

YOU ARE INVITED

TO MAKE INQUIRY ON

- **Membership in**



TOMOKA OAKS COUNTRY CLUB & ITS MAGNIFICENT FACILITIES

- **ONLY 19 AVAILABLE HOMESITES PLUS**

NEW SUBDIVISIONS TO OPEN SOON WITH AN EXCEPTIONAL INVENTORY OF

- **Golf Course Homesites**
- **Off Course Homesites**
- **Tomoka Riverfront Homesites**

Conflicts of Interest in Cross-Ownership during Ormond Ocean Homes, Inc. / Sovereign Industries, Inc. Ownership March 1970—June 1971

**Dates with an asterisk designate the issue of the Daytona Beach News-Journal that listed the Deed Recording in Newsbank.com*

This is not intended to be an inclusive list of all cross-ownership.

Seller	Buyer	Golf Course Lot Address	Lot / Block / $	Volusia County Official Records Date and Book and Page	Cross-Ownership Notes
Tomoka Oaks Inc.	Ormond Ocean Homes, Inc.	42 N ST ANDREWS DR	12 / 9	4/30/1970 1188/529	1. 2/24/1964 lot sold by Tomoka Oaks, In. to Ralph Frederick as an individual. 2. 4/19/70 Frederick sold it back to Tomoka Oaks Inc. after Ormond Ocean Homes bought the Estates 3. 4/30/1972 Tomoka Oaks, Inc. sold lot to Ormond Ocean Homes, Inc. Frederick was President of both corporations. 4. At some point, Ormond Ocean homes sold lot to PLR , Milton Pepper was GM. 5. 2/28/75 PLR sold it to AKRON, Milton Pepper, President
Ralph R Frederick as an individual	Ormond Oceans Homes, Inc. Ralph R. Frederick, President	Unit 1 Block 1	$40,000	6/28/1970*	1. 11/17/1968 Tomoka Oaks, Inc. sold Block 1 to Ralph R. Frederick as an individual. 2. 6/28/1970 Frederick as an individual sold lot to Ormond Ocean Homes, of which Frederick was President.
Ormond Ocean Homes, Inc.	Milton Pepper as an individual	75 N ST ANDREWS DR 39 OAKMONT CIR	6 / 6 8 / 15	6/15/1971 1306/296 6/15/1971 1306/296	Sales occurred same day PRL purchased golf course from Ormond Ocean Homes, Inc. Milton Pepper was GM of PLR, yet lots sold to Pepper as an individual rather than to PLR.

Parcel: 39-14-32

Sam Snead Golf and Country Club

Owners: PLR Development, LTD - Milton W. Pepper, GM
Dates of Ownership: 6/15/1971 - 2/26/1975

AKRON Enterprises, Inc. - Milton W. Pepper, President
Dates of Ownership: 2/27/1975 - 2/27/1978

Milton W. Pepper
Dates of Ownership: 2/27/1978 - 2/14/1979
(Leased course to RTH with option to buy)

Tomoka Oaks Country Club Estates

Owners: PLR Development, LTD - Milton Pepper, GM
Dates of Ownership: 6/15/1971 - 2/27/1977

BML Investments, William J. Goodman
PRN Investments, Norman A Rossman
Dates of Ownership: 2/28/1977 - 1980

During ownership, remaining lots were sold for development to:
- Development Corp of Switzerland (Goodman & Rossman)
- Residential Communities of America (Rossman)

1971

Warranty Deed 6/15/1971
Golf Course

Ormond Ocean Homes, Inc.
Grantor

PLR Development LTD
Grantee

SALE

Book 1306 PAGE 286

6/15/1971

6/15/1971

Warranty Deed 6/15/1971
Remaining lots in Estates

Ormond Ocean Homes, Inc.
Grantor

PLR Development LTD
Grantee

SALE

Book 1306 PAGE 286

6/17/1971

TOMOKA OAKS CLUB AND ESTATES SOLD IN $4.5 MILLION DEAL

Tomoka Oaks Country Club, plus Tomoka Oaks Estates, was sold by Sovereign Industries, Inc., to a partnership under the control of Milton W. Pepper, real estate developer. A group of local people also are involved in the transaction, but Pepper said, "I can't disclose their names at this time."

NEWS-JOURNAL

6/21/1971

Buffet Supper at Tomoka Oaks - page 11

The Tomoka Oaks Homeowners Club (Association) had a buffet supper Friday night at Tomoka Oaks Country Club for about 80 of the faithful.

NEWS-JOURNAL

6/16/1971

Release Recorded 6/16/1971 with Volusia County

Tomoka Oaks, Inc., former owner of Tomoka Oaks County Club and Estates records **Release** from Board of Directors Meeting held 2.5 years ago on 2/18/1969 to:

- Release right of first refusal in deed of conveyance 585/157 filed 12/12/1963
- Release of Reverter clause to be effective 12/13/1973

Release signed by: R. W. Davis, President, Tomoka Oaks, Inc.

BOOK 1307 PAGE 89

*Issues with ***Release 1307/89 filed 6/16/1971***

It is my opinion that this Release was unethical and potentially illegal. See **Table 15** in the written narrative report, "Protective Covenants and Restrictions" for details and citations regarding my opinion.

1972

3/7/1972

Ormond Beach City Commission Meeting

As requested by the City Commission, the Planning Board, at its regular meeting on March 2, 1972, reviewed the Tomoka Oaks Master Plan with Mr. Kermit Coble, attorney for the developers. Mr Coble stated by letter (see below) that the present owners of the subdivision intend to develop according to the original master plan approved by the Commission in 1961, with any changes being in the form of minor adjustments as they may be needed from time to time. He stated orally that the developers have no intention of creating another golf course.

Commission Schaeffer moved, seconded by Commissioner McNary, to accept the March 2 letter from Kermit Coble, Attorney for P.L.R. which indicated the developers are reverting back to the original Master Plan, together with the accompanying report from the Planning Board and Mr Parks. Motioned carried.

March 7, 1972 Meeting Minutes Page 8078 Item #7

Letter submitted by J. Kermit Coble

March 2nd, 1972
City of Ormond Beach
Ormond Beach Florida
RE: Tomoka Oaks Master Plans

Gentlemen:

This is to notify you that P. L. R. DEVELOPMENT (Ltd.), successors of Ormond Ocean Homes and Sovereign Industries, wish to withdraw the proposed Master Plan submitted to you and revert back to the original master plan on file with your office.

I would like to state that P.L.R. had no knowledge of the proposed revised master plan or the same would have been withdrawn earlier.

Very truly yours,
J. Kermit Coble,
Attorney for P.L.R.

Lifetime Membership Agreement

Paraphrase

PLR Development, (LTD), does hereby give, grant, assign, transfer and set over unto:

- Milton W. Pepper
- Nell Collier
- Leonard Pepper
- J. Kermit Coble

each a lifetime membership in Tomoka Oaks Golf and Country Club which includes:

◊ Right to assign one other lifetime membership
◊ No green fees
◊ No assessments or dues
◊ Free use of electric golf carts
◊ 50% off food/beverages
◊ Sales in Pro Shop at wholesale

Book 1487 Page 629

10/10/1972

5/8/1972

ASSIGNMENT

Paraphrase

- Tomoka Oaks Homeowners Association has never had any being as a corp or association.
- Tomoka Oaks, Inc. conveyed to Ormond Ocean Homes all of its remaining holdings in Tomoka Oaks Country Club Estates and assigned all of its right, title or interest originally contained in the Restrictive Covenants dated Jan 31, 1962.
- Ormond Ocean Homes, Inc. does hereby set over, transfer, and assign to PLR any right, title or interest in all restrictions and the right to enforce, alter, change or waive any original restrictions.

Signed by Ormond Ocean Homes, Inc..

BOOK 1420 PAGE 159

Issues with Assignment recorded 5/8/1972

It is my opinion that this Assignment was unethical and potentially illegal. See **Table 16** in the written narrative report, "Protective Covenants and Restrictions" for details and citations regarding my opinion.

◊ Free use of electric golf carts
◊ 50% off food/beverages
◊ Sales in Pro Shop at wholesale **Book 1487 Page 629**

Issues with Assignment recorded 5/8/1972

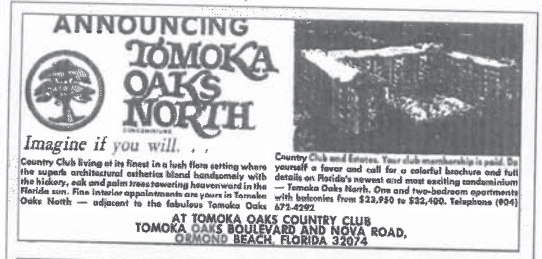
It is my opinion that this Assignment was unethical and potentially illegal. See **Table 16** in the written narrative report, "Protective Covenants and Restrictions" for details and citations regarding my opinion.

Tomoka Oaks North Condominiums

Article Highlights:

- 90 unit condominium project adjacent to Tomoka Oaks Country Club and Estates
- Condominium buyers receive a paid membership in Tomoka Oaks Country Club
- Occupancy by late Summer of 1973 is anticipated
- Owner of the project is Tomoka Oakwood Development Corporation. State of Florida Corporate filing lists officers as:
  - ◊ Wilfred L Gieger, President
  - ◊ Paul Swenk, VP
  - ◊ Milton W Pepper, Secretary and Director
  - ◊ J Kermit Coble, Director

NEWS-JOURNAL 10/22/1972



1972, 1973, 1974

Multiple Real Estate Ads published by the developer appeared in *The Daytona Beach News Journal*. Ad text promoted:

- Luxury Condominiums at Tomoka Oaks Country Club
- Residents have reserved membership in Tomoka Oaks Country Club

Article Date 5/13/1975

- Manhattan Mortgage & Realty Trust purchased Tomoka Oaks North. Promotes "rent-to-buy" with membership in Tomoka Oaks Country Club
- Ben Horne is an Officer of Tomoka Oakwood Development Corp

12/6/1972

CITY COMMISSION MEETING

Approved a preliminary layout for development of a portion of Tomoka Oaks subdivision (Unit 5)

NEWS-JOURNAL

1973

1974

TOMOKA OAKS GOLF COURSE TO BE SOLD?

Arnold Mims, Tomoka Oaks member, and president of Tomoka Oaks Country Club, Inc., and owner of home adjoining the 6th fairway, wants to purchase golf course owned by Milton Pepper Associates- PRL Development Company.

Tomoka Oaks Country Club members, 90 strong, met in the clubhouse. Committee:

Temporary Chairman George Borsari (36 N St Andrew), Rocky Collins 28 St. Andrews Drive, Jack Erick, Vinal Cox, Fred Jaeger, Dr. H C Ledbetter, Ed Maybeck, John Nuckolls.

4/16/1974

TOMOKA OAKS NEARER TO BEING PRIVATE CLUB
by Brad Wilson

Rated as one of the finest golf courses in Central Florida.

The original committee of 8 was expanded to 14 following meetings of the **Tomoka Oaks Home Owners Assn**.

Tomoka Oaks Country Club Acquisition Committee:

- Arnold Mims, general chairman (34 Pine Valley Circle)
- Ed Maybeck, secretary
- George Borsari, treasurer (36 N St Andrew)

4/26/1974

BID TO BUY TOMOKA OAKS HAS FAILED

The attempt by members to raise money and purchase Tomoka Oaks Country Club has failed.

Arnold Mims, president of Tomoka Oaks Country Club, Inc., said the group which had hoped to buy the 6,900 yard part 72 championship course off Nova Road in Ormond Beach voted at a meeting Monday night to table the project indefinitely.

9/18/1974

1975

AKRON Enterprises, Inc.
Filed with Division of Corporations, State of Florida

Officers:
Milton W. Pepper, PD

2/4/1975

Warranty Deed
Golf Course

PLR Development LTD
Milton W. Pepper, General Manager

2/27/1975

1976

Notice of Intention to Register Fictitious Name

Development Corporation of Switzerland, Norman A. Rossman, President, publishes Legal Advertisement stating intention to register

Warranty Deed 2/28/1977
(remaining lots in Blocks 1,2,3&4)

Filed with Division of Corporations, State of Florida

Officers:
Milton W. Pepper, PD

2/4/1975

Warranty Deed
Golf Course

PLR Development LTD
Milton W. Pepper, General Manager
Grantor

AKRON Enterprises, Inc.
Milton W. Pepper, President/Director
Grantee

SALE

Book 1768 / PAGE 1798

2/27/1975

1976

1977

Notice of Intention to Register Fictitious Name

Development Corporation of Switzerland, Norman A. Rossman, President, publishes Legal Advertisement stating intention to register TOMOKA OAKS LAND COMPANY for business of construction and related activities. Registrants are Jacobs and Goodman.

NEWS-JOURNAL

2/22/1977

2/28/1977

Warranty Deed 2/28/1977
(remaining lots in Blocks 1,2,3,4)
PLR Development, LTD
Grantor

BML Investments / PRN Investments
Grantee
William J. Goodman and
Norman A Rossman

Book 1887 Page 301

Fourth Modification Agreement

Highlights

- Owners: BML Investments and PRN Investments
- Mortgagee: Cameron-Brown Investment Group
- Mortgagee to grant partial releases of estate lots to Owners:
  - ◊ Golf course frontage $7,000/lot
  - ◊ Tomoka River frontage $5,000/lot
  - ◊ All other lots in Parcel A and B $4,000/lot **Book 1187 Page 320**

Warranty Deeds 1977 - 1979

BML Investments / PRN Investments
Grantor

Residential Communities of America
Grantee
Purchased portion of remaining estate lots

Warranty Deeds 1978 - 1980

BML Investments / PRN Investments
Grantor

Development Corp of Switzerland
Grantee (Goodman & Rossman)
Purchased portion of remaining estate lots

Warranty Deeds 1978 - 1979

Development Corp of Switzerland
Grantor

Residential Communities of America
Grantee
Purchased portion of remaining estate lots

Tomoka Oaks: Engineer Says . . . Pg 7

NEWS-JOURNAL

Excerpt

"When proposed in the late 50's by Developer Milton Pepper, the more than 400 acres of the subdivision were to be built **according to a master plan** which included the water and sewer payback plan."

8/18/1977

RTH Inc.
Filed with Division of Corporations, State of Florida

Officers:
- J. Richard Ryals (20 Eagle Court), President
- Scott R. Ryals (24 Tomoka Blvd), VT

2/14/1978

9/24/1977

Residential Communities of America (AKA TOMOKA OAKS LAND COMPANY) 672-3155 begins marketing homes.

NEWS-JOURNAL



11/12/1977

TOMOKA OAKS LAND COMPANY 672-3155 begins marketing golf course lots.

1978



TOMOKA OAKS COUNTRY CLUB SOLD

Tomoka Oaks Country Club was sold last week to three local couples for $1,375,000.

Buyers:

- Dr. and Mrs. James F. Townsend
- Dr. and Mrs. J. Richard Ryals
- Mr and Mrs. Francis A. Hidlago

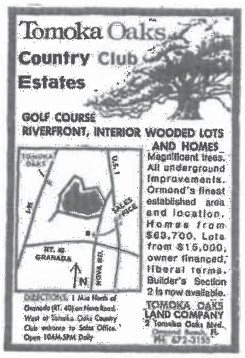
The club was the last of Pepper's holdings at Tomoka Oaks, Hidalgo observed. A partnership under Pepper's control acquired the club, along with Tomoka Oaks Estates in 1971. The estate properties have been sold in recent years.

2/19/1978

2/5/1978

TOMOKA OAKS LAND COMPANY 672-3155 begins series of display ads which promote golf course lots and home site lots. Ad series runs throughout 1978 and 1979.

NEWS-JOURNAL





5/6/1978

Quit Claim Deed
Golf Course

AKRON Enterprises, Inc.
Milton W. Pepper, President/Director
E. B. McFarland, Secretary
Grantor

Milton W. Pepper,
Grantee

SALE

Book 2001 / Page 382

2/27/1978

Tomoka Oaks: A look back

NEWS-JOURNAL

Issue Date 11/5/1989

Dr. Richard Ryals: "I was living on the sixth tee at the time three of us decided to form a corporation and buy the country club. That was in 1977. So we leased it for a year from Milton Pepper with an option. After the first year, one partner dropped out. Then the third partner went his way. So I bought (the last partner) out."

Tomoka Oaks Time Capsule

NEWS-JOURNAL

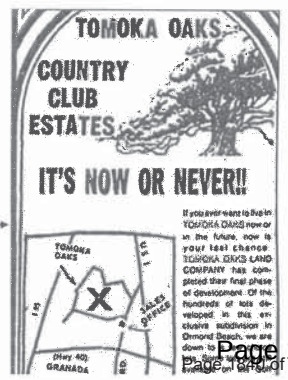
Issue Date 11/5/1989

In 1977, radiology physician Dr. Richard Ryals and two partners signed a least-option agreement with prominent local businessman Milton Pepper to buy the golf course and club. Dr. Ryals is now sole owner of the club.

12/9/1978

Tomoka Oaks Land Company continues advertising golf course lots as they market final phase of Tomoka Oaks Country Club Estates development.

NEWS-JOURNAL



1979

Warranty Deed

Seller/Grantor: Milton W. Pepper

Buyer/Grantee: RTH, Inc

2/14/1979

$4,000/lot **Book 1187 Page 320**

Purchased portion of remaining estate lots

Tomoka Oaks: Engineer Says . . . Pg 7 NEWS-JOURNAL

Excerpt

"When proposed in the late 50's by Developer Milton Pepper, the more than 400 acres of the subdivision were to be built **according to a master plan** which included the water and sewer payback plan."

8/18/1977

Warranty Deeds 1978 - 1979

Development Corp of Switzerland
Grantor

Residential Communities of America
Grantee

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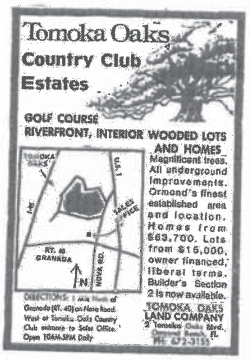



5/6/1978

Quit Claim Deed
Golf Course

AKRON Enterprises, Inc.
Milton W. Pepper, President/Director
E. B. McFarland, Secretary
Grantor

Milton W. Pepper,
Grantee

SALE

Book 2001 / Page 382

2/27/1978

Tomoka Oaks: A look back NEWS-JOURNAL

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Tomoka Oaks Time Capsule NEWS-JOURNAL

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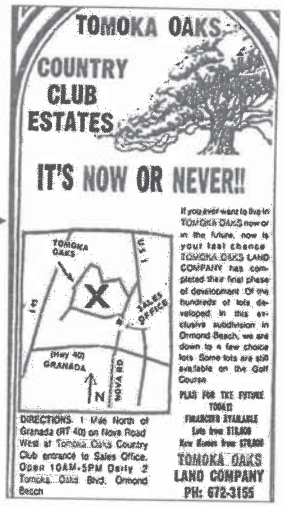


1979

Warranty Deed

Seller/Grantor: Milton W. Pepper

Buyer/Grantee: RTH, Inc

Subject to Lifetime Memberships for:

Milton W. Pepper	R. W. McFall
Nell Collier	Richard L. Shetler
Leonard Pepper	George L. Haller
J. Kermit Coble	James P. Callahan

During the term of the purchase money note and wrap around mortgage executed of even date herewith by grantee to grantor, or for a period of 18 years in the event the mortgage is prepaid in full, the above described property shall revert to the grantor upon the condition that any portion of said property is used for any purpose other than a golf course with club house and appurtenant amenities.

SALE

Book 2052 Page 1019

2/14/1979

Timeline: Milton W. Pepper - Prepared: 6/12/2022

Conflicts of Interested in Cross Ownership - Sales of Golf Course and Non-Golf Course Fronting Homes During

PLR Development LTD; AKRON Enterprises, Inc.; Milton W. Pepper Ownership Period: 6/15/1971 - 2/14/1979

This is not intended to be an inclusive list of all sales

Seller	Buyer	Lot Address	Lot / Block / $	Volusia County Official Records Date and Book and Page	Cross-Ownership Notes
Ormond Ocean Homes, Inc.	Milton Pepper as an individual.	75 N ST ANDREWS DR 39 OAKMONT CIR	6 / 6 8 / 15 (both non-golf course)	6/15/1971 1306/296 6/15/1971 1306/296	Lots were sold to Milton Pepper as an individual. Pepper was also GM of PLR Development, LTD which owned Tomoka Oaks Country Club Estates where the lots were located.
PLR Development, LTD (Milton Pepper, General Manager of PLR Development, LTD)	AKRON Enterprises, Inc, Milton W. Pepper, President & Director	42 N ST ANDREWS DR	12 / 9 (on golf course)	2/28/1975 1768/1795	1. 2/24/1964 lot sold by Tomoka Oaks, In. to Ralph Frederick as an individual. 2. 4/19/70 Frederick sold it back to Tomoka Oaks Inc. after Ormond Ocean Homes bought the Estates 3. 4/30/1972 Tomoka Oaks, Inc. sold lot to Ormond Ocean Homes, Inc. Frederick was President of both corporations. 4. At some point, Ormond Ocean homes sold lot to PLR , Milton Pepper was GM. 5. 2/28/75 PLR sold it to AKRON, Milton Pepper, President
PLR Development, LTD	J. Kermit Coble Attorney for PLR Development, LTD	17 JANET CIR	10 & 11 / 5 (non-golf course)	5/2/1975 1777 / 1864	

Conflict of Interest in Cross-Ownership: Milton W. Pepper and Ben Horn, Jr.

Tomoka Oaks North was a condo development adjacent to Tomoka Oaks Country Club Estates.

> **Tomoka Oaks North** was developed by **Tomoka Oakwood Development Corp, Inc.**. Condo buyers receive a membership in Tomoka Oaks Country Club. (*Daytona Beach Sunday News-Journal,* pg 49, 10/22/1972)

> **Tomoka Oakwood Development Corp** acquired the property from PLR Development whose GM was Milton Pepper.

> > PLR Development had acquired the property from Ormond Ocean Homes whose president was Ralph R. Frederick. (*Daytona Beach Sunday News-Journal,* pg 55, 5/18/1975)

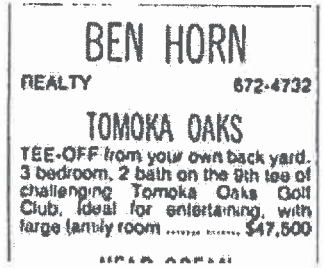
> **Tomoka Oakwood Development Corp, Inc.** officers were Milton W. Pepper, President and Ben J. Horn, Jr., Secretary (Corp Filing 8/28/1972)

> > Ben J. Horn, Jr. was Milton Pepper's son-in-law (*Daytona Beach Morning Journal*, pg 26, "Ellinor Village Complex Sold . . .)

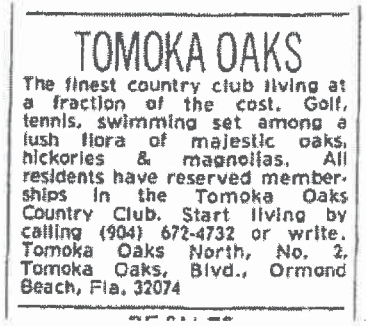
> > Ben J. Horn., Jr. was a realtor who advertised golf course lots and golf course home sites in Tomoka Oaks Country Club Estates and possibly in Tomoka Oaks North as shown in the far ride ad below.


COUNTRY CLUB LIVING
Choice lots overlooking beautiful fairways on Tomoka Oaks Country Club. Natural woodlands, tennis courts, swimming pool, restaurant, lounge, fishing on the Tomoka River. Let us show you these great home sites!
FREE GOLF GREEN FEES
To visitors who bring this ad.
BEN HORN REALTY
REG. REAL ESTATE BROKER
TOMOKA OAKS AT NOVA RD.
ORMOND BEACH, FLA.
PHONE 672-4732

2/7/1976
Morning Issue, pg 30


BEN HORN
REALTY 672-4732
TOMOKA OAKS
TEE-OFF from your own back yard. 3 bedroom, 2 bath on the 9th tee of challenging Tomoka Oaks Golf Club. Ideal for entertaining, with large family room $47,500

8/20/1976
Morning Issue, pg 35


TOMOKA OAKS
The finest country club living at a fraction of the cost. Golf, tennis, swimming set among a lush flora of majestic oaks, hickories & magnolias. All residents have reserved memberships in the Tomoka Oaks Country Club. Start living by calling (904) 672-4732 or write. Tomoka Oaks North, No. 2, Tomoka Oaks, Blvd., Ormond Beach, Fla. 32074

3/28/1974, Morning Issue, pg 56
Ad for **Tomoka Oaks** North has same phone number as Ben Horn's Tomoka Oaks Country Club ads

Real estate ads placed in the *Daytona Beach News-Journal* from 1977 until all lots sold in the early 1980's. Ads placed by subsidiaries of BLM Investments and PRN Investments who developed and sold the remaining lots in Tomoka Oaks Country Club Estates. Pg 1 of 2

Issue Date	Developer / Broker/Realtor	Ad Text
9/24/1977	Residential Communities of America / 672-3155	TOMOKA OAKS Lots from $14,000, also Golf Course lots & [illegible] 672-3155
11/12/1977	672-3155	
1/31/1978	Residential Communities of America / 672-3155	In Country Club-golf course See B.
2/5/1978	Tomoka Oaks Land Company 672-3155	Golf Course Homesites and Homes See C .
2/15/1978 3/2/1978	Tomoka Oaks Land Company 672-3155	Golf Course Lots and Homes See D.
4/25/1978	Tomoka Oaks Land Company 672-3155	Some lots front on golf course. See E.
5/6/1978	Tomoka Oaks Land Company 672-3155	Golf course lots. See F.
9/9/1978 10/5/1978	Tomoka Oaks Land Company 672-3155	Golf course lots. See G.

Continued on next page

TOMOKA OAKS LAND COMPANY 672-3155 sample ads in *Daytona Beach News Journal* marketing the last of the lots and homes owned by Development Corp of Switzerland and Residential Communities of America (aka Tomoka Land Company)

A

Ormond Beach - Tomoka Oaks
OPEN HOUSE
5 Model Homes from $47,500
Customize the Home of Your Dreams!
TOMOKA OAKS
COUNTRY CLUB ESTATES
Sales Office Open 10 AM-6 PM Daily
NOVA RD. & TOMOKA OAKS BLVD.
ORMOND BEACH
672-3155

B

★NEW HOMES★
TOMOKA OAKS
Only 3 left! New 3 & 4 bedroom homes. Large bedrooms, huge kitchen, family room, ½ acre wooded lot, 2 car garage. In country club-golf course-tennis-pool. Exclusive Ormond location. Reduced to $69,950. 672-3155

C

Tomoka Oaks
Country Club
Estates
RIVERFRONT
Golf Course-Wooded Homesites and Homes
Magnificent trees. All underground improvements. Ormond's finest established area and location. Homes from $69,700. Lots from $17,000, owner financed, liberal terms.
TOMOKA OAKS LAND COMPANY
2 Tomoka Oaks Blvd.
Ormond Beach, Fl.
PH: 672-3155
DIRECTIONS: 1 Mile North of Granada (RT. 40) on Nova Road. West at Tomoka Oaks Country Club entrance to Sales Office. Open 10AM-5PM Daily

D

Tomoka Oaks
Country Club
Estates
GOLF COURSE
RIVERFRONT, INTERIOR WOODED LOTS AND HOMES
Magnificent trees. All underground improvements. Ormond's finest established area and location. Homes from $63,700. Lots from $15,000, owner financed, liberal terms. Builder's Section 2 is now available.
TOMOKA OAKS LAND COMPANY
2 Tomoka Oaks Blvd.
Ormond Beach, Fl.
PH: 672-3155
DIRECTIONS: 1 Mile North of Granada (RT. 40) on Nova Road. West of Tomoka Oaks Country Club entrance to Sales Office. Open 10AM-5PM Daily

E

Tomoka Oaks
Country Club
Estates
GOLF COURSE
RIVERFRONT, INTERIOR WOODED LOTS AND HOMES
Ormond's finest Residential area. Magnificent forested lots; some lots front on golf course, some on Tomoka River. Lots from $15,000. Liberal Terms. Beautiful, exciting new homes offered by local builders from $63,700. "BUILDERS"- SECTION II- NOW AVAILABLE AT PRE-DEVELOPMENT PRICES
TOMOKA OAKS LAND COMPANY
2 Tomoka Oaks Blvd.
Ormond Beach, Fl.
PH: 672-3155
DIRECTIONS: 1 Mile North of Granada (RT. 40) on Nova Road. West of Tomoka Oaks Country Club entrance to Sales Office. Open 10AM-5PM Daily

F

TOMOKA OAKS
COUNTRY CLUB ESTATES
INTRODUCES
NEW HOMES— NOW AVAILABLE
OVER 20 Exciting Models offered by the area's Top Builders!!
Enjoy the 18 hole Golf Course, Tennis facilities, Huge pool & dining facilities at the area's most prestigious Country Club.
HOMES FROM $66,200
LOTS FROM $15,500
(Golf Course & Huge Wooded Lots)
COME SEE OUR HOMES!!
TOMOKA OAKS LAND COMPANY
2 Tomoka Oaks Blvd
Ormond Beach, Fl.
PH: 672-3155
DIRECTIONS: 1 Mile North of Granada (RT 40) on Nova Road. West of Tomoka Oaks Country Club entrance to Sales Office. Open 10AM-5PM Daily.

G

OWN YOUR OWN HOME
TOMOKA OAKS COUNTRY CLUB ESTATES
IT WILL KEEP INCREASING IN VALUE. BUY NOW, YOU GET THE INCREASE
New Homes —NOW READY
HOMES FROM $68,500
LOTS FROM $16,500
TOMOKA OAKS LAND COMPANY
2 Tomoka Oaks Blvd. Ormond Beach, Fl.
672-3155

Real estate ads placed in the *Daytona Beach News-Journal* from 1977 until all lots sold in the early 1980's. Ads placed by subsidiaries of BLM Investments and PRN Investments who developed and sold the remaining lots in Tomoka Oaks Country Club Estates. Pg 2 of 2

Issue Date	Developer / Broker/Realtor	Ad Text
		Continued from previous page
10/27/1978	Tomoka Oaks Land Company 672-3155	Golf Course Lots See H.
10/30/1978 11/3/1978	Tomoka Oaks Land Company 672-3155	New Section. Golf Course Available. See I.
12/7/1978 12/14/1978	672-3155	Be on the Golf Course. See J.
12/9/1978 12/14/1978	Tomoka Oaks Land Company 672-3155	Some lots are still available on the golf course. See K.
2/1/1979	Tomoka Oaks Land Company 672-3155	Tomoka Oaks is in a country club. See L.

TOMOKA OAKS LAND COMPANY 672-3155 sample ads in *Daytona Beach News Journal* marketing the last of the lots and homes owned by Development Corp of Switzerland and Residential Communities of America. (aka Tomoka Land Company)

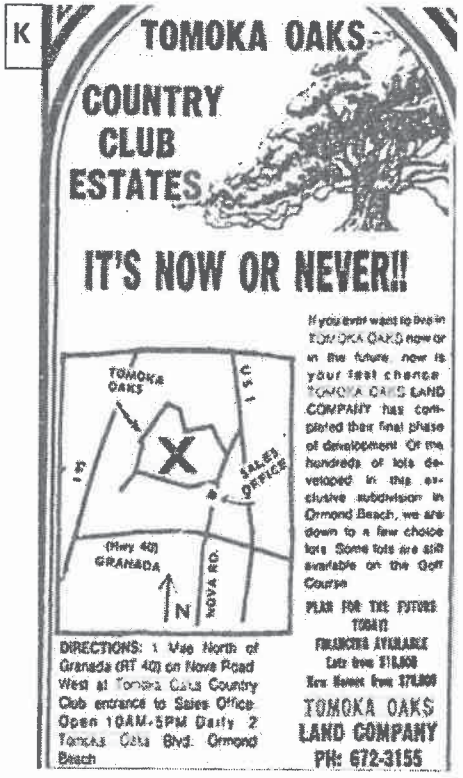
H



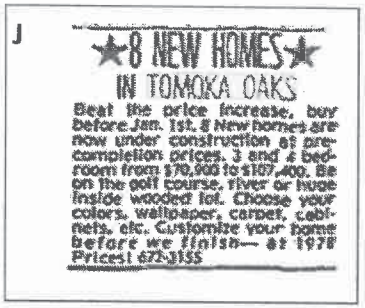
I



K



J



L



Real Estate ads placed in *Daytona Beach News-Joural* by brokers other than PLR Development, LTD (Pg 1 of 4)

All ads promote the coexistence of the golf course and residential estates.

This is not meant to be an inclusive list of all ads.

Sam Snead Golf and Country Club

Owner: PLR Development, LTD - Milton Pepper, General Manager
Dates of Ownership: 6/15/1971 - 2/27/1975

AKRON Enterprises, Inc. - Milton Pepper, President
Dates of Ownership: 2/27/1975 - 2/27/1978

Milton W. Pepper
Dates of Ownership: 2/27/1978 - 2/14/1979

Tomoka Oaks Country Club Estates

Owner: PLR Development, LTD - Milton Pepper, General Manager
Dates of Ownership: 6/15/1971 - 2/27/1977

Owner: BLM Investments and PRN Investments
Dates of Ownership: 2/27/1977 - last of lot sales in approximately 1980

Date	Broker/Realtor	Reference to Golf Course	Address and Price if listed in ad
7/25/1971	Vinal Cox	Near the 18th green	$64,500
7/30/1971	Artcraft Realty, Inc	At edge of golf course	$54,900
8/13/1971	Artcraft Realty, Inc	266 feet frontage on the Tomoka Oaks Golf and Country Club	$60,000
8/13/1971	Artcraft Realty, Inc	Overlooking the 17th tee	$54,900
9/12/1971	Artcraft Realty, Inc	On the golf course	$54,900
9/12/1971	Artcraft Realty, Inc	Two golf course lots afford you much privacy	$60,000
9/14/1971	Artcraft Homes, Inc	Near the golf course	34 N St. Andrews $68,500
2/14/1972	Artcraft Realty, Inc	Overlooking the golf course	$45,000
Feb & March 1972 - run multiple times	Lee Upson, Realtor/Broker	Golf course lots, new sections opening up	
3/5/1972	Artcraft Realty, Inc	Golfer's Dream - beautiful view of golf course	22 N. St. Andrews Drive
5/4/1972	Lee Upson, Realtor/Broker 2 Tomoka Oaks Blvd	Fairway lots available, off course lots	Starting at $8,150
May 1972 - run multiple times	Lee Upson, Realtor/Broker 2 Tomoka Oaks Blvd	Fairway lots available, off course lots	Starting at $8,450 ($300 price increase)
6/17/1972	Artcraft Realty, Inc	On a lovely large Tomoka Oaks Golf Course lot	
7/2/1972	Helen Adams & Associates	On the golf course	Under $45,000
7/15/1972	By owner	On Tomoka Oaks Golf Course	52 Oakmont Circle $79,500
8/6/1972	EL Bud Seifred, realtor	Panoramic view of the golf course	$98,500
8/13/1972	Artcraft Realty, Inc	Backing up to 8th Tee	$53,000
9/17/1972	By owner	On fairway	$58,900
9/20/1972	By owner	On Tomoka Oaks Golf Course	52 Oakmont Circle
9/27/1972	Artcraft Realty, Inc	On large wooded "golf course" lot	
11/26/1972	Cox Associates, Inc. Realtor	On the Golf Course, 18th green	$69,500
1/14/1973	By Owner	1 acre on Golf Course	$85,000
Jan 1973 - run multiple times	Gale Associates, Inc. Realtors	Tomoka Oaks 5 fairway lots & other off course lots	
2/2/1973	Owner - salesman 472-4355	Tomoka Oaks only Golf Course lot available	
Feb 1973 - run multiple times	Artcraft Realty, Inc	Tomoka Oaks Golf Course lots	
6/1/1973	By owner	On Golf Course, patio overlooking 17th Fairway	
7/22/1973	Gale Associates, Inc. Realtors	Golf course homesite	$19,500
9/7/1973	Ralph W. Davis, Realtor	Overlooking number 3 Fairway	
11/10/1973	Artcraft Realty, Inc	Overlooks the Tomoka Oaks Country Club Golf Course	

Real Estate ads placed in *Daytona Beach News-Joural* by brokers other than PLR Development, LTD. **Ads promote coexistence of golf course and residential estates.** (Pg 2 of 4)
All *Daytona Beach News-Journal* dates are from the Real Estate section of the issue as sourced in Newsbank.com. *This is not meant to be an inclusive list of all ads.*

Date	Broker/Realtor	Reference to Golf Course	Address and Price if listed
11/29/1973	Artcraft Realty, Inc	On the Tomoka Oaks Country Club Golf Course	$165,000
1/2/1974	Cameron Realty, Co	Tomoka Oaks 100x120 on 13th Fairway	$21,500
1/4/1974	Ralph W. Davis, Realtor	Tomoka Oaks Beauty on Golf Course lot	
1/6/1974	E. T. Carey Real Estate Co	Golf Course Homesite, 16 Fairway	
1/13/1974	Mr Marsh 672-4355	Tomoka Oaks Golf Course Lot	
1/13/1974	Claire Moore, reatlor	On the golf course	34 N St. Andrews Dr
2/1/1974	Artcraft Realty, Inc	On lare wooded golf course lot	$98,000
2/1/1974	Artcraft Realty, Inc	We have gorgeous golf course home sites!	
2/4/1974	Helen Adams Realty	On the golf Course	
2/4/1974	Ralph W. Davis, Realtor	On golf course overlooking no. 3 fairway	$74,500
2/9/1974	Ormond Realty	Prestigious country club area for golf lovers	28 Oakmont Circle $66,900
2/10/1974	Gale Associates, Inc Realtors	Fairway lots starting at $19,500 Off course lots starting at $9,950	
2/18/1974	Hayward Brown & Asso, Realtors	17th green	$74,500
2/21/1974	Cameron Realty, Co	Tomoka Oaks 100x120 on 13th Fairway	$21,500
3/2/1974	Ralph W. Davis, Realtor	Choice executive home on GOLF COURSE	
3/28/1974	Ralph W. Davis, Realtor	Tomoka Oaks On Golf Course	
4/1/1974	Goldman Assocs	Situated on the golf course	$94,500
April 1974 - ran multiple times	Artcraft Realty, Inc	Florida's Finest Residential Living!. Towering trees, quiet winding streets, gorgeous homes surrounded by the fabulous Tomoka Oaks Country Club. . . Buy your dream home here today!	
6/3/1974	Artcraft Realty, Inc	Home fronting 140 ft on the Tomoka Oaks Golf Course!	$98,000
3/24/1974	E. T. Carey Real Estate Co	Golf course lot on 16th fairway	
6/30/1974	Helen Adams Realty	On the golf course!	
6/30/1974	Artcraft Realty, Inc	Spanish Beauty On golf course	$75,000
7/14/1974	Key Realty Asso., Inc.	On the golf course	$72,500
7/22/1974	Ralph W. Davis, Realtor	A Bit of Paradise located on the 5th Green	
7/26/1974	Artcraft Realty, Inc	Mediterranean villa overlooking golf course	$75,000
7/27/1974	677-5702 and 677-3238	Golf course lot in Tomoka Oaks	$21,000
8/19/1974	RELO real estate	Overlooks Tomoka Oaks Country Club golf course	$75,000
9/1/1974	Helen Adams Realty	Tree filled golf course setting	
9/22/1974	Miller, Lund, Sibley, Inc Realtors	Home on Tomoka Oaks Golf Course	$79,500
9/22/1974	E. T. Carey Real Estate Co	Lovely lot located near 17th Tee	
10/7/1974	Ralph W. Davis, Realtor	Prestige Tomoka Oaks. On golf course	
10/15/1974	Key Realty Asso., Inc.	Tee off from your backyard	$72,500
10/27/1974	Goldman Asso., Inc. Realtor	Golf course lot, 110x140	
11/2/1974	Oceanside Reality & Asso	6th green	$23,500
11/3/1974	Miller, Lund, Sibley, Inc Realtors	On No. 2 Green	$79,500

Real Estate ads placed in *Daytona Beach News-Joural* by brokers other than PLR Development, LTD. **Ads promote coexistence of golf course and residential estates.** (Pg 3 of 4)

All *Daytona Beach News-Journal* dates are from the Real Estate section of the issue as sourced in Newsbank.com. *This is not meant to be an inclusive list of all ads.*

Date	Broker/Realtor	Reference to Golf Course	Address and Price if listed in ad
11/17/1974	Goldman Asso., Inc. Realtor	Golf course lot	$25,000
11/23/1974	Ralph W. Davis, Realtor	Beautiful lot facing 16th tee	$21,700
11/24/1974	Helen Adams Realty	Split level on golf course	
12/30/1974	Key Realty Asso., Inc.	Home on the 17th tee	$72,500
12/30/1974	Helen Adams Realty	On the golf course	
1/12/1975	Ralph W. Davis, Realtor	Golf course lot	
1/16/1975	677-5702 / 677-3238	Golf course lots	$19,500
2/2/1975	Helen Adams Realty	On the golf course	52 Oakmont Circle
2/14/1975	767-0856	Golf course lot	$19,500
2/15/1975	Artcraft Realty, Inc	On 6th fairway	$75,000
2/17/1975	Ormond Realty	Prestigious country club area for golf lovers	$28 Oakmont Cir $66,900
2/23/1975	E. T. Carey Real Estate Co	Golf course lot near 17th Tee	
2/23/1975	Jenkisson Fellows, Inc Realtors	Is on the golf course	$87,500
3/21/1975	Key Realty Asso., Inc.	On the 17th Tee	$72,500
4/6/1975	Cameron Realty Co	On golf course	$69,900
5/2/1975	672-4355 / 767-0856	Tomoka Oaks golf course lot	$19,000
5/19/1975	Ralph W. Davis, Realtor	Located on the 17th hole	59 S. St. Andrews $52,000
5/28/1975	Key Realty Asso., Inc.	On the 13th fairway	
6/1/1975	Hayward Brown & Asso Realtors	Golf course lot	$67,500
6/13/1975	Hayward Brown & Asso Realtors	On high tree filled golf course lot	$87,000
6/14/1975	Jenkisson Fellows, Inc Realtors	On the golf course	$82,500
6/15/1975	677-5702 / 677-3238	Golf course lot	$18,000

Date	Broker/Realtor	Reference to Golf Course	Address and Price if listed in ad
6/17/1975	Key Realty Asso., Inc.	On golf course	$72,500
7/6/1975	Goldman Asso., Inc. Realtor	Golf course building lot	$25,000
7/27/1975	Goldman Asso., Inc. Realtor	Directly on the golf course	$98,500
7/27/1975	E. T. Carey Real Estate Co	On beautiful 17th fairway	
7/28/1975	Boes & Hedges Inc Reltors	On golf course	
8/1/1975	Cameron Realty Co	On golf course	$69,900
8/10/1975	Hayward Brown & Asso Realtors	On golf course	51 S St Andrews $79,900
8/11/1975	Atlantic Realty Service Inc	Prime golf course residential front-age	
8/17/1975	Symon Ryals & Asso Inc Realtors		Off Course Lots $12,750 & up Fairway Lots $21,650 & up
8/17/1975	Goldman Asso., Inc. Realtor	Situated on the 9th hole	34 N St Andrews $98,500
8/18/1975	Atlantic Realty Service Inc	Choice residential building lot on 6th Fairway	$25,000
11/8/1975	Symon Ryals & Asso Inc Realtors		Off Course Lots $11,000 & up Fairway Lots $19,000 & up
1/7/1976	Goldman Asso., Inc. Realtor	Have homes fronting golf course and not fronting golf course	
2/7/1976	Ben Horn Realty	Choice lots overlooking beautiful fairways	
2/7/1976	Cameron Realty Co	New luxury home on Tomoka Oaks Golf Course	$68,900
3/10/1976	Key Realty Asso., Inc	Overlooking the 13th Fairway	
8/20/1976	Woody Lee, Realtor	On 6th Fairway	46 Pine Valley Cir $65,000
8/20/1976	Ben Horn Realty	On the 9th Tee	$47,500

Real Estate ads placed in *Daytona Beach News-Joural* by brokers other than PLR Development, LTD., BLM Investments, or PRN Investments. **Ads promote coexistence of golf course and residential estates.** (Pg 4 of 4)
All *Daytona Beach News-Journal* dates are from the Real Estate section of the issue as sourced in Newsbank com. *This is not meant to be an inclusive list of all ads.*

Date	Broker/Realtor	Reference to Golf Course	Address and Price if listed
8/4/1977	Goldman Assocs Realtors	Overlooking golf course. 266' of golf course frontage	25 Pine Valley Cir $108,000
9/25/1977	Stanley Realty and Asso	Overlooking the golf course	$150,000
9/25/1977	Key Realty Asso	Overlooking 16th tee	$76,900
9/25/1977	Cameron Realty Co.	Building lot overlooking 6th green	$19,500
10/6/1977	Goldman Assocs Realtors	On the golf course	$87,900
11/6/1977	Stanley Realty and Asso	Overlooking 12th fairway	XX Rio Pinar $133,000
11/13/1977	Cameron Realty Co.	Golf at your back door	$79,900
11/13/1977	Goldman Assocs Realtors	Golf course lot	52 Pine Valley Cir $89,900
11/20/1977	Goldman Assocs Realtors	On golf course	34 N St. Andrews $87,900
11/20/1977	Atlantic Realty Services, Inc	Overlooks the golf course	88 N St. Andrews $86,000
11/26/1977	672-2115	On golf course	$82,000
1/7/1978	Goldman Assocs Realtors	On the golf course	$86,900
1/14/1978	Adams, Cameron & Co, Realtors	On the golf course	$89,000
2/1/1978	Pioneer Realty Inc	On the golf course	$82,000
2/12/1978	Atlantic Realty Services, Inc	Overlooking the 6th fairway	34 Pine Valley Cir
2/12/1978	Goldman Assocs Realtors	Gorgeous view of Country Club fairway	$86,900
2/19/1978	E.L. Bud Seifred	On 8th tee	$95,000
3/7/1978	Adams, Cameron & Co, Realtors	Golfers Dream	$87,900
3/12/1978	Atlantic Realty Services, Inc	Top golf course location	
3/27/1978	Adams, Cameron & Co, Realtors	On the golf course	$89,000
4/17/1978	E. T. Carey Real Estate Co	Lot on 17th Tee	
4/23/1978	Adams, Cameron & Co, Realtors	Constructed on 2 golf course lots	$94,500
4/25/1978	Goldman Assocs Realtors	Lot faces the 17th tee	$84,900
5/4/1978	Goldman Assocs Realtors	On the golf course	$86,900
5/7/1978	Adams, Cameron & Co, Realtors	Golf course home	$84,500
5/28/1978	Kellogg Real Estate Co	On the 8th tee	$85,000
5/28/1978	Goldman Assocs Realtors	On the golf course	$85,900
7/15/1978	Adams, Cameron & Co, Realtors	Golf course setting	$97,900
7/16/1978	Adams, Cameron & Co, Realtors	Beautiful, large golf course lot	$29,900
7/23/1978	Adams, Cameron & Co, Realtors	New on Golf Course	$87,900
7/24/1978	Goldman Assocs Realtors	On the golf course	$175,900
8/20/1978	Key Realty	Overlooking the 17th tee	$96,500
9/3/1978	Stanley Realty and Asso	Beautiful building lot on 16th fairway	
9/24/1978	Adams, Cameron & Co, Realtors	On two GOLF COURSE lots	$89,500
10/15/1978	Goldman Assocs Realtors	On the 8th tee	$85,000
11/4/1978	Goldman Assocs Realtors	Elegant golf course home	$93,500
11/11/1978	Stanley Realty and Asso	Beautiful golf course lot	$26,500
1/8/1979	Goldman Assocs Realtors	Oversized corner golf course lot	$139,900
4/1/1979	Goldman Assocs Realtors	New Tomoka Oaks golf course home	215 Rio Pinar $97,500
4/1/1979	Goldman Assocs Realtors	On 7th Fairway	$134,000
4/8/1979	Key Realty Asso	Golf course home	$96,500
5/7/1979	Boswell Miles, Inc.	Golf Course	$107,000
6/21/1979	Adams, Cameron & Co Realtors	On Tomoka Oaks Golf Course	$98,000
7/1/1979	Heritage Realty Of Ormond Beach	On 12th Fairway	121 Rio Pinar
7/9/1979	Century 21	Golf course frontage	$129,000

Parcel: 39-14-32

Sam Snead Golf and Country Club

Owners: RTH, Inc.

Dates of Ownership: 2/14/1979 - 7/20/2010

Putnam State Bank

Dates of Ownership: 7/20/2010 - 11/22/2011

EJTS Holding, LLC

Dates of Ownership: 11/22/2011 - 4/23/2021

Triumph Oaks of Ormond Beach I, LLC

Dates of Ownership: 4/23/2021 - present

Tomoka Oaks Country Club Estates

Owners: BML Investments, William J. Goodman
PRN Investments, Norman A Rossman

Dates of Ownership: 2/28/1977 - 1980's

During ownership, remaining lots were sold for development to:

- Development Corp of Switzerland
- Residential Communities of America

Warranty Deed

Seller/Grantor: Milton W. Pepper

Buyer/Grantee: RTH, Inc

Subject to Lifetime Memberships for:

Milton W. Pepper	R. W. McFall
Nell Collier	Richard L. Shetler
Leonard Pepper	George L. Haller
J. Kermit Coble	James P. Callahan

During the term of the purchase money note and wrap around mortgage executed of even date herewith by grantee to grantor, or for a period of 18 years in the event the mortgage is prepaid in full, the above described property shall revert to the grantor upon the condition that any portion of said property is used for any purpose other than a golf course with club house and appurtenant amenities.

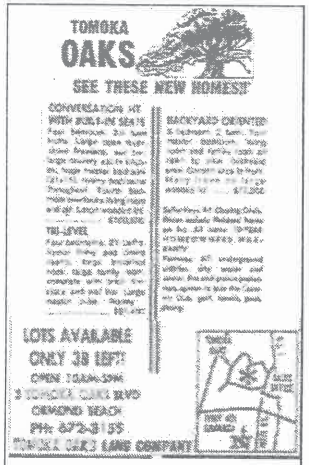
SALE

Book 2052 Page 1019

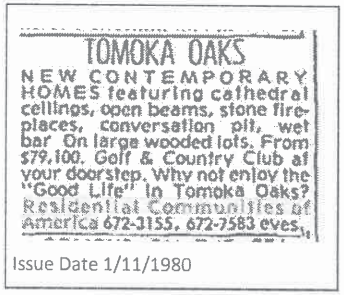
2/14/1979

1979

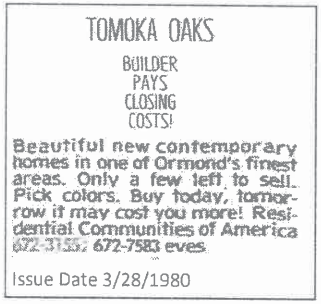
TOMOKA OAKS LAND COMPANY 672-3155 sample ads in *Daytona Beach News Journal* marketing the last of the lots and homes owned by Development Corp of Switzerland and Residential Communities of America.


TOMOKA
OAKS
SEE THESE NEW HOMES!
LOTS AVAILABLE
ONLY 38 LEFT!
OPEN
ORMOND BEACH
PH: 672-3155

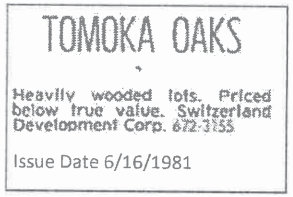
Issue Date 5/19/1979


TOMOKA OAKS
NEW CONTEMPORARY HOMES featuring cathedral ceilings, open beams, stone fireplaces, conversation pit, wet bar On large wooded lots. From $79,100. Golf & Country Club at your doorstep. Why not enjoy the "Good Life" in Tomoka Oaks? Residential Communities of America 672-3155, 672-7583 eves.

Issue Date 1/11/1980


TOMOKA OAKS
BUILDER PAYS CLOSING COSTS!
Beautiful new contemporary homes in one of Ormond's finest areas. Only a few left to sell. Pick colors. Buy today, tomorrow it may cost you more! Residential Communities of America 672-3155, 672-7583 eves.

Issue Date 3/28/1980


TOMOKA OAKS
Heavily wooded lots. Priced below true value. Switzerland Development Corp. 672-3155

Issue Date 6/16/1981

12-12-1963 Research

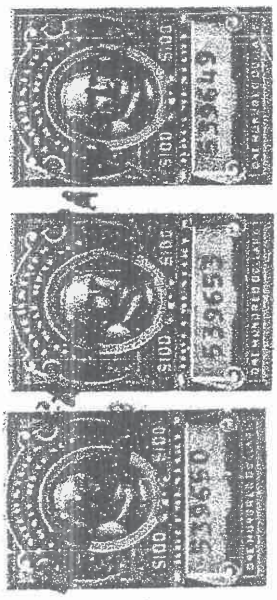
35337

ORB 585 PAGE 157

WARRANTY DEED

THIS INDENTURE made this 12th day of December, A. D., 1963, between TOMOKA OAKS, INC., a corporation existing under the laws of the State of Florida, having its principal place of business in the County of Volusia and State of Florida, party of the first part, and RALPH R. FREDERICK, TRUSTEE, of 945 John Anderson Drive, Ormond Beach, County of Volusia and State of Florida, party of the second part,

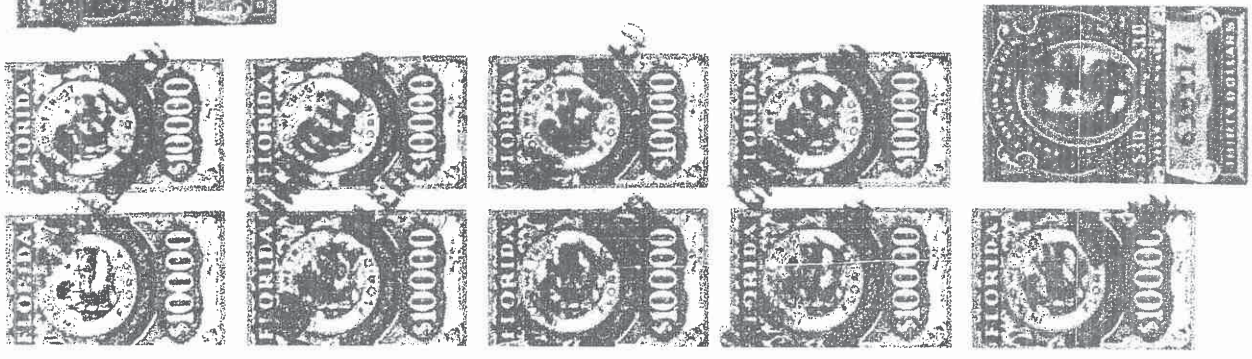
WITNESSETH; That the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land situate, lying and being in the County of Volusia and State of Florida, to-wit:



All of Sam Snead Golf and Country Club, a subdivision of part of Thomas Fitch Grant lying westerly of the Florida East Coast Railway, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, as per map thereof in Map Book 25, page 61 of the Public Records of Volusia County, Florida, together with all installations, equipment, machinery and personal property located upon said property.

Subject to taxes for 1963 and subsequent years.

This conveyance is subject to the express condition that should party of the second part, or his successors in interest, desire to sell or convey the above described



property to any person, firm or corporation other than a subsidiary of party of the second part, any good faith offer acceptable to such owner must be referred to party of the first part for its acceptance or rejection for a period of thirty days, and in the event of its rejection or failure to accept such offer, said offer shall then be presented to Tomoka Oaks Golf and Country Club, Inc., a Florida non-profit corporation, for its acceptance or rejection for a period of thirty days, such acceptance or rejection to be subject to the approval of party of the first part. Such right to accept or reject said offer is transferable and may be transferred by either party of the first part or Tomoka Oaks Golf and Country Club, Inc. to the Tomoka Oaks Homeowners Association within said thirty day period and must be acted upon within said period.

The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses, and in the event that party of the second part, or its successors in interest, fail to utilize said property exclusively as a golf and country club, golf course, and related uses, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, then the above described property shall automatically revert to and become the property of party of the first part, and all rights therein of party of the second part, or its successors in interest, shall immediately terminate unless party of the second part, or its successors in interest, shall within ninety days after the day of mailing to said party of the second part, or its successors in interest, at its last known address by certified mail, by Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc., or Tomoka Oaks Homeowners Association, a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

The aforesaid reverter clause specified in the last preceding paragraph may be released or modified by resolution concurred in by two-thirds of the entire board

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of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, attested by its Secretary, the day and year above written.

Signed, Sealed and Delivered in the presence of:

TOMOKA OAKS, INC.

By Ralph R Frederick
President

Attest: Donald W Acer
Secretary

STATE OF FLORIDA

COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this [illegible] day of [illegible] A. D. 1963, before me personally appeared RALPH R. FREDERICK and DONALD W. ACER, JR., President and Secretary respectively of Tomoka Oaks, Inc., a corporation under the laws of the State of Florida, to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Daytona Beach in the County of Volusia and State of Florida, the day and year last aforesaid.

Notary Public, State of Florida at Large

My commission expires:

NOTARY PUBLIC, STATE of FLORIDA at LARGE
MY COMMISSION EXPIRES [illegible]

FOR A LIFETIME OF
LIESURE AND CONTENTMENT

TOMOKA OAKS

COUNTRY CLUB ESTATES

P.O. BOX 307 ORMOND BEACH, FLORIDA / 677-5931



Beautiful Championship Tomoka Oaks Golf Course.

- High, Rolling, Wooded Lots. Up to 40 Feet Elevation.
- Sanitary Sewers.
- Storm Drains.
- Paved Streets.
- City Water.
- Community Fountains and Parks.
- Mail Delivery.
- School Bus.

A planned residential community located in the famous Ormond-Daytona Beach Resort Area for those seeking a true suburban atmosphere with protected property values. Complete facilities nearby: 5 minutes to shopping and churches; 10 minutes to beach, downtown, hospitals and schools.

- Tennis Courts.
- Olympic-size Pool.
- Driving Range.
- Water Skiing.
- Grill and Bar.
- Dining and Dancing.
- Steam Room.
- Boating Marina.
- Fishing Areas.

Florida's Finest Residential Area

Exclusive Country Club Living

At Your Doorstep
Entrance to the Intracoastal Waterway

Five Minutes to
Ormond Beach Business District,
Churches and Schools

Seven Minutes to
World's Most Famous Beach

Ten Minutes to
Area's Industrial Complex,
Airport and Speedway Race Track



TOMOKA OAKS

COUNTRY CLUB ESTATES

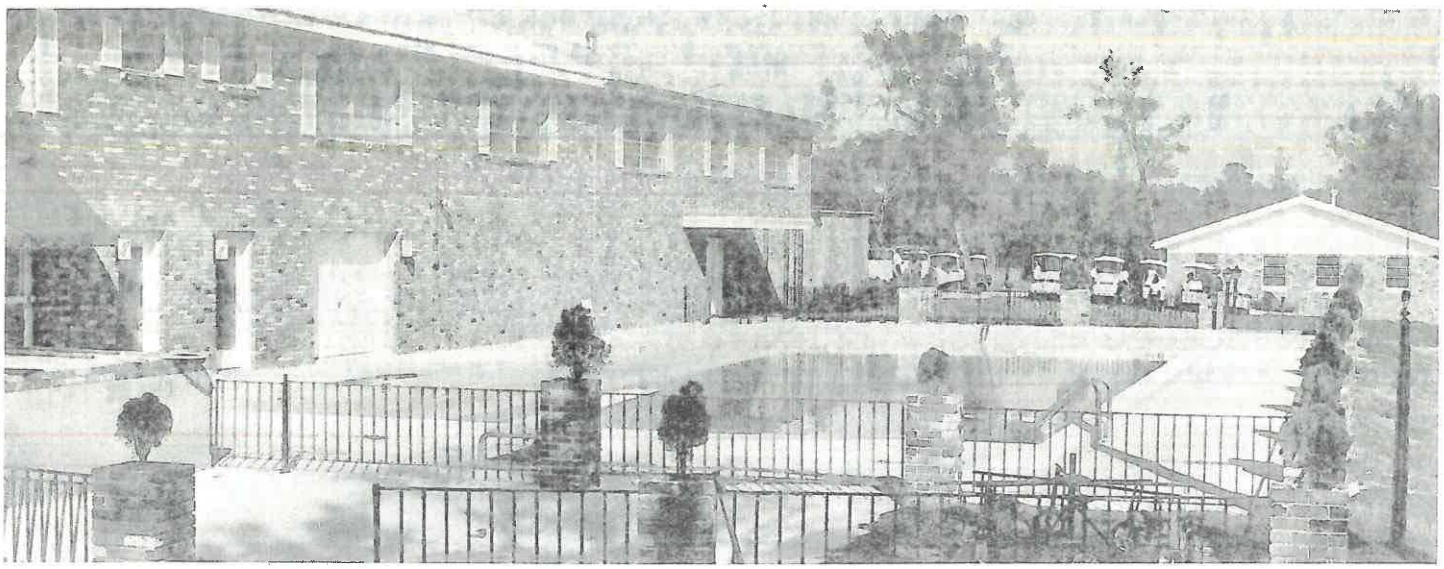
Map Book 25, Pages 58, 59

VOLUSIA COUNTY

FLORIDA

TOMOKA OAKS

country club estates

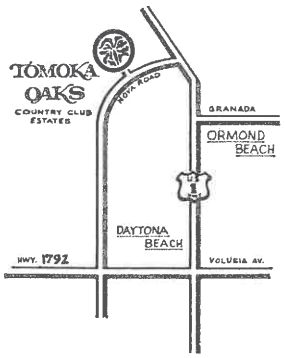




A carefully planned area of homes in the $22,500 to $90,000 range on lots priced from $3,750 to $15,000. Including beautiful high riverfront homesites.



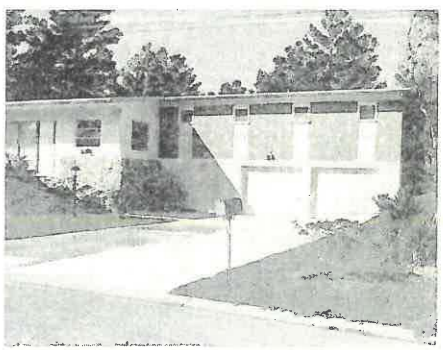


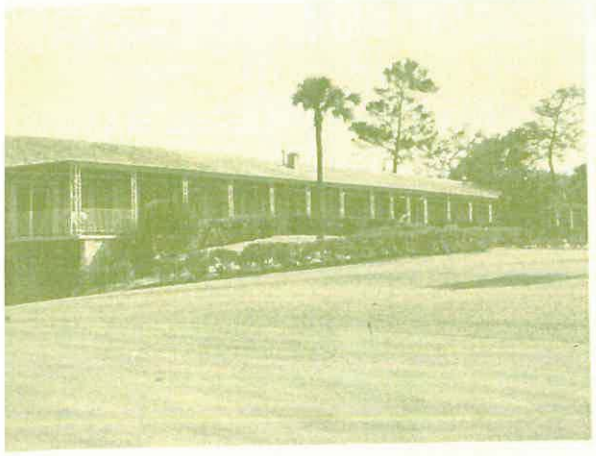












TOMOKA OAKS

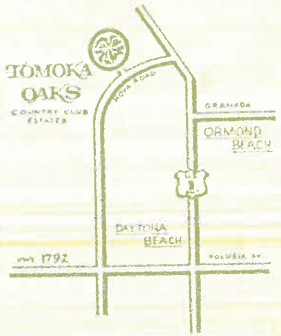


GOLF

at its finest

VISITORS WELCOME

- Member of United States Golf Association
- 6,725 yards — par 72
- Excellent Pro Shop
- Putting Green
- Driving Range
- Hand and Electric Carts
- PGA Pro — Lawson Mitchell
- Dining Room
- Snack Bar
- Cocktail Lounge
- Swimming Pool



TOMOKA OAKS

COUNTRY CLUB & ESTATES

Gale Associates Inc., Realtors
ORMOND BEACH BRANCH
2 TOMOKA OAKS BLVD.
ORMOND BEACH, FLA. 32074
(904) 672-4292



IN THE GREATER

DAYTONA BEACH RESORT AREA

ON NOVA ROAD, OFF U.S. 1
P. O. BOX 1777

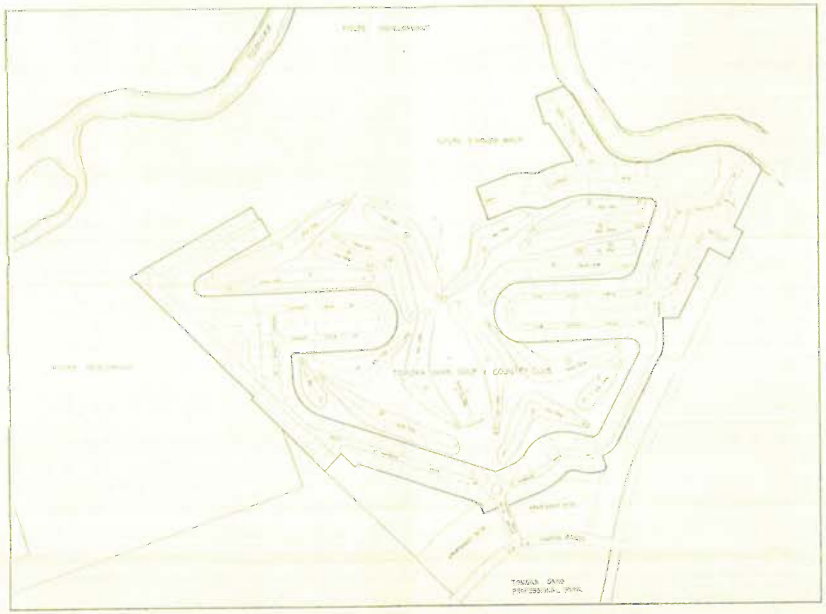
TOMOKA OAKS

COUNTRY CLUB & ESTATES

FLORIDA'S FINEST RESIDENTIAL LIVING

- Wooded Golf Course Lots
- Lovely Off Course Lots
- High Riverfront Lots
- All City Conveniences
- All Improvements Furnished
- Conceded to be the finest residential area in Northern Florida
- Surrounding the fabulous Tomoka Oaks Country Club
- Some memberships available in the country club
- Your inquiry is solicited
- An established area — with more than 150 lovely homes in the price range of $35,000 to $110,000 in value

Lots available now at Investment Prices













ATTACHMENT 8

Analysis of the ability to develop the former golf course

Section C

June 30, 2022 City Attorney's Office analysis

From:	Hayes, Randy
To:	Spraker, Steven
Subject:	FW: Tomoka Oaks- Historical Recorded Documents
Date:	Thursday, June 30, 2022 11:47:49 AM
Attachments:	Tomoka Oaks 1963 Warranty Deed and Release.pdf image001.jpg

Steven – for the reasons described below, there is no covenant requiring the golf course to be used in perpetuity.

From: McKee, Scott <Scott.McKee@ormondbeach.org>
Sent: Thursday, June 30, 2022 11:27 AM
To: Hayes, Randy <Randy.Hayes@ormondbeach.org>
Subject: Tomoka Oaks- Historical Recorded Documents

Randy,

As I mentioned earlier, I reviewed the public record archives pertaining to the Tomoka Oaks golf course, specifically as to the issue whether there were any recorded documents containing language that the property was "to be used as a golf course in perpetuity". I searched for any covenants/restrictions that would include such language. There was a document recorded at Book 431, beginning at page 32, titled "Restrictions", which was applicable to Tomoka Oaks Country Club Estates, Unit #1, and provided restrictions regarding the use of the residential properties by the individual homeowners,(i.e., such as only using the property for residential use, only buildings for private dwellings, no animals except for domestic animals, etc.) but the restrictions contained no such language pertaining to the use of the golf course property in perpetuity.

I was able however, to locate a document containing the language restricting the use in perpetuity as a golf club, as referenced in the detailed packet of materials containing the history of the development provided to planning staff by Carolyn Davis. The referenced clause is in a warranty deed executed in December of 1963, which conveyed the property from Tomoka Oaks, Inc., to an individual, Ralph Frederick, trustee. This 1963 warranty deed contained three paragraphs of notable interest. The first paragraph contained a right of refusal for Tomoka Oaks, Inc. to re-purchase the property in the event Mr. Frederick decided to sell the golf course. The second paragraph contained the referenced language that the property shall be used as a golf and country club, golf course, or related use, in perpetuity, or revert back to the seller. The third paragraph contained express conditions and provided a mechanism to release or modify the express conditions. Subsequent recorded documents including a corporate resolution adopted by the Tomoka Oaks, Inc. board of directors in 1969, and a release, recorded in 1971, were located that indicate the parties were released from the conditions of the 1963 warranty deed, which shall be discussed in detail below.

As a brief history, during the early development of the Tomoka Oaks subdivision, the golf course property was owned by Tomoka Oaks, Inc., a Florida corporation, and was initially leased in January of 1963 to Tomoka Oaks Golf and Country Club Inc., a non-profit, for a term of 99 years. For whatever reason, the lease was surrendered in October of the same year, and the golf course property was sold in December by Tomoka Oaks, Inc., to Ralph Frederick, Trustee. The golf course property was conveyed by warranty deed for consideration, executed on December 12, 1963, and recorded in the public records of Volusia County on December 13, 1963, at Book 585 beginning on page 157. As previously mentioned the warranty deed contained; 1) a right of first refusal in the event Mr. Frederick decided to sell the golf course property and received a good faith offer; 2) a reverter clause that the property would be used as a golf and country club, golf course, and related

use in perpetuity; and 3) a paragraph expressing conditions of the right of first refusal and providing a provision to allow the parties a release of the reverter clause if express conditions were met.

1963 Warranty Deed Conditions

Language of Right of First Refusal

The warranty deed executed on December 12, 1963 contained the following language, giving Tomoka Oaks, Inc., the right of first refusal to re-purchase the property should the grantee (party of second part) ever decide to sell the property and get a good faith offer.

> "*This conveyance is subject to the express conditions that should party of the second part (grantee), or his successors in interest, desire to sell or convey the above described property to any person, firm or corporation other that a subsidiary of party of the second part, any good faith offer acceptable to such owner must be referred to party of the first part (grantor) for its acceptance or rejection for a period of thirty days, and in the event of its rejection or failure to accept such offer, said offer shall then be presented to Tomoka Oaks Golf and Country Club, Inc., a Florida non-profit corporation, for its acceptance or rejection for a period of thirty days, such acceptance or rejection to be subject to the approval of party of first part (grantor). Such right to accept or reject said offer is transferable and may be transferred by either party of the first part or Tomoka Golf and Country Club, Inc. to the Tomoka Oaks Homeowners Association within said thirty day period and must be acted upon within said period*."

Language of Reverter Clause

The second condition in the 1963 warranty deed contained a condition that the property shall be used as a golf and country club, golf course and related uses by the grantee or its successors in interest or revert back to the seller. The language of the reverter clause is as follows:

> "*The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses, and in the event that party of second part, or its successors in interest, fail to utilize said property exclusively as a golf and country club, golf course, and related uses, and the property not be sold to Tomoka Oaks Homeowners Association as specified in the preceding paragraph, then the above described property shall automatically revert to and become the property of the first part, and all rights therein of party of the second part, or its successors in interest, shall immediately terminate unless party of the second part, or its successors in interest, shall within ninety days after the day of mailing to said party of the second part, or its successors in interest, at is last known address by certified mail, by Tomoka Oaks Inc., or Tomok Oaks Homeowners Association, a written notice to utilize said property as a gold and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.*"

Release of Modification of the Reverter Clause

The paragraph immediately following the reverter clause in the warranty deed allows the parties to be released from the reverter clause provided express conditions are met. The language is as follows:

> "The aforementioned reverter clause specified in the last preceding paragraph may be released or modified b resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed;

provided that if Tomok Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc."

1969 Corporate Resolution and 1971 Release

A few years after the golf course property was conveyed from Tomoka Oaks, Inc. to Ralph Frederick, a sale of the golf course was pending to the entity, Ormond Ocean Homes, Inc. On February 18, 1969, the board of directors for Tomoka Oaks, Inc., held a special meeting and adopted a corporate resolution, by unanimous vote, which recited the reservations and restrictions contained in the December 1963 warranty deed, specifically the right of first refusal and the reverter clause. The resolution stated, "*it is within knowledge of Tomoka Oaks, Inc. at this time that the above described golf course property is under contract for sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has rejected its right to purchase said property and is agreeable to the said sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has not transferred the right to accept or reject said offer, and whereas, Tocc, Inc., the present owner of the aforesaid property, had requested Tomoka Oaks, Inc. to formalize its consent to the sale of the above described property to Ormond Ocean Homes, Inc., and Tocc, Inc., with the understanding that Tomoka Oaks, Inc. intends to liquidate and dissolve, has also requested Tomoka Oaks, Inc. to release forever its right of first refusal set forth in the aforesaid deed of conveyance and to also release the reverter clause contained in said deed, the release of the reverter clause to become effective December 13, 1973, the release specified in such reverter clause*." The corporate resolution adopted by the board of directors for Tomoka Oaks, Inc., was recorded in the public records of Volusia County October 22, 1970, at Book 1238, page 246. It is important to note that this resolution was adopted by the board of directors unanimously, and the date the release of the reverter clause was to become effective, December 13, 1973. As the warranty deed provided the reverter clause could be modified or released by a two-thirds vote by the board of directors *at any time after 10 years of the date of recording of the deed* (which was December 13, 1963). It appears the conditions were met. On June 16, 1971, a Release was filed in the public records of Volusia County at Book 1307, page 89, which acknowledged the corporate resolution adopted by the board of directors and recorded in the public records, further releasing the reverter clause contained in the 1963 deed, becoming effective December 13, 1973, the release date specified in the reverter clause, and stating the release is given for good and valuable consideration. In summary, the records confirm the existence of a document recorded in the public records that provided the property be used for purposes of a golf course in perpetuity. In this case, the document was not contained covenants and restrictions provided by a homeowners' association, but rather in a warranty deed, and as stated previously, subsequent records confirm the reverter clause containing the language was properly released by a recorded corporate resolution and release, and therefore no longer valid. I have attached and combined the three referenced documents as a scanned PDF, and highlighted key provisions for your review.

Thanks,

Scott McKee, Esq.
Assistant City Attorney

Office of City Attorney
173 South Beach Street | Ormond Beach, FL 32175
Main: (386) 676-3217| Direct: (386) 615-7035
Fax: (386) 676.3321
Email: scott.mckee@ormondbeach.org

35337

OR'S RECS 585 PAGE 157

WARRANTY DEED

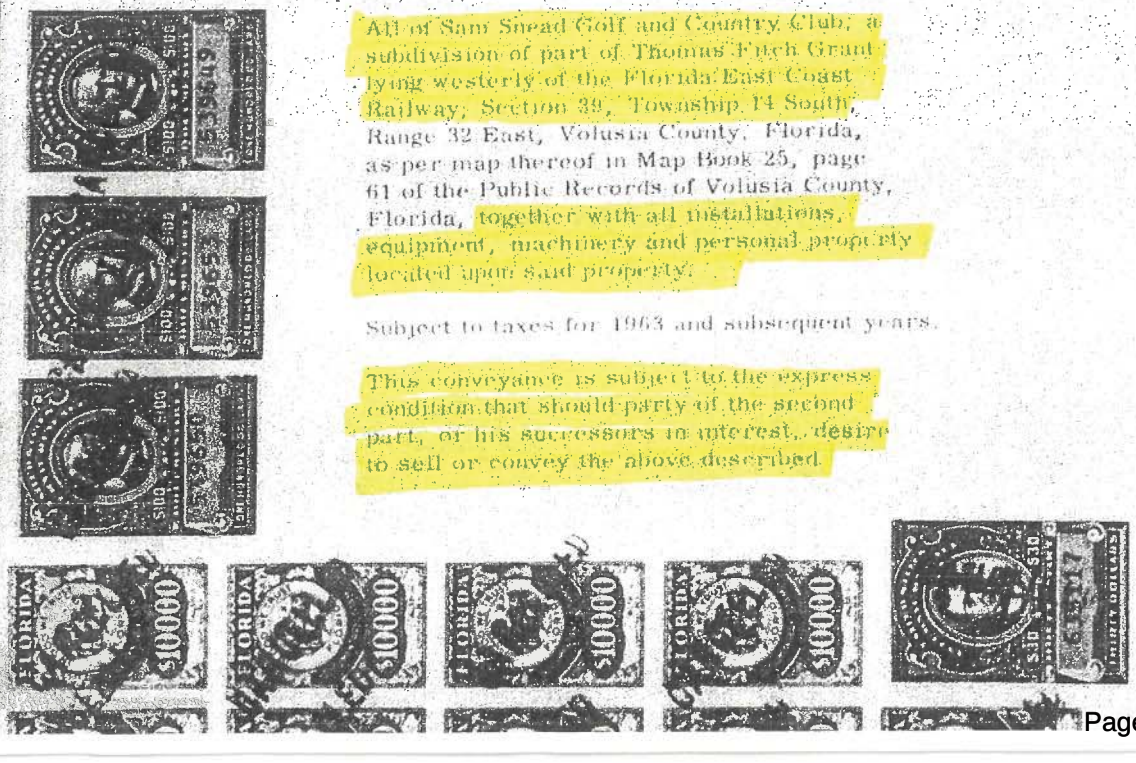
THIS INDENTURE made this 12th day of December, A. D., 1963, between TOMOKA OAKS, INC., a corporation existing under the laws of the State of Florida, having its principal place of business in the County of Volusia and State of Florida, party of the first part, and RALPH R. FREDERICK, TRUSTEE, of 945 John Anderson Drive, Ormond Beach, County of Volusia and State of Florida, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land situate, lying and being in the County of Volusia and State of Florida, to-wit:

All of Sam Snead Golf and Country Club, a subdivision of part of Thomas Fitch Grant lying westerly of the Florida East Coast Railway, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, as per map thereof in Map Book 25, page 61 of the Public Records of Volusia County, Florida, together with all installations, equipment, machinery and personal property located upon said property.

Subject to taxes for 1963 and subsequent years.

This conveyance is subject to the express condition that should party of the second part, or his successors in interest, desire to sell or convey the above described



property to any person, firm or corporation other than a subsidiary of party of the second part, any good faith offer acceptable to such owner must be referred to party of the first part for its acceptance or rejection for a period of thirty days, and in the event of its rejection or failure to accept such offer, said offer shall then be presented to Tomoka Oaks Golf and Country Club, Inc., a Florida non-profit corporation, for its acceptance or rejection for a period of thirty days, such acceptance or rejection to be subject to the approval of party of the first part. Such right to accept or reject said offer is transferable and may be transferred by either party of the first part or Tomoka Oaks Golf and Country Club, Inc. to the Tomoka Oaks Homeowners Association within said thirty day period and must be acted upon within said period.

The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses, and in the event that party of the second part, or its successors in interest, fail to utilize said property exclusively as a golf and country club, golf course, and related uses, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, then the above described property shall automatically revert to and become the property of party of the first part, and all rights therein of party of the second part, or its successors in interest, shall immediately terminate unless party of the second part, or its successors in interest, shall within ninety days after the day of mailing to said party of the second part, or its successors in interest, at its last known address by certified mail, by Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc., or Tomoka Oaks Homeowners Association, a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

The aforesaid reverter clause specified in the last preceding paragraph may be released or modified by resolution concurred in by two-thirds of the entire board

OFFICIAL RECS 585 PAGE 159

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OFFICIAL RECORDS
BOOK 585 PAGE 157

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of directors of Tomoka Oaks, Inc, at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths (4/5) of the lots in Tomoka Oaks Country Club Estates, then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds (2/3) of the Board of Directors of the Tomoka Oaks Homeowners Association, Inc.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, attested by its Secretary, the day and year above written.

Signed, Sealed and Delivered
in the presence of:

TOMOKA OAKS, INC.

By Ralph R Frederick
President

Attest:
Donald W Acer
Secretary

STATE OF FLORIDA

COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this ... day of ... A. D., 1963, before me personally appeared RALPH R. FREDERICK and DONALD W. ACER, JR., President and Secretary respectively of Tomoka Oaks, Inc., a corporation under the laws of the State of Florida, to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Daytona Beach in the County of Volusia and State of Florida, the day and year last aforesaid.

Notary Public, State of Florida at Large

THIS INSTRUMENT PREPARED BY
DAVID L. BLACK
ATTORNEY AT LAW
801 N. GRANDVIEW AVE., DAYTONA BEACH, FLA.

RESOLUTION

WHEREAS, TOMOKA OAKS, INC., a Florida corporation, made, executed, and delivered to Ralph R. Frederick, Trustee, a deed to certain property described as follows:

> All of Sam Snead Golf and Country Club, a subdivision of part of Thomas Fitch Grant lying westerly of the Florida East Coast Railway, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, as per map thereof in Map Book 25, page 61, of the Public Records of Volusia County, Florida, together with installations, equipment, machinery and personal property located upon said property.

which deed was duly recorded on December 13, 1963 in Official Records Book 585, page 157, Public Records of Volusia County, Florida, and

WHEREAS, such deed of conveyance contained the following reservations and restrictions:

> "This conveyance is subject to the express condition that should the party of the second part (Ralph R. Frederick, trustee), or his successors in interest, desire to sell or convey the above-described property to any person, firm, or corporation other than a subsidiary of party of the second part, any good faith offer acceptable to such owner must be referred to party of the first part for its acceptance or rejection for a period of thirty days, and in the event of its rejection or failure to accept such offer, said offer shall then be presented to Tomoka Oaks Golf and Country Club, Inc., a Florida non-profit corporation, for its acceptance or rejection for a period of thirty days, such acceptance or rejection to be subject to the approval of the party of the first part (Tomoka Oaks, Inc.) Such right to accept or reject said offer is transferable and may be transferred by either party of the first part or Tomoka Oaks Golf and Country Club, Inc. to the Tomoka Oaks Homeowners Association within said thirty day period and must be acted upon within said period.
>
> The above described property shall be used perpetually for purposes of a golf and country club, golf course, and related uses, and in the event that party of the second part, or its successors in interest, fail to utilize said property exclusively as a golf and country club, golf course, and related uses, and the property not be sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc. or Tomoka Oaks Homeowners Association as specified in the preceding paragraph, then the above described property shall automatically revert to and become the property of the party of the first part, and all rights therein

of party of the second part, or its successors in interest, shall immediately terminate unless the party of the second part, or its successors in interest, shall within ninety days after the date of mailing to said party of the second part, or its successors in interest, at its last known address by certified mail, by Tomoka Oaks, Inc., Tomoka Oks Golf and Country Club, Inc., or Tomoka Oaks Homeowners Association, a written notice to utilize said property as a golf and country club, golf course, and related uses, complies with said reverter clause and continues to use said property as a golf and country club, golf course, and related uses.

The aforesaid reverter clause specified in the last preceding paragraph may be released or modified by resolution concurred in by two-thirds of the entire board of directors of Tomoka Oaks, Inc. at any time after ten years after the date of recording of this Deed; provided that if Tomoka Oaks, Inc. shall have disposed of four-fifths of the lots in Tomoka Oaks Country Club Estates; then the foregoing right to release or modify the reverter shall be vested automatically and exclusively in the Tomoka Oaks Homeowners Association, Inc., to be exercised by resolution of two-thirds of the Board of Directors, of the Tomoka Oaks Homeowners Association, Inc."

and

WHEREAS, it is within the knowledge of Tomoka Oaks, Inc. at this time that the above-described Golf Course property is under contract for sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has rejected its right to purchase the said property and is agreeable to the said sale to Ormond Ocean Homes, Inc., and Tomoka Oaks, Inc. has not transferred the right to accept or reject said offer, and

WHEREAS, Tocc, Inc., the present owner of the aforesaid property, has requested Tomoka Oaks, Inc. to formalize its consent to the sale of the above-described property to Ormond Ocean Homes, Inc., and

WHEREAS, Tocc, Inc., with the understanding that Tomoka Oaks, Inc. intends to liquidate and dissolve, has also requested Tomoka Oaks, Inc. to release forever its right of first refusal set forth in the aforesaid deed of conveyance and to also release the reverter clause contained in said deed, the release of reverter to become effective December 13, 1973, the release date specified in such reverter clause,

RECORD VERIFIED
1238 PAGE 246
1970 OCT 22 PM 1 20

NOW, THEREFORE, the following resolutions are hereby adopted:

"BE IT RESOLVED: That inasmuch as it has been submitted to Tomoka Oaks, Inc. that Tocc, Inc. has contracted to sell the following described property to Ormond Ocean Homes, Inc.:

All of Sam Snead Golf and Country Club, a subdivision of part of Thomas Fitch Grant lying westerly of the Florida East Coast Railway, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, as per map thereof in Map Book 25, page 61, of the Public Records of Volusia County, Florida, together with installations, equipment, machinery, and personal property located upon said property,

Tomoka Oaks, Inc. does hereby reject its right to exercise any option to purchase the aforesaid property and is in full accord with the sale of the aforesaid property to Ormond Ocean Homes, Inc. and that the said sale is hereby ratified and approved and that Tomoka Oaks, Inc. evidences its consent to the said sale by the action of its board of directors taken at this duly convened, authorized meeting of the board of directors of said corporation.

BE IT FURTHER RESOLVED: That since Tomoka Oaks, Inc. intends to liquidate and dissolve, Tomoka Oaks, Inc. does hereby release any and all rights reserved unto it in that certain deed of conveyance recorded in Official Records Book 585, page 157, Public Records of Volusia County, Florida, particularly its right of first refusal set forth in said deed, and Tomoka Oaks, Inc. further releases the reverter clause contained in the aforesaid deed, such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause, and the president and/or secretary of this corporation are hereby authorized and empowered to execute any and all further instruments which may be required in order to effect the releases herein referred to."

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a resolution passed by a unanimous vote of the board of directors of Tomoka Oaks, Inc. at a special meeting of the board of directors held on the 18th day of February, A. D. 1969, the said meeting having been duly convened and a quorum being present.

DATED: This 19th day of October, 1970.

Donald W. Acer, Jr.

Donald W. Acer, Jr. - Secretary of Tomoka Oaks, Inc.

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THIS INSTRUMENT PREPARED BY
DAVID L. BLACK
ATTORNEY AT LAW
801 N. GRANDVIEW AVE., DAYTONA BEACH, FLA.

RELEASE

KNOW ALL MEN BY THESE PRESENTS, That TOMOKA OAKS, INC., a Florida corporation, pursuant to that certain corporate resolution adopted by the board of directors of the said Tomoka Oaks, Inc. at a special meeting of the board of directors held on the 18th day of February, 1969, a certified copy of which resolution has been duly recorded among the Public Records of Volusia County, Florida in Official Records Book 1238, page 248, does hereby release any and all rights reserved unto it in that certain deed of conveyance recorded in Official Records Book 585, page 157, Public Records of Volusia County, Florida, particularly its right of first refusal set forth in said deed, and said Tomoka Oaks, Inc. further does hereby release the reverter clause contained in the aforesaid deed, such release of reverter to become effective December 13, 1973, the release date specified in such reverter clause, This release is given for good and valuable consideration.

IN WITNESS WHEREOF, TOMOKA OAKS, INC. has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, this 16th day of June, A. D. 1971.

Signed, sealed, and delivered
in the presence of:

TOMOKA OAKS, INC.

By R. W. Davis
Its President

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared R. W. DAVIS, well known to be to be the president of Tomoka Oaks, Inc., a Florida corporation, and he acknowledged executing the above and

foregoing release in the presence of two subscribing witnessess freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 16th day of June, A. D. 1971.

Notary Public, State of Florida at Large.

My commission expires: 9/16/73

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ATTACHMENT 8

Analysis of the ability to develop the former golf course

Section D

February 23, 2023 Cobb Cole analysis

From: Rob Merrell
To: Spraker, Steven
Subject: Fwd: Triumph Oaks
Date: Wednesday, April 12, 2023 2:01:19 PM
Attachments: Owner"s Policy of Title Insurance.pdf

[External Email-Use Caution] - OB/IT Helpdesk

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Steve see below and attached.

Thanks, Rob

COBB COLE
Attorneys at Law
Since 1925

Rob Merrell
Florida Bar No. 726974
Cobb Cole
149 South Ridgewood Avenue
Suite 700
Daytona Beach, FL 32114
(D) 386-323-9263| (F) 386-944-7955
Website|Bio|vCard

From: Matthew Welch <Matthew.Welch@CobbCole.com>
Sent: Thursday, February 23, 2023 1:35 PM
To: randy.hayes@ormondbeach.org
Cc: Rob Merrell <rob.merrell@cobbcole.com>; Jessica Gow <jessica.gow@cobbcole.com>; Debi LaCroix <Debi.Lacroix@cobbcole.com>; Tequila Nelson <tequila.valdez@cobbcole.com>; Jessica Virga <jessica.virga@cobbcole.com>
Subject: Triumph Oaks

Randy:

I am a real estate and title attorney at Cobb Cole. Last year, I was asked to give an opinion on the purported issues related to the development of the old golf course property (covenants, reverter, etc.). This email shall serve to provide you with the same information I provided our client. Attached is the title insurance policy given to Triumph Oaks pursuant to the 2021 acquisition of the land. To keep things clear and focused, you may skip through pages 1 – 5, page 6 provides ownership and coverage information, page 7 is the legal description, pages 8 and 9 are the exceptions from coverage. So, if it is listed on pages 8 or 9, title insurance coverage does not exist and, based on what Steve Spraker told Sheldon Rubin, it would give the city a reason to deny the application. For now, you can disregard items 1 – 7, item 8 is the plat which does not reference any type of reverter or restriction, disregard 9 and 10, 12 and 13, and 14 and 15. That leaves us with

item 11, which is a deed that reserves unto several people and their spouses, lifetime memberships in the country club. Being a 1979 deed, I have made the assumption that they are all deceased. In any event, it goes on to say that during the term of the wrap around mortgage, or for up to 18 years if mortgage has been paid in full, the property will revert to grantor if not used as a golf course. That time period has expired. It is my opinion that the golf course requirement has terminated and there remains no reverter clause or existing lifetime memberships. I hope this helps with your analysis and approval. Best regards.

-Matt

Warning: WIRE FRAUD IS ON THE RISE - **Due to the risk associated with wire fraud, we no longer accept wiring instructions via email without the ability for verbal verification.**

Please verbally verify wiring instructions for our firm prior to sending any wires by calling the number listed on our website or in our initial email to you



Matthew Welch
Florida Bar No. 559601
Cobb Cole
149 South Ridgewood Avenue
Suite 700
Daytona Beach, FL 32114
(D) 386-323-9280| (F) 386-323-9206
Website|Bio|vCard

First American Owner's Policy	Owner's Policy of Title Insurance (with Florida modifications) ISSUED BY **First American Title Insurance Company** POLICY NUMBER **5011412- 2664415**

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, **FIRST AMERICAN TITLE INSURANCE COMPANY**, a Nebraska corporation (the "Company") insures, as of Date of Policy against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
   (a) A defect in the Title caused by
      (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
      (ii) failure of any person or Entity to have authorized a transfer or conveyance;
      (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
      (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
      (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
      (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
      (vii) a defective judicial or administrative proceeding.
   (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
   (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.

(Covered Risks Continued on Page 2)

In Witness Whereof, First American Title Insurance Company has caused its corporate name to be hereunto affixed by its authorized officers as of Date of Policy shown in Schedule A.

First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

(This Policy is valid only when Schedules A and B are attached)

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COVERED RISKS (Continued)

5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (a) the occupancy, use, or enjoyment of the Land;
   (b) the character, dimensions, or location of any improvement erected on the Land;
   (c) the subdivision of land; or
   (d) environmental protection
   if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
   (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
   (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
      (i) to be timely, or
      (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
      (i) the occupancy, use, or enjoyment of the Land;
      (ii) the character, dimensions, or location of any improvement erected on the Land;
      (iii) the subdivision of land; or
      (iv) environmental protection;
      or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

(a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.

(b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.

(c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.

(d) "Insured": The Insured named in Schedule A.

(i) The term "Insured" also includes

(A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;

(B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;

(C) successors to an Insured by its conversion to another kind of Entity;

(D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title

(1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,

(2) if the grantee wholly owns the named Insured,

(3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or

(4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.

(ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.

(e) "Insured Claimant": An Insured claiming loss or damage.

(f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.

(g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.

(h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.

(i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.

(j) "Title": The estate or interest described in Schedule A.

(k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

(ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of

(i) the Amount of Insurance; or

(ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,

(i) the Amount of Insurance shall be increased by 10%, and

(ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.

(c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

(a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.

(c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

(a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

(b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Unless prohibited by applicable law, arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association may be demanded if agreed to by both the Company and the Insured at the time of a controversy or claim. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, and service of the Company in connection with its issuance or the breach of a policy provision or other obligation. effect on the date the demand for arbitration is made, or, at the option of the Insured, the rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the Land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

(a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim whether or not based on negligence shall be restricted to this policy.

(c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

(a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located. Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

(b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at **First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, California 92707. Phone: 888-632-1642**

First American	Owner's Policy of Title Insurance
	ISSUED BY
Schedule A	**First American Title Insurance Company**
	POLICY NUMBER
	5011412-2664415

Name and Address of Title Insurance Company:
FIRST AMERICAN TITLE INSURANCE COMPANY, 1 First American Way, Santa Ana, California 92707

File No.: 12671-2664415

Address Reference: 20 Tomoka Oaks Boulevard, Ormond Beach, FL 32174

Amount of Insurance: $2,600,000.00 Premium: $9,075.00

Date of Policy: 04/23/2021
(or the date of recording of the instrument executed at closing vesting title in the insured, whichever is later)

1. Name of Insured:

   Triumph Oaks of Ormond Beach I, LLC

2. The estate or interest in the Land that is insured by this policy is:

   Fee Simple

3. Title is vested in:

   Triumph Oaks of Ormond Beach I, LLC

4. The Land referred to in this policy is described as follows:

See Exhibit "A" attached hereto and made a part hereof

By:
Authorized Countersignature
(This Schedule A valid only when Schedule B is attached)

File No.: 12671-2664415

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Volusia, STATE OF FL, AND IS DESCRIBED AS FOLLOWS:

SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

File No.: 12671-2664415

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Any rights, interests, or claims of parties in possession of the land not shown by the public records.

2. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land.

3. Any lien, for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the public records.

4. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land prior to Date of Policy, and any adverse claim to all or part of the land that is, at Date of Policy, or was previously under water.

5. Taxes or special assessments not shown as liens in the public records or in the records of the local tax collecting authority, at Date of Policy.

6. Any minerals or mineral rights leased, granted or retained by current or prior owners.

7. Taxes and assessments for the year 2021 and subsequent years, which are not yet due and payable.

8. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of Sam Snead Golf & Country Club, as recorded in Plat Book 25, Page(s) 61, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

9. Development Order Issued by City of Ormond Beach recorded in Official Records Book 5944, Page 2183.

10. Easement Agreement as set forth in instrument recorded in Official Records Book 5089, Page 1438 .

11. Provisions contained in Deed recorded in Official Records Book 2052, Page 1019, including rights of life time members.

12. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).

13. Any map or diagram now or previously provided is for reference and informational purposes only. The Company and its agents expressly disclaim any liability for alleged loss or damage which may result from reliance upon such map(s) or diagram(s). The foregoing does not limit any express

coverages provided by the terms and provisions of any title insurance policy for matters which might be revealed by a survey prepared and certified in accord with Florida Statutes Section 472.027.

NOTE: Exception(s) numbered 1 - 5 above is/are hereby deleted.

14. That certain mortgage from Triumph Oaks of Ormond Beach I, LLC, a Florida limited liability company to EJTS HOLDING, LLC, dated April 23, 2021 in the original principal sum of $1,600,000.00 and the terms and conditions thereof.

15. All matters disclosed by survey prepared by: Sliger and Associates, Inc., dated April 15, 2021, Field Date: April 13, 2021. There are fences of undetermined ownership labeled E1, E2, E3, E4, E5, E7 crossing onto subject property on the West side, and fences of undetermined ownership labeled E8 and E9 crossing onto subject property on the West side, screened pool enclosure labeled E6 crossing onto subject property on the South side, asphalt drive extends beyond the East boundary line, under Job No. 21-0493.

Note: All of the recording information contained herein refers to the Public Records of Volusia County, Florida , unless otherwise indicated. Any reference herein to a Book and Page is a reference to the Official Record Books of said county, unless indicated to the contrary.

Notices - Where Sent

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company, Attention: Claims Department, 1 First American Way, Santa Ana, CA 92707.

Service, Quality and Availability

First American Title Insurance Company cares about its customers and their ability to obtain information and service on a convenient, timely and accurate basis. A qualified staff of service representatives is dedicated to serving you. A toll-free number is available for your convenience in obtaining information about coverage and to provide assistance in resolving complaints at 1-800-854-3643. Office hours are from 8:30 a.m. through 5:30 p.m. Monday through Friday.

ATTACHMENT 9

Applicant provided information

Section A: Information submitted on September 6, 2023 (New)

Section B: Additional Cobb Cole information (former attachment 13)

Section C: Original applicant provided information (former attachment 10)

Other notes:

Former Attachment 17: Additional Information provided by the applicant on August 16, 2023 – located in Attachment 13, Section F

ATTACHMENT 9

Applicant provided information

Section A

Information submitted on September 6, 2023 (New)

☐ September 6, 2023 – Tomoka Reserve Buffer Planting and Maintenance Plan

☐ September 6, 2023 – Cobb Cole Letter on project revisions

Tomoka Reserve Buffer Planting and Maintenance Plan

Ormond Beach, FL. 32174

Prepared for:

Triumph Oaks of Ormond Beach 1, LLC

September 6, 2023

Tomoka Reserve Buffer Planting & Maintenance Plan

Ormond Beach, FL.

This report was prepared by:

Don Spence, Ph.D.
Landscape Designer/Plant Ecologist
Native Florida Landscapes, LLC.

Jake Stehr
Landscape Architect
Florida LA6667462
Zev Cohen & Associates

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I. Project Description

A. Title of Proposal

Tomoka Reserve Buffer Planting and Maintenance Plan

B. Location

Tomoka Oaks Blvd., Ormond Beach, FL.

C. Buffer Planting Plan and Maintenance Plan Objectives

1. Description

Tomoka Reserve is a 147.94-acre site with an approximate perimeter of 3.3 miles. As proposed, Tomoka Reserve will provide a 50-foot-wide vegetative buffer between the existing subdivisions and the perimeter lots in Tomoka Reserve. Over the long term, the buffer will be managed by the Tomoka Reserve's Homeowners Association. Today, much of the buffer contains native trees and shrubs that provide screening between the existing homes and the proposed development. In areas where the buffer is sparse or where no vegetation is present, native trees and shrubs will be planted to enhance the native buffer based on the requirements in the City of Ormond Beach Land Development Code.

2. Purpose and Need

The purpose of the Buffer Planting and Maintenance Plan is to describe how the buffer plants will be installed and maintained over the short and long term to maximize survivability. The overall objective of the buffer plantings will be to create a visual screen such that the existing homes and the new homes will have some level of screening so that each resident will have an obstructive view of the other.

The Tomoka Reserve development team is committed to keeping the ecology of the current buffer in place and increasing its integrity and diversity by using mostly native vegetation. The existing and enhanced vegetative screen will also function as a habitat for migratory birds and provide habitat for small mammals and turtles. With our commitment to using a wide variety of native species, we will be increasing the biodiversity of this already important plant community.

Another important aspect of using native plants is their ability to tolerate drought once they are established. By using regionally appropriate species, we will be removing the need for a permanent in-ground irrigation system that would draw large volumes of water out of the aquifer. The current buffer is not manicured or irrigated; this plan does not propose intensive management over the long term. The objective of this Buffer Planting and Maintenance Plan is to place trees and shrubs in the buffer to enhance the existing native vegetation.

II. Existing Conditions

A. Physical

The entirety of the site, including the 50-foot buffer, is comprised of sandy soils and there are no naturally occurring wetlands. The soils of this site are dominated by Paola fine sands, which are well-drained soils, Appendix A. The topography of the site has gentile slopes where the eastern portion of the site is higher than the north, south, and western areas. There are no physical barriers present that would prohibit us from enhancing that existing vegetative buffer.

B. Existing biotic conditions

A tree survey was conducted in 2021 that determined that there are 1,970 trees on site that are made up of 21 species of trees. The site is also home to a wide variety of insects, reptiles, amphibians, and small mammals, all of which will benefit from the installation of more native trees, shrubs, grasses, and wildflowers. Around the entire site, approximately 70% of the 50-foot buffer has trees and shrubs that act as a visual screen. However, in many places beneath the canopy, there are gaps in the understory that lack significant screening.

III. Buffer Planting Plan

A. Planting plan description and design

In areas where trees and shrubs will be installed, this plan follows the best management practices outlined in the American National Standards Institute (ANSI) 300 part 6

(Transplanting Standards) and Z60.1 (Nursery Stock Standards), additionally, the planting will follow the directions provided in Appendix B. Tree and Shrub Planting Details in Appendix B were provided by the City of Ormond Beach. The buffer design was created by

a Board Certified Master Arborist and a Registered Landscape Architect, where special consideration was given to incorporating native plants in the buffer plan, Appendix C.

Buffer Area Planting Requirements:

We will be using a modified buffer as the guidelines for the planting requirements. The buffer shall be 50 feet wide, will contain 5 trees and 50 shrubs.

For each 100 linear feet of buffer, where there are less than 5 exiting trees in the buffer, (trees having a DBH of at least 6 inches), trees will be installed to meet the buffer requirements or the fraction thereof. Where gaps of 50 feet or more occur between existing trees, even if there are 5 or more existing trees, landscape trees will be planted. The total number of buffer trees needed to meet the intent of this buffer plan is 396, Appendix D.

Where appropriate, native palms (*Sabal palmetto*) may be used as part of the overall planting requirements. All native palms that will be retained will count towards our tree requirement for each 100' buffer section. Over the length of a buffer zone, three palms will equal one hardwood tree. Palms shall have a minimum overall height of ten feet (10') at the time of planting. There are 110 existing palms within the buffer, which equates to 36 trees (110 palms /3 palms equal 1 hardwood tree = 36 hardwood trees). Overall, the total number of require trees will be reduce by 36 to represent the contribution of palms to the buffer tree planting requirements.

For each 100 linear feet of buffer, 50 shrubs will be installed where no shrubs are present. For each 100-foot section where shrubs exist in the buffer, existing shrubs will be assessed and shrubs will planted so that the number of shrubs in each 100' section will equal meet the required number for that buffer section.

Since ground cover plants already exist, we will not be planting any species of ground covers as part of the Buffer Planting Plan. The Tomoka Reserve Development Team recognizes the importance of native plants and to that end, native wildflower seed will be spread in select areas of the buffer. Florida native wildflower seed will be purchased from the Florida Wildflower Cooperative and spread by hand.

The landscaped buffer area shall include a minimum five-foot (5') wide visual screen constructed of plant materials which are selected, located, and maintained to provide a visual barrier that is designed to achieve forty percent (40%) opacity within three (3) years from the time of installation between three feet (3') and six feet (6') above the average ground level of the landscaped buffer area when viewed horizontally.

Each tree and shrub that will be planted will have a ring of ground cover removed to install each plant. All planting rings around trees and shrubs will be mulched with 3-inches of natural mulch to retain soil moisture.

This Buffer Planting Plan exceeds the requirements set forth in Section 3.05 (c)(2) Landscape design standards by using in excess of 50% xeric or drought tolerant plant species.

B. Standards for success

The property owner will provide a maintenance bond in favor of the City equal to the certified cost estimate of the landscaping improvements in order to guarantee the survival of the plantings for a period of two (2) years. During the two-year grow-in period, trees and shrubs that are not living will be replaced to meet the legal requirement of the bond. The maintenance bond will be released after two years when it has been demonstrated that 80% of all plant material is alive. Release of the bond will occur when the development team provides a report to the City on a raw count of all planted trees and shrubs such there will be 80% or better plant survival. It is expected that Tomoka Reserve will be built in phases where each phase will have its own bond for the plant material in the buffer of that section.

IV. Buffer Maintenance

A. Short Term Maintenance

Plants will be monitored and watered on a regular schedule. Over the short term, we have developed a regular watering schedule that will require plants to be watered multiple times over a seven-day period. Over the long term, we have developed a watering plant that will span 26 weeks. Based on the recommendations from the arborist and landscape architect, we will extend watering if they determine the plants need more water for the plants to

survive. This watering plan exceeds the recommendations of the University of Florida's webpage on Gardening Solutions publication Planting and Establishing Trees.

The plants being used for this project will be either native or Florida Friendly Landscape™ plants. Since the species being used are adapted to this climate and these soils, they will adapt and grow without difficulty since we are using the Right Plants in the Right Place concepts (https://ffl.ifas.ufl.edu/about-ffl/9-principles/principle-1-right-plant-/) as described by the Institute of Food and Agricultural Sciences Extension (UF/IFAS Extension) and the Florida Department of Environmental Protection.

Watering will be accomplished with a large water tank on a truck such that each plant will receive water from a person who will be able to confirm that enough water is provided. Since there are many species of wildlife that live in the buffer, we will not be installing above or below-ground irrigation.

The process of digging and trenching irrigation lines could displace, or harm protected species/existing flora. Additionally, hand-watering the buffer plantings will also the development team to more closely monitor plant health and establishment and will not waste water, which would be detrimental to the health of the aquifer. There are several challenges to using a pump-driven irrigation system, one is the distance to the buffer planting; if the distance is too great, we will not be able to effectively push water that far. The second issue is that the site currently does not have a power supply to run well pumps.

Trees and shrubs will be inspected at regular intervals to assess their health and level of establishment. If trees or shrubs die during the watering period, they will be replaced as outlined in the maintenance bond in favor of the City. A key component to the success of the plantings will be to maintain soil moisture. To achieve maximum soil moisture, we will not remove large swaths of ground cover; we will only remove enough existing plant material to install the buffer planting material, which will then be covered with mulch.

B. Watering Schedule

A watering schedule has been developed and provided below. Each watering event will be accomplished through the use of a truck and hand watering to ensure that each plant receives adequate water. If heavy rain events occur, the watering schedule will be

modified so we are not over-watering or wasting water. The objective of each watering event will be to provide approximately 4-6 gallons of water to each tree during Phase I and 2-gallons during Phases II & III. Shrubs will be given approximately 3 gallons of water in Phase I and 2 gallons in Phases II & III.

Buffer Tree, Shrub, and Bunch Grass Watering Schedule

Plant Material Watering will span six-months (26 weeks)

Phase I – Water 5 times per week, once a day for **five weeks** if plants are installed in the fall and winter (water twice a day if plants are installed between May and September) and monitor plant establishment.
– Monday, Tuesday, Wednesday, Friday, & Saturday

Phase II – Water 3 times per week for **ten weeks** and monitor plant establishment.
– Monday, Wednesday, & Friday

Phase III – Water 2 times per week for **11 weeks** and monitor plant establishment.
– Monday & Thursday

* Watering frequency and volume of water may be adjusted depending on rainfall and how well plants are becoming established, which will be determined by the arborist or landscape architect.

C. Vegetation Maintenance

The most important aspect of maintaining the newly installed trees and shrubs will be managing the ground cover around the plants so they do not overtop the new plantings. Most of the buffer has an intact tree canopy and sparse ground cover due to the shade. Maintenance in areas where there is shade will be less intense and will revolve around removing weeds and ground covers that are outcompeting the new plants. Most of the maintenance work will be accomplished through hand-pulling weeds and spraying the weeds with a mixture of vinegar, salt, soap, and water.

In areas where the buffer is largely absent, maintenance will include mowing the ground covers around the installed plants. Due to the spacing between trees and shrubs, a lawn mower will be used to suppress the ground cover to limit competition when necessary. Most of the maintenance work will be accomplished through hand-pulling weeds and spraying the weeds with a mixture of vinegar, salt, soap, and water.

D. Long-term Buffer Maintenance

The long-term maintenance of the buffer will take place after the two-year buffer survival bond is satisfied. The long-term buffer maintenance will be managed by the Tomoka Reserve Homeowners Association (TRHOA).

TRHOA buffer maintenance activities shall include the removal of dead and hazardous trees, mowing grass that occurs between the buffer vegetation and the rear lot lines of the Tomoka Reserve homes, noxious plant removal as defined by and vine management.

Long-term Buffer Maintenance Schedule:

TRHOA will mow the grass in the buffer monthly between May 1 and October 31 each year. TRHOA will remove dead or hazardous trees as needed. For a tree to be removed, an International Society of Arboriculture (ISA) arborist will need to provide a report stating the tree in question is an “unacceptable risk” for the tree to be removed.

After the formation of the TRHOA, vines will be managed as needed. Once the initial vine maintenance occurs, TRHOA reserves the right to retreat vines after the initial site on a three-year cycle.

When possible, vines should be pulled from trees unless it will cause damage to the tree. When vines are removed, they will be cut just above the ground and treated with a herbicide to kill the underground roots. Whenever herbicides are being used, Florida law requires the herbicide applicators must have or be working for an individual who possesses a valid Florida Pesticide Applicator license.

Appendix A

Soils Map

Soil Map for Tomoka Reserve



Map Unit Legend

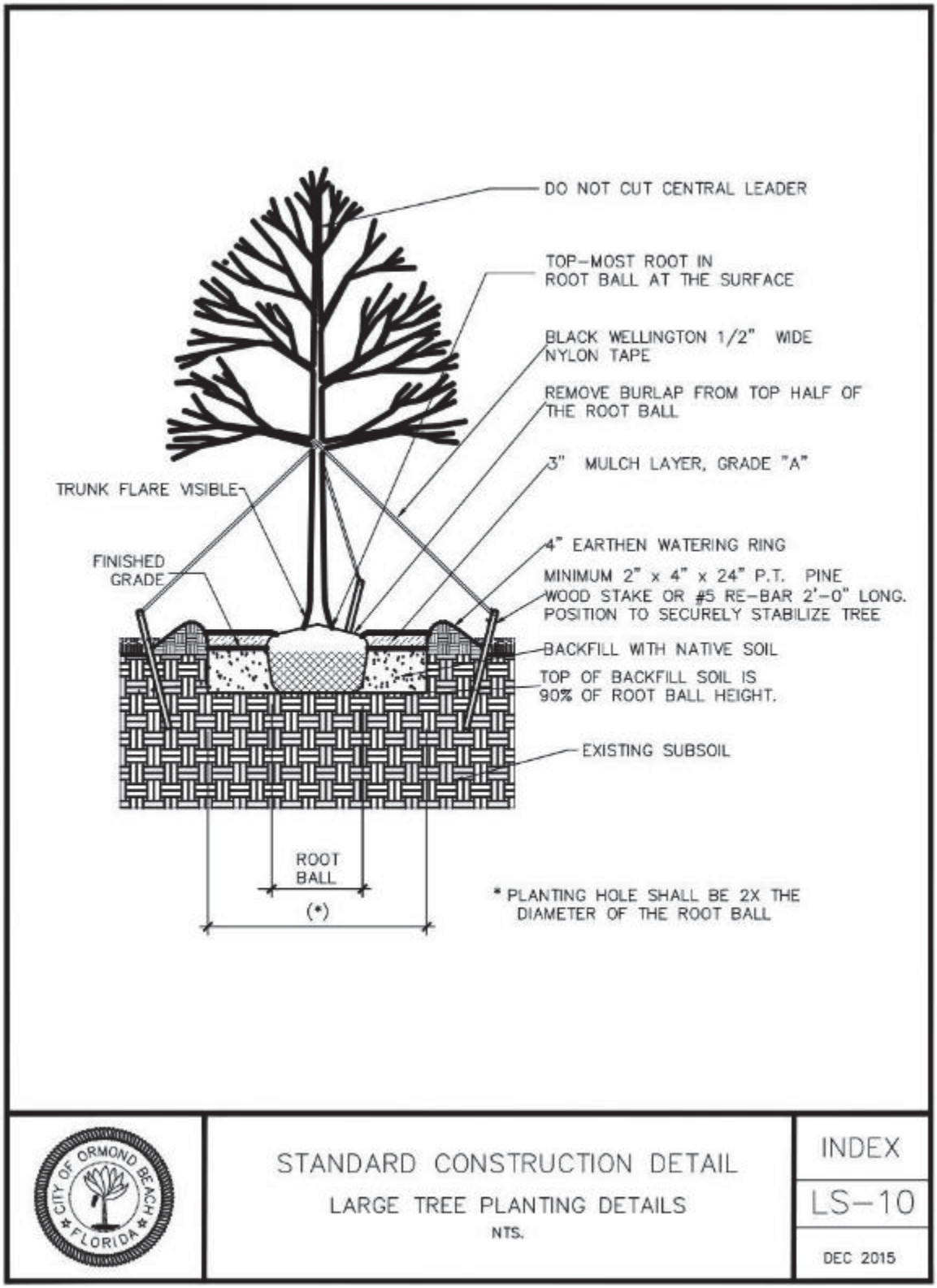
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3	Arents	5.5	1.3%
4	Astatula fine sand, 0 to 8 percent slopes	15.7	3.7%
11	Bulow sand, 0 to 5 percent slopes	46.8	11.1%
22	Electra fine sand, 0 to 5 percent slopes	6.8	1.6%
42	Paola fine sand, 0 to 8 percent slopes	56.1	13.3%
47	Pits	1.4	0.3%
54	Quartzipsamments, gently sloping	262.8	62.3%
65	Terra Ceia muck, frequently ponded, 0 to 1 percent slopes	4.9	1.2%
67	Turnbull muck	10.4	2.5%
69	Tuscawilla fine sand, 0 to 2 percent slopes	3.0	0.7%
99	Water	8.9	2.1%
Totals for Area of Interest		**422.2**	**100.0%**

Appendix B

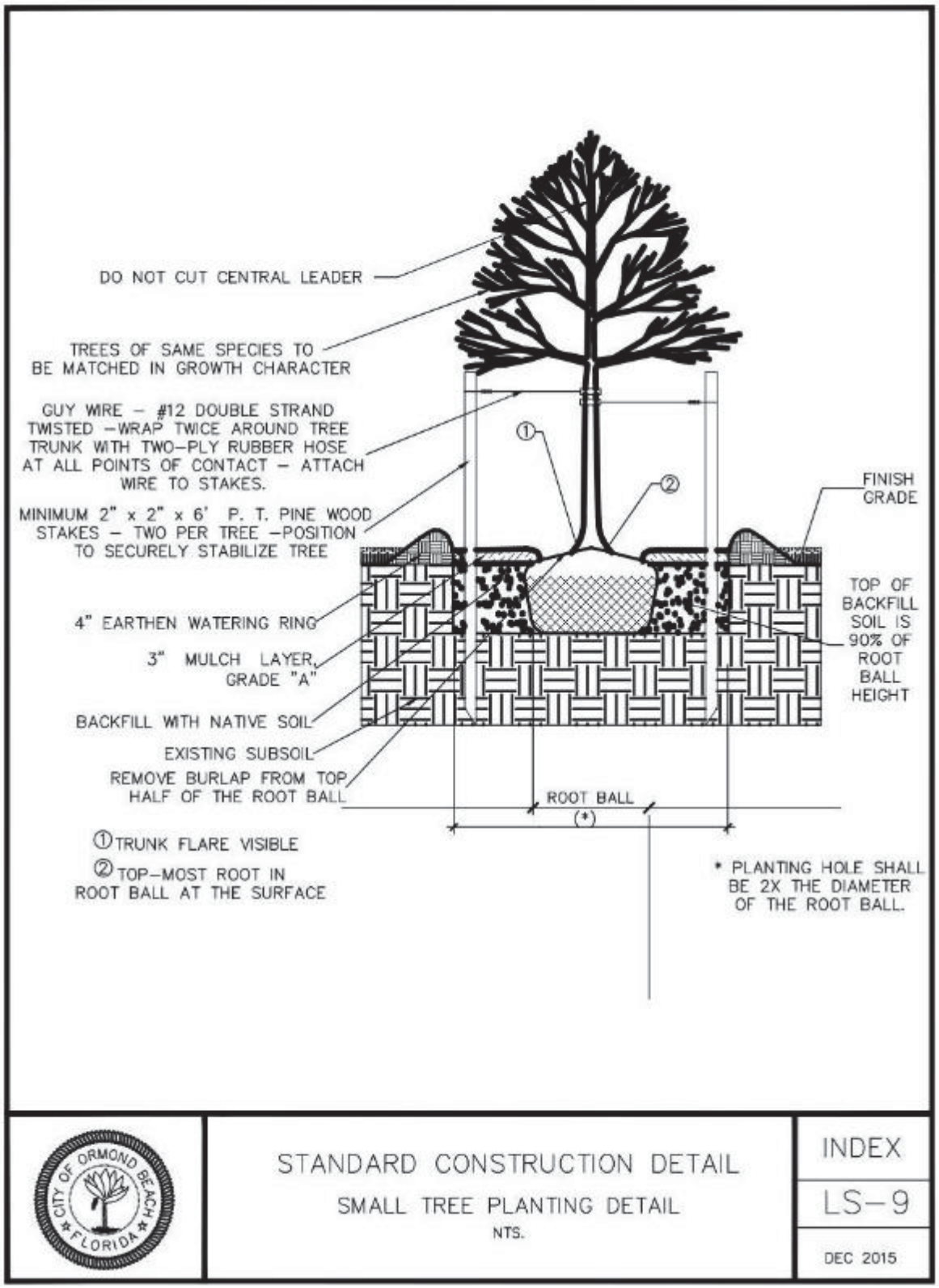
Tree Protection, Large Tree, & Small Tree

Planting Details

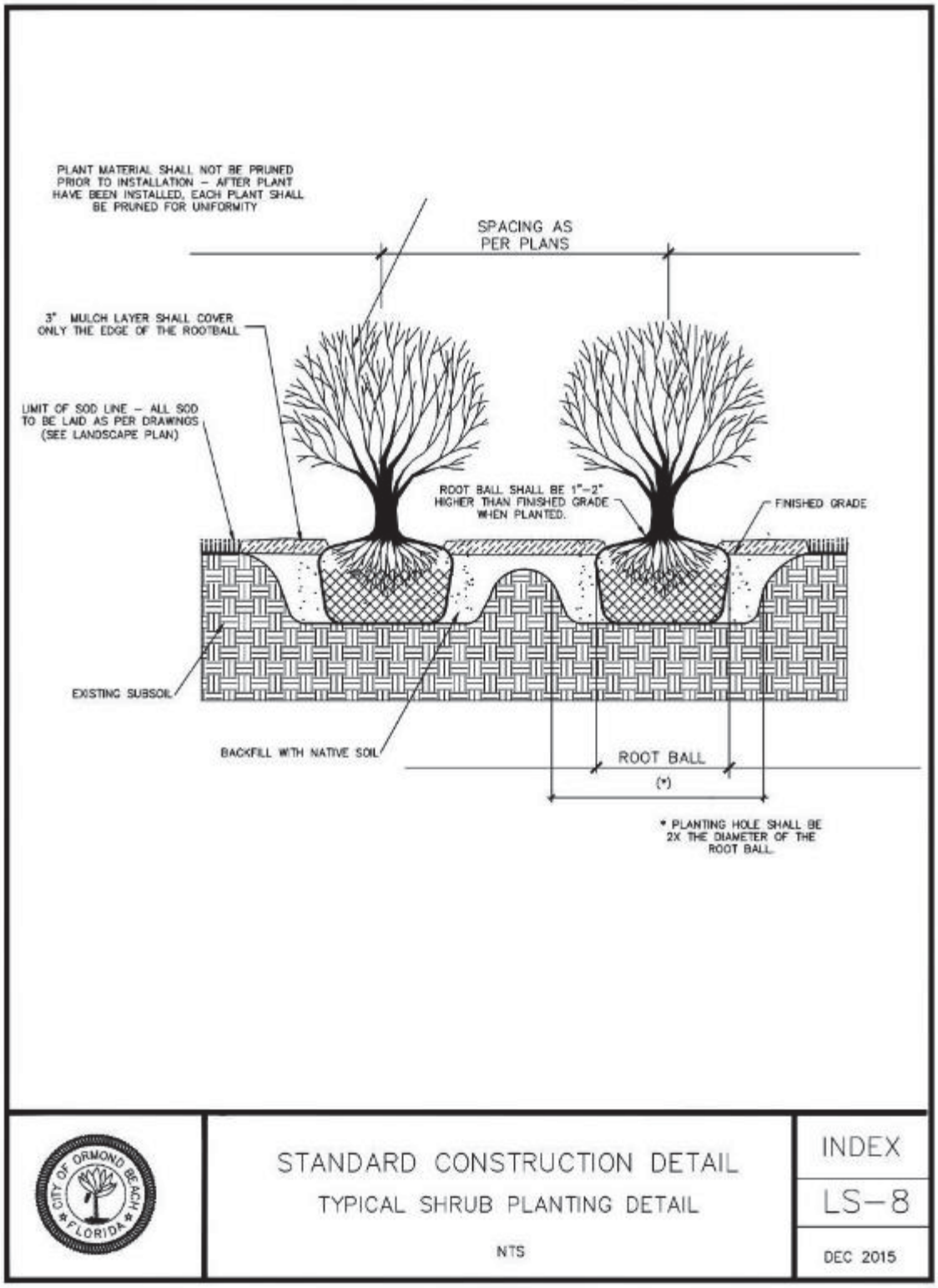
LARGE TREE PLANTING DETAIL



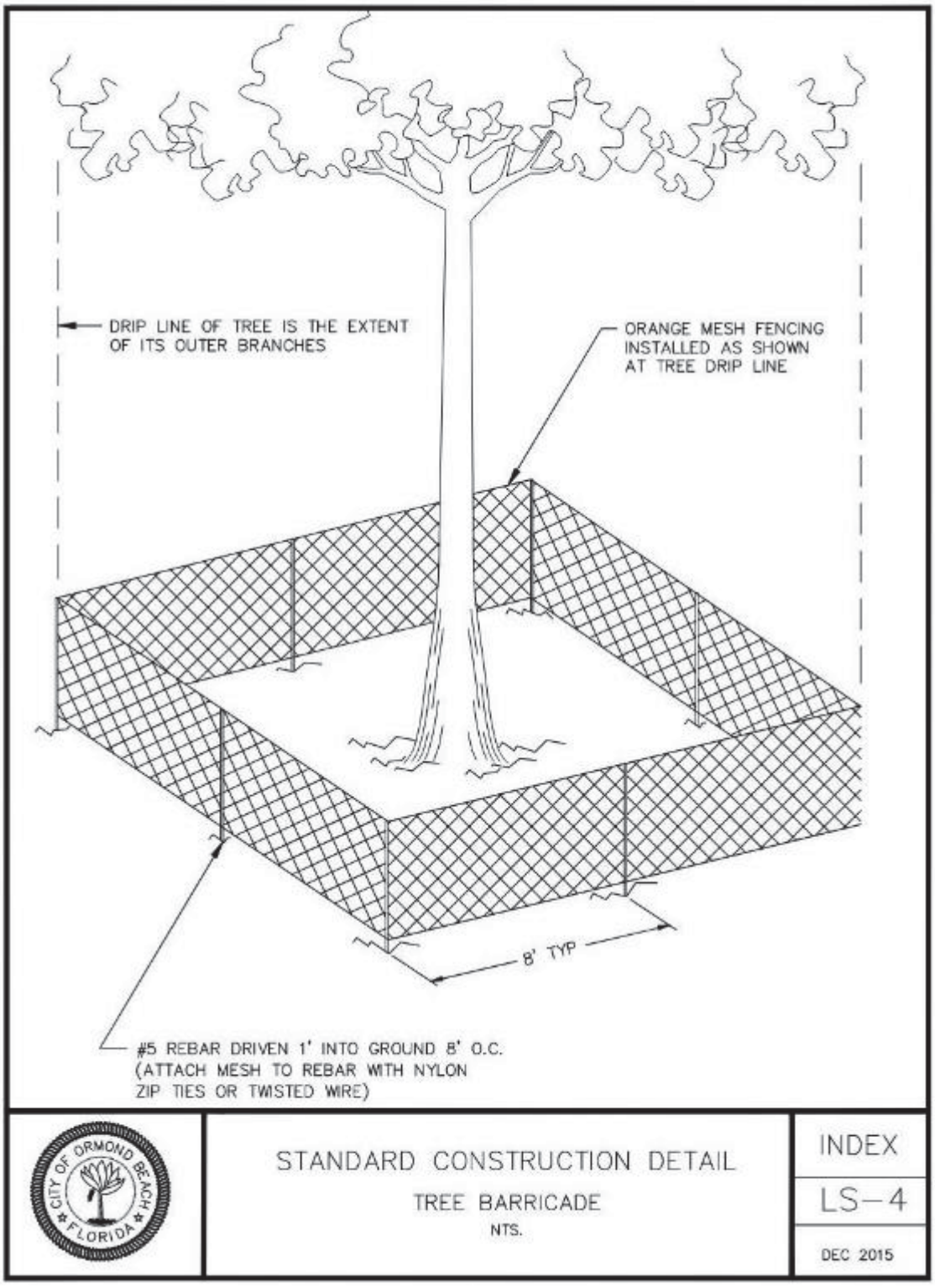
SMALL TREE PLANTING DETAIL



SHRUB PLANTING DETAIL



TREE PRESERVATION DETAIL



Appendix C

Native Plant List

TREES			
Scientific name	Common name	Growth habit (height & width) ft	Comments Habit & Size
Cartrema americana	American olive	25’ x 15’	Evergreen – Medium
Carpinus caroliniana	American hornbeam	25’ x 15’	Evergreen – Medium
Carya glabra	Hickory	80’ x 35’	Deciduous – Large
Celtis laevigata	Hackberry/sugarberry	60’ x 50’	Deciduous – Large
Cercis canadensis	Redbud	30’ x 30’	Deciduous – Medium
Ilex x attenuata	Savannah holly	30’ x 15’	Evergreen – Medium
Ilex opaca	American holly	10’ x 15’	Evergreen – Medium
Magnolia grandiflora	Southern magnolia	80’ x 40’	Evergreen – Large
Juniperus virginiana	Red cedar	60’ x 30’	Evergreen – Large
Prunus angustifolia	Chickasaw plum	20’ x 20’	Deciduous – Medium
Quercus austrina	Bluff oak	40’ x 30’	Deciduous – Medium
Quercus geminate	Sand live oak	40’ x 80’	Evergreen – Large
Quercus chapmanii	Chapman’s oak	10’ x 10’	Evergreen – Medium
Quercus virginiana	Live oak	80’ x 150’	Evergreen – Large
SHRUBS			
Forestiera segregata	Florida privet	15’ x 8’	Evergreen
Ilex vomitoria	Yaupon holly	15’ x 10’	Evergreen
Lantana involucrata	Buttonsage	2.5’ x 4’	Evergreen
Myrcianthes fragrans	Simpson’s stopper	20’ x 10’	Evergreen
Myrica cerifera	Wax myrtle	20’ x 20’	Evergreen
Psychotria nervosa	Wild coffee	3’ x 4’	Evergreen
Serenoa repens	Saw palmetto	20’ x 10’	Evergreen
GRASSES			
Muhlenbergia capillaris	Muhly grass	3’ x 3’	Evergreen
Spartina bakeri	Smooth cordgrass	3’ x 4’	Evergreen
Tripsacum dactyloides	Fakahatchee grass	5’ x 6’	Evergreen
WILDFLOWERS			
Baptisia albescens	Spiked wild indigo		Perennial
Coreopsis lanceolarta	Tickseed		Perennial
Coreopsis tinctoria	Plains coreopsis		Perennial
Galliardia pulchella	Blanket flower		Annual
Helianthus debilis	Beach sunflower		Biennial
Salvia coccinea	Scarlet Sage		Perennial
Solidago altissima	Tall goldenrod		Perennial
Solidago sempervirens	Seaside goldenrod		Perennial

* This plant list is not all-inclusive, additional native and Florida Friendly plants may be used based on the recommendcation of the landscape architect and arborist.

All plants listed are species native to Florida and commonly found in Volusia County.

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznapstajler
Matthew S. Welch
Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
Holly W. Zitzka
Jessica L. Gow
Nika K. Hosseini
Sydney V. Cichon
Baylee D. Bunyard
Anne M. Kehrli
James P. Love III

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(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

September 6, 2023

VIA ELECTRONIC DELIVERY

Steven Spraker, AICP
Planning Director
City of Ormond Beach
22 South Beach Street, Room 104
Ormond Beach, FL 32174

Re: Tomoka Reserve Redevelopment - Rezoning/Planned Residential Development – Project Revisions Following Planning Board and Resident Feedback

Dear Steven:

As you know, it is the Firm's pleasure to represent Triumph Oaks of Ormond Beach I, LLC (the "Applicant") with respect to the redevelopment and rezoning to Planned Residential Development of the property comprising the former Tomoka Oaks Golf Course. Following the Planning Board meeting held on July 13, 2023, the Applicant has revised their proposal to respond to the comments and concerns raised by the board and residents. A summary of these changes is included below, outlined in line with the staff recommendations beginning on Page 26 of the staff report:

A. Require all lots on the project perimeter with the Tomoka Oaks subdivision to be 100' in lot depth and at least 10,000 square feet in lot area – ***The Applicant has agreed to this recommendation to commit to a minimum depth of 100' and minimum lot area of 10,000 sq. ft. in lot area.***

B. Requirement of a type 6 buffer planting plan that requires seven (7) trees, 70 shrubs & 70 ground covers per 100' lineal feet – ***As noted in the hearing, the Applicant believes that the proposed planting system for the property, which includes a xeric landscaping scope that will complement and enhance areas of natural vegetation within the site, is more compatible with existing on site conditions and will act as a better screening measure for adjacent properties, while also relying on less irrigation and water consumption and supporting natural plant communities. This landscaping type has been recommended by the University of Florida's Institute of Food and Agricultural Sciences (IFAS) and***

utilized in cutting edge communities such as Sunbridge and the Edge at Cherrylake. Information relating to these communities in included herein.

However, we understand that the City is interested in ensuring adequacy of the buffer between the communities, and has agreed to the following:

i. ***Where the planting standard outlined in the PUD is utilized for a phase, a maintenance bond will be provided to ensure the survivability of planting materials for a period of two (2) years.***
ii. ***In the event that the planting materials do not survive, the buffer will be if the plantings do not survive in total at that time, as outlined in the maintenance plan, then we will go back and install irrigation to City standards with the stated plantings within the plan.***

C. Setback plan – lot width – 100' in width – ***As noted during the hearing, the Applicant does not believe it is possible to incorporate a minimum lot width of 100' throughout the site with the requested voluntary landscaping buffer and proposed open space, which we believe is a key feature for the existing and proposed residents. However, we have been able to modify the plan to create a mixture of lot types along the perimeter of the site that demonstrate a lot width along the rear setback line (as a closer measuring point to the existing residential homes) as follows:***

i. ***Of the lots along the perimeter of the site, a revised layout demonstrates that 46 of these lots are 100' in width, and 10 of these lots are at 90' in width.***
ii. ***The variable width provided with the revisions still creates a variety of housing types and transitional areas from the larger perimeter lots and the smaller footprint homes in the core of the project, while creating a larger similarity in lot size between the existing and proposed homes.***
iii. ***The minimum lot width within the core of the community has been revised from 50' lot widths to a proposed minimum lot width of 60' for the interior lot types.***

D. Setback plan – maximum building coverage – 50% across all housing types – ***The Applicant is in agreement with this condition and has made this revision.***

E. Setback plan - minimum primary structure setbacks – ***The Applicant is in agreement with this condition and has made this revision.***

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	20'	20'	7.5'	15'
Park House	60'	25'	20'	7.5'	15'
Estate House	80'	25'	20'	8'/20'	20'
Custom House	80'	25'	20'	8'/20'	20'

F. Setback plan - minimum garage setbacks – ***The Applicant is in agreement with this condition and has made this revision.***

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	20'	20'	7.5'	15'
Park House	60'	25'	20'	7.5'	15'
Estate House	80'	25'	20'	8'/20'	20'
Custom House	80'	25'	20'	8'/20'	20'

G. Setback plan - minimum front porch setbacks – ***The Applicant is in agreement with this condition and has made this revision.***

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	12'	20'	7.5'	15'
Park House	60'	15'	20'	7.5'	15'
Estate House	80'	15'	20'	8'/20'	20'
Custom House	80'	15'	20'	8'/20'	20'

H. Setback plan – Notes – Delete the notes. Notes 1 and 2 are contained in the Land Development Code. Staff is not supportive of a 15' front yard garage setback. - ***The Applicant is in agreement with this condition and has made this revision.***

I. Sheet PD6 note on lot separation - Amend note to state: The 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas. - ***The Applicant is in agreement with this condition and has made this revision.***

J. St. Andrews Drive and Tomoka Oaks Boulevard diamond - that a diamond reconfiguration be required at the construction (preliminary plat) phase of the development. – ***The Applicant has demonstrated that the diamond intersection operates within the required level of service for the site. An autoturn analysis has been undertaken to determine if there are any conflicts with emergency services to the area using the diamond intersection – the Applicant is willing to provide the following necessary improvements to this area of the property, as illustrated on the attached exhibit:***

   i. ***Modification of existing drive aisle to resolve turning radii conflicts for emergency vehicles; and***
   ii. ***Provision of additional landscaping adjacent to the right-of-way.***

K. Sidewalks on both sides of Tomoka Oaks Boulevard – require sidewalks on both sides of Tomoka Oaks Boulevard. - ***The Applicant is in agreement with this condition and has made this revision.***

L. The preliminary plat should require the conducting of a neighborhood meeting. - ***The Applicant is in agreement with this condition.***

M. **Resident Concern – Timing of Signal Permitting** – ***The Applicant understand that the residents want to ensure that permitting and installation of the signal move forward at the same time as the development. As such, the Applicant agrees to the voluntary condition that within 30 days of phase 1 plat approval, the developer will initiate an application to FDOT to construct a traffic signal at the intersection of Nova Road & Tomoka Oaks Boulevard. Prior to the issuance of first certificate of occupancy within the Tomoka Reserve Development, the traffic signal at Nova Road & Tomoka Oaks Boulevard has to be completed and functioning or fully bonded and or the full cost of constructing said traffic signal system must be deposited with the City of Ormond Beach.***

N. **Resident Concern – HOA Architectural Design Language** – ***The Applicant has coordinated with residents following the Planning Board hearing and have agreed to modify the proposed architectural standards to include the following:***

   i. ***The Architectural Review Board may not modify the architectural standards set forth in the PUD until such time that the HOA has turned control over from the Declarant to the homeowners.***
   ii. ***The Applicant has committed to compliance with the following additional landscape standards included herein.***

O. Planning Board Concern – Cut Through of Amenity Space parking lot – ***A board member noted that within a previous plan iteration, residents could utilize the amenity parking lot as a cut through drive aisle, which raised concerns on resident and child safety. This parking area has been revised to limit cut-through traffic.***

We look forward to review of this item by the Planning Board at their September 21, 2023 hearing date. If there is any additional information we can provide to assist in review, please do not hesitate to reach out.

Sincerely,

Robert A. Merrell III
Direct Dial (386) 323-9263
Email Rob.Merrell@CobbCole.com
Fax (386) 323-9206

ATTACHMENT 9

Applicant provided information

Section B

Additional Cobb Cole information (former attachment 13)

Tomoka Reserve – Application No. 2022-PZ-22-043

Applicant Expert Testimony Qualifications

Below is a list of experts who may be expected to testify during the public hearing review of the above-referenced project. Attached to this summary page are resumes detailing each individuals' qualifications for review and as a part of the formal record.

1. Dwight Durant, P.E.
   President, Zev Cohen & Associates, Inc.
   Professional Engineer
   B.S. Civil Engineering, University of Florida

2. Mark Karet, AICP
   Director of Planning and Landscape Architecture, Zev Cohen & Associates, Inc.
   Certified by American Institute of Certified Planners
   Planner
   MA. Urban and Regional Planning, University of Florida

3. Kris Rowley, P.E.
   Senior Project Manager, Zev Cohen & Associates, Inc.
   Professional Engineer
   B.S. Civil Engineering, University of Central Florida

4. Jake Stehr, P.L.A.
   Senior Landscape Architect, Zev Cohen & Associates, Inc.
   Professional Landscape Architect
   Master of Landscape Architecture, Auburn University

5. Sans Lassiter, P.E.
   President, LTG, Inc.
   Transportation Engineer
   M.E., Transportation Engineering, University of Florida

6. Donald ("Don") Spence, Ph.D.
   Owner, Native Florida Landscapes, LLC
   Board Certified Master Arborist
   Ph.D. Plant Pathology, University of Florida

7. Jeff Flairty, P.E.
   President, Ayden Environmental
   Environmental Consultant
   B.S. Environmental Engineering, University of Central Florida

8. Bill Ray, AICP
   President, Ray and Associates
   Environmental and Planning Consultant
   B.A., Environmental Studies/Natural Sciences, Rollins College

9. Michael Hotaling, MAI
   Managing Partner, Moody Williams Appraisal Group, LLC
   State-Certified General Real Estate Appraiser
   B.S., Business Administration & Finance, University of Central Florida

10. Ronald Moody, MAI, SRA
    Founding Partner, Moody Williams Appraisal Group, LLC
    Senior Residential Appraiser
    B.A., Land Economics, University of North Florida



M. Dwight DuRant, P.E.

President

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(386) 677-2482

Education:
B.S. Civil Engineering, University of Florida, 1983

Registrations:
Professional Engineer
Florida P.E. 40318

Professional Affiliations:
American Society of Civil Engineers

Institute of Transportation Engineers

Ormond Beach Chamber Government Affairs Committee Member

Team Volusia Economic Development Corporation, Past Chairman of the Board

Volusia County Association for Responsible Development (VCARD) Executive Council

Daytona Beach Chamber of Commerce Economic Development Committee Member

Former Ormond Beach Chamber of Commerce Board Member

Former Volusia County Metropolitan Planning Organization (MPO) Citizen Advisory Board Committee Chairman

Community Involvement:
Ormond Beach Youth Baseball and Soft Ball Association (OBYBSA) – Recreational Baseball Team (9 Years)

OBYBSA Competitive Baseball (4 Years)

Ormond Beach Youth Football and Cheer Association (OBYFCA) – Pop Warner Football (6 Years)

Ormond Beach Youth Basketball – Recreational Teams (4 Years)

Member of OBYBSA Board of Directors

Member of OBYFCA Board of Directors

Years of Experience:
40

Years with ZCA:
36

As President of Zev Cohen & Associates, Inc. (ZCA), Dwight has acquired a diverse background in site development experience with a sound working knowledge of engineering and design analysis. Dwight began his professional experience in 1983 and has worked continuously on engineering and design projects since that time. The majority of his career, 36 years, has been spent in Ormond Beach. Dwight serves both private and public clients throughout the Southeast. His ability to combine engineering design and diligent project management leads to projects under budget completed on time.
Dwight prides himself on providing personal, hands-on services to a wide variety of clients. This type of client service has become the foundation of ZCA's philosophy. Under Dwight's leadership, ZCA has become of the largest civil engineering firms in the area.

Project Experience

Daytona International Speedway Master Stormwater Plan, Daytona Beach, Florida

- Role: Principal-In-Charge
- Scope: The Daytona International Speedway consists of approximately 227 acres for which ZCA provide a Master Stormwater design and permit.

City of Fernandina Beach Community Redevelopment Area (CRA) Master Stormwater Plan, Fernandina Beach, Florida

- Role: Quality Assurance/Quality Control
- Scope: ZCA developed a Master Plan with phasing, cost estimates, and schedules for the CRA which included a Master Stormwater Plan designed for the rerouting of stormwater pipes currently directly discharging untreated runoff. The St. Johns River Water Management District (SJRWMD) worked with ZCA and the City to develop stormwater mitigation credits for use across the CRA area, allowing development within the CRA to move forward with certainty. The City can sell the credits to property owners of CRA sites at a lower rate than what construction costs would be, and without the risk and uncertainty that would come with permitting an individual site. Funds received from the sale of the credits will be used to pay off the pond improvement costs and make other CRA stormwater improvements.

West Ormond Beach Community Center, Ormond Beach, Florida

- Role: Principal-In-Charge
- Scope: ZCA was selected by the City of Ormond Beach Engineering and Leisure Services Department to further develop the Volusia County School Board (VCSB) site adjacent to and west of Pathways Elementary School to act as a joint use facility for the VCSB and provide a Community Center for west Ormond Beach.

Cypress Landings, West Melbourne, Florida

- Role: Principal-In-Charge
- Scope: Environmental investigation and permitting; design and permitting of stormwater treatment facilities, stormwater conveyance system, water, sewer, roadway, and lot grading. Cypress Landings was designed as a 141-lot single-family residential subdivision within the City of West Melbourne. Project is located within the Melbourne-Tillman Water Control District and required stormwater permitting from both it and St. Johns River Water Management District (SJRWMD).

Ormond Beach Water Main Replacement Project, Ormond Beach, Florida

- Role: Principal-In-Charge
- Scope: The 2-inch Water Main Replacement Project consisted of approximately 23,000 linear feet of main replacement upgraded the City distribution system to current City standards. Approximately 25% of the replacement line was installed by horizontal directional drilling while the remainder was installed through open pavement cut procedure. ZCA had to obtain nine (9) different Health Department Permits in order to handle to various locations and system connection points. A strong focus was placed upon site restoration following installation so the City was able to maintain their neighborhood friendly approach to construction.

Venetian Bay Master Stormwater Plan, New Smyrna Beach, Florida

- Role: Principal-In-Charge
- Scope: Master Planning, stormwater design, rezoning, site design, landscape architectural services, and permitting for 1,200-acre 1,829-unit mixed-use site which was designed in accordance with the principles of "New Urbanism". A Town Center has been designed to support many of the residents' needs which minimizes their reliance on automobiles and further strengthens the culture of this planned community.

City of Ormond Beach Downtown Master Stormwater Plan, Ormond Beach, Florida

- Role: Principal-In-Charge
- Scope: Provide the City of Ormond Beach with an evaluation of stormwater needs and implement a program of offline retention that will support intensive redevelopment of existing and future development sites within the city's Downtown Community. Services will include survey, property acquisition consulting, legal, geotechnical engineering, design, and stormwater permitting through the Community Redevelopment Agency (CRA) and St. Johns River Water Management District (SJRWMD).

Andy Romano Beachfront Park, Ormond Beach, Florida

- Role: Principle-In-Charge/Quality Control Manager
- Scope: ZCA was selected by the City of Ormond Beach to design a five-acre beachfront park. The park amenities include pavilions, picnic areas, seating, covered playground, splash park, dune restoration and native landscaping, ADA beach access, restroom and vending facilities, beachfront parking, and viewing terraces. ZCA also worked closely with the City to provide a public outreach and a community engagement plan which allowed members of the community to play a role in developing the park that would leave a lasting impression for visitors of all ages.

Hand Avenue Lake Interconnect Walkway, Ormond Beach, Florida

- Role: Principle-In-Charge/Quality Control Manager
- Scope: ZCA provided civil engineering and landscape architecture services to upgrade the Hand Avenue corridor stormwater management system. This system also included a complex lake inter-connect for flood control. This lake inter-connect will also be developed for use by canoe/kayak enthusiasts who wish to traverse the various lake systems adjacent to Hand Avenue. ZCA also assisted in expanding the existing boardwalk system which will provide clearance for kayakers and still be ADA accessible.

Vining Court Streetscape, Ormond Beach, Florida

- Role: Principal-In-Charge
- Scope: The beachfront streetscape design of the Vining Court Downtown Business District for the City of Ormond Beach. The streetscape design includes landscape beautification, sidewalks, lighting, signage, and street parking. This project is located within the City of Ormond Beach's Community Redevelopment Area (CRA) and will be funded with the use of Tax Increment Funds (TIF). ZCA has already conducted a neighborhood meeting where the Conceptual Streetscape Plans were discussed and comments from the local residents will be incorporated in the final construction documents.



Mark P. Karet

Director of Planning and Landscape Architecture

Contact Information:
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mkaret@zevcohen.com
(386) 677-2482

Education:
M.A. Urban and Regional Planning, University of Florida, 1988

B.A. Public Affairs, the George Washington University, 1985

Professional Affiliations:
American Planning Association (APA)

International City/County Management Association (ICMA)

Community Involvement:
Chamber of Commerce Local Government Committee

Treasurer of Big, Big World Project, Inc.

Years of Experience:
35

Years with ZCA:
12

Mark has 35 years of professional experience as a planner for public agencies and private consultants. He has experience in land development regulation, entitlement coordination, comprehensive planning, zoning, community development, redevelopment, affordable housing, grant administration, capital improvement planning, budgeting, and business process improvement. He worked with Zev Cohen & Associates, Inc. (ZCA) from 2005 to 2008 as our Planning Manager and rejoined ZCA in September of 2016 as our Director of Planning and Landscape Architecture.

Project Experience

One Daytona, Daytona Beach, Florida

- Role: Project Planner
- Scope: ZCA worked with the International Speedway Corporation to develop a plan for the redevelopment of a 1960's era business/industrial park into a mixed-use development across from Daytona International Speedway which includes a 200,000 SF retail/dining/entertainment space, 2,500-seat multi-screen movie theater, residential component, and a 160-room hotel. The redevelopment project included a Comprehensive Plan Amendment, a Comprehensive Signage Plan, and rezoning. Our staff worked with the Owner and their attorney to orchestrate the complicated local and state land use and zoning entitlement process.

Comprehensive Plan, City of Lago, Florida

- Role: Project Manager
- Scope: Mark served as the primary author on the City's Housing, Natural Resource, and Intergovernmental Coordination elements. The completion of the project included an extensive civic engagement effort involving the general public, interest groups, advisory boards, and elected officials.

Comprehensive Plan, City of Edgewater, Florida

- Role: Project Manager
- Scope: Mark served as the Project Manager for a complete re-write of the City's Comprehensive Plan. Mark coordinated the efforts of City staff and multiple consultants to meet statutory requirements and develop consensus for the long-range vision of the City.

Oceanfront Development Standards, City of Daytona Beach, Florida

- Role: Project Manager
- Scope: Mark served as the Project Manager and primary author on a major land development code revision to the City's Oceanfront Development Standards. The goal of these revisions were to allow taller, thinner buildings while providing more landscaping, public access, and less shadowing of the beach. This project included an extensive civic engagement effort involving the general public, neighborhood groups, advisory boards, and elected officials.

Noise Ordinance, City of Daytona Beach, Florida

- Role: Project Manager
- Scope: Mark served as the Project Manager and primary author on a complete re-write of the City's Noise Ordinance. The City's Police Department had been issuing citations based on a "reasonable person" standard contained in the old Ordinance. The revised Ordinance established objective standards based on metered ambient noise levels. Mark led an extensive civic engagement effort that included the general public, neighborhood associations, individual business owners, merchant associations, the school board, major land owners, advisory boards and elected officials.

Process Improvement, Hillsborough County Building and Construction Services Division, Florida

- Role: Project Manager
- Scope: Mark served as the Project Manager on a review of each of the Division's major functions, including application intake, plans review, permit issuance, inspections and contractor licensing. The project resulted in recommendations for improved customer service, process maps and new standard operating procedures for each function.

Washington Catlett School Redevelopment, Wilmington, North Carolina

- Role: Project Manager
- Scope: Mark served as the Project Manager on the adaptive reuse of a historic school building originally built in 1914 with additions in the 1920's, 1930's and the 1950's. After its closure as a school, the building sat empty for twenty years. Mark oversaw the redevelopment of the historic structure into a transitional housing facility for homeless veterans.

Planner of Record, Town of Pierson, Florida

- Role: Town Planner as ZCA Consultant
- Scope: ZCA provides a full range of professional and administrative planning services to the Town of Pierson on a continuing basis. ZCA serves as the Town's "Planner of Record" advising elected officials, volunteer boards, and staff in strategic planning, comprehensive planning, visioning, and land development code administration. ZCA develops ordinances, meets with applicants, reviews applications, develops special studies, writes grant applications, and performs on-call services.

Halifax Harbor Redevelopment, Daytona Beach, Florida

- Role: Project Manager
- Scope: ZCA created a master plan for the redevelopment of Daytona Beach's Halifax Harbor Marina featuring a small commercial and civic town center. As part of this master planning effort, ZCA created 2 concept plan and streetscapes with each with separate forms and functions for this waterfront anchored project.

City Island Redevelopment Plan, Daytona Beach, Florida

- Role: Project Manager
- Scope: ZCA created a master plan for the redevelopment of Daytona Beach's City Island centered on the historic Jackie Robinson baseball stadium. The plan linked the City Island riverfront to the adjacent downtown through a walkable, pedestrian friendly design.

Mark P. Karet, AICP

(813) 727-0040 mkaret@zevcohen.com

Summary

Mr. Karet has more than 35 years of professional experience as a planner finboth the public agencies and private sectors. He has expertise in land development regulation, entitlement coordination, comprehensive planning, zoning, community development, redevelopment, affordable housing, grant administration, capital improvement planning, budgeting, and business process improvement.

Professional Experience

Director of Planning & Landscape Architecture, Zev Cohen & Associates Ormond Beach, Florida 2016 to Present

Zev Cohen and Associates is an established multi-disciplinary civil engineering, environmental, planning, and design firm based in Ormond Beach with a long-standing reputation for quality and performance throughout Central Florida.

- Leads Zev Cohen and Associates' planning and landscape architecture service areas.
- Responsible for the for the day-to-day operations of the planning and landscape architecture practices including business development, maintaining client contacts on all aspects of projects, growing and sustaining operations and quality control/quality assurance efforts.
- Provide planning, urban design, community engagement and project oversight for both public and private-sector clients

Director of Administrative Services, Development Services Hillsborough County, Florida 2008 to 2016

Hillsborough County is the fourth most populous county in Florida with a population of 1.3 million people. I managed administrative support groups within the Planning & Growth Management and Fiscal & Support Services Departments.

- Coordinate development services process improvement activities.
- Managed project controls, scheduling, and accounts payable for a $1 billion capital improvement program.
- Managed budget preparation and human resources for a department with $25 million in expenditures and 334 FTE's.
- Assisted client departments in successfully navigating the process of identifying, acquiring, implementing & maintaining appropriate business solutions to support their core functions.

- Managed large-scale software implementation projects including electronic plan review and agenda automation software.
- During the economic downturn, I worked with a department head and managers to identify cuts and reduced expenditures by 40% in a large fee-supported workgroup.

Planning Manager, Zev Cohen & Associates, Ormond Beach, Florida 2005 to 2008

Served as Zev Cohens & Associates' Planning Manager serving both public and private-sector clients.

- Coordinated the approval process for up to 25 separate projects at a time seeking approvals for commercial and residential developers. The projects ranged in size from single occupancy commercial buildings to large-scale mixed-use planned developments.
- Served as project manager on public sector park projects, streetscape corridors, and comprehensive plan amendments. Coordinated manpower, expenses and client satisfaction on all projects.
- Made presentations to elected officials, advisory boards, and citizen groups.
- Coordinated the development and submission of RFP responses, project budgets, and schedules.

Planning Manager, City of Daytona Beach, Florida 2000 to 2005

Daytona Beach has a year-round population of more than 60,000 people. Special events, based on the racing schedule at the Daytona International Speedway, swell the population by more than 10x that number several times a year. The City has 5 separate redevelopment districts.

- Coordinated the Development Services Department's land development review process. I significantly reduced staff development review time frames.
- Served as the primary point of contact for developers, contractors, design professionals and the general public regarding all aspects of the land development process.
- Chaired the City's Development Review Committee.
- Administered the City's land development code, zoning code, and urban design standards.
- Served as the City's primary liaison to the City's Planning and Zoning Board.
- Presented all Planning and Zoning Board recommendations to the City Commission.
- Served as Interim Director of the Development Services Department. At the time, the department had 35 FTE's and a budget of $3 million.

Community Development Manager City of Wilmington, North Carolina 1998 to 2000

Wilmington is a port city with a diversified economy and a population of 112,000. Incorporated in 1739, it has a long history of municipal administration. The City is a racially diverse community with significant numbers of residents living at or below the poverty level. The Community Development Manager was a high-profile position in Wilmington. Six hurricanes impacted Wilmington during my tenure, including the highly damaging Hurricane Floyd. I coordinated the damage assessments teams for each of those events.

- Managed the City's neighborhood planning, code enforcement, and housing programs.
- Administered the City's Community Development Block Grant and HOME Investment Partnership programs. I quickly improved the expenditure performance of both programs.
- Administered the City's economic development revolving loan fund for small businesses.

- Served as the Executive Director of Wilmington Housing, Finance and Development Corporation, a non-profit developer of affordable single-family homes and transitional housing for the homeless. I stabilized agency finances and completed development of a stalled project for a 24-bed transitional housing facility for homeless veterans.

Director of Community Development, City of Edgewater, Florida 1989 to 1997

Edgewater located in Volusia County, near Daytona Beach, has a population of 20,000 people. At the time I worked in the City, it experienced a great deal of political turmoil after the successful creation of a special assessment district that brought sewer lines to 7,200 lots.

- Responsible for the City's comprehensive planning, zoning, code enforcement, building and risk management/safety programs.
- Served as liaison to elected officials, developers, contractors, design professionals and the public regarding all aspects of the land development process.
- Organized the City's separate Planning and Zoning and Building departments into a consolidated Community Development Department.
- Frequently served as acting City Manager.
- Served as the manager's representative in negotiations with the general, police and fire employee's unions.
- Served as project manager on the construction of a detective's office and police evidence building.

EDUCATION

University of Florida **Master of Arts in Urban and Regional Planning**

Held an internship with Florida Department of Commerce creating a regional economic development organization for Glades and Okeechobee Counties.

The George Washington University **Bachelor of Arts, Public Affairs Major**

Held an internship with the Smithsonian Institution's Woodrow Wilson Center for International Scholars performing research for visiting scholars.

Current Affiliations & Community Involvement

- American Institute of Certified Planners (AICP)
- American Planning Association
- Certified Municipal Administrator, The University of North Carolina at Chapel Hill
- FEMA Certifications: ICS-100 (Incident Command System); ICS-200 (Single Resources & Initial Action Incidents); ICS -700 (National Incident Management System)



Kristopher T. Rowley, P.E.

Sr. Project Manager

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krowley@zevcohen.com
(386) 677-2482

Education:
B.S. Civil Engineering, University of Central Florida, 2013

Registrations:
Professional Engineer
Florida P.E. 84263

Professional Affiliations:
Site Ops, Site Engineering Software Certified

BMPTrains Certified

Community Involvement:
Volusia County Association for Responsible Development (VCARD) Board Member – Secretary

Volusia Young Professionals Group (VYPG) Board Member

Daytona International Speedway's Checkered Flag Committee

Years of Experience:
10

Years with ZCA:
10

Kristopher, a University of Central Florida graduate, is an essential member of the Zev Cohen & Associates, Inc. (ZCA) team. With his engineering knowledge and multi-tasking abilities, Kristopher successfully handles a multitude of projects and tasks. His familiarity with site design and utility and stormwater management is conducive to a variety of projects. The level of involvement exemplified in Kristopher's work allows him to develop trusting client relationships and ensures projects are completed efficiently and on time. His strong understanding of the planning, design, and permitting process, in addition to his effective project coordination skills, allows Kristopher to produce high quality work while maintaining tight schedules and keeping up with demands.

Project Experience

Division of Blind Services Improvements and Renovations, Daytona Beach, Florida

- Role: Project Manager
- Scope: ZCA designed and permitted the 25-acre complex including a library annex, central energy plant, low-rise dormitory, dining facility, technical training building, and other miscellaneous improvements. Developed within the master stormwater system of the Blind Services Complex, ZCA met the unique demands of both a visually impaired owner and ultimate end user of the facility. This required a very "hands-on" approach and the team applied solid design philosophy while providing the ability to maintain day-to-day operations of the facility without interruption. The success of this project has led to additional Blind Services' projects by ZCA.

New Britain Avenue Stormwater Design, Ormond Beach, Florida

- Role: Staff Engineer
- Scope: Design of a Master Stormwater System (underground extraction) to treat and attenuate the stormwater run-off from several residential and commercial lots along New Britain Avenue between North Ridgewood Avenue and North Beach Street in order to promote future re-development along this corridor of roadway. This is the first Master Stormwater design to impact the City of Ormond Beach Downtown Master Stormwater Drainage program.

Ormond Beach Master Stormwater Management Plan, Ormond Beach, Florida

- Role: Staff Engineer
- Scope: The project consisted of preparing a Master Drainage Plan for the Community Redevelopment Agency Districts which provided a blueprint for future redevelopment within the Community Redevelopment Agency. ZCA has established the often unknown stormwater component of development opportunities so they can be identified and properly programmed to facilitate long-term growth and sustainability for the City. ZCA was also responsible for obtaining a Conceptual Stormwater Permit from the St. Johns River Water Management District (SJRWMD). Finally, in addition to the Master Plan and stormwater permitting, ZCA provided the City of Ormond Beach a "User's Manual" to be used by the City and developers in the design of future redevelopment sites within the Community Redevelopment area. The Community Redevelopment area boundaries encompass approximately 238 acres of land including a core Downtown for the City.

Derbyshire Park Master Plan and Implementation, Daytona Beach, Florida

- Role: Project Engineer
- Scope: Derbyshire Park is a public park and sports facility located in Daytona Beach, Florida. Through ZCA's continuing service contract with the City of Daytona Beach, we provided Master Engineering Plan design for the "full build-out" of the park. ZCA's design included master conceptual design for stormwater, utilities, parking, grading and access. ZCA designed a FDOT Grant Funded, 2,617 LF, of a 14' wide multi-use trail. The trail will provide interconnection between the park's amenities and neighborhood sidewalks. The proposed design also included lighting, decorative pavement, landscape design, bike-friendly amenities and stormwater to meet FDOT's LAP funding requirements. The design is currently at a 100% design level. Additionally, the City of Daytona Beach engaged Zev Cohen and Associates to design a FDOT grant funded 10,197 LF of 6' sidewalk within the Derbyshire Neighborhood area. The City of Daytona Beach has engaged ZCA to design a multi-purpose sports field as part of the Master Plan implementation program. The City has requested ZCA provide cost estimating for the Master Plan build out so they can plan their funding accordingly.

Coastal Woods, New Smyrna Beach, Florida

- Role: Staff Engineer
- Scope: Site development and overall master planning; comprehensive planning and annexation application; rezoning application submittals; single family/mixed-use development standards; environmental trail system/Volusia County trail system.

Brown & Brown Headquarters Building, Daytona Beach, Florida

- Role: Project Manager
- Scope: ZCA provided site design for civil and landscape components for the $40M Brown & Brown Headquarters. The redevelopment is especially rewarding as it is an urban revitalization project which is also providing brownfield remediation of a contaminated site. In addition, the project is partially funded through a public/private partnership with the City of Daytona Beach.

Halifax Medical Center Campus, Deltona, Florida

- Role: Project Engineer
- Scope: ZCA assisted with the master planning of the 31-acre hospital site that was built in 3 phases. In addition, ZCA provided civil engineering, environmental, bidding and construction, and landscape architectural services.

Daytona Beach Riverfront Esplanade, Daytona Beach, Florida

- Role: Project Manager
- Scope: ZCA provided civil engineering, landscape architectural, and environmental services to develop the design of the Daytona Beach Riverfront Park known as the Esplanade. The Esplanade Park is a 1-mile linear park. This project consists of a revitalized downtown park that will draw residents and visitors to the area. The park project will create open, pedestrian friendly pathways that will encourage visitors of the park to enjoy opportunities such as jogging, picnicking, and viewing some of the City's history, all in the same place.

Woodhaven Master Utility Plan, Port Orange, Florida

- Role: Project Engineer
- Scope: Woodhaven is a 1,500-acre commercial and residential mixed-use project located in Port Orange, Florida. The maximum uses include up to 650,000 square feet of commercial area and 1,300 residential units (single family, townhome and apartment units). Zev Cohen & Associates, Inc. (ZCA) worked with the City and property owner to successfully navigate and negotiate the comprehensive plan change and rezoning of the property to meet the needs of the City and Owner. The planning effort required close collaboration with the Client's attorneys and careful consideration of numerous design elements including environmental impacts, adjacent neighborhoods, development intensities and proper utility planning. ZCA provided master utility planning and design calculations in order to demonstrate available capacities within the existing infrastructure. In addition, the transmission and distribution systems were sized in order to accommodate phasing alternatives with efficient design while meeting life safety and Department of Environmental Protection (DEP) criteria. The scope of the utility planning included multiple sewer lift stations, force mains, gravity sewer mains, potable water mains and reclaimed water main



Jake E. Stehr, P.L.A.

Sr. Landscape Architect

Contact Information:
300 Interchange Blvd, Ste. C
Ormond Beach, FL 32174
jstehr@zevcohen.com
(386) 677-2482

Education:
B.A. History, Oklahoma Baptist University, 2009

Master of Landscape Architecture, Auburn University, 2015

Registration:
Landscape Architect
Florida LA6667462

Community Involvement:
City of Ormond Beach Brownfield Advisory Board Member

City of Ormond Beach Board of Appeals & Adjustments Member

Daytona Beach Regional Chamber of Commerce, Leadership Daytona, Class XLII

Professional Affiliations:
American Society of Landscape Architects

American Planning Association

Garden Club of America Founders Fund

Awards:
Alabama ASLA Award of Honor

LAF University Olmsted Scholar

PRZA Surf Coast Pierson Award

Years of Experience:
8

Years with ZCA:
8

Trained as a Landscape Architect with a professional background in history and planning, Jake brings unique perspective and pragmatic solutions to complex projects. He is a cross-disciplinary designer who creates strong collaborations by translating between project constituencies. His expertise is in organically-integrated urban landscapes. To create constructed habitats and social spaces in these contexts, Jake employs an opportunistic and resourceful design approach. Throughout his career, he has strived to leverage a connection between the broad idea of site, history, geography and the interaction between people and place.

Project Experience

State Road 600 Daytona Median Landscape Improvement Project, Daytona Beach, Florida
- Role: Landscape Designer
- Scope: Landscape and irrigation design, construction administration and coordination with the Florida Department of Transportation (FDOT) and the City of Daytona Beach.

Florida Hospital Injector at Daytona International Speedway, Daytona Beach, Florida
- Role: Landscape Designer
- Scope: Created a dynamic entry feature which emphasizes the spirit and character of Florida Hospital.

Riverwalk Condominiums, New Smyrna Beach, Florida
- Role: Landscape Designer
- Scope: Directed the expansion of an existing landscape to accommodate the further development of a large apartment complex in the heart of New Smyrna Beach.

Kings Landing, Port Orange, Florida
- Role: Landscape Designer
- Scope: Worked on the development and layout of a residential development that attempted to preserve ecologically sensitive resources while accommodating connection with neighboring developments and social institutions.

Daytona Rising and Grandstand Redevelopment, Daytona Beach, Florida
- Role: Landscape Designer
- Scope: This exciting project consisted of the entire reconstruction of the Frontstretch Grandstands which included all facility components from the seating bowl and gates to the civil and landscape elements in front of the facility. ZCA was responsible for the design and permitting of all the civil, landscape, and hardscape improvements as well as the master stormwater design and permitting. Permits obtained for the project include approvals from the following agencies: Volusia County, City of Daytona Beach, St. John's River Water Management (SJRWMD), Army Corps of Engineers (ACOE), Florida Department of Transportation (FDOT), and the Florida Department of Environmental Protection (FDEP).

One Daytona and International Speedway Corp. (ISC)/NASCAR Office Tower, Daytona Beach, Florida
- Role: Landscape Designer
- Scope: One Daytona is designed as a mixed-use development across from Daytona International Speedway including 200,000 SF retail/dining/entertainment space, 2,500-seat multi-screen movie theater, residential component and 160-room hotel. ZCA provided landscape, hardscape, and irrigation design services.

Brown & Brown Headquarters Building, Daytona Beach, Florida
- Role: Landscape Architect
- Scope: ZCA provided site design for all civil and landscape components for the $40 million Brown & Brown Headquarters. The redevelopment is especially rewarding as it is an urban revitalization project which also provides brownfield remediation of a contaminated site. In addition, the project was partially funded through a public/private partnership with the City of Daytona Beach.

The Center at Deltona, Deltona, Florida

- Role: Landscape Architect
- Scope: ZCA provided civil engineering and landscape architectural design services for the new ±25,000 SF Community Center building and parking expansion. ZCA's tasks included stormwater, water, sewer, pacing, grading, landscape architectural design, and all site permitting. ZCA also worked with the Architect and the City to Master Plan the site for future expansion.

Mosaic, Daytona Beach, Florida

- Role: Landscape Designer
- Scope: ZCA was selected by ICI Homes, Inc. as the Prime Consultant to design the 604-acre community that utilized cluster development and low impact development principles to preserve and add value through environmental preservation to the community. ZCA's driving factor in the design was creating a matrix through which the community could develop through passive and active recreating by encouraging chance encounters and a diverse series of interactions between a diverse set of residences. This was done by developing a system of smaller parks that support smaller communities at the street level and then connecting these parks through a walkable community to an active community. Pedestrian connections were encouraged to Champion Elementary School, allowing the landscape to que the important connections.

Vadner Park, Ormond Beach, Florida

- Role: Landscape Architect
- Scope: Through a public-private partnership between the Garden Club of the Halifax Country and the City of Ormond Beach, Vadner Park was transformed into the City's first all-native plant park. The park project garnered a Founders Fund award from the Garden Club of America. ZCA partnered with the City of Ormond Beach to provide landscape architectural design as well as irrigation and hardscape design.

New Smyrna Beach Riverwalk, New Smyrna Beach, Florida

- Role: Landscape Architect
- Scope: ZCA provided civil engineering and landscape architectural design services for an infill redevelopment project that took a former grocery store site and transformed it into a multi-family development with a marina and a public trail network.

LTG Engineering & Planning

R. Sans Lassiter, PE
President



RELEVANT EXPERIENCE

R. Sans Lassiter, PE is president of LTG, Inc., offering transportation engineering, urban planning and design services. He is active in civic affairs, having chaired the Volusia & Flagler County Association for Responsible Development. He has held leadership positions with the Daytona Beach Partnership, International Speedway Boulevard Coalition, and the Central Florida Regional Coordinating Council. Mr. Lassiter sees economic development as critically important. He currently chairs the Team Volusia Investor Relations Committee.

Project Director for Continuing Service Contracts (CSC) for providing transportation planning and traffic operations/design services: Currently, LTG has over 30 continuing service contracts with various city, county, state, and specialty agencies. Mr. Lassiter serves as Principle-in-Charge of these contracts. Many of them are repeat contracts earned by consistently meeting schedules and budgets while providing quality work. Our knowledge of transportation design, planning and traffic operations are proven strengths and, in combination with our municipal contract work, our in-house public-sector experience, allows LTG to act as an extension of Department staff. This position proves advantageous to our clients by providing the added-value of having staff with an integral knowledge of the operation of the public sector, saving our clients time and money. Some project relevant CSC's are:

- City of Deltona (On-Call Transportation)
- Volusia County Planning Department
- Volusia County Traffic Engineering Dept.
- Volusia County School District
- City of Daytona Beach
- Daytona Beach Planning Department
- FDOT District 5 - TSM&O Districtwide
- City of New Smyrna Beach
- City of South Daytona
- City of DeLand
- City of Palm Coast
- St Johns County

Project Manager, Volusia County Schools Continuing Services Contract, Traffic Impact Studies: Mr. Lassiter managed the continuing services agreement to provide traffic impact studies for Volusia County Schools. The following is a listing of studies performed under this continuing services contract:

- Elementary School "W" Traffic Impact Study
- High School "DDD" - Traffic Impact Study
- Middle School "GG" Left Turn Analysis
- Elementary School "V" - Traffic Impact Study
- Daytona Beach Bus Facility Relocation - Traffic Impact Study
- Daytona Beach Transportation Facility at Airport - Traffic Impact Study
- Orange City Educational Complex - Traffic Impact Study
- Edgewater Elementary School - Traffic Impact Study
- Elementary School "D" - Traffic Impact Study

Transportation Network Conceptual Design for the Viera DRI, Brevard County: Mr. Lassiter led the original transportation system planning efforts for a New Town transportation network planned for an eventual four-interchange development program in central Brevard County. To-date, the development accesses three of the four interchanges and the overpass for the fourth is built with the future interchange ramps yet-to-be constructed. The project included the eventual extension of the Pineda Causeway to I-95 as one of the four interchanges. This roadway has since been constructed, as well.

Designation of the Functional Classification for the Arterial and Collector Road Network, Brevard County: Served as the project manager for the initial designation of arterials and collectors, as required by state statues.

OVERVIEW

Mr. Lassiter brings over 45 years of professional transportation planning and engineering experience ranging from urban area and corridor studies, comprehensive plan amendments, development of regional impact studies and transportation modeling to roadway design, ITS design and signal systems design. Mr. Lassiter is a registered Professional Engineer in the State of Florida whose technical capabilities include the knowledge of and experience using several software programs such as FSUTMS, GELS, CALA, HCS, SYNCHRO, SIDRAA, TRANSYT-7F and PASSER II. He is President of LTG, Inc. and is ultimately responsible for all of the firm's efforts.

EDUCATION

University of Florida, M.E., Transportation Engineering (1978)
University of Florida, B.S.E.E., Electrical Engineering (1977)
Florida State University, A.A., Computer Science (1974)

REGISTRATIONS

Registered Professional Engineer, Florida P.E. No. 34868

AFFILIATIONS

Institute of Transportation Engineers (National and Florida)

VOLUNTEER ORGANIZATIONS

International Speedway Boulevard Coalition, Former Co-Chair, Current Planning Committee Chair

Team Volusia Economic Development Corporation, Board Member

Team Volusia Economic Development Corporation, Investor Relations Committee Chair Daytona Beach Partnership Association (DBPA), Former Vice-President

RELEVANT EXPERIENCE CONTINUED

Project Manager, Bicycle and Pedestrian School Safety Review Studies, Volusia County: Mr. Lassiter currently manages a continuing services agreement through the Volusia County Metropolitan Planning Organization and the Volusia County School Board to provide safety studies for approximately 17 middle and elementary schools throughout Volusia County. Studies include multiple site visits for data collection and photo documentation, review of crash histories, assessment of existing conditions including sidewalks, pavement, parcel data, school zone boundaries, walker and bicyclist counts, etc., review of each school's current traffic safety program, and providing recommendations and a feasibility analysis for each school studied.

Project Manager, Emergency Redesign of 67 Mast arm Traffic Signals Following Hurricane Andrew, FDOT, District 6, Homestead, Florida: Set up and managed an expedited design process that completed 67 mast arm traffic signal redesigns in 90 days. Involved designating multiple design and field teams, and setting strict design guidelines and schedules that produced high quality plans ahead of the submittal deadlines.

Districtwide Miscellaneous Design, FDOT District 2: Mr. Lassiter provided project management for developing construction plans for several minor design projects as part of two back-to-back design contracts with District 2 as identified below:

- SR 24 School Zone Flasher, Alachua County – Developed mastarm flashing signal/advanced school crossing installations on this divided highway in Waldo.
- SR 5 (US 1) Left-Turn Lane Addition, Duval County – Designed a left-turn lane in the median of this divided four-lane highway to serve access to an elementary school.
- I-95/SR 5 (US 1) Interchange Ramp Improvement, St. Johns County – Realigned an existing exit ramp to reduce crashes. Included the addition of a left-turn storage lane in the median of US 1 to provide safer turning refuge.
- SR 111/Pearl Street Mastarm Traffic Signal Replacement, Duval County – Developed a mastarm traffic signal design for this complex, five-way intersection in an historic residential district.
- SR 221/CR 14 Flashing Signal Design, Taylor County – Developed a replacement design for a flashing signal in this rural location north of Perry.
- SR 15 (US 17)/Stiles Avenue Mastarm Traffic Signal Replacement, Clay County – Developed a mastarm traffic signal design for this aging spanwire installation in Orange Park.
- SR 10 (Atlantic Avenue) Mastarm Replacement and Interconnect Design, Duval County – Prepared six mastarm replacement designs for concrete pole/spanwire installation and designed 1.25 miles of traffic signal system interconnect cable in Jacksonville.
- SR 224 (Kingsley Avenue)/Plainfield Avenue, Clay County – Developed a mastarm traffic signal design for this aging spanwire installation in Orange Park.
- SR 24 (Waldo Road)/NE 8th Avenue Mastarm Traffic Signal Replacement, Alachua County – Developed a mastarm traffic signal design for this aging spanwire installation in Gainesville.

Districtwide Miscellaneous Design Contracts, FDOT District 5 – Mr. Lassiter was awarded two back to back districtwide design contracts with District 5 and provided project management for developing construction plans for several design projects as identified below:

- SR 3 Milling and Resurfacing, Brevard County – Prepared design plans for six miles of rural resurfacing for this major access route to the Kennedy Space Center. Worked closely with the SJRWMD to avoid extensive permitting.
- SR 40 Sidewalk, Volusia County – Developed design plans for this important missing link of sidewalk in the City of Ormond Beach.
- SR 5 (US 1)/Harrison Street Mastarm Traffic Signal Upgrade, Brevard County – Developed a mastarm replacement design which
- required a driven-pile/cap foundation due to utility conflicts.
- SR A1A Revetment Replacement, Flagler County – Worked closely with District staff to develop a replacement revetment that would better withstand erosion due to storm surges on the Atlantic Ocean in Flagler Beach. Resulted in replacing coquina rocks with granite embedded over filter fabric.
- SR 40/SR A1A Monotube Traffic Signal Design, Volusia County – Developed a unique traffic signal design for this skewed intersection located on a curve of SR A1A in Ormond Beach. Monotube design was coordinated with the Central Office's Structural Design Consultant.
- SR 464 Mill and Resurface, Marion County – Prepared resurfacing plans, including access management, drainage improvements and detour plans for this part rural/part urban facility in Ocala.

DONALD JOHN SPENCE, PH.D.

P.O. Box 2905, Ormond Beach, FL 32175
donaldjspence@gmail.com ~ 386-235-0404

EDUCATION

- Ph.D. University of Florida, Gainesville, FL., Plant Pathology
- M.S. University of Central Florida, Orlando, FL., Biology
- B.S. Stetson University, DeLand, FL., Biology

EMPLOYMENT

1996 – Present, Owner of Native Florida Landscapes, LLC. Environmental Consulting specializing in tree care.
2021 – Present, Adjunct Graduate Faculty, College of Arts and Sciences. Florida Gulf Coast University, Fort Myers, FL.
2021 – 2023, Landscape Designer/Tree Consultant, Ayres & Associates, Tampa, FL.
2016 – 2021, Assistant Professor, Bethune-Cookman University, Daytona Beach, FL.
2020 – 2021, Adjunct Professor of Horticulture, Valencia College, Orlando, FL.
2013 – 2016, AP Biology/IB Science Teacher, Spruce Creek High School, Port Orange, FL
2007 – 2009, Stetson University – Adjunct Professor of Biology
2001 – 2009, Daytona State College – Adjunct Professor of Biology
2001 – 2009, Dredging and Marine Consultants – Senior Scientist. Development of environmental resource permits for activities associated with inland and coastal wetland dredging activities, including wildlife and vegetation surveys, both upland and submerged.
1999 – 2001, Science Teacher, Ormond Beach Middle School, Ormond Beach, FL.
1999 – 2001, BCI Engineers and Scientists, Daytona Beach, FL – Senior Scientist. Development of environmental resource permits for activities associated with inland and coastal wetland dredging activities, which included wildlife and vegetation surveys, both upland and submerged.
1997 – 1998, Bowyer Singleton and Associates – Field Biologist. Development of environmental permits for land use changes associated with upland development activities, including wildlife and vegetation surveys, and wetland delineation.
1995 –1996, Volusia County Beach Department, Coastal Dune Plant Nursery – Manager. A One-year grant funded position to establish and plant nursery that would be the staging ground for coastal restoration. Managed one to three volunteers and developed a coastal dune plant manual that outlined the techniques required to grow the major species.
1994 –1995, The Nature Conservancy – Ecological Restoration Intern
Primary responsibilities included managing and maintaining the native plant nursery, collecting data from long-term study plots, horticulture instruction for community education.
1992 –1994, Daytona Beach Community College, Southeast Museum of Photography – Senior Preparator. Responsible for overseeing the installation of photographic and multimedia exhibits. As senior staff, duties included managing and directing volunteers through various tasks for the installation and removal of exhibitions from the gallery.

1982 – 1989, U.S. Coast Guard – Enlisted, final rank E-5, Second Class
Storekeeper. Responsible for overseeing junior service members. Primary duties included budget management, stores and supply procurement, and post master for the station where I last served.

PROFESSIONAL AFFILIATIONS

- Florida Native Plant Society, 1995 – Present
- Florida Exotic Pest Plant Council, 1996 – Present
- International Society of Arboriculture, 2005 – Present
- Cooperative Invasive Species Management Area – East Central Florida, 2009 – Present
- Volusia County Code Enforcement Board, 2003 – 2004
- Volusia Soil and Water Conservation, Elected as District 5 Supervisor, 2006 – 2010

Volunteer Work

- Florida Native Plant Society (FNPS), 1995 – Present. As a member for 24 years, I have served as the local chapter president, local representative on the State FNPS Board of Directors, committee member on the science committee's grants review board, and two terms as the Vice President for Administration at the state level.
- Ormond Scenic Loop and Trail Association
- East Central Florida Cooperative Invasive Species Management Area
- Boy Scouts of America
- Ormond Beach Youth Soccer Coach
- Volusia County Agricultural Extension Office, continual education and technical assistance resource
- Various activities revolving around the education of the public through lectures, workshops, and field experiences.

CERTIFICATIONS

- International Society of Arboriculture, Florida Chapter, Board Certified Master Arborist FL 1341BM
- FLDEP S130 and S190 Controlled Burn and Fire Behavior Certificates
- FDACS, AES Commercial Herbicide Applicators License
- Commercial Landscape Maintenance License
- FDACS, DPI Nursery Stock Dealer

PUBLICATIONS

Spence, D. J. 2019. Efficacy of propiconazole against laurel wilt in redbay. Journal of Arboriculture, in development.

Perry, G. and Spence, D. J. 2019. Preliminary Evaluation: Hydrocarbons, Cobalt, & Urea Enhance Bacteria Benefits to Plants. Journal of Experimental Agriculture. 36(3): 1-6.

Isokpehi, R., Spence, D. J., et al. 2019. Targeted Infusion Project: Developing Quantitative Experience in the Undergraduate Biology Curriculum (QEUBiC)-Poster presentation. HBCU-UP, Centers of Research Excellence in Science and Technology Meeting, Washington, D.C.

Spence, D. J. 2018. Plants of Canaveral National Seashore: Exotic Plants. Florida Exotic Pest Council Quarterly. Vol 29(2).

Spence, D. J., Cho, J., and Jarrett, R. 2018. Plants of Canaveral National Seashore. Native Florida Landscapes Press, 259 pgs.
Cho, J, Spence, D. J. Jarrett, R., Reiter, M., McGinnis. 2016. Plants of Atlantic Center For The Arts, Bethune-Cookman University Press, 130 pgs.
Cho, J., Spence, D. J. Dahl, J., and Jarrett, R. 2014. Plants of Retention Ponds and Drainage Ditches: The Greater Daytona Beach Area, Bethune-Cookman University, 170 pgs.
Spence, D. J., Smith, J. A., Ploetz, R., Hulcr, J., & Stelinski, L. L. 2013. Effect of chipping on emergence of the redbay ambrosia beetle (Coleoptera: Curculionidae: Scolytinae) and recovery of the laurel wilt pathogen from infested wood chips. Journal of economic entomology, 106(5), 2093-2100.
Spence, D. J., Smith, J. A., and Hughes, M. 2013. Laurel Wilt: An Exceptionally Damaging Exotic Symbiosis. Journal of Florida Studies, Vol 1, No. 2.
Spence, D. J. Evaluating the effectiveness of pre-treating redbay trees (*Persea borbonia*) with propiconazole and pine-sol to protect them against the laurel wilt. In development, Journal of Arboriculture, in development for the Journal of Arboriculture.
Spence, D. J. and J.A. Smith. The Status of Laurel Wilt in the Southeastern USA. The Palmetto, The Florida Native Plant Society.
Spence, D. J. and J.A. Smith. 2013. Thousand Cankers Disease: A threat to black walnut in FL. University of Florida Electronic, Data Information System publication.
Spence, D. J., J. A. Smith, and M. Hughes. 2013. Laurel wilt: An exceptionally damaging exotic symbiosis that threatens Florida's forests. Journal of Florida Studies. In press
Spence, D. J. 2012. The survival and longevity of *Raffaelea lauricola* and the redbay ambrosia beetle (*Xyleborus glabratus*) in chipped and intact wood. University of Florida Doctoral Dissertation 135 pp.
Spence, D. J. and J.A. Smith. 2011. Potential for the Emerald Ash Borer to enter Florida. University of Florida Electronic, Data Information System publication,
Spence, D. J. and J.A. Smith. 2011. Assessing the risk of survival of the redbay ambrosia beetle and laurel wilt pathogen in wood chips. University of Florida Electronic Data Information System publication, #FOR289.
Spence, D.J. and A. Hodges. 2010. University of Florida Feature Creature: *Myzinum maculata* Fabricius (Insecta: Hymenoptera: Tiphiidae: Myzininae). University of Florida Creature Feature, #EENY 470.
Burchfield, J., Spence, D.J., Sweet, K., 2009. Understory: plants and their shapes and forms. Laguna Wilderness Press.
Spence, D.J, J. Weishample, J. Stout, and W. Taylor. 1998. Composition and Change of Maritime Hammock Flora in East-Central Florida After 20 Years. Master of Science Thesis, Department of Biology, University of Central Florida, 100 pp.
May, P.G., T.M. Farrell, S.T. Heulett, M.A. Pilgrim, L.A. Bishop, Don Spence, A.M. Rabatsky, M.G. Campbell, A.D. Aycrigg, & W.E. Richardson. 1996. The Seasonal Abundance and Activity of a Rattlesnake (*Sistuarus milliaris barbourii*) in Central Florida. Copea 389 - 400.
Johnson, S., D.J. Spence, and G. Lycan. 1996. A Walking Tour of the Stetson University Campus Flora. Stetson University Press 25 pp.
Spence, D.J. 1995. Coastal Dune Plant Materials Nursery Handbook, Volusia County Technical Manual. 62pp.
Spence, D.J., L. Bishop. 1994. The Adaptive Significance of Mucilage in the Aquatic Plant Watersheild, *Brasenia schreberi*. Florida Academy of Sciences Vol. 57, Sup. 1

AWARDS

2019 – Bethune-Cookman University Faculty Award for Research and Scholarly Activity.
2013 – Spruce Creek High School, Unique Teaching Technique Award
2011 – Southwide Forest Disease Workshop – Outstanding Student Presentation
2006 – Florida Native Plant Society Silver Palmetto Award
2000 – December Teacher of the Month, Ormond Beach Middle School
1993/94 – Scholarship winner, New Smyrna Beach Business and Professional Women's Club
1993/94 - Vaughn-Jordan Scholarship Winner, Stetson University
1993/94 – Mortar Board National Honors and Leadership Society, Treasurer
1994 – Beta Beta Beta, National Biology Honors Society, Historian
1994 – Stetson Biology Department Service Award
1994 – Outstanding Undergraduate Biological Science Presentation. Florida Academy of Science Meeting, Tallahassee, FL.
1992 – Who's Who Among American Junior Colleges
1992 – Daytona Beach Community College Hall of Fame

MILITARY EXPERIENCE

11/8/82-10/19/89. United States Coast Guard. Final rank of E-5, Storekeeper Second Class. Job titles held: Contracting Officer, Transportation Officer, Budget Coordinator, Imprest Fund Cashier, Postal Officer, Commercial and Military Purchasing Agent, Senior Watch Officer, Petty Officer of the Watch, Law Enforcement Boat Coxswain. Auxiliary duties: Firefighter, Damage control team, helicopter landing party, shipboard photographer, law enforcement boat crewman. Stations served at: Training Center, Cape May, NJ; USCGC Steadfast WMEC 623, St. Petersburg, FL; Training Center Petaluma, Petaluma, CA; USCGC POLAR SEA WAGB 11, Seattle, WA; Loran C Station L'Estartit, Spain, Sta. Mayport, FL.

United States Coast Guard Honors:
Honorable Discharge, twice received Unit Commendation with "O" (operations) device, Meritorious Unit Commendation, Sea Service Ribbon, Antarctic Service Medal, Arctic Service Medal, Navy Unit Commendation, Navy Arctic Service Medal, Rife and .45 Pistol Marksman, Cutterman's Pin, USCG European Theater Outstanding Operations Award.

Name Jeffrey A. Flairty, P.E.

Title President



Education

University of Central Florida
Orlando, Florida
B.S. in Environmental Engineering

Accreditations

Professional Engineer:
Delaware (2012)
Florida (2013)

Professional & Civic Activities

Former Member, ASTM E50 Committee on Environmental Assessments

Former President, Florida Water Environment Association, UCF Chapter

Former Board Member, Florida Env. Assessors Association

Former Member, American Society of Civil Engineers

Former Member, National Association of Env. Professionals

Areas of Expertise

Mr. Flairty is responsible for overseeing the business development, client management, staff education and project management of corporate environmental risk assessment services provided to private and public sector clients. Specific responsibilities include: technical and operational management of risk assessment services (Phase I/II ESAs), staff development and retention, site assessment and remediation (IRA/CAP/CAR/RBCA/RI/FS), environmental regulatory compliance assessments, environmental permitting (CWA, CAA, RCRA, CERCLA, SPCC and NPDES), as well as environmental safety & health program evaluations.

Project Experience

Airgas, Inc. - Currently manages environmental risk management services for corporate nationwide acquisition and real property management program. Provided environmental due diligence services for more than 508 property and corporate acquisitions during the past ten years. Services ranged from Phase I and II ESAs, soil and groundwater contamination assessments, emergency spill responses, source removal actions, regulatory permit compliance and permit negotiations. Assisted Airgas in the development and implementation of a corporate-wide environmental management system.

Plantation Preserve & Golf Club - This is a 213-acre project which involves the City's acquisition of the former Plantation Golf Club and the subsequent design of an Audubon-certified par 72 championship golf course incorporating a linear trail recreational component within the center of the proposed golf course. Services Mr. Flairty managed included: overall project management services as well as site master planning, wetland mitigation design and environmental permitting, surveying, landscape architecture, engineering services, stormwater management, flora and fauna evaluation, archaeological coordination, and construction services.

Boca Resorts, Inc. Environmental Due Diligence - Directed the real estate environmental due diligence program for a leisure and entertainment company whose acquisition of "unique destination" resorts is valued in excess of $1.4 billion dollars. Properties such as the Boca Raton Hotel and Resort, the Registry Resort in Naples, Fort Lauderdale's Pier 66 Resort Hotel and the Arizona Biltmore Resort were acquired in the past two years. Elements of the program included initial scope, site assessments, health & safety audits, compli-ance inspections, asbestos and radon assessments, as well as sub-sequent subsurface investigations, regulatory negotiations and reme-dial efforts. Provided integral support for the purchasing contracts team. Several properties required additional assessment/remediation which was identified prior to purchase, saving the Client millions in potential cleanup costs. In addition to the ongoing acquisitions, de-signed a corporate facility compliance program for all corporate prop-erty owned by the Florida Panthers. Aspects of this program included personnel training, inspections and recommendations for remedial procedures.

AYDEN Environmental

Golf Course Arsenic Sites:

1. Rolling Hills Golf Course (Davie-Huizenga Holdings)
2. Rolling Hills Residential Development (Davie-Huizenga Holdings)
3. Plantation Preserve (City of Plantation)
4. Foxcroft Golf (Miramar-CCHomes)
5. Cypress Creek (Orlando-KHovnanian)
6. Raintree Golf - 4 projects (Pembroke Pines-Hoyer Homes and Cal Atlantic)
7. Palm Aire Golf (Pompano Beach)
8. Sunrise Golf (Sunrise – CCHomes)
9. Doral – White Course (CCHomes)
10. Le Club GC (North Miami-Lennar)
11. Diplomat GC (Hallandale)
12. Cypress Creek GC (Boynton Beach-Pulte)
13. Avalon Trails (Delray-Lennar)
14. Delray Trails GC (13th Floor)
15. Forest Oaks GC (Mattamy Homes)
16. Sunrise Golf (Sarasota County)
17. Broken Woods (Coral Springs-KHovnanian Homes)
18. Bonaventure West Golf (Weston-Terra)
19. Hillcrest Golf (Hollywood-Pulte)
20. Boca Dunes (Boca Raton-KHovnanian Homes)
21. Hidden Valley CC (Boca Raton-private)
22. Crystal Lake GC (Deerfield Beach-Lennar)
23. Oaktree Golf Course (Oakland Park-Pulte
24. St. Andrews GC (Boca Raton-Private)
25. Woodmont GC (Tamarac-Pulte)
26. Gulfstream Polo (Lake Worth-Pulte)
27. Fountains GC (Lake Worth-Concert Fountains)
28. Sherwood Golf (Delray-Pulte)
29. Former Boca Tecca GC (Boca Raton-Concord Wilshire)
30. Boca National (City of Boca Raton)
31. Mizner Trails (Boca Raton-Private)
32. Sherbrooke (Lake Worth – Mattamy Homes)
33. Inverrary (Lauderhill – Concord Wilshire/Pulte)
34. Heron Bay (Parkland – NSID)
35. Tomoka Oaks (Ormond Beach – Private)
36. Eastpointe CC (Palm Beach Gardens-EPBG)
37. Lone Pine GC (Palm Beach Gardens-DR Horton)

Non-Golf Course Arsenic Sites:

1. Plantation Central Park
2. Multiple cattle dip vats
3. River Bend Marina
4. Gulfstream Polo Club (Pulte)
5. Broward County Aviation Parcel
6. Jacksonville Soil Remediation (Airgas/Air Liquide)
7. Former Parkland C&D Landfill (KHovnanian)
8. Former agricultural locations (citrus, row crops, silvaculture)
9. Former Ag marl sites, Homestead (Lennar, Centerline, CCHomes)
10. CCA Lumber playgrounds (Catholic Diocese of Orlando)
11. Impacted fill evaluation (New Haven, CT Airgas)
12. Foundry slag evaluation (Hammondville, IN-Airgas)
13. DERM Lakefill Permit Compliance Sites, Hialeah, FL Lennar
14. Kendall Place Mall (American Realty Advisors)

Ray and Associates
Planning & Environmental
William "Bill" A. Ray, AICP
President

2712 SE 29th Street
Ocala, Florida 34471
352-425-8881
WRAYASSOC@AOL.COM

Bill Ray; President of Ray and Associates is a nationally Certified Planner and Environmental Professional with 35 years experience. This experience includes Urban Planning, Site Design, Regional Visioning, Resort/Eco Tourism and Mixed Use Development, Agricultural Property Management, Sustainability and Alternative Energy Analysis, Construction Management, Local / State and Federal Regulatory Compliance including NEPA, ESA, RCRA and CERCLA. Bill has extensive experience and success permitting and constructing complex land development projects on sites with substantial environmental constraints and other limitations.

He is successful in the management of Departments, project teams and organizational groups of multiple employees. This management includes, annual budgets, cost projections, employee reviews and future staffing and need assessments.

Professional Registration
- American Planning Association, AICP No. 018824
- National Association of Environmental Professionals, #10072

Education
- Rollins College
  Bachelor of Arts, Environmental Studies / Natural Sciences

Professional Affiliations
- American Planning Association
- Urban Land Institute
- National of Association of Environmental Professionals
- Society of Wetland Scientists
- Congress for New Urbanism
- Lic. Florida Real Estate Professional

WORK EXPERIENCE

2009 - Present Ray and Associates – Ocala, Florida
President/Owner
Beginning of February 2009, I established Ray and Associates, a consulting firm providing Land Use Planning, Site Design, Environmental Analysis, Environmental and Regulatory Compliance, and Land Management. We provide guidance and assistance in the preparation and processing of land use applications, planning documents, zoning changes, environmental permit applications (404 / 401 / NEPA / ESA / RCLA / NPDES / WMD / DEP) and other Federal, State and Local permits. Current projects include South Chase - project within the Meadow Woods Station TOD, Grand Island Mixed Use Development PUD with 1,650 Units of both Active Adult and Multi-Generational SF Homes, 150,000 Neighborhood Commercial, Design Guidelines and Environmental compliance, managing all entitlements. Additionally, we coordinate and oversee Site Management activities throughout Florida and the Southeast for projects currently pending or under development.

2005 – 2009 Bowyer Singleton & Assoc. - Orlando, Florida
Senior Project Manager/Office Manager
I was responsible for co-management of the Ocala Regional office of Bowyer Singleton and Associates. With minimal staff we consistently exceeded annual economic goals in office revenue and additionally shared work with other offices to increase corporate revenue without increasing local overhead. I was responsible for business development and marketing, client communications, project schedule, project budget, billings and coordinating entitlements on a wide variety of projects in the Ocala, Orlando, First Coast (Jacksonville/St. Augustine) regional offices of BSA. I maintained a public presence serving on multiple boards and professional committees. My responsibilities included Master Planning and Site Design, Public Facilitation, Environmental Site Analysis and Agricultural Site Management, along with identifying new and emerging markets, such as Public Outsourcing of services, Ecological Umbrella Banking, GIS, International Clients, and Water Quality/Aquifer Recharge Improvement-Mitigation.

2000 – 2005 LDC Design Group, Inc. / Pariti Group - Hillsboro, Oregon & Clermont, Florida
Director of Planning & Environmental Services

Our department was responsible for identifying, applying for and obtaining all planning, land use, environmental permits and regulatory approvals for all projects designed by LDC Design Group Inc. The corporate office in Hillsboro, Oregon provided support to regional offices in Washington, Idaho, California and Florida. I established and managed a local department staff of 20 in the preparation and processing of property due diligence reports, design alternative analysis, land use applications, comprehensive plans, impact fees requirements, planning documents, environmental permit applications (404 / 401 / NPDES / NEPA / ESA / CEQA) and other Federal, State and Local permits. We also prepared and reviewed site design layouts on multiple subdivisions and commercial developments incorporating local land development requirements and site constraints. My project management duties included the consistent coordination and communication with clients, coordinated contracts, invoicing, construction scheduling, construction monitoring, regulatory compliance and overall project status. I successfully developed new clients and market areas.

1985 – 2000 Ray Land and Development, Clermont, Florida & North Carolina
Director

I oversaw complete operation of an 8800 acre highly diversified private land trust and development group. I consistently worked with budgets and contracts in excess of $500,000. Duties included operational and business management, real-estate transactions, wildlife management and habitat enhancement, current and future land use planning, marketing strategies, public presentations and educational tours. Agricultural departments included; Cattle, Horses, Hay, Seed, Sod, Vegetable Farming, and Mining. My duties included management of staff ranging from 8 to 60 individuals. Designed and implemented complete restoration plans for an extensive mining and peat processing operation including the restoration of all altered wetlands and sensitive ecosystems. I obtained development approval for multiple mixed-use developments, submitted and obtained all required environmental, zoning and land use permits applications. I marketed properties, negotiated sale contracts, coordinated real-estate transactions and closing for properties owned by the group. Majority of work accomplished in one of Florida's most highly regulated and protected regions, the Green Swamp Area of Critical State Concern (GSACSC). I coordinated the sale of the groups final 2800 acres of environmentally sensitive lands to the State of Florida as integral part of an overall 84-million-dollar acquisition effort.

1982-1985 Glace and Radcliffe, Inc. – Consulting Engineers, Winter Park, Florida
Environmental Specialist

My duties included the establishment of land use, permit and environmental design requirements for all projects. Projects varied from regional transportation projects to residential and commercial development. As a project team member, I assisted in the design, permitting and implementation of an EPA-208 Water Quality Improvement Grant for the City of Altamonte Springs, Florida, establishing early state wide criteria for the treatment of stormwater runoff. I performed all fieldwork associated with site evaluation and coordinated design, submittal, public presentations, and review process with clients and regulatory agencies.

Summer of 1981 Wolf Ecology Project, Missoula, Montana
University of Montana and the U.S. Council on Environmental Quality.

Project consisted of field research to determine if the Gray Wolf *(Canis lupus)* existed west of the Mississippi River in the continental United States along the northern Rocky Mountain Corridor. A written report was presented to and published by the U. S. Council of Environmental Quality. Data and information obtained was instrumental for the successful Gray Wolf Re-Introduction program in Yellowstone National Park.

Representative Projects

Environmental-Ecological Site assessments: During the past 15 years have completed an extensive number of Environmental/Ecological site assessments for projects throughout Florida. This work effort incudes individual pedestrian site surveys, Vegetation Surveys, Habitat assessment, Florida Land Use Cover Forms and Classification System (FLUCFCS) mapping, Soil Mapping, Wetland delineations, and other required ecological-biological evaluations based upon Federal, State and local jurisdiction requirements. This work typically includes species specific surveys, permitting, capture and relocation of species listed for protection along with permitting Jurisdictional Wetland impacts.

Oak Point Preserve, Lake County Florida Provided and Environmental Analysis and Land Planning services for this 284 Acre / 29 Unit development designed to specifically meet the extensive environmental requirements of the Green Swamp Area of Critical State Concern, one of Florida's most heavily regulated areas. Innovative designs implemented included the use of enhanced Septic Systems, LID Stormwater Treatment for advanced nutrient removal from stormwater and privately owned "Open Space" throughout the community. Project involved extensive Wetland Delineations and Protected Species for both Federal and State listed Species.

The Reserve at Howey in the Hills, Howey in the Hills, Florida – This 740 Unit / 385 Acre project involved revising and updating the project for final development plan approval. Included in the master site plan individual neighborhoods were created accommodating 4 product types for Single Family and Townhome products. The project additionally included 23 Acres of commercial use in a Neighborhood Center integrated into the community. Work included coordination Architectural Design guidelines, community parks master plan and extensive environmental considerations. Final project approval involved coordinating development and funding with two additional projects necessary to facilitate a major expansion of the Town's Potable Water distribution system and Wastewater Collection and Treatment system.

Cross Florida Greenway Trail – This project involved completing Environmental/Ecological site analysis and regulatory permitting and compliance for over 16 miles of Paved Trail construction for the Cross Florida Greenway Trail. Project involved extensive wildlife surveys, consultation and permitting with both the Federal/USFWS, State/FWC and State/SWFWMD assuring regulatory compliance and listed species protection.

Whitaker Family Properties, Lake County, Florida - Complete Development Analysis, Environmental Assessments, Protected and Listed Species Habitat Determinations, Pre-Consultation with USFWS, Market Analysis and Forecasting, Entitlement Status, Identification of and Coordination with Land Development partners and buyers, drafting project specific Design Guidelines, Annexations, Change of Future Land Use, Rezoning, Development Plan approvals, and coordinated survey and engineering designs for over 600 acres of multiple properties owned by the Family in Lake County, Florida.

Heron Glenn PUD, City of Mascotte Florida – This ongoing 245 Acre / 999 Unit - Single Family development involves over 1 mile of Jurisdictional Wetland Delineation, Product Development, PUD Site Design, drafting Design Guidelines, Access Analysis, Multiple Regulatory Agency coordination, overseeing Preliminary Engineering and Management of Entitlement Process. Town of Mascotte approved the PUD February 2021.

Ruben Groves PUD, Lake County, Florida – Provided Land Planning and Environmental design services for this 131 Acre / 490 Unit Mixed Use development designed to specifically meet the need of the Mobility Impaired. In addition the development is located in the Green Swamp Area of Critical State Concern, one of Florida's most heavily regulated areas. Innovative designs implemented included the use of Bio Swales for advanced nutrient removal from stormwater and multi modal internal transportation elements throughout the community. Project was appealed by DEO requiring testimony at a DOA Hearing where Expert Witness testimony as both Land Use Planning professional and Environmental Specialist was presented supporting the project designs for ADA and Mobility Impaired Community design elements that required extensive site alteration, Compatibility Analysis providing adequacy of buffering necessary to protecting adjacent uses and innovative treatment of stormwater to provide nutrient removal that exceeds local and state requirements.

Silver Springs Community Redevelopment Area, Marion County, Florida – As part of a professional consulting team Ray and Associates was commissioned by Marion County to develop Design Guidelines and draft revisions to the Marion County Land Development Code to provide for a consistent and reliable development program in the Silver Springs CRA. Silver Springs State Park, containing the worlds largest First Magnitude Freshwater Spring is within the CRA. Upon completion these Design Guidelines and Development Code Revisions have been adopted by Marion County. Work included numerous Community meetings, coordination with 3 State Agencies, County Engineering Department, Marion County MPO, and the City of Ocala.

Loves Landing PUD, Lake & Marion County, Florida – This project required utilizing an alternative "Special Master" hearing process where we successfully negotiated and provided expert testimony for Land Use Planning and Environmental issues. A successful settlement was reached where the Developer/Land Owner has been allowed to add additional land to his project while not having to request and obtain approval of a Large-Scale Amendment to the Future Land Use Map (FLUM) for the construction of a Single Family / Private Airport Community in a Rural area.

City of Ocala / Vision 2035, Comprehensive Plan and Zoning Code Revisions, West Ocala Community Plan Marion County, Florida – For this ongoing 3-year project we have teamed with other consultants to complete a long range public vision and growth management strategic plan, together with a Parks and Recreation Master Plan which will enable the City of Ocala revise their existing Comprehensive Plan and Land Development Regulations. The Vision 2035 project and the Parks Master Plan received unanimously approval and were adopted by the City. Current work efforts are associated with the EAR process and the development of West Ocala Community Plan, formation of the West Ocala Community Redevelopment Area (CRA), Community Mobility Master Plan and a Trail Master Plan.

City of Ocala / Recreation and Parks Master Plan, Marion County, Florida - As part of a professional consulting team Ray and Associates was commissioned by the City of Ocala to develop a comprehensive Recreation and Parks Master Plan. Upon completion this plan has been adopted by the City of Ocala. There are 47 existing parks within the current Ocala parks system ranging in size from .1 acre to 180 acres. The completion of the Master Plan involved identifying current conditions and deficiencies, conduct a detailed public survey, conduct

multiple public workshops, provide recommendations and preliminary designs for remediation measures, and develop a strategic budgetary implementation plan for future development of park facilities.

Florida Horse Park and Agricultural Center, Marion County, Florida – This 500 Acre project is in Marion County, Florida. This project is located on lands owned by the State of Florida and Florida Department of Environmental Protection (FDEP) Office of Greenways and Trails. The project required review, Detailed Environmental Analysis and Habitat surveys, substantial modification and redesign to existing preliminary concept plans avoiding or minimize environmental impacts, provide for additional equestrian requirements and meet the regulatory requirements such as treatment of stormwater for local, regional and state agencies. Project was revised with Phase 1 being submitted for approval in less than 3 months.

On Top of the World Communities, Inc., Estates West & Crescent Ridge West Extension, Marion County, Florida – This 5,215 unit / 4,987 Acre Development is part of the On Top of the World DRI in Marion County, Florida. The project includes multiple residential products to be located in 9 distinct neighborhoods. The project includes extensive preservation of natural areas, golf course redesign and an integrated Greenway / Park system. Project will include construction supervision and monitoring to assure compliance.

On Top of the World Communities, Inc, Terralea, Marion County, Florida – This 4,100 Units / 1,572 Acre Development is part of the On Top of the World DRI in Marion County, Florida. The project includes both Single and Multi-Family units, 50 Acres/ 300,000 SqFt of internal Retail Commercial, 50 Acres of Active Recreation, Neighborhood Parks and pedestrian friendly design. Project will include construction supervision and monitoring to assure compliance.

The Estates at Heathbrook, Ocala, Florida – This 384 Unit / 24 Acre Development is in Marion County, Florida. This project utilized Multi-Family units designed with substantial Architectural involvement. The project required extensive negotiations with Marion County to address protection and relocation of significant Live Oak Trees up to 60 inches in diameter. Duties included construction monitoring to assure compliance. Project was designed and completed in less than 24 months.

Estates of Sorrento Springs, Lake County, Florida – This 160 Unit / 160 Acre Development is in Lake County, Florida and located in the Wekiva Study Area. The project includes multiple residential products to be located in clustered neighborhoods. Development approval required the creation of project specific "Form Based" development guidelines. Forty (40) Acres of Long Leaf Pine Habitat were identified and preserved as a Community Tree park / Environmental Education Center. Additional Trails, Parks and open space allowed the development to retain 50 % open Space while avoiding impacts to identified protected species. Project is being evaluated for a "Gold" designation under the LEEDs Neighborhood Development Rating system. Project will include construction supervision and monitoring to assure compliance.

Bridgeport Village, Tualatin, Oregon - This project is one of the preeminent lifestyle shopping center in the Pacific Northwest. Consisting of approximately 505,000 square feet of retail, entertainment, restaurant and office space, Bridgeport Village offers the finest tenant mix and an unparalleled shopping, dining and entertainment experience anywhere to be found in the Portland area. Located at the intersection of Interstate 5 and Boone's Ferry Road, Bridgeport Village will enjoy the highest daily traffic counts to be found in the State of Oregon. Duties included construction monitoring and supervision to assure compliance.

Oregon Roses, Hillsboro, Oregon - This ongoing 628-unit residential development consists of 5 product types of single-family housing. Project design incorporated "Form Based" development Guidelines, extensive neighbor park system and a strong pedestrian orientation. Coordinated and supervised an extensive environmental cleanup, wetland impacts, USACOE, ODSL, NEPA, RCRA, CERCLA, ESA-Section 7 Consultation and 15 acres of native buffer restoration. Project is adjacent to Jackson Bottom Wetlands recognized by the EPA as a nationally significant wetland.

Arbor Oaks, Washington County, Oregon - This completed 546-unit, single-family residential development incorporated over 6 product types and was the first to include "Z" Lots the Portland Metro Area. Design included neighborhood parks and a system of Nature Trails. Included in the design were off-site road and utility improvements requiring extensive wetland permitting by USACOE and ODSL, ESA-Section 7 Consultation and addressing critical stream fish-passage. Additional duties included monitoring of construction to assure permit compliance.

Beacon Rock State Park, Washington - Project involved extensive alternative analysis for the sitting and design of a bridge crossing for the Burlington Northern Railroad and locating a Day Use facility associated with Beacon Rock State Park in the Columbia River George National Scenic Area. Project required coordination with multiple Local, State and Federal agencies, NEPA/EA and SEPA compliance, ESA Section 7-Consultation, Section 106-Consultation, SHPO and NHPA (National Historic Preservation Act) compliance, construction monitoring and supervision in addition to meeting the requirements of the Columbia River George Management Plan.

Norton Lane/Three Mile Lane 24-inch Transmission Main Project, City of McMinnville Water and Light, McMinville, Oregon

Provided wetland delineation, permitting, NEPA Section 7 Consultation, construction monitoring and supervision for a 6 Mile / 24-inch diameter transmission main project crossing the Yamhill River, a significant flood plain and seasonal wetlands. Techniques employed included both “Bore and Jack” under the river, to assure ESA/NEPA compliance, and Open Trench excavation. Permits were obtained in 120 days with permit submittal / approved without alteration.

Honeymoon Island State Recreation Area, Pinellas County, Florida

This project required extensive site planning and environmental permitting including USACOE, FDEP, NEPA and ESA compliance. Project included construction supervision and compliance monitoring for 150,000 cyd dredging project associated with a ferry channel improvement and the construction of a ferry dock together with support facilities.

Caladesi Island State Park, Pinellas County, Florida

This project required extensive facility planning and environmental permitting including USACOE, FDEP, NEPA and ESA compliance. Project included construction supervision and compliance monitoring for 50,000 cyd dredging project associated the construction of a 55-slip marina and associated support facilities

MOODY WILLIAMS
APPRAISAL GROUP



Qualifications of Michael Hotaling, MAI

Managing Partner
Moody Williams Appraisal Group, LLC

State Certifications

State of Florida
State-Certified General Real
Estate Appraiser RZ3226

State of Georgia
State-Certified General Real
Property Appraiser 334632

Education

Bachelor of Science
Business Administration & Finance
University of Central Florida

Contact Details

Moody Williams
Appraisal Group, LLC
1300 Riverplace Blvd, Ste 640
Jacksonville, FL 32207
Phone: 904-516-8900
Cell: 386-295-0295
Email:
mhotaling@moodywilliams.com

Prior to entering the appraisal field, Michael Hotaling, MAI, spent 20 years in the automotive industry at both the dealership and auto auction positions and now specializes in dealership valuations with over 100 dealerships appraised.

Experience

- Moody Williams Appraisal Group, Senior Appraiser (2020-Present)
- Moody Appraisal Group, Senior Appraiser (December 2018-2019)
- JLL Valuation & Advisory – Senior Analyst (May 2017-October 2018)
- IRR-Jacksonville, formerly Crenshaw Williams Appraisal Company-Senior Analyst (August 2005 – May 2017)
- IRR-Orlando, Researcher (June 2005 – August 2005)

Completed appraisal assignments in Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, and the District of Columbia include Multi-family development, condominiums, residential subdivisions, downtown and suburban office buildings, general and medical offices, mixed-use developments, shopping centers, and free-standing retail properties, all types of vacant land including islands and special use properties such as churches, funeral homes, and child care centers.

Assignments in the Jacksonville Metropolitan area (Duval County) also include surrounding counties of Clay, Nassau, St Johns, Baker, Flagler, and Putnam counties.

Qualified Expert Witness in U.S. Bankruptcy Court – Middle District of Florida



Qualifications of Ronald K. Moody, MAI, SRA

Founding Partner

PROFESSIONAL REAL ESTATE AFFILIATIONS

Chief Executive Officer – Moody Williams Appraisal Group, LLC (2020 – Present)
Past Chairman, Downtown Investment Authority (DIA), 2020/2021
DIA Recipient of Annual Dr. Klechak Award for 2023
President – Moody Appraisal Group LLC (2015 – 2019)
Senior Managing Director – Valbridge Property Advisors (2013-2014)
Chief Executive Officer – Broom, Moody, Johnson & Grainger, Inc. (1982-2013)
MAI - Appraisal Institute, Certificate 6469
SRPA Member, Society of Real Estate Appraisers, Certificate 902304
SRA Member, Appraisal Institute, Certificate 1088
State-Certified General Real Estate Appraiser RZ864
Graduate - University of North Florida, 1974, BBA Degree, Major - Land Economics
President of Society of Real Estate Appraisers, Jacksonville Chapter 72, 1983
President of the East Florida Chapter of the Appraisal Institute, 1997
Registered Real Estate Broker, State of Florida (BK231399)
Member of Jacksonville Board of Realtors
Member of Association of Eminent Domain Professionals (AEDP)
Instructor - Residential Valuation - American Institute of Real Estate Appraisers, 1981
Served as Special Magistrate - Tax Adjustment Board, 1983
Qualified as expert witness in Circuit and State Courts in the State of Florida
FNMA Approved Appraiser 1046710

APPRAISAL EXPERIENCE:

50 years' experience appraising many types of Real Estate, including:

Office Buildings
Shopping Centers
Apartment and Condominium Projects
Manufacturing Distribution Facilities
Service Stations
Mobile Home Parks
Warehouses and Industrial Projects
Residential Subdivisions
Extensive Eminent Domain/Condemnation Appraisals
Residential, Commercial and Industrial Land
Single-Family and Multifamily Homes
Hospitals and Nursing Homes
Country Club Communities
Market and Feasibility Studies
Hotels/Motels
Emergency Care Centers
Mini-Warehouses
Churches

The following Real Estate Courses and Seminars have been successfully completed (showing the last 10 years):

Appraisal Institute – USPAP Update Course & Florida Core Law (2012)
Appraisal Institute – Fundamentals of Separating Real Property, Personal Property etc. (2012)
Appraisal Institute – Business Practice and Ethics (2012)
Appraisal Institute – Analyzing Distressed Real Estate (2012)
Appraisal Institute – Excel as an Appraisal Professional (2013)
Appraisal Institute – Liability Issues for Appraisers Performing Litigation Other Non-lending work (2014)
Appraisal Institute – 3-hour Florida Core Law & 7 hour USPAP Update Course (2014)
Appraisal Institute – Behind the Headlines – the New Real Estate Economy (2014)
Appraisal Institute – Analyzing Operating Expenses (2014)
Appraisal Institute – Supervisor-Trainee (2015)
Appraisal Institute – AI Connect 2015 (Leasehold Valuation, Fractional Interest Valuations, Expert in Trial-Mock Testimony, Contract or Effective Rent: Finding the Real Rent)
Appraisal Institute – Real Estate Finance and Value (2016)
Appraisal Institute – Developing a Supportive Work file and Tightening the Appraisal (2016)
Appraisal Institute – National USPAP Update (2016-2017)
Appraisal Institute – Florida Appraisal Laws and Regulations Update (2016)
Appraisal Institute – The Tough One: Mixed-Use Properties (2017)
Appraisal Institute – 2-4 Unit Small Residential Income Property appraisals (2017)
Appraisal Institute – Online Cool Tools: New Technology for Real Estate Appraisers (2017)
Appraisal Institute – Overview of Real Estate Appraisal Principles (2017)
Appraisal Institute – Online Rates and Ratios: Making Sense of GIMs, OARs, and DCF (2017)
Appraisal Institute – Eminent Domain and Condemnation (2017)
Appraisal Institute – Online Business Practices and Ethics (2017)
Appraisal Institute – 7 hour USPAP Update Course (2018, 2020)
McKissock – Florida Appraisal Laws and Regulations (2018)
McKissock – That's A Violation (2018)
McKissock – Introduction to Commercial Appraisal Review (2020)
McKissock – The Basics of Expert Witness for Commercial Appraisers (2020)
McKissock – Supervisor – Trainee Course for Florida (2020)
Appraisal Institute – 7-Hour USPAP Update Course (2020)
Appraisal Institute – Florida Appraisal Law (2020)
McKissock – Residential Property Inspections: An Appraisers Perspective (2022)
McKissock – Supervisor – Trainee Course for Florida (2022)
A.I. – Florida Appraisal Law & USPAP Update (2022)
CLE Int'l- Florida Eminent Domain (2021)
A.I. Business Practices & Ethics (2022)
McKissock - Journey from Analysis to Adjusting (2022)

PARTIAL LIST OF CLIENTS

Academy Mortgage
Adams and Reese LLP
Akerman LLP
Alliant National Title Insurance
Alterra Group LLC
AMH Development LLC
Ashley Myers, P.A.
AT&T
Ameris Bank
Auld Vandergriff White II, LLC
Bailey Publishing & Communications, Inc.
Bank of America
BB&T
Beller & Bustamante, P.L.
Birchfield & Humphrey, P.A.
Boyer Tanzler & Sussman, P.A.
Cambridge Capital Group LLC
CenterState Bank
City of Jacksonville's Office of Economic Development (JAXUSA)
City of Jacksonville, Real Estate Division
City of Jacksonville Beach
Clay County Engineering & Public Works
Clay County School Board
Community First Credit Union
Davis, Schnitker, Reeves & Browning, P.A.
Davidson Development, Inc.
DHI Mortgage
Donahoo & McMenamy P.A.
Driver McAfee, Hawthorne, & Diebenow, PLLC
Duval County School Board
Everence Federal Credit Union
F3 Global Solutions, LLC
Farm Credit of Florida
Federal Housing Authority (FHA)
Fisher, Tousey, Leas & Ball, PC
Florida Memorial University
Foerster, Isaac & Yerkes, P.A.
Foley & Lardner, LLP
Gray Robinson, P.A.
Gunster
Heekin Litigation Group
Holland & Knight, LLP
iberia Bank
J. Demere Mason, P.A.
Jacksonville Port Authority (JAXPORT)
Jacksonville Transportation Authority (JTA)
JEA
The Liles Firm, P.A.

Mark M. Green P.A.
Marks Gray, P.A.
Milam, Howard, Nicandri, Gillam, & Renner, P.A.
Nationwide Mortgage Group, Inc.
Old Republic Title
Orange Park Medical Center
Regency Group, Inc.
Paradise Bank
PrimeSouth Bank
Presbytery of St. Augustine
Paul Harden, Attorney at Law
RM Domus Developers Corp
River City Contractors, Inc.
Roberts & Reiter, P.A.
Rogers, Towers, P.A.
Ryan Marks and Stromberg, Attorneys, LLP
Saalfield Law
Sleiman Enterprises
Smith, Hulsey & Busey, P.A.
Summitbridge National Investments, LLC
SunTrust Mortgage, Inc.
Synovus Bank
State of Florida (Department of Environmental Protection)
State Farm Insurance Company
St. Denis & Davey P.A.
St. Johns County Land Management Systems; Real Estate Division
Thames Markey & Heekin, P.A.
The Charles Skinner Company
The Cypress Group
The Hancock Bank
The Towers Group, Inc.
UF Health Jacksonville
University of North Florida
Valley National Bancorp d/b/a Valley Bank
Veterans Administration (VA)
VyStar Credit Union
Wells Fargo Bank
Zisser Law, PLLC

FISHKIND
LITIGATION SERVICES™

ECONOMIC IMPACT OF REDEVELOPING TOMOKA OAKS GOLF & COUNTRY CLUB

June 30, 2023

Prepared for
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Cobb & Cole
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Executive Summary

- Triumph Oaks of Ormond Beach, LLC ("Triumph") is planning to redevelop the closed Tomoka Oaks Golf & Country Club (the "Club").

- Triumph plans a new community composed of 276 residential homes ranging from $550,000 to over $763,000 on lot sizes from 50 to 80' wide. The community will be surrounded by a landscaped buffer/open space ranging from 50' to 125' wide. All its traffic will be directed through Tomoka Oaks Boulevard to Nova. However, alternative routes through the existing neighborhood are slower and circuitous; however, in an emergency do provide alternative ingress and egress for the all the immediate neighborhoods.

- Shuttered golf courses depress the values of surrounding residential properties. This conclusion is proven in the professional literature. Our hedonic pricing analysis supports this notion that a shuttered course depresses property values.

- By contrast, the redevelopment of the Club into a modern community with homes valued at $550,000 to over $763,000, surrounded by a large, landscaped/open space buffer will enhance the values of the surrounding neighborhood.

- The redevelopment project will also generate a substantial surplus for the City's budget.

1. Introduction

1.1. Assignment

Fishkind Litigation Services, Inc. ("FLS") was retained to analyze the economic and fiscal impacts of redeveloping the Tomoka Oaks Golf & Country Club (the "Club"). Economic impacts include: (a) feasibility of reopening the Club as a stand-alone golf course; (b) prospects for redevelopment; and (c) the effects on surrounding property values. Fiscal impacts quantify the cost and revenue effects of the proposed redevelopment on the budget of the City of Ormond Beach.

1.2. Background

The Club closed in 2018. It was purchased by Triumph on April 23, 2021 for $2,600,000. Triumph has submitted plans to redevelop the Club property into Tomoka Reserve, a 276-unit new residential community.[1]

1.3. Qualifications and Experience to Render this Expert Report

FLS has extensive experience analyzing the issues in this matter. FLS is currently engaged in the planning and financing of the redevelopment of the former World Woods Club in Brooksville by Cabot Farms.[2] The redevelopment involves fully redeveloping the 1,200 acres and restoring its two historic courses along with adding a clubhouse, amenities, and over 400 homes and lodging units.

FLS served as the Financial Advisor to the Herons Glen Recreation District in its successful, 2020, $20 million bond raise to redevelop and expand its golf course and recreational facilities. FLS helped the residents of University Park to establish their recreational district and to successfully finance their $19 million acquisition and expansion of their club and recreational facilities.

Dr. Fishkind was a founding board member of two publicly traded, real estate development companies with extensive Florida operations. He has served as an expert witness in a number of disputes related to golf course redevelopments and their financing.

[1] Application No. 2022-PZ-22-043.
[2] https://cabotcitrusfarms.com/

1.4. Limitations on Use of this Study

This study informs the decision-making process for the redevelopment plan. Any other uses of the report are only allowed with our express written approval. All information is current as of the date of this report. FLS has not been engaged to provide updates.

2. Economic Impact of the Redevelopment Plan

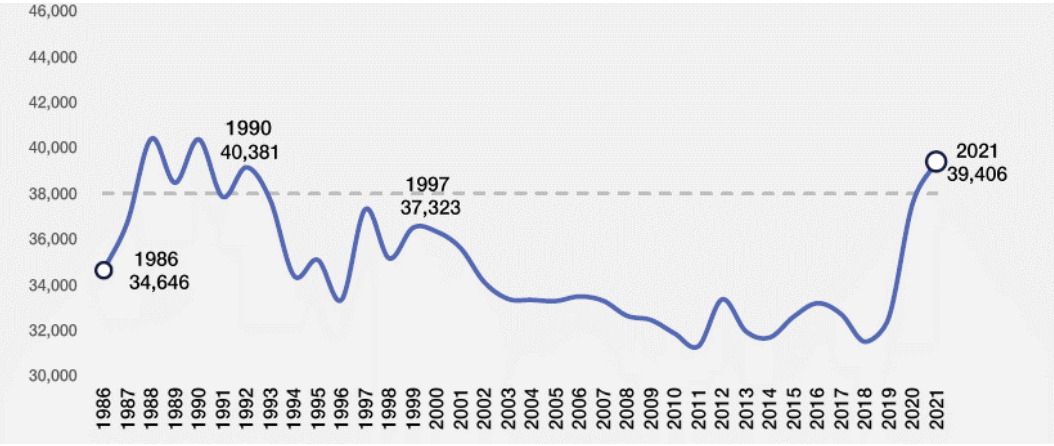
2.1. The Redevelopment Plan

Triumph plans to redevelop the Club property into Tomoka Reserve ("Reserve"). Reserve is planned as a modern, 276-unit, residential community. Lots and home sizes will be varied including: (a) 240 executive and estate homes with lot sizes ranging from 60' to 80' adjacent to the existing subdivision and (b) 50' wide homesites in the interior of Reserve. Home prices are projected to range from $550,000 to over $763,000. Reserve will be surrounded by a landscape open space buffer ranging from 50' to 125' wide. Although a PRD is a negotiated zoning, Triumph is approximating 276 units. Notwithstanding, the property is 147.94 acres and therefore the proposed density per acre, at 276 units, is 1.865 homesites. Certainly, we believe this should be considered infill low density especially with all the existing services complete including roads, water, sewer, drainage, commercial development, schools and houses of worship.

2.2. Financial Feasibility of Reopening the Club as a Golf Course Business

The pandemic reversed a 30-year decline in golf rounds played as Figure 1 illustrates. The volume of rounds on an 18-hole equivalent basis increased significantly in 2020 and rose to almost 40,000 in 2021.

Figure 1. Golf Rounds Played in the U.S.



Source: National Golf Foundation

However, the recent rebound in rounds did not arrest the continuing decline in the number of golf courses. As Figure 2 shows, there were 169 closures in 2020 (the latest data available) according to the National Golf Foundation ("NGF").

Figure 2. Net Change in U.S. Golf Courses



Source: National Golf Foundation

NGF opines that the combination of the pandemic fueled surge in play and the net decline of more than 1,600, 18-Hole Equivalent (18-HEQs) golf courses since 2006 and have moved the U.S. market closer to supply/demand equilibrium. Figure 3 illustrates this. In 2020, the ratio of the number of golfers per 18-Hole Equivalent Golf Course essentially mirrors the level depicted in 1986.

However, the rebalancing of the golf market does not mean that all areas of the country have returned to equilibrium nor does this imply that a stand-alone golf course can once again become a viable business operation. This is particularly true for Florida.

Figure 3. Golf Market Moves Towards Equilibrium



Source: National Golf Foundation

Florida has the most golf courses in the U.S. NGF reports that there are 970 courses in Florida. Florida also led the nation in the number of course closures in 2020 when 13 courses closed.

Figure 4. U.S. Golf Courses

Total U.S. Courses: 16,165		Golf Facilities by State						Total 18-HEQs: 13,355	
Florida	970	Pennsylvania	605	Minnesota	424	Missouri	308	Washington	256
California	825	Ohio	599	Iowa	378	Arizona	301	Tennessee	252
New York	742	Illinois	592	Indiana	372	South Carolina	301	Colorado	236
Michigan	718	North Carolina	472	Georgia	356	Virginia	298	Kansas	231
Texas	715	Wisconsin	454	Massachusetts	346	New Jersey	271	Kentucky	231

FLS conducted a market and economic feasibility study of reopening the Club as a stand-alone business. The Club was closed in 2018 and it has not been maintained since then. The cost to rehabilitate a closed course based on our client's contemporary experiences can range from a low of $5 million at Boca Royale to as much as $20 million based on the restoration of World Woods.

As noted above, the Club was purchased for $2,600,000. To be conservative, we will assume rehabilitation costs of $5 million. The total cost is therefore $7.2 million. There are eight golf courses in the Ormond Beach MSA (area). There are also another 21 golf courses within 20 miles of Ormond Beach, including 12 public, 4 municipal, and 5 private courses.[3] The market is very well served if not oversaturated. NGF reports that the average number of rounds per golf course is 24,000. At that rate the local supply is 700,000 rounds.

FLS projects that the Club could expect the average number of rounds of 24,000 per year. The Club would average $50 per round to be competitive and attract the 24,000 rounds expected. Adding revenues from cart rentals and the pro shop brings projected annual revenue to $1,575,000.

Annual costs total $983,069 as shown in Table 1. Based on this analysis, the Club could generate net operating income of $591,931.

Table 1. Annual Operating Costs for the Reopened Club

Category	*Amount*
Maintenance	$556,613
Labor	$294,456
Water	$107,000
Equipment	$25,000
	=========
TOTAL	$983,069

Table 2 displays the economic feasibility analysis. A purchaser would evaluate the projected cash flows over a ten-year horizon and then assume a sale in year ten. The minimum required rate of return on invested capital is 15% for this class of asset.[4] As Table 2 shows, the Club cannot achieve the required return to be economically feasible. The present value of the cash flows ("Total at PV") is negative. This means that the return on investment is negative at the 15% hurdle rate.

[3] https://www.golflink.com/golf-courses/fl/ormond-beach/#:~:text=Ormond%20Beach%2C%20Florida%20Golf%20Courses&text=There%20are%208%20golf%20courses,municipal%20and%205%20private%20courses.
[4] RealtyRates.com

This result is consistent with the continuing closure of courses and the lack of new course development as stand-alone business enterprises. Finally, it is also consistent with the performance of the Club, which was closed for many years before being purchased from foreclosure.

Table 2. Analysis of Financial Feasibility for Restoring the Club

Year	*Purchase & Rehab*	Revenue	Expense	Total	Total at PV
2024	-$7,200,000	$1,575,000	-983,069	-$6,608,069	-$6,608,069
2025	$0	$1,575,000	-983,069	$591,931	$514,723
2026	$0	$1,575,000	-983,069	$591,931	$447,585
2027	$0	$1,575,000	-983,069	$591,931	$389,204
2028	$0	$1,575,000	-983,069	$591,931	$338,438
2029	$0	$1,575,000	-983,069	$591,931	$294,294
2030	$0	$1,575,000	-983,069	$591,931	$255,908
2031	$0	$1,575,000	-983,069	$591,931	$222,529
2032	$0	$1,575,000	-983,069	$591,931	$193,503
2033	$0	$1,575,000	-983,069	$591,931	$168,264
2034	$3,946,207	$1,575,000	-983,069	$4,538,138	$1,121,758
	========	========	========	========	========
Totals	-$3,253,793	$17,325,000	-$10,813,759	$3,257,448	-$2,661,862

2.3. Review of the Professional Literature on the Impact of Shuttered Golf Courses on Surrounding Property Values

There is substantial professional literature on the impact of shuttered golf courses on the surrounding real estate. The literature is consistent in finding that course closure exposes the surrounding real estate to the blight of an abandoned course. As a result, the surrounding property values are depressed.

Yates and Cowart found that course closure reduced the values of residential properties in the golf course community by 17% in Shelby County, Alabama.[5] Thomas reports that property values are projected to decline by 4% to 18% if golf courses in Oro Valley, Arizona were to close. Bonnenfant concluded that the closure of the D'Andrea course in Washoe County, Nevada caused its surrounding homes to underperform their marketplace by 30%.

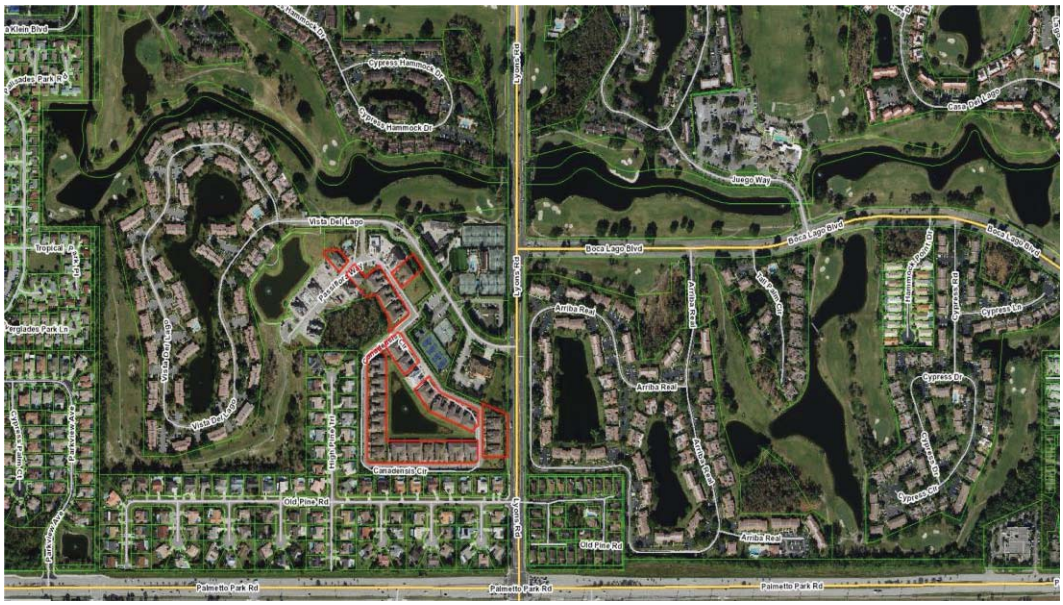
2.4. Case Study of the Impact of Golf Course Redevelopment on Surrounding Property Values

Recently, FLS conducted a case study of the impact on surrounding residential property values from the redevelopment of nine holes of the previously 27-hole Boca Lago Golf course in Boca Raton. The results are representative of what FLS expects from the redevelopment of the Club.
The Boca Lago Golf & Country Club is a members-only, privately owned, non-equity club, located at the northwest quadrant of Palmetto Park Road and the Florida Turnpike in Boca Raton. The club was struggling financially because it could not generate sufficient play on its 27 holes and was in need of redevelopment.

In 2017, PulteGroup closed on a 40-acre site within the Boca Lago Country Club for approximately $8.3 million. Pulte Homes converted 9-holes of the golf course into residential development, complete with a park and a nature preserve to cater to the needs of a 55+ active community called Boca Flores. Boca Flores is a condominium community comprising 120, two-story, carriage homes (with elevators), and one-story villas. Figure 5 shows the Boca Flores community outlined in red. Notice its proximity to the surrounding residential development, much like the Club's situation.

[5] Yates (2019), page 1.

Figure 5. Boca Flores and the Remaining 18-Hole Boca Lago Golf Course



To quantify the impact of the redevelopment of Boca Flores on the surrounding property values, we utilized the Palm Beach County Property Appraiser website to collect Qualified Sales data within certain radii of a randomly selected property address within Boca Flores, 9306 Vista Del Lago A, Boca Raton, FL 33428. FLS used price per square foot of climate-controlled space as the valuation metric.

FLS collected qualified sales data within a 1-mile radius of the above cited address to serve as the control group to compare against sales data collected within a 0.25 mile radius of Boca Flores. Sales data from Boca Flores itself was excluded.

The impact of redeveloping 9-holes of Boca Lago into the Boca Flores community is quantified by comparing: (a) the growth in price per square foot within the 0.25 mile impact zone to (b) the growth in price per square foot within the 1-mile control group area. As the data displayed in Figure 6 shows, prices increased significantly faster in the 0.25-mile radius demonstrating that the redevelopment caused property values to rise much more rapidly than in the general market area. Prices increased by 26% in the 0.25-mile radius which is directly impacted by the redevelopment compared to just 13% in the 1-mile radius.

Figure 6. Impact of Redeveloping 9-Holes of Boca Lago Golf & Country Club into Boca Flores Condominiums

BOCA FLORES				
1-Mile Radius				
	Average of Sale Price	Average of SP per Sq FT	# of Transactions	
2019	$174,704	$136.46	71	
2020	$188,968	$144.55	158	5.93%
2021	$199,875	$153.11	122	5.92%
.25-Mile Radius				
	Average of Sale Price	Average of SP per Sq Ft	# of Transactions	
2019	$187,958	$125.90	12	
2020	$196,924	$132.24	33	5.03%
2021	$228,595	$158.81	26	20.09%

2.5. Hedonic Price Analysis of the Impact of Golf Course Closures on Surrounding Property Values

To further test the impact on surrounding property values from the redevelopment of closed golf courses into residential homes, FLS conducted a hedonic pricing analysis. The hedonic index approach to explaining the sales price of a home starts by recognizing that a home encompasses a bundle of tangible and intangible features that home buyers value.

Hedonic methods are widely used in housing market studies focused on measuring the contribution of various home features and characteristics to sales prices. These types of studies typically involve housing features and characteristics that consumers can readily ascertain and express preference for such as number of bedrooms, granite countertops, gated community, high-ranked public schools, access to shopping, square feet of the home, community facilities and amenities, location, and similar features. The method is widely used by housing market analysts, appraisers and by U.S. Department of the Interior [Sirmans (2003), Reichert (2002), Bateman (2001), Silver (2016), Rosen (1974)].

Following professional practice, FLS hypothesized that the sale price per square foot of a home was a function of: (a) year of sale; (b) whether the golf course was opened or closed; (c) year home was built; (d) number of bedrooms; (e) number of bathrooms; and (f) which city the home was located in (Ormond, Daytona, Holly Hill, South Daytona, Port Orange, or unincorporated).

To develop the database for the hedonic price analysis, FLS identified each single-family parcel within a 5-mile radius of Tomoka Oaks Golf & Country Club. FLS embarked on the following using a 5-step methodology:

Step 1: Download the single-family (SF) parcel map shapefile from the Volusia County Property Appraiser's website.

Step 2: Overlay the golf course shapefile into the SF parcel map shapefile.

Step 3: Select by location all the SF homes within a 5-mile radius of Tomoka Oaks Golf & Country Club.

Step 4: Identify which golf courses are currently closed or have closed previously.

Step 5: Segment the SF parcels into two categories: (1) those where the golf course is open and (2) those where the golf course is currently closed or was closed at some point in time.

FLS identified the following golf courses that have most recently closed in Volusia County: DeLand Country Club, Sandhill Golf Course, Indigo Lakes Golf Course, River Bend Golf Course, and Tomoka Oaks Golf & Country Club. Presently, most of these golf courses are being considered for redevelopment or repurposing.

River Bend is owned by Ormond Beach. The City Commission voted unanimously on October 5, 2022 to GAI Consultants Inc. to create a conceptual redevelopment plan for the city-owned property, which is next to Ormond Beach Municipal Airport. The 219-acre property was split into three areas for conceptual planning purposes. Area 1 is reserved for either a park or for future development, Area 2 will add to the Airport Business Park, and Area 3 will be examined to determine potential uses. However, FAA regulations and restrictions are likely to limit future development.

The hedonic model's coefficients were estimated using ordinary least square ("OLS") regression. OLS provides the most reliable and unbiased coefficient estimates if its assumptions are met as discussed below. FLS selected six (6) independent variables for the hedonic analysis.

IV1: Sale Year
IV2: Did the sale occur when the golf course was open (1) or closed (0)?
IV3: Year Built
IV4: Number of Bedrooms
IV5: Number of Bathrooms (estimated by FLS because the Property Appraiser's website details bathrooms by # of fixtures across six different categories)
IV6: City Code --- for example, Ormond, Daytona Beach

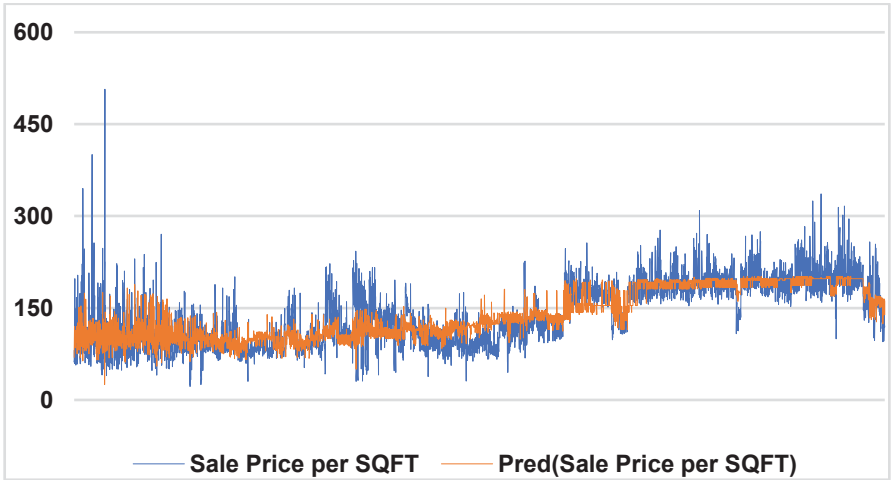
FLS selected Price per Heated Sq Ft as the dependent variable, meaning the main variable we are attempting to understand or predict. FLS established a sales price floor of $75,000 and qualified warranty deed sales only to run the regression model. The model was estimated using over 5,100 observations of sales of single-family homes within 5 miles of the Club. The results are shown in Table 3. The model provides a good fit to the underlying database. The model explains 64% of the variation in price per square foot as evidenced by the Adjusted R^2. The Mean Absolute Percentage Error ("MAPE") indicates that the average percentage difference between an actual value and the value predicted by the model is 18%. The DW and Cp statistics test whether the model meets the criteria for a reliable OLS regression and will be discussed later.

Table 3. Hedonic Pricing Model Results

Statistic	*Training set*
Observations	5,175.00
Sum of weights	5,175.00
DF	5,168.00
R^2	0.64
Adjusted R^2	0.64
MSE	901.08
RMSE	30.02
MAPE	18.29
DW	1.18
Cp	7.00

Figure 7 compares the actual observations on price per square foot to their predicted values. Given the substantial degree of variability in the pricing data, the model does a reasonable job of fitting the database.

Figure 7. Actual vs. Predicted Values for Price/Square Foot



The coefficient estimates for the hedonic price model are shown in Table 4. All of the coefficient estimates are highly significant with t-values greater than 2, meaning that they are all significantly different from zero with a 99.9% degree of certainty. The coefficient for whether the golf course was opened or not in the sale year has a value of -35.63. This means that the sale price per square foot of home was depressed by $35 per square foot if the golf course was closed during the year the home sold. This translates into a penalty of about 25% based on the average sale price per square foot in the sample of $135.

Table 4. Model Coefficients

Source	Value	Standard error	t	Pr > |t|
Intercept	-5,248.91	167.89	-31.26	**<0.0001**
Sale Year	2.27	0.09	25.28	**<0.0001**
Golf Course Opened in Sale Year 1=Yes 0=No	-35.63	1.37	-26.10	**<0.0001**
Yr Built	0.44	0.04	10.84	**<0.0001**
# of Bedrooms	-11.04	0.60	-18.37	**<0.0001**
# of Full Bathrooms	-3.52	0.73	-4.79	**<0.0001**
City Code	-1.24	0.28	-4.43	**<0.0001**

We conducted a number of statistical tests on the model to assess its reliability. There are seven classical assumptions underpinning a reliable application of OLS.[6] Analysis of how well our OLS model satisfies these assumptions is summarized below. Our application of OLS in the hedonic price analysis satisfies all the seven assumptions for reliability except for serial correlation as shown by the DW statistic of 1.18.

Serial correlation does not affect the estimated value of the coefficients. In other words, serial correlation does not bias their estimates. Instead, serial correlation artificially depresses the estimate for the standard error thereby inflating the value of the t-statistic. However, in this case the modest degree of serial correlation is not an issue because the standard errors are so low that some modest increase in their values would not change the resulting conclusions that all the coefficient estimates are highly statistically significant.

2.6. Analysis of Concerns by the Surrounding Property Owners

Some of the surrounding property owners have expressed various concerns about the impact of the redevelopment plan on their property values and quality of life.[7] Six concerns in particular were cited by the Tomoka Oaks Homeowners Association ("TOHOA"). These are addressed below.

2.6.1. Impact on Property Values

TOHOA fears that the redevelopment will decrease property values. No particular facts were cited to support this concern beyond the observations that the course is closed and subject to redevelopment.

Our analysis demonstrates that the redevelopment plan will not reduce property values for TOHOA homeowners. Instead, the redevelopment will improve those values. A shuttered course depresses values. Redevelopment into home prices from $550,000 to over $763,000 will enhance values in the neighborhood.

2.6.2. Compatibility

TOHOA points out that the properties adjacent to the Club property are on lots with widths of about 100'. The redevelopment plan envisions developing lots with widths of 60' to 80' on properties along the boundaries of the Club property and homes on lots ranging from 50' in the interior of the property. Importantly, the plan shows a very large, landscaped buffer/open space surrounding the redevelopment ranging from 50' to 125' wide.

[6] Frost (2019), pages 195-203.
[7] Golf Course Meeting Talking Points at https://www.tohaweb.com/home

The combination of larger lots 60/80's on the periphery coupled with the large, landscaped buffer mitigates any concern over compatibility.

2.6.3. Adequate Public Facilities

TOHOA complains that adding 276 additional housing units will overstress public infrastructure, hospitals, schools, water, and sewer facilities. There is no basis for these claims. The relatively small number of additional homes in the project will not stress existing facilities and infrastructure. Adequate utility services are available. Moreover, new housing with modern conveniences and design will invigorate older homes to be updated, which may also be a benefit to homeowners against potential property losses from extreme weather-related storm events, as well as the City of Ormond providing hurricane relief expenses to an older outdated neighborhood. Hospital facilities and school space is adequate relative to the increment of demand from the redevelopment. Finally, as demonstrated in the fiscal impact analysis, the redevelopment project will generate very substantial financial surpluses to the City that can be tapped to fund any additional public facilities.

2.6.4. Stormwater Runoff

All new developments in Florida are not allowed to generate more runoff after development than in the pre-development state. The redevelopment of the Club will provide adequate stormwater detention and treatment facilities.

2.6.5. Traffic

Traffic is dealt with at the permitting stage. The project is engineered to direct all its traffic via Tomoka Oaks Boulevard to Nova Road. Project traffic may exit the community on alternative roadways; however, those are longer and circuitous. Additionally, the alternative longer routes will provide emergency ingress and egress.

2.6.6. Quality of Life

TOHOA is concerned over traffic and noise during the development period. As noted above, the traffic is routed via Tomoka Oaks Boulevard to Nova Road and internally does not go through the existing neighborhood. Again, the direct route to the collector roads is out to Nova Road. Concerns over greenspace is mitigated by the landscaped perimeter buffer and the PRD open space requirements.

4. Conclusions and Final Observations

The redevelopment of the Club into Tomoka Reserve will have substantial positive economic and fiscal impacts on the surrounding neighborhood and on the citizens of Ormond Beach. Our analysis demonstrates that redevelopment of shuttered golf courses can be expected to enhance the values of surrounding residential neighborhoods. The hedonic pricing analysis supports this view for Tomoka Reserve.

The redevelopment also generates significant fiscal surpluses for the City's budget. This will enhance the City's capacity to provide services and facilities to all the residents of Ormond Beach.

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Share/Dear Editor, "Preserve The Green" in Tomoka Oaks," Carolyn Davis, Ormond Beach



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Before and after photos show how dead golf courses are being transformed into housing, parks, and flood protection systems

Peter Kotecki Sep 25, 2018, 9:22 AM

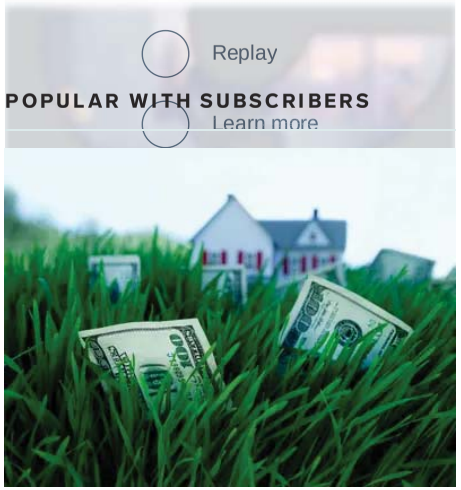




Xander Schauffele of the United States plays a shot from a greenside bunker on the first hole during the first round of the TOUR Championship at East Lake Golf Club on September 20, 2018 in Atlanta, Georgia. Photo by Kevin C. Cox/Getty Images

Golf is steadily losing players. When the Sports & Fitness Industry Association released data on the number of players in 2015, it showed the sport's lowest point in recent memory.





We spoke to Melinda Gates in 2019 about marriage, gender

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More than 800 golf courses have closed across the United States in the past decade, and millennials don't appear to be as interested in the sport as generations past.

Shifts in work culture and the economy are partly responsible for this decline in popularity, as more people

are working long hours and no longer have as much time to invest in golf.

But there's an upside to these closures: lots and lots of new space for developers.

Former golf courses are now being turned into residential areas, industrial spaces, parks, and detention ponds. Take a look at a few of the ongoing projects below.

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The Apple Ridge Country Club, which was formerly an apple orchard, opened its doors in 1966.



Sarah Jacobs

Located in Mahwah, New Jersey, the club was a popular gathering place for the surrounding community. The 108-acre property included an 18-hole golf course, a swimming pool, and tennis courts.

Apple Ridge closed in late 2015. Last year, it was being treated for lead and arsenic contamination in the soil.



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The country club was left uncared for after it officially closed.



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Sarah Jacobs

Curtains remained hanging inside, and vandals degraded the property, breaking windows and covering the walls with graffiti.

In this photo from May 2017, a water fountain outside the country club is empty.



Sarah Jacobs

Trump's mysteries are primed for discovery in the Biden era

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But in the past three years, developers have built nearly 80 upscale homes on the 108-acre property.



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Andrea Meck, a spokesperson for developer Toll Brothers, told Business Insider that two separate neighborhoods are being built on the land.



Toll Brothers

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One of them, Orchard Ridge at Mahwah, includes 34 homes.



Toll Brothers

The other development, Preserve at Upper Saddle River, has 44 sites.



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Automate my marketing

Both Upper Saddle River and Orchard Ridge at Mahwah are in a relatively convenient location for New York City commuters.



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Each of the new developments is located on a 36,000-square-foot plot.



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Beyond residential units, some developers have decided to turn former golf courses into detention ponds.



Friends reunite in the middle of a flooded intersection as water continues to rise in their neighborhood following Hurricane Harvey on August 30, 2017 in Houston, Texas. Getty Images

When Hurricane Harvey hit Houston last year, it destroyed between 30,000 to 40,000 homes, damaged power lines for thousands of residents, and waterlogged roughly 500,000 cars.

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Scientists say climate change will keep making storms like Harvey more destructive, so flood-prone areas like Houston are looking for ways to reduce future impacts.

In Clear Lake City, which is about 20 miles outside of downtown Houston, the water authority is turning a former golf course into detention ponds that can reduce flooding.



Jerry Hamby/Exploration Green

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Four of the ponds were not yet built when Harvey devastated the city, and the fifth one was only 80% complete. Still, that pond kept about 100 million gallons of water from reaching Houston's drainage system.



Jerry Hamby/Exploration Green

This project, which broke ground in 2016, will cost $28

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million and is expected to be finished by 2021. The five detention ponds will be able to hold half a billion gallons of stormwater.

Kelly Shipley, a project manager, previously told Business Insider that about 200 nearby homes were saved from flooding due to the pond.



Jerry Hamby/Exploration Green

By the time the project is done, the five ponds will be able to protect about 2,000 homes from flooding, Shipley said.

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In Belton, Missouri, a $105 million plan was recently approved to turn a former golf course into a 148-acre industrial campus.



City of Belton

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More than 10 years after the golf course closed, the Southview Commerce Center is slated for groundbreaking later this year.



City of Belton

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The development will include five buildings and is expected to create 1,400 new jobs.



City of Belton

When built, this project will feature light manufacturing, warehouses, and distribution

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space.



City of Belton

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In Prairie Village, Kansas, VanTrust Real Estate

bought the Meadowbrook Golf and Country Club in 2010.



VanTrust Real Estate

The 136-acre golf and country club, which had existed for about 80 years, closed for construction in October 2014.

Meadowbrook's new design calls for an 84-acre public park and a variety of residential spaces, including single-family homes, luxury apartments, and senior living units.

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Parts of the park have already opened to the public, with a full opening scheduled for this fall.



VanTrust Real Estate

The park will feature three miles of paved trails, a playground, several lighted pickleball courts, and outdoor fitness equipment.

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Some people have already moved into the homes.



VanTrust Real Estate

When it's finished, the development will feature 53 single-family homes, 70 villa homes, and 282 luxury apartments.

The senior living portion will cover 300 units, and an inn will have an additional 50 rooms.

Leanna Garfield contributed to this story.

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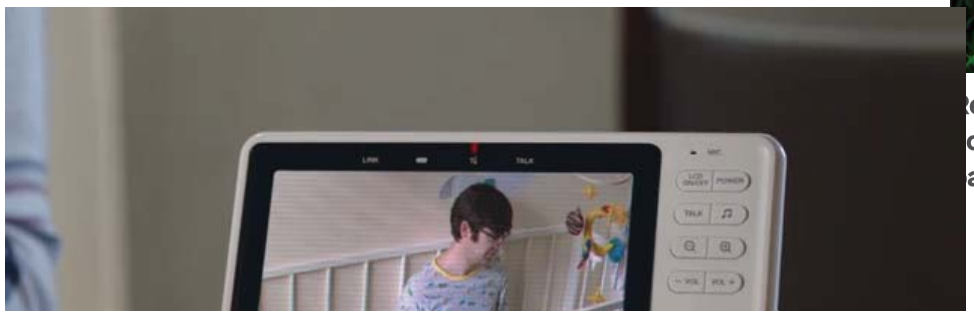



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America's Golf Courses Are Burning

More than 800 golf courses have closed over a decade. Now clubhouses are going up in flames.

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Illustration: Stephanie Davidson for Bloomberg

By **Patrick Clark**

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Wilson Gee, a California businessman, shuttered the golf course, erected barbed-wire fences, and began looking for a buyer, telling reporters the land would never be a working golf course again. Homeowners, complaining he was turning the course into an eyesore in order to win approval to redevelop it into single-family homes, sued to reopen it. Gee shanked his first attempt to sell it in 2014, when one homebuilder walked away from a deal, but last year found a buyer in a Denver-based developer.

Then one night in February, the dark clouds turned to smoke, and a fire caved in the clubhouse roof.

It's a local story, defined by conditions peculiar to Ahwatukee, a community of about 80,000 separated from downtown Phoenix by a collection of 2,500-foot peaks known as South Mountain. But the dynamics that bred the deadlock between the struggling golf course's owner and its aggrieved neighbors are mirrored in communities across the country.

More than 800 golf courses have closed nationwide in the last decade, as operators grapple with declining interest in the sport and a glut of competition. Many of those shuttered courses were built on land proscribed from redevelopment by local zoning codes seeking to preserve open space—or, as with Ahwatukee, by deed restrictions intended to protect homeowners who had paid a premium to live near a golf course.



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The community of Ahwatukee in Phoenix.
Source: Terra Server/Digital Globe

That leaves some golf course owners with the real estate equivalent of an unplayable lie: They can't make money running the course, and they can't recoup their investment by selling it.

"If you open a restaurant in a strip mall and you fail, you close shop and move on," said Jay Karen, chief executive officer of the National Golf Course Owners Association. But for golf course owners, it's much harder to pull the plug on a failing business; as courses fall into disuse, they become suburban zombies–not quite dead, yet far from alive.

"Nobody's tracking what's happening to the land," Karen said.

In April, fire ripped through the clubhouse at a shuttered western Kentucky golf course that had been the center of a lawsuit, burning through the afternoon until the roof collapsed over smoldering beams. On New Year's Day, a former volunteer firefighter lit a small fire outside the vacant clubhouse of a closed 9-hole course outside Orlando, then returned three days later to

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homeowner association to pay an additional $28 a month for course upkeep, Rhoads said. The homeowners demurred, the course was shuttered, and the clubhouse became a magnet for vandals, who posted graffiti on its stucco walls and eventually burned it down. Now Rhoads worries that the owner is making an end run around the homeowner association to convert half of the course into new homes and a winery.

"This used to be one of the nicest golf courses in Reno-Sparks," he said. Now? “Our property values are already down $25,000 a home."

To some extent, all those course closures are simply a market correction: The golf industry went through a building boom in the 1990s and early 2000s, driven by developers who used golf courses as amenities to help sell homes. But the closures also reflect changing preferences for leisure activities. Participation in the sport is down 20 percent since 2003, according to data from the National Golf Foundation, and homebuilders have moved on to new types of recreational amenities, including manmade lakes and agricultural communities. Lately, the equipment business has been feeling the sting, with Nike Inc. announcing that it would stop making golf clubs and retailer Golfsmith International Holdings Inc. considering bankruptcy.



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Ahwatukee Lakes Golf Course in Phoenix.

Photograph: Courtesy Richard Strange

In the face of declining interest and competition driven by oversupply, course owners have gone searching for ways out. Some have donated golf course land to nature trusts and local parks, taking a tax break in return for preserving the open space. Others have inked deals with homebuilders—though those deals are often contingent on winning approval from homeowner associations or local governments.

"I'm hard-pressed to think of many cases where there isn't a higher or better use than a golf course for the site," said Jeff Woolson, managing director of the golf and resort group at CBRE Group. "The only clear exception would be Augusta, Ga."—the hallowed, Bobby Jones-designed course that hosts the Masters tournament each year.

Lately, the fight in Ahwatukee has reached a new pitch. In July, a Maricopa County judge declared that deed restrictions required the "operation of a golf course" on the property. Then a local television station reported last month, citing unnamed fire department sources, that the

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Ahwatukee Lakes Golf Course in Phoenix.

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David Sabow, managing director at True Life Companies, said the lawsuit will be moot if the developer can win over the homeowners, but if need be, it's prepared to litigate for years.

"We spent a lot of time and effort to come up with a plan that the community would welcome," he said. "As far as I'm concerned, the property will never be a golf course again."

Gee, for his part, is glad to have washed his hands of it.

"People don't like change," he said. "But the golf industry is in even worse shape today than it was in 2013 when I closed the course."

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June 2017

ULI Case Studies

Atlantic Beach Country Club



ATLANTIC BEACH PARTNERS

The Atlantic Beach Country Club sits a few blocks west of the Atlantic Ocean, just east of Jacksonville. On the right, Sherman Creek separates the new clubhouse, swim, tennis, and fitness facilities from the rebuilt golf course and new residences.

PROJECT SUMMARY

The Atlantic Beach Country Club rejuvenated what had been a faded 18-hole golf course in the small town of Atlantic Beach, Florida, adjacent to Jacksonville. Adding 178 new single-family houses on 50 acres in the center of the 170-acre property financed entirely new facilities for the country club, reviving the club's flagging membership. The new country club includes a redesigned 18-hole golf course and an expanded clubhouse with additional amenities. The new houses, ranging from 2,000 to 4,000 square feet, were built by both production and custom builders in a mix of regional architectural styles. The town supplied reclaimed water for irrigation in exchange for an open-space easement over the golf course.

QUICK FACTS

Location
Atlantic Beach, Florida

Project type
Single-family

Site size
170 acres

Land uses
Golf Course, Single-Family Detached Housing, Single-Family For-Sale Housing, Water Uses/ Amenities

Keywords
Country club, Golf course community, Water-efficient landscaping, Water recycling

Location type
Inner suburban

Website
www.atlanticbeachcountryclub.com

Address
1600 Selva Marina Drive
Atlantic Beach, FL 32233

Developers
Silverfield Group
Wood Development Company
W.R. Howell Company

Owners
Atlantic Beach Partners LLC

Landscape architecture and planning
Euthentics LLC

Golf course design
LarsenGolf Inc.

Construction
MacCurrach Golf Construction
RPC General Contractors
Barco-Duval Engineering
A.J. Johns

Homebuilders
Riverside Homes
Toll Brothers

Residential broker
Florida Network Realty

Introduction

For decades, wrapping quarter-acre lots around a golf course was a surefire recipe for success in the suburbs. Since 2005, though, golf's fortunes have changed: the number of American golfers has shrunk by 20 percent, with an especially sharp decline among young adults. Spending four hours to play a single game—and years to master the sport—seems less enticing in an era of more fleeting pleasures. Golf's core devotees are just as enthusiastic as ever, but many country clubs are seeking broader membership bases and revenue streams to deal with rising facility maintenance costs—especially for properties that may now be 40 or 50 years old.

At many golf courses, the response has been to close the doors: 800 courses have closed nationwide since the mid-2000s. Yet redevelopment of those courses has often proved contentious; many neighbors strongly value having open space nearby, even if they are not paying for its upkeep.

Not far from the World Golf Hall of Fame, a redevelopment in Atlantic Beach, Florida, shows a different way forward. The Atlantic Beach Country Club (ABCC) shows how careful infill development can retain open space and habitat, improve the golf experience, infuse new life into country clubs, and improve local water quality, all while delivering new homes within a growing metropolitan area.



ATLANTIC BEACH COUNTRY CLUB

The front nine holes wrap around the houses. In the few areas where houses are close to the course, trees and water provide a visual and physical buffer.



ATLANTIC BEACH COUNTRY CLUB

The famed 18th hole is part of the back nine, along Sherman Creek, which has expansive views and houses on only one side.

Site and Context

In the 1960s, the Selva Marina Country Club (SMCC) was the toast of Jacksonville. The country club was built just west of Selva Marina, a subdivision of rambling ranch houses on spacious lots a few blocks behind the dunes in the sleepy seaside city of Atlantic Beach. Just beyond the SMCC's western fence were used-car lots along busy Mayport Road, but on its eastern edge only Sherman Creek and a few blocks of houses stood between it and the ocean. Within the club, members from nearby and across the growing metropolis enjoyed golf, tennis, swimming, and dining.

The Jacksonville area already had a reputation as a golf destination, but the SMCC drew curiosity seekers because it was only the second course built near the beach. Thousands of spectators turned out for an exhibition "dogfight" between Arnold Palmer and Sam Snead in 1962, for the first Greater Jacksonville Open (GJO) in 1965, and for the following GJO—when Jack Nicklaus hit the first double eagle in a televised tournament, taking the par-five 18th hole in just two strokes.

As both the Jacksonville area and the game of golf grew, attention drifted to still-greener pastures farther south. The GJO became The Players Championship and moved five miles south to Ponte Vedra Beach, while metro Jacksonville sprawled far to the southeast toward St. Augustine. The SMCC became just one of 70 golf courses scattered around northeastern Florida.

Although the SMCC may no longer have drawn crowds of spectators, it still had an enviable location for locals. Atlantic Beach sits at the northern end of the Jacksonville beaches, a trio of communities first settled as resorts by Florida's railroad magnate Henry Flagler at the turn of the 20th century. As cars supplanted trains, tourism shifted to areas along the main highways—and because Naval Station Mayport guards the mouth of the St. Johns River to the north, Florida's busy coastal highway (Route A1A) detours inland of Atlantic Beach. As a result, the city is a quiet cul-de-sac at the edge of Jacksonville, its three miles of coastline and quaint town center unburdened by through-traffic.

Unlike more commercialized areas to its south that cashed in on tourists and retirees, Atlantic Beach maintained a laid-back beach-town vibe



ERIK LARSEN

The Selva Marina Country Club before rejuvenation. Brackish irrigation water had poisoned the grass, and the flat landscape drained poorly.

and a family-friendly character. Its status as one of the few incorporated suburbs of Jacksonville (which consolidated with its county in 1968) gave it a degree of self-control unusual in the area. Also unusual was its scale: in a region where everything seems a half-hour drive away, Selva Marina residents "can ride bikes or golf carts down to the beach" or to the town center in just a few minutes, says Leed Silverfield, president of the Silverfield Group, one of the project's developers.

Atlantic Beach instead evolved into a bedroom community, 15 miles east of downtown Jacksonville and even closer to the new job centers in Jacksonville's southeast. As industries like banking, insurance, and health care grew to complement the region's core industries of logistics and defense, Atlantic Beach found new fans as investment bankers and surgeons moved to the area. Yet because the city was largely built out by the 1980s, the local housing stock was not keeping up with changing tastes.

The SMCC golf course, though, was literally dying from within. The irrigation water that the course drew from Sherman Creek, which cuts diagonally across the property, grew more brackish and gradually poisoned the grass. Even freshwater was more curse than blessing: the flat, featureless plain drained so poorly that "a one-inch rain closed the course for the next day," recalls Erik Larsen, a longtime member of the SMCC and designer of the new golf course. Prospective new members were drawn to the mushrooming competition, and existing members drifted away. "The club was in a slow downward spiral; membership dropped and maintenance was deferred, until the club was on the verge of bankruptcy," notes Larsen.

The Idea

Developers had long coveted the SMCC site because it was "one of the very few large open tracts in the beach communities," Larsen says. Silverfield calls the site "a once-in-a-generation opportunity. Atlantic Beach is a highly desirable area, but it's entirely built out." The city of Atlantic Beach also saw tremendous value in maintaining an open-space buffer at its northwestern flank and even once considered purchasing the club for a new park—but the capital investment needed for repairs proved too daunting. By a quirk of geography, most of the golf course sat beyond the city's boundaries and had been zoned by Jacksonville for multifamily development.

Yet the country club's tight-knit leadership was reticent about selling the land and disbanding the club. Its member-owners were in charge of its fate and wanted to see the club survive—but they needed money, both up front to reinvent the club in the short term and over the long term to sustain the club's finances for future generations of members. Doing so would require not just a reborn golf course but additional amenities to broaden the club's appeal: a larger clubhouse, more dining options, more fitness options, a better swimming pool, and more golf practice and training areas.

Even beyond its sentimental value, the country club still had a compelling market in Atlantic Beach. The area's continued population



ATLANTIC BEACH PARTNERS

An aerial view of the residential area, under construction. About half the houses are within a core area, and half are on culs-de-sac reaching into the course.

growth and strong golf-tourism market ensured that a rejuvenated golf course could hold its own—provided that it was part of a club that could draw on a broader market with a more diversified revenue base.

A partial land sale was another option that could split the difference and provide each of the parties with what they wanted: the club could get all-new facilities without any upfront investment, the city could retain an open-space buffer, and a developer would have country club homesites to sell. To pull such a deal together would require finding a compatible developer who understood the value that a new club would create all around. A deal came together in 2006 to develop the land as the Cove, a tight grid of formal neotraditional houses clustered on small lots at the southeast corner of the site, with a nine-hole golf course on the remainder of the site. That plan even made it through rezoning, but it collapsed amid the economic turmoil that soon followed.

Yet Atlantic Beach's intrinsic appeal meant that its housing market proved resilient in the aftermath of the 2008 recession. Prices not only rebounded, but per-square-foot prices soon rose back above replacement cost, and teardown activity resumed.

Larsen raised the idea again with Pete Rodrigues, a club leader who shepherded the process through the board. The board put out a request for proposal and began reviewing the responses. Mike Carlin, then president of the SMCC, recalls: "We had been working with several groups, and even had a draft contract prepared. Then we got a call from a member with a referral, determined that they were real, and got good references. Even though we were about to sign the deal in the next couple of days, we decided to meet—and they knocked our collective socks off with their proposal."

The dark-horse bidder was a trio of local developers who joined as Atlantic Beach Partners LLC (ABP): Silverfield Group, Wood Development Company, and W.R. Howell Company. This group's key advantage was that it shared the SMCC's vision of bringing a best-in-class country club facility to Atlantic Beach—not just to pamper the SMCC's members but also to maximize value. Silverfield says, "Other developers came up with plans that worked best for their pro forma, but we had a plan that worked for what the club wanted." According to Carlin, ABP's approach "was very unusual—they had already cut the deal and came back and asked about expanding the clubhouse. They treated it like a partnership; we both wanted this to have a certain character, to realize a vision for what this could become."

Development Team and Finance

The three firms in ABP had collectively developed over 15,000 residential lots in the market, but few with such a large upfront capital investment. They began moving quickly, moving from contract to closing in one year and to grand opening just ten months later. ABP brought Larsen on board soon after landing the contract, knowing his familiarity with the site.

Financing the construction proved to be a key sticking point. "We had a solid group of local developers with decent equity and an experienced team," recalls Silverfield, "but lenders were cagey. Especially for groups from out of town, 'golf course' was like a four-letter word—a hard sell. It didn't matter that we were tearing up the old course and putting in a new course, rather than adding to the supply. They were just concerned that golf was overbuilt." Community banks could see the appeal of an infill site close to the beach in a prime submarket, he continues, "but the dollar amount was too big. . . . National banks weren't willing to take that big a risk in a down market."

That left private debt. "We found a local group that we had connections to, a collaboration between two entrepreneurial real estate investors with opportunistic funds," notes Silverfield. "Having a local lender who knew

SITE PLAN



EUTHENICS

the demand really helped." Even then, the underwriting was rigorous: an $18.75 million loan with a 60 percent loan-to-cost ratio, a 50 percent presale requirement, and a "last dollars in" rider so that the funds disbursed only after equity and presale revenue. The lender was paid a base interest rate and a cut of each lot sold.

"It would have been nice to have all custom homes, but we needed at least one merchant builder to take down those lots quickly" and to meet the presale requirement, says Silverfield. That merchant was Toll Brothers, which purchased 90 lots; they were a "natural fit given their luxury profile—but with the purchasing power and credit of a merchant." Stacia Moore, senior project manager at Toll Brothers, echoes the sentiment: "This neighborhood is exactly Toll's brand," given its amenities and pricing. Toll's recent work was in more distant suburbs, and the firm initially had reservations about whether luxury buyers would opt for Duval County public schools. Steve Merten, division senior vice president for Toll Brothers, says that detailed research on the local buyer pool put those concerns to rest: "When we studied the whole area, we saw higher income levels due to the proximity to Jacksonville—and the beach lifestyle" was unmatched.

Another 30 lots were sold to Riverside Homes, an upstart local firm that "knew this would really launch their growth." That left 58 lots to sell at retail; some were sold to local builders for spec homes, and others were sold individually through a local brokerage.

"There was enough to do that everyone was actively involved, even without a set division of responsibilities," says Silverfield. In addition to paying the SMCC for the land, the developers spent $11.5 million to build the golf course and clubhouse.

Planning and Design

Atlantic Beach Country Club's site plan creates clusters for four distinct uses. The clubhouse, swimming pool, tennis courts, and fitness center greet visitors at the site's principal entrance from the east. Beyond a bridge over Sherman Creek, the new residences divide the golf course in two. Larsen points out that the practice area and "front nine holes wrap around the development in parallel," along the southern and western edges of the site, whereas "the back nine is a core layout, uninterrupted by roads or housing" along the creek at the eastern edge of the site. Larsen says that by clustering like uses, "the quality and value of each place goes up."

Whereas an earlier generation of country club developments sought to maximize the number of golf-frontage lots by double-loading fairways with houses on both sides, Larsen says that technique "banished the golf experience" by giving golfers an alleyscape of rooftops rather than broad views. Even where the ABCC has single-loaded fairways, Larsen continues, the course is designed so that views are "straight down the golf hole," with trees that soften the edge "and also help to pick up errant golf balls."

The layout was designed to maximize the golf experience with "varied shots, angles, tex-



ERIK LARSEN

Mature stands of trees were left on site, framing both the golf course and the new houses.

tures, and color" for golfers, Larsen says—both fun for casual or new golfers and "validat[ion] as challenging by area PGA Tour professionals." Not everything about the SMCC was discarded: the 18th hole was left intact, as an homage to Nicklaus's double eagle. Yet most of Selva's flat expanse was upended to vary the site's topography, taking a cue from the nearby sand dunes. Luckily, a vein of sand was hidden in the northwest corner of the site and could be mined for this purpose.

The new topography also helps with drainage—a critical issue since half the site was in a floodplain, and the flood storage volume had to be maintained. By "lifting the irrigated fairways, tees, and greens, we can carve out drainage channels between them," Larsen says, both as wet ponds and "dry drainage basins in the unirrigated rough areas between golf holes." The basins have standpipes and native plants that keep water from flooding the greens. Silverfield reports that the approach "did its job during the last hurricane."

The roughs were planted with 10,000 native plants—"sturdy vegetation that offers a great palette for the club's character," Larsen says, which also manages its water use, as it "took a bunch of the course out of irrigation." Wild grasses like muhly grass, cordgrass, and bahiagrass in the rough areas bleed directly into mulched or sandy areas.

Hundreds of existing trees already on the site were identified before grading and were retained or moved to new locations, creating a priceless instant tree canopy along the golf course with sabal palms, live oaks, coast oaks, longleaf pines, and saw palmettos. Landscape architect Kelly Elmore notes that the palms on the site "were acclimated to the soils, don't blow over, and are tolerant of high water" and were somewhat easily moved with a 90-inch spade. The site plan left other large trees standing, like a grove of maritime oaks that is now a centerpiece of the residential area, and relocated an osprey nest.

The oak grove and two ponds anchor the development's core, a compact area that accounts for half the house lots. The other half of the lots are along three culs-de-sac that branch north into the course for greater privacy. All but six of the lots back up to either a lake or the golf course.

Residential

Elmore took architectural inspiration from Atlantic Beach's charming older neighborhoods, whose durable and "timeless architectural continuity" evolved over several decades of construction. "We studied the old core and saw that we had to mix the lot sizes up." Five different lot sizes are interspersed at the ABCC, with lots ranging from 0.1 to 0.4 acres.

Considerable effort went into ensuring architectural quality and variety—including writing a pattern book that delineates four regionally appropriate styles—and making sure that every facade passes muster by an architectural review board. Merten notes that "the element of detail is unique at this small scale. Every little detail is reviewed—and then some." Builders were restrained from repeating the same elevation or plan too close together to avoid a cookie-cutter appearance.

The lots and streets are somewhat narrower than many of the local crews were used to; the streets have 50-foot rights-of-way and have to accommodate two additional utility pipes (for reclaimed water and natural gas). Planting street



PAYTON CHUNG

A "back porch" behind the clubhouse is a favorite informal gathering space for families.



ATLANTIC BEACH PARTNERS

The golf course was extensively regraded to vary its topography, lifting fairways and greens and creating flood storage areas in the rough or sandy areas to the side.

trees proved impossible in that context, so instead the architectural guideline requires one shade tree in each frontyard.

Clubhouse

"To keep the club viable way out in the future, we built amenities that both the homebuyers and the [current] members will want," says Carlin, with new attractions and membership categories for nongolfers. The amenities included a zero-entry swimming pool, fitness center, and both formal and informal restaurants. As the project progressed, the scope of the clubhouse crept upward as both the club and developer agreed that expanding the club's offerings had value: from 5,000 square feet in the initial request for proposal to 12,000 square feet, and finally to 16,000 square feet. One unexpectedly popular area is a grassy, fenced-in "backyard" between the clubhouse's grille and pool deck, which has become a favorite gathering spot for neighborhood children.

Elmore recalls that "propitious timing" also allowed the clubhouse to expand. "The three-quarter-acre residential lot next to the clubhouse came up for sale. We did a third-party sale, since the owner would never sell to the club." The additional land on the east side of Sherman Creek allows the larger clubhouse, tennis courts, pool, and parking lot to all fit east of the creek.

Approvals

The site had been rezoned in 2007 with a cross-jurisdictional planned unit development (PUD) adopted by both Jacksonville and Atlantic Beach. This time around, Atlantic Beach took the lead on rezoning the entire site. The previous PUD permitted 180 houses, and the new Special Planned Area permits 200—178 were built, but another 22 could be built where the driving range sits. An impervious site coverage limit of 65 percent and a 35-foot height limit apply across the site. Elmore says that "there was good cooperation with the city," in part because the proposed plan was superior in many respects to the existing entitlements.

The golf course's secondary entrance, leading toward Mayport Road, was built with a gate at the city's request. The gate keeps cut-through traffic on the highway.

Water

The new golf course would have been impossible without a new source of freshwater—an increasingly rare resource in Florida, where groundwater supplies are strained and saltwater



ATLANTIC BEACH COUNTRY CLUB

Three "cottage courts" are among the 178 houses on site. These four-house courts sit on half-acre parcels.

intrusion threatens surface waters. According to Silverfield, "It was in the city's best interest, the club's, and ours to make the water work."

Atlantic Beach offered to extend its water supply, in exchange for a permanent recreation and green-space easement over the golf course (the driving range excepted), and cooperation with annexing the entire site to the city. Silverfield says that the easement helped both parties: "So long as the city delivers water, the course can't be used for anything other than recreation. . . . The green-space easement gave our buyers a lot of peace of mind."

For Atlantic Beach, the golf course was also a water management opportunity. The city was already obligated to upgrade tertiary treatment at its wastewater treatment plant (WWTP), just 350 feet south of the golf course's southern boundary—resulting in reclaimed freshwater suitable for irrigation. Water reclamation would keep thousands of pounds of nitrogen and phosphorus pollution out of the St. Johns River.

Yet the opportunity had three wrinkles: (a) the new treatment facility had to be squeezed into the northern margin of the WWTP site, between the existing outfall and the golf course; (b) it had to be completed very quickly (the contract was approved in May 2013, and water had to be delivered in March 2014); and (c) although the average daily volume of water would be 0.4 million gallons per day, the course would need 1 million gallons per day for the grow-in period.

The solution was to reuse existing water tanks as a temporary disinfection facility for the first eight months while new chlorination and pumping facilities were built. An unused water main already ran from the WWTP along the golf course's western edge and would deliver the reclaimed water to a new 2.5 million-gallon, clay-lined storage pond. The city spent $1.4 million in total, including a $442,000 grant from the regional water management district.

Construction

With less than one year from ground breaking to opening, the sheer scope of regrading necessary to overhaul the site required a tremendous effort. "At one point, we had the site contractor working double crews here," recalls Silverfield. Luckily, he continues, the effort paid off: "We were able to plat the first few lots before we were finished with grading and start the model homes six months before everything else was in. . . . By the time we had roads open, we already had a ton of momentum" on home sales. Elmore also credits weekly staff meetings with quick resolution of issues as they arose.

Performance, Marketing, and Management

The residential lots sold out ahead of schedule, in about 18 months, at prices above pro forma—with the final lots selling for $370,000. The homebuilders also began building out their final tranche of lots ahead of schedule.

Equally important, the country club is now thriving. From 2013 to 2015, it swung from just barely breaking even to running a first-quarter operating surplus of over $360,000, thanks to a doubling of recurring revenue. Membership has grown from fewer than 200 to nearly 800, and the formerly sleepy clubhouse is now



ATLANTIC BEACH COUNTRY CLUB

The new clubhouse draws architectural cues from buildings in historic parts of Atlantic Beach.

abuzz day and night. Furthermore, 80 percent of the SMCC's members carried over to the new club—even paying half-rate "construction dues" for an entire year without having home facilities—and an influx of new homeowners has filled the new nongolf membership categories. The club now boasts the youngest average member age among its peers.

The redesigned golf course has garnered national attention: in 2014, it was named one of the Best New Courses by *Golf Digest* and a Renovation of the Year by *Golf Inc*. In 2017, the PGA's Web.com Tour Championship will again bring crowds of spectators and live TV cameras to the SMCC's famed 18th hole.

Marketing efforts began the moment "our plans were approved and we had zoning," says Silverfield; with a tailor-made list of potential customers—"we had a member special preview event at the old clubhouse, and club members had the first shot at reserving lots." Word of mouth has continued to grow, adds Moore. "As the community comes to life, it's starting to sell itself." Elmore estimates that about half of the buyers are new to the area, and one-fifth are neighborhood residents who want a newer, lower-maintenance house. One quirk that those who relocated appreciate is that the site, unusually for Florida, has natural gas; thus, homes can have fireplaces, gas cooktops, and instant water heaters.

East-facing lots were among the first to sell, both for the view over the back nine and for the ocean breezes. Lots facing the ponds and woods were also popular, says Elmore. "Many people didn't want to be directly on the golf course but wanted open views."

Homeowners are obligated by covenant to be members of both the country club and a homeowners association. Cost-sharing agreements are in place between the club and HOA for shared elements on the property that are not owned by the club, such as the entrances, and the HOA maintains spaces like the mail kiosks.

Observations and Lessons Learned

Larsen is optimistic that the precedent set at the ABCC can be "a solution to revive hundreds, even thousands, of failing golf communities" across the country. Developing only a fraction of the land meant "the country club realized capital from the land sale, receives mandatory dues and use revenue from the new neighbors, and got an entirely rebuilt facility, all in two years—legitimately a win-win situation."

An earlier generation of golf courses were not designed with land efficiency in mind, so it is not difficult to carve anywhere from 5 to 50 acres from the interior of a course—however much land is needed for a functional development parcel. "By moving a golf hole, I can probably also make it a better, safer, and more functional" golf course, says Larsen. "This model is good for golf," he continues, since it

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ValleyCrest Landscaping
Maier Development Solutions
Taylor & White
Ward Koutnik
Peacock Consulting Group
Golder Associates
Rogers Towers
Gunster
Richard Miller & Associates
Greene Hazel Insurance Group

Interviewees

Leed Silverfield, president, Silverfield Group

Stacia Moore, senior project manager, Toll Brothers

Steve Merten, division senior vice president, Toll Brothers

Kelly Elmore, Euthentics LLC

Mike Carlin, board member, Atlantic Beach Country Club

keeps golf courses in operation "without changing ownership and without changing use . . . and can rejuvenate a club with recurring revenue and social activity." The best candidates for a partial-infill approach would be those with high land values, strong underlying markets for golf and residential, and a parklike layout with few double-loaded fairways.

At the ABCC, the lack of adequate freshwater was a key factor that led the club to choose redevelopment. Nationwide, increasingly scarce water will require more collaboration between developers, municipalities, and major water users like golf courses. Reclaimed water (also called recycled water) particularly is growing in popularity; according to the U.S. Golf Association, it accounts for over one-fourth of all golf course water use. Recycling is also becoming more common for potable water; San Diego plans for recycled water to account for one-third of its water supply by 2035.

Silverfield credits the partial-infill approach for smoothing the development process. Keeping the club meant that "the interests were aligned between the club and developer" and contributed to "a strong relationship with the city and neighbors—so you're not swimming against the current, but with it." He continues, "The faster we sell those houses, the faster those people become members of the club—it's a symbiotic relationship." Yet finding the right balance at the ABCC took several tries: "It doesn't matter how fantastic the golf course is, if it doesn't work from a real estate standpoint. I want a neighborhood and a golf course that work together well."

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PROJECT INFORMATION

Development timeline

Selva Marina Country Club built	1958
Planning started	November 2012
Land contract signed	January 2013
City approved water engineering contract	November 2013
Land acquisition closed	January 2014
Construction started	January 2014
Development opened	December 2014
Country club grand opening	January 2015

Financial information

Equity	$12,400,000
Debt: Capital Solutions IV	$18,750,000
Total	**$31,150,000**

Development cost information

Site acquisition cost	$4,875,000
Hard costs	$18,829,000
Soft costs	$7,446,000
Total development cost at completion	**$31,150,000**

Land use plan

	Acres
Golf	111.61
Residential	39.49
Clubhouse	6.74
Streets	11.88
Total	**169.72**

Residential information

Number of units	178
Price range	$619,000–$1,500,000
Unit size range	2,313–3,964 square feet
Cottages (80- by 90-foot lots)	12
55 feet wide	50
60 feet wide	64
70 feet wide	34
80 feet wide	18

Country club amenities

18-hole, 6,815-yard, par 71 golf course
350-yard practice range
Putting green
Chipping green
Cart barn
16,000-square-foot clubhouse with two dining rooms, tennis and golf pro shops
Fitness center
25-yard, 6-lane swimming pool
7 clay tennis courts

Country club membership categories

	Members	Capacity
Golf	307	325
Sports	150	160
Social	250	250
Homeowner social	60	N/A
PGA Tour ambassador	7	8
Senior	12	12
Total	**786**	**N/A**

Urban Land Institute

About the Urban Land Institute

The Urban Land Institute is a global, member-driven organization comprising more than 40,000 real estate and urban development professionals dedicated to advancing the Institute's mission of providing leadership in the responsible use of land and creating and sustaining thriving communities worldwide.

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Patrick L. Phillips, Global Chief Executive Officer

Funding for this case study was provided by:

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Closed Courses Spur Development Frenzy in South Florida

By Joe Barks | October 28, 2019

Shuttered golf course properties have become "the latest construction frontier," as developers look for available greenspace in a region where land scarcity has led to rising acreage costs. "If golf had stayed wildly popular, it would make it even more difficult to solve the housing problems we have in Southeast Florida," said one expert.

Construction crews soon will pour concrete over the greens and sand traps at the long-closed Oak Tree Golf Course in Oakland Park, Fla., to make way for 405 single-family homes and townhouses, *Law.com* reported.

The development follows the fate of the Hillcrest Golf Course in Hollywood, Fla., which is now home to over 300 residences, with more to come, *Law.com* reported. The story is the same at Boca Lago Country Club in Boca Raton, Fla., where one of two courses will be built on (https://clubandresortbusiness.com/developer-purchases-portion-boca-lago-cc-8-3m/).

South Florida golf courses are the latest construction frontier as developers home in on financially strained greenspace, *Law.com* reported. The courses are welcomed by builders facing land scarcity.

"It's probably a combination of the struggle of the golf industry, where there's just too many golf courses in South Florida, combined with the lack of developable land in South Florida, because you have natural constraints with the ocean and the Everglades," Brent Baker, who leads the Southeast Florida division of homebuilder PulteGroup Inc., told *Law.com*.

"There's a lot of natural constraints," Baker added. "There's not a lot of land. Some of these closed golf courses become sites that developers like ourselves want to look at, to see if there's any viability in converting [them] from golf course to residential." As South Florida courses began to close, developers like Pulte started taking a hard look at them in 2015, Baker told *Law.com*.

The former Hillcrest course near Memorial Regional Hospital South is set to become the Parkview at Hillcrest, *Law.com* reported. A total of 645 single-family homes ranging from three to six bedrooms will be built, with half already completed.

Pulte also is building the 130-home Boca Flores, a 55-and-older community on an 18-hole course at Boca Lago Country Club, *Law.com* reported. The country club kept its other18-hole golf course.

Similarly, the 152-home Enclaves at Woodmont, another Pulte project, is rising on part of the Woodmont Country Club in Tamarac, Fla., with about 20 homes, varying from two to six bedrooms, now completed. Woodmont closed nine holes where Pulte is building the homes, and kept a 27-hole course open.

Another target, *Law.com* reported, may be the 36-hole Inverrary Country Club in Lauderhill, Fla., which has said it will close next June after opening in 1970 (https://clubandresortbusiness.com/inverrary-cc-announces-shutdown-date/).

"After many years of operational losses where revenues have not been sufficient to cover the expenses, the club ownership has determined that golf course operations are no longer viable at Inverrary," said David Husman, a partner at Inverrary owner Victorville West LP. "It is time to redevelop the entire property to other permitted uses."

At the same time the course closures have accelerated due to the golf market stabilizing after its boom era in the late 1990s and early 2000s, *Law.com* reported, the land has taken on higher value as a development site.

"When courses close whether in South Florida or elsewhere, it's typically because there's enough existing supply in the area. Often, it is also tied to the value of the land itself," Eric Matuszewski of the National Golf Foundation told *Law.com*. "Many owners sell as part of a planned exit strategy, and that valuable land is then used for higher and better uses, whether that's development or open space.

Pulte paid $10.2 million for 44 acres at Woodmont, or $231,818 per acre, and $25 million for the 150-acre Hillcrest property, or $166,667 per acre, *Law.com* reported. The price is not necessarily cheaper than other land deals that don't involve golf course properties, and the houses that are built on the courses sell at market rates.

Still, golf courses making way for new housing could be good news for the affordable housing crisis by expanding the housing stock, *Law.com* reported.

Ken Johnson, a professor at Florida Atlantic University, said golf course redevelopment, although often opposed by neighbors, is generally good news for nearby property owners and public coffers.

"If you are on a course that's been poorly maintained or it's vacant, it's not helping your land value," Johnson said. "To have new housing developed around you is probably positive, as long as its quality and style is similar to what's around the golf course."

But it won't be seen as good news for existing homeowners of manicured $750,000 homes to get a next-door condominium development at $250,000 per unit, *Law.com* noted.

"Golf courses in general are a net positive to the supply of land to develop property. Without them, things would be worse than they are," Johnson said. "If golf had stayed wildly popular, then it would make it even more difficult to solve the housing problems we have in Southeast Florida."



Joe Barks

Joe Barks is the Editor of Club & Resort Business magazine, working out of Wayne, Pa. (suburban Philadelphia). He has been covering the club and resort industry since the launch of C&RB in April 2005 and during that time has written cover-story profiles of over 150 club and resort properties, as well as many additional articles about specific aspects of club management and profiles of leading club managers. Barks has been a writer and editor for specialized business publications for over 40 years, covering a wide variety of industries and professional disciplines over the course of his career. He is a four-time winner of Jesse H. Neal Awards from the American Business Press, known as the "Pulitzer Prizes" for industry trade publications. He has also been a freelance contributor to many leading national consumer and business publications, and served as Marketing Manager for the Hay Group, a leading worldwide management consulting firm. He is a graduate of the University of Pennsylvania.

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Advertisement

Golf Course Communities' Double Bogey

Demand for Country Club Lifestyle Dries Up in Overbuilt Washington Suburbs

By Anita Huslin
Washington Post Staff Writer
Monday, August 11, 2008

It wasn't long ago that real estate developers could build a golf course community and collect a $30,000 premium from customers who might not have even played golf, but aspired to the country club lifestyle.

Not anymore. Projects have been put on hold or canceled because potential buyers are no longer willing to pay extra, can't qualify for a mortgage or can't sell their homes to trade up. Courses that were too far along to stop are struggling to find customers.

"People just can't afford the luxury of a country club. It's become much more aspirational," said Marc Montgomery, a developer who opened his third Washington area golf course community this summer. Like the other two, River Creek in Virginia and Cross Creek in suburban Maryland, his latest, Oak Creek, is the centerpiece of an exclusive luxury community. He has brought in a company from Pennsylvania to manage the golf operations but, he said, "it's hard to spend $12 million [on a course] and make it back at $50 to $100 a round."

"If you don't have enough people buying houses fast enough, it's never going to work," Montgomery said.

Sixty to 80 percent of people who live in golf communities don't play the sport, said Edward T. McMahon, a senior resident fellow at the Urban Land Institute in the District. Now that mortgage lending has tightened up and potential buyers are more price-conscious, "all of a sudden, the whole math changes," he said.

Eighteen months ago, buyers would gladly have paid a $25,000 premium for a lot on a fairway at the new Lake Presidential Golf Course, said Aref Hinedi, vice president of marketing for Texas-based Ryko Development. The course opened in May five miles from Oak Creek in Upper Marlboro. "It was simply a question of the bank giving them money," he said. "It was easy. Now the market is not there any more."

Developers are also seeing the residual shakeout of a nationwide golf construction binge that created an "unsustainable and unrealistic" number of courses at its height about eight years ago, said Joe Beditz, president of the National Golf Foundation.

In 1999, 509 new golf courses opened in the United States, compared with 113 in 2007, foundation data show. Industry officials project fewer than 50 will open this year. In addition, more golf courses have closed in the past two years than have opened, according to the NGF. "Rationality has returned to the marketplace," Beditz said.

Henry DeLozier of Global Golf Advisors, a consultancy to golf course developers and operators, said the Washington area was more overbuilt than other major metropolitan areas. About 15 courses in the planning stages at the end of 2006 have been deferred or dropped, he said.

Rounds of golf have also decreased, according to NGF data. Maryland courses reported 3.5 percent fewer rounds, and Virginia reported a 1 percent decline.

Since Lake Presidential opened in the Beechtree community in May, it has launched a variety of promotions, including senior discounts on Tuesdays, a Wednesday night women's league and a junior golf program, and hosted several fundraisers. For early joiners, there are no golf cart or range practice fees and no minimum spending requirements in the pro shop or dining room. The course bills itself as an upscale public course, with dramatic black sand bunkers, an old tobacco barn and two man-made lakes, and offers annual membership for $4,200 or daily walk-on fees of up to $95.

Membership development is coming along slowly. After more than three months, according to general manager Nathan Presnal, the club has signed about 50 members. Eventually, it hopes to have about 125.

John Shields, a past president of the National Golf Course Owners Association and current president of the Glenn Dale Golf Club in Glenn Dale, says his business is off 10 percent this year. He drives to competing golf courses from time to time, counting the number of cars in their parking lots. His club, he said, is on the losing end. He is trying to sell his property to a developer.

"My family and I have owned it for 50 years," said Shields, who said operating costs -- labor, fertilizer, irrigation, fuel for lawnmowers -- have been rising, along with competition. "It's just too difficult to earn a dollar."

He is not alone. By year's end, the owners of Beechtree Golf Course in Aberdeen plan to close it and redevelop it as a community of 735 new homes. At Hillendale Country Club in Baltimore County, members worried about the slowing economy put off a $2.7 million upgrade last year. There are no current conversations about when that might happen, club officials said.

And last summer, two pension funds bought the Leesburg-area Beacon Hill golf course at auction. They would like to sell it for redevelopment by the end of the year, according to Joseph Mayes, an attorney for the funds. But, he said, "we recognize that it's not a particularly good market at this point."

The appetite for land used by golf courses has decreased, said Global Golf Advisors' DeLozier.

"Most of the golf courses being closed and repurposed were being acquired by developers or large-volume home builders," DeLozier said. "Clearly, those folks are now on the sideline. So the elimination of golf courses we saw in 2005-6-7 has slowed because the capital market does not have an appetite."

Jack Kay, whose family has owned, developed and operated golf courses in the Washington region since 1938, closed the last one, Indian Springs in Silver Spring, two years ago, and is in the process of selling it to a developer.

"I wouldn't want to be opening up a new golf course right now," he said, noting that home builders' troubles are making life even more difficult for developers. Developers generally map out a project, sell lots to a builder, construct the golf course and then either sell it to a company that operates courses or turn it over to homeowners. That generally doesn't happen, however, until a development is well underway or completed, industry officials said.

Last Monday, one of Oak Creek's builders, Carl C. Icahn's WCI Communities, filed for Chapter 11 bankruptcy protection. It had completed several houses and a model home in Oak Creek but had not sold them all. Montgomery said he will find another builder to replace WCI, which did not return phone calls seeking comment.

"We have enough sales to offset our debt and make a little bit of profit," said Montgomery, who said that about 350 of 1,200 homes have been sold. About 50 of 400 or so club memberships have been sold, and the pace has been slower than Montgomery says he would like. "It isn't like it's coming to an end; it's just not a very good market," he said.

Golf Courses Emerge as a Fix for L.A.'s Affordable Housing Crisis

A Los Angeles architect argues that the solution to the city's housing woes might lie on the 18th green. Urban golfers don't agree.

Anthony DiMauro
September 11, 2020, 7:00 AM EDT
Corrected September 15, 2020, 9:32 AM EDT



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Housing-starved Los Angeles maintains the largest municipal golf system in the United States. Should some of that land be used for something else? *Photographer: Patrick T. Fallon/Bloomberg*

The Rancho Park Golf Course is an 18-hole, par 71 municipal course in the affluent West L.A. neighborhood of Cheviot Hills, near Century City. The greens used to be the domain of a private club, but became part of a Los Angeles city park after World War II. It's the former home of the PGA's Los Angeles Open, and site of a handful of memorable golf milestones, including, in 1969, the second tour victory for Charlie Sifford, the first African-American pro to play on the PGA tour.

"It's a really pretty park," says Dermot Connell, an L.A. golfer who is very involved in the city's municipal circuit and serves as a Rancho Park board member. "From almost every point at Rancho, you can get a perspective of the city. It's unique in the sense that you're in the middle of a major metropolitan area – yet there you are, walking along a tree line in a little oasis of solitude."

ADVERTISING

Replay

However, the course looks a little different to Daniel Dunham, a designer at the Santa Monica-based Koning Eizenberg Architecture firm. To him, Rancho Park would be an ideal spot to build affordable housing.

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Dunham estimates that one could fit 15,000 units – homes for about 50,000 people – on the 200-acre site, which is also within walking distance of both an upcoming Purple Line extension and a station on the Expo subway line. And Rancho is just one of the 19 courses available to L.A. duffers – the city operates the largest public golf system in the United States.

"It's just such a huge use of land that I find it's pretty inexcusable in dense urban areas," Dunham says.

He runs a few numbers: Urban golf courses take up about 120 acres of land each, on average. That's about 2,300 acres of land occupied by courses within the city of L.A. alone. But there are another 68 golf courses – 12 public, 20 private, and 36 municipal – within 20 miles of Los Angeles, the course directory Golf Link says, bringing the total courses in the area to 87. Tally it all up and Greater L.A. is devoting more than 10,000 acres to the game of golf.

"If you can get something like 15,000 units in one place, then it opens up a lot of opportunities for

innovation and efficiency.”

Dunham assembled this back-of-the-napkin estimate to illustrate just how much real estate is locked up in the game, even as Los Angeles continues to struggle with an affordable housing crisis. Current L.A. housing prices are averaged at 7.3 times higher than the median income, and racial disparities mean that nearly 40% of Black residents spend half their income on rent. The coronavirus is exacerbating the crisis further: In May, economists were warning of a 20% homelessness spike in L.A. alone.

But in Los Angeles, as in so many other cities, efforts to build more housing often face community resistance – a phenomenon that Dunham often sees from his perspective as a designer of multifamily housing projects. Back in 2017, Dunham worked on a five-story affordable housing development in Santa Monica that faced community backlash and concerns from residents about low-income renters bringing crime to the neighborhood. Still, the development has been in operation since 2018, housing people with an income between 30% and 60% of the area median income.

“People tend to be very supportive of affordable housing policy in L.A., but the thing that people tend to oppose is the project itself,” says Dunham. “Once they see the proposal and that it’s a big building in their neighborhood, then suddenly it’s not good enough or not right for the neighborhood.”

Efforts to build thousands of units of new housing for the city’s soaring homeless population – a goal of the 2016 bond measure Proposition HHH – have fallen far short, in part because of community resistance, litigation delays, and stratospheric construction costs. The latest audit from the city controller revealed that the average cost to build a single unit stood at $531,000, as the *Los Angeles Times* recently reported, and only a small fraction of the anticipated projects have been completed.

The clear solution, according to Dunham, is to tap L.A.’s vast reservoir of municipal golf courses. He picked Rancho Park because of its strategic location and size. “The site is so huge, you could build a factory there, build the units on site, and crane them into place,” he says. “If you can get

something like 15,000 units in one place, then it opens up a lot of opportunities for innovation and efficiency."

Just playing the Dunham's numbers game, a residential development in Rancho Park could accommodate most of L.A.'s nearly 60,000 homeless.



With its central location and good transit access, Rancho Park Golf Course in West L.A. might be a good candidate for housing-focused redevelopment. But the course's players don't agree. *Photographer: Bryan Chan/Los Angeles Times via Getty Images*

The idea isn't new. As the popularity of the sport fades (between 2002 and 2016, the number of players in the U.S. dropped by about 10 million people), proposals to redevelop the hundreds of shuttered and underutilized links are multiplying nationwide, and around the world. More than 200 golf courses closed in 2017 alone, according to the National Golf Foundation – a trend that some environmentalists celebrate, and that developers have tried to capitalize upon. Denver wrestled with a 2017 proposal to turn a 155-acre golf course into affordable housing units. In Kansas City, the local planning commission voted to approve a $105 million development on a vacant municipal course. New Jersey's Joint Planning Board approved 249 new dwellings on a portion of a 160-acre suburban course. And in Pennsylvania, a housing developer attempted to build 336 new family townhouses on part of a failing course's plot of land.

In all of these cases, however, the proposals were met with fierce resistance, as residents objected to potential traffic increases and loss of green space. Should Los Angeles try to repurpose any of its public courses, the opposition would be no less engaged, local players say.

Connell, for example, is not thrilled by Dunham's idea to build affordable housing units on the land now occupied by Rancho Park. "While recognizing that the homeless issue is real and that it's a very big burden on the city of Los

Angeles, I'd be personally very disappointed if they somehow managed to build on Rancho Park, or any of the city courses I play, for that matter," he says. Losing the course would remove a valuable community social center, and he predicted that nearby residents would wrap any such plan up in years-long fights for approval.

"I'm glad that people are thinking about ways to solve that problem," Connell says. "I would love it if they came up with other solutions other than knocking down Rancho Park. I just don't think it's practical."

Marc Dauber, another club member, also reacted strongly to the idea of redeveloping his local greens. Municipal courses like Rancho Park represent an affordable option for less-affluent golfers. "In order to join a private club in West Los Angeles, the cost is no less than an initiation fee of $225,000 with monthly dues of probably $1,500 a month." he says. "That obviously prices out a few people."

In comparison, a weekend round at Rancho is $45.50, although Dauber admits that it's not as well kept as some of the private clubs.

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Cost isn't the only difference between country clubs and municipal golf. In this predominantly white sport, public city courses tend to be enclaves of relative racial and gender diversity, as a member of the City Park Players Club in Denver told the *Denver Post* in 2015. And they gained new value as safe sites for outdoor recreation during the coronavirus pandemic, which has at least temporarily delivered a surge of popularity to the pastime.

When Dunham's housing unit estimate was brought up to Dauber, he told me his instant reaction was to present his middle finger, and then suggested finding other solutions.

"I would use the course acreage as a last resort," he says. "I think there are other opportunities where they could find space. I'd also say that the land is worth so much, that I just

can’t see that being used for affordable housing. I’d rather see them go higher density in different places.”

But Dunham points to the fact that building housing just anywhere won’t solve the problem. “You know, L.A. has a lot of low-density areas that are really close to these trains,” he says. “We’re building these new lines that are hideously expensive, so you should want to be efficient with that money. It’s counterproductive not to put housing and offices adjacent to those lines.”

Dunham is not suggesting that redeveloping a golf course is going to be easy, even in a city that has 19 of them. But to him, the objections that the golfing community raised sound all too familiar.

“Sure, neighbors will sue. They’re going to say that it changes traffic, that it affects property value. They’ll do whatever they can,” he says. “And these kinds of people are very good at appropriating language of social justice movements, and they’ll claim that this is gentrification, or that this is displacement, which are real problems – just not so much in Cheviot Hills.”

(Corrects spelling of Charlie Sifford in first paragraph)

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Conceptual Master Plan for the potential phased redevelopment of 107 acres of golf course property withi

MANDATE

The Oaks of Kissimmee is a thriving master-planned residential community of 900-plus acres that was developed in the late 1980s around the Oaks National Golf Course. The property is located in unincorporated Osceola County, about 15 miles southeast of Walt Disney World Resort and on the northwestern shore of Lake Tohopekaliga.

Location

Kissimmee, Florida, United States

Services

Master Planning

During Florida's golf course development boom of the 1990s, 60 percent of courses built were tied to community developments. Developers saw golf courses as a major amenity that increased land values and sales turnover for single-family homes.

While it made business sense to subsidize the operating costs of a golf course to maximize the sales prices of lots within these communities, most developers' primary interest was in selling real estate and not in operating golf courses. As a result, many courses were not economically viable, and the golf industry was left with an oversupply that were not sustainable.

In response to the current state of the golf market, the Oaks National Golf Course owner engaged NAK Design Strategies to master plan for redevelopment options on 107 acres of golf course greens, fairways and driving range area.

Planning services by NAK's Orlando office have included amending the existing Planned Development (PD) zoning to include new Multifamily, Single-Family Residential and Commercial uses on the current golf course tracts. These uses are in line with a future land use designation of Low-Density Residential. NAK is also leading a recission of the property's DRI (Development of Regional Impact), which has become obsolete.

DESIGN INTENT

NAK and the client have taken a thoughtful approach on how to redevelop portions of golf course, without adversely impacting the comfort and property values of existing residents.

Of the 107 acres of underutilized golf course to be modified, 47 percent (51.2 acres) would be converted into new public green space, stormwater ponds and a new recreation facility for homeowners.

New playgrounds, fitness stations, playing fields, dog parks and an interconnected trail system would be introduced to the community through this redevelopment program.

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Guy Cipriano

Study: Golf courses enhance communities in the same way as parks and other green spaces

USGA-funded Community Values of Golf Courses project quantifies environmental benefits of 135 golf courses in the Twin Cities.

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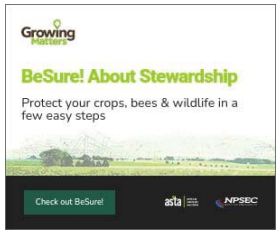

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October 15, 2020
Golf Course Industry staff (/author/12554)

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Through funding provided by the United States Golf Association, researchers at the University of Minnesota and Michigan State University have reached a key milestone in the most comprehensive study ever conducted on the environmental impact that golf courses have on their communities.

The Community Values of Golf Courses project quantified the environmental benefits of 135 golf courses in the Twin Cities metropolitan area as compared with five other land uses: natural areas, city parks, suburban residential zones, urban residential zones and industrial parks.

The researchers demonstrated that properly managed golf courses provide the greatest amount of cooling among land uses, are more supportive of pollinators than urban residential or industrial areas, and retain more nutrients from stormwater runoff than suburban or urban residential areas. In general, this demonstrates that golf courses enhance surrounding communities in much the same way as city parks or open green spaces.

Correspondingly, the conversion of golf courses to residential or industrial use would sacrifice associated environmental value afforded to communities and could result in reduced biodiversity and increased temperatures and nutrient transport to surface and ground water.

A summary of preliminary conclusions from the ongoing project can be found in the **Sept. 4 edition of the Green Section Record** (https://www.usga.org/content/usga/home-page/course-care/green-section-record/58/17/ecosystem-services-provided-by-golf-courses.html), the USGA's digital magazine that offers the latest information on turfgrass culture, environmental issues, economic sustainability and research.

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Here's our first entry into #turfheadsgrilling with the editor (and everything else) of the Carolinas Green Trent Bouts.



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The research is part of the global Natural Capital Project composed of groups that have developed a systematic approach that places a value on nature and the benefits it provides to people and their communities. Formed in 2006, key collaborators include the Nature Conservancy, World Wildlife Fund, Stanford University, and the University of Minnesota's Institute on the Environment, among other leading sustainability organizations.

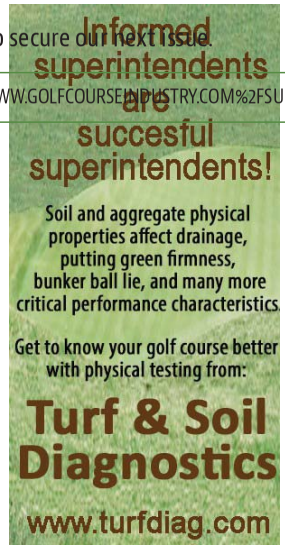
"This research marks a significant moment for public golf as courses around the country face the continued threat of redevelopment for residential and commercial use," USGA CEO Mike Davis said. "It is critical to the health of our communities, particularly in urban areas, that golf courses are viewed through the same lens as a city park or other similar green space, and value is placed on their environmental benefits as well as their balance sheets."

The models and methods used for the initial set of Midwest courses quantified their "natural capital" by applying globally accepted principles that quantify the value of golf courses in terms that land planners commonly employ when determining land use. The project is now being expanded to include more cities in order to document a set of community benefits of golf courses that will be applicable to most major urban areas in the country.

"As the world transitions to a more urban lifestyle, it is critical that we understand the consequences of development decisions on urban green spaces," said the University of Minnesota's Natural Capital Project program director Dr. Eric Lonsdorf.

"Examining the environmental and societal impact of changing a golf course's land footprint to a different land cover or management type can help us understand the implications of that decision on the ecosystem services provided by green spaces to the surrounding community," added Dr. Brian Horgan, a professor and the chairperson from Michigan State University's Department of Plant, Soil, and Microbial Sciences.

The work for the USGA will help golf courses – especially those owned or managed by municipalities, cities and counties – make decisions that account for the outdoor recreation they provide, the biodiversity and the habitats they offer for wildlife and food



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pollinators, and the environmental benefits they deliver, including stormwater runoff mitigation, urban cooling and carbon sequestration.

The USGA signed a five-year master research agreement with the University of Minnesota in 2015 in an effort to develop solutions to golf's present and future challenges. The work was conducted by Lonsdorf, Horgan, Dr. Ben Jenke and Chris Nootenboom.

The USGA has invested nearly $400,000 into the Community Values of Golf Courses project over a three-year period as part of its annual investment in the Turfgrass and Environmental Research Program (TERP), the largest private research effort in the history of golf. Since the program's inception, the USGA has invested more than $41 million to advance golf by using science and innovation as the foundation to impact thousands of courses and millions of golfers.

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Green Start Academy zooms into new era

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Geared for outstanding assistant superintendents, the program opens its 15th edition with an online keynote.

October 15, 2020

Matt LaWell (/author/5239)

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After 14 years filled with live events and lots of networking, Green Start Academy teed off its Zoom Era on Wednesday afternoon.

Professional keynoter Jeff Havens delivered his signature blend of comedy and common sense, adapting his “Us vs. Them” presentation for a turfhead audience of assistant superintendents, alumni attendees, recognizable industry names, and representatives of sponsors Bayer and John Deere.

Havens delivered plenty of one-liners. He delivered plenty of practical advice, too, especially for folks working with those much younger — or much older — than themselves.

What can young people do, for instance, to meet old(er) people halfway? Appreciate that advancement is a process, for starters. Recognize and respect their experience. Talk with them to learn their strategies for success. Understand that your practices and processes exist for a good reason. Oh, and realize that not all new ideas are good ideas.

Likewise, what can old people can do to meet young(er) people halfway? Remember that loyalty should not be earned, not assumed. Appreciate that the world *seems* to be changing father for you than it does for younger workers. Realize that not all new ideas are bad ideas — and that some of those new ideas will be our best practices in three or five years, and there’s no way to predict that, so everybody needs to be a part of the conversation).

Advancement is a process that never stops. Sound advice for assistants on their way up the ladder, and sound advice for the folks closer to the end of their career than the beginning. “Nobody wants to feel like their 40 years of effort will disappear when they’re gone,” Havens said. “Old folks are looking for somebody to mentor, somebody to pass the torch to.”

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Bayer Golf customer marketing manager Mike Hirvela acknowledged that Bayer and John Deere wanted to meet attendees where they are — hard at work on the course and in the maintenance facility — to continue developing turf leaders through the Green Start Academy program.

"I know this is not how you anticipated this year going," Havens said. "I know it's not quite the same as an in-person event, but there are positives. For example, am I wearing pants right now? You don't know! I don't even have to! Maybe I am, maybe I'm not. It's so freeing and relaxing."

Green Start Academy is scheduled to continue each of the next three Wednesday afternoons and feature Carlos Arraya, assistant general manager at Bellerive Country Club in St. Louis, and veteran conference speaker Carol Rau. Other superintendent panelists include Bob Farren, of Pinehurst Resort, Lukus Harvey of Atlanta Athletic Club, Dan Meersman of Philadelphia Cricket Club, Grant Murphy, Barrie (Ontario) Country Club and PJ Salter of Riviera Country Club.

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REAL ESTATE

When suburban golf courses close, residents and cities often clash over what to do with the land. Some manage to avoid the drama.

By JOANNE CLEAVER
CHICAGO TRIBUNE | AUG 13, 2019 AT 5:17 AM



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As the Highland Park Country Club golf course is converted to a more natural landscape, the Park District is taking pains to "frame" new types of grass and flowers with clear-cut margins, for both aesthetics and safety. (Park District of Highland Park)

Wildflowers spread across the Highland Park Country Club golf course in the northern suburb. Kids are welcome to run on the grass. Neighbors are invited to stroll through the park that now occupies the land, on their way to and from the city's downtown.

Golf courses are not just for golf anymore — not in communities that have figured out what to do with acreage abandoned by a shrinking sport.

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With the sport of golf in a sand trap, some municipalities need to figure out what they want from foundering courses and brace for a rousing, if not bruising, community tug-of-war over what to do with the suddenly available land. A few communities, including Highland Park, played land-acquisition chess adroitly. Others are embroiled in neighbor vs. landowner controversies.

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Converting golf courses to any other use is not as easy as it might seem. Regardless of the aspirations of the property owner and the ambitions of local residents, many courses are invisibly hemmed in by long-standing zoning and land-use restrictions. Protections that initially guaranteed course owners and adjacent homeowners mutually assured green space now complicate efforts to build on the land and can even undermine attempts to transform courses to parks.

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He has lived adjacent to the course for 20 years and, it's true, he said, that his initial concern about the dense residential subdivision proposed for the course was driven by worry about his own home value. In 2017, K. Hovnanian Enterprises Inc., a Matawan, New Jersey, homebuilder, introduced a plan that the shuttered course be rezoned to allow for residential development.



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But McGuire and like-minded residents quickly realized that keeping open space in their own backyards would take more than their self-interested voices. They created an advocacy group, **Concerned Citizens of Bloomingdale**, to rally other village residents around the cause of keeping the 250 acres open. After all, argue McGuire and his compatriots, the golf course was originally allowed as a package deal with adjacent development.

"That land is specifically zoned for open space. The housing that was built around it was built around an open tract," McGuire said. "It's in the comprehensive land-use plan of Bloomingdale that it stay open."

The controversy is at a stalemate. The resident-advocates don't have a recommendation as to what should happen with the former course, other than it remain open and that its current zoning remain in place, McGuire said.

Neither Bloomingdale village officials nor Hovnanian officials responded to repeated requests for comment.

In the southwest suburb of Homewood, residents and the village are debating the fate of the Calumet Country Club. Its owners want to disconnect the club and its 130-acre golf course

from the village to smooth the way for commercial and recreational development. Local residents want the course to remain open space, as reported by the Tribune in July.

Jealous golfers wanted Lisa Simpson to quit because she kept winning Park Ridge Country Club championships. Mike Ditka told her to 'keep beating their ass.' »

"We're not in favor of what they want to develop there and would not approve the zoning," said Homewood Village Manager Jim Marino. "Our expectation is that they would attempt to annex to Hazel Crest and then approach Hazel Crest about the development."

Citizens determined to prevent courses from being developed are up against formidable

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more relevant facilities, he said. That new uses for many courses are dampened by decades-old land-use covenants is evidence that communities should infuse plans with more flexibility, not less, Farren said.

“The conversation should be larger than: ‘What should we do with this particular piece of property that’s now coming on the market?’ It should provoke the broader conversation of how do we zone and restrict usage of property throughout the entire municipality?” he said. “It could be a chance to rethink other big parcels. “



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Now, the former golf course is on its way to being a largely self-maintaining landscape that incorporates both grass lawn and perennials. (Park District of Highland Park)

Re-use potential is complicated even more when municipalities layer on economic development incentives and aspirations for gaining tax revenue, added Nathan Jensen, a professor of government at the University of Texas in Austin.

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including affordable housing, open space, infrastructure and land for public uses, such as schools, he said. But all of that negotiation is secondary to the first and biggest one: rezoning.

“A lot of these courses are selling for $2 million or even $1 million, and the owners try to make a go of it as a business, with development as a fallback,” said Chris Charnas, a Winnetka-based commercial real estate broker who specializes in golf courses nationally.

There’s only one problem: “A lot of these courses, though they look like they are developable, are not.”

Golf courses are often where they are because the land is not suitable for residential development, according to Charnas. The parcel could be a natural or engineered wetland that helps keep adjacent houses dry. The underpinnings of the topography might not be easy to build on. And often the course narrows and widens in a layout interesting for golfers but impossible for builders, he said. “There’s often not space to put roads and houses where fairways are,” he said.

These factors plus long-ago political horse trading are why open-space zoning for golf

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In 2016, he bought Turnberry, a 176-acre golf course that is one of four located in northwest suburban Lakewood, and he has been struggling ever since to turn a profit on it. A recent surge in golfers eager to get to the links after a soggy spring is a welcome respite and could signal a financial turnaround, finally, but he'd be happy to sell the course, he said.

Is Tiger Woods coming to Chicago for the BMW Championship? He has lots of golf and non-golf reasons to make the trip. »

Meanwhile, he can't give away **Chicago Golf and Tiki Tees**, the DeKalb facility he bought when adjacent homeowners couldn't muster the resources to purchase and preserve the course.

To his chagrin, the DeKalb course is zoned only to be a golf course, so "there's nothing else I can do with it," Oberoi said. "Before we shut it down, we approached the Park District to give it to them for free, but they already have two golf courses and they don't want it." Neither did the city and neither did the local forest preserve.

Oberoi continues to pay $16,000 annually in property taxes for the DeKalb course (half of what Turnberry yields to local taxing bodies), even though "that beautiful golf course has turned into a weed farm."

The city of Highland Park sidestepped many of these tripping points by acquiring its in-town golf course years ago and sharing responsibility for it with the city Park District.

Still, even municipal guardianship could not withstand the undertow of the eroding golf popularity.

Now in his third term as president of the Highland Park Park District, resident and attorney Brian Kaplan said he saw the demise of the municipally owned and operated Highland Park Country Club early on. With the equally popular municipal Sunset Valley course competing a

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In 2018, the city and Park District hammered out a deal to upgrade Sunset Valley, sell Highland Park to the Park District, and convert that course to a park.

Collaborating with adjacent homeowners who were worried that their manicured views would be overrun by raucous ballgames, the Park District focused on infusing the greens with both nature and recreational areas, said Rebecca Grill, natural areas manager with the Highland Park Park District. The three-year “back to nature” project will cost $1.4 million.

“We call it ‘nature with parking,' " she said. “The desire of the majority of residents in most communities is walking. This property offers vistas for walking and for bike riding. It’s an amazing opportunity to start from scratch.”

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Joanne Cleaver is a freelance reporter.

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CONTACT

Joanne Cleaver is a freelance writer who specializes in personal finance, homeownership, careers, economic development and entrepreneurship, women’s issues, and travel, since 1981.

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REAL ESTATE

Will Palm Springs area homebuyers pick parks over golf courses? Developers are betting on it

Rosalie Murphy The Desert Sun

Published 11:13 a.m. PT Mar. 23, 2017

Two pre-recession developments in the Coachella Valley were re-introduced in 2016, each with one key change: Designers had removed planned golf courses, but preserved open space.

Virada, a master-planned community in Indio with about 1,300 homes, was previously proposed as a tract with a 27-hole golf course. The updated proposal, from Palm Desert-based Family Development, arranges neighborhoods along a public park instead.

Miralon in Palm Springs is a 1,150-home development from Boston-based Freehold Communities. It replaces a pre-recession project called Avalon, where builders actually installed an 18-hole golf course a decade ago. The course never opened, and a decade of desert winds destroyed it. Miralon's developers plan to plant olive groves on the former fairways.

After all, developers and planners said, that's what buyers liked most about living on golf courses — the open space, not necessarily the game itself.

"We have been working on several (large-scale) projects as things start to come back alive again. None of them have golf course amenities," said Ron Gregory, president and founder of Palm Desert-based RGA Landscape Architects. "But instead we're developing trail systems, exercise areas, places where people might walk on some attractively designed natural-style trail to go to yoga class... what we're offering is an outdoor lifestyle, with several means of achieving that, but it's not based on the game of golf."

READ MORE: Tension rising as HOAs, golf courses look to future

Many of the desert's approximately 120 golf courses were built as real estate amenities first and courses second, National Golf Foundation chief business officer Greg Nathan said. Buyers would pay premiums for homes with fairway views, even if they didn't golf.

In the Coachella Valley, "golf was a vital amenity that helped developers sell lots and homes while also giving the property some unique identity," Nathan said in an email. "Of course not all golf courses built during the boom were related to real estate developments, but the percentage was disproportionately high."

Normally, designing open space is an expensive choice for developers — it's land that could be used for homes, after all — but golf courses also generated revenue.

Today, however, courses are no longer surefire investments. Andy Vossler, president and CEO of Landmark Golf, estimated that a new 18-hole course would cost at least $6 million to build, not counting hundreds of thousands of dollars in annual maintenance costs. Further, many courses have faced shrinking memberships and declining revenues since the Great Recession began.

"We enjoyed a 30-year, 40-year window of time where open space was being supported by golf," Vossler said. "The cost associated with golf, everything from land acquisition to operating the golf course, have reached a point that, except for unique situations, financially, golf courses can't be sustained."

READ MORE: Golf clubs turn to sports, fitness and drive-in theaters to grow membership

Vossler estimated that 33 percent to 50 percent of residents in most golf course communities actually have memberships in their clubs.

Ed McMahon, senior resident fellow at the Urban Land Insitute, a think tank focused on land use and planning, offered a slightly lower estimate — 20 percent to 40 percent. He too believes many of those buyers purchased golf course homes because they wanted to live near protected open space.

And he believes buyers are still willing to pay a premium for those lots, even if their windows overlook parks or orchards instead of tee boxes.

"When people realized you could also sell a house for a premium without designing a golf course, that really started to change the thinking," McMahon said. "A number of developers, starting even before the recession, started to realize, 'hey, I can provide something that many more people want and I can do it at much less cost.' "

Today, McMahon said, developers are exploring what that open space can look like. Many are designing parks with networks of walking trails. Others are building what McMahon called 'agri-hoods' — housing around agricultural land. The forthcoming Miralon project in Palm Springs will surround cultivated olive groves, and though developers said it won't function as a commercial farm, the homeowners association may produce olive oil for residents.

"We wanted to install a more resource-efficient land use in that open space, and two, we wanted to create something that was broadly appealing to our likely homebuyers — which is not to say that golf doesn't have broad appeal, it's just that there are golfers and non-golfers," said Brad Shuckhart, Freehold Communities' Division President for California. "Everyone we surveyed enjoys open space, particularly active open space, that they can walk in, hike in, bike in, gather socially in."

READ MORE: Bermuda Dunes considers mandatory golf club membership for homeowners

Vincent J. Barbato, principal at Family Development, said he and his colleagues made a "pretty immediate" decision to remove the planned golf course at Virada after they acquired the development. He doubted officials would have approved construction of a golf course, and if they had, it would've been an unpopular proposal mid-drought. Further, Barbato said, to make a course substantially different or better from the desert's dozens of others would have been exorbitantly expensive.

"You can make it more meaningful to more homeowners, and you can certainly make it less taxing on resources," Barbato said. "I think what's going to happen is, as leaders in this industry build communities without golf courses... the trend will shift."

Shuckhart said builders are currently repairing Miralon's infrastructure, but hope to offer Miralon lots for sale in the next few months and homes by the end of the year.

Barbato said Virada's homes will not be available this year.

Rosalie Murphy covers real estate and business at The Desert Sun. Reach her at rosalie.murphy@desertsun.com or on Twitter @rozmurph.

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MEMORANDUM

To: **City of Ormond Beach Planning Board Memo**

From: **Mark Karet, AICP**
Director of Planning and Landscape Architecture

Date: **July 13, 2023**

Re: **Review of Staff Report for Tomoka Reserve**

I have been request by the landowner to review the City's staff report dated July 13, 2023, for the Tomoka Reserve PRD. I have focused on two issues: conformance with LDC standards and consistency with the comp plan.

The primary criteria for conformance with the LDC are contained in section 1–15(e) of the City's LDC and it reads as follows:

> "The proposed development conforms to the standards and requirements of this code and will not create undue crowding beyond the conditions normally permitted in the zoning district or adversely affect the public health, safety or welfare."

The report states that the applicant has provided all the required information in terms of "lot size and layout, street locations, buffer requirements, traffic impacts, stormwater planning, and the PRD requirements. Staff correctly point out that "The application exceeds the requirements of site-buffering, recreational amenities, and common open space."

After this statement, the staff reports immediately moves to Section 2-35 (b) of LDC which addresses residential permitted use in PRDs and reads as follows:

> "More intense uses (i.e. townhouses in single family district, or apartments in a townhouse district) may be allowed provided that their visual and functional impact on neighboring districts is minimized by providing adequate buffering and screening and all the requirements of this section are met."

The staff report uses this section to justify the SPRC conclusion that modifications to the lot sizes, buffer material, traffic mitigation and revised setbacks are needed to gain staff's recommendation of approval.

The problem with relying on Section 2-35(b) is that section address the introduction of more intense uses i.e., townhomes in single family districts or apartments or townhomes in districts and this is not applicable to the Tomoka Reserve PRD which features the exact same use – single family detached housing.

The staff report goes on to recommend a standard "Type 6" buffer which is the same buffer that would be used for "Heavy Commercial" or "Industrial" uses next to single family homes. I could find nothing in the City's LDC that would indicate that single family homes next to single family homes no matter how different the lot sizes should be treated like industrial or heavy commercial next to SFR. The required buffer for single family homes next to single family is a 6 foot "Type 1" buffer.

Looking beyond the City's land development code there isn't any basis for it in modern planning practice either. Large developments are a legacy of the past when the population was younger, family sizes were larger and there was a lot more development without central utilities. There are a great many of these older large lot developments in existence and communities across the country are dealing with infill compatibility issues.

The vast majority of planning practice in this space, for well over the last decade, has been about the densification of infill development – i.e. how do you put denser development next to low density residential. In fact, a growing number of communities are eliminating zoning districts that are exclusively single family.

Section 1-15(e) also mentions overcrowding – no undue overcrowding beyond the permitted conditions. The density of the proposed PRD is less than ½ of what is permitted under the FLU designation and as a result does not constitute overcrowding beyond what is permitted the LDC. Moreover, the density of the proposed PRD is less than the density of the adjacent neighborhood. The proposed open space and buffers will create a limit on crowding by devoting more than 50% of the site to open space as shown in our exhibits and acknowledged in the staff report.

Turning to consistency with the Ormond Beach Comprehensive Plan. The staff report identifies two policies in the FLUE Policy 1.1.15 and Policy 1.1.16 that the Planning Board could rely on for a finding of consistency. It should be noted that the proposed development is supported by at least 8 goals and policies of the comprehensive plan as noted in the applicant's project narrative.

The property is located within the low density residential future land use designation. The intent of the LDR classification is to "protect and encourage the continued development of typical single-family residential area and stabilize and protect the character of such neighborhoods." The applicant is proposing singe family development well below the LDR density limit.

The City of Ormond Beach has land use classifications that if applied to this site would support an argument that this site was not intended for residential development – such as Recreation/Open Space (ROS) which would permit a golf course facility but not allow residential development.

This land use designation is seen throughout the developed areas of the City. This supports a finding that the City believed this site was appropriate for residential development under their long-term planning strategy since it was not applied to the applicant's property.

The policies that support the application include provisions regarding promoting residential uses with on-site common open space and recreation promoting infill development where urban services are available to provide for continued growth and limited urban sprawl.

Staff identified one policy – Policy 1.1.3 of the Future Land Use Element – that could be used to deny the request which reads as follows:

> "Preserve the character of existing neighborhoods by not allowing intrusion of land uses that would threaten to alter the neighborhood character and by encouraging voluntary rehabilitation and sound maintenance programs in viable neighborhoods which are capable of self-renewal and establishing code enforcement or public redevelopment continues in areas not capable of self-renewal."

The policy guidance in Policy 1.1.13 operates at the land use level of decision-making. The use is allowed or its prohibited. Policy 1.1.13 cannot be used to prohibit a land use that is specifically applied to the applicant's property by City's future land use map.

MK/ns

ATTACHMENT 9

Applicant provided information

Section C

Original applicant provided information (former attachment 10)

- Project Narrative, dated June 7, 2023 (has been updated)
- Tomoka Reserve Buffer Planting and Maintenance Plan, dated June 6, 2023 (has been updated)
- Tomoka Reserve density study
- Bicycle & Pedestrian Analysis, dated December 19, 2022
- Holding Analysis, December 19, 2022
- Biological Assessment and Environmental Site Assessment, dated August 12, 2021

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June 7, 2023

VIA ELECTRONIC DELIVERY

Steven Spraker, AICP
Planning Director
City of Ormond Beach
22 South Beach Street, Room 104
Ormond Beach, FL 32174

Re: Tomoka Reserve Redevelopment - Rezoning/Planned Residential Development – Project Narrative

Dear Steven:

As you know, it is the Firm's pleasure to represent Triumph Oaks of Ormond Beach I, LLC (the "Applicant") with respect to the redevelopment and rezoning to Planned Residential Development of the property comprising the former Tomoka Oaks Golf Course. The proposed redevelopment of the site will rejuvenate the vacant golf course into residential homes that will complement the caliber of existing homes in the vicinity of the former golf course and provide additional housing opportunities to residents.

This project aims to redevelop the underutilized property, which was formerly a failed golf course, by providing a residential development that will promote growth and economic investment within the area. In designing the proposed redevelopment plan, the Applicant took great measures to ensure that project would complement the surrounding area and integrate with the surrounding residential neighborhood. The proposed development plan is comprised of a maximum of 276 residential units contained within the approximately 147 acres of land. The proposed unit count equates to a maximum density of 1.87 units/acre. The existing Tomoka Oaks neighborhood is comprised of 546 single family residential units across approximately 260 inclusive acres, for an average density of 2.09 units/acre. If the existing Escondido Condominiums are also included, comprising 40 units over 4.01 acres, the density of the existing neighborhood has a density of 2.21 units/acre. The proposed residential development was intentionally limited to ensure compatibility with the existing home sites surrounding the property. The proposed density is also well beneath the maximum density set forth in the City's Comprehensive Plan for Low Density Residential land uses, which provides for up to 4.3 units/acre, which would translate to 632 dwelling units.

The Applicant also understands the importance of both preserving landscaping within the site and providing adequate buffering between the proposed and existing residential uses. The Applicant has made all efforts possible to preserve the 16 historic trees within the property. The conceptual plan provided to the City illustrates a development pattern that will preserve all historic trees within the site, and meet all City requirements for preservation and mitigation of specimen trees. In the areas of the site abutting existing residential homes, the City's LDC provisions would require a six (6) foot landscaped area between uses. The Applicant has suggested that a minimum buffer of fifty (50) feet, planted to a Type 4 buffer under the City's LDC, is appropriate between the two residential developments. The current conceptual layout includes the provision of a minimum fifty (50) foot, and average one hundred twenty-nine (129) foot green area abutting existing residential uses. The project exceeds the required natural preservation area required by the City.

Design of the project is intended to promote a residential neighborhood featuring a variety of aesthetically pleasing home types and designs, in order to promote a diverse, architecturally rich neighborhood that will complement the existing variety demonstrated in the Tomoka Oaks neighborhood. The proposed development, located centrally to existing homes, is intended to promote pedestrian pathways throughout the neighborhood's sidewalk network that will provide additional opportunities for residents to walk and bike through the neighborhood, including the voluntary installation of a sidewalk network along one side of public roadways within the project that will provide a safe area for walking, exercise, and biking. The project will also include amenity areas for residents and pocket parks located throughout the property to ensure adequate recreational areas and green space. The project design also includes the extension of the sidewalk network out to Nova Road, and accommodation of space within the site to accommodate City reuse needs.

The property does not contain any wetland systems, and will be benefitted through the addition of stormwater treatment features, as outlined herein. Development of the property includes the design and use of modern stormwater treatment systems, which will facilitate the removal of phosphorus and nitrogen travelling into the Tomoka River, which is an impaired water body. Redeveloping the site through the use of dry ponds with existing vegetation will help promote the intake and filtration of stormwater and runoff from the property by retaining the water for treatment prior to its outflow into the river. The site is currently designed to store all water from a 25 year, 24-hour storm event without discharge, exceeding state and local requirements.

Redevelopment of the site for residential uses will also remediate environmental impacts from the property's former use as a golf course, which can result in impacts to soil from the abundant application of pesticides and fertilizers. Redevelopment of the site will be in accordance with a Soil Management Plan reviewed and approved by the Florida Department of Environmental Protection.

In addition to these benefits, the proposed project also promotes the following goals and objectives of the City's Comprehensive Plan:

POLICY 1.1.2. Continue to promote sound planning for the location and design of new residential developments including on-site common open space and recreation facilities.

Response: The proposed development will include the provision of a pedestrian sidewalk network throughout the project, including the installation of an eight (8) foot wide trail, as shown on the conceptual plan along one side of public roadway within the project, that may be used by residents for walking, exercising, and biking. The proposed development also includes a central amenity area, designed to include a playground, adult recreational facilities such as pickle ball courts and exercise equipment, and outdoor seating areas.

POLICY 1.1.6. Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach.

Response: The proposed development is an infill project designed to create additional housing opportunities for residents in an area where urban services are readily available. The conceptual development plan includes the provision of a mix of both lot sizes and unit types to promote compatibility with surrounding home sites on the exterior of the property and allow for a mixture of housing opportunities throughout the core of the property.

POLICY 1.1.7. Continuously review and modify development and building regulations to provide for sound residential communities and quality housing.

Response: The proposed development will be designed and constructed in accordance with the latest development and building regulations at the local and state level, to ensure that the development is comprised of residential homes of a quality and character that will promote a long-lasting, aesthetically pleasing residential neighborhood in one of the City's core areas, with a community association that will ensure continued protection of the values and aesthetics of the existing and proposed homes.

POLICY 1.1.14. Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit oriented development and walkable residential areas.

Response: The proposed residential development is a residential infill project that repurposes a former golf course property into a walkable, compatible residential neighborhood that complements surrounding single family homes. The proposed mulituse path within the property will promote walkability and cluster residential uses in near proximity to existing urban services. The development project includes a range of lot sizes to promote infill opportunities – as we know, the County has recently discussed the importance of flexible lot sizes to encourage infill design, and has even removed minimum lot sizes entirely within their Planned Development process.

POLICY 2.2.1. The City shall limit urban sprawl by directing urban growth to those areas where public facilities and services are available.

Response: As noted herein, the proposed project is located in an area where existing services are in place to support the development.

POLICY 2.2.5. In order to protect natural resources, new development and redevelopment shall be encouraged to infill existing developed areas

Response: The proposed residential development is a residential infill project that repurposes a former golf course property into a walkable, compatible residential neighborhood that complements surrounding single family homes. The proposed pedestrian path within the property will promote walkability and cluster residential uses in near proximity to existing urban services.

POLICY 2.4.7. Encourage cluster development which promotes the efficient use of open space and reduces development costs, in areas were services and facilities exist or are planned.

Response: The conceptual development plan includes the provision of a mix of both lot sizes and unit types to promote compatibility with surrounding home sites on the exterior of the property and allow for a mixture of housing opportunities throughout the core of the property. The clustered residential uses will allow for additional open space through the planned amenity center illustrated on the conceptual plan for the site.

POLICY 2.4.10. Direct development towards existing residential communities and planned growth areas already served by infrastructure, to utilize resources that existing neighborhoods offer, thereby conserving open space and natural resources on the urban fringe.

Response: The proposed residential development is a residential infill project that repurposes a former golf course property into a walkable, compatible residential neighborhood that complements surrounding single family homes. The proposed pedestrian path within the property will promote walkability and cluster residential uses in near proximity to existing urban services.

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

Development Standards

Existing development on the property does not have an underlying zoning designation for comparison, as the former Development Agreement for the property is no longer applicable. As such, for narrative purposes, the Applicant has provided an overview of the requested development criteria in comparison to the R-2 zoning district, which makes up the zoning for the existing single

family homes in the vicinity of the property. The Applicant is modifying the development standards from the R-2 zoning district as follows:

1. Lot width: conceptual development of the property includes the provision of a minimum of 80' rear lot lines where single family homes are located directly adjacent to the proposed 50' landscape buffer, as illustrated on the conceptual plan. The Applicant is requesting the ability to provide a minimum lot width of 50' for the residential homes types located within the core areas of the property.

    a. The proposed development includes the provision of a variety of unit types to provide for a wider range of housing options with the project. The conceptual plan is set up to ensure compatibility between use types so that existing residential homes are abutting residential unit types with larger lot widths or preserved green/open areas. The smaller lot widths are intended to be located centrally to the project, in the area comprising and surrounding the former clubhouse building, where they are appropriately screened from existing residences. This approach allows the provision of housing at different size and price points to support a diversity of housing options within Ormond Beach and allows for clustering of space to allow additional green space for buffering between the existing and proposed development, and the preservation of historic trees on site.

    b. The proposed development plan has a proposed minimum lot width of 80', with lot areas that are directly equivalent to the minimum required lot size within the existing neighborhood. The proposed design creates a small transitional area between the proposed homes along the perimeter of the site and the smaller lot footprint on the interior, which is proposed at a minimum of 50'. This transitional lot width will be of a lesser impact than pre-existing neighboring uses and intensities.

    c. Included with these materials is an exhibit showing the average setbacks included between lots – the exhibit illustrates that a layout of 80' lot widths along the perimeter creates the same amount of open space, or visibility corridor, as a 100' lot width would provide, which was a concern raised by the residents. Taking into account the voluntary landscaping buffer being provided by the Applicant, the visual impact of the site, when compared between 80' and 100' lots, should not result in any decrease of open space (i.e., the proposed 80' lot width will not result in an increase in visibility of linear feet of structure, when viewed from the existing neighborhood).

2. Lot coverage: the Applicant is requesting building coverage equal to 50% of the lot area. The shift to larger indoor living areas has become the market standard as individuals spend more time within their homes, from remote working to social activities. The impervious surface area for the site remains in line with general requirements.

3. Setbacks: the Applicant has provided a custom setback table that provides details on the requested setbacks depending on the lot size and unit type to be constructed. Typical lot details are also included for review. The proposed setback matrix is intended to provide the ability to design pedestrian friendly neighborhoods utilizing front porches and other design features that enhance social wellbeing and provide for a community feeling throughout the site. Included with these materials are examples of other areas within Ormond Beach that have utilized elements of a New Urbanism design standard to create walkable, livable front yard areas while ensuring compatibility with surrounding homes.

Indoor Recreation

The Applicant is requesting a waiver from the requirement that indoor recreation be provided on site, so long as the square footage requirements for indoor recreation are met through additional outdoor recreational activities. Provided outdoor recreational facilities, which will comprise over 8 acres within the site, will allow for additional open space within the development and will allow for greater use of amenity areas by the existing and proposed residents.

Landscaping – Voluntary Benefit

Section 3-06 of the LDC provides for an installation of a six (6) foot buffer between the existing and proposed residential uses. The Applicant is voluntarily committing to a minimum fifty (50) foot buffer between the proposed use and the existing single family homes. The Applicant is committing to the provision of a minimum of the planting requirements set forth for the Level 4 buffer type, as detailed in LDC Section 3-06(d). The Applicant is requesting that bermed areas are permitted within the landscape buffer in order to preserve existing vegetation. Due to the high permeability of the soils on site, we do not expect the runoff to remain in the proposed bermed areas for a large period of time. We are proposing a native planting regimen equivalent to a Type 4 buffer, utilizing temporary irrigation as recommended by the USGBC. The proposed natural buffer system will provide a more natural screening area between the proposed and existing residences that is intended to be left in its natural state. An overview of the landscaping proposed for the site, along with implementation, maintenance, and monitoring procedures, is included herein.

Sincerely,

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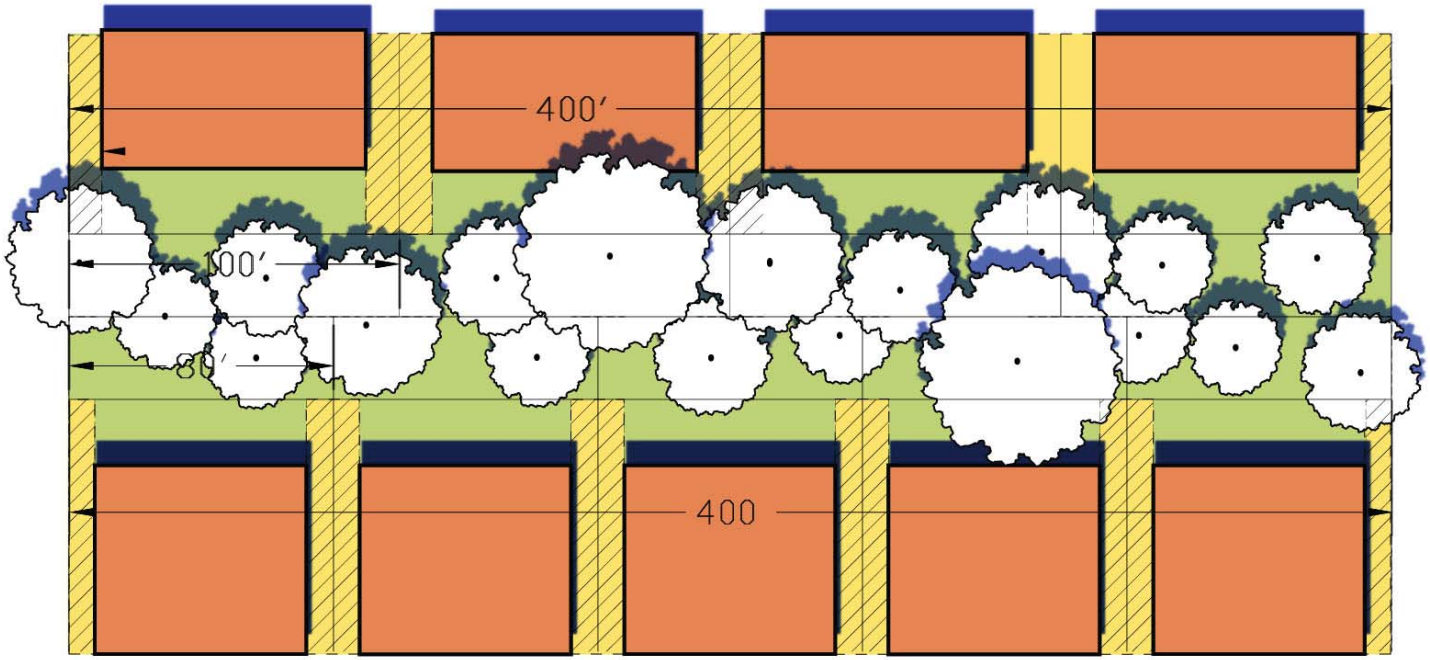
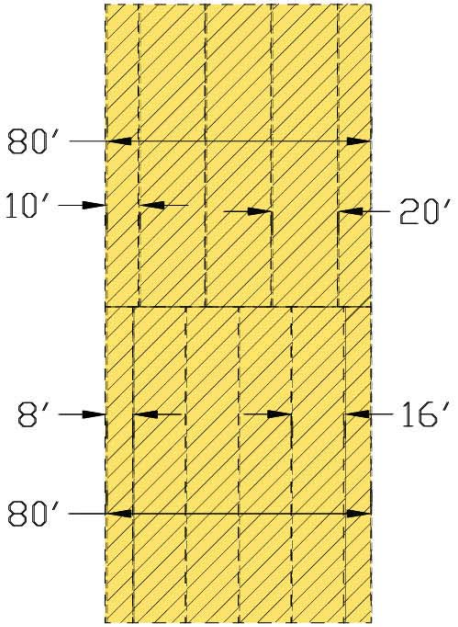
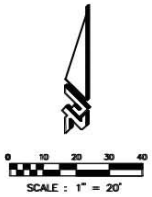
Direct Dial (386) 323-9263
Email Rob.Merrell@CobbCole.com
Fax (386) 323-9206





PER 400'
100' LOTS: 4 LOTS X 20' SETBACK = 80'
80' LOTS: 5 LOTS X 16' SETBACK = 80'



Tomoka Reserve Buffer Planting and Maintenance Plan

Ormond Beach, FL. 32174

Prepared for:

Triumph Oaks of Ormond Beach 1, LLC

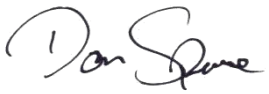
June 6, 2023

www.AyresAssociates.com

Tomoka Reserve Buffer Planting & Maintenance Plan

Ormond Beach, FL.

This report was prepared by:



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Ayres Project No. 51-0588.01

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I. Project Objectives

A. Title of Proposal

Tomoka Reserve Buffer Planting and Maintenance Plan

B. Location

Tomoka Oaks Blvd., Ormond Beach, FL.

C. Buffer Planting Plan and Maintenance Plan objectives

1. Description

Tomoka Reserve is a 147.94-acre site with an approximate perimeter of 3.3 miles. As proposed, there is a 50-foot-wide vegetative buffer between the existing subdivisions and the perimeter lots in Tomoka Reserve that will be managed by the Tomoka Reserve's Homeowners Association. Today, much of the buffer contains trees and shrubs that provide screening between the existing homes and the proposed development. In areas where the buffer is sparce or where no vegetation is present, native trees, shrubs, bunch grasses, and wildflowers will be planted to enhance the native buffer.

2. Purpose and Need

The purpose of the Buffer Planting and Maintenance Plan is to describe how the buffer plants will be installed and maintained to maximize survivability. The overall objective of the buffer plantings will be to create a screen such that the existing homes and the new homes will have some level of visual screening so that each resident will have an obstructive view of the other.

The Tomoka Reserve development team is committed to keeping the ecology of the current buffer in place and increasing its integrity and diversity by using native vegetation. The existing and enhanced vegetative screen will also function as a resident and migratory bird refuge and provide habitat for small mammals and turtles. With our commitment to using a wide variety of native species, we will be increasing the biodiversity of this already important plant community.

Another important aspect of using native plants is their ability to tolerate drought once they are established. By using regionally appropriate species, we will also be removing the need for an in-ground irrigation system that would draw large volumes of water out of the aquifer. Using drought tolerant species also allows us to avoid digging irrigation trenches through the site, which would further damage the ecology of the buffer and potentially have negatively impact on nesting birds, damage gopher tortoise burrows, and disrupt small mammal habitat.

II. Existing Conditions

A. Physical

The physical ecology of this area is dominated by well drained soils, Appendix G. The entirety of the site, including the 50-foot buffer, is comprised of well-draining sandy soils such that there will be no long-term standing water. The topography of the site has gentile slopes where the eastern portion of the site is higher than the north, south, and western areas. There are no physical barriers present that would prohibit us from enhancing that existing vegetative buffer.

B. Existing biotic conditions

A tree survey was conducted in 2021 that determined that there are 1,971 trees on site that are made up of 21 species of trees. The site is also home to a wide variety of insects, reptiles, amphibians, and small mammals, all of which will benefit from the installation of more native trees, shrubs, grasses, and wildflowers. Around the entire site, approximately 70% of the 50-foot buffer has trees and shrubs that act as a visual screen. However, in many places beneath the canopy there are gaps in the understory that lack shrub screening.

III. Buffer Planting Plan

A. Planting plan description and design

In areas where we will plant trees and shrubs, we will follow the best management practices out lined in the American National Standards Institute (ANSI) 300 part 6 and Z60.1, and where the planting will follow the directions provided in Appendices D & E, Tree and Shrub Planting Details. The buffer design was created by a landscape designer that specialized in native plants (Appendix F) and approved by a landscape architect. For large trees, we will use plant material that has a minimum caliper of 2.5 inches and are between ten and twelve feet tall. Medium trees will be between six and eight feet tall and shrubs will range from one and a half to two feet tall.

In areas where there are no trees in the buffer, L-101 illustrates what the High Density buffer planting (Appendix A) will look like. Seven native trees will be placed 15 feet apart in a 20-foot wide strip that will be located in the center of the buffer. For the High Density areas, we will plant 3 large and 4 medium sized trees for each 100 linear foot area. The High Density area will also contain 30 shrubs and bunch grasses that will be evenly placed in front of the trees such they receive enough sunlight. Shrubs and bunch grasses will be spaced 3 feet apart.

Where there are vegetative gaps in the buffer, we have designed a Medium Density planting (Appendix B) arrangement that can be found on L-102. Where there are vegetative gaps, combinations of trees and shrubs will be used which will be determined by the size of the vegetative gap. For each 20-foot gap, we will use one large and one medium sized tree along with 10 shrubs and bunch grasses.

In areas where the tree line in the buffer is intact, we will target areas where the understory shrubs are absent and then add a mixture of shrubs and bunch grasses that will be planted three feet apart in the buffer gap, L-103 illustrates what the planting will resemble.

To install the trees, we will cut out a 4-foot diameter circle for each tree and we will remove a 2-foot diameter circle for each shrub and bunch grass. Once the plants are installed and watered, a ring of mulch will be placed around each tree, shrub, and bunch grass to aid in water-holding capacity of the soil. In addition, we will broadcast wildflower seeds in select areas associated with the buffer plantings. This will be a passive approach to increasing biodiversity with the intent of having native wildflowers eventually re-seed themselves each year.

B. Plant spacing

Trees and shrubs will be installed following the best management practices out lined in the American National Standards Institute (ANSI) 300 part 6 and Z60.1, Appendix D. Trees will be installed no closer than 15 feet on-center. Shrubs and bunch grasses will be spaced no closer than 3-feet on center, see Appendix E.

IV. Buffer Maintenance

Plants will be monitored and watered on a regular schedule, which is being developed by Don Spence, Ph.D., Board Certified Master Arborist. Over the short term, we anticipate a regular watering schedule that will require plants to be watered multiple times over a seven-day period. Over the long term, we have developed a watering plant that will span 26 weeks. Based on the recommendations from the arborist, we will extend watering if he determines it is needed for the plants to survive. Watering will be accomplished with a large water tank on a truck such that each plant will receive water by a person that will be able to confirm that enough water is provided. Since there are many species of wildlife that live in the buffer, we will not be installing above or below ground irrigation since the process of digging and trenching could displace, or harm protected species/existing flora.

Trees and shrubs will be inspected at a regular interval to assess their health and level of establishment. If trees or shrubs die during the watering period, they will be replaced following the guidelines in III.A. A key component to the success of the plantings will be to maintain soil moisture. To achieve maximum soil moisture, we will not remove large swaths of turfgrass; we will only remove enough grass to install the plant material and space to place a ring of mulch around the base of the trees, shrubs, and bunch grasses. If we were to remove all the grass in a planting area, the heat of the day will evaporate the latent moisture in the soil, further stressing the new plant material. We will only use native plants that are indigenous to east central Florida and are commonly found in Ormond Beach, Appendix F.

A. Watering Schedule

A watering schedule has been developed and provided below. Each watering event will be accomplished through the use of a truck and hand watering to ensure that each plant receives adequate water. If heavy rain events occur, the watering schedule will be modified so we are not over-watering or wasting water. The objective of each watering event will be to provide approximately 3 gallons of water to each tree through Phase II and then 2 gallons during Phase III. Shrubs and bunch grasses will be given approximately 2 gallons of water through Phase II and 1 gallon of water during Phase III.

Buffer Tree, Shrub, and Bunch Grass Watering Schedule

Plant Material Watering will span six-months (26 weeks)

Phase I – Water 5 times per week, once a day for **five weeks** if plants are installed in the fall and winter (water twice a day if plants are installed between May and September) and monitor plant establishment.
– Monday, Tuesday, Wednesday, Friday, & Saturday

Phase II – Water 3 times per week for **ten weeks** and monitor plant establishment.
– Monday, Wednesday, & Friday

Phase III – Water 2 times per week for **11 weeks** and monitor plant establishment.
– Monday & Thursday

* Watering frequency and volume of water may be adjusted depending on how well plants are becoming established, which will be determined by the arborist.

B. Vegetation Maintenance

The most important aspect of maintaining the newly installed trees, shrubs, and bunch grasses will be managing grass and weeds around the plants. Most of the buffer has an intact tree canopy and sparce ground cover due to the shade. Maintenance in areas where there is shade, maintenance will be less intense and will revolve around removing grass and weeds that are outcompeting the new plants. Most of the maintenance work will be accomplished through hand-pulling weeds and spraying the weeds with a mixture of vinegar, salt, soap, and water.

In areas where the buffer is largely absent, grass and weeds are prevalent. Due to the spacing between trees, shrubs, and bunch grasses, we will use a lawn mower to suppress the grass and weeds to limit competition. When necessary, we will use the vinegar solution to kill grasses and weeds that are encroaching into the plant material along with hand-pulling when necessary.

Appendix A

Typical Planting Layout

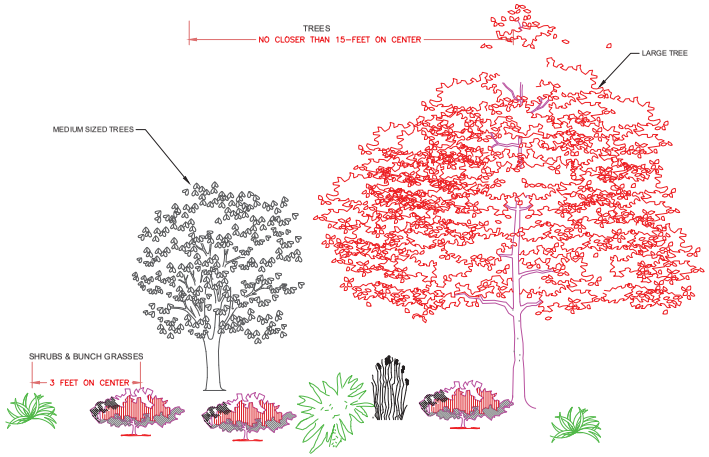
~ High density planting - no plants occur in front of homes ~

HIGH DENSITY BUFFER PLANTING - NO TREES PRESENT IN THE BUFFER

7 TREES AND 30 SHRUBS & GRASSES PER 100 LINEAR FEET. **HIGH DENSITY PLANTINGS** WILL OCCUR WHERE THERE IS LESS THAN 10% VEGETATIVE COVER IN FRONT PRIVATE PROPERTY.

- WITHIN THE 100-FOOT AREA, TREES WILL BE PLACED APPROXIMATELY 15-FEET APART WHILE SHRUBS AND BUNCH GRASS WILL BE PLACED APPROXIMATELY 3-FEET APART.
- FOR EACH 100-FOOT PLANTING AREA, THE PLANTING PATTERN WILL BE AS FOLLOWS:

  MED TREE - LG TREE - MED TREE - LG TREE - MED TREE - LG TREE - MED TREE
- FOR EACH 100-FOOT PLANTING AREA, SHRUBS & GRASSES WILL BE EVENLY SPACED.

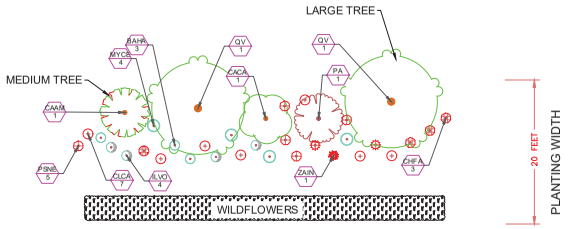


ELEVATION (FRONT) VIEW OF PLANTING - MEDIUM DENSITY PLANTING

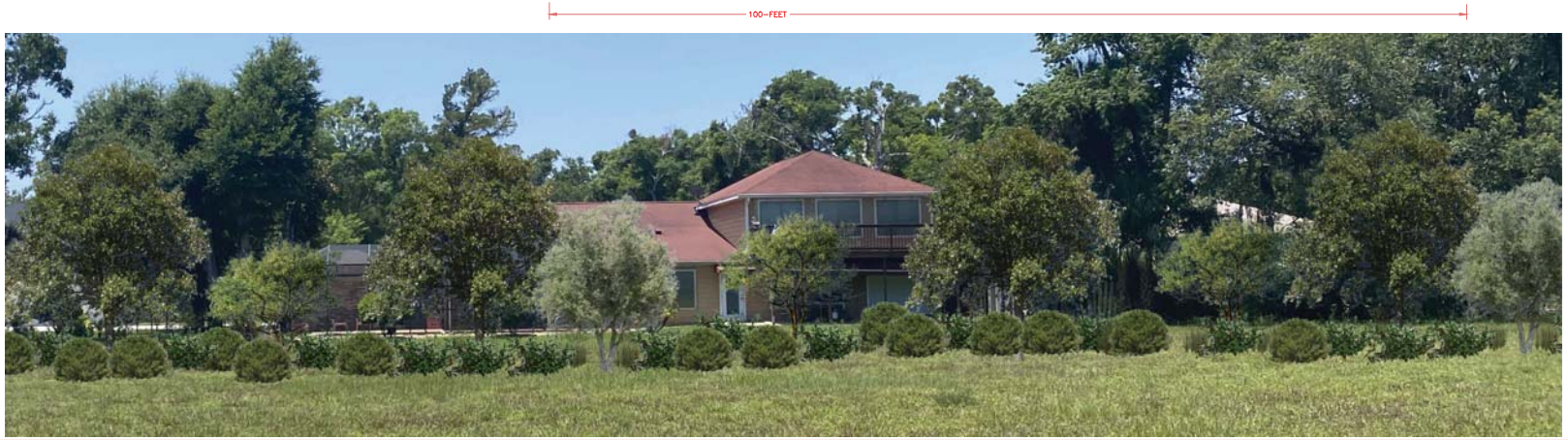
TREE, SHRUB, AND GROUND COVER SPECIES WILL CONSIST OF A MIXTURE OF SPECIES TO INCREASE BIODIVERSITY. FOR TREES, EACH PLANTING AREA WILL CONSIST OF THREE DIFFERENT SPECIES. FOR SHRUB AND GROUND COVER AREAS, NO MORE THAN 20% OF THE TOTAL PLANTS FOR THAT BUFFER PLANTING WILL BE THE SAME SPECIES.

POTENTIAL MEDIUM DENSITY PLANTING ARRANGEMENT

TREE AND SHRUB PLANTINGS WILL BE CONCENTRATED ON THE AREAS WHERE EXISTING NATURAL VEGETATION DOES NOT EXIST.



PLAN VIEW - HIGH DENSITY PLANTING, NO TREES IN THE BUFFER



CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

AYRES
PLANNING AND DEVELOPMENT

Tampa Office
5875 Hidden River Pkwy. Suite 200
Tampa, Florida, 33637-1035 (813) 978-8688

Eau Claire Office
3433 Oakwood Hills Pkwy
Eau Claire, Wisconsin, 54701 (715) 884-3161

REVISIONS DATE

DESIGNED BY: Don Spence, Ph.D.
DRAWN BY: Don Spence, Ph.D.
DATE: 09-16-2022

PROJECT NUMBER:

SHEET TITLE:

HIGH DENSITY BUFFER LAYOUT ELEVATION VIEW

SHEET NUMBER:

L-101

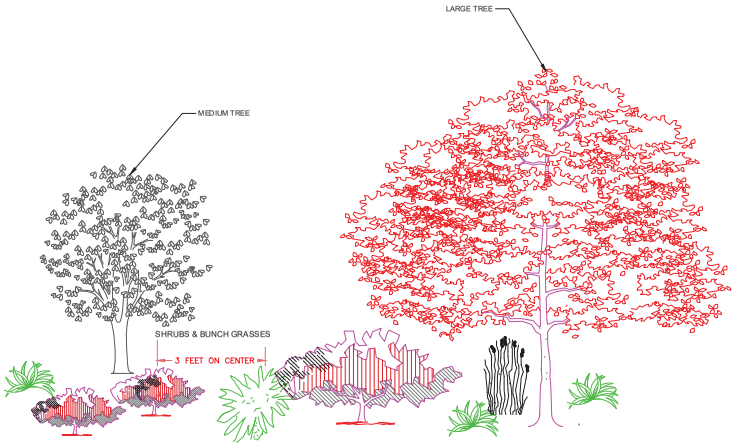
Appendix B

Typical Planting Layout

~ Medium density planting where some buffer trees are missing ~

MEDIUM DENSITY BUFFER PLANTING - TREES ARE PRESENT IN THE BUFFER

WITHIN THE TREE/BUFFER GAPS, TREES, SHRUBS, AND BUNCH GRASSES WILL BE USED IN GROUPINGS OF ONE LARGE TREE, ONE MEDIUM TREE, AND TEN SHRUBS FOR EACH 20-FOOT GAP, OR FRACTION THEREOF FOR EVERY 100-FOOT SECTION.

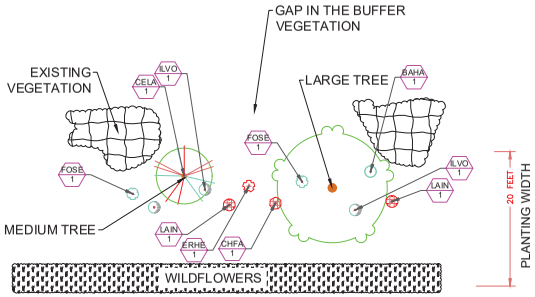


ELEVATION (FRONT) VIEW OF PLANTING - MEDIUM DENSITY PLANTING

TREE, SHRUB, AND GROUND COVER SPECIES WILL CONSIST OF A MIXTURE OF SPECIES TO INCREASE BIODIVERSITY. FOR TREES, EACH PLANTING AREA WILL CONSIST OF THREE DIFFERENT SPECIES. FOR SHRUB AND GROUND COVER AREAS, NO MORE THAN 20% OF THE TOTAL PLANTS FOR THAT BUFFER PLANTING WILL BE THE SAME SPECIES.

POTENTIAL MEDIUM DENSITY PLANTING ARRANGEMENT

TREE AND SHRUB PLANTINGS WILL BE CONCENTRATED ON THE AREAS WHERE EXISTING NATURAL VEGETATION DOES NOT EXIST.



PLAN VIEW - MEDIUM / LOW DENSITY PLANTING, WHERE GAPS OCCUR IN THE BUFFER



CLIENT:
Tomoka Reserve
30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:
Buffer Planting plan

LOCATION:
30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:
AYRES
PLANNING AND DEVELOPMENT

Tampa Office
8875 Hidden River Pkwy. Suite 200
Tampa, Florida, 33637-1035 (813) 978-8688
Eau Claire Office
3433 Oakwood Hills Pkwy
Eau Claire, Wisconsin, 54701 (715) 884-3161

REVISIONS DATE

DESIGNED BY: Don Spence, Ph.D.
DRAWN BY: Don Spence, Ph.D.
DATE: 09-16-2022
PROJECT NUMBER:

SHEET TITLE:
MEDIUM/LOW DENSITY BUFFER LAYOUT

SHEET NUMBER:
L-102

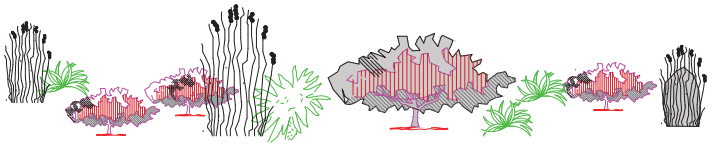
Appendix C

Intact Buffer Enhancement

~ Shrub & bunch grass plantings where shrubs are absent ~

BUFFER PLANTING WHEN TREES ARE PRESENT IN THE BUFFER - UNDERSTORY GAPS

WHEN 7 OR MORE TREES EXIST IN A CONTINUOUS LIINE OVER A 100 FOOT SECTION, ONLY SHRUBS, AND BUNCH GRASSES WILL BE USED WHEN UNDERSTORY GAPS OCCUR.

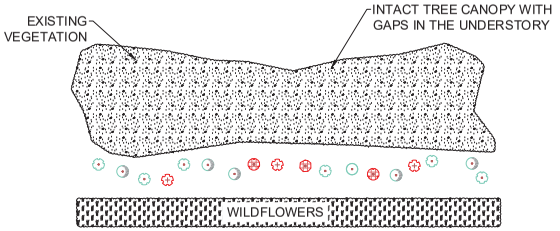


ELEVATION (FRONT) VIEW OF PLANTING - SHRUBS & GRASSES PLANTING

TREE, SHRUB, AND GROUND COVER SPECIES WILL CONSIST OF A MIXTURE OF SPECIES TO INCREASE BIODIVERSITY. FOR TREES, EACH PLANTING AREA WILL CONSIST OF THREE DIFFERENT SPECIES. FOR SHRUB AND GROUND COVER AREAS, NO MORE THAN 20% OF THE TOTAL PLANTS FOR THAT BUFFER PLANTING WILL BE THE SAME SPECIES.

POTENTIAL MEDIUM DENSITY PLANTING ARRANGEMENT

TREE AND SHRUB PLANTINGS WILL BE CONCENTRATED ON THE AREAS WHERE EXISTING NATURAL VEGETATION DOES NOT EXIST.





CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd. Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd. Ormond Beach, FL.

CONSULTANT:

AYRES
PLANNING AND DEVELOPMENT

Tampa Office
8875 Hidden River Pkwy. Suite 200
Tampa, Florida, 33637-1035 (813) 978-8688

Eau Claire Office
3433 Oakwood Hills Pkwy
Eau Claire, Wisconsin, 54701 (715) 884-3161

REVISIONS DATE

DESIGNED BY: Don Spence, Ph.D.

DRAWN BY: Don Spence, Ph.D.

DATE: 09-16-2022

PROJECT NUMBER:

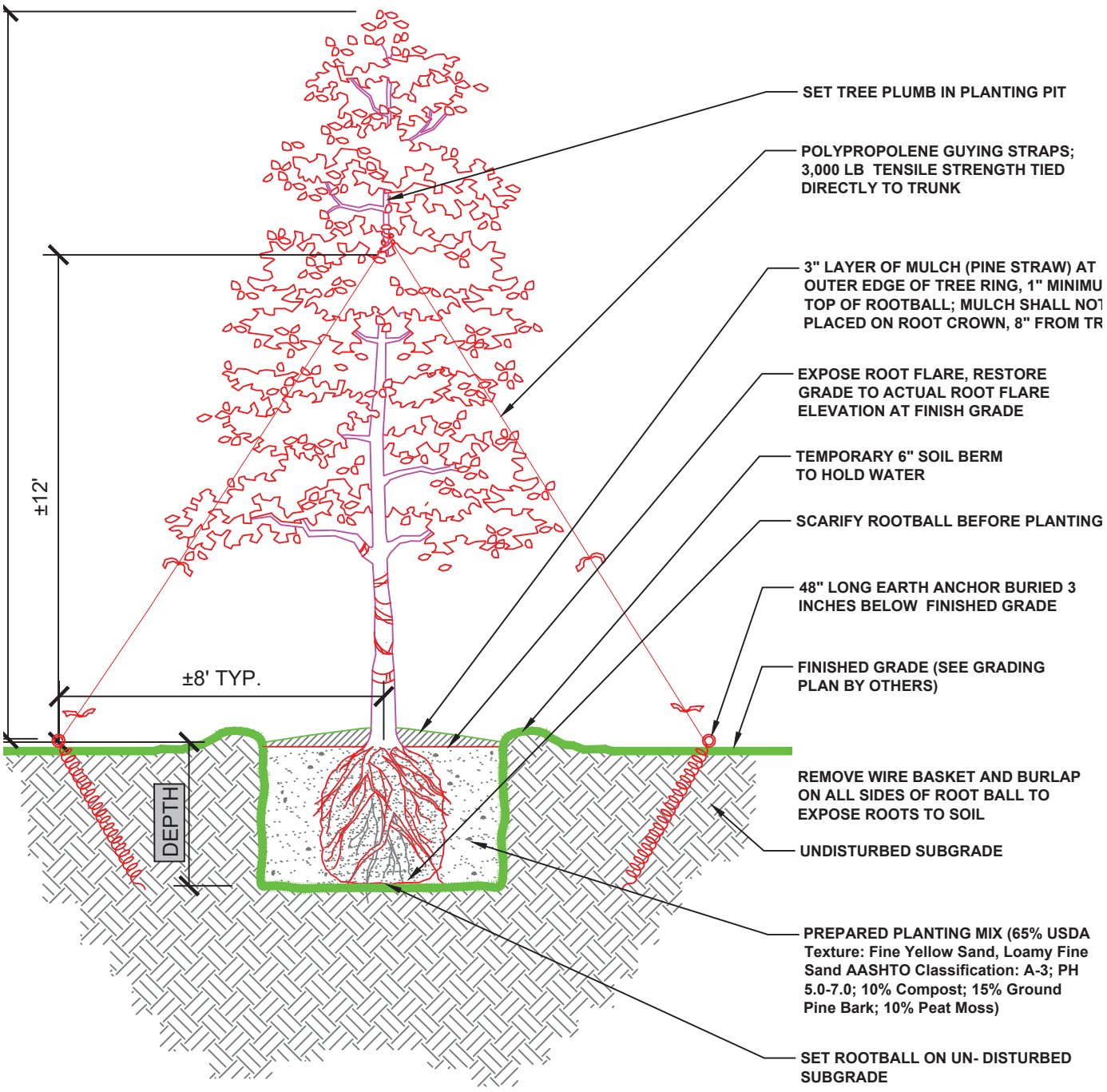
SHEET TITLE:

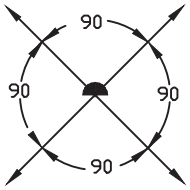
INTACT BUFFER ENHANCEMENT LAYOUT

SHEET NUMBER:

L-103

Appendix D
Tree Planting Detail





STAKING DIAGRAM
PLAN VIEW

NOTES:

1. ASSURE PERCOLATION OF ALL PLANTING PITS PRIOR TO INSTALLATION. SEE LANDSCAPE NOTES ON SEPARATE SHEET.
2. WATERING REQUIREMENTS ARE DIFFERRENT FOR EACH TREE SPECIES AND SOIL CONDITION. CONSULT AN ARBORIST AS TO THE APPROPRIATE WATER REGIMEN.
3. DISCARD SUBGRADE REMOVED FROM PLANTING PIT AND REPLACE WITH PREPARED SOIL MIX, PER SPECIFICATIONS. PLACE NEW SOIL MIX AROUND ROOTBALL IN SIX-INCH LAYERS, FIRMLY TAMPING AND WATERING EACH LAYER UNTIL THE PLANTING PIT IS FILLED TO FINISHED GRADE LEVEL.
4. TREES UNDER 3 INCH CALIPER DO NOT REQUIRE TO BE GUYED; HOWEVER CONTRACTOR IS RESPONSIBLE TO ENSURE TREES DO NOT BLOW OVER DURING MAINTENANCE PERIOD.

NOTES FOR ALL PLANTINGS:

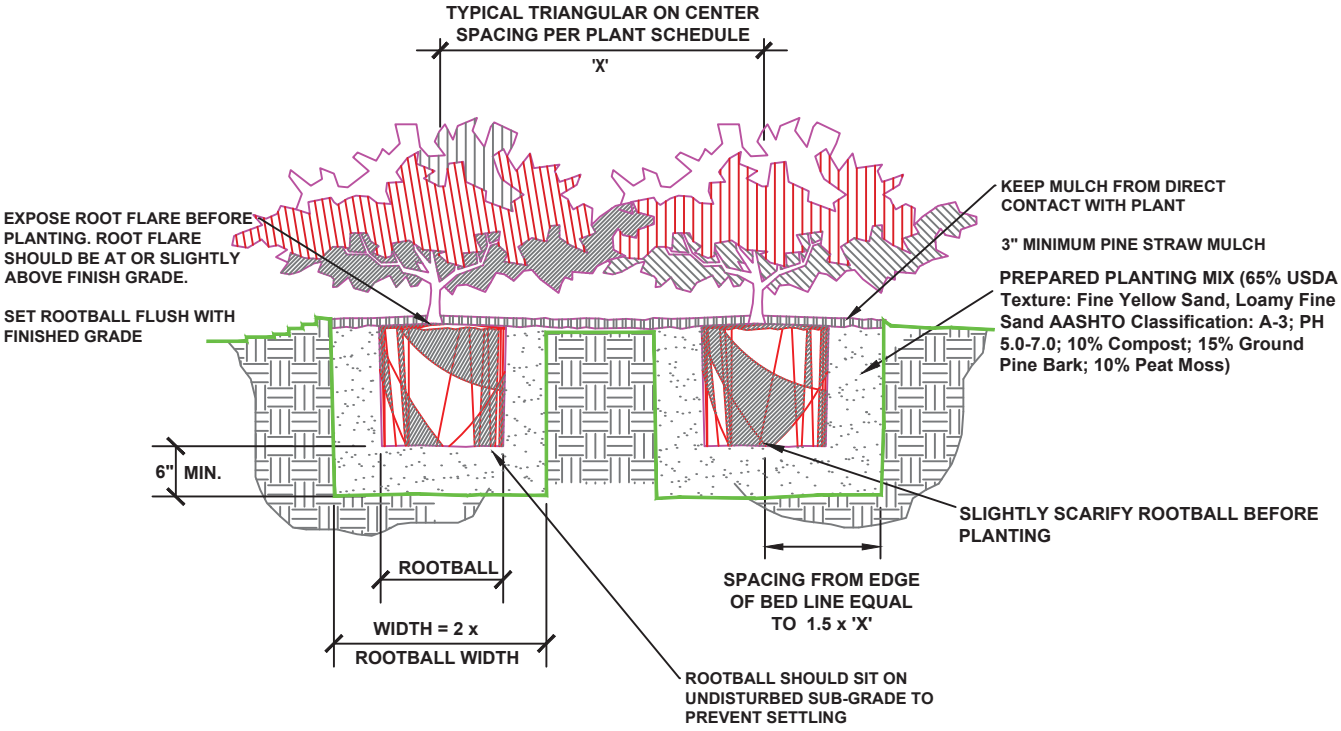
1. DO NOT MOUND OR INSTALL MULCH AGAINST THE TRUNK OR STEM OF TREES AND SHRUBS OR THE CROWN OF PERENNIALS AND GROUNDCOVERS. THERE SHOULD BE FREE AND OPEN AIR CIRCULATION AROUND THE TRUNK OF THE PLANT AND THE GROUND IN THE IMMEDIATE AREA AT THE BASE OF THE TRUNK.
2. CONTRACTOR TO REMOVE ALL WIRE BASKETS AND BURLAP FROM B&B PLANTS LEAVING ONLY THE FABRIC AND WIRE ON THE VERY BOTTOM OF BALL IF IMPOSSIBLE TO REMOVE.

LARGE TREE PLANTING & GUYING DETAIL

N.T.S.

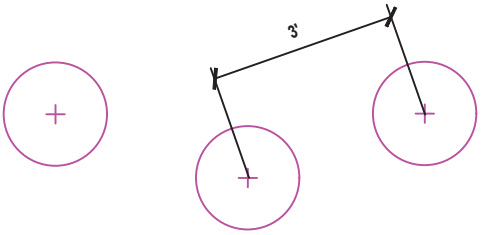
Appendix E

Shrub & Bunch Grass Planting Detail



NOTES:

1. CONTRACTOR SHALL ASSURE PERCOLATION OF ALL PLANTING BEDS / PITS PRIOR TO INSTALLATION.
2. PLACE A 6 INCH SOIL BERM TO HOLD WATER.



ALL SHRUBS & GROUNDCOVER MASSES TO USE TRIANGULAR SPACING EXCEPT WHERE NOTED. REFER TO PLANT SCHEDULE FOR INDIVIDUAL PLANT SPACING FOR A MINIMUM DISTANCE OF 24-INCHES.

TYPICAL SHRUB SPACING DETAIL

N.T.S.

Appendix F
Native Plant List

Tomoka Reserve Buffer Planting List

TREES			
Scientific name	Common name	Growth habit (height & width) ft	Comments Habit & Size
Cartrema americana	American olive	25’ x 15’	Evergreen – Medium
Carpinus caroliniana	American hornbeam	25’ x 15’	Evergreen – Medium
Carya glabra	Hickory	80’ x 35’	Deciduous – Large
Celtis laevigata	Hackberry/sugarberry	60’ x 50’	Deciduous – Large
Cercis canadensis	Redbud	30’ x 30’	Deciduous – Medium
Ilex x attenuata	Savannah holly	30’ x 15’	Evergreen – Medium
Ilex opaca	American holly	10’ x 15’	Evergreen – Medium
Magnolia grandiflora	Southern magnolia	80’ x 40’	Evergreen – Large
Juniperus virginiana	Red cedar	60’ x 30’	Evergreen – Large
Prunus angustifolia	Chickasaw plum	20’ x 20’	Deciduous – Medium
Quercus austrina	Bluff oak	40’ x 30’	Deciduous – Medium
Quercus geminate	Sand live oak	40’ x 80’	Evergreen – Large
Quercus chapmanii	Chapman’s oak	10’ x 10’	Evergreen – Medium
Quercus virginiana	Live oak	80’ x 150’	Evergreen – Large
SHRUBS			
Forestiera segregata	Florida privet	15’ x 8’	Evergreen
Ilex vomitoria	Yaupon holly	15’ x 10’	Evergreen
Lantana involucrata	Buttonsage	2.5’ x 4’	Evergreen
Myrcianthes fragrans	Simpson’s stopper	20’ x 10’	Evergreen
Myrica cerifera	Wax myrtle	20’ x 20’	Evergreen
Psychotria nervosa	Wild coffee	3’ x 4’	Evergreen
Serenoa repens	Saw palmetto	20’ x 10’	Evergreen
GRASSES			
Muhlenbergia capillaris	Muhly grass	3’ x 3’	Evergreen
Spartina bakeri	Smooth cordgrass	3’ x 4’	Evergreen
Tripsacum dactyloides	Fakahatchee grass	5’ x 6’	Evergreen
WILDFLOWERS			
Baptisia albescens	Spiked wild indigo		Perennial
Coreopsis lanceolarta	Tickseed		Perennial
Coreopsis tinctoria	Plains coreopsis		Perennial
Galliardia pulchella	Blanket flower		Annual
Helianthus debilis	Beach sunflower		Biennial
Salvia coccinea	Scarlet Sage		Perennial
Solidago altissima	Tall goldenrod		Perennial
Solidago sempervirens	Seaside goldenrod		Perennial

All plants listed are species native to Florida and commonly found in Voluisa County.

Appendix G
Soils Map



Map Scale: 1:8,890 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 100 200 400 600

Feet
0 400 800 1600 2400

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3	Arents	5.5	1.3%
4	Astatula fine sand, 0 to 8 percent slopes	15.7	3.7%
11	Bulow sand, 0 to 5 percent slopes	46.8	11.1%
22	Electra fine sand, 0 to 5 percent slopes	6.8	1.6%
42	Paola fine sand, 0 to 8 percent slopes	56.1	13.3%
47	Pits	1.4	0.3%
54	Quartzipsamments, gently sloping	262.8	62.3%
65	Terra Ceia muck, frequently ponded, 0 to 1 percent slopes	4.9	1.2%
67	Turnbull muck	10.4	2.5%
69	Tuscawilla fine sand, 0 to 2 percent slopes	3.0	0.7%
99	Water	8.9	2.1%
Totals for Area of Interest		**422.2**	**100.0%**

ZONING SCHEDULE

SYMBOL	NOTES	ACRES
	Pocket Park	0.81
	Existing Roadway	46.28

SYMBOL	NOTES	ACRES
	Existing Lot	212.98
	Escondido at Tomoka Condo	4.01
	Open Space/ Conservation	172.66



TOMOKA OAKS DENSITY STUDY			
RESIDENTIAL DEVELOPMENT	NUMBER OF UNITS	AREA	DU
SINGLE FAMILY	546	260.0700	2.0900
MULTI-FAMILY	40	4.0100	9.9700
TOTAL	586	264.0800	2.2100

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

(EB 4516) (LC 62)

21067 3-16-2023

TOMOKA RESERVE DENSITY STUDY

CITY OF ORMOND BEACH VOLUSIA COUNTY

ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

ZEVCOHEN & ASSOCIATES INC

300 Interchange Blvd., Suite C
Ormond Beach, FL 32174
386-677-2482 • Fax: 386-677-2505
www.ZevCohen.com

To: Steven Spraker, AICP
Planning Director

From: Mark P, Karet, AICP
Direct of Planning and Landscape Architecture

Date: 12-19-22

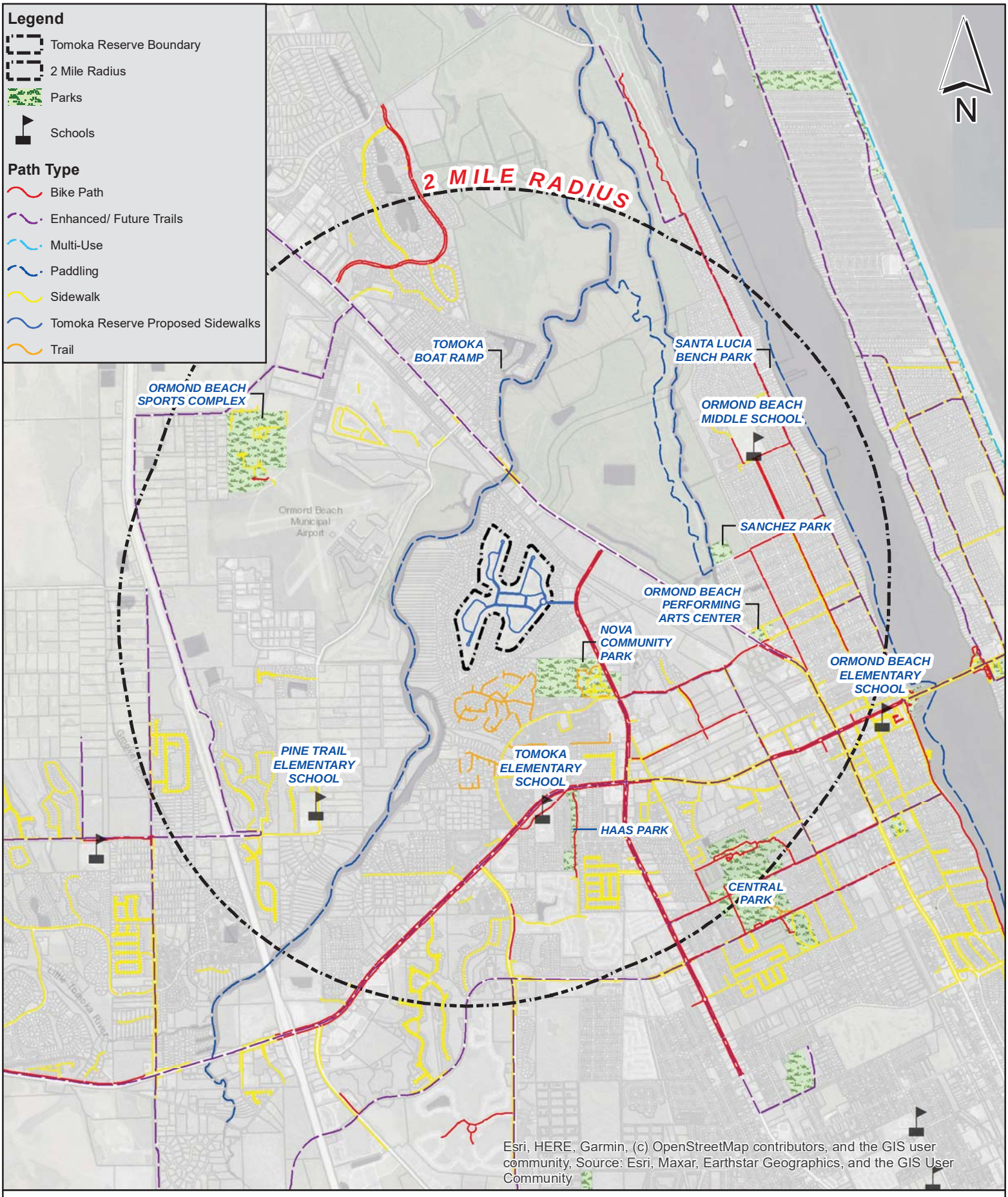
Subject: Bicycle & Pedestrian Analysis
Tomoka Reserve ZCA 21067

Tomoka Reserve is located west of the Nova Road/Tomoka Oaks Boulevard intersection in Ormond Beach. The proposed project consists of 300 single-family residences on the former site of the now closed Tomoka Oaks Golf Course. This one of the few remaining locations within the heart of Ormond Beach that can provide new residents with easy access to active transportation modes.

As new infill development within the Tomoka Oaks County Club Estates, Tomoka Reserve will feature sidewalks on both sides of its internal streets. The developer will install sidewalks along Tomoka Oaks Boulevard for the first time that will connect Tomoka Reserve to the existing sidewalks in Nova Road. Once on Nova Road pedestrians have easy access to a pedestrian network that has many connections and direct and convenient routing to public parks and commercial uses with few physical barriers.

Tomoka Reserve's bicyclists will have access to the project's newly constructed slow speed surface streets and the existing ones in Tomoka Oaks. Tomoka Oaks Blvd allows bicyclists a direct connection to Nova Road. Nova Road features shared lanes with no separate areas for bicycle traffic. However to the north Nova Road connects to US 1 which has a designated bike lane. To the south, Nova Road connects to Granada Blvd which has a designated bike lane as well. Once on these two roads there is connectivity to a well-developed bicycle network that provides safe access to community parks, community centers, schools and shopping.

The attached exhibit depicting active transportation facilities and the community amenities and resources located within a 2-mile radius of Tomoka Reserve was developed using data from the City's and Volusia County's geographic information system and the City's 2016-20216 Bicycle Master Plan. The exhibit illustrates that Tomoka Reserve's location allows it to leverage connections to the City's existing and planned pedestrian and bicycle network to serve its future residents active transportation needs.



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Tomoka Reserve Connectivity Map Ormond Beach, FL

ZEVCOHEN & ASSOCIATES INC
300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482

Biological Assessment
And Environmental Site Assessment

Prepared for
Triumph Oaks of Ormond Beach LLC

Prepared by
Ray and Associates
Planning and Environmental
William (Bill) A. Ray, AICP & Environmental Specialist
352-425-8881

wrayassoc@aol.com

William A. Ray, AICP, Senior Environmental Specialist

July 2nd, 2021
Update: August 12, 2021

Table of Contents

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B. Topography
C. Plant Communities and Florida Land Use, Cover and Forms Classification
D. Wetlands
E. Threatened & Endangered Species

III. Conclusion and Recommendation

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2. Site Aerial
3. Site Photos
4. Survey Transects
5. FLUCFCS
6. Soils
7. Topo
8. Wetlands
9. Bald Eagle Nest Locations
10. Volusia County Scrub Jay Habitat Maps
11. USFWS Concurrance: No Habitat / No Effect

I. Project Description

The subject 146.8$^{+/-}$ Acre Site is located in easter Volusia county in the City of Ormond Beach. The subject property is located in Section 42, Township 13 South, Range 32 East. The subject site is further identified by the Volusia County Property Appraiser as;

Parcel Number	Alt Key #	Acreage$^{+/-}$
324207000010	2998504	146.8
Total		**146.8$^{+/-}$**

(See Exhibit 1-Location Map and Exhibit 2-Site Aerial Map).

The total site area project consists of approximately 146.8$^{+/-}$ Acres. Starting in the early 1960s the lands was developed as a Golf course and country Club with surrounding residential development. The subject site is currently maintained as an inactive golf course. The area is continuing to develop in a Suburban manner.

The Landowner/Developer is currently maintaining the land as vacant urban land in accordance local regulations. The site has been altered extensively in the past. The owner is pursing development of the site for residential use.

Land Use surrounding and adjacent the project area is identified by FDEP as Medium density, 2>5 dwelling units per aces. The are no native or natural Land uses adjacent to the subject site. The project obtains primary access North Nova Road.

A "*Phase I Environmental Site Assessment"* may be completed by others. This report does not address CERCLA compliance or associated requirements.

Survey Methodology

Pedestrian Surveys were conducted based upon Transects parallel to the existing Fairways generally following a north-south orientation. Pedestrian Surveys were conducted on April 5th, 2021.

Surveys began on site in the early morning and continued to 4:00 PM. Temperature ranged from approximately 62° F to 78° F and in an acceptable range for wildlife observations. Skies were mostly clear.

The approximate location of the Pedestrian Transects can be seen on Exhibit 4.

Current photos of the Site and existing use can be seen on Exhibit 3.

II. Site Description

A. SOILS

Soil identified on site are per Volusia County Soils Report by the NRCS:

55 - Quartzipsamments, gently sloping
For a detailed report and description of these soils see Exhibit 6

B. PLANT COMMUNITETIES and FLORIDA LAND USE, COVER and FORMS CLASSIFICATION

Land use types located within the proposed Project Site were identified through a review of color aerials and site investigations. The on-site land use forms were classified using the Florida Land Use, Cover and Forms Classification System (FLUCFCS)) as defined by the Florida Department of Transportation (FDOT, 1999) and the Florida Land Use Cover Classification System (FLUCCS) as defined by the Florida Department of Environmental Protection (FDEP 2004-2011), see Exhibit 6 – FLUCCS Map.

General:
Site conditions are typical of those found in this region of Volusia County. The site was historically cleared, improved and developed as a Golf Course-Country Club. Through the process of normal Golf course maintenance various trees, shrubs and herbaceous vegetation have become established along the "rough", between fairways and property lines adjacent to neighboring residential lots.

The site is surrounded on the

East:	Medium density, 2>5 dwelling units per acre
South:	Medium density, 2>5 dwelling units per acre
West:	Medium density, 2>5 dwelling units per acre
North:	Medium density, 2>5 dwelling units per acre

The region is continuing to develop in a suburban/urban manner. There is One (1) Land Uses Cover identified on the subject site.

Based on information obtained from FDEP, field observations and aerial interpretation, the following land use classifications (FLUCCS) best describe the vegetative communities present on-site and adjacent to the subject site:

Subject site:

1. **FLUCCS – 1820, Golf course**
   Recreational areas are those areas whose physical structure indicates that active user-oriented recreation is or could be occurring within the given physical area. This category would include golf courses, parks, swimming beaches and shores, marinas, fairgrounds, etc. (Note: Swimming beaches are identifiable by such features as bath houses, picnic areas, service stands and large parking lots adjacent to the beach areas.) In order to make this recreational determination, supplemental information may often be required**.**

Surrounding and Adjacent Land Use:

1. FLUCCS – 1200: Medium density, 2>5 dwelling units per acre
This land use surrounds the subject site.

The site is located in a urbanized area of Volusia County. The biggest threat to the development of any high-quality wildlife habitat or sustainable natural ecosystem is primarily caused by fire exclusion. Vacant or Open lands become progressively less suitable for wildlife habitat as more non-fire resistant plants have established dominance over with time. In addition, the soil has been historically altered and compacted over time through management and normal site maintenance.

The subject has been uniformly established and maintained as a Golf course Bahia Grass and hybridized Bermuda grass are the dominant ground covers. Along fairway edges land external boundary occasional Oaks with limited shrubs and other vegetation typical of developed golf courses exhibit scatted dominance of the ca. The permitter property lines are well maintained and established.

Trees & Shrubs:

Trees and Shrubs comprise only 3.5 Acres or 1.7% of the Site

Live Oak	*(Q. virginiana)*,
Laurel Oak	*(Q. laurifolia)*
Red Oak	*(Q. falacata)*
Longleaf Pine	*(Pinis palustris)*
Slash Pine	*(Pinus elliottii)*
Carolina Laurel Cherry	*(Prunus caroliniana)*
Hercules Club	*(Zanthoxylum clava-herculis)*
Common Persimmon	(*Diospyros virginiana*)
Lantana	(*Lantana camara*),
Beautyberry	*(Callicarapa americana)*
Saw Palmetto	*(Serenoa repens)*

Groundcover:

A groundcover of improved golf course grasses covers the majority of the site;

Bahiagrass	(*Paspalum sp*.),
Bermudagrass	*(Cynodon sp.)*

<u>Common pasture weeds and fencelines;</u>

Centipedegrass	*(Eremochloa ophiuroides)*
Eastern Prickly Pear Cactus	*(Opuntia humifusa)*
Tickseeds	(*Coreopsis spp.*)
Smutgrass	*(Sporobolus indicus)*
Broomsedge	*(Andropogon virginicus)*
Greenbrier	(*Smilax* sp.)
Grapevine	(*Vitis* sp.),

Goldenrod	(*Solidago* sp.)
Bluestem	(*Schizachyrium sp*),
Blackberry	(*Rubus* spp.)
Dogfennel	(*Eupatorium capillifolium*)
Variable witchgrass	*(Dichanthelium commutatum),*
Hairy Indigo	(*Indigofera hirsute*)
Pusley	(*Richardia scabra* L.)
Poaceae	*(Saccharum alopecuroides*)

Non-Native / Invasive

Tropical Soda Apple	*(Solarum viarum)*
Chinaberry	(*Melia azedarach)*
Camphor	(*Cinnamomum camphora)*

This is not intended to be a 100% vegetative survey but rather provide a general acknowledgement of existing vegetation sufficient to provide a understanding of the existing site conditions.

In the natural condition for Florida, periodic fire is important in setting back plant succession and maintaining viable ecosystems. There was no evidence observed on site to indicate any periodic or previous fires.

The subject site is surrounded by existing development. The site is located in a urban area of Volusia County. The continual and consistent site management of the site and absence of periodic fires has prevented the establishment of native or natural ecosystems. The site contains no native habitat or scrub/shrub xeric plant communities.

Due to the Golf Course management of the site together with the adjacent residential lands and the fact that it is isolated from any other upland habitats, and not part of and regional upland wildlife corridor or ecosystem there is minimal ecological habitat value provided by the subject site. There are no other Land Uses associated with the subject site. The existing Land Cover is not Rare, Endangered or ecological unique to Central Florida or the Region.

C. TOPOPGRAPGY

The Topography of the subject site can be seen on Exhibit 7. Elevation on site is generally uniform sloping from the central eastern portion of the west and northwest. Information obtained from FDEP and Volusia County GIS indicates elevations between $40^{+/-}$ in the central southeast area to an elevation of approximately $15'^{+/-}$ in the northwest portion of the site.

D. WETLANDS

The subject site was evaluated for the presence of jurisdictional wetlands. General methodology detailed in Chapter 62-340 of the Florida Administrative Code and the 1987 US Army Corps of Engineers Wetland Delineation Manual was followed. Soils, Flood

Planes, Vegetation and other historical information was researched and analyzed during the site investigation.

A review FDEP and the National Wetlands Inventory (NWI) together with Volusia County's GIS data base do not indicate the presence of jurisdictional wetlands on the subject site. There are no hydric Soils identified on the subject site.
Site investigation and field evaluation identified two artificially created surface water features from upland soils, surrounded by uplands, each less than 0.5 acre and are associated with the Irrigation of the Golf course.

See Exhibit 8 for the general location of the jurisdictional wetlands within the region based upon NWI mapping.

E. THREANTEND and ENDANGERED SPECIES

A literature review as well as professional experience and knowledge of the region was utilized to identify federally, or state listed species most likely to be found within Volusia County, Florida. The Project Site was then evaluated for the presence of those listed species identified by the United States Fish and Wildlife Service (USFWS) and/or the Florida Fish and Wildlife Conservation Commission (FWC). Site reviews were conducted by a Ray and Associates biologist on April 5th to evaluate the property for potential presence of wildlife listed for protection.

The USFWS identifies the subject site as a Tier 5 Habitat. Tier 5 Habitats are those where we may have a measurable workload and little resource payoff. In the regulatory arena, these could be considered personnel "sinks". However, they may also present restoration opportunities to higher value habitats. These include:

- Agriculture
- Canal/Ditch
- Disturbed Transitional
- Urban/Developed

Based upon existing site conditions and observations the subject project does not propose development of any identified "higher value habitats" by the Florida Natural Area Inventory (FNAI) or Strategic Habitat Conservation Areas as identified by FDEP.

The observation of potential habitat for Three (3) species listed for protection, or their habitat, was identified on the subject site. These species and the results of regulatory analysis are found below.

Gopher Tortoise, *Gopherus polyphemus*

Active, Potentially Occupied and Abandoned, Gopher Tortoise burrows were observed on the project site. Gopher tortoises are a threatened wildlife species by the Florida Fish and Wildlife Conservation Commission (FWC) and are protected by state law, Chapter 68A–27, Florida Administrative Code. In accordance with the requirements of Rules

68A-25.002 and 68A-27.004 (F.A.C.), a permit for a gopher tortoise capture/relocation/release activity must be secured from FWC before initiating any relocation work. Gopher tortoises must be relocated or impacts to their burrows avoided in accordance with FWC Guidelines before any land clearing for development takes place. Property owners must obtain permits from the Florida Fish and Wildlife Conservation Commission before they can move or relocate any Gopher Tortoises.

It is recommended that 90 days prior to site development a physical survey for the Presence/Absence of Active, Inactive/Potential Occupied, or Abandoned Gopher Tortoise Borrows be completed in accordance with FWC Gopher Tortoise Guidelines. If Active or Potentially Active Gopher Tortoise Burrows are identified FWC regulations governing Gopher Tortoise protection, burrow excavation, relocation and mitigation are to be complied with.

USFWS CONSULTATION AREAS

The U.S. Fish and Wildlife Service establishes “consultation areas” for certain species listed for protection. As a general guideline consultation area only become an issue if USFWS consultation is required, which is typically associated with permitting through the U.S. Army Corps of Engineers. The is recognized that species presence and need for additional review may often determine to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically regional in size, typically covering multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

Florida Scrub-Jay (Aphelocoma coerulescens)

Currently the Florida Scrub-Jay is listed as threatened by the USFWS. The Florida scrub-jay has extremely specific habitat requirements. Florida Scrub Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90 % of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Scrub Jays were observed during the wildlife survey conducted by Ray and Associates. No suitable habitat was observed on the subject site. Uplands found on site contains a mixture of Oaks and Pines which of a size, height and density to not provide suitable habitat. The subject site is not mapped, or adjacent to areas mapped, by Volusia County as habitat potentially occupied by Shrub Jays. See Exhibit 10

As the site is in the Scrub Jay Consultation Area, a formal Scrub-Jay survey may be required by the USFWS to determine if Scrub Jays exist on the subject property. Formal surveys may be conducted between March 1 through October 31 and be conducted for five (5) consecutive days on calm, clear days about one hour after sunrise, and should terminate before midday heat or wind. Transects may be driven or walked and a broadcast of calls is required at each station for at least 1 minute in all four directions, emphasizing any direction in which low growing oak scrub is the predominant vegetation. A formal survey would also include a report detailing development implications and mitigation that will be required, in the event a presence was confirmed on the subject property.

Florida Bald Eagle, *Haliaeetus leucocephalus*

Information and data obtained by FWC was used to locate documented bald eagle nesting territories and to view their locations in map form.
(http://www.myfwc.com/eagle/eaglenests/nestlocator.aspx#search

No Bald Eagle Nest have been previously identified or documented by FWC within 1 mile of the subject site. During recent site investigations and ecological surveys, no Bald Eagle Nests were observed on or near the subject site.

The information contained within this database is current through the 2012-2013 nesting season; nests were surveyed by FWC from November 2012 to April 2013. Accuracy of the nest locations is estimated to be within 0.1 miles of the true location. Not all eagle nests in Florida have been documented by FWC. Non-documented nests receive the same level of protections as FWC documented nests. See Exhibit 9.

Additional protected species investigated for possible impact.

No other protected animal species were observed or identified on the subject site.

Florida Sandhill Crane	*Grus canadensis pratensis*	ST
Burrowing Owl	*Athene cuniculari*	ST
Little Blue Heron	*Egretta caerulea*	ST
Tricolored Heron	*Egretta tricolor*	ST
Wood Stork	*Mycteria americana*	FT/ST
Everglades Snail Kite	*Rostrhamus sociabilis plumbeus*	FE
Southeastern American	Kestrel *Falco sparverius Paulus*	ST
Florida mouse	*Peromyscus floridanus*	SSC
Sand Skink	*Neoseps reynoldsi*	FT

Eastern Indigo Snake	*Drymarchon corais couperi*	FT
Short-tailed snake	*Stilosome extenuatum*	ST
Florida Pine snake	*Pituophis melanoleucus mugitus*	SSC
Red Rat snake	*Elaphe guttata*	SSC
Red-cockaded woodpecker	*Picoides borealis*	FE

Plants

Britton's beargrass	*(Nolina brittoniana)*	FE
Florida bonamia	(Bonamia grandiflora)	FT
Lewton's polygala	(Polygala lewtonii)	FE
Papery whitlow-wort	(Paronychia chartacea)	FT
Pigeon Wings	(Ciltoria frangrans)	FE
Pygmy Fringe-tree	(Chionanthus pygmaeus)	FE
Scrub buckwheat	(Eriogonum longifolium var. gnaphalifolium)	FT
Scrub plum	(Prunus geniculata)	FE
Wide-leaf warea	(Warea amplexifolia)	FE

The location of Pedestrian Transects can be found on Exhibit 4

III. Conclusions and Recommendations

The Project Site is surrounded by existing Medium Density Single Family Residential development. The site was developed and mongered for over 55 years as a Golf course and Country Club. The golf course is continually maintained as open urban land in the City of Ormond Beach.

There are no areas of naturally occurring Native, Long leaf Pine Ecosystems, Scrub or Xeric plant communities, located on the subject site. There is no evidence of prescribed burning. Based upon the proximity of the surrounding residential development and the that the site is with an existing urban area of the City of Ormond Beach it is unlikely that Prescribed Burning will become an acceptable site management tool. There are no naturally occurring open sandy areas identified or observed on site. Open areas of disturbed soil are the remnants of Golf Corse sand traps and are becoming grassed over. Very minimal natural re-vegetation is occurring on site.

Potentially Occupied Gopher Tortoise burrows were observed on the subject site.

Due to the fact that Gopher Tortoises frequently move and occupy new habitat it is recommended that 90 days prior to site development a Gopher Tortoise Survey, Excavation, Capture and Relocation be completed in accordance with FWC regulations. All Active and Potentially Active Gopher tortoise burrows located in areas proposed for development should be excavated and all captured Gopher Tortoises be relocated in accordance with FWC guidelines.

The subject site is within the USFWS Scrub Jay consultation area which includes most all counties of peninsular Florida. Pre-Consultation is occurring with USFWS.

No Florida Scrub Jays were observed on the subject property.
No evidence of Florida Scrub Jays was observed.
No sustainable of higher quality Scrub Jay Habitat as observed on the subject site.
No evidence was obtained that would suggest sustainable Scrub Jay Habitat would develop in the future.

The absence of Florida scrub Jays could be due to;

- Complete lack of any site management involving Prescribed/Managed burning.
- Lack of Florida Scrub Jay's specific habitat requirements
- Site's location in an Urban/Sub-Urban Area surrounded by Single Family residential development it is highly unlikely that Prescribed-Managed Burning will be an allowed site management tool,
- Site was previously developed and managed as a Golf course-Country Club for approximately 50 years,
- Open Raptor Prey Areas and presence of Raptors, and competition with other bird species.

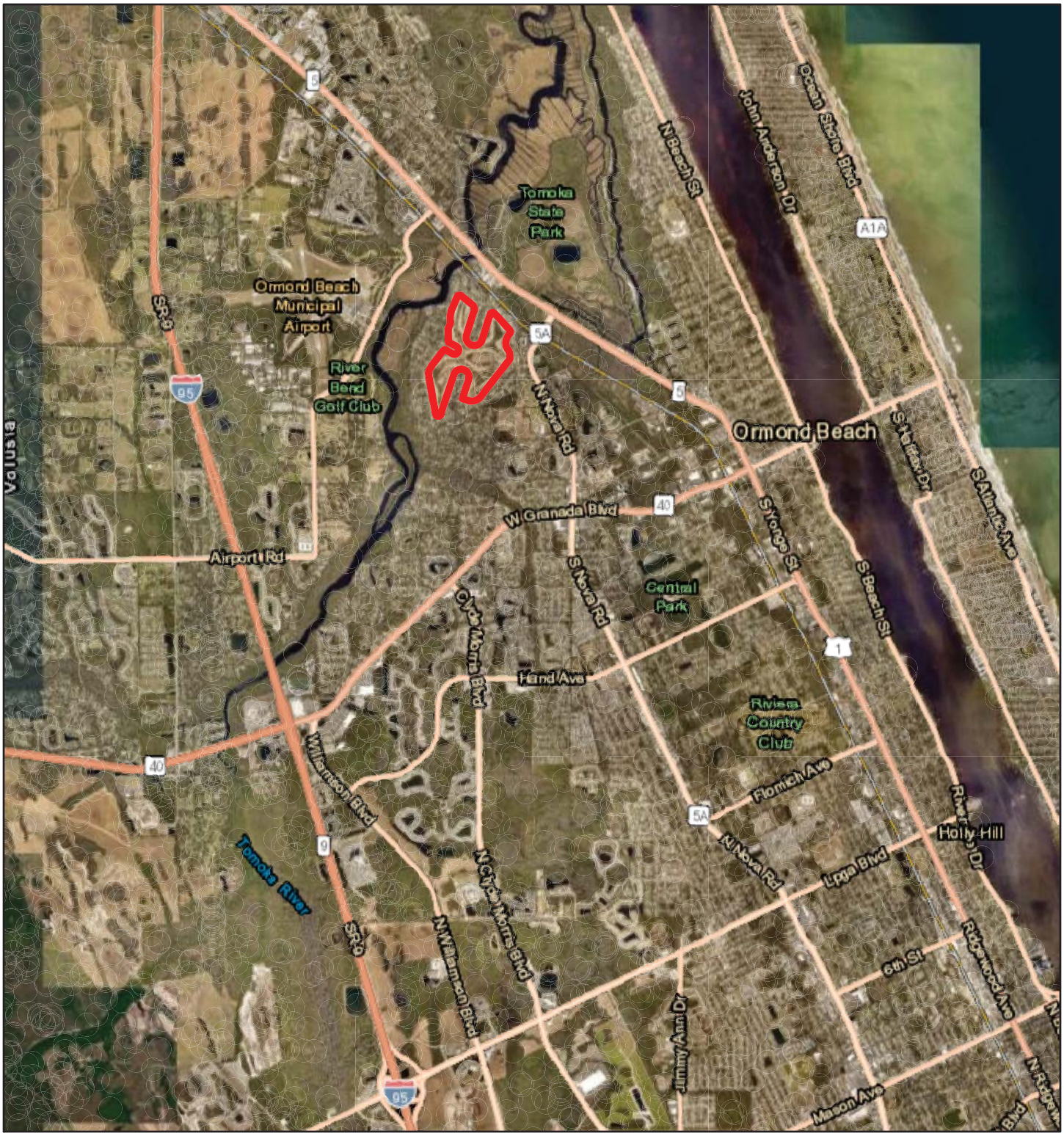
Updated: See Exhibit 11. On August 12th, 2021 USFWS Fish and Wildlife Biologist, Erin Gawera stated after review that the Service agrees with this Biological Assessment and Environmental Site Assessment that this site is not suitable habitat for scrub-jays and therefore scrub-jays will not be impacted by development of the site. The Service has no objection to development of the project area.

The subject site is not mapped by Volusia County as "Landcovers with Florida Scrub-jays and within Scrub Natural Communities. It is recommended that USFWS concur with the findings of this report that the site does not contain Scrub Jay Habitat and no further surveys are required.

The subject site development does not propose impact to or contain any unique or ecologically significant area of vegetation or habitat. No other protected species were observed or identified on the subject site.

It is the recommendation of Ray and Associates that the subject property prepared by be approved for development as proposed provided there is demonstration of compliance with Local, State and Federal regulations.

Exhibit 1: Location



May 31, 2021

1:72,224

0 0.5 1 2 mi

0 0.75 1.5 3 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Map created by Map Direct, powered by ESRI.
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Exhibit 2: Aerial



May 31, 2021

1:9,028

Cadastral 2020 (Property Appraiser Parcels) - Public View

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP

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Golf Club infrastructure; Typical



Fairway Edge Typical



View towards Club house: Typical



Typical internal Wooded Area adjacent between Fairways

Ray and Associates
Planning & Environmental
2712 SE 29th ST, Ocala, Florida 34471
352-425-8881
wrayassoc@aol.com

Exhibit 3: Site Photos 4.3.2021
Parcel ID#: 3242070010 / AltKey# 2998504
Tomoka Oaks Golf Course / 146.8+/- Acres / Sec 42, Tw 13S, Rng 32E
Volusia County, Florida.



West view: Typical



Northern Site Maintained Fairway: Typical



East Central Area: West View:Typical



Site Typical: Trees at edge of fairways



Central East: Trees and Maintained Golf Course area: Typical



Site Typical; Residences adjacent to Fairways



Site Typical



Typical Site: Prior use: Typical

Exhibit 4: Transects



May 31, 2021

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP

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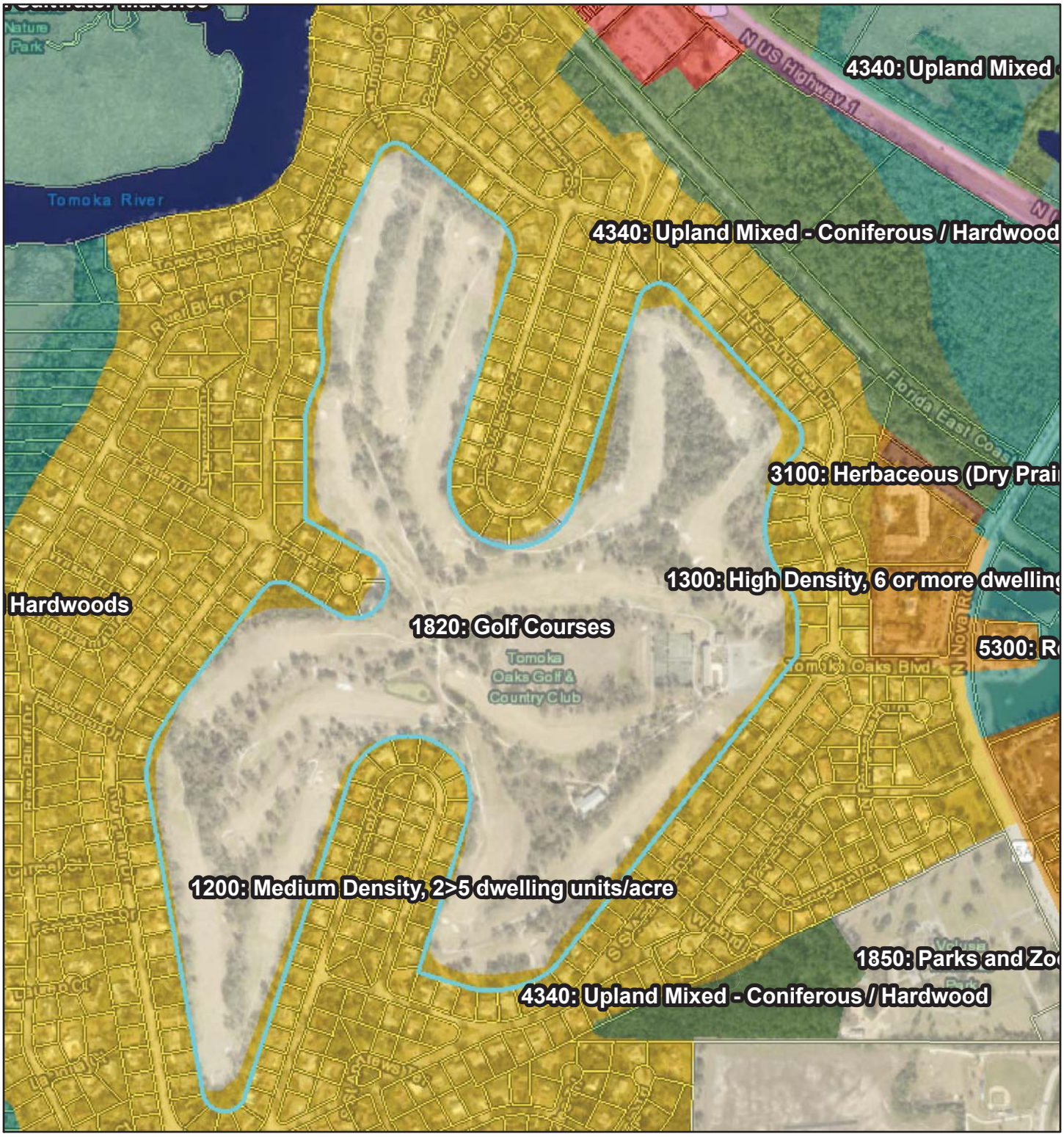
Exhibit 5 FLUCFCS



July 18, 2021

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Cadastral 2020 (Property Appraiser Parcels) - Public View

Statewide Land Use Land Cover

Residential Medium Density

Residential High Density

Commercial and Services

Recreational

Herbaceous

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, SRWMD, SJRWMD, SFWMD, SWFWMD, NWFWMD, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP

Map created by Map Direct, powered by ESRI. undefined

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United States Department of Agriculture

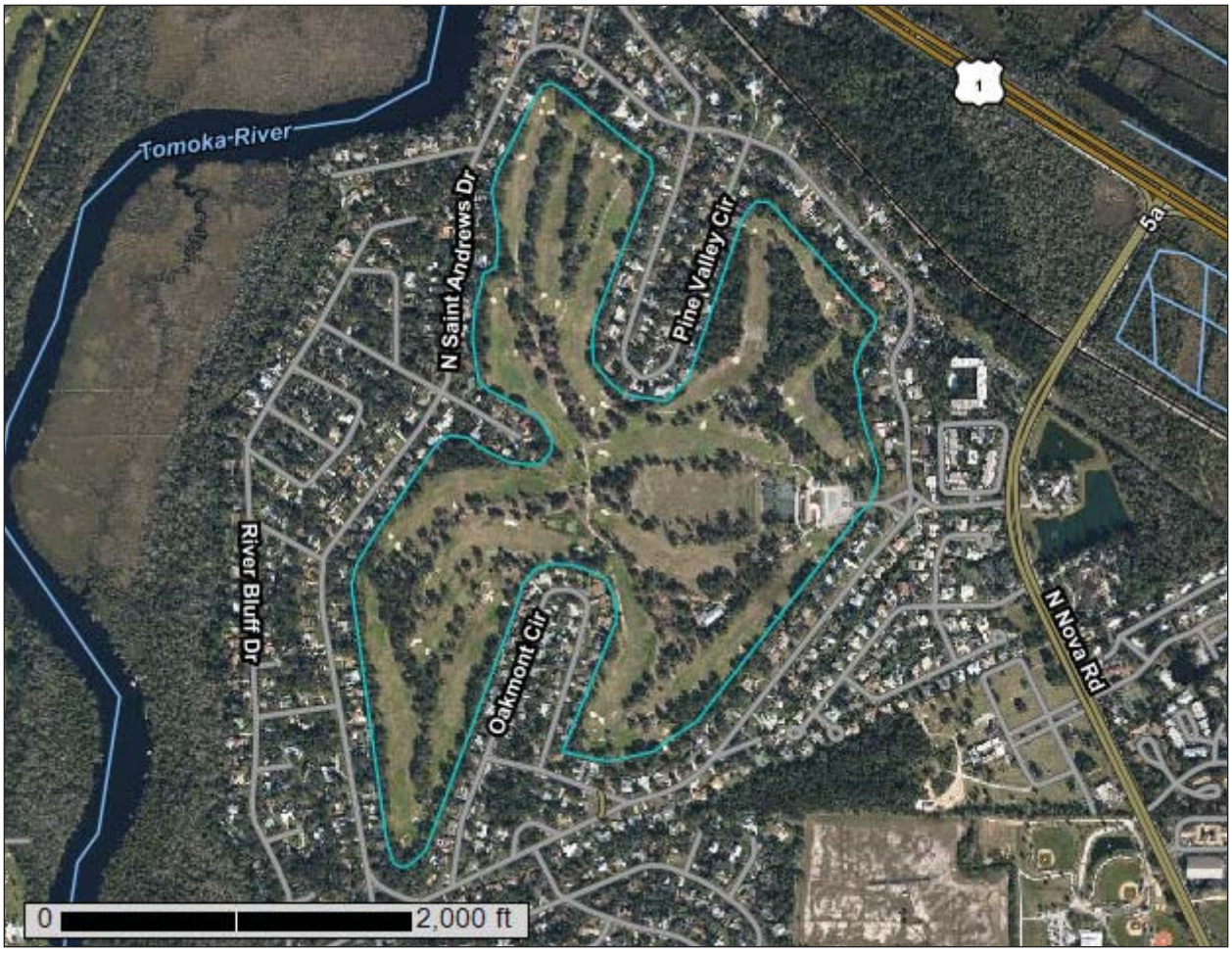
NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Volusia County, Florida

Ray and Associates: Exhibit 6: Soils



May 31, 2021

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.



Map Scale: 1:7,940 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 100 200 400 600

Feet
0 350 700 1400 2100

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Volusia County, Florida
Survey Area Data: Version 19, Jun 10, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 6, 2019—Feb 25, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
54	Quartzipsamments, gently sloping	146.8	100.0%
Totals for Area of Interest		**146.8**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Volusia County, Florida

54—Quartzipsamments, gently sloping

Map Unit Setting

National map unit symbol: 1nttk
Elevation: 0 to 100 feet
Mean annual precipitation: 53 to 61 inches
Mean annual air temperature: 66 to 73 degrees F
Frost-free period: 285 to 315 days
Farmland classification: Not prime farmland

Map Unit Composition

Quartzipsamments and similar soils: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Quartzipsamments

Setting

Landform: Rises on marine terraces
Landform position (three-dimensional): Rise
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Sandy marine deposits

Typical profile

C - 0 to 80 inches: fine sand

Properties and qualities

Slope: 0 to 5 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 4.0
Available water capacity: Very low (about 2.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: A
Forage suitability group: Forage suitability group not assigned (G155XB999FL)
Other vegetative classification: Forage suitability group not assigned (G155XB999FL)
Hydric soil rating: No

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Exhibit 7: Topography



May 31, 2021

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Cadastral 2020 (Property Appraiser Parcels) - Public View

Elevation Contours and Depressions

- 0 - 10
- 10 - 20
- 20 - 30
- 30 - 40

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP, U.S. Geological Survey U.S. Geological Survey Sioux Falls, SD. QA and

Map created by Map Direct, powered by ESRI.

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Exhibit 8: Wetlands - FDEP/NWI Data Base



May 31, 2021

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

National Wetlands Inventory (areas)

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP

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Exhibit 9: FWC Bald Eagle Nest Data Base



May 31, 2021

1:36,112

FWC Eagle Nests - 660 Foot Buffer

0 0.25 0.5 1 mi

0 0.42 0.85 1.7 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP

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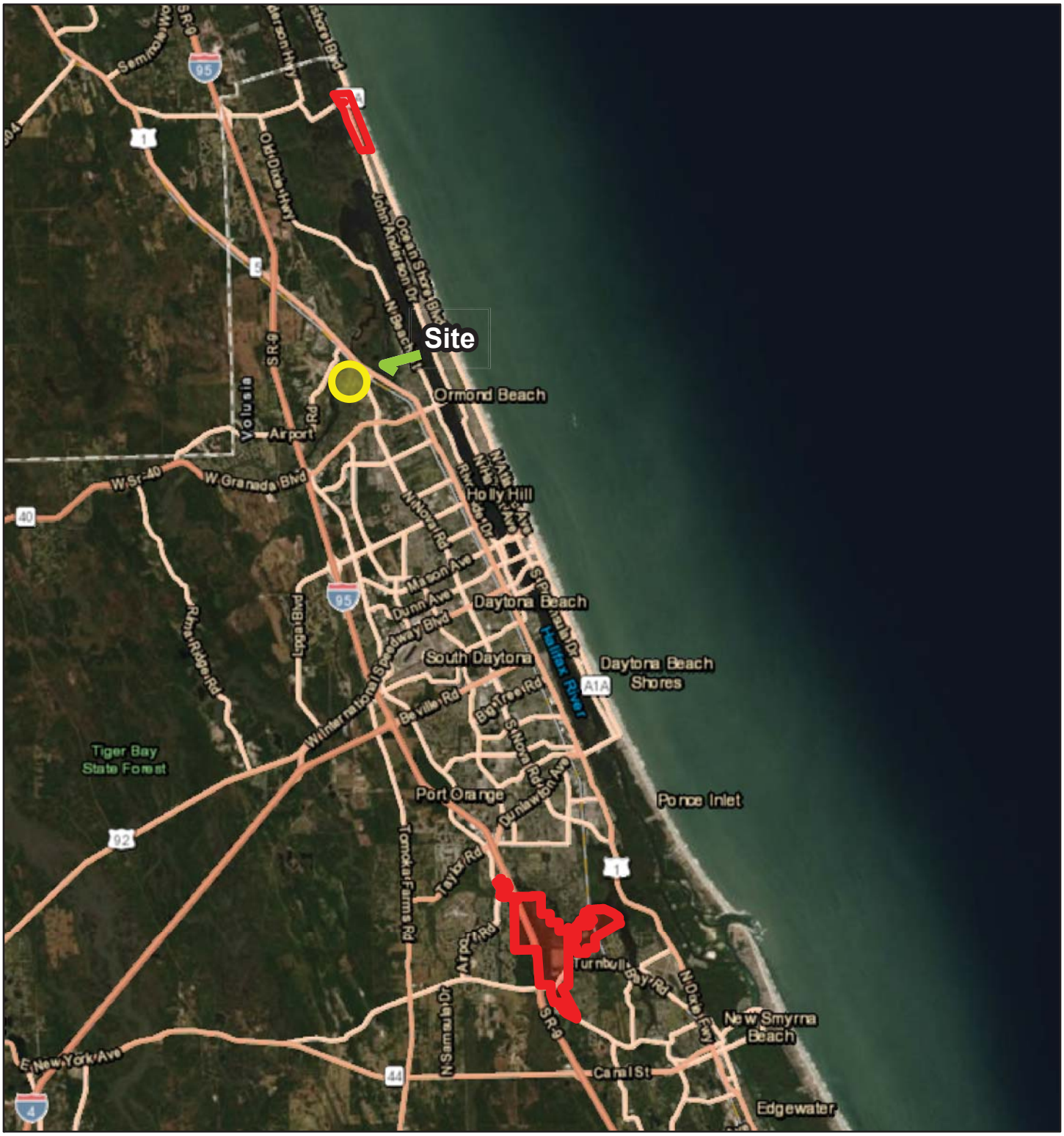
Exhibit 10: Volusia County Scrub Jay Habitat Map



May 31, 2021

1:288,895

0 2 4 8 mi

0 3.5 7 14 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Map created by Map Direct, powered by ESRI.

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From: erin_gawera@fws.gov,
To: wrayassoc@aol.com,
Subject: Re: [EXTERNAL] Tomoka Oaks Golf Course Scrub Jay Pre-Consultation
Date: Thu, Aug 12, 2021 1:24 pm

Hi Bill,

The Service agrees with your assessment that this site is not suitable habitat for scrub-jays and therefore scrub-jays will not be impacted by development of the site. The Service has no objection to development of the project area.

Have a great week!

Erin

log #04EF1000-2021-TA-1418 Tomoka Oaks_Volusia

****

Erin M. Gawera, Fish and Wildlife Biologist
US Fish and Wildlife Service
Email: erin_gawera@fws.gov
http://www.fws.gov/northflorida
Florida Ecological Services Field Office
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256-7517
904/731-3121 (direct)
904/731-3336 (main)
Fax: 904/731-3045 or 3048

From: Bill Ray <wrayassoc@aol.com>
Sent: Tuesday, July 20, 2021 9:59 AM
To: Gawera, Erin <erin_gawera@fws.gov>
Subject: [EXTERNAL] Tomoka Oaks Golf Course Scrub Jay Pre-Consultation

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Erin, attached please find the Biological / Environmental Site Assessment for the former 146.8 Acre - Tomoka Oaks Golf Course and Country Club in the City of Ormond Beach Volusia County.
This information is provided for Scrub Jay Pre-Consultation.

The total site area project consists of approximately $146.8^{+/-}$ Acres. Starting in the early 1960s the lands were developed as a Golf Course and Country Club with surrounding residential development. The subject site is currently maintained as an inactive golf course. The area is continuing to develop in an Urban manner.

The subject site is within the USFWS Scrub Jay consultation area which includes most all counties of peninsular Florida. The subject site is **not** mapped by Volusia County as “Landcovers with Florida Scrub-Jays and within Scrub Natural Communities".

No Florida Scrub Jays were observed on the subject property.

No evidence of Florida Scrub Jays was observed.
No sustainable of higher quality Scrub Jay Habitat as observed on the subject site.
No evidence was obtained that would suggest sustainable Scrub Jay Habitat would develop in the future.

The absence of Florida scrub Jays could be due to;

- Complete lack of any site management involving Prescribed/Managed burning.
- Lack of Florida Scrub Jay's specific habitat requirements
- Site's location in an Urban/Sub-Urban Area surrounded by Single Family residential development it is highly unlikely that Prescribed-Managed Burning will be an allowed site management tool,
- Site was previously developed and managed as a Golf course-Country Club for approximately 50 years,
- Open Raptor Prey Areas and presence of Raptors,

and competition with other bird species.

It is recommended that USFWS concur with the findings of this report that the site does not contain Scrub Jay Habitat and no further surveys are required.

Do not hesitate to contact me if you have any questions or require additional information.
Thank you for your help and assistance.

Bill

William (Bill) A. Ray, AICP
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Email: wrayassoc@aol.com

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TOMOKA RESERVE

HOLDING ANALYSIS

DECEMBER 19, 2022

ZEV COHEN & ASSOCIATES

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E. CITY OF ORMOND BEACH LDC SECTION 2-35.C.4.

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Summary of Subdivision Density

1. Holding capacity based on soils, flood plain and utilities (see information contained within the Report):
   Maximum number of units: 887.64
   Units per acre (147.94 total acres): 6

2. Gross density based on the number of project acres divided by the proposed number of lots:
   Maximum number of units: 300
   Units per acre (147.94 total acres): 2.02

3. Proposed Gross Density is 2.02 units per acre

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SOIL TYPE	AREA IN 100 YR FLOODPLAIN		AREA OUT OF 100 YEAR FLOODPLAIN		DEVELOPMENT POTENTIAL	DENSITY FACTOR W/IN FLOOD PLAIN	DENSITY FACTOR OUTSIDE FLOOD PLAIN	ALLOWABLE DENSITY (UNITS)	HIGH WATER TABLE ELEV. (IN. BELOW GROUND)
	SQ FT	ACRES	SQ FT	ACRES					
54	0	0	6,459,082.23	147.94	HIGH	0	6	887.64	24-42
Total:								**887.64**	



Info:

Date Saved: 5/25/2022 Created by: jdurant
Path: Z:\PROJECTS\2021\21067\FEMA Flood Map.mxd

550 275 0 550 Feet

FEMA Flood Map
Tomoka Oaks
Ormond Beach, FL

ZEVCOHEN & ASSOCIATES INC
300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482



Info:

Date Saved: 5/25/2022 Created by: jdurant
Path: Z:\PROJECTS\2021\21067\Soils Map.mxd

550 275 0 550 Feet

Soils Map
Tomoka Oaks
Ormond Beach, FL

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300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482

Holding capacity*; density.* Density determined in subsection (c)(1) of this section is for gross density purposes only. A more refined methodology for determining the holding capacity of a particular site proposed for development is derived from a three-tiered system based on soil characteristics related to the high seasonal groundwater tables (as derived from the SCS soil classification study); flooding potential as noted on the FEMA, FIRM maps; and the availability of central water and/or central sewer facilities. Table 2 illustrates the relationship between environmental constraints and water and sewer availability when calculating density. This table lists the coefficients for determining density in a matrix.

The procedure for determining holding capacity is as follows:

Step 1: Applicant prepares environmental constraints map for the parcel proposed for development;

Step 2: Calculate the acreage of property within each particular environmental constraints category;

Step 3: Multiply the acreage in each category by a coefficient determined by site-specific environmental constraints and availability of water and sewer as noted in table 2.

Step 4: Sum the totals for each category to achieve the holding capacity for the parcel in terms of maximum potential density.

Once the holding capacity is determined, the developer must prepare plans that are consistent with the holding capacity and environmental constraints of the subject property.

Five (5) distinct environmental constraint categories have been identified and are described below, together with their density allocations.

a.

Very Low. Areas that lie within the 100-year floodplain and where the seasonal high water table is at or above the surface or areas outside of the 100-year floodplain where the seasonal high water table is six inches (6") or more above the surface. Here, the constraints are seen as being severe, with associated environmental impacts too damaging for community development. Areas in this category are, for the most part, the riverine wetlands and cypress swamps interspersed among the pine flatwoods. Representative soils include the various mucks associated with the wetlands and more established cypress systems. A nominal standard of 0.2 units to the acre (one (1) unit per five (5) acres) is assigned as the maximum achievable density for this category, regardless of the availability of central utilities (facilities are not planned for these areas). In some cases, it is conceivable that a single development site could be located within a five-acre parcel classified entirely as "very low." However, a more likely scenario, particularly for larger parcels, would be the transfer of the density allocation to the more buildable areas of the site.

b.

Low. Includes soil types with a seasonally high water table that, at times, will reach and exceed the surface. This category includes land that falls within designated 100-year

floodprone areas and has a seasonal high water table that does not reach the surface and is not greater than six inches (6") below the surface, or lands where the water table will occasionally be at or above the surface (zero (0) to six inches (6") above) but, for various reasons, is not designated as a 100-year floodprone area. The low category encompasses the more subtle depressional features among the flatwoods. The pine/cypress vegetative community and the depressional variety of the Pomona, Immokalee, and Myakka soil series commonly occur in this category. These lands can tolerate a certain amount of mitigated modification without irreversible environmental damage. The maximum density value for this category is 0.5 units per acre (one (1) unit per two (2) acres) regardless of the availability of utilities. As with the very low category, these levels of development can be achieved only under the ideal circumstances consistent with the criteria for protection of wetlands that typically occur within this soil category. Therefore, development is not likely to occur at assigned densities within these areas but will probably be transferred to other more suitable on-site uplands.

c.

Medium Low. These are areas that are within the 100-year floodplain and the seasonal high water table is greater than six inches (6") to twenty-four inches (24") below the surface or those areas that are outside of the floodplain and the seasonal high water table does not reach the surface and is not greater than six inches (6") below the surface. Density ranges in this category are one (1) unit per two (2) acres without infrastructure; one (1) unit per acre with central water only; and three (3) units per acre with both central water and sewer. Depending upon actual vegetative system conditions, these areas may be suitable for limited development or for open space uses with on-site density transfer to more suitable areas.

d.

Medium. The criteria for designating lands in the medium category is the seasonal high water table greater than six inches (6") below the surface to twenty-four inches (24") below and outside of floodprone areas or is twenty-four inches (24") or greater below surface if in floodprone area. Extensive areas in the western and southern portion of the Pamlico Terrace are in this category. Due to the nearly level terrain in those areas within the floodplain, the water table hovers near the surface for two (2) to three (3) months a year. However, with proper drainage design and adequate infrastructure, development potential can reach up to four (4) units per acre with central water and sewer; one (1) unit per two (2) acres with no central utilities; and two (2) units per acre with central water only. Planned unit developments, with net densities in excess of one (1) unit per acre utilizing either well or septic or one (1) unit per two (2) acres utilizing well and septic may be allowed provided that minimum lot size requirements are not reduced, to achieve maximum potential density. Instead, transfer of density to a portion of the site serviced by a central system will be allowed, provided the proposed development is consistent with the zoning district requirements, level-of-service standards, and compatible with the natural resources.

e.

High. This category includes lands that are not within a floodprone area and have a water table deeper than twenty-four inches (24") below the surface. These lands generally consist of deep sandy soils and are the most suited for community development. They are in relatively short supply due to the prevailing high water tables and floodprone conditions

in the undeveloped perimeter areas of the city and the early development of the deep, sandy ridge areas. Representative soils of this category include the Tavares, Daytona, and DeLand series. Up to six (6) units to the acre (roughly the equivalent of duplex or zero-lot-line development on five thousand (5,000) square foot lots) is achievable with central utilities. With central water only, the maximum density would be three (3) units per acre if that could be achieved under health department septic standards. The location of package plants is acceptable in the medium and high categories for planned unit developments at the higher densities (e.g., greater than one (1) unit per acre) on an interim basis only where it is not economically feasible (due to and/or sewer service at the time of development. In these cases, the development shall be dry-lined and impact fees paid in advance or bonded for. Without central sewer or water, the maximum density is one (1) unit per two (2) acres (project size in relation to line extension distances) to connect to central water.

Table 1. Density Determinations

EXPAND

Development Potential	None	Water Only*	Water and Sewer
Very Low	0.2	0.2	0.2
Low	0.5	0.5	0.5
Medium Low	0.5	1.0	3.0
Medium	0.5	1.0	4.0
High	0.5	1.0	6.0

* For purposes of computing maximum potential density only; a minimum lot size of 1 acre is required for any development utilizing septic tanks. Connection to central sewer will be required whenever line extensions and appurtenances thereto are deemed economically feasible.

Table 2. Characteristics of Environmental Constraint Categories

EXPAND

Environmental Constraints	100-Year Floodplain	Seasonal High Water Table
Very Low	N/A	At or above the surface
Low	IN	0.1" to 6" below surface
Medium Low	IN	6" to 24" below surface

Environmental Constraints	100-Year Floodplain	Seasonal High Water Table
	OUT	0.01" to 6" below surface
Medium	IN	24"+ below surface
	OUT	6" to 24" below surface
High	OUT	24" + below surface

ATTACHMENT 10

Site plans submitted
September 6, 2023

Other notes:

Original applicant provided information – former Attachment 11 – located in Attachment 13, Section D

Former Attachment 17: Additional Information provided by the applicant on August 16, 2023 – located in Attachment 13, Section E

TOMOKA RESERVE

CITY OF ORMOND BEACH - VOLUSIA COUNTY, FL

PLANNED DEVELOPMENT

OWNER:
TRIUMPH OAKS OF ORMOND BEACH I, LLC
7765 LAKE WORTH ROAD, BOX 320
LAKE WORTH, FL 33467
PHONE NUMBER: (561) 704-1959
FAX NUMBER
CONTACT PERSON: SHELDON RUBIN
e-mail: sheldonwrubin@gmail.com

CIVIL ENGINEER:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: KRIS ROWLEY, P.E.
e-mail: krowley@zevcohen.com

SURVEYOR:
SLIGER & ASSOCIATES, INC.
3921 NOVA ROAD
PORT ORANGE, FL 32127
PHONE NUMBER: (386) 761-5385
FAX NUMBER
CONTACT PERSON: JOE ZAPERT
e-mail: Jzapert@sligerassociates.com

GEOTECHNICAL ENGINEER:
UNIVERSAL ENGINEERING SCIENCES
911 BEVILLE RD
SOUTH DAYTONA, FL 32119
PHONE NUMBER: (386) 756-1105
FAX NUMBER: (386) 760-4067
CONTACT PERSON: BRIAN POHL
e-mail: Bpohl@universalengineering.com

LANDSCAPE ARCHITECT:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: JAKE STEHR, R.L.A.
e-mail: jstehr@zevcohen.com

ATTORNEY:
COBB COLE
149 S. RIDGEWOOD AVENUE, SUITE 700
DAYTONA BEACH, FL 32114
PHONE NUMBER: (386) 255-1811
FAX NUMBER: (386) 253-1746
CONTACT PERSON: ROB MERRELL
e-mail: rob.merrell@cobbcole.com

PROJECT DESCRIPTION:

ISSUANCE OF A DEVELOPMENT ORDER TO ALLOW 272 SINGLE-FAMILY LOTS AND ASSOCIATED SITE IMPROVEMENTS.

SITE INFORMATION:	
SITE ADDRESS:	20 TOMOKA OAKS BLVD., ORMOND BEACH, FL 32174
PROJECT AREA:	147.94 ACRES
TAX PARCEL I.D. #:	324207000010
ADJACENT ZONING	R2
EXISTING ZONING:	PRD-EXPIRED
PROPOSED ZONING:	PRD
EXISTING LAND USE:	VACANT
PROPOSED LAND USE:	RESIDENTIAL FAMILY
EXISTING FUTURE LAND USE:	LDR
MAXIMUM UNIT/LOT COUNT:	272
MAXIMUM MODEL HOME COUNT:	16
UNIT/LOT DENSITY:	1.83 PER ACRE
LOT TYPE	VARIES
REQUIRED LANDSCAPE BUFFER(S):	50 FT. MINIMUM
MINIMUM LOT DEPTH:	120 FT.
MINIMUM LOT WIDTH:	60 FT.
MAXIMUM BUILDING HEIGHT	35 FT.
UTILITIES:	PROVIDED BY CITY OF ORMOND BEACH

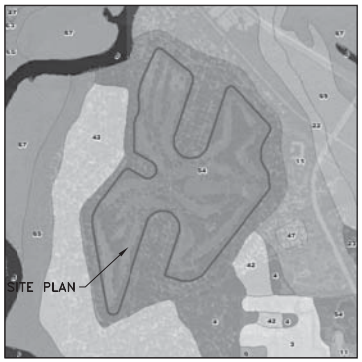
NOTES:
1. PROJECT MAY BE PHASED. PHASING PLAN WILL BE PROVIDED AT SITE PLAN APPROVAL.
2. ALL CONSTRUCTION TRAFFIC SHALL UTILIZE TOMOKA BLVD. AND NOVA ROAD ONLY.
3. CONSTRUCTION ACTIVITIES SHALL ONLY BE ALLOWED ON MONDAY THROUGH SATURDAY BETWEEN THE HOURS OF 7:00 A.M. TO 7:00 P.M.
4. PEDESTRIAN ACCESS THROUGH THE SECONDARY ACCESS MAY BE PROVIDED BUT SHALL NOT BE REQUIRED. FINAL DESIGN AND LAYOUT TO BE COORDINATED DURING SUBDIVISION REVIEW
5. THE PERIMETER BUILDING SETBACK SHALL BE NO LESS THAN 50' FROM THE PROJECT BOUNDARY PER L.D.C.
6. MODEL HOMES INCLUDED IN 272 TOTAL PROPOSED UNITS
7. TYPE 6 BUFFER AS MODIFIED PER TOMOKA RESERVE BUFFER PLANTING AND MAINTENANCE PLAN SEP. 6, 2023.
8. EXISTING VEGETATION NATURAL VEGETATION WITHIN THE BUFFER WILL BE UTILIZED TO MEET THE MINIMUM STANDARDS. AT TIME OF CONSTRUCTION IF EXISTING NATURALLY OCCURRING LANDSCAPE IS INSUFFICIENT (BY CITY OF ORMOND BEACH LANDSCAPE ARCHITECT) SUPPLEMENTAL PLANTINGS WILL BE PROVIDED.
9. PROPOSED ENTRANCE WILL BE GATED TO VEHICULAR ACCESS. PEDESTRIAN ACCESS IS STILL PROVIDED THROUGH MAIN ENTRANCE AND EMERGENCY ACCESS.



VICINITY MAP
SCALE: 1" = 2000'



ZONING MAP
SCALE: 1" = 1000'
CURRENT ZONING FOR THIS SITE IS: PRD



SOILS MAP
SCALE: 1" = 1000'

THE SITE LIES WITHIN THE FOLLOWING VOLUSIA COUNTY SOIL CLASSIFICATIONS: 0-WATER; 3-ARENTS; 4-ASTATULA FINE SAND, 0 TO 8 PERCENT SLOPES;11-BULOW SAND, 0 TO 5 PERCENT SLOPES; 22-ELECTRA FINE SAND, 0 TO 5 PERCENT SLOPES; 23-FARMTON FINE SAND;37-ORSINO FINE SAND, 0 TO 5 PERCENT SLOPES; 42-PAOLA FINE SAND, 0 TO 8 PERCENT SLOPES; 47-PITS; 54-QUARTZIPSAMMENTS, GENTLY SLOPING; 63-TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES; 65-TERRA CEIA MUCK; 67-TURNBULL MUCK; 69-TUSCAWILLA FINE SAND



FLOOD ZONE MAP
SCALE: 1" = 1000'

THE PROPERTY LIES IN:
FLOOD ZONE AE PER FEMA MAPS 12127C0211K AND 12127C0212K FEE 9/29/2017

SHEET INDEX:

PD1	COVER SHEET
PD2	OVERALL DEVELOPMENT
PD3	OPEN SPACE PLAN
PD4	SIGN PLAN
PD5/PD6	NATURAL PRESERVATION + BUFFER PLAN
PD7	TYPICAL LOT LAYOUT
PD8	ARCHITECTURAL EXHIBIT
PD9	STORMWATER AND UTILITY PLAN
PD10	AMENITY PLAN
VT1	VEHICLE TURN PLAN

LEGAL DESCRIPTION:

SAN SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 41, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.

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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS REVISIONS

TOMOKA RESERVE
FINAL ENGINEERING PLANS
COVER SHEET

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067 PD
DESIGNED BY: KTR
DRAFTED BY: MRM
CHECKED BY: KTR
DRAWING FILE: PD1_21067.COV

KRISTOPHER T. ROWLEY, P.E. NO. 84263
NOT VALID WITHOUT SEAL

SHEET: PD1 OF 10



LOT LEGEND (272 LOTS)

SYMBOL	MINIMUM LOT SIZES:	LOTS	LOT %
	60' X 120'	115	(42%)
	80' X 125'	157	(58%)

LAND USE LEGEND (147.94 ACRES)

SYMBOL	NOTES	ACRES	PERCENTAGE
	50' LANDSCAPE BUFFER	19.90	(13.45%)
	OPEN SPACE	23.04	(15.58%)
	DRAINAGE/HABITAT	15.56	(10.52%)
	OUTDOOR RECREATION/ COMMON OPEN SPACE	9.34	(6.31%)
	LOTS	62.46	(42.22%)
	ROW	17.64	(11.92%)

CONCEPT LEGEND

EMERGENCY ACCESS THRESHOLD

NOTE: THE LOT SIZES SHOWN WITHIN THIS PLAN ARE CONCEPTUAL AND WILL COMPLY TO THE WIDTH RANGES PROVIDED WITHIN LEGEND. THE MAXIMUM LOT COUNT SHALL NOT EXCEED 272 UNITS. THE LOT WIDTHS CAN DEVIATE FROM THE PROVIDED RANGES IF THEY INCREASE IN SIZE AND DEPTH.
NOTE: ADDITIONAL PEDESTRIAN ACCESS MAY BE PROVIDED TO TOMOKA OAKS LOTS WITH AN EASEMENT APPROVED BY THE INDIVIDUAL TOMOKA OAKS PROPERTY OWNER.
NOTE: TURN LANE SIZES SHALL BE DETERMINED AT THE TIME OF PERMITTING.
NOTE: SIDEWALK LOCATION IS SHOWN AS CONCEPTUAL, ACTUAL LOCATION TO BE DETERMINED AT SITE PLAN PERMTTING.

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WINDERMERE, FL 32786
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ENVIRONMENTAL
PLANNING
TRANSPORTATION
(34.4516) (0.C.45)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT OVERALL DEVELOPMENT

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD2-PD6_21067 ODP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E. NO.84263
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SHEET: PD2 OF 10



ZEV COHEN & ASSOCIATES, INC.
301 NORTH OAKS BLVD., STE. C
DAYTONA BEACH, FL 32137
(386) 615-1660
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
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TRANSPORTATION

NO.	DATE	BY	SUBMITTALS REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT OPEN SPACE PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD2-PDR_21067 ODP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E. FL# 66263
NOT VALID WITHOUT SEAL

SHEET: PD3 OF 10





A CONCEPTUAL ENTRANCE ELEVATION

NOTE: CONCEPT IS SHOWN TO DEPICT MINIMUM STANDARDS FINAL SIGN DESIGN WILL BE PROVIDED AT SITE PLAN.

DETAIL-FILE

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300 HEYCOCKS BLVD., STE. C
ORMOND BEACH, FL 32174
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ENVIRONMENTAL
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TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT SIGN PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PDZ-PD6_21067 OOP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
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SHEET: PD4 OF 10

BUFFER LEGEND

SYMBOL	NOTES
▲	EXISTING SPECIMEN TREE
⬟	EXISTING HISTORIC TREE
	DENOTES NATURAL PRESERVATION / CONSERVATION AREA TO REMAIN

20% NATURAL PRESERVATION

TOTAL SITE AREA	147.94 AC.
MINIMUM TREE COVERAGE AREA REQUIRED (CALCULATION: 147.94 AC. x 20%=29.6 AC.	29.6 AC.
TOTAL MINIMUM TREE COVERAGE PROVIDED	34 AC.

NOTE: APPLICANT MUST PROVIDE A NOTE ON THE SITE PLANS THAT ANY TREE NEEDED TO BE REMOVED DURING CONSTRUCTION, BEYOND WHAT CAN BE AUTOMATICALLY REMOVED BASED ON MINIMUMS CAN BE REPLACED AS FOLLOWS, WILL REQUIRE A ONE FOR ONE REPLACEMENT PENALTY; PROTECTED TREES WILL REQUIRE ONE 2.5" CALIPER VARIETY AND SPECIMEN TREES WILL REQUIRE ONE 4.5" CALIPER VARIETY TO SUIT ITS PLANTING LOCATION; REPLACEMENT TREES NEED TO BE FLORIDA #1 AT A MINIMUM HEIGHT OF TEN FEET (10').



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ENVIRONMENTAL
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NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT NATURAL PRESERVATION & BUFFER PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH
DRAWING FILE: PDZ-PD6_21067 ODP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD5 OF 10

BUFFER LEGEND

SYMBOL	NOTES
▲	EXISTING SPECIMEN TREE
⬟	EXISTING HISTORIC TREE
⬡	DENOTES NATURAL PRESERVATION / CONSERVATION AREA TO REMAIN

20% NATURAL PRESERVATION

TOTAL SITE AREA	147.94 AC.
MINIMUM TREE COVERAGE AREA REQUIRED (CALCULATION: 147.94 AC. x 20%=29.6 AC.	29.6 AC.
TOTAL MINIMUM TREE COVERAGE PROVIDED	34 AC.

LOT SEPARATION TABLE

COLOR	WIDTH	HOMES	%
●	50'	10	6
●	+50'-75'	74	43
●	+75'-125'	27	16
●	125'	61	35
	TOTAL	172	100

NOTE: THE LOT SEPARATION WIDTH SHOWN ON THIS SHEET MAY BE SUBJECT TO CHANGE AT THE TIME OF PERMITTING. THE REPRESENTED DISTANCES ARE FROM EXISTING RESIDENTIAL LOTS IN TOMOKA OAKS NEIGHBORHOOD AND PROPOSED LOTS WITHIN TOMOKA RESERVE.

NOTE: THE 50' BUFFER ABUTTING THE TOMOKA OAKS EXISTING RESIDENTIAL LOTS AND AREAS CALLED OUT AS NATURAL PRESERVATION SHALL NOT BE MODIFIED AND SHALL ALWAYS BE VEGETATIVE AREAS.



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ENVIRONMENTAL
PLANNING
TRANSPORTATION
(04-4-14)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT NATURAL PRESERVATION & BUFFER PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: MM
CHECKED BY: XX
DRAWING FILE: PD2-PD6_21067 ODP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
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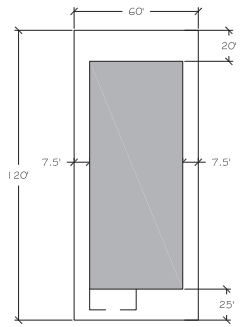
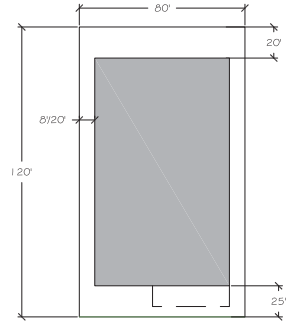
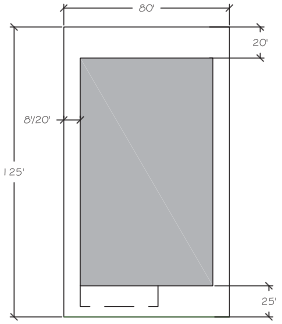
SHEET: PD6 OF 10

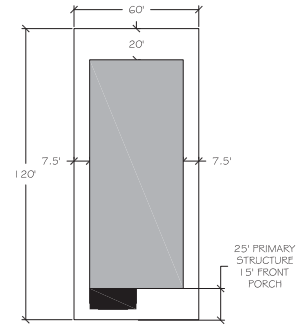
PUD Development Standards

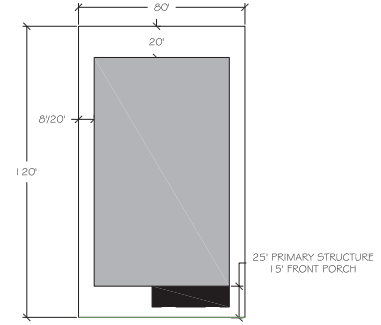
Lot Type	Minimum Lot Width or Range	Minimum Lot Depth	Minimum Square Foot Range	Required Parking Spaces	% Impervious	Maximum Height	Max Building coverage	Minimum Primary Structure Setbacks				Minimum Front Porch Setbacks			Minimum Garage Setbacks		
								Front	Rear	Side	Side Street	Front	Side	Rear	Front s	Side	Rear
Park House	60	120	1700	2	75%	35'	50%	25'	20'	7.5'	15'	15'	7.5'	20'	25'	7.5'	20'
Estate House	80	120	2000	2	75%	35'	50%	25'	20'	8'/20'	20'	15'	8'/20'	20'	25'	8'/20'	20'
Custom House	80	125	2200	2	75%	35'	50%	25'	20'	8'/20'	20'	15'	8'/20'	20'	25'	8'/20'	20'

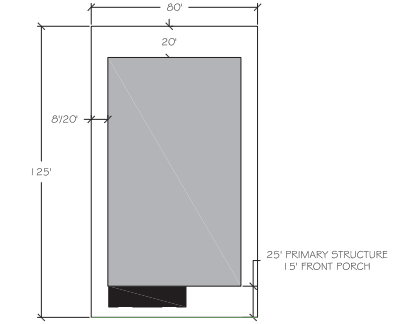


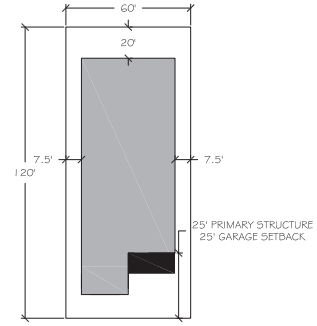




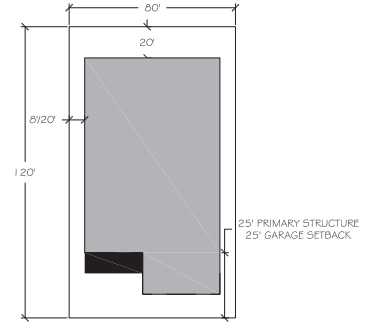




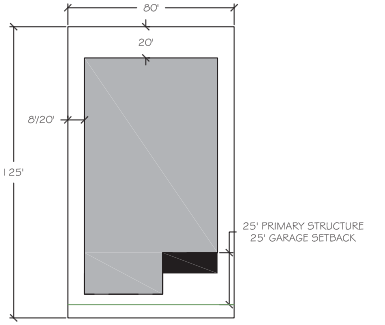




Ⓐ PARK HOUSE (60'x120')
N.T.S.



Ⓑ ESTATE HOUSE (80'x120')
N.T.S.
NOTE: ESTATE HOUSE LOTS MAY BE UTILIZED INTERNAL TO THE PERIMETER LOTS



Ⓒ CUSTOM HOUSE (80'x125')
N.T.S.

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NO.	DATE	BY	SUBMITTALS REVISIONS

TOMOKA RESERVE
PLANNED DEVELOPMENT
TYPICAL LOT LAYOUT

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH
DRAWING FILE: PD2=PDR_21067 ODP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. KNIGHLEY, P.E. #0048063
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SHEET: PD7 OF 10

Tomoka Reserve Architectural Standards

I. PREFERRED ARCHITECTURAL THEMES

A. The overall architectural vision for Tomoka Reserve has been established to create a community embodying a "timeless" quality. Such a vision will be realized through a variety of classical and regional architectural styles, combined with authentic detailing and use of high-quality materials.

B. Permitted architectural styles include but are not limited to contemporary, Modern, Postmodern, coastal themed styles, Mediterranean, Mission, Cracker, Craftsman, Ranch and Tuscan styles.

II. PROHIBITED ARCHITECTURAL STYLES

A. While diversity and creativity in the design of the homes at Tomoka Reserve is encouraged, certain architectural styles are not considered appropriate. These include, but are not limited to Art Deco, A-frame, Adobe, Cabin design style, Gothic, or Southwestern/Pueblo. Buildings and their accessory structures shall be consistent with a common architectural theme.

B. The architectural theme shall be established by harmoniously coordinating the general appearance of all buildings and related structures.

III. EXTERIOR MATERIALS/ELEVATIONS

A. Architectural variation and variety of housing types and designs within the neighborhood is encouraged. To facilitate this diversity the adjacent homes (the 2 adjacent homes on the same side of the street as well as the house across the street and its two adjacent homes) have to have a minimum of three different design elements of the following 10 elements

1. Roof color/materials
2. Roof pitch roof type (cable vs hip)
3. Skin/exterior finish materials
4. Color
5. Garage orientation/size
6. Porch size/location
7. Number of stories
8. Window sizes/shapes
9. Window locations
10. Decorative elements

B. The front facade should include four to six individual design elements and blank walls shall be discouraged unless adequately landscaped. Front elevation walls cannot be all one material and/or all one color.

C. A mixture of one-story and two-story homes will be encouraged to vary the streetscapes.

D. PERMITTED EXTERIOR MATERIALS INCLUDE:

1. Stucco (cement-based or synthetic) -smooth or textured finished (including tabby finish)
2. masonry-stone, brick, split rock and a ceramic concrete block is permitted but must be finished with material that covers the concrete block and grout lines with a minimum of 3/8" thick material; Stone can be Manufactured, Natural, or Cast
3. Wood/fiber cement-timbers, boards, board and batten, tongue and groove solid wood siding and rough sawn lumber; Hardie board or other similar fiber cement products emulating wood finishes
4. Other textures and materials will be evaluated on their own merit by the ARB. Artificial, simulated or imitation materials (e.g. aluminum siding, simulated brick from stucco, Masonite or composite board, etc.) are NOT permitted on the exteriors of a residence.

IV. ROOF

A. Acceptable roof materials for consideration include, heavy weight (30 year) composition shingles with significant dimensional texture, flat tile, "S" tile, slate tile, cedar wood shake, solar shingles and a high-quality standing seam metal roof. Copper and other metal roof products acceptable to the ARB are permitted for limited applications such as bay windows, process, cupolas, and dormers, or in accordance with specific architectural styles. Thermoplastic Polyolefin, PVC membrane or other similar roofing materials/roofing systems will be considered by the ARB on a case-by-case basis for properties developed with ultramodern or contemporary homes that incorporate a flat roof.

B. Roof lines will be variable using varied roof styles, pitches, projections, gables, and hips. Roof pitches shall be between 0 to 6:12. Dormers may have a roof pitch outside the above range. Flat roofs or flat roof with a parapet may be approved if it is a part of an integral design element such as with ultra-modern or contemporary designs. The roof pitch for primary structures should reflect the selected architectural style for the home.

C. Roof structures may be conventionally framed or constructed of prefabricated trusses.

V. WALL PLATES

A. The minimum wall plate heights shall be 9'-0" in main living areas on the first floor. The second-floor wall plate height must be no less than 9'-0" above the first-floor wall plate. Garages must have a minimum plate height of 8'-0".

VI. DRIVEWAYS

A. Driveways shall be stone, paver style materials, or concrete. Asphalt is NOT permitted.

VII. GARAGES

A. Three types of garages are permitted: front-entry, side entry, and accessory garage buildings.

VIII. FENCES

A. The following fence materials are permitted: wood, black wrought iron, high-quality aluminum, and white PVC. Perimeter fencing along rear or side (from front of house to rear property line shall be a maximum height of 6 feet. Fencing along the front property line or side property lines from the front of the house to the front property line shall have a maximum height of 4 feet. This "front yard" fencing must be decorative (no solid fences) and if a wood fence is utilized it must be painted.

IX. LANDSCAPE

A. All disturbed areas on the lot must be irrigated (unless xeric plantings are utilized), and landscaped with either trees, plants or sod including to the back of curb along the street and to the edge of clearing for natural areas and the water's edge for lots along pond banks. All landscaped beds shall be mulched.

X. MODIFICATIONS

A. All modifications to the above shall be submitted to the ARB for consideration of approval. The above are general guidelines. Tomoka Reserve development will have an enhanced focus on the environment, climate change and sustainability, along with protecting and enhancing future values.





A MODERN ARCHITECTURAL ELEVATIONS







B FARMHOUSE ARCHITECTURAL ELEVATIONS









C MEDITERRANEAN ARCHITECTURAL ELEVATIONS

ZEV COHEN & ASSOCIATES, INC.
301 METROMALL BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE
PLANNED DEVELOPMENT
ARCHITECTURAL EXHIBIT

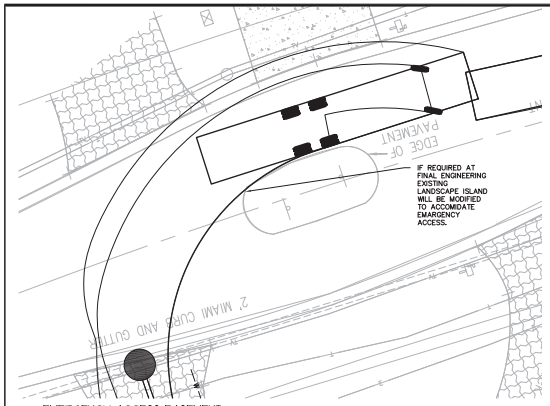
CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH

DRAWING FILE: PD2-PDR_21067.ODP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

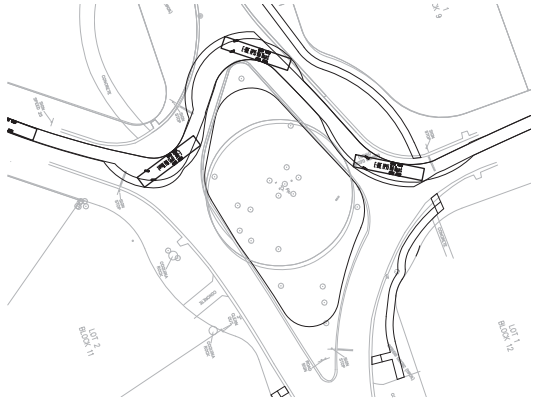
KRISTOPHER T. ROWLEY, P.E. #53403
NOT VALID WITHOUT SEAL

SHEET: PD8 OF 10



D EMERGENCY ACCESS EASEMENT

0 5 10 15 20
SCALE : 1" = 10'



D ENTRANCE ENLARGEMENT

0 15 30 45 60
SCALE : 1" = 30'



E-ONE HP95 Mid Mount	
Overall Length	47.750ft
Overall Width	8.333ft
Overall Body Height	11.000ft
Min Body Ground Clearance	1.393ft
Track Width	8.333ft
Lock-to-lock time	6.0s
Max Wheel Angle	45.00°

ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS REVISIONS

TOMOKA RESERVE
PLANNED DEVELOPMENT
VEHICLE TURN PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: MM
CHECKED BY: RH
DRAWING FILE: P:\ZC+PDP_21067 ODP
XREFS: XXXXX.DWG
XREFS: XXXXX.DWG

KRISTOPHER T. KOWLEY, P.E. #0080263
NOT VALID WITHOUT SEAL

SHEET: VT1 OF 1

TOMOKA RESERVE
PLANNED DEVELOPMENT
VEHICLE TURN PLAN

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

PROJECT NO: 22.21067
DESIGNED BY: KR
DRAFTED BY: RM
CHECKED BY: RH
DRAWING FILES: PSDP04_21067.DGP
XREFS: XXXXX.DWG
XREFS: XXXXX.DWG

SHEET: VT2 OF 2

NO.	DATE	BY	SUBMITTALS / REMARKS

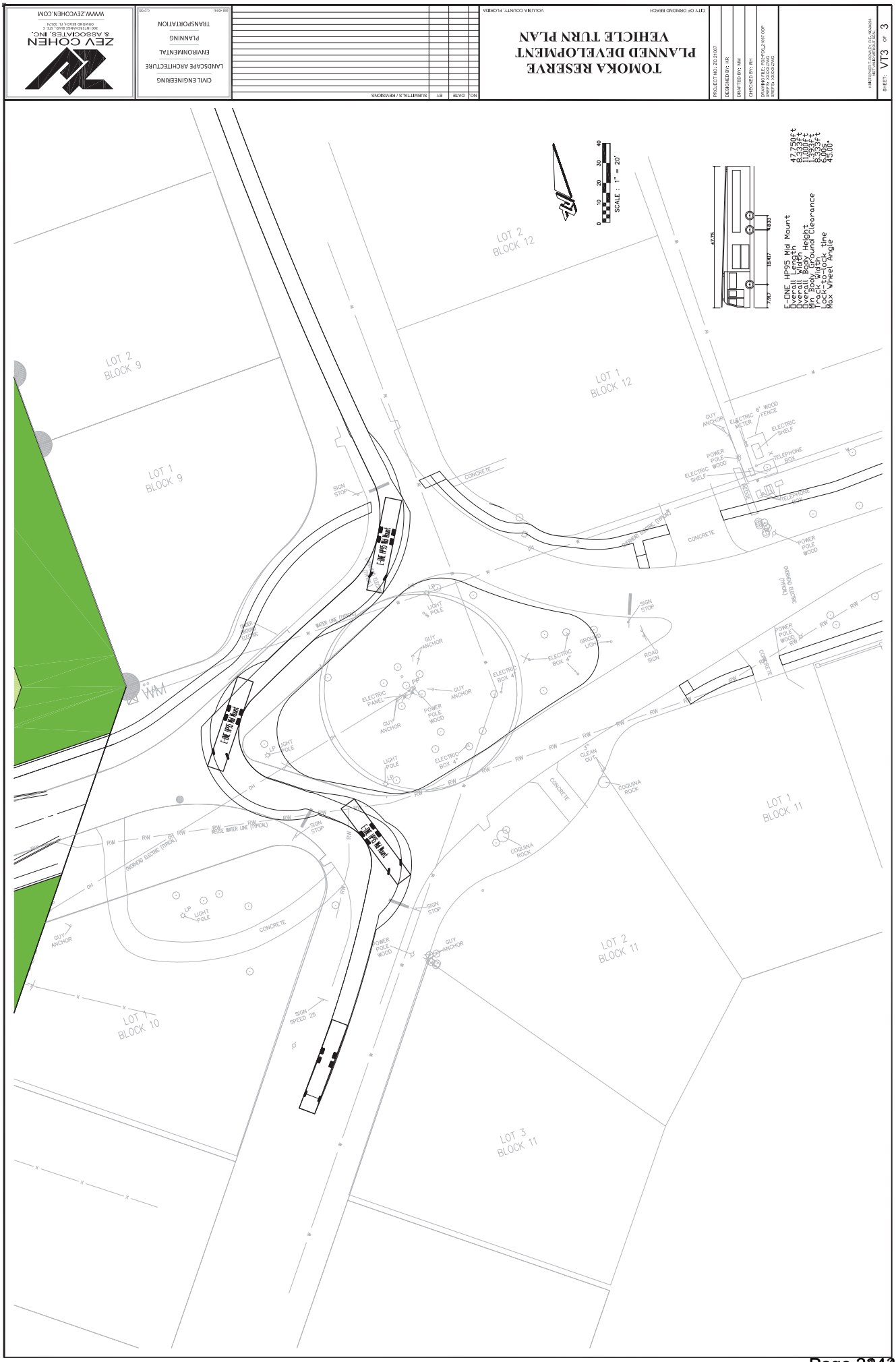
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

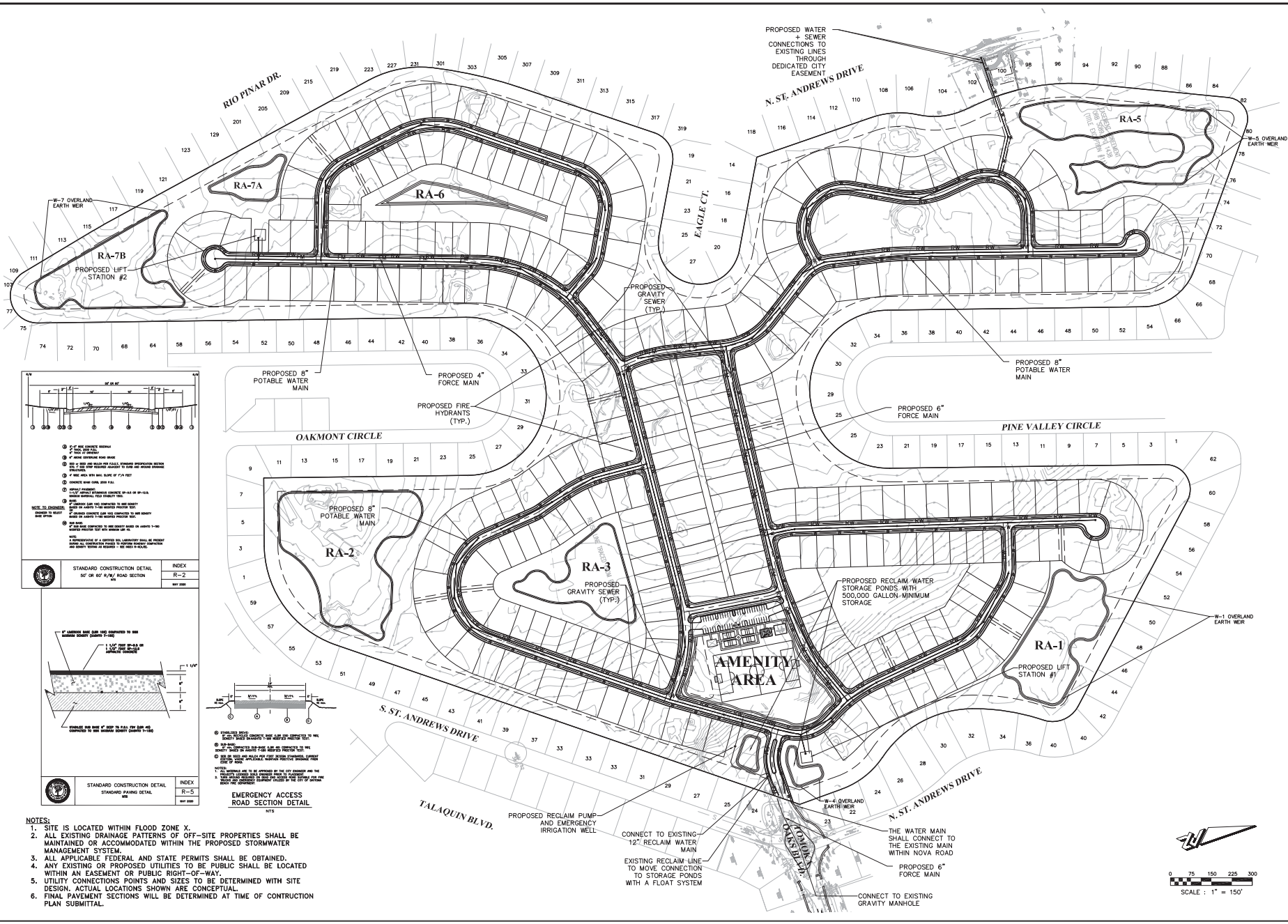
ZEV COHEN & ASSOCIATES, INC.
300 INTRACOASTAL BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

SCALE : 1" = 200'

5-ONE HP95 Mid Mount
Overall Length 47.750ft
Overall Width 8.333ft
Overall Body Height 11.000ft
Minimum Ground Clearance 1.250ft
Track Width 8.333ft
Lock-to-lock time 6.0s
Max Wheel Angle 45.0°

PINE VALLEY CIRCLE
N.S.R. ANDREWS DRIVE
EAGLE CT.
OAKMONT CIRCLE
ROTHMAR DR.
S. ST. ANDREWS DRIVE
TALAQUIN BLVD.
TOMOKA OAKS BLVD.


TOMOKA RESERVE
PLANNED DEVELOPMENT
VEHICLE TURN PLAN
CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA
SCALE : 1" = 20'
LOT 2 BLOCK 12
LOT 1 BLOCK 12
LOT 2 BLOCK 9
LOT 1 BLOCK 9
LOT 1 BLOCK 11
LOT 2 BLOCK 11
LOT 3 BLOCK 11
LOT 1 BLOCK 10
5-DNE_HP95 Mid Mount
Overall Length 47.750ft
Overall Width 8.333ft
Overall Body Height 11.000ft
Body Ground Clearance 1.583ft
Track Width 8.333ft
Lock-to-lock time 6.000s
Max Wheel Angle 45.00°
CONCRETE
GUY ANCHOR
ELECTRIC METER
6' WOOD FENCE
ELECTRIC SHELF
POWER POLE WOOD
TELEPHONE BOX
SIGN STOP
LIGHT POLE
ELECTRIC BOX
GROUND LIGHT
ROAD SIGN
ELECTRIC PANEL
COQUINA ROCK
3" CLEAN OUT
SIGN SPEED 25
WATER LINE (TYPICAL)
OVERHEAD ELECTRIC (TYPICAL)
RW
OH
LP



NOTES:
1. SITE IS LOCATED WITHIN FLOOD ZONE X.
2. ALL EXISTING DRAINAGE PATTERNS OF OFF-SITE PROPERTIES SHALL BE MAINTAINED OR ACCOMMODATED WITHIN THE PROPOSED STORMWATER MANAGEMENT SYSTEM.
3. ALL APPLICABLE FEDERAL AND STATE PERMITS SHALL BE OBTAINED.
4. ANY EXISTING OR PROPOSED UTILITIES TO BE PUBLIC SHALL BE LOCATED WITHIN AN EASEMENT OR PUBLIC RIGHT-OF-WAY.
5. UTILITY CONNECTIONS POINTS AND SIZES TO BE DETERMINED WITH SITE DESIGN. ACTUAL LOCATIONS SHOWN ARE CONCEPTUAL.
6. FINAL PAVEMENT SECTIONS WILL BE DETERMINED AT TIME OF CONTRUCTION PLAN SUBMITTAL.

ZEV COHEN & ASSOCIATES, INC.
300 NORTH DIXIE BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

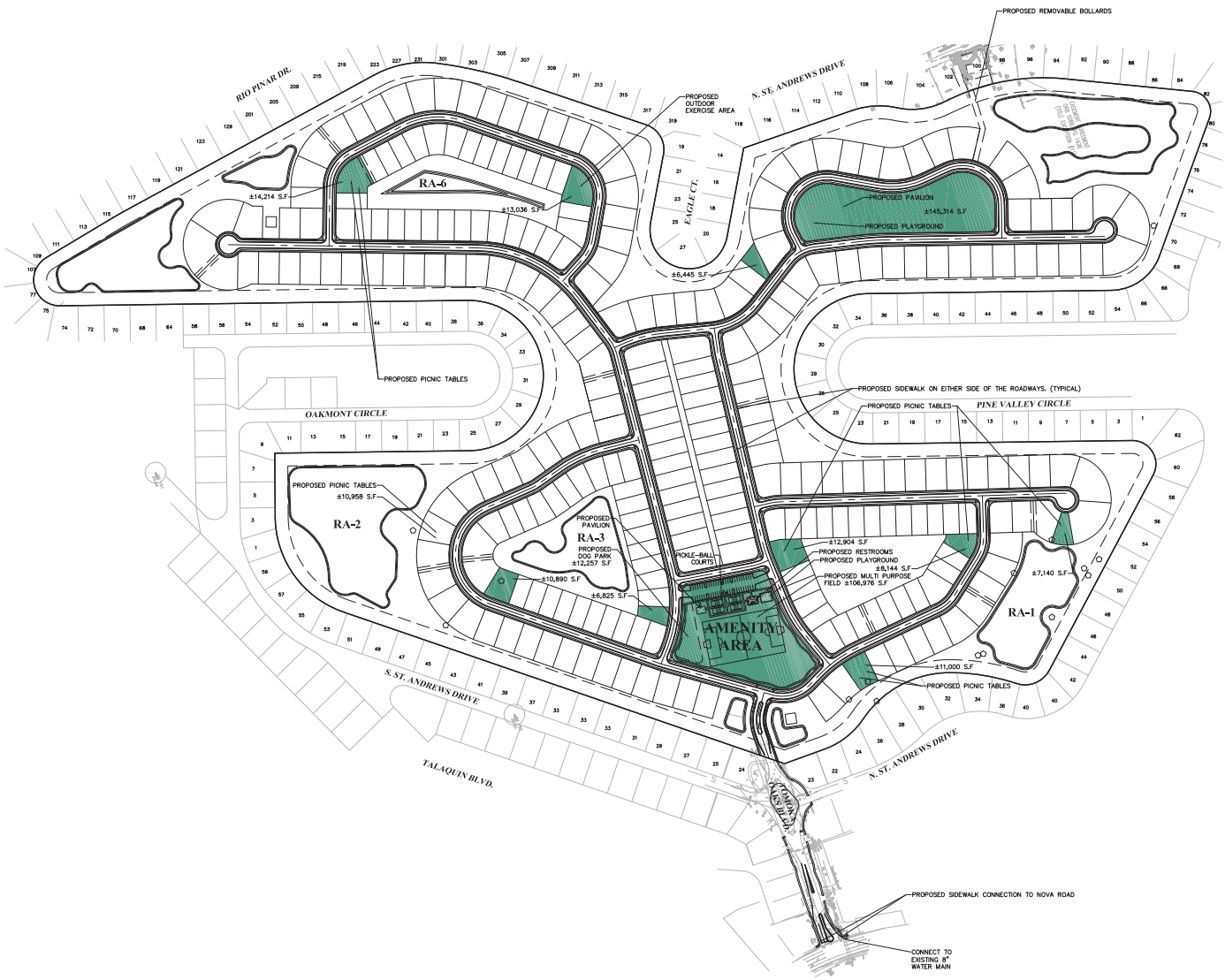
TOMOKA RESERVE PLANNED DEVELOPMENT STORM WATER AND UTILITY PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD7-PD8_21067 UTL
XREF'S: XXXXX.DWG
XREF'S: XXXXX.DWG

KRISTOPHER T. ROWLEY, P.E., NO. 64263
NOT VALID WITHOUT SEAL

SHEET: PD9 OF 10



NOTES:
1. THE AMENITY TYPES AND LOCATIONS SHOWN ARE CONCEPTUAL AND CAN BE REVISED TO SIMILAR QUALITY AS LONG AS THE AMENITY MINIMUM SQUARE FOOTAGES AND AREAS ARE MET

0 100 200 300 400
SCALE : 1" = 200'

ZEV COHEN & ASSOCIATES, INC.
300 NETTLEHORNE BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
(C4-4316) (LC-C2)

NO.	DATE	BY	SUBMITTALS / REVISIONS

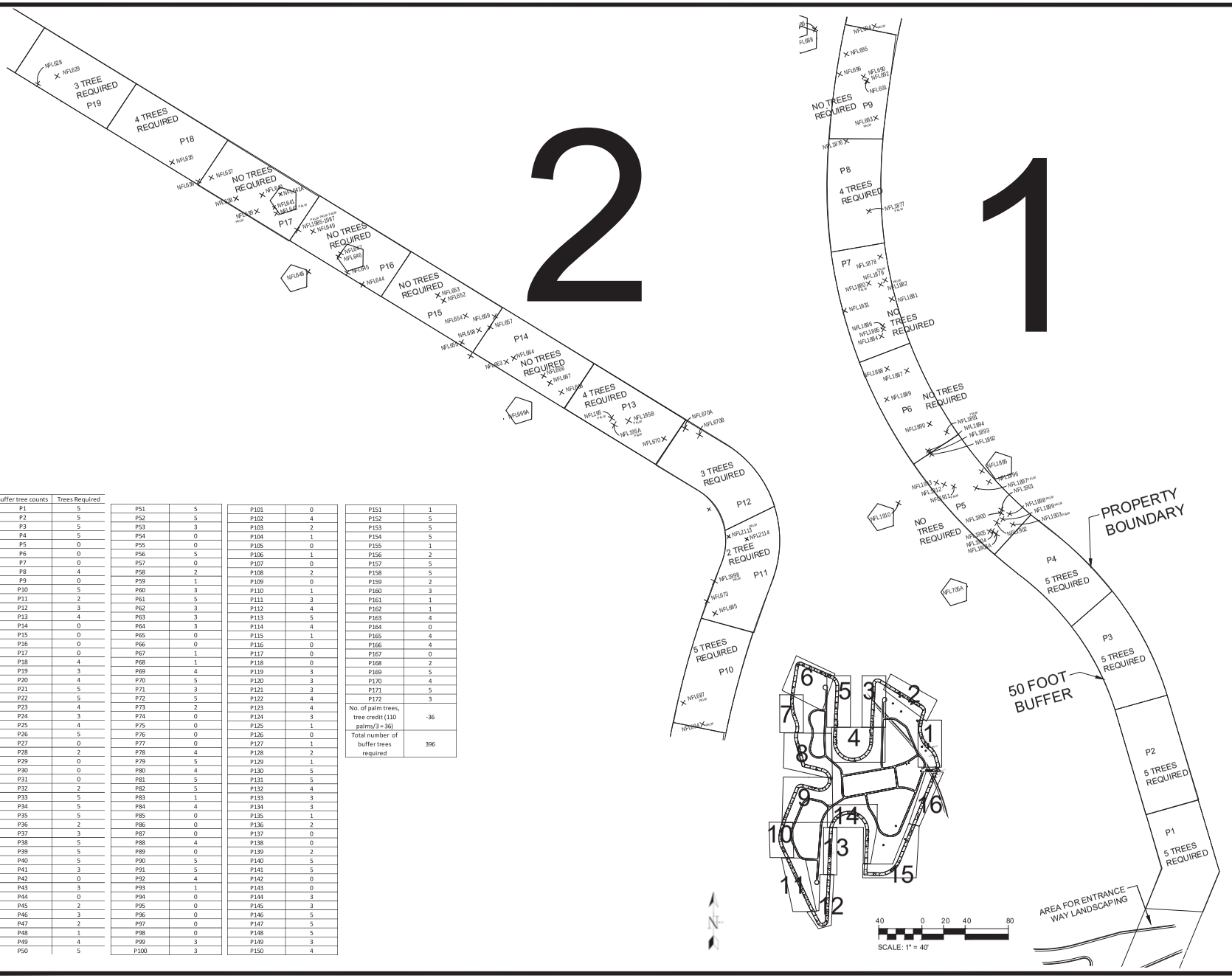
TOMOKA RESERVE PLANNED DEVELOPMENT AMENITY PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH
DRAWING FILE: PD7-PDII_21067.UTL
XREF'S: XXXXX.DWG
XREF'S: XXXXX.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD10 OF 10



Buffer tree counts	Trees Required
P1	5
P2	5
P3	5
P4	5
P5	0
P6	0
P7	0
P8	4
P9	0
P10	5
P11	2
P12	3
P13	4
P14	0
P15	0
P16	0
P17	0
P18	4
P19	3
P20	4
P21	5
P22	5
P23	4
P24	3
P25	4
P26	5
P27	0
P28	2
P29	0
P30	0
P31	0
P32	2
P33	5
P34	5
P35	5
P36	2
P37	3
P38	5
P39	5
P40	5
P41	3
P42	0
P43	3
P44	0
P45	2
P46	3
P47	2
P48	1
P49	4
P50	5

P51	5
P52	5
P53	3
P54	0
P55	0
P56	5
P57	0
P58	2
P59	1
P60	3
P61	5
P62	3
P63	3
P64	3
P65	0
P66	0
P67	1
P68	1
P69	4
P70	5
P71	3
P72	5
P73	2
P74	0
P75	0
P76	0
P77	0
P78	4
P79	5
P80	4
P81	5
P82	5
P83	1
P84	4
P85	0
P86	0
P87	0
P88	4
P89	0
P90	5
P91	5
P92	4
P93	1
P94	0
P95	0
P96	0
P97	0
P98	0
P99	3
P100	3

P101	0
P102	4
P103	2
P104	1
P105	0
P106	1
P107	0
P108	2
P109	0
P110	1
P111	3
P112	4
P113	5
P114	4
P115	1
P116	0
P117	0
P118	0
P119	3
P120	3
P121	3
P122	4
P123	4
P124	3
P125	1
P126	0
P127	1
P128	2
P129	1
P130	5
P131	5
P132	4
P133	3
P134	3
P135	1
P136	2
P137	0
P138	0
P139	2
P140	5
P141	5
P142	0
P143	0
P144	3
P145	3
P146	5
P147	5
P148	5
P149	3
P150	4

P151	1
P152	5
P153	5
P154	5
P155	1
P156	2
P157	5
P158	5
P159	2
P160	3
P161	1
P162	1
P163	4
P164	0
P165	4
P166	4
P167	0
P168	2
P169	5
P170	4
P171	5
P172	3
No. of palm trees, tree credit (110 palms/3 = 36)	-36
Total number of buffer trees required	396

CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

Native Florida Landscapes, LLC

P.O. Box 2905
Ormond Beach, FL 32175
386.235.0404

REVISIONS DATE

DESIGNED BY: Don Spence, Ph.D.

DRAWN BY: Don Spence, Ph.D.

DATE: 09-01-2023

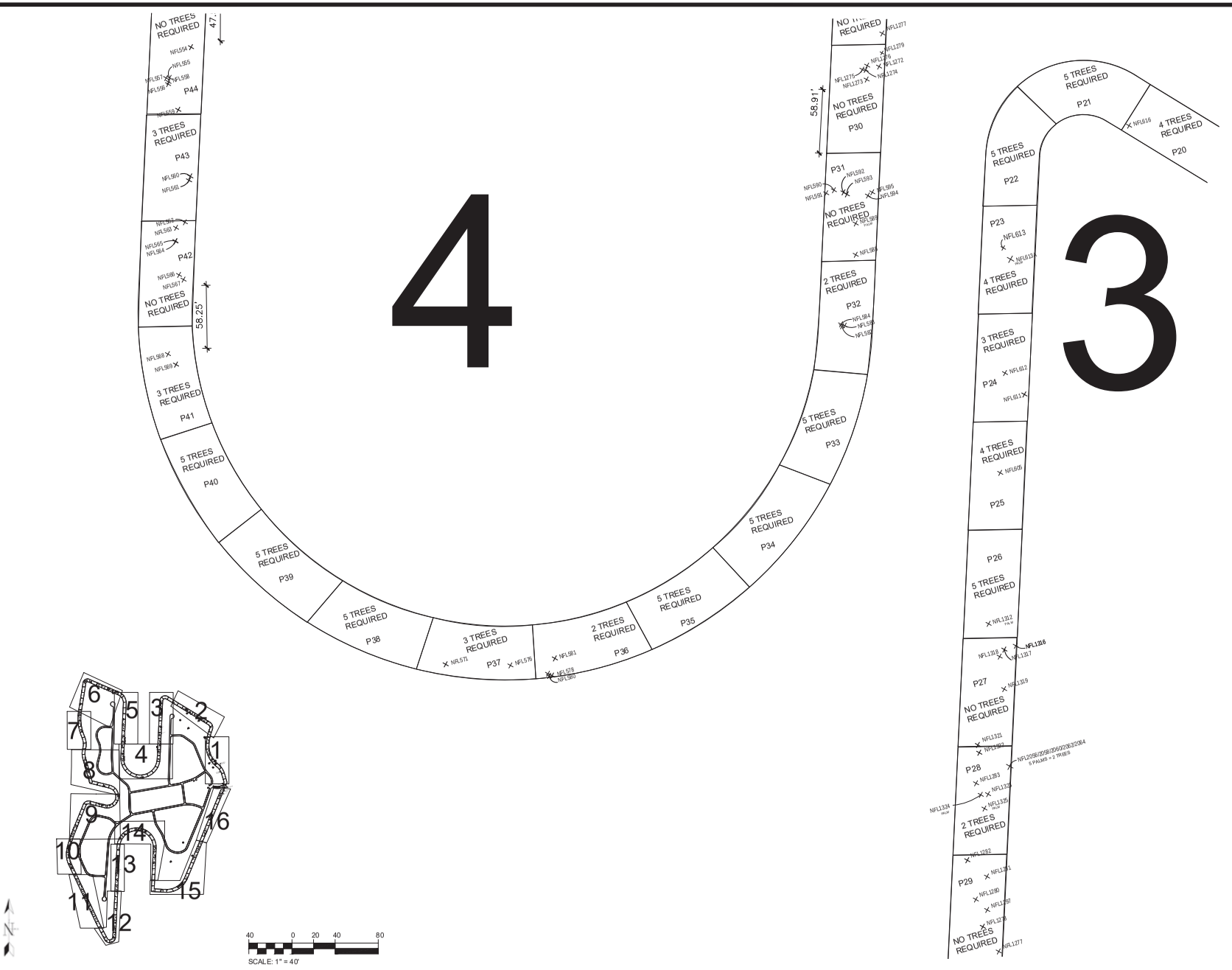
PROJECT NUMBER:

SHEET TITLE:

BUFFER TREE INSTALLATION LOCATIONS

SHEET NUMBER:

BT-100



CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

Native Florida Landscapes, LLC

P.O. Box 2905
Ormond Beach, FL 32175
386.235.0404

REVISIONS	DATE

DESIGNED BY: Don Spence, Ph.D.

DRAWN BY: Don Spence, Ph.D.

DATE: 09-01-2023

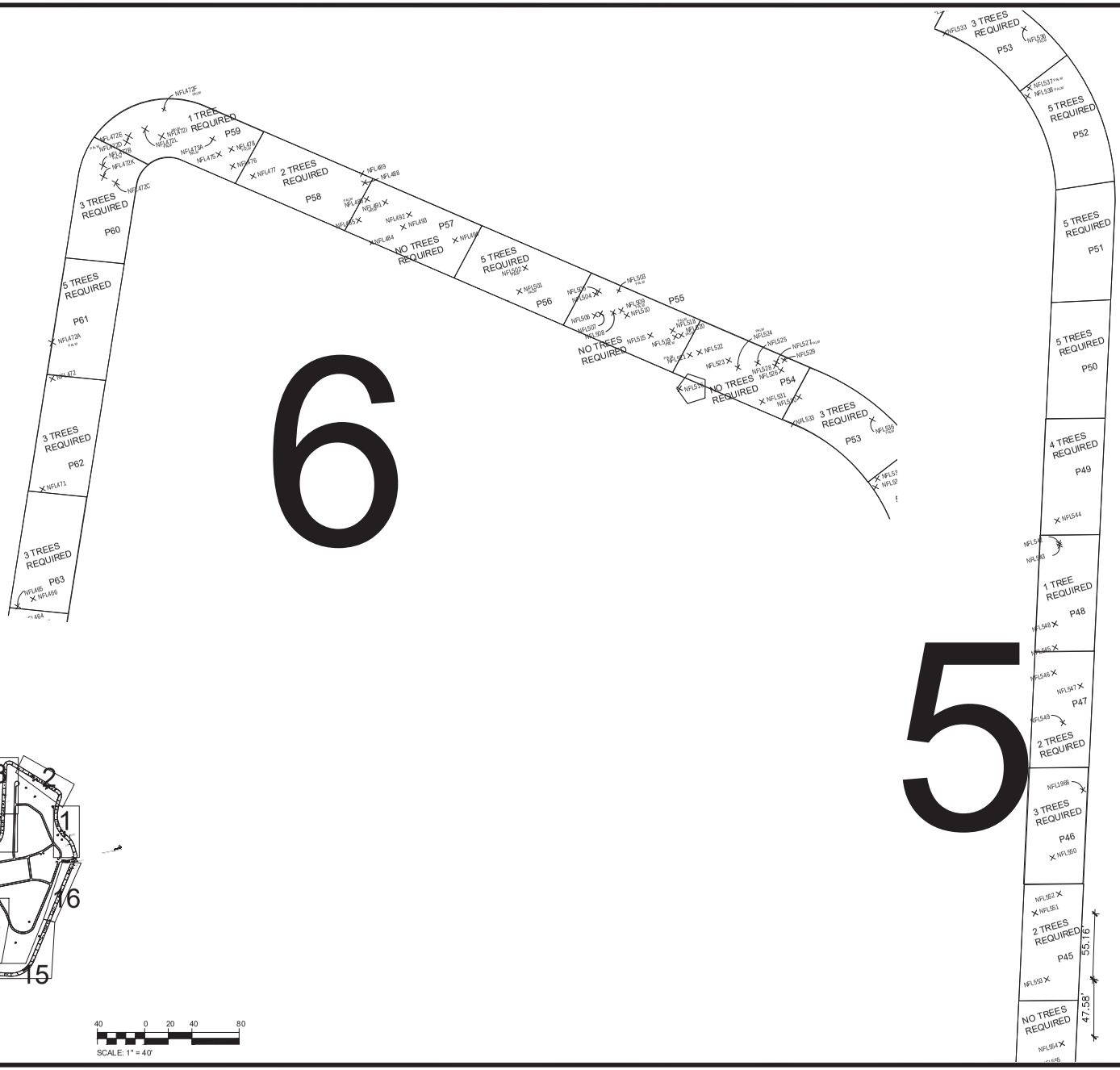
PROJECT NUMBER:

SHEET TITLE:

BUFFER TREE INSTALLATION LOCATIONS

SHEET NUMBER:

BT-101



CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

Native Florida Landscapes, LLC

P.O. Box 2905
Ormond Beach, FL 32175
386.235.0404

REVISIONS	DATE

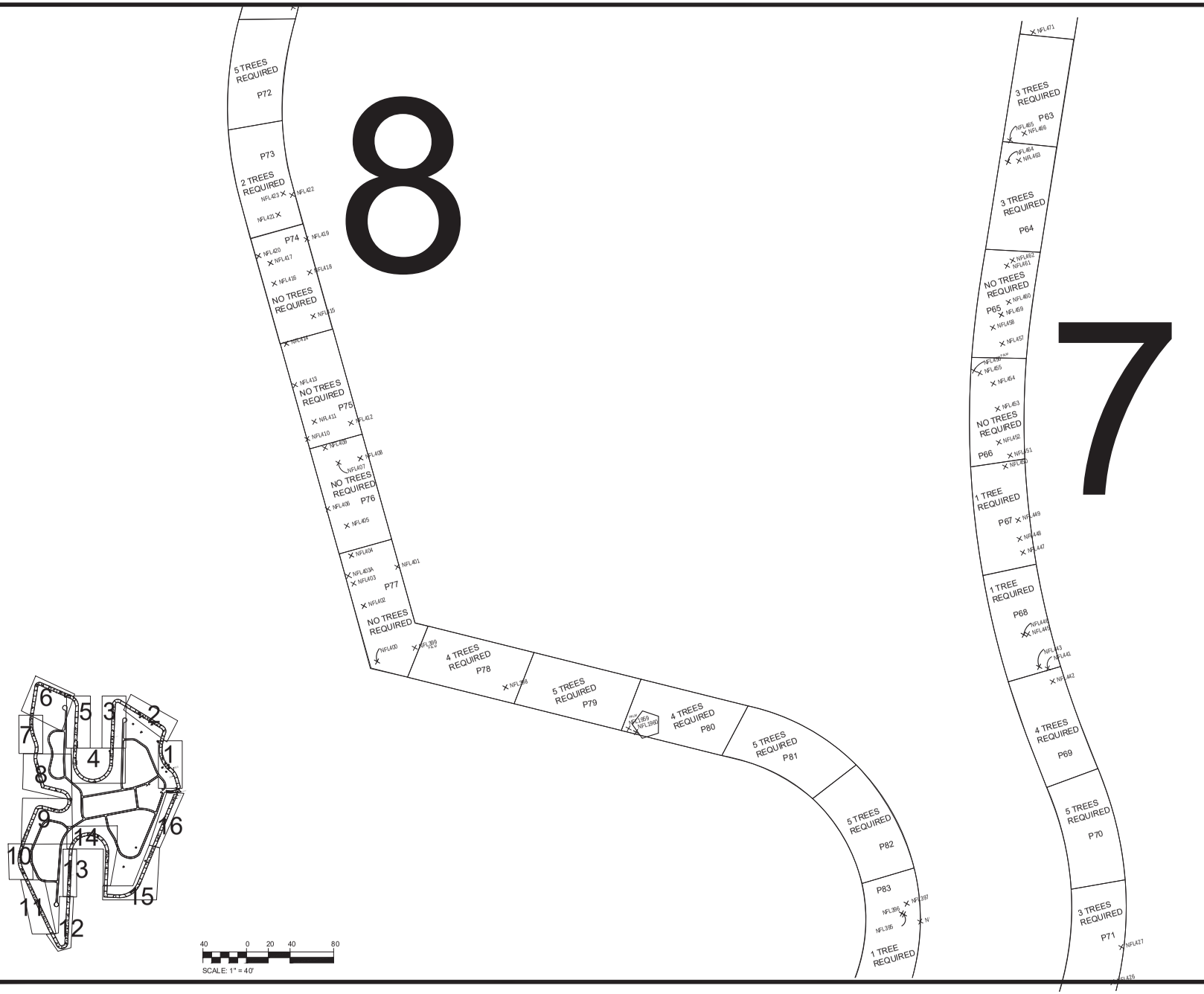
DESIGNED BY: Don Spence, Ph.D.
DRAWN BY: Don Spence, Ph.D.
DATE: 09-01-2023
PROJECT NUMBER:

SHEET TITLE:

BUFFER TREE REQUIREMENTS

SHEET NUMBER:

BT-102



CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

Native Florida Landscapes, LLC

P.O. Box 2905
Ormond Beach, FL 32175
386.235.0404

REVISIONS	DATE

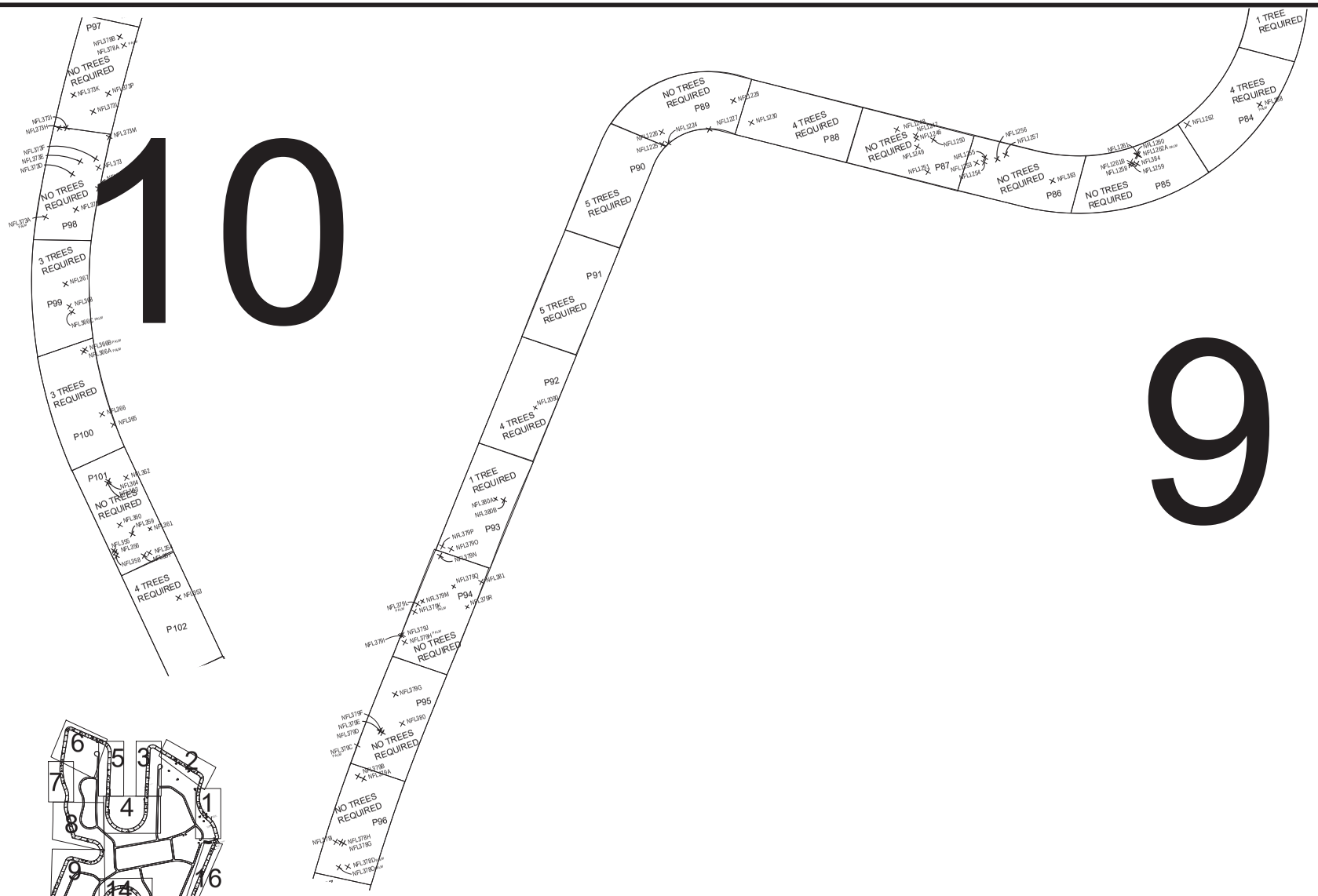
DESIGNED BY: Don Spence, Ph.D.
DRAWN BY: Don Spence, Ph.D.
DATE: 09-01-2023
PROJECT NUMBER:

SHEET TITLE:

BUFFER TREE INSTALLATION LOCATIONS

SHEET NUMBER:

BT-103



CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

Native Florida Landscapes, LLC

P.O. Box 2905
Ormond Beach, FL 32175
386.235.0404

REVISIONS	DATE

DESIGNED BY: Don Spence, Ph.D.
DRAWN BY: Don Spence, Ph.D.
DATE: 09-01-2023

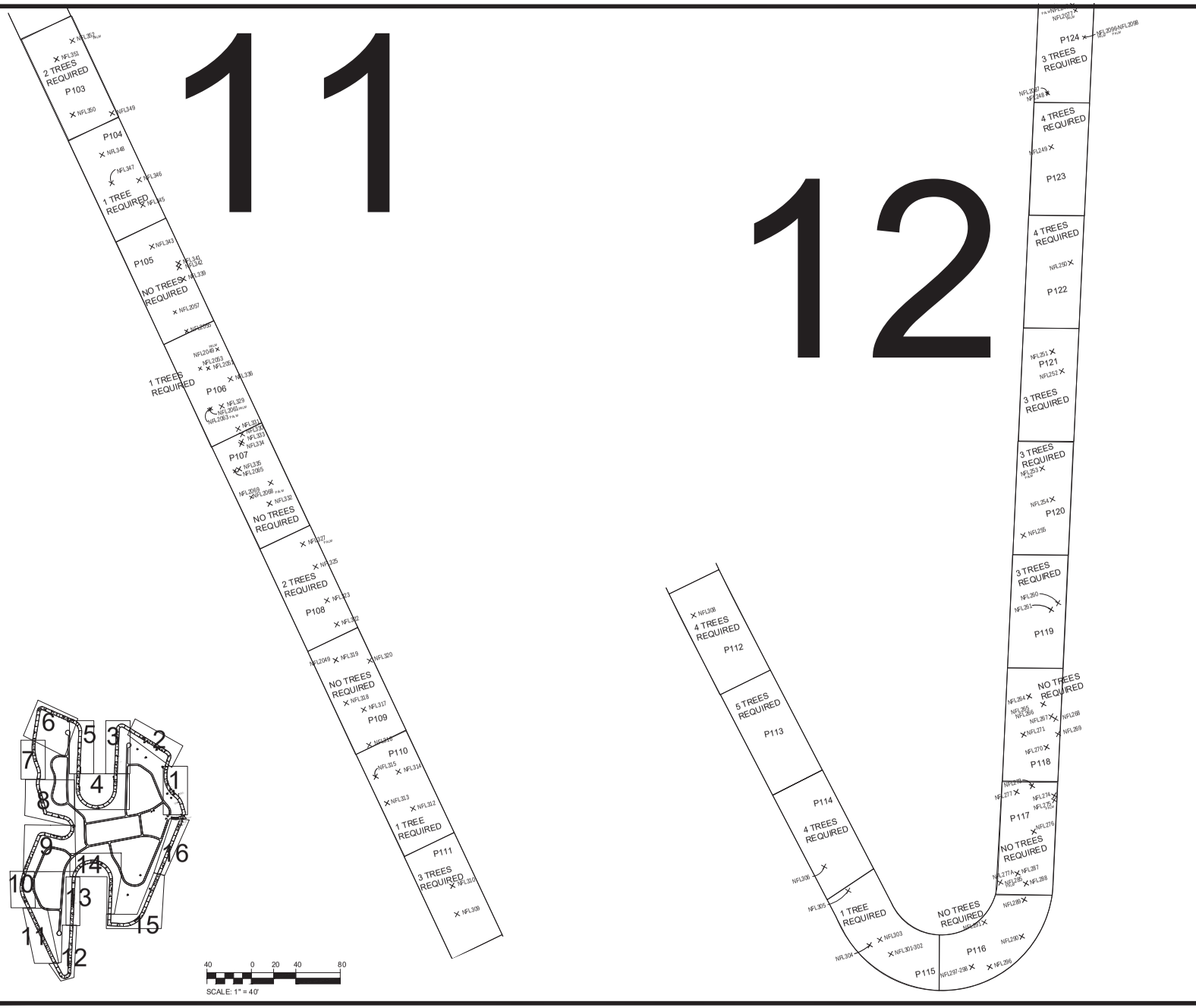
PROJECT NUMBER:

SHEET TITLE:

BUFFER TREE INSTALLATION LOCATIONS

SHEET NUMBER:

BT-104



CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

Native Florida Landscapes, LLC

P.O. Box 2905
Ormond Beach, FL 32175
386.235.0404

REVISIONS DATE

DESIGNED BY: Don Spence, Ph.D.

DRAWN BY: Don Spence, Ph.D.

DATE: 09-01-2023

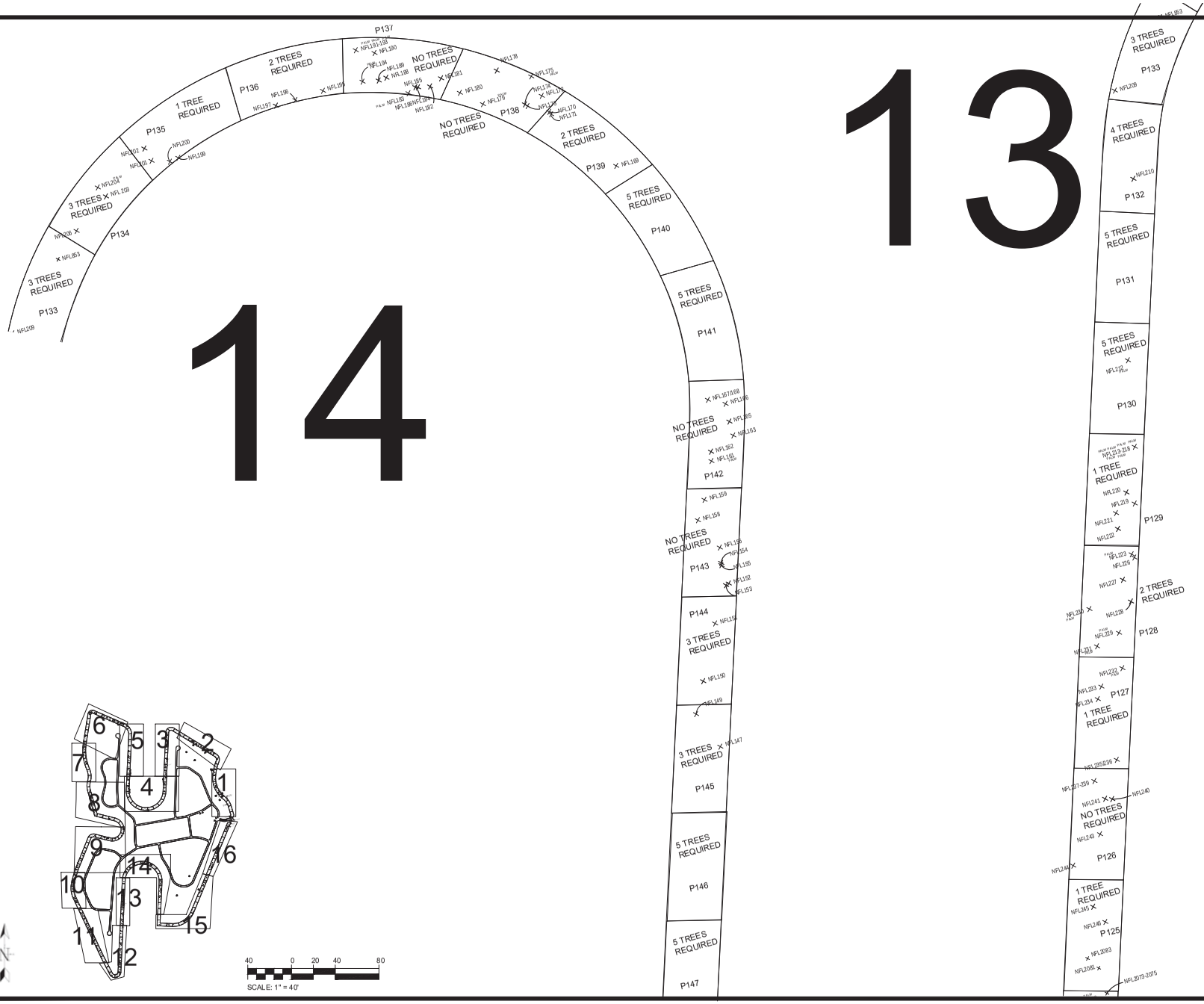
PROJECT NUMBER:

SHEET TITLE:

BUFFER TREE INSTALLATION LOCATIONS

SHEET NUMBER:

BT-105



CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

Native Florida Landscapes, LLC

P.O. Box 2905
Ormond Beach, FL 32175
386.235.0404

REVISIONS	DATE

DESIGNED BY: Don Spence, Ph.D.
DRAWN BY: Don Spence, Ph.D.
DATE: 09-01-2023

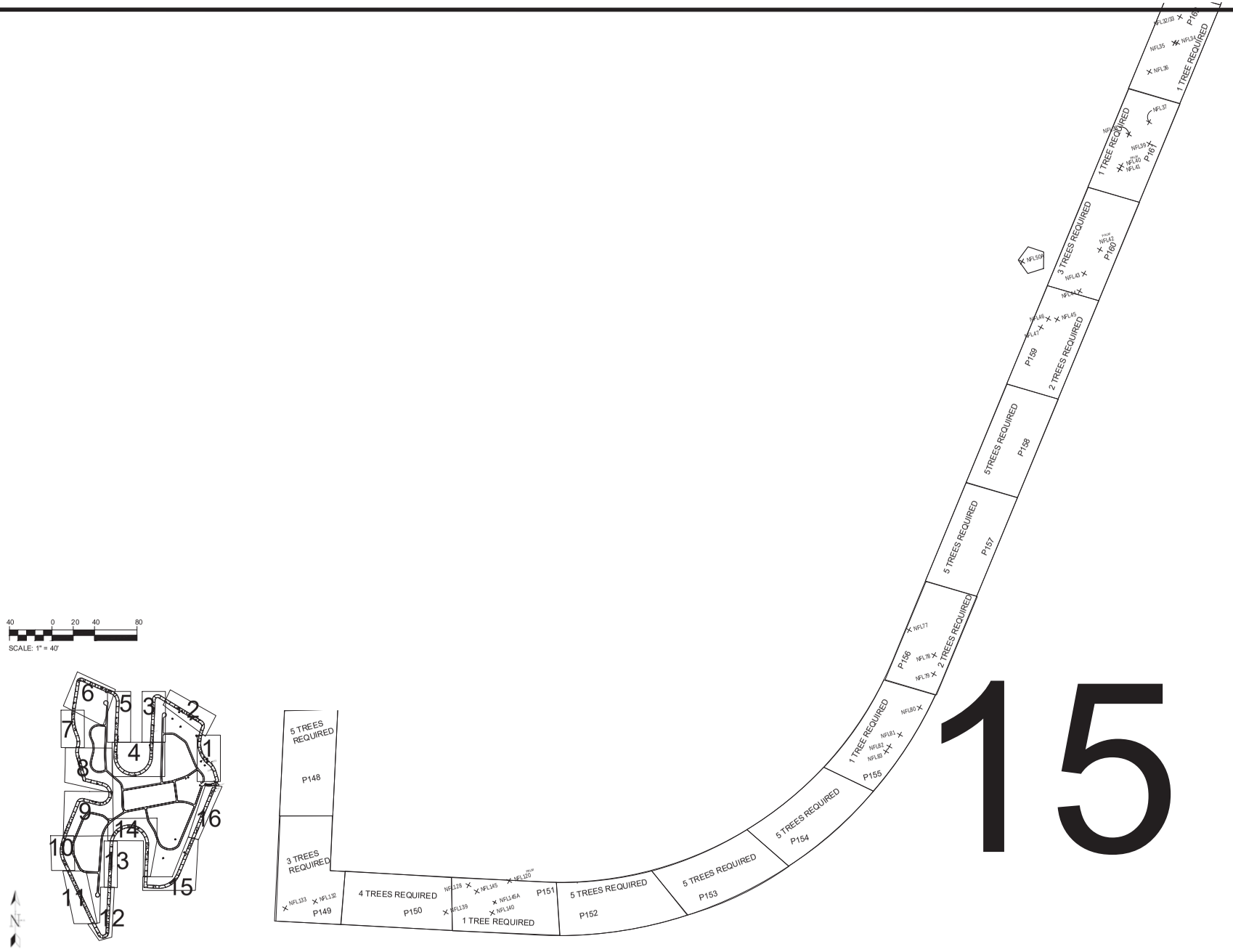
PROJECT NUMBER:

SHEET TITLE:

BUFFER TREE INSTALLATION LOCATIONS

SHEET NUMBER:

BT-106



CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

Native Florida Landscapes, LLC

P.O. Box 2905
Ormond Beach, FL 32175
386.235.0404

REVISIONS	DATE

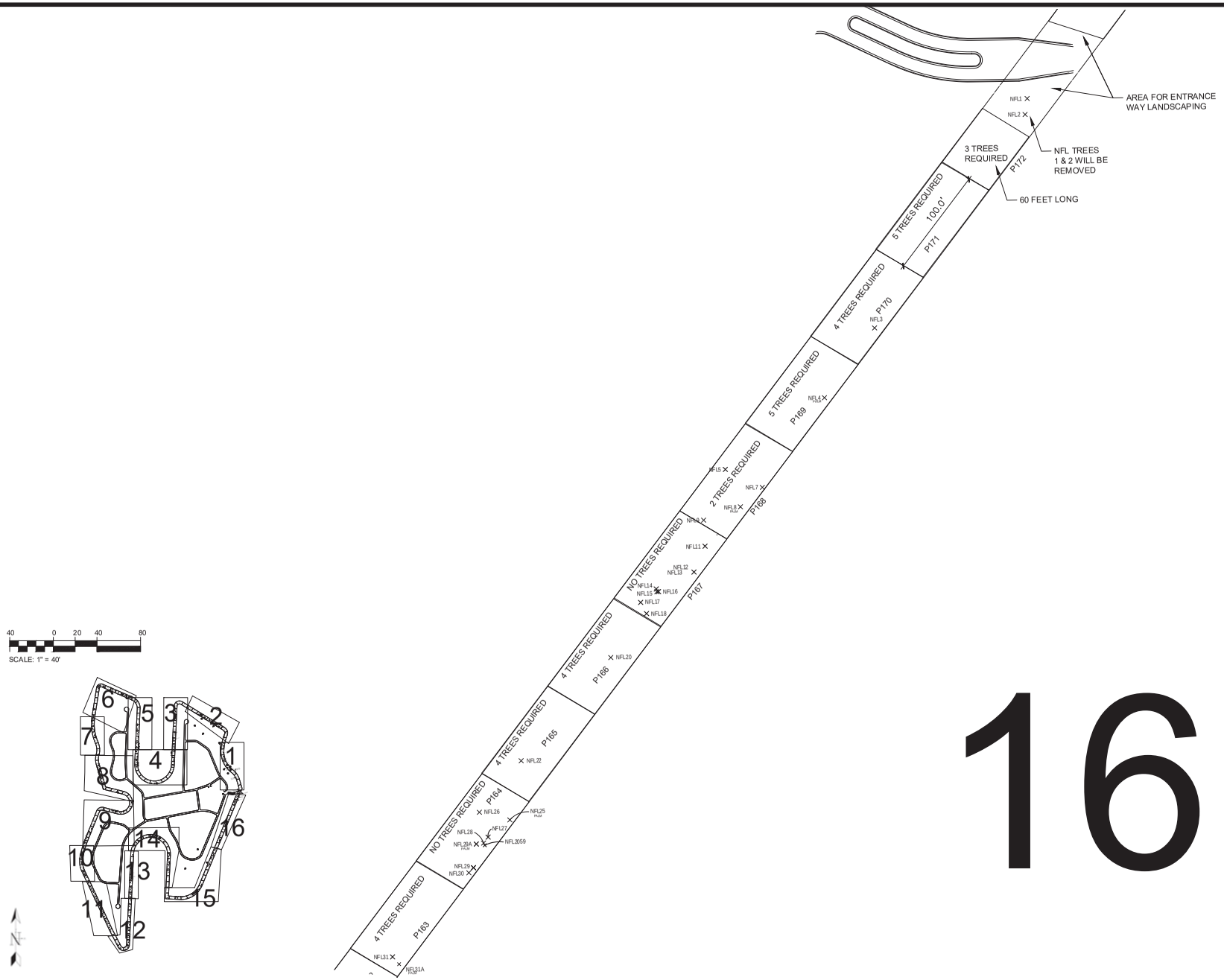
DESIGNED BY: Don Spence, Ph.D.
DRAWN BY: Don Spence, Ph.D.
DATE: 09-01-2023
PROJECT NUMBER:

SHEET TITLE:

BUFFER TREE INSTALLATION LOCATIONS

SHEET NUMBER:

BT-107



16

CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

Native Florida Landscapes, LLC

P.O. Box 2905
Ormond Beach, FL 32175
386.235.0404

REVISIONS	DATE

DESIGNED BY: Don Spence, Ph.D.
DRAWN BY: Don Spence, Ph.D.
DATE: 09-01-2023

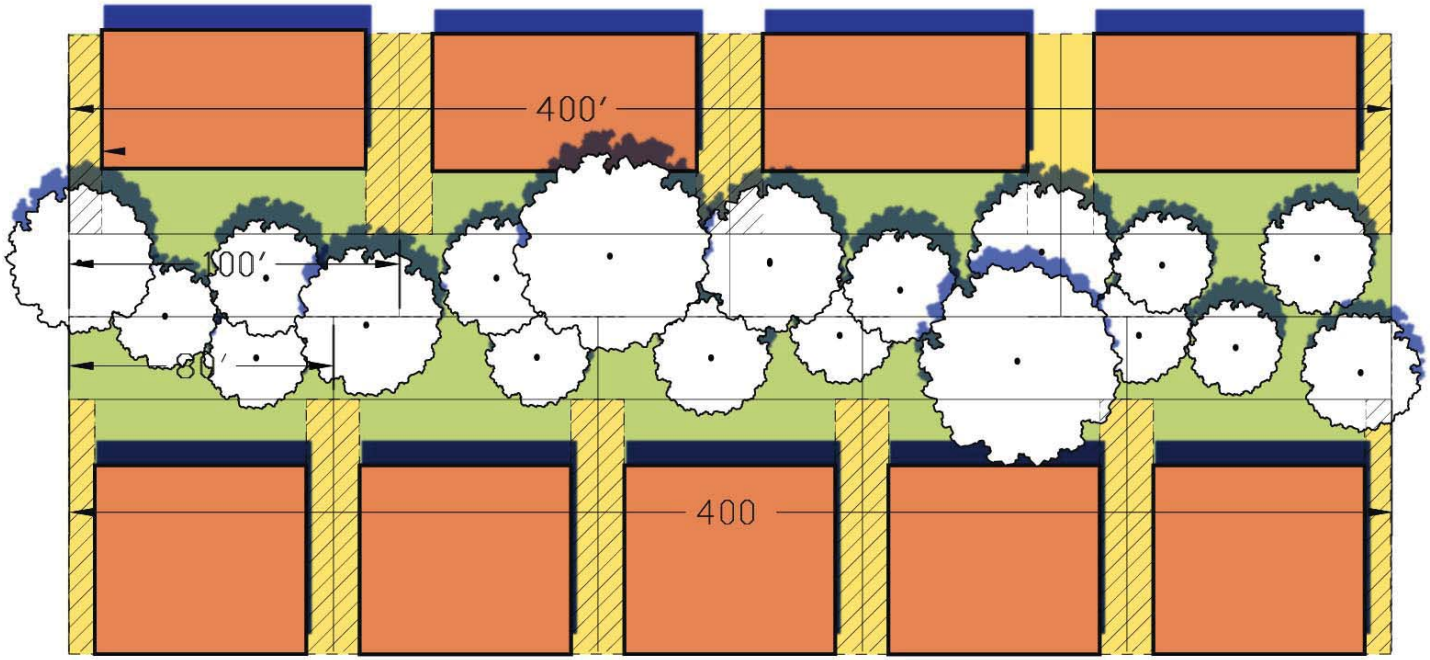
PROJECT NUMBER:

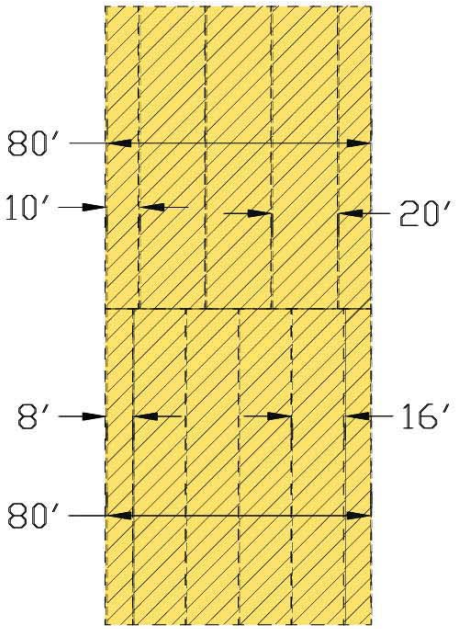
SHEET TITLE:

BUFFER TREE INSTALLATION LOCATIONS

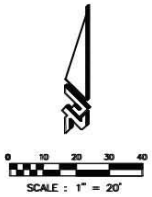
SHEET NUMBER:

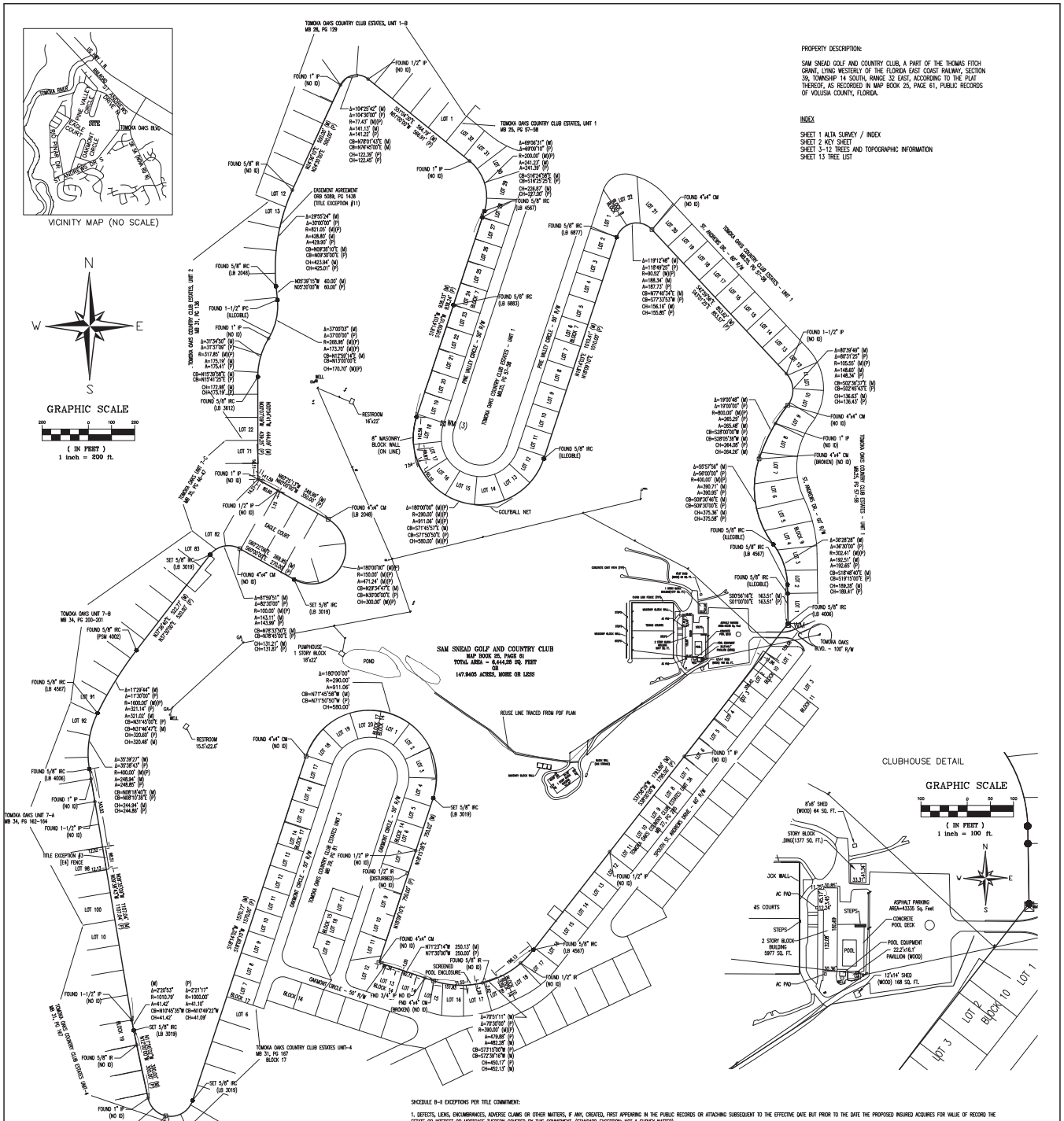
BT-108





PER 400'
100' LOTS: 4 LOTS X 20' SETBACK = 80'
80' LOTS: 5 LOTS X 16' SETBACK = 80'





PROPERTY DESCRIPTION:

SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

INDEX

SHEET 1 ALTA SURVEY / INDEX
SHEET 2 KEY SHEET
SHEET 3-12 TREES AND TOPOGRAPHIC INFORMATION
SHEET 13 TREE LIST

SCHEDULE B-II EXCEPTIONS PER TITLE COMMITMENT:

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

2. ANY RIGHTS, INTERESTS, OR CLAIMS OF PARTIES IN POSSESSION OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. (AFFECTS SUBJECT PROPERTY AND SHOWN HEREON) [FENCES LABELED E1, E2, E3, E4, E5, E7, E8, E9]; [SCREENED POOL ENCLOSURE LABELLED E6]

4. ANY LIEN, FOR SERVICES, LABOR, OR MATERIALS IN CONNECTION WITH IMPROVEMENTS, REPAIRS OR RENOVATIONS PROVIDED BEFORE, ON, OR AFTER DATE OF POLICY, NOT SHOWN BY THE PUBLIC RECORDS. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

5. ANY DISPUTE AS TO THE BOUNDARIES CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WITHIN OR ADJACENT TO THE LAND PRIOR TO DATE OF POLICY, AND ANY ADVERSE CLAIM TO ALL OR PART OF THE LAND THAT IS, AT DATE OF POLICY, OR WAS PREVIOUSLY UNDER WATER. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

6. TAXES OR SPECIAL ASSESSMENTS NOT SHOWN AS LIENS IN THE PUBLIC RECORDS OR IN THE RECORDS OF THE LOCAL TAX COLLECTING AUTHORITY, AT DATE OF POLICY. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

7. ANY MINERALS OR MINERAL RIGHTS LEASED, GRANTED OR RETAINED BY CURRENT OR PRIOR OWNERS. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

8. TAXES AND ASSESSMENTS FOR THE YEAR 2021 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE. (STANDARD EXCEPTION; NOT A SURVEY MATTER)

9. RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF SAM SNEAD GOLF & COUNTRY CLUB, AS RECORDED IN PLAT BOOK 25, PAGE(S) 61, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C). (AFFECTS SUBJECT PARCEL, CANNOT BE GRAPHICALLY DEPICTED)

10. DEVELOPMENT ORDER ISSUED BY CITY OF ORMOND BEACH RECORDED IN OFFICIAL RECORDS BOOK 5944, PAGE 2183. (AFFECTS SUBJECT PARCEL, CANNOT BE GRAPHICALLY DEPICTED)

11. EASEMENT AGREEMENT AS SET FORTH IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 5089, PAGE 1438. (AFFECTS SUBJECT PROPERTY AND SHOWN HEREON)

12. PROVISIONS CONTAINED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 2052, PAGE 1019, INCLUDING RIGHTS OF LIFE TIME MEMBERS. (AFFECTS SUBJECT PARCEL, CANNOT BE GRAPHICALLY DEPICTED)

13. TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S). (STANDARD EXCEPTION; NOT A SURVEY MATTER)

14. ANY MAP OR DIAGRAM NOW OR PREVIOUSLY PROVIDED IS FOR REFERENCE AND INFORMATIONAL PURPOSES ONLY. THE COMPANY AND ITS AGENTS EXPRESSLY DISCLAIM ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON SUCH MAP(S) OR DIAGRAM(S). THE FOREGOING DOES NOT LIMIT ANY EXPRESS COVERAGES PROVIDED BY THE TERMS AND PROVISIONS OF ANY TITLE INSURANCE POLICY FOR MATTERS WHICH MIGHT BE REVEALED BY A SURVEY PREPARED AND CERTIFIED IN ACCORD WITH FLORIDA STATUTES SECTION 472.027.

SURVEYORS NOTES

1. NOTICE: THIS SURVEY WAS PREPARED WITH BENEFIT OF ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY UNDER FILE NO. 12071-2604415 WITH AN EFFECTIVE DATE OF DECEMBER 30, 2020 AT 8:00 A.M. AS UPDATED AND REVISED ON JANUARY 12, 2021. (ISSUING OFFICE REGISTRY ID: 1141339);

2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

3. BEARING STRUCTURE BASED ON NAD 83, FLORIDA STATE PLANE, EAST ZONE, U.S. SURVEY FOOT WITH THE BEARING ON THE WESTERLY LINE OF TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3A BEING S37°58'29"W.

4. UNDERGROUND FOUNDATIONS, IF ANY, NOT LOCATED.

5. THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE "X", THIS LOCATION IS DETERMINED BY SCALING FROM F.I.R.M. COMMUNITY PANEL 12127C0211 & 12127C0212, MAP EFFECTIVE DATE SEPTEMBER 29, 2017, APPROXIMATE SCALE 1"=500 FEET.

6. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

7. "THE PROPERTY DESCRIBED HEREIN, CONTAINS NO GAPS OR GORES AND TAKEN AS A TRACT, CONSTITUTES ONE CONTIGUOUS PARCEL OF LAND".

8. THE LEGAL DESCRIPTION OF THE PROPERTY AS DESCRIBED IN SCHEDULE A AND ON THE SURVEY ARE IN FACT ONE AND THE SAME PARCEL OF LAND IRRESPECTIVE OF THE MINOR DISCREPANCIES IN THE COURSES AND/OR DISTANCES.

LEGEND

ELECTRIC SERVICE		TRAFFIC SIGNAL BOX	
MAIL BOX		CLEAN OUT	
SIGN		CONCRETE MONUMENT (CM)	
TREE		PERMANENT REFERENCE MONUMENT (PRM)	
FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)	
WATER METER		RADIAL LINE	
GUY ANCHOR		NON-RADIAL LINE	
UTILITY POLE		WATER VALVE	
IRON ROD/PIPE WITH CAP (RIC/PIC)		EXISTING ELEVATION	
IRON ROD/PIPE NO ID (R/P)		CABLE TELEVISION BOX	
TELEPHONE BOX			

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FO—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	—T—	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	—W—	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	—E—	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	—G—	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE			(P)	PLAT	(R)	RADIAL	ID	IDENTIFICATION
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE	℄	CENTERLINE			(DESC)	DESCRIPTION	MH	MANHOLE

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC

SCALE: 1"=200' | FIELD BOOK: 1454 PAGE(S): 20-31 | SHEET 1 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE	–	–	–	–	–
BOUNDARY SURVEY	4-13-2021	21-0493	J PENFIELD	D HITCHCOCK	J ZAPERT
TOPOGRAPHIC SURVEY	4-13-2021	21-1257	K HELMICK	J MOLLER	J ZAPERT
FOUNDATION SURVEY	–	–	–	–	–
FINAL SURVEY	–	–	–	–	–
RECERTIFICATION SURVEY	–	–	–	–	–

SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3921 NOVA ROAD
PORT ORANGE, FL. 32127
(386) 761-5385
LICENSED BUSINESS CERTIFICATION NUMBER 3019

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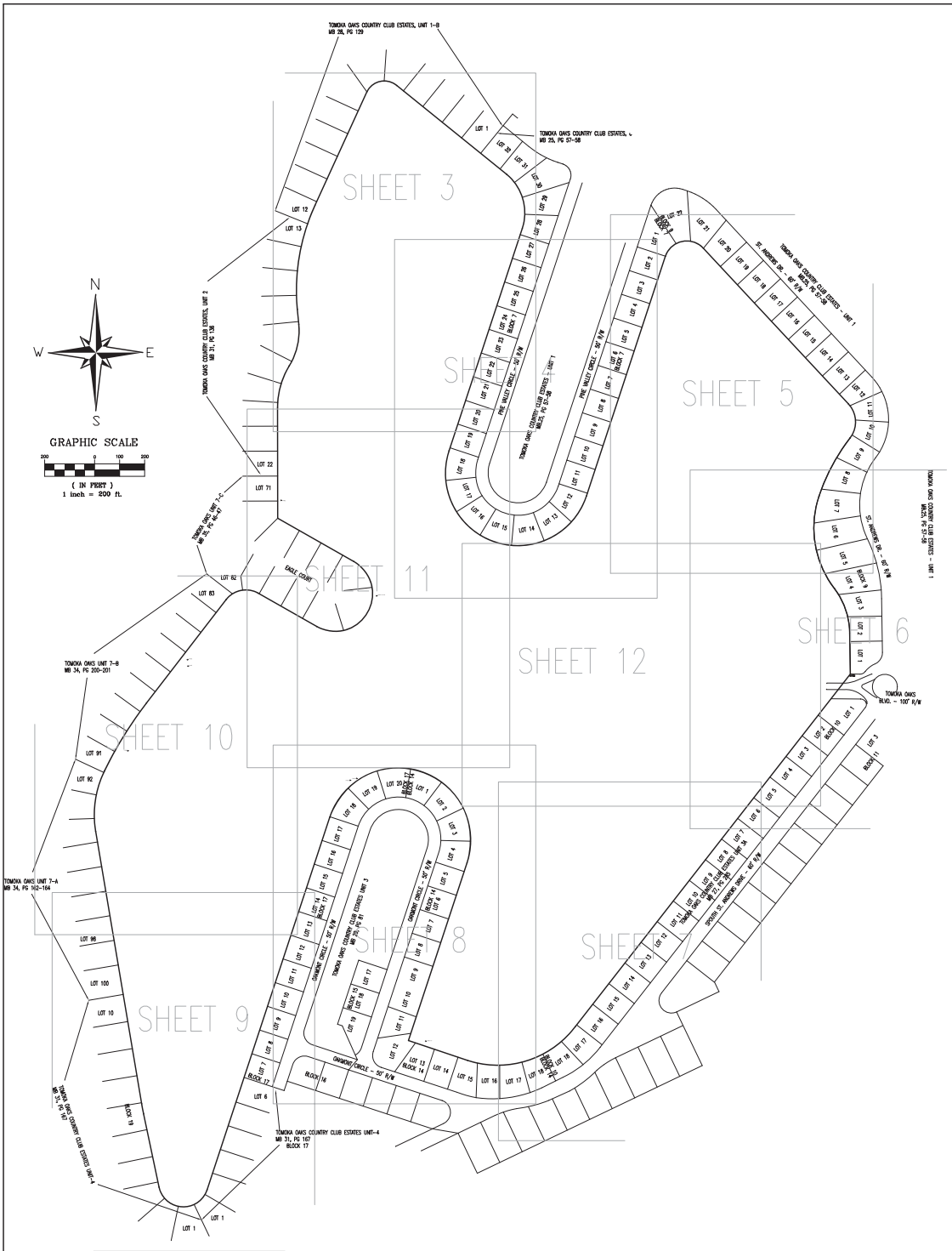
TO: EJTS HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; TRIUMPH OAKS OF ORMOND BEACH 1, LLC, A FLORIDA LIMITED LIABILITY COMPANY; AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 7, 7(B)(1), 7(B)(2), 8, 11(B), 14, 18, AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON APRIL 13, 2021. DATE OF PLAT OR MAP: APRIL 15, 2021

J.E. ZAPERT P.L.S. NO. 4046 SEAL



LEGEND

ELECTRIC SERVICE		TRAFFIC SIGNAL BOX	
MAIL BOX		CLEAN OUT	
SIGN		CONCRETE MONUMENT (CM)	
TREE		PERMANENT REFERENCE MONUMENT (PRM)	
FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)	
WATER METER	(R)	RADIAL LINE	
GUY ANCHOR	(NR)	NON-RADIAL LINE	
UTILITY POLE		WATER VALVE	
IRON ROD/PIPE WITH CAP (RIC/RPC)		EXISTING ELEVATION	
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TELEPHONE BOX			

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FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=200' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 2 OF 13

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ABBREVIATIONS

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CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	—E—	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	—G—	BURIED GAS LINE	MB	MAP BOOK
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SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
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VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
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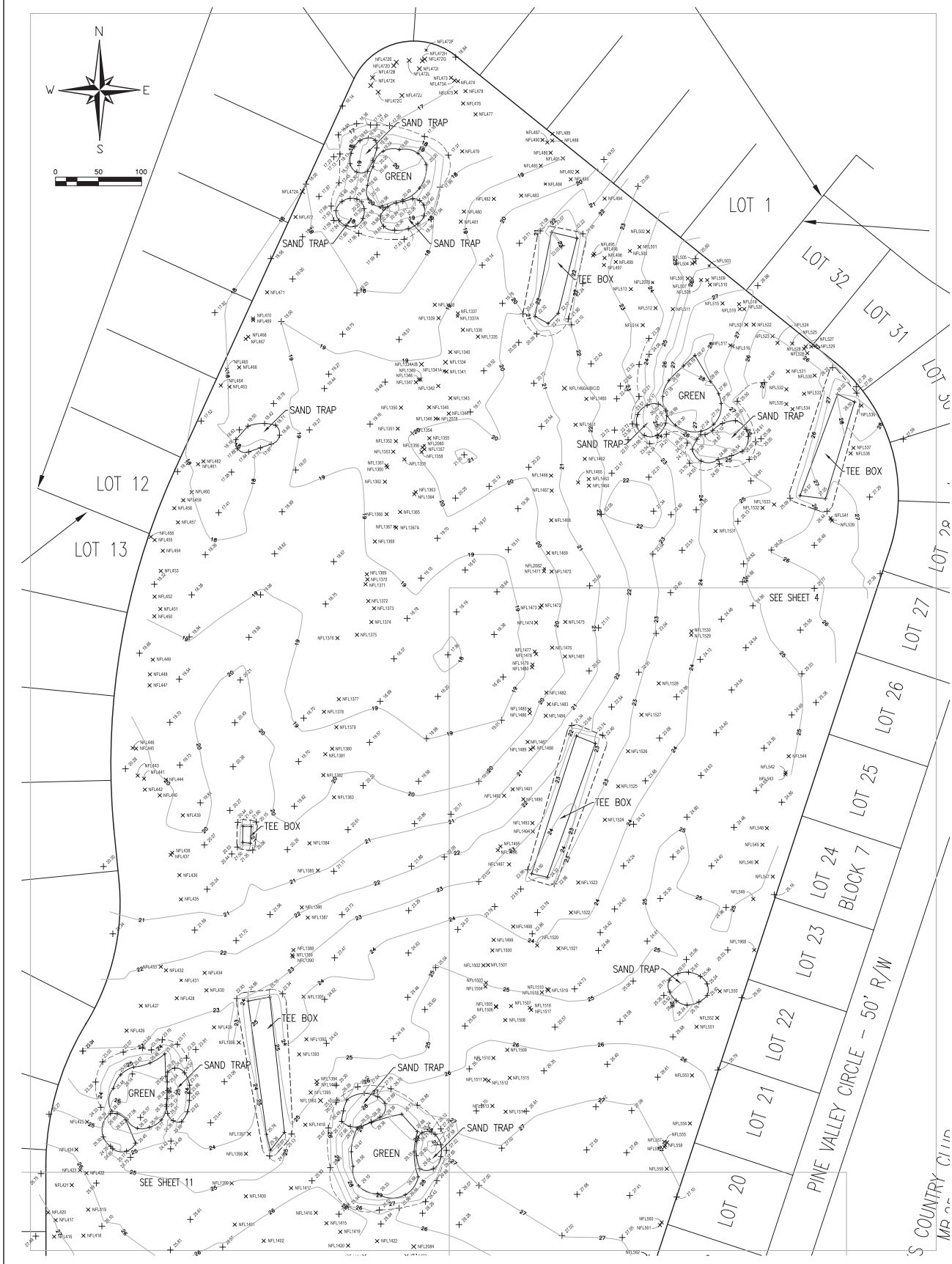
J.E. ZAPERT P.L.S. NO. 4046 SEAL

SEE SHEET 1
FOR CERTIFICATIONS



LEGEND

ELEC	ELECTRIC SERVICE	TSB	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	CO	CLEAN OUT
— SN —	SIGN		CONCRETE MONUMENT (CM)
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FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 3 OF 13

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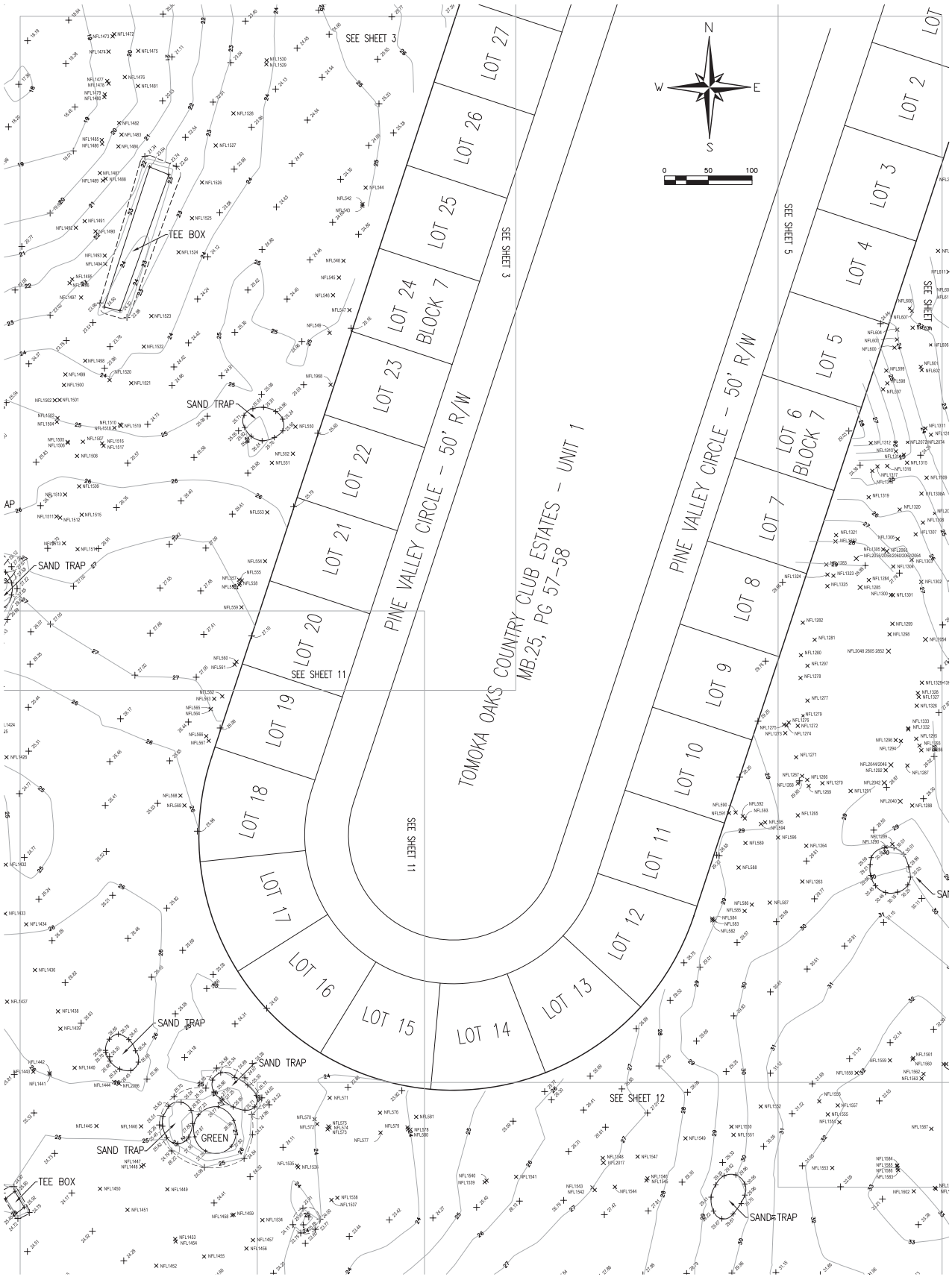

LEGEND

⊠	ELECTRIC SERVICE	⊠	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	⊙ CO	CLEAN OUT
—	SIGN	□	CONCRETE MONUMENT (CM)
○	TREE	■	PERMANENT REFERENCE MONUMENT (PRM)
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ABBREVIATIONS

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ES	ELECTRIC SERVICE	OPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
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INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION	MH	MANHOLE

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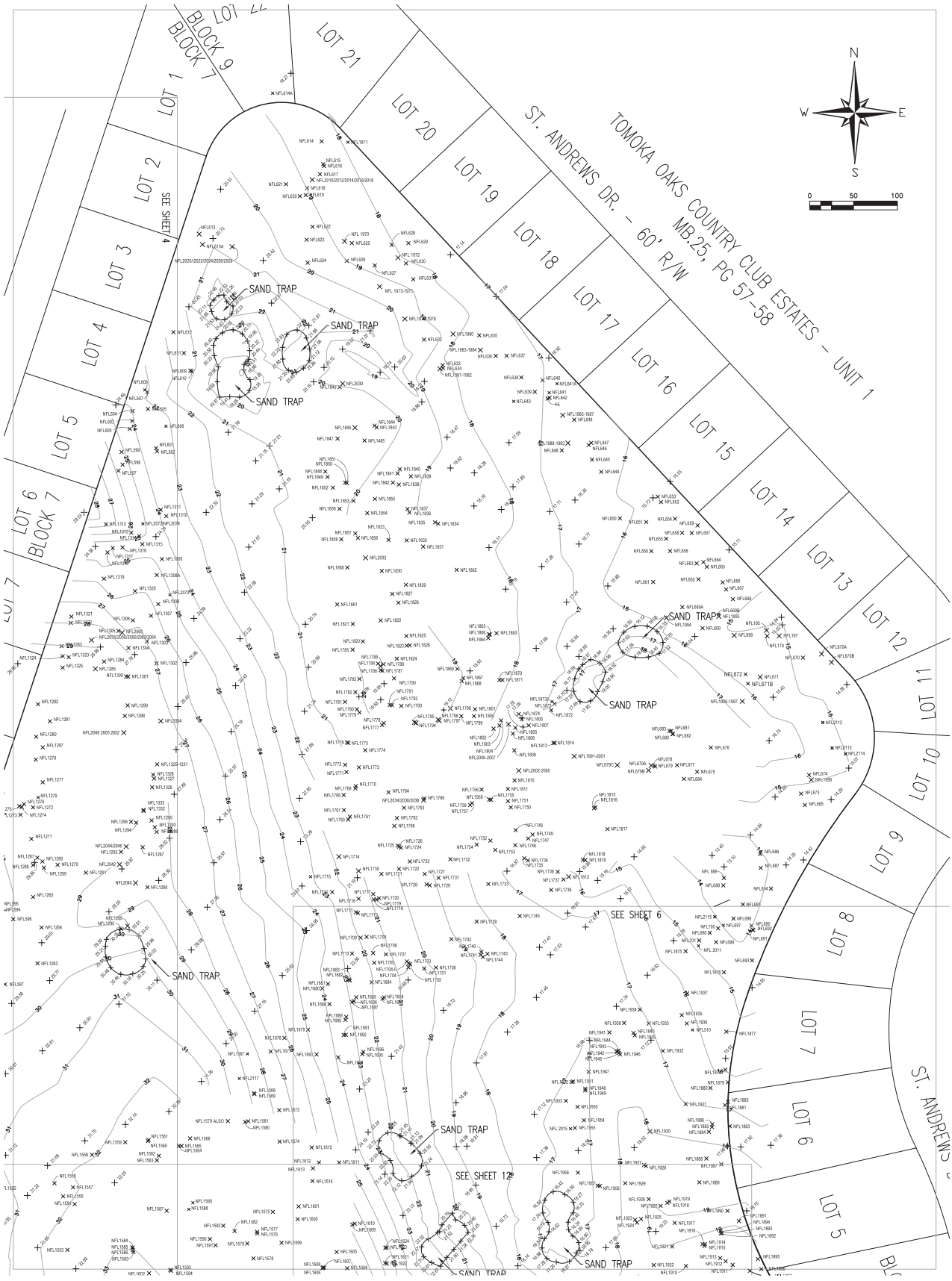
J.E. ZAPERT P.L.S. NO. 4046 SEAL

SEE SHEET 1
FOR CERTIFICATIONS



LEGEND

ELEC	ELECTRIC SERVICE	TS	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	CO	CLEAN OUT
— SIGN			CONCRETE MONUMENT (CM)
TREE			PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
IRS	IRON RSD./PIPE WITH CAP (RIC/PC)		EXISTING ELEVATION
IRS/IPE	IRON RSD/PIPE NO ID (R/P)	TV	CABLE TELEVISION BOX
TB	TELEPHONE BOX		

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 5 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE	–	–	–	–	–
BOUNDARY SURVEY	4-13-2021	21-0493	J PENFIELD	D HITCHCOCK	J ZAPERT
TOPOGRAPHIC SURVEY	4-13-2021	21-1257	K HELMICK	J MOLLER	J ZAPERT
FOUNDATION SURVEY	–	–	–	–	–
FINAL SURVEY	–	–	–	–	–
RECERTIFICATION SURVEY	–	–	–	–	–

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FO—	BURIED FIBER OPTIC CABLE
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	— T —	BURIED TELEPHONE LINE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	— W —	BURIED WATER LINE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE		CENTERLINE	(P)	PLAT	(R)	RADIAL
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED
INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION

MES	MITERED END SECTION	CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE	MH	MANHOLE
		MB	MAP BOOK
		BK	BOOK
		OR	OFFICIAL RECORDS BOOK
		PG	PAGE
		ID	IDENTIFICATION
		(TYP)	TYPICAL
		MH	MANHOLE

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PROFESSIONAL LAND SURVEYORS
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(386) 761-5385
LICENSED BUSINESS CERTIFICATION NUMBER 3019

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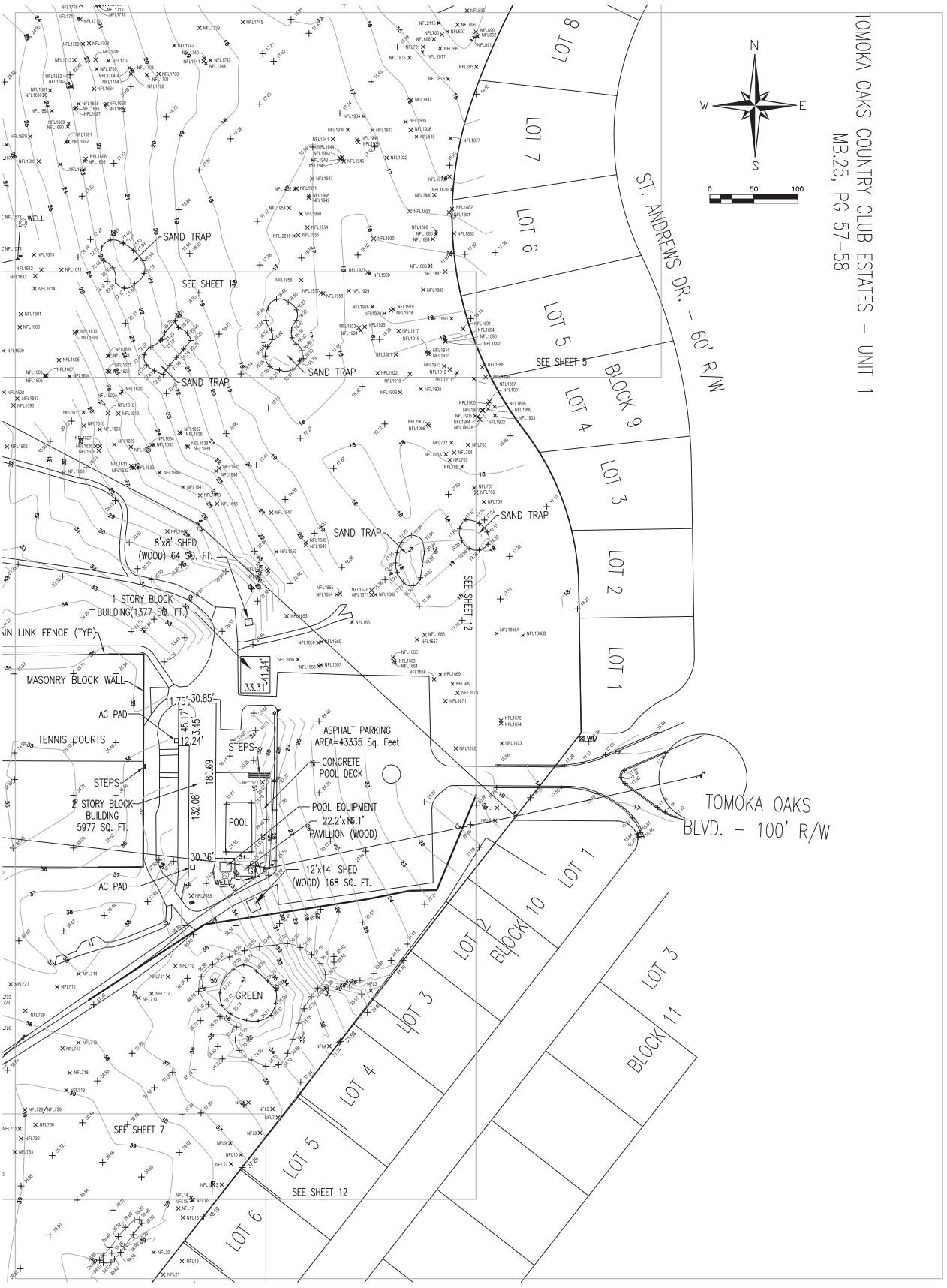

LEGEND

⊠	ELECTRIC SERVICE	⊠	TRAFFIC SIGNAL BOX
MB	MAIL BOX	CO	CLEAN OUT
—	SIGN	□	CONCRETE MONUMENT (CM)
	TREE	■	PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT	△	PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
⊙	IRON ROD/PIPE WITH CAP (RIC/PIC)	× 105.00	EXISTING ELEVATION
○	IRON ROD/PIPE NO ID (IR/IP)	TV	CABLE TELEVISION BOX
TB	TELEPHONE BOX		

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 6 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE					
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TOPOGRAPHIC SURVEY	4-13-2021	21-1257	K HELMICK	J MOLLER	J ZAPERT
FOUNDATION SURVEY					
FINAL SURVEY					
RECERTIFICATION SURVEY					

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FC—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	—T—	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	—W—	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	—E—	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	—G—	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE	℄	CENTERLINE	(R)	RADIAL			ID	IDENTIFICATION
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED			(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE							MH	MANHOLE

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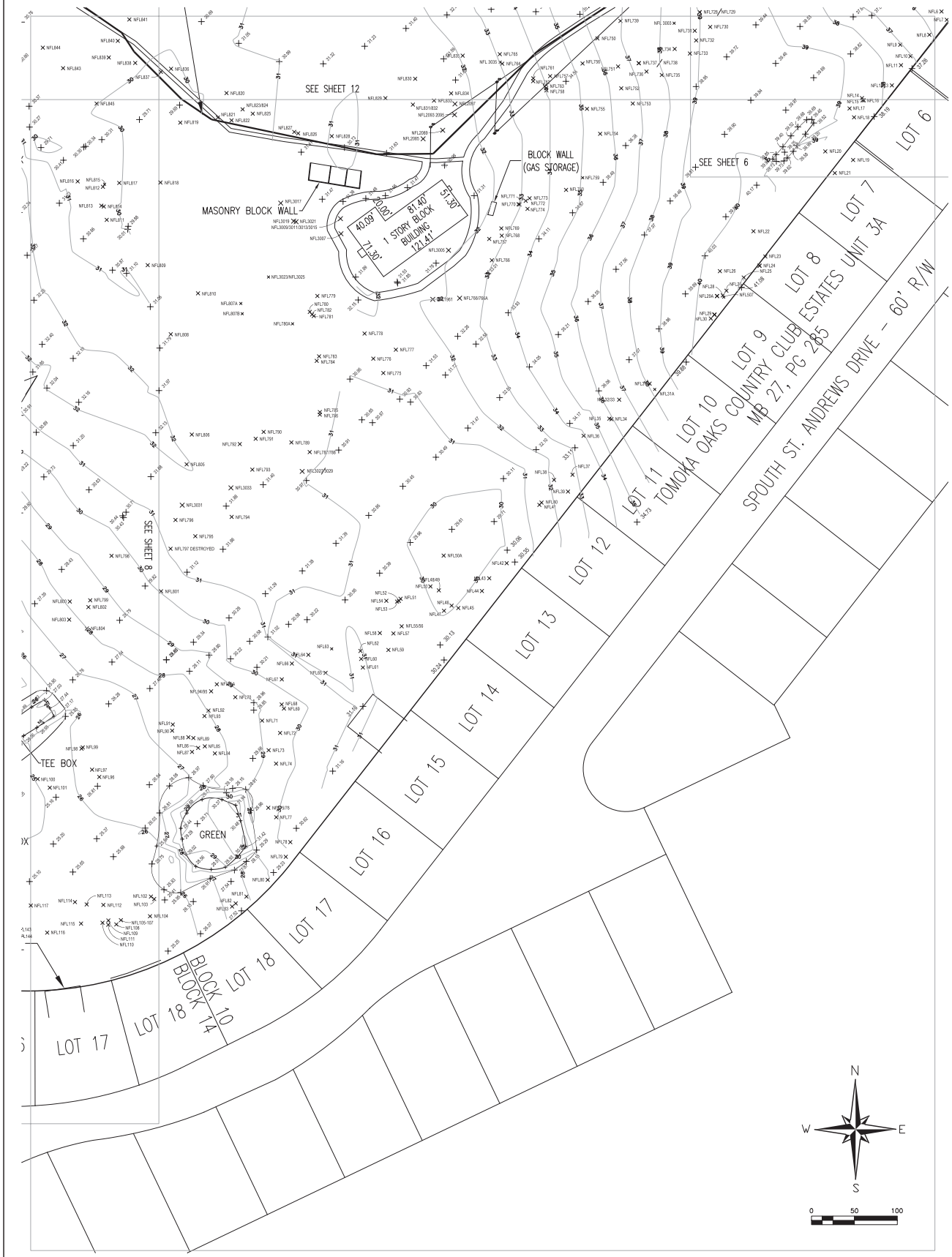

LEGEND

⊠	ELECTRIC SERVICE	⊠	TRAFFIC SIGNAL BOX
(EMB)	MAIL BOX	⊙ CO	CLEAN OUT
—	SIGN	□	CONCRETE MONUMENT (CM)
	TREE	■	PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT	△	PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
⊙	IRON ROD/PRC WITH CAP (RC/PC)	⊙	EXISTING ELEVATION
○	IRON ROD/PRC NO ID (R/P)	TV	CABLE TELEVISION BOX
TB	TELEPHONE BOX		

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 7 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE					
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FOUNDATION SURVEY					
FINAL SURVEY					
RECERTIFICATION SURVEY					

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FC—	BURIED FIBER OPTIC CABLE
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	—T—	BURIED TELEPHONE LINE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	—W—	BURIED WATER LINE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	—E—	BURIED ELECTRIC LINE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	—G—	BURIED GAS LINE
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE			(P)	PLAT	(R)	RADIAL
VCP	VITRIOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED
INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION

MES	MITERED END SECTION	CMP	CORRUGATED METAL PIPE	MH	MANHOLE
RCP	REINFORCED CONCRETE PIPE	MB	MAP BOOK	BK	BOOK
		OR	OFFICIAL RECORDS BOOK	PG	PAGE
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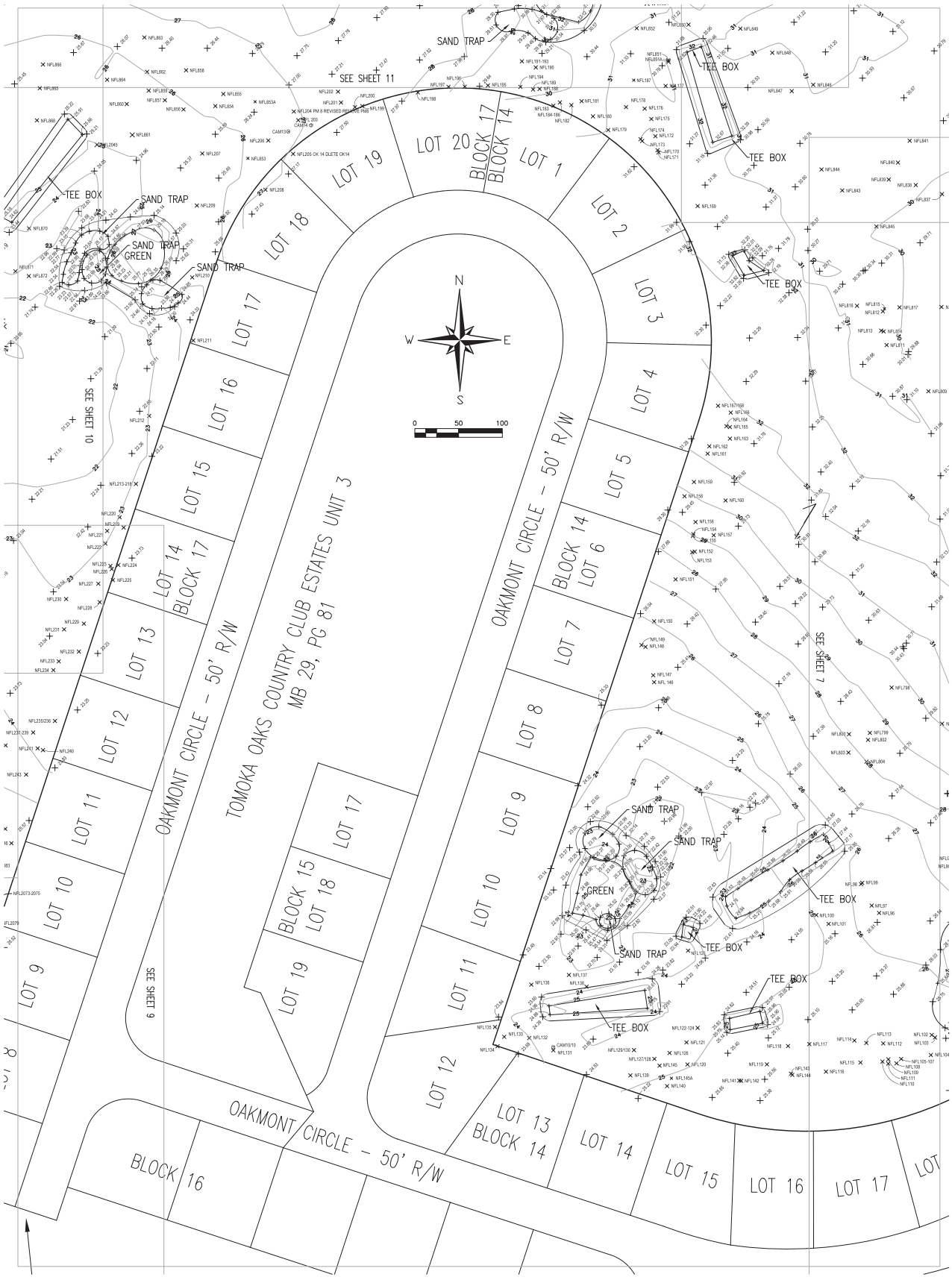

LEGEND

ES	ELECTRIC SERVICE	TS	TRAFFIC SIGNAL BOX
(MB)	MAIL BOX	CO	CLEAN OUT
— SIGN			CONCRETE MONUMENT (CM)
TREE			PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)
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IRS	IRON RSD./PIPE WITH CAP (IRC/IPC)		EXISTING ELEVATION
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ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
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FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 8 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE	: –	–	–	–	–
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TOPOGRAPHIC SURVEY	: 4-13-2021	– 21-1257	– K HELMICK	– J MOLLER	– J ZAPERT
FOUNDATION SURVEY	: –	–	–	–	–
FINAL SURVEY	: –	–	–	–	–
RECERTIFICATION SURVEY	: –	–	–	–	–

ABBREVIATIONS

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TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	— T —	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	— W —	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
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VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION	MH	MANHOLE

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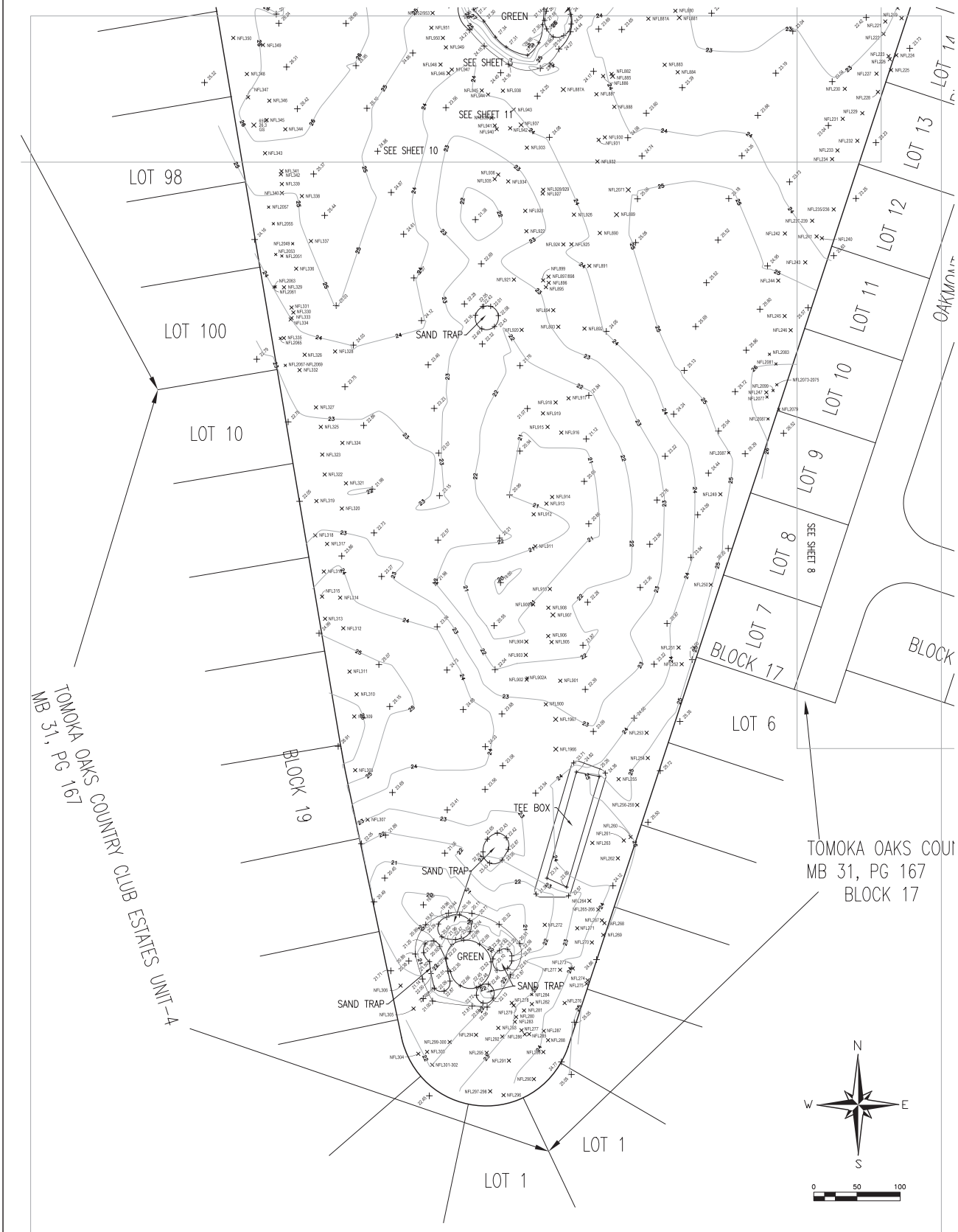

LEGEND

⊟	ELECTRIC SERVICE	⊠	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	⊙ CO	CLEAN OUT
— SGN	SIGN	□	CONCRETE MONUMENT (CM)
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ID	IRON ROD/PIPE WITH CAP (RIC/RPC)		
○	IRON ROD/PIPE NO ID (IR/IP)	EX	EXISTING ELEVATION
TB	TELEPHONE BOX	TV	CABLE TELEVISION BOX

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB 20 TOMOKA OAKS BOULEVARD ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC

SCALE: 1"=50' | FIELD BOOK: 1454 PAGE(S): 20-31 | SHEET 9 OF 13

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FINAL SURVEY	: –	–	–	–	–
RECERTIFICATION SURVEY	: –	–	–	–	–

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SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
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VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE	℄	CENTERLINE			(DESC)	DESCRIPTION	MH	MANHOLE

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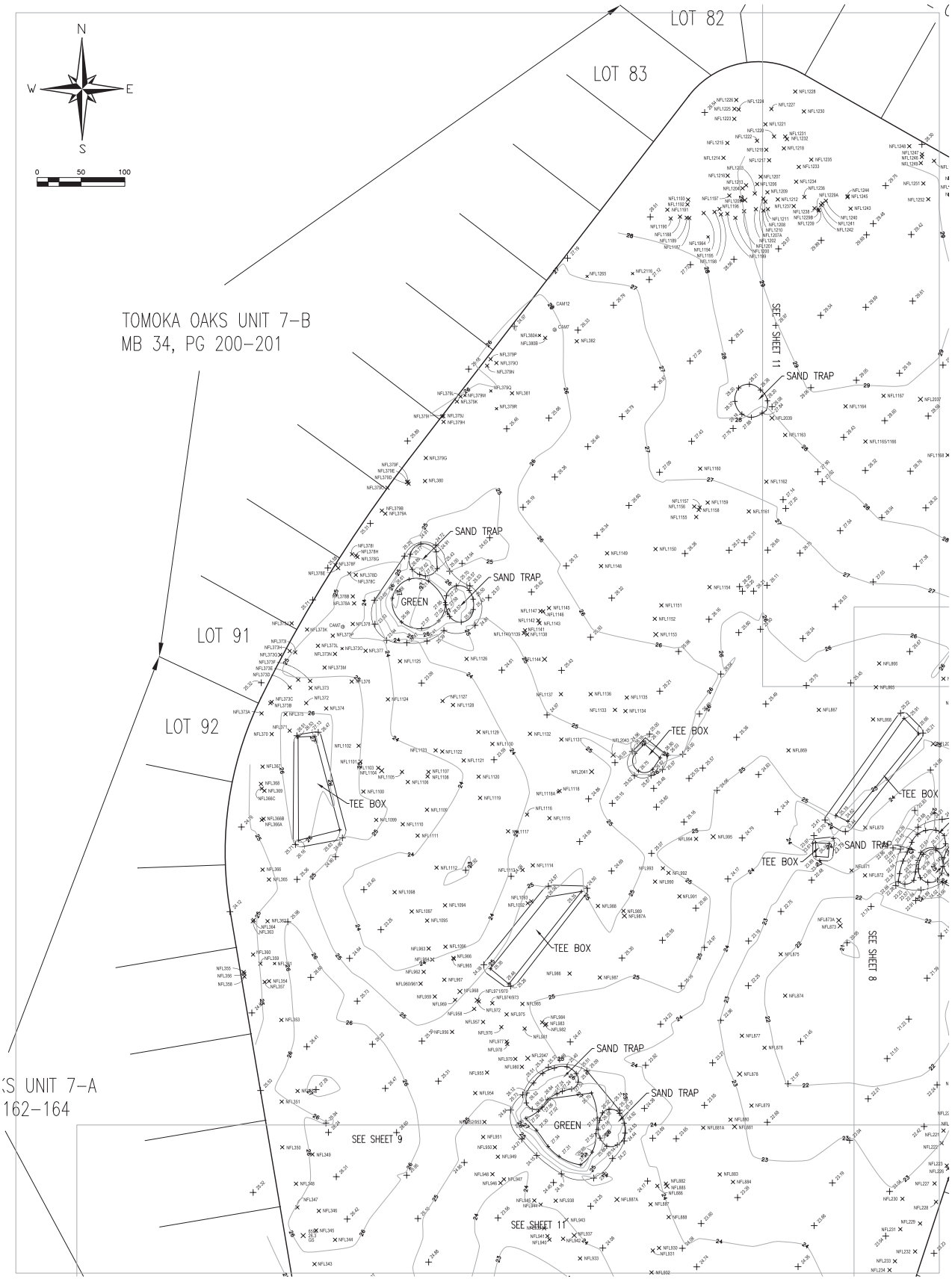

LEGEND

ELECTRIC SERVICE		TRAFFIC SIGNAL BOX	
MAIL BOX		CLEAN OUT	
SIGN		CONCRETE MONUMENT (CM)	
TREE		PERMANENT REFERENCE MONUMENT (PRM)	
FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)	
WATER METER		RADIAL LINE	
GUY ANCHOR		NON-RADIAL LINE	
UTILITY POLE		WATER VALVE	
IRON ROD/PIPE WITH CAP (RIC/RIP)		EXISTING ELEVATION	
IRON ROD/PIPE NO ID (R/P)		CABLE TELEVISION BOX	
TELEPHONE BOX			

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 10 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE					
BOUNDARY SURVEY	4-13-2021	21-0493	J PENFIELD	D HITCHCOCK	J ZAPERT
TOPOGRAPHIC SURVEY	4-13-2021	21-1257	K HELMICK	J MOLLER	J ZAPERT
FOUNDATION SURVEY					
FINAL SURVEY					
RECERTIFICATION SURVEY					

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FC—	BURIED FIBER OPTIC CABLE	MCS	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	— T —	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	— W —	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE			(P)	PLAT	(R)	RADIAL	ID	IDENTIFICATION
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE	℄	CENTERLINE			(DESC)	DESCRIPTION	MH	MANHOLE

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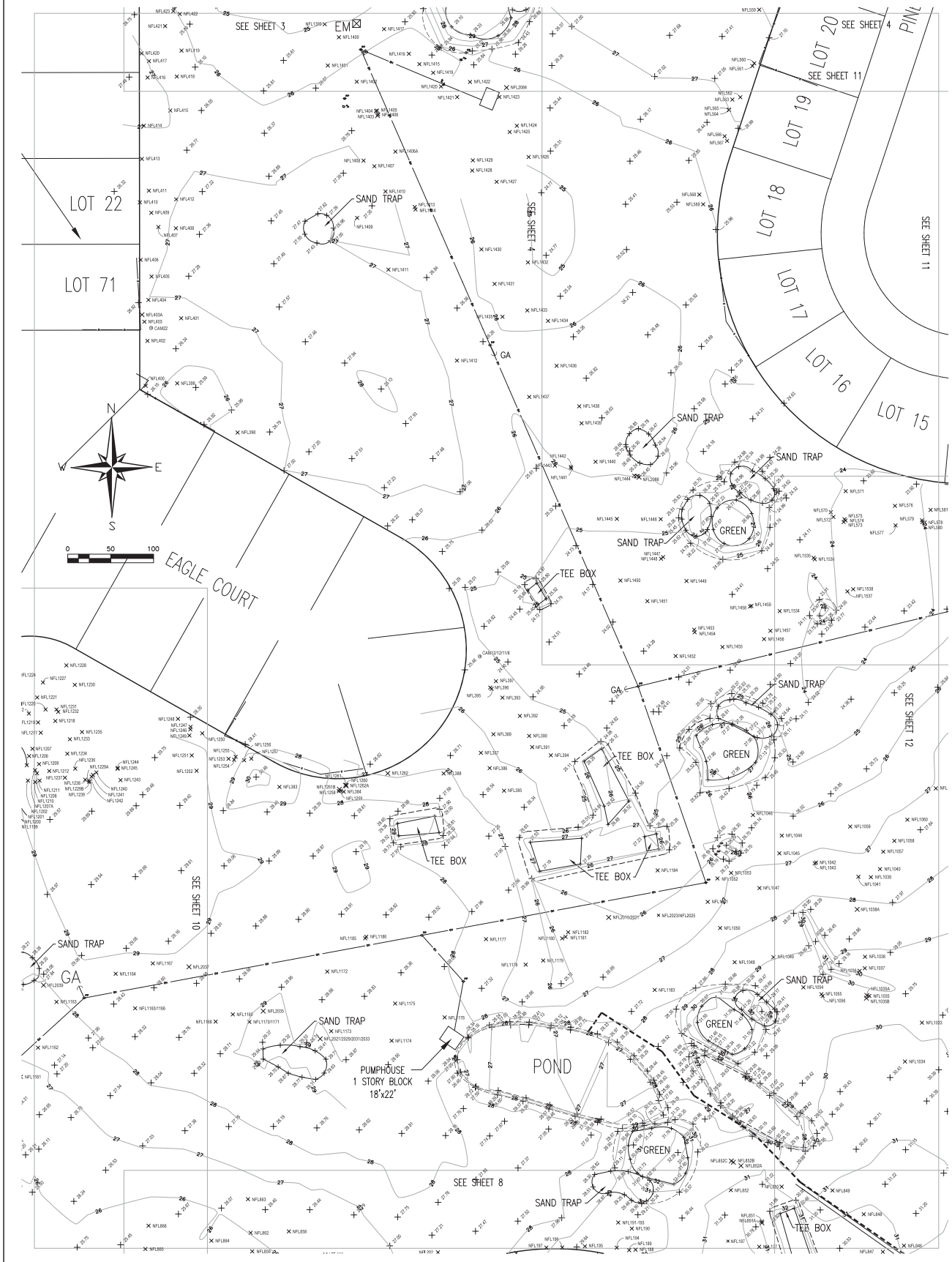
J.E. ZAPERT P.L.S. NO. 4046 SEAL

SEE SHEET 1
FOR CERTIFICATIONS



LEGEND

ELEC	ELECTRIC SERVICE	TS	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	CO	CLEAN OUT
	SIGN		CONCRETE MONUMENT (CM)
	TREE		PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
IR	IRON ROD/PIPE WITH CAP (RIC/RPC)		EXISTING ELEVATION
IR	IRON ROD/PIPE NO ID (IR/P)	CATV	CABLE TELEVISION BOX
TB	TELEPHONE BOX		

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
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FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 11 OF 13

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FINAL SURVEY	:	–	–	–	–
RECERTIFICATION SURVEY	:	–	–	–	–

ABBREVIATIONS

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CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
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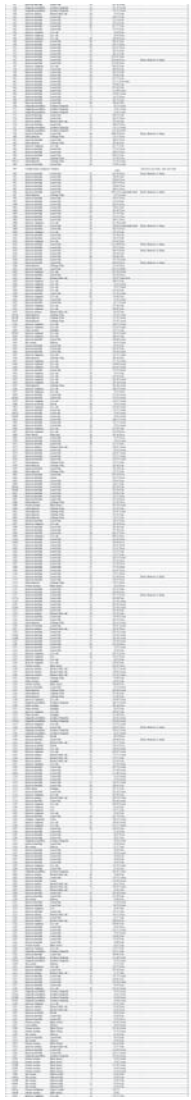

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LEGEND

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	WATER METER	(R)	RADIAL LINE
	GUY ANCHOR	(NR)	NON-RADIAL LINE
	UTILITY POLE	WV	WATER VALVE
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	IRON ROD/PIPE NO ID (R/P)	EV	EXISTING ELEVATION
	TELEPHONE BOX		CABLE TELEVISION BOX

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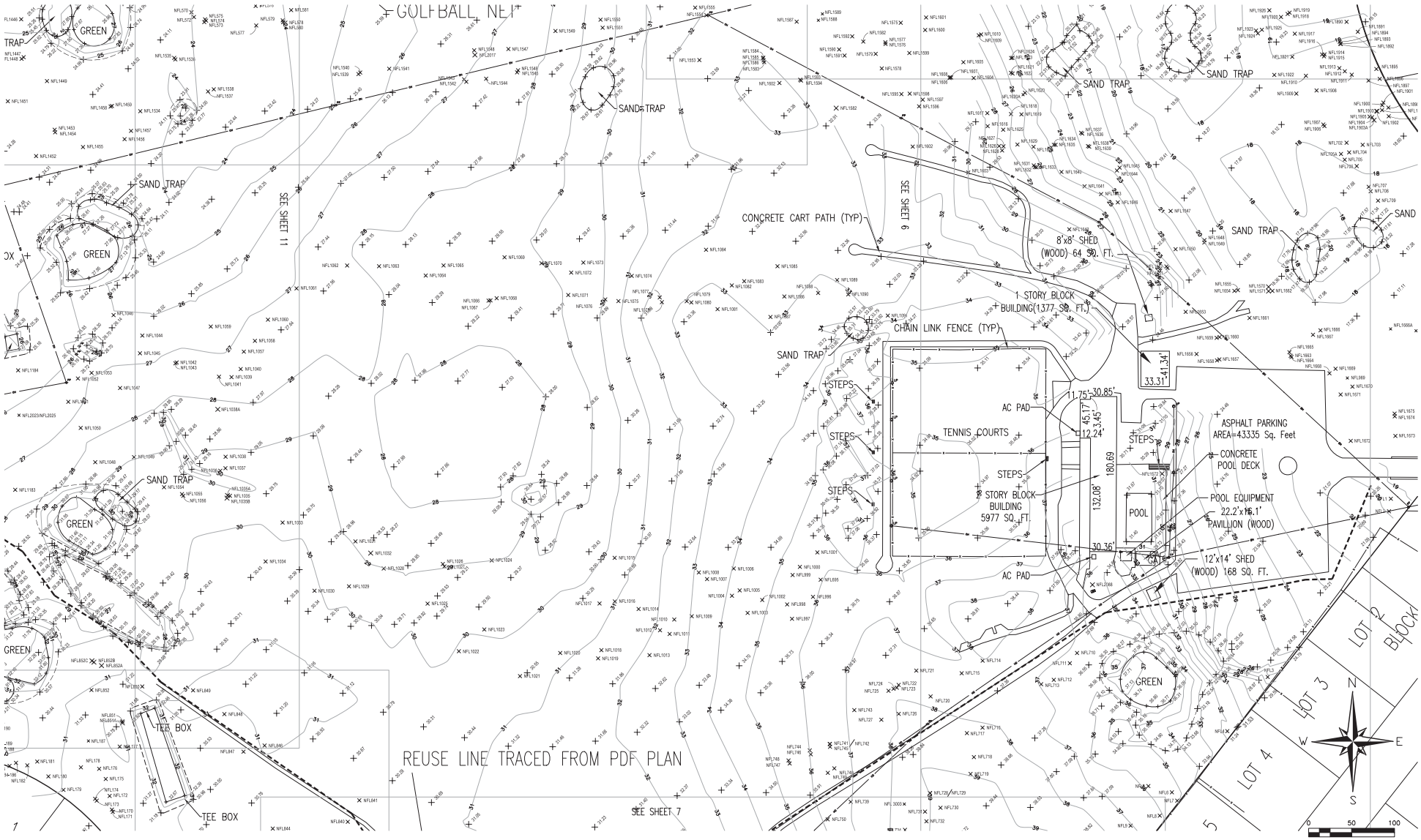

SCALE: 1"=50'

SHEET 12 OF 13

ABBREVIATIONS

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ATTACHMENT 11

Planning Board Minutes

Section A: July 13, 2023

Section B: August 21, 2023

ATTACHMENT 11

Planning Board minutes

Section A

July 13, 2023

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

July 13, 2023 6:00 PM

Calvary Christian Center
1687 West Granada Boulevard
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Claire Whitley, Assistant City Manager
G.G. Galloway	Steven Spraker, Planning Director
Al Jorczak	Becky Weedo, Senior Planner
Mike Scudiero	David Allen, Planning Civil Engineer
Barry du Moulin	Cara Culliver, Landscape Architect
Troy Railsback (Absent)	Robin Gawel, Senior Planner
Doug Thomas, Chair	Sarah Cushing, Senior Planner
	Marcella Miller, Recording Technician
	Randy Hayes, City Attorney

II. INVOCATION

Chairman Thomas led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

Mr. Randy Hayes, City Attorney, explained the process for the public hearing. Attorney Hayes recommended that those individuals who sought to give testimony on the application be sworn in by the Board Secretary and to affirm if they took the Oath when they speak.

Attorney Hayes reviewed an outline of procedural and evidentiary matters regarding Quasi-Judicial proceedings regarding the roles of the City Attorney, Planning Board and explanation of a Quasi-Judicial hearing, competent substantial evidence, Burden of Proof, witness testimonies, and the decision making process of the Planning Board. He added that there are two stipulations that the Planning Board members must vote on to: (1) agree to stipulate that the professionals who will testify on behalf of the parties are qualified to do so, and (2) allow Tomoka Oaks HOA to participate in the proceeding as a "party-intervenor".

Attorney Hayes advised the Board that once moving into the public hearing they must vote on the two stipulations aforementioned.

Chairman Thomas stated that the Planning Board members are their neighbors and are volunteers. He continued that the Board tries to do what is best for them and the City of Ormond Beach, and have no special interest.

Chairman Thomas opened the Public Hearing.

V. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order

Chairman Thomas asked Ms. Miller, Recording Technician, to read the Oath. Ms. Miller read the Oath:

"Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth?"

Mr. Galloway motioned to approve of and accept the following stipulations: (1) the parties agree to stipulate that the professionals who will testify on behalf of the parties are qualified to do so; and (2) allow Tomoka Oaks HOA to participate in the proceeding as a "party-intervenor". Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).

Mr. Steven Spraker, Planning Director, explained the application for the issuance of a development order for the Tomoka Reserve subdivision. The application seeks to allow the issuance of a development order for 276 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The subject property is currently zoned as Planned Residential Development (PRD), and is located at 20 Tomoka Oaks Boulevard.

Mr. Spraker stated that the property has an existing land use of "Low Density Residential" (LDR) which allows a density of up to 4.3 units per acre. He continued that the purpose of the land use is to protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of

such neighborhoods. Mr. Spraker added that institutional uses may be permitted in accordance with the maximum floor area ratio.

Mr. Spraker continued with the explanation of the existing zoning of Planned Residential Development (PRD). In 2006, there was a zoning map amendment that went from R-2, Single-Family Low Density to PRD, Planned Residential Development. A site specific development order was approved for 122 residential units and the reconfiguration of the golf course. Mr. Spraker stated that one of the conditions of approval was to provide the covenant and restrictions on the golf course because in 2006 it was determined that there was no covenant and restrictions. The development order expired. He explained the process for the issuance of a development order began with a neighborhood meeting, in which the property went through two, then Site Plan Review Committee (SPRC), Planning Board and City Commission. Mr. Spraker explained that the development order is a zoning document that provides the number of lots, landscape buffer, and recreational areas. If approved, the next step is the construction plans as preliminary plat, with detailed engineering, landscape buffers, and roadways, which also goes through the process with the SPRC, neighborhood meeting, back to the Planning Board and then on to the City Commission.

Mr. Spraker reviewed the Tomoka Reserve Site Plan. He continued that the project is approximately 148 acres, with 276 proposed units and a density of 1.87 units per acre. He stated that the project seeks to allow a gated vehicular access while allowing pedestrians to still access the project through sidewalks. Mr. Spraker stated that there is an emergency access easement noted on the plan. The project is not in a designated floodplain, and there are no wetlands on the property. He added that an environmental assessment was provided with the project. Mr. Spraker remarked that the site plan is preserving 34 acres and an additional 9 acres for recreation. A key issue expressed through the process is size of the lots, with the proposal of 80' lots in width, 60' lots in width, and 50' lots in width. He continued that there is a proposed 50' buffer around the perimeter of the site (3.3 miles). The project stormwater areas use berms around exiting vegetation which is a low impact development technique. He added that the historic trees on the property are being sought to be preserved and that they provided the required school concurrency and a Traffic Impact Analysis.

Mr. Spraker reviewed key issues included in the staff report, starting with issue 1, the development ability of the former golf course. Mr. Spraker stated the Planning Board packet included an analysis from Ms. Davis, including a letter from Mr. Brent Spain Esquire. Also included in the packet was an analysis from the City Attorney's office and from the applicant's law firm, Cobb Cole. Mr. Spraker explained the position of the city staff that there is no covenant and restrictions that would prevent the site from being used for residential purposes.

Mr. Spraker reviewed issue 2, the lot size compatibility. Mr. Spraker described the R-2 zoning district which was the original zoning on the property and the surrounding area. The R2 zoning district requires a 100'-wide lot width a 10,000 square-foot lot area size. He explained that part of the applicant's Planned Residential Development request is to provide additional buffers, recreation and open space in order to negotiate lot size. They are not increasing the overall density but reconfiguring it in order to provide additional natural preservation and additional buffer and recreation,

according to Mr. Spraker. Staff discussed its similarity to what happened with an area of west Ormond, where there were applications for subdivisions less than 80' in width. These applications were denied and the subdivisions were made to comply with the 80'-wide lots.

Mr. Spraker discussed issue 3, planting of the 50' natural buffer. The applicant is seeking to use the existing vegetation along the perimeter buffer and in the areas that do not have vegetation, they are seeking to do seven trees and 30 shrubs and grasses, per 100 linear feet, clustered in 20' spacing. The irrigation is proposed to be provided by a truck with a water tank and no permanent irrigation. Mr. Spraker continued that the position of the Site Plan Review Committee (SPRC) is that the type 6 buffer which requires seven trees, 70 shrubs and 70 ground covers per 100' linear feet with staggered planting, should be adopted by the Board as it has worked well in other applications. SPRC staff strongly objects to the use of non-permanent irrigation and believes that this will lead to future land use issues and the Homeowners' Association (HOA) would be tasked with doing the irrigation. Mr. Spraker stated the buffer should not be clustered in a 20-foot buffer depth but rather staggered over the 50-foot buffer area in order to allow for proper tree growth and spacing.

Mr. Spraker discussed issue 4, the setback plan. Mr. Spraker stated that the applicant proposed a setback plan and staff provided an analysis in the staff report. Mr. Spraker reviewed the setbacks proposed by the applicant and the recommendations of the SPRC. Staff does support the front porch setbacks, as they have been successful in Chelsea Place.

Mr. Spraker discussed issue 5, Sheet PD6 note on the lot separation. Mr. Spraker explained that the note allowed variation on the buffer width. Staff recommends that the note be amended to state that the 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shown on the site plan. The natural preservation area shall not be modified and shall always be vegetative areas (Option 24 in the staff report). Mr. Spraker stated the language within the development order becomes a contract and when they go to construction that is what needs to be presented in the preliminary plat.

Mr. Spraker discussed issue 6, the traffic. The applicant performed a detailed Traffic Impact Analysis (TIA). City staff had the TIA reviewed by the traffic consultants, Traffic Engineering Data Solutions (TEDS) employed by the city. After requests from citizens at the February neighborhood meeting, the applicant updated the TIA traffic counts to get current counts. The TIA concluded that 96 percent of the project trips used Tomoka Oaks Boulevard and 4 percent used Iroquois Trail for external access. He added that the traffic study found that a traffic signal is warranted at Tomoka Oaks Boulevard and Nova Road. Mr. Spraker stated that the TIA concluded that all local intersections operate at a Level of Service "A" or "B", where the adopted Level of Service is a "D". A proportionate fair share calculation was drafted, which is where state law allows them to contribute their fair share for whatever traffic impacts they have. Mr. Spraker referenced another traffic issue that is part of the SPRC review, the intersection of St. Andrews Drive and Tomoka Oaks Boulevard. The intersection is awkward and does not function well. Mr. Spraker stated staff believed that the applicant should bear some responsibility in the reconfiguration, perhaps through a joint partnership through the impact fee credits.

Mr. Spraker stated that comments were received from residents in that they desire sidewalks on both sides of Tomoka Oaks Boulevard, where the applicant only proposed a sidewalk on one side.

Mr. Spraker discussed issue 7, recreation areas. The development order seeks to provide all outdoor recreational areas with no indoor recreation provided. The project has proposed 9 acres of recreational areas, with final details to occur with the preliminary plat.

Mr. Spraker discussed issue 8, environmental analysis. Mr. Spraker states Ayden Environmental submitted site assessment reports and a Soils Management Plan to the Florida Department of Environmental Protection (FDEP), where all work will be managed by them with the oversight of the FDEP. The FDEP approved the site assessment reports and Soils Management Plan in a letter dated November 16, 2022. Mr. Spraker stated that there are no wetlands on the site and it is not in a designated floodplain, and added that any gopher tortoises onsite will be reviewed at the preliminary plat.

Mr. Spraker stated that the applicant has applied for a R-2 Zoning Map application, separate of the PRD, with the intent that if the PRD is not approved, it would be necessary to ensure that they have zoning. He reiterated that the R-2 zoning allows 100' wide lots with a 10,000 square-foot lot area minimum. The setbacks are 30' in the front yard, with the building coverage at 35 percent. Mr. Spraker stated Planned Developments have additional requirements on the natural preservation, requiring 20 percent whereas the Land Development Code (LDC) requires 15 percent. Mr. Spraker continued that the applicant is proposing a 50' buffer within the Planned Development, when only 6' is required under the R-2 zoning guidelines. Mr. Spraker detailed that the R-2 zoning district does not require a perimeter setback, where the Planned Development requires a 40' perimeter setback. The Planned Development site plan includes 9 acres of recreational area and there is no recreation requirement in R-2 zoning.

Mr. Spraker reviewed the correspondence received throughout the proposed project and advised that a city webpage is maintained that shows each project submittal site plan, in which the information and documents were also enclosed in the Planning Board packet. He explained that concerns received included the topics of lot sizes, lot compatibility, stormwater, buffer widths, impacts to the existing wildlife, and traffic. The correspondence received were included in the packet.

Mr. Spraker explained that when reviewing the PRD criteria, the Planning Board should take into consideration: (1) the application submittal, (2) staff report and SPRC comments, (3) written correspondence provided, (4) criteria of the LDC contained within the staff report, and (5) testimony provided at the Planning Board public hearing. He stated that staff recommends denial of the proposed site plan for the issuance of a development order. He continued that there are items that the applicant can do that would change the recommendation including larger lot sizes, adjusting the buffer in terms of the plantings and irrigation, revisions to the setback plan, participation in the diamond intersection with a diamond reconfiguration

requirement at the construction (preliminary plat) phase of the development, and sidewalk additions be on both sides of Tomoka Oaks Boulevard.

Mr. Spraker concluded with thanking Calvary Christian Center with allowing use of their facility for the public hearing, and reminded everyone that there were comment cards in the back for those wishing to speak on the item.

Board Discussion and Questions

Mr. Jorczak asked for clarification of the statement in the Board packet, specifying that denial of the application may lead to the movement of the R-2 Single-Family Low-Density Zoning Map Amendment to provide the property a zoning designation. Mr. Spraker replied that the property is required by state law to have a zoning. If unable to work through the Planned Residential Development (PRD) process, the property is required to have a zoning designation. Mr. Spraker states the applicant has submitted an application to amend to R-2 which allows single-family lots as an allowed use. Under the R-2 zoning, as long as the application meets the criteria in the LDC, there is nothing that the SPRC can do to deny the application. Mr. Spraker continued that they would be required to have 100' wide lots and 10,000 square feet lot sizes, and have to have stormwater and utilities, and 15 percent natural preservation.

Mr. Scudiero asked Mr. Spraker for clarification based on the 147 acres, what the number of single-family homes would be to fall under the second scenario. Mr. Spraker answered that a site plan is required to calculate the number. It has not been submitted to city staff.

Ms. Shull inquired about the 100' wide lots and if that would be throughout the entire proposed property under the R-2 zoning. Mr. Spraker confirmed yes, but commented that there are certain things that staff cannot require such as increased buffers and recreation. The entire basis of the application is the trade of the increased buffers and the natural area for smaller lots in size.

Chairman Thomas disclosed that he met with the attorney for the applicants, Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, at City Hall on July 12, 2023 to discuss the item.

Applicant's Presentation

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, 2049 S. Ridgewood Avenue, Daytona Beach, and Representative of the developers, thanked the Planning Board and staff for their time. He reiterated the choices that are before the Board, adding the possibility of a custom choice option, if they so desire. He delivered a summary of the project and overview of the rezoning criteria in a PowerPoint presentation, including explanation of the experts testifying about the project and their qualifications.

Mr. Merrell stated that the applicants purchased the property approximately three years ago. Two neighborhood meetings were held as well as other smaller meetings with the HOA and others. He concluded that several revisions have been made to the plan in which Mr. Dwight Durant, Zev Cohen & Associates, will detail.

Mr. Dwight Durant, Zev Cohen & Associates, 300 Interchange Boulevard, stated that the overall plan is for 276 units on 147 acres, where the holding capacity density analysis allows 800 units. He reviewed the site plan and open space plan and explained the benefits of the design, including the water distribution system, versus the golf course fertilizer effects. Mr. Durant continued with details on emergency access. He added that the minimum size lot, surrounding the perimeter of the site is 80' wide by 120' long, which allows additional space between the homes. He continued with information on the lot range widths from 50' to 80', the maintenance plan for the 50' buffer, and the proposed density of 1.87 units per acre. Mr. Durant explained that the open space plan exceeds the LDC standards on preservation areas and that 53 percent of the site is dedicated to landscape buffers, open space, stormwater management systems, and recreation areas. Mr. Durant added that he took the Oath.

Mr. Merrell continued with his presentation and added that he did not take the Oath. He explained the architectural standards of the proposed project, commenting that the neighbors want quality and diversity, similar to what Tomoka Oaks currently has, and that is what is being proposed with the variety of architectural plans.

Mr. Jake Stehr, Zev Cohen & Associates, 300 Interchange Boulevard, began with advising the Board that he took the Oath. He stated that the proposed property 50' landscape buffer is approximately three miles in length. In reference to the buffers, he described the proposed landscape and irrigation plan and remarked that the project requires a six (6') foot landscape buffer which requires two shade trees, 20 shrubs and 20 ground cover per 100 linear feet, and the applicants are proposing seven (7) trees, 30 shrubs and 30 ground cover per 100 linear feet.

Mr. Donald Spence, President and Owner, Native Florida Landscapes, LLC, stated that he is also a Board Certified Master Arborist and Ph.D. of Plant Pathology, University of Florida. Dr. Spence explained that he assisted with performing the tree survey and with the proposed buffer layout design, keeping it as similar to the existing buffer as possible. The layout is designed for a native, drought-tolerant species, that will not need irrigation after establishment.

Mr. Durant reviewed the criteria met in the LDC standards and the compliance of them.

Mr. Mark Karet, Director of Planning and Landscape Architecture, Zev Cohen & Associates, 300 Interchange Boulevard, stated that he took the Oath. He added that he has 35 years of experience in both the public and private sectors, has his Master's Degree in Urban and Regional Planning from the University of Florida, and is also a member of the American Institute of Certified Planners (AICP). Mr. Karet spoke on the project's conformance with the LDC standards and consistency with the Comprehensive Plan. He commented that LDC, Section 2-35(b), deals with more intense uses, such as townhomes and apartment districts, versus what is being presented in the application. He referenced the concern of 'crowding' and noted that the density is less than one half of what is permitted under the Future Land Use designation. The open space and buffers create slight crowding, although more than 50 percent of the site is open space. Mr. Karet added that the property falls in the "Low Density Residential" Future Land Use designation and the proposal aligns with

the land use and LDC, and the application aligns with the goals, policies of the city, supports infill development, and adheres to the intended use of the property.

Mr. Durant explained that the last criteria is on trees and that Mr. Bill Ray, AICP, and Mr. Jeff Flairty, P.E., Environmental and Planning Consultant and Presidents, Ray and Associates, are in attendance for any questions. He concluded that there are no wetlands onsite, and that an Environmental Analysis was performed.

Mr. Michael Hotaling, MAI, Managing Partner, Moody Williams Appraisal Group, 1300 Riverplace Boulevard, Suite 640, Jacksonville, stated that he took the Oath. He continued that he was asked to analyze the home sales as to whether the golf course lots sold for more than the non-golf course lots. Mr. Hotaling advised that he looked through two sets of data from 2021 to current and 2016-2018, and found the only substantial price difference was in the size of the homes. Golf course fronting lots tend to have larger homes, according to Mr. Hotaling, and he found that the gross sales price tends to be higher, but the price per square foot turns out to be lower. He advised that he also analyzed the potential impact of the Planned Development on the existing homes and explained that there has been a paradigm shift in how subdivisions are developed in regulation and the local demand. Smaller lots are being sought after, with smaller yards to mow. The same size house is wanted but with less yard to maintain. More compact neighborhoods with walkability, underground utilities and community amenities are desired. Mr. Hotaling continued that essentially with golf courses, there is a stigma associated, and people pay less for the homes on the golf course because the golf course is closed.

Mr. Sans Lassiter, P.E., President, LTG Engineering and Planning, 1450 West Granada Boulevard, stated that he took the Oath. He stated that he has his Master's Degree in Transportation of Engineering from the University of Florida, and has 45 years of experience. Mr. Lassiter delivered explanation of the traffic analysis, including the warrant for a traffic signal at Tomoka Oaks Boulevard and Nova Road. The development will be going through the proportionate fair share process, with the stacking information and traffic access improvements presented.

Mr. Merrell continued with describing the 9th criteria regarding material and architectural features and standards, which is part of the negotiating process as part of the custom zoning, Planned Residential Development (PRD). He explained the difference from 'by the book' straight zoning. Mr. Merrell commented that the final, 10th criteria is happening now with the expert-testimonies.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, introduced himself with 35 years of experience in land use and zoning and resides in Ormond-by-the-Sea. He added that he has worked on golf course conversion cases. He stated that buffers, location of lot sizes, and compatibility with lot sizes requires flexibility. Mr. Bayer stated that he has met with the developers, consultants, and staff, and expressed his concerns with size of the significantly smaller lots, traffic and infrastructure. He commented that the HOA supports staff's recommendation.

Mr. Thomas Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, stated that he did take the Oath, and has a Master's Degree in City and Regional Planning, and is a member of the American Institute of Certified Planners (AICP), with 50 years' experience in the field. Mr. Harowski continued that he submitted an analysis of the proposed plan and spoke on compatibility between the proposed project and the neighborhood, traffic concerns, and residential design standards. He suggested the proposed project would be the first thing that people see when they go into the community and will be a defining element to the extent that the new homes will give a different impression of the neighborhood which will change Tomoka Oaks and the existing community. He reiterated the plan for bigger houses on smaller lots. The new houses will be more massive in appearance than the most exceptional in size in Tomoka Oaks now. Mr. Harowski expressed his concerns with the design of the proposed houses on the 50'-wide lot homes with the garages all protruding forward. He added that when going down the entrance street, you will see a continuous row of garages on both sides. He continued with 50'-wide lots on the project, they should be consistent. He explained that he has prepared quality alternative designs. Mr. Harowski noted that diversified design is the final element in the characteristic of Tomoka Oaks, and currently they have wood, brick, stucco and stone and the proposed neighborhood presents a more monolithic look, inconsistent with the current neighborhood. He commented on the design of the homes being repeated throughout the proposed development with 16 models throughout. Mr. Harowski referenced the traffic study and expressed his concern as well with the traffic that would come with the project, and stated that all agree a traffic signal is needed at Nova Road and Tomoka Oaks Boulevard, with an excess of 2,700 additional trips per day. He suggested that the applicant should be required to modify the study to reflect the upcoming changes to Nova Road proposed by the Florida Department of Transportation and an updated diamond intersection with an adequate turning radius. Mr. Harowski concluded with his concern about the sidewalks, with one sidewalk being proposed on only one side, commenting that there should be sidewalks for safety on both sides.

Mr. Spraker provided a reminder that anyone interested in speaking to the Planning Board would need to complete a comment card.

Chairman Thomas opened the public comments.

VI. PUBLIC COMMENTS

Each speaker is allowed three (3) minutes to address the Planning Board.

Audience Comments

Ms. Carolyn Davis, 46 Oakmont Circle, introduced herself as a resident of Tomoka Oaks and confirmed that she took the Oath. She commented that her name may be familiar from the staff report. She advised that she writes the Tomoka Oaks Times newsletter. Ms. Davis hired Attorney Brent Spain, Theriaque & Spain Law Firm, who submitted a letter of opinion citing case law, that a golf course property cannot be developed into residential homes. Ms Davis explained Mr. Spain's legal authority in that he received his J.D. from Florida State University (FSU), where he ranked #7 in his class of 214. She continued that his relevant areas of practice include land use and zoning law, land use litigation, and appellate advocacy. Ms. Davis clarified that her

prevention efforts are independent of the volunteer HOA mitigation efforts and expressed that she respects their efforts. She thanked *Jim, Dennis and Tom* for their presentations. Ms. Davis explained that she felt compelled to take a different path, based upon historical and legal records that would prevent development. She added that she noticed that the developers included their resumes and pictures, of ten professionals to lend credibility to their flawed application. She stated that it is important to let the Planning Board know that she has her own list of credible, seasoned professionals, a number higher than ten, it is the homeowners of Tomoka Oaks and the surrounding neighborhoods that purchased homes believing the golf course would always remain a green area within our neighborhood. She asked the homeowners to raise their hands until her speech was over. She stated that she wanted the Board to see the faces of her credible professionals. Ms. Davis advised that she will provide the City Commission hundreds of resumes and signed and return post cards of public opposition. She stated that Tomoka Oaks residents went to her house today as she was writing this speech to personally deliver their post cards. A realtor, Kathy, asked Ms. Davis to tell the Board that even she does not want the proposed project. Ms. Davis concluded that she agrees with the decision of the city staff and Mr. Spain that the Planning Board should recommend denial. Mr. Spain's opinion will continue to have significant relevance for the denying the R-2 application as well.

Ms. Stephanie A. Cox, 1526 Agatha Drive, Deltona, stated that she did not take the Oath but solemnly swears. She continued that she is a resident of Volusia County and is a licensed real estate broker for over 33 years. She explained that she plans to move to Ormond Beach to be closer to her 4-registered voting children. Ms. Cox expressed that she is tired of the growth, traffic, problems with the schools and infrastructure in the city, as well as the traffic that will come if this development is approved.

Mr. Len Gaspary, 7 Oakmont Circle, stated that he lives on the Tomoka Oaks golf course. He elaborated on his career as a home builder in Volusia County, including homes in Tomoka Oaks. He built four houses on the golf course, as well as four to five houses off of the golf course in Tomoka Oaks. Mr. Gaspary commented that when he was new to the neighborhood, the golf course lots were substantially more expensive then off of the golf course lots, and he chose to live at his home based on the fact that it was on the golf course. He added that 36 years ago, he paid a premium for the lot. Mr. Gaspary continued that at one time you had to get your home plans approved by an architectural review board and had to be administered by the people who developed the Trails subdivision to ensure it would fit in with the community. Mr. Gaspary expressed his feelings about if the golf course is closed, it will impact the value of the homes and lots. He feels that there must be a way to mitigate the loss and value of his house, as it changes the complete character of the community by adding 276 lots, which will add almost 800 people when all is said and done. He confirmed that he took the Oath.

Mr. Jeff Boyle, 614 N. Halifax Drive, stated that he is duly sworn and commented on the proposal having consistency issues. Comprehensive Land Use Planning, Goal 2, says that the development must be compatible with nearby homes, lot sizes and density. Policy 1.1.3. - prohibits altering the neighborhood character by squeezing a new subdivision inside an existing subdivision. Policy 2.1.1. - this project allows unsafe traffic flow, with more than 2,700 daily trips. Policy 2.4.6 - protects the environment from excessive tree removals, too much impervious surface and

stormwater that overflows into the Tomoka River. Policy 1.6.4. - states, preserve natural open space in urban areas, do not eliminate 148 acres of that open space. He continued, in the Land Development Code, Section 1-15, prohibits depreciation of adjacent property values and undue crowding. Section 2-35, requires a PRD to provide an indoor recreation amenity that is missing and substantial community benefits that justify code waivers and exemptions sought by the applicant. Mr. Boyle added that legal questions cloud this golf course conversion, early Tomoka Oaks documents promised a golf course "in perpetuity".

Mr. Boyle stated on October 3, 2006, the City Commission granted a 122-unit Tomoka development order with the condition to preserve the golf course. Everyone was unanimous on the decision, including the City Commission, including the current Mayor and two preceding Mayors, the Planning Board, the Planning Director, city staff, and the applicant's attorney all recognized that it implied unwritten golf course protection existed. He continued that in 2014, the United States Court of Appeals, 11th judicial circuit, upheld unwritten implied golf course protections. It does not have to be in writing. Mr. Boyle advised Chairman Thomas, in case law precedent and in city land use codes, we believe that the Board has solid legal grounds to deny this proposed rezoning.

Ms. Denise White, 9 Fox Run Trail, advised that she lives in the Trails subdivision and thanked the Board for their time and efforts and listening to the residents. She expressed her concern with the development is health and safety of everybody. She understands developers rights and knows why they purchased the land, but explained that thousands are impacted by the development by 450' single-road for residents to get in and out of the neighborhood, and takes issues with the traffic analysis stating that only four percent of residents will be going through the Trails. Ms. White stated that the Trails has small two-lane narrow roads that are laden with medians and that she walks the wider roads on Tomoka Oaks Boulevard. She continued that last year the question was raised by Trails residents about overflow traffic. She commented that it will affect all of them. She asked when looking at the map, at the 450' road, how it is reasonable to expect that it is not affecting everybody's lives and health and safety.

Ms. Ashley Dufrene, 118 N. St. Andrews Drive, stated that in Section 1-15, Article II, Administration Enforcement of the Ormond Beach Land Development Code, it is the Planning Board and City Commissioners' duty to ensure that the proposed use will not substantially or permanently depreciate the values of the surrounding property; create a nuisance; or deprive the adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood on the adjoining properties. Ms. Dufrene advised the Board that the current plan in front of them does everything that a proposed use should not. She said that her and her husband purchased their home in 2015 with the vision of raising their family there as generations did before them. They were looking for peace and tranquility being that they lived in major cities (Orlando, Miami, Atlanta and Washington D.C.) prior to settling in Ormond Beach. Ms. Dufrene continued that they were done with big-city-living and fell in love with Tomoka Oaks as they drove down the road and complete strangers would wave 'hello'. She explained that she felt that they were 'home'. She described that as they walked into the open house they were greeted with windows aligning the back of the home to see what they imagined 'old Florida' looked like with beautiful live oak trees lining what was the second fairway of the Tomoka Oaks

Golf Course. It was beauty that they had not seen in so many years living in congested neighborhoods and concrete jungles for all of their lives. They chose to buy the house even at the top of their price-range. Ms. Dufrene stated that they looked at a house on Rio Pinar that was $50,000 less but knew that the Tomoka Oaks home's view of the golf course was worth the extra expense. She added that eight years later, what was once their peace and tranquility as they are expecting their first child, will be destroyed by a wall of homes lining the back of their house, fifty feet from the edge of their pool. She elaborated that the new homes will block their sunrise-view and be replaced with concrete walls that are everywhere you turn nowadays. The wall of homes will not be finalized for years to come, and for the next 5+ years there will be a construction zone surrounding the beautiful land including their sleeping baby. She commented that hammering, pounding, and dust will circulate as they try to enjoy their haven of peace and privacy. Ms. Dufrene concluded that the proposed use must "not create a nuisance; or deprive adjoining properties of adequate light and air; create excess noise, odor, glare, or visual impacts on the neighborhood and adjoining properties." She closed in saying that she hopes that she illustrated that the plan will do everything that it should not. Ms. Dufrene confirmed that she took the oath.

Ms. Michelle C. Zirkelbach, 328 River Bluff Drive, expressed that she cares deeply and passionately about the home as her and her husband built the home and raised their children there. She added that she cares about her neighbors and neighborhood and cares about the City of Ormond Beach. She continued that the proposed development affects everybody as every resident travels on one of the major thoroughfares in the city. Ms. Zirkelbach stated that Ormond has grown extensively since she moved here in 1989 and she realized that a guiding force in the development is the Comprehensive Plan. She continued that the Comprehensive Plan establishes a community's policies and priorities regarding future development while aiming to preserve the environmental features and community character. She remarked that community character is something that Tomoka Oaks has in spades. The compatibility with existing character is something the developer wants the residents to believe is true. She continued that combability is just a buzzword to her at this point. Ms. Zirkelbach stated that the neighborhood is full of individual architectural design an abundance of majestic trees and established homes. She continued expressing her confusion with the applicants' claims that the proposed 50' wide, 60' wide and the 80' wide lots were compatible with the existing 100'+ lots they currently enjoy throughout Tomoka Oaks. Ms. Zirkelbach stated that her and the other residents are confused about the traffic studies. She apprised the Board that she was a former math teacher and is aware that people can make numbers say whatever they want them to, resulting in all Ormond Beach residents suffering the consequences of the traffic. Ms. Zirkelbach commented that she has been reading and studying a lot about the matter at hand and is reminded of when she studied contracts when getting her real estate license in 2004. She remarked that she never had a buyer ask her to find them a house on a 50', 60' or 80'-wide lot. She continued that they are being faced with the developers maximizing profits per acre. Ms. Zirkelbach concluded that all of the residents that raised their hands signed a contract to buy a home in a golf course community or on a golf course. She expressed lack of care about the expert that said that the home values will go up, if her quality of life goes down.

Ms. Ellen L. Cook, 1 Tomoka Oaks Boulevard, Escondido Condominiums, expressed her concern with the traffic, with her condominium building facing Nova Road. She

stated that the only thing that will not prevent anything is if the proposed development will not be built. She elaborated on the traffic that is seen stacked up and said that it is due to the railroad. She said that it does not matter how many cars are coming or going, that everyone has to stop at the railroad track. Ms. Cook remarked that putting up another traffic signal on Tomoka Oaks Boulevard is not going to matter if the railroad is closed and nobody can pass and turn left onto Nova Road or from Nova Road on to Tomoka Oaks Boulevard as everything comes to a halt. A railroad signal will not be in sync with the traffic signal, she said, and added that there will be accidents. Ms. Cook concluded that only the residents in Escondido and Tomoka Oaks know what goes on there and suggested that they pay attention because it is going to be a big issue.

Ms. Adele Shaw, 1 Tomoka Oaks Boulevard, stated that she took the Oath and lives in the Escondido Condominiums and is also concerned about the traffic. She continued that when she sees the word Reserve in the words Tomoka Reserve, she thinks of nature. Ms. Shaw that the city could have purchased the former golf course. Ms. Shaw expressed her dissatisfaction with the project and lack of natural preservation and recreation in it.

Mr. Tom Fitzgibbon, 51 S. St. Andrews Drive, stated that he lives in Tomoka Oaks and is a member of their HOA Board. Mr. Fitzgibbon confirmed he took the Oath. He expressed his concern with the traffic, stating that the new houses will add 600 vehicles or more and more than 2,700 daily trips at a minimum. The development traffic will block Escondido going in. He continued that turning left from Tomoka Oaks Boulevard onto Nova Road is already dangerous, and commented that there will be twice the amount of cars and trucks will make it worse. Mr. Fitzgibbon remarked that the traffic light may take up to two years to install. He continued that the Granada Boulevard, Main Trail-intersection, where LTG is predicting that after the development is built there, that only 18 more cars in the AM peak hour will exit onto Granada Boulevard, and referenced the part of the report that detailed that there will be 600 more vehicles where many will exit through the Trails to Granada Boulevard to Walmart, Lowes and other locations. Taking the Trails route versus Nova Road is about the same travel time. Mr. Fitzgibbon stated that he takes the route through the Trails as it is a nicer route. He expressed his concern with the data and methodology of LTG traffic study. He stated that residents could not hire a traffic expert because no local traffic agencies approved of the development. Mr. Fitzgibbon explained that none of the narrow roads have sidewalks and puts the residents and kids in danger. The Public Works Department has promised to put in speed tables on Tomoka Oaks Boulevard based on a speeding problem that radars, signs and patrols cannot fix. He commented that four houses down from his house, a female pedestrian was killed by a driver. He stated that he saw a city inspector also almost get hit by a speeding car as well as large delivery trucks that speed blindly around cars, clipping overhead wires and trees. Mr. Fitzgibbon asked the Planning Board and City Commissioners to finish the street work before house construction and to plan the possible development correctly to limit injuries and deaths.

Ms. Denise Corley, 51 S. St. Andrews Drive, stated that she took the Oath, opposes the development and spoke on her topics of compatibility and soil. She continued that the 100'-wide lots create spacious feel along with 13 islands. She added that the proposal looks urbanized with 50', 60', 80'-wide lots covering 50 percent of the land and is incompatible. The proposal tells the fact that centrally located smaller homes

are appropriately screened from the existing neighborhood and she continued that it points to the fact that village-homes on 50'-wide lots are less compatible. Ms. Corley continued that the center cavity is not diverse and the area in the north corridor is spacious, larger and upscale, and expressed that the plans for diversity are sketchy. She asked if there are assurances that the houses will be private homes or if it is a corporate rental housing development, and asked if it would be good for Ormond Beach. Ms. Corley remarked that calling the golf course an infill makes it sound as though it is the ghetto in an urban city. She expressed concerns about the soil and asked the Board to take a close reading of the environmental report where it points to several remediation steps that need to be performed for the soil clean up target levels to be met with standards for residential housing. She asked if it can be trusted that the steps will be followed in accordance to the law and if the soil will continue with unacceptable levels of harmful chemicals, be removed offsite or mixed with the other soil. Ms. Corley suggested that the recommendation that the soil will be transported and piled on open space in amenity areas of the proposal is of no comfort to the existing residents. She expressed her concerns with the fertilizers, poisons, animal feces, petroleum products, rubbish in the drainage ponds as well as the airborne toxins released by moving soil as discomforting as well. She touched on the berms, and stormwater drainage ponds on the perimeter of the proposal and those abutting the 50' buffer of the Tomoka Oaks residents, and mentioned that she hopes the berm is not toxic soil piled up behind the homes. Ms. Corley continued that the swales, ditches and dry ponds proposed are known to be mosquito habitats and that Tomoka Oaks residents utilize ground stormwater pipes. She urged that the Board vote no on the proposal.

Ms. Jane Eddy, 306 River Bluff Drive, stated that she took the Oath and read a letter from another Tomoka Oaks resident, Ms. Julie Frebis, who was unable to attend. "I would like to utilize my time this evening to discuss the overall development occurring in the City of Ormond Beach and the lack of critical infrastructure our city currently has to accommodate the needs of its citizens. I recently had to take my mother to the emergency room. She was suffering with a heart condition that without timely treatment could have easily led to a stroke. We went into the ER around noon and waited five hours for a room. Once in the room, we waited another three hours before we saw a doctor. The doctor ordered medication and due to a lack of staff, she was not given the medication until I called a high-level contact at the hospital to get extra attention. Once I called my contact, she was given the medication about 45 minutes later or almost nine hours since arriving at the ER. This concerns me a great deal. What if her condition was worse and she had a stroke? What about our citizens that do not have someone to call? How many of our current citizens are suffering severe medical consequences due to the lack of critical care infrastructure? What about the families when they need care? This is not the hospital's fault. They are working at break-neck speed to expand their services. This is simply due to having too many people move to our town in too short of a time period. It is time to step on the brake pedals. I work as the employee benefits director for a large company in the area and am acutely aware of the lack of other medical providers in our community. You need to be aware that there is a critical shortage of primary care physicians in the area. Most in our community have to wait up to six months to book a new patient appointment with a primary care provider. Also to my knowledge we only have one provider in all of East Florida that serves the under privileged or maternity care. My question to you is what is more important? Additional tax revenue for the city, and

allowing developers to build to the maximum, or the well-being of the Ormond Beach current residents? The right answer is the well-being of our current residents."

Mr. Scott Ryals, 24 Tomoka Oaks Boulevard, stated that prior to his current address he lived at 66 N. St. Andrews Drive. He stated that he had a decision to make when he saw the problems back in 2006/2008. He commented that it was a very difficult decision to put in 122 units on a golf course he played since 1970. He added that he has been in the neighborhood for 50 years. Mr. Ryals said that he knows every chemical that was put on the golf course before and got his first job there. He elaborated on his familiarity with the golf course and club house. He stated if we let a piece of our city do what's happening, to me and my family, you won't think to highly of Ormond Beach. Mr. Ryals stated that he still lives in Tomoka Oaks and he loves it. Mr. Ryals stated that he knows how mitigation takes place with numbers, and how individual freedoms are taken away over time. He stated that he was the one who stated if anything was done to the golf course property that it would remain a golf course. Mr. Ryals commented that he beat his head night and day on how he can do it. He said that they could only put in 122 units with the 2006 development and did not want to make $150 million off the development. They did not want to impact the traffic. He concluded that he hopes his perspective is understood and that he enjoys Tomoka Oaks and plans on staying there. Chairman Thomas commented that Mr. Ryals had taken the Oath.

Mr. Peter Tupas, 332 River Bluff Drive, confirmed he took the Oath. He stated that he has been a resident of Tomoka Oaks for 27 years and has been a real estate broker for 30 years. He disagrees with comment made about the golf course depreciating the value of the homes on it. He added that a lot of people paid a lot of money because the houses are on the golf course. Mr. Tupas commented on the two-lane access on Nova Road and two-lane access going from Main Trail, and adding 600 cars with rush hour, people will be stacked up. Mr. Tupas stated in the real estate business, anything behind houses impacts there value. He remarked that the traffic light may assist getting people on the road but that the access through Tomoka Oaks will be jammed up getting to the traffic light.

Mr. Ned and Lauren Huhta, 30 Pine Valley Circle, introduced himself and his daughter, and stated that he took the Oath and is a second-generation resident. He explained that he lives in a custom built home and is like none other in the neighborhood. He added that he supports the city staff denial and encourages the Board to do so. Mr. Huhta commented on his support of the Tomoka Oaks residents and remarked that the high traffic levels will be a nuisance to all who travel through the area, and believes that it promotes a lower quality of life. He suggests the applicant provide all of the funding for the configuration of the entry area if approved. He requested that if reuse water for irrigation is provided to the project, then re-use water should be provided to existing Tomoka Oaks residents. Miss Huhta confirmed that they took the Oath.

Mr. Richard Goldhair, 21 Cherokee Trail, advised that he took the Oath. He stated he desired to talk about the construction traffic that will likely last three to five years, as well as weekends on Saturdays 7:00 a.m. to 7:00 p.m. He expressed his hope that the 18-wheelers will not be allowed. If they cannot use the Tomoka Oaks entrance, will there be overflow on the two Main Trail entrances, Nova Road and Granada Boulevard. Mr. Goldhair referenced traffic, including large delivery vehicles

contending with pedestrians, skateboarders and bicyclists at the choke point off of Nova Road with the public shopping center on one side and community center on the other side with the possibility of a catastrophic situation. He continued that trucks accessing Granada Boulevard that get to Rio Pinar and Iroquois to get to the new construction site, they will have to go over the Misners Branch bridge. He expressed concern if the bridge can take the excess weight of the construction trucks and increased traffic. He questioned how the proposed project will affect real estate values and insurance premiums.

Ms. Barbara Handsman Doliner, 108 S. St. Andrews Drive, stated that she took the Oath. She explained that her family has had a thumbprint in Volusia County for 83 years and she has been a resident of the Trails and Tomoka Oaks for 35 years. She added that she raised her children there and that they are all registered voters. Ms. Doliner stated that she has been a professional volunteer in the community for 35 years and expressed appreciation to the Planning Board for volunteering. She thanked the residents for working diligently to maintain the neighborhood. She commented that she does not understand why the proposed project and the people behind the project, are so resistant to what the community has to say. Ms. Doliner stated and repeated, that it does not fit the community. She suggested building it in Miami or elsewhere and not in Tomoka Oaks where they do not want 'cookie-cutter' homes. She added that they do not care if gates or sidewalks are included in the proposal, and concluded that the shoe does not fit and this Cinderella will never have the shoe fit, no matter what way it is packaged. It does not fit. Ms. Doliner reiterated the suggestion for 100'-wide lot executive homes with 120 units. At $700,000 per home, she asked if that was enough money to make, what is the issue here. Ms. Doliner concluded that no consideration was given to increasing police, EMTs and Firefighters. She understands the shortage of doctors, the overcrowded hospitals and the going rate of over 7 hours at the emergency department. The shoe simply doesn't fit.

Mr. James Cameron, 39 Laurel Oaks Circle, stated solemnly swore that all of his comments are true in nature. He stated that he in support of the application and has worked with a local pro-business group for a number of years and has worked with the Volusia County Association for Responsible Development. He expressed the importance of all finding a happy medium that everybody can agree to and said that he talked with Planning Board members as well as with people in opposition to the issue. Mr. Cameron pointed out that he has heard a lot of people say that they have a lot of confidence in Planning staff. He concluded that he hopes a custom zoning can be agreed upon between all parties.

Mr. Renny Herrero, 111 N. St. Andrews Drive, stated that he took the Oath. He stated that he has lived in the community his entire life and is part of six generations. His grandfather was born in New Smyrna in 1918 and installed a love for surfing and golf in him. Mr. Herrero continued that he and his wife married and were excited with the expectation of being near a golf course and has played golf in Tomoka Oaks since the 1980s. He commented that he has played almost every golf course around the community and referenced the statements about 21 different golf courses within 20 miles and another questionable comment on four municipal golf courses, and remarked he did not think that it was factual information. Mr. Herrero stated that he can think of about seven golf courses within 20 miles as well as two municipal golf courses and delivered additional information on the popularity of golf courses and

educational opportunities in reviving ones that are run down. He referenced one in Atlanta where businessmen put their ideas together and put together a plan for educational opportunities for a rebuild. Mr. Herrero commented that golf is still popular and there are 60-80 people out on the LPGA Golf Course swinging a club daily even in the summer heat. He remarked that it is outside and beautiful. He added that the idea to relaunch Tomoka Oaks as a standalone 18-hole course without financial support is not financially sound. Mr. Herrero suggested considering other proposals that would keep the golf course. He concluded that the community could be behind the concept of a use that included the golf course in the redevelopment. Mr. Herrero stated to approve this plan is to settle for lack of possibilities and ideas. We can do better.

Ms. Caroline Herrero, 111 N. St. Andrews Drive, stated that she took the Oath. She stated she lived and grew up in Tomoka Oaks, and enjoyed being outside there in its beauty, ran and rode her bike there. She added that now one of her favorite parts of her daily routine is sharing it with her grandmother when they go on their evening walks. She added that they have noticed the growth of Ormond Beach and how it has changed the experience of living here. Miss Herrero continued that the Developer's Economic Impact Study states that all traffic is engineered to go Nova Road via Tomoka Oaks Boulevard with it being said that there are other alternatives and that they are longer. She clarified that if you exit the neighborhood onto Nova Road to get to Granada Boulevard where the traffic light and Main Trail connect, which is the other exit, it measures approximately two miles even and if you take the short cut through the Trails it measures 1.9 miles to get to the same intersection. She commented that it is already tricky for pedestrians and cyclists on the streets and pleaded with the Board not to approve the proposed project with this density.

8:30 p.m. Chairman Thomas announced an 8-minute break.

Mr. Adam Kipi, 52 Pine Valley Circle, stated that he took the Oath. He stated that he does environmental remediation and litigation for a living and spoke on the environmental report and asked the question of if they are going to dig 2' and then fill it in with clean fill straight over the top with the problem of going 2' just straight over the fairways because it is only affecting the fairways. He suggested that there would be other drainage issues. Mr. Kipi commented on the proposed homes and retention areas, suggesting that there will still be sloping, topography and grading issues. He touched on the traffic light and remarked that it will be an issue. He added that unless the main entrance is widened to Nova Road that they will be backed up, even with a roundabout. Mr. Kipi referenced the applicants PRD and then the addition of a part two, and added that when he moved here in 2021 he noticed on google maps still had Tomoka Oaks displaying a golf course and noticed in pictures that it had been neglected for years and had the thought that if it were to come up for sale that the residents can buy it and make it a golf course again. He suggested commercially, to take it back to a golf course and sign a Rehabilitation Completion Order. He referenced Tomoka Oaks as being a community built around a golf course and to possibly sell it to the city, stating that nobody wants the proposal or houses to be right up to the back of their fences. He suggested to go build off of Airport Road in undeveloped land. He expressed that he feels that it is going to look ridiculous and that it is going to be a nightmare.

Mr. Tyler Brown, 90 N. St. Andrews Drive, stated that he took the Oath. He expressed concern with the compatibility with Tomoka Reserve and Tomoka Oaks. He stated the applicant states the density is 1.87 units per acre for the Tomoka Reserve project and 2.09 for the Tomoka Oaks subdivision. He stated he questions these numbers. Mr. Brown stated when looking at the Volusia County Property Appraiser's (VCPA) Website, there are 547 lots in Tomoka Oaks with a land area of 282.85 acres, which he calculated at 1.93 units per acre and not 2.09 units per acre,. He commented that the number does not include roads or the islands in Tomoka Oaks and he did not have access to that specific data on the VCPA website. Mr. Brown remarked that it is the addition of 148 acres of the golf course that Tomoka Oaks was built around that was the core of the neighborhood. The number for Tomoka Oaks drops to 1.27 units per acre, lower than their proposed development, according to Mr. Brown. He then referenced the newspaper article out this morning that stated the number is closer to 1.003 units per acre at 547 homes and 545 acres. Mr. Brown commended city staff for their observation of the project and concluded that with the concerns raised by residents, the city might want to clarify the units per acre issue, and more, prior to when the Planning Board reviews any recommendation one way or another.

Ms. Missy Herrero, 111 N. St. Andrews Drive, asked if Mr. Cameron, who expressed that he was in favor of the development, was a paid witness and if so, should he have identified himself as a paid consultant?

Attorney Hayes replied that there is no evidence of Ms. Herrero's inquiry.

Chairman Thomas added that there is no proof that he was a paid witness.

Ms. Herrero stated that she has been a resident of Ormond Beach for 30 years and is a native Floridian. She commented that she is not against development and understands that they cannot fight it but we do have the power to shape it. Ms. Herrero stated that she heard from the Planning Board before that Ormond Beach residents do not want to share their sand in the sandbox with people moving to Florida. She shared her personal story about her parents illnesses with COVID in January and how she and members of her family work in the hospital, serving the community for decades. Ms. Herrero explained that they went to the hospital and both the hospital and the emergency department were full with no beds. She advised that she took her 87-year old father there for needed fluids and how they waited for eight hours in the hallway. She added that it is not the hospital or the nurses or doctors faults and that they are doing the best they can. She said that they left at midnight and that her father returned the next day by ambulance and he waited another eight hours in the hallway again. Ms. Herrero stated that they left and he continued to deteriorate, and attended an appointment via tele med and then had to return to the hospital for a third time via ambulance and was then admitted. She continued that his health deteriorated to a point that the family decided to go home on Hospice-care. Ms. Herrero reported that they did not have a Hospice nurse for five days because there was a shortage and he died three days later. Ms. Herrero explained that there is no structure for the existing residents and that this is what people are doing that are living and dying in the community today. She concluded that she hopes that the Board does not have the same experience that she did of the real life experience-data presented, and that she took the Oath and recommends denial of the plan.

Mr. Paul Hughes, 4 Lauren Court, stated that he took the Oath and expressed his concern with the missing logic, delivering history on his experience in the community in that he moved back to family here 30 years ago and bought into Tomoka Oaks Country Club and Golf Course, the greenspace, what the neighborhood offered to the kids with the opportunity to ride bikes and enjoy life. He continued that he supports all of the efforts for the greenspace and quality of life the golf course would offer by stopping the proposed development. Mr. Hughes commented that when it was up for sale he was late and offered to write a check for the 150 acres so that it would stop. He added that he thinks that there are enough people there that could come up with the money or use the city's money or other appropriate resources, including the university what would be interested in involvement to bringing it back to a greenspace, golf course, and avoid this. Mr. Hughes suggested if going through with this project design, there will be five to seven years construction with trucks that will exceed 24 tons, attempt to go over the bridge, which will limit the number of entrances into the neighborhood. He spoke on his traffic concerns, expressing his recommendation of denial, stating that there is no physical way to put 30 pounds of potatoes in a five-pound croker sac. Mr. Hughes concluded that it is too much for this community and that they bought what they bought, for the green space and what it was and have paid dearly for it.

Ms. Janice Rose, 21 Eagle Court, stated that she took the Oath and has lived on the golf course for 32 years. She asked for a provision in the Planned Development order that the Tomoka Reserve HOA is required to preserve and maintain the trees and the buffer around the development now and in the future. She continued that if they do not, the residents of Tomoka Oaks should have the right to sue. Ms. Rose commented that she may not have 30 years to see mature trees behind the property.

Ms. Leah Washington, 12 Oakmont Circle, stated that she took the Oath and that her and her family moved to Tomoka Oaks in September of 2020. She added that her husband is off serving his last tour in the military and they decided to settle down in Tomoka Oaks with their kids. She commented that they are going to call it home forever, the purpose of them not going with her husband during his last tour so that their kids can settle down and call their place 'home' in their forever home, in a place where they can grow up with kids and know the kids for longer than three years at a time. Ms. Washington stated that they live in a community that was advertised as a golf course community. She expressed that they are finding as time goes on that the peaceful community is not there anymore and is not going to exist. She explained how difficult it has been to find a pediatrician in the community going through three different pediatricians offices to get care and stay with her health insurance. She continued that specialty care for pediatrics does not exist in the community as they have had to travel to Lake Nona, Lake Mary and Orlando frequently for care. She added that they have gone through four different dental offices as well due to having to circulate insurance companies and not being able to sustain the patient load. They drop certain insurance companies in order to sustain a better count in their practices. Ms. Washington stated that all of this is happening without the development and asked what she is supposed to tell her kids when they cannot get a pediatrician or sick child appointment for three weeks, then in turn having to sit in the Emergency Room (ER) for six hours. She commented that it is negligible of the community to consider the proposed development. Ms. Washington concluded that the Florida Department of Transportation (FDOT) issued their study recently and quoted statistics that started

in 2011 that came after the area was zoned Residential in 2006. She mentioned rezoning of a particular pod of land, she thinks that changes would have had to occurred within the geographic area around the property which prevents the use of the property under its current zoning. She concluded that it seems that the community has proven that it is not possible to continue the residential zoned area and suggests denying the project all together.

Mr. Logan Pigliacampi, 31 S. St. Andrews Drive, stated that he took the Oath. He stated he lives on the golf course and attended today's meeting to witness what has been ongoing for a few years. He stated that he was born and raised here and that the golf course has been critical to his way of life. He continued that he goes to the University of Florida and feels our fundamentals of living, how we want to expand and conquer everything around us, and want to make it industrialized and improve everything, and how in part of that, the beautiful scenery is ruined. Mr. Pigliacampi mentioned that he recently took a trip across the United States and drove through approximately 23 states and noticed how the levels of air pollution and industrialized trucking and fracking contribute to asthma. He explained an experience that he had when he just cleaned his white car and then when going through Georgia, through a town that experienced something like this proposal, noticed his car was pitch black. Mr. Pigliacampi stated that these things affect him and the Tomoka Oaks residents. He concluded that he has to live the next 60-80 years with this world and issued a warning, pleading about industrializing the area. He remarked that the community needs the trees and not just the limited number of required ground cover. Mr. Pigliacampi urged the Board to vote no and said to think about long term consequences, including the lives of area residents, the wildlife, and impacts of construction.

Ms. Darla Widnall, 7 Shawnee Trail, stated that people have been trying to fight the development for two years. She commented that she heads up the people in the Trails that do not want any residential development on the golf course. She continued that the city spent $125,000 for a two-year survey for Parks and Recreation, where they came up with 10 items, greenspace, parks, and a golf course in Ormond Beach, to name a few. Ms. Widnall commented that she is not a golfer but that the Tomoka Oaks Golf Course was a beautiful one and feels that it still could be. She attended the FDOT meeting where there were experts and she elaborated on the proposed 276 homes in the middle of Tomoka Oaks, and west of Interstate 95 on Granada Boulevard where there will be 10,000 homes. Ms. Widnall stated that she advised them to change whatever they are doing to Nova Road because by 2045 due to the possibility of the 10,000 additional homes. She concluded that she did not take the Oath but swears to tell the truth.

Ms. Debbie Gatz, 32 N. St. Andrews Drive, stated that she took the Oath. She has been in Tomoka Oaks for 27 years. She inquired about the Planned Development buffer and existing trees. She added that due to living in Florida with storms, a lot of their trees have gone down. Ms. Gatz expressed concern with her existing buffer left with all of the 80' vines taking over her landscape. She encouraged the Board to look at the Planned Development to see what is in place for their HOA to take care of those buffers that have existing trees. Ms. Gatz thanked her neighbors and elaborated on her history in the area, living in the Trails prior to Tomoka Oaks. Her family walks a lot and when walking with others, people always refer to the diversity of the homes.

Ms. Beth Rabitaille, 22 Rio Pinar Trail, stated that she has lived there for 30 years and commented that the road is busy with drivers that speed down it. She questions how accurate the traffic report is. She concluded that she did not take the Oath but swears to it.

Tomoka Oaks HOA Rebuttal/Summary

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, requested that the Planning Board reflect upon what they heard tonight. When the developers were making their initial application they described this as infill. He continued that this is not infill, but instead the filling of greenspace with a residential development. He further explained that infill is where rundown houses and rundown neighborhoods are taken out and replaced with new development. Mr. Bayer reviewed the history of the property as a golf course since 1963. He commented that it is not a golf course now and it they do not get what they want with a PRD, it will not go straight zoning. He suggested reviewing the staff report and criteria and the issues that the developer needs to answer. Mr. Bayer asked how the buffer will be maintained five years from now when the vines take over all of the trees. Mr. Bayer stated that Mr. Harowski provided design options for the smaller lots. Mr. Bayer acknowledged that the issue of medical care may not be in the Land Development Code for concurrency, but it is a factor should be considered for lower density. This development is building in the heart of the existing Tomoka Oaks subdivisions. He urged the Board to go along with the staff recommendations of denial based upon the lack of information that has been given by the developer.

Applicant's Rebuttal/Summary

Mr. Merrell stated their presentation and design professionals addressed many of the questions brought up tonight. The design professionals provided information on the lot widths and the buffer types. Mr. Merrell stated that they desire to hear from the Planning Board and provide responses as needed. What has been presented are options. At the root of this issue, this property has a residential density and land use, which is an entitlement. Mr. Merrell stated an entitlement is automatic. He continued it is not a choice between nothing and the application. It is up to the Planning Board to look at the list in the staff report and provide direction on the residential development of the property. Mr. Merrell stated that they are looking for direction on the options presented.

Chairman Thomas brought the discussion up to the Board.

Board Discussion and Questions

Ms. Shull asked for clarification about the R-2. Attorney Hayes explained the development application based on the PRD zoning before them today. The R-2 is a different issue and not before the Planning Board at this time, and should not form the basis of the Board decision based on a different issue. Attorney Hayes further explained that depending on the decision of the Board, the developer will have a decision to make whether submitting another application to rezone to R-2, come back before the Planning Board, or submit another application for a PRD development order.

Ms. Shull inquired about the irrigation on the buffer and where that water would be coming from. Mr. Spraker replied that irrigation is recommended by staff. There are two reuse ponds that they are seeking to use reuse water and suggested that a well will most likely be needed to supplement the reuse ponds. Mr. Spraker stated that the irrigation water supply would be part of the preliminary plat.

Ms. Shull asked about the self-amending mention. Mr. Spraker answered that the PD6 detailed the amendment of that language. He reiterated the lot layout language that the project can make the lots wider, for examples a 50' wide lot into a 60' wide lot. Staff has no objection to making lot widths wider and the project could not exceed the overall lot total of 276 units. Mr. Spraker commented that if the Board does not like the architectural standards or if they would like something else regarding the submittal, they can discuss and recommend to change. What has been provided is consistent with other Planned Developments.

Chairman Thomas asked for clarification about irrigation and if staff is seeking in ground irrigation. Mr. Spraker explained that in the landscape proposal it is to establish a natural vegetation that after a certain point, no longer requires water. A truck with water would be used to establish the landscaped areas temporarily. Mr. Spraker commented that the concern is if there is a drought, and the buffer dies, it puts the obligation on the HOA. Staff has never seen a buffer of this size utilizing temporary irrigation.

Mr. Scudiero stated that several speakers referenced putting in a traffic signal and asked for confirmation on if it has been approved. Mr. Spraker replied that the response comments stated that it was presented to the Department of Transportation (DOT) and it was verbally approved and Mr. Lassiter may have additional information.

Mr. du Moulin thanked the Tomoka Oaks HOA. He asked if there is a possibility of a win-win type situation, referencing greenspace solar panel farming that everyone can benefit from. It would be for something other than houses. He asked if housing does go in, if they can go in with increased lot size, such as the Broadwater subdivision for million dollar homes instead. Mr. du Moulin stated he is seeking a solution where everyone wins.

Mr. Galloway disclosed that he has friends on both sides of the equation and has spoken with a few Tomoka Oaks residents, as well as Mr. Durant and Mr. Merrell. He asked for the difference between the 80' wide lot from the proposed 100' wide lots. Mr. Durant explained that with the market of what people want to buy, they are interested in the smaller lot widths. Mr. Durant added that the greenspace is the same for both. Mr. Durant stated that they want this project to be successful He continued to be blunt, our future residents don't want to look into the back of the Tomoka Oaks houses. They desire for the buffer to be successful and believe that the proposed plan will be successful. Mr. DuRant stated there is an existing, non-irrigated buffer out on the property today that we are seeking to replicate. He suggested allowing them to put the buffer in as proposed and that if it does not work out, they will try something else. He reiterated that they do not want to irrigate or fertilize and do not want to have run-off. The project is seeking to replicate what the existing buffer is and if there is a need for security, the project can bond the improvements.

Mr. Galloway asked for additional information on the proposed plans inconsistency with the Comprehensive Plan. Mr. Spraker replied that in the staff report it is not one of the reasons why staff recommended denial. It was not said that the proposed plan is inconsistent with the Comprehensive plan. He clarified that the reason for recommending denial were criteria 1 and 4, consistency with the Land Development Code (LDC), as in section 2-35 is permissive and specifies that, *'you may'* do something. He further explained that the issuance of the development order is a negotiated zoning. The area surrounding the property has 100' wide lots. Mr. Spraker continued that it is understood, the design of the project is to provide the buffer in exchange for smaller lots, which would be fine in the interior of the project, but the perimeter should stay at 100'. He also referred to Mr. Durant's comment on the setbacks at 7.5' for a side yard setback, which is smaller than a typical lot. Mr. Spraker concluded that staff did not recommend denial based upon consistency with the Comprehensive Plan.

Attorney Hayes specified that the staff report identifies the criteria that the proposal before them today should be evaluated.

Mr. Mark Karet, referenced the question as to if the plans are consistent with the Comprehensive Plan. He stated that Ormond Beach has land use categories that clearly would have not allowed residential development on the former golf course property, such as the "Recreation & Open Space" land use designation. Mr. Karet continued that the "Low Density Residential" land use allows residential development. Mr. Karet stated that the staff report indicates a policy that could be used to deny the application based on inconsistency with the Comprehensive Plan. Mr. Karet stated, as detailed earlier, the cited policy cannot be used as a reason for denial. He remarked that in order to deny the use, one would need to determine that the residential use is inconsistent and read words which are not in the policy.

Mr. Galloway stated or require 100' wide lots? Mr. Karet replied that the policy only refers to use and does not address lot sizes. Single-family lots next to single-family lots, regardless of lot size, is the same land use.

Mr. Karet stated in the application of Section 2-35 of the Land Development Code, staff is reading words in the language. He stated that what is being said tonight is that compatibility means that it has to be the same thing and that is not what the modern practice of planning says. Mr. Karet commented that compatibility has to be sensitive to the character of the community. He reiterated that it is infill development which is encouraged throughout the Comprehensive Plan. Mr. Karet states that there are many communities that are eliminating single-family only zoning.

Mr. Galloway stated he understands what Mr. Karet is stating, but there are many individuals tonight and notes that state that either they do not want the project or they want 100' wide lots. Mr. Galloway stated that the application is asking for smaller lot sizes and there are questions about compatibility. Mr. Karet stated that staff is seeking 100' wide lots next to the Tomoka Oaks existing 100' wide lots. Additionally, staff is seeking a type 6 landscape buffer of a 50' width with certain plantings that is typically required with industrial development next to low density residential uses. Mr. Karet re-emphasized that city staff is asking for both the 100' lot width and an indusial size landscape planting plan. Mr. Karet stated as a professional planner, that does not stand up.

Mr. Jorczak spoke on the diversity of the housing in the existing Tomoka Oaks community from the size and type, describing them as impressive in comparison with the newer developments out there or a cookie cutter approach. He commented that the existing community has issues with some of the people that service the neighborhood, such as the landscapers and mail carriers, and does not feel is the safest to get through with the amount of traffic there and the vehicles parked on the street. Mr. Jorczak remarked that it is a phenomenal area that we should be looking for excellence in how the piece of property is developed. He suggested that it needs to be something that blends with the existing area that has a character and a flavor and is not going to be an enclave. Mr. Jorczak commended Mr. Harowski on his research for his presentation and suggested doing a little more in researching if the proposed development should or should not go in. He remarked that he appreciates the time, efforts and money spent on creating the Board packet and all that city staff has done to point out what can be done as far as development options.

Chairman Scudiero made a motion to hold a time-certain vote, no later than 10:55 p.m. Chairman Thomas explained that he does not want to put a time-constraint on this and that it is of his top-5 most important issues ever heard in all his years of being on the Board.

Mr. Merrell stated that they appreciate the comments and expressed that the applicants are taking notes and listening to all Board suggestions. Mr. Merrell stated they are okay with a time certain continuance of the application.

Mr. Galloway stated that he has more questions and cannot vote on the issue tonight. Mr. Merrell stated that the applicant team is not seeking to rush the item and are noting all the comments.

Mr. Galloway asked if the staff recommendation of increasing lots to 100' wide around the perimeter were implemented, what would be the density (the number of units) that would be applying. Mr. Merrell replied that the project has been reviewed for a design using the straight zoning classification with 100'-wide lots, R-2. He stated that the design yielded about the same number of units. Mr. Merrell stated getting rid of the 50' buffer, you gain a lot of real estate, but the product would not be as good. Mr. Merrell stated if the project is required to provide 100' wide lots and a 50' industrial type buffer, it is just not a fair trade. Mr. Galloway stated that the project is developing in the middle of an existing neighborhood and those concerns need to be addressed. Mr. Galloway pondered why the abutting property owners did not purchase the former golf course as a community development district.

Mr. Scudiero asked the applicant, if the Board agrees to adopt all of staff and SPRC's recommendations, what the number of houses would look like. Mr. Merrell stated that they have not done this exercise.

Chairman Thomas referenced the presentation of Mr. Harowski. He asked for the design plan for the 50' wide lots and if they included an alley. Mr. Karet replied that there is room for back loaded alley ways. Chairman Thomas replied that would be the only way that he would vote for 50' lots.

Chairman Thomas asked about the open space and recreation planned for the project. Mr. Stehr answered that there would be a sports field, pavilions, pickle-ball courts,

two playgrounds, pocket parks, and added that the plan has not yet been finalized and additional open space and recreation can be added or modified.

Chairman Thomas referenced the traffic direction in between the fields and the parking lot between the areas and expressed his concern for the children's safety. Mr. Stehr advised that they would take it into consideration.

Ms. Shull inquired about the gates. Mr. Stehr stated that they are requesting electronic access gates for vehicular access only. Pedestrians are able to go through on the proposed sidewalks.

Ms. Shull asked about the lot size and density. She stated that the Tomoka Reserve project appeared to have more homes than the Tomoka Oaks subdivisions. Mr. Stehr referenced the density breakdown based on the LDC that was included in the staff report. Ms. Shull said that she agrees with the 100' wide lots around the perimeter but is unsure about the 50' and 60' wide lots in the interior. Mr. Stehr stated that there are condos and apartments abutting the existing subdivision. Chairman Thomas questioned if these were in the neighborhood. Ms. Shull stated the project is a neighborhood inside of a neighborhood. She stated her goal was to be consistent with what is in the existing neighborhood.

Ms. Shull stated she did not believe that the 50' wide lots are consistent with the neighborhood. Mr. Stehr asked if the multifamily was consistent. Ms. Shull stated that she is providing her feedback on the project.

Ms. Shull discussed the setbacks and stated from her experience, they allow for short driveways, which means cars are parked out in the street. Mr. Stehr replied that it is a 25' setback allowing for two cars in the driveway, and two in the garage. Ms. Shull commented that it is too much house on the lot.

Mr. Durant stated that the existing Tomoka Oaks lots are suffering with not enough room in their backyard, therefore they are trying to give flexibility to be able to sacrifice some of the front. He continued that the setbacks would provide additional distances between subdivisions.

Ms. Shull asked if fencing would be allowed inside of the neighborhood, even for those houses backed up to the buffer. Mr. Stehr confirmed that they are.

Ms. Shull asked why it was mentioned prior that 100' wide lots would not work, but that 80' wide lots can. Mr. Merrell replied that 100' wide lots could work, but they are not as good for the developer, and the 80' wide lots work better for the project. There is a concern that there is not a market for 100' wide lots.

Ms. Shull stated, as a realtor, she believes that 100' wide lots would be very desirable.

Chairman Thomas commented that the 100' wide lots in Tomoka Oaks do not stay on the market very long.

Mr. Carl Velie, property owner, for the proposed Tomoka Reserve development, stated that the value of property that is based on building and the land. The land is 20 to 25 percent of the property value, depending on how urbanized that it is. He remarked the bigger the lot width, the higher the cost of the house will be, based on

the house size. Most of the houses in Tomoka Oaks are selling for $400,000 to $500,000 range, and are 40 to 50 years old. Mr. Velie, stated if the project built a new home on the same sized lots then it would likely be an $800,000 home. Mr. Velie added that proposed houses on a 100' lot with 10,000 square feet in lot size will be substantially higher than the typical house in Tomoka Oaks. He stated that they are trying to match the same value on a smaller lot width with similar lot square footage.

Mr. Velie continued that they think they can sell a few 100' lots but he is not sure if they can sell two hundred of them as quick, and may have to wait 15 years. That is not what the developer wants to do. Mr. Velie stated that he does not think people want to buy million-dollar houses unless they are on the river or ocean. He said the project seeks to create a product that will sell quickly, or as good or better than what is in the neighborhood. He stated that there is a difference compatible and comparable. This project will be compatible with a residential use abutting a residential use. Comparable is going different because these will be new homes with new amenities. Mr. Velie stated that the new construction will result in better built and stronger houses. He expressed concern with have a 100' wide house with a value of $800,000 next to a 60' wide house with a value of $500,000. Mr. Velie stated if they thought that they could sell 100' wide lots, they would be all for it. But they do not think that the project can sell 100' wide lots.

Mr. du Moulin stated that if it is designed correctly it could work. Mr. Velie detailed the constraints of the existing property layout. Mr. Velie suggested that there be a quadrant area or pod where the lots are smaller at 50' or 60' lots. He remarked that the studies the applicants have done show that there is not enough demand for the million dollar homes.

Ms. Shull asked why Mr. Velie believes that they cannot sell 100' wide lots. Mr. Velie responded that the study the project has done there is not enough demand for the million-dollar homes. The concern is that there are not 200 or 250 buyers who can purchase the million dollar homes. Ms. Shull commented that they will go a lot farther with the neighbors if there is a higher quality product in the area. Mr. Velie replied that the proposed homes are planned to sell higher than any in the area, other than the riverfront properties that are in Tomoka Oaks. Mr. Velie stated that the cost per square foot is $250 to $300. For a 2,000 square foot house, that would be $600,000. For a 3,000 square foot house, it will be a million dollars and we do not see that demand in the market. Mr. Velie explained his experience in the area and stated that he moved to Florida in 1954 and moved to Ormond Beach in 1964. He was an appraiser for 40 years and learned the life cycle of a neighborhood. Mr. Velie concluded that it is to their advantage to sell the most expensive house that they can sell. Mr. Velie stated that this development will be new and modern. The newer, more expensive homes would enhance the values in Tomoka Oaks.

Chairman Thomas restated that the public participation is closed.

Chairman Thomas inquired about the 80' wide lots and the comment people do not want to have homes next to smaller homes. He stated on the proposed site plan, there are 80' wide lots across the street from 50' and 60' wide lots. Mr. Velie responded that area is the main road. Mr. Stehr answered that after numerous meetings with the neighborhood, the applicants went back to 80'wide lots by 125', matching the R-2

square footage. The 80' wide lots allow relocation of the garage to the side or to the rear.

Mr. Sheldon Rubin, property owner, added that the setback on the 80' wide lot is 25 percent. He remarked that the 10,000 square foot lots with 80' wide lots on the perimeters plus the 50' and the open space, is quite accommodating. Mr. Rubin questioned that he is not sure why everyone is stuck on the 100' wide lot. Mr. Rubin stated that they will be modern, high-priced housing with benefits and a bigger buffer, in which they agreed to the plantings for. He expressed concern for the disconnect. Mr. Rubin stated through the process there has been a desire to lock down this site plan and show exactly what is desired. He reiterated that we did not have any flexibility with the rules. So, on the inside lots we show 50' wide lots. Mr. Rubin added that if they have to put an alley on some of the 50' wide lots, that they will do so if given the opportunity. There needs to be flexibility in the design. He concluded that it is a superb site plan.

Mr. Jorczak stated that increasing lot widths would decrease the lot total and also reduce the traffic impacts. He asked if there were a catastrophic event and in an emergency evacuation for the entire area, how long would it take to get the residents out with the current road situation, with a huge number of people in a short period of time with limited road structure to do it.

Mr. Lassiter replied that they did not analyze a mass evacuation situation. He confirmed that they did a standard peak hour evaluation. He continued that without a traffic signal it will take a long time. Mr. Lassiter replied that when doing beachside analysis they do have to look at hurricane evacuation times. He continued that there is plenty of advance warning. He confirmed that the traffic analysis showed that the proposed plan works. Mr. Lassiter referenced the traffic signal and advised that what they did to the traffic signal study, and that the Department of Transportation (DOT) approved it with the following two items, (1) peak hour analysis to show that it will not work with a two-way stop; and (2) intersection control evaluation.

Mr. Jorczak expressed concern with overall traffic impacts that the city has experienced. He stated that the options to address traffic are limited based on transportation costs and funding. Mr. Jorczak stated that the Hand Avenue extension has been discussed for many years to alleviate traffic on SR40 and there is no plan to anything soon. Mr. Jorczak stated he hoped that in the planning process some of the citywide traffic problems can be addressed.

Mr. Lassiter stated that beachside developments required to perform a hurricane evacuation analysis. He stated when the PM peak hour analysis shows that it is working well, this is criteria in the hurricane evacuation analysis. Mr. Lassiter stated that the project works in the PM peak hour. Mr. Lassiter referred back to the question on the traffic signal. He stated that a signal warrant analysis was performed and FDOT verbally agreed with the analysis and are requesting the peak hour analysis and an intersection control analysis.

Mr. Jorczak asked if the warrant analysis coordinated with the railroad. Mr. Lassiter stated that is required as part of the study. Mr. Lassiter detailed how traffic signals work with emergency vehicles and train horns.

Chairman Thomas asked Mr. Lassiter if a study was done of the Trails intersection on Route 40. Mr. Lassiter replied that a statement was made earlier that the distance is close but he stated the traffic time was not. The main entrance to Tomoka Reserve is very close to Nova Road and the travel speeds to get out the Main Trail going out to State Road 40 is much slower. Mr. Lassiter stated the distribution is based on the travel time.

Chairman Thomas expressed his concern with the project traffic when going to Tomoka Elementary School at the intersection of the Trails subdivision and SR40. Chairman Thomas detailed the route from the Tomoka Reserve project onto Nova Road and West Granada Boulevard. He stated the left hand turns onto Old Tomoka Road are problematic and do not have long stacking lanes.

Chairman Thomas detailed the issue with the intersection of Main Trail and SR40 and a single lane to go straight or make turning movements. He expressed concern about the increased traffic at this intersection. Chairman Thomas added that the only solution he sees is if the city to make a right-hand turn lane out of the Main Trail onto Granada Boulevard, a southbound right turn (west onto SR40).

Mr. Scudiero accepted that a majority of the traffic from Tomoka Reserve will go to Nova Road based on its proximity. One question has arisen is what would that do to the existing Tomoka Oaks population that now does not want to deal with the backup in the morning onto Nova Road Would residents on South St. Andrews and Rio Pinar, go out through the Trails to avoid the Nova Road backup. Mr. Lassiter explained that because of how the existing homes are built, around the two relative access points, whether Main Trail or Nova Road, 64 percent of all existing traffic that has access to Main Trail and Tomoka Oaks, use Main Trail and 36 percent use Nova Road access. Mr. Lassiter added that because of the location of the proposed project, its primary impact is going to be on Nova Road, a state road, and less impact on Main Trail to SR40.

Chairman Thomas stated that there are approximately 1,000 homes that are in the Trails, 500+ homes in Tomoka Oaks, and now proposing to add 276 more lots, totaling approximately 1,800 homes. Chairman Thomas stated that there would be approximately 1,800 homes with approximately 3,600 vehicles going out three exits through Tomoka Oaks and the Trails.

Mr. Lassiter stated that we counted them all. Mr. Lassiter explained that the traffic analysis process has gone through several rounds of review by the Department of Transportation (DOT), by the City and the City's consultant, as well as the County. He stated that they all agreed we came to the right conclusion based on how traffic studies are conducted.

Chairman Thomas stated he believed that the traffic counting is flawed. Mr. Lassiter stated that traffic counting now uses video which is not flawed and is more accurate.

Ms. Shull asked if the count was done during school times. Mr. Lassiter replied yes. Ms. Shull expressed uncertainty about how the traffic analysis is performed and stated in the manor in which people drive and at the speeds they drive, she does not feel comfortable about adding additional traffic and backups to the Tomoka Oaks and Trails neighborhood areas.

Chairman Thomas inquired about the current City of Ormond Beach population. Mr. Spraker answered approximately 44,000. Mr. Spraker added that the time was approaching to conclude this meeting.

Chairman Thomas asked the Board to share additional closing comments for the applicants.

Mr. Galloway stated what he is hearing are concerns with density. He referenced it as trying to put five pounds of sugar in a one-pound bag. He continued that unless the HOA is willing to come up with a Community Development Fund to buy the property from the property owners, that something will be built there. Mr. Galloway stated that he just does not feel like 276 units is what needs to be put in that donut hole. He stated that there are 500 homes that exist and they bought with the expectation of a golf course. He spoke on the American Dream, the ability to own a home, no matter how large or how much it costs. Mr. Galloway stated that there has to be a happy medium here. The homeowners have to realize that something will be built there or there needs to be a purchase of the property from the HOA and/or residents. Mr. Galloway stated that it should not be my tax dollars paying for a park. Mr. Galloway stated that he hoped that the applicant team is listening tonight.

Mr. Velie replied that when he and the other property owners first started the process, they originally had a different engineering firm that drew up a plan for units and they declined that route as they wanted something consistent with the subdivision. He explained that he took a 1.85 mile circle on Google Earth around the neighborhood over the Trails, from Misners Branch East, Tomoka Oaks Condo North, Escondido, Tahlequah, Tomoka Meadows and Harbor Oaks. He added that he took every plat and platted it out, and found that they have less density than the Trails residential section, not including the Villas, at 1.91 units per acre and Tomoka Oaks is 2.09 units per acre. He further detailed that Mallard's Reach is 2.23 units per acre and Tahlequah is 3.06 units per acre, and considering the entire Trails subdivision is 3.4 units per acre. Mr. Velie concluded that any other subdivision in the city has higher density than what is being proposed with Tomoka Reserve.

Mr. Galloway commented that he values Mr. Spraker and thinks the City of Ormond Beach has the best city Planning Director and believes that the applicants need to reassess and come back. He added that he has faith that something will increase the value of the homes there.

Mr. Jorczak agrees with the city's comments on the issues were appropriate. On some issues, he stated he may have gone further. He continued with remarks on the influx of people moving to the area, and how things are not going to get getter with the hospitals or traffic. He commented that Ormond Beach considers themselves to be a jewel on the east coast and is a special community, therefore should not be augmenting what has been done in other major cities, but should be looking for excellence. Mr. Jorczak concluded that he would like to see a better mix on the lot sizes. He stated the wider lot widths would reduce density and ensure a higher value of houses.

Mr. du Moulin concurred with Mr. Jorczak and stated he would like to see an increase in the lot sizes.

Ms. Shull concurred with Mr. Jorczak as well on the density and lot sizes. She remarked that the homeowners are compromising and know something is going to be built there, and advised the developers to compromise as well and work with them symbiotically. Ms. Shull concluded suggesting for the developers to take into consideration the unique piece of property that it is as well as the interconnected density and traffic.

Mr. Scudiero commented that he would like to see the golf course reopened, but that compromise between the applicants and the homeowners are necessary. He concluded for the applicants to find ways to make it more palatable for everyone. Mr. Scudiero stated a compromise is needed.

Chairman Thomas referenced earlier remarks on the irrigation for the plants and stated that if the applicants cannot abide by staff's suggestions, to at least do a bond so that the homeowners are not stuck with not having the vegetation buffer as promised. He spoke on the 50'-wide lot sizes, and said that he is opposed, but that if the Board agrees with them, he will support if there is an alley and a garage in the back. Chairman Thomas stated that in Venetian Bay, there is a section that is set off by itself and where they do not have garages in the front of the houses. He added that he would love to see 100'-wide lots. He commented that both the developers and the landowners have rights. Chairman Thomas stated that the residents also have rights. Chairman Thomas remarked that whatever goes in is going to be impacting the resident's lives. Chairman Thomas agreed with Mr. Galloway that something will be built and there needs to be compromise. He stated that he understood there are residents who are seeking no development, but he believes that something He concluded that when he moved to the city 50 years ago, the population was approximately 30,000. There has been a growth of 14,000 people, and commented that the traffic reflects more than that.

VII. OTHER BUSINESS

It was discussed that the item requires a continuation for the applicants to bring other ideas and options back for another public hearing in front of the Planning Board and for the Planning Board to have more time for the support decision-making process. It was determined, taking the availability of the Planning Board, staff, and applicants, that the continuation meeting will be held on Monday, August 21, 2023 at 6:00 p.m. (location is to be determined). Mr. Spraker explained that the Planning Board is scheduled to meet on August 10, 2023 for the monthly Planning Board meeting as planned as well.

City Attorney Hayes stated that when the Board resumes this meeting, the item would be where it is now with Board member comments and discussion. The applicant and HOA attorney should be provided an opportunity to provide any updates. City Attorney Hayes stated a motion and a second would be needed for the continuation.

Chairman Thomas entertained a motion for the continuation date.

Mr. Galloway motioned for a continuation of the meeting on August 21, 2023 at 6:00 p.m. with a location to be determined. Ms. Shull seconded it. Vote was called, and the motion was approved (6-0).

VIII. MEMBER COMMENTS

Mr. Jorczak thanked the citizens of Ormond Beach for their input and expressing their opinions.

Ms. Shull thanked the audience members and staff for their input.

Chairman Thomas commented that he is interested in the City of Ormond Beach having another hospital. He added if the zoning could be amended where a hospital could be built taller than seven stories. Mr. Spraker replied that it would be a charter amendment.

IX. ADJOURNMENT

The meeting was adjourned at 10:57 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

ATTACHMENT 11

Planning Board minutes

Section B

August 21, 2023

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

August 10, 2023 6:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Steven Spraker, Planning Director
G.G. Galloway	Randy Hayes, City Attorney
Al Jorczak	Marcella Miller, Recording Technician
Mike Scudiero	
Barry du Moulin	
Troy Railsback	
Doug Thomas, Chair (Excused)	

II. INVOCATION

Mr. Railsback led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

DRAFT

V. APPROVAL OF MINUTES

June 08, 2023

Mr. Galloway moved to approve the June 08, 2023 Minutes. Mr. Jorczak seconded the motion. Vote was called, and the motion was approved (6-0).

VI. PLANNING DIRECTOR'S REPORT

Mr. Spraker, Planning Director, updated the Board on the August 21, 2023 continuation of the Tomoka Reserve meeting. Additional correspondence e-mails were received and included in the provided Board packets as well as the July 13, 2023 Planning Board meeting minutes. If any additional correspondence is received, it will be provided to the Board. The meeting will be held at Tomoka Christian Church, 1450 Hand Avenue.

Mr. Spraker advised the Board that Item F on today's agenda is being pulled per request from staff and will be presented at a future date.

VII. PUBLIC HEARINGS

A. PP 2023-042, Bradford Lakes, Preliminary Plat

Mr. Steven Spraker, Planning Director, stated that PP 2023-042 is a request from Ridge Land Holdings, LLC for a preliminary plat for the Bradford Lakes subdivision (a portion of Phase 4 of the Plantation Oaks Planned Residential Development) consisting of 80 single-family lots on 53.12 acres. The Bradford Lakes subdivision is located on the west side of Plantation Oaks Boulevard, north of the unopened Pennsylvania Avenue right-of-way (ROW). Mr. Spraker continued that the outparcels are being designed around. There is infrastructure for future development of the outparcels if those properties choose. He displayed overhead where the offsite lift station is located that will serve proposed Bradford Lakes and proposed Bradford Park.

Mr. Spraker explained the three-step platting process which begins with the zoning in the Planned Residential Development (PRD) where it gave the details of how the project was to be developed. The next step us the preliminary plat and construction level plans so that when they go to construction it will then go to a final plat, the legal document that allows the subdivision of land. He informed the Board that this is the middle of the process. Mr. Spraker concluded that the Site Plan Review Committee (SPRC) is recommending approval.

Vice Chair Shull opened it up to the Board for questions.

Board Discussion and Questions

Ms. Jorczak asked if there is a change in density. Mr. Spraker answered that there is not and it is consistent with the zoning development order.

Attorney Hayes explained the scope of the Boards review in that when the plats come before the Board, the criteria are whether they are consistent with the development order that was approved by the Planning Board and City Commission. It comes with

recommendation from the staff and comes before the Board for input. Attorney Hayes referenced Item F, which will be back before the Board at a later date, stating that there are revisions to the platting process and the Land Development Code (LDC) which will need to be amended first by bringing options back to the Board on it.

Ms. Shull asked what happens with the unresolved items. Mr. Spraker replied that it is part of the Site Plan Review Committee (SPRC) review. The comments stay in place and applicant would resubmit, addressing any unresolved comments before going to construction. The outstanding comments would not change the proposed site plan.

Mr. du Moulin asked to see the responses. Mr. Spraker advised him that staff could provide as responses are provided.

Ms. Shull inquired about the process after the tentative approval of this item. Mr. Spraker replied that the Preliminary Plat will go to City Commission for one reading, from there the applicant will seek to resolve the SPRC comments. The applicant will obtain a site engineering permit, for construction of the subdivision improvements. The project would come back before the Planning Board and then to the City Commission for the final plat.

Applicant's Presentation

Mr. Parker Mynchenberg, Parker Mynchenberg and Associates, 1729 Ridgewood Avenue, stated that this project should be under construction in two months and then the infrastructure will be put in. He explained that halfway through the infrastructure, prior to paving the road, a performance bond will be posted for the rest of the subdivision improvements. The plat will then be recorded at 100 percent completion. He confirmed that the site plans are in good shape for this project.

Board questions

Mr. Jorczak asked Mr. Spraker about the adopted level of service for concurrency standards for the school. He referenced a recent article in the Observer noting that the city is supposedly over capacity at most schools and how they are moving kids around. He asked how this development and the balance of the buildout impact the matter. His questions pertained to how the entire project has been approved for the existing school operation, and asked about any new schools being built to handle the over-capacity situation.

Mr. Spraker answered that at Ormond Beach Middle School they are 84 percent out of 115 percent capacity in the middle schools, which is not an issue. He further explained that Pine Trail Elementary is at 102 percent out of 115 percent adopted level of service and Seabreeze High School is at 107 percent. Mr. Spraker explained the history of the project, starting with it being a Planned Residential Development (PRD), and a Development of Regional Impact (DRI), and mitigation for schools was done then. This project site was a school site and the school decided that they did not want the site so the developer of the PRD gave them a school site in Daytona Beach. They already mitigated for their school impact. Mr. Spraker continued and explained that additionally there was to be a reduction in school impact fees and it was pulled back. Every lot will pay the full school impact fee.

Mr. Spraker stated it is required for the city to provide the schools with each and every residential development over 10 units and the schools responsibility is the concurrency and how they are going to plan it through the Interlocal Service Boundary Agreement (ISBA). Any issues with the capacity call for mitigation through land, money, improvement, or building a school or an expansion. Mr. Spraker added that since January 1, 2023, 10 single-family houses have been permitted in the City of Ormond Beach. He remarked that growth has not been significant in Ormond Beach proper, but on the periphery. He concluded that this project was planned and mitigated for.

Mr. du Moulin expressed his concern with the schools staffing storage and being stopped down the road that there is a major problem. Mr. Spraker replied that concurrency does not deal with operation but with public facilities, buildings and capacity. Their impact fee will be for public facilities; a school, new classroom, something increasing the capacity of a school. According to all growth management laws and city agreements with the school board it is to do this concurrency and for them to pay impact fees and ensure that they have mitigation requirements. The operational and staffing issues cannot be solved with a preliminary plat.

Mr. Mynchenberg added that whether Flagler County or Volusia County, whenever a residential development is in the works, at the rezoning stage there is a look at capacity before something is rezoned with a Capacity Availability Letter. Once it is time for the plat, or at a final site plan for an apartment, the process is to apply to the Volusia County School Board for a Concurrency Certificate. Mr. Mynchenberg stated that he has never heard Volusia County say that there is not enough capacity, although it has happened in Flagler County. He referenced the timing of the process in that right now is the preliminary plat and construction plan phase, then 8 to 9 months of infrastructure improvements phase, and then three to five months to get houses up, and then up to 15 months before the first school kid is in the first lot (all 80 lots are not sold in one day). Mr. Mynchenberg stated that Plantation Oaks was originally age-restricted in total and now the 427 lots in the manufactured home community, that he owns, agreed to pay $1,100.00 towards school impact fees per lot when doing the rezoning. He explained that credit will be received for the school site that now is Bradford Lakes. He and his partner, Mr. Bledsoe owned a piece of property next to Westside Elementary on Jimmy Ann Drive in Daytona Beach and since the school wanted that, they expanded Westside Elementary and he and Mr. Bledsoe paid $500,000.00 and got the school site back in, and how he was able to do the 80 lots. Mr. Mynchenberg reiterated Mr. Spraker's comment about this being part of a DRI and unlike other subdivisions that do not have one, and how it has been in agreement to give a school site in which they were to get credit against the $1,100.00 per lot impact fee. It was age-restricted, therefore there are no school kids and were exempt, but going through the rezoning process, was directed by Mr. Bruno to help the school kids out in which they did and have gone beyond what was required for the school concurrency.

Mr. Jorczak inquired if they would be able to come back and ask for more. Mr. Mynchenberg replied no, they are getting every building permit before they get a Certificate of Occupancy (CO) and have to pay the School Impact Fee in which Volusia County increased. It is a significant amount and when multiplying times, the number of units, it is a lot of money towards building another school.

Mr. Scudiero stated that he has yet to see a letter from the school district that did not say that they can accommodate in Volusia County and recently noticed in this Board that there have been multiple times where it states at the bottom that even though it is over 100 percent that they are going to be rezoning the school map, alleviating what looks like overcrowding at 105 to 107 percent.

Mr. Mynchenberg commented that he worked on a project at Spirit Elementary in Deltona approximately four years ago and how the school had a decline in the number of students. It is up to the school board.

Mr. Galloway remarked that a reason that they keep it at 115 percent is because the school district is at an all-time-high of home-schooling. He continued that a private school is being built on Granada Boulevard and two to three others private schools have major enrollments and are growing. When it is said that it is at-capacity, the 115 percent it is due to not being able to use the number of children in your community because they are not all enrolled in public school and some are being home-schooled. Mr. Galloway commented that this developer has paid their dues many years ago on this project.

Attorney Hayes refocused the meeting from the discussion on topics at hand. The purpose of the item is to determine if the preliminary plat is consistent with the zoning and the development order that was approved.

Ms. Shull asked about the setback from Interstate 95. Mr. Mynchenberg replied 60' and it in place now. He reviewed the landscaping requirements and added that they leave a natural heavily-wooded buffer. The city can still direct them to plant additional material in any gaps as well.

Mr. du Moulin asked if there will be drainage problems. Mr. Mynchenberg answered that Plantation Oaks is in Zone X, outside of the 100-year floodplain, and does not have flooding problems.

Audience Comments/Input

There were no individuals who spoke on this item.

Board Recommendation

Vice Chair Shull opened it up to the Board for a motion.

Mr. Galloway motioned to approve PP 2023-042, Bradford Lakes, Preliminary Plat. Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).

B. FP 2023-047, Archer's Mill Phase 1, Final Plat

Mr. Steven Spraker, Planning Director, stated that FP 2023-047 is a request from Forestar USA Real Estate Group, Inc., for a final plat for a 94-lot single-family subdivision on approximately 42.38 acres. The Archer's Mill Phase 1 subdivision is part of Phase 3 of the Plantation Oaks Planned Residential Development (PRD), located on the east side of Plantation Oaks Boulevard.

Mr. Spraker stated that the final plat is the last step of the process and construction is ongoing today and is at approximately 50 percent complete. He added that there is a RV and boat parking area, clubhouse and amenities as part of the project. This will go on to City Commission for two readings. Mr. Spraker concluded that staff recommends approval.

Vice Chair Shull opened it up to the Board for questions.

Audience Comments/Input

There were no individuals who spoke on this item.

Board Recommendation

Vice Chair Shull opened it up to the Board for a motion.

Mr. Scudiero motioned to approve FP 2023-047, Archer's Mill Phase 1, Final Plat. Mr. Railsback seconded it. Vote was called, and the motion was approved (6-0).

C. PP 2023-059, Archer's Mill Phase 4, Preliminary Plat

Mr. Steven Spraker, Planning Director, stated that 2023-059 is a request from Forestar USA Real Estate Group, Inc., for a preliminary plat for the Archer's Mill Phase 4 subdivision (a portion of Phase 3 of the Plantation Oaks Planned Residential Development) consisting of 111 single-family lots on 51.56 acres. The Archer's Mill Phase 4 subdivision is located on the east side of Plantation Oaks Boulevard. Mr. Spraker added that the streets are private, with portions abutting the Village of Pine Run along the south and east portion. There is a public access through Archer's Mill, Phase 3, and a public lift station in the development. Eventually it will come back before the Board with a final plat. Mr. Spraker concluded that staff recommends approval.

Audience Comments/Input

There were no individuals who spoke on this item.

Vice Chair Shull opened it up to the Board for questions.

Board Recommendation

Vice Chair Shull opened it up to the Board for a motion.

Mr. Jorczak motioned to approve PP 2023-059, Archer's Mill Phase 4, Preliminary Plat. Mr. Scudiero seconded it. Vote was called, and the motion was approved (6-0).

DRAFT

D. PP 2023-060, Archer's Mill Phase 5, Preliminary Plat

Mr. Steven Spraker, Planning Director, stated that PP 2023-060 is a request from Forestar USA Real Estate Group, Inc. for a preliminary plat for the Archer's Mill Phase 5 subdivision (a portion of Phase 3 of the Plantation Oaks Planned Residential Development) consisting of 114 single-family lots on 92.71 acres. The Archer's Mill Phase 5 subdivision is located on the east side of Plantation Oaks Boulevard. He continued that the eastern portion of the project abuts the state park and will stay natural. Access is provided through Archer's Mill, Phases 2 and 3. Mr. Spraker added that there is an Ordinance showing their overall approval for Plantation Oaks. He concluded that staff recommends approval.

Board questions

Vice Chair Shull opened it up to the Board for questions.

Vice Chair Shull asked where the property is that the County purchased. Mr. Spraker replied that it is the approximate 36 acre-area between the FPL easement and Old Dixie Highway and that now a trail now goes through there. Ms. Shull asked if the greenery and the buffer in Phase 5 is natural. Mr. Spraker confirmed that it is natural and transitions into the state park.

Mr. Mynchenberg added that the property was originally owned by National Gardens (DRI). They donated over 2,000 acres. 500+ acres next to Halifax Plantation that they also owned was sold to the State. He explained that it connects Tomoka State Park to the Bulow State Park, now a continuous 10,000-acre park.

Mr. du Moulin referenced a flooding problem from 2018 with Pine Trails and inquired about the drainage. Mr. Mynchenberg replied that they dug an outfall canal that provides drainage from Interstate 95 to a ditch and then discharges to the outfall points in the Strickland Canal and Bulow Creek. He commented that flooding is not the problem that some of the areas are. Mr. Mychenberg concluded that he lives at the end of Pine Tree Drive and enjoys living next to a wetland but during high tide and the right moon, the road to Tomoka State Park is under water and occasionally Pine Tree will get water over it, but that Plantation Oaks Boulevard is always open.

Audience Comments/Input

There were no individuals who spoke on this item.

Board Recommendation

Vice Chair Shull opened it up to the Board for a motion.

Mr. Scudiero motioned to approve PP 2023-060, Archer's Mill Phase 5, Preliminary Plat. Mr. Railsback seconded it. Vote was called, and the motion was approved (6-0).

DRAFT

E. PP 2023-061, Archer's Mill Phase 6, Preliminary Plat

Mr. Steven Spraker, Planning Director, stated that PP 2023-061 is a request from Forestar USA Real Estate Group, Inc., for a preliminary plat for the Archer's Mill Phase 6 subdivision (a portion of Phase 3 of the Plantation Oaks Planned Residential Development) consisting of 78 single-family lots on 46.54 acres. The Archer's Mill Phase 6 subdivision is located on the east side of Plantation Oaks Boulevard. Mr. Spraker continued that the streets are private and the property abuts the state park on the eastern boundary. The project has an approved development order for the zoning per Ordinance 22-16. A final plat will be the next step in this projects process. Mr. Spraker concluded that staff recommends approval.

Vice Chair Shull opened it up to the Board for questions.

Audience Comments/Input

There were no individuals who spoke on this item.

Board Recommendation

Vice Chair Shull opened it up to the Board for a motion.

Mr. Railsback motioned to approve PP 2023-061, Archer's Mill Phase 6, Preliminary Plat. Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).

F. LDC 2023-075, Preliminary and Final Plats, Land Development Code amendments – This item was pulled by city staff and not heard by the Planning Board.

G. LDC 2023-050, Certificate of Use, Land Development Code amendment

Mr. Steven Spraker, Planning Director, stated that LDC 2023-050 is an administrative request for amendments to Chapter 1, General Administration, Article II, Administration and Enforcement, Section 1-14, Development Orders to establish requirements for a Certificate of Use process. He added that this was presented before the Board May 2023 with the majority of the information going into the Code of Ordinances. Following discussion with the City Attorney's Office there was a decision to put most of the information from the Code of Ordinances into the Land Development Code (LDC), which is the reason it is before the Board again today. Mr. Spraker explained it is the same information and clarifies and creates a Business Tax Receipt, Certificate of Occupancy, and a Certificate of Use, and will help the business registration process and will flow into the new permitting system that will go live October 30, 2023. Mr. Spraker concluded that staff recommends approval.

Vice Chair Shull opened it up to the Board for questions.

Audience Comments/Input

There were no individuals who spoke on this item.

Board Recommendation

Vice Chair Shull opened it up to the Board for a motion.

Mr. Jorczak motioned to approve LDC 2023-050, Certificate of Use, Land Development Code amendment. Mr. Railsback seconded it. Vote was called, and the motion was approved (6-0).

VIII. PUBLIC COMMENTS

The opportunity was announced and it was determined that there was no one in attendance that wished to deliver any public comments.

IX. OTHER BUSINESS

None.

X. MEMBER COMMENTS

Mr. Galloway remarked that 477 homes were just approved over a two to three-year period and added that the community is in dire need of homes. There is not much land within the community. He continued that the city has only grown 1 percent per year.

Mr. Jorczak asked for the status on Nova Road. Mr. Galloway stated that he attended a meeting and heard that they are looking at two models and will be taking the 'suicide lane' out. Mr. Spraker added that the City Commission is seeking a workshop with the Department of Transportation (DOT) to discuss Nova Road and he will update on the information and timeline of the project.

Ms. Shull asked for an update on the apartments on U.S. Highway 1. Mr. Spraker replied that they were reviewed and approved on August 1, 2023, second reading, and there was discussion at City Commission about the roadways. No one from the public came for or against it and or the roads. No residents have contacted city staff. The next step would be a community meeting if there is interest from the residents.

XI. ADJOURNMENT

The meeting was adjourned at 6:41 p.m.

Respectfully submitted,

_____

Steven Spraker, Planning Director

DRAFT

ATTEST:

_____

Angeline Shull, Vice Chair

Minutes transcribed by Marcella Miller.

DRAFT

ATTACHMENT 12

Staff and Applicant PowerPoints

Section A: Staff PowerPoint for July 13, 2023 Planning Board meeting

Section B: Applicant PowerPoint for July 13, 2023 Planning Board meeting

Section C: Staff PowerPoint for August 21, 2023 Planning Board meeting

ATTACHMENT 12

Staff and Applicant PowerPoints

Section A

Staff PowerPoint for July 13, 2023 Planning Board meeting

City of Ormond Beach

Planning Board

July 13, 2023

Anyone wishing to speak on an item, please complete a comment card at the entrance of the Sanctuary.

City of Ormond Beach
Planning Board
July 13, 2023

I. **Roll Call**

III. **Invocation**

IV. **Pledge of Allegiance**

V. **Notice Regarding Adjournment**

Tomoka Reserve, Issuance of a Development Order



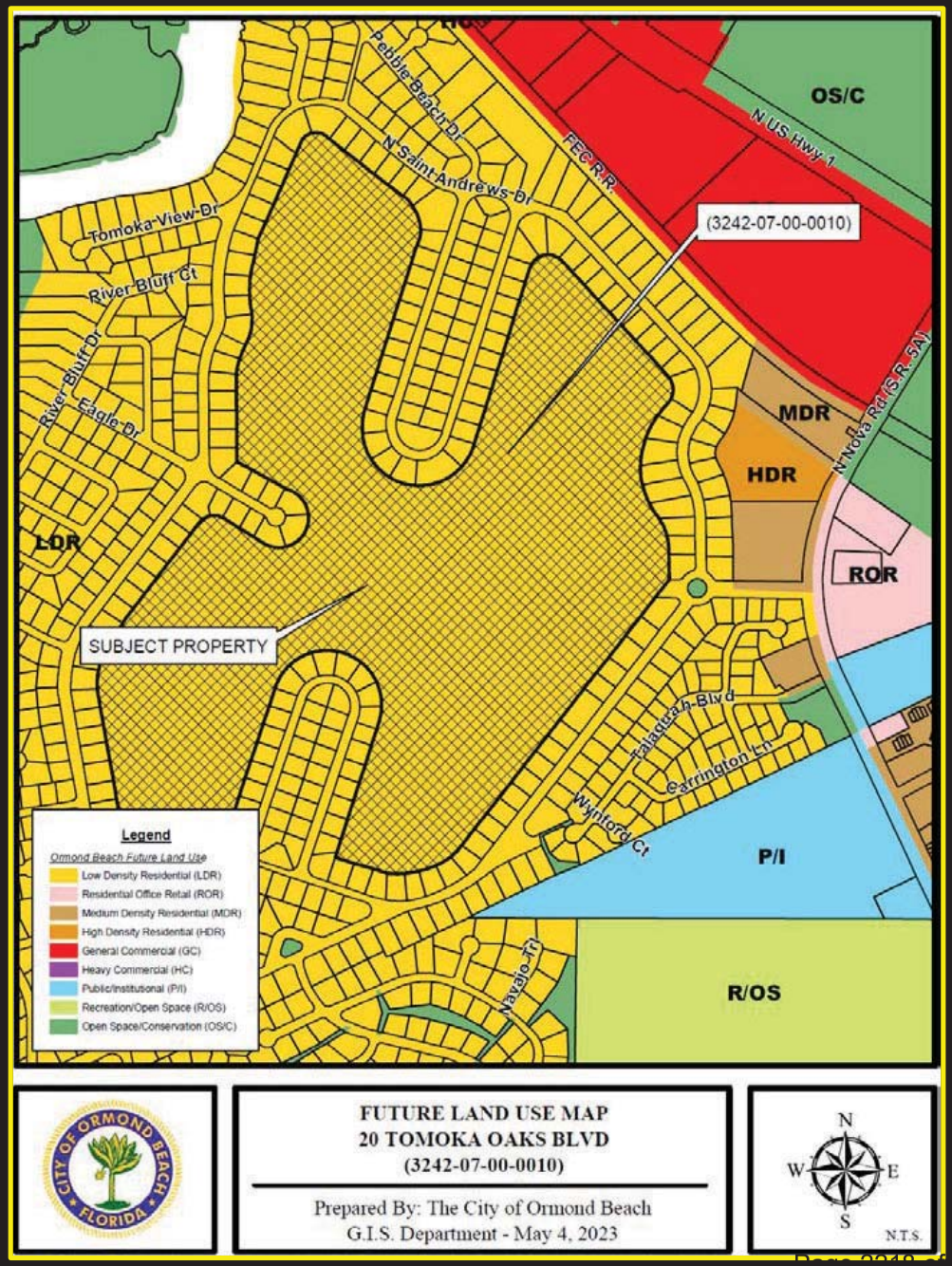
Existing Land Use

Low Density Residential (LDR)

Purpose: To protect and encourage the continued development of typical **single-family residential areas** and stabilize and protect the character of such neighborhoods. **Institutional uses** may be permitted in accordance with the maximum floor area ratio.

Density: up to 4.3 units per acre

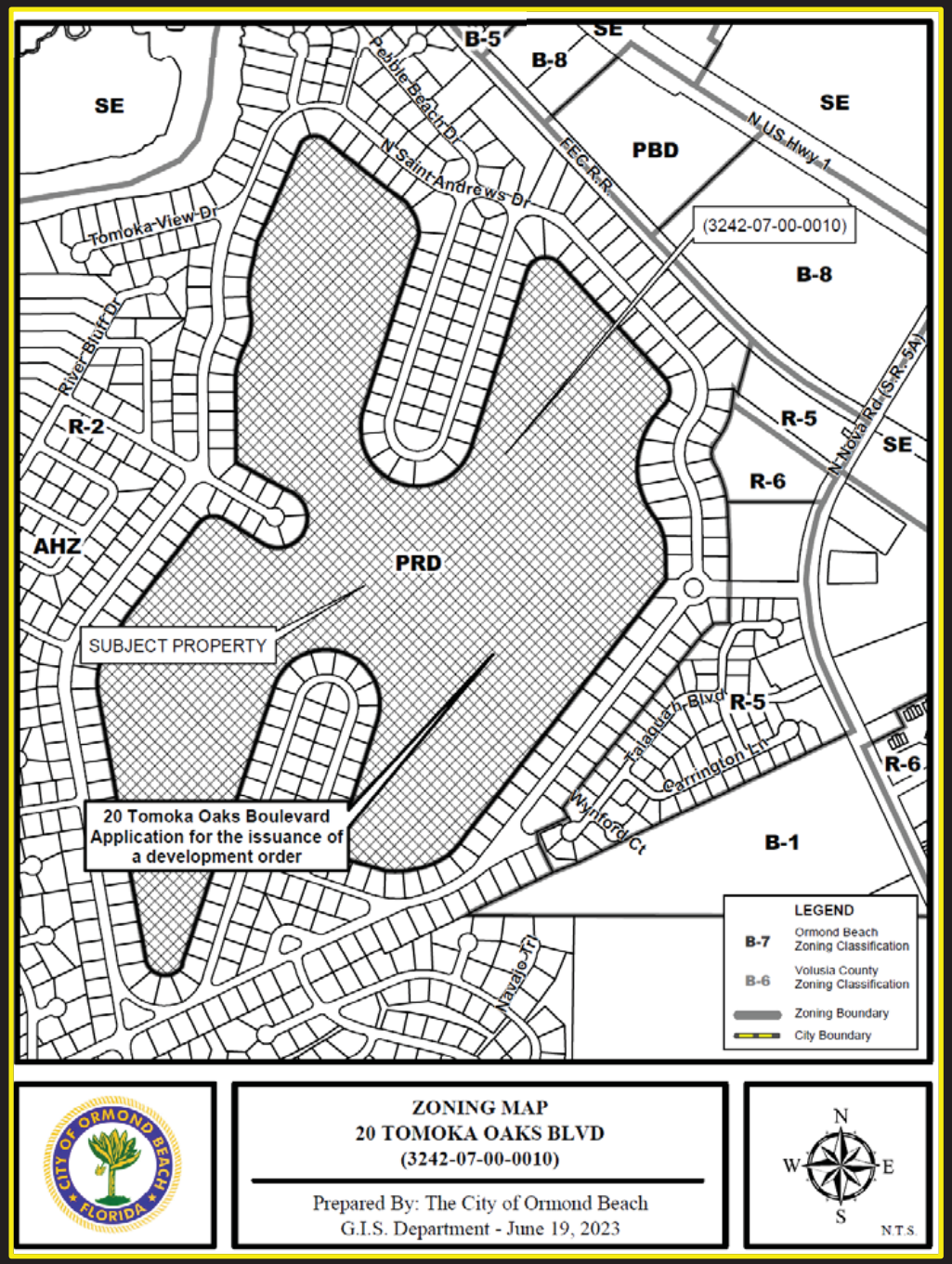
Maximum FAR: 0.2



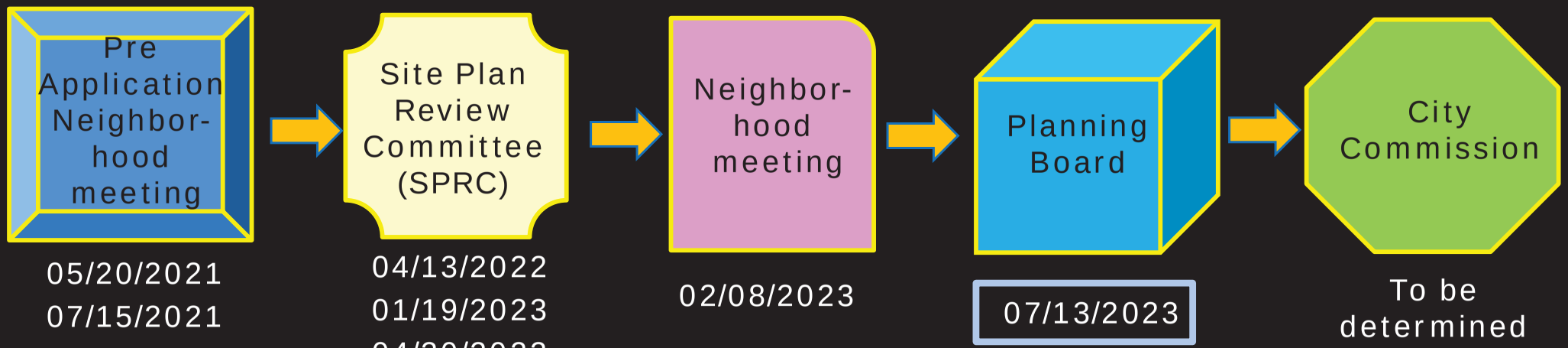
Existing Zoning

- Ordinance 2006-17 – From **R-2, Single-Family Low Density** to PRD, Planned Residential Development.
- Approved Tomoka Oaks Golf Village development order.
- Development of **119 multi-family** units (townhomes and condominiums) and **3 single-family** homes, along with a re-designed golf course.
- The property owner **was to provide for covenants and restri**ctions that restrict the golf course to open space and golf course use with the development of the residential use.

Development Order expired



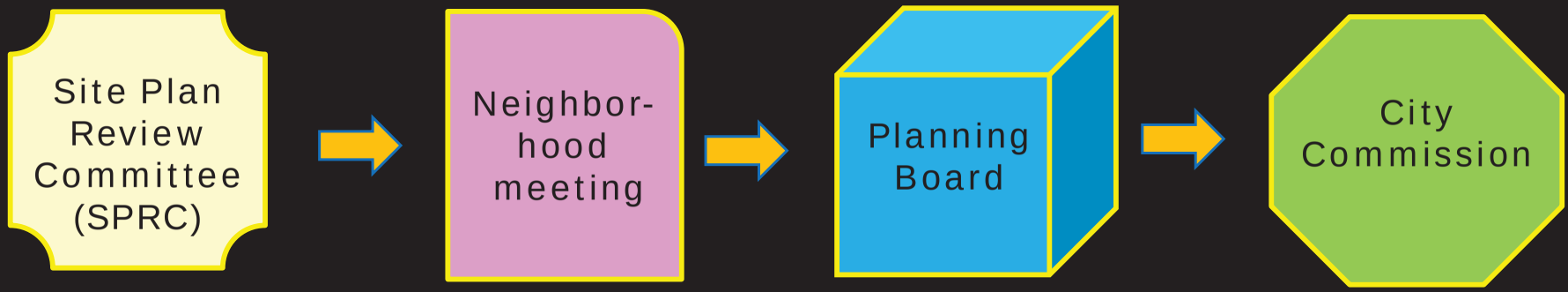
Issuance of a Development Order Review Process



Notes:

- A PRD is a **zoning document** that shows lots, landscape buffers, open areas, recreational areas, and architectural standards.
- Project is reviewed based on criteria within the Land Development Code.
- PRD does not require engineering construction plans that include stormwater and utilities.

IF Development Order approved THEN Preliminary Plat



Notes:

- Preliminary Plat are **CONSTRUCTION SITE PLANS**.
- Leads to a Final Plat
- Must be consistent with the Development Order.

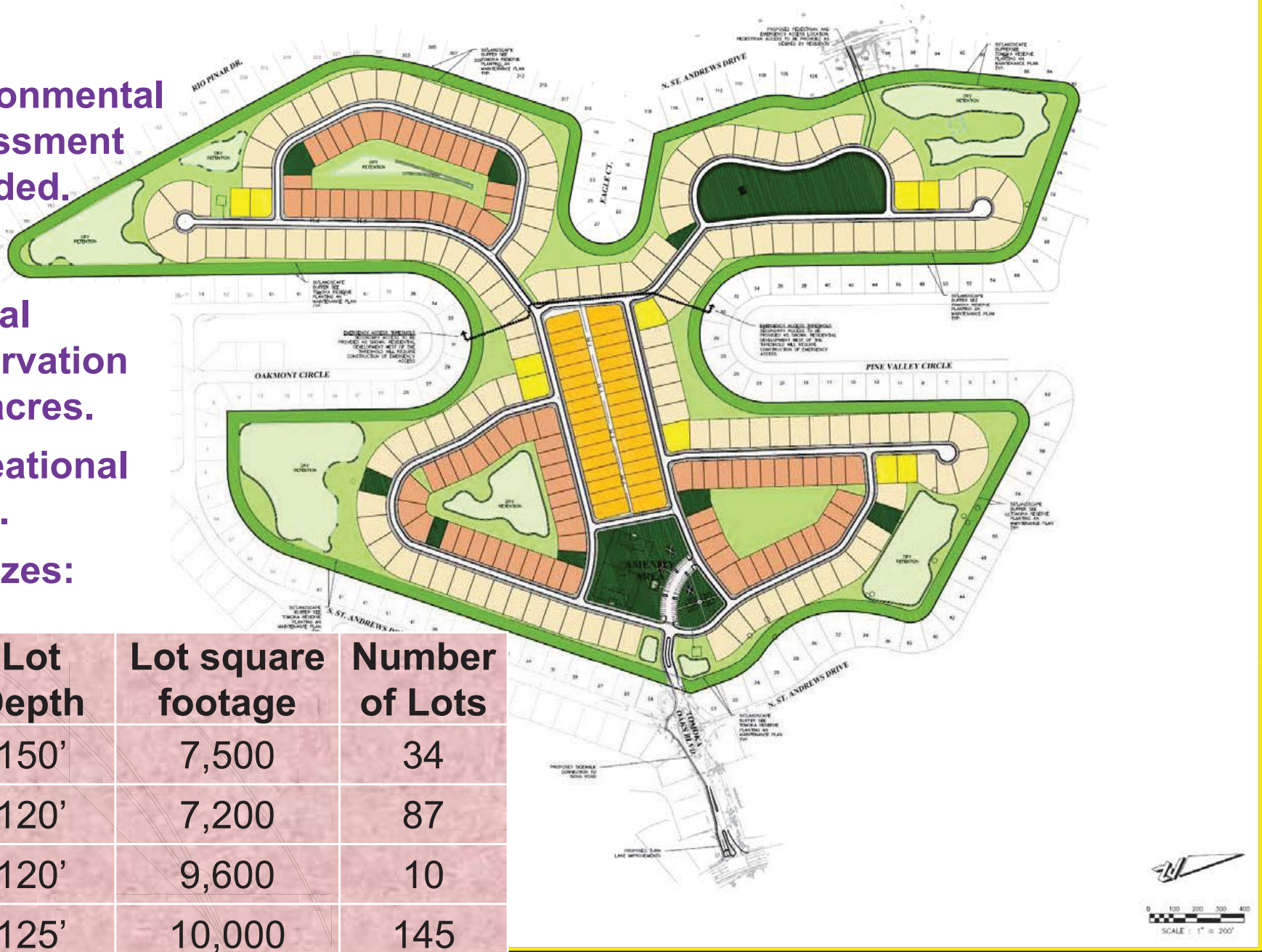
Tomoka Reserve Site Plan

1. 147.94 acres.
2. 276 units.
3. 1.87 units per acre.
4. Plans seek to allow gated vehicular access.
5. Emergency access connection.
6. No wetlands.
7. Not in the floodplain.



Tomoka Reserve Site Plan

8. Environmental Assessment provided.
9. Natural preservation – 34 acres.
10. Recreational areas.
11. Lot sizes:



Lot Width	Lot Depth	Lot square footage	Number of Lots
50’	150’	7,500	34
60’	120’	7,200	87
80’	120’	9,600	10
80’	125’	10,000	145

Tomoka Reserve Site Plan

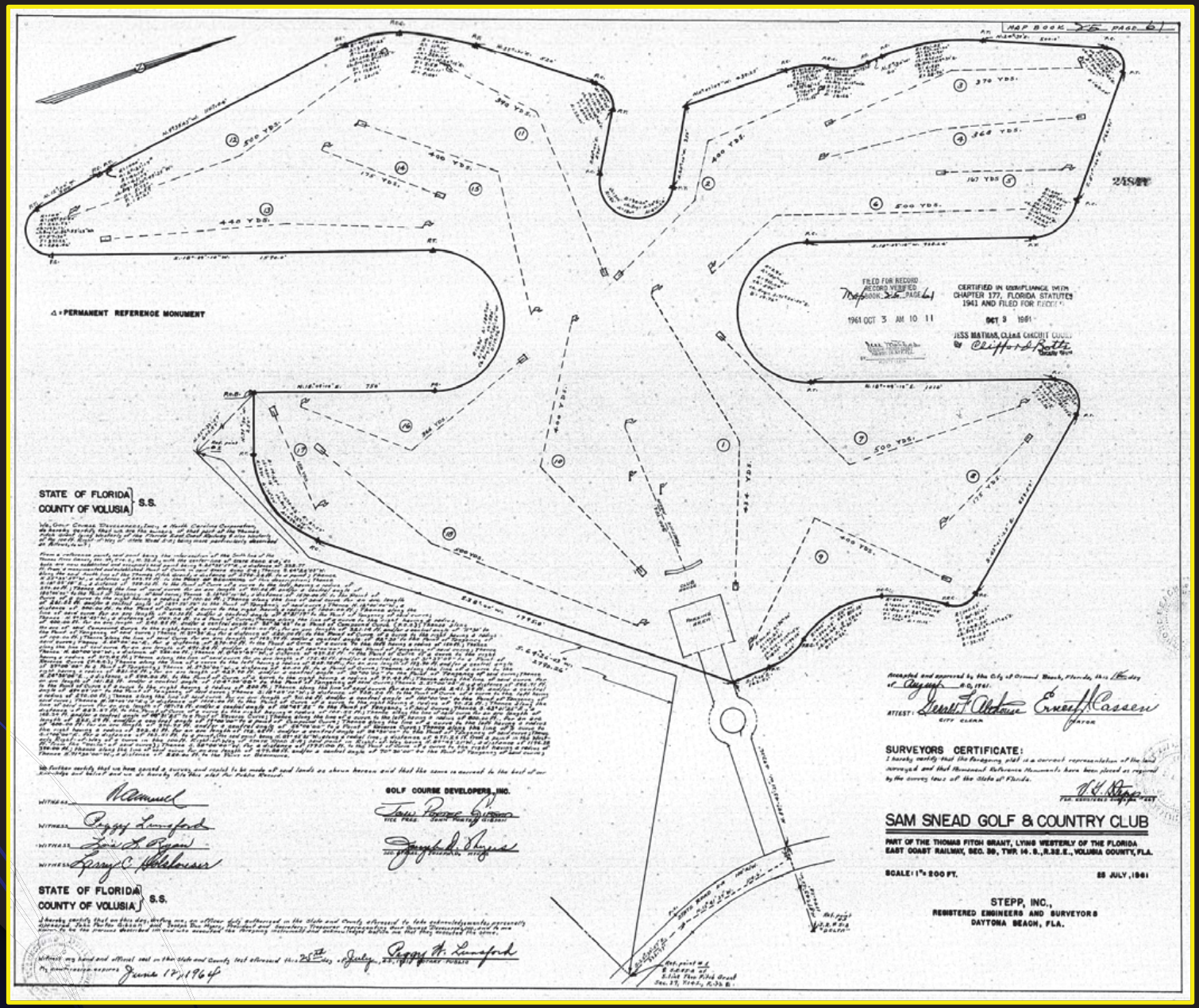
12. 50’ buffer.
13. Historic Trees preserved.
14. Stormwater areas.
15. School concurrency provided.
16. Traffic Impact Analysis provided.



Key issue 1 – Development Ability of the former golf course

Planning Board packet includes:

1. Ms. Davis analysis. Mr. Spain's letter dated 07/12/2023.
2. City Attorney's analysis.
3. Cobb Cole analysis.



Key issue 2 – Lot size/density/compatibility



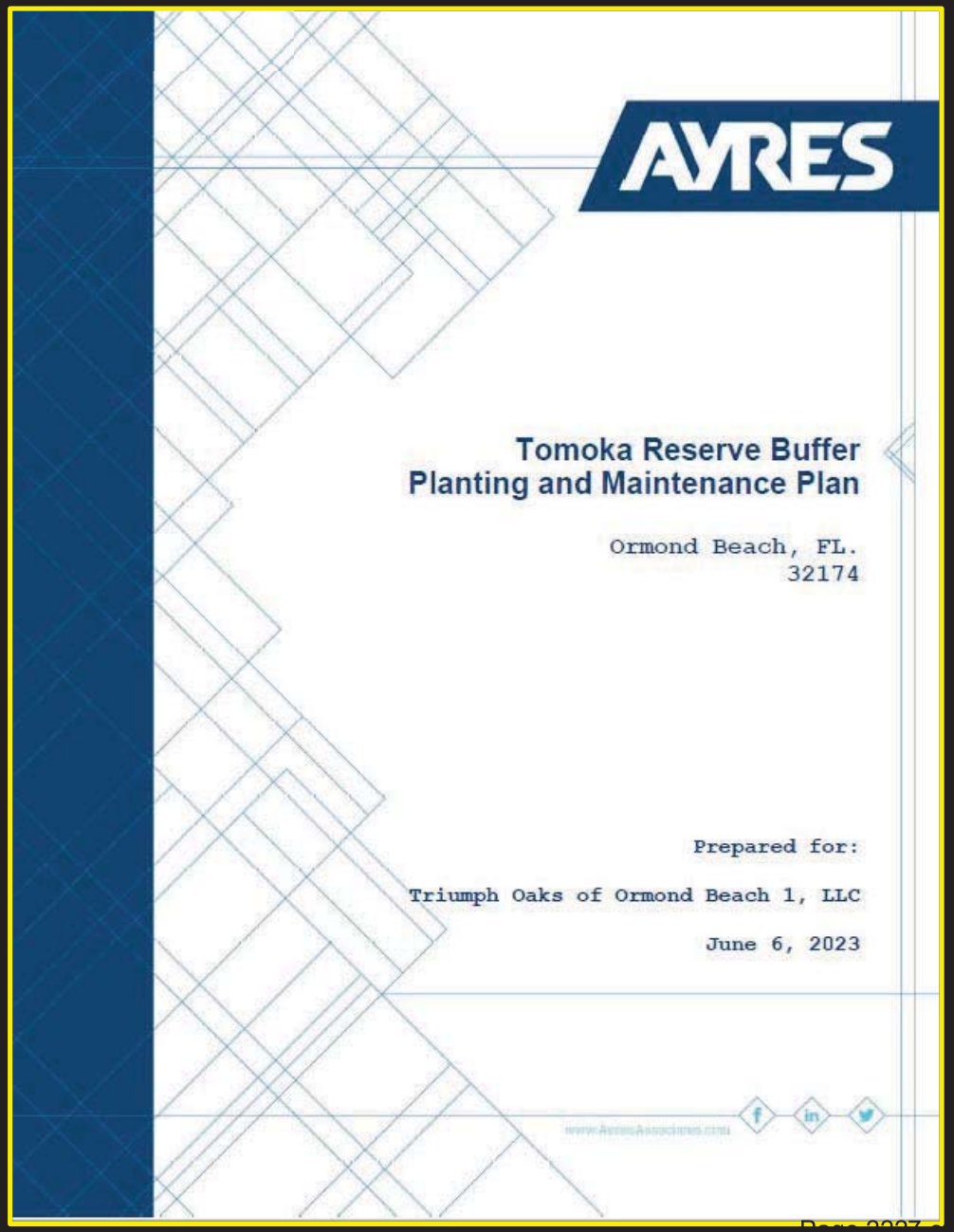
Staff Recommendation

Option 3

100’ width (10,000 square feet) abutting existing single-family lots

Key issue 3 – Planting of the 50’ natural buffer

- Use existing vegetation wherever possible.
- Where vegetation does not exist:
  1. 7 trees & 30 shrubs and grasses per 100 linear feet.
  2. Clustered in a 20 foot spacing
- Watering proposed with truck with a water tank – no permanent irrigation.



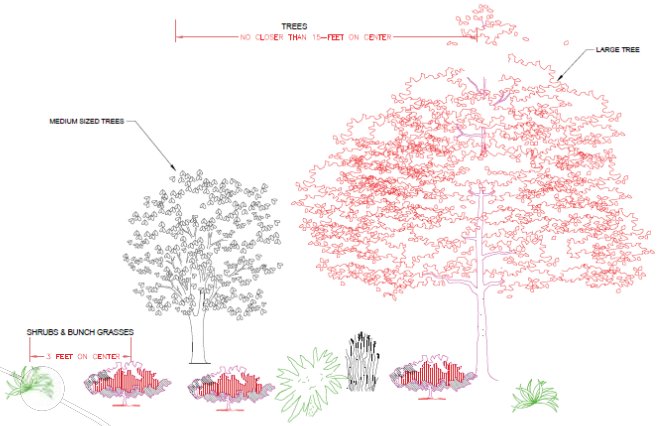
Key issue 3 – Planting of the 50’ natural buffer

HIGH DENSITY BUFFER PLANTING - NO TREES PRESENT IN THE BUFFER

7 TREES AND 30 SHRUBS & GRASSES PER 100 LINEAR FEET. **HIGH DENSITY PLANTINGS** WILL OCCUR WHERE THERE IS LESS THAN 10% VEGETATIVE COVER IN FRONT PRIVATE PROPERTY.

- WITHIN THE 100-FOOT AREA, TREES WILL BE PLACED APPROXIMATELY 15-FEET APART WHILE SHRUBS AND BUNCH GRASS WILL BE PLACED APPROXIMATELY 3-FEET APART.
- FOR EACH 100-FOOT PLANTING AREA, THE PLANTING PATTERN WILL BE AS FOLLOWS:

  MED TREE - LG TREE - MED TREE - LG TREE - MED TREE - LG TREE - MED TREE
- FOR EACH 100-FOOT PLANTING AREA, SHRUBS & GRASSES WILL BE EVENLY SPACED.

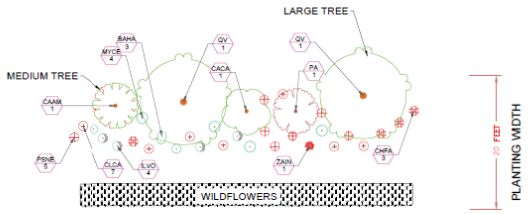


ELEVATION (FRONT) VIEW OF PLANTING - MEDIUM DENSITY PLANTING

TREE, SHRUB, AND GROUND COVER SPECIES WILL CONSIST OF A MIXTURE OF SPECIES TO INCREASE BIODIVERSITY. FOR TREES, EACH PLANTING AREA WILL CONSIST OF THREE DIFFERENT SPECIES. FOR SHRUB AND GROUND COVER AREAS, NO MORE THAN 20% 0F THE TOTAL PLANTS FOR THAT BUFFER PLANTING WILL BE THE SAME SPECIES.

POTENTIAL MEDIUM DENSITY PLANTING ARRANGEMENT

TREE AND SHRUB PLANTINGS WILL BE CONCENTRATED ON THE AREAS WHERE EXISTING NATURAL VEGETATION DOES NOT EXIST.



PLAN VIEW - HIGH DENSITY PLANTING, NO TREES IN THE BUFFER

100—FEET



CLIENT: Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT: Buffer Planting plan

LOCATION: 30 Tomoka Oaks Blvd. Ormond Beach, FL.

CONSULTANT: AYRES PLANNING AND DEVELOPMENT

Tampa Office
8875 Hidden River Pkwy, Suite 200
Tampa, Florida, 33637-1035 (813) 978-6688

Eau Claire Office
3433 Oakwood Hills Pkwy
Eau Claire, Wisconsin, 54701 (715) 834-3161

REVISIONS DATE

DESIGNED BY: Don Spence, Ph.D.
DRAWN BY: Don Spence, Ph.D.
DATE: 09-16-2022
PROJECT NUMBER:

SHEET TITLE: HIGH DENSITY BUFFER LAYOUT ELEVATION VIEW

SHEET NUMBER: L-101

Key issue 3 – Planting of the 50’ natural buffer

Staff Recommendation:

Requirement of a type 6 buffer planting plan that requires seven (7) trees, 70 shrubs & 70 ground covers per 100' linear feet – Option 6

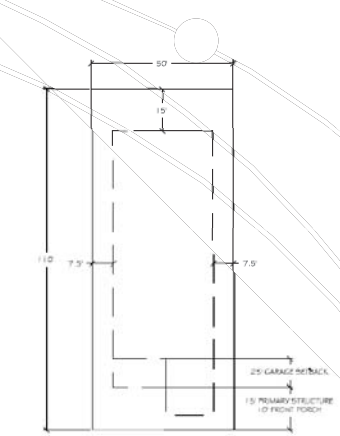
Key concerns:

- The landscape buffering requirements of the city have **worked well** to create buffers between uses.
- The amount of material needs to be as **voluminous as possible** to create buffers where no buffer exists today.
- **Staff strongly objects to the use of non-permanent irrigation** and believes that this would set into motion a source of constant issues along a 3.3-mile buffer. Staff believes hand watering would also create unnecessary obligations to a future HOA and potentially defer the cost of an irrigation system to future property owners. Section 3-05(e) of the Land Development Code requires an irrigation system.
- The planting plan as shown in Sheet L-101 shows the trees planted in a 15-foot separation in a tight 20’ planting depth (linear area). **The seven (7) trees need to be staggered within the 50’ buffer depth to allow the proper area to grow.**

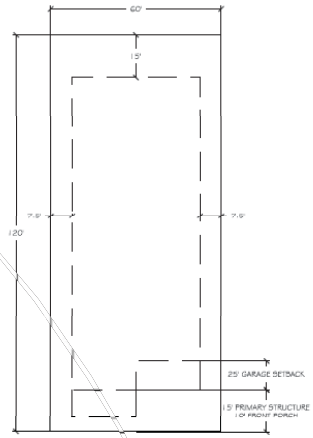
Key issue 4 – Setback Plan

PUD Development Standards

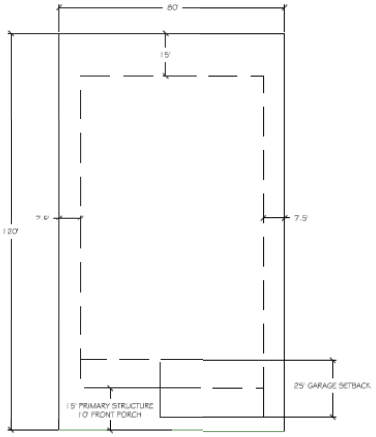
Lot Type	Minimum Lot Width or Range	Minimum Lot Depth	Minimum Square Foot Range	Required Parking Spaces	% Impervious	Maximum Height	Max Building coverage	Minimum Primary Structure Setbacks				Minimum Front Porch Setbacks			Minimum Garage Setbacks 3		
								Front z	Rear	Side	Side Street	Front	Side	Rear	Front s	Side	Rear
Village House	50	110	1500	2	75%	35'	65%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Park House	60	120	1700	2	75%	35'	50%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Estate House	80	120	2000	2	75%	35'	54%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Custom House	80	125	2200	2	75%	35'	52%	15'	15'	8'	10'	10'	7.5'	15'	25'	8'	15'
1	The maximum building height shall be measured from the average of the existing grade at the four outmost corners of the building.																
2	The minimum front yard setback to the primary structure defined as load bearing airconditioned space .																
3	Garages can be front loaded or side loaded. Side Loaded Garages may have a mimum front setback of 15'.																



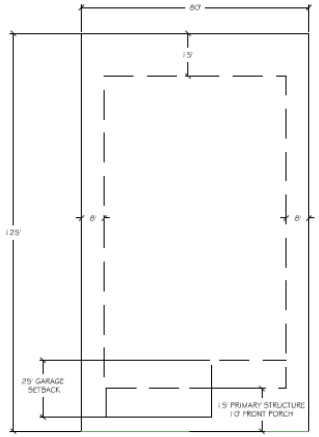
A VILLAGE HOUSE (50'x120')
N.T.S.



B PARK HOUSE (60'x120')
N.T.S.



C ESTATE HOUSE (80'x120')
N.T.S.



D CUSTOM HOUSE (80'x125')
N.T.S.

ZEV COHEN & ASSOCIATES, INC.
WWW.ZEVCOHEN.COM
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

TOMOKA RESERVE
PLANNED DEVELOPMENT
TYPICAL LOT LAYOUT
VOLUSIA COUNTY, FLORIDA
CITY OF ORMOND BEACH

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: —
CHECKED BY: RH

SHEET: PD7 OF 10

Key issue 4 – Setback Plan

Staff recommendations for Tomoka Reserve setbacks

PUD Development Standards

Lot Type	Minimum Lot Width or Range		Minimum Lot Depth		Minimum square foot Range		Required Parking Spaces		%Impervious		Maximum Height		Max Building Coverage		Minimum Primary Structure Setbacks								Minimum Front Porch Setbacks								Minimum Garage Setbacks[3]							
															Front[2]		Rear		Side		Side Street		Front		Side		Rear		Side Street		Front		Side		Rear		Side Street	
Village House	50′	50′	110′	SS	1500	SS	2	SS	75%	SS	35′	SS	65%	50%	15′	20′	15′	20′	7.5′	7.5′	10′	15′	10′	12′	7.5′	7.5′	15′	N/A	NP	15′	25′	20′	7.5′	SS	15′	20′	NP	15′
Park House	60′	60′	120′	SS	1700	SS	2	SS	75%	SS	35′	SS	50%	50%	15′	25′	15′	20′	7.5′	7.5′	10′	15′	10′	15′	7.5′	7.5′	15′	N/A	NP	15′	25′	25′	7.5′	SS	15′	20′	NP	15′
Estate House	80′	80′	120′	SS	2000	SS	2	SS	75%	SS	35′	SS	54%	50%	15′	25′	15′	20′	7.5′	8′, 20′ Total	10′	20′	10′	15′	7.5′	8′, 20 Total	15′	N/A	NP	20′	25′	25′	7.5′	8′, 20 Total	15′	20′	NP	20′
Custom House	80′	100′	125′	SS	2200	SS	2	SS	75%	SS	35′	SS	52%	50%	15′	25′	15′	20′	8′	8′, 20′ Total	10′	20′	10′	15′	7.5′	8′, 20 Total	15′	N/A	NP	20′	25′	25′	8′	8′, 20 Total	15′	20′	NP	20′

1.	The maximum building height shall be measure from the average of the existing grade at the four most corners of the building.
	Standard regulations exist in the Land Development Code. Staff recommends removal of this language
2.	The maximum front yard setback to the primary structure defined as load bearing air conditioned space.
	Staff has requested more detail in order to make a recommendation – there is no number 2 in the table. Please clarify if "IZ" in the table is intended to be number 2.
3.	Garages can be front loaded or side loaded. Side loaded garages may have a minimum front setback of 15′.
	Staff does not support this setback.

Staff Recommendations

NP = Not Provided

SS = Staff Supported

N/A = Not applicable – should not be listed

Key issue 4 – Setback Plan

C. Setback plan – lot width – 100' in width **(Option 8)**.

D. Setback plan – maximum building coverage – 50% across all housing types **(Option 10)**.

E. Setback plan - minimum primary structure setbacks – **(Option 13)**.

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	20'	20'	7.5'	15'
Park House	60'	25'	20'	7.5'	15'
Estate House	80'	25'	20'	8'/20'	20'
Custom House	80'	25'	20'	8'/20'	20'

F. Setback plan - minimum front porch setbacks – **(Option 16)**

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	12'	20'	7.5'	15'
Park House	60'	15'	20'	7.5'	15'
Estate House	80'	15'	20'	8'/20'	20'
Custom House	80'	15'	20'	8'/20'	20'

G. Setback plan - minimum garage setbacks – **(Option 19)**

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	20'	20'	7.5'	15'
Park House	60'	25'	20'	7.5'	15'
Estate House	80'	25'	20'	8'/20'	20'
Custom House	80'	25'	20'	8'/20'	20'

H. Setback plan – Notes – Delete the notes. Notes 1 and 2 are contained in the Land Development Code. Staff is not supportive of a 15' front yard garage setback **(Option 22)**.

Key issue 5: Sheet PD6 note on lot separation

BUFFER LEGEND

SYMBOL	NOTES
▲	EXISTING SPECIMEN TREE
⬟	EXISTING HISTORIC TREE
▨	DENOTES NATURAL PRESERVATION / CONSERVATION AREA TO REMAIN

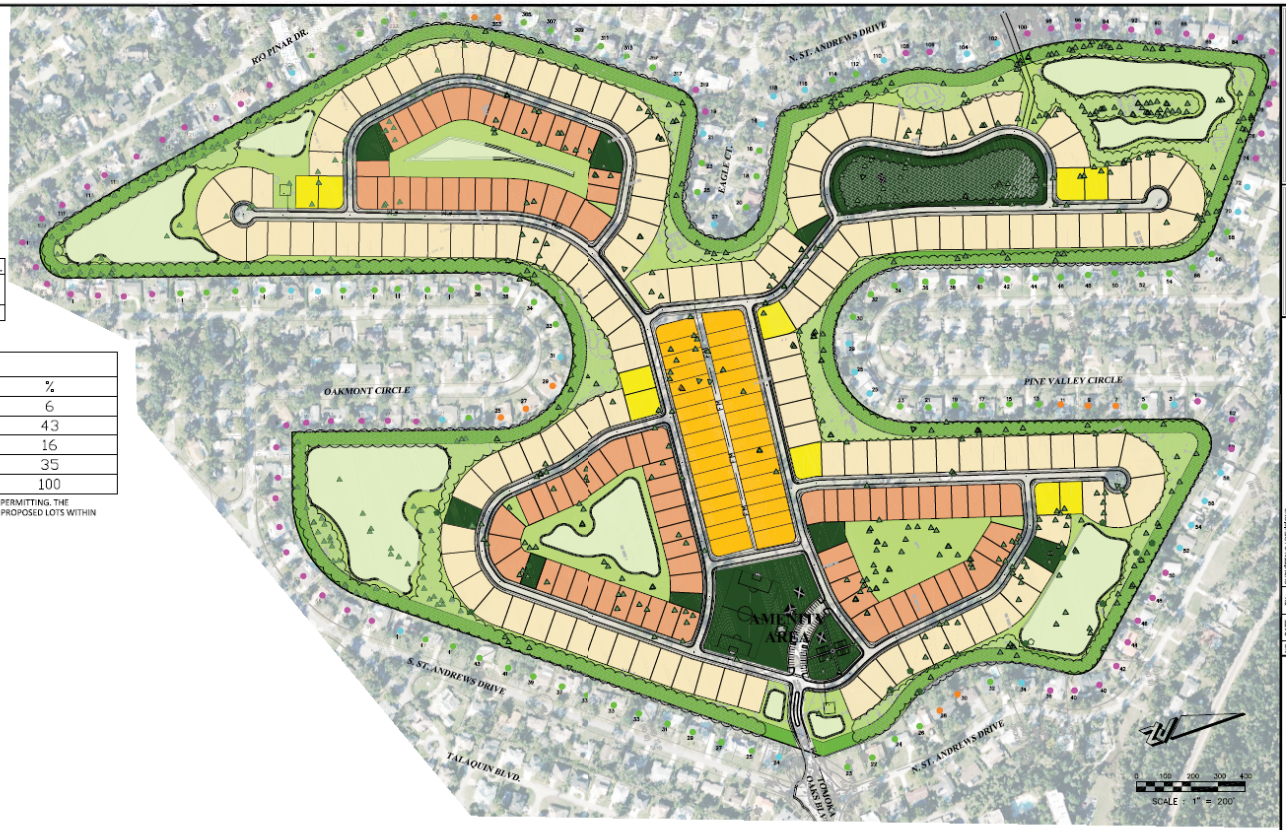
20% NATURAL PRESERVATION

TOTAL SITE AREA	147.94 AC.
MINIMUM TREE COVERAGE AREA REQUIRED (CALCULATION: 147.94 AC. x 20%=29.6 AC.	29.6 AC.
TOTAL MINIMUM TREE COVERAGE PROVIDED	34 AC.

LOT SEPARATION TABLE

COLOR	WIDTH	HOMES	%
●	50'	10	6
●	+50'-75'	74	43
●	+75'-125'	27	16
●	125'	61	35
	TOTAL	172	100

NOTE: THE LOT SEPARATION WIDTH SHOWN ON THIS SHEET MAY BE SUBJECT TO CHANGE AT THE TIME OF PERMITTING. THE REPRESENTED DISTANCES ARE FROM EXISTING RESIDENTIAL LOTS IN TOMOKA OAKS NEIGHBORHOOD AND PROPOSED LOTS WITHIN TOMOKA RESERVE.



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ENVIRONMENTAL
PLANNING
TRANSPORTATION

TOMOKA RESERVE
PLANNED DEVELOPMENT
NATURAL PRESERVATION & BUFFER PLAN
VOLUSIA COUNTY, FLORIDA
CITY OF ORMOND BEACH

PROJECT NO: ZC 21087
DESIGNED BY: KR
DRAFTED BY: MJR
CHECKED BY: BB

SHEET: PD6 OF 10

Key issue 5: Sheet PD6 note on lot separation

LOT SEPARATION TABLE			
COLOR	WIDTH	HOMES	%
	50′	10	6
	+50′-75′	74	43
	+75′-125′	27	16
	125′	61	35
	TOTAL	172	100

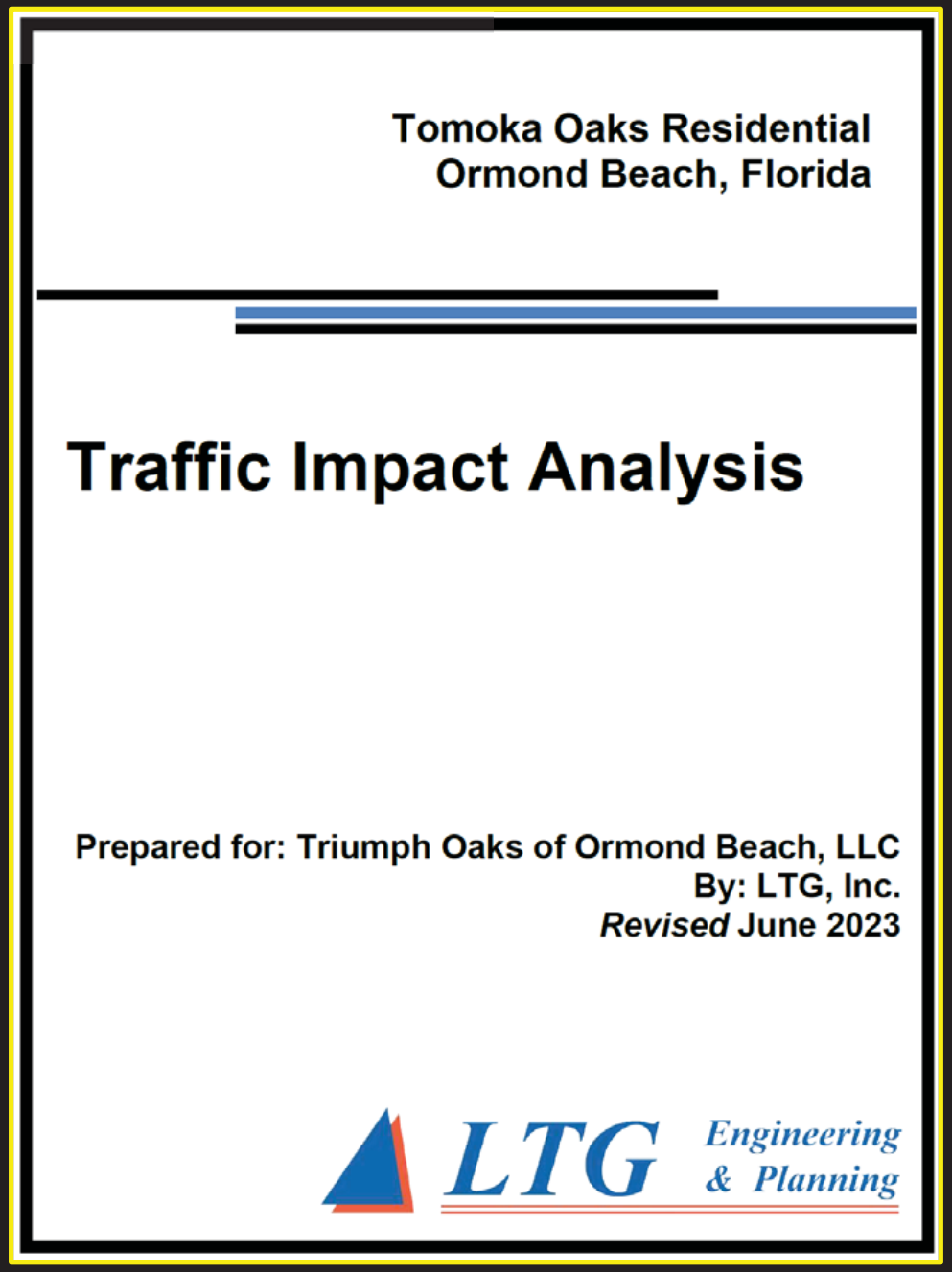
NOTE: THE LOT SEPARATION WIDTH SHOWN ON THIS SHEET MAY BE SUBJECT TO CHANGE AT THE TIME OF PERMITTING. THE REPRESENTED DISTANCES ARE FROM EXISTING RESIDENTIAL LOTS IN TOMOKA OAKS NEIGHBORHOOD AND PROPOSED LOTS WITHIN TOMOKA RESERVE.

Staff Recommendation:

Sheet PD6 note on lot separation - Amend note to state: The 50’ buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas **(Option 24)**.

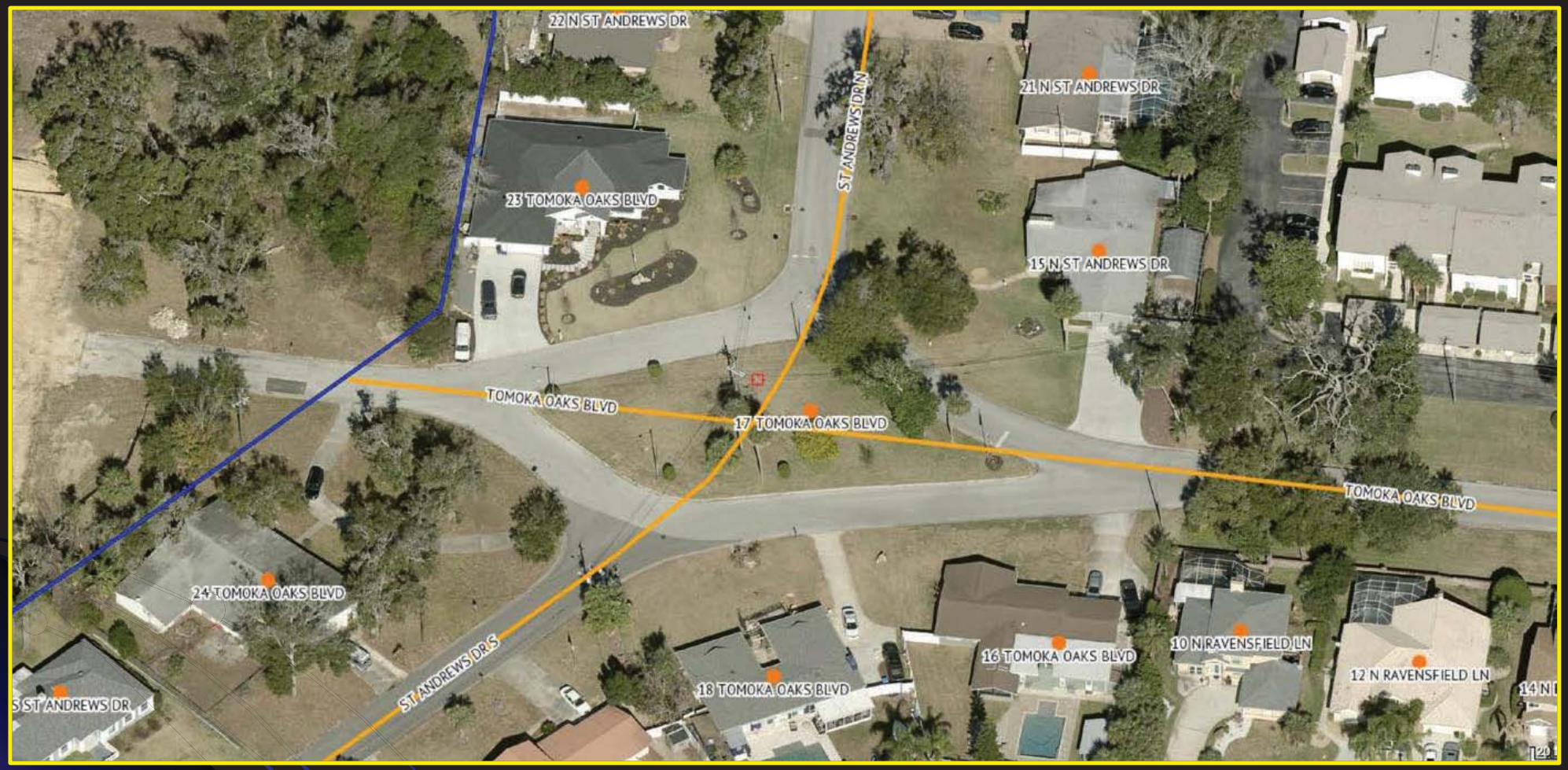
Key issue 6: Traffic

- Traffic counts update – March 2023
- The technical memorandum states, “Due to the proposed location of the project’s access, peak hour data and transportation model results, it is anticipated that **96% of the project trips will utilize Tomoka Oaks Boulevard** and **4% will use Iroquois Trail** for external access. 4% of traffic (111 total daily, 8 total AM and 11 total PM) are expected to use this route to access SR 40.”
- Traffic signal at Tomoka Oaks Boulevard and Nova Road warranted.
- **All local intersections operate at a Level of Service of “A” or “B”** where the adopted Level of Service is “D”.
- Draft proportionate share calculation provided.



Key issue 6: Traffic

St. Andrews Drive and Tomoka Oaks Boulevard diamond intersection



Staff Recommendation:

Staff recommends (Option 25) that the diamond intersection be required to be reconfigured at the construction (preliminary plat) phase of the development.

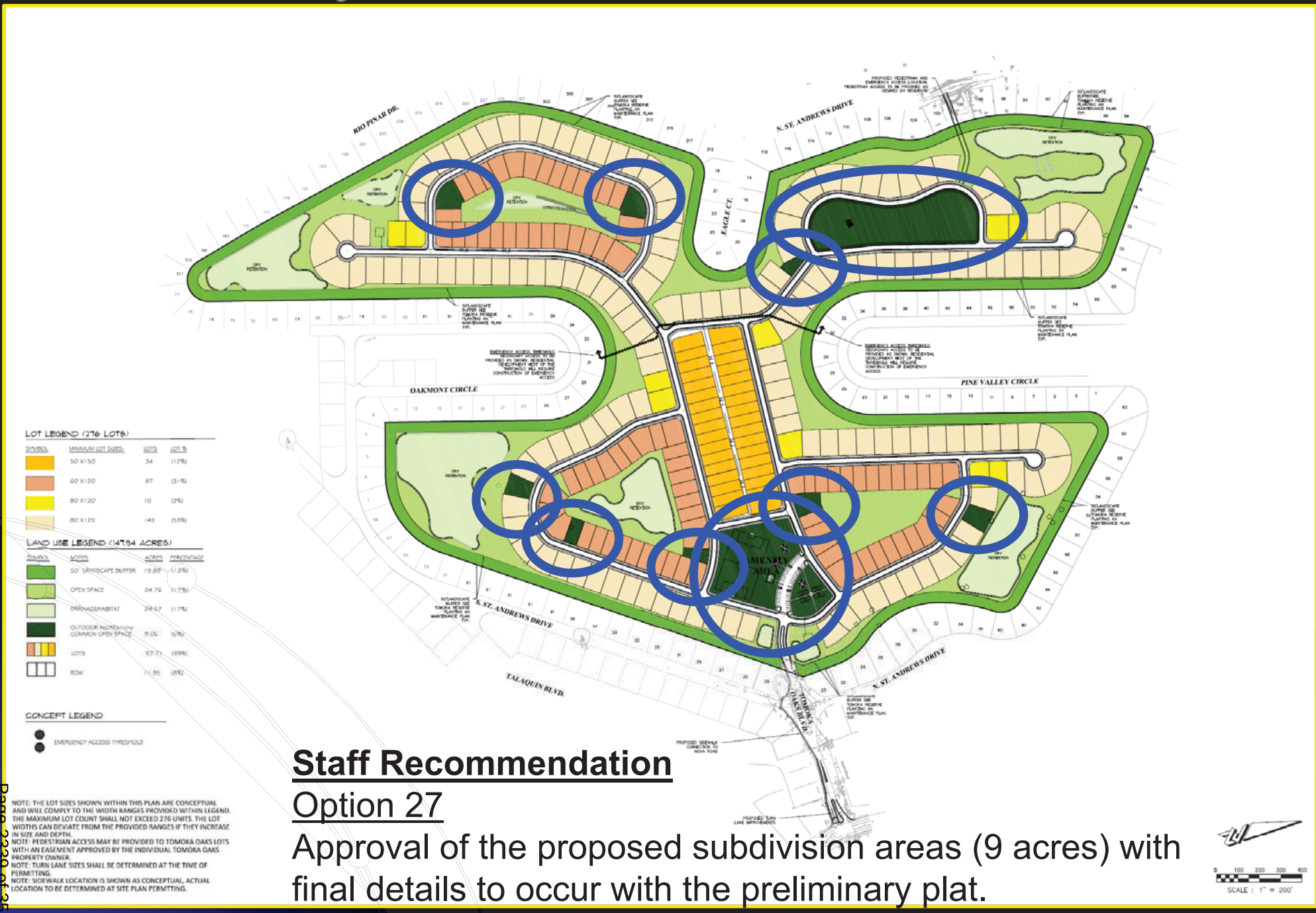
Key issue 6: Traffic

Sidewalks along Tomoka Oaks Boulevard



In comments received from residents, there has been a desire to see sidewalks on **both sides of Tomoka Oaks Boulevard** (***Option 26***). The applicant has proposed sidewalks on one side of Tomoka Oaks Boulevard.

Key issue 7: Recreation Area



Staff Recommendation

Option 27

Approval of the proposed subdivision areas (9 acres) with final details to occur with the preliminary plat.

Key issue 8: Environmental

A. Ayden Environmental submitted site assessment reports and a Soils Management Plan to the Florida Department of Environmental Protection.

B. All work will be managed by Ayden Environmental with Florida Department of Environmental Protection oversight. All work will be completed in accordance with Chapter 62-780 of the Florida Administrative Code.

C. The Florida Department of Environmental Protection approved the site assessment reports and Soils Management Plan in a letter dated November 16, 2022.



AYDEN Environmental

jeff@aydenenv.com
P: 954.707.2724

May 26, 2023

Steven Spraker, AICP
Planning Director
City of Ormond Beach
22 South Beach Street, Room 104
Ormond Beach, FL 32174

Re: Environmental Regulatory Process Summary
Tomoka Oaks Golf Course Redevelopment (the "Site")
Ormond Beach, Florida

Dear Steven:

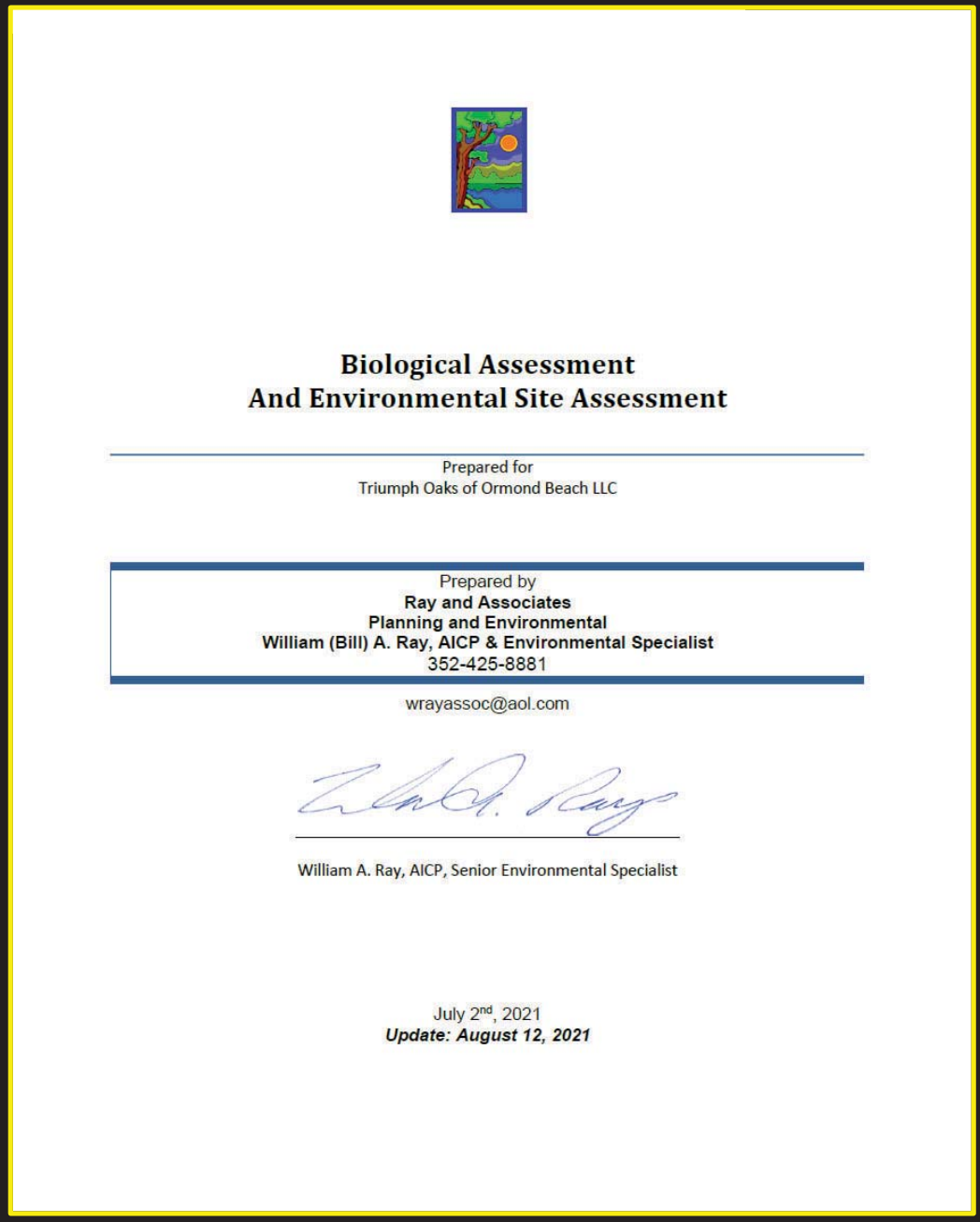
The environmental regulatory review and approval process for the former Tomoka Oaks Golf Course is being conducted by the Florida Department of Environmental Protection (FDEP) relating to its former use as a golf course and proposed redevelopment for residential uses. During the prior operation of the golf course, it is understood by FDEP that certain agrichemicals were lawfully applied to the golf course playing areas of the Site for the purposes of turf management. The Site owner contracted with a Florida-certified environmental engineer, Jeff Flairty, P.E. of Ayden Environmental LLC, to complete the required environmental assessment of the Site and develop a remedial plan to address to support the land use change from golf course to residential land uses.

In 2022, Ayden Environmental submitted site assessment reports (i.e., an initial report and a response to FDEP comments) and a Soil Management Plan (SMP) to FDEP. The site assessment reports document the extensive soil and groundwater testing performed by Ayden Environmental and the areas of the Site requiring further site rehabilitation. The SMP details the process for additional site assessment, remediation of impacted soil, and confirmatory sampling to ensure the Site can be redeveloped for residential uses. Implementation of the SMP is intended to run parallel with the proposed redevelopment of the Site and will be managed by Ayden Environmental with FDEP oversite. All work will be completed in accordance with Chapter 62-780 of the Florida Administrative Code, which is Florida's regulatory framework for environmental cleanup. FDEP completed a review of Ayden's regulatory submittals and approved the site assessment reports and SMP in a letter dated, November 16, 2022.

South Florida Region: 2441 NE 19th Terrace, Wilton Manors, FL 33305
Mailing Address: PO Box 350422, Fort Lauderdale, FL 33335
Regional Offices:
Mid-Atlantic Region 302.270.4514
Northern California Region 530.721.5059

Key issue 8: Environmental

- No wetlands on site
- Not in designated floodplain
- Gopher tortoise on-site – would be reviewed at Preliminary Plat



Biological Assessment
And Environmental Site Assessment

Prepared for
Triumph Oaks of Ormond Beach LLC

Prepared by
Ray and Associates
Planning and Environmental
William (Bill) A. Ray, AICP & Environmental Specialist
352-425-8881

wrayassoc@aol.com

William A. Ray, AICP, Senior Environmental Specialist

July 2nd, 2021
Update: August 12, 2021

Other issues – R-2 zoning application

Standard	PRD zoning	R-2 zoning
Lot size	Can request varying sizes	100’ lot width – 10,000 square feet lot area
Setbacks	Can request specific standards	Front yard setback of 30’, rear yard setback of 25’, side yards setbacks of a minimum of 8’ to total 20’ between both setbacks, and a side corner setback of 20’
Building Coverage	Can request specific standards	35%
Natural preservation	Additional provided – minimum 20%, project at 23%	15% required
Buffer area	50’ buffer proposed	6’ buffer required
Perimeter setback required	40’	None required.
Recreation	9.06 acres of recreation	None required.
Additional sidewalk from site to Nova Road along Tomoka Oaks Boulevard	One side provided.	Not required.

Correspondence received

- Proposed development is not compatible with the existing Tomoka Oaks, including the smaller lot sizes.
- Property values will be diminished with the loss of the golf course land area. The development would alter the character of the Tomoka Oaks subdivisions.
- Loss of quality of life.
- The golf course was designed as part of Tomoka Oaks and should be used in perpetuity as a golf and country club, golf course, and related uses.
- Concerns with the existing configuration of the diamond intersection at St. Andrews Drive and Tomoka Oaks Boulevard and no proposed improvements.
- Potential backups along Tomoka Oaks Boulevard impacting the Escondido condominiums.
- Construction traffic will have a negative impact on existing residents.
- Project traffic using the Trails subdivisions (Iroquois Trail and Rio Pinar Trail).

Correspondence received

- Design concerns with 50-foot wide lots.
- Only one sidewalk proposed on Tomoka Oaks Boulevard – should be on both sides of the street.
- The timing of the traffic light should be in place before the development project on the golf course starts. TMH Consulting, Inc. states: "The applicant should be required to submit the application to FDOT for installation of the signal concurrent with the first application for subdivision design and prohibit the issuance of any residential building permits until the signal is approved and installation initiated."
- Concerns over stormwater.
- Concerns over Tomoka Reserve HOA and the ability to manage common areas, including the 50' buffer.
- On PD6 (ATTACHMENT 11), buffer widths should not be able to be modified.
- Impacts on wildlife that exist on the golf course property.

Planning Board Review Criteria

- Application submittal;
- Staff report and Site Plan Review Committee comments;
- Written correspondence provided;
- Criteria of the Land Development Code contained within the staff report; and
- Testimony provided at the Planning Board public hearing.

Recommendation

SPRC Recommendation: Denial of the proposed site plan for the issuance of a development order



Recommended changes

SPRC recommended changes:

A. Require all lots on the project perimeter with the Tomoka Oaks subdivision to be 100' in lot depth and at least 10,000 square feet in lot area **(Option 3)**.

B. Requirement of a type 6 buffer planting plan that requires seven (7) trees, 70 shrubs & 70 ground covers per 100' lineal feet **(Option 6)**.

C. Setback plan – lot width – 100' in width **(Option 8)**.

D. Setback plan – maximum building coverage – 50% across all housing types **(Option 10)**.

E. Setback plan - minimum primary structure setbacks – **(Option 13)**.

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	20'	20'	7.5'	15'
Park House	60'	25'	20'	7.5'	15'
Estate House	80'	25'	20'	8'/20'	20'
Custom House	80'	25'	20'	8'/20'	20'

F. Setback plan - minimum front porch setbacks – **(Option 16)**

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	12'	20'	7.5'	15'
Park House	60'	15'	20'	7.5'	15'
Estate House	80'	15'	20'	8'/20'	20'
Custom House	80'	15'	20'	8'/20'	20'

Recommended changes

SPRC recommended changes:

G. Setback plan - minimum garage setbacks – **(Option 19)**

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50’	20’	20’	7.5’	15’
Park House	60’	25’	20’	7.5’	15’
Estate House	80’	25’	20’	8’/20’	20’
Custom House	80’	25’	20’	8’/20’	20’

H. Setback plan – Notes – Delete the notes. Notes 1 and 2 are contained in the Land Development Code. Staff is not supportive of a 15’ front yard garage setback **(Option 22)**.

I. Sheet PD6 note on lot separation - Amend note to state: The 50’ buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas **(Option 24)**.

J. St. Andrews Drive and Tomoka Oaks Boulevard diamond - that a diamond reconfiguration be required at the construction (preliminary plat) phase of the development **(Option 25)**.

K. Sidewalks on both sides of Tomoka Oaks Boulevard – require sidewalks on both sides of Tomoka Oaks Boulevard **(Option 26)**.

L. The preliminary plat should require the conducting of a neighborhood meeting.

City of Ormond Beach
Planning Board
July 13, 2023

VII. Public Comments (not on the agenda)

IX Other Business

X. Member Comments

XI. Adjournment

ATTACHMENT 12

Staff and Applicant PowerPoints

Section B

Applicant PowerPoint for July 13, 2023 Planning Board meeting



Tomoka Reserve – Proposed Rezoning

July 13, 2023

Application No. 2022- PZ-22-043

Agenda

- Introduction of Project Team
- Timeline
- Summary of Proposed Development
- Overview of Rezoning Criteria
- Questions



Project Team



Ownership Team



COBB COLE LAW FIRM
Land Use Attorneys



ZEV COHEN & ASSOCIATES
Civil Engineering, Planning, and Landscape Architects



LTG, INC.
Traffic Engineering



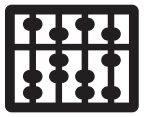
DON SPENCE, PHD
Botanist



AYDEN ENVIRONMENTAL
Environmental Consultant



RAY AND ASSOCIATES
AICP and Environmental Consultant



MOODY WILLIAMS
Appraisal Group

The Road So Far

1 Golf Course Closure

2018

2 Purchase of Site

April 2021

3 Community Meetings

May 2021

July 2021

February 2023 - Formal

4 City Review

Initial Submittal April 2022

Resubmittal 1/11/23

Resubmittal 4/28/23

Resubmittal 6/7/23

5 Revisions

Reduction of Proposed Units

Increased Lot Sizes

Increased Buffer Plantings

Architectural Review



LOT LEGEND (276 LOTS)

SYMBOL	MINIMUM LOT SIZES:	LOTS	LOT %
	50' X 150'	34	(12%)
	60' X 120'	87	(31%)
	80' X 120'	10	(3%)
	80' X 125'	145	(53%)

LAND USE LEGEND (147.94 ACRES)

SYMBOL	NOTES	ACRES	PERCENTAGE
	50' LANDSCAPE BUFFER	19.89	(13%)
	OPEN SPACE	24.76	(17%)
	DRAINAGE/HABITAT	24.57	(17%)
	OUTDOOR RECREATION/ COMMON OPEN SPACE	9.06	(6%)
	LOTS	57.71	(39%)
	ROW	11.95	(8%)

CONCEPT LEGEND

EMERGENCY ACCESS THRESHOLD

NOTE: THE LOT SIZES SHOWN WITHIN THIS PLAN ARE CONCEPTUAL AND WILL COMPLY TO THE WIDTH RANGES PROVIDED WITHIN LEGEND. THE MAXIMUM LOT COUNT SHALL NOT EXCEED 276 UNITS. THE LOT WIDTHS CAN DEVIATE FROM THE PROVIDED RANGES IF THEY INCREASE IN SIZE AND DEPTH.
NOTE: PEDESTRIAN ACCESS MAY BE PROVIDED TO TOMOKA OAKS LOTS WITH AN EASEMENT APPROVED BY THE INDIVIDUAL TOMOKA OAKS PROPERTY OWNER.
NOTE: TURN LANE SIZES SHALL BE DETERMINED AT THE TIME OF PERMITTING.
NOTE: SIDEWALK LOCATION IS SHOWN AS CONCEPTUAL, ACTUAL LOCATION TO BE DETERMINED AT SITE PLAN PERMTTING.

ZEV COHEN & ASSOCIATES, INC.
300 WEST COLONIAL BLVD., STE. C
ORMOND BEACH, FL 32174
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(04-6-16) (12-07)

NO.	DATE	BY	SUBMITTALS / REVISIONS

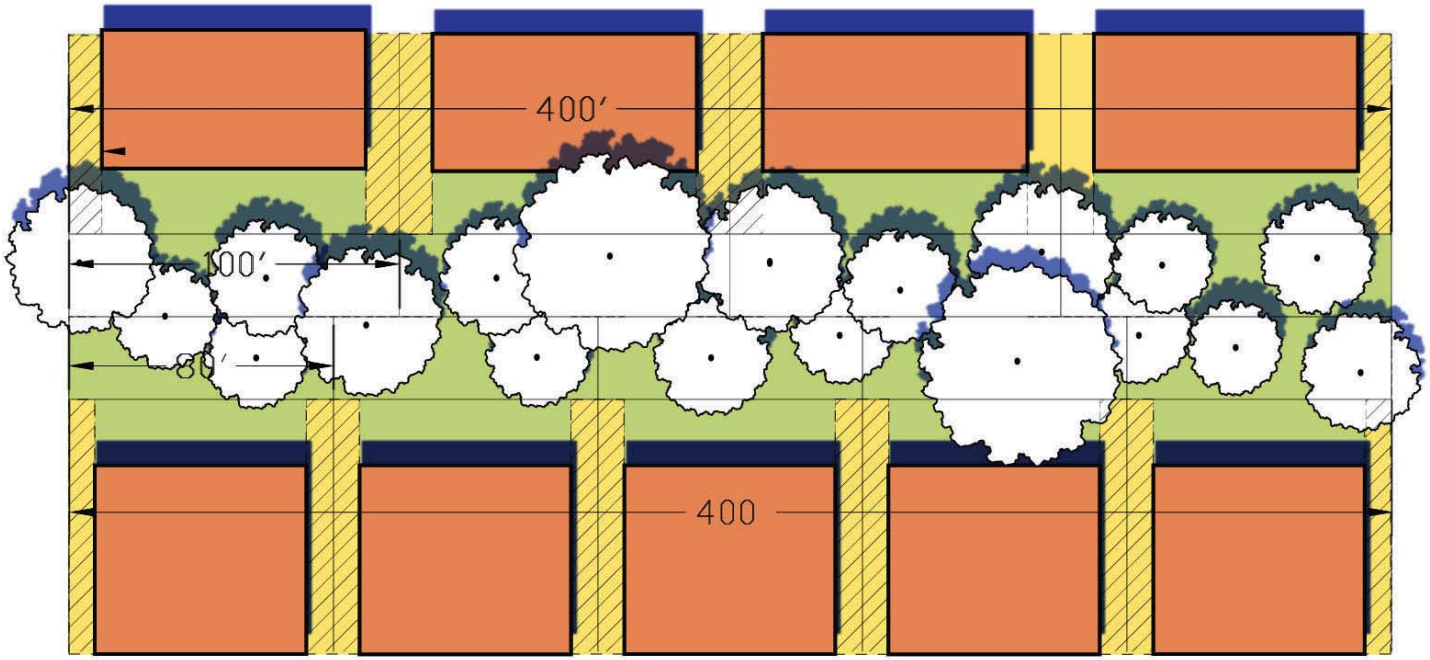
TOMOKA RESERVE PLANNED DEVELOPMENT OVERALL DEVELOPMENT

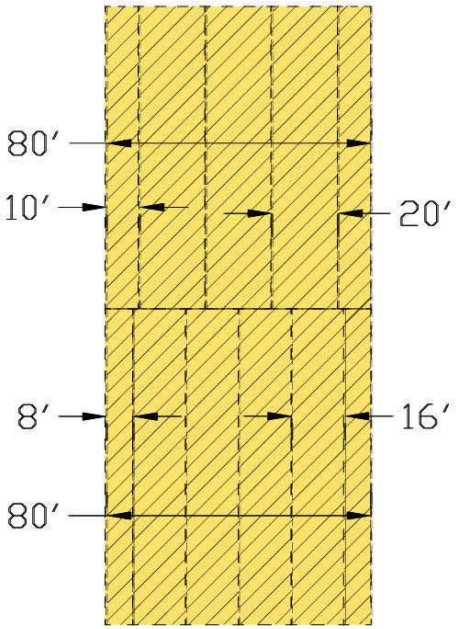
CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD2-PD6_21067 ODP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

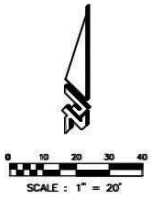
KRISTOPHER T. ROWLEY, P.E. NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD2 OF 10





PER 400'
100' LOTS: 4 LOTS X 20' SETBACK = 80'
80' LOTS: 5 LOTS X 16' SETBACK = 80'







A CONCEPTUAL ENTRANCE ELEVATION

NOTE: CONCEPT IS SHOWN TO DEPICT MINIMUM STANDARDS FINAL SIGN DESIGN WILL BE PROVIDED AT SITE PLAN.

DETAIL-FILE

ZEV COHEN & ASSOCIATES, INC.
300 HEYCROFT BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
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NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT SIGN PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD2-PD6_21067 OOP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD4 OF 10

LAND USE LEGEND

SYMBOL	NOTES	ACRES
	50' LANDSCAPE BUFFER	19.89 (13%)
	OPEN SPACE	24.76 (17%)
	DRAINAGE/HABITAT	24.57 (17%)
	OUTDOOR RECREATION/ COMMON OPEN SPACE	9.06 (6%)



MINIMUM ON SITE RECREATION FACILITIES

	REQUIRED	PROVIDED
RESIDENTIAL UNITS	276	276
MINIMUM ACTIVE OUTDOOR RECREATION REQUIRED CALCULATION: 90 S.F. * 276 UNITS = 16,560	24,840 SQFT	140,000 SQFT MIN.
MINIMUM COMMON ACCESSIBLE OPEN SPACE CALCULATION: 30 S.F. * 276 UNITS = 9,000	8,276 SQFT	263,900 SQFT MIN.

Ⓐ 5-0" WIDE PEDESTRIAN SIDEWALK 4" THICK 2500 P.S.I. 6" THICK AT DRIVEWAY

Ⓑ 6" ABOVE CENTERLINE ROAD GRADE

Ⓒ SOD or SEED AND MULCH PER F.D.O.T. STANDARD SPECIFICATION SECTION 570. 1' SOD STRIP REQUIRED ADJACENT TO CURB AND AROUND DRAINAGE STRUCTURES.

Ⓓ 4' WIDE AREA WITH MAX. SLOPE OF 1'/4 FEET

Ⓔ CONCRETE MIAMI CURB, 2500 P.S.I.

Ⓕ ASPHALT PAVEMENT: 1-1/2" ASPHALT BITUMINOUS CONCRETE SP-9.5 OR SP-12.5; MINIMUM MARSHALL FIELD STABILITY 1500.

Ⓖ BASE: 6" LIMEROCK LBR 100; COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST. OR 6" CRUSHED CONCRETE LBR 100; COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST.

Ⓗ SUB BASE: 6" SUB BASE COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST WITH MINIMUM LBR 40.

Ⓘ PROPOSED STREET TREE. SPACING TO BE COORDINATED WITH DRIVEWAY AND UTILITY LOCATIONS. TO COMPLY WITH CITY OF ORMOND BEACH SECTION 3-05(C)(15)(18)(19).

Ⓐ TYPICAL ROADWAY SECTION

N.T.S. NOTES: FINAL PAVEMENT SECTION TO BE DETERMINED AT TIME OF CONSTRUCTION PLAN SUBMITTAL.

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300 NEW ENGLAND AVE., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

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TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT OPEN SPACE PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD2-PD6_21067 OOP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD3 OF 10



NOTES:
1. THE AMENITY TYPES AND LOCATIONS SHOWN ARE CONCEPTUAL AND CAN BE REVISED TO SIMILAR QUALITY AS LONG AS THE AMENITY MINIMUM SQUARE FOOTAGES AND AREAS ARE MET

0 100 200 300 400
SCALE : 1" = 200'

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NO.	DATE	BY	SUBMITTAL/ REVISIONS

TOMOKA RESERVE
PLANNED DEVELOPMENT
AMENITY PLAN

VOLUSIA COUNTY, FLORIDA
CITY OF ORMOND BEACH

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: ---
CHECKED BY: RH
DRAWING FILE: PDT-PDB_21067 UTL
XREFS: XXXXX.DWG
XREFS: XXXXX.DWG

KRISTOPHER T. STANLEY, P.E. NO.84363
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SHEET: PD10 OF 10

PUD Development Standards

Lot Type	Minimum Lot Width or Range	Minimum Lot Depth	Minimum Square Foot Range	Required Parking Spaces	% Impervious	Maximum Height	Max Building coverage	Minimum Primary Structure Setbacks				Minimum Front Porch Setbacks			Minimum Garage Setbacks 3		
								Front z	Rear	Side	Side Street	Front	Side	Rear	Front s	Side	Rear
Village House	50	110	1500	2	75%	35'	65%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Park House	60	120	1700	2	75%	35'	50%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Estate House	80	120	2000	2	75%	35'	54%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Custom House	80	125	2200	2	75%	35'	52%	15'	15'	8'	10'	10'	7.5'	15'	25'	8'	15'

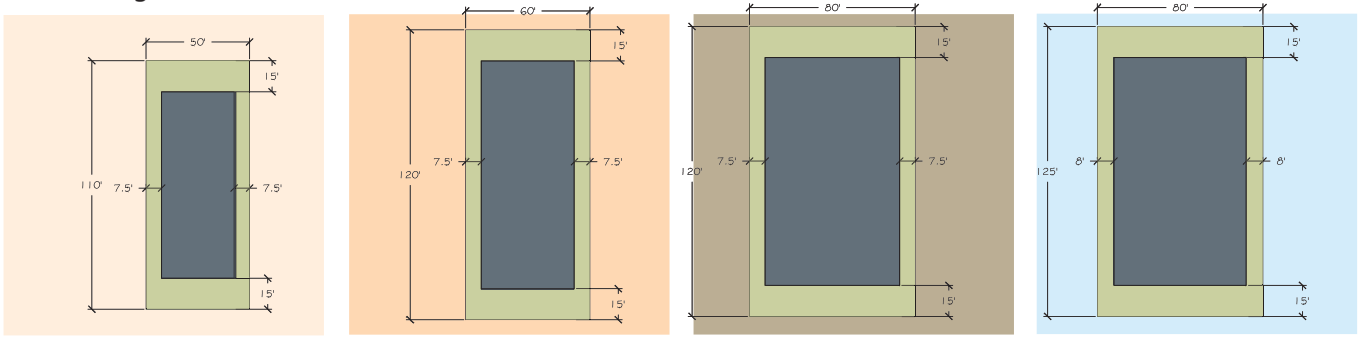
1 The maximum building height shall be measured from the average of the existing grade at the four outmost corners of the building.

2 The minimum front yard setback to the primary structure defined as load bearing airconditioned space .

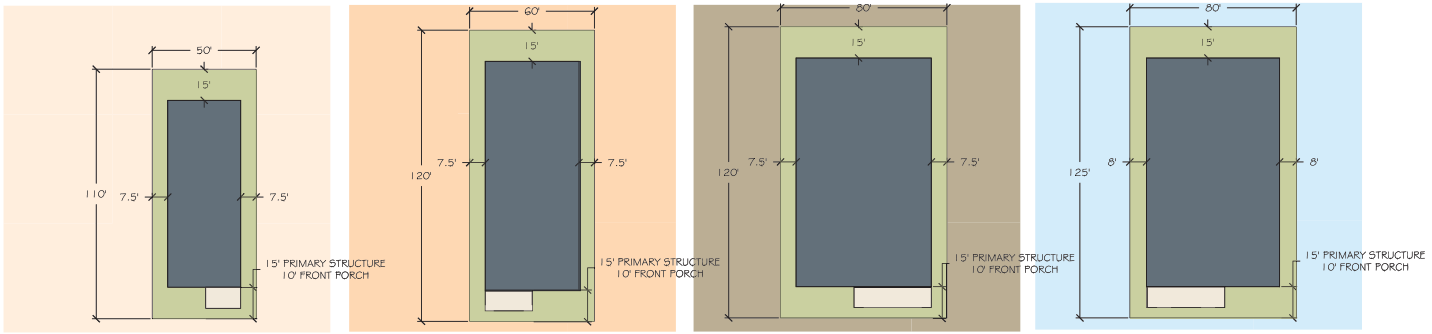
3 Garages can be front loaded or side loaded. Side Loaded Garages may have a mimum front setback of 15'.

Village House | Park House | Estate House | Custom House

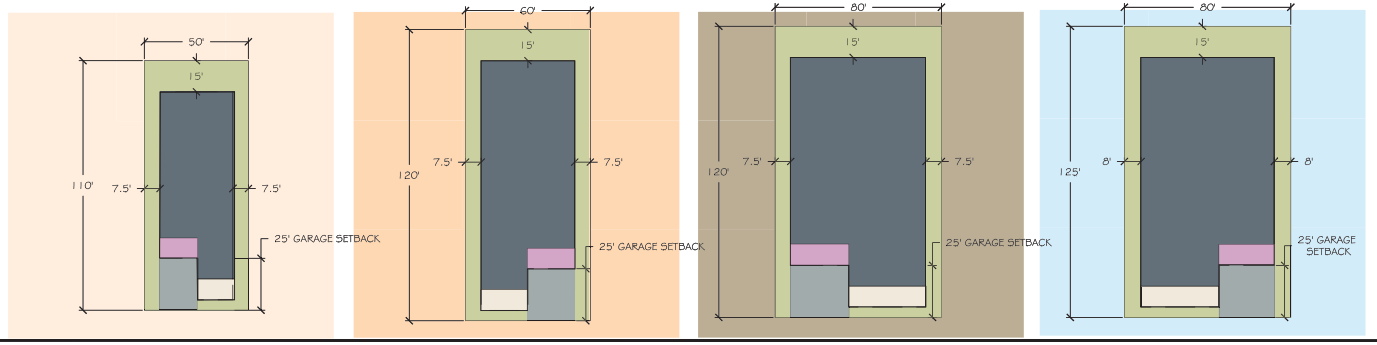
Minimum Primary Structure



Minimum Front Porch Setbacks



Minimum Garage Setbacks



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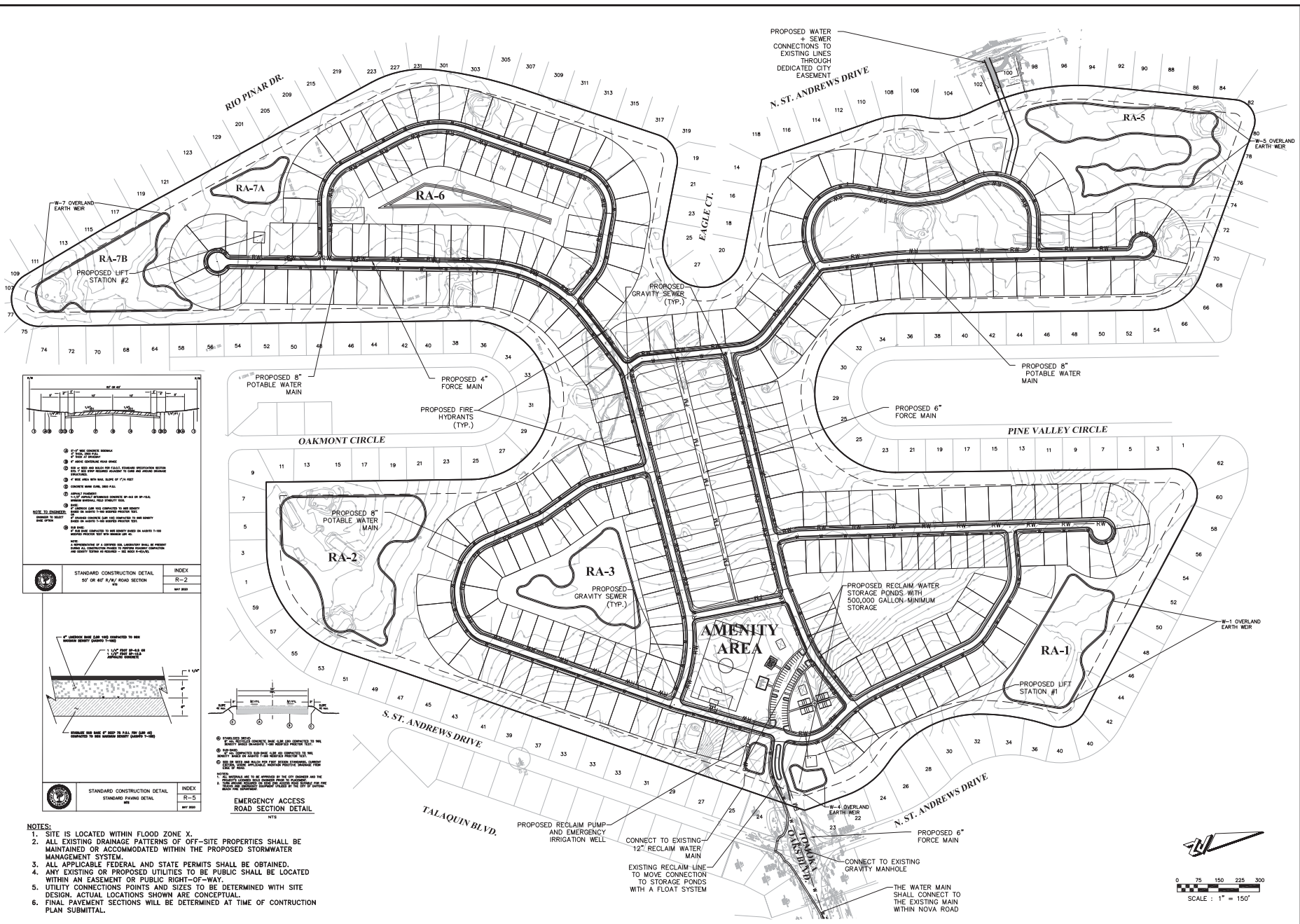
NO.	DATE	BY	SUBMITTALS /REVISIONS

TOMOKA RESERVE
PLANNED DEVELOPMENT
TYPICAL LOT LAYOUT
CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: ---
CHECKED BY: RH
DRAWING FILE: PD2-PDE_21067 ODP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84283
NOT VALID WITHOUT SEAL

SHEET: PD7 OF 10



STANDARD CONSTRUCTION DETAIL — 50' OR 60' R/W ROAD SECTION — INDEX R-2 — MAY 2023

STANDARD CONSTRUCTION DETAIL — STANDARD PAVING DETAIL — INDEX R-5 — MAY 2023

EMERGENCY ACCESS ROAD SECTION DETAIL

NOTES:
1. SITE IS LOCATED WITHIN FLOOD ZONE X.
2. ALL EXISTING DRAINAGE PATTERNS OF OFF-SITE PROPERTIES SHALL BE MAINTAINED OR ACCOMMODATED WITHIN THE PROPOSED STORMWATER MANAGEMENT SYSTEM.
3. ALL APPLICABLE FEDERAL AND STATE PERMITS SHALL BE OBTAINED.
4. ANY EXISTING OR PROPOSED UTILITIES TO BE PUBLIC SHALL BE LOCATED WITHIN AN EASEMENT OR PUBLIC RIGHT-OF-WAY.
5. UTILITY CONNECTIONS POINTS AND SIZES TO BE DETERMINED WITH SITE DESIGN. ACTUAL LOCATIONS SHOWN ARE CONCEPTUAL.
6. FINAL PAVEMENT SECTIONS WILL BE DETERMINED AT TIME OF CONTRUCTION PLAN SUBMITTAL.

ZEVCOHEN & ASSOCIATES, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO. | DATE | BY | SUBMITTALS/REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT STORM WATER AND UTILITY PLAN

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PDX-PD9_21067 UTL
XREFS: XXXXXLDWG
XREFS: XXXXXLDWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD9 OF 10

Architectural Standards

- Sheet PD10 includes full standards on roof construction, wall plates, driveways, etc.
- **PREFERRED ARCHITECTURAL THEMES**
  - The overall architectural vision for Tomoka Reserve has been established to create a community embodying a "timeless" quality. Such a vision will be realized through a variety of classical and regional architectural styles, combined with authentic detailing and use of high-quality materials.
  - Permitted architectural styles include but are not limited to contemporary, Modern, Postmodern, coastal themed styles, Mediterranean, Mission, Cracker, Craftsman, Ranch and Tuscan styles.

- **PROHIBITED ARCHITECTURAL STYLES**
  - While diversity and creativity in the design of the homes at Tomoka Reserve is encouraged, certain architectural styles are not considered appropriate. These include, but are not limited to Art Deco, A-frame, Adobe, Cabin design style, Gothic, or Southwestern/Pueblo. Buildings and their accessory structures shall be consistent with a common architectural theme.
  - The architectural theme shall be established by harmoniously coordinating the general appearance of all buildings and related structures.

- **EXTERIOR MATERIALS/ELEVATIONS**
  - Architectural variation and variety of housing types and designs within the neighborhood is encouraged. To facilitate this diversity **no two homes adjacent to one another can have identical front elevations.**
  - The front facade should include four to six individual design elements and blank walls shall be discouraged unless adequately landscaped.
  - A mixture of one- and two-story homes will be encouraged to vary the streetscapes.
  - Window trim, shutters and or banding shall be used on the front façade of all residential units. Articulation of side street facades for corner lots shall also be required. On each level or part of the street facing facades, rows of windows shall be spaced evenly and contain consistent sizes and shapes to create visual harmony.

- **PERMITTED EXTERIOR MATERIALS INCLUDE:**
  - Brick
  - Stucco
  - Stone (Manufactured, Natural, or Cast)
  - Fiber-cement Lap Siding or Shingles
  - Other textures and materials will be evaluated on their own merit by the ARB.

BUFFER LEGEND

SYMBOL	NOTES
▲	EXISTING SPECIMEN TREE
⬟	EXISTING HISTORIC TREE
	DENOTES NATURAL PRESERVATION / CONSERVATION AREA TO REMAIN

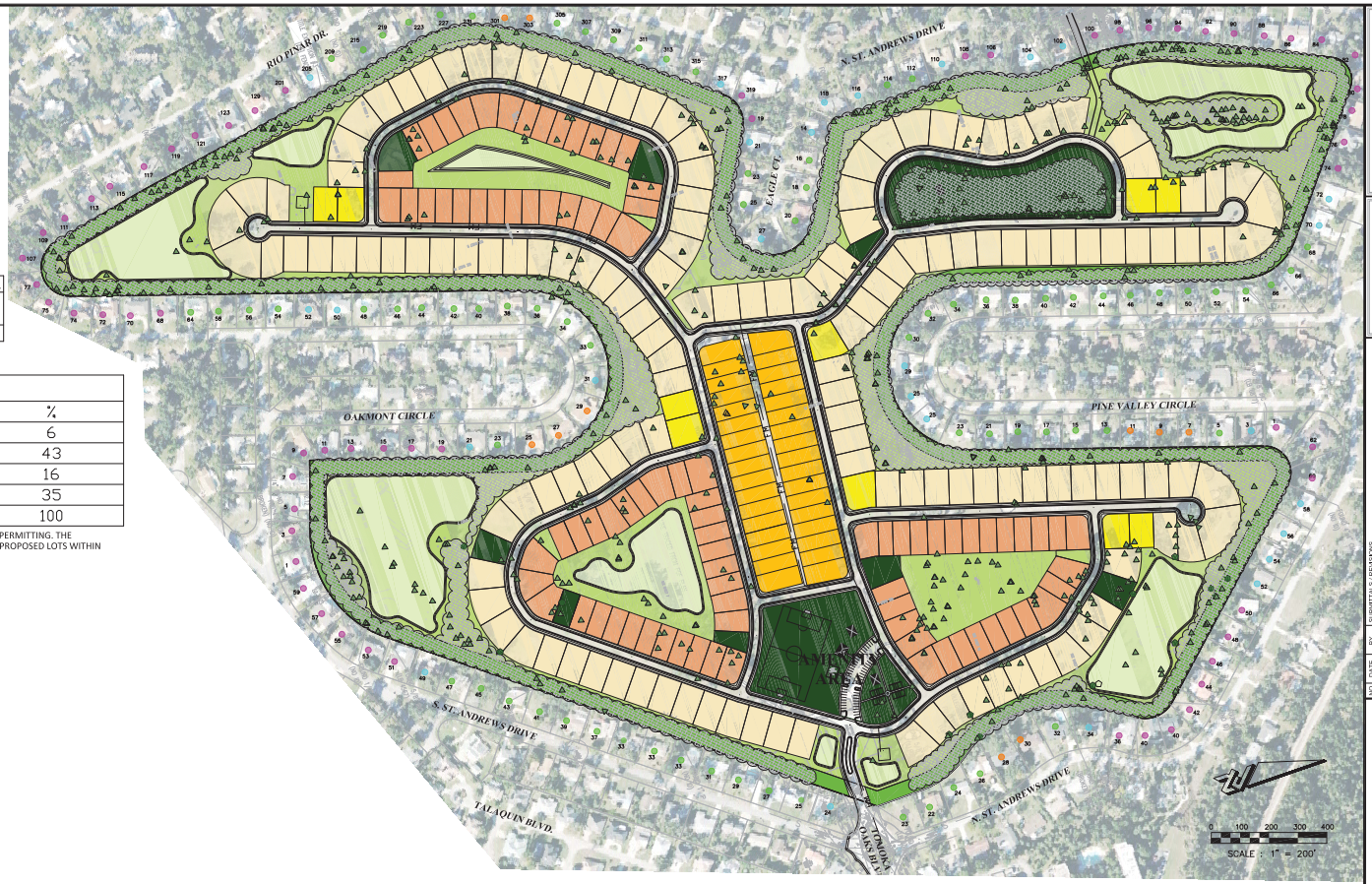
20% NATURAL PRESERVATION

TOTAL SITE AREA	147.94 AC.
MINIMUM TREE COVERAGE AREA REQUIRED (CALCULATION: 147.94 AC. x 20%=29.6 AC.	29.6 AC.
TOTAL MINIMUM TREE COVERAGE PROVIDED	34 AC.

LOT SEPARATION TABLE

COLOR	WIDTH	HOMES	%
	50'	10	6
	+50'-75'	74	43
	+75'-125'	27	16
	125'	61	35
	TOTAL	172	100

NOTE: THE LOT SEPARATION WIDTH SHOWN ON THIS SHEET MAY BE SUBJECT TO CHANGE AT THE TIME OF PERMITTING. THE REPRESENTED DISTANCES ARE FROM EXISTING RESIDENTIAL LOTS IN TOMOKA OAKS NEIGHBORHOOD AND PROPOSED LOTS WITHIN TOMOKA RESERVE.



ZEV COHEN & ASSOCIATES, INC.
300 NEW CHICAGO BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
(04-4-14)

NO.	DATE	BY	SUBMITTALS / REVISIONS

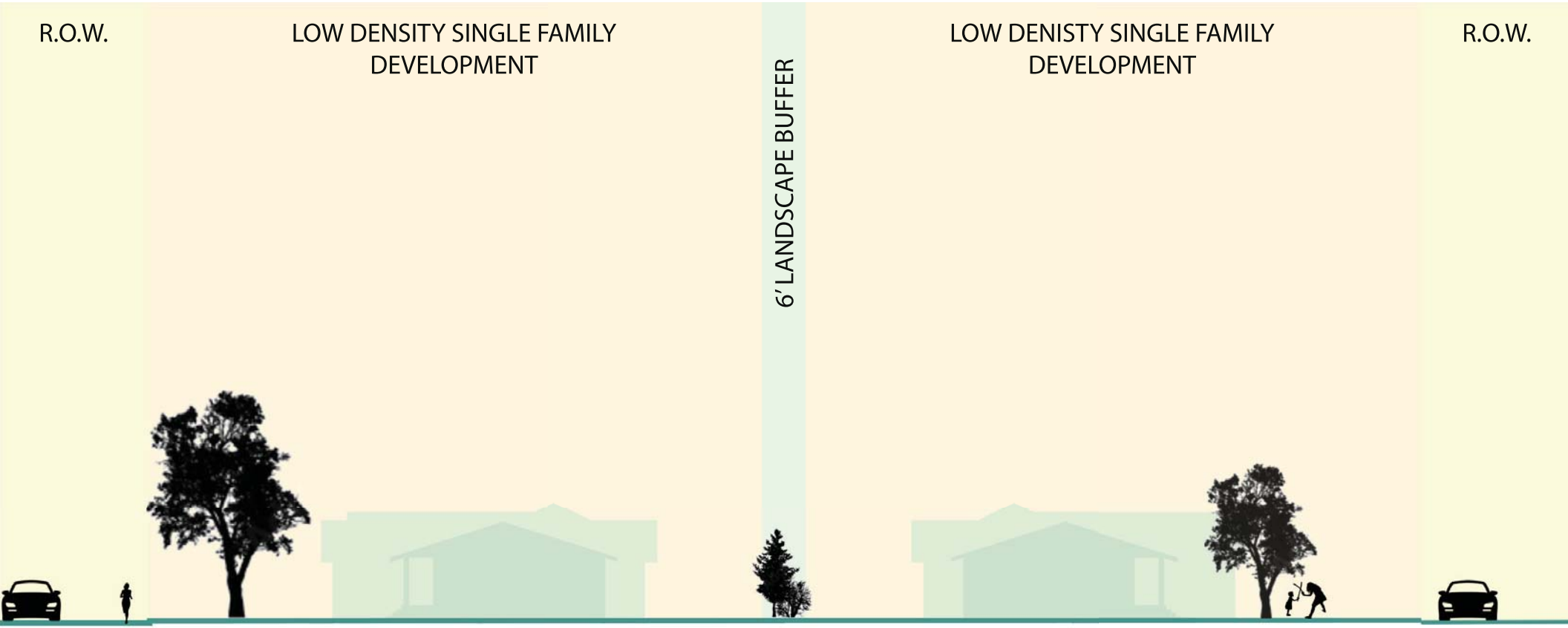
TOMOKA RESERVE PLANNED DEVELOPMENT NATURAL PRESERVATION & BUFFER PLAN

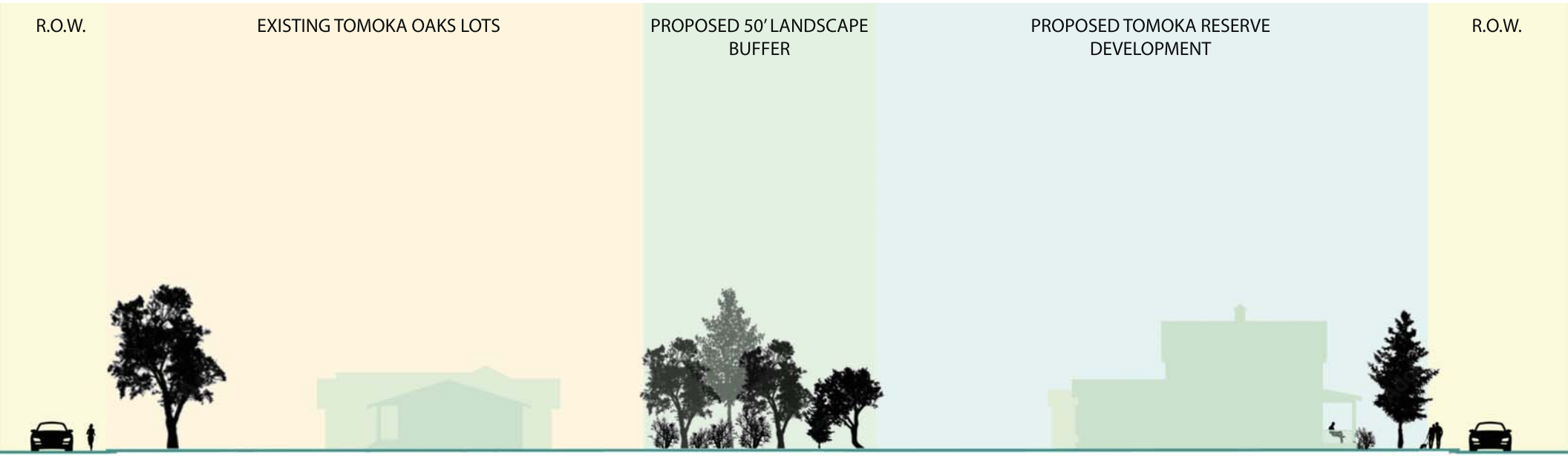
CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: MLR
CHECKED BY: BB
DRAWING FILE: PD2-PD6_21067 ODP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
NOT VALID WITHOUT SEAL

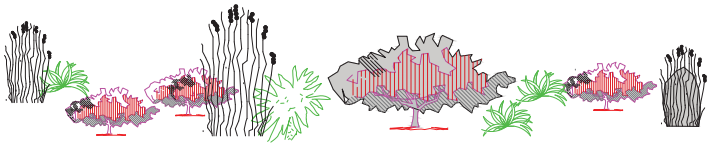
SHEET: PD6 OF 10


R.O.W.
LOW DENSITY SINGLE FAMILY DEVELOPMENT
6' LANDSCAPE BUFFER
LOW DENISTY SINGLE FAMILY DEVELOPMENT
R.O.W.


R.O.W.
EXISTING TOMOKA OAKS LOTS
PROPOSED 50' LANDSCAPE BUFFER
PROPOSED TOMOKA RESERVE DEVELOPMENT
R.O.W.

BUFFER PLANTING WHEN TREES ARE PRESENT IN THE BUFFER - UNDERSTORY GAPS

WHEN 7 OR MORE TREES EXIST IN A CONTINUOUS LIINE OVER A 100 FOOT SECTION, ONLY SHRUBS, AND BUNCH GRASSES WILL BE USED WHEN UNDERSTORY GAPS OCCUR.

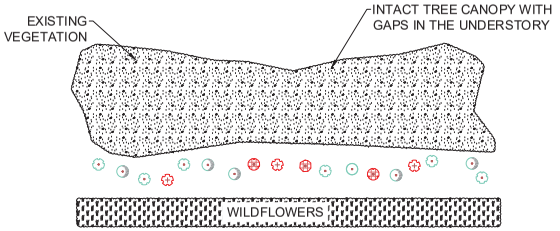


ELEVATION (FRONT) VIEW OF PLANTING - SHRUBS & GRASSES PLANTING

TREE, SHRUB, AND GROUND COVER SPECIES WILL CONSIST OF A MIXTURE OF SPECIES TO INCREASE BIODIVERSITY. FOR TREES, EACH PLANTING AREA WILL CONSIST OF THREE DIFFERENT SPECIES. FOR SHRUB AND GROUND COVER AREAS, NO MORE THAN 20% OF THE TOTAL PLANTS FOR THAT BUFFER PLANTING WILL BE THE SAME SPECIES.

POTENTIAL MEDIUM DENSITY PLANTING ARRANGEMENT

TREE AND SHRUB PLANTINGS WILL BE CONCENTRATED ON THE AREAS WHERE EXISTING NATURAL VEGETATION DOES NOT EXIST.



100--FEET



CLIENT:

Tomoka Reserve

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

PROJECT:

Buffer Planting plan

LOCATION:

30 Tomoka Oaks Blvd.
Ormond Beach, FL.

CONSULTANT:

AYRES
PLANNING AND DEVELOPMENT

Tampa Office
8875 Hidden River Pkwy. Suite 200
Tampa, Florida, 33637-1035 (813) 978-8688

Eau Claire Office
3433 Oakwood Hills Pkwy
Eau Claire, Wisconsin, 54701 (715) 884-3161

REVISIONS DATE

DESIGNED BY: Don Spence, Ph.D.
DRAWN BY: Don Spence, Ph.D.
DATE: 09-16-2022

PROJECT NUMBER:

SHEET TITLE:

INTACT BUFFER ENHANCEMENT LAYOUT

SHEET NUMBER:

L-103

PRD Rezoning Standards – LDC Section 2-35(j)(4)

REVIEW OF A PRD REZONING REQUEST SHALL BE BASED ON "THE EXTENT TO WHICH THE DEVELOPMENT OFFERS SITE AMENITIES ABOVE THAT NORMALLY FOUND FOR PERMITTED USES IN THE DISTRICT WITH REGARD TO THE FOLLOWING:

- Criteria #1 - Innovative Site Design
  - Preservation of Historic Trees – Sheet PD5/6(Pg. 775)
  - Buffer Layout and Planting – Sheet PD5/6 and Buffer Maintenance Plan (Pg. 775, Pg. 695)
  - Stormwater Improvements – Sheet PD9 (Pg. 779)
  - Reuse System - Sheet PD9 (Pg. 779)
  - Redevelopment of Golf Course Impacts – Environmental Summary of FDEP Review (Pg. 490)
  - Pedestrian Improvements – Sheet PD2 (Pg. 771)

THE PROPOSED PROJECT COMPLIES WITH THIS CRITERIA.

PRD Rezoning Standards – LDC Section 2-35(j)(4)

- Criteria # 2 – Coordinated Architectural Design
  - Architectural Design Standards and Criteria – Sheet PD8 (Pg. 777)

- Criteria # 3 - Open Space, Recreation, Common Areas
  - Buffer Plan – Sheet PD5/6 (Pg. 774)
  - Open Space – Sheet PD3 (Pg. 772)
  - Recreation/Amenities - Sheet PD10 (Pg. 780)

- Criteria # 4 – Coordinated Streetscape Elements
  - Overall Development Plan – Sheet PD2 (Pg. 771)

THE PROPOSED PROJECT COMPLIES WITH THIS CRITERIA.

Rezoning Standards – LDC Section 1-15(e)

CRITERIA 1. THE PROPOSED DEVELOPMENT CONFORMS TO THE STANDARDS AND REQUIREMENTS OF THIS LAND DEVELOPMENT CODE AND WILL NOT CREATE UNDUE CROWDING BEYOND THE CONDITIONS NORMALLY PERMITTED IN THE ZONING DISTRICT, OR ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, WELFARE OR QUALITY OF LIFE:

- Density Review - *see* City of Ormond Beach Staff Report Pg. 5 (Pg. 7 of overall packet)
- Buffer - Sheet PD5/6 (Pg. 774)
- Recreational Amenities and Pedestrian Access - Sheet PD10 (Pg. 780)
- Common Open Space - Sheet PD3 (Pg. 772)

THE PROPOSED PROJECT COMPLIES WITH THIS CRITERIA.

Rezoning Standards – LDC Section 1-15(e)

CRITERIA 2. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN:

- City of Ormond Beach Staff Report – Pg. 21 (Pg. 23 of overall packet)
- City of Ormond Beach Comprehensive Plan – Policies 1.1.2, 1.1.6, 1.1.7, 1.1.14, 2.2.1, 2.2.5, 2.4.7, 2.4.10
- Project Narrative – (Pg. 688)

THE PROPOSED PROJECT COMPLIES WITH THIS CRITERIA.

Rezoning Standards – LDC Section 1-15(e)

CRITERIA 3. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY IMPACT ENVIRONMENTALLY SENSITIVE LANDS OR NATURAL RESOURCES, INCLUDING, BUT NOT LIMITED TO, WATERBODIES, WETLANDS, XERIC COMMUNITIES, WILDLIFE HABITATS, ENDANGERED OR THREATENED PLANTS AND ANIMAL SPECIES OR SPECIES OF SPECIAL CONCERN, WELLFIELDS, AND INDIVIDUAL WELLS.

- Environmental Site Analysis (Pg. 720)
- Environmental Summary of FDEP Review (Pg. 490)
- Stormwater Calculations (Pg. 759) – *Also see* submitted Stormwater Calculations

THE PROPOSED PROJECT COMPLIES WITH THIS CRITERIA.

Rezoning Standards – LDC Section 1-15(e)

CRITERIA 4. THE PROPOSED USE WILL NOT SUBSTANTIALLY OR PERMANENTLY DEPRECIATE THE VALUE OF SURROUNDING PROPERTY; CREATE A NUISANCE; OR DEPRIVE ADJOINING PROPERTIES OF ADEQUATE LIGHT AND AIR; CREATE EXCESSIVE NOISE, ODOR, GLARE OR VISUAL IMPACTS ON THE NEIGHBORHOOD AND ADJOINING PROPERTIES.

- Economic Report by Fishkind & Associates

CRITERIA 5. THERE ARE ADEQUATE PUBLIC FACILITIES TO SERVE THE DEVELOPMENT, INCLUDING, BUT NOT LIMITED TO, ROADS, SIDEWALKS, BIKE PATHS, POTABLE WATER, WASTEWATER TREATMENT, DRAINAGE, FIRE AND POLICE SAFETY, PARKS AND RECREATION FACILITIES, SCHOOLS, AND PLAYGROUNDS.

- Traffic Impact Analysis – revised June 2023 (Pg. 217)
- Pedestrian/Bike Memorandum – dated 12/19/23 (Pg. 718)
- Connectivity Map – dated 6/10/22 (Pg. 719)
- City Staff Report – Page 23 (Pg. 25 of overall packet)
- Volusia School Board finding of Adequate Capacity – dated 3/27/23 (Pg. 506)

THE PROPOSED PROJECT COMPLIES WITH THESE CRITERIA.

Rezoning Standards – LDC Section 1-15(e)

CRITERIA 6. INGRESS AND EGRESS TO THE PROPERTY AND TRAFFIC PATTERNS ARE DESIGNED TO PROTECT AND PROMOTE MOTORIZED VEHICLE AND PEDESTRIAN/BICYCLE SAFETY AND CONVENIENCE, ALLOW FOR DESIRABLE TRAFFIC FLOW AND CONTROL, AND PROVIDE ADEQUATE ACCESS IN CASE OF FIRE OR CATASTROPHE. THIS FINDING SHALL BE BASED ON A TRAFFIC REPORT WHERE AVAILABLE, PREPARED BY A QUALIFIED TRAFFIC CONSULTANT, ENGINEER OR PLANNER WHICH DETAILS THE ANTICIPATED OR PROJECTED EFFECT OF THE PROJECT ON ADJACENT ROADS AND THE IMPACT ON PUBLIC SAFETY.

- Traffic Impact Analysis, revised June 2023 (Pg. 217)

THE PROPOSED PROJECT COMPLIES WITH THIS CRITERIA.

Rezoning Standards – LDC Section 1-15(e)

CRITERIA 7. THE PROPOSED DEVELOPMENT IS FUNCTIONAL IN THE USE OF SPACE AND AESTHETICALLY ACCEPTABLE.

- Conceptual Site Plan – Sheets PD3, PD 5/6, PD 10 (Pgs. 772, 774, and 780, respectively)
- City or Ormond Beach Staff Report – Page 24 (Pg. 26 of overall packet)

CRITERIA 8. THE PROPOSED DEVELOPMENT PROVIDES FOR THE SAFETY OF OCCUPANTS AND VISITORS.

- Compliance with Land Development Code (LDC)
- Pedestrian Improvements – Sheet PD2 (Pg. 771)
- City or Ormond Beach Staff Report – Page 25 (Pg. 27 of overall packet)

THE PROPOSED PROJECT COMPLIES WITH THESE CRITERIA.

Rezoning Standards – LDC Section 1-15(e)

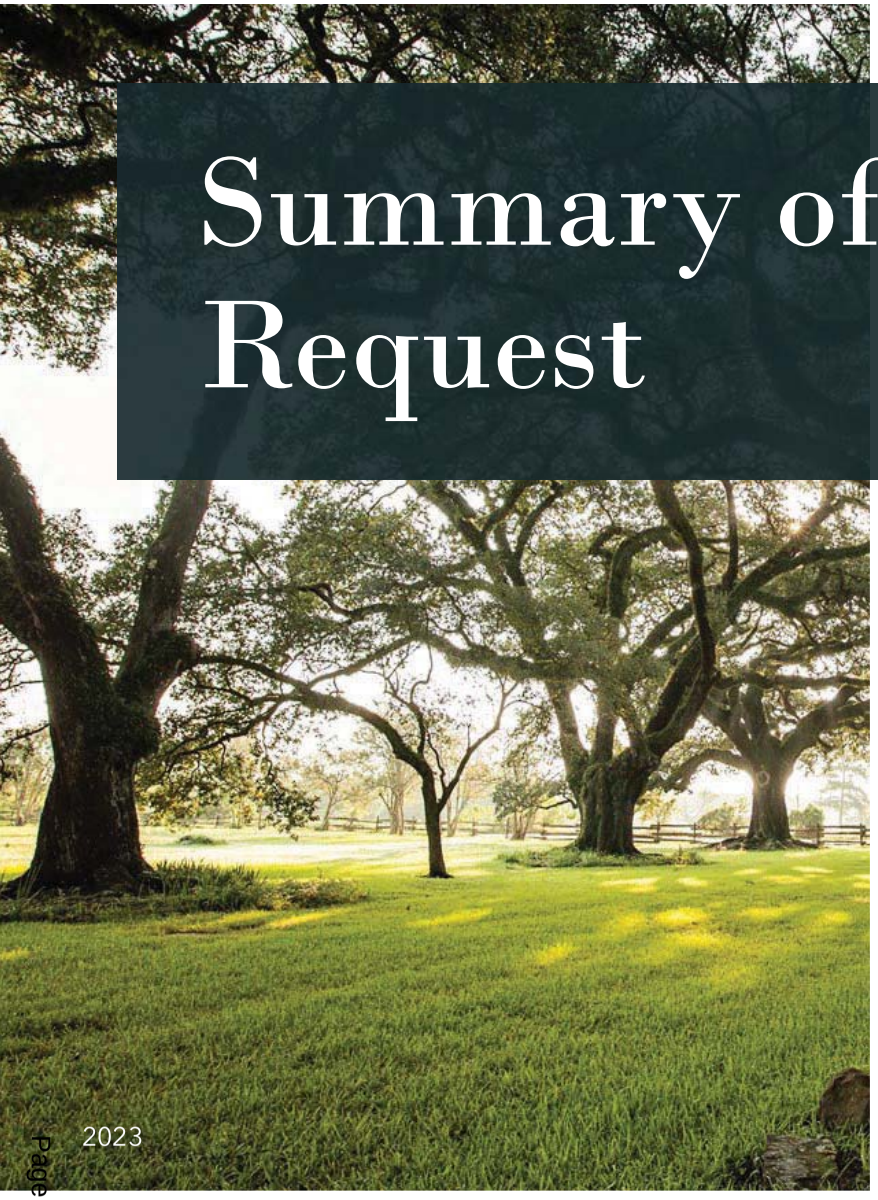
CRITERIA 9. THE PROPOSED USE OF MATERIALS AND ARCHITECTURAL FEATURES WILL NOT ADVERSELY IMPACT THE NEIGHBORHOOD AND AESTHETICS OF THE AREA.

- Economic Impact Analysis – Fishkind & Associates
- City or Ormond Beach Staff Report – Page 25 (Pg. 27 of overall packet)

CRITERIA 10. THE TESTIMONY PROVIDED AT PUBLIC HEARINGS.

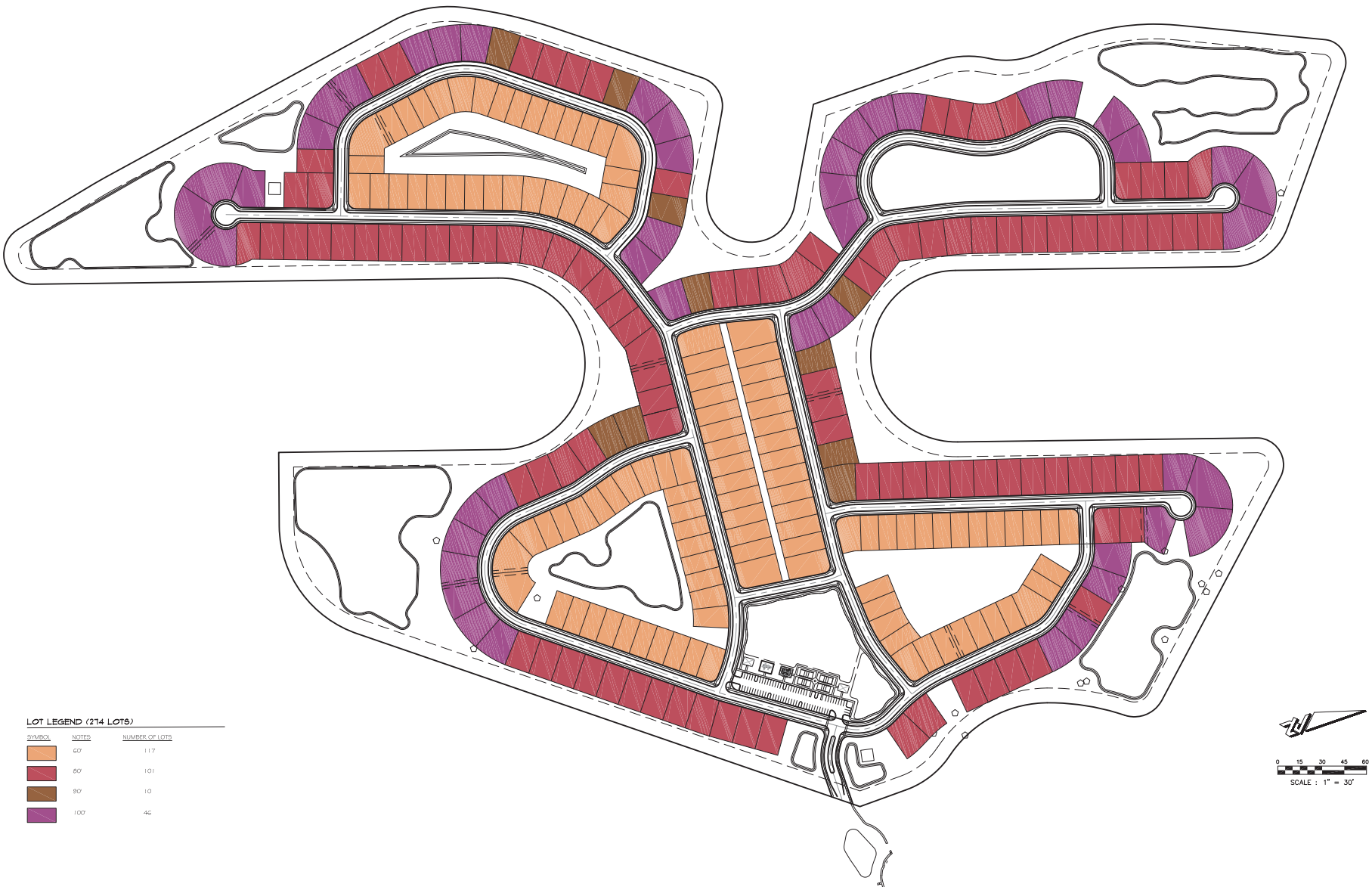
- The testimony provided herein has been provided by individuals with direct knowledge of the project site, familiarity with the technical elements relating to the items addressed, and with expertise in their fields of knowledge, as demonstrated by the qualifications submitted in writing to the Board.

THE PROPOSED PROJECT COMPLIES WITH THESE CRITERIA.



Summary of Request

This project aims to redevelop the property, which was formerly a failed golf course, by providing a residential development that will complement the surrounding area and integrate with the surrounding residential neighborhood.



LOT LEGEND (274 LOTS)

SYMBOL	NOTES	NUMBER OF LOTS
	60'	117
	80'	101
	90'	10
	100'	46

ZEV COHEN & ASSOCIATES, INC.
500 WINDSOR BLVD., STE. C
DAYTONA BEACH, FL 32114
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE CONCEPTUAL PLAN 80'X125' PERIMETER

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: JES
DRAFTED BY: JES
CHECKED BY: SG
DRAWING FILE: 21067 BASOP REAR LOTS 8-11-13
XREF'S: 17168BASZ.DWG
XREF'S: XXXXX.DWG

JAKE STEHR, LA, NO. 6957462
NOT VALID WITHOUT SEAL

SHEET: EX1 OF 1

ATTACHMENT 12

Staff and Applicant PowerPoints

Section C

Staff PowerPoint for August 21, 2023 Planning Board meeting

City of Ormond Beach
Planning Board

Updated based on information provided by the applicant on August 16, 2023

Key Issues Review

Key issue 1 – Development Ability of the former golf course

City staff are not aware of any private document that requires the subject property to be utilized as a golf course only.

Key Issues Review

Key issue 2 – Lot size/density/compatibility

Staff Recommendation:

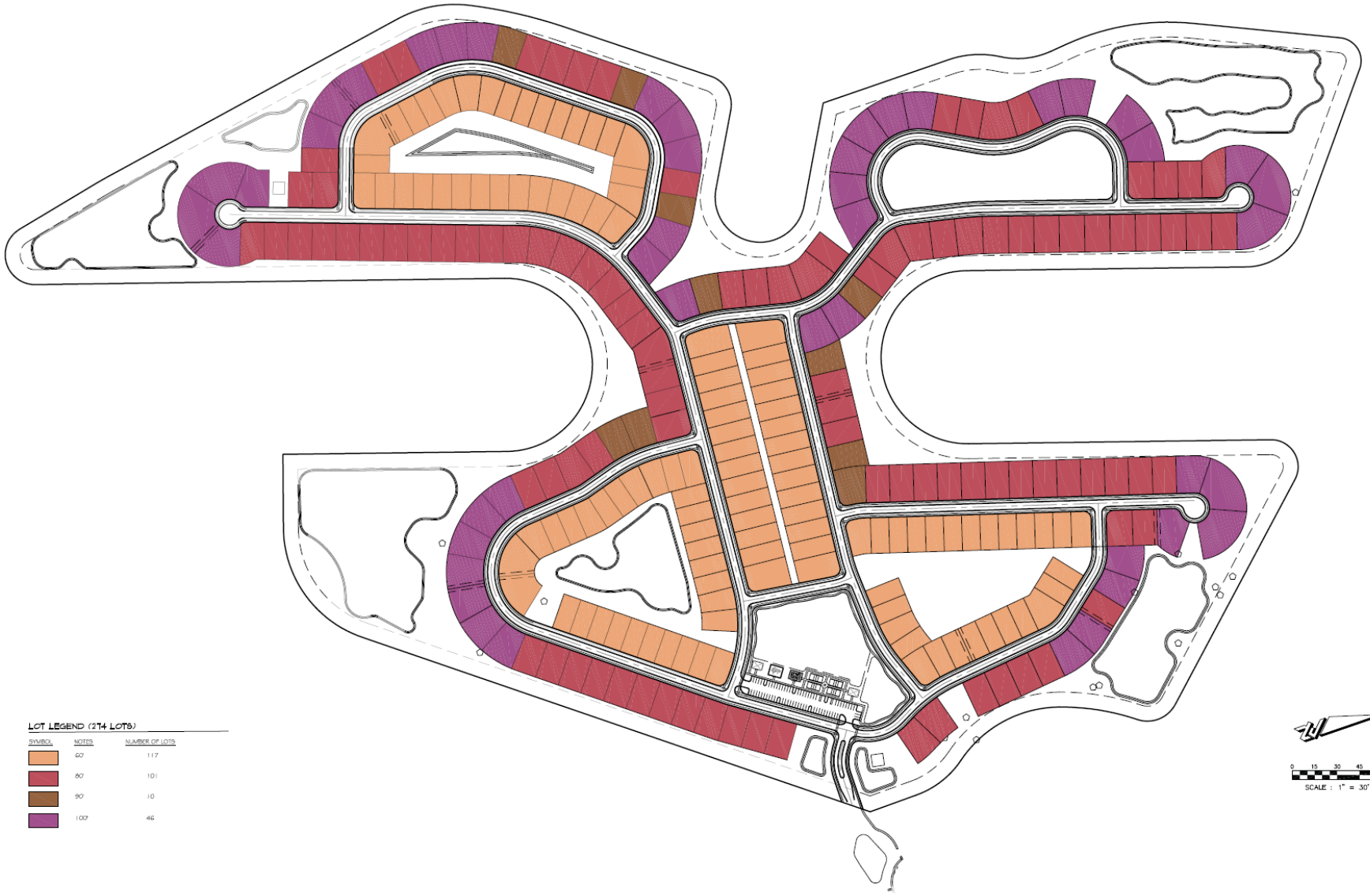
Approve the submitted site plan with the condition that all lots on the project perimeter with the Tomoka Oaks subdivision be 100' in lot width and at least 10,000 square feet in lot area.

Applicant's response:

The Applicant does not believe it is possible to incorporate a minimum lot width of 100' throughout the site with the requested voluntary landscaping buffer and proposed open space, which we believe is a key feature for the existing and proposed residents. However, we have been able to modify the plan to create a mixture of lot types along the perimeter of the site that demonstrate a lot width along the rear setback line (as a closer measuring point to the existing residential homes).

Key Issues Review

August 16, 2023



Key Issues Review

Key issue 3 – Planting of the 50’ natural buffer

Staff Recommendation:

Requirement of a type 6 buffer planting plan that requires seven (7) trees, 70 shrubs & 70 ground covers per 100' lineal feet – Irrigation required.

Applicant’s response:

As noted in the hearing, the Applicant believes that the proposed planting system for the property, which includes a xeric landscaping scope that will complement and enhance areas of natural vegetation within the site, is more compatible with existing on site conditions and will act as a better screening measure for adjacent properties, while also relying on less irrigation and water consumption and supporting natural plant communities.
However, we understand that the City is interested in ensuring adequacy of the buffer between the communities, and has agreed to the following:

- ***Where the planting standard outlined in the PUD is utilized for a phase, a maintenance bond will be provided to ensure the survivability of planting materials for a period of one (1) year.***
- ***In the event that the planting materials do not survive, the buffer will be modified to a Type 6 buffer within the requirements of the City’s Land Development Code (LDC).***

Key Issues Review

Key issue 4 – Setback plan

- Maximum building coverage: 50% - **Applicant agrees to this condition.**
- Primary structure setback - **Applicant agrees to this condition.**

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50’	20’	20’	7.5’	15’
Park House	60’	25’	20’	7.5’	15’
Estate House	80’	25’	20’	8’/20’	20’
Custom House	80’	25’	20’	8’/20’	20’

- Front porch structure setback - **Applicant agrees to this condition.**

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50’	20’	20’	7.5’	15’
Park House	60’	25’	20’	7.5’	15’
Estate House	80’	25’	20’	8’/20’	20’
Custom House	80’	25’	20’	8’/20’	20’

Key Issues Review

Key issue 4 – Setback plan

- Garage structure setback - **Applicant agrees to this condition.**

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50’	12’	20’	7.5’	15’
Park House	60’	15’	20’	7.5’	15’
Estate House	80’	15’	20’	8’/20’	20’
Custom House	80’	15’	20’	8’/20’	20’

- Setback plan – Notes – Delete the notes. Notes 1 and 2 are contained in the Land Development Code. Staff is not supportive of a 15’ front yard garage setback - **Applicant agrees to this condition.**

Key Issues Review

Key issue 5 – Sheet PD6 note on lot separation

Staff Recommendation:

Amend note to state: The 50’ buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas.

Applicant’s response:

Applicant agrees to this condition.

Key Issues Review

Key issue 6 – Traffic - St. Andrews Drive and Tomoka Oaks Boulevard diamond

Staff Recommendation:

A diamond reconfiguration be required at the construction (preliminary plat) phase of the development.

Applicant's response:

The Applicant has demonstrated that the diamond intersection operates within the required level of service for the site. The Applicant is willing to provide the following necessary improvements to this area of the property, as illustrated on the attached exhibit:

- ***Modification of existing drive aisle to resolve turning radii conflicts for emergency vehicles; and***
- ***Provision of additional landscaping adjacent to the right-of-way.***

Key Issues Review

Key issue 6 – Traffic - St. Andrews Drive and Tomoka Oaks Boulevard diamond



Key Issues Review

Key issue 6 – Sidewalks on both sides of Tomoka Oaks Boulevard

Staff Recommendation (residents):

Require sidewalks on both sides of Tomoka Oaks Boulevard.

Applicant's response:

Applicant agrees to this condition.

Key Issues Review

Key issue 7 – Recreation

Staff Recommendation:

Approval of the proposed subdivision areas (9 acres) with final details to occur with the preliminary plat.

Applicant's response:

No changes.

Key Issues Review

Key issue 8 – Environmental

Staff Recommendation:

No changes from the original submittal.

Applicant's response:

No changes.

Key Issues Review

Other issues – Preliminary Plat neighborhood meeting

Staff Recommendation:

The preliminary plat should require the conducting of a neighborhood meeting.

Applicant's response:

Applicant is in agreement with this condition.

Key Issues Review

Other issues –Resident Concern – Timing of Signal Permitting

Applicant's response:

The Applicant understand that the residents want to ensure that permitting and installation of the signal move forward at the same time as the development. As such, the Applicant agrees to the voluntary condition that the Applicant will make application for the permits for the signal within 30 days of subdivision approval, and such permit will be issued prior to the issuance of subdivision construction permits.

Key Issues Review

Other issues –Resident Concern – HOA Architectural Design Language

Applicant's response:

The Applicant has coordinated with residents following the Planning Board hearing and have agreed to modify the proposed architectural standards to include the following:

i. The Architectural Review Board may not modify the architectural standards set forth in the PUD until such time that the HOA has turned control over from the Declarant to the homeowners.

ii. The Applicant has committed to compliance with the following additional landscape standards included herein.

Key Issues Review

Other issues – Planning Board Concern – Cut Through of Amenity Space parking lot

Applicant's response:

A board member noted that within a previous plan iteration, residents could utilize the amenity parking lot as a cut through drive aisle, which raised concerns on resident and child safety. This parking area has been revised to limit cut-through traffic.

Conclusion

- The site plan changes submitted August 16, 2023 are material changes.
- The proposed site plan changes would require a re-submittal to the Site Plan Review Committee.
- The Planning Board can act (approve or deny) on the original site plan submitted – from the July 13, 2023 Planning Board meeting.
- Action on the proposed site plan requires a new public hearing (presentations, public comments, board review).
- The new public hearing requires advertisement.
- Suggested dates for a new public hearing:
    1. Tuesday, September 26, 2023
    2. Thursday, September 28, 2023

ATTACHMENT 13

Information that was updated based on September 6, 2023 site plan submittal

Section A: Staff report for July 13, 2023 Planning Board meeting

Section B: Former Attachment 1: outstanding SPRC comments

Section C: Former Attachment 8: requested and recommended setbacks

Section D: Former Attachment 11: Site plans for July 13, 2023 Planning Board meeting

Section E: Former Attachment 17: Additional Information provided by the applicant on August 16, 2023

ATTACHMENT 13

Information that was updated based on September 6, 2023 site plan submittal

Section A

Staff report for July 13, 2023 Planning Board meeting

STAFF REPORT

City of Ormond Beach
Department of Planning

MEETING DATE: July 13, 2023

SUBJECT: Tomoka Reserve– Issuance of a development order

APPLICANT: Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC

NUMBER: PRD 2022-043

PROJECT PLANNER: Steven Spraker, AICP, Planning Director

SECTION 1, INTRODUCTION:

This is an application submitted by Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC, for the issuance of a development order for the Tomoka Reserve subdivision. The application seeks to allow the issuance of a development order for 276 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The subject property is currently zoned as PRD, Planned Residential Development and is located at 20 Tomoka Oaks Boulevard. The subject property is shown in Exhibit 1.

EXHIBIT 1:
Location Map



SECTION 2, BACKGROUND:

The subject property has a land use designation of "Low Density Residential" (LDR) and the zoning classification of Planned Residential Development. Maps of the subject property are included in ATTACHMENT 2. The land area for the application was platted in 1961 as the Sam Snead Golf and Country Club. The Tomoka Oaks Golf & Country Club included an 18-hole golf course, clubhouse, cart barn, and maintenance barn. On September 19, 2006, the City Commission approved Ordinance 2006-17 that authorized the following:

A. Zoning map amendment from R-2, Single-Family Low Density to PRD, Planned Residential Development;
B. The Tomoka Oaks Golf Village development order;
C. Development of 119 multi-family units (townhomes and condominiums) and 3 single-family homes, along with a re-designed golf course;
D. The property owner was to provide for covenants and restrictions that restrict the golf course to open space and golf course use with the development of the residential use; and
E. A phasing plan for site development.

The project development order expired in 2014 based on no permit activity. Because there was no construction, none of the development order conditions, including the covenant and restrictions for a golf course, were implemented. The applicant purchased the property in 2021 and has sought to implement a new development order to provide zoning entitlements for the property.

The uses around the subject property are as follows:

EXHIBIT 2: Land uses and zoning

Direction	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
South	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
East	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
West	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density

In 2022, all on-site structures were demolished and there are no existing buildings on-site. On May 4, 2023, the applicant submitted an application for a zoning map amendment for the subject property seeking to go from PRD, Planned Residential Development, to the R-2, Single-Family Low Density zoning designation. The applicant indicated that if the issuance of a development order application was unable to gain approval, the intent was to seek the original zoning designation of R-2, Single-Family Low Density and develop under those zoning district standards.

SECTION 3, PROJECT PROCESS:

The zoning map amendment to designate the Tomoka Reserve land area to the Planned Residential Development zoning category occurred in 2006. The 2006 development order has expired and the subject property does not have a standard zoning designation or an active development order. The purpose of the application is to provide a zoning designation through the issuance of a development order that details what is allowed on the property. Since the previous golf course use has been vacant for longer than six (6) months, the property does not have any allowed zoning uses. If the development order is denied, the applicant has indicated that they would pursue a zoning map amendment back to the original zoning designation of R-2, Single-Family Low Density.

Below are the steps for development within a Planned Residential Development:

A. Planned Residential Development (PRD) Development Order: This process requires the applicant to provide a holding capacity analysis, flood zone information, proposed lot layout, recreation areas, generalized areas of stormwater, road layouts, and landscaping buffers. **The PRD development order does not require the applicant to provide detailed engineering information regarding the application. The detailed engineering work is not done until the preliminary plat approval process**. The application for a development order is reviewed under criteria within the analysis section and the application can be approved, approved with conditions, or denied based on the evaluation of the criteria.

   Under the City's Land Development Code, the PRD becomes the zoning district of the project site. The zoning designation for this property occurred in 2006, and no development order is associated with the Planned Residential Development. The PRD development order becomes a contract between the developer and the city and identifies the overall development concept, the number and size of lots, and the location of the lots.

   The process for the issuance of the development order is depicted in Exhibit 3 as follows:

EXHIBIT 3: Application process

Reviewing entity/action	Date	Required advertising
Pre-application community meeting	May 20, 2021	Not required
Pre-application community meeting	July 15, 2021	Not required
SPRC submittal	April 13, 2022	SPRC review: May 3, 2022
Neighborhood meeting	February 8, 2023	1. Mail notice, 600' radius. 2. Newspaper advertisement.
SPRC comments (2nd review)	January 19, 2023	SPRC review: February 21, 2023
SPRC comments (3rd review)	April 30, 2023	SPRC review: May 11, 2023
SPRC comments (4th review)	June 7, 2023	SPRC Review: June 28, 2023

Reviewing entity/action	Date	Required advertising
Planning Board	**July 13, 2023**	**1. Mail notice, 300' radius. 2. Newspaper advertisement. 3. Site posting.**
City Commission	To be determined	1. Mail notice, 300' radius. 2. Newspaper advertisement.
If approved, proceed to preliminary plat (see below)	To be determined	To be determined

B. Preliminary Plat: After a PRD development order has been approved, the applicant's engineer performs detailed work regarding stormwater design, utilities, lot grading, and road layout. The preliminary plat requires review and a recommendation from the Planning Board and review/action by the City Commission. There are two (2) options for development once a preliminary plat has been approved:

Option 1 - Proceed with the submittal of construction drawings for completion of the required improvements prior to recording the final plat per Section 4-18(8)(a) of the Land Development Code. When the required off-site and on-site improvements are constructed and inspected, the final plat would be submitted by the applicant to the Site Plan Review Committee (SPRC). The final plat would be acted upon by the Planning Board and City Commission and, if approved, recorded with the Volusia County Clerk of the Court.

Option 2 - Proceed with final plat review and approval process, with the completion of required improvements after recording the plat per Section 4-18(8)(b) of the Land Development Code. With this option, the applicant files surety documents guaranteeing that such improvements will be installed. All guarantees are incorporated in a bonded agreement for the construction of the required improvements in the form acceptable to the City Attorney. The final plat would be recorded and the applicant would then construct the improvements.

C. Final Plat: The final plat is a legal document that is reviewed by an independent City Surveyor and the City's Legal Department to ensure compliance with State Statutes. Under Option 1 above, the Planning Board and City Commission would review and act on the plat after all improvements have been constructed. Under Option 2, above the Planning Board and City Commission would review and act on the final plat with the preliminary plat.

The proposed Tomoka Reserve subdivision is seeking only the PRD development order approval at this time. If the issuance of a development order is approved, detailed engineering plans would need to be reviewed by the Site Plan Review Committee and forwarded to the Planning Board and City Commission for review and action when appropriate.

SECTION 4, PROJECT DESCRIPTION:

The application seeks to allow the issuance of a development order for 276 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The attachments detail the subdivision proposal and include a traffic impact analysis (ATTACHMENT 4), environmental information, (ATTACHMENT 5), applicant provided documents (ATTACHMENT 10), and the proposed site plans (ATTACHMENT 11). The project is summarized below:

1. The total project size is 147.94 acres.
2. The subdivision density is proposed at 1.87 units per acre or 276 single-family lots. The "Low Density Residential" land use allows 4.3 units per acre. The holding capacity analysis (ATTACHMENT 10) shows the property could support 887 total units.
3. The project shall be required to obtain a preliminary plat and provide detailed engineering plans with review by the Planning Board and final action by the City Commission prior to the issuance of a site construction permit. Staff would recommend a requirement of a neighborhood meeting for the preliminary plat.
4. The project narrative letter states that the proposed subdivision density of 1.87 units per acre is lower than the existing Tomoka Oaks subdivisions, which have an average density of 2.09 units per acre.
5. The subdivision phasing is proposed to be developed with the construction plans and may be modified with the review and approval of the Site Plan Review Committee.
6. The subdivision plan indicates the maximum number of lots to be 276. Within the subdivision process, the project can increase the lot widths from the site plan shown on PD2 (ATTACHMENT 11), but cannot reduce the lot size below the sizes shown.
7. The project is proposed to have a gated access point for vehicles and to allow pedestrian access into the subdivision. Private, gated subdivisions are required to provide easements to the city through the platting process for access and maintenance of the project utilities. The streets, sidewalks, and stormwater system would be privately owned and maintained by the Tomoka Reserve Homeowner's Association.
8. There have been inquiries as to whether the Live Local Act would be applicable to the subject property. The Tomoka Reserve project with a "Low Density Residential" land use would not qualify for the Live Local Act. The Live Local Act states: A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in Florida Statutes 420.0004.
9. The project proposes 16 model homes within the subdivision. Model homes are allowed to be started after a stabilized road is constructed and water and sewer clearances have been obtained which may be before final subdivision acceptance by the Site Plan Review Committee. No certificate of occupancies would be released until after all subdivision improvements are completed.

10. An emergency access connection point is shown on the site plan (ATTACHMENT 11) and is designed for emergency access only. The area would have a stabilized base and a grass surface. Construction details of the emergency access connection point would occur during the preliminary plat process.
11. Sheet PD2 (ATTACHMENT 11) shows the following lot sizes:

EXHIBIT 4: Proposed lot sizes

Lot Width	Lot Depth	Lot square footage	Number of Lots	Location within subdivision	Lot Percentage of 276 total
50’	150’	7,500	34	Interior of subdivision	12.3%
60’	120’	7,200	87	Interior of subdivision	31.5%
80’	120’	9,600	10	Perimeter, not abutting existing Tomoka Oaks lots.	3.6%
80’	125’	10,000	145	Perimeter, generally abutting existing Tomoka Oaks lots.	52.6%

Additional discussion on the lot size is included in section 6 of this report.

12. The applicant is seeking reduced setbacks across the different lot types. An analysis of the proposed and recommended setbacks is included in Section 6 of this report.
13. School concurrency for the zoning action is provided in ATTACHMENT 6. Additional school concurrency would be required for the plat (detailed construction plans).
14. There are no wetlands on the property.
15. The property lies within Flood Zone X (area of minimal flood hazard).
16. ATTACHMENT 5 contains a summary of an environmental assessment performed by Ayden Environmental, LLC and approved by the Florida Department of Environmental Protection. The summary letter from Ayden Environmental, LLC states: “All work will be completed in accordance with Chapter 62-780 of the Florida Administrative Code, which is Florida’s regulatory framework for environmental cleanup.”
17. The project proposes a fifty-foot vegetation buffer around the exterior of the property abutting the existing Tomoka Oaks subdivision. This area is approximately 3.3 miles in length. The applicant has provided a “Buffer Planting & Maintenance Plan” for the fifty-foot buffer (see ATTACHMENT 10). Additional discussion on the planting plan is provided in section 6 of this report.
18. The project narrative letter states that 16 historic trees within the property will be saved.
19. The site plan shows areas for stormwater. The project seeks to use a low-impact development technique of berming around existing areas (keeping existing

vegetation) to create stormwater retention areas. While the stormwater final design is part of the construction plans, the project team has indicated that the stormwater will exceed state and local stormwater regulations.

20. The site plans indicate a five (5') foot sidewalk on both sides of the internal subdivision streets. The project also proposes a sidewalk outside of the property along Tomoka Oaks Boulevard to connect with Nova Road, which is not a required sidewalk. There has been several correspondence seeking to require the installation of sidewalks on both sides of Tomoka Oaks Boulevard.
21. Throughout the site plan process, the applicant has indicated a willingness to connect the proposed Tomoka Reserve subdivision, via a sidewalk, to existing areas of the Tomoka Oaks subdivision. Any pedestrian connection would need the approval of the property owner(s) of the individual Tomoka Oaks subdivision lots.
22. The project has provided multiple areas for outdoor recreation. The amenities are proposed to be detailed in the construction drawings (preliminary plat). Some recreation areas provide access to the stormwater area for maintenance purposes.
23. The Planned Residential Development requirements include a provision for 20% of the property to be dedicated for natural preservation. The project is required to provide 29.6 acres and shows 34 acres dedicated to natural preservation.
24. Subdivision architectural requirements are provided in ATTACHMENT 11, sheet PD8.
25. A traffic impact analysis was performed and is included in ATTACHMENT 4. Additional discussion is included in section 6 of this report.
26. The traffic analysis determined a traffic signal was warranted at Nova Road and Tomoka Oaks Boulevard. The project traffic engineer has provided the Florida Department of Transportation a Traffic Warrant Analysis Study and correspondence has indicated verbal approval of a traffic signal.
27. The diamond intersection at St. Andrews Drive and Tomoka Oaks Boulevard has been the source of much discussion. Throughout the site plan process, there have been many concerns regarding the existing configuration and the Tomoka Reserve proposed project trips to the intersection. The traffic analysis determined that the intersection would operate at an acceptable level of service after the build out of the Tomoka Reserve subdivision and has not recommended any modifications. Additional discussion is included in section 6 of this report.
28. The project is proposing two re-use irrigation ponds for landscape irrigation. These ponds would be supplemented with a well as needed.
29. The project would be required to provide water and sewer connections. Water lines would be looped to improve water pressure for Tomoka Oaks and Tomoka Reserve subdivisions.
30. The development order expiration would be five (5) years from the date of City Commission approval. If the development order were to expire, a zoning map amendment would need to occur to ensure the property had a city zoning designation.

SECTION 5, RESIDENTIAL PERMITTING:

Exhibit 5 details the residential permitting within Ormond Beach. In order to construct a single-family home, the lot must be platted. Exhibit 5 shows a decrease in the number of platted lots each decade as the city has been built out. The city has annexed the Plantation Oaks Planned Residential Development, which will lead to the ability to plat and construct residential units. The city has also seen applications that are utilizing commercially zoned properties for multi-family uses (Tymber Creek Apartments, Regal multi-family, and Ormond Enclave).

EXHIBIT 5: Residential permitting

Year	Population (1)	Percentage Change	SFH lots platted - recorded (2)	SFH Permits (3)	MF units Permits (3)	Manufacture & Mobile Home Permits (3)
1980	**21,436**	No data	2,442	No data	No data	No data
Totals (1980-1989):			**2,442**	**No data**	**No data**	**No data**
1990	**31,460**	No data	322	No data	No data	No data
1991	No data	No data	299	No data	No data	No data
1992	No data	No data	172	No data	No data	No data
1993	No data	No data	0	167	0	6
1994	No data	No data	28	166	167	2
1995	No data	No data	207	175	0	28
1996	32,426	No data	328	198	0	62
1997	34,038	4.97%	252	228	16	104
1998	34,791	2.21%	129	245	31	93
1999	36,000	3.48%	215	270	4	132
Totals (1990-1999):			**1,952**	**1,449**	**218**	**427**
2000	**36,301**	0.84%	192	212	0	118
2001	37,000	1.93%	64	230	0	115
2002	37,603	1.63%	210	261	4	104
2003	38,325	1.92%	241	306	2	111
2004	39,000	1.76%	301	327	344	41
2005	39,683	1.75%	0	196	0	7
2006	40,294	1.54%	51	113	0	5
2007	40,941	1.61%	65	43	0	7
2008	40,920	-0.05%	89	84	0	1
2009	40,832	-0.22%	48	61	0	1
Totals (2000-2009):			**1,261**	**1,833**	**350**	**510**
2010	**38,137**	-6.60%	0	83	184	3
2011	38,376	0.63%	0	43	0	1
2012	38,612	0.61%	0	35	0	1
2013	38,557	-0.14%	0	84	0	1
2014	39,246	1.79%	47	105	0	1
2015	40,013	1.95%	49	138	0	0
2016	40,360	0.87%	103	150	0	0
2017	40,716	0.88%	137	158	0	0
2018	41,134	1.03%	0	66	43	0
2019	41,284	0.36%	166	49	41	0
Totals (2010-2019):			**502**	**911**	**268**	**7**

Year	Population [1]	Percentage Change	SFH lots platted - recorded [2]	SFH Permits [3]	MF units Permits [3]	Manufacture & Mobile Home Permits [3]
2020	**43,080**	4.35%	5	134	4	7
2021	44,046	2.24%	138	135	18	7
2022	44,671	1.42%	0	47	54	18
2023[4]	Not provided yet		12	6	0	10
Totals (2020):			**155**	**322**	**76**	**42**

Notes:
(1) Population estimates from University of Florida Business of Economic and Business Research. 1980, 1990, 2000, 2010 in **bold** are from the U.S. Census.
(2) SFH lots plat are taken from the Volusia County Clerk of Court website, http://app02.clerk.org/or_plats/
(3) Single-Family, multi-family, manufactured and mobile home permits from the Ormond Beach Building Department.
(4) 2023 permitting information from January 1, 2023 to July 1, 2023.

SECTION 6, ANALYSIS:

The application has several key issues which are discussed below. The applicant and the Site Plan Review Committee have been unable to reach a consensus on several issues. These issues are policy issues that need a recommendation from the Planning Board and final action from the City Commission. The report is formatted to provide options where available to assist in the formulation of the policy direction. Alternative options can also be created through the public hearing process.

Key issue 1: development ability of the former golf course: The subject property was platted in 1961 as the Sam Snead Golf and Country Club. A key question is whether there is an ability to develop the property as a use other than a golf course. The city designated land use is "Low Density Residential" and the zoning is Planned Residential Development. The existing land use allows several uses, including a golf course and single-family homes.

Questions regarding private covenants and restrictions have been raised throughout the process. In 2006, with the original Planned Residential Development, there were no private covenants and restrictions that prevented the 122 residential units from being approved. The 2006 development order required that covenants and restrictions be placed on the subject property for the golf course use in order to build the 122 residential units. The project was never built and the property owner at the time did not restrict the use of the subject property for a golf course use only.

Included in ATTACHMENT 9 are three documents: (1) June 2022 document prepared by resident Ms. Davis, (2) June 30, 2022 analysis from the City Attorney's office, and (3) February 23, 2023 analysis from Matthew Welch, Cobb Cole and a title insurance document. The documents examine if there is a private covenant and restriction or another legal document that restricts the use of the subject property to a golf course. The City Attorney's Office concluded:

> "In summary, the records confirm the existence of a document recorded in the public records that provided the property be used for purposes of a golf course in perpetuity. In this case, the document was not contained covenants and restrictions provided by a homeowners' association, but rather in a warranty deed, and as stated previously, subsequent records confirm the reverter clause containing the language was properly released by a recorded corporate resolution and release, and therefore no longer valid."

The city's land use classification does not prevent the development of the property for single-family uses or other uses within the "Low Density Residential" land use. The zoning needs either (1) an active development order or (2) a zoning map amendment back to the R-2, Single-Family Low Density zoning designation. City staff are not aware of any private document that requires the subject property to be utilized as a golf course only.

Key issue 2: lot size/density/compatibility: The applicant is proposing lots with varying lot widths of 80' (abutting existing Tomoka Oaks lots), 60', and 50'. The proposed density is 1.87 units per acre. The narrative letter (ATTACHMENT 10) analyzed the density of the existing Tomoka Oaks subdivision at 2.09 units per acre. In reviewing the Tomoka Oaks subdivision, the individual subdivisions were platted in the 1960s and 1970s and did not include common open space, recreational areas, or stormwater management systems which were not required at the time of platting. The Tomoka Reserve site plans show 78.28 acres or 53% of the site dedicated to landscape buffers, open space, stormwater, and recreational areas to support the subdivision. The project has clustered the lots in order to provide landscape buffers, open space, stormwater, and recreational areas.

Planned Residential Developments typically use the existing zoning district as a basis for allowed uses and dimensional standards. This property had a zoning map amendment in 2006 from the R-2, Single-Family Low Density zoning designation to PRD, Planned Residential Development. Based on the previous zoning designation and the surrounding properties also being zoned R-2, Single-Family Low Density, this zoning district is being used as the basis for the review of the Tomoka Reserve project. The Planned Residential Development allows the ability to request alternative lot sizes or more intensive uses in a development order. Section 2-35(b) of the Land Development Code states: "More intense uses (e.g., townhouses in a single-family district, or apartments in a townhouse district) may be allowed, provided that their visual and functional impact on neighboring districts is minimized by providing adequate buffering and screening, and all the requirements of this section are met." The allowance is discretionary with the term "may" used in the standard and requires adequate buffering and screening.

Planned Residential Developments (Marshside, Pineland, Creekside) in the West Ormond Beach area previously sought lower lot dimensions than the SR, Suburban Residential zoning district minimum of 80'. The applications for smaller lot sizes were either denied or amended to the 80' lot width minimums. Staff sees similarities between the Tomoka Reserve and the Planned Residential Developments of West Ormond Beach. Throughout the application process, concerns have been raised about the lot sizes and the compatibility of the Tomoka Reserve application. The Planning Board has the following options for a recommendation on the project lot sizes:

Option 1: Approve the submitted site plan with 80', 60', and 50' lots.

Option 2: Deny the submitted site plan in its entirety (require 100' lots throughout the project).

Option 3: Approve the submitted site plan with the condition that all lots on the project perimeter with the Tomoka Oaks subdivision be 100' in lot width and at least 10,000 square feet in lot area.

Option 4: Approve an alternative site plan layout specifying the required lot width and overall size.

Staff is recommending option 3 with the project perimeter abutting the Tomoka Oaks subdivision be 100’ in lot width and at least 10,000 square feet in lot area. Option 2 may lead the applicant to seek a zoning map amendment to the R-2, Single-Family Low-Density zoning designation. Staff concerns are that development within the R-2 zoning designation does not include the 50’ buffer (6’ landscape buffer is required) and the potential loss of additional natural areas and outdoor recreational areas. Review under the R-2 zoning district would require compliance with the Land Development Code requirements with no additional public benefits.

Key issue 3: Planting of the 50’ natural buffer: As part of the site design, a 50-foot buffer around the perimeter totaling approximately 3.3 miles is proposed. The buffer was designed to provide a natural area for both Tomoka Oaks and Tomoka Reserve lots. All existing natural vegetation will remain and areas with no vegetation would be planted. A key point of the project application has been the planting of the areas that do not have existing natural vegetation. Site Plan Review Committee staff have recommended a type 6 buffer planting plan that requires seven (7) trees, 70 shrubs & 70 ground covers per 100' linear feet.

The applicant has created a Tomoka Reserve Planting and Maintenance Plan, dated June 9, 2023 (ATTACHMENT 10). Sheet L-101 demonstrates the planting plan proposed by the applicant and includes seven (7) trees and 30 shrubs and grasses per 100 linear feet. The plantings are proposed in a 20’ area of the 50’ buffer. The Planting and Maintenance Plan (page 3) calls for watering of the buffer with a large water tank on a truck with no plans for a permanent irrigation system.

The Planning Board has the following options for a recommendation on the planting of the 50’ natural buffer:

Option 5: Approval of the Tomoka Reserve Planting and Maintenance Plan, dated June 9, 2023.

Option 6: Requirement of a type 6 buffer planting plan that requires seven (7) trees, 70 shrubs & 70 ground covers per 100' linear feet.

The Site Plan Review Committee recommends option 6 based on the following points:

A. The landscape buffering requirements of the city have worked well to create buffers between uses. There are many examples of how buffers have grown in and what they will look like over time.
B. The amount of material needs to be as voluminous as possible to create buffers where no buffer exists today. Reducing plant material will reduce the overall effectiveness of the buffer.
C. Staff strongly objects to the use of non-permanent irrigation and believes that this would set into motion a source of constant issues along a 3.3-mile buffer. Staff believes hand watering would also create unnecessary obligations to a future HOA and potentially defer the cost of an irrigation system to future property owners. Section 3-05(e) of the Land Development Code requires an irrigation system.
D. The planting plan as shown in Sheet L-101 shows the trees planted in a 15-foot separation in a tight 20’ linear area. The seven (7) trees need to be staggered to allow the proper area to grow, as recommended by the city’s Landscape Architect.

E. It is important to note tree mitigation (if applicable) would drive the density of the buffers and tree caliper sizes.

F. The number of deciduous (trees that drop their leaves in the winter) trees should be limited.

Key issue 4: Setback plan: ATTACHMENT 8 contains the applicant's requested setbacks, staff recommendations, and the dimensional standards of the R-2, Single-Family Low Density zoning district. Key decision points include the following:

A. *Lot width of the lot type custom house:*

Option 7: Applicant request: Approve lots that are 80' in width.

Option 8: Staff recommendation: Require lots that are 100' in width.

Staff recommends 100' lot widths on the perimeter of the Tomoka Reserve perimeter abutting the existing Tomoka Oaks lots.

B. *Maximum building coverage:*

Option 9: Applicant request: 65% (Village House – 50' wide lots), 50% (Park House – 60' wide lots), 54% (Estate House – 80' wide lots), 52% (Custom House – 80' wide lots).

Option 10: Staff recommendation: 50% across all housing types.

Option 11: R-2 zoning: The R-2 zoning district allows 35% building coverage. One option is to adopt the building coverage allowed in the zoning district.

It is understood that there is an emerging building trend to allow larger houses on smaller lots. The application did not amend the overall impervious coverage. Staff is supportive of a 50% building coverage for all lot types.

C. *Minimum Primary Structure setbacks:*

Option 12: Applicant request:

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	15'	15'	7.5'	10'
Park House	60'	15'	15'	7.5'	10'
Estate House	80'	15'	15'	7.5'	10'
Custom House	80'	15'	15'	8'	10'

Option 13: Staff recommendation:

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	20'	20'	7.5'	15'
Park House	60'	25'	20'	7.5'	15'
Estate House	80'	25'	20'	8'/20'	20'
Custom House	80'	25'	20'	8'/20'	20'
R-2 setback	100'	30'	25'	8'/20'	20'

Option 14: R-2 zoning: This option would require a front yard setback of 30', rear yard setback of 25', side yards setbacks of a minimum of 8' to total 20' between both setbacks, and a side corner setback of 20'.

Staff believes that option 13 provides a balance between the applicant's request and the R-2 zoning district standards.

D. *Minimum Front Porch setbacks:*

Option 15: Applicant request:

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50’	10’	15’	7.5’	Not provided
Park House	60’	10’	15’	7.5’	Not provided
Estate House	80’	10’	15’	7.5’	Not provided
Custom House	80’	10’	15’	7.5’	Not provided

Option 16: Staff recommendation:

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50’	12’	20’	7.5’	15’
Park House	60’	15’	20’	7.5’	15’
Estate House	80’	15’	20’	8’/20’	20’
Custom House	80’	15’	20’	8’/20’	20’
R-2 setback	100’	30’	25’	8’/20’	20’

Option 17: R-2 zoning: This option would require a front yard setback of 30’, rear yard setback of 25’, side yards setbacks of a minimum of 8’ to total 20’ between both setbacks, and a side corner setback of 20’.

Staff recommends option 16 that allows the unenclosed porch to be in front of the principal building. Unenclosed porches are hard roofed structures with no screens or walls (other than the connection to the house). Reduced porch setbacks were used in Chelsea Place and have been positively received.

E. *Minimum Garage setbacks:*

Option 18: Applicant request:

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50’	25’	15’	7.5’	Not provided
Park House	60’	25’	15’	7.5’	Not provided
Estate House	80’	25’	15’	7.5’	Not provided
Custom House	80’	25’	15’	7.5’	Not provided

Option 19: Staff recommendation:

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50’	20’	20’	7.5’	15’
Park House	60’	25’	20’	7.5’	15’
Estate House	80’	25’	20’	8’/20’	20’
Custom House	80’	25’	20’	8’/20’	20’
R-2 setback	100’	30’	25’	8’/20’	20’

Option 20: R-2 zoning: This option would require a front yard setback of 30’, rear yard setback of 25’, side yards setbacks of a minimum of 8’ to total 20’ between both setbacks, and a side corner setback of 20’.

Staff recommends option 19 that follows the principal building setbacks.

F. *Notes:*

Option 21: Applicant request: Sheet PD7 includes three (3) notes:

Note 1: The maximum building height shall be measured from the average of the existing grade at the four out most corners of the building.

Note 2: The minimum front yard setback to the primary structure defined as load bearing air conditioned space.

Note 3: Garages can be front loaded or side loaded. Side loaded garages may have a minimum front setback of 15'.

Option 22: Staff recommendation: Delete the notes. Notes 1 and 2 are contained in the Land Development Code. Staff is not supportive of a 15' front yard garage setback.

Key issue 5: Sheet PD6 note on lot separation: Sheet PD6, included in ATTACHMENT 11, includes a note with the lot separation table and staff recommends that this note be amended.

Option 23: Applicant request: Note on plan sheet PD6 states: "The lot separation width shown on this sheet may be subject to change at the time of permitting. The represented distances are from existing residential lots in Tomoka Oaks neighborhood and proposed lots within Tomoka Reserve."

Option 24: Staff recommendation: Amend note to state: The 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas.

It is important that the development order be clear that both the 50' buffer and areas show as natural preservation shall remain and cannot be modified.

Key issue 6: Traffic review, including St. Andrews Drive and Tomoka Oaks Boulevard diamond:

ATTACHMENT 4 includes (1) Traffic Impact Analysis, (2) Response to comments, dated June 7, 2023, and (3) a technical memorandum, dated June 7, 2023. The technical memorandum is designed to summarize the traffic analysis for the project. Traffic impact analysis focus on the impacts of traffic to intersections and roadways. Where intersections and roadway segments fail as a result of project trips, state law allows the project to pay its proportionate fair share to mitigate the project impacts. The project traffic analysis seeks to review and determine if a project diminishes the adopted level of services below the level of services adopted in the city's Comprehensive Plan. An independent traffic engineer, employed by the city, has reviewed and provided comments on the traffic impact analysis. The traffic analysis went above the city requirements and analyzed the local road traffic impact of the proposed development based upon citizens' concerns and questions.

Key aspects of the study include the following:

A. Traffic counts were performed in March of 2023 to update the original traffic analysis.

B. The technical memorandum states, “Due to the proposed location of the project’s access, peak hour data and transportation model results, it is anticipated that 96% of the project trips will utilize Tomoka Oaks Boulevard and 4% will use Iroquois Trail for external access. 4% of traffic (111 total daily, 8 total AM and 11 total PM) are expected to use this route to access SR 40.”

C. The traffic analysis has identified the need for a traffic signal at Nova Road and Tomoka Oaks Boulevard (see Table 10 of the TIA). The traffic analysis states a Traffic Warrant Analysis Study was conducted and submitted to the Florida Department of Transportation. The response to comments states that the Florida Department of Transportation has verbally accepted the traffic signal as a treatment option for the intersection level of service.

D. Table 10 of the Traffic Impact Analysis details the Level of Service for the unsignalized intersections, including the local intersections along Tomoka Oaks Boulevard, St. Andrews Drive, Rio Pinar Trail, and Iroquois Trail. All intersections operate at a Level of Service of “A” or “B” where the adopted Level of Service is “D”. Again, the analysis does not state that there will not be traffic. The analysis shows that the proposed traffic is within the Level of Service standards adopted by the city with the Comprehensive Plan.

E. St. Andrews Drive and Tomoka Oaks Boulevard diamond. The Traffic Impact Analysis (pages 17 & 18 of the TIA) provides a detailed analysis of the existing diamond intersection. The analysis concludes that the existing configuration is expected to operate within the adopted Level of Service and no improvements are proposed. There have been no crashes around the diamond within the last three (3) years. The diamond intersection is awkward, and in staff’s opinion, confusing and potentially dangerous as additional trips are added.

   Staff recommends (***Option 25***) that the diamond intersection be required to be reconfigured at the construction (preliminary plat) phase of the development. It is believed that the intersection would become substantially more used and lead to conflicts with the existing configuration with the development of the Tomoka Reserve project. Staff’s opinion is that the applicant should bear some responsibility for the correction of this intersection. A final design could occur with the construction drawings and may include some use of local road impact fee credits.

F. The response comments provided a draft proportionate share calculation.

G. In comments received from residents, there has been a desire to see sidewalks on both sides of Tomoka Oaks Boulevard (***Option 26***). The applicant has proposed sidewalks on one side of Tomoka Oaks Boulevard.

It is understood that traffic is a key part of the subdivision. From a technical perspective, the applicant has demonstrated compliance with the city’s Comprehensive Plan and state law regarding traffic concurrency. The analysis resulted in a traffic signal being required. Staff would also recommend conditioning any approval on (1) reconfiguration of the St. Andrews Drive and Tomoka Oaks Boulevard diamond and (2) requiring sidewalks on both sides of Tomoka Oaks Boulevard.

Key issue 7: Recreational areas: Section 2-35(h) of the Land Development Code details the recreational requirements for a Planned Residential Development. The Land Development Code allows a process to provide additional outdoor recreational area in lieu of indoor recreation which has been allowed for the Tattersall and RidgeHaven residential projects. The Land Development Code requirement is 24,840 square feet of recreational area and the project has provided 140,000 square feet of recreational area throughout the subject property. The final details of the recreational amenities would be required with the construction drawings. The site plans show a multi-purpose field, pickle-ball courts, playgrounds, pavilions, an outdoor exercise area, and picnic tables. Staff recommends (***Option 27***) approval of the proposed subdivision areas with final details to occur with the preliminary plat.

Key issue 8: Environmental: The Tomoka Oaks Golf & Country Club included an 18-hole golf course, clubhouse, cart barn, and maintenance barn. Ayden Environmental was hired by the applicant to provide an environmental assessment of the golf course and to develop a remedial plan to address the conversion of the golf course to residential uses. Ayden Environmental has provided a summary that is included in ATTACHMENT 5. Key summary points are as follows:

A. Ayden Environmental submitted site assessment reports and a Soils Management Plan to the Florida Department of Environmental Protection.

B. All work will be managed by Ayden Environmental with Florida Department of Environmental Protection oversight. All work will be completed in accordance with Chapter 62-780 of the Florida Administrative Code.

C. The Florida Department of Environmental Protection approved the site assessment reports and Soils Management Plan in a letter dated November 16, 2022.

D. In the ATTACHMENT 5 cover sheet, a link is provided to the Florida Department of Environmental Protection website page for the project's submittals and reviews.

SECTION 7, INPUT RECEIVED:

The project team performed two (2) neighborhood meetings prior to the submittal of the project on May 20, 2021 and July 15, 2021. The applicant summarized "mentions" in these meetings that included traffic, density, lot size, cookie cutter homes, tree removal, and a large buffer. A neighborhood meeting was held on February 8, 2023 with a summary included in ATTACHMENT 7. Written correspondence has been received for this project and is included in ATTACHMENT 3.

Key concepts, ideas, and thoughts include:

A. Proposed development is not compatible with the existing Tomoka Oaks, including the smaller lot sizes. TMH Consulting, Inc. provided an analysis of development compatibility.

B. Property values will be diminished with the loss of the golf course land area. The development would alter the character of the Tomoka Oaks subdivisions.

C. Loss of quality of life.

D. The golf course was designed as part of Tomoka Oaks and should be used in perpetuity as a golf and country club, golf course, and related uses.
E. Concerns with the existing configuration of the diamond intersection at St. Andrews Drive and Tomoka Oaks Boulevard and no proposed improvements.
F. Potential backups along Tomoka Oaks Boulevard impacting the Escondido condominiums.
G. Construction traffic will have a negative impact on existing residents.
H. Project traffic using the Trails subdivisions (Iroquois Trail and Rio Pinar Trail).
I. Design concerns with 50-foot wide lots.
J. Only one sidewalk proposed on Tomoka Oaks Boulevard – should be on both sides of the street.
K. The timing of the traffic light should be in place before the development project on the golf course starts. TMH Consulting, Inc. states: "The applicant should be required to submit the application to FDOT for installation of the signal concurrent with the first application for subdivision design and prohibit the issuance of any residential building permits until the signal is approved and installation initiated."
L. Concerns over stormwater.
M. Concerns over Tomoka Reserve HOA and the ability to manage common areas, including the 50' buffer.
N. On PD6 (ATTACHMENT 11), buffer widths should not be able to be modified.
O. Impacts on wildlife that exist on the golf course property.

Written correspondence received is included in ATTACHMENT 3. Correspondence related to each Site Plan Review Committee review is available at https://www.ormondbeach.org/1013/Tomoka-Reserve. Any additional correspondence received after publication of the staff report would be provided to the Planning Board by e-mail with a hard copy provided at the Planning Board meeting.

SECTION 8, CRITERIA FOR REVIEW:

The following are the review criteria for Planned Residential Developments from the Land Development Code:

Planned Residential Development Criteria

Section 2-35, Chapter 2, Article II of the Land Development Code details the requirements of a Planned Residential Development:

1. Section 2-35(d)(3) of the Land Development Code states: "All structures shall be set back a minimum of forty feet (40') from the project's perimeter boundaries unless natural or manmade features, such as lakes, creeks, wooded or conservation areas are present. Where a project abuts a collector or arterial street, the setback requirement may be increased if an effective buffering treatment cannot be provided between the street and residential use."

   The project has established a 50' vegetative buffer around the entire perimeter of the property and meets this requirement.

2. Section 2-35(h)(3) of the Land Development Code states, "Thirty (30) square feet of indoor recreation floor area, including exercise rooms, all-purpose space, dining areas and similar uses shall be provided for each dwelling unit, unless waived by the City Commission and replaced at a minimum as provided below:
   a. Subdivisions of 200 dwelling units or less may provide, at a minimum, an additional 30 square feet per unit of outdoor active recreation space in compliance with this Section in lieu of the indoor recreation floor area requirement.
   b. Subdivisions that do not provide indoor recreational facilities are not eligible for park and recreation impact fee credits.
   c. The open space and/or additional outdoor facilities must be compatible with adjacent properties and the recreational facilities must be consistent with the needs of the project.
   d. The Development Review Board and City Commission determine, after reviewing the proposed development plan, that the preservation of natural resources and/or provision of additional recreation facilities is appropriate and that indoor recreational facilities can be waived."

   The applicant is providing additional square footage as outdoor recreation as permitted under Subsection 3a (above) in lieu of the indoor recreation requirement. The conversion of required indoor recreation to outdoor recreation has been permitted in other Planned Residential Developments such as Creekside, Southern Pines, Pineland, Tattersall, and RidgeHaven.

3. Section 2-35(h)(4) of the Land Development Code states, "Sixty (60) square feet of outdoor active recreation space (exclusive of parking, landscaping, retention/detention ponds and other site features), including pools, pool decks, shuffleboard courts, tennis courts, and fishing piers and similar uses, shall be provided for each dwelling unit. Impact fee credits for any specific outdoor recreation site shall be limited to three hundred (300) dwelling units."

   The project is required to provide a total of 16,560 square feet of outdoor recreation area. The additional 30 square feet of outdoor recreation area in lieu of the indoor recreation (8,280 square feet), requiring a total of 24,840 square feet of outdoor recreation area. The project is proposing 9.06 acres (394,653 square feet) of recreational area throughout the project. The recreational amenities shown are a multi-purpose field, pickle-ball courts, playgrounds, pavilions, an outdoor exercise area, and picnic tables with the final design occurring at the preliminary plat.

4. Section 2-35(h)(7) of the Land Development Code states, "Thirty (30) square feet of common accessible, open space shall be provided for each dwelling unit.
   a. Common open space shall be available to all the residents of the development. At the option of the developer, subject to the approval of the City Commission, common open space may be dedicated to the use of the general public.
   b. Common open space must be adequately landscaped and irrigated.
   c. Natural features worthy of preservation shall be left in a natural state.

d. Waterbodies may be utilized to meet twenty-five percent (25%) of the available open space requirement, provided significant recreational use of the waterbody can be demonstrated. Water retention and wetlands areas may not be included in this calculation."

The project is required to provide 8,280 square feet of common space. The applicant has provided the common open space throughout the project.

5. Section 2-35(h)(8) of the Land Development Code states: "Twenty percent (20%) of the project shall be left in a natural state. This may include designated conservation areas within lots or common areas, but shall not include classified wetlands and required upland buffers."

   The project is proposing that 34 acres of the site remain in a natural state where the Land Development Code requirement is 29.6 acres. The project proposes a natural buffer around the boundary of the site.

6. Other Uses. Section 2-35(b)(2) of the Land Development Code allows other uses within planned residential developments.

   The only use proposed is single-family residential. No other uses are proposed.

Section 2-35(j)(4) of the Land Development Code states, "In considering an application for a PRD, the planning board may recommend approval, approval with conditions, or disapproval and the city commission may base its conditions of approval or denial of the issuance of a development order on the extent to which the development offers site amenities above that normally found for permitted uses in the district with regard to the following:"

a) Innovative Site Design

In ATTACHMENT 10, the applicant states: "In designing the proposed redevelopment plan, the Applicant took great measures to ensure the project would complement the surrounding area and integrate with the surrounding residential neighborhood." The proposed application provides additional site amenities above and beyond what a standard subdivision would provide, including open space, recreational facilities, architectural and landscape design for the lots. The project proposes an off-site sidewalk along Tomoka Oaks Boulevard to Nova Road.

In review by the Site Plan Review Committee, there have been comments regarding the perimeter lot size, buffer plantings, and setbacks. The use of the buffer to provide a natural area is an innovative site design. However, the planting material and long-term maintenance are critical to the buffer's long-term viability. The issue regarding the lot size has been discussed repeatedly, including at the pre-application meeting, neighborhood meeting, and Site Plan Review Committee meetings. Staff's recommendation is for 100' wide lot size along the Tomoka Reserve perimeter.

b) Coordinated Architectural Design

The Tomoka Reserve project shall have an Architectural Control Committee tasked with enforcing the architectural design guidelines detailed in the plan set (see ATTACHMENT 11).

c) Open Space, Recreation, Common Areas

The project has exceeded the space required for open space, recreation, and common areas. The project has preserved 23% of the project land area. As discussed under the Planned Residential Development section, the applicant is providing a recreation area and common open space. The total area for open space, recreation, and stormwater is 78.28 acres or 53% of the overall property.

d) Coordinated Streetscape Elements

The site plan shows the subdivision entry feature (PD4 – ATTACHMENT 11). The project would be required to provide streetscape elements such as street tree plantings.

The project has a unique site design with natural preservation and recreation areas. The key issues in the review of the project's design revolve around the lot sizes, buffer planting, and setbacks. Throughout public meetings, it has been stated that the proposed lot dimensions are not consistent with the existing developed subdivision. One key decision for the Planning Board is to determine if the interior lot widths proposed at 50' and 60' wide are appropriate.

Section 1-15(e) of the Land Development Code states: "In its review of any application requiring a development order, planned developments, special exceptions and LDC amendment applications, the board shall consider:"

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

   The applicant has provided the required information in terms of lot sizes and layout, street locations, buffer requirements, traffic impacts, stormwater planning, and Planned Residential Development requirements. Please note that site-specific information (stormwater, lighting details, and landscaping details) shall be provided with preliminary and final plat applications. The application exceeds the requirements of site buffering, recreational amenities, and common space.

   Section 2-35(b) of the Land Development Code states: "More intense uses (e.g., townhouses in a single-family district, or apartments in a townhouse district) may be allowed, provided that their visual and functional impact on neighboring districts is minimized by providing adequate buffering and screening, and all the requirements of this section are met." The conclusion of the Site Plan Review Committee was that modifications to the application are needed (lot size, buffer material, traffic mitigation, and revised setbacks) to recommend approval of the proposed site plan. Staff does not believe that the application submitted is compatible with the existing Tomoka Oaks subdivisions development pattern. Additionally, there are concerns with the buffer planting plan in terms of the quantity of material and long-term maintenance.

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

The property is designated "Low Density Residential" on the City's Future Land Use Map. The Future Land Use Element of the Comprehensive Plan states:

Low Density Residential (LDR)

Purpose: To protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: up to 4.3 units per acre

Maximum FAR: 0.2

The following is a list of the Comprehensive Plan Objectives and Policies pertaining to the proposed PRD:

Future Land Use Element

GOAL 1. LAND USE DISTRIBUTION

FUTURE DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHOULD BE DIRECTED IN APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP TO MEET THE LAND USE NEEDS OF THE ANTICIPATED POPULATION, IN A MANNER CONSISTENT WITH SOUND PLANNING PRINCIPLES, THE GOALS, OBJECTIVES AND POLICIES CONTAINED HEREIN, AND THE DESIRED COMMUNITY CHARACTER.

THE FUTURE LAND USE ELEMENT SHOULD ALLOW LIMITED COMMERCIAL EXPANSION, PROMOTE INDUSTRIAL USE, AND MAINTAIN CURRENT RESIDENTIAL DENSITIES IN THE CORE AREA WHILE ESTABLISHING LOWER DENSITIES IN THE PERIMETER AREAS, FOCUSING REDEVELOPMENT IN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA, US1, AND SRA1A, AND PROVIDING OR A CONTINUED HIGH LEVEL OF OPEN SPACE. FUTURE GROWTH SHALL BE TIMED AND LOCATED TO MAXIMIZE EXISTING PUBLIC INFRASTRUCTURE.

OBJECTIVE 1.1. RESIDENTIAL LAND USE

Ensure the availability of adequate lands to meet the residential land use needs of the community.

POLICY 1.1.3.

Preserve the character of existing neighborhoods by not allowing intrusion of land uses that would threaten to alter the neighborhood character and by encouraging voluntary rehabilitation and sound maintenance programs in viable neighborhoods which are capable of self-renewal and establishing code enforcement or public redevelopment activities in areas not capable of self-renewal.

POLICY 1.1.5.

Encourage innovative design measures for new residential developments and ensure that adequate provision is made for neighborhood facilities suitable to the type of development proposed.

POLICY 1.1.6.

Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach.

POLICY 1.1.14.

Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit-oriented development, and walkable residential areas.

POLICY 2.4.7.

Encourage cluster development which promotes the efficient use of open space and reduces development costs, in areas where services and facilities exist or are planned.

Housing Element

GOAL 1. HOUSING SUPPLY

ENSURE THE AVAILABILITY OF SAFE AND ADEQUATE HOUSING UNITS OF DIFFERENT TYPES, SIZES, AND PRICE RANGES TO MEET THE NEEDS OF ALL CURRENT AND FUTURE RESIDENTS.

OBJECTIVE 1.1. HOUSING SUPPLY

The City shall continue to facilitate the private production of a housing supply, including adequate sites for mobile homes or manufactured housing and low and moderate-income housing, which will meet future community needs and offset housing deficiencies as noted in this Element.

OBJECTIVE 1.2. PROVISION OF ADEQUATE SERVICES AND FACILITIES

Each existing housing development and residential neighborhood along with all new housing development shall meet the existing adopted level of service standards.

POLICY 1.2.1.

The general residential development pattern in the city should be in accord with the community's growth strategy for residential densities, as stipulated within the Future Land Use Element.

The Comprehensive Plan contains policies that can support the proposed project or be used to deny the project. It is important to note that the land use density allows 4.3 units per acre and the proposed density is 1.87 units per acre. The project concern is focused on the Land Development Code zoning regulations regarding lot sizes and setbacks. If there was a desire to deny the application, Policy 1.1.3 of the Future Land Use Element – (Preserve the character of existing neighborhoods by not allowing intrusion of land uses that would threaten to alter the neighborhood character) could

be used. If there is a desire to support the application, Policies 1.1.5 and 1.1.6 of the Future Land Use Element would be applicable.

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

   The project has prepared an environmental summary included in ATTACHMENT 5. The property would be subject to environmental remediation from the former golf course that would be monitored by the Florida Department of Environmental Protection. The subject property does not have any on-site wetlands or floodplains. The project is seeking to use reuse water for irrigation. A Biological Assessment and Environmental Site Assessment is provided in ATTACHMENT 10.

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

   The land use and original zoning designation of R-2, Single-Family Residential provides a variety of allowed uses, including single-family houses (permitted) and a golf course (Special Exception). Supporters of the application would state that the development of the golf course with a new subdivision that provides open space, natural areas, buffers, stormwater management, and recreational area would increase the land's value and abutting property's value. Single-family houses abutting single-family houses should be considered similar uses and would not cause depreciation of surrounding property values. The applicant has stated that the lesser lot sizes are needed to provide the buffering, natural areas, and recreational amenities.

   Individuals seeking denial of the application state that the proposed development (1) takes away open space that was to be used for the existing development and (2) proposes lots that are smaller in width and overall lot size to Tomoka Oaks existing lots. Multiple correspondences received detail that the proposed project is not similar to the existing development patterns of the area.

   The Site Plan Review Committee concludes that the proposed design is not consistent with the lot patterns of the Tomoka Oaks development and could cause nuisances or have visual impacts on adjoining properties. There are site design modifications (lot size, traffic mitigation, buffer planting types, and setbacks) that could lead to support from the Site Plan Review Committee.

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

   There are adequate public facilities to serve the development. Traffic and sidewalks were discussed earlier in the staff report. The Planning Board would need to review options regarding (1) the diamond at St. Andrews Drive and Tomoka Oaks Boulevard and (2) sidewalks on both sides of Tomoka Oaks Boulevard. Based on traffic study data and analysis, there was a conclusion that impacts on roadways and the

intersection operate at an acceptable level of service at build-out. Based upon state statutes any impacts of the project above the adopted level of services would be required to provide a proportionate fair share agreement. There is adequate water and wastewater capacity to serve the project. Finally, the project was reviewed by the Volusia County School Board and a concurrency certificate is shown in ATTACHMENT 6.

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

   ATTACHMENT 4 includes a (1) Traffic Impact Analysis, (2) Response to comments, dated 06.07.2023, and (3) a technical memorandum, dated 06.07.2023. The technical memorandum is designed to summarize the traffic analysis for the project. It is important to note that the subject property has a land use that allows residential uses at 4.3 units per acre. Traffic analysis is focused on the impacts of traffic on intersections and roadways. Where intersections and roadway segments fail as a result of project trips, state law allows the project to pay its proportionate fair share to mitigate the project impacts. The analysis seeks to review and determine if a project diminishes the adopted level of services below the level of services adopted in the city's Comprehensive Plan. An independent traffic engineer, employed by the city, has reviewed and provided comments on the traffic impact analysis. The traffic analysis went above the city requirements and analyzed the local road traffic impact of the proposed development.

   Key aspects of the study are summarized in section 6 of this report.

   It is understood that traffic and its impact are a large part of any development. A professional traffic engineer has prepared an analysis of the project impacts that has been reviewed by a professional traffic engineer hired by the city. The analysis shows certain required improvements and a responsibility to pay a proportionate share for project impacts as required by state law. The analysis does not state that there will not be an increase in traffic impacts as the result of the Tomoka Reserve proposed subdivision. The analysis does state that the increased impacts of the Tomoka Reserve subdivision are within the Level of Service standards allowed by the city and payment of proportionate share as allowed by state law.

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

   Natural and landscaped areas are provided around the entire perimeter of the project to provide natural areas. The project is using a low impact development technique of berming around the stormwater area.

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

   The overall design indicates safe movement on the site. The proposed road and access layouts would be reviewed during the construction drawings of the preliminary plat.

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

   The project is required to utilize a Homeowners' Association (HOA), which will institute an Architectural Control Committee to review construction plans within the development. The site plan exhibits outline regulations governing the construction of buildings and landscaping on individual lots, in order to encourage aesthetics and harmony within the development.

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

    The project has not been reviewed at a public hearing and no testimony has been provided. Any testimony at the Planning Board meeting would be provided in the meeting minutes for the City Commission review.

SECTION 9, RECOMMENDATION:

The Planning Board has the following options for a recommendation on the application for the issuance of a development order:

1. Approve the application as submitted;
2. Deny the application as submitted; or
3. Approve with conditions.

Key considerations for deliberation of a recommendation include lot sizes, density, compatibility, planting of the 50' natural buffer, project setbacks, lot separation note (sheet PD6), key traffic issues (diamond intersection at St. Andrews Drive & Tomoka Oaks Boulevard and sidewalks on both sides Tomoka Oaks Boulevard), acceptance of outdoor recreation areas. The traffic impacts of this project have been analyzed and determined to be within the Level of Services adopted by the City Comprehensive Plan, with the provision of a traffic signal at Nova Road and Tomoka Oaks Boulevard.

In reviewing the application, the Planning Board should consider:

1. Application submittal;
2. Staff report and Site Plan Review Committee comments;
3. Written correspondence provided;
4. Criteria of the Land Development Code contained within the staff report; and
5. Testimony provided at the Planning Board public hearing.

It is recommended that the Planning Board recommend **DENIAL** for the issuance of a development order for 276 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements based on criteria 1 and 4 analyzed above.

Specific recommended changes in the site plan from the Site Plan Review Committee would include:

A. Require all lots on the project perimeter with the Tomoka Oaks subdivision to be 100' in lot depth and at least 10,000 square feet in lot area **(Option 3)**.

B. Requirement of a type 6 buffer planting plan that requires seven (7) trees, 70 shrubs & 70 ground covers per 100' lineal feet **(Option 6)**.

C. Setback plan – lot width – 100' in width **(Option 8)**.

D. Setback plan – maximum building coverage – 50% across all housing types **(Option 10)**.

E. Setback plan - minimum primary structure setbacks – **(Option 13)**.

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	20'	20'	7.5'	15'
Park House	60'	25'	20'	7.5'	15'
Estate House	80'	25'	20'	8'/20'	20'
Custom House	80'	25'	20'	8'/20'	20'

F. Setback plan - minimum front porch setbacks – **(Option 16)**

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	12'	20'	7.5'	15'
Park House	60'	15'	20'	7.5'	15'
Estate House	80'	15'	20'	8'/20'	20'
Custom House	80'	15'	20'	8'/20'	20'

G. Setback plan - minimum front porch setbacks – **(Option 19)**

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	20'	20'	7.5'	15'
Park House	60'	25'	20'	7.5'	15'
Estate House	80'	25'	20'	8'/20'	20'
Custom House	80'	25'	20'	8'/20'	20'

H. Setback plan – Notes – Delete the notes. Notes 1 and 2 are contained in the Land Development Code. Staff is not supportive of a 15' front yard garage setback **(Option 22)**.

I. Sheet PD6 note on lot separation - Amend note to state: The 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas **(Option 24)**.

J. St. Andrews Drive and Tomoka Oaks Boulevard diamond - that a diamond reconfiguration be required at the construction (preliminary plat) phase of the development **(Option 25)**.

K. Sidewalks on both sides of Tomoka Oaks Boulevard – require sidewalks on both sides of Tomoka Oaks Boulevard **(Option 26)**.

L. The preliminary plat should require the conducting of a neighborhood meeting.

Denial of the application may lead to the movement of the R-2, Single-Family Low Density zoning map amendment to provide the property a zoning designation. If there is a belief that the project has complied with the development order criteria, then the project should be recommended for approval. No City Commission date has been set for the project at this time.

ATTACHMENTS

Attachment 1: Outstanding Site Plan Review Committee comments
Attachment 2: Location, land use, and zoning maps
Attachment 3: Correspondence received
Attachment 4: Traffic Impact Analysis
Attachment 5: Environmental information
Attachment 6: School concurrency
Attachment 7: Neighborhood meetings summaries
Attachment 8: Requested and recommended setbacks
Attachment 9: Analysis of the ability to develop the former golf course
Attachment 10: Applicant provided information
Attachment 11: Site plans

ATTACHMENT 13

Information that was updated based on September 6, 2023 site plan submittal

Section B

Former Attachment 1: outstanding SPRC comments

Project Name: PZ-22-043
Project Description: Tomoka Reserve
Review Comments List Date: 6/27/2023

Ref. # 105, Civil Engineer, David Allen, 2/21/23 11:47 AM, Cycle 2, Unresolved
Markup: Civil-Lot Size, Tomoka Reserve PD Plans 6- typical lot layout.pdf

In the Neighborhood meeting, the width of the lot adjacent to the buffer,(existing lots) was a significant question. The width was more important than the square footage of the lot. Please provide rationale for the proposed lot sizes.

Responded by: Debi LaCroix - 6/7/23 3:30 PM
The Applicant is proposing a minimum lot width of 80 for all lots bordering the perimeter of the Property. The proposed lot width provides for overall lot areas within the same average size of the existing neighborhood, but provides a lot size that is· more applicable to current market conditions, which are equivalent to the minimum lot areas required by the adjacent zoning classification. The deeper lot depth will provide additional open space between the proposed and existing residential area.

Ref. # 145, Civil Engineer, David Allen, 6/21/23 4:08 PM, Cycle 4, Unresolved
Markup: Civil-Phasing Plan, PD2-PD6_21067 ODP PD2 (1).pdf

Is there a phasing plan available for the project? If so, at what stage will the Emergency Access be constructed?

How will the construction of utility connections be staged in the overall project?

Ref. # 147, Civil Engineer, David Allen, 6/26/23 3:27 PM, Cycle 4, Unresolved
Markup: Civil-Lot Width, PD2-PD6_21067 ODP PD2 (1).pdf

Change the word size to width. The size can increase by depth only. The concern is the width of the lots.

Ref. # 148, Civil Engineer, David Allen, 6/26/23 3:27 PM, Cycle 4, Unresolved
Markup: Civil-Pedestrian access, PD2-PD6_21067 ODP PD2 (1).pdf

Add the term "and individual property owners affected. "

Ref. # 149, Civil Engineer, David Allen, 6/26/23 4:56 PM, Cycle 4, Unresolved
Markup: Civil-Revision Emailed 06-26-23, PD1_21067 COV C1 (1).pdf

Note No. 9, Indicates that this will be a gated subdivision. Provide note that the streets will be privately maintained. Provide a note that there will be an access/utility easement placed over the entire roadway parcel dedicated to the City of Ormond Beach.

Technical comments for Preliminary Plat

Ref. # 65, Civil Engineer, David Allen, 1/31/23 4:34 PM, Cycle 2, Unresolved
Markup: Civil-Operating tables, 21067 Tomoka Reserve Storm Package.pdf

How were the discharge rates established for these tables.

Responded by: Debi LaCroix - 6/7/23 3:29 PM
Rates were established based upon geotechnical report. Geotechnical report has been attached with resubmittal. Final design and calculations will be provided during site plan review.
Reviewer

Ref. # 103, Civil Engineer, David Allen, 2/21/23 9:50 AM, Cycle 2, Unresolved
Markup: Civil-=Emergency Access, Autoturn Analysis.pdf

Provide a detail that shows the island and the pavement widths for North St Andrews Drive. Provide the vehicle turn exhibit for this connection as well as the connection within the subdivision.

Responded by: Debi LaCroix - 6/7/23 3:30 PM
Auto turn exhibit has been updated and enlargement provided on sheet vt1
Reviewer Response: David Allen - 5/10/23 2:49 PM
Layout of streets does not match the plan sheets. Provide auto-turn with the plan sheet layout.
TECHNICAL COMMENT

Ref. # 118, Civil Engineer, David Allen, 5/10/23 2:15 PM, Cycle 3, Unresolved
Markup: Civil-Dry Retention, 21067 PD-04-28-23.pdf

Dry retention ponds were indicated as allowing infiltration to meet the time related requirements for stormwater management. The borings for the ponds indicated a layer of oraganics and top soil. How will the ponds function after several rain events have compacted the top layer into an impervious layer at the bottom of the pond.

If the pond bottom is being counted as natural preserrvation, these organics will seal the pond bottom. If the organics are removed then it should not count towards the natural [preservation.

Provide time table of acceptable water stage on the trees within the dry retention.

Responded by: Debi LaCroix - 6/7/23 3:31 PM
As discussed at the SPRC meeting, the Applicant will meet Mr. Allen on site to discuss potential allowable vegetation and maintenance within these areas.

Ref. # 119, Civil Engineer, David Allen, 5/10/23 2:39 PM, Cycle 3, Unresolved
Markup: Civil- Auto Turn, Autoturn Analysis.pdf
This configuration no longer matches the roadway layout for the [project. please provide an update to this figure.
Also provide a detail that demonstrates the emergency vehicle at the emergency access in conjunction with the existing island in N. St Andrews.
Responded by: Debi LaCroix - 6/7/23 3:31 PM
Enlargement has been provided on sheet vt1
Reviewer Response: David Allen - 5/10/23 2:50 PM
TECHNICAL COMMENT

Ref. # 62, Landscape Architect, Cara Culliver, 1/25/23 3:25 PM, Cycle 2, Unresolved
Markup: Buffer Type, Tomoka Reserve PD Plans 5 -Buffer plan.pdf

- Staff is supporting a Type 6 landscape buffer which is consistent with the 50' buffer width & requires 7 trees, 70 shrubs & 70 ground covers per 100' lineal feet.

Responded by: Debi LaCroix - 6/7/23 3:32 PM
Buffer planting and Maintenance Plan has been developed by Don Spence, PhD. It has been included with the submittal.

Ref. # 134, Landscape Architect, Cara Culliver, 6/12/23 5:00 PM, Cycle 4, Unresolved
Markup: High Density Buffer Planting, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- A Type 6 buffer which is 50' foot depth requires 7 trees, 70 shrubs & 70 ground covers per 100' lineal feet. The document states 30 shrubs and the planting depth is 20 foot which is inconsistent with Section 3-06(d)(1)(2) of the Land Development Code.

- The elevation & plan view drawings shall be to scale and should show a typical 100 foot length & 50' foot depth planting design. This applies to all of the Typical Buffer Sketches.

- There is no reference to the keyed out plant materials and not able to determine what's being proposed?

- The plan view sketch only shows 5 trees and the requirement is 7 trees per 100 lineal foot. Also, the shrub requirement is 70 and only 30 are shown.

- Spacing trees 15 feet apart doesn't give enough room for growth and you have a 50' foot wide buffer to work within.

- The wildflower areas should be shown in more natural shape.

Ref. # 135, Landscape Architect, Cara Culliver, 6/13/23 10:39 AM, Cycle 4, Unresolved
Markup: Master Buffer Plan, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- Need to reference on the master buffer plan where these 3 different typical buffer planting would occur.

- Ultimately, the 3 different planting sketches/specifications will have to be incorporated on 24x36 scaled drawing and included in the ZevCohen landscape plans.

Ref. # 136, Landscape Architect, Cara Culliver, 6/13/23 10:43 AM, Cycle 4, Unresolved
Markup: Tree Mitigation for Specimen & Protected Trees, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- Tree mitigation if applicable could drive the density of the buffers and tree caliper sizes. This will have to be worked out with final future detailed drawings.

Ref. # 137, Landscape Architect, Cara Culliver, 6/13/23 10:50 AM, Cycle 4, Unresolved
Markup: Medium Density Buffer & Intact Buffer Plantings Sketches, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- The medium and intact buffer sketches would need to be applied to the actual site to determine what needs to be planted back.

- There is a ground cover requirement and no mention of this in the written text for both of these sketches.

Ref. # 138, Landscape Architect, Cara Culliver, 6/13/23 11:01 AM, Cycle 4, Unresolved
Markup: Planting Details, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- Please use the City standard planting details.

Ref. # 139, Landscape Architect, Cara Culliver, 6/13/23 11:13 AM, Cycle 4, Unresolved
Markup: Watering Schedule, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- Staff is not supportive hand watering for establishment of plant materials/trees. A permanent irrigation system needs to be in place for the establishment of the trees and plant materials as per Section 3-05(e) of the Land Development Code.

- The watering requirement of trees wouldn't be the same as watering requirement for shrubs/ground covers. For example and based on the University of Florida research, 3 gallons of water per caliper inch and establishment rates are based on 3 month per inch of trunk caliper. To establish a 30 (8 gallons of water) or 45 gallon tree (9 gallons of water) at 2.5" caliper would take 8-12 months. You would need to water daily for 1-2 months and every other day for 4 months and weekly until establishment. This is not a efficient way to water a project of this size and there will be limited to no access to this 50 foot buffer when the project is developed. Also, we frequently experience drought which is going to be a factor in keeping this natural buffer alive.

Ref. # 140, Landscape Architect, Cara Culliver, 6/13/23 3:41 PM, Cycle 4, Unresolved
Markup: Intact Buffer, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- When 7 existing trees are not present with this buffer type, than Understory trees would be more appropriate than more shade canopy trees.

Ref. # 141, Landscape Architect, Cara Culliver, 6/13/23 3:52 PM, Cycle 4, Unresolved
Markup: Suggested Tree List, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf
- The intent is to provide screening please limit the amount of deciduous trees used in this plant palette.

- This project would have Canopy and Understory trees. Please add a category for native Understory Trees. Might want to call the Medium tree an Understory tree on the sketches.

- I don't think the American Olive, American Hornbeam, Redbud and Sugarberry are available to meet the cities minimum tree size of 10' foot height and 2.5" caliper, please check availability and revise list as necessary.

- The Florida Privet is semi-evergreen and can shed it's leaves in the winter.

Ref. # 142, Landscape Architect, Cara Culliver, 6/14/23 8:37 AM, Cycle 4, Unresolved
Markup: Tree Size & Spacing, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- The minimum tree size is 10' foot height and 2.5" caliper per Sec.3-05(d)(2).

- Spacing trees 15 feet apart especially for canopy trees doesn't not provide enough room for growth. You have a 50' buffer depth and greater spacing can be achieved with a staggered spacing.

Ref. # 143, Landscape Architect, Cara Culliver, 6/14/23 9:02 AM, Cycle 4, Unresolved
Markup: Wildflowers, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- For the success of the wildflower seeds they are installed a certain way, during the fall season, type of seed mix and what's the application rate. Please provide more detailed specifications.

Ref. # 144, Landscape Architect, Cara Culliver, 6/14/23 9:16 AM, Cycle 4, Unresolved
Markup: Existing Turfgrass, Draft 4 Buffer Planting Maintenance Plan (6-6-23).pdf

- The existing turfgrass will need to be removed for the plantings of the trees and shrubs. The existing grass is going to compete with the establishment of the shrubs and most likely grow over the shrubs and choke them out. This will become a long-term maintenance issue if the grass is left. Once the plant materials are installed a 3" inch mulch layer (suggest using Pine Bark) will retain the soils moisture.

Ref. # 121, Planning Director, Steven Spraker, 5/11/23 8:21 AM, Cycle 3, Unresolved
Markup: Comments After Zoning Approval (For Landscape Architect), PD2-PD6_21067 ODP-PD5B.pdf

- All subdivisions and other developments involving the creation of new streets shall adhere to Section 3-05(c)(15)(18)(19).

- A landscape plans shall be submitted for all the required landscape buffers detailing the tree, shrub/ground cover requirements and how they are being met, street tree plan, main entrance landscape and amenity plans. These plans shall also detail/provide calculations for the minimum tree, tree mitigation & specimen tree requirements. Irrigation plans will also be required and comply with the Volusia County Waterwise Ordinance.

- A tree survey was prepared. Please prepare a tree protection/removal plan superimposed over the proposed improvements, including tree/mitigation calculations.

Reviewer Response: Steven Spraker - 6/27/23 4:59 PM
These documents shall be required with the construction drawings.

Responded by: Debi LaCroix - 6/7/23 3:43 PM
NOTE HAS BEEN ADDED TO ILLUSTRIATIVE SECTION Planting and Maintenance plan has been generated. It is included with the submittal for staff review. Calculations are to be provided at site plan as discussed with staff. Unclear if this is a hold over comment or new comment due to formatting.

Ref. # 122, Planning Director, Steven Spraker, 5/11/23 8:21 AM, Cycle 3, Unresolved
Markup: 20% Natural Preservation (For Landscape Architect), PD2-PD6_21067 ODP-PD5B.pdf

- To meet the natural preservation requirement all the trees and natural understory would need to remain. The plan is including open space areas as natural preservation and these areas would need to have existing trees and understory vegetation to meet these requirements. Need more information to see if the requirement is being met.

- The plan shows the bottom of the retention ponds are to remain at natural grade and provide natural preservation, however very concerned with long-term feasibility of these areas remaining natural and long-term permeability?

- Informational comment, no grading will be allowed within the natural preservation areas.

Reviewer Response: Steven Spraker - 6/27/23 4:58 PM
Thank you for the information on the 20% natural preservation. Note, once these areas are approved with the zoning documents, SPRC does not have the ability to reduce natural preservation acreage.

Responded by: Debi LaCroix - 6/7/23 3:44 PM
Callouts have been modified and are no longer counted within the Total Natural Preservation Area as discussed at SPRC. The design intent and goal with the grading plan is still to preserve the existing canopy that is contained within the dry retention areas. Callouts have been modified and are no longer counted within the Total Natural Preservation Area as discussed at SPRC. The design intent and goal with the grading plan is still to preserve the existing canopy that is contained within the dry retention areas. Noted, Thank you.

Ref. # 106, Planner 1, Robin Gawel(B), 5/9/23 1:22 PM, Cycle 3, Unresolved
Markup: Planning, Project Narrative 4.28.23.pdf

Please see comments on page PD6 and page mark-up in Reviewer Attachments folder.

1. The R-2 requirements for impervious coverage is 75%. Staff recommends maintaining consistent requirements for all of the lot types.

2. Staff recommends revising page PD6 Maximum building coverage to 50% for all types to be consistent with statement number 2 of this document.

3. Staff recommended setbacks are included on comments to PD6 and illustrated on mark-up uploaded in the reviewer attachments folder.

Responded by: Debi LaCroix - 6/7/23 3:33 PM
Plans have been updated and a revised table and illustrations have been added.

Ref. # 114, Planner 1, Robin Gawel(B), 5/9/23 3:50 PM, Cycle 3, Unresolved
Markup: Planning, PD2-PD6_21067 ODP PD6 (1).pdf

Staff recommends the following changes to be consistent with statements made in the project narrative and response letter.

1. General impervious requirement is 75%. Staff recommends maintaining consistent standards.

2. Project narrative requests 50% coverage. Staff recommends this be consistent for all lots.

3. Staff recommends removing all notes in the table. Alleys are no longer included in the development. Coach and Townhomes are not one of the listed Lot Types. 0' setbacks are not included in the Lot types. Granny flats, mother-in-law suites or detached accessory dwelling units are permitted as part of a single-family dwelling.

4. Staff recommends the setbacks as follows;

Lot Type	Front	Rear	Side Interior	Street Corner	Porch
Village House	20ft	20ft	7.5ft	15ft	12ft
Park House	25ft	20ft	7.5ft	15ft	15ft
Estate House	25ft	20ft	8ft total 20ft	20ft	15ft
Custom House	25ft	20ft	8ft total 20ft	20ft	15ft

Staff recommended setbacks and PD6 with comments has been uploaded to reviewer attachments folder for reference.

Responded by: Debi LaCroix - 6/7/23 3:33 PM
Plans have been updated and a revised table and illustrations have been added.

Ref. # 116, Planner 1, Robin Gawel(B), 5/9/23 4:00 PM, Cycle 3, Unresolved
Markup: Planning, Response Letter 4.28.23.pdf

The response comments note that the proposed lots are equal to the overall zoning district square footage minimum of 10,000 square feet. In staffs review, many existing lots exceed the zoning district minimum, with a minimum lot area of 12,000 sq. ft.

Responded by: Debi LaCroix - 6/7/23 3:35 PM
Noted:

Ref. # 117, Planner 1, Robin Gawel(B), 5/9/23 4:00 PM, Cycle 3, Unresolved
Markup: Planning, Response Letter 4.28.23.pdf

Staff does not concur with the proposed setbacks and has provided recommendation. If there is a desire to maintain the proposed setbacks and conditions, staff recommends outlining each aspect of New Urbanism being applied with a summary of how it is being achieved through this development. In support of the proposed setback differences, what other communities have been constructed utilizing the New Urbanism principals.

Reviewer Response: Robin Gawel(B) - 6/26/23 9:44 AM
See comments uploaded by Planning Director.

Responded by: Debi LaCroix - 6/7/23 3:35 PM
Setbacks have been updated as discussed in SPRC. Additional exhibits have been generated to discuss side yard setbacks.

Ref. # 146, Planner 1, Robin Gawel(B), 6/22/23 3:56 PM, Cycle 4, Unresolved
Markup: Planner 1, 21067 SETBACKS C4 (1) copy.pdf

It is not clear what is to be derived from this detail. It is recommended that some commentary is added to help clarify how this information should be implemented.

Ref. # 123, Planning Director, Steven Spraker, 5/11/23 8:21 AM, Cycle 3, Unresolved
Markup: 50' Landscape Buffer, PD2-PD6_21067 ODP-PD5B.pdf

- Staff will be supporting a Type 6 buffer plantings within the 50' landscape buffer. Response comments indicate plantings to be a type 4 buffer which will include existing natural vegetation with temporary irrigation is being proposed. Staff is not supportive of a type 4 buffer type and the information provided to date has not made staff supportive of the plant materials or temporary irrigation. A permanent irrigation system needs to be in place for establishment of the trees which can take years depending on the caliper size and drought situations. Staff also have concerns with the long-term maintenance of the buffer area and survivability of the plants with temporary irrigation.

Responded by: Debi LaCroix - 6/7/23 3:45 PM
Please see submitted Buffer Planting and Maintenance Plan.

Ref. # 150, Planning Director, Steven Spraker, 6/27/23 10:00 AM, Cycle 4, Unresolved
Comment:
Key policy issues:

1. **Lot Sizes:**

Applicant: mixture of 80', 60' and 50' lots. 80' wide lots abut existing Tomoka Oaks lots.

Staff recommendation: Staff recommends 100' wide lots to total at least 10,000 square feet abutting the perimeter of the existing Tomoka Oaks single-family houses.

2. **Buffer abutting existing Tomoka Oaks single-family houses:**

Applicant: See Tomoka Reserve Buffer Planting and Maintenance Plan, dated June 6, 2023.

Staff recommendation: Staff recommends typical planting (type 6) and irrigation plan. See city Landscape Architect's comments.

3. **Setback plan:**

Applicant: See Sheet PD7.

Staff recommendation: Staff not supportive of building coverages or proposed setbacks. Staff recommended setbacks included in the review.

4. **PD6 note on lot separation.**

Applicant: Note states: The lot separation width shown on this sheet may be subject to change at the time of permitting. The represented distances are from existing lot in Tomoka Oaks neighborhood and proposed lots within Tomoka Reserve.

Staff recommendation: The 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas.

5. **St. Andrews Drive and Tomoka Oaks Boulevard "diamond".**

Applicant: Traffic Impact Analysis, response to comments, Item 3 states the existing diamond is expected to operate within the adopted level of service during the peak hours. No improvements are proposed.

Staff recommendation: The diamond is awkward and in staff's opinion's confusing and potentially dangerous as additional trips are added. Staff recommends that a diamond reconfiguration be required at the construction (preliminary plat) phase of the development.

6. **Recreation – additional outdoor recreation.**

Applicant: See sheets PD10 and PD3 where 9.06 acres of outdoor recreation is provided throughout the subdivision.

Staff recommendation: Staff supportive of the request. Similar request have been approved – RidgeHaven subdivision was the last similar request.

Ref. # 151, Planning Director, Steven Spraker, 6/27/23 10:41 AM, Cycle 4, Unresolved
Comment:

The Planning Board meeting will be at 6pm at Calvary Christian Center at 1687 West Granada Boulevard, Ormond Beach, FL 32174.

If you intend to use a PowerPoint, we will need the PowerPoint on/before July 13th at noon.

Ref. # 152, Planning Director, Steven Spraker, 6/27/23 10:43 AM, Cycle 4, Unresolved

Comment: The review from TEDS/Stanley Group is outstanding and will be provided once received.

Ref. # 153, Planning Director, Steven Spraker, 6/27/23 10:44 AM, Cycle 4, Unresolved

Comment: The diamond at St. Andrews and Tomoka Oaks Boulevard is awkward and in staff's opinion's confusing and potentially dangerous as additional trips are added. Staff recommends that a diamond reconfiguration be required at the construction (preliminary plat) phase of the development.

Ref. # 154, Planning Director, Steven Spraker, 6/27/23 5:06 PM, Cycle 4, Unresolved

Comment: Written comments on the plan sheets were provided by Planning staff on 6/23/23 and the applicant has provided updated plans dated 06/26/2023. Staff comments from 6/23/23 are attached.

Ref. # 64, Utility 1, Mike Stephenson, 1/26/23 1:52 PM, Cycle 2, Unresolved
Markup: Site Plan - Revise and Resubmit, Tomoka Reserve PD Plans 7 - Utility plan.pdf

Utilities has no comments regarding the proposed planned residential development. Full site plan approval, however, will require review of more detailed construction plans and design documents. Elements that will be reviewed at that time include, but is not limited to: utility separation requirements, utility connection details, valves and hydrants spacing, applicable permit status, and the inclusion of applicable City standard details.

Responded by: Debi LaCroix - 6/7/23 3:49 PM
Noted.

Staff recommendations for Tomoka Reserve setbacks

PUD Development Standards																																					
Lot Type	Minimum Lot Width or Range		Minimum Lot Depth		Minimum square foot Range		Required Parking Spaces		%Impervious		Maximum Height		Max Building Coverage		Minimum Primary Structure Setbacks								Minimum Front Porch Setbacks								Minimum Garage Setbacks[3]							
															Front[2]		Rear		Side		Side Street		Front		Side		Rear		Side Street		Front		Side		Rear		Side Street	
Village House	50′	50′	110′	SS	1500	SS	2	SS	75%	SS	35′	SS	65%	50%	15′	20′	15′	20′	7.5′	7.5′	10′	15′	10'	12′	7.5′	7.5′	15′	N/A	NP	15′	25′	20′	7.5′	SS	15′	20′	NP	15′
Park House	60′	60′	120′	SS	1700	SS	2	SS	75%	SS	35′	SS	50%	50%	15′	25′	15′	20′	7.5′	7.5′	10′	15′	10′	15′	7.5′	7.5′	15′	N/A	NP	15′	25′	25′	7.5′	SS	15′	20′	NP	15′
Estate House	80′	80′	120′	SS	2000	SS	2	SS	75%	SS	35′	SS	54%	50%	15′	25′	15′	20′	7.5′	8′, 20′ Total	10′	20′	10′	15′	7.5′	8′, 20 Total	15′	N/A	NP	20′	25′	25′	7.5′	8′, 20 Total	15′	20′	NP	20′
Custom House	80′	100′	125′	SS	2200	SS	2	SS	75%	SS	35′	SS	52%	50%	15′	25′	15′	20′	8′	8′, 20′ Total	10′	20′	10′	15′	7.5′	8′, 20 Total	15′	N/A	NP	20′	25′	25′	8′	8′, 20 Total	15′	20′	NP	20′
1.	The maximum building height shall be measure from the average of the existing grade at the four most corners of the building.																																					
	Standard regulations exist in the Land Development Code. Staff recommends removal of this language																																					
2.	The maximum front yard setback to the primary structure defined as load bearing air conditioned space.																																					
	Staff has requested more detail in order to make a recommendation – there is no number 2 in the table. Please clarify if "2" in the table is intended to be number 2.																																					
3.	Garages can be front loaded or side loaded. Side loaded garages may have a minimum front setback of 15′.																																					
	Staff does not support this setback.																																					

Staff Recommendations

NP = Not Provided

SS = Staff Supported

N/A = Not applicable – should not be listed

ATTACHMENT 13

Information that was updated based on September 6, 2023 site plan submittal

Section C

Former Attachment 8: requested and recommended setbacks

PUD Development Standards

Lot Type	Minimum Lot Width or Range	Minimum Lot Depth	Minimum Square Foot Range	Required Parking Spaces	% Impervious	Maximum Height	Max Building coverage	Minimum Primary Structure Setbacks				Minimum Front Porch Setbacks			Minimum Garage Setbacks 3		
								Front 2	Rear	Side	Side Street	Front	Side	Rear	Front 3	Side	Rear
Village House	50	110	1500	2	75%	35'	65%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Park House	60	120	1700	2	75%	35'	50%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Estate House	80	120	2000	2	75%	35'	54%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Custom House	80	125	2200	2	75%	35'	52%	15'	15'	8'	10'	10'	7.5'	15'	25'	8'	15'
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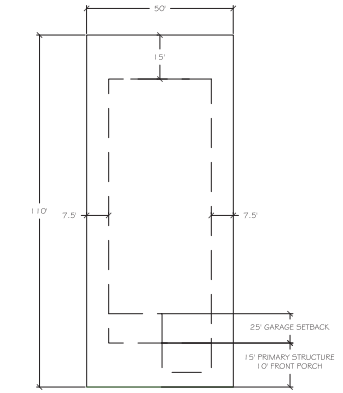
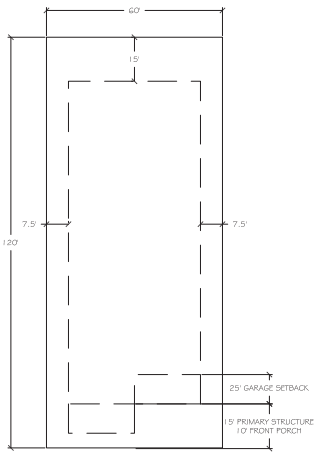
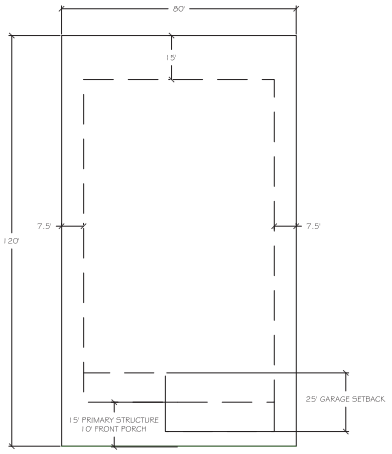
3	Garages can be front loaded or side loaded. Side Loaded Garages may have a mimum front setback of 15'.																



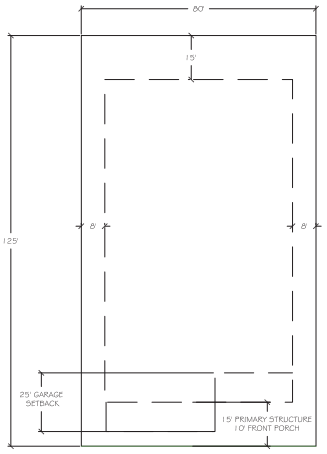
A VILLAGE HOUSE (50'x120')
N.T.S. DETAIL-FILE



B PARK HOUSE (60'x120')
N.T.S.



C ESTATE HOUSE (80'x120')
N.T.S.



D CUSTOM HOUSE (80'x125')
N.T.S.

ZEV COHEN & ASSOCIATES, INC.
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE
PLANNED DEVELOPMENT
TYPICAL LOT LAYOUT

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH
DRAWING FILE: PD2-PDR_21067 ODP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. KOVALEV, P.E. #0048069
NOT VALID WITHOUT SEAL

SHEET: PD7 OF 10

Staff recommendations for Tomoka Reserve setbacks

PUD Development Standards																																						
Lot Type	Minimum Lot Width or Range		Minimum Lot Depth		Minimum square foot Range		Required Parking Spaces		%Impervious		Maximum Height		Max Building Coverage		Minimum Primary Structure Setbacks								Minimum Front Porch Setbacks								Minimum Garage Setbacks[3]							
															Front[2]		Rear		Side		Side Street		Front		Side		Rear		Side Street		Front		Side		Rear		Side Street	
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Park House	60′	60′	120′	SS	1700	SS	2	SS	75%	SS	35′	SS	50%	50%	15′	25′	15′	20′	7.5′	7.5′	10′	15′	10′	15′	7.5′	7.5′	15′	N/A	NP	15′	25′	25′	7.5′	SS	15′	20′	NP	15′
Estate House	80′	80′	120′	SS	2000	SS	2	SS	75%	SS	35′	SS	54%	50%	15′	25′	15′	20′	7.5′	8′, 20′ Total	10′	20′	10′	15′	7.5′	8′, 20 Total	15′	N/A	NP	20′	25′	25′	7.5′	8′, 20 Total	15′	20′	NP	20′
Custom House	80′	100′	125′	SS	2200	SS	2	SS	75%	SS	35′	SS	52%	50%	15′	25′	15′	20′	8′	8′, 20′ Total	10′	20′	10′	15′	7.5′	8′, 20 Total	15′	N/A	NP	20′	25′	25′	8′	8′, 20 Total	15′	20′	NP	20′
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Staff Recommendations

NP = Not Provided

SS = Staff Supported

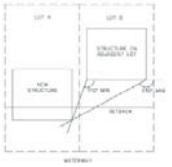
N/A = Not applicable – should not be listed

Sec. 2-13. - R-2, Single-Family Low Density Zoning District.

A. PURPOSE:	The purpose of the Single-Family Low Density (R-2) Zoning District is to protect and encourage the continued development of low density, single-family residential development.											
B. DIMENSIONAL STANDARDS												
1	2	3	4	5.	6.	7.	8.	9.				
Density	**Maximum Building Height**	**Maximum Building Coverage**	**Maximum Impervious Lot Coverage**	**Minimum Lot Size**	**Minimum Lot Width**	**Minimum Lot Depth**	**Minimum Perimeter**	**Setbacks**				
								a. Front	**b. Rear**	**c. Side**	**d. Street Side/Corner**	**e. Waterbody**
4.3 units per acre	30'	35%	75%	10,000 SF	100'	None	None	30' (see Additional Front Yard Setbacks listed below)	25'	8' total 20'	20'	30' (see Additional Waterbody Setbacks listed below)

9.a. Additional Front Yard Setbacks: In order to preserve the character of the historic area along the west side of North and South Beach Street between Sanchez Avenue and Lorillard Place, the following standards shall apply to all lots of record as of October 3, 1989, which lots are residentially zoned, abut the west side of North or South Beach Street and lie south of the centerline of Sanchez Avenue and north of the centerline of Lorillard Place:

Exhibit 9.a. Minimum Viewing Angle



(1) The required front yard setbacks for any lot of record as of October 3, 1989, and to which these regulations apply, shall not be less than the average building setback of all existing single-family dwelling units within three hundred feet (300') of each side lot line of the lot on which the single-family dwelling unit is proposed to be located provided that, in no event shall the front yard setback be less than thirty feet (30'). It shall include single-family dwelling units separated from the lot in question by any side streets. In the event no single-family dwelling units are located within three hundred feet (300') of both sides, the required front yard shall be thirty feet (30'). For the purpose of this requirement, the three hundred feet (300') shall be measured along a line parallel with the street right-of-way line, beginning at the corner of the lot nearest the direction being measured (e.g., for three hundred feet (300') north, begin at northeast corner), and including any street rights-of-way within the three hundred-foot (300') distance.

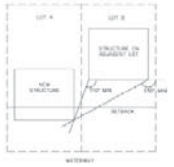
(2) In the event there is more than one principle structure, as defined in Chapter 1, Article III, Section 1-22, located on any adjacent lot within the 300', only the setback of the principal structure nearest the front property line will be used to calculate the applicable setback. Principle structure means any structure that is occupied by a principle use as defined in this Land Development Code.

(3) Notwithstanding subsections 9.a.(1) and 9.a.(2) of this section, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may be built to the same setback in the same building footprint and height as the dwelling unit that it is replacing.

(4) Notwithstanding subsections 9.a.(1) and 9.a.(2) of this section, a structure may encroach into a required front yard setback provided that the new structure is so located as to allow a minimum viewing angle to the right-of-way of not less than 110 degrees from the closest front corner and 130 degrees from the furthest front corner of the closest structure on the adjacent lot, as depicted in Exhibit 9.a., and the 30' setback is met.

9.e. Additional Waterbody Setbacks:

Exhibit 9.e. Minimum Viewing Angle



(1) Ocean Yard Setbacks: Yards adjacent to the ocean shall be considered "rear" yards, and no structure, except for sun decks and walkways provided in this section and Chapter 3, Article II, Section 3-15, Coastal Management, shall extend beyond a line projected between the average setback of all buildings within 800' of each side lot line of the lot upon which the proposed building is to be constructed or within a building setback otherwise established under Florida Statutes or Chapter 3, Article II of this Land Development Code, whichever is greater. Such line shall run parallel with the street right-of-way line; or

(2) Tomoka/Halifax River Frontage Lots (Excluding Oceanfront):

a. The minimum rear yard setback from the mean or ordinary high-water line for properties abutting a waterbody shall be the average building setback of all existing single-family dwelling units within 300' of each side lot line of the lot on which the single-family dwelling unit is proposed to be located, minus 5', or as otherwise established under Florida Statutes or Chapter 3, Article II, Section 3-16 of this Land Development Code, Surface Waters and Marine Life Habitat, whichever is greater, provided that in no event shall the setback be less than 30'. The rear yard setback line may meander to follow the mean high-water line.

b. In the event there is more than one principle structure, as defined in Chapter 1, Article III, Section 1-22, located on any adjacent lot within the 300', only the setback of the principal structure nearest the mean or ordinary high-water line will be used to calculate the applicable setback. Principle structure means any structure that is occupied by a principle use as defined in this Land Development Code.

c. Notwithstanding subsections a. and b. of this section, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may be built to the same setback in the same building footprint and height as the dwelling unit that it is replacing.

d. Notwithstanding subsections a. through c. of this section, a structure may encroach into a required waterfront yard setback provided that the new structure is so located as to allow a minimum viewing angle to the waterway of not less than 110 degrees from the closest front corner and 130 degrees from the furthest front corner of the closest structure on the adjacent lot, as depicted in Exhibit 9.e., and the 30' setback is met.

C. PERMITTED USES	D. CONDITIONAL USES	E. SPECIAL EXCEPTION USES	F. OTHER STANDARDS

<table>
<tr>
<td>1. Community Residential Home
2. Dwelling, Single-Family, Detached
3. School, Public</td>
<td>1. Adult Family Care Home
2. Family Day Care Home
3. Foster Home
4. Group Home
5. Parks and Recreation Facilities, Private
6. Parks and Recreation Facilities, Public
7. Public Facilities
8. Public Utilities
9. Telecommunication Tower or Antenna, Camouflaged
10. Water Survival Instruction
11. Wind Energy System</td>
<td>1. Bed and Breakfast Inn
2. Golf Course/Country Club
3. Historic Preservation Mixed Use
4. House of Worship</td>
<td>All development must comply with the following requirements:1. Wetlands (chapter 3, article II).2. Special corridors and buffer requirements (chapter 3, article I).3. See conditional and special exception regulations (chapter 2, article IV).4. Use of dwelling units for transient lodging is prohibited in order to protect and maintain the residential character of the zoning district. 5. Single-family residential buildings shall have the following minimum floor area:
<table>
<tr><th>Type</th><th>1-Story</th><th>Split Level</th><th>2-Story</th></tr>
<tr><td>A</td><td>1,500 SF</td><td>1,800 SF</td><td>2,100 SF</td></tr>
<tr><td>B</td><td>1,350 SF</td><td>1,650 SF</td><td>2,000 SF</td></tr>
</table>
</td>
</tr>
<tr>
<td colspan="4">G. PERMITTED ACCESSORY USES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in chapter 2, article III.</td>
</tr>
</table>

(Ord. No. 2013-13, § 6, 2-5-2013; Ord. No. 2022-15 , § 4, 6-7-2022)

ATTACHMENT 13

Information that was updated based on September 6, 2023 site plan submittal

Section D

Former Attachment 11: Site plans for July 13, 2023 Planning Board meeting

TOMOKA RESERVE

CITY OF ORMOND BEACH - VOLUSIA COUNTY, FL

PLANNED DEVELOPMENT

OWNER:
TRIUMPH OAKS OF ORMOND BEACH I, LLC
7765 LAKE WORTH ROAD, BOX 320
LAKE WORTH, FL 33467
PHONE NUMBER: (561) 704-1959
FAX NUMBER
CONTACT PERSON: SHELDON RUBIN
e-mail: sheldonwrubin@gmail.com

CIVIL ENGINEER:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: KRIS ROWLEY, P.E.
e-mail: krowley@zevcohen.com

SURVEYOR:
SLIGER & ASSOCIATES, INC.
3921 NOVA ROAD
PORT ORANGE, FL 32127
PHONE NUMBER: (386) 761-5385
FAX NUMBER
CONTACT PERSON: JOE ZAPERT
e-mail: Jzapert@sligerassociates.com

GEOTECHNICAL ENGINEER:
UNIVERSAL ENGINEERING SCIENCES
911 BEVILLE RD
SOUTH DAYTONA, FL 32119
PHONE NUMBER: (386) 756-1105
FAX NUMBER: (386) 760-4067
CONTACT PERSON: BRIAN POHL
e-mail: Bpohl@universalengineering.com

LANDSCAPE ARCHITECT:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: JAKE STEHR, R.L.A.
e-mail: jstehr@zevcohen.com

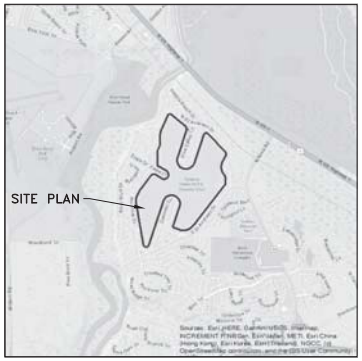
ATTORNEY:
COBB COLE
149 S. RIDGEWOOD AVENUE, SUITE 700
DAYTONA BEACH, FL 32114
PHONE NUMBER: (386) 255-1811
FAX NUMBER: (386) 253-1746
CONTACT PERSON: ROB MERRELL
e-mail: rob.merrell@cobbcole.com

PROJECT DESCRIPTION:

ISSUANCE OF A DEVELOPMENT ORDER TO ALLOW 276 SINGLE-FAMILY LOTS AND ASSOCIATED SITE IMPROVEMENTS.

SITE INFORMATION:	
SITE ADDRESS:	20 TOMOKA OAKS BLVD., ORMOND BEACH, FL 32174
PROJECT AREA:	147.94 ACRES
TAX PARCEL I.D. #:	32420700010
ADJACENT ZONING	R2
EXISTING ZONING:	PRD-EXPIRED
PROPOSED ZONING:	PRD
EXISTING LAND USE:	VACANT
PROPOSED LAND USE:	RESIDENTIAL FAMILY
EXISTING FUTURE LAND USE:	LDR
MAXIMUM UNIT/LOT COUNT:	276
MAXIMUM MODEL HOME COUNT:	16
UNIT/LOT DENSITY:	1.87 PER ACRE
LOT TYPE	VARIES
REQUIRED LANDSCAPE BUFFER(S):	50 FT. MINIMUM TYPE 4 PLANTINGS
MINIMUM LOT DEPTH:	110 FT.
MINIMUM LOT WIDTH:	50 FT.
MAXIMUM BUILDING HEIGHT	35 FT.
UTILITIES:	PROVIDED BY CITY OF ORMOND BEACH

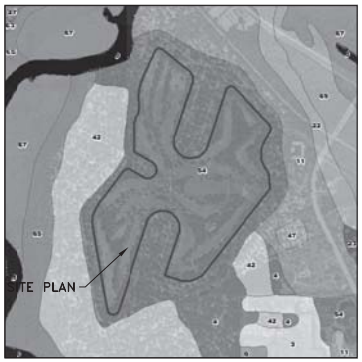
NOTES:
1. PROJECT MAY BE PHASED. PHASING PLAN WILL BE PROVIDED AT SITE PLAN APPROVAL.
2. ALL CONSTRUCTION TRAFFIC SHALL UTILIZE TOMOKA BLVD. AND NOVA ROAD ONLY.
3. CONSTRUCTION ACTIVITIES SHALL ONLY BE ALLOWED ON MONDAY THROUGH SATURDAY BETWEEN THE HOURS OF 7:00 A.M. TO 7:00 P.M.
4. PEDESTRIAN ACCESS THROUGH THE SECONDARY ACCESS MAY BE PROVIDED BUT SHALL NOT BE REQUIRED. FINAL DESIGN AND LAYOUT TO BE COORDINATED DURING SUBDIVISION REVIEW
5. THE PERIMETER BUILDING SETBACK SHALL BE NO LESS THAN 50' FROM THE PROJECT BOUNDARY PER L.D.C.
6. MODEL HOMES INCLUDED IN 276 TOTAL PROPOSED UNITS
7. TYPE 6 BUFFER AS MODIFIED PER TOMOKA RESERVE BUFFER PLANTING AND MAINTENANCE PLAN JUNE 6, 2023.
8. EXISTING VEGETATION NATURAL VEGETATION WITHIN THE BUFFER WILL BE UTILIZED TO MEET THE MINIMUM STANDARDS. AT TIME OF CONSTRUCTION IF EXISTING NATURALLY OCCURRING LANDSCAPE IS INSUFFICIENT (BY CITY OF ORMOND BEACH LANDSCAPE ARCHITECT) SUPPLEMENTAL PLANTINGS WILL BE PROVIDED.
9. PROPOSED ENTRANCE WILL BE GATED TO VEHICULAR ACCESS. PEDESTRIAN ACCESS IS STILL PROVIDED THROUGH MAIN ENTRANCE AND EMERGENCY ACCESS.



VICINITY MAP
SCALE: 1" = 2000'



ZONING MAP
SCALE: 1" = 1000'
CURRENT ZONING FOR THIS SITE IS: PRD



SOILS MAP
SCALE: 1" = 1000'
THE SITE LIES WITHIN THE FOLLOWING VOLUSIA COUNTY SOIL CLASSIFICATIONS: 0-WATER; 3-ARENTS; 4-ASTATULA FINE SAND, 0 TO 8 PERCENT SLOPES;11-BULOW SAND, 0 TO 5 PERCENT SLOPES; 22-ELECTRA FINE SAND, 0 TO 5 PERCENT SLOPES; 23-FARMTON FINE SAND;37-ORSINO FINE SAND, 0 TO 5 PERCENT SLOPES; 42-PAOLA FINE SAND, 0 TO 8 PERCENT SLOPES; 47-PITS; 54-QUARTZIPSAMMENTS, GENTLY SLOPING; 63-TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES; 65-TERRA CEIA MUCK; 67-TURNBULL MUCK; 69-TUSCAWILLA FINE SAND



FLOOD ZONE MAP
SCALE: 1" = 1000'
THE PROPERTY LIES IN:
FLOOD ZONE AE PER FEMA MAPS 12127C0211K AND 12127C0212K FEE 9/29/2017

SHEET INDEX:

PD1	COVER SHEET
PD2	OVERALL DEVELOPMENT
PD3	OPEN SPACE PLAN
PD4	SIGN PLAN
PD5/PD6	NATURAL PRESERVATION + BUFFER PLAN
PD7	TYPICAL LOT LAYOUT
PD8	ARCHITECTURAL EXHIBIT
PD9	STORMWATER AND UTILITY PLAN
PD10	AMENITY PLAN
VT1	VEHICLE TURN PLAN

LEGAL DESCRIPTION:

SAN SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 41, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.

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ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS/REVISIONS

TOMOKA RESERVE
FINAL ENGINEERING PLANS
COVER SHEET
CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067 PD
DESIGNED BY: KTR
DRAFTED BY: MRM
CHECKED BY: KTR
DRAWING FILE: PD1_21067.DGN

KRISTOPHER T. ROWLEY, P.E. NO. 84263
NOT VALID WITHOUT SEAL

SHEET: PD1 OF 10



LOT LEGEND (276 LOTS)

SYMBOL	MINIMUM LOT SIZES:	LOTS	LOT %
	50' X 150'	34	(12%)
	60' X 120'	87	(31%)
	80' X 120'	10	(3%)
	80' X 125'	145	(53%)

LAND USE LEGEND (147.94 ACRES)

SYMBOL	NOTES	ACRES	PERCENTAGE
	50' LANDSCAPE BUFFER	19.89	(13%)
	OPEN SPACE	24.76	(17%)
	DRAINAGE/HABITAT	24.57	(17%)
	OUTDOOR RECREATION/ COMMON OPEN SPACE	9.06	(6%)
	LOTS	57.71	(39%)
	ROW	11.95	(8%)

CONCEPT LEGEND

EMERGENCY ACCESS THRESHOLD

NOTE: THE LOT SIZES SHOWN WITHIN THIS PLAN ARE CONCEPTUAL AND WILL COMPLY TO THE WIDTH RANGES PROVIDED WITHIN LEGEND. THE MAXIMUM LOT COUNT SHALL NOT EXCEED 276 UNITS. THE LOT WIDTHS CAN DEVIATE FROM THE PROVIDED RANGES IF THEY INCREASE IN SIZE AND DEPTH.
NOTE: PEDESTRIAN ACCESS MAY BE PROVIDED TO TOMOKA OAKS LOTS WITH AN EASEMENT APPROVED BY THE INDIVIDUAL TOMOKA OAKS PROPERTY OWNER.
NOTE: TURN LANE SIZES SHALL BE DETERMINED AT THE TIME OF PERMITTING.
NOTE: SIDEWALK LOCATION IS SHOWN AS CONCEPTUAL, ACTUAL LOCATION TO BE DETERMINED AT SITE PLAN PERMTTING.

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ENVIRONMENTAL
PLANNING
TRANSPORTATION
(04-6-16) (1-C-03)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT OVERALL DEVELOPMENT

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD2-PD6_21067 OOP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E. NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD2 OF 10

LAND USE LEGEND

SYMBOL	NOTES	ACRES
	50' LANDSCAPE BUFFER	19.89 (13%)
	OPEN SPACE	24.76 (17%)
	DRAINAGE/HABITAT	24.57 (17%)
	OUTDOOR RECREATION/ COMMON OPEN SPACE	9.06 (6%)



MINIMUM ON SITE RECREATION FACILITIES

	REQUIRED	PROVIDED
RESIDENTIAL UNITS	276	276
MINIMUM ACTIVE OUTDOOR RECREATION REQUIRED CALCULATION: 90 S.F. * 276 UNITS = 16,560	24,840 SQFT	140,000 SQFT MIN.
MINIMUM COMMON ACCESSIBLE OPEN SPACE CALCULATION: 30 S.F. * 276 UNITS = 9,000	8,276 SQFT	263,900 SQFT MIN.

(A) 5-0" WIDE PEDESTRIAN SIDEWALK
4" THICK 2500 P.S.I.
6" THICK AT DRIVEWAY

(B) 6" ABOVE CENTERLINE ROAD GRADE

(C) SOD or SEED AND MULCH PER F.D.O.T. STANDARD SPECIFICATION SECTION 570. 1' SOD STRIP REQUIRED ADJACENT TO CURB AND AROUND DRAINAGE STRUCTURES.

(D) 4' WIDE AREA WITH MAX. SLOPE OF 1'/4 FEET

(E) CONCRETE MIAMI CURB, 2500 P.S.I.

(F) ASPHALT PAVEMENT: 1-1/2" ASPHALT BITUMINOUS CONCRETE SP-9.5 OR SP-12.5; MINIMUM MARSHALL FIELD STABILITY 1500.

(G) BASE: 6" LIMEROCK LBR 100; COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST. OR 6" CRUSHED CONCRETE LBR 100; COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST.

(H) SUB BASE: 6" SUB BASE COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST WITH MINIMUM LBR 40.

(I) PROPOSED STREET TREE. SPACING TO BE COORDINATED WITH DRIVEWAY AND UTILITY LOCATIONS. TO COMPLY WITH CITY OF ORMOND BEACH SECTION 3-05(C)(15)(18)(19).

(A) TYPICAL ROADWAY SECTION

N.T.S. NOTES: FINAL PAVEMENT SECTION TO BE DETERMINED AT TIME OF CONSTRUCTION PLAN SUBMITTAL.

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PLANNING
TRANSPORTATION
(34.414)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT OPEN SPACE PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD2-PD6_21067 OOP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
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SHEET: PD3 OF 10





A CONCEPTUAL ENTRANCE ELEVATION

NOTE: CONCEPT IS SHOWN TO DEPICT MINIMUM STANDARDS FINAL SIGN DESIGN WILL BE PROVIDED AT SITE PLAN.

DETAIL-FILE

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OWENS BEACH, FL 32174
WWW.ZEVCOHEN.COM

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ENVIRONMENTAL
PLANNING
TRANSPORTATION
(LC-4346)
(LC-42)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT SIGN PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD2-PD6_21067 OOP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD4 OF 10

BUFFER LEGEND

SYMBOL	NOTES
	EXISTING SPECIMEN TREE
	EXISTING HISTORIC TREE
	DENOTES NATURAL PRESERVATION / CONSERVATION AREA TO REMAIN

20% NATURAL PRESERVATION

TOTAL SITE AREA	147.94 AC.
MINIMUM TREE COVERAGE AREA REQUIRED (CALCULATION: 147.94 AC. x 20%=29.6 AC.	29.6 AC.
TOTAL MINIMUM TREE COVERAGE PROVIDED	34 AC.

NOTE: APPLICANT MUST PROVIDE A NOTE ON THE SITE PLANS THAT ANY TREE NEEDED TO BE REMOVED DURING CONSTRUCTION, BEYOND WHAT CAN BE AUTOMATICALLY REMOVED BASED ON MINIMUMS CAN BE REPLACED AS FOLLOWS, WILL REQUIRE A ONE FOR ONE REPLACEMENT PENALTY; PROTECTED TREES WILL REQUIRE ONE 2.5" CALIPER VARIETY AND SPECIMEN TREES WILL REQUIRE ONE 4.5" CALIPER VARIETY TO SUIT ITS PLANTING LOCATION; REPLACEMENT TREES NEED TO BE FLORIDA #1 AT A MINIMUM HEIGHT OF TEN FEET (10).



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DAYTONA BEACH, FL 32174
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ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT NATURAL PRESERVATION & BUFFER PLAN

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH
DRAWING FILE: PD2-PD8_21067 ODP
XREFS: 21067_BASE.DWG
XREFS: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.64263
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SHEET: PD5 OF 10

BUFFER LEGEND

SYMBOL	NOTES
▲	EXISTING SPECIMEN TREE
⬟	EXISTING HISTORIC TREE
	DENOTES NATURAL PRESERVATION / CONSERVATION AREA TO REMAIN

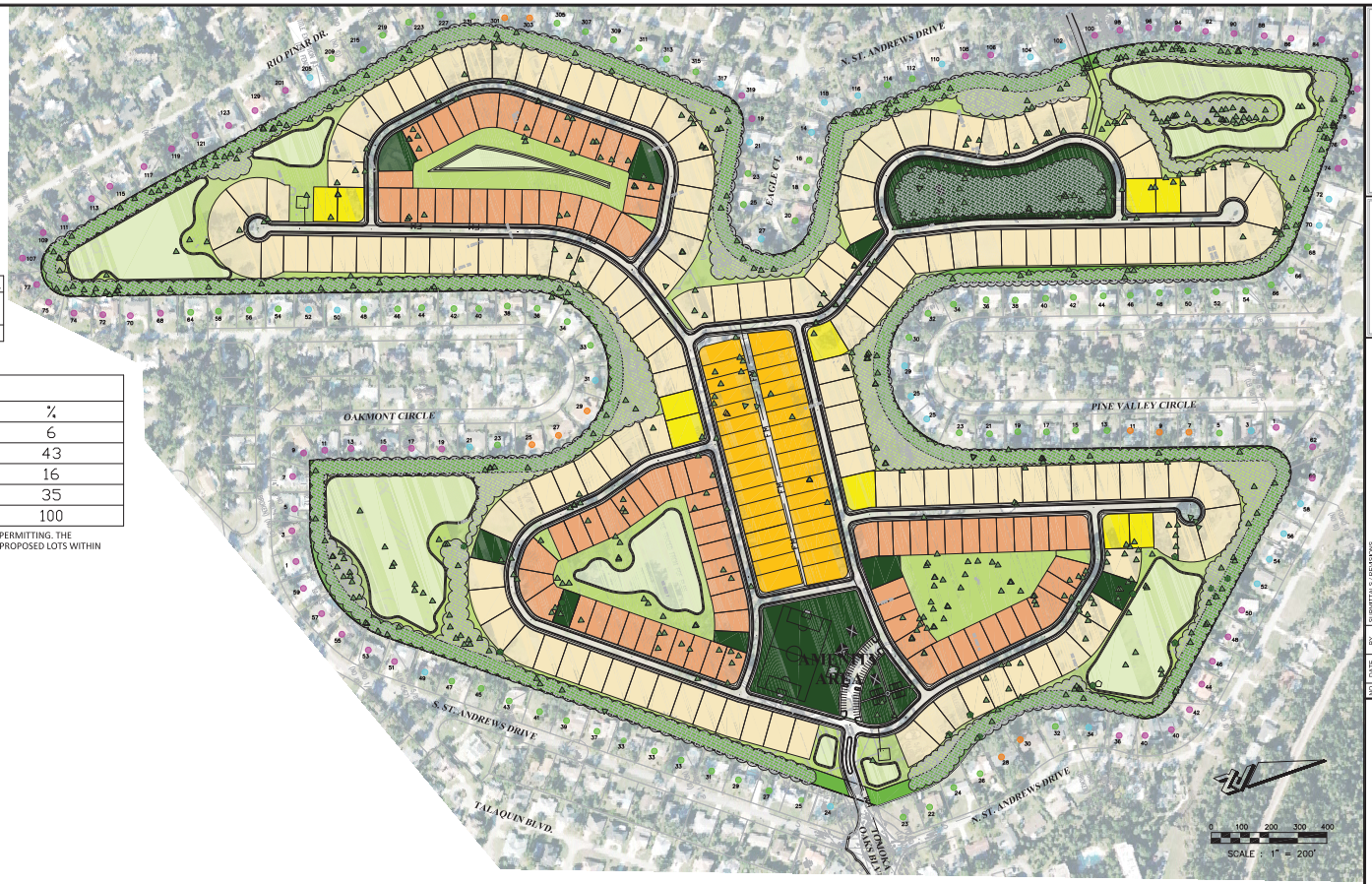
20% NATURAL PRESERVATION

TOTAL SITE AREA	147.94 AC.
MINIMUM TREE COVERAGE AREA REQUIRED (CALCULATION: 147.94 AC. x 20%=29.6 AC.	29.6 AC.
TOTAL MINIMUM TREE COVERAGE PROVIDED	34 AC.

LOT SEPARATION TABLE

COLOR	WIDTH	HOMES	%
	50'	10	6
	+50'-75'	74	43
	+75'-125'	27	16
	125'	61	35
	TOTAL	172	100

NOTE: THE LOT SEPARATION WIDTH SHOWN ON THIS SHEET MAY BE SUBJECT TO CHANGE AT THE TIME OF PERMITTING. THE REPRESENTED DISTANCES ARE FROM EXISTING RESIDENTIAL LOTS IN TOMOKA OAKS NEIGHBORHOOD AND PROPOSED LOTS WITHIN TOMOKA RESERVE.



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PLANNING
TRANSPORTATION
(04-4-14)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT NATURAL PRESERVATION & BUFFER PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: MLR
CHECKED BY: BB
DRAWING FILE: PDZ-PD6_21067 OOP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

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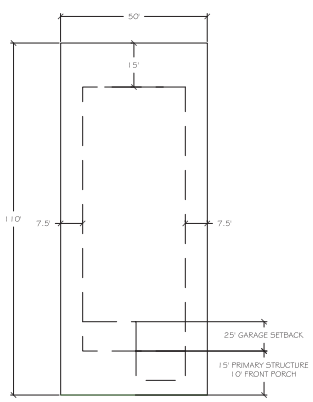
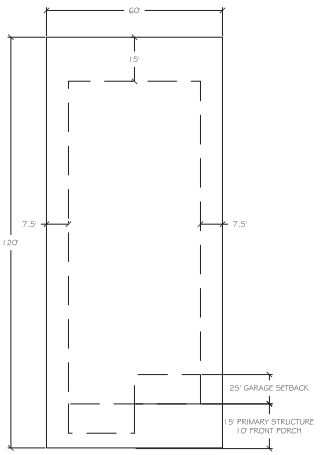
SHEET: PD6 OF 10

PUD Development Standards

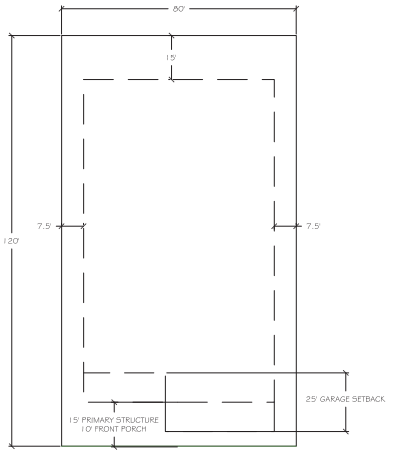
Lot Type	Minimum Lot Width or Range	Minimum Lot Depth	Minimum Square Foot Range	Required Parking Spaces	% Impervious	Maximum Height	Max Building coverage	Minimum Primary Structure Setbacks				Minimum Front Porch Setbacks			Minimum Garage Setbacks 3		
								Front z	Rear	Side	Side Street	Front	Side	Rear	Front s	Side	Rear
Village House	50	110	1500	2	75%	35'	65%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Park House	60	120	1700	2	75%	35'	50%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Estate House	80	120	2000	2	75%	35'	54%	15'	15'	7.5'	10'	10'	7.5'	15'	25'	7.5'	15'
Custom House	80	125	2200	2	75%	35'	52%	15'	15'	8'	10'	10'	7.5'	15'	25'	8'	15'
1	The maximum building height shall be measured from the average of the existing grade at the four outmost corners of the building.																
2	The minimum front yard setback to the primary structure defined as load bearing airconditioned space .																
3	Garages can be front loaded or side loaded. Side Loaded Garages may have a mimum front setback of 15'.																



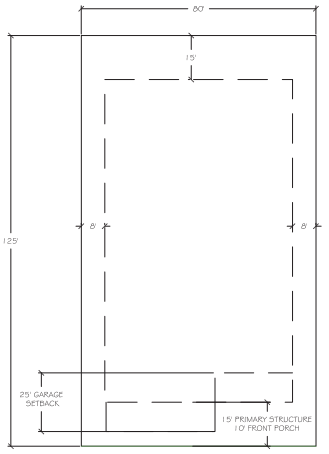
A VILLAGE HOUSE (50'x120')
N.T.S. DETAIL-FILE



B PARK HOUSE (60'x120')
N.T.S.



C ESTATE HOUSE (80'x120')
N.T.S.



D CUSTOM HOUSE (80'x125')
N.T.S.

ZEV COHEN & ASSOCIATES, INC.
300 NETTLEHORSE BLVD., STE. C
ORMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
(S4-4/16) (LC-42)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE
PLANNED DEVELOPMENT
TYPICAL LOT LAYOUT

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH
DRAWING FILE: PDZ-PD6_21067 OOP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E., NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD7 OF 10

ARCHITECTURAL STANDARDS

I. PREFERRED ARCHITECTURAL THEMES

A. The overall architectural vision for Tomoka Reserve has been established to create a community embodying a "timeless" quality. Such a vision will be realized through a variety of classical and regional architectural styles, combined with authentic detailing and use of high-quality materials.

B. Permitted architectural styles include but are not limited to contemporary, Modern, Postmodern, coastal themed styles, Mediterranean, Mission, Cracker, Craftsman, Ranch and Tuscan styles.

I. PROHIBITED ARCHITECTURAL STYLES

A. While diversity and creativity in the design of the homes at Tomoka Reserve is encouraged, certain architectural styles are not considered appropriate. These include, but are not limited to Art Deco, A-frame, Adobe, Cabin design style, Gothic, or Southwestern/Pueblo. Buildings and their accessory structures shall be consistent with a common architectural theme.

B. The architectural theme shall be established by harmoniously coordinating the general appearance of all buildings and related structures.

III. EXTERIOR MATERIALS/ELEVATIONS

A. Architectural variation and variety of housing types and designs within the neighborhood is encouraged. To facilitate this diversity no two homes adjacent to one another can have identical front elevations.

B. The front facade should include four to six individual design elements and blank walls shall be discouraged unless adequately landscaped.

C. A mixture of one- and two-story homes will be encouraged to vary the streetscapes.

D. Window trim, shutters and or banding shall be used on the front façade of all residential units. Articulation of side street facades for corner lots shall also be required. On each level or part of the street facing facades, rows of windows shall be spaced evenly and contain consistent sizes and shapes to create visual harmony.

E. PERMITTED EXTERIOR MATERIALS INCLUDE:

1. Stucco
2. Stone (Manufactured, Natural, or Cast)
3. Brick
4. Fiber-cement Lap Siding or Shingles
5. Other textures and materials will be evaluated on their own merit by the ARB.

IV. ROOF

A. Acceptable roof materials for consideration include, heavy weight (30 year) composition shingles with significant dimensional texture, flat tile, "S" tile, slate tile, cedar wood shake and a high-quality standing seam metal roof. Copper and other metal roof products acceptable to the ARB are permitted for limited applications such as bay windows, process, cupolas, and dormers, or in accordance with specific architectural styles. Thermoplastic Polyolefin, PVC membrane or other similar roofing materials/roofing systems will be considered by the ARB on a case-by-case basis for properties developed with ultramodern or contemporary homes that incorporate a flat roof.

B. Roof lines will be variable using varied roof styles, pitches, projections, gables, and hips. Roof pitches shall be between 0 to 6:12. Dormers may have a roof pitch outside the above range. Flat roofs or Flat roof with a parapet may be approved if it is a part of an integral design element such as with ultra-modern or contemporary designs. The roof pitch for primary structures should reflect the selected architectural style for the home.

C. Roof structures may be conventionally framed or constructed of prefabricated trusses.

V. WALL PLATES

A. The minimum wall plate heights shall be 9"-0" in main living areas on the first floor. The second-floor wall plate height must be no less than 9'-0" above the first-floor wall plate. Garages must have a minimum plate height of 8'-0".

VI. DRIVEWAYS

A. Driveways shall be stone, paver style materials, or decorative concrete. Asphalt is prohibited.

VII. GARAGES

A. Three types of garages are permitted: front-entry, side entry, and accessory garage buildings.

VIII. FENCES

A. The following fence materials are permitted: black wrought iron, high-quality aluminum, and white PVC. Perimeter fencing should be a maximum of 4'-6'.

IX. LANDSCAPE

A. All disturbed areas on the lot must be irrigated and landscaped with either trees, plants or sod including to the back of curb along the street and to the edge of clearing for natural areas and the water's edge for lots along pond banks. All landscaped beds shall be mulched with pine straw, pine bark or mulch.

X. MODIFICATIONS

A. All modifications to the above shall be submitted to the ARB for consideration of approval. The above are general guidelines. Tomoka Reserve development will have an enhanced focus on the environment, climate change and sustainability, along with protecting and enhancing future values.





A MODERN ARCHITECTURAL ELEVATIONS







B FARMHOUSE ARCHITECTURAL ELEVATIONS









C MEDITERRANEAN ARCHITECTURAL ELEVATIONS

ZEV COHEN & ASSOCIATES, INC.
300 WEST EDGEWOOD BLVD., STE. C
MONTEREY BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
(04-4-14) (1-C-02)

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE PLANNED DEVELOPMENT ARCHITECTURAL EXHIBIT

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH
DRAWING FILE: PDZ-PD6_21067 ODP
XREF'S: 21067_BASE.DWG
XREF'S: 21067_SURV.DWG

KRISTOPHER T. ROWLEY, P.E. NO.84263
NOT VALID WITHOUT SEAL

SHEET: PD8 OF 10



ZEV COHEN & ASSOCIATES, INC.
510 WATERSHED BLVD., STE. C
DIAMOND BEACH, FL 32174
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

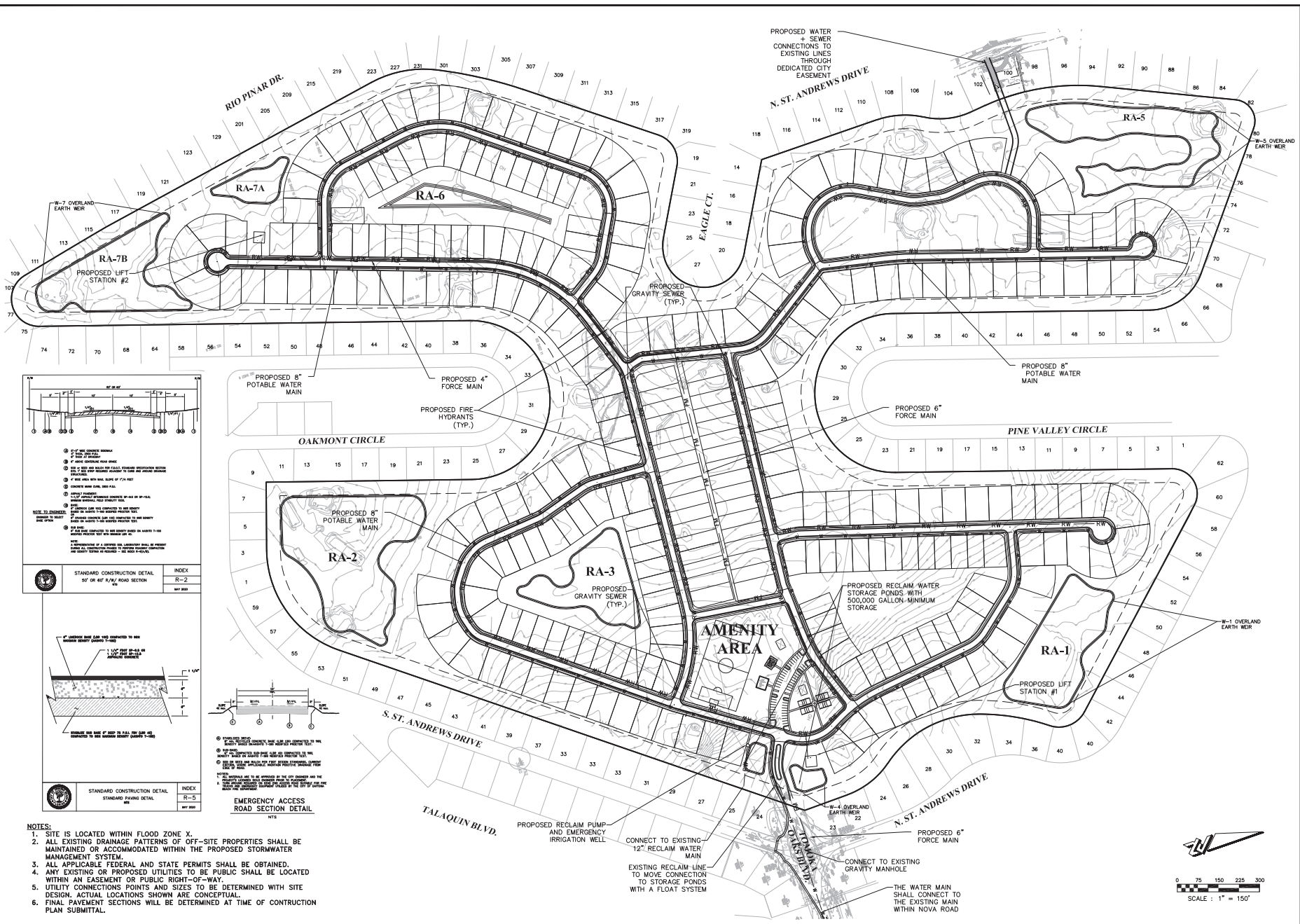
TOMOKA RESERVE PLANNED DEVELOPMENT VEHICLE TURN PLAN

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: RH
DRAWING FILE: PD2-PDL_21067 ODP
XREFS: XXXXX.DWG
XREFS: XXXXX.DWG

KRISTOPHER T. ROWLEY, P.E., NO.64263
NOT VALID WITHOUT SEAL

SHEET: VT1 OF 1



NOTES:

1. SITE IS LOCATED WITHIN FLOOD ZONE X.
2. ALL EXISTING DRAINAGE PATTERNS OF OFF-SITE PROPERTIES SHALL BE MAINTAINED OR ACCOMMODATED WITHIN THE PROPOSED STORMWATER MANAGEMENT SYSTEM.
3. ALL APPLICABLE FEDERAL AND STATE PERMITS SHALL BE OBTAINED.
4. ANY EXISTING OR PROPOSED UTILITIES TO BE PUBLIC SHALL BE LOCATED WITHIN AN EASEMENT OR PUBLIC RIGHT-OF-WAY.
5. UTILITY CONNECTIONS POINTS AND SIZES TO BE DETERMINED WITH SITE DESIGN. ACTUAL LOCATIONS SHOWN ARE CONCEPTUAL.
6. FINAL PAVEMENT SECTIONS WILL BE DETERMINED AT TIME OF CONTRUCTION PLAN SUBMITTAL.

ZEV COHEN & ASSOCIATES, INC.
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

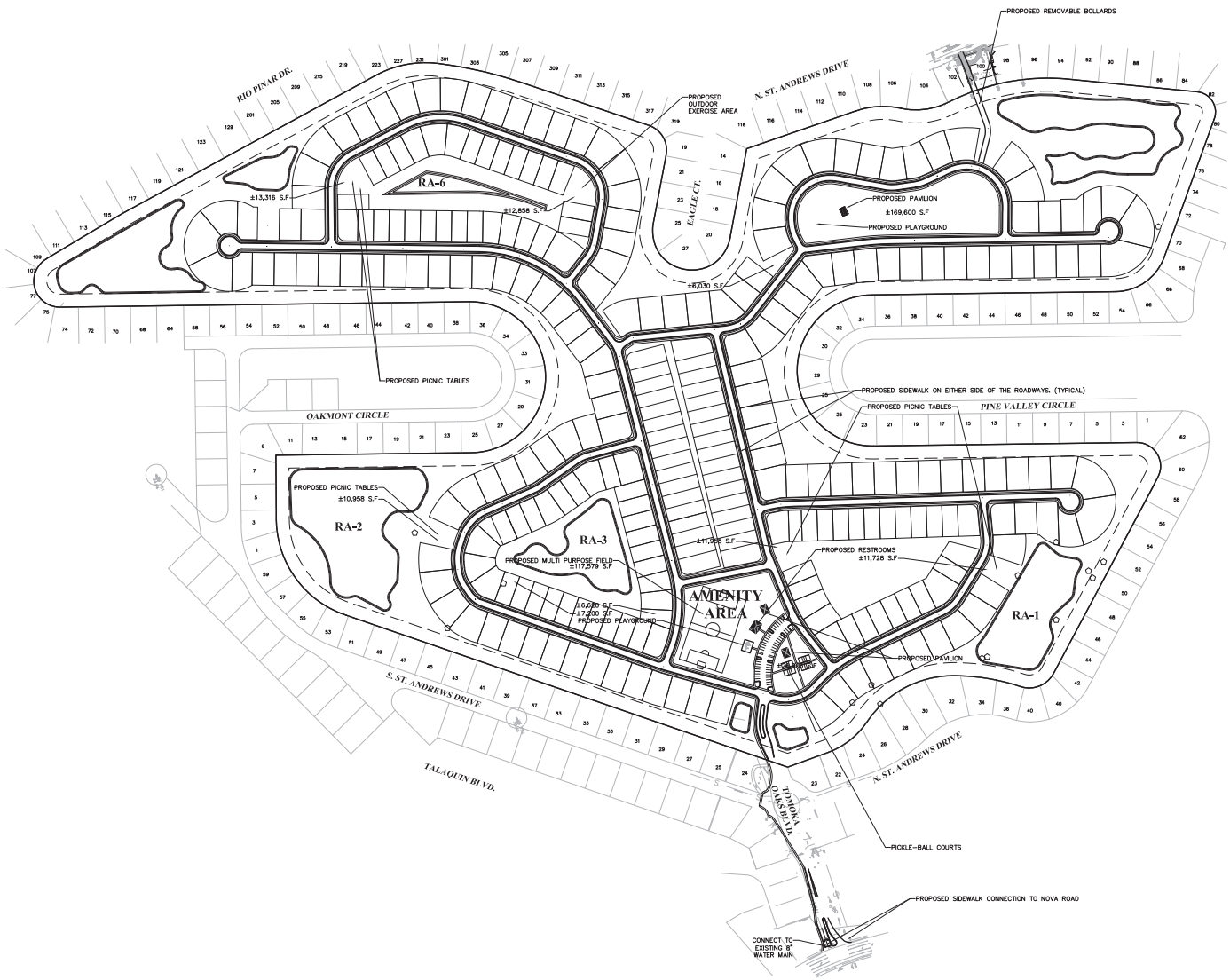
TOMOKA RESERVE PLANNED DEVELOPMENT STORM WATER AND UTILITY PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: JS/MM
CHECKED BY: JS
DRAWING FILE: PD7-PD9_21067 UTL
XREFS: XXXXX.DWG
XREFS: XXXXX.DWG

KRISTOPHER T. ROWLEY, P.E., NO.24203
NOT VALID WITHOUT SEAL

SHEET: PD9 OF 10



NOTES:
1. THE AMENITY TYPES AND LOCATIONS SHOWN ARE CONCEPTUAL AND CAN BE REVISED TO SIMILAR QUALITY AS LONG AS THE AMENITY MINIMUM SQUARE FOOTAGES AND AREAS ARE MET

0 100 200 300 400
SCALE : 1" = 200'

ZEV COHEN & ASSOCIATES, INC.
300 WEST ECHANGE BLVD., STE. C
ORMOND BEACH, FL 32174
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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
(C4-4314) (LC-C4-2)

NO.	DATE	BY	SUBMITTALS / REVISIONS

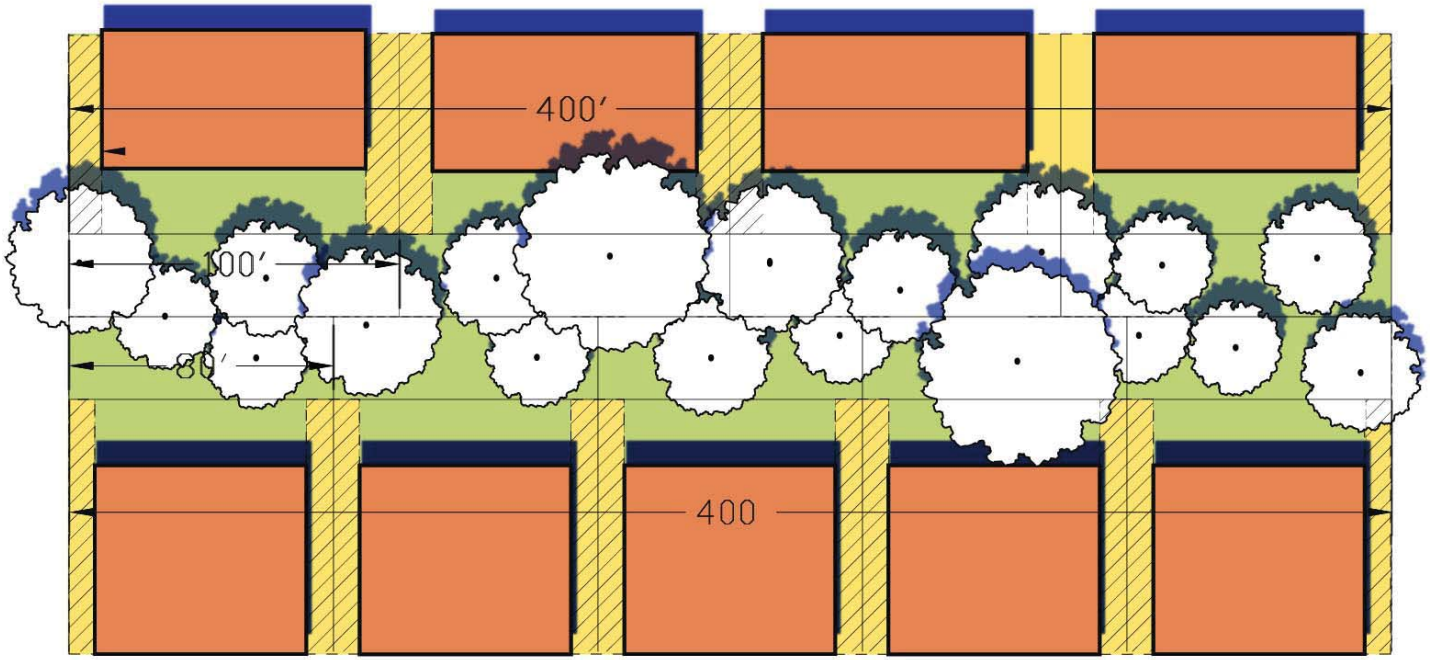
TOMOKA RESERVE PLANNED DEVELOPMENT AMENITY PLAN

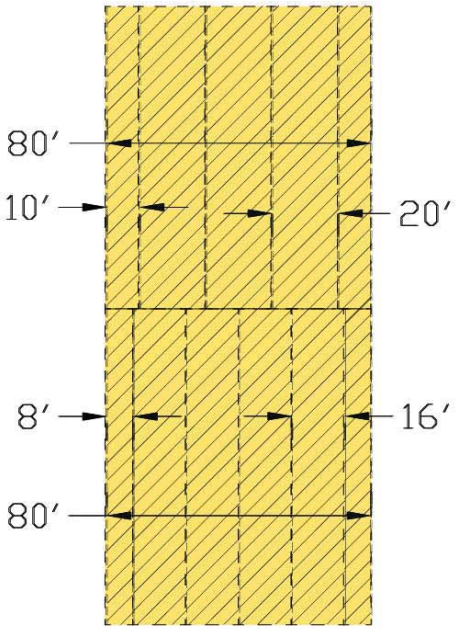
CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: KR
DRAFTED BY: --
CHECKED BY: RH
DRAWING FILE: PD7-PDI_21067.UTL
XREF'S: XXXXX.DWG
XREF'S: XXXXX.DWG

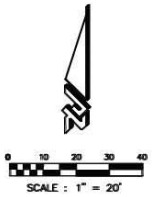
KRISTOPHER T. ROWLEY, P.E., NO.84263
NOT VALID WITHOUT SEAL

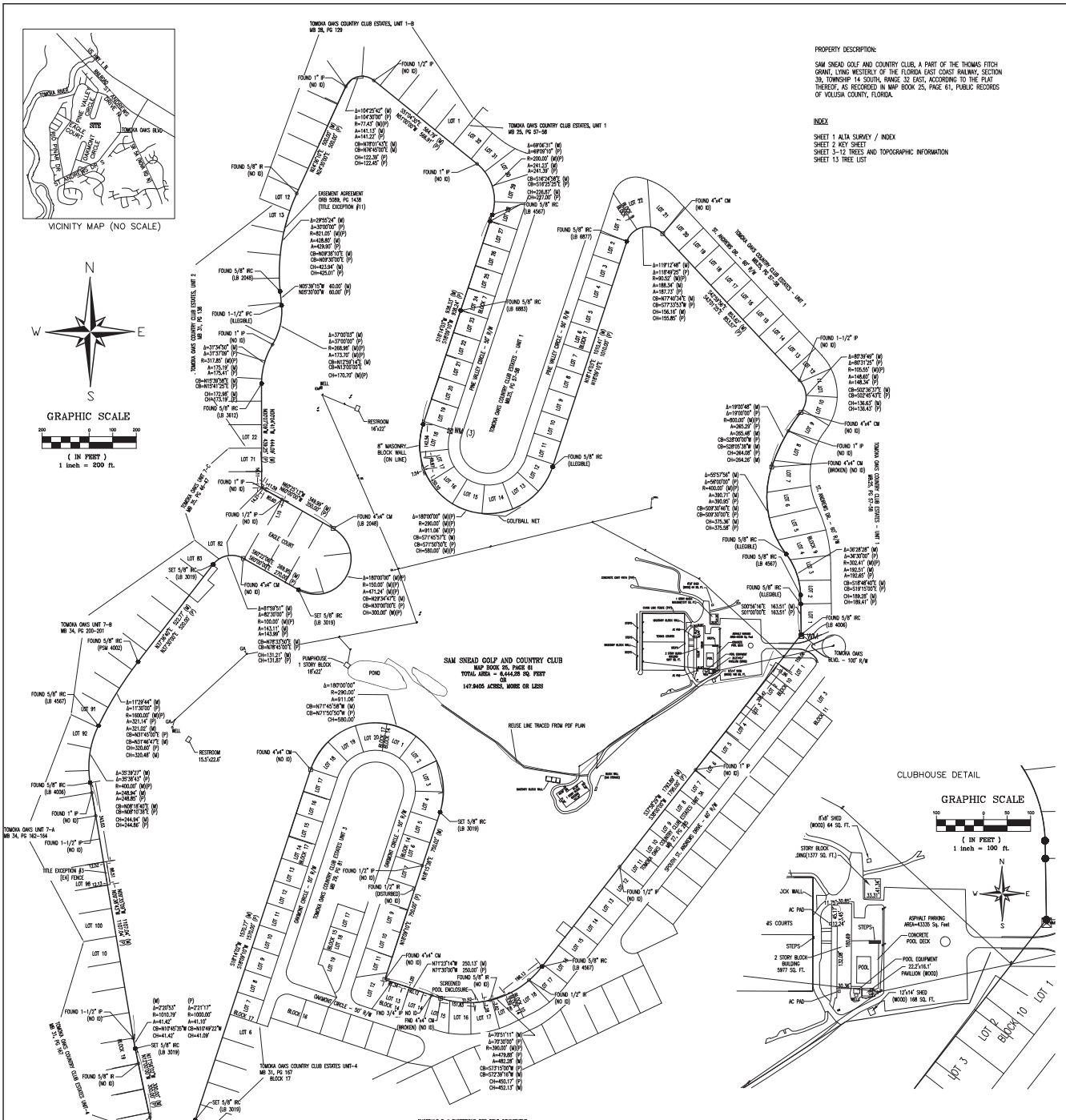
SHEET: PD10 OF 10

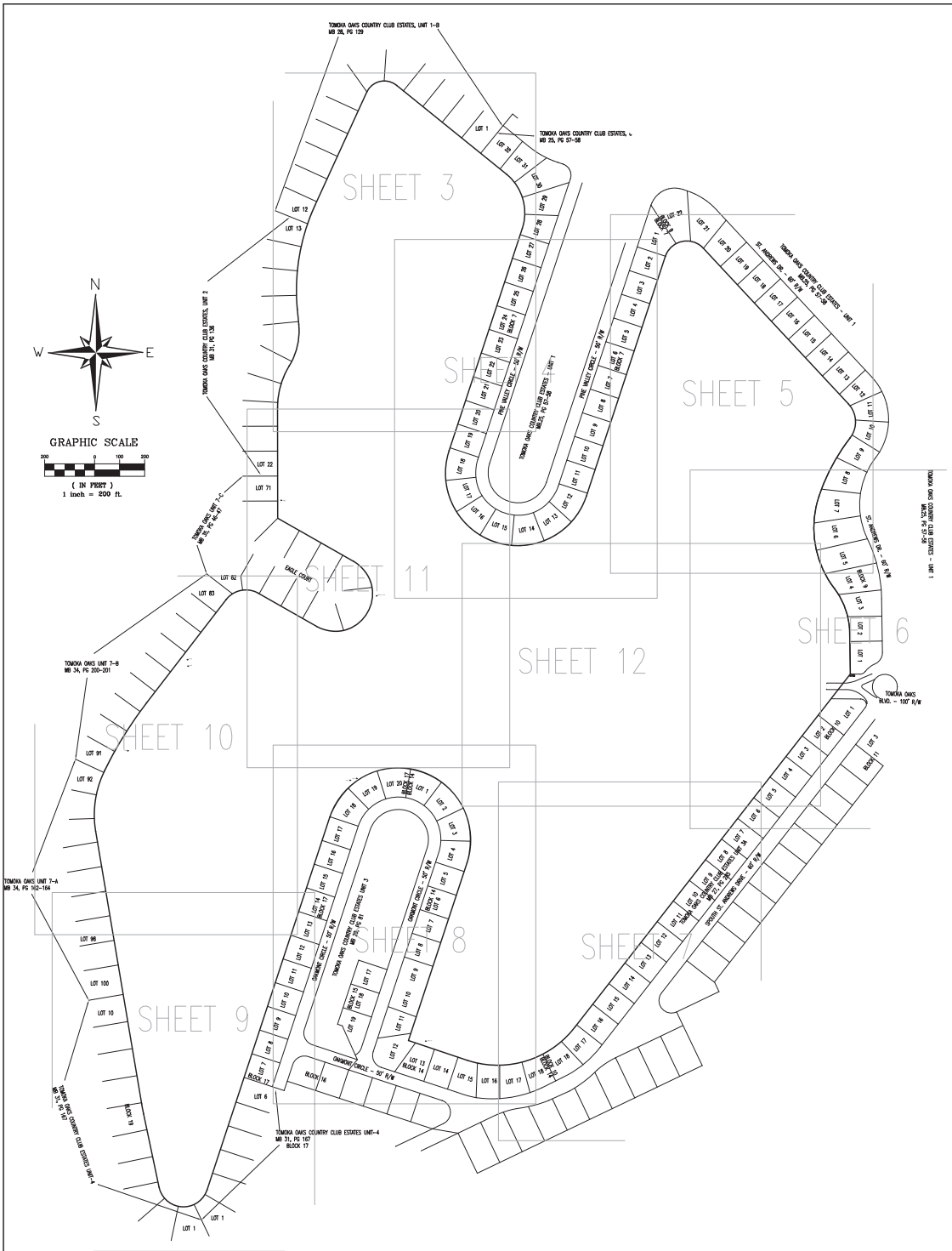




PER 400'
100' LOTS: 4 LOTS X 20' SETBACK = 80'
80' LOTS: 5 LOTS X 16' SETBACK = 80'




TOMOKA OAKS COUNTRY CLUB ESTATES, UNIT 1-B
MB 28, PG 129
TOMOKA OAKS COUNTRY CLUB ESTATES, UNIT 1
MB 25, PG 57-58
TOMOKA OAKS COUNTRY CLUB ESTATES - UNIT 1
MB 25, PG 57-58
TOMOKA OAKS COUNTRY CLUB ESTATES, UNIT 2
MB 31, PG 16
TOMOKA OAKS UNIT 7-B
MB 34, PG 200-201
TOMOKA OAKS UNIT 7-A
MB 34, PG 162-164
TOMOKA OAKS COUNTRY CLUB ESTATES UNIT-4
MB 31, PG 105
TOMOKA OAKS BLVD. - 100' R/W
ST. ANDREWS DR. - 60' R/W
PINE VALLEY CIRCLE - 50' R/W
DIAMOND CIRCLE - 50' R/W
EAGLE COURT - 50' R/W
NORTHPOINTE DRIVE - 50' R/W
SAM SNEAD GOLF AND COUNTRY CLUB
MAP BOOK 25, PAGE 61
TOTAL AREA = 6,444,28 SQ. FEET
OR
147.9405 ACRES, MORE OR LESS
POND
PUMPHOUSE
1 STORY BLOCK
16'x22'
RESTROOM
16'x22'
8' MASONRY BLOCK WALL (ON LINE)
GOLFBALL NET
REUSE LINE TRACED FROM PDF PLAN
TOMOKA OAKS BLVD. - 100' R/W
FOUND 1/2" IP (NO ID)
FOUND 1" IP (NO ID)
FOUND 5/8" IRC (LB 3612)
FOUND 5/8" IRC (LB 2048)
FOUND 5/8" IRC (LB 6883)
FOUND 5/8" IRC (LB 6877)
FOUND 5/8" IRC (LB 4567)
FOUND 5/8" IRC (LB 4036)
FOUND 5/8" IRC (PSM 4002)
FOUND 4"x4" CM (NO ID)
FOUND 4"x4" CM (LB 2048)
FOUND 1-1/2" IPC (ILLEGIBLE)
FOUND 1-1/2" IP (NO ID)
FOUND 1" IP (NO ID)
FOUND 4"x4" CM (BROKEN) (NO ID)
SET 5/8" IRC (LB 3019)
EASEMENT AGREEMENT ORB 5089, PG 1438 (TITLE EXCEPTION #11)
TITLE EXCEPTION #3 - [E4] FENCE
LOT 1
LOT 2
LOT 3
LOT 6
LOT 10
LOT 71
LOT 82
LOT 83
LOT 91
LOT 92
LOT 100
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
BLOCK 8
BLOCK 9
BLOCK 10
BLOCK 11
BLOCK 12
BLOCK 13
BLOCK 14
BLOCK 15
BLOCK 16
BLOCK 17
BLOCK 18
BLOCK 19
BLOCK 20
BLOCK



LEGEND

ELEC	ELECTRIC SERVICE	TSB	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	CO	CLEAN OUT
	SIGN		CONCRETE MONUMENT (CM)
	TREE		PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
	IRON ROD/PIPE WITH CAP (RC/PC)		
	IRON ROD/PIPE NO ID (R/P)		EXISTING ELEVATION
TB	TELEPHONE BOX	TV	CABLE TELEVISION BOX

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=200' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 2 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE					
BOUNDARY SURVEY	4-13-2021	21-0493	J PENFIELD	D HITCHCOCK	J ZAPERT
TOPOGRAPHIC SURVEY	4-13-2021	21-1257	K HELMICK	J MOLLER	J ZAPERT
FOUNDATION SURVEY					
FINAL SURVEY					
RECERTIFICATION SURVEY					

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FO—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	—T—	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	—W—	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	—E—	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	—G—	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE		CENTERLINE	(P)	PLAT	(R)	RADIAL	ID	IDENTIFICATION
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE	℄		(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION	MH	MANHOLE

SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3921 NOVA ROAD
PORT ORANGE, FL. 32127
(386) 761-5385
LICENSED BUSINESS CERTIFICATION NUMBER 3019

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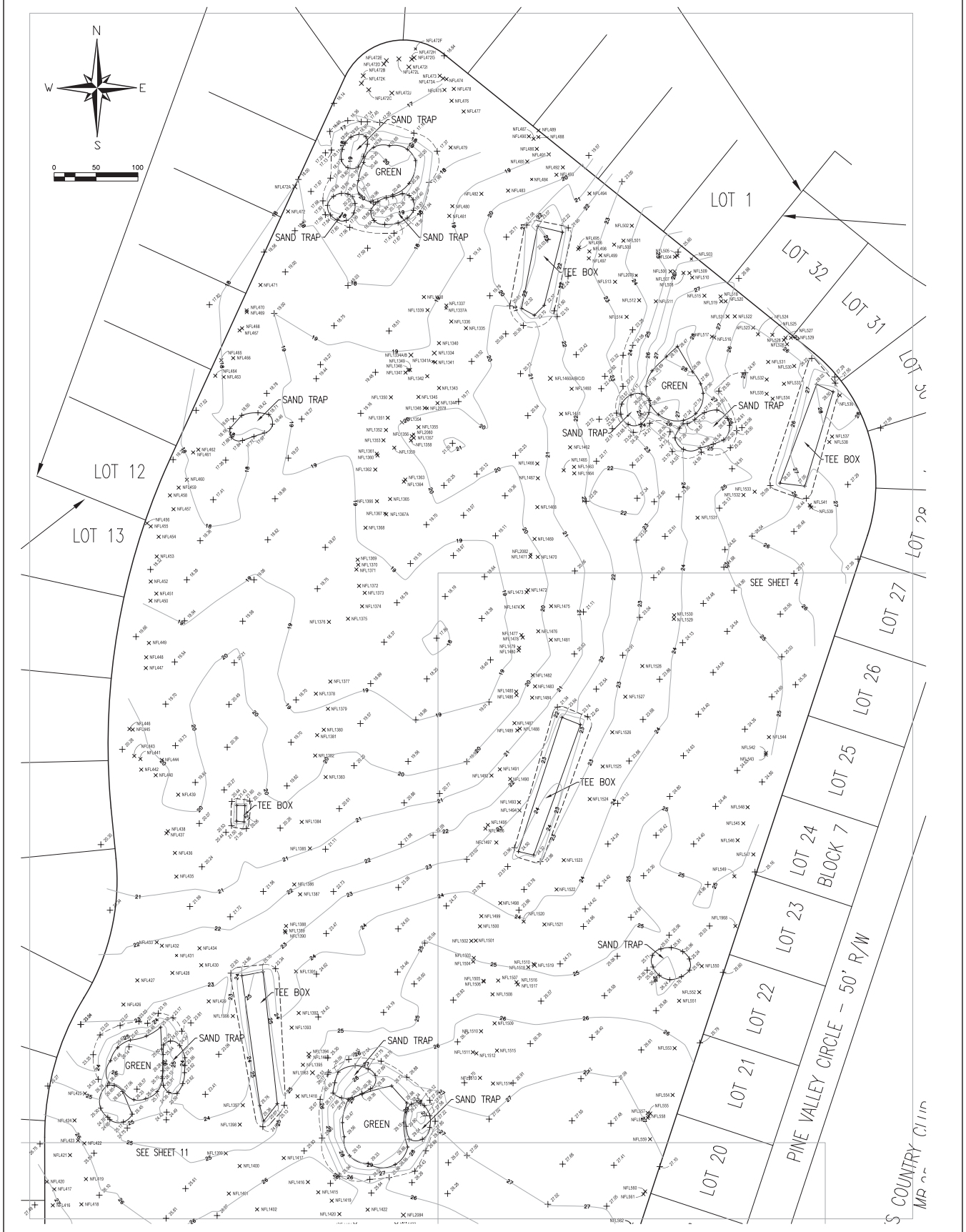
TO: EJTS HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; TRIUMPH OAKS OF ORMOND BEACH 1, LLC, A FLORIDA LIMITED LIABILITY COMPANY; AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 7, 7(B)(1), 7(B)(2), 8, 11(B), 14, 18, AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON APRIL 13, 2021. DATE OF PLAT OR MAP: APRIL 15, 2021

J.E. ZAPERT P.L.S. NO. 4046 SEAL

SEE SHEET 1
FOR CERTIFICATIONS



LEGEND

⊞	ELECTRIC SERVICE	⊞	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	CO	CLEAN OUT
— SGN	SIGN	□	CONCRETE MONUMENT (CM)
TREE		■	PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT	△	PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
⊙	IRON ROD/PIPE WITH CAP (RIC/RPC)	⊙	IRON ROD/PIPE NO ID (IR/IP)
TB	TELEPHONE BOX	TV	CABLE TELEVISION BOX

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 3 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE	–	–	–	–	–
BOUNDARY SURVEY	4-13-2021	21-0493	J PENFIELD	D HITCHCOCK	J ZAPERT
TOPOGRAPHIC SURVEY	4-13-2021	21-1257	K HELMICK	J MOLLER	J ZAPERT
FOUNDATION SURVEY	–	–	–	–	–
FINAL SURVEY	–	–	–	–	–
RECERTIFICATION SURVEY	–	–	–	–	–

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FC—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	— T —	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	— W —	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE			(P)	PLAT	(R)	RADIAL	ID	IDENTIFICATION
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(S)	SIDED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION	MH	MANHOLE

SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3921 NOVA ROAD
PORT ORANGE, FL. 32127
(386) 761-5385
LICENSED BUSINESS CERTIFICATION NUMBER 3019

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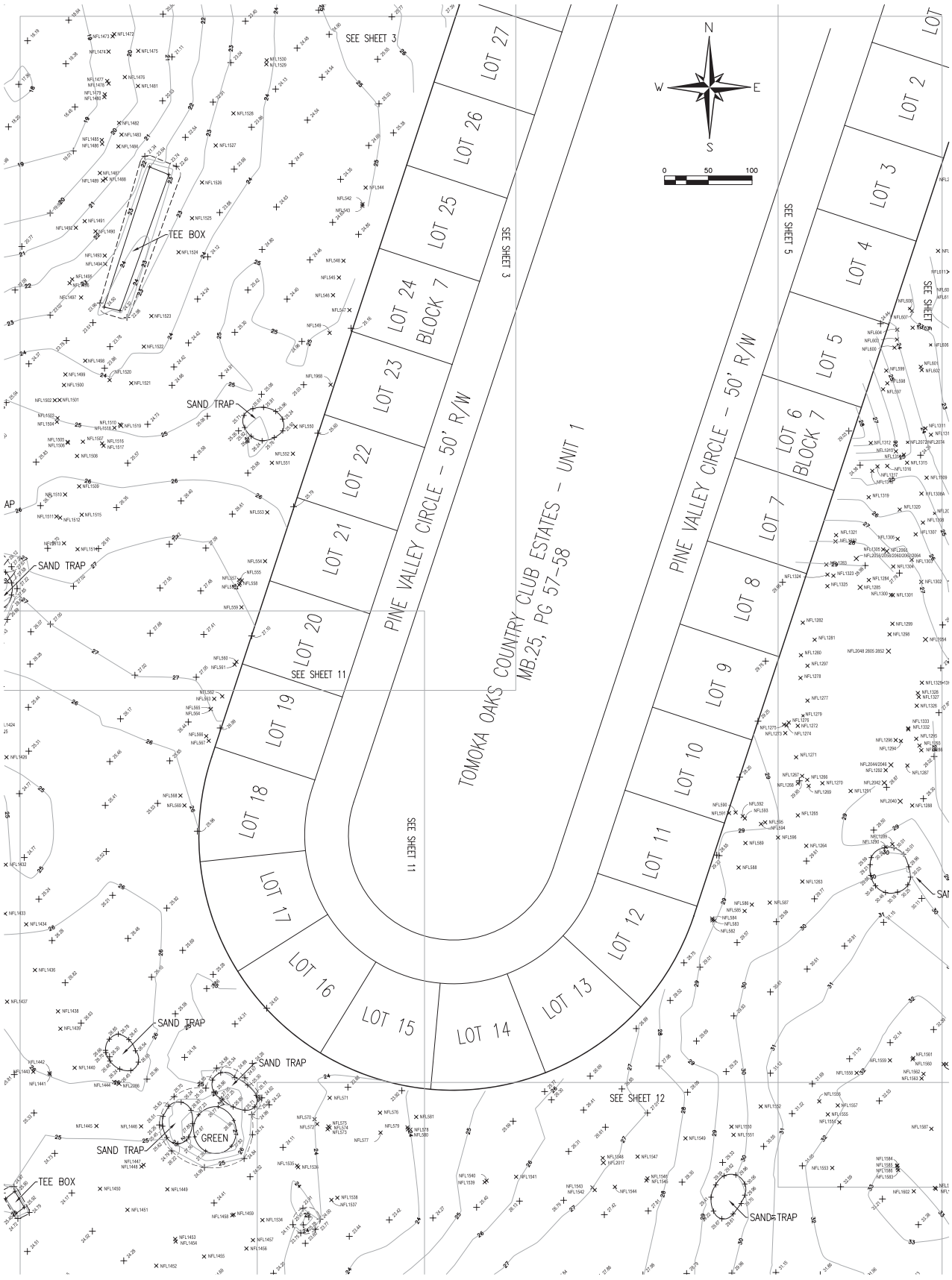
TO: EJTS HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; TRIUMPH OAKS OF ORMOND BEACH 1, LLC, A FLORIDA LIMITED LIABILITY COMPANY; AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 7, 7(B)(1), 7(B)(2), 8, 11(B), 14, 18, AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON APRIL 13, 2021. DATE OF PLAT OR MAP: APRIL 15, 2021

J.E. ZAPERT P.L.S. NO. 4046 SEAL

SEE SHEET 1
FOR CERTIFICATIONS



LEGEND

ES	ELECTRIC SERVICE	TS	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	CO	CLEAN OUT
	SIGN		CONCRETE MONUMENT (CM)
	TREE		PERMANENT REFERENCE MONUMENT (PRM)
	FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
IR	IRON ROD/PIPE WITH CAP (RIC/PIC)		EXISTING ELEVATION
IR	IRON ROD/PIPE NO ID (IR/IP)	TV	CABLE TELEVISION BOX
TB	TELEPHONE BOX		

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 4 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE	–	–	–	–	–
BOUNDARY SURVEY	4-13-2021	21-0493	J PENFIELD	D HITCHCOCK	J ZAPERT
TOPOGRAPHIC SURVEY	4-13-2021	21-1257	K HELMICK	J MOLLER	J ZAPERT
FOUNDATION SURVEY	–	–	–	–	–
FINAL SURVEY	–	–	–	–	–
RECERTIFICATION SURVEY	–	–	–	–	–

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FC—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	— T —	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	— W —	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	OPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE		CENTERLINE	(P)	PLAT	(R)	RADIAL	ID	IDENTIFICATION
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION	MH	MANHOLE

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TO: EJTS HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; TRIUMPH OAKS OF ORMOND BEACH 1, LLC, A FLORIDA LIMITED LIABILITY COMPANY; AND FIRST AMERICAN TITLE INSURANCE COMPANY:

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J.E. ZAPERT P.L.S. NO. 4046 SEAL

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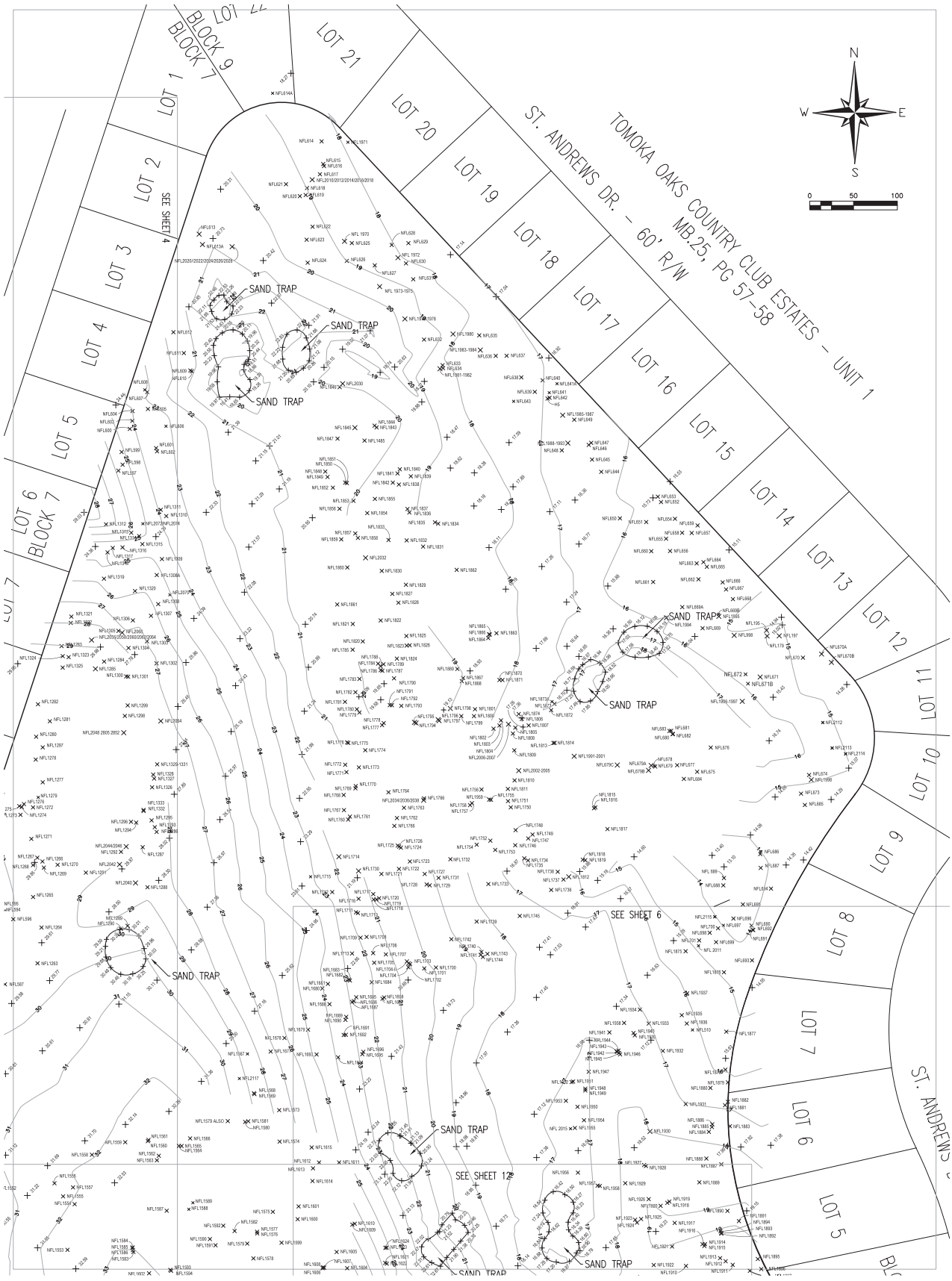

LEGEND

ELEC	ELECTRIC SERVICE	TS	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	CO	CLEAN OUT
	SIGN		CONCRETE MONUMENT (CM)
	TREE		PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
IR	IRON ROD/PIPE WITH CAP (RIC/PC)		EXISTING ELEVATION
	IRON ROD/PIPE NO ID (IR/IP)	TV	CABLE TELEVISION BOX
TB	TELEPHONE BOX		

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FO—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	— T —	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	— W —	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE		CENTERLINE	(P)	PLAT	(R)	RADIAL	ID	IDENTIFICATION
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION	MH	MANHOLE

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 5 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE	–	–	–	–	–
BOUNDARY SURVEY	4-13-2021	21-0493	J PENFIELD	D HITCHCOCK	J ZAPERT
TOPOGRAPHIC SURVEY	4-13-2021	21-1257	K HELMICK	J MOLLER	J ZAPERT
FOUNDATION SURVEY	–	–	–	–	–
FINAL SURVEY	–	–	–	–	–
RECERTIFICATION SURVEY	–	–	–	–	–

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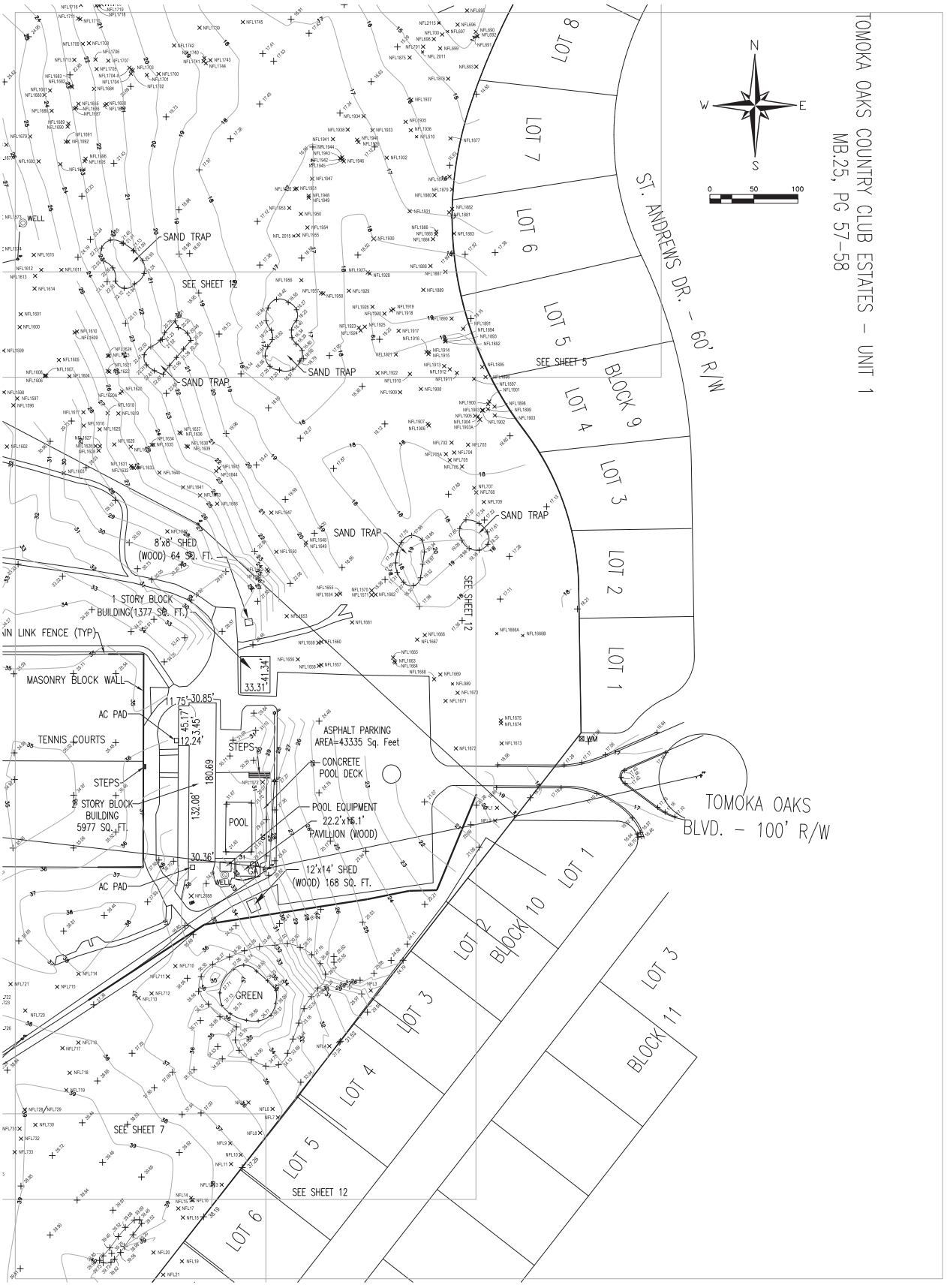

LEGEND

⊠	ELECTRIC SERVICE	⊞	TRAFFIC SIGNAL BOX
MB	MAIL BOX	CO	CLEAN OUT
— SIGN		□	CONCRETE MONUMENT (CM)
TREE		■	PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT	△	PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
IR	IRON ROD/PIPE WITH CAP (RC/RP)	65.00	EXISTING ELEVATION
○	IRON ROD/PIPE NO ID (N/P)	TV	CABLE TELEVISION BOX
TB	TELEPHONE BOX		

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 6 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE					
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FOUNDATION SURVEY					
FINAL SURVEY					
RECERTIFICATION SURVEY					

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FC—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	— T —	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	— W —	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
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VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE	℄		(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION	MH	MANHOLE

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J.E. ZAPERT P.L.S. NO. 4046 SEAL

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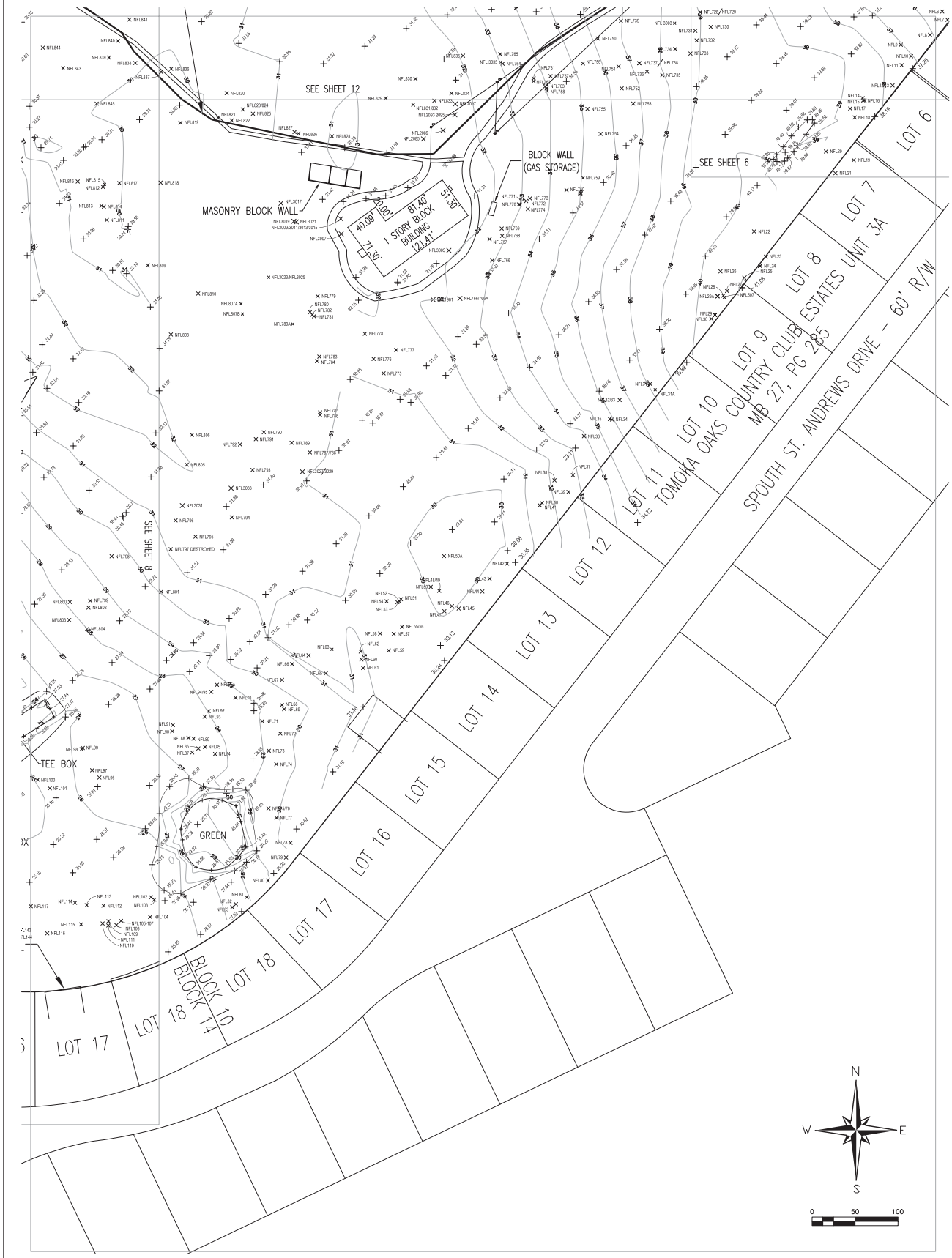

LEGEND

ELECTRIC SERVICE		TRAFFIC SIGNAL BOX	
MAIL BOX		CLEAN OUT	
SIGN		CONCRETE MONUMENT (CM)	
TREE		PERMANENT REFERENCE MONUMENT (PRM)	
FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)	
WATER METER		RADIAL LINE	
GUY ANCHOR		NON-RADIAL LINE	
UTILITY POLE		WATER VALVE	
IRON ROD/PRC WITH CAP (RIC/RPC)		EXISTING ELEVATION	
IRON ROD/PRC NO ID (IR/P)		CABLE TELEVISION BOX	
TELEPHONE BOX			

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
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FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 7 OF 13

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SPECIFIC PURPOSE					
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FINAL SURVEY					
RECERTIFICATION SURVEY					

ABBREVIATIONS

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TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	—T—	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	—W—	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	—E—	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	—G—	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
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VCP	VITRIOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
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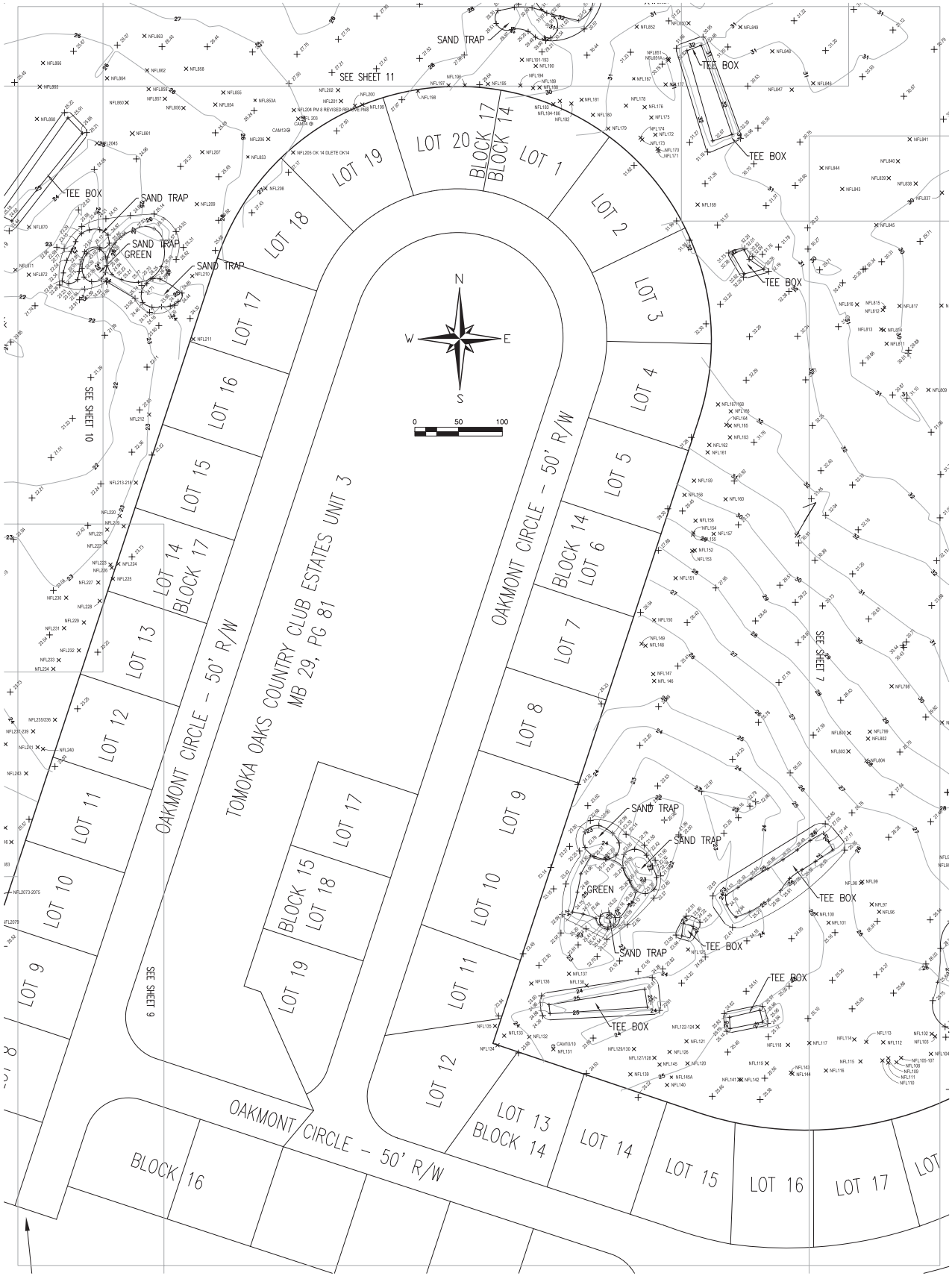

LEGEND

ES	ELECTRIC SERVICE	TS	TRAFFIC SIGNAL BOX
(MB)	MAIL BOX	CO	CLEAN OUT
— SN	SIGN		CONCRETE MONUMENT (CM)
TREE			PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)
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ID	IRON ROD/PIPE WITH CAP (RC/PC)		EXISTING ELEVATION
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FOUNDATION SURVEY	–	–	–	–	–
FINAL SURVEY	–	–	–	–	–
RECERTIFICATION SURVEY	–	–	–	–	–

ABBREVIATIONS

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CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
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VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE	℄	CENTERLINE			(DESC)	DESCRIPTION	MH	MANHOLE

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SEE SHEET 1
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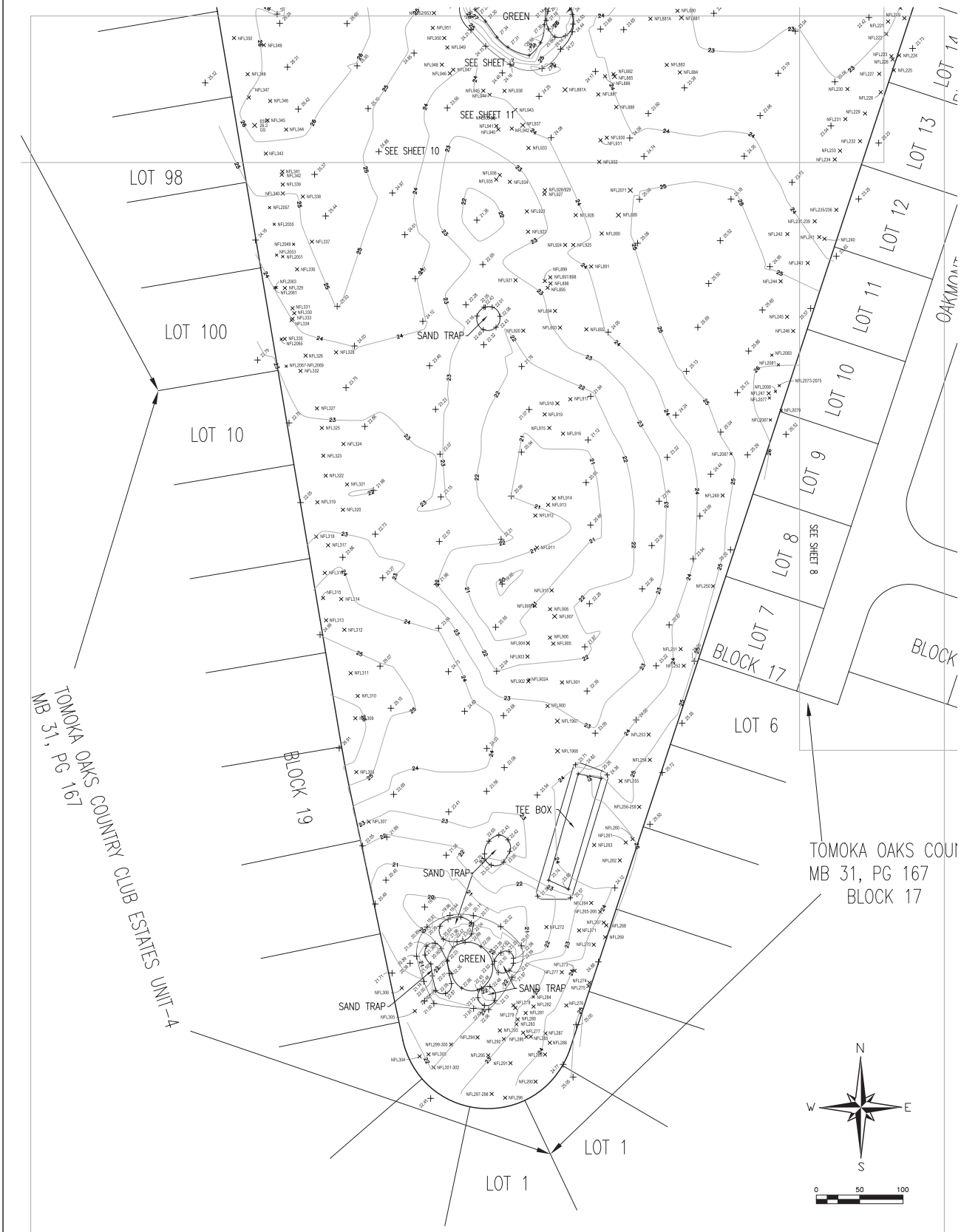

LEGEND

ES	ELECTRIC SERVICE	TSB	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	CO	CLEAN OUT
— SIGN			CONCRETE MONUMENT (CM)
TREE			PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT		PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
IRS	IRON ROD/PIPE WITH CAP (RIC/RPC)		
IRS	IRON ROD/PIPE NO ID (IR/P)	EL	EXISTING ELEVATION
TB	TELEPHONE BOX	TV	CABLE TELEVISION BOX

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
20 TOMOKA OAKS BOULEVARD
ORMOND BEACH, FLORIDA 32174

FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 9 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
SPECIFIC PURPOSE	:	–	–	–	–
BOUNDARY SURVEY	: 4-13-2021	– 21-0493	– J PENFIELD	– D HITCHCOCK	– J ZAPERT
TOPOGRAPHIC SURVEY	: 4-13-2021	– 21-1257	– K HELMICK	– J MOLLER	– J ZAPERT
FOUNDATION SURVEY	:	–	–	–	–
FINAL SURVEY	:	–	–	–	–
RECERTIFICATION SURVEY	:	–	–	–	–

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FC—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	— T —	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	— W —	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE			(P)	PLAT	(R)	RADIAL	ID	IDENTIFICATION
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION	MH	MANHOLE

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TO: EJTS HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; TRIUMPH OAKS OF ORMOND BEACH 1, LLC, A FLORIDA LIMITED LIABILITY COMPANY; AND FIRST AMERICAN TITLE INSURANCE COMPANY:

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J.E. ZAPERT P.L.S. NO. 4046 SEAL

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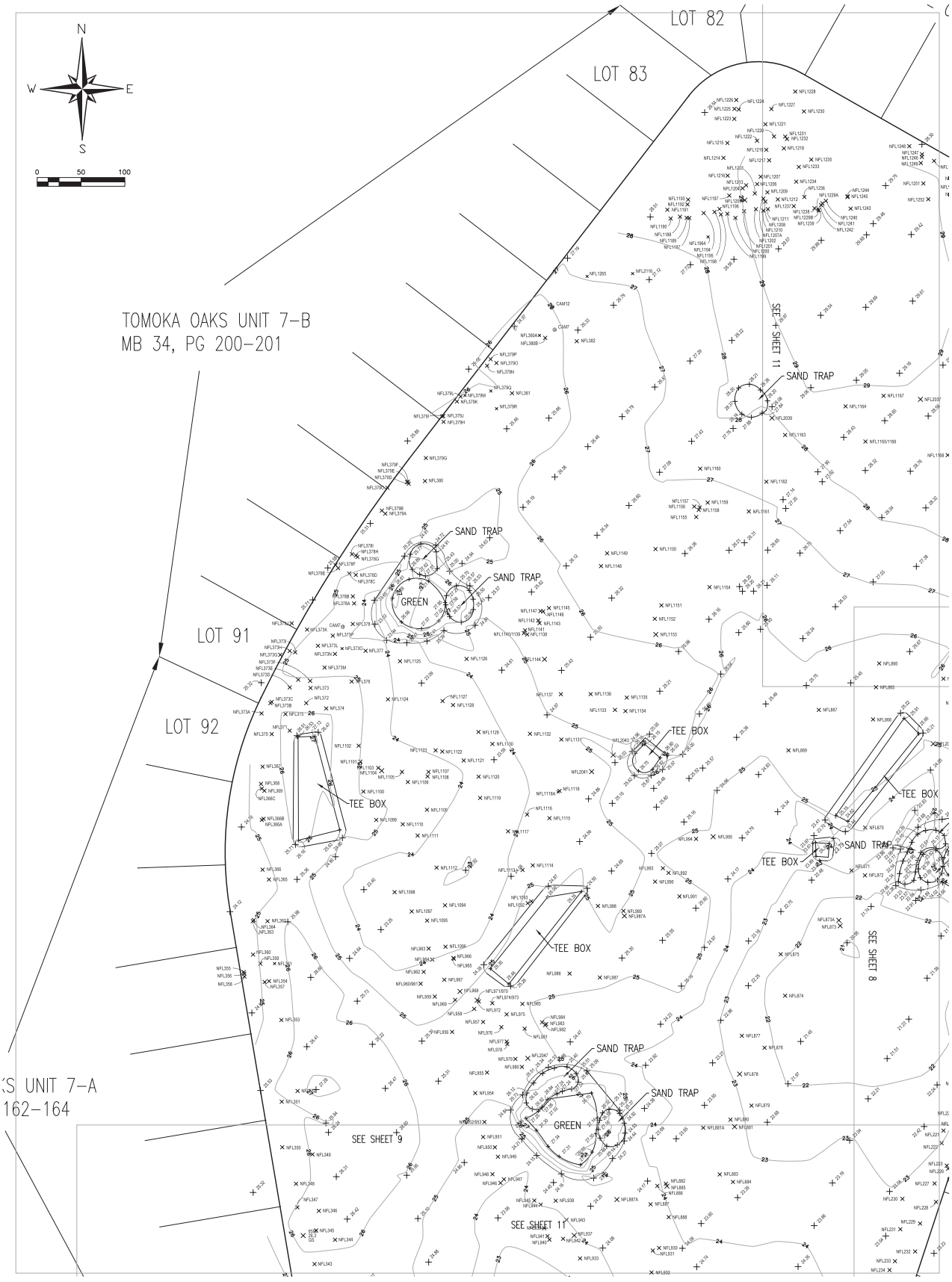
FOR CERTIFICATIONS



LEGEND

⊞	ELECTRIC SERVICE	⊡	TRAFFIC SIGNAL BOX
MB	MAIL BOX	○ CO	CLEAN OUT
—	SIGN	□	CONCRETE MONUMENT (CM)
	TREE	■	PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT	△	PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
ID	IRON ROD/PIPE WITH CAP (RC/RP)		
○	IRON ROD/PIPE NO ID (R/P)	100 ×	EXISTING ELEVATION
TB	TELEPHONE BOX	TV	CABLE TELEVISION BOX

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
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FOR: TRIUMPH OAKS OF ORMOND BEACH 1, LLC
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FOUNDATION SURVEY	–	–	–	–	–
FINAL SURVEY	–	–	–	–	–
RECERTIFICATION SURVEY	–	–	–	–	–

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FC—	BURIED FIBER OPTIC CABLE	MES	MITERED END SECTION
TOB	TOP OF BANK	TSB	TRAFFIC SIGNAL BOX	R	RADIUS	SEC	SECTION	— T —	BURIED TELEPHONE LINE	RCP	REINFORCED CONCRETE PIPE
TOE	TOE OF SLOPE	FH	FIRE HYDRANT	L	ARC LENGTH	TWP	TOWNSHIP	— W —	BURIED WATER LINE	CMP	CORRUGATED METAL PIPE
CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
CO	CLEANOUT	PP	POWER POLE/UTILITY POLE	FP&L CO	FLORIDA POWER & LIGHT COMPANY	CONC	CONCRETE	—TV—	BURIED TELEVISION LINE	BK	BOOK
SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	CPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
RCP	REINFORCED CONCRETE PIPE	WPP	WOOD POWER POLE			(R)	RADIAL			ID	IDENTIFICATION
VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(P)	PLAT			(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE	℄	CENTERLINE	(M)	MEASURED			MH	MANHOLE

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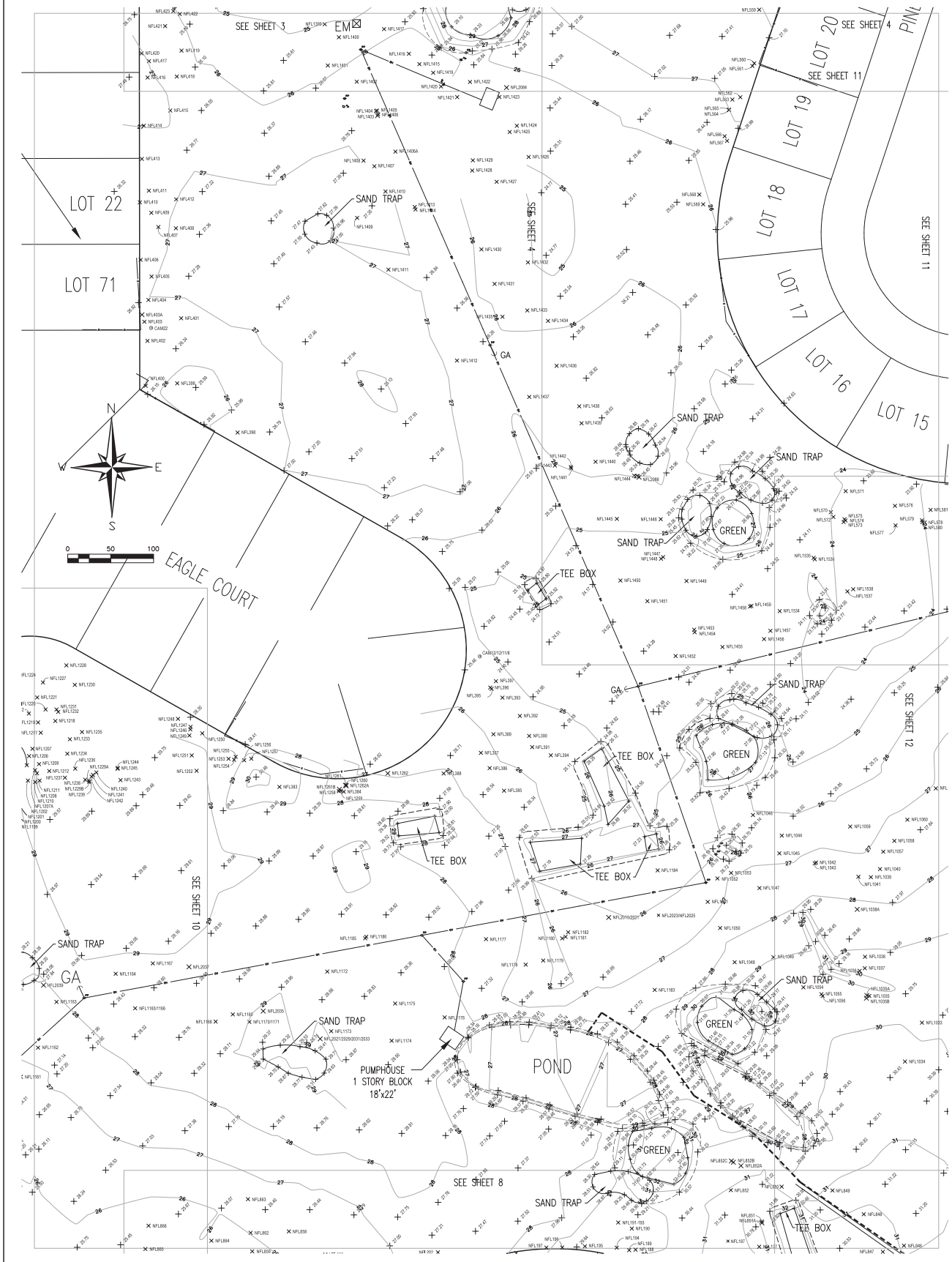

LEGEND

ELEC	ELECTRIC SERVICE	TS	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	CO	CLEAN OUT
— SIGN		■	CONCRETE MONUMENT (CM)
TREE		■	PERMANENT REFERENCE MONUMENT (PRM)
FH	FIRE HYDRANT	△	PERMANENT CONTROL POINT (PCP)
WM	WATER METER	(R)	RADIAL LINE
GA	GUY ANCHOR	(NR)	NON-RADIAL LINE
UP	UTILITY POLE	WV	WATER VALVE
IR	IRON ROD/PIPE WITH CAP (RC/RP)		EXISTING ELEVATION
IR	IRON ROD/PIPE NO ID (IR/IP)	TV	CABLE TELEVISION BOX
TB	TELEPHONE BOX		

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB
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SCALE: 1"=50' FIELD BOOK: 1454 PAGE(S): 20-31 SHEET 11 OF 13

TYPE OF SURVEY	DATE OF SURVEY	JOB NUMBER	PARTY CHIEF	DRAWN BY	CHECKED BY
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FOUNDATION SURVEY	: –	–	–	–	–
FINAL SURVEY	: –	–	–	–	–
RECERTIFICATION SURVEY	: –	–	–	–	–

ABBREVIATIONS

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CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	— E —	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	— G —	BURIED GAS LINE	MB	MAP BOOK
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SAN	SANITARY	GA	GUY ANCHOR	NGVD	NATIONAL GEODETIC VERTICAL DATUM	EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	OPP	CONCRETE POWER POLE	USC & GS	UNITED STATES COAST AND GEODETIC SURVEY	(NR)	NON RADIAL	— • —	AERIAL UTILITY LINE	PG	PAGE
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VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE	℄		(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE					(DESC)	DESCRIPTION	MH	MANHOLE

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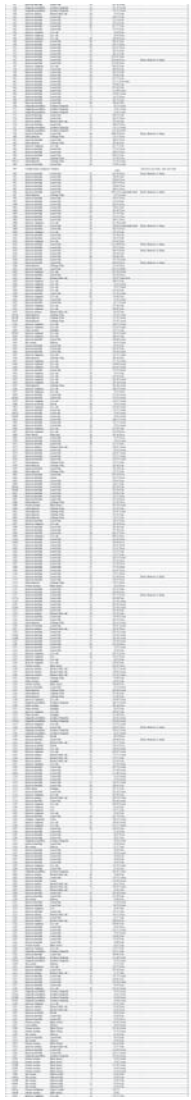

ABBREVIATIONS

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CLS	CENTERLINE OF SWALE	WM	WATER METER	CB	CHORD BEARING	RGE	RANGE	—E—	BURIED ELECTRIC LINE	MH	MANHOLE
CLD	CENTERLINE OF DITCH	LP	LIGHT POLE	CH	CHORD DISTANCE	R/W	RIGHT OF WAY	—G—	BURIED GAS LINE	MB	MAP BOOK
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SAN	SANITARY	GA	GUY ANCHOR			EL	ELEVATION	—FM—	BURIED FORCE MAIN	OR	OFFICIAL RECORDS BOOK
ES	ELECTRIC SERVICE	OPP	CONCRETE POWER POLE	NGVD	NATIONAL GEODETIC VERTICAL DATUM	(NR)	NON RADIAL	— · —	AERIAL UTILITY LINE	PG	PAGE
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VCP	VITREOUS CLAY PIPE	PVC	POLYVINYL CHLORIDE			(M)	MEASURED	(D)	DEED	(TYP)	TYPICAL
INV	INVERT	CONC	CONCRETE	℄	CENTERLINE			(DESC)	DESCRIPTION	MH	MANHOLE

ALTA/NSPS LAND TITLE SURVEY OF SAM SNEAD GOLF & COUNTRY CLUB 20 TOMOKA OAKS BOULEVARD ORMOND BEACH, FLORIDA 32174

LEGEND

ES	ELECTRIC SERVICE	TSB	TRAFFIC SIGNAL BOX
CMB	MAIL BOX	CO	CLEAN OUT
	SIGN		CONCRETE MONUMENT (CM)
	TREE		PERMANENT REFERENCE MONUMENT (PRM)
	FIRE HYDRANT	△	PERMANENT CONTROL POINT (PCP)
	WATER METER	(R)	RADIAL LINE
	GUY ANCHOR	(NR)	NON-RADIAL LINE
	UTILITY POLE	WV	WATER VALVE
	IRON ROD/PIPE WITH CAP (RR/PK)		
	IRON ROD/PIPE NO ID (R/P)	EV	EXISTING ELEVATION
ETB	TELEPHONE BOX	CTV	CABLE TELEVISION BOX

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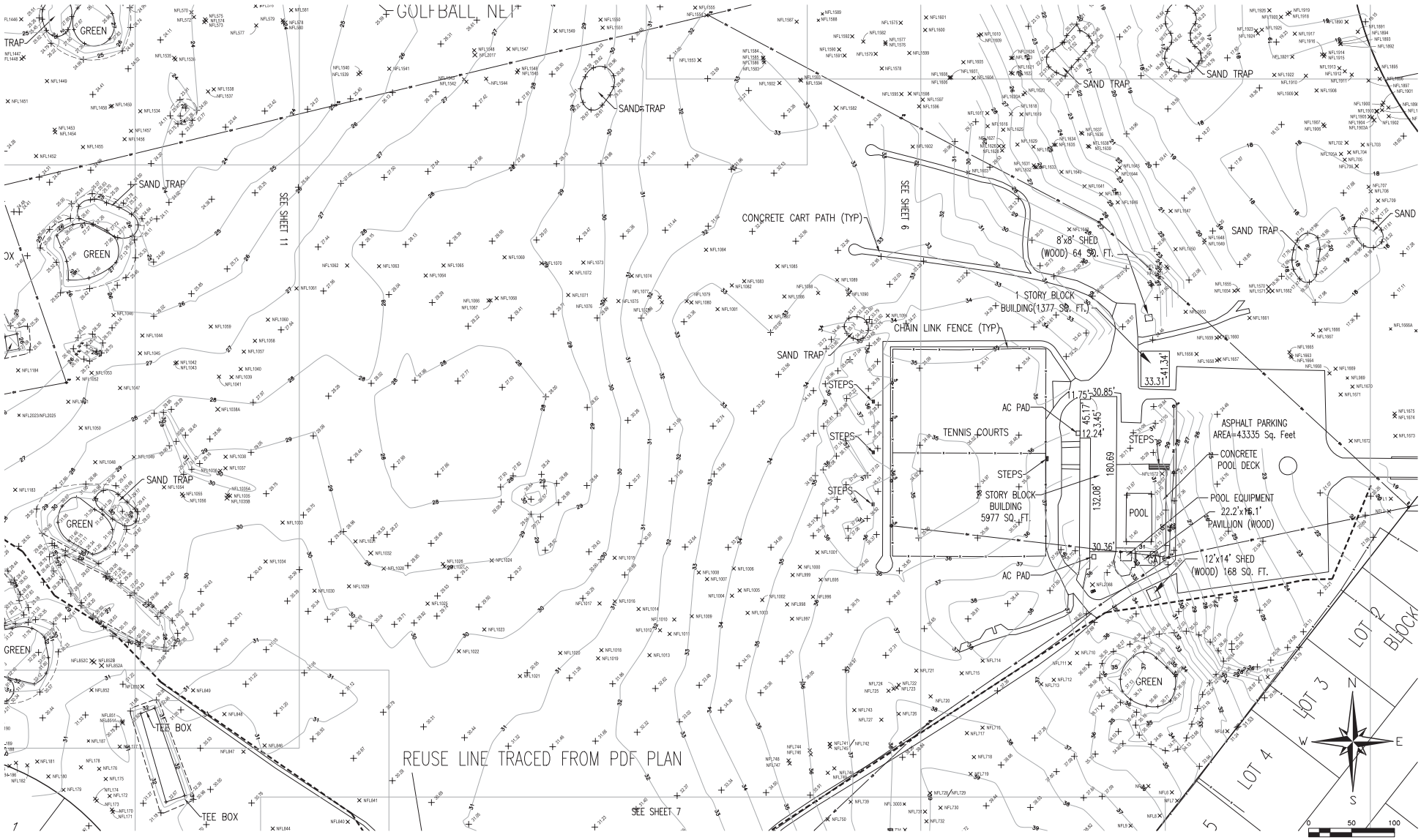

SCALE: 1"=50'

SHEET 12 OF 13

ABBREVIATIONS

CM	CONCRETE MONUMENT	WV	WATER VALVE	D	CENTRAL ANGLE	INV	INVERT	—FC—	BURIED FIBER OPTIC CABLE	WES	MITERED END SECTION
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INV	INVERT	CONC	CONCRETE	℄	CENTERLINE			(DESC)	DESCRIPTION	MH	MANHOLE

LEGEND

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CMB	MAIL BOX	CO	CLEAN OUT
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	IRON ROD/PIPE WITH CAP (RR/PKS)		EXISTING ELEVATION
	IRON ROD/PIPE NO ID (R/P)	TV	CABLE TELEVISION BOX
LB TB	TELEPHONE BOX		

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SEE SHEET 1 FOR CERTIFICATIONS

ATTACHMENT 13

Information that was updated based on September 6, 2023 site plan submittal

Section E

Former Attachment 17: Additional Information provided by the applicant on August 16, 2023

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznapstajler
Matthew S. Welch
Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
Holly W. Zitzka
Jessica L. Gow
Nika K. Hosseini
Sydney V. Cichon
Baylee D. Bunyard
Anne M. Kehrli
James P. Love III

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Frederick B. Karl, Jr.

RETIRED
Thomas S. Hart

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

August 16, 2023

VIA ELECTRONIC DELIVERY

Steven Spraker, AICP
Planning Director
City of Ormond Beach
22 South Beach Street, Room 104
Ormond Beach, FL 32174

Re: Tomoka Reserve Redevelopment - Rezoning/Planned Residential Development – Project Revisions Following Planning Board and Resident Feedback

Dear Steven:

As you know, it is the Firm's pleasure to represent Triumph Oaks of Ormond Beach I, LLC (the "Applicant") with respect to the redevelopment and rezoning to Planned Residential Development of the property comprising the former Tomoka Oaks Golf Course. Following the Planning Board meeting held on July 13, 2023, the Applicant has revised their proposal to respond to the comments and concerns raised by the board and residents. A summary of these changes is included below, outlined in line with the staff recommendations beginning on Page 26 of the staff report:

A. Require all lots on the project perimeter with the Tomoka Oaks subdivision to be 100' in lot depth and at least 10,000 square feet in lot area – ***The Applicant has agreed to this recommendation to commit to a minimum depth of 100' and minimum lot area of 10,000 sq. ft. in lot area.***

B. Requirement of a type 6 buffer planting plan that requires seven (7) trees, 70 shrubs & 70 ground covers per 100' lineal feet – ***As noted in the hearing, the Applicant believes that the proposed planting system for the property, which includes a xeric landscaping scope that will complement and enhance areas of natural vegetation within the site, is more compatible with existing on site conditions and will act as a better screening measure for adjacent properties, while also relying on less irrigation and water consumption and supporting natural plant communities. This landscaping type has been recommended by the University of Florida's Institute of Food and Agricultural Sciences (IFAS) and***

utilized in cutting edge communities such as Sunbridge and the Edge at Cherrylake. Information relating to these communities in included herein.

However, we understand that the City is interested in ensuring adequacy of the buffer between the communities, and has agreed to the following:

i. ***Where the planting standard outlined in the PUD is utilized for a phase, a maintenance bond will be provided to ensure the survivability of planting materials for a period of one (1) year.***
ii. ***In the event that the planting materials do not survive, the buffer will be modified to a Type 6 buffer within the requirements of the City's Land Development Code (LDC).***

C. Setback plan – lot width – 100' in width – ***As noted during the hearing, the Applicant does not believe it is possible to incorporate a minimum lot width of 100' throughout the site with the requested voluntary landscaping buffer and proposed open space, which we believe is a key feature for the existing and proposed residents. However, we have been able to modify the plan to create a mixture of lot types along the perimeter of the site that demonstrate a lot width along the rear setback line (as a closer measuring point to the existing residential homes) as follows:***

i. ***Of the lots along the perimeter of the site, a revised layout demonstrates that 46 of these lots are 100' in width, and 10 of these lots are at 90' in width.***
ii. ***The variable width provided with the revisions still creates a variety of housing types and transitional areas from the larger perimeter lots and the smaller footprint homes in the core of the project, while creating a larger similarity in lot size between the existing and proposed homes.***
iii. ***With the proposed revisions, 35% of the perimeter lots are 90' or greater in width, with approximately 29.3% being a minimum width of 100'.***
iv. ***The minimum lot width within the core of the community has been revised from 50' lot widths to a proposed minimum lot width of 60' for the interior lot types.***

D. Setback plan – maximum building coverage – 50% across all housing types – ***The Applicant is in agreement with this condition and has made this revision.***

E. Setback plan - minimum primary structure setbacks – ***The Applicant is in agreement with this condition and has made this revision.***

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50'	20'	20'	7.5'	15'
Park House	60'	25'	20'	7.5'	15'
Estate House	80'	25'	20'	8'/20'	20'
Custom House	80'	25'	20'	8'/20'	20'

F. Setback plan - minimum front porch setbacks – ***The Applicant is in agreement with this condition and has made this revision.***

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50’	20’	20’	7.5’	15’
Park House	60’	25’	20’	7.5’	15’
Estate House	80’	25’	20’	8’/20’	20’
Custom House	80’	25’	20’	8’/20’	20’

G. Setback plan - minimum front porch setbacks – ***The Applicant is in agreement with this condition and has made this revision.***

Lot type	Lot width	Front	Rear	Side	Side Street
Village House	50’	12’	20’	7.5’	15’
Park House	60’	15’	20’	7.5’	15’
Estate House	80’	15’	20’	8’/20’	20’
Custom House	80’	15’	20’	8’/20’	20’

H. Setback plan – Notes – Delete the notes. Notes 1 and 2 are contained in the Land Development Code. Staff is not supportive of a 15’ front yard garage setback. - ***The Applicant is in agreement with this condition and has made this revision.***

I. Sheet PD6 note on lot separation - Amend note to state: The 50’ buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shall not be modified and shall always be vegetative areas. - ***The Applicant is in agreement with this condition and has made this revision.***

J. St. Andrews Drive and Tomoka Oaks Boulevard diamond - that a diamond reconfiguration be required at the construction (preliminary plat) phase of the development. – ***The Applicant has demonstrated that the diamond intersection operates within the required level of service for the site. An autoturn analysis has been undertaken to determine if there are any conflicts with emergency services to the area using the diamond intersection – the Applicant is willing to provide the following necessary improvements to this area of the property, as illustrated on the attached exhibit:***

   i. ***Modification of existing drive aisle to resolve turning radii conflicts for emergency vehicles; and***
   ii. ***Provision of additional landscaping adjacent to the right-of-way.***

K. Sidewalks on both sides of Tomoka Oaks Boulevard – require sidewalks on both sides of Tomoka Oaks Boulevard. - ***The Applicant is in agreement with this condition and has made this revision.***

L. The preliminary plat should require the conducting of a neighborhood meeting. - ***The Applicant is in agreement with this condition.***

M. **Resident Concern – Timing of Signal Permitting –** ***The Applicant understand that the residents want to ensure that permitting and installation of the signal move forward at the same time as the development. As such, the Applicant agrees to the voluntary condition that the Applicant will make application for the permits for the signal within 30 days of subdivision approval, and such permit will be issued prior to the issuance of subdivision construction permits.***

N. **Resident Concern – HOA Architectural Design Language –** ***The Applicant has coordinated with residents following the Planning Board hearing and have agreed to modify the proposed architectural standards to include the following:***

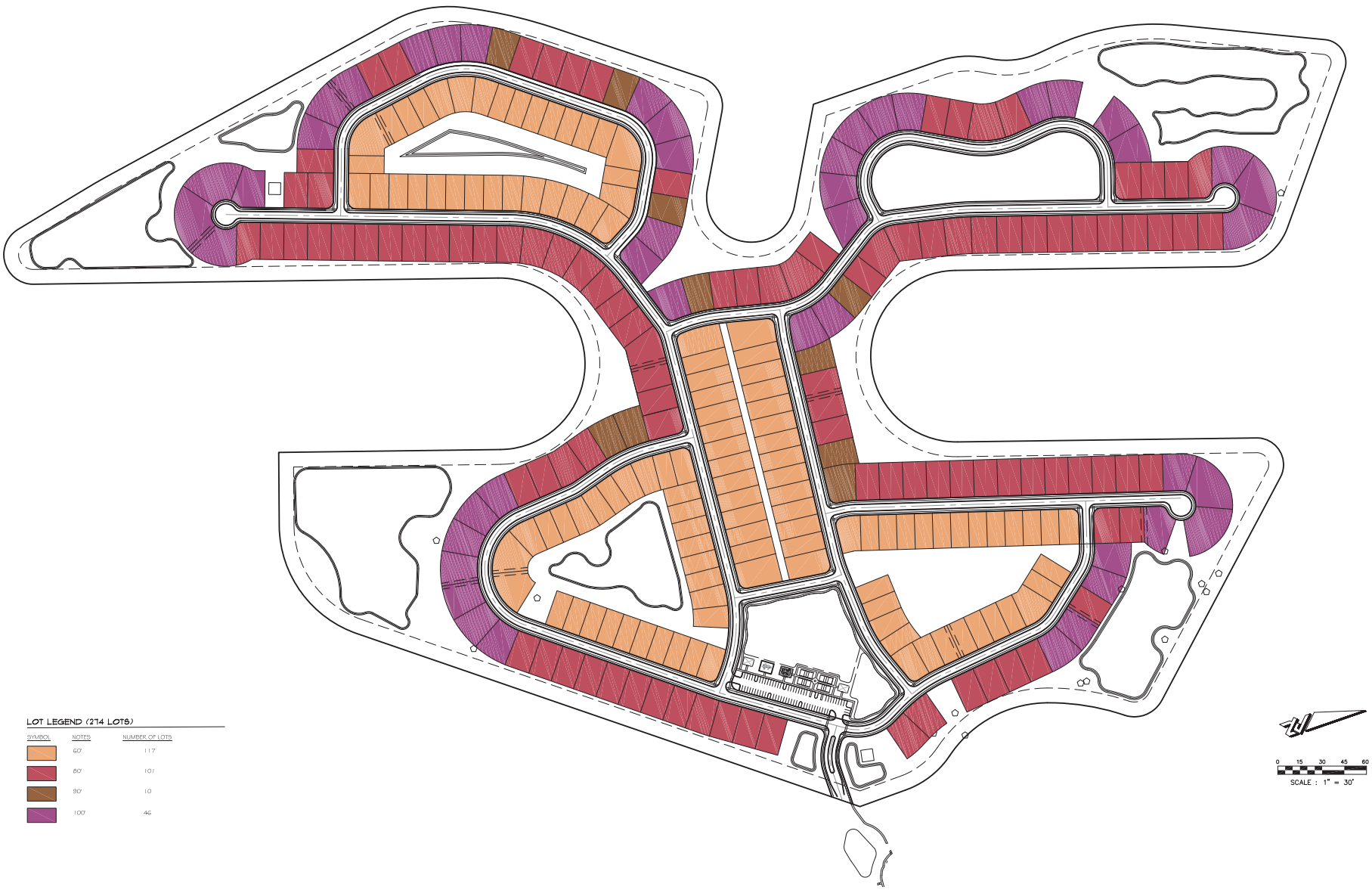
   i. The Architectural Review Board may not modify the architectural standards set forth in the PUD until such time that the HOA has turned control over from the Declarant to the homeowners.
   ii. The Applicant has committed to compliance with the following additional landscape standards included herein.

O. Planning Board Concern – Cut Through of Amenity Space parking lot – ***A board member noted that within a previous plan iteration, residents could utilize the amenity parking lot as a cut through drive aisle, which raised concerns on resident and child safety. This parking area has been revised to limit cut-through traffic.***

We look forward to review of this item by the Planning Board at their August 21, 2023 hearing date. If there is any additional information we can provide to assist in review, please do not hesitate to reach out.

Sincerely,

Robert A. Merrell III
Direct Dial (386) 323-9263
Email Rob.Merrell@CobbCole.com
Fax (386) 323-9206



LOT LEGEND (274 LOTS)

SYMBOL	NOTES	NUMBER OF LOTS
	60'	117
	80'	101
	90'	10
	100'	46

ZEV COHEN & ASSOCIATES, INC.
500 WINDSOR BLVD., STE. C
DAYTONA BEACH, FL 32114
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS

TOMOKA RESERVE CONCEPTUAL PLAN 80'X125' PERIMETER

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 21067
DESIGNED BY: JES
DRAFTED BY: JES
CHECKED BY: SG
DRAWING FILE: 21067 BASOP REAR LOTS 8-11-13
XREF'S: 17168BASZ.DWG
XREF'S: XXXXX.DWG

JAKE STEHR, LA, NO. 6957462
NOT VALID WITHOUT SEAL

SHEET: EX1 OF 1

ARCHITECTURAL PLAN REQUIREMENTS

Purpose and Intent

1) Architectural requirements are an integral part of the LDC in order to ensure quality development, create a sense of place and community, and to enhance the physical environment.
2) These standards are intended to:
   a) Encourage a diversity in housing styles, shapes, and materials in order to create variety in the streetscape,
   b) Encourage richness in design through materials and details,
   c) Maximize the positive impact of development,
   d) Ensure that non-residential building facades are designed to a human scale, for esthetic appeal, pedestrian comfort, and compatibility with adjacent development,
   e) Ensure that larger non-residential buildings are designed to reduce their apparent bulk and volume through design and landscaping,
   f) Encourage sustainable architecture.

Residential Development Standards

In order to promote architectural character, new housing development shall be required to offer a variety of architectural styles and elevations. These regulations promote both diversity in the exterior elevations of neighboring homes, as well as individual character in the design of each residence.

1) For new single-family residential developments or infill single family development with six (6) or more adjacent lots:
   a) Identical elevations on adjacent lots or directly across the street will not be permitted. No homes with the same color scheme on adjacent lots or directly across the street will be permitted.
   b) Similar floor plans may be used provided they incorporate different exterior elements that eliminate the perception of repetition.
   c) When less than ten (10%) percent of the lots in a subdivision remain to be developed, the Planning Board may approve a home design to be used more than three times within a single block face. This option is intended to provide some flexibility in finishing the subdivision development while maintaining diversity in building design.
   d) Front porches may encroach into the front setback up to five (5) feet. Front porches may be screened, provided that the screen is located behind the railings.
   e) Residential building walls shall be wood clapboard, wood shingle, wood drop siding, Hardie board siding, brick, stone, stucco, approved vinyl siding, or similar material.
   f) Residential roofs shall be wood, 30-year architectural asphalt shingles, or fiberglass shingles, solar shingles, tile or metal. Eaves are an important component of the roof design; they not only provide architectural character, but they help to protect building walls and reduce cooling costs.

g) Fencing or decorative walls in residential front yards shall be a maximum of three (3) feet tall. Fencing in side and rear yards shall be a maximum of six (6) feet tall. Fences shall be wood, vinyl, wrought iron, or aluminum that is designed to resemble wrought iron.
h) The architectural style and color of walls or fences shall match the primary dwelling unit. Fences shall be erected so that the finished side is towards adjacent lots or the public right-of-way. Chain link fencing is permitted along the sides and rear lot lines of residential lots that back up to either a stormwater facility or lake.
i) Perimeter fences or walls are permitted around a residential development up to a maximum of six (6) feet, provided that the fence and/or wall has architectural features compatible with the neighborhood. Fences and walls shall also include details such as banding, capping, columns (which may be up to 8 feet tall), and other elements to add interest. To enhance design, perimeter fences and walls are required to incorporate landscaping with breaks in the fence or wall (or change in direction). Perimeter fences shall be wrought iron, or aluminum that is designed to resemble wrought iron. Perimeter walls shall be faced with stucco, brick, or stone or a combination of those materials.

Single Family Residential Development Architectural Plans

At the time of Final Plat submittal (or at building permit for infill development), the applicant shall submit a complete set of the residential design plans. This shall include the front, side, and rear elevations for each model that will be constructed within the development. The building elevations shall include the following:

1) Roof plan: Residential homes shall have variations in roof lines and use dormers, and other architectural elements to add interest and sustainability.
2) Wall materials and color options: See above for material options. Walls cannot be all one material and/or all one color. Primary facades shall have one base color and a minimum of one complementary accent color. A complementary wall material may be used to meet the second color requirement.
3) Exterior architectural details: Each home shall incorporate architectural details to add interest to all sides of the building. Primary facades shall incorporate a minimum of four (4) architectural details These include, but are not limited to:
   a) Windows
   b) Shutters
   c) Porches
   d) Decorative elements
   e) Doors
   f) Columns
   g) Window boxes
   h) Porticos
   i) Cupolas
   j) Chimneys
   k) Enhanced landscape treatment which provides for one additional planting area with a minimum size of 400 square feet
   l) Other elements approved by the City review staff

Tomoka
Oaks

STOP

Ordinance 2006-17

Tomoka Oaks Golf Village

- October 17, 2006 City Commission item
- October 3, 2006 City Commission minutes
- October 17, 2006 City Commission minutes

10/31/2006 12:31 PM
Instrument# 2006-273444 # 1
Book: 5944
Page: 2179

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 2, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE", PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the property to be rezoned consists of approximately 147-acres located within the limits of the existing Tomoka Oaks Golf Course, and is zoned R-2 (Single Family Low Density), and

WHEREAS, RTH, Inc., a Florida corporation, has initiated this Ordinance which rezones that parcel of privately-owned real property hereinafter described, and

WHEREAS, the said parcel of real property involves more than ten (10) contiguous acres, and

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

WHEREAS, the City Commission held a public hearing regarding this matter as required by Section 166.041(3)(c)(2), *Florida Statutes*, and

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

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

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

SECTION ONE. Subsection A, Zoning Map, of Section 2-03, Official Zoning Map and Zoning District, of Chapter 2, District and General Regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, of the *Land Development Code* of the City of Ormond Beach, Florida, is hereby amended by amending the Official Zoning Map, which is part of the said *Land Development Code*, to change the real property described on Exhibit "A" attached hereto and incorporated herein by reference from R-2 (Single Family Low Density) to PRD (Planned Residential Development).

SECTION TWO. The property hereby rezoned consists of approximately 147-acres located at within the limits of the existing Tomoka Oaks Golf Course, and is zoned R-2 (Single Family Low Density).

SECTION THREE. The City Commission does hereby approve, authorize, and direct the revision of the City's Official Zoning Map to show the classification for the area as hereby rezoned.

SECTION FOUR. The City Commission does hereby approve a Development Order to allow the construction of the "The Tomoka Oaks Golf Village" Planned Residential Development, consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel, attached hereto.

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

SECTION SIX. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission this 3rd day of October, 2006.

PASSED UPON at the second and final reading of the City Commission this 17th day of October, 2006.

Fred Costello

FRED COSTELLO
Mayor

ATTEST:

Veronica Patterson

VERONICA PATTERSON
City Clerk

Instrument# 2006-273444 # 4
Book: 5944
Page: 2182
Diane M. Matousek
Volusia County, Clerk of Court

CERTIFICATE

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF ORMOND BEACH

I, Veronica Patterson, as City Clerk of the City of Ormond Beach, Florida, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 2006-17 as the same appears of record at City Hall, City of Ormond Beach, Florida.

Dated this 19th day of September 2006.

VERONICA PATTERSON
City Clerk
CITY OF ORMOND BEACH, FLORIDA

SEAL

10/31/2006 12:31 PM
Instrument# 2006-273445 # 1
Book: 5944
Page: 2183

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Application of RTH, Inc.
PRD-06-32
"Tomoka Oaks Golf Village" Planned Residential Development
within the limits of the existing Tomoka Oaks Golf Course

DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on October 3, 2006 and October 17, 2006, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18(D)(3) of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

(1) The land use conforms to the standards and requirements of this *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PRD, Planned Residential zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The land use is consistent with the *Comprehensive Plan*;

(3) The land use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

(5) Public facilities, such as roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds will not be unduly burdened and are adequate to serve the land use;

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

(7) The land use is functional in the use of space and aesthetically acceptable;

(8) The land use provides for the safety of occupants and visitors;

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

(10) The testimony provided at public hearings.

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of RTH, Inc., a Florida corporation, for the "Tomoka Oaks Golf Village" a planned residential development to allow the construction of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel within the limits of the existing Tomoka Oaks Golf Course, in the R-2 Single Family Low Density zoning district, on that real property described and depicted on Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-35, Planned Residential Development, of the City of Ormond Beach *Land Development Code*, except as otherwise specifically modified hereby, shall at all times be strictly complied with;

2. That the following recommendations of the Planning Board shall be resolved and strictly complied with at all times:

a. The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.

b. The owner shall provide a note on the plat for the property indicating to future property owners the proximity of the airport and the flight pattern of the traffic from the airport.

c. The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with trees and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.

3. That the following comments of the Site Plan Review Committee shall be resolved and strictly complied with at all times:

CITY LANDSCAPE ARCHITECT COMMENTS:

a. Wheel stops must be provided. Vehicle bumpers will not overhang the planting beds.

b. Applicant must provide a littoral planting detail and specifically show where they are to be planted on the pond banks in all applicable ponds; applicant must provide calculation for each pond; clarify if ponds are wet or dry; if dry then littoral planting is not required.

c. Applicant must provide a note on the plans that any tree needed to be removed during construction will require a one for one replacement penalty; protected trees will require one 2.5" caliper variety and specimen trees will require one 4.5" caliper variety to suit its planting location; replacement trees need to be Florida #1 at a minimum height of ten feet (10'). CPH will make the determination as to what is best suited for each replacement.

d. Remove the asterisk note on page TR-8.

CIVIL ENGINEER COMMENTS:

e. Applicant must provide legend to clarify phasing.

f. Sheet C6 – Include Temporary Construction Entrance in Phase 1A.

g. Sheet C2 – Provide As Built Requirements for Water and Sewer; relocate the As Built Requirements for Roadway Construction from sheet C36.

h. Sheet C22 –Removing the fire hydrant from the pond.

i. Sheets C45-C47 – Estimated Wet Season Water Table Elevation and Design Pond High Water Elevation to each section.

j. Applicant must locate easements for utilities and lift station on the plat.

CHIEF BUILDING OFFICIAL COMMENTS:

k. Applicant must provide additional fire hydrants to townhouse and condo locations.

l. Applicant must provide location of fire department connections.

m. The location of handicap spaces for the clubhouse is unacceptable; accessible parking spaces shall not cross the roadway and shall be as close to the building as possible.

FIRE DEPARTMENT COMMENTS:

n. Fire hydrants shall be installed at intervals not to exceed 500 feet; provide location of additional hydrants on plans.

PUBLIC UTILITIES COMMENTS:

o. Manhole #44 on page C18 of the plans needs to be lined.

p. Applicant must update fire hydrant assembly detail.

q. Show how reuse will be connected to existing reuse line or the proposed reuse line to be constructed to the reuse storage pond by Tomoka Oaks.

r. Reuse meter to be provided by owner of make and model approved by the City. A reuse agreement will need to be executed by the owner and the City.

s. Applicant must confirm if water master meter shall be needed or if units will be individually metered.

t. Applicant must provide match lines on composite utility sheets.

u. All water and sewer lines to be owned and maintained by City must be in public rights of way or 40 foot access and utility easement; an easement or deed is also needed for the lift station.

POLICE DEPARTMENT COMMENTS:

v. Parking lot lighting, pole heights must not exceed 20 feet and maximum wattage shall be 250 watts (see Land Development Code Chapter 3, Article 5 Architectural Design Standards, Chapter 3 Page 10). This will impact lighting calculations currently submitted.

4. The subdivision is approved to have a total of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings with the following dimensions as shown on the attached plans. The townhomes and condominiums shall be developed in accordance with the conceptual plans approved for the proposed PRD and the requirements established in Chapter 2, Article IV, Section 2-57 M. Multi-Family Dwellings:

Land Use	Min. Lot Area	Min. Lot Width	Front Setback	Side Corner	Side Setback	Rear Setback
Single-family	10,000-square feet	100- feet	30-feet	20-feet	8-feet total 20-feet	25-feet

5. As a stand alone zoning district the following permitted uses and dimensional criteria for this Planned Residential Development are hereby established as follows:

1. **Permitted Principal Uses and Structures.**

   a. Single-family Detached units

   b. Townhouse Units, as located on the conceptual development plan prepared by Conklin Porter and Homes, CPH project number T7501, dated June 2005.

   c. **Multifamily Condominium units** as located on the

conceptual development plan prepared by Conklin Porter and Homes, project number T7501, dated June 2005.

2. Permitted Accessory Uses and Structures

a. Single Family detached dwellings and all accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article III.

b. Home Occupations, Type "A", subject to the regulations set forth in Chapter 2, Article III.

6. The project shall be phased over a 5-year period and shall consist of 6 phases; a new phase shall not be initiated until the improvements and enhancements identified in the previous phase have been initiated and are substantially completed. This condition shall not prevent the owner from completing multiple phases concurrently. The following summarizes the phasing of the project:

Phase	Description
1A	Construction of the tennis facility, maintenance area, parking, spine road and associated stormwater improvements. The "Golf Townhomes" at the northern most portion of the development (9th and 10th fairway) will be constructed
1B	Demolition and reconstruction of the clubhouse and parking lot.
1C	Completion of all of the townhomes in the golf and tennis areas.
2A	Development of condominiums at tennis facility.
2B	Development of condominiums at the driving range and clubhouse areas.
3	Development of 3-single family homes on the estate lots.

B. The final plans for the development project shall be consistent with the provisions of this Development Order and the plans depicted in Exhibit "B" hereto; provided, however, that the said plans shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plan for the development project without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Development Order.

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

E. If the final plan approval lapses under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be re-established, a new PRD Development Order shall be considered by the City Commission.

F. In the event the use of the land approved by this PRD Development Order is abandoned for a period of two (2) years or there has been no construction activity during that period, the permit shall be void and a Notice of Final Plan Revocation filed under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be reestablished, a new PRD Development Order shall be considered by the City Commission.

G. Semi-annually, the Neighborhood Improvement Officer shall prepare a report indicating which planned developments are not in compliance with Section 1-14, or the conditions stipulated in the Development Order, in the event a Neighborhood Improvement Officer subsequently determines there to be any violation, such Officer shall promptly present such determination to the Special Master for hearing.

H. Pursuant to Chapter 1, Article II, Section 1-14(C) (2), of the *Land Development Code*, the first phase of this Special Exception shall automatically expire and become void, without further action by the City Commission, 24 months (October 17, 2008) from the date of City commission approval, unless a site plan or building permit has been issued prior to that date; and a use building permit is so issued, this Special Exception shall remain in full force and effect unless and until subsequently amended by the City Commission.

I. The expiration date of the sixth and final phase of the project to be constructed shall be five (5) years in the future, or to October 17, 20011, and shall automatically expire and become void, without further action by the City Commission, unless a building permit

is issued for the sixth and final phase of the project prior to that date; and if a building permit is so issued, the Development Order shall remain in full force and effect unless and until subsequently amended by the City Commission

J. This Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of RTH, Inc., a Florida corporation, and shall be binding upon RTH, Inc., a Florida corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No. 3242-07-00-0010)

ORDERED this 17th day of October, 2006.

CITY COMMISSION
CITY OF ORMOND BEACH, a Florida municipal corporation

By: _____
FRED COSTELLO
Mayor

(CITY SEAL)

Attest: _____
ISAAC D. TURNER
City Manager

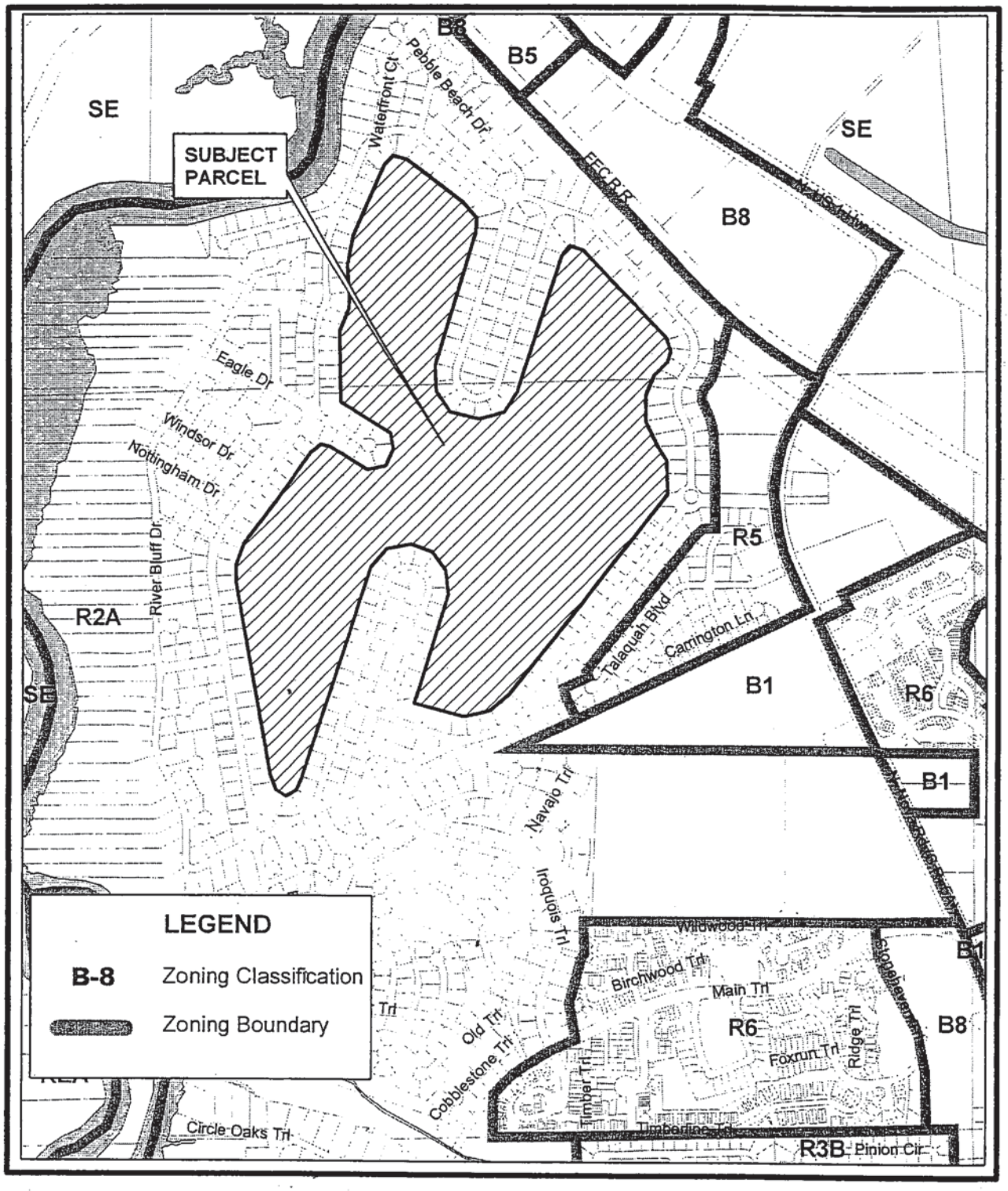
Instrument# 2006-273445 # 9
Book: 5944
Page: 2191

LEGAL DESCRIPTION

39 14 32 135 ACRES ALL SNEAD GOLF & COUNTY CLUB
MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019

PARCEL ID NO. 3242-07-00-0010

Instrument# 2006-213445 # 10
Book: 5944
Page: 2192



CITY OF ORMOND BEACH FLORIDA

ZONING MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

N
W E
S

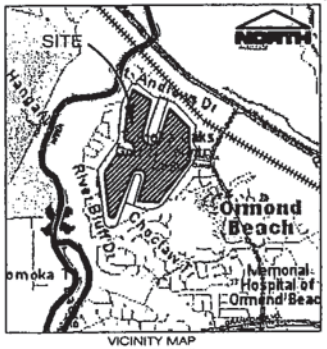
Instrument# 2006-273445 # 11
Book: 5944
Page: 2193

CONSTRUCTION PLANS FOR

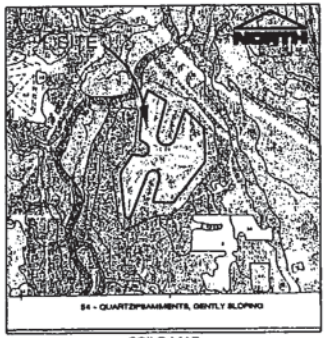
THE TOMOKA GOLF VILLAGE

PLANNED RESIDENTIAL DEVELOPMENT

THE CITY OF ORMOND BEACH - VOLUSIA COUNTY - FLORIDA



VICINITY MAP
Scale: 1"=2000'



SOILS MAP
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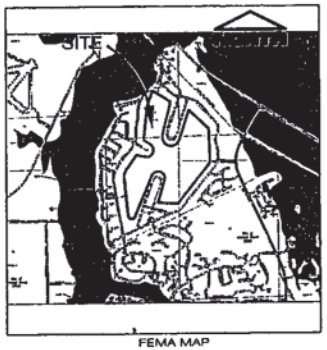

FEMA MAP
Scale: 1"=2000'

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UTILITIES:

Water & Sewer:	City of Ormond Beach
Power Company:	Florida Power and Light
Telephone Company:	Bellsouth
Cable Television:	Brighthouse Network

TAX I.D. # 42-13-32-07-00-0010

LEGAL DESCRIPTION: 39 14 32 135 ACRES ALL SNEAD GOLF & COUNTRY CLUB MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019.

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NO.	DATE	PLAN REVISION	APPROVED	NO.	DATE	PLAN REVISION	APPROVED
2	9/05	REVISED PER CITY COMMENTS	JRK				
1	3/06	REVISED PER CITY COMMENTS	JRK				

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GENERAL NOTES:

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ORMOND BEACH'S LAND DEVELOPMENT CODE REQUIREMENTS, AND THE STANDARD CONSTRUCTION DETAILS AND CONSTRUCTION SPECIFICATIONS (SCDCS). AN ENGINEERING PERMIT AND TREE REMOVAL PERMIT IS REQUIRED PRIOR TO STARTING CONSTRUCTION.

NO LAND SHALL BE CLEARED, EXCAVATED OR FILLED AND NO STRUCTURE SHALL BE ERECTED, REPAIRED OR DEMOLISHED WITHOUT PROPER PERMIT(S) AS REQUIRED BY THE CITY OF ORMOND BEACH.

NOTIFY THE CITY OF ORMOND BEACH'S ENGINEERING DIVISION AT 676-3269 48 HOURS PRIOR TO THE START OF CONSTRUCTION.

ANY CONSTRUCTION CHANGES TO APPROVED PLANS SHALL BE SUBMITTED TO THE CITY OF ORMOND BEACH FOR APPROVAL PRIOR TO PERFORMING THE WORK.

ROAD CONSTRUCTION AND PIPE INSTALLATION COMPACTION AND DENSITY TESTING SHALL CONFORM TO THE CITY OF ORMOND BEACH'S MINIMUM REQUIREMENTS. CERTIFIED COPIES OF TEST REPORTS SHALL BE SUBMITTED TO THE CITY INSPECTOR AND THE CITY'S ENGINEERING DIVISION.

A PRE-PAVING UTILITY INSPECTION MUST BE REQUESTED AND COMPLETED PRIOR TO THE PAVING OF ALL ROADS, STREETS, AND PARKING AREAS.

A FINAL INSPECTION, TO BE CONDUCTED BY THE CITY OF ORMOND BEACH, SHALL BE PERFORMED ON ALL CONSTRUCTION. THE DESIGN ENGINEER SHALL NOTIFY THE CITY OF ORMOND BEACH'S ENGINEERING DIVISION 676-3269 WHEN REQUESTING A FINAL INSPECTION.

THREE COMPLETE SETS OF AS-BUILT DRAWINGS (3 FOR SUBDIVISIONS) ARE REQUIRED TO BE SUBMITTED TO THE CITY OF ORMOND BEACH PRIOR TO REQUESTING A FINAL INSPECTION.

THE CITY HAS A CONTRACTOR FOR ROLL OFF SERVICE. NO OTHER CONTRACTOR SHALL BE PERMITTED TO PROVIDE THIS SERVICE. VERIFY COMPANY UNDER CONTRACT WITH THE CITY.

CONSTRUCTION STANDARDS FOR ALL DRAINAGE SYSTEM COMPONENTS SHALL CONFORM TO THE LATEST EDITION OF THE FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS MANUAL.

ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE (RCP), HIGH DENSITY POLYETHYLENE (HDPE), POLYVINYL CHLORIDE (PVC) OR ALUMINUM CORRUGATED METAL PIPE (ACMP), AS SHOWN ON THE PLANS.

STORM DRAINAGE PIPES SHALL BE A MINIMUM OF FIFTEEN (15) INCH DIAMETER OR EQUIVALENT.

STORM INLETS, MANHOLES AND CATCH BASINS SHALL BE EITHER POURED IN PLACE OR PRE CAST REINFORCED CONCRETE. STRUCTURES SHALL BE REQUIRED AT EACH CHANGE OF PIPE SIZE OR CHANGE IN PIPE DIRECTION.

STORM INLETS SHALL BE SPACED IN SUCH A MANNER AS TO ACCEPT ONE HUNDRED (100) PERCENT OF THE DESIGN STORM RUNOFF.

WET DETENTION PONDS SHALL BE EIGHT (8) FEET MINIMUM TO TWELVE (12) FEET MAXIMUM DEPTH BELOW THE DESIGN LOW OR NORMAL WATER STAGE.

MAXIMUM DISTANCES BETWEEN INLETS AND/OR JUNCTION BOXES:

PIPE SIZE (INCHES)	LENGTH OF RUN (FEET)
15	150
18	300
24 OR GREATER	400

ALL SWALES, DITCHES AND DRY RETENTION POND SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (h:v) AND SHALL BE SODDED.

NORMAL ROADSIDE SWALES SHALL BE CONSTRUCTED TO A MAXIMUM DEPTH OF 18" BELOW THE OUTSIDE EDGE OF PAVEMENT OR CONCRETE CURB.

CONCRETE EROSION CONTROL MUST BE PROVIDED WHERE SWALES OF CULVERTS INTERCEPT DRAINAGE DITCHES.

A MINIMUM ONE FOOT (1') FREEBOARD ABOVE THE DESIGN HIGH WATER ELEVATION IS REQUIRED AT ALL POINTS AROUND WET DETENTION PONDS.

LAKE INFLOW AND OUTLET STRUCTURES SHALL GENERALLY BE CONSTRUCTED WITH REINFORCED CONCRETE AND SHALL BE SUBJECT TO THE APPROVAL OF THE CITY.

SOIL EROSION CONTROL MEASURES, SATISFACTORY TO THE CITY, SHALL BE EMPLOYED DURING CONSTRUCTION AND UPON COMPLETION OF THE POND.

THE CITY MAY REQUEST THAT THE DEVELOPER SUBMIT A REPORT BY A QUALIFIED HYDROLOGIST ON THE IMPACT THE POND WILL HAVE ON NEIGHBORING WATER TABLE ELEVATIONS BOTH DURING CONSTRUCTION AND AFTER POND COMPLETION. THE CITY MAY REQUIRE GROUNDWATER MONITORING DURING THE POND EXCAVATION.

ADEQUATE MAINTENANCE EASEMENTS OR RIGHTS-OF-WAY AS APPROVED BY THE CITY SHALL BE PROVIDED AROUND THE ENTIRE PERIMETER OF ALL PONDS AND ASSOCIATED OUTFALLS DISCHARGING INTO AND OUT OF PONDS. APPLICABLE CROSS SECTIONS SHALL BE INCLUDED ON ALL FINAL DEVELOPMENT PLANS.

DEVELOPMENT PLANS SHALL CONTAIN DRAINAGE CONTROL STRUCTURE (OVERFLOW) INFORMATION, BOTTOM ELEVATION, TOP ELEVATION, NORMAL WATER LEVEL AND THE 25 YR. - 24 HR. DESIGN HIGH WATER LEVELS.

IN GENERAL, ALL RETENTION/DETENTION PONDS MUST BE CONSTRUCTED PRIOR TO ANY ROAD, PARKING LOT OR BUILDING CONSTRUCTION COMMENCING OR AS CURRENT PERMIT CONDITIONS DICTATE.

THE ENGINEER OF RECORD SHALL BE RESPONSIBLE TO OBTAIN ANY AND ALL DEWATERING PERMITS THAT MAY BE REQUIRED.

CULVERTS CROSSING RIGHTS-OF-WAY SHALL EXTEND FROM RIGHT-OF-WAY LINE TO RIGHT-OF-WAY LINE UNDER THE ROADWAY.

ALL STORM WATER MANAGEMENT SYSTEMS ARE TO BE OWNED AND MAINTAINED BY EITHER THE SURROUNDING PROPERTY OWNERS OR AN ASSOCIATION OF THE SURROUNDING PROPERTY OWNERS OR SOME OTHER GROUP AS APPROVED BY THE CITY.

SANITARY SEWER CONSTRUCTION GENERAL NOTES

THE CITY'S PUBLIC UTILITY DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY SEWER CONSTRUCTION.

ALL SANITARY SEWER MAIN LINES SHALL BE A MINIMUM OF 8" IN DIAMETER. SERVICE LATERALS WITH MULTIPLE CONNECTIONS SHALL BE 6" DIAMETER OR LARGER.

ALL SANITARY SEWER LINES SHALL BE PVC SDR 35. IN PLACES WHERE A MINIMUM COVER OF 4.0' CANNOT BE MAINTAINED, C-900 GREEN PVC DR-25, CLASS 100 OR CONCRETE ENCASEMENT SHALL BE USED.

MINIMUM ALLOWABLE SANITARY SEWER SLOPES ALLOWED ARE:

8" PIPE 0.40%
10" PIPE 0.30%
12" PIPE 0.22%

SEWER LINE CONSTRUCTION SHALL BE ACCOMPLISHED BY THE USE OF A LASER INSTRUMENT UNLESS ANOTHER METHOD IS PREVIOUSLY APPROVED BY THE CITY.

THE CONTRACTOR SHALL AT ALL TIMES, DURING PIPE LAYING, DEWATER THE GROUND SUFFICIENTLY TO KEEP THE GROUNDWATER ELEVATION A MINIMUM OF 6" BELOW THE PIPE BEING LAID WITHIN THE AREA OF THE TRENCH.

ALL PIPES SHALL BE LAID ON A FIRM FOUNDATION. SOFT OR SPONGY BEDDING FOR PIPES WILL NOT BE ACCEPTED. ANY UNSUITABLE MATERIAL SHALL BE REMOVED AND REPLACED WITH A DRY, COMPACTED, GRANULAR MATERIAL SATISFACTORY TO THE CITY.

EXCAVATION AND BACKFILL: THE CONTRACTOR SHALL PROVIDE ADEQUATE SHEETING AND BRACING OF EXCAVATION WORK OR USE OF TRENCH BOX IN ORDER TO PROVIDE FOR THE SAFETY OF WORKMEN, AS WELL AS REPRESENTATIVES OF THE CITY, THE DESIGN ENGINEER, AND THE DEVELOPER.

THE CONTRACTOR SHALL INSTALL A METALIZED FOIL LOCATER TAPE, OR SIMILAR DEVICE AS MAY BE APPROVED BY THE CITY FOR THE FULL LENGTH OF ALL PVC WATER, RECLAIMED WATER AND SEWAGE FORCE MAINS. THIS PIPE LOCATER AID SHALL BE INSTALLED (15) INCHES BELOW FINISHED GRADE OR AS DIRECTED BY THE MANUFACTURER AND IS IN ADDITION TO THE LOCATOR WIRE REQUIRED IN THE UTILITY PIPE LOCATION MATERIALS DETAIL (MISCELLANEOUS DETAILS SECTION - M10).

MANHOLES SHALL BE LOCATED AT INTERVALS NOT EXCEEDING 400 FEET.

MANHOLE RIMS SHALL MATCH FLUSH WITH THE FINISH GRADE ELEVATION IN PAVED AREAS AND A MINIMUM OF 0.2 FEET ABOVE GRADE IN UNPAVED AREAS.

THE CONTRACTOR SHALL CONSTRUCT SANITARY SEWER MANHOLES IN SUCH A WAY THAT SEWER LINES DO NOT INTERSECT SEALED JOINTS BETWEEN SECTIONS OF THE MANHOLE.

RUBBER BOOTS AND STAINLESS STEEL BANDS SHALL BE UTILIZED IN THE CONNECTION OF THE SEWER MAIN TO THE MANHOLES (SEE RUBBER BOOT AND PRECAST JOINT CONNECTION DETAIL).

INDIVIDUAL SANITARY SERVICE CONNECTORS ON NEW CONSTRUCTION SHALL NOT BE CONNECTED DIRECTLY INTO MANHOLES, BUT TO SEWER MAIN LINES BY USE OF WYE CONNECTIONS.

FOR SINGLE FAMILY HOMES, SINGLE FOUR INCH SEWER SERVICES SHALL BE CONSTRUCTED AT EACH LOT OR UNIT AND LOCATED ON THE DOWNSTREAM SIDE OF THE LOT CENTER LINE. THESE SERVICES SHALL BE EXTENDED 4 FEET ABOVE GROUND AT THE PROPERTY LINE WITH A PVC RISER AND PLUG BEING EASILY VISIBLE FROM THE ROAD. RUBBER SEAL FITTINGS TO BE USED ON ALL LINES, NO GLUED JOINTS.

FOR MULTI-FAMILY AND COMMERCIAL SITES, SIX INCH MINIMUM SEWER SERVICES AND CLEANOUTS SHALL BE PROVIDED AS APPROVED BY THE CITY.

SANITARY SEWER LATERALS LONGER THAN 70 FEET, MEASURED FROM THE SEWER MAIN TO THE RIGHT-OF-WAY LINE MAY BE APPROVED ON A CASE BY CASE BASIS. SUCH LATERALS SHALL BE D.I.P. EPOXY LINED OR C-900 PVC.

SANITARY SEWER MANHOLES WHICH HAVE SEWER FORCE MAINS DISCHARGING DIRECTLY INTO THEM, OR ANY MANHOLE WITHIN 200 FEET OF A LIFT STATION, SHALL BE FIBERGLASS OR PVC LINED. RETRO-FITTING OF MANHOLES WITH LINERS SHALL BE REQUIRED WHEN NEW CONNECTIONS SUCH AS THIS ARE MADE. FIBERGLASS SHALL BE A MINIMUM 1/2" THICKNESS UNLESS APPROVED OTHERWISE BY THE CITY. LINING SHALL BE AGRU SURE-GRIP OR PRE-APPROVED EQUAL.

SEE CHART S-9C FOR PIPE SIZE AND MATERIALS.

THE CITY OF ORMOND BEACH REQUIRES THE DEVELOPER TO TELEVISE ANY AND ALL SANITARY SEWER MAIN LINES AND LATERALS PRIOR TO ANY FINAL ACCEPTANCE, AND RESERVES THE RIGHT TO REQUEST WATER AND AIR TESTING.

ALL SEWER MAINS PRIOR TO ACCEPTANCE BY THE CITY SHALL BE TELEVISED BY A REPUTABLE COMPANY THAT ENGAGES IN THIS TYPE OF WORK. THE VIDEO SHALL BE NON-STOP WITH AUDIO DESCRIBING WHAT IS BEING REVIEWED. WRITTEN LOGS DESCRIBING THE CONDITION OF THE LINES SHALL ACCOMPANY THE TAPE SUBMISSION TO THE CITY.

CONTRACTORS SHALL BE REQUIRED TO TELEVISE ALL SEWER LINES IN THE PRESENCE OF CITY PERSONNEL AND PROVIDE COPIES OF THE VIDEO TAPE TO THE PUBLIC UTILITY DEPT. ANY DEFECTS NOTED SHALL BE CORRECTED PRIOR TO ACCEPTANCE BY THE CITY.

ALL MANHOLES CONSTRUCTED IN SIDE YARDS, BACKYARDS, AND EASEMENTS OFF THE RIGHT-OF-WAY SHALL BE OUTFITTED WITH FIBERGLASS LINERS OR OTHER TYPES OF LINERS OR COATINGS APPROVED BY THE CITY. IN ADDITION THE CITY MAY REQUIRE LINERS OR COATINGS TO BE INSTALLED IN OTHER AREAS WHERE THE PUBLIC UTILITY DEPARTMENTS BELIEVE THE NEED IS JUSTIFIED.

ALL SEWER LINES WHICH ARE CONSTRUCTED OFF PUBLIC RIGHTS-OF-WAY WITHIN SIDEYARDS, BACKYARDS, AND OTHER POORLY ACCESSABLE AREAS SHALL BE CONSTRUCTED OF C-900 PVC, OR EPOXY LINED DUCTILE IRON PIPE. ABSOLUTELY NO USE OF PLASTIC STYRENE FITTINGS SHALL BE ALLOWED.

SEWER LATERAL LOCATIONS SHALL BE MARKED ALONG THE OUTSIDE OF THE CURB WITH A SAWCUT V, OR BY A METAL TAB SET INTO THE PAVEMENT.

EZ-WRAP PLASTIC, AS MANUFACTURED BY PRESS-SEAL GASKET CORPORATION OR APPROVED EQUAL, SHALL BE USED ON THE OUTSIDE OF ALL MANHOLE AND WETWELL JOINTS. APPLY ONE LAYER OF 8" WRAP CENTERED ON EACH JOINT. A CITY INSPECTOR SHALL PERSONALLY INSPECT ALL JOINT SEALS PRIOR TO BACKFILLING OPERATIONS.

MATERIALS		
DIAMETER	MATERIAL	STANDARD
≥ 3" - 4"	PVC 1120 / SDR 21	ASTM D 2241
≥ 6" - 12"	PVC 1120 / CLASS 150	AWWA C 900
14" - 36" (16"- 24" — DR - 18) (30"- 36" — DR - 21)	PVC 1120	AWWA C 905

NOTE: --PVC PIPE COLOR SHALL BE BLUE FOR POTABLE WATER MAIN, GREEN OR WHITE FOR SEWER FORCE MAIN, AND PURPLE FOR REUSE MAIN.

WATER SYSTEM CONSTRUCTION GENERAL NOTES

THE CITY'S PUBLIC UTILITIES DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY WATER SYSTEM CONSTRUCTION.

DEWATERING SHALL BE PROVIDED TO KEEP GROUNDWATER ELEVATION A MINIMUM OF 6 INCHES BELOW WATER MAIN BEING LAID.

ALL WATER MAINS SHALL BE LAID ON A FIRM FOUNDATION WITH ALL UNSUITABLE MATERIAL (MUCK, ROCK, COQUINA, ETC.) REMOVED AND REPLACED WITH CLEAN GRANULAR MATERIAL.

TRENCHES SHALL BE BACKFILLED WITH CLEAN GRANULAR MATERIAL IN MAX. 1' LIFTS WITH A MINIMUM COMPACTION OF 98 PERCENT (AASHTO-T180) IN PAVED AREAS AND 90 PERCENT IN UNPAVED AREAS.

IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT TRENCH COMPACTION TESTS BE PROVIDED AT POINTS 1 FOOT ABOVE THE PIPE AND AT 1 FOOT VERTICAL INTERVALS TO FINISH GRADE, AT A MINIMUM SPACING OF EVERY 300 FEET, AND TO FURNISH COPIES OF TEST REPORTS PROMPTLY TO THE CITY ENGINEERING DEPARTMENT.

METALLIZED PIPE LOCATION TAPE SHALL BE LOCATED 15 INCHES BELOW FINISHED GRADE OR AS SPECIFIED BY MANUFACTURER FOR ALL PVC LINES. MARKER TAPE SHALL BE USED ON ALL DUCTILE IRON PIPE.

ALL WATER SERVICES (SINGLE 1" AND DOUBLE 1 1/2") SHALL BE POLYETHYLENE TUBING (BLUE IN COLOR) ; POLYBUTYLENE SHALL NOT BE ALLOWED.

ALL WATER SERVICE ENDINGS SHALL BE MARKED WITH 4" X 4" LUMBER (PRESSURE TREATED) EXTENDING 4 FEET ABOVE GRADE, WITH WATER SERVICES SECURED 24" ABOVE THE GROUND. WIRE TIES SHALL BE USED TO SECURE THE CURB STOPS TO SUPPORT POSTS.

WATER VALVES SHALL BE PLACED AT ALL STREET INTERSECTIONS AND AT MAXIMUM SPACINGS OF 500 FEET.

AT ALL WATER MAIN TEES AND CROSSES, VALVES SHALL BE INSTALLED ON ALL LEGS EXCEPT ONE.

APPROVED WATER VALVE TYPES ARE THE FOLLOWING:

A. STANDARD GATE VALVES LESS THAN 24" DIAMETER RESILIENT SEAT GATE VALVES (AWWA C-509).
B. TAPPING VALVES AND MECHANICAL TAPPING SLEEVE SHALL BE STAINLESS STEEL. (AWWA C - 509)

ALL WATER VALVE BOXES SHALL BE ADJUSTED TO FINISH GRADE AND THE LIDS PAINTED BLUE TO MAKE THEM PLAINLY VISIBLE.

WATER VALVES SHALL BE COMPLETELY OPENED BY THE CONTRACTOR UPON FINAL ACCEPTANCE OF NEW WATER SYSTEMS IN THE PRESENCE OF UTILITY DEPARTMENT PERSONNEL.

ALL FIRE HYDRANTS SHALL BE CONSTRUCTED TO MAKE THEM EASILY ACCESSIBLE TO FIRE PERSONNEL IN CASE OF FIRE. THE MAIN NOZZLE CONNECTION SHOULD ALWAYS FACE THE STREET AND BE 18-19" ABOVE GRADE.

AS STANDARD PRACTICE, WATER MAINS SHALL BE INSTALLED 4 FEET OFF THE BACK OF CURB OR AS APPROVED BY THE CITY.

ALL WATER MAINS SHALL BE NSF-APPROVED FOR POTABLE WATER USE, AND SHALL HAVE A MINIMUM COVER OF 36 INCHES. IN SPECIAL CASES WHERE IT IS IMPOSSIBLE OR INAPPROPRIATE TO PROVIDE ADEQUATE COVER, DUCTILE IRON CLASS 350 OR CONCRETE ENCASEMENT MAY BE USED AS APPROVED BY THE CITY.

ALL PROPOSED WATER MAINS SHALL BE FLUSHED, DISINFECTED AND BACTERIOLOGICALLY CLEARED FOR SERVICE IN ACCORDANCE WITH LATEST AWWA STANDARDS AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS.

WATER MAINS SHALL BE AWWA C-900 CL 150 OR D.I.P. CLASS 350 STANDARD CEMENT LINED.

UPON CONSTRUCTION COMPLETION AND ACCEPTANCE OF THE SYSTEM, IT SHALL BE THE DESIGN ENGINEER'S RESPONSIBILITY TO ENSURE THAT THE SYSTEM IS PROPERLY CERTIFIED AND ACCEPTED BY THE HEALTH DEPARTMENT, AND THAT CERTIFIED AS-BUILT DRAWINGS ARE PROVIDED TO THE CITY PRIOR TO PAVING AND ANY USE OF THE SYSTEM. PROVIDE THREE (3) BLUELINE COPIES AND ONE (1) MYLAR OF AS-BUILT DRAWINGS.

MEGALUG OR EQUIVALENT, RESTRAINED JOINT SYSTEM MAY BE USED ON ALL RESTRAINED FITTINGS, VALVES, ETC. MINIMUM DEPTH OF BURY ON PIPES NOT MEETING REQUIRED COVER REQUIREMENTS SHALL FOLLOW THE MOST RECENT DIPRA THRUST RESTRAINT DESIGN GUIDELINES.

WATER SYSTEMS SHALL BE PRESSURE TESTED AT 150 PSI STATIC PRESSURE FOR A PERIOD OF 2 HOURS PER AWWA STANDARDS. TESTS SHALL BE CONDUCTED BEFORE FINAL PAVING AND IN THE PRESENCE OF THE CITY'S INSPECTOR.

ALL WATER SERVICES SHALL BE MARKED WITH A "A" SAWCUT INTO THE CURB OR BY METAL TABS SET INTO THE PAVEMENT.

ALL WATER VALVES AND BLOW-OFFS SHALL BE MARKED WITH AN "X" SAWCUT INTO THE CURB OR BY METAL TABS SET INTO THE PAVEMENT. LOCATION OF METAL TABS IN INCHES FROM EDGE OF PAVEMENT SHALL EQUAL DISTANCE IN FEET FROM EDGE OF PAVEMENT TO VALVE.

WATER SERVICES SHALL NORMALLY BE DOUBLE 1 1/2" SERVICES LOCATED AT SIDE LOT LINES. IN INSTANCES WHERE SERVICES NEED TO BE OFFSET, 1" SINGLE SERVICES SHALL BE SPECIFIED. THESE SERVICES MAY BE OFFSET A MAXIMUM OF 3.0'.

UNIFLANGE 1300 SERIES PIPE RESTRAINTS AS MANUFACTURED BY FORD OR APPROVED EQUAL MAY BE USED AS APPROPRIATE FOR RESTRAINING IN-LINE PRESSURE PIPE EACH SIDE OF PIPE JOINT, AS REQUIRED BY RESTRAINT TABLE.

TRACING WIRE SHALL BE INSTALLED IN ACCORDANCE WITH UTILITY PIPE LOCATION MATERIALS DETAIL.

NO GALVANIZED PIPE, FITTINGS, ETC. ARE ACCEPTED.

ALL WATER METERS SHALL BE INSTALLED AT THE RIGHT OF WAY LINE ONLY REGARDLESS OF SIZE.

ROADWAY CONSTRUCTION NOTES

ALL RIGHT OF WAY OTHER THAN ROADWAY AREAS SHALL BE SEEDED AND MULCHED OR SODDED. THE CITY RESERVES THE RIGHT TO REQUIRE SODDING IN SPECIAL AREAS WHERE EROSION IS A CONCERN.

THE FOLLOWING WILL BE THE STANDARD PROTECTION FOR DITCHES UNLESS DRAINAGE CALCULATIONS INDICATE OTHERWISE:

SWALE PROFILE GRADES	PROTECTION REQUIRED
0.2% - 1.0%	SEEDING AND MULCHING
1.0% - 4.0%	SODDING
4.0% AND GREATER	DITCH PAVING

ALL FRANCHISE UTILITY CROSSINGS, INCLUDING BUT NOT LIMITED TO FPL, BELLSOUTH AND CABLE SHALL BE INSTALLED PRIOR TO INSTALLATION AND COMPACTION OF THE ROAD SUB BASE. ANY CROSSINGS AFTER INSTALLATION OF THE SUB BASE SHALL BE BY DIRECTIONAL BORE.

THE LIMITS OF STABILIZED SUB BASE SHALL EXTEND TO A DEPTH OF SIX INCHES (6") BELOW THE BOTTOM OF THE BASE AND OUTWARD TO TWELVE INCHES (12") BEYOND THE CURB.

THE STABILIZING MATERIAL, IF REQUIRED, SHOULD BE A HIGH BEARING VALUE SOIL, SAND-CLAY, LIMEROCK, RECYCLED CONCRETE, SHELL OR OTHER MATERIAL AS APPROVED BY THE CITY AND A LICENSED SOILS ENGINEER.

THE SUB BASE SHALL BE STABILIZED NOT LESS THAN FORTY (40) POUNDS LIMEROCK BEARING RATIO (LBR). A COMPACTION OF NO LESS THAN NINETY-EIGHT (98%) PERCENT DENSITY BASED ON AASHTO T-180 SHALL BE REQUIRED.

TESTS FOR SUB BASE BEARING CAPACITY AND COMPACTION SHALL BE DONE AT A MINIMUM OF EVERY 300 FEET AND SHALL BE STAGGERED TO THE LEFT, RIGHT AND AT CENTER LINE OF THE ROADWAY.

BASES FOR ALL STREETS SHALL HAVE A MINIMUM SIX INCH (6") DEPTH. PRIMING AND SANDING SHALL BE REQUIRED AS SOON AS BEARING CAPACITY AND COMPACTION HAS BEEN ACHIEVED.

RECYCLED CONCRETE OR LIMEROCK BASES SHALL BE COMPACTED TO (98 %) MAXIMUM DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST.

RECYCLED CONCRETE MIX DESIGNS SHALL BE SUBMITTED TO THE CITY FOR APPROVAL PRIOR TO START OF SUB BASE PREPARATION.

CEMENT DELIVERY TICKETS SHALL BE PROVIDED TO THE CITY AT THE TIME OF PLACEMENT.

TESTING OF THE IN-PLACE BASE SHALL BE DONE AT INTERVALS EQUIVALENT TO SUB BASE TESTING AND SHALL CONSIST OF, AS A MINIMUM, MOISTURE CONTENT AND COMPACTION TEST.

DESIGN MIXES SHALL BE SUBMITTED TO THE CITY FOR THEIR APPROVAL NO LESS THAN THREE (3) WORKING DAYS PRIOR TO ANY ROADWAY CONSTRUCTION.

ASPHALT SPECIFICATIONS SHALL BE SUBMITTED BY THE DESIGN ENGINEER WITH FINAL PLANS TO THE CITY. FLORIDA STATE CERTIFIED BATCH PLANTS MUST THEN CERTIFY THAT THESE APPROVED SPECIFICATIONS HAVE BEEN MET.

EXTRACTION AND GRADATION TESTS ON ASPHALT MIXES SHALL BE PROVIDED TO THE CITY TO INSURE THAT DESIGN MIXES MEET THE CITY STANDARD SPECIFICATIONS.

THE ROADWAY CROWN SHALL HAVE A STANDARD ONE QUARTER INCH (1/4") PER FOOT SLOPE.

ALL ROADWAYS WITH CURB AND GUTTER SECTIONS SHALL HAVE AS A STANDARD A MINIMUM LONGITUDINAL SLOPE OF 0.30

THE FINISHED PAVEMENT EDGE SHALL BE WITHIN ONE QUARTER INCH (1/4") OF THE ADJACENT CONCRETE CURB.

CONCRETE CURBS SHALL BE PROVIDED ON BOTH SIDES OF ALL STREETS AND CONSTRUCTED WITH 2500 PSI CONCRETE AT 28 DAYS.

CONCRETE CURBS SHALL BE SAW CUT TO A DEPTH EQUAL TO 1/4 OF CURB THICKNESS AT INTERVALS OF TEN FEET (10') WITH EXPANSION JOINTS AT STREET INTERSECTIONS, STRUCTURES AND ALONG CURVES AT SIXTY FEET (60') INTERVALS. ALL EXPANSION JOINT MATERIAL IS REQUIRED TO BE INSTALLED THROUGH THE ENTIRE DEPTH OF THE CONCRETE CURB.

AN "X" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF WATER DISTRIBUTION SYSTEM VALVE.

AN "T" SHALL BE CUT INTO THE CURB TO MARK THE LOCATION OF ALL VALVES OTHER THAN WATER DISTRIBUTION VALVES.

A "V" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL SEWER SERVICES.

A "A" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL RECLAIMED WATER SERVICES.

A "A" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL WATER SERVICES.

THREE (3) CONCRETE CYLINDERS SHALL BE TAKEN AND TESTED FOR EVERY THREE HUNDRED (300) FEET OF ROADWAY CONSTRUCTED. TEST RESULTS SHALL THEN BE PROVIDED TO THE CITY AS THEY BECOME AVAILABLE.

THE DEVELOPER SHALL PROVIDE ALL REQUIRED PAVEMENT MARKINGS ON ALL ROADWAYS PER CITY, COUNTY AND STATE REQUIREMENTS. CENTERLINE STRIPES SHALL BE PROVIDED ON EXTENSIONS OF CITY COLLECTOR OR ARTERIAL ROADS, COUNTY ROADS AND STATE HIGHWAYS ONLY.

STOP BARS SHALL BE PLACED AT ALL SUBDIVISION ENTRANCES AND INTERSECTIONS CONTAINING CITY COLLECTOR AND ARTERIAL ROADS, COUNTY ROADS AND STATE HIGHWAYS.

ALL TRAFFIC CONTROL DEVICES PLACED AT INTERSECTIONS, PRIVATE STREETS, PUBLIC STREETS, COUNTY ROADS AND STATE HIGHWAYS WITHIN THE CITY LIMITS SHALL BE INSTALLED ACCORDING TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

THE DEVELOPER IS RESPONSIBLE FOR PAYING FEES FOR ALL STREET LIGHTS PRIOR TO ACCEPTANCE OF THE PROJECT BY THE CITY.

STANDARD TURNING RADII FOR INTERSECTIONS:

2-LANE ACCESS OR FEEDER	35'
LOCAL TO COLLECTOR	35'
LOCAL OR COLLECTOR TO ARTERIAL	40'
ARTERIAL TO ARTERIAL	50'

CITY INSPECTOR SHALL BE PRESENT DURING PAVING OF ALL PUBLIC AND PRIVATE ROADS. PAVING SHALL BE PERFORMED DURING NORMAL BUSINESS HOURS, MONDAY THROUGH FRIDAY. PAVING DURING WEEKENDS IS NOT PERMITTED.

CONSTRUCTION METHODS AND DESIGN FOR CONCRETE PAVEMENT SHALL CONFORM TO FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.

ALL CONTRACTORS THAT ARE PERFORMING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS (WATER MAIN, SANITARY SEWER MAIN, RECLAIMED WATER MAIN, STORM WATER PIPES AND INLETS AND ALSO CONSTRUCTION OF ROADWAYS) SHALL BE CERTIFIED WITH THE FLORIDA STATE DEPARTMENT OF PROFESSIONAL REGULATIONS (DPR) FOR THE TYPE OF WORK THAT THEY PERFORM. A COPY OF THE VALID LICENSE IS REQUIRED AT PRE CONSTRUCTION MEETING.

UTILITY DEPTH:

- HIGH VOLTAGE UTILITIES SUCH AS POWER (FEEDER, SERVICE AND DROPS) SHALL BE BURIED A MINIMUM OF 30 INCHES IN DEPTH.
- LOW VOLTAGE UTILITIES SUCH AS PHONE AND CABLE TV SHALL BE BURIED A MINIMUM OF 12 INCHES IN DEPTH FOR FEEDER AND SERVICES. SERVICE DROPS SHALL BE BURIED A MINIMUM OF 6 INCHES IN DEPTH.
- HIGH VOLTAGE UTILITIES INSTALLED PARALLEL TO PRESSURE MAINS SHALL MAINTAIN A MINIMUM FIVE FOOT SEPARATION.

GEOTECHNICAL TESTING REPORTS SIGNED AND SEALED BY A PROFESSIONAL ENGINEER SHALL BE SUBMITTED TO THE CITY OF ORMOND BEACH PRIOR TO FINAL SIGN OFF. REPORTS SHALL CLEARLY LABEL PROJECT NAME AND PHASE.

No.	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK

No.	Date	Revision	Approved

Designed by: S.H. 6/05
Drawn by: G.B. 6/05
Checked by: T.H.H. 6/05
Approved by: J.B.M. 6/05
Certificate of Authorization No. 3213
Scale: N.T.S.
Date: June, 2005
Job No. 13101
File: 13701dwl.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph Engineers, Planners, Surveyors, Landscape Architects, Ecologists, Construction Management
www.cphengineers.com
1000 Beville Road, Suite 202, Daytona Beach, FL 32114 (386) 274-1600

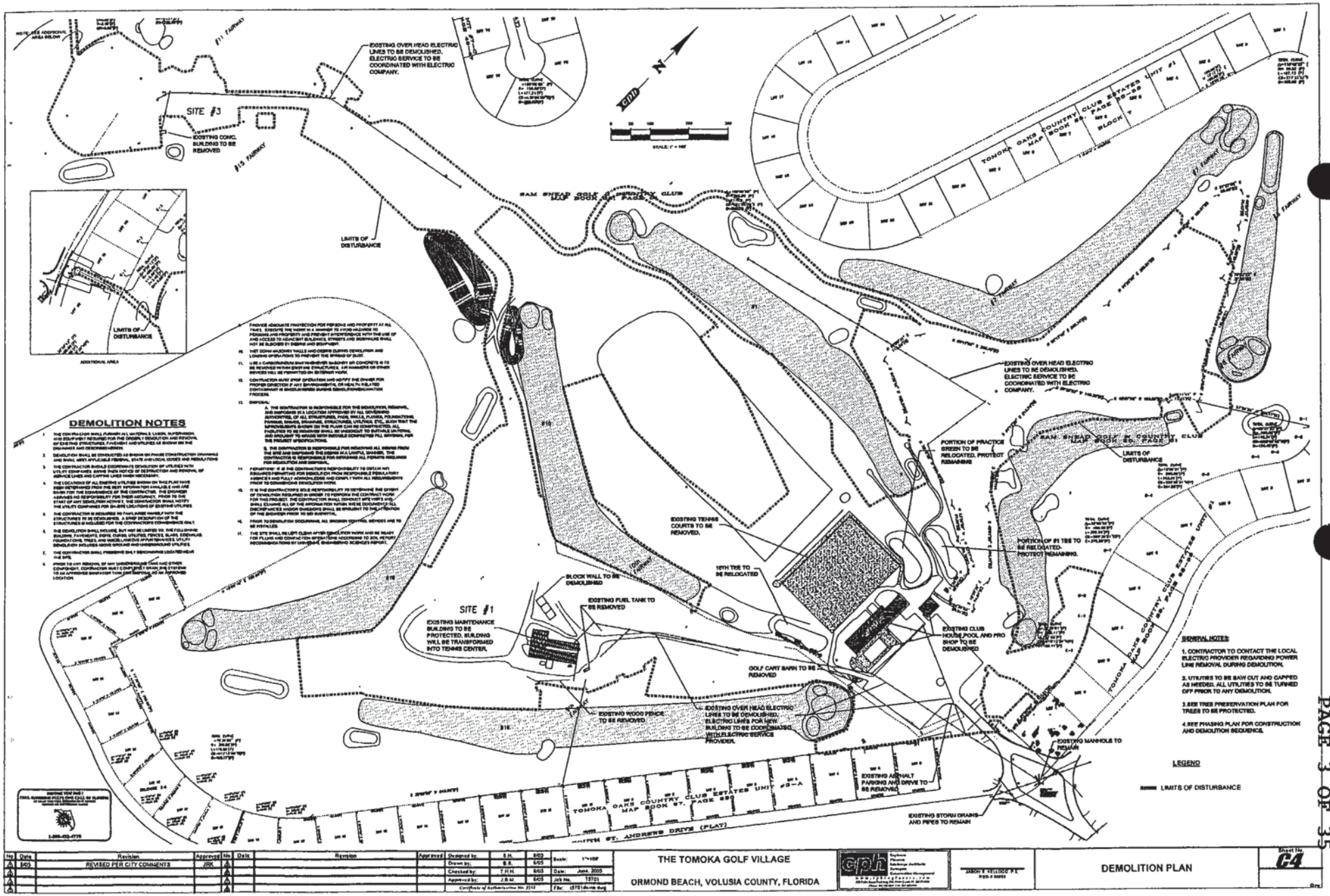
JASON A. BELLOCQ, P.E.
No. 59993

GENERAL NOTES

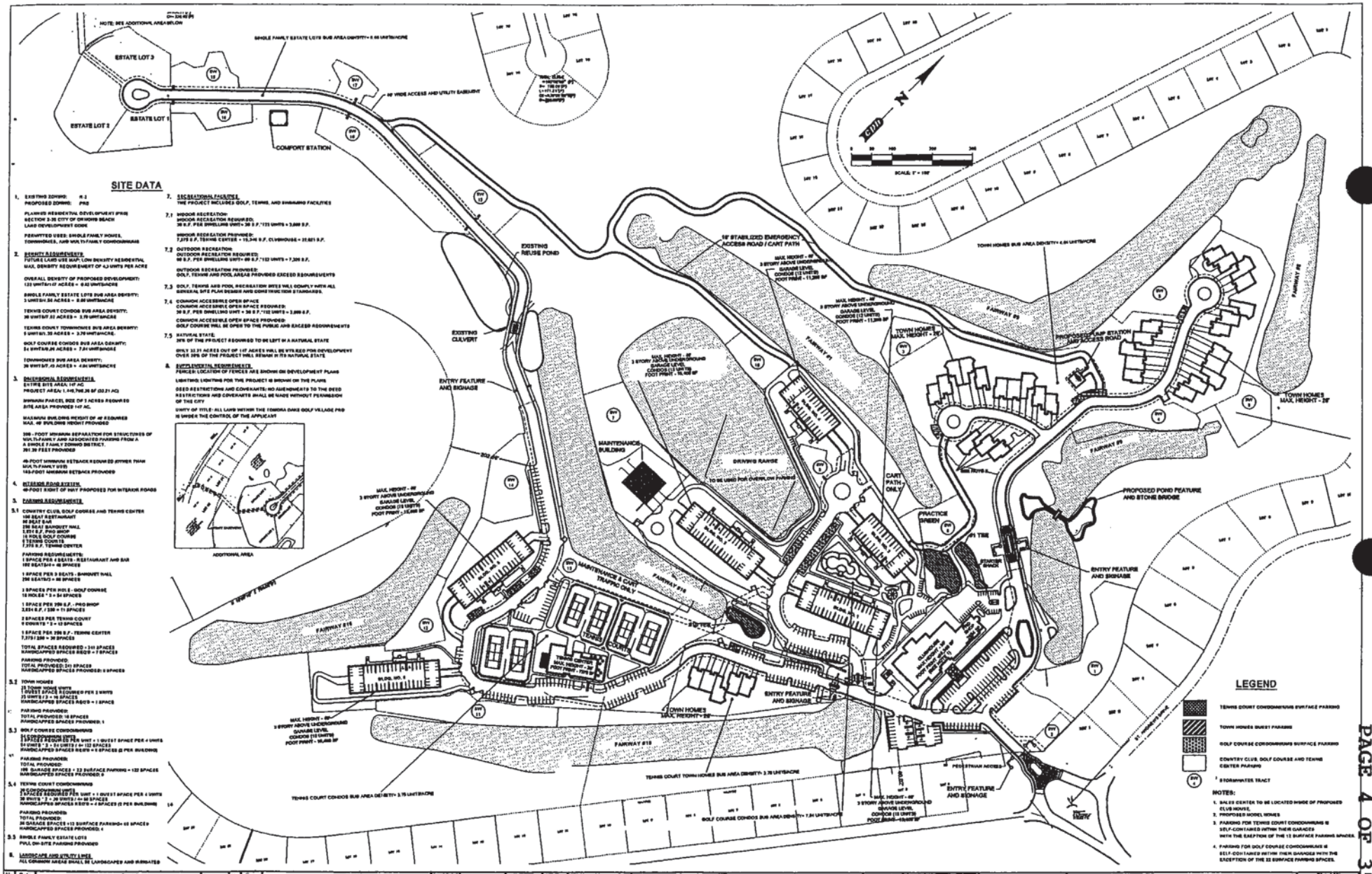
Sheet No. G2
2-92

EXHIBIT "B"
PAGE 2 OF 35

Instrument# 2006-273445 # 13
Book: 5944
Page: 2195



Instrument# 2006-273445 # 14
Book: 5944
Page: 2196



No	Date	Revision	Approved
1	6/05	REVISED PER CITY COMMENTS	JRK
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No	Date	Revision	Approved
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Designed by:	S.H.	6/05
Drawn by:	S.S.	6/05
Checked by:	T.H.K.	6/05
Approved by:	J.R.M.	6/05

Scale: 1"=100'
Date: June, 2005
Job No. T5701
File: t5701cap.dwg

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THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

JASON E. PELLOSE, P.E.
REG. # 59152

OVERALL SITE PLAN

Sheet No. C5

EXHIBIT "B"
PAGE 4 OF 35

Instrument# 2006-273445 # 15
Book: 5944
Page: 2197

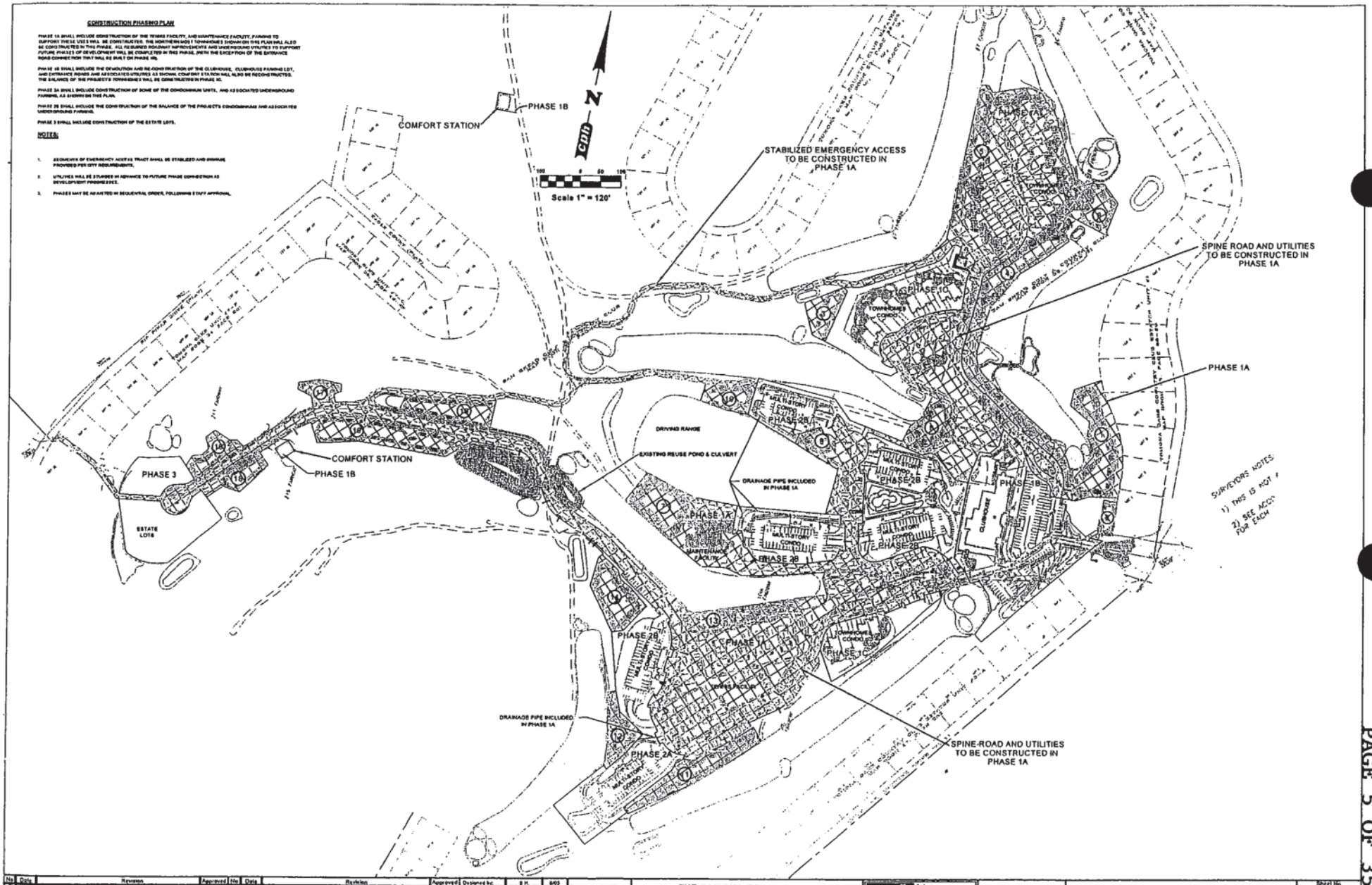
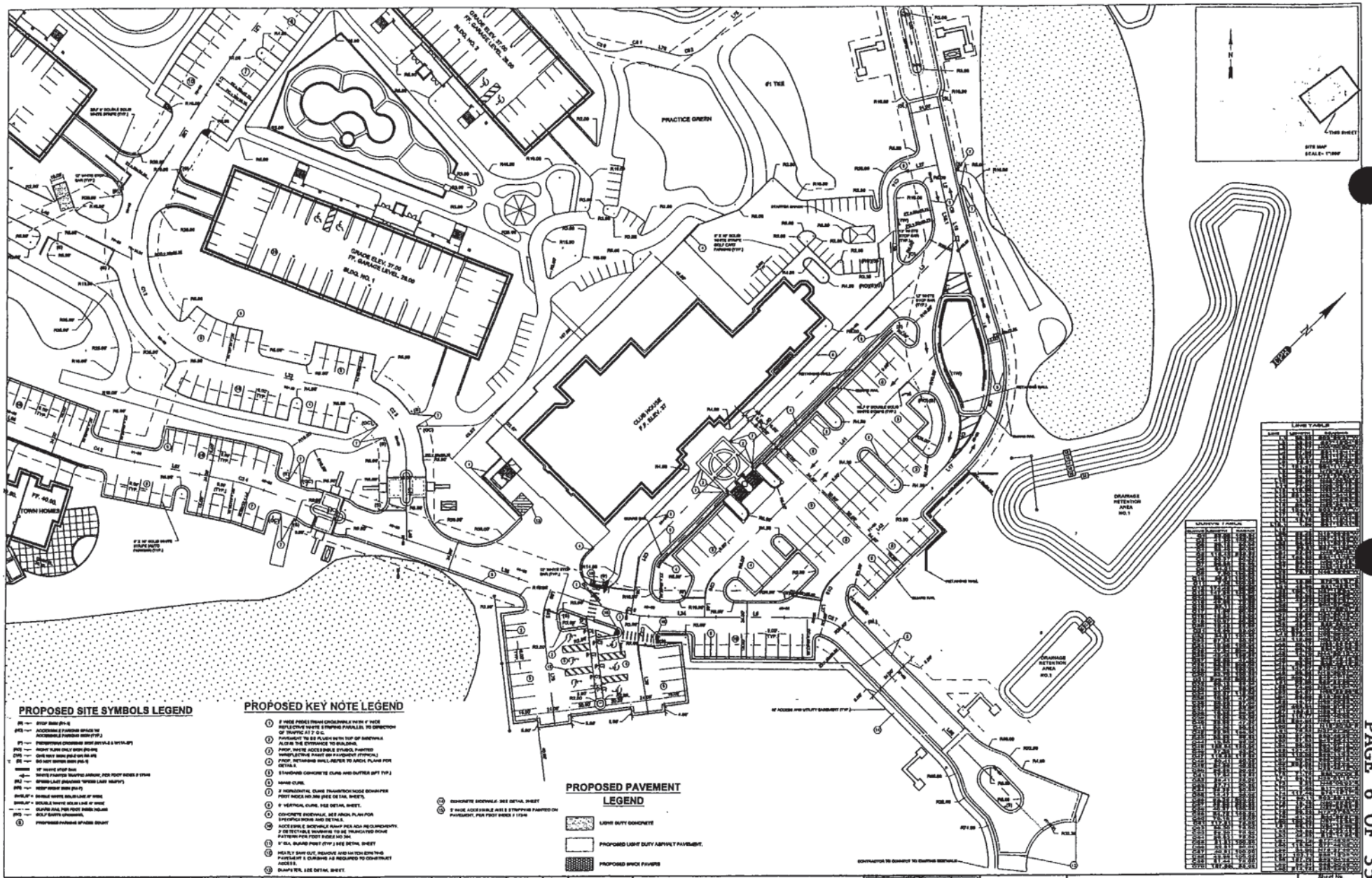


EXHIBIT "B"
PAGE 5 OF 35

Instrument# 2006-273445 # 16
Book: 5944
Page: 2198



No	Date	Revision	Approved	No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK				

Designed by:	S.H.	6/05	Scale: 1"=30'
Drawn by:	S.S.	6/05	
Checked by:	T.H.H.	6/05	Date: June, 2005
Approved by:	J.B.M.	6/05	Job No. T5701
Certificate of Authorization No. 3313			File: T5701SDP1.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

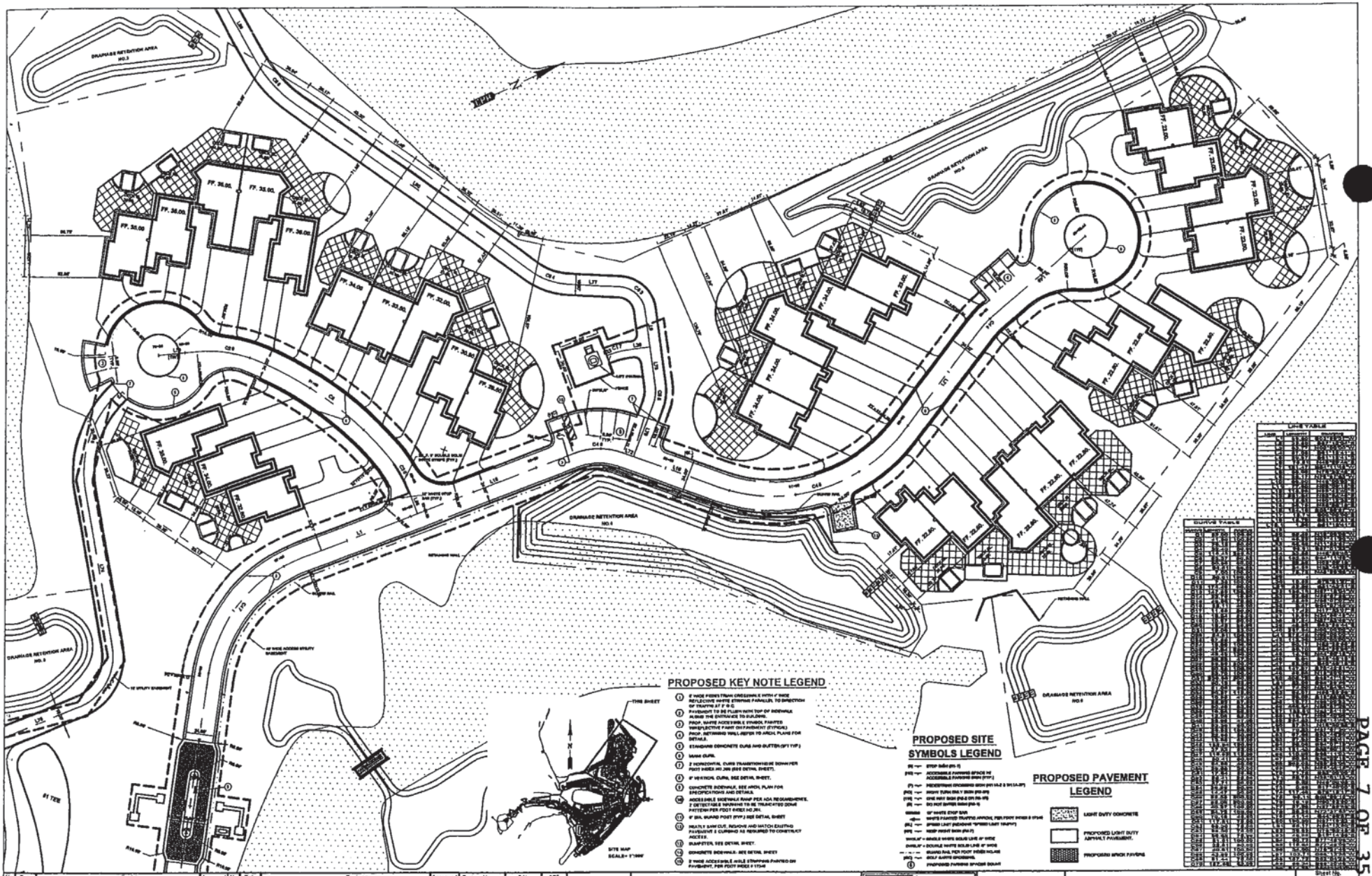
JASON B. KELLOGS, P.E.

SITE DIMENSION PLAN

Sheet No. C7

EXHIBIT "B"
PAGE 6 OF 35

Instrument# 2006-273445 # 17
Book: 5944
Page: 2199



No	Date	Revision	Approved	No	Date	Revision	Approved
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Designed by: T.H. 6/05 — Scale: 1"=30'
Drawn by: S.S. 6/05
Checked by: T.H.H. 6/05 — Date: June, 2005
Approved by: J.R.M. 6/05 — Job No. 15701
Compliance of Architecture Pte. 2319 — File: 15701SDP3.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

JASON R. HALLOCK, P.E.
REG.# 54932

SITE DIMENSION PLAN

Sheet No. C8

EXHIBIT "B"
PAGE 7 OF 35

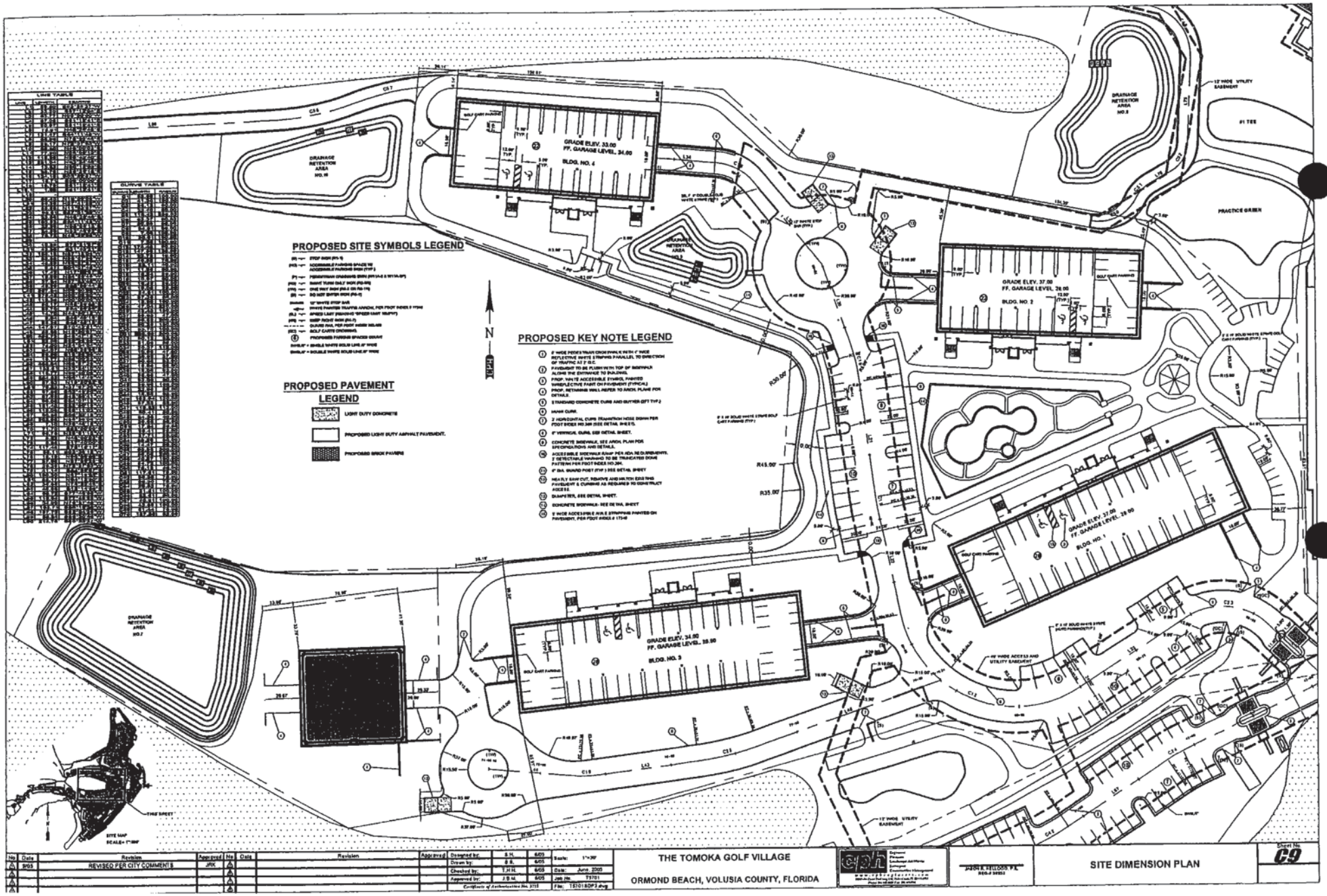

EXHIBIT "B" PAGE 8 OF 35

Instrument# 2006-273445 # 19
Book: 5944
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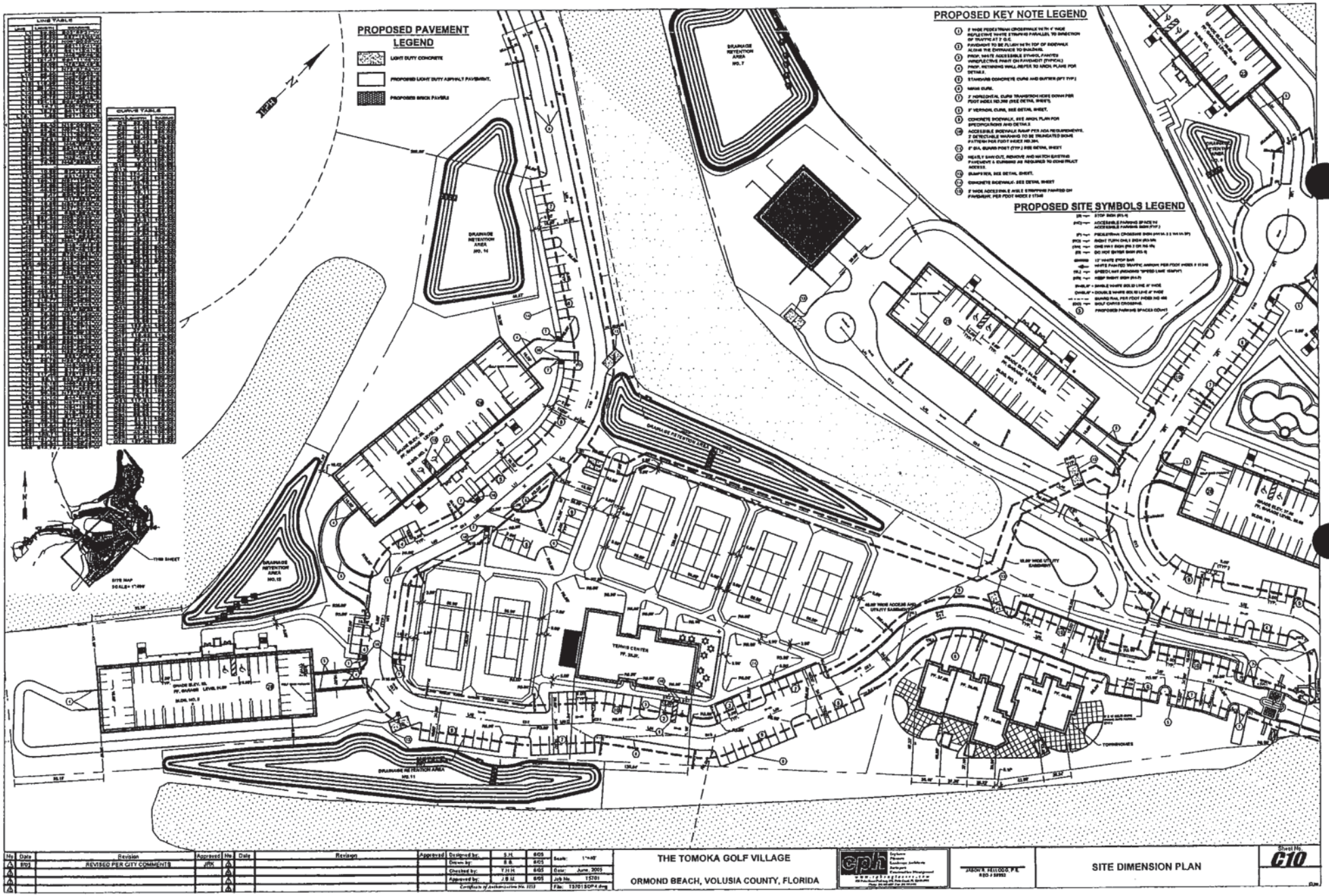


No	Date	Revision	Approved	No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JPDK				

Designed by: S.H. 6/05
Drawn by: B.B. 6/05
Checked by: Y.H.H. 6/05
Approved by: J.B.M. 6/05
Certificate of Authorization No. 1213

Scale: 1"=40'
Date: June, 2005
Job No. 15701
File: T5701SDP4.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

eph Engineering, Planning, Landscape Architecture, Surveying, Construction Management
www.ephgroup.com

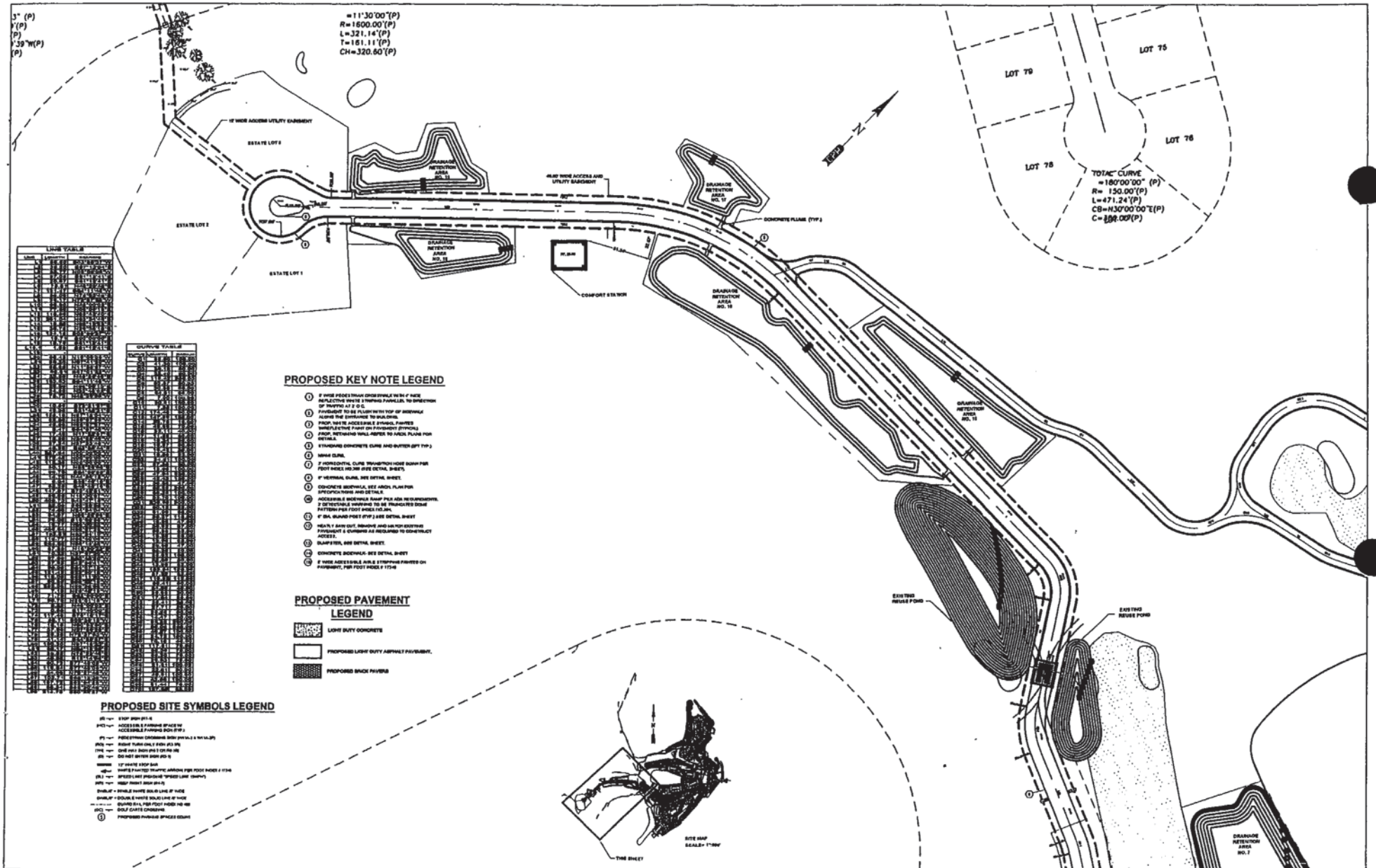
JASON R. HELLOCK, P.E.
REG # 59953

SITE DIMENSION PLAN

Sheet No. C10

EXHIBIT "B" PAGE 9 OF 35

Instrument# 2006-273445 # 20
Book: 5944
Page: 2202



No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK
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No	Date	Revision	Approved
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Designed by:	T.H.	6/05
Drawn by:	B.B.	6/05
Checked by:	T.H.K.	6/05
Approved by:	J.B.M.	6/05

Scale: 1" = 60'
Date: June, 2005
Job No. 13701
File: T3701SDP3.dwg

Certificate of Authorization No. 2311

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

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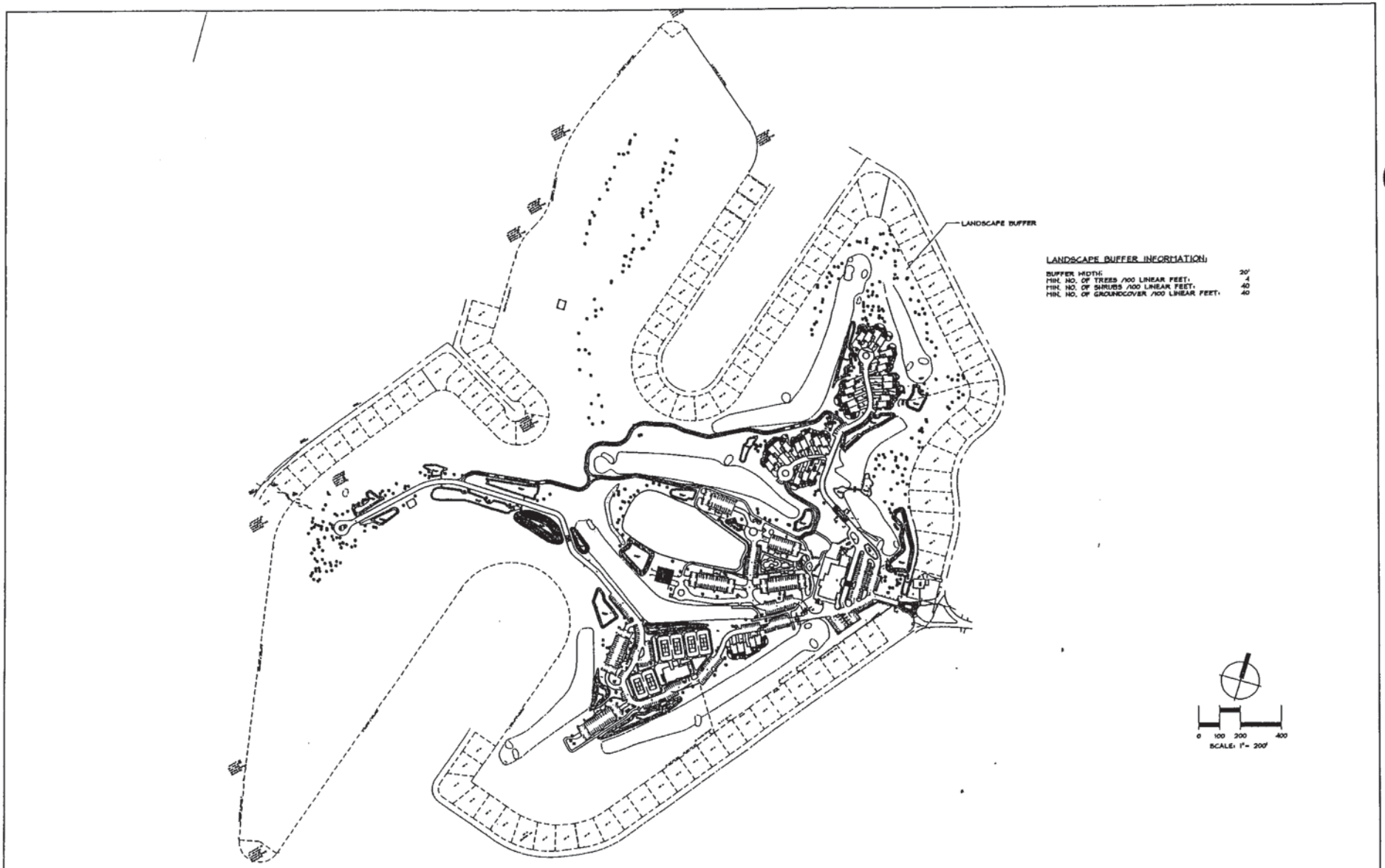
JASON B. TELLOCK, P.E.
FLORIDA REG. NO. 56652

SITE DIMENSION PLAN

Sheet No. C11

EXHIBIT "B" PAGE 10 OF 35

Instrument# 2006-273443 # 21
Book: 5944
Page: 2203



THE TOMOKA GOLF VILLAGE

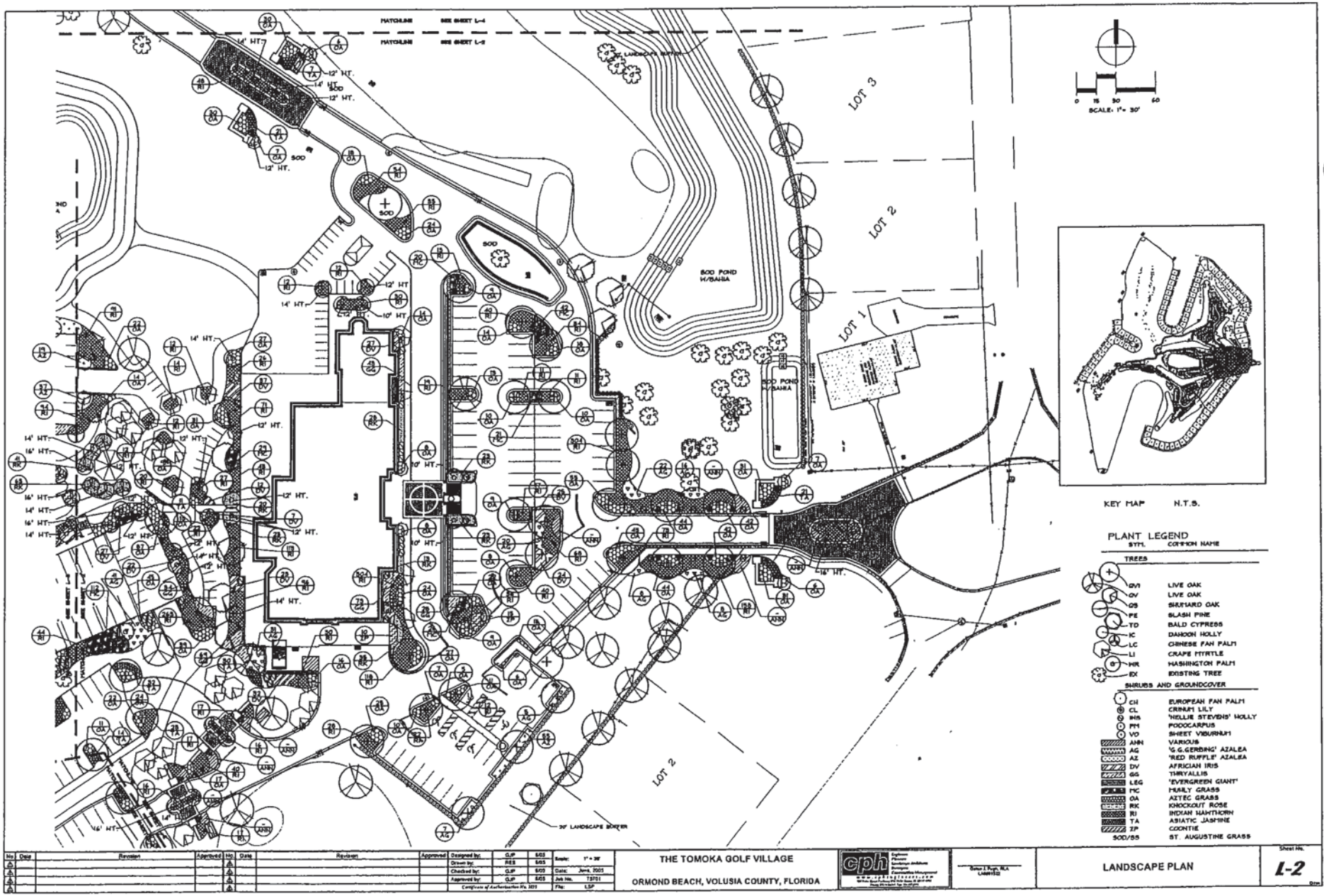
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

OVERALL LANDSCAPE PLAN

Sheet No. L-1

EXHIBIT "B"
PAGE 11 OF 35

Instrument# 2006-273445 # 22
Book: 5944
Page: 2204



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No.	Date	Revision	Approved
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Designed by:	GJP	8/05
Drawn by:	RES	8/05
Checked by:	GJP	8/05
Approved by:	GJP	8/05

Scale: 1" = 30'
Date: June, 2005
Job No. 73701
File: LSP

Compliance of Authorization No. 3011

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

Barton J. Pugh, R.L.A. LA#0001552

LANDSCAPE PLAN

Sheet No. L-2

EXHIBIT "B"
PAGE 12 OF 35

Instrument# 2006-273445 # 23
Book: 5944
Page: 2205



No	Date	Revision	Approved
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No	Date	Revision	Approved
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Designed by:	GJP	SOS	Scale: 1" = 30'
Drawn by:	RES	SOS	
Checked by:	GJP	SOS	Date: June, 2005
Approved by:	GJP	SOS	Job No. 13701
Compliance of Ordinance No. 2002			File: L3P

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

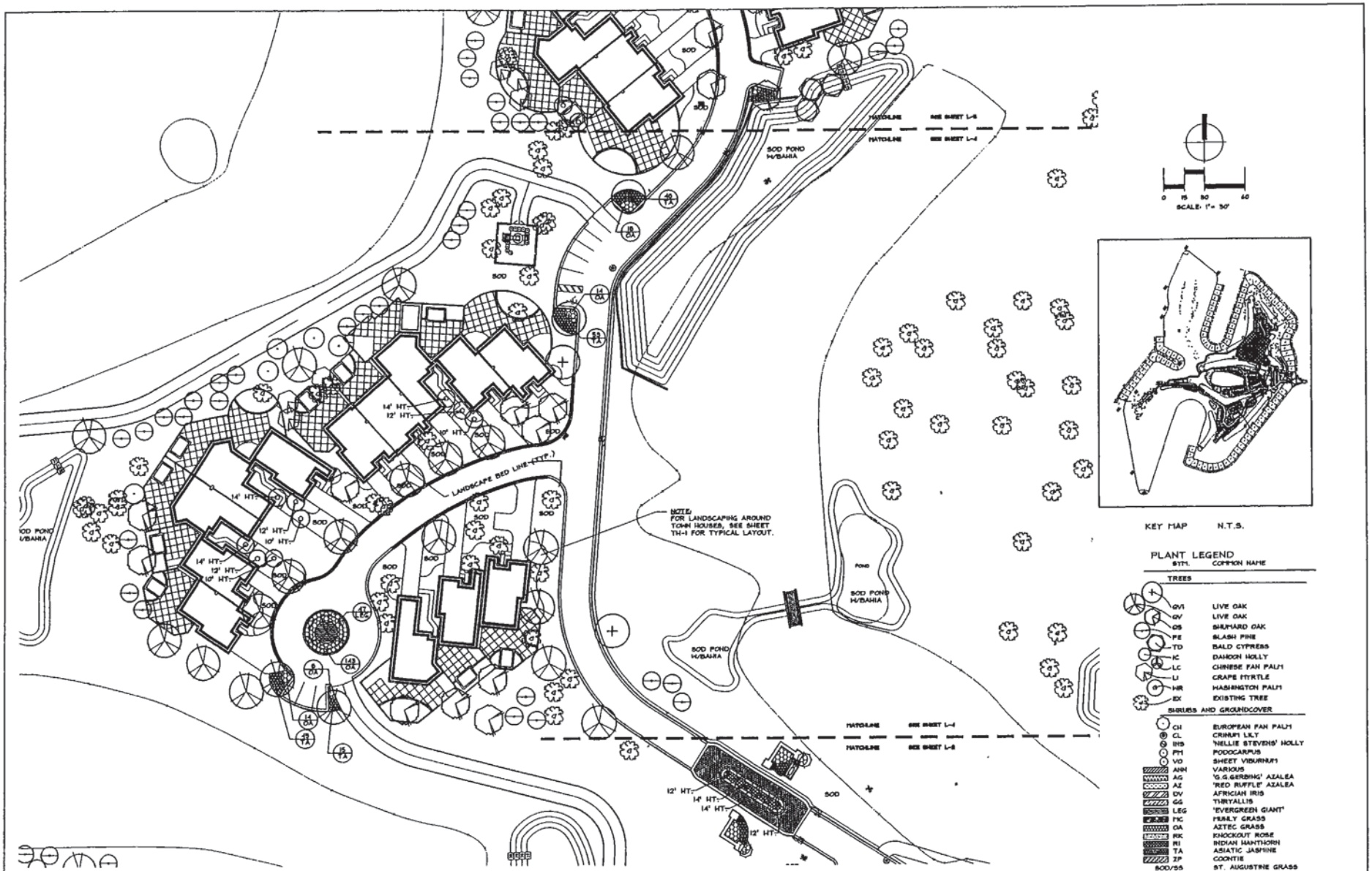
Gulan J. Pugh, PLA
LA0001122

LANDSCAPE PLAN

Sheet No.
L-3

EXHIBIT "B"
PAGE 13 OF 35

Instrument# 2006-273445 # 24
Book: 5944
Page: 2206



No	Date	Revision	Approved	No	Date	Revision	Approved
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Designed by:	GJP	8/03	Scale: 1" = 30'
Drawn by:	RES	8/05	
Checked by:	GJP	8/05	Date: June, 2005
Approved by:	GJP	8/05	Job No. 13701
Certificate of Authorization No. 3113			File: LSP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

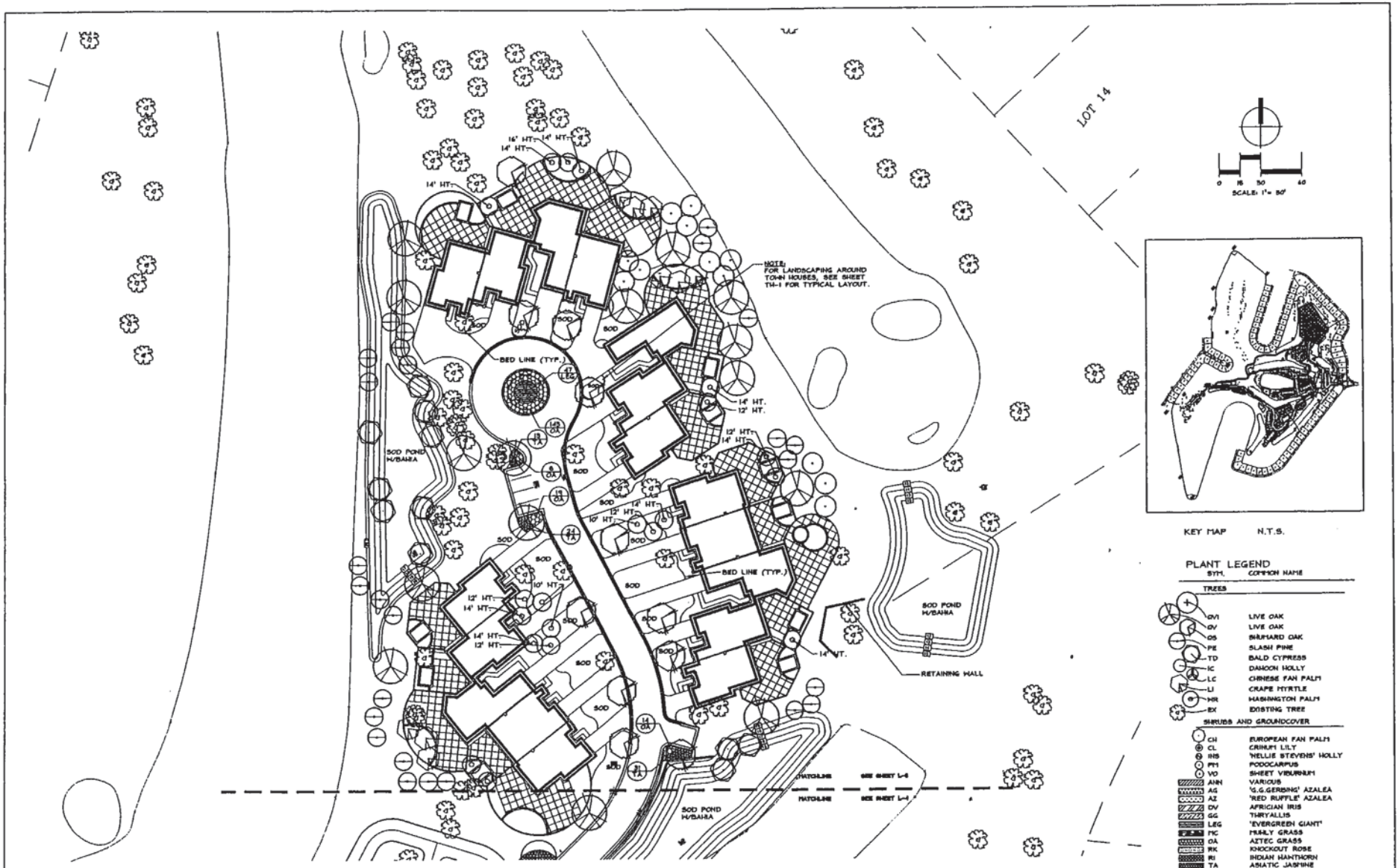
Robin J. Pugh, PLA
Landscape Architect

LANDSCAPE PLAN

Sheet No. L-4

EXHIBIT "B"
PAGE 14 OF 35

Instrument# 2006-273445 # 25
Book: 5944
Page: 2207



No	Date	Revision	Approved
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No	Date	Revision	Approved
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Designed by:	GJP	MDS
Drawn by:	REB	MDS
Checked by:	GJP	MDS
Approved by:	GJP	MDS
Certificate of Authorization No. 3910		

Scale: 1" = 30'
Date: June, 2005
Job No. 73101
File: L5P

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

Debra J. Pugh, RLA
License #555

LANDSCAPE PLAN

Sheet No. L-5

EXHIBIT "B"
PAGE 15 OF 35

Instrument# 2006-273445 # 26
Book: 5944
Page: 2208

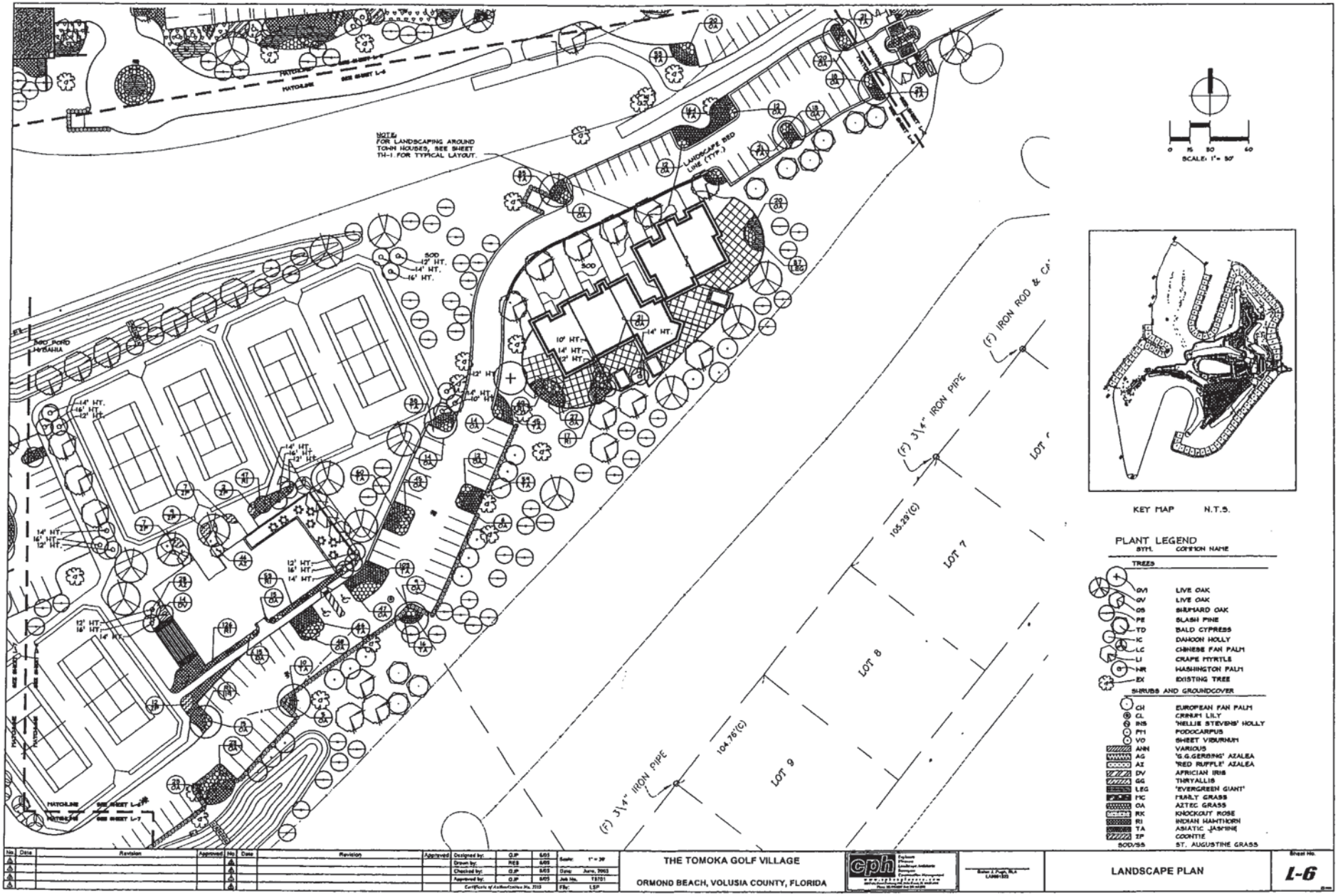

EXHIBIT "B"
PAGE 16 OF 35

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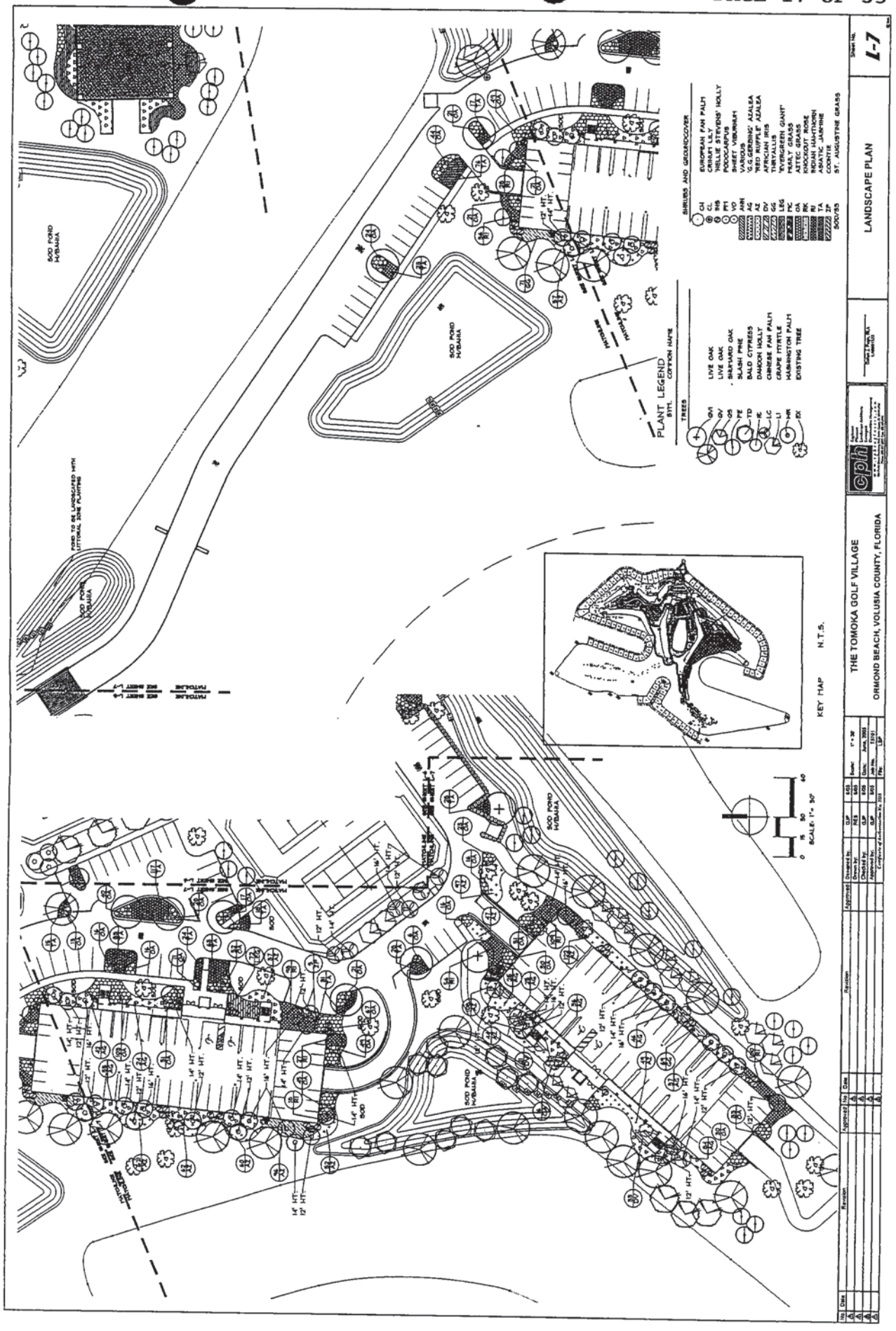

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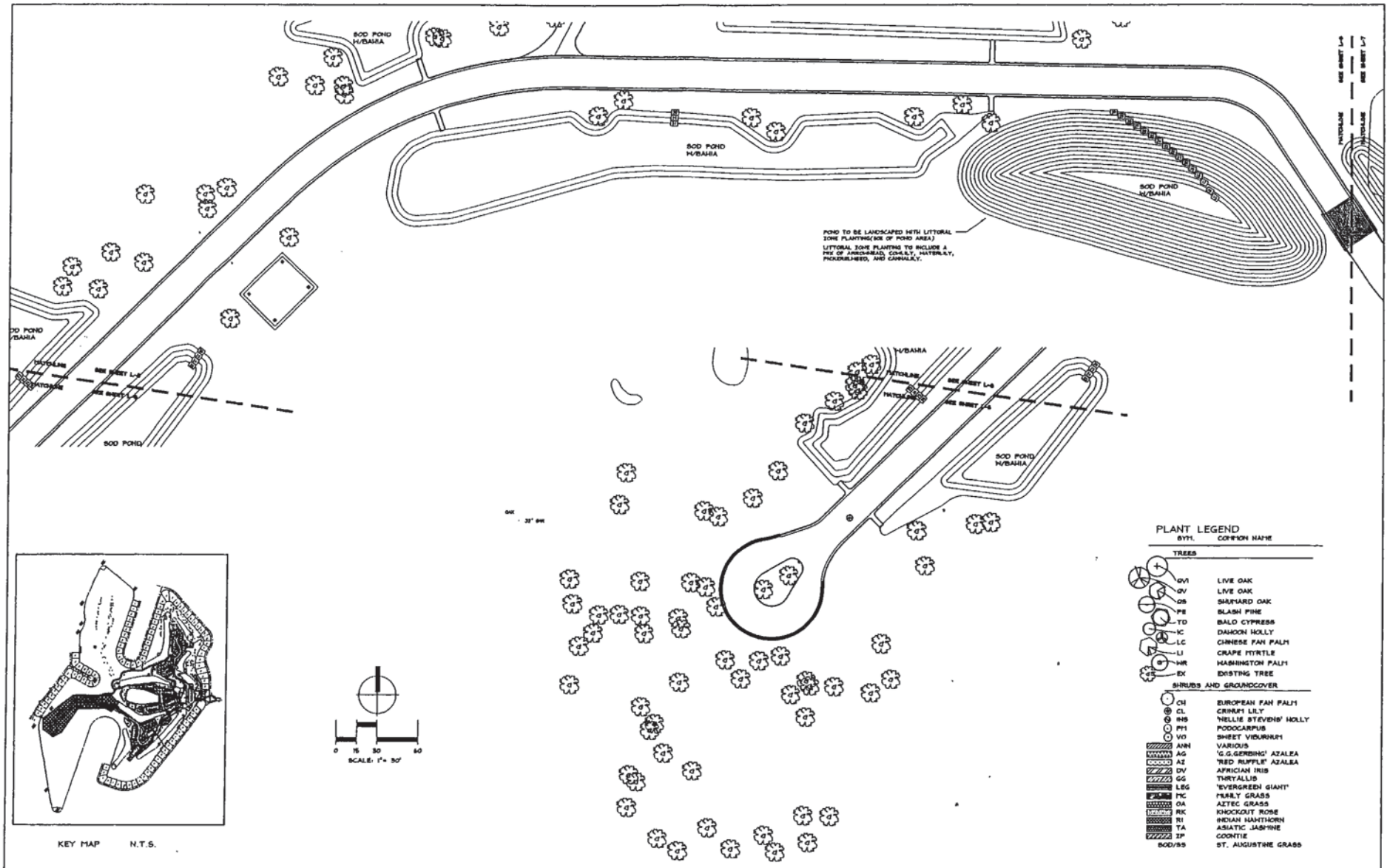

KEY MAP N.T.S.

No.	Date	Revision	Approved
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No.	Date	Revision	Approved
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Designed by:	G.P	6/05
Drawn by:	RES	6/05
Checked by:	G.P	6/05
Approved by:	G.P	6/05
Certificate of Authorization No. 3123		

Scale: 1" = 30'
Date: June, 2005
Job No. 15781
File: LSP

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

LANDSCAPE PLAN

Sheet No. L-8

EXHIBIT "B"
PAGE 18 OF 35

Instrument# 2006-273445 # 29
Book: 5944
Page: 2211

LANDSCAPE NOTES:

1. The Landscape Contractor shall be responsible for all materials and all work as called for on the Landscape Plans and in the Landscape Specifications. In the event of variation between quantities shown on plant list and the plans, the plans shall control. The Landscape Contractor shall verify all quantities and report any discrepancies at the time of bidding.
2. The Landscape Contractor shall review architectural/engineering plans and become thoroughly familiar with surface and subsurface utilities.
3. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. The Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of negligence in the execution of the work.
4. The work shall be coordinated with other trades to prevent conflicts. Coordinate the planting with the irrigation work to assure availability and proper location of irrigation items and plants.
5. All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.
6. All plant material shall be graded Florida No. 1 or better as outlined under Grades and Standards for Nursery Plants, Part I and II, published by the Florida Department of Agriculture and Consumer Services or to the standards as given in the latest "American Standard for Nursery Stock," American National Standards Institute.
7. The Landscape Architect or Owner shall have the right, at any stage of the operations, to reject any and all work and materials which, in his opinion, do not meet with the requirements of these specifications.
8. Except as otherwise specified, the Landscape Contractor's work shall conform to accepted horticultural practices as used in the trade.
9. The minimum acceptable size of all plants, measured after pruning, with branches in normal positions, shall conform to the requirements specified on the plant list or as indicated on the landscape drawing. Height and spread dimensions refer to main body of the plant and not extreme branch tip to tip. The caliper of tree trunks is to be taken one foot above the ground level.
10. Plants shall be protected upon arrival at the site, by being thoroughly watered and properly maintained until planted.
11. All tree pits shall be excavated to size and depth in accordance with the USDA Standard for Nursery Stock 260.1, unless shown otherwise on the drawings, and backfilled with the specified planting soil. The Landscape Contractor shall test the all tree pits with water before planting to assure proper drainage percolation is available.
12. The Landscape Contractor shall be responsible for proper watering of all plants. All plants shall be thoroughly watered at time of planting and kept adequately watered until time of acceptance. It shall be the Landscape Contractor's responsibility to assure that plants are not over watered.
13. It shall be the Landscape Contractor's responsibility to prevent plants from falling or being blown over, to re-straighten and replant all plants which have or fall and to replace all plants which are damaged due to lack of proper guying or staking. The Landscape Contractor shall be legally liable for any damage caused by instability of any plant material.
14. All trees and all palms shall be guyed or staked or braced. The Landscape Contractor shall determine which small or multi-trunk trees need to be guyed and staked to maintain plumb. Staking of trees and shrubs, if required, shall be done as per staking and guying detail prepared by the Landscape Architect. It shall be the responsibility of the Landscape Contractor to remove guys and stakes from the trees and job site after a period of 90 days.
15. Plants blown over by high winds, within the guaranteed period, shall not be cause for additional expense to the Owner, but shall be the responsibility of the Landscape Contractor. Damaged plants shall be replaced by the Landscape Contractor at no additional cost to the Owner.
16. Sod shall be certified to be free of the imported fire ant. Sod shall have a clean growth of acceptable grass, reasonably free of weeds with not less than 1 1/2" of soil firmly adhering to roots. It shall be the responsibility of the Landscape Contractor to maintain and determine the exact amount required. This amount shall be verified with the Owner or Landscape Architect before installation.
17. The Landscape Contractor shall insure adequate vertical drainage in all plant beds, planters, and sod areas. Vertical drilling through any compacted fill to native soil shall be accomplished to insure drainage. If sub drained fill is necessary to assure positive drainage, this issue shall be brought up by the Landscape Contractor at time of bidding.
18. The Landscape Contractor shall insure that his work does not interrupt established or projected drainage patterns.
19. The Landscape Contractor shall prune, shape and remove dead foliage/limbs from existing plant material to remain. Confirm with the Landscape Architect or Owner the extent of work required at time of bidding.
20. Mulch - All plant beds shall be top dressed with 3" shredded hardwood mulch (or approved equal).
21. Transplanted Material - The Landscape Contractor shall be responsible for determining and evaluating which plant materials are suitable for transplanting and shall verify this with the Landscape Architect or Owner. The Landscape Contractor shall take all reasonable, horticulturally acceptable measures to assure the successful transplanting of determined plant materials. The Landscape Contractor shall be responsible for replacing any relocated plant materials which die in such measures are not taken, as determined by the Landscape Architect or Owner. Replacement plants shall be of identical species and size if required.
22. MAINTENANCE PRIOR TO FINAL INSPECTION AND ACCEPTANCE:

    Maintenance shall commence after each plant is planted and the maintenance period shall continue until the job or specific phase of the job is accepted by the Landscape Architect or Owner. Reference work shall be taken to instruct the Owner or his representatives in general maintenance procedures.

    Plant maintenance shall include watering, pruning, weeding, cultivating, mulching, replanting, and repairing of guys, replacement of ties or dead plants, resetting plants to proper grades or upright positions and restoration of the planting basins and all other care needed for proper growth of the plants.

    During the maintenance period and up to the date of final acceptance, the Landscape Contractor shall do all seasonal spraying and/or dusting of trees and shrubs. Upon completion of all planting, an inspection for acceptance of work will be held. The Landscape Contractor shall notify the Landscape Architect or Owner for scheduling of the inspection 10 days prior to the anticipated date.

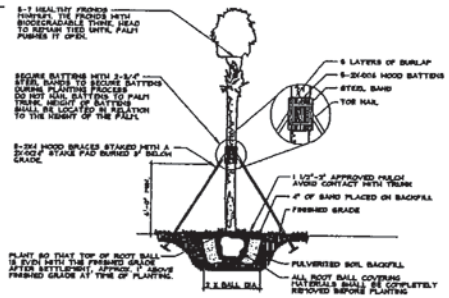
    At the time of the inspection, if all of the materials are acceptable, a written notice will be given by the Landscape Architect or Owner to the Landscape Contractor stating the date when the Maintenance Period ends.

    GUARANTEE AND REPLACEMENT:

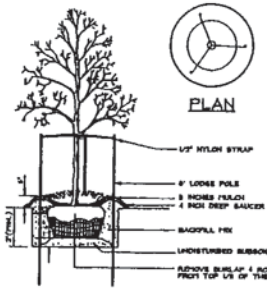
    All plant materials shall be guaranteed for one (1) year from the time of final inspection and interim acceptance shall be alive and in satisfactory growth for each specific kind of plant at the end of the guaranteed period.

    At the end of the guarantee period, any plant required under this contract that is dead or not in satisfactory growth, as determined by the Owner or the Landscape Architect, shall be removed and replaced. Replacement plants shall have an extended guarantee, as noted above, from time of replacement.

    All replacements shall be planted of the same kind and size as specified on the plant list. They shall be the responsibility of the Landscape Contractor.

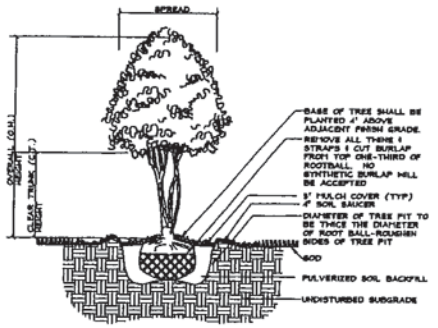


PALM STAKING DETAIL
N.T.S.



NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.

TREE PLANTING
N.T.S.



MULTI TRUNK TREE PLANTING DETAIL
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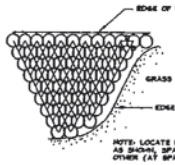
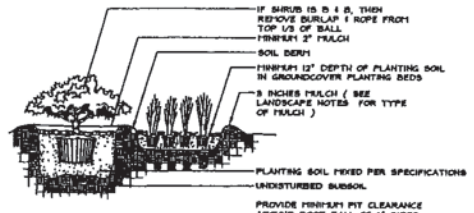
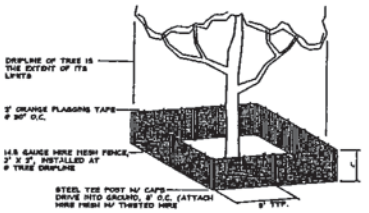


NOTE: LOCATE PLANTS IN A TRIANGULAR PATTERN AS SHOWN, SPACED EQUIDISTANT FROM EACH OTHER (AT SPACING SPECIFIED IN THE PLANT LIST).

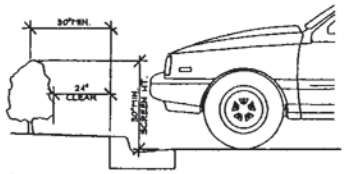
SHRUB/GROUNDCOVER SPACING PLAN
N.T.S.



SHRUB AND GROUNDCOVER PLANTING DETAIL
NTS

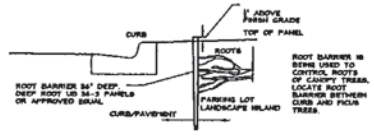


TREE PROTECTION DETAIL
N.T.S.



NOTES:
INSTALL HEDGE ALONG PARKING BAYS A MINIMUM OF 30" BEHIND BACK OF CURB TO ALLOW FOR 24" VEHICULAR OVERHANG. AT TIME OF INSTALLATION, HEDGE SHALL SCREEN A MINIMUM OF 30" ABOVE FINISH GRADE OF PARKING STALLS.

TYPICAL SECTION - HEDGE INSTALLATION
N.T.S.



ROOT BARRIER DETAIL
N.T.S.
(TO BE USED IN ALL PARKING LOT ISLANDS)

PLANT LIST

SYM.	QTY.	BOTANICAL NAME	COMMON NAME	DESCRIPTION
TREES				
QVI	57 #	QUERCUS VIRGINIANA	LIVE OAK	4 1/2" CAL., 16' HT MIN
QV	119 #	QUERCUS VIRGINIANA	LIVE OAK	2 1/2" CAL, 10' HT MIN, 4' SPRD
QS	67 #	QUERCUS SHUMARDII	SHUMARD OAK	2 1/2" CAL, 10' HT MIN, 4' SPRD
PE	148 #	PINUS ELLIOTTII	SLASH PINE	30 GAL, 7'-8' HT MIN
TD	37	TAXODIUM DISTICHUM	BALD CYPRESS	2 1/2" CAL, 10' HT MIN
IC	55 #	ILEX CASSINE	DAHOON HOLLY	2" CAL, 10' HT MIN
LC	42 #	LIVISTONA CHINENSIS	CHINESE FAN PALM	10'-16' O.A., AS SHOWN
LI	53 #	LAGERSTROEMIA INDICA	CRAPE MYRTLE	30 GAL, 5-8 STEM, 7' HT MIN
WR	175 #	WASHINGTONIA ROBUSTA	WASHINGTON PALM	10'-16' CT, AS SHOWN
EX	452	EXISTING TREE	VARIOUS	-
SHRUBS AND GROUNDCOVER				
CH	45 #	CHAMAEROPS HUMILIS	EUROPEAN FAN PALM	7 GAL, 36" MIN HT
CL	184	CRINUM ASIATICUM	CRINUM LILY	3 GAL., 24" HT MIN., 36" O.C.
INS	101	ILEX 'NELLIE R. STEVENS'	'NELLIE STEVENS' HOLLY	7 GAL., 36" HT. MIN., 36" O.C.
PM	60	PODOCARPUS MACROPHYLLUS	PODOCARPUS	8 GAL., 24" HT MIN., 36" O.C.
VO	612	VIBURNUM ODORATISSIMUM	SWEET VIBURNUM	9 GAL., 30" HT MIN., 36" O.C.
ANN	-	ANNUALS	VARIOUS	--
AG	1535	RHODODENDRON 'HRS. G.G.GERBING'	'G.G.GERBING' AZALEA	3 GAL., 12" HT., FULL, 36" O.C.
AZ	2152	RHODODENDRON 'RED RUFFLE'	'RED RUFFLE' AZALEA	3 GAL., 12" HT., FULL, 24" O.C.
DV	754 #	DIETES VEGETA	AFRICIAN IRIS	1 GAL., FULL., 24" O.C.
GG	726	GALPHIMIA GRACILIS	THRYALLIS	3 GAL., 12" HT., FULL, 24" O.C.
LEG	1067 #	LIRIOPE 'EVERGREEN GIANT'	'EVERGREEN GIANT'	3 GAL., 10" HT.; 6"-8" PPP., 30" O.C.
MC	628 #	MUHLENBERGIA CAPILLARIS	MUHLY GRASS	3 GAL., 10" HT., FULL, 30" O.C.
OA	4050 #	OPHIOPOGON 'ARGENTEOMARGINATUS'	AZTEC GRASS	1 GAL., FULL, 6"-8 PPP, 24" O.C.
RI	4647	RHAPHIOLEPIS INDICA	INDIAN HAWTHORN	3 GAL., 12"-15" HT MIN., 30" O.C.
RK	535	ROSA 'KNOCKOUT'	KNOCKOUT ROSE	3 GAL., 24" HT MIN., 30" O.C.
TA	2158 #	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE	1 GAL., FULL, 6-8 PPP, 24" O.C.
ZP	185 #	ZAMIA PUMILA	COONTIE	3 GAL., 18" HT MIN., 36" O.C.
SOD/SS	BY CONTR.	STENOTAPHRUM SECUNDATUM	ST. AUGUSTINE GRASS	SOLID SOD, CONTRACTOR TO VERIFY QTY.

- INDICATES PLANTS THAT ARE DROUGHT TOLERANT PER "WATERWISE" FLORIDA LANDSCAPE MANUAL PUBLISHED BY FLORIDA'S WATER MANAGEMENT DISTRICT APRIL 2004 ISSUE.

NOTE:
PLANT DESCRIPTIONS ARE FOR MINIMUM ACCEPTABLE SPECIFICATIONS. ALL CRITERIA LISTED FOR CONTAINER SIZE, CALIPER, HEIGHT, SPREAD, ETC. MUST BE MET FOR PLANT MATERIAL ACCEPTANCE. FOR EXAMPLE, IF A THREE GALLON SHRUB DOES NOT MEET THE HEIGHT OR SPREAD SPECIFICATION, IT WILL NOT BE ACCEPTED.

IF SPECIFIED PLANTS ARE UNAVAILABLE AT TIME OF CONSTRUCTION, CONTRACTOR MAY REPLACE SPECIFIED PLANTS WITH PLANTS APPROVED BY LANDSCAPE ARCHITECT AND CITY STAFF.

ALL OPEN SPACE OR DISTURBED AREAS WITHIN THE CONSTRUCTION LIMITS SHALL BE SODDED UNLESS PAVED, SEEDED AND MULCHED OR PLANTED WITH SHRUBS AND GROUND COVER.

No.	Date	Revision	Approved
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6			

No.	Date	Revision	Approved
1			
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3			
4			
5			
6			

Designed by:	GJP	6/05
Drawn by:	RES	6/05
Checked by:	GJP	6/05
Approved by:	GJP	6/05
Certificate of Authorization No. 2111		

Scale: NTS
Date: June, 2005
Job No. 13101
File: LSP

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph
Engineers
Planners
Landscape Architects
Surveyors
www.cphflorida.com
Certificate of Authorization No. 2111

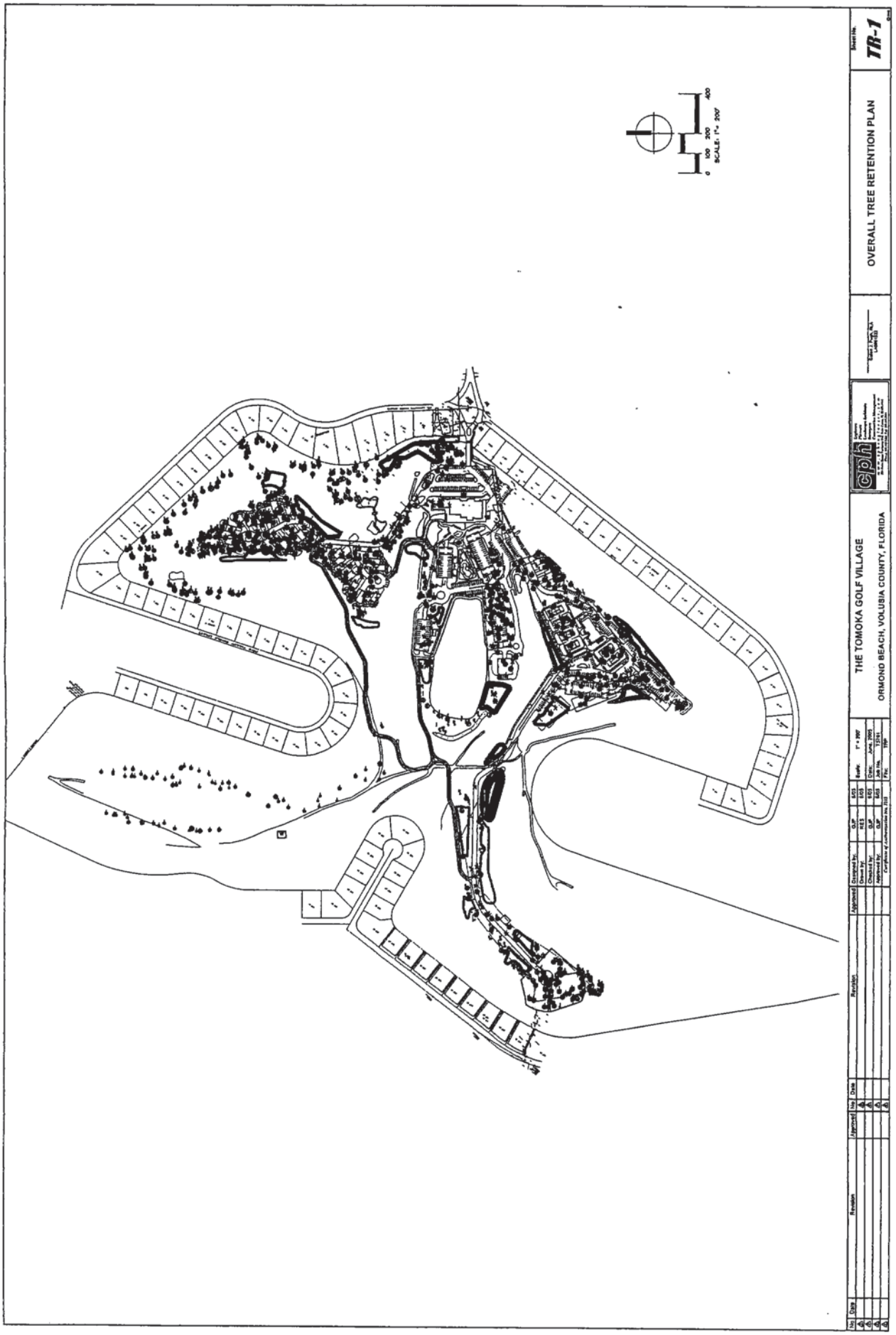
Robert J. Pagni, PLA
LA0001320

LANDSCAPE NOTES AND DETAILS

Sheet No.
L-9

EXHIBIT "B"
PAGE 19 OF 35

Instrument# 2006-273445 # 30
Book: 5944
Page: 2212



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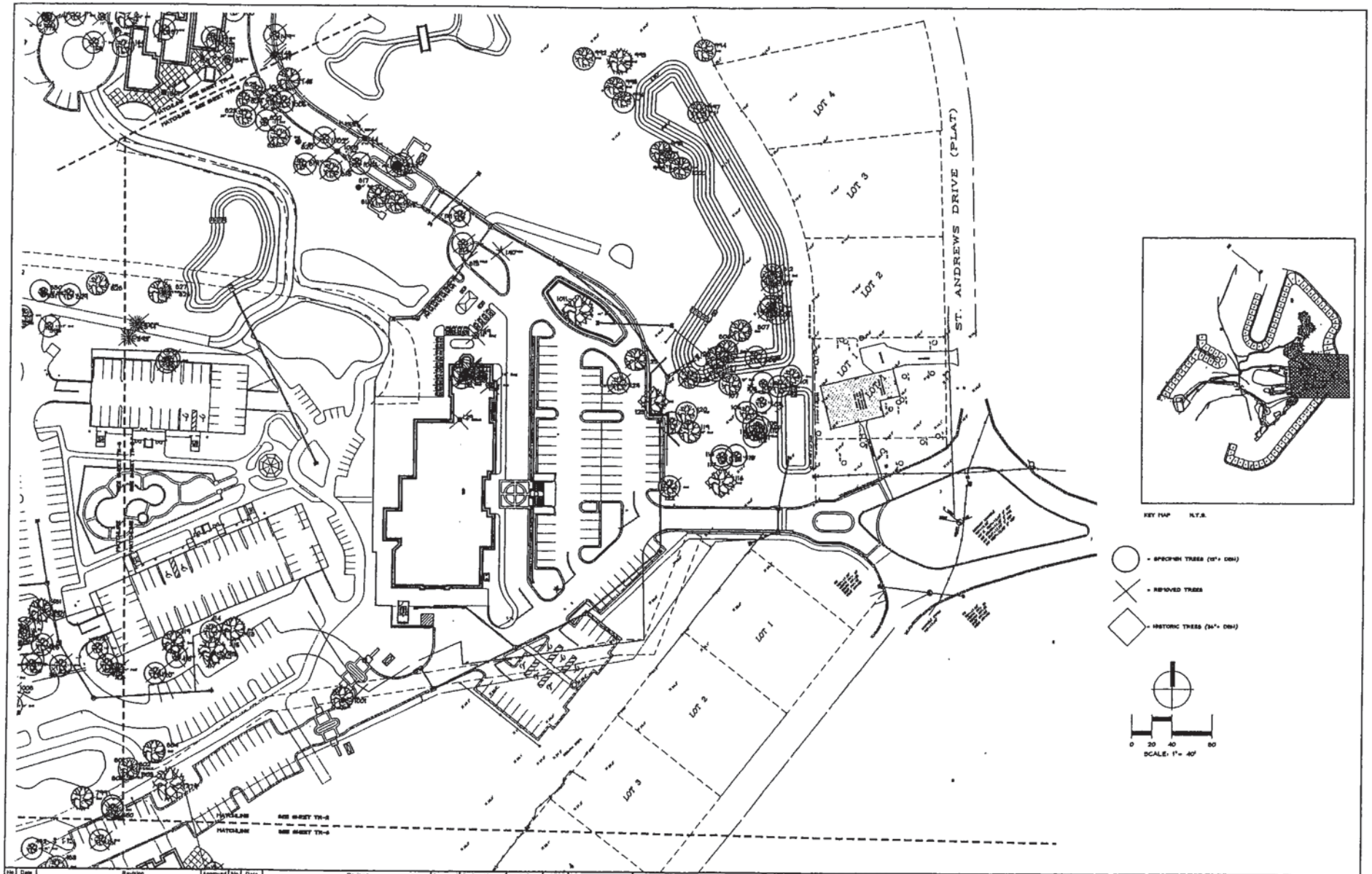
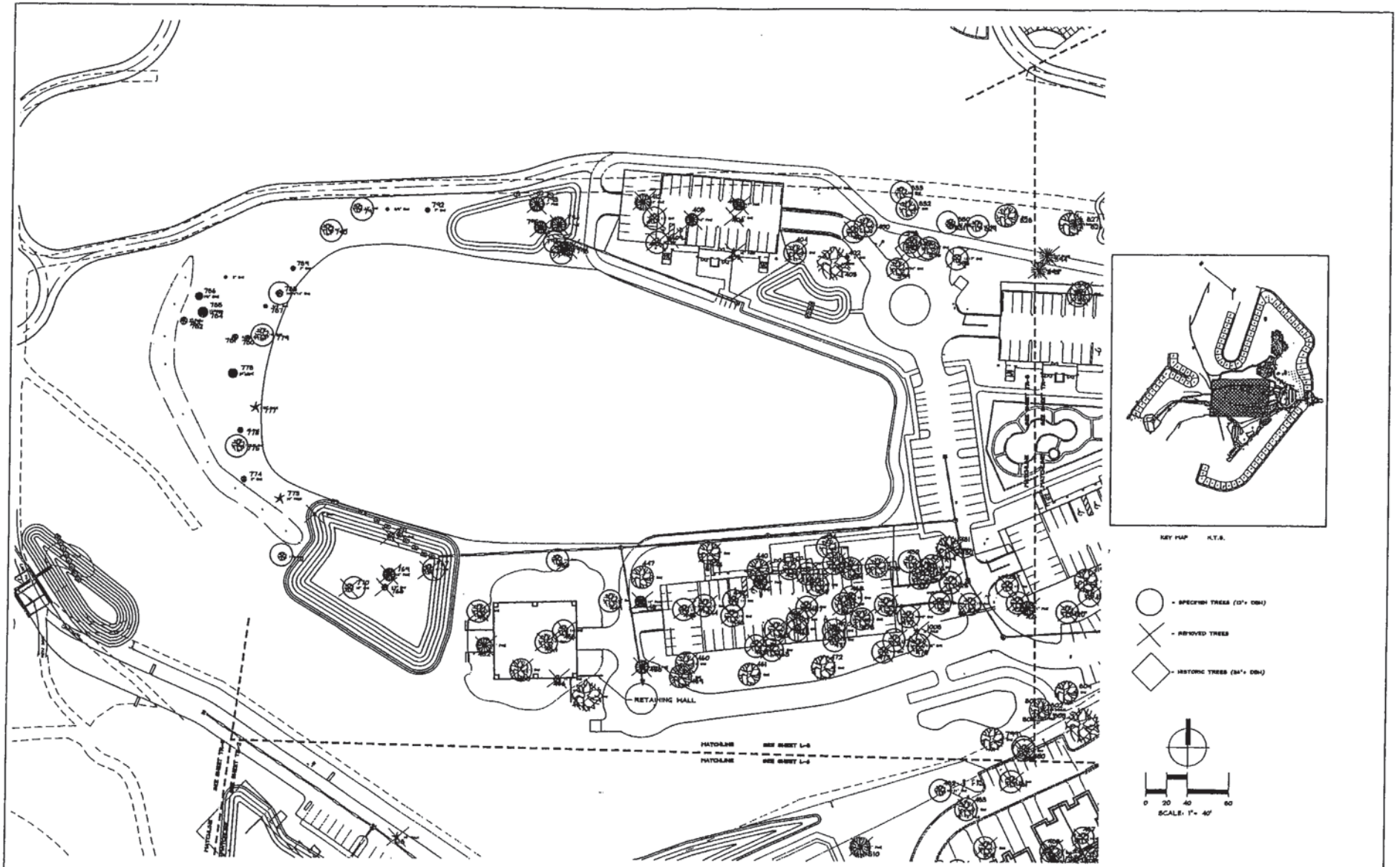


THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

TREE RETENTION PLAN

TR-2



No	Date	Revision	Approved	No	Date	Revision	Approved

Designed by:	GJP	6/05	Scale: 1"=40'
Drawn by:	RES	6/05	
Checked by:	GJP	6/05	Date: June, 2005
Approved by:	GJP	6/05	Job No. 15701
Certificate of Authorization No. 3525			File: TRP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

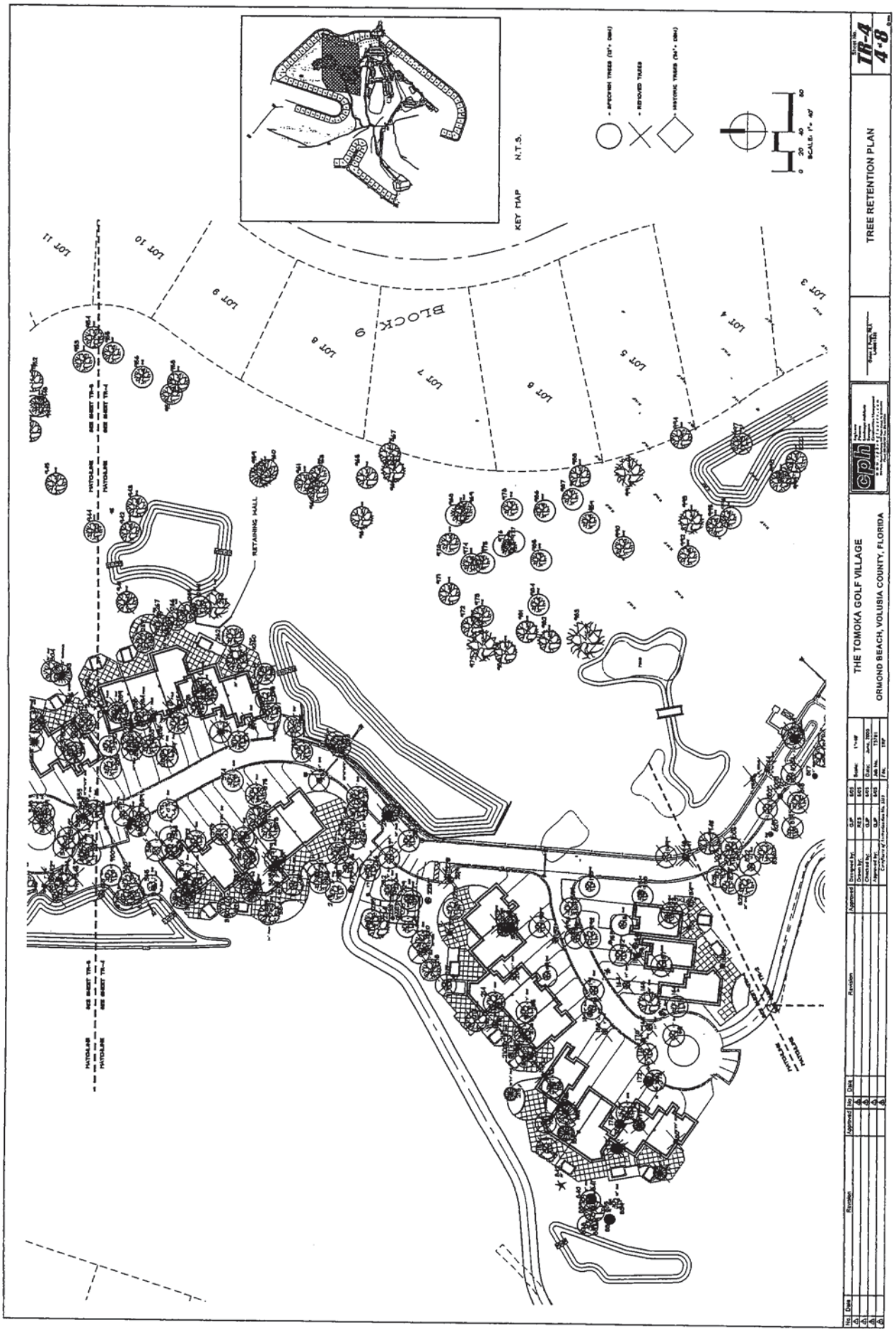
cph

TREE RETENTION PLAN

Sheet No. TR-3 3 of 8

EXHIBIT "B"
PAGE 22 OF 35

Instrument# 2006-273445 # 33
Book: 5944
Page: 2215





No.	Date	Revision	Approved	No.	Date	Revision	Approved

Designed by:	GJP	6/05	Scale: 1"=40'
Drawn by:	RES	6/05	
Checked by:	GJP	6/05	Date: June, 2005
Approved by:	GJP	6/05	Job No. 13701
Certificate of Authorization No. 1015			File: TRP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

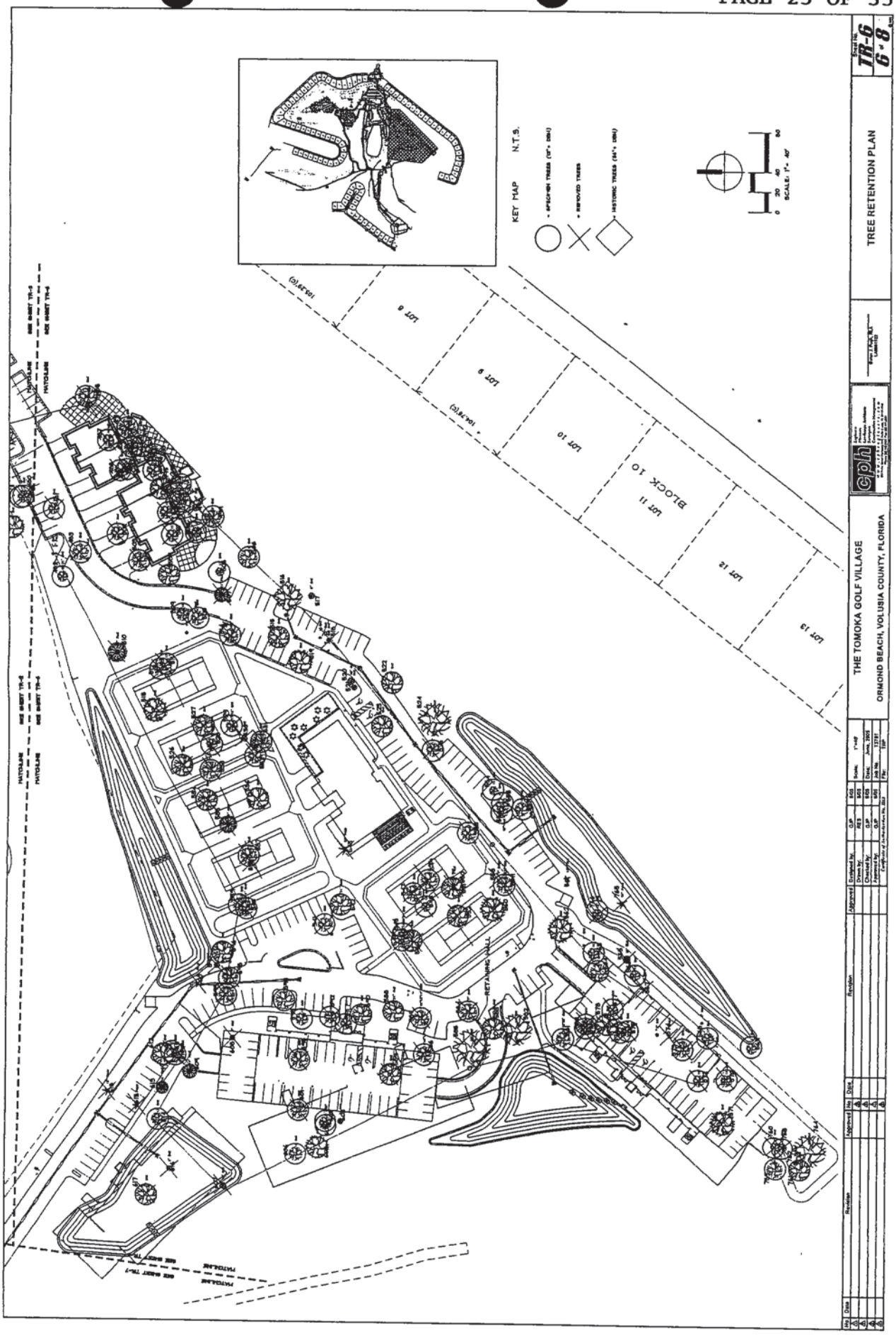
Gates J. Pugh, RLA
LANDSCAPE

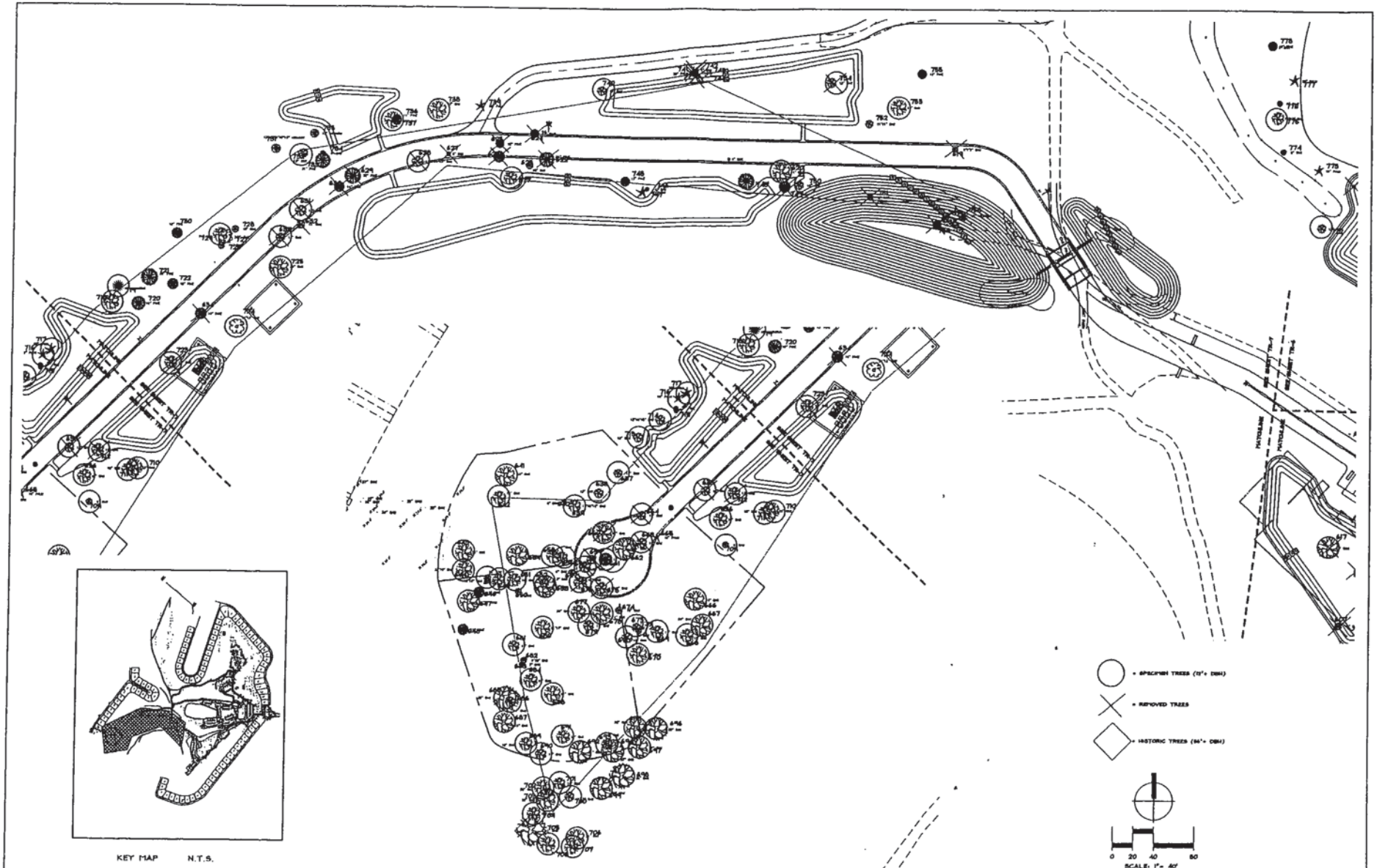
TREE RETENTION PLAN

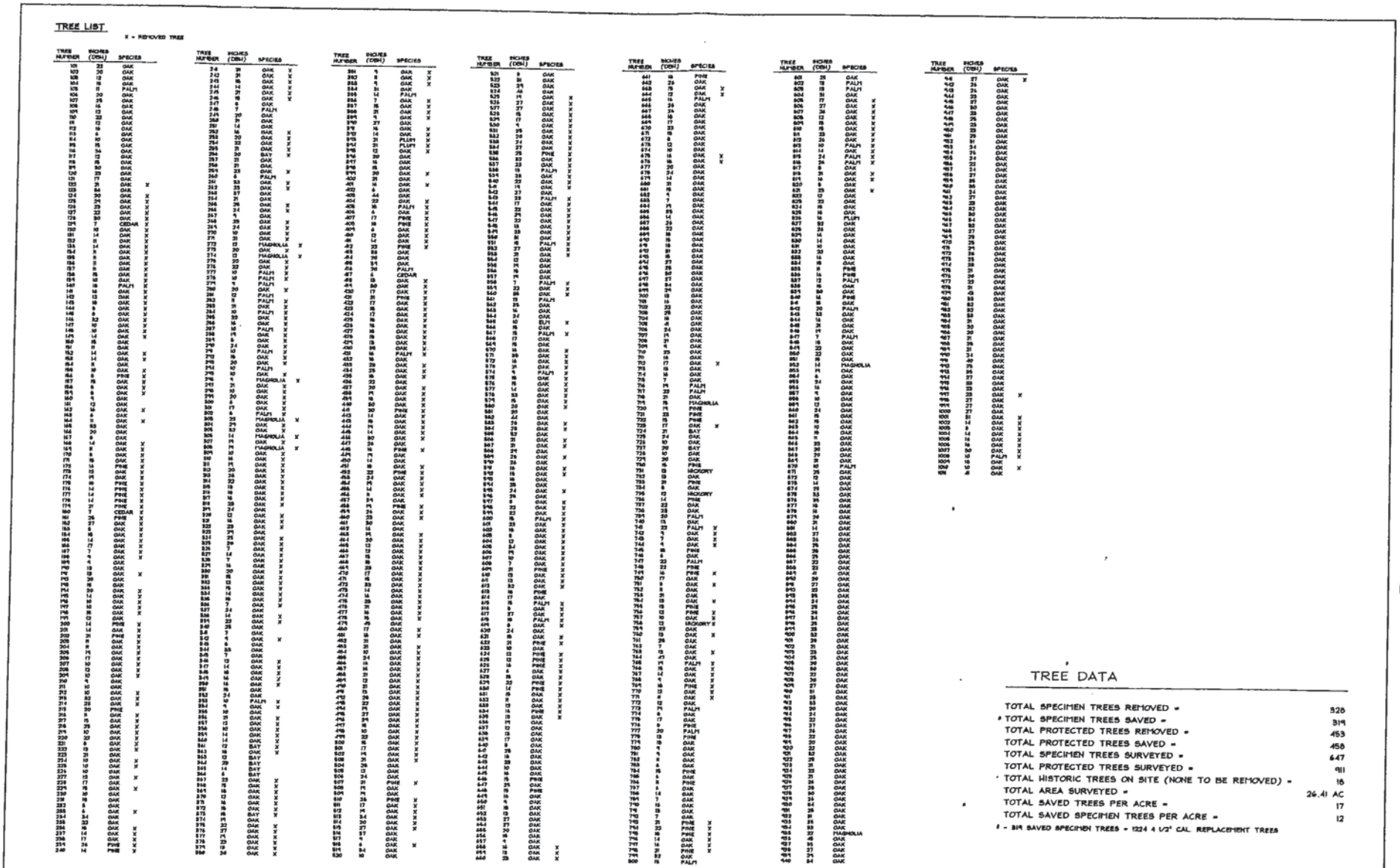
Sheet No. TR-5
5 of 8

EXHIBIT "B"
PAGE 24 OF 35

Instrument# 2006-273445 # 35
Book: 5944
Page: 2217




KEY MAP N.T.S.
= SPECIMEN TREES (12"+ DBH)
= REMOVED TREES
= HISTORIC TREES (24"+ DBH)
0 20 40 80
SCALE: 1"= 40'
THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA
TREE RETENTION PLAN
TR-7
7 of 8



TREE LIST

X = REMOVED TREE

TREE NUMBER	INCHES (DBH)	SPECIES
101	20	OAK
102	20	OAK
103	24	OAK
104	28	PALM
105	20	OAK
106	24	OAK
107	24	OAK
108	24	OAK
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TREE DATA

TOTAL SPECIMEN TREES REMOVED =	328
# TOTAL SPECIMEN TREES SAVED =	319
TOTAL PROTECTED TREES REMOVED =	453
TOTAL PROTECTED TREES SAVED =	458
TOTAL SPECIMEN TREES SURVEYED =	647
TOTAL PROTECTED TREES SURVEYED =	911
TOTAL HISTORIC TREES ON SITE (NONE TO BE REMOVED) =	16
TOTAL AREA SURVEYED =	26.41 AC
TOTAL SAVED TREES PER ACRE =	17
TOTAL SAVED SPECIMEN TREES PER ACRE =	12

- 319 SAVED SPECIMEN TREES = 1224 4 1/2" CAL. REPLACEMENT TREES

No	Date	Revision	Approved
1			
2			
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No	Date	Revision	Approved
5			
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Designed by:	GJP
Drawn by:	RES
Checked by:	GJP
Approved by:	GJP
Certificate of Authorization No. 3219	

6403	
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Scale: N/A
Date: June, 2005
Job No. 15701
File: TRP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

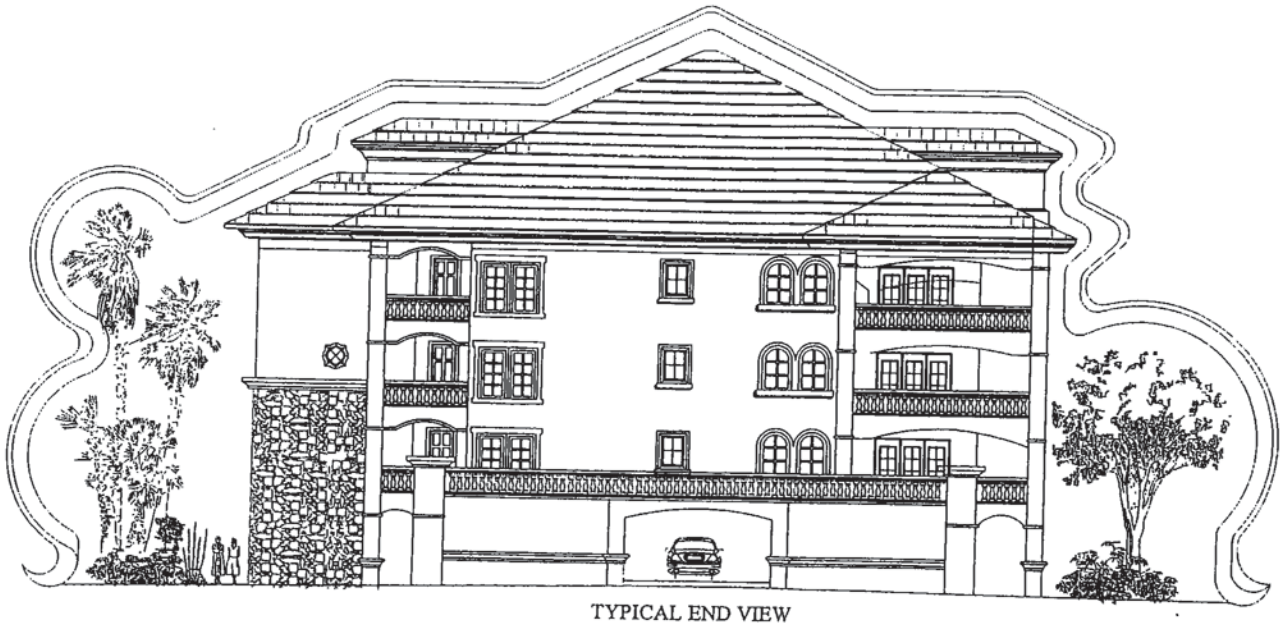
Peter J. Pugh, PLA
LA0001122

TREE RETENTION PLAN

Sheet No.
TR-8

EXHIBIT "B"
PAGE 27 OF 35

Instrument# 2006-273445 # 36
Book: 5944
Page: 2220

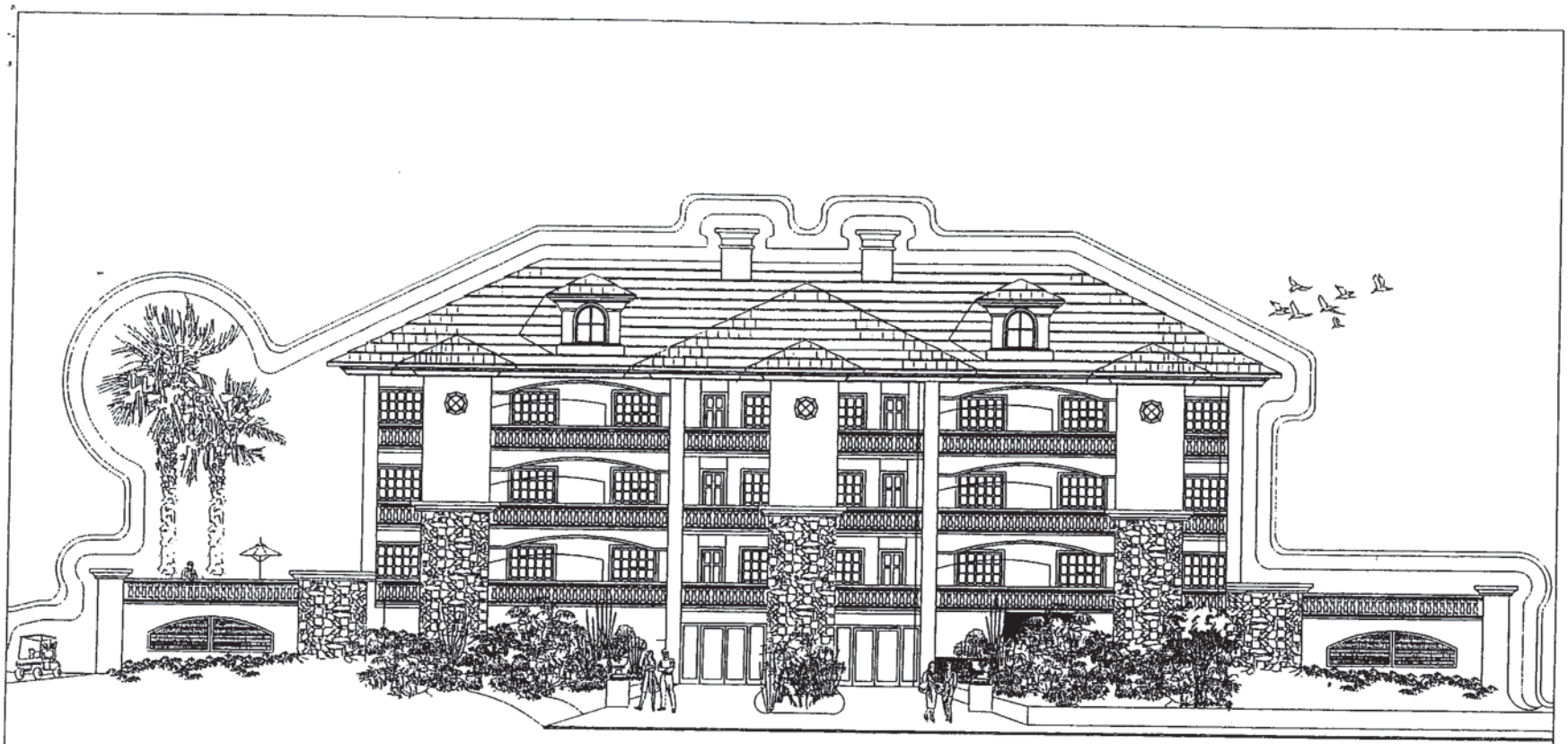


TYPICAL END VIEW

STANLEY P. HOELLE
ARCHITECT
386 672.2261

EXHIBIT "B"
PAGE 28 OF 35

Instrument# 2005-273445 # 39
Book: 5944
Page: 2221

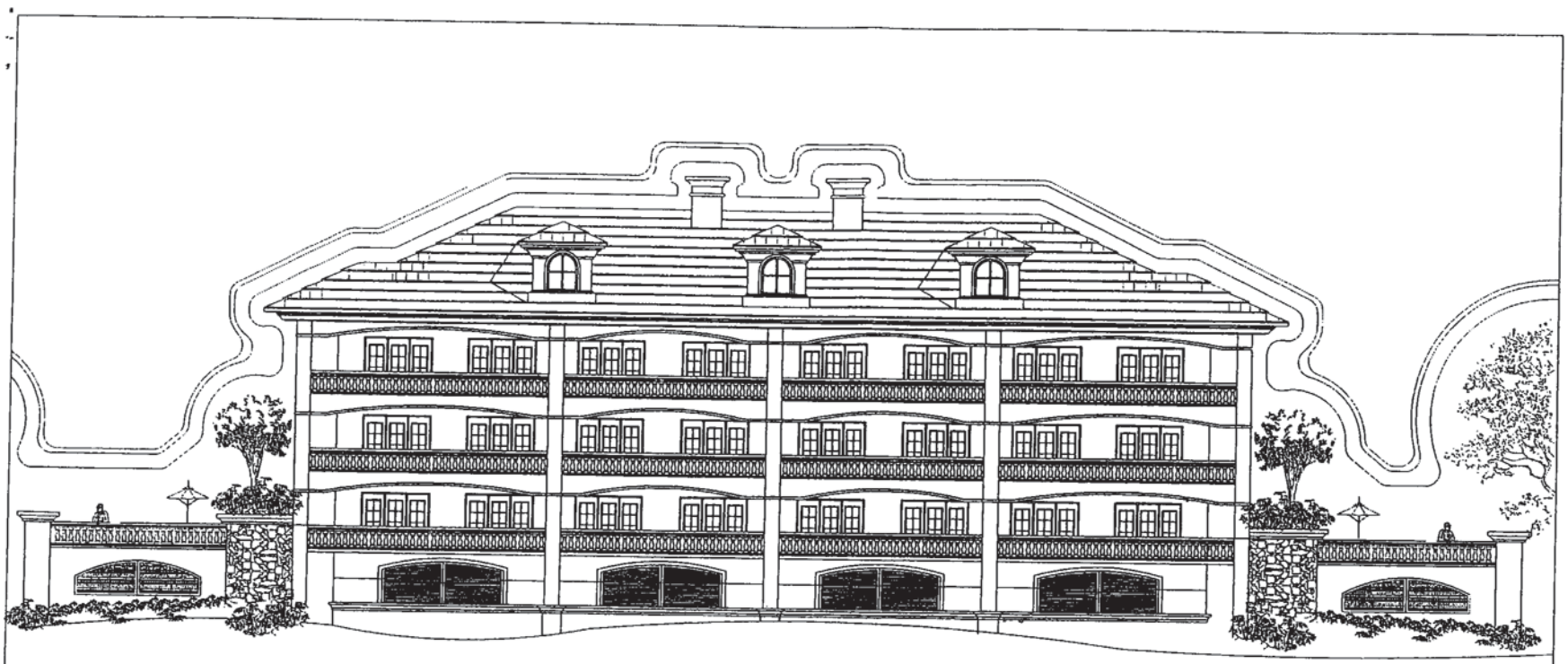


THREE STORY GOLF VILLAS
POOL SIDE ELEVATION

STANLEY P. HOELLE
ARCHITECT
386 672.2261

EXHIBIT "B"
PAGE 29 OF 35

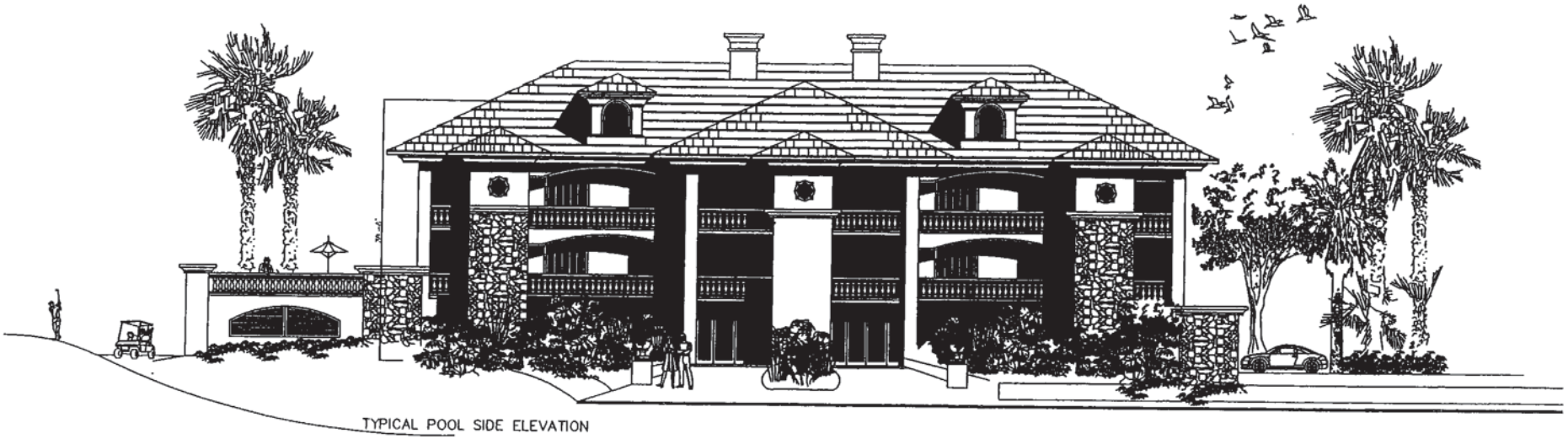
Instrument# 2006-273445 # 40
Book: 5944
Page: 2222



GOLF SIDE ELEVATION

STANLEY P. HOELLE
ARCHITECT
386 672.2261

EXHIBIT "B"
PAGE 30 OF 35



TYPICAL POOL SIDE ELEVATION

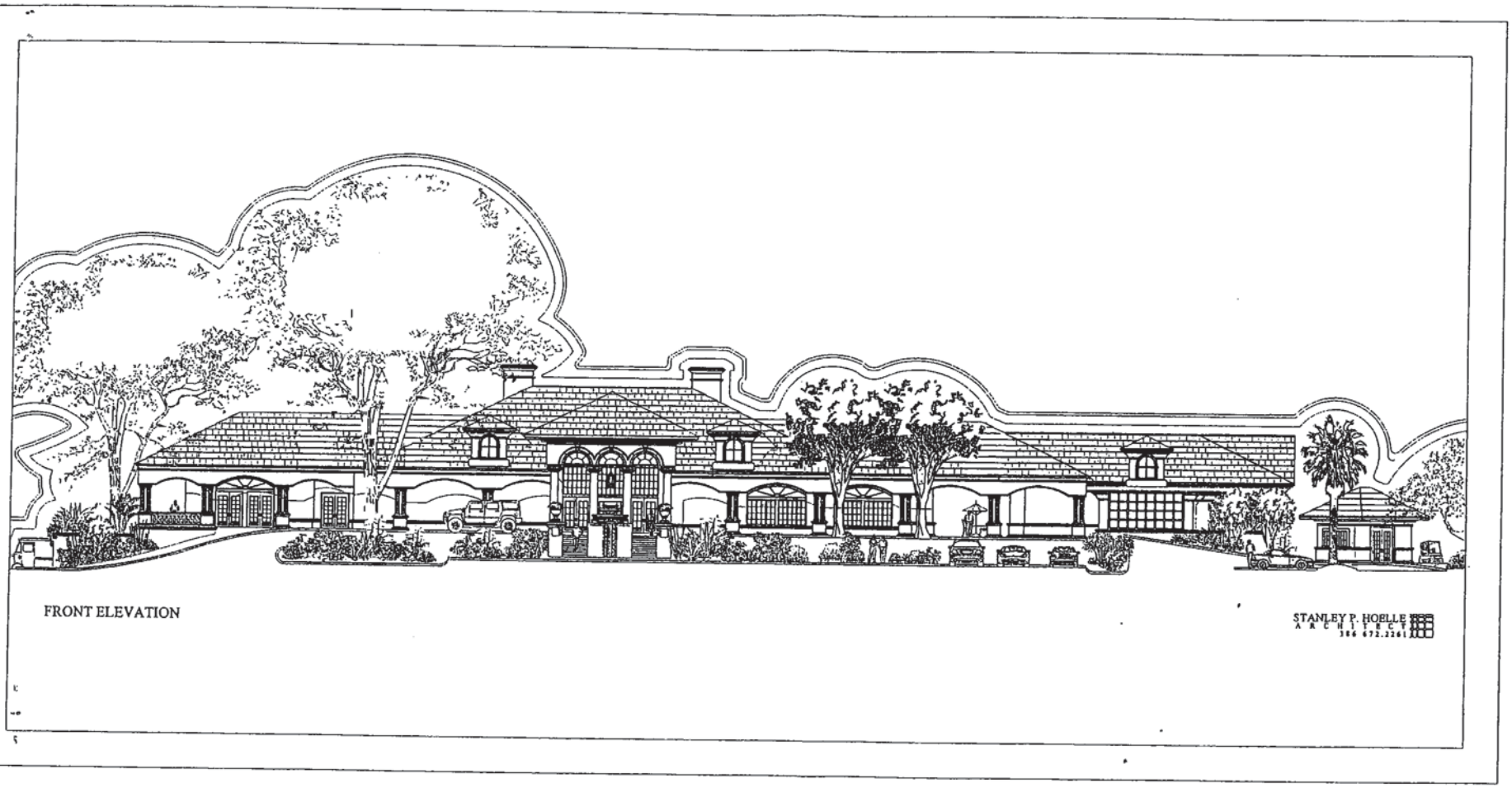
TYPE A GOLF VILLAS

Instrument# 2006-273445 # 42
Book: 5944
Page: 2224



END ELEVATION

Instrument# 2006-273445 # 43
Book: 5944
Page: 2225

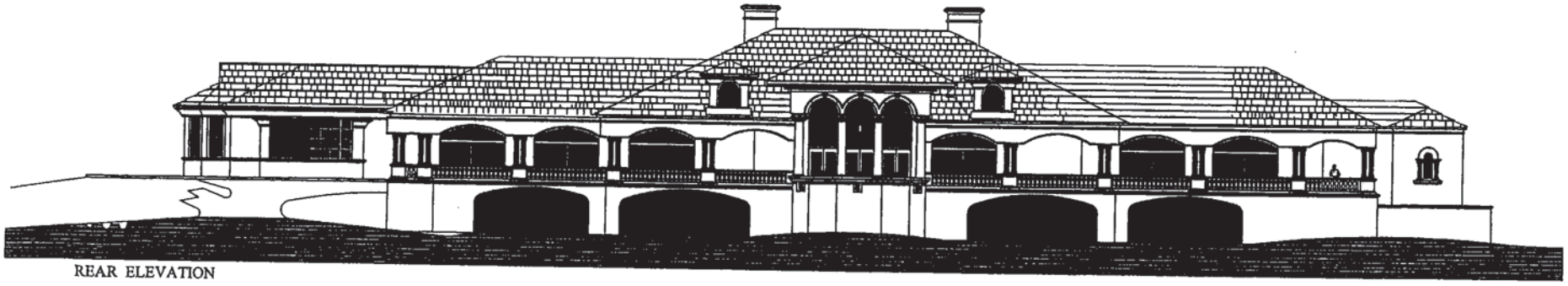


FRONT ELEVATION

STANLEY P. HOELLE ARCHITECT 386 672.2261

EXHIBIT "B"
PAGE 33 OF 35

Instrument# 2006-273445 # 44
Book: 5944
Page: 2226



REAR ELEVATION

EXHIBIT "B"
PAGE 34 OF 35

Instrument# 2006-273445 # 45
Book: 5944
Page: 2227
Diane M. Matousek
Volusia County, Clerk of Court





CITY OF ORMOND BEACH

P.O. Box 277 • 22 South Beach Street • Ormond Beach, FL 32175-0277
(386) 677-0311 • Fax (386) 676-3330

October 19, 2006

Robert A. Merrell, Esquire
Cobb & Cole
Post Office Box 2491
Daytona Beach, FL 32115-2491

RE: Tomoka Oaks Golf Villas
Development Order
Ordinance No. 2006-17

Dear Mr. Merrell:

At its October 16, 2006, meeting, the City Commission of Ormond Beach approved Ordinance No. 2006-17 authorizing a Development Order for the Tomoka Oaks Golf Villas and rezoning from R-2 (Single Family Low Density) to PRD (Planned Residential Development). A copy of the ordinance and development order is enclosed for your information. Please be aware this development order contains expiration dates.

The ordinance and development order have been sent to the Clerk of the Court for recording, and a recorded copy will be forwarded to you when it has been received from the Clerk. In the meantime, should you have any questions regarding the development order, please contact Mr. Clay Ervin, Planning Director, at 676-3238.

Sincerely,

Veronica Patterson, CMC
City Clerk

Enclosure

cc: Clay Ervin, Planning Director
Randal A. Hayes, Esquire, City Attorney

CITY OF ORMOND BEACH

P.O. Box 277 • 22 South Beach Street • Ormond Beach, FL 32175-0277
(386) 677-0311 • Fax (386) 676-3330

October 19, 2006

Diane Matousek
Clerk of the Circuit Court
Post Office Box 6043
DeLand, Florida 32720

RE: Ordinance No. 2006-17
Tomoka Oaks Golf Villas
Development Order

Dear Ms. Matousek:

Enclosed herewith is a certified copy of Ordinance No. 2006-17 together with the original Development Order for a 147-acre parcel located at the Tomoka Oaks Subdivision in Ormond Beach, Florida.

Kindly return the recorded documents in the enclosed, self-addressed envelope and bill the City for the costs incurred.

Sincerely,

Veronica Patterson, CMC
City Clerk

Enclosure

CITY OF ORMOND BEACH

P.O. Box 277 • 22 South Beach Street • Ormond Beach, FL 32175-0277
(386) 677-0311 • Fax (386) 676-3330

October 19, 2006

Morgan B. Gilreath
Volusia County Property Appraiser
123 West Indiana Avenue
DeLand, FL 32720-4270

Dear Mr. Gilreath:

Pursuant to Rule 12D-1.011(1), *Florida Administrative Code*, enclosed is a certified copy of Ordinance No. 2006-17 which was adopted by the City of Ormond Beach City Commission on October 16, 2006, relative to 147-acre parcel of real property which has been rezoned from R-2 (Single Family Low Density) to PRD (Planned Residential Development). The property is located at Tomoka Oaks Subdivision in the City of Ormond Beach.

Please contact me at 676-3340 should you have any questions.

Sincerely,

Veronica Patterson, CMC
City Clerk

Enclosure

CITY OF ORMOND BEACH

Support Services • P.O. Box 277 • 22 South Beach Street • Ormond Beach, FL 32175-0277
(386) 677-0311 • Fax (386) 676-3330

November 11, 2006

Mr. Robert A. Merrell, Esquire
Cobb & Cole
P. O. Box 2491
Daytona Beach, FL 32115-2491

RE: The Tomoka Oaks Golf Village
Ordinance No. 2006-17
Development Order

Dear Mr. Burkett:

Enclosed is a recorded copy of Ordinance No. 2006-17 together with the Development Order approving a development order for "The Tomoka Oaks Golf Village" Planned Residential Development.

Also enclosed is an invoice in the amount of $419.50 for the cost of recording these documents.

If you have any questions, please call me at 676-3340.

Sincerely,

Veronica Patterson, CMC
City Clerk

Enclosures

cc: Randal A. Hayes, City Attorney
Judy Sloane, Public Works Director
Clay Ervin, Planning Director
Mike Garrett, Chief Building Official

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Application of RTH, Inc.
PRD-06-32
"Tomoka Oaks Golf Village" Planned Residential Development
within the limits of the existing Tomoka Oaks Golf Course

DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on October 3, 2006 and October 17, 2006, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18(D)(3) of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

(1) The land use conforms to the standards and requirements of this *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PRD, Planned Residential zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The land use is consistent with the *Comprehensive Plan*;

(3) The land use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

(5) Public facilities, such as roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds will not be unduly burdened and are adequate to serve the land use;

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

(7) The land use is functional in the use of space and aesthetically acceptable;

(8) The land use provides for the safety of occupants and visitors;

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

(10) The testimony provided at public hearings.

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of RTH, Inc., a Florida corporation, for the "Tomoka Oaks Golf Village" a planned residential development to allow the construction of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel within the limits of the existing Tomoka Oaks Golf Course, in the R-2 Single Family Low Density zoning district, on that real property described and depicted on Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-35, Planned Residential Development, of the City of Ormond Beach *Land Development Code*, except as otherwise specifically modified hereby, shall at all times be strictly complied with;

2. That the following recommendations of the Planning Board shall be resolved and strictly complied with at all times:

a. The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.

b. The owner shall provide a note on the plat for the property indicating to future property owners the proximity of the airport and the flight pattern of the traffic from the airport.

c. The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with trees and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.

3. That the following comments of the Site Plan Review Committee shall be resolved and strictly complied with at all times:

CITY LANDSCAPE ARCHITECT COMMENTS:

a. Wheel stops must be provided. Vehicle bumpers will not overhang the planting beds.

b. Applicant must provide a littoral planting detail and specifically show where they are to be planted on the pond banks in all applicable ponds; applicant must provide calculation for each pond; clarify if ponds are wet or dry; if dry then littoral planting is not required.

c. Applicant must provide a note on the plans that any tree needed to be removed during construction will require a one for one replacement penalty; protected trees will require one 2.5" caliper variety and specimen trees will require one 4.5" caliper variety to suit its planting location; replacement trees need to be Florida #1 at a minimum height of ten feet (10'). CPH will make the determination as to what is best suited for each replacement.

d. Remove the asterisk note on page TR-8.

CIVIL ENGINEER COMMENTS:

e. Applicant must provide legend to clarify phasing.

f. Sheet C6 – Include Temporary Construction Entrance in Phase 1A.

g. Sheet C2 – Provide As Built Requirements for Water and Sewer; relocate the As Built Requirements for Roadway Construction from sheet C36.

h. Sheet C22 –Removing the fire hydrant from the pond.

i. Sheets C45-C47 – Estimated Wet Season Water Table Elevation and Design Pond High Water Elevation to each section.

j. Applicant must locate easements for utilities and lift station on the plat.

CHIEF BUILDING OFFICIAL COMMENTS:

k. Applicant must provide additional fire hydrants to townhouse and condo locations.

l. Applicant must provide location of fire department connections.

m. The location of handicap spaces for the clubhouse is unacceptable; accessible parking spaces shall not cross the roadway and shall be as close to the building as possible.

FIRE DEPARTMENT COMMENTS:

n. Fire hydrants shall be installed at intervals not to exceed 500 feet; provide location of additional hydrants on plans.

PUBLIC UTILITIES COMMENTS:

o. Manhole #44 on page C18 of the plans needs to be lined.

p. Applicant must update fire hydrant assembly detail.

q. Show how reuse will be connected to existing reuse line or the proposed reuse line to be constructed to the reuse storage pond by Tomoka Oaks.

r. Reuse meter to be provided by owner of make and model approved by the City. A reuse agreement will need to be executed by the owner and the City.

s. Applicant must confirm if water master meter shall be needed or if units will be individually metered.

t. Applicant must provide match lines on composite utility sheets.

u. All water and sewer lines to be owned and maintained by City must be in public rights of way or 40 foot access and utility easement; an easement or deed is also needed for the lift station.

POLICE DEPARTMENT COMMENTS:

v. Parking lot lighting, pole heights must not exceed 20 feet and maximum wattage shall be 250 watts (see Land Development Code Chapter 3, Article 5 Architectural Design Standards, Chapter 3 Page 10). This will impact lighting calculations currently submitted.

4. The subdivision is approved to have a total of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings with the following dimensions as shown on the attached plans. The townhomes and condominiums shall be developed in accordance with the conceptual plans approved for the proposed PRD and the requirements established in Chapter 2, Article IV, Section 2-57 M. Multi-Family Dwellings:

Land Use	Min. Lot Area	Min. Lot Width	Front Setback	Side Corner	Side Setback	Rear Setback
Single-family	10,000-square feet	100- feet	30-feet	20-feet	8-feet total 20-feet	25-feet

5. As a stand alone zoning district the following permitted uses and dimensional criteria for this Planned Residential Development are hereby established as follows:

1. **Permitted Principal Uses and Structures.**

   a. Single-family Detached units

   b. Townhouse Units, as located on the conceptual development plan prepared by Conklin Porter and Homes, CPH project number T7501, dated June 2005.

   c. **Multifamily Condominium units** as located on the

conceptual development plan prepared by Conklin Porter and Homes, project number T7501, dated June 2005.

2. Permitted Accessory Uses and Structures

a. Single Family detached dwellings and all accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article III.

b. Home Occupations, Type "A", subject to the regulations set forth in Chapter 2, Article III.

6. The project shall be phased over a 5-year period and shall consist of 6 phases; a new phase shall not be initiated until the improvements and enhancements identified in the previous phase have been initiated and are substantially completed. This condition shall not prevent the owner from completing multiple phases concurrently. The following summarizes the phasing of the project:

Phase	Description
1A	Construction of the tennis facility, maintenance area, parking, spine road and associated stormwater improvements. The "Golf Townhomes" at the northern most portion of the development (9th and 10th fairway) will be constructed
1B	Demolition and reconstruction of the clubhouse and parking lot.
1C	Completion of all of the townhomes in the golf and tennis areas.
2A	Development of condominiums at tennis facility.
2B	Development of condominiums at the driving range and clubhouse areas.
3	Development of 3-single family homes on the estate lots.

B. The final plans for the development project shall be consistent with the provisions of this Development Order and the plans depicted in Exhibit "B" hereto; provided, however, that the said plans shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plan for the development project without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Development Order.

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

E. If the final plan approval lapses under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be re-established, a new PRD Development Order shall be considered by the City Commission.

F. In the event the use of the land approved by this PRD Development Order is abandoned for a period of two (2) years or there has been no construction activity during that period, the permit shall be void and a Notice of Final Plan Revocation filed under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be reestablished, a new PRD Development Order shall be considered by the City Commission.

G. Semi-annually, the Neighborhood Improvement Officer shall prepare a report indicating which planned developments are not in compliance with Section 1-14, or the conditions stipulated in the Development Order, in the event a Neighborhood Improvement Officer subsequently determines there to be any violation, such Officer shall promptly present such determination to the Special Master for hearing.

H. Pursuant to Chapter 1, Article II, Section 1-14(C) (2), of the *Land Development Code*, the first phase of this Special Exception shall automatically expire and become void, without further action by the City Commission, 24 months (October 17, 2008) from the date of City commission approval, unless a site plan or building permit has been issued prior to that date; and a use building permit is so issued, this Special Exception shall remain in full force and effect unless and until subsequently amended by the City Commission.

I. The expiration date of the sixth and final phase of the project to be constructed shall be five (5) years in the future, or to October 17, 20011, and shall automatically expire and become void, without further action by the City Commission, unless a building permit

is issued for the second and final phase of the project prior to that date; and if a building permit is so issued, the Development Order shall remain in full force and effect unless and until subsequently amended by the City Commission

J. This Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of RTH, Inc., a Florida corporation, and shall be binding upon RTH, Inc., a Florida corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No. 3242-07-00-0010)

ORDERED this 17th day of October, 2006.

CITY COMMISSION
CITY OF ORMOND BEACH, a Florida municipal corporation

By: Fred Costello
FRED COSTELLO
Mayor

(CITY SEAL)

Attest: Isaac D. Turner
ISAAC D. TURNER
City Manager

CITY MANAGER
MEMORANDUM

TO: Honorable Mayor Costello and City Commissioners

FROM: Isaac D. Turner, City Manager

DATE: September 28, 2006

SUBJECT: Tomoka Oaks Golf Villas-Rezoning to Planned Residential Development

Introduction: This is a request by Robert A. Merrell, Esquire, representing RTH, Incorporated, to rezone a 147-acre parcel from R-2 (Single Family Low Density) to PRD (Planned Residential Development). The subject property is known as the Tomoka Oaks Golf Course.

Background: The subject property is currently being used for a golf course and country club. The owners of the property are seeking to maintain the current uses and add 122 residential units on the site. The property has a land use designation of "Low Density Residential" on the adopted Future Land Use Map and is classified as R-2 (Single-Family Low Density) on the Official Zoning Map. Accordingly, the property could be redeveloped for single-family dwelling units at a maximum density of 4.3 units per acre with lots that meet the minimum dimensional standard for the R-2 zoning district (minimum lot area of 10,000 square feet; minimum lot width 100-feet; minimum lot depth 100 feet).

In 2005, the applicant contacted the City of Ormond Beach to review options for renovating the golf and country club that included residential elements such as townhomes, condominiums and single-family homes. Staff researched the land use and zoning of the property and discovered that there were development rights for single-family homes. Staff was concerned with these critical issues:

1. **Are there any existing restrictions on the use of the property for any other use than a golf course?** The staff's main concern is that there are private restrictions that supersede the land use and zoning that would prohibit any kind of uses except for the golf and country club. A title opinion from the property owner indicates that there are no such restrictions and that the use of the property is only subject to the City of Ormond Beach Comprehensive Plan and Land Development Code (LDC).

2. **Integration of residential land uses cannot have a negative impact on the adjoining residential property owners; specifically, any new residential development could not be located directly adjoining to existing residential lots within the Tomoka Oaks subdivision.** The applicant agreed that views from the abutting residential properties had to be protected and that the location and orientation of the residential development could not negatively impact the existing homes.

3. **The remaining portion of the golf course will be restricted that it cannot be used for residential development so that adjoining neighbors are confident that the use of the property for a golf course and recreational open space is protected.** The applicant has agreed to provide that surety through an easement over the remaining portion of the golf course that will ensure that the property will remain as open space/recreational use.

Through a series of meetings to discuss how the property could be redeveloped and the staff's concerns with the impacts on the adjoining single-family homes, it was decided that the owners could seek approval of a planned development that included the clustering of the residential development allowed on the property. The planned development process allows for the concentration of the residential units in a manner with minimal impacts to the existing land owners and would still maintain the golf course as it is currently laid out. The staff emphasized that the application would need to reflect attention to the impacts on the adjoining property owners and emphasized the location, spacing and appearance of the proposed buildings. Staff further required that the applicant look at the traffic impacts and how to orient access to the new residential development so that there are no disruptions or impacts to the existing residences. The staff indicated that the remainder of the golf course had to be restricted so that the future of redeveloping it for additional residential uses was not possible. Lastly, staff indicated that the phasing of the development could not load all of the amenities (clubhouse, tennis facility, driving range) until the last phase and that these improvements had to be developed concurrently with the residential aspects of the project.

The project consists of a multiple phased development whereby the existing clubhouse, tennis, swimming pool and driving range facilities will be demolished and replaced. The "golf course" development consisting of 30 townhomes and 54 condominium units will be developed on the northeast area of the course by the 9th and 10th fairways. The "tennis complex" will have 5 townhome units and 30 condominium units. The townhomes are two-story structures with an average height of 22 feet. The condominiums are three-story buildings with an average height of 39 feet. There are three single-family detached lots proposed for the northwest portion of the site. These lots will comply with the dimensional standards established for the R-2 zoning district. The project will be phased over a 5-year period and will consist of six (6) phases.

Discussion: The proposed rezoning to PRD was heard at the August 10, 2006, meeting of the Planning Board. There was considerable comment from the residents of the Tomoka Oaks subdivision regarding the development. The primary concerns pertained to the traffic impacts, impacts to the utilities (water pressure), visual impacts onto the existing residential homes, lack of maintenance of the existing golf course, notification of future owners of the flight pattern and proximity to the airport, and certainty that the remainder of the golf course would remain. The Planning Board recommended approval of the proposed rezoning to PRD subject to the following ten conditions.

1. The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.
2. The owner shall provide a note on the plat for the property indicating to future property owners of the proximity of the airport and the flight pattern of the traffic from the airport.
3. The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with tress and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.
4. The applicant is to research and develop a plan to improve the traffic flow and safety at the entrance to Tomoka Oaks.
5. The City and the owner shall research the amount of landscaping to be placed on the site and see where there are opportunities to provide larger trees within the buffers (increase size from 2 ½ inch caliper to 4 inch caliper).
6. The City staff will investigate the opportunity to provide reuse water to the Tomoka Oaks residences as well as the golf course.
7. The owner and City shall research and develop minimum maintenance standards to be included as part of the PRD Development Order.
8. The City shall research and remedy, in cooperation with the applicant, any problems to water pressure within the system serving the Tomoka Oaks development.
9. Staff is to verify that an environmental study for the project had been completed and was technically correct.
10. There is a provision in the Development Order for the PRD that a new phase could not be initiated until the improvements and enhancements identified in the previous phase had been initiated and where substantially completed. This condition would not prevent the owner from completing multiple phases concurrently.

Staff met with the property owners since the Planning Board and reviewed the 10 conditions. All of the conditions have been addressed. The applicant and the City staff could not find specific maintenance standards, but have agreed that there will be a minimum standard established prior to commencement of construction. The traffic engineer has provided background information regarding the single warrant study and improvements in traffic safety at Tomoka Oaks Boulevard.

Recommendation: It is recommended that the City Commission **APPROVE** the proposed Tomoka Golf Village Planned Residential Development (PRD), thereby allowing the redevelopment of the site for 119 multifamily units (townhomes and condominiums) and 3 single family dwellings, subject to the recommendations of the Planning Board and the outstanding comments of the Site Pan Review Committee.

Prepared by: Clay Ervin, AICP, Planning Director

STAFF REPORT

City of Ormond Beach
Department of Planning

DATE: September 26, 2006

SUBJECT: Tomoka Golf Village Planned Residential Development

APPLICANT: Robert A. Merrell, representing RTH Inc.

NUMBER: PRD-06-32

PROJECT PLANNER: Teri Holleran, Senior Planner/ Clay Ervin, AICP, Planning Director

INTRODUCTION: This is a request by Robert A. Merrell, Esquire, representing RTH, Incorporated, to rezone a 147 acre parcel from R-2 (Single family low density) to PRD (Planned Residential Development). The subject property is known as the Tomoka Oaks Golf Course.

BACKGROUND: The subject property is currently being used for a golf course and country club. The owners of the property are seeking to maintain the current uses and add 122-residential units on the site. The property has a land use designation of "Low Density Residential" on the adopted Future Land Use Map and is classified as R-2 (Single-family low density) on the Official Zoning Map. Accordingly, the property could be redeveloped for single-family dwelling units at a maximum density of 4.3-units per acre, with lots that meet the minimum dimensional standard for the R-2 zoning district (minimum lot area of 10,000 square feet; minimum lot width 100-feet; minimum lot depth 100 feet).

In 2005, the applicant contacted the City of Ormond Beach to review options for renovating the golf and country club that included residential elements such as townhomes, condominiums and single-family homes. Staff researched the land use and zoning of the property and discovered that there were development rights for single-family homes. Staff was concerned with these critical issues:

1. **Are there any existing restrictions on the use of the property for any other use than a golf course?** The staff's main concern is that there are private restrictions that supersede the land use and zoning that would prohibit any kind of uses except for the golf and country club. A title opinion from the property owner indicates that there are no such restrictions and that the use of the property is only subject to the City of Ormond Beach Comprehensive Plan and Land Development Code (LDC).

2. **Integration of residential land uses cannot have a negative impact on the adjoining residential property owners; specifically, any new residential development could not be located directly adjoining to existing residential lots within the Tomoka Oaks subdivision.** The applicant agreed that views from the abutting residential properties had to be protected and that the location and orientation of the residential development could not negatively impact the existing homes.

3. **The remaining portion of the golf course will be restricted that it cannot be used for residential development so that adjoining neighbors are confident that the use of the property for a golf course and recreational open space is protected.** The applicant has agreed to provide that surety through an easement over the remaining portion of the golf course that will ensure that the property will remain as open space/recreational use.

Through a series of meetings to discuss how the property could be redeveloped and the staff's concerns with the impacts on the adjoining single-family homes, it was decided that the owners could seek approval of a planned development that included the clustering of the residential development allowed on the property. The planned development process allows for the concentration of the residential units in a manner with minimal impacts to the existing land owners and still would maintain the golf course as it is currently laid-out. The staff emphasized that the application would need to reflect attention to the impacts on the adjoining property owners and emphasized the location, spacing and appearance of the proposed buildings. Staff further required that the applicant look at the traffic impacts and how to orient access to the new residential development so that there are no disruptions or impacts to the existing residences. The staff indicated that the remainder of the golf course had to be restricted so that the future of redeveloping it for additional residential uses was not possible. Lastly, staff indicated that the phasing of the development could not load all of the amenities (clubhouse, tennis facility, driving range) until the last phase and that these improvements had to be developed concurrently with the residential aspects of the project.

Project Description: The project consists of a multiple phased development whereby the existing clubhouse, tennis, swimming pool and driving range facilities will be demolished and replaced. The "golf course" development consisting of 30 townhomes and 54 condominium units will be developed on the northeast area of the course by the 9th and 10th fairways. The "tennis complex" will have 5 townhome units and 30 condominium units. The townhomes are two-story structures with an average height of 22-feet. The condominiums are three-story buildings with an average height of 39-feet. There are three single-family detached lots proposed for the northwest portion of the site. These lots will comply with the dimensional standards established for the R-2 zoning district.

The project will be phased over a 5-year period and will consist of 6 phases. The following summarizes the phasing of the project. Please refer to the plans for details and specifics of the phasing plan.

Phase	Description
1A	Construction of the tennis facility, maintenance area, parking, spine road and associated stormwater improvements. The "Golf Townhomes" at the northern most portion of the development (9th and 10th fairway) will be constructed
1B	Demolition and reconstruction of the clubhouse and parking lot.
1C	Completion of all of the townhomes in the golf and tennis areas.
2A	Development of condominiums at tennis facility.
2B	Development of condominiums at the driving range and clubhouse areas.
3	Development of 3-single family homes on the estate lots.

The primary focus is to preserve the existing golf course, locate the new buildings so that they do not impact the existing homes and enhance the landscaping to minimize the impacts of the new development.

The applicant has requested a rezoning to Planned Residential Development (PRD). The purpose of a Planned Development is to:

1. Achieve innovative and creative design and a high level of amenities within residential and non-residential developments;
2. Promote efficient use of land by facilitating more cost effective and environmentally sensitive site planning, including the arrangement of buildings, circulation systems, land use and facilities;
3. Stimulate opportunities for varied housing types and diversified economic opportunities;
4. Conserve and protect the natural environment including wetlands, natural habitat, drainage corridors, flood prone lands, and other environmentally sensitive lands;
5. Provide for more useable and suitably located open space and recreation facilities and other common facilities than would otherwise be provided under conventional land development procedures; and
6. Achieve harmonious building and site designs.

Although Planned Developments provide opportunities for unique concepts, Planned Developments shall comply with the community character as promoted by the City Commission and shall be designed to limit impacts of the development internally within the confines of the Planned Development through compliance with the regulations established in the Comprehensive Plan and as stipulated in the Land Development Code.

ANALYSIS:

Planned Residential Development: Section 2-35, Chapter 2, Article II of the Land Development Code details the following requirements for a Planned Residential Development:

A. General: The proposed development is consistent with the purpose and intent of the Planned Residential Development.

B. Permitted and other uses: The proposed development complies with this section of the code. The permitted uses consist of single-family, townhome and multi-family residential developments. Other uses consist of golf course, tennis facilities and associated club house facilities.

C. Density: The proposed development is consistent with this criterion. The area encompassed by the PRD is 147-acres. The adopted Future Land Use Map designates the property as "Low Density Residential" which allows up to 4.3 units per acre. This means that the theoretical maximum development on the site would be 632 units.

D. Dimensional requirements: The proposed development is in compliance with this requirement.

E. Interior road system: The proposed development is in compliance with this requirement.

F. Off-street parking: The proposed development meets or exceeds the standards established in the LDC.

G. Landscaping and utility lines: The proposed development meets or exceeds the standards established in the LDC.

H. Recreational facilities: The project meets and exceeds all of the minimum recreational requirements established for PRDs.

I. Supplemental Requirements: The proposed development complies with the requirements for supplemental requirements.

Comprehensive Plan and Zoning: The site is designated "Low Density Residential" (LDR) on the City's Future Land Use Map and is zoned R-2 (single-

family low density). The following table shows the surrounding land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Tomoka Oaks subdivision	Low Density Residential	R-2 (Single family low density)
South	Tomoka Oaks subdivision	Low Density Residential	R-2 (Single family low density)
East	Tomoka Oaks subdivision	Low Density Residential	R-2 (Single family low density)
West	Tomoka Oaks subdivision	Low Density Residential	R-2 (Single family low density)

Site Characteristics and Services:

Soils: According to the Soil Survey of Volusia County, the underlying soil type is Soils Group No. 54-Quartzipsamments, gently sloping. A map and description of these soil types are included in Appendix A. The development potential of this soil type is "very high" according to the Soil Survey of Volusia County.

Wetlands/Flood Zone: The proposed development does not impact any wetlands nor is the development located within a designated flood zone.

Vegetation: The site has been impacted by the development of the golf course. The vegetation consists predominately of recreational grasses and ground cover, with areas of oaks, magnolia and pine interspersed.

Water and Sewer: The proposed development will require the extension of existing water and sewer lines serving the Tomoka Oaks subdivision. The proposed development of 122 residential units will generate an additional demand of 13,664 gallons per day for potable water and 12,298 gallons of wastewater per day. There is sufficient capacity with the water and wastewater treatment facilities for this development. This development will not result in a negative impact to water pressure and fire flows to the area.

Transportation: A traffic impact assessment report was prepared in support of the proposed rezoning to PRD. The analysis reflected the impacts of the new uses consisting of 119 multifamily dwelling units and 3 single-family dwelling units. The amount of trips generated by the new uses are projected to be 772 average daily trips and 72 PM peak-hour trips, based on the ITE Trip Generation Manual, 7th edition. It is assumed that the project will be completed by 2008.

The distribution and assignment of traffic is based on the adopted Central Florida Regional Planning Model II (CFRPM II). The result is that a majority of the traffic

is projected to Tomoka Oaks Boulevard as the primary route to enter and exit the project (88% of the traffic) with the remaining 12% of the traffic using other routes, such as Rio Pinar. The majority of the traffic exiting/entering Tomoka Oaks is projected to impact the segment of Nova Road between SR 40 and Granada Boulevard. The attached spreadsheet summarizes the road segments and the traffic impacts resulting from the project at the built-out condition in 2008.

In summary, the proposed development will not negatively impact the level of service on the impacted roadways and does not require any additional traffic mitigation efforts.

Parking: Parking for the residential and non-residential uses will comply with the requirements of Chapter 3, Article III of the LDC.

Stormwater Management: The applicant is required to obtain approval of the master stormwater plan from the City and the St. John's Water Management District. The preliminary design indicates that the project will comply with the requirements established in the LDC. The proposed development plan reflects that the stormwater plan consisting of several basins where the stormwater is collected from sheet flow across the site and is directed either directly into swales or pipes where it is transferred to on-site retention ponds for treatment prior to being discharged. Please be aware that the drainage on this site will not be an issue given the high permeability rate of the underlying soils.

Solid Waste: The site will be served by City sanitation services. There is sufficient capacity in the City system to meet projected demand.

Other Services: The site is located within an approximate 5-7 minute response time from police and fire stations. The nearest fire station is Station #92 on Nova Road, south of Granada Boulevard. There is sufficient response time from both Police and Fire services to the site.

Roadway	Segment		Adopted LOS	Daily Capacity at Adopted LOS	Existing Daily Traffic	Projected 2008 Background Traffic	Vested Trips	Project Trips from Tomoka Golf Villas	2008 Projected Total Daily Traffic	Future LOS
US 1	Airport Road	Nova Road	D	61,800	24,000	24,960	959	108	26,027	B
	Nova Road	West Granada Boulevard	D	61,800	20,000	20,800	172	54	21,026	B
Nova Road	US 1	Tomoka Oaks Blvd.	D	35,700	10,600	11,024	163	162	11,350	B
	Tomoka Oaks Blvd.	Wilmette Avenue	D	35,700	10,600	11,024	163	516	11,705	B
	Wilmette Avenue	West Granada Boulevard	D	53,500	21,500	22,360	369	464	23,193	B
	West Granada Boulevard	Hand Avenue	D	53,500	19,000	19,760	955	255	20,970	B
West Granada Blvd.	Clyde Morris Boulevard	Nova Road	D	42,300	35,000	36,400	3,505	170	40,075	C
	Nova Road	US 1	D	35,700	29,500	31,117	1,212	70	32,398	C
Wilmette Avenue	Nova Road	US 1	E	15,600	8,000	8,320	0	54	8,374	C

CRITERIA FOR APPROVAL: In considering an application for a PRD, the City Commission may recommend approval, approval with conditions, or denial on the extent to which the development offers site amenities above that normally found for permitted uses in the district with regard to the following:

a) Innovative site design.

b) Coordinated architectural design.

c) Open space, recreation, common areas.

d) Coordinated streetscape elements.

The proposed development utilizes superior architectural design, well-laced landscaping and the existing golf course to introduce new residential units in a manner that minimize impacts on the adjoining residential development. The integration of new golf and tennis facilities improve the overall aesthetics of the area and provide for a needed upgrade to the existing facilities. The development utilizes landscaping, lighting and access points to minimize impact on the adjoining properties, but still maintain an efficient and attractive internal road system. In summary, it is staff's opinion that the proposed development complies with the previous criteria.

The following are standard criteria to be used by the Planning Board and City Commission in its review of the proposed rezoning to PRD. In its review of each application for amendment, the Planning Board and City Commission shall consider:

1. **The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**
   The subject property has a land use classification that allows up to 632-homes to be developed on the site. There could be approximately 300 homes developed on the golf course site, based on the R-2 zoning. This type of development would eliminate the entire golf course. The applicant has requested a rezoning to PRD to cluster the development to minimize impacts to the golf course. The resulting development plan of 122 units results in a density of .82 units per acre. Given the development potential and the proposed development, the application complies with this review criterion.

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

   The proposed development plan is consistent with the adopted Future Land Use Element and Future Land Use Map; specifically:

Goal 1. Land use distribution

Future development and redevelopment activities should be directed in appropriate areas as depicted on the future land use map to meet the land use needs of the anticipated population, in a manner consistent with sound planning principles, the goals, objectives and policies contained in the plan, and the desired community character.

Overall, the land use plan should limit commercial expansion, promote industrial use, maintain current residential densities in the core area while establishing lower densities in the perimeter areas, and provide for a continued high level of open space. Specific goals and policies are listed below for each type of land use.

Objective 1.1. Residential land use
Ensure that adequate lands are available to meet the residential land use needs of the community.

Policy 1.1.1.
Continue to promote sound planning for the location and design of new residential developments including on-site common open space and recreation facilities.

Policy 1.1.4.
Encourage innovative design measures for new residential developments and ensure that adequate provision is made for neighborhood facilities suitable to the type of development proposed.

Policy 1.1.5.
Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments that will meet the varied needs of the citizens of Ormond Beach.

Policy 1.1.17.
Encourage the development of infill residential areas in the central core and older sections of the City.

Future Land Use Map: The subject property is designated as "Low Density Residential", which allows for a maximum density of 4.3 units per acre. The proposed project has a gross density of .83 units per acre.

3. **The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife**

habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.

The proposed development does not impact any identified wetlands or protected species of plant or animal. The project is not located near any wellfield or other area of special concern.

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

The proposed project involves significant upgrades to the existing golf course and tennis facilities. Additionally, the value of similar development has maintained or increased over the past 5-years. The proposed development will not have a substantial or permanent negative impact on the adjoining properties.

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

The City of Ormond Beach has adequate capacity in its facilities to serve the proposed 122-dwelling units.

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

The proposed development plans include a traffic study prepared by an engineer licensed to practice transportation engineering in the State of Florida. The analysis uses accepted methodologies and indicates that the proposed development complies with the concurrency management requirements of the Comprehensive Plan and LDC.

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

The proposed development utilizes the existing golf course in a manner that maintains the open areas adjacent to the existing residential homes and concentrates the development in the center of the property. The combination of landscaping, architectural treatment of the buildings and locations of the structures provides both aesthetical and functional use of the site.

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

The proposed development incorporates site and building improvements to ensure that occupants and visitors to the site are safe to use the grounds and buildings.

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

This is a critical issue and the applicant agreed to provide upgraded architectural treatment for all of the structures being developed on the site. This will ensure compatibility and enhancement to the surrounding neighborhood.

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

The proposed rezoning to PRD was heard at the August 10, 2006, meeting of the Planning Board. There was considerable comment from the resident of the Tomoka Oaks subdivision regarding the development. The primary concerns pertained to the traffic impacts; impacts to the utilities (water pressure); visual impacts onto the existing residential homes; lack of maintenance of the existing golf course; notification of future owners of the flight pattern and proximity to the airport; and certainty that the remainder of the golf course would remain. The Planning Board recommended approval of the proposed rezoning to PRD subject to the following ten conditions.

- The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.
- The owner shall provide a note on the plat for the property indicating to future property owners of the proximity of the airport and the flight pattern of the traffic from the airport.
- The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with tress and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.
- The applicant to research and develop a plan to improve the traffic flow and safety at the entrance to Tomoka Oaks.
- The City and the owner shall research the amount of landscaping to be placed on the site and see where there are opportunities to provide larger trees within the buffers (increase size from 2 ½ inch caliper to 4 inch caliper).
- The provision in the Development Order for the PRD that a new phase could not be initiated until the improvements and enhancements identified

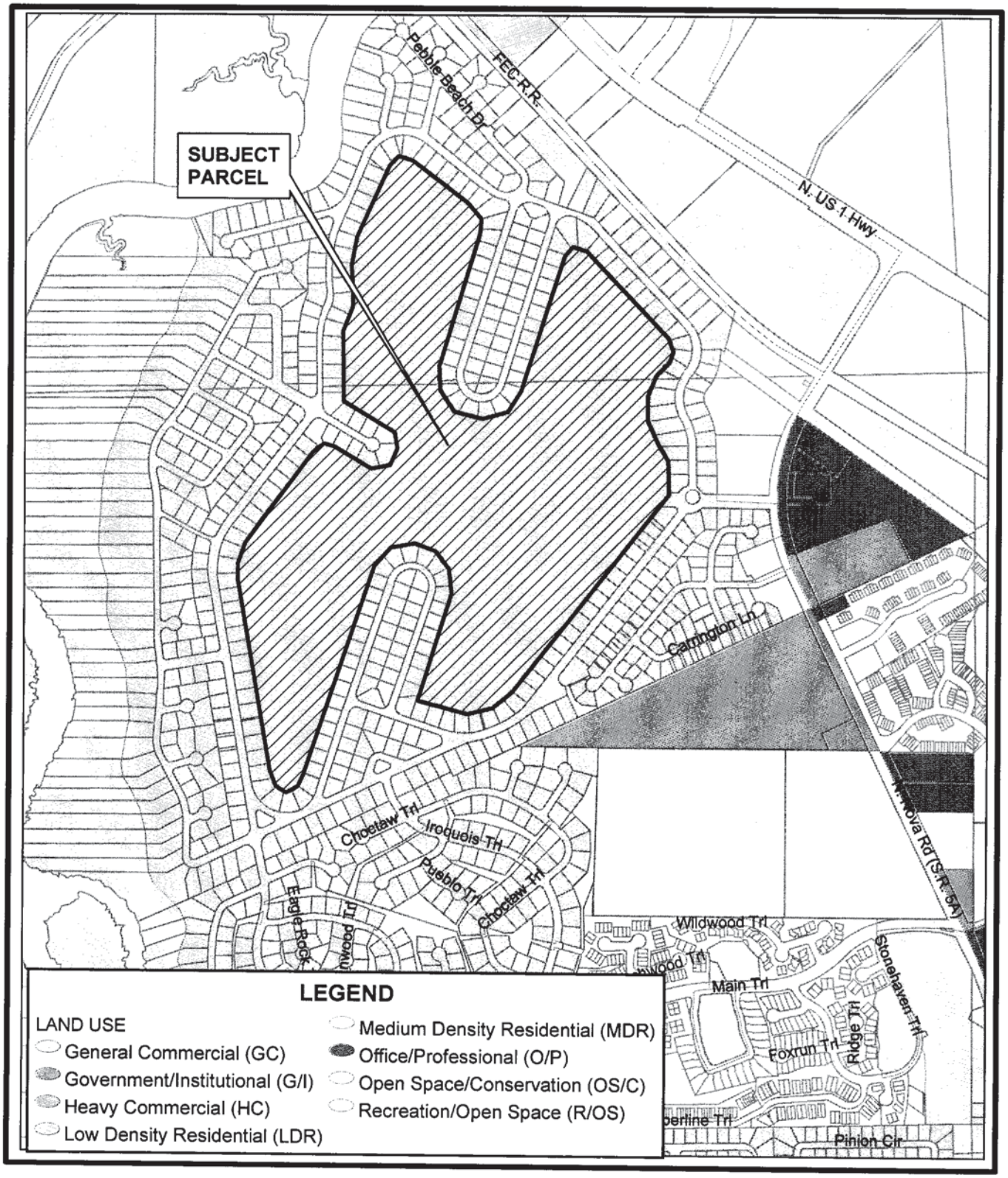
in the previous phase had been initiated and where substantially completed. This condition would not prevent the owner from completing multiple phases concurrently.

- The City staff will investigate the opportunity to provide reuse water to the Tomoka Oaks residences as well as the golf course.
- The owner and City shall research and develop minimum maintenance standards to be included as part of the PRD Development Order.
- The City shall research and remedy, in cooperation with the applicant, any problems to water pressure within the system serving the Tomoka Oaks development.
- Staff to verify that an environmental study for the project had been completed and was technically correct.

Recommendation: It is recommended that the City Commission **APPROVE** the proposed Tomoka Golf Village Planned Residential Development (PRD), thereby allowing the redevelopment of the site for 119-multifamily units (townhomes and condominiums) and 3-single family dwellings, subject to the recommendations of the Planning Board and the outstanding comments of the Site Pan Review Committee, which consist of:

1. It is recommended to include wheel stops. Vehicle bumpers will overhang the planting beds without wheel stops.
2. The newly proposed buffer planting to the rear of the lot number one (1) is inside the pond. Planting is only allowed on the back slopes of ponds.
3. Please provide a littoral planting detail and specifically show where they are to be planted on the pond banks in all applicable ponds. Provide calculation for each pond. Please clarify if ponds are wet or dry. If dry then littoral planting is not required.
4. Provide a note that any tree needed to be removed during construction will require a one for one replacement penalty. Protected trees will require one 2.5" caliper variety and specimen trees will require one 4.5" caliper variety to suit its planting location. Replacement trees need to be Florida #1 at a minimum height of ten feet (10'). CPH will make the determination as to what is best suited for each replacement.
5. There is a floating note on page C6.
6. What is the intent of the utility/access easement near the estate lots? Residents are questioning the intent of this easement.
7. Please remove the asterisk note on page TR-8.
8. General comment: Provide legend to clarify phasing.
9. Sheet C6 – Please include Temporary Construction Entrance in Phase 1A.
10. Sheet C2 – Please provide As Built Requirements for Water and Sewer. It may be prudent to also relocate the As Built Requirements for Roadway Construction from sheet C36. It will probably get missed.
11. Sheet C22 – Consider removing the fire hydrant from the pond.
12. Sheets C45-C47 – Provide Estimated Wet Season Water Table Elevation and Design Pond High Water Elevation to each section.

13. Please confirm through the plat that there will be easements for utilities and lift station.
14. Provide additional fire hydrants to townhouse and condo locations.
15. Provide location of fire department connections.
16. The location of handicap spaces for the clubhouse is unacceptable. Accessible parking spaces shall not cross the roadway and shall be as close to the building as possible.
17. Additional comments pending.
18. Fire hydrants shall be installed at intervals not to exceed 500 feet. Provide location of additional hydrants.
19. Manhole #44 on page C18 need to be lined.
20. Need to update fire hydrant assembly detail.
21. Show how reuse will be connected to existing reuse line or the proposed reuse line to be constructed to the reuse storage pond by Tomoka Oaks.
22. Reuse meter to be provided by owner of make and model approved by the City. A reuse agreement will need to be executed by the owner and the City.
23. Will water master meter be needed or will units be individually metered?
24. It would be helpful to provide match lines on composite utility sheets.
25. All water and sewer lines to be owned and maintained by City to be in public rights of way or 40 foot access and utility easement. An easement or deed is also needed for the lift station.
26. Parking lot lighting, pole heights not exceed 20 feet and maximum wattage should be 250 watts (see Land Development Code Chapter 3, Article 5 Architectural Design Standards, Chapter 3 Page 10). This will impact lighting calculations currently submitted.



CITY OF ORMOND BEACH ★ FLORIDA ★

FUTURE LAND USE MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

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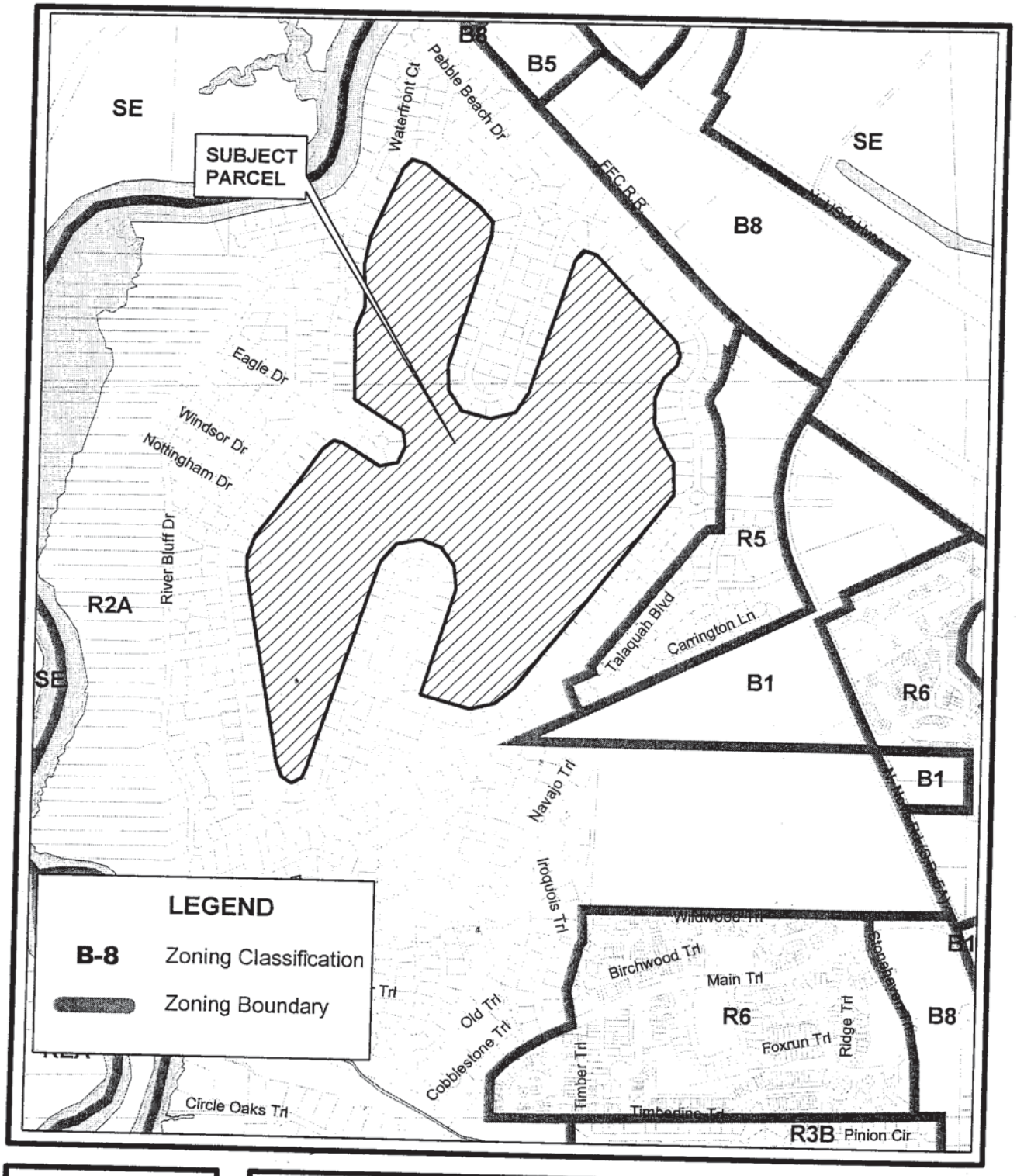

ZONING MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

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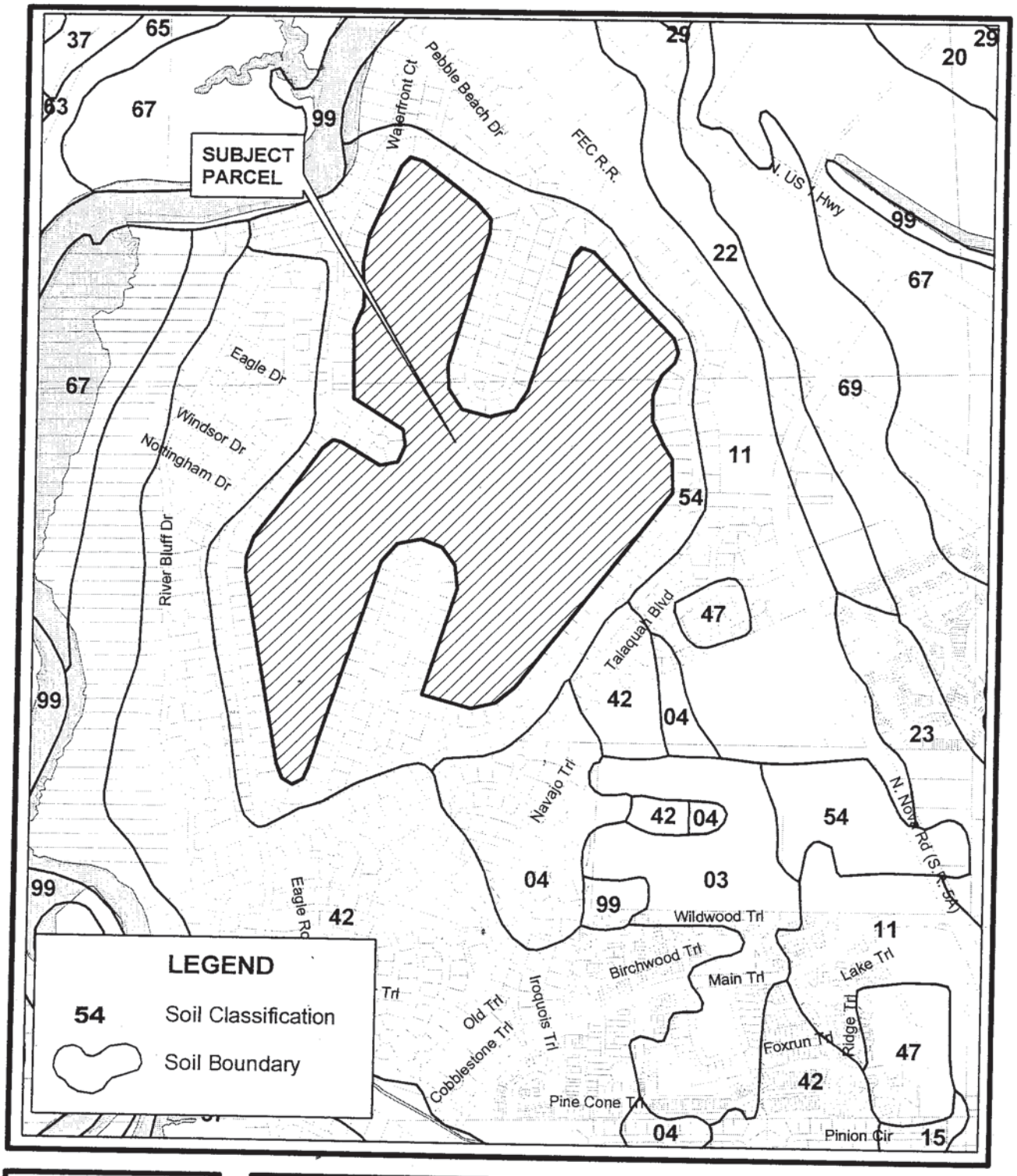

CITY OF ORMOND BEACH FLORIDA

SOILS MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

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Tomoka Oaks Golf Village
Ormond Beach, Florida

Traffic Impact Study

Prepared for Tomoka Oaks Golf Village, LLC
By Lassiter Transportation Group, Inc.
June 2005

Lassiter Transportation Group, Inc.
Engineering and Planning

1

INTRODUCTION

Lassiter Transportation Group, Inc. (LTG) was retained by Tomoka Oaks Golf Village, LLC to prepare a traffic impact study for a proposed 122-unit planned residential development (PRD) to be located within the existing Tomoka Oaks Golf and Country Club. The development will be located on the west side of Nova Road (SR 5A), south of US 1. The project, which consists of 35 townhouses, 84 condominiums, and three single-family dwellings, is expected to be completed and fully occupied by the year 2008. Figure 1 graphically depicts the location of the proposed development.

The existing Tomoka Oaks Golf and Country Club is accessible via Nova Road and Main Trail, with primary access by way of Nova Road. The proposed development will use the existing site drives currently serving Tomoka Oaks Golf and Country Club.

Study Area

The City of Ormond Beach planning department was contacted to determine the project study area. Subsequently, a traffic impact analysis proposed methodology letter was submitted to the City of Ormond Beach on June 6, 2005. The methodology letter is included as Appendix A .The agreed upon intersections and roadways are listed below:

Intersections:
- US 1 at Nova Road
- Nova Road at Tomoka Oaks Boulevard
- Nova Road at Wilmette Avenue/Main Trail
- W. Granada Boulevard at Nova Road

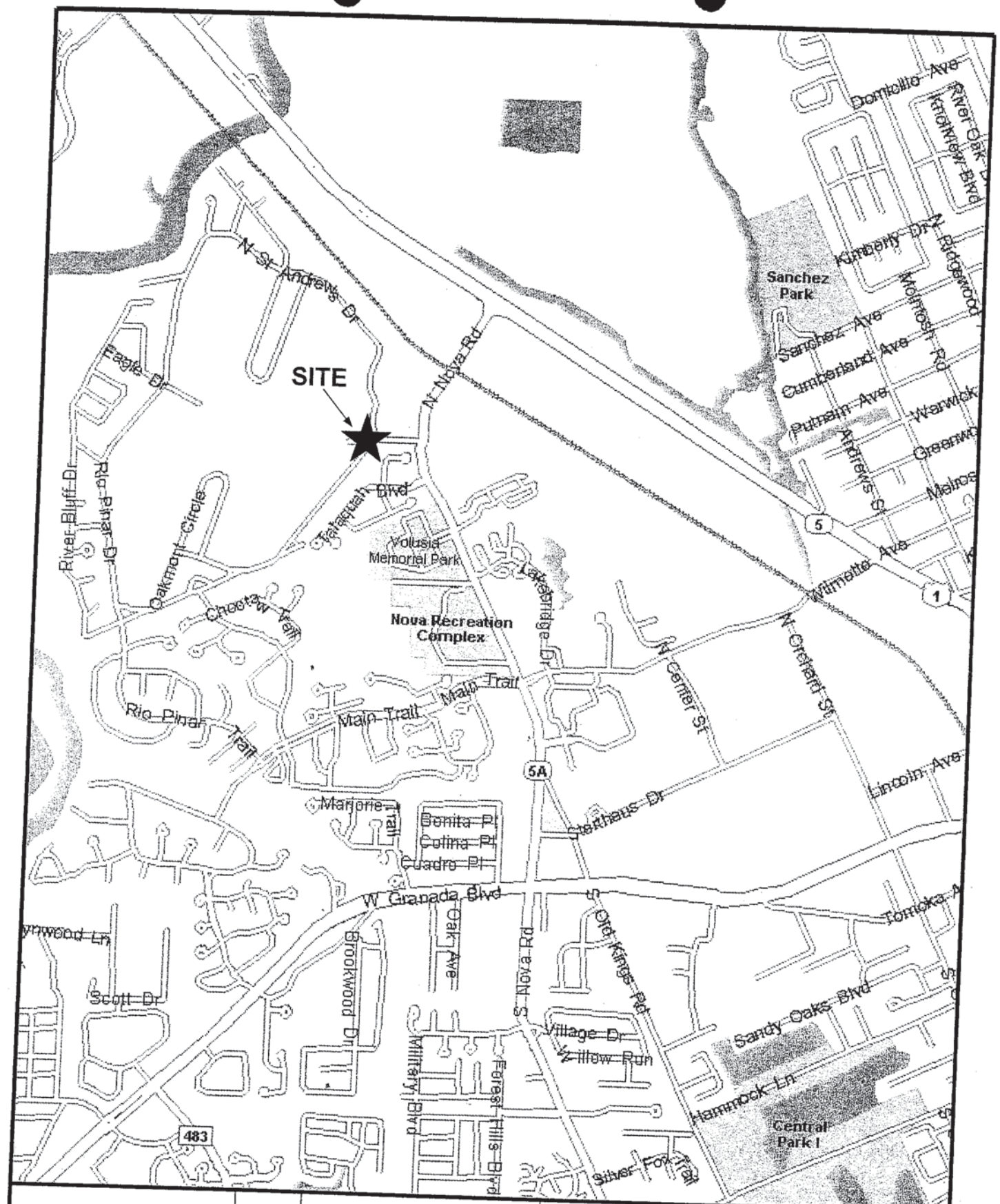
Roadways:
- US 1 from Airport Road to W. Granada Boulevard
- Nova Road from US 1 to Hand Avenue
- W. Granada Boulevard from Clyde Morris Boulevard to US 1
- Wilmette Avenue from Nova Road to US 1

Study Procedures

Standard engineering and planning procedures were used to determine the impacts of the proposed project. Reference data was obtained from the City of Ormond Beach, the Volusia County Engineering Department, the Volusia County Metropolitan Planning Organization (MPO), the Institute of Transportation Engineers (ITE), and the Florida Department of Transportation (FDOT).

Planned Roadway Improvements

The Volusia County Public Works Department and FDOT were contacted to determine if there are any planned roadway improvements in the area. Neither agency has any capacity enhancing improvements scheduled to occur within the next five years in the project study area.



Tomoka Oaks Golf Village	N NTS	**Site Location Map**	*Lassiter Transportation Group, Inc.* *Engineering and Planning*	
		Project No.: 3308.01	Figure 1	536 N. Halifax Ave., Suite 101 – Daytona Beach, Florida 32118 Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

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FUTURE TRAFFIC CONDITIONS

The next step in the analysis was to determine the future traffic conditions on the study area roadways at the time of project completion. The following documents the procedures used to determine the future traffic.

Background Traffic

Traffic on the roadway network will continue to grow due to local development approvals. Traffic growth projections from historic Average Annual Daily Traffic (AADT) counts, as provided by the Volusia County Traffic Engineering Department and FDOT, were used to determine the growth rates for the study area roadways. Using FDOT's *Traffic Trends* software, the average annual growth rates for the study area roadways were determined. The results of the Traffic Trends analyses are listed in Table 5. The *Traffic Trends* analysis worksheets are contained in Appendix E. As a general rule, if a roadway segment experienced an average of less than one percent of growth per year, one percent was the applied growth rate.

Table 5
Average Annual Growth Rates
Tomoka Oaks Golf Village

Roadway	Segment		Average Annual Growth Rate
	From	To	
US 1	Airport Rd.	Nova Rd.	-0.96%
	Nova Rd.	W. Granada Blvd.	-0.90%
Nova Rd.	US 1	Wilmette Ave.	-1.47%
	Wilmette Ave.	W. Granada Blvd.	-1.11%
	W. Granada Blvd.	Hand Ave.	-6.11%
W. Granada Blvd.	Clyde Morris Blvd.	Nova Rd.	-0.14%
	Nova Rd.	US 1	-0.81%
Wilmette Ave.	Nova Rd.	Center St.	1.37%
		Average:	**-1.38%**

Trip Generation

The trip generation for this residential development was determined using the trip generation rates and procedures published by the Institute of Transportation Engineers (ITE) in the document Trip Generation, 7th Edition. The total daily and p.m. peak-hour trip generation for the proposed development is shown in Table 6.

Table 6
Total Trip Generation
Tomoka Oaks Golf Village

Time Period	ITE Code	Trip Rate Equation	Units	Total Trips	Percent Enter	Percent Exit	Trips Enter	Trips Exit
Daily	230	Ln(T) = 0.85 Ln(X) + 2.55	119 MFDU	744	50%	50%	372	372
	210	T = 9.57 (X)	3 SFDU	29	50%	50%	14	14
			Totals:	**773**			**386**	**386**
P.M. Peak-Hour	230	Ln(T) = 0.82 Ln(X) + 0.32	119 MFDU	69	67%	33%	46	23
	210	T = 1.01 (X)	3 SFDU	3	63%	37%	2	1
			Totals:	**72**			**48**	**24**

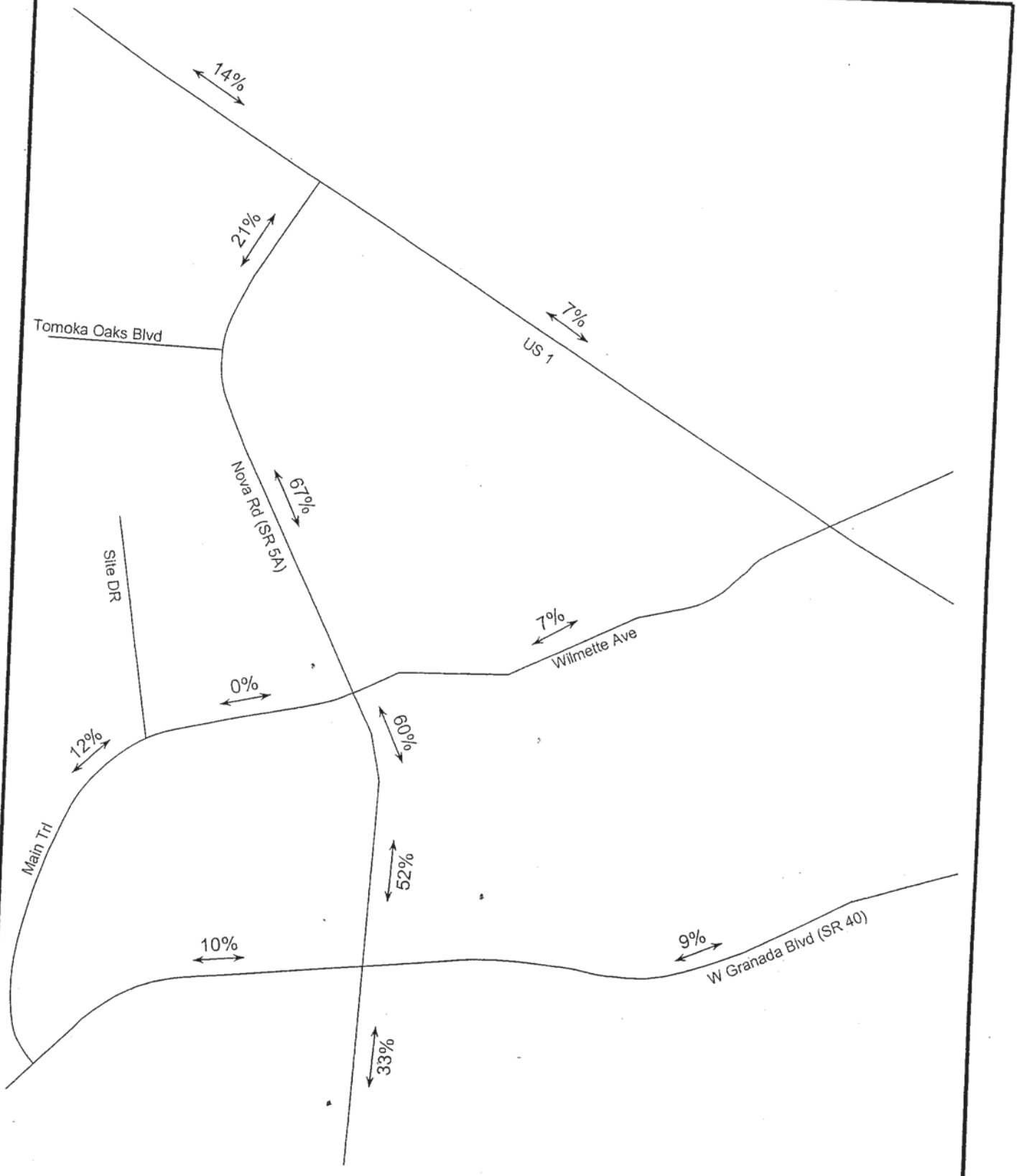
Source: ITE, Trip Generation, 7th Edition, LUC 230, Townhouse/Condominium, LUC 210, Single-Family Dwelling

Trip Distribution

The process of determining the directional flow of traffic associated with a new development is called trip distribution. The Central Florida Regional Planning Model II (CFRPM II), as modified and adopted by the City of Ormond Beach, was used to determine the trip distribution for this project. The process required editing the network to add a traffic analysis zone (TAZ) to represent the location of the project and its general orientation to the adjacent road network. The next step involved converting the land use data for the project to socio-economic (S/E) data which the model uses in trip generation and distribution. The model structure was then run which resulted in producing trip productions and attractions (trip generation) which were then matched with complementary attractions and productions according to statistically determined trip lengths by trip purpose. The model distribution is attached in Appendix F. Figure 3 shows the project trip distribution which was modified to reflect travel characteristics on local roads not included in the model.

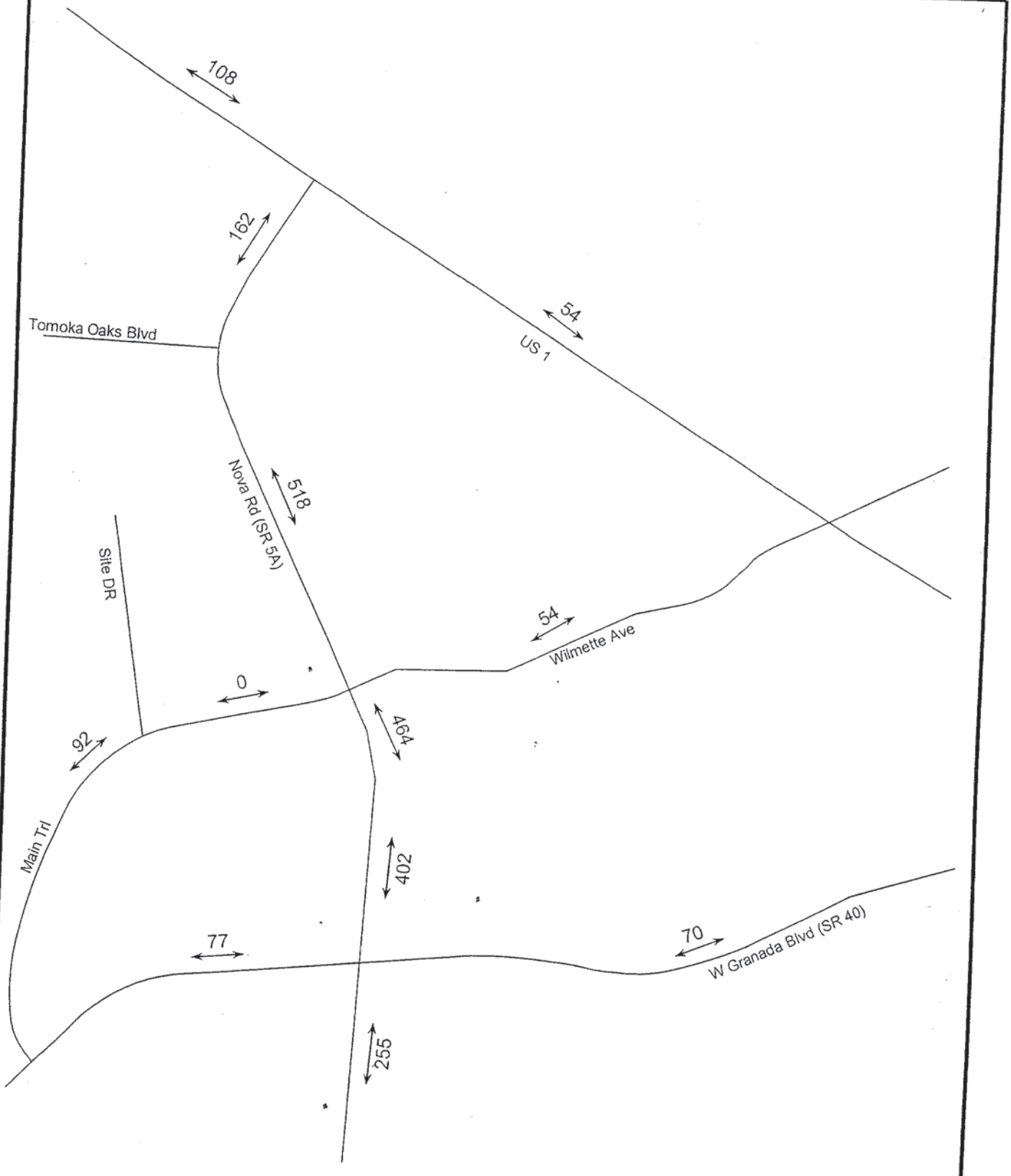
Trip Assignment

The final step in the analysis is to assign the external project traffic to the road network. Figure 4 graphically depicts the external daily project trip assignment. Figure 5 graphically depicts the external p.m. peak-hour project trip assignment.

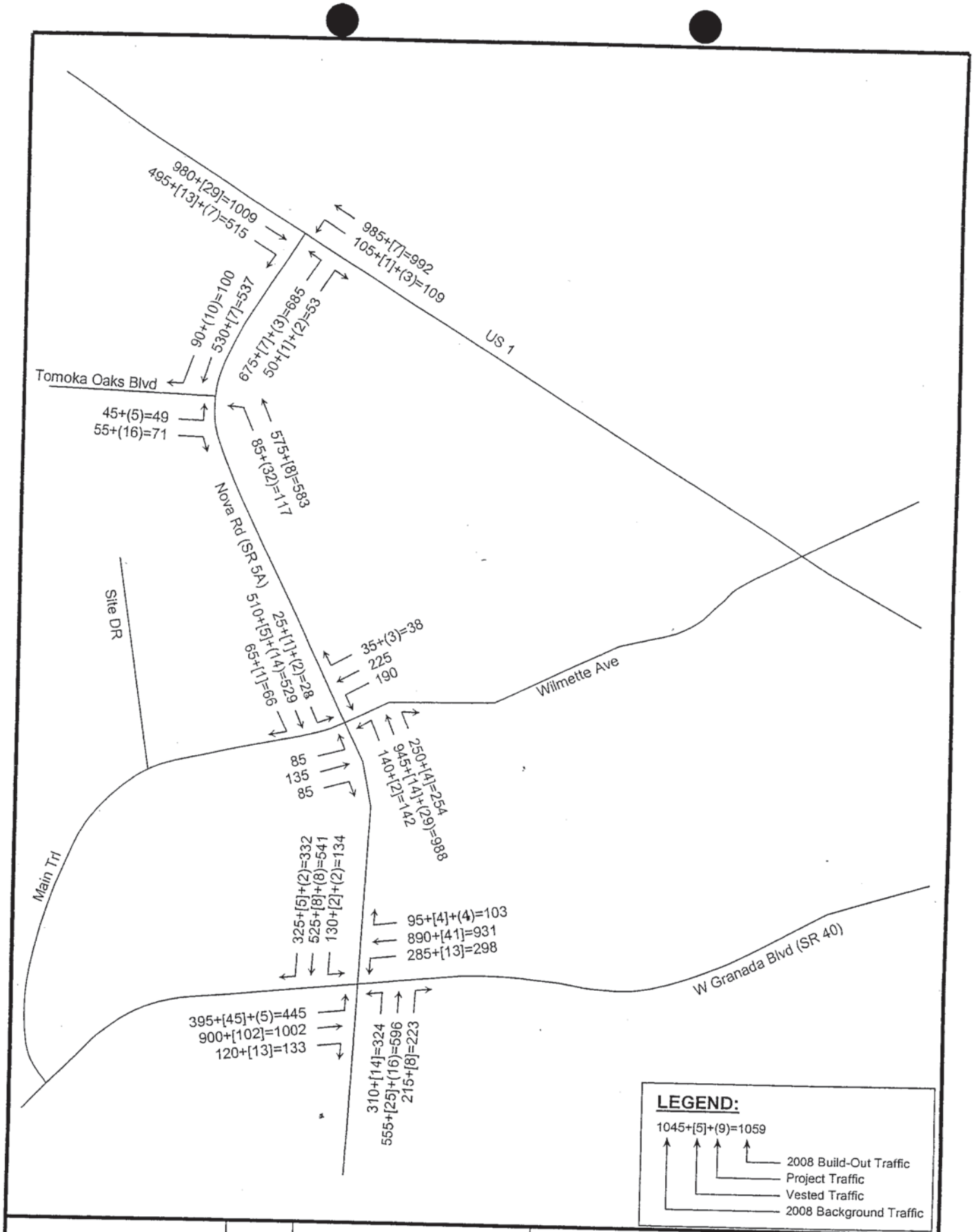


Tomoka Oaks Golf Village	N NTS	**Project Trip Distribution**	Project No.: 3308.01	Figure 3

Lassiter Transportation Group, Inc.
Engineering and Planning
536 N. Halifax Ave., Suite 101 – Daytona Beach, Florida 32118
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227



Tomoka Oaks Golf Village	N NTS	**Project Trip Assignment**		*Lassiter Transportation Group, Inc.* *Engineering and Planning*
		Project No.: 3308.01	Figure 4	536 N. Halifax Ave., Suite 101 – Daytona Beach, Florida 32118 Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227



Tomoka Oaks Golf Village	N NTS	2008 Build-Out Traffic P.M. Peak-Hour	Lassiter Transportation Group, Inc. Engineering and Planning
		Project No.: 3308.01 Figure 5	536 N. Halifax Ave., Suite 101 – Daytona Beach, Florida 32118 Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

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FUTURE ROADWAY ANALYSIS

The critical intersections and road segments were analyzed based on the future roadway conditions to determine potential impacts and to investigate mitigation requirements.

The average annual growth rate was applied to the existing traffic to project the 2008 base traffic. The City of Ormond Beach's daily vested traffic was obtained from the City's current Traffic Concurrency Analysis spreadsheet. The daily vested traffic was converted to p.m. peak-hour turning movements based on a 0.095 K-Factor and the existing turning movement percentages to establish the 2008 background traffic. The 2008 build-out traffic volumes were established by combining the 2008 background traffic and project traffic. Refer to Figure 5 for the 2008 build-out traffic volumes at the study area intersections.

Unsignalized Intersection Analysis

The unsignalized intersection was analyzed to determine the operational LOS at the time of build-out. Table 7 shows the projected LOS for the unsignalized intersection. The HCS summary sheet is contained in Appendix G. As indicated in the table, the Nova Road/Tomoka Oaks Boulevard intersection is expected to operate within the adopted level of service under 2008 build-out conditions.

Table 7
2008 Build-Out P.M. Peak-Hour Level of Service – Unsignalized Intersection
Tomoka Oaks Golf Village

Intersection	P.M. Peak-Hour			
	Adopted LOS	Critical Approach	Delay (sec.)	LOS
Nova Rd. at Tomoka Oaks Blvd.	E	EB	14.8	B

Signalized Intersection Analysis

The signalized intersections were analyzed to determine the operational LOS at the time of build-out. Table 8 shows the projected LOS for the signalized intersections. As indicated in the table, the signalized intersections are expected to operate within the adopted LOS under 2008 build-out conditions. The HCS summary sheets are contained in Appendix H.

Table 8
2008 Build-Out P.M. Peak-Hour Level of Service – Signalized Intersections
Tomoka Oaks Golf Village

Intersection	P.M. Peak-Hour		
	Adopted LOS	Delay (sec.)	LOS
US 1 at Nova Rd.	D	49.3	D
Nova Rd. at Wilmette Ave.	D	45.8	D
W. Granada Blvd. at Nova Rd.	D	53.6	D

Roadway Segment Analysis

The traffic analysis for the road segment involves the comparison of the future daily volumes to available capacity. Table 9 presents the results of the daily road segment analysis for the study area roadways under 2008 build-out conditions. As indicated in Table 9, all study area roadway segments are expected to operate within the adopted LOS under 2008 build-out conditions.

Table 10 presents the results of the p.m. peak-hour directional road segment analysis for the study area roadways under 2008 build-out conditions. As indicated in Table 10, all study area roadway segments are expected to operate within the adopted LOS.

Table 9
2008 Build-Out Daily Level of Service – Roadway Segments
Tomoka Oaks Golf Village

Roadway	Segment		Lanes	Adopted LOS	Daily Cap. at Adopted LOS	Existing Daily Traffic	Average Annual Growth Rate	2008 Daily Base Traffic	Ormond Beach Vested Traffic	Project Trip Distribution	Daily Project Traffic	2008 Total Daily Traffic	LOS
	From	To											
US 1	Airport Rd.	Nova Rd.	4	D	61,800	24,000	-0.96%	24,960	959	14%	108	26,027	B
	Nova Rd.	W. Granada Blvd.	4	D	61,800	20,000	-0.90%	20,800	172	7%	54	21,026	B
Nova Rd.	US 1	Tomoka Oaks Blvd.	4	D	35,700	10,600	-1.47%	11,024	163	21%	162	11,350	B
	Tomoka Oaks Blvd.	Wilmette Ave.	4	D	35,700	10,600	-1.11%	11,024	163	67%	518	11,705	B
	Wilmette Ave.	W. Granada Blvd.	6	D	53,500	21,500	-6.11%	22,360	369	60%	464	23,193	B
	W. Granada Blvd.	Hand Ave.	6	D	53,500	19,000	-0.14%	19,760	955	33%	255	20,970	B
W. Granada Blvd.	Clyde Morris Blvd.	Nova Rd.	4	D	42,300	35,000	-0.81%	36,400	3,505	22%	170	40,075	C
	Nova Rd.	US 1	4	D	35,700	29,500	1.37%	31,117	1,212	9%	70	32,398	C
Wilmette Ave.	Nova Rd.	US 1	2	E	15,600	8,000	-1.38%	8,320	0	7%	54	8,374	C

Table 10
2008 Build-Out P.M. Peak-Hour Directional Level of Service – Roadway Segments
Tomoka Oaks Golf Village

Roadway	Segment		Lanes	Adopted LOS	Peak-Hour Directional Cap. at Adopted LOS	NB/EB Direction				SB/WB Direction			
	From	To				2008 P.M. Peak-Hour Directional Background Traffic	Project Traffic	Total 2008 P.M. Peak-Hour Directional Traffic	LOS	2008 P.M. Peak-Hour Directional Background Traffic	Project Traffic	Total 2008 P.M. Peak-Hour Directional Traffic	LOS
US 1	Airport Rd.	Nova Rd.	4	D	3,230	1,674	3	1,677	B	1,517	7	1,524	B
	Nova Rd.	W. Granada Blvd.	4	D	3,230	1,098	3	1,101	B	1,060	2	1,062	B
Nova Rd.	US 1	Tomoka Oaks Blvd.	4	D	1,860	733	5	738	B	621	10	631	B
	Tomoka Oaks Blvd.	Wilmette Ave.	4	D	1,860	874	32	906	B	600	16	616	B
	Wilmette Ave.	W. Granada Blvd.	6	D	2,570	1,237	29	1,266	B	893	14	907	B
	W. Granada Blvd.	Hand Ave.	6	D	2,570	1,127	16	1,143	B	964	8	972	B
W. Granada Blvd.	Clyde Morris Blvd.	Nova Rd.	4	D	1,980	1,575	11	1,586	B	1,585	5	1,590	B
	Nova Rd.	US 1	4	D	1,860	1,357	2	1,359	B	1,328	4	1,332	B
Wilmette Ave.	Nova Rd.	US 1	2	E	810	415	2	417	C	450	3	453	C

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CONCLUSIONS

This study was conducted to evaluate the impact the proposed Tomoka Oaks Golf Village PRD will have in the City of Ormond Beach. The results of the study are summarized below:

- The proposed development consisting of 35 townhouses, 84 condominiums, and three single-family dwellings, will generate a total of 773 daily trips with 72 trips occurring in the p.m. peak-hour.
- The Nova Road/Tomoka Oaks Boulevard unsignalized intersection currently operates within the adopted level of service and will continue to do so under 2008 build-out conditions.
- All of the signalized intersections currently operate within the adopted LOS and will continue to do so under 2008 build-out conditions.
- All of the study area roadway segments currently operate within the adopted LOS under daily conditions and will continue to do so under 2008 build-out conditions.
- All of the study area roadway segments currently operate within the adopted LOS under p.m. peak-hour conditions and will continue to do so under 2008 build-out conditions.


Current Noise Contours / Complaints
Legend
2006 Complaint
2005 Complaint
Current Noise Contour
Airport Overlay
Proposed Project

A. **PRD 06-32: Tomoka Golf Village Planned Residential Development Rezoning**

Mr. Ervin said that the application was to rezone 147 acres (the existing Tomoka Oaks Golf Course), which was surrounded by the existing Tomoka Oaks subdivision. He advised that the Land Use designation was Low-density Residential, which allowed a density of up to 4.3 units per acre (4.3 u/ac) and had a current zoning of R-2 (Single-family Low Density), which required lots with a minimum of 10,000 square feet and minimum dimensions of 100' x 100'. He said that the zoning was consistent with the existing homes in Tomoka Oaks and in neighboring developments such as The Trails.

Mr. Ervin recalled that in 2005, the property owners (RTH, Inc., represented by Dr. and Scott Ryals) met with staff and identified their desire to redevelop the golf course so that they could 1) maintain the golf course and 2) generate additional revenue. He said that staff had been surprised to note that the land use and zoning were something other than Open Space/Recreation, typical for such properties, and that the owners had the right to develop the property.

Mr. Ervin acknowledged some confusion expressed by residents of the area and explained that based on the land area, the owners could theoretically develop up to 632 single-family homes; however, because of the size and shape of the property, and the incorporation of roads, stormwater and open area, the number of homes that could be accommodated would realistically be reduced to about 300.

Mr. Ervin said that the applicants had been advised of the concerns of adjoining property owners, noting that the subdivision was one of Ormond's nicer communities and one of the few areas in which homes backed onto a golf course. He said they had relied upon the golf course and bought their properties believing that the golf course would always be there. He said that because the owners had development rights established by the existing land use and zoning, Staff had identified the concepts of clustering the homes and orienting the units to have the least amount of visual impact.

Mr. Ervin said that staff was also concerned with the possibility of leaving room for future development of the remaining portion of the golf course by clustering the homes; therefore, while the staff recommended approval of the proposal, staff also recommended that the development order blanket the remaining golf course property with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

Mr. Ervin informed the board that the project had been in review with the City for about a year and that the staff focused on ensuring that the development not create negative impacts for the existing neighborhood. He said that they determined that by shifting the existing driving range towards the northwest and concentrating the condominiums around a relocated and revamped clubhouse, the new construction would not be close to the existing homes along the 18th, 9th and 10th holes. He said the project also proposed to locate 35 townhomes towards the northeast portion of the site with access by an entrance road off of Tomoka Oaks Boulevard and to locate two condominium buildings near the updated tennis center.

Mr. Ervin reported that staff had spoken with many residents of the area and noted that for the record, the Board had been provided with a copy of an e-mail from Ms. Linda Lewis, who had expressed concern with the buffering of the three estate lots proposed for the northwest area of the golf course. He said that Ms. Lewis had enjoyed an open space behind her home and was afraid that the location of the easement for a sanitary sewer line would result in the removal of the existing trees. He reported that the City's engineers and applicant had confirmed that they would consider utilizing a directional dig; therefore, there would be no open-earth excavation of the land and the existing trees could be preserved and protected. He said that the applicant would be required to follow through with that requirement.

Mr. Ervin said that the existing residents were concerned with the number of trees that could be impacted by the project; he stated that the applicant met or exceeded the City's tree mitigation standards because of the additional plantings around the buildings that would be utilized as visual buffers. He said that the plans included the tree mitigation calculations that showed number of trees to be removed and the number of trees to be replanted.

Mr. Ervin pointed out that the City required all multi-family buildings to maintain a minimum of 200' from any single-family home and said that the cart paths had been designed for emergency access; they provided an alternative access route to the properties if the spine roads were damaged or otherwise inaccessible. He said that the design also called for decorative pavement leading into the main drive, the townhomes, tennis center, and updated/relocated clubhouse.

Mr. Ervin displayed the plan layout and typical elevations and noted that staff had also required the architecture to be consistent with the existing development in Tomoka Oaks. He showed renderings of the 3-story golf villas and pointed out that there would be underground parking facilities to minimize the amount of impervious surface. He noted that sub-surface parking was possible because the site was very well-drained, with a low water table.

Mr. Ervin acknowledged that Board Member Jorczak and Mr. Larry Stout of the Airport Advisory Board had questioned whether the additional density and intensity proposed might violate the City's Airport Overlay Zone. He explained that Airport Overlay District comprised areas for which there were concerns regarding noise impacts that would result from the airport. He recalled the overlay issues presented to the Planning Board in the past and said that they had not been able to use the 60 DNL (day and night noise level contour), shown as a star-shaped zone, because it did not meet certain statutory and federal requirements. He said the City instead utilized the "iron cross" contour (a legally defensible method of establishing the noise levels) and stated that the project was located outside both the 60 DNL line and the City's adopted "iron cross" contours.

Mr. Ervin said that per Mr. Jorczak's request, staff looked at source of the noise complaints. He said that such complaints had been documented when the City was embattled with the decision as to whether or not to expand Runway 17-35; he pointed out on the map that the complaints had been identified as closer to the airport than the project location. He said that Mr. Jorczak and Mr. Stout had also questioned if there was a way to ensure that future purchasers of property in the area were aware that they were buying near the municipal airport, i.e. a kind of due diligence warning.

Mr. Ervin said that the staff report included technical analysis to show how the project complied with the city's concurrency requirements (water, sewer, stormwater and roads), identified zoning and land use issues, and summarized why the City staff recommended approval of the project. He reiterated that a number of Tomoka Oaks residents were unhappy with the project because they felt the golf course had not been properly maintained and worried that the project would just increase the problems they faced.

Mr. Ervin explained that Staff had to look at the proposal from a technical perspective in regard to land use and zoning and said that the proposed plan was considerably less intense than what could be developed there. He reiterated that Staff had made the applicant aware of the concerns, made sure that the development was compatible with the neighborhood, had no negative impacts on the existing residents and preserved the golf course. He agreed that it would be wonderful to retain the property as open space, but reminded everyone present that they had to respect the property rights of the property owner, who already had development rights on the property, given the land use and zoning. He

emphasized that the proposal de-intensified the project, concentrated the development and ensured that the impacts would be minimal.

Mr. Jorczak asked if there was a mechanism that the City could employ to notify potential purchasers of the proximity to the airport.

Mr. Ervin replied that there was nothing in the City codes to mandate such notification. He said that the Board could identify that as a concern and as a condition for their approval. He said that the applicant could decide to accept the condition; if they chose not to accept it, the City would then have to decide whether to impose the condition as a part of the rezoning request.

Mr. Thomas questioned why there were fewer noise complaints in 2006, than in 2005.

Mr. Robert Hernandez, Ormond Airport Manager, said that voluntary airport procedures and traffic patterns established prior to his tenure tried to limit the air traffic to the north and west sides of the airport as much as possible. He said most of the current complaints were being generated from the area east of the airport, where much of the training was conducted, and that there were a number of homes on that departure corridor. He explained that air traffic expanded and contracted in all directions and that although he would not say that there would be no aircraft over the proposed community, he felt the Tomoka Oaks residents were getting the benefit of the established voluntary procedures for noise control.

Chairwoman Press clarified with Mr. Ervin that the applicants had the right under the current zoning to remove the golf course and develop the entire area with houses, but that the proposed PRD (Planned Residential Development) would limit the residential development to 122 units and would require a conservation easement over the remaining portion of the golf course to prevent future development of that land. She asked if the development order, as proposed, would preclude the applicants from building any more than the 122 approved residential units on that property.

Mr. Ervin concurred.

Chairwoman Press stated for the record that she had requested an on-site review of the proposal and had toured the property with the owners. She said that she had learned that many of the roads would not be paved and asked who would be responsible for maintaining those roads.

Mr. Ervin responded that the maintenance of the roads would be the responsibility of the developer at first, but that the homeowners' association that would be created would ultimately be responsible for the maintenance of all grounds on the project.

Chairwoman Press asked if the roads met City standards.

Mr. Ervin said that the City required roads to be constructed with a 6" sub-base, 6" base and 1.25" of asphalt; he said that roads were generally designed for a 15 to 25-year life. He assured the Chairwoman that those standards applied to the subject roads. He pointed out that the emergency access/cart path type of roads might not be topped with asphalt, but would be stabilized and had to meet minimum standards established by the Code for emergency access areas. He said it was a common practice and had been utilized in other projects, such as Broadwater, Breakaway Trails, Aberdeen, etc. He noted that breakaway fences were utilized in emergency access areas.

Chairwoman Press asked if the order of the project phases could change.

Mr. Ervin responded that the development order would identify the project phases and that the applicants would have to adhere to the phases, as stated. He acknowledged that the residents of Tomoka Oaks were concerned that the applicants would build the residential units without completing the other improvements and said that was the reason for the phasing. He reported that Phase 1 would involve the relocation and construction of a new tennis facility, Phase 1B would include demolition of the existing parking lot and clubhouse, Phase 1C would be the completion of the townhomes, golf and tennis areas, and the clubhouse would be completed in Phase 2B. He noted that the amenities would correlate with the new homes being developed. He also acknowledged that the applicants were being required to upgrade the appearance of the golf course.

Mr. Thomas disclosed that he also toured the facilities and met with the applicant.

Mr. Robert A. Merrell, 150 Magnolia Avenue, Daytona Beach, representing the applicant, stated that he was also a resident of Ormond Beach. He thanked City staff for their very thorough report, particularly with regard to comprehensive plan consistency and code compliance. He stated that the project had evolved into a better product during the year-long process of working with City staff.

Mr. Merrell said that the project was the "poster child" for Smart Growth principles. He explained that the concept of smart growth was predicated upon the belief that the population would continue to grow and that people would continue to move into the area. He said that smart growth addressed the issues of where people would live and work, the redevelopment of urban areas, clustering development in areas where services were already available (fire stations, police stations, utilities) and clustering to preserve open space and recreation areas.

Mr. Merrell presented slides of the property, some with the proposal super-imposed over the existing development. He pointed out that the development would include demolition and rebuild of the clubhouse and pool area and the tennis center. He explained that the new three-level clubhouse facility would house partial underground golf cart storage; dining areas, kitchen and banquet facilities, a lounge area, pro shop, locker rooms, and surrounding covered porch on the middle level; offices, executive offices, and a sky lounge on the upper level. He added that there would be a tiki bar overlooking the new pool area.

Mr. Merrell pointed out the proposed condominiums and maintenance facility to be located near the tennis center and said that the redevelopment of the golf course would include bridges and new lakes that would store reuse water from the City's effluent plant. He mentioned that there would be fountains and that comfort stations would be constructed for the golfers and would include under-cover golf cart parking and vending machines.

Mr. Merrell explained that 30 two-story townhomes would be constructed at the northeast corner of the property, access to be by way of the road from the main entrance by the clubhouse. He showed the floor plans of both the townhomes, as well as the three-story condominiums with substantial balconies. He added that the three single-family estate lots would be located near Holes 11 and 16.

Mr. Merrell repeated Mr. Ervin's statement that the proposed project was consistent with the comprehensive plan and met all the criteria in the Land Development Code (LDC) for the PRD rezoning. He stated that the existing R-3 residential zoning (Staff note: actual zoning is R-2) and the future land use classification allowed development at up to 4.3 units per acre over the entire 147 acres. He agreed that it was unusual for a golf course to have a residential zoning, saying that they were typically zoned for

Recreation/Open Space, with the surrounding homes zoned for residential. He speculated that the original developer wanted to have an exit strategy in case the project did not succeed.

Mr. Merrell thought that the proposal would make the community proud, given the cluster of the residential units and the dramatic improvement of the amenities. He said that the golf course had suffered in the last couple of years because of the 2004 hurricanes, September 11th and the construction of Nova Road. He said that the purpose of the proposal was to reverse that trend. He said many times there were issues that were not raised until the first public hearing; he hoped the residents would be receptive to the plans.

Mr. Thomas stated that he wanted to discuss the traffic study, since the residents of Tomoka Oaks were very concerned about the traffic.

Mr. Merrell agreed that traffic issues were a concern with any new development and restated that they would be adding 122 residential units, even though the property was entitled to far more homes. He said that a traffic analysis completed for the project had considered the anticipated increase in trips, all of the intersections that could be affected and all of the road segments that could be affected. He said that the model used was one that was accepted by the City and the County; that study had indicated that there were no level of service problems. He recognized that there were traffic issues with some projects in the city at present, but that the widening of, and intersection improvements along, Nova Road had helped the traffic situation in the area of the subject. He reiterated that the project would not cause a level of service problem on any of the intersections or affected roads.

Mr. Thomas asked if the residences would be primarily occupied by full-time residents or whether the applicant anticipated residents for whom the units would be second homes.

Mr. Merrell stated that they felt there would be some part-time residents, but that the traffic analysis was predicated upon full-time residents. He added that even increasing trips at the peak hours did not produce traffic problems.

Mr. Thomas noted that he was trying to ask questions on behalf of the audience, since they had not had an opportunity to look at the traffic study, as had the board members. He asked what the traffic counts could be estimated to be if the property was instead developed with 300 single-family homes.

Mr. Sans Lassiter, President of Lassiter Transportation Group, 123 Live Oak Avenue, Daytona Beach, and resident of Ormond Beach, said that the study was based on a trip generation rate of 119 multi-family dwelling units and three single-family dwelling units. He explained that multi-family, as proposed, was a lower trip generator (about 6-7 trips per unit per day); therefore, the estimated number of daily trips generated by the proposed development was approximately 773. He further explained that 350 single-family residences (about 10 trips per day) could be expected to generate 3,500 daily trips. He concluded that the proposal represented a significant reduction over what could be done otherwise.

Mr. Lassiter agreed with Mr. McCoy that the trips in the study shown as vested were those trips for the development in Tomoka Oaks that had already been approved and for which the consultant had to account.

Mr. Merrell stated for the record that the applicant had agreed to install the utilities in such a way as to not damage the existing trees. He also mentioned that by approving the rezoning to Planned Residential Development, the resulting agreement (development order) would restrict the open space and golf course

area in perpetuity; he said that the applicant had agreed to a deed covenant (conservation easement and reciprocal covenant among all of the owners on the property) that would assure that the property would forever remain recreation/open space.

Chairwoman Press questioned the distance from 23 Pine Valley Circle (the home from which one of the photos was taken) to the golf village townhomes.

Mr. Ervin said that the closest point between any single-family residence and a multi-story building would be 225'. He said that the distance was 300' at the location in question, since the dimension was tied to the fairway (225', plus the fairway). He reiterated that the primary focus was to keep the buildings inside the fairways and away from the existing homes.

Mr. Jorczak asked if there would be any mechanism in place that would preclude the subsequent homeowners' association from turning the development into a private operation to exclude the public.

Mr. Merrell said that the Covenants and Restrictions and the condominium association Declaration would prevent that.

Mr. Thomas asked if there was any conceivable way that it could happen.

City Attorney Hayes said that although nothing was 100% guaranteed, he felt there were enough layers of protection that future development should not be a serious concern in the future.

Mr. Merrell said the applicants would agree to include whatever language that the city attorney deemed appropriate and necessary to assure that outcome.

Mr. Thomas understood and said that his concern was because the board and the residents had all heard the word "never" in the past.

Mr. Merrell elaborated on the city attorney's comments, saying that the discourse was in the public record and that coupled with the binding documents, would provide the City with an enforcement mechanism. He said the restriction was as fool-proof as they could make it.

City Attorney Hayes said that the City would make sure that the development order was drafted to make it as difficult as possible to undo.

Dr. Grissom inquired as to who would be responsible for the maintenance of the golf facilities.

Mr. Merrell said that maintenance would continue to be the responsibility of the owners of the golf course. He noted that only the residential units would be sold.

Dr. Grissom asked if the owners, as the condominium association or homeowners association, could have the prerogative to change the Covenants and Restrictions or Declarations of Condominium or any of the parameters include therein.

City Attorney Hayes replied that he did not think they could because it would be a condition of the development order, and would in fact be a violation of the development order, which had perpetual existence. He thought it would also be in violation of the recorded covenants and restrictions. He said that in reality, he did not think it could occur.

Mr. Merrell voiced his opinion that it would arguably require the City to agree to lift the deed covenant.

City Attorney Hayes reiterated his belief that there were enough layers to provide a sufficient safety net.

Mr. Jorczak thanked Mr. Ervin for his efforts to answer the questions regarding the airport issue on short notice. He thought that the applicants might find it beneficial when marketing the properties to promote the airport as an easy way to access their second homes. He remarked that municipal airports everywhere were under assault and felt it was very important that potential purchasers be notified that there was an airport nearby. He mentioned that the airport was a vital tool in shifting the City's tax base away from solely residential properties toward some industrial uses, what the City was hoping to achieve with the proposed Ormond Crossings development and which he felt was important. He said that there would always be noise associated with the airports and said that he anticipated an increase in use of the airport by the new very light jets, since they were more economical for businesses to purchase for both private use and for air taxi services .

Mr. Lewis Slaughter, 53 North St. Andrews Drive, thought that there would need to be a traffic light at the intersection of Tomoka Oaks Boulevard with Nova Road.

Mr. Mark Tolle, 54 Oakmont Circle, asked if there had been an environmental impact study conducted for the property. He reported that the property was currently home to a large breeding population of raptors, including great bard owls, screech owls, scissor-tail kites, swallow-tail kites (a species of special concern for the state of Florida) four species of pileated woodpeckers, and was a migratory stop for painted grosbeaks, American gold finches, etc.

Mr. Ervin said that because the site had already been impacted by development and was surrounded by existing homes, the property did not meet the City's criteria for requiring an environmental assessment report. He said that staff was aware that the area was home to migratory birds and that they had checked with Florida Fish & Wildlife to see whether or not nesting bald eagles or other endangered species had been identified there. He said that unless they had such documentation, a study could not be required; he said staff would seek verification as to whether or not the property was home to the variety of different species identified and whether or not there was a need for additional protections prior to scheduling the item for presentation to the City Commission.

Mr. Tolle referred to Dr. Grissom's comment regarding the ongoing maintenance of the property and said he did not believe that the golf course property was currently being maintained by a professional golf course management company. He opined that the course was in deplorable condition, far beyond simply lack of irrigation; he questioned the ability of RTH to maintain the golf course in an acceptable manner and cited the maintenance equipment and level of maintenance, saying that the course was not very playable and the reason why it was an inexpensive to play there.

Mr. Todd Hendricks, CPH Engineers, 520 Palm Coast Parkway, Palm Coast, said that the firm was the civil engineer for the project. He advised that Mr. Joe Young of Biological Consulting Services had performed an environmental assessment on the project and found no concerns that would prohibit the project from moving forward.

Longtime resident Ms. Susan Reynolds, 17 Oakmont Circle, agreed that the condition of the course was deplorable and likened it to living on a horse pasture in Ocala. She pointed out that any CADD technician could make the renderings of the proposed project look beautiful and noted that the project would require the developers to remove the bulk of the trees. She stated that the existing trees were not maintained and

thought that from a safety standpoint they should be required to remove those that had died. She thought that provisions for maintenance of the trees should also be written into the development order. She disagreed that the condition of the course was due to hurricanes, September 11th, or the Nova Road construction.

Ms. Reynolds thought that the proposal was better than allowing 300 homes to be built, but thought that the existing vegetation would also be allowed to die, because the buildings would be constructed over the root systems, which were already stressed.

Mr. Paul Momberger, 100 North St. Andrews Drive, stated that he lived on the 3rd Hole and that he felt the plan included buffers that would negate any impact on the adjacent residents. He noted that part of the reason that the grass did not grow was because there were so many trees. He stated that the infusion of new money for development would bring new life to the golf course and hopefully, help with the maintenance issues. He agreed that it needed to be improved and felt that the proposal was part of the solution. He added that the redevelopment of the clubhouse would also provide social benefits for the community. Mr. Momberger said that he supported the project.

Mr. Adelaide Mathew, 54 South St. Andrews, another longtime resident agreed and said that the 2004 hurricanes had left dead trees that had yet to be taken down. He questioned the proposed underground parking.

Mr. Ervin explained that not all of the parking spaces would be underground. He said that portions of the required condominium parking would be underground and townhome parking would be in garages and on the driveways (above grade).

Mr. Frank Bullard, 115 Rio Pinar Drive, questioned the effect of the new development on the water pressure in the area, which he said often fluctuated by about 30 pounds, depending upon the time of day. He asked if the current residents would be able to utilize the upgraded utilities that would be a part of the new development.

Mr. Ervin said that the development would utilize the existing water mains serving Tomoka Oaks and would have a loop system to maintain the water pressure. He said he had not been aware of a water pressure problem in the area, but assured Mr. Bullard that his comments would be forwarded to the Utilities staff and addressed prior to any City Commission meeting. He mentioned that the City's Fire Department periodically reviewed the water pressure to ensure that there was adequate fire flow pressure throughout the city.

Chairwoman Press again mentioned that the hearing at the advisory board level was a way for the public to ask questions and raise concerns; she encouraged the residents to attend the City Commission meeting, at which time the final decision would be made.

Ms. Sharon Kist, 68 Oakmont Circle, confirmed that there was a water problem in Tomoka Oaks and asked if the new amenities would be available for use by the current residents or whether they would be restricted to use by the owners of the condominiums.

Chairwoman Press said it was her understanding that there would be six tennis courts and assumed that they could be used by the residents.

Ms. Kist asked City staff to check on the water pressure in that area. She remembered that she had once been told that it was a problem at her house, rather the pressure.

Chairwoman Press said she thought that there was a problem with the water pressure throughout the city.

Ms. Christine Goudreau, 115 North St. Andrews Drive, asked about the hours of operation of the courts; she also questioned the light and sound that would emanate from the facility area.

Mr. Ervin said that the hours of operation had been identified by staff, as had the height of the lighting. He said that there were some conflicting requirements, because the police wanted the lighting to be higher and brighter, while staff wanted to keep the lighting lower and less bright. He said that the goal was to prevent spillover lighting onto the properties of the existing residents by utilizing lower lighting, trees and limited hours of operation to prevent the lighting impact.

In response to Mr. McCoy's request, Mr. Ervin advised that whether or not the amenities would be open for use by the residents was a decision to be made by the applicants.

Mr. Jorczak asked if there was a national standard for golf course maintenance and if so, whether it could be applied to the Tomoka Oaks course.

Mr. Ervin said he did not know, but would check into it.

Mr. David Ponitz, 90 North St. Andrews Drive, stated that both Mr. Ervin and Mr. Merrell had done a good job representing the development. He said he was pleased that none of the townhomes or condominium units were directly behind any abutting properties and asked if the development order could include a statement that specified the acreage to remain open space. He thought that perhaps that acreage could be zoned to ensure that it would remain open space.

Mr. Merrell explained that the planned development zoning did differentiate between the residential and recreational components, i.e., it was essentially a custom zoning for the property for which the development order dictated what could or could not be done as a result of the rezoning process. Every individual use (golf course, tennis courts, etc.) would be identified on the plans, which would become a part of that development order.

Mr. Ponitz said that in exchange for special development orders such as that being sought by the applicant, the City had an opportunity to ask for things above beyond what was generally required by the Land Development Code regulations. He asked if the City could ask the applicants to increase the size of the replacement trees.

Chairwoman Press asked the planning director to address the tree mitigation.

Mr. Ervin explained that Mr. Ponitz referred to the City's specific prohibitions regarding tree removal. He said that trees that were removed had to be mitigated; i.e., they had to be replaced. He said that the number of replacement trees was based on the size (diameter) of the tree being removed, not necessarily on a 1:1 basis. He said that protected trees were those 6"-12" in diameter as measured at four feet (4') above grade; replacement trees had to be a minimum 2.5". Specimen trees were those between 12" and 36" in diameter; replacement trees had to be larger, with a fuller canopy. He added that removal of trees over 36" in diameter required City Commission approval. He said because of the size of the project and

the existing trees on site and given the proposed landscaping plans, Staff felt it was appropriate to require them to adhere to the City's regular standards as they would for any development.

Mr. Ervin concurred with Mr. Ponitz that the PRD was a discretionary zoning for which the Planning Board and City Commission had the right to ask for mitigation above and beyond what was required by Code. He mentioned that the City's minimum requirements were also specific in regard to native and xeric landscaping, i.e., plantings that could survive in periods of drought. He said that the applicants utilized many different species, such as oaks, pines and magnolias, as well as decorative elements such as crape myrtles, etc., to accentuate the perimeter of the property. He said that some plants would be used in close proximity to the buildings to enhance the architecture being used. He further detailed the proposed landscaping and advised the board that it was within their purview to require an increase in the size of replacement trees if they felt it was justified.

Mr. Lewis Slaughter, 53 North St. Andrews, stated that he was in favor of the project and thought it would be a major asset to the city. He was pleased with the two new lakes that had been dug and said that the reuse water would help the look of the course tremendously. He asked if there could be a light installed at the intersection of Tymber Creek Road and Nova Road.

Mr. Sans Lassiter, Lassiter Transportation Group, said that whether or not a traffic signal would be warranted was the first thing that they had considered, but that they had not been able to show that intersection as warranting a traffic signal. He explained that Nova Road was a State Road and that the DOT (Department of Transportation) had very strict standards for when they would or would not allow a traffic signal; he said that the intersection did not come close to the threshold, mainly because the primary trips to and from the project area were from the south on Nova Road.

Mr. Slaughter stressed his support for the project and said that by their ability to attract more members, they would be in a better position financially to maintain the golf course. He asked if there would be an opportunity, in conjunction with the redevelopment of the golf course, for the adjacent homeowners to connect to the City's reuse system to reduce the need for private groundwater wells in the area.

Mr. Ervin commented to Mr. Ponitz that Mr. Hendrix wanted to discuss the request for upsizing the landscape mitigation.

Mr. Ervin also responded to Mr. Slaughter that the provision of reuse water to the residents adjacent to the golf course would be an expensive City of Ormond Beach public improvement project that would require the expenditure of capital improvement dollars. He said the City Commission had identified the South Peninsula area as the No. 1 priority and said there were other improvements that had been identified for completion in the next 5 -10 years. He said that the extension of the reuse water had not been identified as a capital improvement that could be funded in the next 5-10 years. He said that the City could consider it for future funding and that there might be an opportunity to utilize grants from the Water Management District, but reiterated that it was not currently identified as a priority.

Ms. Zella Wilen, 48 Oakmont Circle, said she was also a long-time resident. She objected to the rezoning request, as well as the request to construct streets across privately-owned business property. She did not want Tomoka Oaks Boulevard to be approved for extension or connection to any planned street. She also objected to the increased traffic that would be created by the new development.

Ms. Wilen referred the Board to the City archives (September and November, 1970); she said that there had been a rezoning issue raised and the homeowners had retained an attorney to argue against the zoning

change to R-5. She said that the homeowners had prevailed. She thought that if the proposal proceeded [to the City Commission], the Tomoka Oaks HOA Board of Directors should alert and notify every one of the homeowners in Tomoka Oaks of the rezoning request, not just those within the 300' radius of the project. She said she equated the request for the PRD to the prior request to rezone the property to R-5.

Chairwoman Press pointed out that the meeting would be advertised in the newspaper.

Mr. McCoy noted that the advertisement was countywide.

Dr. Gerald Gibb, 69 North St. Andrews Drive, stated that the traffic report was based on data, [not experience]. He said that the reason that most of the traffic turned southbound on Nova Road because it was too dangerous to turn northbound. He also stated that the construction would occur over a period of time and that construction workers would come and go at the same time as the residents, exacerbating the traffic in the area. He questioned if there was to be a traffic management plan during the construction of the project.

Mr. Lassiter agreed that for the "Existing Condition", the consultants could only count the traffic that did turn, not the traffic that might want to turn but did not. He felt it important that they understand that their Future Conditions analysis used the Urban Area Model, which distributed traffic without regard to congestion. He explained that the model looked at the major distribution points north and south on Nova Road up to US1 and in other parts of the city to determine the more likely direction traffic would go if there were no congestion. He felt that their analysis was absolutely correct.

Mr. Lassiter also liked the idea of a construction traffic management plan and said that they would recommend identifying routes for the resulting traffic. He reminded the Board that that the 770-trip per day increase was for the buildout of the development, not the construction traffic.

Ms. Leslie Nixon, 36 North St. Andrews Drive, expressed concern with additional traffic trying to negotiate the Tomoka Oaks Boulevard circle near the entrance to the subdivision.

Mr. Lassiter explained that the 770 trips was the number of estimated trips on a daily basis; he said there were 74 in the peak hour. He further explained that typically, the impact study deducted the existing traffic from the traffic proposed for the new development, but instead, the subject analysis assumed the existing traffic would remain. He said that meant that their analysis was overly conservative (predicted too much traffic), but that they wanted to be as conservative as possible. He stated that their analysis also assumed 100% occupancy year-round, which they also knew to be unlikely, but which would also produce conservative numbers.

Ms. Nixon asked for the percent of increase in trips. She wanted to make sure that Staff recognized that the ongoing development along the North US1 corridor would mean additional traffic for Nova Road, making left turns out of the subdivision even more difficult.

Ms. Nixon also asked if the Board could recommend fewer homes, rather than 120 proposed. She thought that the applicants could improve the clubhouse, the golf course and the tennis courts, but scale down the residential portion of the project.

Mr. Ray Sanchez, 12 Pine Valley Circle, stated that the traffic circle was dangerous and confusing, particularly since it was two-way traffic. He questioned the sales prices of the residential units.

Mr. Lassiter responded that because a traffic signal at the intersection with Nova Road was not warranted, the stop sign control was deemed to be adequate. He said that the same was true for traffic internal to the site, which would be less than at Nova Road. He answered that the consultants had not provided a percent of increase resulting from the project, but pointed out that they did not take a deduction either; they simply added the anticipated traffic to it (an over-estimate).

Mr. Jorczak asked if they had given any thought to how the circle could be improved.

Mr. Lassiter said that the circle was analyzed in the current condition. He said they could certainly do so by studying if it would be warranted by the level of delay, would reduce the level of delay, or would make the circle safer.

Mr. Jorczak said that the safety element seemed to warrant that study, regardless of the additional traffic that would be generated from the proposed 122 units. He remarked that the junction might require a different kind of layout.

Mr. Lassiter said that as a traffic engineer, his primary focus was safety. He stated that round-abouts and traffic circles, although becoming more popular, were particularly pedestrian-hostile. He pointed out that cars did not have to stop, gaps in traffic did not occur, and visibility was lessened because of the lack of time to look left and right. He said that because traffic came from the left, people did not always look to the right for pedestrians. He reiterated that pedestrian safety was one of his major concerns.

Mr. Thomas, a resident of Tomoka Oaks, thought that striping or arrows on the pavement might help drivers negotiate the circle. He thought that there were some simple things that could be done to improve the situation.

Mr. Lassiter said that it was something at which they could look.

Chairwoman Press thought that Mr. Lassiter could work on those things before the item reached the City Commission, since it was a concern to many of the residents.

Dr. Grissom questioned the nature and location of common areas for the new owners.

Mr. Merrell said that would be detailed in the plat, another process they were going through. He said that he did not have exhibits available for the item before the board, but that the common areas would be fully identified in the plat documents.

Dr. Grissom asked if the applicant wanted to respond to the residents' comments regarding the "deplorable condition" of the golf course.

Mr. Merrell said that they intended to address that conditions at the golf course were less than perfect. He said that they also wanted to point out that the golf course was being redeveloped to retrofit reuse water lines throughout the entire irrigation system at a cost of hundreds of thousands of dollars. He said that reshaping the course would also be a huge improvement. He said that together with the residences, the golf club and the tennis facility, it would be a much better place. He thought that the residents would be happy with it.

Mr. Merrell agreed that a CADD drawing could make anything look good, but pointed out that the pictures would be the zoning map for the property. He said that if they wanted to change anything, they

would have to reappear before the Board for another advertised public hearing. He said that the reason Staff liked the Planned Residential Development was that they had the ability to negotiate the zoning and had done so to the benefit of the City and pointed out that those things were binding.

Dr. Grissom asked Mr. Merrell if he and the applicant had previously discussed the possibility of increasing the size of the replacement trees used for mitigation.

Mr. Merrell said that their landscape architect, Galen Pugh, had been in dozens of meetings with the City staff and that many changes had been made to the plan to avoid impacting important trees. He said it was a given that the trees would be thinned and that the dead trees would be removed; he said the plan also exceeded the City's Code requirements for landscaping, typical of planned development rezoning negotiations. He reiterated that there had been a great deal of focus by City staff with regard to the trees.

Dr. Grissom stated that she was sensitive to the tree mitigation concerns and recalled her shock when she discovered that the beautiful, healthy trees in Breakaway Trails had been removed and replaced with what amounted to twigs. She thought that they should exceed the current excession, if possible.

Mr. Merrell thought that the issue was avoiding the removal of the trees, rather than with what to replace the existing trees. He noted that a tree survey had enabled them to identify all the important trees and that saving certain trees had required them to redraw the plans several times.

Dr. Grissom said she recognized that the applicants had presented a project that was beautiful. She questioned whether the Board could mandate that the development be sustained in the best possible condition at all times, i.e., in perpetuity.

Mr. Thomas recalled that Hurricanes Charley and Frances had caused the removal of a lot of old, dying and diseased trees, but not before tremendous damage had been done to the homes of the residents. He advised that his daughter, a resident of Ormond Lakes, had been required to save some magnificent oaks on her property, but less than a year later one of those same oaks was costing her $2,000 to remove because it had been diseased and had fallen on her fence. He stated that although he felt mitigation was a good thing in the long run and that he was not in favor of taking out a lot of trees, there were a lot of rotten, dead, sick and diseased trees throughout the city that should be removed.

City Attorney Hayes advised the Chair that he included a provision in all of the development orders that conferred to code enforcement the power to enforce the terms of the development order, as with any other ordinance. He said that the City therefore had the power to keep all projects from falling into disrepair.

Chairperson Press pointed out that it was 9:00 pm and asked that subsequent speakers limit their comments to things that had not already been expressed to the board.

Ms. Linda Larsen Lewis, 231 Rio Pinar, expressed her concern that her property line would be 100 feet from one of the three estate lots behind her property. She said that the trees were the only thing that would visibly buffer her home from her new neighbor and asked for assurance that the trees would remain.

Mr. Ervin reported that he had met with Ms. Lewis the day before and stated that her concerns were the City's concerns. He pointed out the location of the three estate lots and said that those lots would have the minimum lot size, width and setbacks that applied to the existing subdivision. He also pointed out

Mrs. Lewis' lot and said that although the distance from the lot line to the proposed lot line was 100', the distance between homes would be 160'. He said that the trees in that area would be preserved by the developer, but cautioned that once sold, the homeowner could take out some of the trees if they met the mitigation requirements. He said that the City had not required a minimum buffer because of distance between the lot and the buildings and the existing landscaping along the perimeter of the Lewis lot line but advised that it was within the purview of the Board to do so if they felt the trees should be protected.

Mr. Jorczak questioned the size of the existing trees.

Mr. Ervin replied that the trees ranged from small saplings to a 40" oak; he noted that there were several historic trees, the majority of which were specimen trees. He said that the tree survey showed only the trees over 6" in diameter (protected trees).

Mr. Jorczak asked if taking those trees would require a separate action from the City.

Mr. Ervin explained that once the three residential lots were sold, the homeowners could request the removal of any tree on their property, the same as any homeowner in the city of Ormond Beach. He said the number of trees that would have to be replaced would depend on the size of the tree to be removed. He said there was currently nothing in the City's Code or in the project documents that would require minimum tree line buffering on the residential lots.

Mr. Jorczak remarked that he understood, but thought it unlikely that someone buying an estate lot and erecting a big house would then want to take down the trees.

Mr. Ervin replied that it had happened in the past. He recalled Ms. Lewis' question as to whether or not a buffer was to be conserved that could not be touched and stated that the reality was that when the property was transferred, the owners could conceivably remove the trees.

Mr. Jorczak advised Ms. Lewis that taking down a specimen tree in Ormond Beach was a big deal.

Mr. Thomas agreed.

Mr. Ervin pointed out that historic trees were different than specimen trees. He stated that the developer was being required to do a directional dig for the extension to the sanitary sewer so that it a 40" historic oak would not be impacted. He said that there were also 25 – 28" oaks that had been identified for preservation, but wanted it on the public record that they were located within the property to be subdivided; therefore, if the subsequent owners met the mitigation requirements, removal of the trees would be justified.

Dr. Grissom asked how the deed restriction would work.

Mr. Ervin said that if the Board wanted to require a minimum buffer, they could identify, e.g., a 10' perimeter buffer with a tree every so many feet as part of the development order.

Ms. Lewis stated that people did take trees down so that they could have view of the golf course. She acknowledged that tracking 1,100 trees was an overwhelming job, but stated that she had noted a healthy pine and two smaller pines on the property that were not shown on the survey.

Ms. Reynolds asked what protections were in place to prevent the project from going bankrupt either because of mismanagement or because of market conditions. She said that she had seen it happen in far better situations and did not want a situation in which new owners would be allowed to do whatever they wanted just because they were finishing a stalled project. She expressed concern because of the scope of the project and because the owners had not demonstrated the ability to maintain the golf course.

City Attorney Hayes advised the Chair that development orders ran with the land; therefore, the owner of the land (or a subsequent owner) was subject to the requirements of the development order. He said there was no way to know whether or not any particular project would be built out or flounder. He said that the best the City could do was to create a safety net in the development order and ensure that the development occurred in accordance with the requirements of the approval.

City Attorney Hayes confirmed for Ms. Reynolds that the proposal was for a phased project and that the developer would have to complete one phase before starting another.

Long-time resident Ms. Susan Juckett, 311 Rio Pinar Trail, said that her view, which had gone from "lovely" to a lot of dead trees, and would now be of a comfort station (golf course bathroom).

City Attorney Hayes assured Ms. Juckett that any new owners in the future would also be required to preserve the golf course.

Ms. Juckett questioned the time line for all phases to the anticipated completion of the project. She stated that she was concerned with construction noise, dust, etc.

Mr. Ervin said that the construction timeframe identified in the PRD development order would be valid for five (5) years. He said that if Phase I had not been completed in that timeframe, the order would lapse. He said that the conditions would remain in place, but any redevelopment would require that it be brought back for another hearing and, with the existing conditions as minimum standards, any kind of upgrades would have to be to current Code.

Ms. Juckett asked if it would be to Phase I completion or completion of the project.

Mr. Ervin responded that it would be to completion of the project.

Ms. Juckett asked if the tree mitigation would be on-site. She also questioned the impact of new residents on Tomoka Elementary School, shopping facilities, the hospital, as well as the effect they could be expected to have on the water pressure in the area, already low.

Chairperson Press pointed out that the City staff was not aware of the problem and would address it.

Ms. Juckett stated that the problem would get worse before it got better. She found it hard to believe that the developer did not know the price for which they expected to market the units.

Mr. John Randall, 70 Oakmont Circle, recalled that he and his father had cleared their lot by hand and that subsequent generations would be occupying the residence. He questioned what mechanism would ensure that the integrity of the project would be maintained and that the homeowners' association would be able to collect their dues in order to pay the cost of maintaining the things for which they would be responsible. He asked who would be responsible for the property covered by the conservation easements

and questioned what would happen if the golf course went belly-up. He also expressed concern with the wildlife habitat that would be lost.

Mr. Randall commended the developer on a great idea, but sought assurance that the dream continued to be a reality in 20 years.

Dr. Grissom said she liked the idea of a deed restriction to protect the property.

Mr. Ervin responded to Mr. Randall's question that the City would have the ability, as with any easement, to access the property for maintenance and then charge the homeowners' association; he likened it to a sort of lien on the property. He said the City had the guarantee that someone would maintain the property and that the HOA would ultimately be financially responsible per code enforcement provisions in the easement documents.

Mr. Ervin said that the conservation/open space easements over the golf course meant that the owner continued to own the golf course property, but restricted the use of the property to a golf course and open space purpose. He said it would be an easement to the City; therefore, the easement could not be released without the approval of the City. He said that the easement would be described around the golf course itself, and that based on the testimony, RTH Corporation would maintain ownership of the golf course; he said that the areas around the townhomes and condominiums would be identified as common areas for those particular projects. He said that the common areas being used by the condominiums would be owned, maintained and operated by that association, whereas the golf course would be owned, maintained and operated by the RTH, Inc. He said that the City would require that the conservation easement on the golf course be recorded prior to any development. He pointed out that the easement was being created in association with the subdivision plat.

Mr. Jorczak asked if the City had ever required surety bonds to ensure completion of a project.

Mr. Ervin explained that they allowed surety bonds only for subdivision improvements, not for commercial developments. He agreed with the resident who had stated that developers sometimes failed to complete projects and said that in a market-driven economy the market sometimes had to rebound before someone else finished a development. He said that was the reason that the city attorney required recording of a very specific development plan that provided very specific guidelines as to what could be developed on a certain property; a subsequent developer would know exactly what could and could not be done. He explained that traditional zoning allowed for a great deal of options, whereas the PRD was a very specific recorded document of covenant and restrictions that traveled with the land, not the owner. He said it gave the residents of Tomoka Oaks much better protection for future conditions.

City Attorney Hayes said that from a legal standpoint, surety bonds sounded good, but were not practical. He pointed out that the City would not want to have to finish a project in default; it would create a nightmare scenario for the City.

City Attorney Hayes recommended that the Board members voice their comments on the proposal in an effort to solicit a motion. He offered to assist them with any conditions that they might wish to impose with their recommendation.

Mr. Ervin stated that he had summarized for clarification the ten (10) issues that had been brought up by the board members:

1) The City's engineering staff reported no environmental impacts.
   - Determine whether or not an environmental impact or assessment report has been done.
   - Forward a copy to the resident who requested it and include a copy in the City Commission's agenda packet.

2) Traffic conditions:
   - Analyze improvements at the circle that would make it safer (striping, signage, etc.).
   - Ask the applicant to look at other improvements that might be made.
   - Provide signal warrant study background information, i.e., why a signal is not warranted at the intersection of Tomoka Oaks Boulevard and Nova Road

3) Request to upsize the minimum size of the trees for mitigation. *(Mr. Ponitz)*

4) Question the possibility of providing reuse water for lots adjoining the golf course (noted that it was not identified in the City's Capital Improvements Program) - *Mr. Ponitz*

5) Address water pressure issues in Tomoka Oaks and include in the information forwarded to the City Commission.

6) Identify if minimum golf course maintenance standards are available from either a local or national organization. *(Mr. Jorczak)*

7) Clarify the role of the City in establishing the Covenants and Restrictions and the Development Order to ensure that the golf course is protected in perpetuity.

8) Possibility of notice to future purchasers of property in the subdivision of potential for airport impacts. *(Mr. Jorczak)*

9) Address concern regarding the buffering of the estate lots. *(Ms. Lewis)*

10) Documentation to ensure that each phase of the project is completed prior to beginning the next phase; ensure that the complete project will be built out in five years.

Chairwoman Press opened the floor to board comments.

Mr. McCoy pointed out that Mr. Momberger, one of the speakers, was a registered landscape architect and that he had not seemed particularly concerned with the issue of tree mitigation. He also pointed out that Mr. Ponitz, one of the other speakers, was the Utilities Engineer for the City of Daytona Beach. He said that the gentlemen were good at their jobs; therefore, he felt reasonably assured that the landscaping mitigation was well within or surpassed the City codes. He suggested that the many of trees about which the residents were concerned were probably in poor condition and had most likely reached the end of their useful life.

Mr. Thomas said he was also a long-time resident who favored the project. He said that he had sat on the Planning Board for many years and could recognize when the alternative was worse than the plan. He said he did not want 300-400 homes added, when the proposal was for only 122 homes of what he

believed would be part-time residents. He felt it was a beautiful plan and that the project would be a great asset to Ormond Beach.

Mr. Thomas referred to the concern expressed by a resident that the survey had missed a large sand pine, and explained that the State did not recognize sand pines as significant trees; therefore, it had not been marked. With regard to the concerns about the project not being completed, he stated that the three best real estate values were: a view, water and a golf course; he thought there would be buyers simply because the property was on a golf course. He restated that the City was tough on the issue of tree removal and reiterated his support for the project with the conditions discussed.

Mr. Jorczak echoed Mr. Thomas' comments and said that he thought it was an upscale project with a lower density than what would otherwise be allowed. He thought it would upgrade the neighborhood and would generate dollars that would help improve the golf course and surrounding amenities. He said that he hoped that the City would consider the concerns raised at meeting and said that he would recommend approval.

Dr. Grissom said she also supported the project and any motion to approve would include any amendments necessary to address the concerns raised. She thought that deed restrictions should be required for the three estate lots to require that they maintain the tree buffer in order to protect the privacy of abutting property owners.

Chairwoman Press opined that no one would buy the properties unless the golf course was upgraded and felt that the proposal would force those improvements to occur. She said for that reason she believed the project would be good for the area and was an example of Smart Growth.

Mr. Thomas recommended approval of PRD 06-32, with the recommendations by staff. He added that his motion was amendment friendly and clarified that he was including the ten items as listed by the planning director.

Mr. McCoy seconded the motion.

City Attorney Hayes responded to questions by Mr. Jorczak and Mr. McCoy that the [tree] buffer mandated by deed restriction would apply only to the three estate lots. He said that the board could make that a condition of their recommendation.

Mr. Ervin replied to Mr. Thomas that the list of ten items included addressing the traffic circle. He also pointed out that the applicants had already agreed to provide for a minimum 10-foot wide buffer at the rear of the lots, in which there would be a minimum planting of one tree every 30 linear feet with continuous hedge material between the trees. He explained that the buffer for those homes would be required as a part of the development order, either as a private restriction on the individual lots or by mandating that the buffer be placed on the golf course outside those lots. He said that the applicants could make that decision.

Mr. Merrell said that he understood the resident's concern, but said that having buffers between two houses was not typical and that houses backed up to each other in subdivisions all over the city. He said that the applicants were willing to do what Mr. Ervin was proposing, but that it was routinely done as a matter of zoning. He thought that having a provision in the development order was the better way to handle the issue, i.e., the developer would establish the buffer and it would then transfer with the land;

subsequent property owners would be responsible for maintaining it. He said that the provision could be enforced through the code enforcement mechanism.

City Attorney Hayes agreed that it would be better to put the onus on the developer as opposed to the property owner.

Mr. Merrell said that the suggested method would require only a code enforcement action rather than a court hearing, should there be a problem with the buffer in the future.

Mr. Thomas agreed to add acceptance of the applicants' voluntary inclusion of the buffer to his motion.

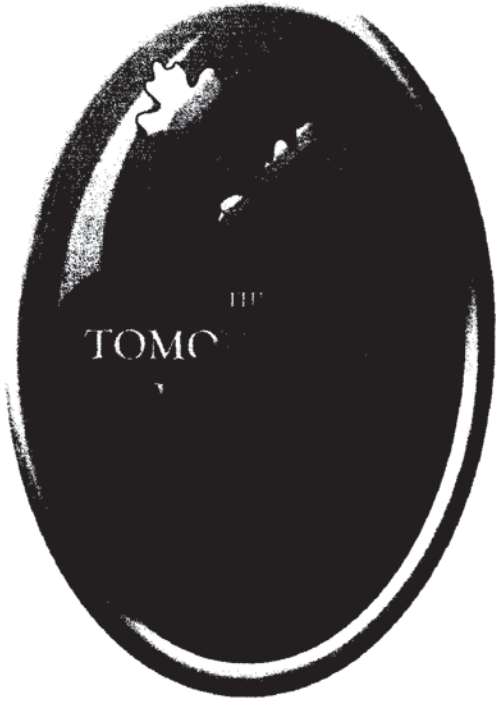
Mr. McCoy reiterated his second.

Ms. Bates called the question, which was approved by unanimous vote.

Mr. Thomas thanked everyone for attending the meeting, participating in the democratic process and helping the board to make their decision.

Mr. Ervin announced that the proposal was tentatively scheduled for the October 3rd City Commission meeting. He advised the residents that they would again be noticed and that an advertisement would again run in the newspaper.

The board voted to close the public hearing.



Tomoka Golf Village

Presented to : Ormond Beach Planning Board
August 10, 2006

Tomoka Oaks Golf Village
Aerial Reference Map



- (A) Tomoka Golf Village Main Entrance
- (B) Country Club
- (C) Pool and Tiki Bar
- (D) Tennis Club
- (E) View across #18 from 39 S. St. Andrews
- (F) Maintenance Facility
- (G) Lakes at #10 and #15 Greens
- (H) Lake on #9
- (I) Comfort Stations
- (J) Town Homes
- (K) View across #7 from 23 Pine Valley Circle
- (L) Country Club Condos
- (M) Tennis Club Condos
- (N) View across #16 from 29 Oakmont Circle
- (O) Estate Lots

Site Statistical Data

DENSITY

Golf Course Area (Proposed)	122 Units	147.7 Acres	.83 Units/Acre
Allowable Density (Golf Course Area)	632 Units	147.7 Acres	4.28 Units/Acre

PROPOSED GOLF COURSE BUILDINGS

Clubhouse	+/- 17,165 Sq Ft.
Pro Shop	+/- 2,300 Sq Ft.
Tennis Center	+/- 7,275 Sq Ft.
Tennis Courts	Total of 6

PROPOSED RESIDENTIAL UNITS (122 Proposed)

Town Houses	9 Buildings	35 Total Units	
Condos	6 Buildings	2 – 12 Unit Buildings (3 Story) 4 – 15 Unit Buildings (3 Story)	84 Total Units

Approximate square footage of each unit: 1800-2400 Sq Ft.

Estates Lots 3 Units

Current Site Aerial

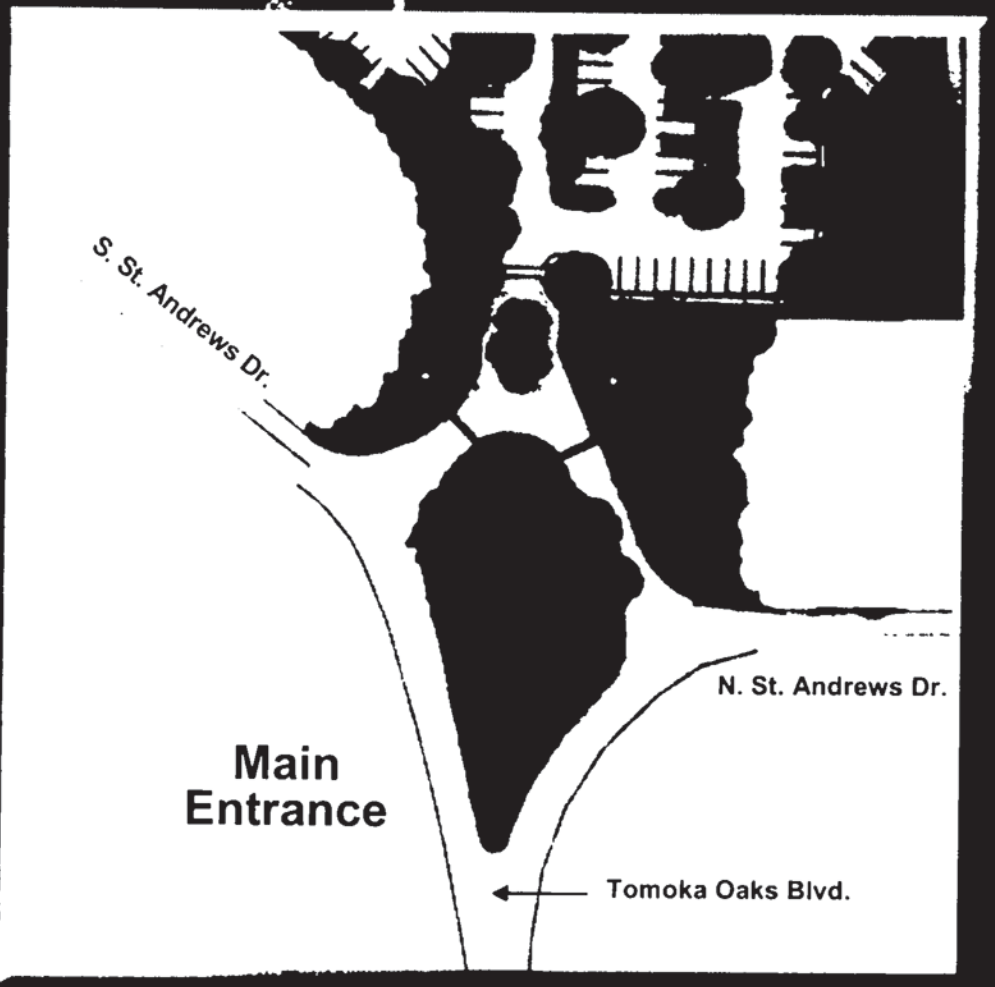
Tomoka Golf Village



Tomoka Golf Village

Highlights

Tomoka Golf Village



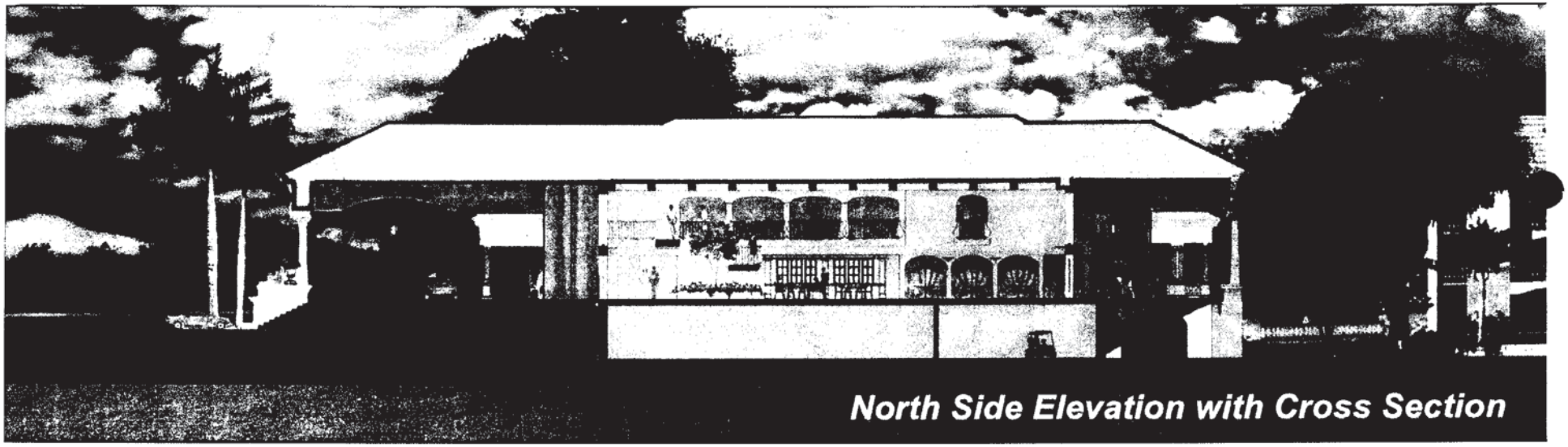
A

As seen with the Chipmonks

B
Country Club

Front Elevation
Tomoka Golf Village Country Club

Tomoka Golf Village Country Club



North Side Elevation with Cross Section



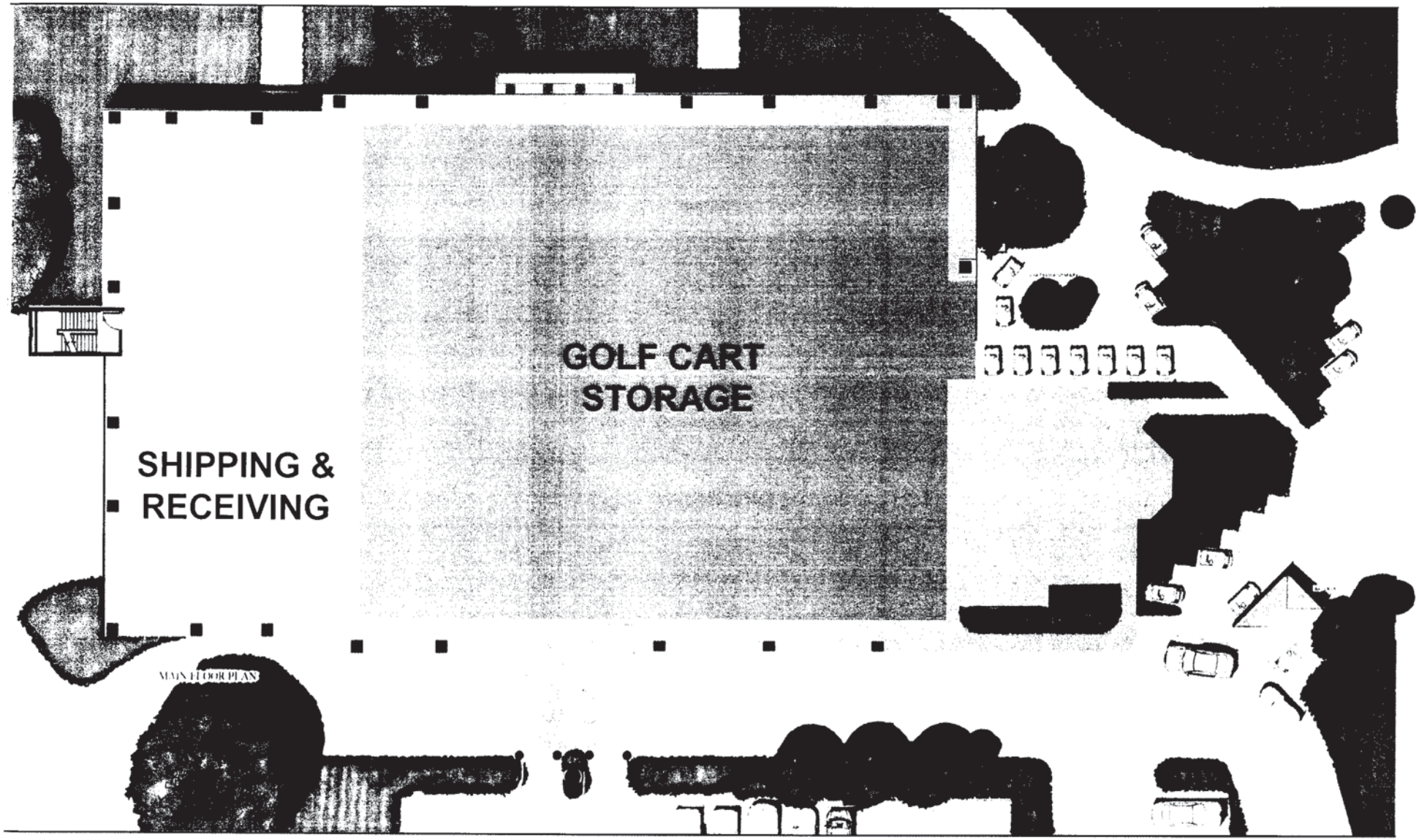
South Side Elevation

Tomoka Golf Village Country Club



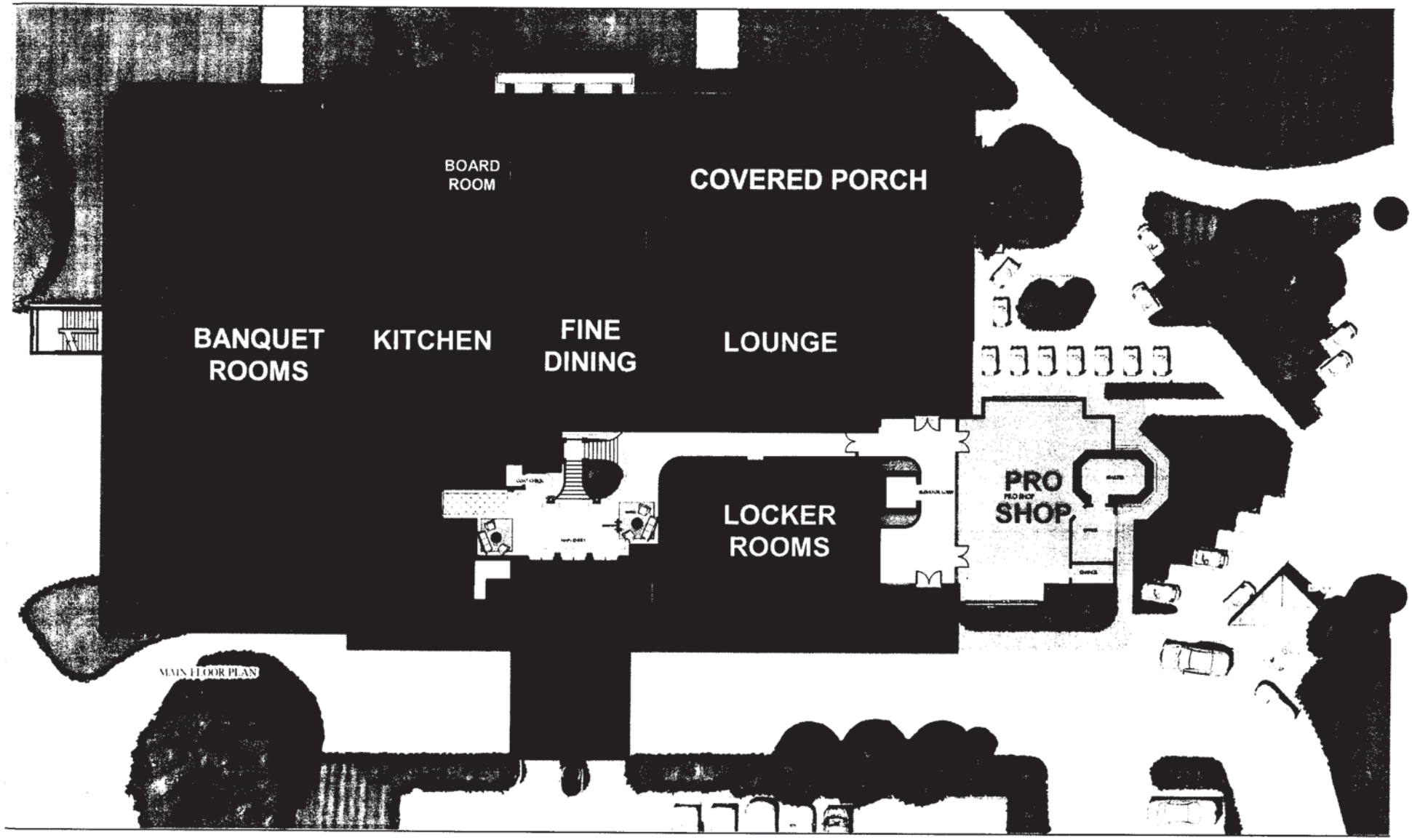
Rear Elevation

Tomoka Golf Village Country Club Floor Plan



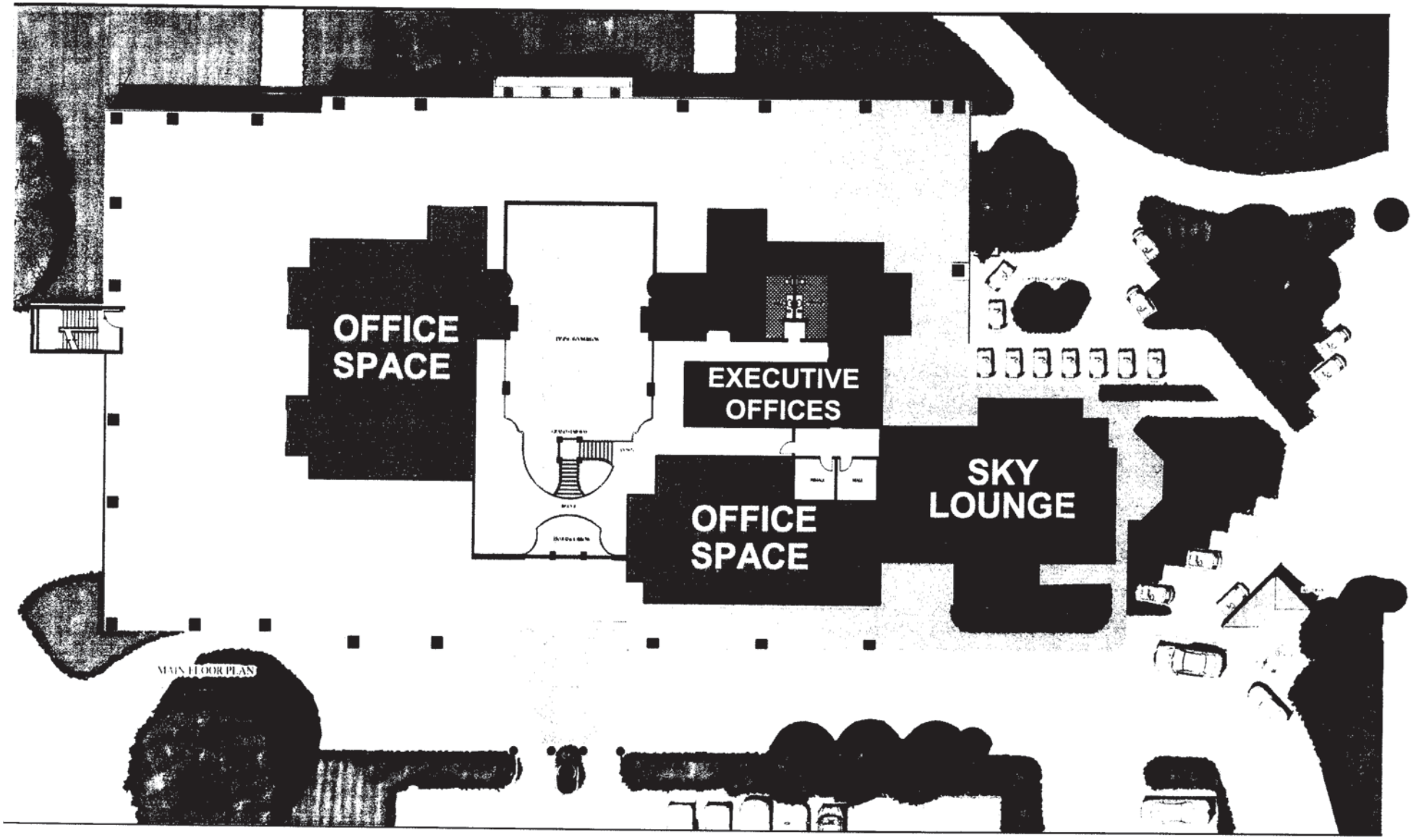
Ground Level – Floor Plan

Tomoka Golf Village Country Club Floor Plan



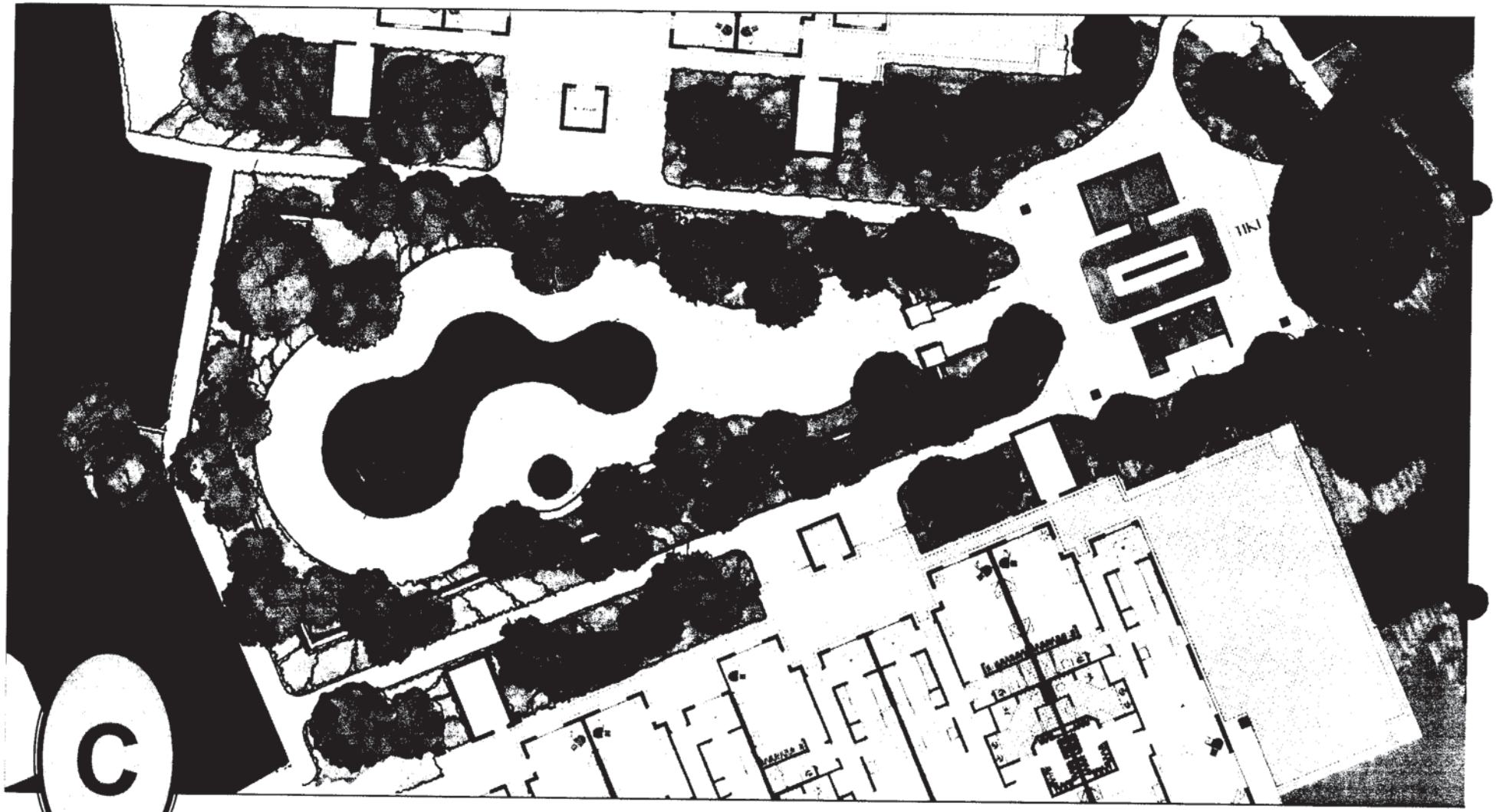
Main Level – Floor Plan

Tomoka Golf Village Country Club Floor Plan



Second Level – Floor Plan

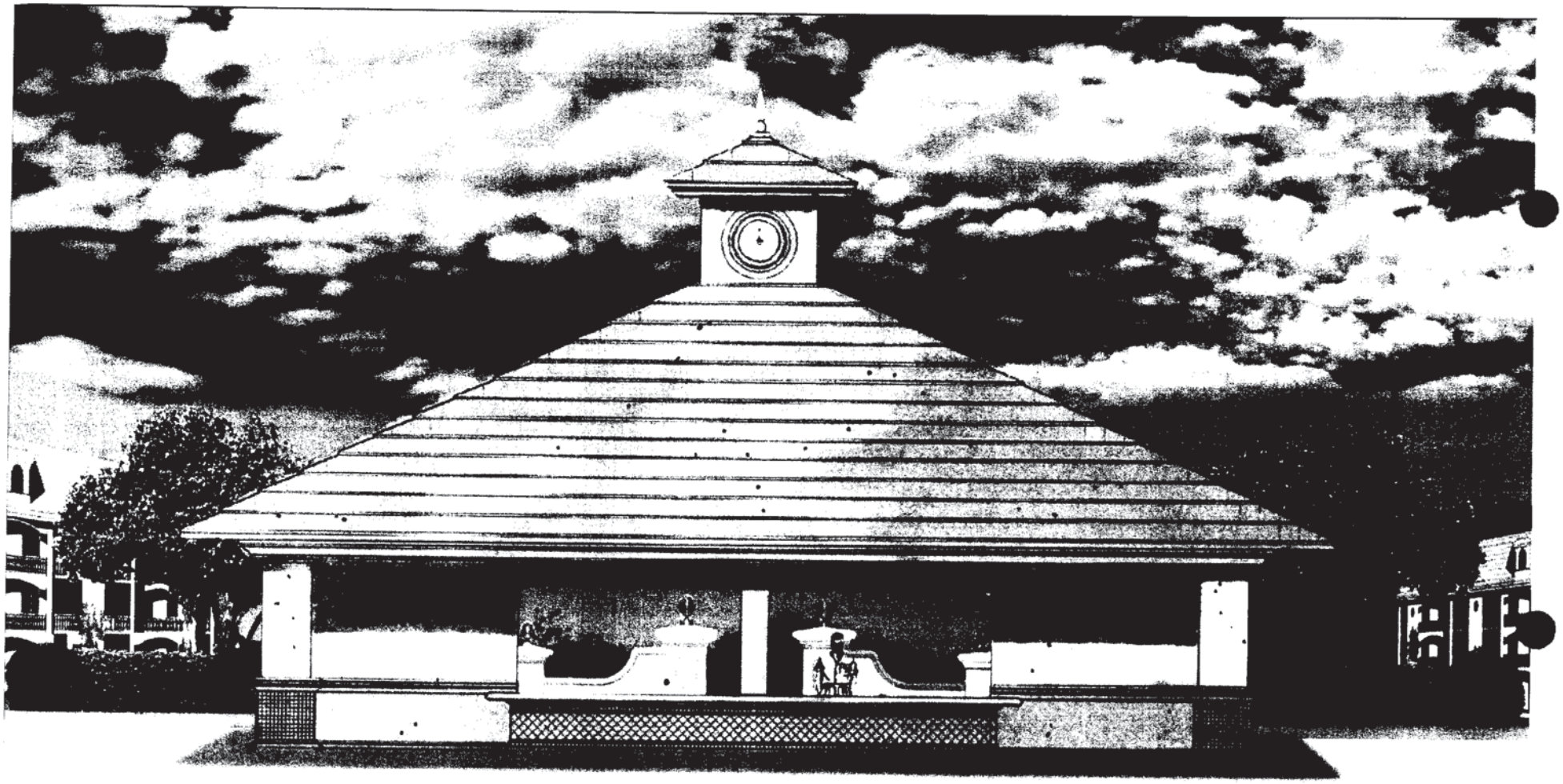
Tomoka Golf Village Pool Area and Tiki Bar



C

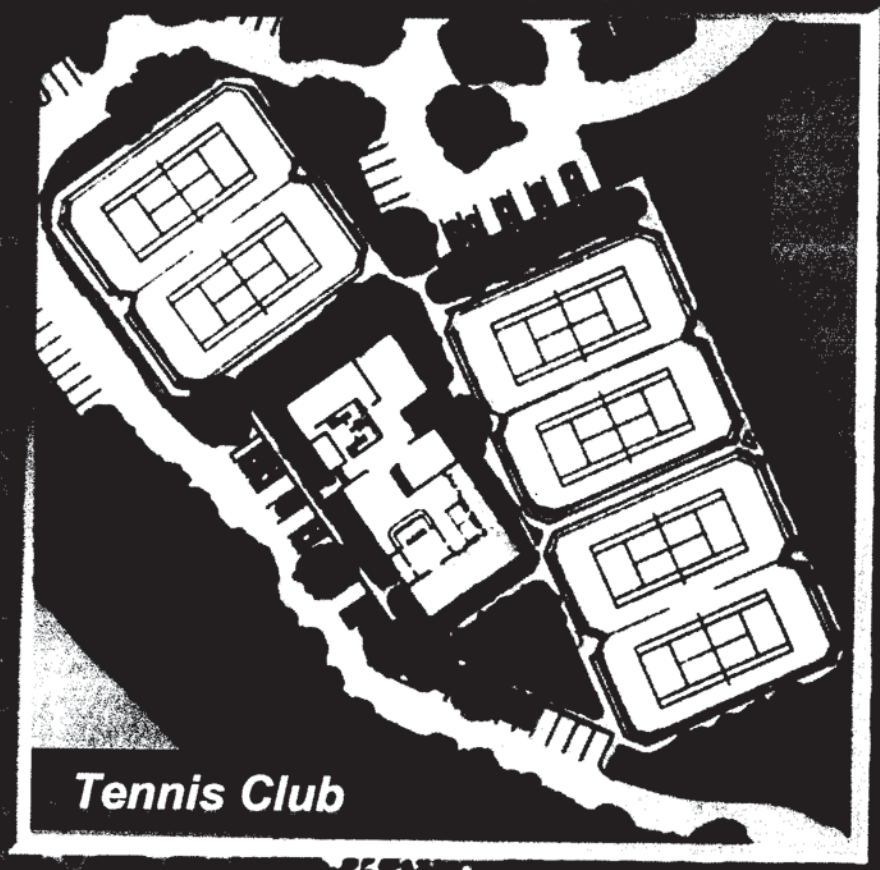
Pool Deck and Tiki Bar

Tomoka Golf Village Pool Area and Tiki Bar



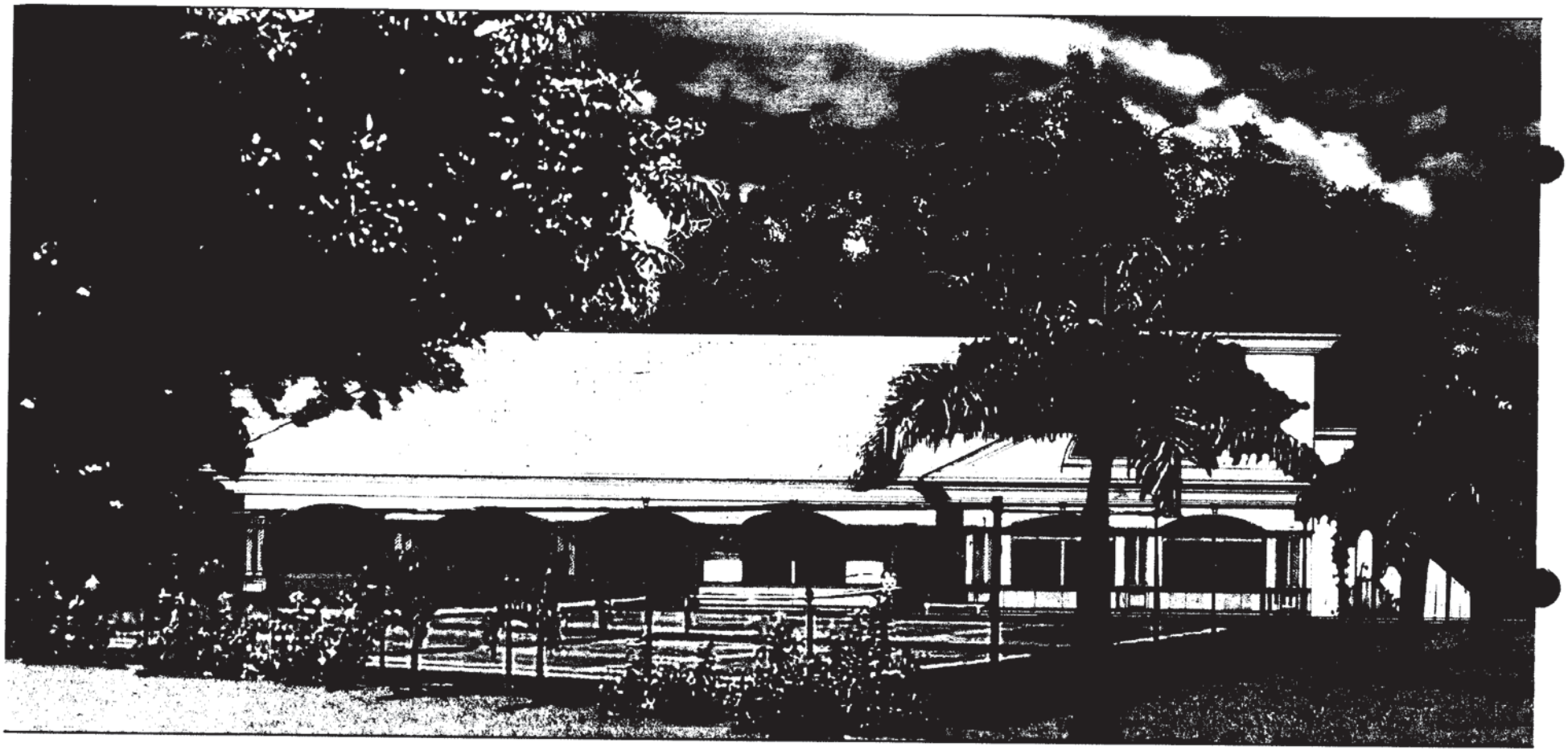
Tiki Bar – looking towards the Pool (behind)

Tomoka Golf Village Tennis Club



D

Tomoka Golf Village Tennis Club



View from the #10 Fairway

Tomoka Golf Village Tennis Club



View from the #10 Tee

Tomoka Golf Village Tennis Club



Elevation – From the 18th Fairway

Tomoka Golf Village Tennis Club



View from 39 South St. Andrews Drive - the 18th Fairway

E

Tomoka Golf Village Tennis Club



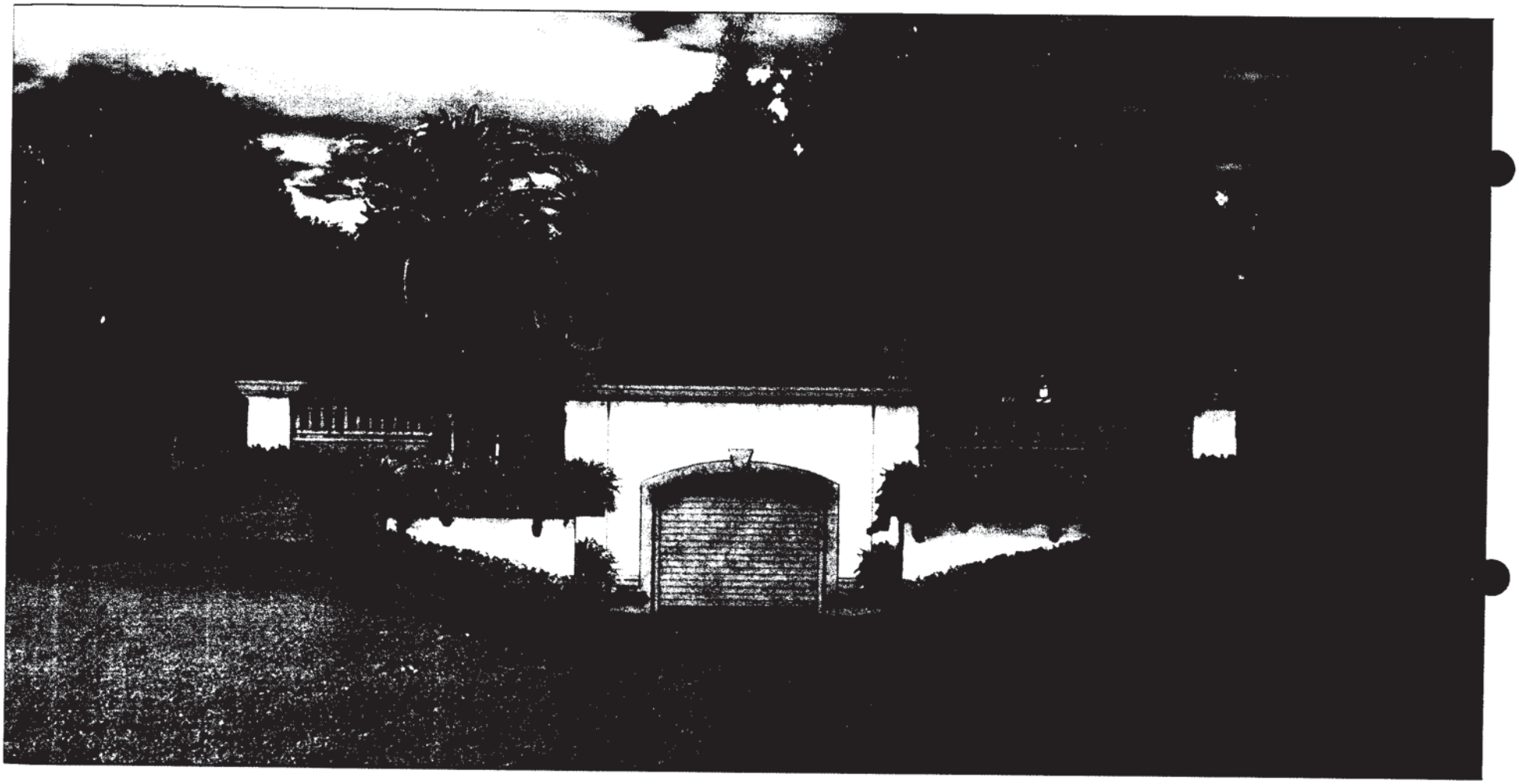
View from 39 South St. Andrews Drive - the 18th Fairway

5 Year Time Progression

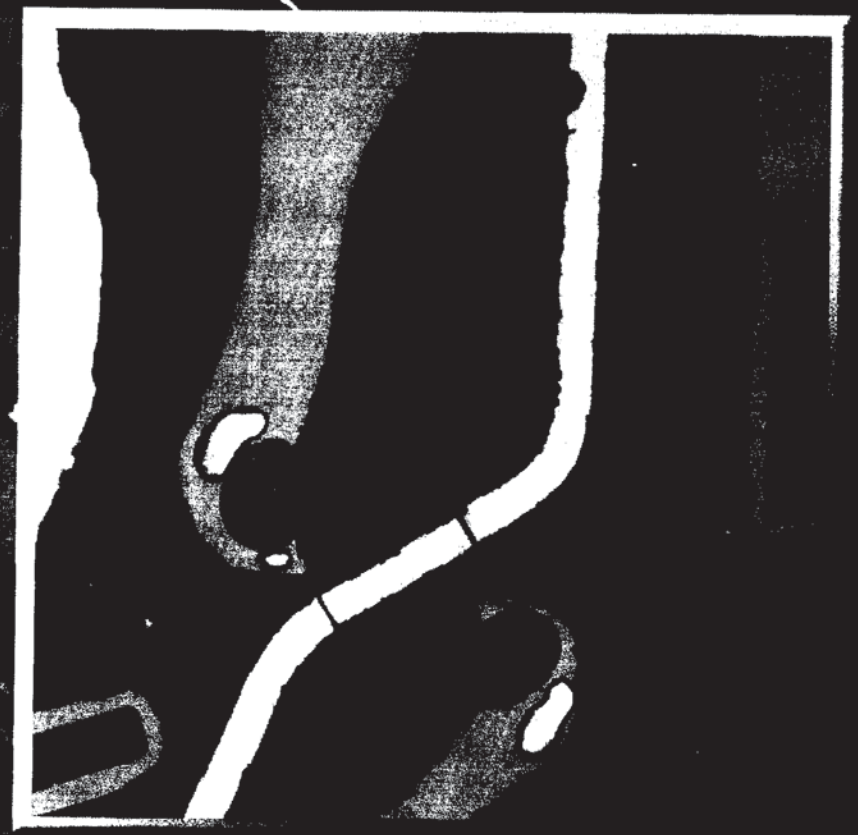
Tomoka Golf Village Maintenance Facility



Tomoka Golf Village Maintenance Facility



Tomoka Golf Village Lakes and Bridges



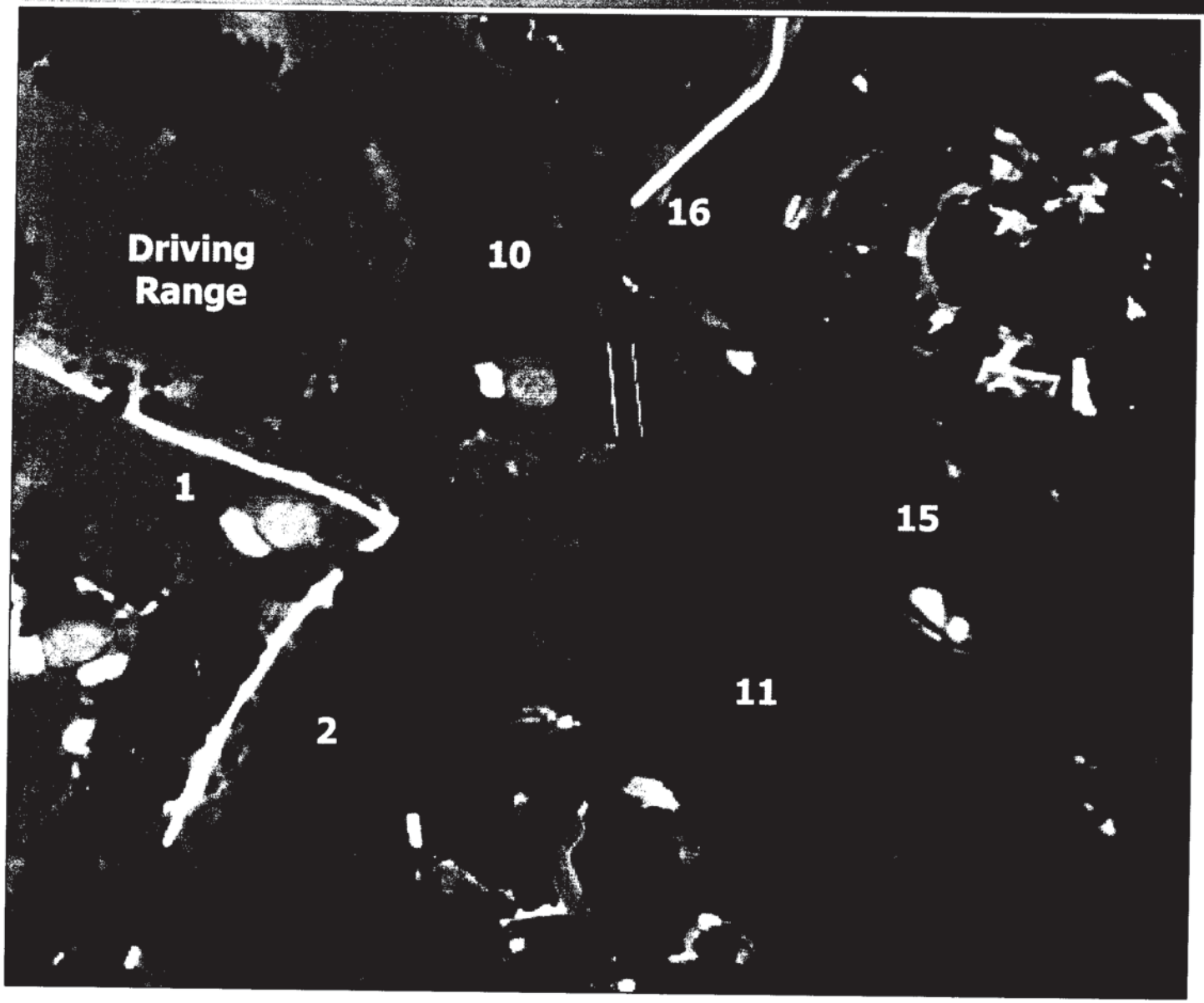
New Lakes and Bridges

Tomoka Golf Village Lakes and Bridges



Bridge Design

Tomoka Golf Village Lakes and Bridges



G

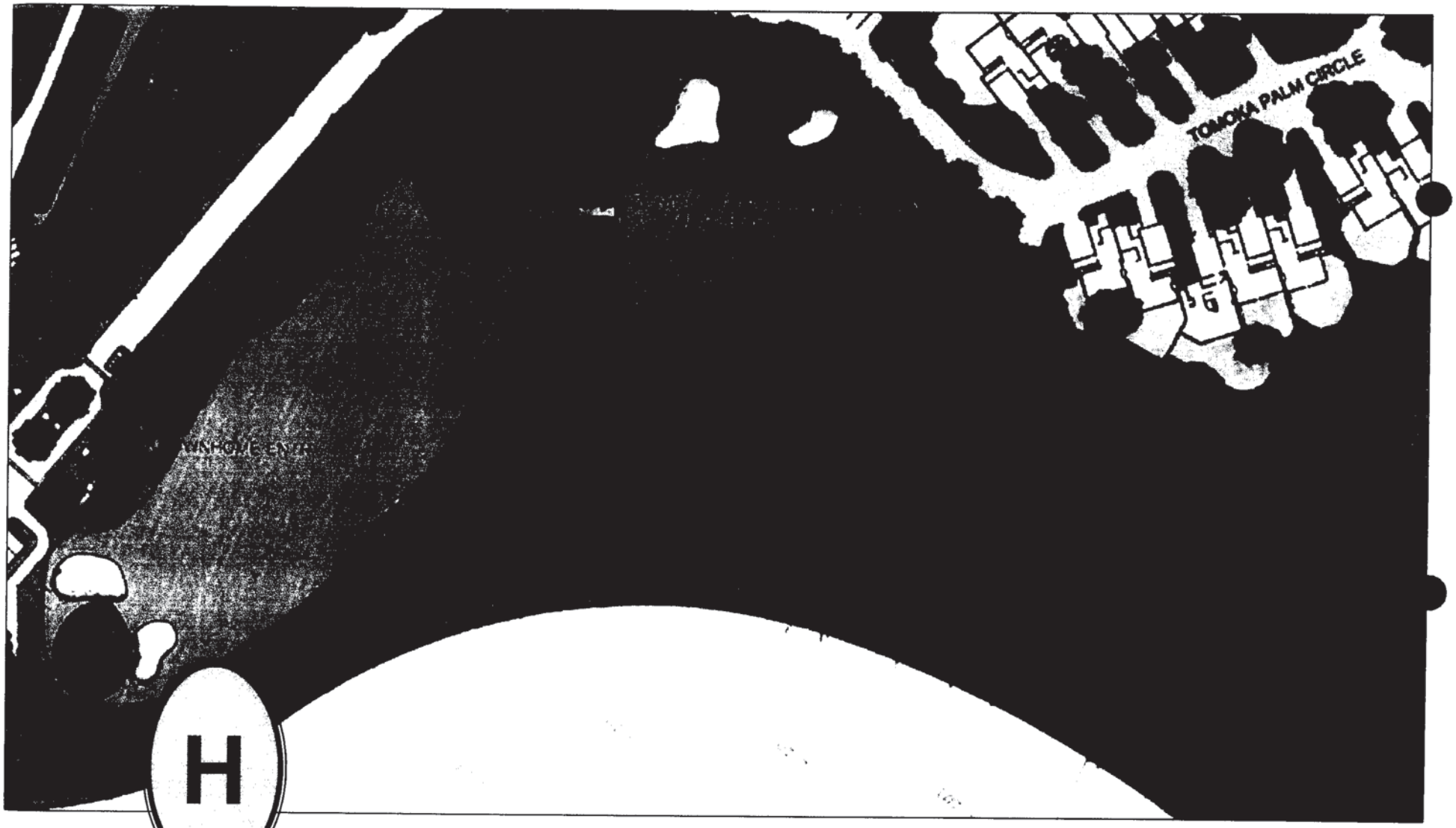
Lake at #10 and #15 Greens

Tomoka Golf Village Lakes and Bridges



Lake at #10 and #15 Greens

Tomoka Golf Village Lakes and Bridges

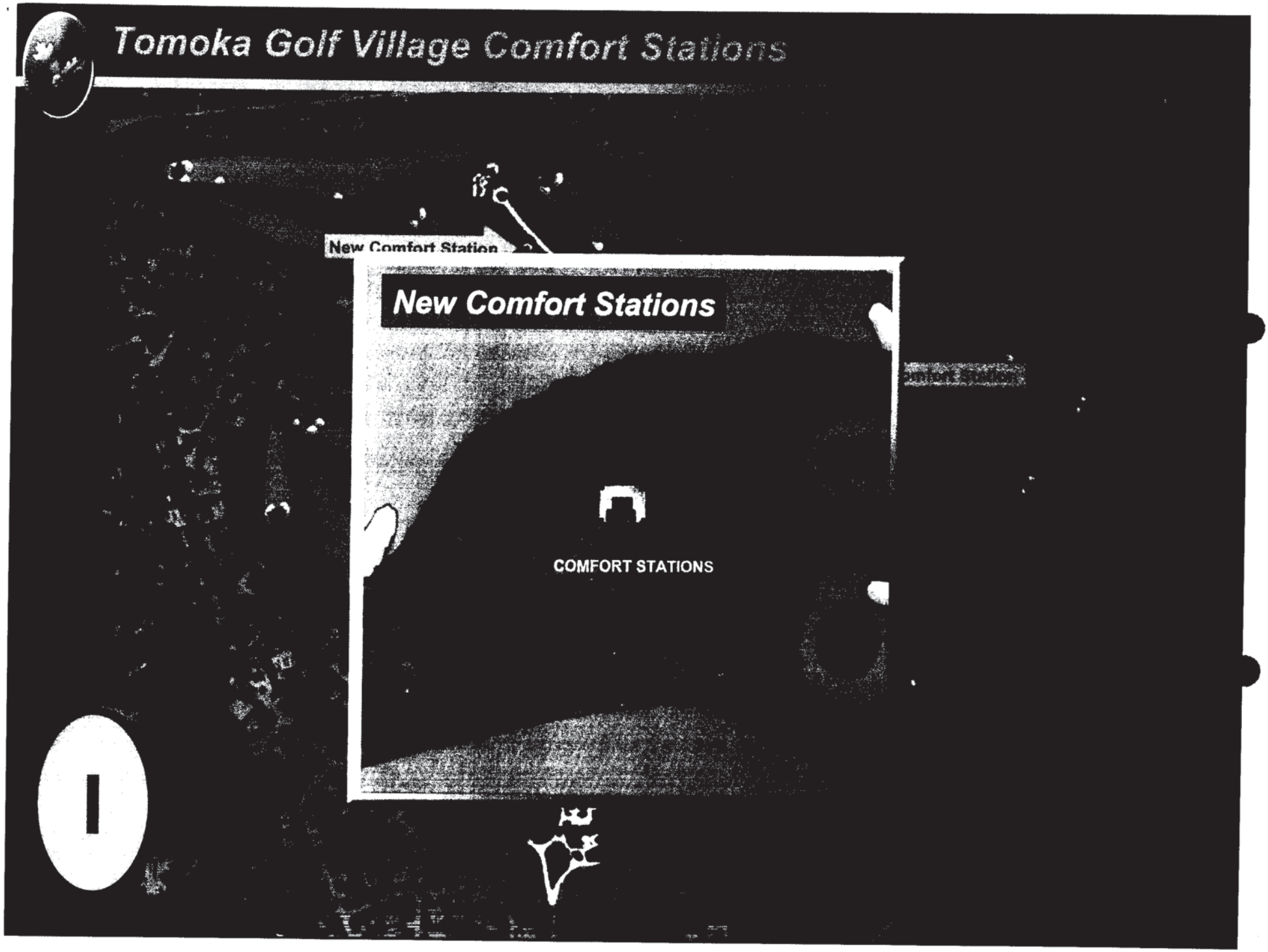


Lake at #9

Tomoka Golf Village Lakes and Bridges



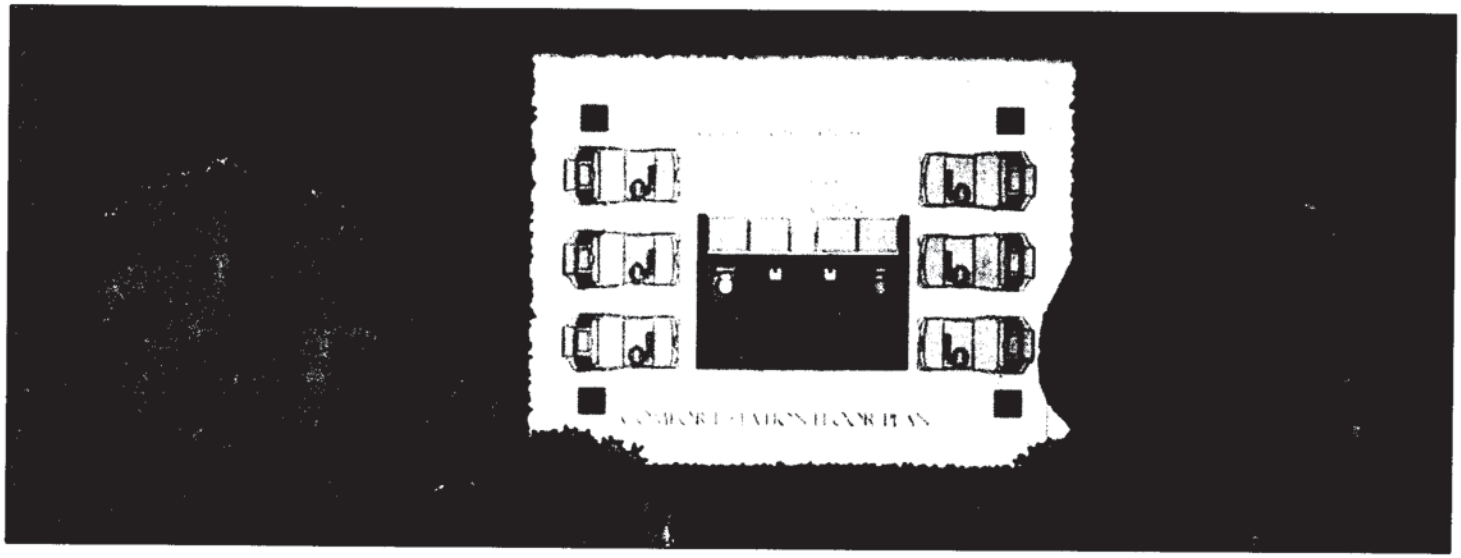
Lake at #9


Tomoka Golf Village Comfort Stations
New Comfort Station
New Comfort Stations
COMFORT STATIONS
1

Tomoka Golf Village Comfort Station



Front Elevation



Floor Plan

Tomoka Golf Village Town Homes

J

Tomoka Golf Village Town Homes



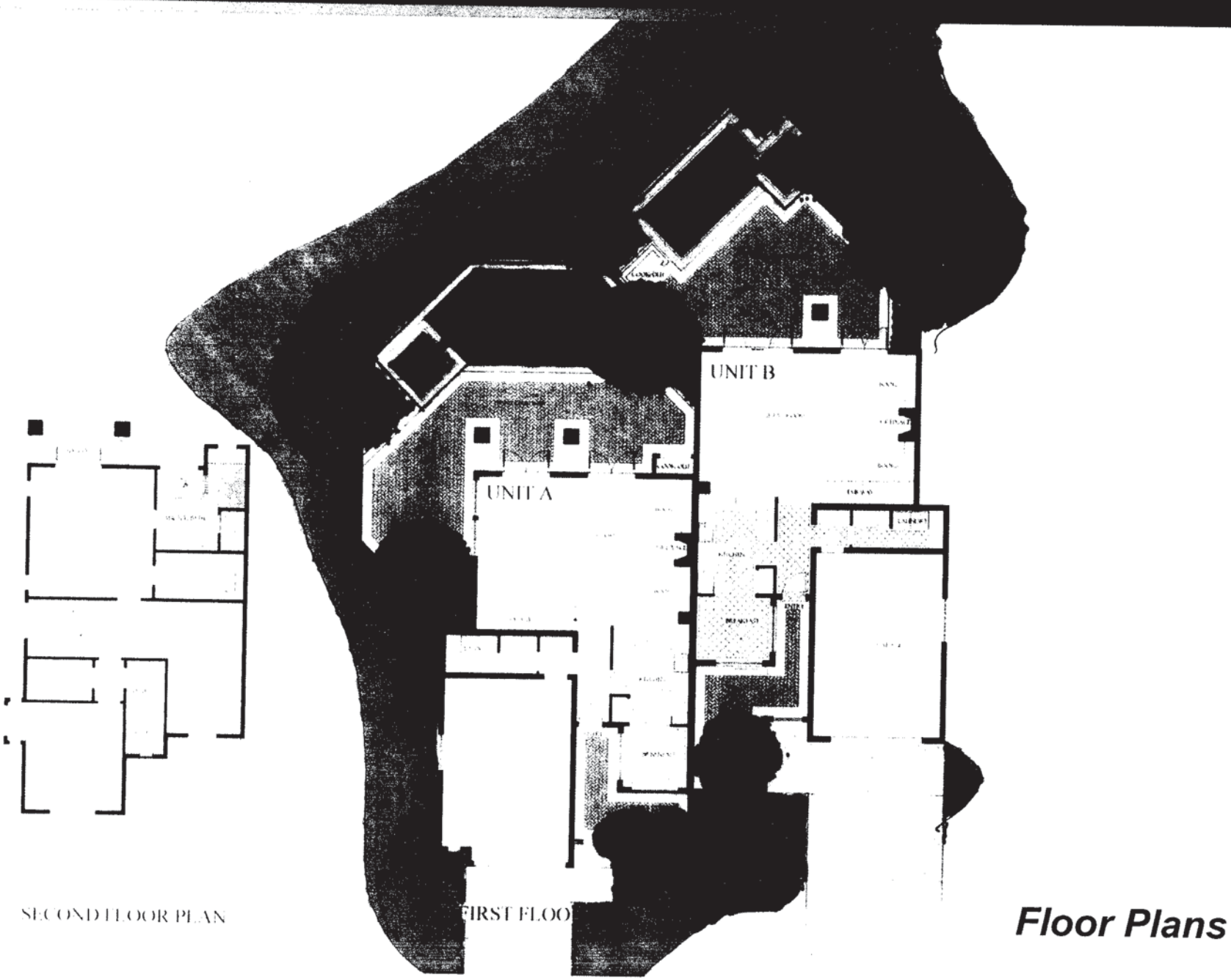
Street Side Elevation

Tomoka Golf Village Town Homes



Course Side Elevation

Tomoka Golf Village Town Homes



Floor Plans

Tomoka Golf Village Town Homes



K

View from 23 Pine Valley Circle - the 7th Fairway

Tomoka Golf Village Town Homes



K

View from 23 Pine Valley Circle - the 7th Fairway

Tomoka Golf Village Club Condos – 3 Story

Club Villas – 3 Story

L

Tomoka Golf Village Club Condos - 3 Story



Front Elevation



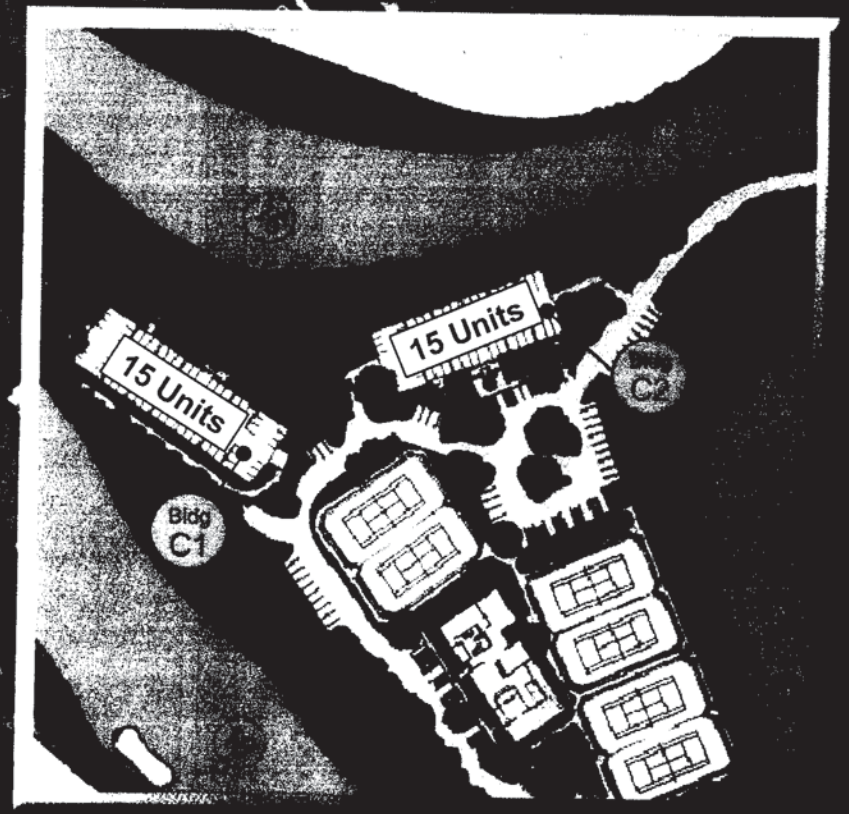
Course Side Elevation

Tomoka Golf Village Club Condos – 3 Story



Side Elevation

Tomoka Golf Village Tennis Condos – 3 Story



M

Tennis Villas – 3 Story

Tomoka Golf Village Club Condos – 3 Story



Front Elevation



Course Side Elevation

Tomoka Golf Village Club Condos – 3 Story



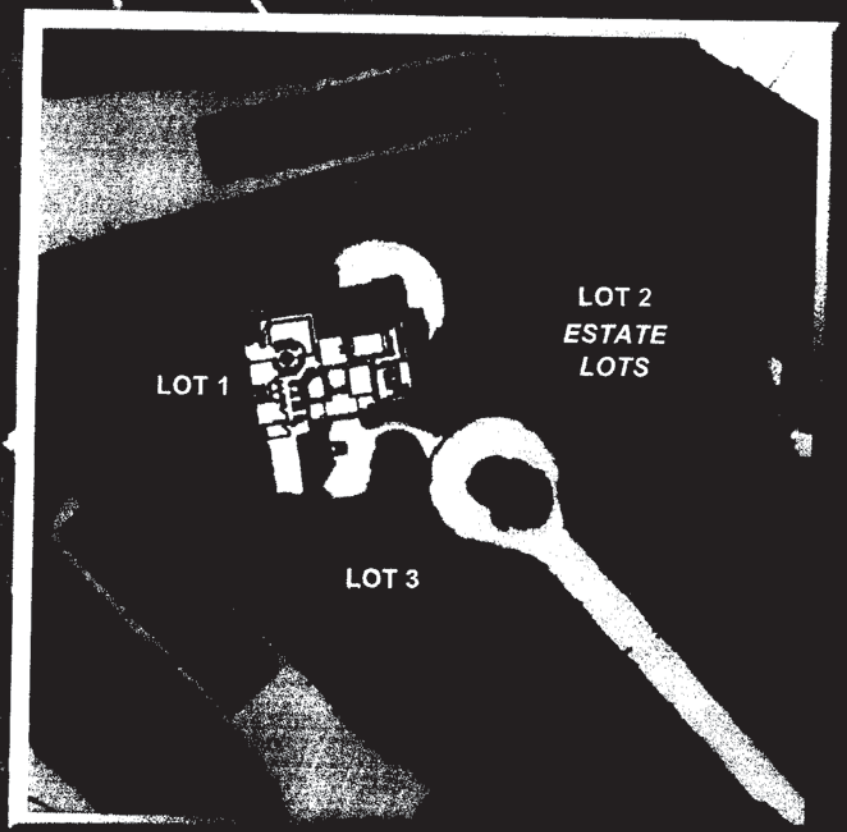
Side Elevation

Tomoka Golf Village Tennis Condos -- 3 Story



View from 29 Oakmont Circle Residence

Tomoka Golf Village Estates



Estate Lots



Tomoka Golf Village

Mayor Costello stated whatever name was attached, be it a ditch or tributary, what was important was that this project can not stop water flowing onto the land. He asked if the height of the fence would be at a low point compared to the road.

Mr. Ervin stated the maximum height of the fence would be six feet along the property line. He explained the industrial parcel closest to US1 would have an extensive amount of fill and would be four feet higher at a finished floor elevation than the homes in Ormond Lakes, and the project would have a six foot wall at that location along with landscaping with the finished grade approximately two to three feet below the top of the wall. Mr. Ervin recommended a condition be added to correlate the fencing to the elevation of the roadway.

Mayor Costello advised it was very dark in front of the McDonalds west of I-95 where the lights were shielded, but was very bright after passing the screening which proved the screening does work well.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-222, approving the Special Exception to include the indoor pool as presented and the wall height to extend six feet above the elevation of a road entering or surrounding the property.

Call Vote:

Commissioner Kelley	yes
Commissioner Partington	yes
Commissioner Gillooly	yes
Commissioner Kent	yes
Mayor Costello	yes

Carried.

Mayor Costello called for a short break at 9:30 p.m. and he reconvened the meeting at 9:37 p.m.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(E).

Item #9(F) - "Ormond Beach Commercial Complex"

RESOLUTION NO. 2006-223

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR "ORMOND BEACH COMMERCIAL COMPLEX" SPECIAL EXCEPTION ON A SITE LOCATED AT 500 WEST GRANADA BOULEVARD WITHIN THE B-9 (BOULEVARD) ZONING DISTRICT; BY AUTHORIZING A WAIVER OF THE MASONRY BUFFER WALL REQUIREMENTS ALONG THE REAR PROPERTY LINE, BY ALLOWING THE USE OF AN EXISTING SIX FOOT HIGH WOOD FENCE IN LIEU THEREOF; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-223, as read by title only.

Call Vote:

Commissioner Partington	yes
Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(F).

Item #9(G) – "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 1, ARTICLE II, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL

PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was a rezoning for a 147 acre parcel from R-2 to Planned Residential Development (PRD). He noted there was a revised development order on the dais that identified the three items from the Planning Board recommendation that could be incorporated into the final development order. Mr. Ervin pointed out many comments from the Planning Board were recommendations for staff to check certain items such as water pressure and landscaping; therefore, they could not be identified in the development order; but the City Attorney culled through those comments to come up with specific requirements that could be incorporated into the development order, and they were addressed by staff. He stated the reuse availability, which was a major capital undertaking, was not feasible at this time. Mr. Ervin reported the landscaping plan was reviewed, and many of the trees being planted were already above and beyond the minimum requirement. He stated traffic improvements would be incorporated into site plan, and the applicant had agreed to those improvements. Mr. Ervin noted these improvements would include striping, signage, and cautionary signage. He advised staff contacted the Utilities Department regarding water presser concerns at least three times to verify whether or not water pressure problems were being experienced in the Tomoka Oaks area; but the pressures were meeting minimum requirements, and no specific problems were identified. Mr. Ervin stated there would not be any dead-end systems and would actually loop back into the existing system; therefore, water pressure should be maintained.

Mr. Ervin advised the development order would include notification to purchasers by a note on the plat that they were within proximity of the airport and within the flight plan of the airport. He stated the golf course shall remain a golf course and would not be able to be converted to any other use without approval by the City Commission. Mr. Ervin reiterated this property was Low Density Residential with an R-2 zoning; therefore, a developer could, in theory, develop the entire golf course for 600 homes, but considering the contours 300 single-family homes would be more realistic. He explained the proposal was for multi-family homes consisting of three and four story condominiums, town homes, and three single-family homes.

Mr. Rob Merrell, 1638 John Anderson Drive, representing the applicant, provided a visual presentation of the project. He reported he would rely on Mr. Ervin's conclusions in his staff report concerning Comprehensive Plan consistency, compliance with all of the City's Land Development Code requirements, and other issues. Mr. Merrell pointed out the Planning Board recommended unanimous approval with conditions that they have accepted. He stated there were issues everyone agreed on regarding some Smart Growth principles, and this project represented some of those principles such as the concept of urban renewal, proximity to services, clustering development, and the preservation of open space. Mr. Merrell explained this project was for 122 residential units, a new club house, pro shop, tennis center, tennis courts, and many amenities. He stated the property owner made a concession to cluster a lower number of units that would allow a great deal of open space. Mr. Merrell reported there would be a total of 84 condominium units, 35 townhouse units, and three residential units. He presented a computer rendering of the development proposed superimposed on the aerial photograph and pointed out the various elements of the proposed plan along with renderings of the buildings and landscaping. Mr. Merrell reported there would be considerable improvements to the lake system and the green for the golf course as a result of retrofitting the golf course for reuse water. He advised this request was for a planned redevelopment rezoning.

Mr. Harry Wendelstedt, 88 South St. Andrews, stated he has been a resident of Tomoka Oaks for 35 years, which was one of the finest residential developments in Volusia County. He stated he believed this would adversely affect the residents who live along the golf course. Mr. Wendelstedt reported people were told when purchasing their property that this golf course would remain for 99 years. He expressed a concern regarding property values; however, he has been informed that should not be a concern. Mr. Wendelstedt stated Tomoka Boulevard was two lanes, and he expressed concern regarding what would happen should another natural disaster occur such as the fires of 1998. He recommended placing a traffic light at the end of Tomoka Boulevard and Nova Road. Mr. Wendelstedt noted residents may have had a different view if the renderings and information were made available to the people earlier than this evening. He stated he opposed the development because the homeowners would loose the site of the rolling green fairways.

Ms. Joan Deemer, 86 South St. Andrews Drive, stated she lived in Tomoka Oaks for 28 years and opposed the recommended changes. She expressed concern that this would adversely affect the area with too many people and too many cars taking away the charm of Tomoka Oaks.

Ms. Zella Wilen, 48 Oakmont Circle, stated in the Fall of 1970 a request to rezone this property to R-5 was rejected at the Planning Board and in October 6, 1970, the Land Use Map was adopted by the Commission and that map showed Tomoka Oaks, including the golf course and undeveloped wooded areas, to be Single-family Residential Low Density zoned R-2, making Tomoka Oaks some of the largest lots in Ormond Beach. She reported that at the recent Planning Board meeting she objected to the entire rezoning change, stating Tomoka Oaks Boulevard should not be approved for an extension or a connection to any planned or named street within this area. Ms. Wilen voiced an objection to any overnight lodging should that be considered. She stated she opposed the increased traffic through Tomoka Oaks to the South St. Andrews area and noted this would add additional traffic to the Trails as well. Ms. Wilen reported the City Attorney in 1970 talked about spot zoning, cautioning the Planning Board that the golf course was a conditional use and would be able to request certain updating and remodeling, and that statement was relevant today. She noted restrooms were a problem due to vandalism, but were needed. Ms. Wilen pointed out the club house and garage areas could have been upgraded at any time in the past 36 years. She reported this change would impact the entire Tomoka Oaks area, not only those living on the golf course or within the 300 foot notification area. Ms. Wilen equated the 1970 R-5 request to this PRD request and opposed the change. She advised part of the selling point for homes in this area was that this would remain a golf course for 99 years, and she urged the zoning remain the same and the project be stopped.

Mr. Rob Merrell stated the property owner made a commitment to maintain the open space of the golf course in perpetuity. He pointed out the entire property was currently zoned for home sites; however, the development order under this proposal would indicate that the golf course would remain open space, and the City would then be able to enforce that as an element of the development order. Mr. Merrell reported speakers mentioned a 99-year provision, but there was no such covenant; however, this proposal would include a commitment to cluster 122 units in areas designed to be the least intrusive along with a recorded covenant to keep the golf course.

Mr. Hayes concurred that there was no covenant of record regarding the golf course; therefore, the applicant had a right to request this redevelopment of the Commission. He noted the City could now go back to try to do what some of the homeowners believed they already had for some 30 years.

Mr. Merrell advised the Commission received a complete traffic report in their information packet, and no failures in the transportation network were found, but several improvements were being proposed. He reported he met with as many people as possible prior to this meeting. Mr. Merrell advised that many people saw the pictures in advance of the Planning Board meeting, and there was a full-house at the Planning Board meeting. He noted many of those people did not come to make an objection tonight because they went away from the meeting satisfied that their questions and concerns were answered. He reported a DOT warrant would be needed for a traffic light, but the requirements for a light would not nearly be met. Mr. Merrell stated this was very different from what occurred in the 1970s because what was being shown now was what would occur if approved by the Commission, and it could not be changed.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on first reading, as read by title only.

Commissioner Kent reported he met with the developers a year ago, and the plans had not changed a great deal. He expressed concern regarding buffering for the current residents; however, the presentation showed this was addressed, and he could support this proposal.

Commissioner Gillooly stated the concept had merit, but she questioned what protection the people who purchased a home on a golf course would have. She noted people needed to be aware when purchasing a home what could occur to the property surrounding their home. Commissioner Gillooly pointed out nothing was uncovered that would protect the people to have this remain a golf course. She stated Tomoka Oaks was and remains a premier community in the City, but the golf course had not keep up to that premier status. Commissioner Gillooly suggested this development would bring in new residents, but at a greatly reduced rate than was permitted. She noted the design was thoughtful in that it kept the buffer, and the improvements may help bring the premier status back to the homes, increasing the value of the

existing homes. Commissioner Gillooly informed Mr. Merrell that she would like to assure the residents this would be the last residential plan for the Tomoka Oaks community. She advised she also told Mr. Merrell that she noted the developer planned the project with surrounding green space and improvements to the golf course, but she needed additional assurances that this would remain intact. Commissioner Gillooly reported the reply she received was an iron clad commitment. She stated the developer had a right to develop this property in a residential manner, and all of the above-noted improvements would to be made, which would make the overall project better.

Commissioner Partington advised he met with the developer last year and would vote for this for some of the same reasons as Commissioner Kent and Commissioner Gillooly previously mentioned. He noted this project would improve the entire subdivision, and this development set the standard for developments in other areas. Commissioner Partington reported he was comfortable this developer would make this project as high a quality, if not a higher quality, than he had done previously.

Commissioner Kelley reported he also met with the developer and saw a presentation last year. He stated this answered many questions; and while it would not answer the questions of those who want the land to stay exactly as it was, it did answer the question of whether there would be residential buildings constructed directly behind someone who now had a golf course view. Commissioner Kelley advised the placement of the development would not adversely impact the visual effect. He pointed out this would provide assurance that this would never come back to an R-2, R-3, or R-4 and would be dedicated. Commissioner Kelley reported the owner had prospective buyers come to him years ago to develop the property, but chose not to sell because he wanted to keep the golf course. He advised the proposal would only improve the value of all of the property in the area. Commissioner Kelley stated he shared a concern relative to the traffic, but was convinced the people would not come through the Trails because it would be faster to go to Nova Road and turn west to Clyde Morris Boulevard. He noted the only difficulty he could envision was the time it would take to exit on to Nova Road, particularly eastbound. Commissioner Kelley reported this project would be an improvement to the entire neighborhood, and it would assure the golf course would remain.

Mayor Costello reported he met with the developer a year ago, and the reality of the situation was that this was a residential piece of land that could hold 600 units and could realistically only hold 300 units without a golf course, but this proposal was for 122 homes with a golf course. He stated the choice was that in order to keep the golf course, the owner would have to make some money. Mayor Costello explained the alternative was, because the land was poorly permitted years ago, a developer had the right to construct 300 single-family homes and remove the golf course. He pointed out that in this development order the only thing permissible was the golf course open space. Mayor Costello recommended the developer set aside the finances for a traffic light even if it was not warranted at this point in that he believed traffic to be a valid concern. He asked if DOT would permit a light if the money was available.

Mr. Sans Lassiter, Traffic Engineer, replied if a traffic light was installed that does not meet the DOT warrants and an accident was caused by the fact the signal was installed, it would make the one installing the light liable. He explained traffic lights are a major liability issue because they increase rear end accidents and are meant to avoid right angle accidents which are more severe. Mr. Lassiter advised that due to this particular entrance on this particular road, most of the turns from Nova Road would be northbound left turns entering the parcel and most exiting from this project would be eastbound or outbound right turns, and those movements do not conflict with each other; therefore, this would not meet DOT's requirement for a traffic signal, and they would not allow it to be installed without a significant change in development such as a build-out of area. He reported the count at the peak hours did not meet the warrant, and the requirement was to meet eight hours to warrant a signal.

Mayor Costello stated the City had hired Mr. Lassiter on numerous occasions, and he was known to be honorable and would not state anything that could later be refuted. He assured Ms. Wilen the plan did not include any hotel/motel type proposal.

Call Vote:

Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Commissioner Partington	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(G).

businesses along A1A were permitted to have pole signs. He pointed out this was an older building with an architectural design that was somewhat limiting to allow for horizontal signs at or below 20 feet, and staff was trying to follow what was done previously at the other two sites referenced.

Commissioner Gillooly stated Commissioner Partington received an e-mail today questioning the fairness on how the Commission judged special exceptions. She requested Mr. Ervin explain what constituted a special exception.

Mr. Ervin stated the Land Development Code was specifically amended for this particular situation. He explained in the mid 1990s there was a prohibition of all signs over 20 feet, and Peninsula Hospital indicated they could not get a 20-foot sign, but it was imperative to have a sign. Mr. Ervin reported that rather than going through a variance procedure, the Planning Board recommendation was to make a special exception for applicants to go through a public hearing process at the Development Review Board and at the City Commission level. He pointed out that the concept behind a special exception was what was being requested may not work everywhere in the district but may be appropriate in certain locations. Mr. Ervin reported this was regulatory relief granted toward existing structures built along the beachfront and in the hospital zoning districts because it would deal with more institutional buildings that would typically be taller and did not have the architecture to support typical signage.

Mayor Costello asked why the parrot had to be removed from the hotel but this could stay.

Mr. Ervin stated this would meet the sign area requirements while the parrot exceeded the size limitation, and the parrot was considered a graphic representation used for commercial free speech; therefore, interpreted as a sign. He noted there was also a prohibition against murals.

Mayor Costello reported he worked hard to keep the parrot, and he did not understand why this was recommended for approval while the parrot had to be removed.

Commissioner Partington stated he also appreciated the pole sign on A1A. He summarized that Mr. Ervin was indicating that in order to be consistent with what was previously approved staff was recommending this be approved. Commissioner Partington noted he considered that to be an important factor.

Commissioner Kelley stated there was a very clear difference that the Development Review Board considered and assessed incorrectly which was that a special exception was granted to B-7 for a Planned Business Development (PBD). He pointed out the hospital had no place for a sign, but this applicant did have a place for a sign. Commissioner Kelley reported the sign would not be obtrusive, but the exception granted was meant to apply in those situations where there was no place for a sign, which was not the case in this instance; therefore, he would vote against this request.

Call Vote:

Commissioner Partington	yes
Commissioner Gillooly	no
Commissioner Kent	no
Commissioner Kelley	no
Mayor Costello	no

Failed.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(A).

Item #9(B) - "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 2, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL

INCONSISTENT ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on second reading, as read by title only.

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Hearing no objection, Mayor Costello closed the public hearing on Item #9(B).

Item #10 - Collection, Removal, and Disposal Of Debris Upon Private Roads and within Private Gated Communities During a Declared State of Emergency

ORDINANCE NO. 2006-18

AN ORDINANCE AMENDING CHAPTER 10, WASTE, YARD WASTE AND RECYCLABLES*, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-1, DEFINITIONS; AND BY AMENDING SECTION 10-18, RESERVED, TO PROVIDE FOR THE COLLECTION, REMOVAL, AND DISPOSAL OF DEBRIS UPON PRIVATE ROADS AND WITHIN PRIVATE GATED COMMUNITIES DURING A DECLARED STATE OF EMERGENCY; PROVIDING FOR SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2006-18, on second reading, as read by title only.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #11(A) - Signage for Professional Office Uses in the Greenbelt Overlay District

ORDINANCE NO. 2006-19

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE CRITERIA, ARTICLE IV, SIGN REGULATIONS, SECTION 3-48, SPECIALIZED SIGN STANDARDS, OF THE *LAND DEVELOPMENT CODE* BY ALLOWING FOR ADDITIONAL SIGNAGE FOR PROFESSIONAL OFFICE USES IN THE GREENBELT OVERLAY DISTRICT, SUBJECT TO MINIMUM CRITERIA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was an administratively initiated amendment to the Land Development Code to address a concern identified to the Commission from a local land developer. He reported there was a concern that the current land development regulations do not provide enough sign flexibility for larger office complexes located along the major thoroughfares of Granada Boulevard, Clyde Morris Boulevard, Williamson Boulevard and Hand Avenue. Mr. Ervin noted staff had been in discussion with this developer to determine what options were available in that there were no sign variances for new construction, so developers have two options: rezone their property to PBD where they would have some flexibility or to go forward with straight zoning and comply with the minimum established standards. He explained the current minimum standards call for monument signage, and the size of the sign would be based on the frontage of the property with a maximum number of six tenant panels in addition to the name of the facility. Mr. Ervin reported the applicant was concerned this was not meeting the needs of today's real estate market and identified that the purchasers need additional signage. He noted staff had some concerns relative to applying the regulations City-wide. Mr. Ervin pointed out staff was not indicating the proposal was unattractive, and the applicant did point out

Ordinance Adoption
Business Impact Estimate

Proposed ordinance's number and legal title:

2023-XX

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE "TOMOKA RESERVE" SUBDIVISION, AUTHORIZING THE DEVELOPMENT OF 272 LOTS ON 147.94+ ACRES TO BE LOCATED AT 20 TOMOKA OAKS BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SET FORTH AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
☐ The proposed ordinance relates to the issuance or refinancing of debt;
☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
☐ The proposed ordinance is an emergency ordinance;
☐ The ordinance relates to procurement; or
☒ The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City.

This is an application submitted by Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC, for the issuance of a development order for the Tomoka Reserve subdivision. The application seeks to allow the issuance of a development order for 272 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The subject property is currently zoned as PRD, Planned Residential Development, and is located at 20 Tomoka Oaks Boulevard.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, including the following, if any:

   a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;

      None. This is a request for the issuance of a development order for a residential subdivision. No compliance costs are anticipated.

   b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

      None. This is a request for the issuance of a development order for a residential subdivision. There are no charges or fees proposed.

   c. An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

      None. This is a request for the issuance of a development order for a residential subdivision.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

   None. This is a request for the issuance of a development order for a residential subdivision.

4. Any additional information the City determines may be useful.

   (This section may include: methodology or data used to prepare the Business Impact Estimate, e.g., City staff solicited comments from businesses as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail/email, posting on the City's website, public workshop, etc.; efforts made to reduce the potential fiscal impact on businesses; and state the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals or businesses) and, therefore, the proposed ordinance does not affect only businesses.)

   No business impacts proposed. The item was advertised by U.S. mail to abutting property owners and newspaper advertisements. Information on the application is also on the city's website.

MINUTES
ORMOND BEACH CITY COMMISSION
HELD AT 1687 WEST GRANADA BOULEVARD

November 7, 2023	**6:00 p.m.**	**Calvary Christian Center**

Present: Mayor Bill Partington, Commissioners Lori Tolland, Travis Sargent, Susan Persis and Harold Briley, City Attorney Randy Hayes, Assistant City Manager Claire Whitley and Assistant City Clerk Taylor Lochert.

A G E N D A

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. Hometown Heroes

B. National Native American Heritage Month

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting - October 17, 2023

7. COMMUNITY REDEVELOPMENT AGENCY

A. **RESOLUTION NO. 2023-195:** A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

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

8. CONSENT AGENDA

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

A. **RESOLUTION NO. 2023-195:** A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

B. **RESOLUTION NO. 2023-196:** A RESOLUTION AUTHORIZING A WAIVER OF RESIDENTIAL GARAGE SALE PERMITS AND FEES AS PART OF THE 15TH ANNUAL SUPER SCENIC 150-MILE

GARAGE SALE ON THE BEACHSIDE FROM THE NORTH CITY LIMITS TO THE SOUTH CITY LIMITS FROM THE HALIFAX RIVER TO THE ATLANTIC OCEAN ON SATURDAY, NOVEMBER 18, 2023 FROM 8:00 A.M. TO 2:00 P.M.; AND SETTING FORTH AN EFFECTIVE DATE.

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

C. **RESOLUTION NO. 2023-197:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL REGARDING FUNDING FOR THE CITY'S VICTIM'S ADVOCATE PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

D. **RESOLUTION NO. 2023-198:** A RESOLUTION ACCEPTING THE QUOTE FROM OWENS ACCREDITATION SERVICES, LLC REGARDING ACCREDITATION SERVICES FOR THE POLICE DEPARTMENT; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Jesse Godfrey, Police Chief, (386) 676-3500*

E. **RESOLUTION NO. 2023-199:** A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF PARTS AND SERVICE FROM PARKSON CORPORATION FOR THE CITY'S AQUA GUARD SELFCLEANING BAR/FILTER SCREEN AT THE WATER RECLAMATION FACILITY; AUTHORIZING THE EXECUTION OF A CONTRACT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*

F. **RESOLUTION NO. 2023-200:** A RESOLUTION AUTHORIZING A WORK AUTHORIZATION AND ADDITIONAL FUNDING TO ANDRITZ SEPARATION, INC. FOR THE REPAIR OF THE CENTRIFUGE UNIT AT THE WATER TREATMENT PLANT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*

G. **RESOLUTION NO. 2023-201:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE INSTALLATION OF LED LIGHTING AT THE ORMOND BEACH SPORTS COMPLEX FOR THE SOFTBALL QUAD; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

H. **RESOLUTION NO. 2023-202:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE RENOVATION OF BASEBALL FIELDS 2-5 AT THE NOVA COMMUNITY PARK; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

I. **FEMA Flood Mitigation Assistance Program Grant Application**

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

Disposition: Approve as recommended in the City Manager staff report dated November 7, 2023.

J. **Auto Renewal - Golden Eagle (at Andy Romano Beachfront Park)**

Staff Contact: *Robert Carolin, Leisure Services Director, (386) 676-3279*

Disposition: Approve as recommended in the City Manager staff report dated November 7, 2023.

9. PUBLIC HEARINGS

A. **ORDINANCE NO. 2023-51:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF BENTON STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-08-0010, 3136-01-07-0010, AND 3136-01-01-0021, AND ALONG VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-01-0021 AND 3136-01-21-0050; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

B. **ORDINANCE NO. 2023-52:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF HAMMOND STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE AND NORTH OF PLANTATION OAKS BOULEVARD, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3125-08-00-0014, 3136-01-07-0010 AND 3136-01-01-0021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

C. **ORDINANCE NO. 2023-53:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF ROSEMARY STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-09-0001 AND 3136-01-08-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

D. **ORDINANCE NO. 2023-55:** AN ORDINANCE AUTHORIZING THE

EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE "TOMOKA RESERVE" SUBDIVISION, AUTHORIZING THE DEVELOPMENT OF 272 LOTS ON 147.94+ ACRES TO BE LOCATED AT 20 TOMOKA OAKS BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

A. **ORDINANCE NO. 2023-54:** AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2022-2023 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); PENSION CONTRIBUTION PASS THROUGH FUND (113); RECREATION FACILITY FEE FUND (115); GRANTS FUND (116); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); RENEWAL & REPLACEMENT FUND (409); SOLID WASTE FUND (460); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: *Kelly McGuire, Finance Director, (386) 676-3226*

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

M I N U T E S

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 6:10 p.m.

Item #2 – Invocation

Chaplain Sam Mercado, Advent Health, provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Hometown Heroes

Mayor Partington presented a proclamation to Deputy Fire Chief Nate Quartier and Police Captain Chris Roos in honor of the Hometown Heroes Military Appreciation Banner program and proclaimed November 2023 as a time to celebrate the Hometown Heroes.

Item #5 – Audience Remarks

Ms. Melissa Horan, 1010 Seashell Court, discussed her experience with public safety concerns in small towns and encouraged the City Commission to mitigate potential risks.

Ms. Lindsey Pate, 40 Wild Cat Lane, expressed gratitude towards Mayor Partington and City Manager, Ms. Joyce Shanahan, for their support of the residents in their opposition

of the Belvedere Fuel Farm at the Volusia County Council meeting on November 7, 2023.

Ms. Rebecca Mangali, unincorporated Volusia County, discussed misconceptions regarding the Belvedere Fuel Terminals and fuel prices.

Mr. Kason McFarren, unincorporated Volusia County, thanked the Commission for their work regarding the Belvedere Fuel Farm.

Ms. Connie Colby, 108 Roble Lane, requested the agenda items have more details on the agenda to help with transparency and discussed the potential relocation of the police station.

Volusia County Council Member Troy Kent, 130 Magnolia Drive, thanked the Commission and staff for their support of the dog friendly beach in Volusia County.

Commissioner Briley thanked Council Member Kent for his work on the dog friendly beach.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the October 17, 2023, meeting had been sent to the Commission for review and were posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated hearing no corrections, the minutes would stand approved as presented.

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of the October 17, 2023, City Commission meetings minutes.

The motion passed by voice vote.

Item #7 – Community Redevelopment Agency

Mayor Partington advised the following items were Community Redevelopment items. He explained the City Commission served as the Community Redevelopment Agency (CRA) of the city and must review the item and make a recommendation as the CRA.

Mayor Partington recessed the City Commission meeting, called the CRA meeting to order, and opened the public hearings at 6:31 p.m.

Item #7A – Granada Boulevard Streetscape Sidewalk Banding Repair Contract Modification

Assistant City Clerk Taylor Lochert read by title only:

RESOLUTION NO. 2023-195

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

Commissioner Persis moved, seconded by Commissioner Sargent, for recommendation of Resolution No. 2023-195, as read by title only.

The motion passed by voice vote.

Mayor Partington closed the public hearing, adjourned the CRA meeting, and reconvened the City Commission meeting at 6:32 p.m.

Item #8 – Consent Agenda

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

Commissioner Persis moved, seconded by Commissioner Tolland, for approval of the consent agenda.

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Comments on the Consent Agenda

Commissioner Sargent expressed his support of Items 8G and 8H regarding Volusia County ECHO grants for the Sports Complex Softball Quad LED lighting and Nova Community Park Fields restoration.

Item #9 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #9A – Partial Right-of-Way Vacation, Benton Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-51

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF BENTON STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-08-0010, 3136-01-07-0010, AND 3136-01-01-0021, AND ALONG VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-01-0021 AND 3136-01-21-0050; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Ordinance No. 2023-51, on second reading, as read by title only.

Call Vote:	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Item #9B – Partial Right-of-Way Vacation, Hammond Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-52

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF HAMMOND STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE AND NORTH OF PLANTATION OAKS BOULEVARD, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3125-08-00-0014, 3136-01-07-0010 AND 3136-01-01-0021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-52, on second reading, as read by title only.

Call Vote:	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes

Carried.	Mayor Partington	Yes

Item #9C – Partial Right-of-Way Vacation, Rosemary Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-53

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF ROSEMARY STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-09-0001 AND 3136-01-08-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-53, on second reading, as read by title only.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Mayor Partington recessed the Public Hearing at 6:37 p.m.

Item #10 – Public Hearings

Item #10A – FY 2022-23 Budget Amendments

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-54

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2022-2023 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); PENSION CONTRIBUTION PASS THROUGH FUND (113); RECREATION FACILITY FEE FUND (115); GRANTS FUND (116); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); RENEWAL & REPLACEMENT FUND (409); SOLID WASTE FUND (460); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2023-54, on second reading, as read by title only.

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Mayor Partington reconvened the Public Hearings at 6:39 p.m.

Item #9D – Tomoka Reserve, Issuance of a Development Order

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-55

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE “TOMOKA RESERVE” SUBDIVISION, AUTHORIZING THE

DEVELOPMENT OF 272 LOTS ON 147.94± ACRES TO BE LOCATED AT 20 TOMOKA OAKS BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Randy Hayes, City Attorney, provided background on the item and noted the item was for an application for a development under a Planned Residential Development (PRD) zoning district. He explained it was a quasi-judicial proceeding, and noted the Commission should review the application against the Land Development Code and Comprehensive Plan, while keeping in mind the relevant evidence. He recommended any witnesses who wished to testify take an Oath. He requested the Commission consider accepting two stipulations including the professionals who would testify on behalf of the parties were qualified to do so and to allow the Tomoka Oaks Home Owners Association (HOA) to participate in the proceeding as a party-intervenor. He reviewed the order of business including time allotment for all involved parties to speak and voting conflicts.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of the two stipulations presented by Mr. Hayes.

Call Vote:	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Commissioner Persis moved, seconded by Commissioner Tolland, to swear in all witnesses who wished to testify.

Call Vote:	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
Carried.	Mayor Partington	Yes

Mayor Partington requested Court Reporter Shilah Blakeney provide the Oath to all who wished to testify.

Ms. Blakeney provided the Oath.

Mr. Spraker reviewed the existing land use, the application process, the process of the development and at what future stages it would go back before the Commission. He discussed the characteristics of the property and proposed designs of the development. He noted the concerns of the residents and the Planning Board's recommendation of denial.

Mr. Rob Merrell, Cobb Cole Law Firm, discussed the Growth Management Act and how it relates to the project and the city's Comprehensive Plan. He discussed the meetings held by the developer and the input provided. He reviewed the developer's team expert qualifications and their reports provided. He discussed the two outstanding items from staff's recommendation including the proposed buffer. He stated there was a pending application for the R-2 zoning to match the Tomoka Oaks subdivision zoning, noting it was not preferred by the developer.

Mr. Dennis Bayer, party-intervenor, expressed appreciation to the developer for working with the residents of the community. He adamantly disagreed with the application of the R-2 application. He discussed the uniqueness of the property and the expectations of the homeowners in the Tomoka Oaks subdivision. He noted the requests the HOA made to the developer, traffic issues, Planning Board recommendation, property entitlements, zoning and potential zoning.

Mr. Tom Harowski, party-intervenor, provided his background and summarized the issues the residents had with the proposed development including compatibility, density, design standards, lot sizing, traffic, and sidewalks.

Ms. Carolyn Davis, 46 Oakmont Circle, thanked Mr. Spraker for his professionalism and assistance. She discussed the 2006 PRD hearing and the covenants and restrictions that accompanied the development order.

Mr. Kirk Thrush, 1 Tomoka Oaks Boulevard unit 106, expressed concerns regarding the covenants and restrictions, traffic, and proposed the city provide a solution involving the Riverbend Golf Course.

Ms. Denise White, 9 Fox Run Trail, voiced concerns regarding health, safety, welfare, quality of life of the surrounding residents, and traffic.

Mr. Dale Ryals, 20 Eagle Court, explained her concerns regarding lack of hospital infrastructure, density of proposed project, cohesive look, and water use.

Ms. Ashley DuFrene, 118 North Saint Andrews Drive, expressed opposition of the proposed project and voiced concerns regarding density and the R-2 application. She referred to articles within the Land Development Code and provided a photo of her unobstructed view.

Ms. Angie Shull, 110 Deer Lake Circle, discussed her background with the city and expressed concerns regarding density and traffic.

Mr. Dick Reed, 16 Stone Quarry Trail, encouraged the Commission to buy the property and make the land a public golf course.

Mr. Jim Cameron, 39 Laurel Oaks Circle, expressed support of the proposed development.

Ms. Kristin Deaton, 80 Shadowcreek Way, encouraged the Commission to listen to the residents and the Planning Board's recommendation.

Mayor Partington recessed the City Commission meeting at 8:00 p.m.

Mayor Partington reconvened the City Commission meeting at 8:10 p.m.

Mr. Jim Rose, 21 Eagle Court, stated he was the chairman of the Golf Course Committee of the Tomoka Oaks HOA, and provided his background with the project. He requested the Commission deny the developers request.

Mr. Jeff Boyle, 614 North Halifax Drive, discussed the Planning Board's recommendation. He expressed concerns regarding traffic, protected covenants and requested the Commission deny the request.

Ms. Darla Widnall, 7 Shawnee Trail, voiced concerns regarding an emergency evacuation plan and traffic. She provided a handout to the Commission.

Mr. Tyler Brown, 90 North Saint Andrews Drive explained his concerns regarding the density calculations, lot sizes, and conservation space.

Mr. Paul Hughes, 4 Lauren Court, voiced concerns regarding an evacuation route, infrastructure, traffic, and the proposed project being a gated community.

Mr. Paul Maybeck, 15 Pine Valley Circle, summarized an email he sent that was provided to the Commission which included concerns on sidewalks, traffic and removal of trees.

Mr. Rick Rickards, 1 Tomoka Oaks Boulevard, stated he was opposed to the development noting concerns of broken promises.

Mr. Tom Fitzgibbon, 51 South Saint Andrews Drive, expressed concerns regarding property values and traffic.

Ms. Denise Corley, 51 South Saint Andrews Drive, voiced concerns regarding the nature, environment, and quality of life. She encouraged the Commission to vote no on the project.

Ms. Michelle Zirkelbach, 328 River Bluff Drive, stated she provided a handout to the Commission and reviewed concerns regarding density calculations and compatibility.

Ms. Caitlyn Casey-Parker, 32 Pebble Beach Drive, expressed concerns regarding density, traffic, and wildlife impacts.

Mr. Robert Banker, 1 Tomoka Oaks Boulevard, stated he did not believe the development fit the neighborhood and expressed concerns regarding density and property values.

Ms. Jessica Vitale, 7 Eagle Drive, indicated concerns regarding project location, density, traffic, construction noise, greenspace, natural buffers, and potential title restrictions.

Ms. Barbara Doliner, 108 South Saint Andrews Drive, expressed concerns regarding the developer and the project.

Ms. Missy Herrero, 111 North Saint Andrews Drive, voiced concerns regarding the density calculations, traffic study, lot sizes, lack of compatibility, and lack of hospital infrastructure.

Mr. Tyler Travis, 888 Willow Run, expressed support of the development.

Mr. Bayer reviewed the Planning Board recommendation, noting concerns of traffic and density.

Mr. Merrell stated he had a team available for any questions. He reviewed potential options if the project was denied.

Commissioner Briley thanked the residents and Mr. Spraker for their work on the project. He questioned if the golf course was originally part of Tomoka Oaks, if the proposed development would be in Tomoka Oaks as its own development and inquired if the development would be considered a re-plat of the existing subdivision; whereby, Mr. Spraker explained the golf course was platted as its own separate parcel and not part of the Tomoka Oaks subdivision. Commissioner Briley expressed concerns regarding the subdivision's ingress and egress; whereby, Mr. Spraker stated there would need to be multiple access points and noted the proposed plan did have an emergency access identified. Commissioner Briley discussed the access points and inquired if The Trails subdivision could be gated; whereby, Mr. Spraker stated that would need to go through the site plan process, amendments to the plats, and homeowners' agreements.

Commissioner Briley asked about the distance between Nova Road and the Escondido apartments; whereby, Mr. Sans Lassiter, Lassiter Transportation Group, reviewed the traffic study and traffic light needs. Commissioner Briley expressed concerns regarding traffic in peak hours and during times the train went through the area.

Mr. Lassiter explained the traffic light would have preemption noting that would help mitigate traffic backups during the times the train went through the area. He reviewed the traffic analysis.

Commissioner Briley discussed the vehicular and pedestrian conflicts within the current subdivisions. He reviewed the weight capacity for the Misner's Trail bridge, expressed concerns for the structure of the bridge and inquired who maintained the bridge; whereby, Mr. Shawn Finley, Public Works Director, indicated the Florida Department of Transportation (FDOT) inspects the bridge annually and the city maintains it.

Commissioner Persis inquired about the time of day the traffic study was completed; whereby, Mr. Lassiter noted it was completed in the morning and afternoon. She stated she traveled to the subdivisions during peak hours and noted the current traffic concerns. She inquired if the developer was willing to significantly reduce the number of homes in the development, increase the lot sizes, and irrigate the buffers; whereby, Mr. Merrell asked what significant meant. Commissioner Persis clarified the prior Commission agreed to 122 homes in 2006; whereby, Mr. Merrell stated the 2006 plan was no longer an option and 122 homes would not work for the project.

Mr. Carl Velie, property owner, explained all the costs associated and noted they needed the number of lots to be profitable, and discussed the landscaping aspect of the buffer of the proposed project.

Commissioner Sargent inquired what the maximum height of the homes would be; whereby, Mr. Merrell stated the same as the R-2 zoning. Commissioner Sargent inquired if the sidewalks could be consistent with the other subdivisions; whereby, Mr. Merrell stated there would be sidewalks throughout the property and would be open to the

residents of the Tomoka Oak subdivision. Commissioner Sargent expressed the residents concerns of density and lot sizing.

Commissioner Tolland inquired about the calculations of the density; whereby, Mr. Spraker stated the calculations for the density of Tomoka Oaks subdivision could not include the 84 acres that had an open-space conservation zoning which did not allow for density. He reviewed the calculations for both subdivisions. She asked about the golf course; whereby, Mr. Hayes stated when the golf course was constructed it had a restrictive covenant which prohibited development, noting it did allow the HOA to release the covenant. He explained the release happened in 1976. She inquired about the natural buffer; whereby, Mr. Don Spence, on behalf of applicant, stated the buffer would take ten years for the trees to reach maturity and the shrubs would take about five years.

The entire Commission disclosed they met individually with the development team and several residents and discussed the types of meetings held.

Mr. Hayes reminded the Commission the item before them was an application for a development order under PRD zoning. He noted the Commission's decision should be based on if the development met the competent substantial evidence standard including conforming to the Land Development Code and Comprehensive Plan, the development will not adversely impact the environment, the development will not substantially or permanently depreciate the value of the surrounding property, adequate public facilities, ingress and egress traffic safety, the development is a functional use of space, provides for safety of occupants and visitors, and the proposed use of materials and architectural features will not adversely impact the neighborhood aesthetics. He reviewed potential options for the Commission.

Commissioner Persis discussed concerns regarding ingress and egress, traffic and environmental impact. She stated she would vote no on the item, and stated she would like to deny the request or send back to the Planning Board for the developers to include a substantial reduction in density, similar to the approved PRD from 2006.

Commissioner Sargent reviewed the issues he had including traffic, pedestrian safety, and density. He stated he would support sending the item back to the Planning Board in hopes of a plan similar to the 2006 approved PRD.

Commissioner Tolland expressed concerns regarding pedestrian safety, compatibility with surrounding neighborhoods, density, natural buffer, and traffic. She indicated support of a plan similar to the 2006 approved PRD.

Commissioner Briley stated concerns for the compatibility, lot sizes, and density. He agreed the item should go back before the Planning Board.

Mayor Partington supported the item being remanded to the Planning Board and expressed concerns regarding density and traffic.

Commissioner Persis moved, seconded by Commissioner Tolland, to remand the item to the Planning Board for further consideration.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Mayor Partington closed the public hearings.

Item #10 – Reports, Suggestions, Requests

Events, Compliments, and Announcements

Ms. Claire Whitley, Assistant City Manager, reviewed upcoming events including a Veterans Day celebration luncheon, HOme for the HOlidays parade, and Ormond Beach MainStreet Riverfest.

Commissioner Tolland thanked residents, staff, and the Planning Board regarding the Tomoka Reserve item, Belvedere Fuel Farm, and Hunter's Ridge.

Commissioner Sargent discussed an incident from earlier in the day involving the Ormond Beach Police Department. He thanked Mr. Spraker for his hard work.

Commissioner Persis thanked Mr. Spraker, Mr. Hayes, Ms. Whitley and City Manager Joyce Shanahan.

Commissioner Briley reviewed events he attended including the ribbon cutting for the dog section of the Volusia County beach and Hometown Heroes drive-thru lunch.

Item #11 – Adjournment

The meeting was adjourned at 10:11 p.m.

APPROVED: December 5, 2023

BY: _____
Bill Partington, Mayor

ATTEST:

_____
Susan Carroll Dauderis,
City Clerk

Ordinance 2006-17

Tomoka Oaks Golf Village

- October 17, 2006 City Commission item
- October 3, 2006 City Commission minutes
- October 17, 2006 City Commission minutes

10/31/2006 12:31 PM
Instrument# 2006-273444 # 1
Book: 5944
Page: 2179

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 2, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE", PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the property to be rezoned consists of approximately 147-acres located within the limits of the existing Tomoka Oaks Golf Course, and is zoned R-2 (Single Family Low Density), and

WHEREAS, RTH, Inc., a Florida corporation, has initiated this Ordinance which rezones that parcel of privately-owned real property hereinafter described, and

WHEREAS, the said parcel of real property involves more than ten (10) contiguous acres, and

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

WHEREAS, the City Commission held a public hearing regarding this matter as required by Section 166.041(3)(c)(2), *Florida Statutes*, and

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

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

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

SECTION ONE. Subsection A, Zoning Map, of Section 2-03, Official Zoning Map and Zoning District, of Chapter 2, District and General Regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, of the *Land Development Code* of the City of Ormond Beach, Florida, is hereby amended by amending the Official Zoning Map, which is part of the said *Land Development Code*, to change the real property described on Exhibit "A" attached hereto and incorporated herein by reference from R-2 (Single Family Low Density) to PRD (Planned Residential Development).

SECTION TWO. The property hereby rezoned consists of approximately 147-acres located at within the limits of the existing Tomoka Oaks Golf Course, and is zoned R-2 (Single Family Low Density).

SECTION THREE. The City Commission does hereby approve, authorize, and direct the revision of the City's Official Zoning Map to show the classification for the area as hereby rezoned.

SECTION FOUR. The City Commission does hereby approve a Development Order to allow the construction of the "The Tomoka Oaks Golf Village" Planned Residential Development, consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel, attached hereto.

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

SECTION SIX. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission this 3rd day of October, 2006.

PASSED UPON at the second and final reading of the City Commission this 17th day of October, 2006.

Fred Costello

FRED COSTELLO
Mayor

ATTEST:

Veronica Patterson

VERONICA PATTERSON
City Clerk

Instrument# 2006-273444 # 4
Book: 5944
Page: 2182
Diane M. Matousek
Volusia County, Clerk of Court

CERTIFICATE

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF ORMOND BEACH

I, Veronica Patterson, as City Clerk of the City of Ormond Beach, Florida, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 2006-17 as the same appears of record at City Hall, City of Ormond Beach, Florida.

Dated this 19th day of September 2006.

VERONICA PATTERSON
City Clerk
CITY OF ORMOND BEACH, FLORIDA

SEAL

10/31/2006 12:31 PM
Instrument# 2006-273445 # 1
Book: 5944
Page: 2183

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Application of RTH, Inc.
PRD-06-32
"Tomoka Oaks Golf Village" Planned Residential Development
within the limits of the existing Tomoka Oaks Golf Course

DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on October 3, 2006 and October 17, 2006, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18(D)(3) of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

(1) The land use conforms to the standards and requirements of this *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PRD, Planned Residential zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The land use is consistent with the *Comprehensive Plan*;

(3) The land use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

(5) Public facilities, such as roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds will not be unduly burdened and are adequate to serve the land use;

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

(7) The land use is functional in the use of space and aesthetically acceptable;

(8) The land use provides for the safety of occupants and visitors;

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

(10) The testimony provided at public hearings.

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of RTH, Inc., a Florida corporation, for the "Tomoka Oaks Golf Village" a planned residential development to allow the construction of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel within the limits of the existing Tomoka Oaks Golf Course, in the R-2 Single Family Low Density zoning district, on that real property described and depicted on Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-35, Planned Residential Development, of the City of Ormond Beach *Land Development Code*, except as otherwise specifically modified hereby, shall at all times be strictly complied with;

2. That the following recommendations of the Planning Board shall be resolved and strictly complied with at all times:

a. The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.

b. The owner shall provide a note on the plat for the property indicating to future property owners the proximity of the airport and the flight pattern of the traffic from the airport.

c. The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with trees and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.

3. That the following comments of the Site Plan Review Committee shall be resolved and strictly complied with at all times:

CITY LANDSCAPE ARCHITECT COMMENTS:

a. Wheel stops must be provided. Vehicle bumpers will not overhang the planting beds.

b. Applicant must provide a littoral planting detail and specifically show where they are to be planted on the pond banks in all applicable ponds; applicant must provide calculation for each pond; clarify if ponds are wet or dry; if dry then littoral planting is not required.

c. Applicant must provide a note on the plans that any tree needed to be removed during construction will require a one for one replacement penalty; protected trees will require one 2.5" caliper variety and specimen trees will require one 4.5" caliper variety to suit its planting location; replacement trees need to be Florida #1 at a minimum height of ten feet (10'). CPH will make the determination as to what is best suited for each replacement.

d. Remove the asterisk note on page TR-8.

CIVIL ENGINEER COMMENTS:

e. Applicant must provide legend to clarify phasing.

f. Sheet C6 – Include Temporary Construction Entrance in Phase 1A.

g. Sheet C2 – Provide As Built Requirements for Water and Sewer; relocate the As Built Requirements for Roadway Construction from sheet C36.

h. Sheet C22 –Removing the fire hydrant from the pond.

i. Sheets C45-C47 – Estimated Wet Season Water Table Elevation and Design Pond High Water Elevation to each section.

j. Applicant must locate easements for utilities and lift station on the plat.

CHIEF BUILDING OFFICIAL COMMENTS:

k. Applicant must provide additional fire hydrants to townhouse and condo locations.

l. Applicant must provide location of fire department connections.

m. The location of handicap spaces for the clubhouse is unacceptable; accessible parking spaces shall not cross the roadway and shall be as close to the building as possible.

FIRE DEPARTMENT COMMENTS:

n. Fire hydrants shall be installed at intervals not to exceed 500 feet; provide location of additional hydrants on plans.

PUBLIC UTILITIES COMMENTS:

o. Manhole #44 on page C18 of the plans needs to be lined.

p. Applicant must update fire hydrant assembly detail.

q. Show how reuse will be connected to existing reuse line or the proposed reuse line to be constructed to the reuse storage pond by Tomoka Oaks.

r. Reuse meter to be provided by owner of make and model approved by the City. A reuse agreement will need to be executed by the owner and the City.

s. Applicant must confirm if water master meter shall be needed or if units will be individually metered.

t. Applicant must provide match lines on composite utility sheets.

u. All water and sewer lines to be owned and maintained by City must be in public rights of way or 40 foot access and utility easement; an easement or deed is also needed for the lift station.

POLICE DEPARTMENT COMMENTS:

v. Parking lot lighting, pole heights must not exceed 20 feet and maximum wattage shall be 250 watts (see Land Development Code Chapter 3, Article 5 Architectural Design Standards, Chapter 3 Page 10). This will impact lighting calculations currently submitted.

4. The subdivision is approved to have a total of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings with the following dimensions as shown on the attached plans. The townhomes and condominiums shall be developed in accordance with the conceptual plans approved for the proposed PRD and the requirements established in Chapter 2, Article IV, Section 2-57 M. Multi-Family Dwellings:

Land Use	Min. Lot Area	Min. Lot Width	Front Setback	Side Corner	Side Setback	Rear Setback
Single-family	10,000-square feet	100- feet	30-feet	20-feet	8-feet total 20-feet	25-feet

5. As a stand alone zoning district the following permitted uses and dimensional criteria for this Planned Residential Development are hereby established as follows:

1. **Permitted Principal Uses and Structures.**

   a. Single-family Detached units

   b. Townhouse Units, as located on the conceptual development plan prepared by Conklin Porter and Homes, CPH project number T7501, dated June 2005.

   c. **Multifamily Condominium units** as located on the

conceptual development plan prepared by Conklin Porter and Homes, project number T7501, dated June 2005.

2. Permitted Accessory Uses and Structures

a. Single Family detached dwellings and all accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article III.

b. Home Occupations, Type "A", subject to the regulations set forth in Chapter 2, Article III.

6. The project shall be phased over a 5-year period and shall consist of 6 phases; a new phase shall not be initiated until the improvements and enhancements identified in the previous phase have been initiated and are substantially completed. This condition shall not prevent the owner from completing multiple phases concurrently. The following summarizes the phasing of the project:

Phase	Description
1A	Construction of the tennis facility, maintenance area, parking, spine road and associated stormwater improvements. The "Golf Townhomes" at the northern most portion of the development (9th and 10th fairway) will be constructed
1B	Demolition and reconstruction of the clubhouse and parking lot.
1C	Completion of all of the townhomes in the golf and tennis areas.
2A	Development of condominiums at tennis facility.
2B	Development of condominiums at the driving range and clubhouse areas.
3	Development of 3-single family homes on the estate lots.

B. The final plans for the development project shall be consistent with the provisions of this Development Order and the plans depicted in Exhibit "B" hereto; provided, however, that the said plans shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plan for the development project without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Development Order.

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

E. If the final plan approval lapses under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be re-established, a new PRD Development Order shall be considered by the City Commission.

F. In the event the use of the land approved by this PRD Development Order is abandoned for a period of two (2) years or there has been no construction activity during that period, the permit shall be void and a Notice of Final Plan Revocation filed under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be reestablished, a new PRD Development Order shall be considered by the City Commission.

G. Semi-annually, the Neighborhood Improvement Officer shall prepare a report indicating which planned developments are not in compliance with Section 1-14, or the conditions stipulated in the Development Order, in the event a Neighborhood Improvement Officer subsequently determines there to be any violation, such Officer shall promptly present such determination to the Special Master for hearing.

H. Pursuant to Chapter 1, Article II, Section 1-14(C) (2), of the *Land Development Code*, the first phase of this Special Exception shall automatically expire and become void, without further action by the City Commission, 24 months (October 17, 2008) from the date of City commission approval, unless a site plan or building permit has been issued prior to that date; and a use building permit is so issued, this Special Exception shall remain in full force and effect unless and until subsequently amended by the City Commission.

I. The expiration date of the sixth and final phase of the project to be constructed shall be five (5) years in the future, or to October 17, 20011, and shall automatically expire and become void, without further action by the City Commission, unless a building permit

is issued for the sixth and final phase of the project prior to that date; and if a building permit is so issued, the Development Order shall remain in full force and effect unless and until subsequently amended by the City Commission

J. This Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of RTH, Inc., a Florida corporation, and shall be binding upon RTH, Inc., a Florida corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No. 3242-07-00-0010)

ORDERED this 17th day of October, 2006.

CITY COMMISSION
CITY OF ORMOND BEACH, a Florida municipal corporation

By: _____
FRED COSTELLO
Mayor

(CITY SEAL)

Attest: _____
ISAAC D. TURNER
City Manager

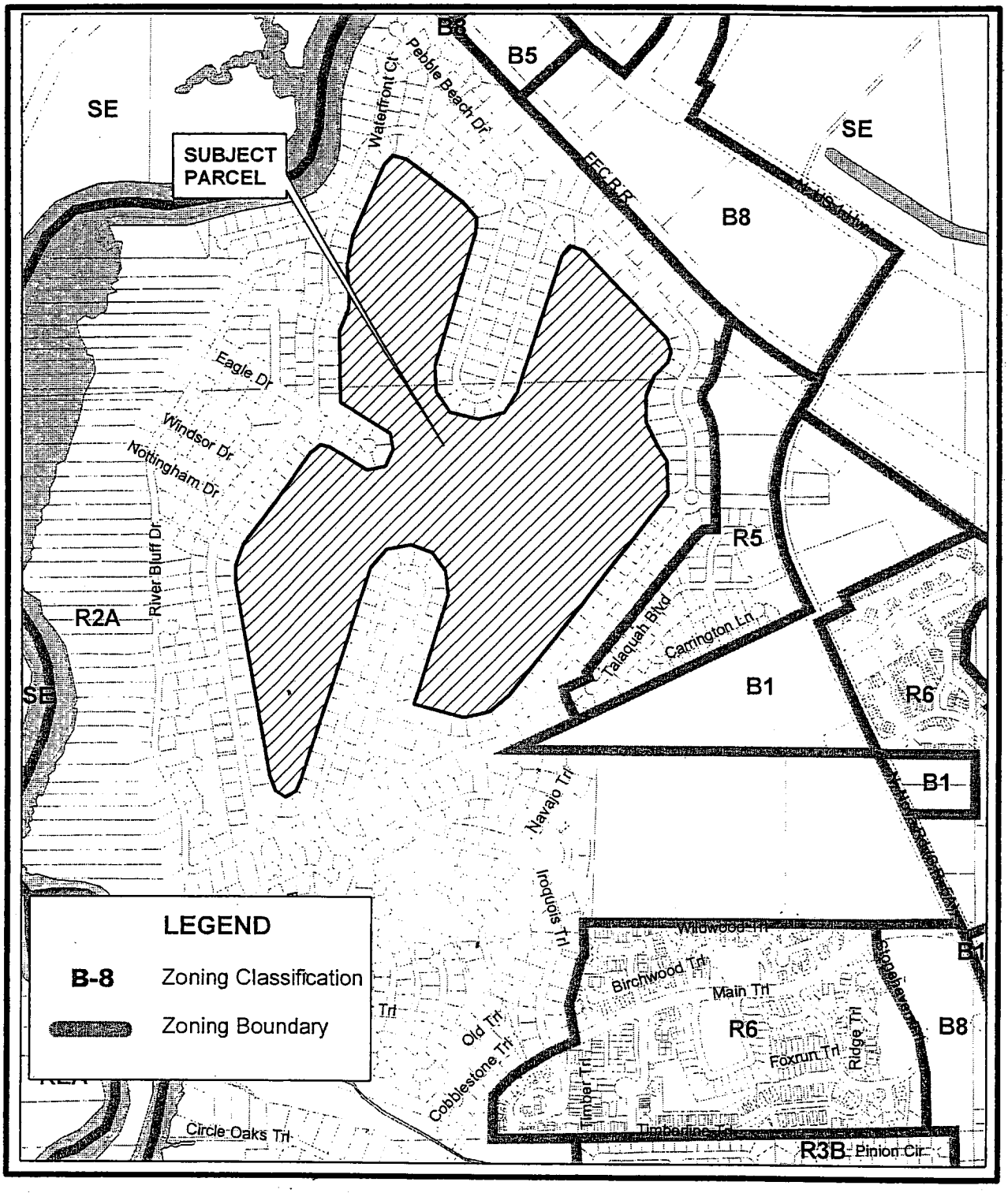
Instrument# 2006-273445 # 9
Book: 5944
Page: 2191

LEGAL DESCRIPTION

39 14 32 135 ACRES ALL SNEAD GOLF & COUNTY CLUB
MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019

PARCEL ID NO. 3242-07-00-0010

Instrument# 2006-273445 # 10
Book: 5944
Page: 2192



CITY OF ORMOND BEACH FLORIDA

ZONING MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

N
W E
S

Instrument# 2006-273445 # 11
Book: 5944
Page: 2193

CONSTRUCTION PLANS FOR

THE TOMOKA GOLF VILLAGE

PLANNED RESIDENTIAL DEVELOPMENT

THE CITY OF ORMOND BEACH - VOLUSIA COUNTY - FLORIDA

OWNER: The Tomoka Golf Village, LLC
20 Tomoka Boulevard
Ormond Beach, Florida 32174
John Richard Rylas
(386) 677-5931 FAX: (386) 673-5072

ENGINEER: CPH Engineers, Inc.
520 Palm Coast Parkway SW
Palm Coast, Florida 32137-4713
(386) 445-6569 Fax: (386) 447-8991
Jason R. Kellogg, P.E.

SURVEYOR: McMillen Land Surveying, Inc.
495 S. Nova Road, Suite 102
Ormond Beach, Florida 32174
(386) 677-2411 Fax: (386) 677-2325
David McMillen, P.S.M.

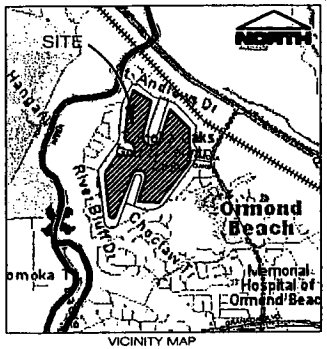
ARCHITECT and PLANNER: Stanley Paul Hoelle, Architect
3550 Rodeo Acres Drive
Ormond Beach, Florida 32174
(386) 672-2261 Fax: (386) 673-7947
Stanley Hoelle,

UTILITIES:

Water & Sewer:	City of Ormond Beach
Power Company:	Florida Power and Light
Telephone Company:	Bellsouth
Cable Television:	Brighthouse Network

TAX I.D. # 42-13-32-07-00-0010

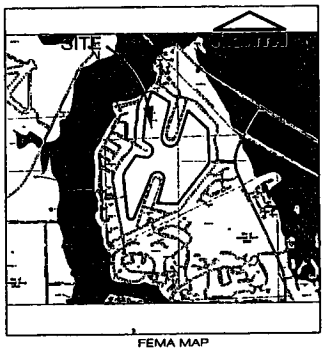
LEGAL DESCRIPTION: 39 14 32 135 ACRES ALL SNEAD GOLF & COUNTRY CLUB MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019.



VICINITY MAP
Scale: 1"=2000'



SOILS MAP
Scale: 1"=2000'



FEMA MAP
Scale: 1"=2000'

SHEET INDEX

C1	COVER SHEET
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C12-C16	DRAINAGE AND GRADING PLAN
C17-C21	COMPOSITE UTILITY PLAN
C22-C34	PLAN AND PROFILE
C34A	PLAN AND PROFILE
C35	EROSION AND SEDIMENTATION CONTROL
C35A	EROSION AND SEDIMENTATION CONTROL DETAILS
C36-C39	DETAILS
C40-C44	SITE LIGHTING PLAN
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L1-L9	LANDSCAPE PLAN
TH-1	TOWN HOME- LANDSCAPE PLAN
TR1-TR8	TREE RETENTION PLAN
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A1-A21	ARCHITECTURAL PLAN

NO.	DATE	PLAN REVISION	APPROVED	NO.	DATE	PLAN REVISION	APPROVED
1	9/05	REVISED PER CITY COMMENTS	JRK				
2	3/06	REVISED PER CITY COMMENTS	JRK				
3							

cph Engineers Planners Landscape Architects Surveyors Construction Management
cphengineers.com
520 Palm Coast Parkway SW, Palm Coast, FL 32137
Phone: 386 445.6569 Fax: 386.447.8991

©2005

CPH Project No. T5701
File: T5701cvr.dwg
Date: JUNE, 2006

Sheet No. C1

EXHIBIT "B"
PAGE 1 OF 35

Instrument# 2006-273445 # 12
Book: 5944
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GENERAL NOTES:

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ORMOND BEACH'S LAND DEVELOPMENT CODE REQUIREMENTS, AND THE STANDARD CONSTRUCTION DETAILS AND CONSTRUCTION SPECIFICATIONS (SCDCS). AN ENGINEERING PERMIT AND TREE REMOVAL PERMIT IS REQUIRED PRIOR TO STARTING CONSTRUCTION.

NO LAND SHALL BE CLEARED, EXCAVATED OR FILLED AND NO STRUCTURE SHALL BE ERECTED, REPAIRED OR DEMOLISHED WITHOUT PROPER PERMIT(S) AS REQUIRED BY THE CITY OF ORMOND BEACH.

NOTIFY THE CITY OF ORMOND BEACH'S ENGINEERING DIVISION AT 676-3269 48 HOURS PRIOR TO THE START OF CONSTRUCTION.

ANY CONSTRUCTION CHANGES TO APPROVED PLANS SHALL BE SUBMITTED TO THE CITY OF ORMOND BEACH FOR APPROVAL PRIOR TO PERFORMING THE WORK.

ROAD CONSTRUCTION AND PIPE INSTALLATION COMPACTION AND DENSITY TESTING SHALL CONFORM TO THE CITY OF ORMOND BEACH'S MINIMUM REQUIREMENTS. CERTIFIED COPIES OF TEST REPORTS SHALL BE SUBMITTED TO THE CITY INSPECTOR AND THE CITY'S ENGINEERING DIVISION.

A PRE-PAVING UTILITY INSPECTION MUST BE REQUESTED AND COMPLETED PRIOR TO THE PAVING OF ALL ROADS, STREETS, AND PARKING AREAS.

A FINAL INSPECTION, TO BE CONDUCTED BY THE CITY OF ORMOND BEACH, SHALL BE PERFORMED ON ALL CONSTRUCTION. THE DESIGN ENGINEER SHALL NOTIFY THE CITY OF ORMOND BEACH'S ENGINEERING DIVISION 676-3269 WHEN REQUESTING A FINAL INSPECTION.

THREE COMPLETE SETS OF AS-BUILT DRAWINGS (5 FOR SUBDIVISIONS) ARE REQUIRED TO BE SUBMITTED TO THE CITY OF ORMOND BEACH PRIOR TO REQUESTING A FINAL INSPECTION.

THE CITY HAS A CONTRACTOR FOR ROLL OFF SERVICE. NO OTHER CONTRACTOR SHALL BE PERMITTED TO PROVIDE THIS SERVICE. VERIFY COMPANY UNDER CONTRACT WITH THE CITY.

CONSTRUCTION STANDARDS FOR ALL DRAINAGE SYSTEM COMPONENTS SHALL CONFORM TO THE LATEST EDITION OF THE FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS MANUAL.

ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE (RCP), HIGH DENSITY POLYETHYLENE (HDPE), POLYVINYL CHLORIDE (PVC) OR ALUMINUM CORRUGATED METAL PIPE (ACMP), AS SHOWN ON THE PLANS.

STORM DRAINAGE PIPES SHALL BE A MINIMUM OF FIFTEEN (15) INCH DIAMETER OR EQUIVALENT.

STORM INLETS, MANHOLES AND CATCH BASINS SHALL BE EITHER POURED IN PLACE OR PRE CAST REINFORCED CONCRETE. STRUCTURES SHALL BE REQUIRED AT EACH CHANGE OF PIPE SIZE OR CHANGE IN PIPE DIRECTION.

STORM INLETS SHALL BE SPACED IN SUCH A MANNER AS TO ACCEPT ONE HUNDRED (100) PERCENT OF THE DESIGN STORM RUNOFF.

WET DETENTION PONDS SHALL BE EIGHT (8) FEET MINIMUM TO TWELVE (12) FEET MAXIMUM DEPTH BELOW THE DESIGN LOW OR NORMAL WATER STAGE.

MAXIMUM DISTANCES BETWEEN INLETS AND/OR JUNCTION BOXES:

PIPE SIZE (INCHES)	LENGTH OF RUN (FEET)
15	150
18	300
24 OR GREATER	400

ALL SWALES, DITCHES AND DRY RETENTION POND SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (H:V) AND SHALL BE SODDED.

NORMAL ROADSIDE SWALES SHALL BE CONSTRUCTED TO A MAXIMUM DEPTH OF 18" BELOW THE OUTSIDE EDGE OF PAVEMENT OR CONCRETE CURB.

CONCRETE EROSION CONTROL MUST BE PROVIDED WHERE SWALES OF CULVERTS INTERCEPT DRAINAGE DITCHES.

A MINIMUM ONE FOOT (1') FREEBOARD ABOVE THE DESIGN HIGH WATER ELEVATION IS REQUIRED AT ALL POINTS AROUND WET DETENTION PONDS.

LAKE INFLOW AND OUTLET STRUCTURES SHALL GENERALLY BE CONSTRUCTED WITH REINFORCED CONCRETE AND SHALL BE SUBJECT TO THE APPROVAL OF THE CITY.

SOIL EROSION CONTROL MEASURES, SATISFACTORY TO THE CITY, SHALL BE EMPLOYED DURING CONSTRUCTION AND UPON COMPLETION OF THE POND.

THE CITY MAY REQUEST THAT THE DEVELOPER SUBMIT A REPORT BY A QUALIFIED HYDROLOGIST ON THE IMPACT THE POND WILL HAVE ON NEIGHBORING WATER TABLE ELEVATIONS BOTH DURING CONSTRUCTION AND AFTER POND COMPLETION. THE CITY MAY REQUIRE GROUNDWATER MONITORING DURING THE POND EXCAVATION.

ADEQUATE MAINTENANCE EASEMENTS OR RIGHTS-OF-WAY AS APPROVED BY THE CITY SHALL BE PROVIDED AROUND THE ENTIRE PERIMETER OF ALL PONDS AND ASSOCIATED OUTFALLS DISCHARGING INTO AND OUT OF PONDS. APPLICABLE CROSS SECTIONS SHALL BE INCLUDED ON ALL FINAL DEVELOPMENT PLANS.

DEVELOPMENT PLANS SHALL CONTAIN DRAINAGE CONTROL STRUCTURE (OVERFLOW) INFORMATION, BOTTOM ELEVATION, TOP ELEVATION, NORMAL WATER LEVEL AND THE 25 YR. - 24 HR. DESIGN HIGH WATER LEVELS.

IN GENERAL, ALL RETENTION/DETENTION PONDS MUST BE CONSTRUCTED PRIOR TO ANY ROAD, PARKING LOT OR BUILDING CONSTRUCTION COMMENCING OR AS CURRENT PERMIT CONDITIONS DICTATE.

THE ENGINEER OF RECORD SHALL BE RESPONSIBLE TO OBTAIN ANY AND ALL DEWATERING PERMITS THAT MAY BE REQUIRED.

CULVERTS CROSSING RIGHTS-OF-WAY SHALL EXTEND FROM RIGHT-OF-WAY LINE TO RIGHT-OF-WAY LINE UNDER THE ROADWAY.

ALL STORM WATER MANAGEMENT SYSTEMS ARE TO BE OWNED AND MAINTAINED BY EITHER THE SURROUNDING PROPERTY OWNERS OR AN ASSOCIATION OF THE SURROUNDING PROPERTY OWNERS OR SOME OTHER GROUP AS APPROVED BY THE CITY.

SANITARY SEWER CONSTRUCTION GENERAL NOTES

THE CITY'S PUBLIC UTILITY DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY SEWER CONSTRUCTION.

ALL SANITARY SEWER MAIN LINES SHALL BE A MINIMUM OF 8" IN DIAMETER. SERVICE LATERALS WITH MULTIPLE CONNECTIONS SHALL BE 6" DIAMETER OR LARGER.

ALL SANITARY SEWER LINES SHALL BE PVC SDR 35. IN PLACES WHERE A MINIMUM COVER OF 4.0' CANNOT BE MAINTAINED, C-900 GREEN PVC DR-25, CLASS 100 OR CONCRETE ENCASEMENT SHALL BE USED.

MINIMUM ALLOWABLE SANITARY SEWER SLOPES ALLOWED ARE:

8" PIPE 0.40%
10" PIPE 0.30%
12" PIPE 0.22%

SEWER LINE CONSTRUCTION SHALL BE ACCOMPLISHED BY THE USE OF A LASER INSTRUMENT UNLESS ANOTHER METHOD IS PREVIOUSLY APPROVED BY THE CITY.

THE CONTRACTOR SHALL AT ALL TIMES, DURING PIPE LAYING, DEWATER THE GROUND SUFFICIENTLY TO KEEP THE GROUNDWATER ELEVATION A MINIMUM OF 6" BELOW THE PIPE BEING LAID WITHIN THE AREA OF THE TRENCH.

ALL PIPES SHALL BE LAID ON A FIRM FOUNDATION. SOFT OR SPONGY BEDDING FOR PIPES WILL NOT BE ACCEPTED. ANY UNSUITABLE MATERIAL SHALL BE REMOVED AND REPLACED WITH A DRY, COMPACTED, GRANULAR MATERIAL SATISFACTORY TO THE CITY.

EXCAVATION AND BACKFILL: THE CONTRACTOR SHALL PROVIDE ADEQUATE SHEETING AND BRACING OF EXCAVATION WORK OR USE OF TRENCH BOX IN ORDER TO PROVIDE FOR THE SAFETY OF WORKMEN, AS WELL AS REPRESENTATIVES OF THE CITY, THE DESIGN ENGINEER, AND THE DEVELOPER.

THE CONTRACTOR SHALL INSTALL A METALLIZED FOIL LOCATER TAPE, OR SIMILAR DEVICE AS MAY BE APPROVED BY THE CITY FOR THE FULL LENGTH OF ALL PVC WATER, RECLAIMED WATER AND SEWAGE FORCE MAINS. THIS PIPE LOCATER AID SHALL BE INSTALLED (15) INCHES BELOW FINISHED GRADE OR AS DIRECTED BY THE MANUFACTURER AND IS IN ADDITION TO THE LOCATER WIRE REQUIRED IN THE UTILITY PIPE LOCATION MATERIALS DETAIL (MISCELLANEOUS DETAILS SECTION - M10).

MANHOLES SHALL BE LOCATED AT INTERVALS NOT EXCEEDING 400 FEET.

MANHOLE RIMS SHALL MATCH FLUSH WITH THE FINISH GRADE ELEVATION IN PAVED AREAS AND A MINIMUM OF 0.2 FEET ABOVE GRADE IN UNPAVED AREAS.

THE CONTRACTOR SHALL CONSTRUCT SANITARY SEWER MANHOLES IN SUCH A WAY THAT SEWER LINES DO NOT INTERSECT SEALED JOINTS BETWEEN SECTIONS OF THE MANHOLE.

RUBBER BOOTS AND STAINLESS STEEL BANDS SHALL BE UTILIZED IN THE CONNECTION OF THE SEWER MAIN TO THE MANHOLES (SEE RUBBER BOOT AND PRECAST JOINT CONNECTION DETAIL).

INDIVIDUAL SANITARY SERVICE CONNECTORS ON NEW CONSTRUCTION SHALL NOT BE CONNECTED DIRECTLY INTO MANHOLES, BUT TO SEWER MAIN LINES BY USE OF WYE CONNECTIONS.

FOR SINGLE FAMILY HOMES, SINGLE FOUR INCH SEWER SERVICES SHALL BE CONSTRUCTED AT EACH LOT OR UNIT AND LOCATED ON THE DOWNSTREAM SIDE OF THE LOT CENTER LINE. THESE SERVICES SHALL BE EXTENDED 4 FEET ABOVE GROUND AT THE PROPERTY LINE WITH A PVC RISER AND PLUG BEING EASILY VISIBLE FROM THE ROAD. RUBBER SEAL FITTINGS TO BE USED ON ALL LINES, NO GLUED JOINTS.

FOR MULTI-FAMILY AND COMMERCIAL SITES, SIX INCH MINIMUM SEWER SERVICES AND CLEANOUTS SHALL BE PROVIDED AS APPROVED BY THE CITY.

SANITARY SEWER LATERALS LONGER THAN 70 FEET, MEASURED FROM THE SEWER MAIN TO THE RIGHT-OF-WAY LINE MAY BE APPROVED ON A CASE BY CASE BASIS. SUCH LATERALS SHALL BE D.I.P. EPOXY LINED OR C-900 PVC.

SANITARY SEWER MANHOLES WHICH HAVE SEWER FORCE MAINS DISCHARGING DIRECTLY INTO THEM, OR ANY MANHOLE WITHIN 200 FEET OF A LIFT STATION, SHALL BE FIBERGLASS OR PVC LINED. RETRO-FITTING OF MANHOLES WITH LINERS SHALL BE REQUIRED WHEN NEW CONNECTIONS SUCH AS THIS ARE MADE. FIBERGLASS SHALL BE A MINIMUM 1/2" THICKNESS UNLESS APPROVED OTHERWISE BY THE CITY. LINING SHALL BE AGRU SURE-GRIP OR PRE-APPROVED EQUAL.

SEE CHART S-9C FOR PIPE SIZE AND MATERIALS.

THE CITY OF ORMOND BEACH REQUIRES THE DEVELOPER TO TELEVISE ANY AND ALL SANITARY SEWER MAIN LINES AND LATERALS PRIOR TO ANY FINAL ACCEPTANCE, AND RESERVES THE RIGHT TO REQUEST WATER AND AIR TESTING.

ALL SEWER MAINS PRIOR TO ACCEPTANCE BY THE CITY SHALL BE TELEVISED BY A REPUTABLE COMPANY THAT ENGAGES IN THIS TYPE OF WORK. THE VIDEO SHALL BE NON-STOP WITH AUDIO DESCRIBING WHAT IS BEING REVIEWED. WRITTEN LOGS DESCRIBING THE CONDITION OF THE LINES SHALL ACCOMPANY THE TAPE SUBMISSION TO THE CITY.

CONTRACTORS SHALL BE REQUIRED TO TELEVISE ALL SEWER LINES IN THE PRESENCE OF CITY PERSONNEL AND PROVIDE COPIES OF THE VIDEO TAPE TO THE PUBLIC UTILITY DEPT. ANY DEFECTS NOTED SHALL BE CORRECTED PRIOR TO ACCEPTANCE BY THE CITY.

ALL MANHOLES CONSTRUCTED IN SIDE YARDS, BACKYARDS, AND EASEMENTS OFF THE RIGHT-OF-WAY SHALL BE OUTFITTED WITH FIBERGLASS LINERS OR OTHER TYPES OF LINERS OR COATINGS APPROVED BY THE CITY. IN ADDITION THE CITY MAY REQUIRE LINERS OR COATINGS TO BE INSTALLED IN OTHER AREAS WHERE THE PUBLIC UTILITY DEPARTMENTS BELIEVE THE NEED IS JUSTIFIED.

ALL SEWER LINES WHICH ARE CONSTRUCTED OFF PUBLIC RIGHTS-OF-WAY WITHIN SIDEYARDS, BACKYARDS, AND OTHER POORLY ACCESSABLE AREAS SHALL BE CONSTRUCTED OF C-900 PVC, OR EPOXY LINED DUCTILE IRON PIPE. ABSOLUTELY NO USE OF PLASTIC STYRENE FITTINGS SHALL BE ALLOWED.

SEWER LATERAL LOCATIONS SHALL BE MARKED ALONG THE OUTSIDE OF THE CURB WITH A SAWCUT V , OR BY A METAL TAB SET INTO THE PAVEMENT.

EZ-WRAP PLASTIC, AS MANUFACTURED BY PRESS-SEAL GASKET CORPORATION OR APPROVED EQUAL, SHALL BE USED ON THE OUTSIDE OF ALL MANHOLE AND WETWELL JOINTS. APPLY ONE LAYER OF 8" WRAP CENTERED ON EACH JOINT. A CITY INSPECTOR SHALL PERSONALLY INSPECT ALL JOINT SEALS PRIOR TO BACKFILLING OPERATIONS .

M A T E R I A L S		
DIAMETER	MATERIAL	STANDARD
> 3" - 4"	PVC 1120 / SDR 21	ASTM D 2241
> 4" - 12"	PVC 1120 / CLASS 150	AWWA C 900
14" - 36" (18"-24" DR-18) (30"-36" DR-25)	PVC 1120	AWWA C 905

NOTE: -PVC PIPE COLOR SHALL BE BLUE FOR POTABLE WATER MAIN, GREEN OR WHITE FOR SEWER FORCE MAIN, AND PURPLE FOR REUSE MAIN.

WATER SYSTEM CONSTRUCTION GENERAL NOTES

THE CITY'S PUBLIC UTILITIES DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY WATER SYSTEM CONSTRUCTION.

DEWATERING SHALL BE PROVIDED TO KEEP GROUNDWATER ELEVATION A MINIMUM OF 6 INCHES BELOW WATER MAIN BEING LAID.

ALL WATER MAINS SHALL BE LAID ON A FIRM FOUNDATION WITH ALL UNSUITABLE MATERIAL (MUCK, ROCK, COQUINA, ETC.) REMOVED AND REPLACED WITH CLEAN GRANULAR MATERIAL.

TRENCHES SHALL BE BACKFILLED WITH CLEAN GRANULAR MATERIAL IN MAX. 1' LIFTS WITH A MINIMUM COMPACTION OF 98 PERCENT (AASHTO-T180) IN PAVED AREAS AND 90 PERCENT IN UNPAVED AREAS.

IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT TRENCH COMPACTION TESTS BE PROVIDED AT POINTS 1 FOOT ABOVE THE PIPE AND AT 1 FOOT VERTICAL INTERVALS TO FINISH GRADE, AT A MINIMUM SPACING OF EVERY 300 FEET, AND TO FURNISH COPIES OF TEST REPORTS PROMPTLY TO THE CITY ENGINEERING DEPARTMENT.

METALLIZED PIPE LOCATION TAPE SHALL BE LOCATED 15 INCHES BELOW FINISHED GRADE OR AS SPECIFIED BY MANUFACTURER FOR ALL PVC LINES. MARKER TAPE SHALL BE USED ON ALL DUCTILE IRON PIPE.

ALL WATER SERVICES (SINGLE 1" AND DOUBLE 1 1/2") SHALL BE POLYETHYLENE TUBING (BLUE IN COLOR) ; POLYBUTYLENE SHALL NOT BE ALLOWED.

ALL WATER SERVICE ENDINGS SHALL BE MARKED WITH 4" X 4" LUMBER (PRESSURE TREATED) EXTENDING 4 FEET ABOVE GRADE, WITH WATER SERVICES SECURED 24" ABOVE THE GROUND. WIRE TIES SHALL BE USED TO SECURE THE CURB STOPS TO SUPPORT POSTS.

WATER VALVES SHALL BE PLACED AT ALL STREET INTERSECTIONS AND AT MAXIMUM SPACINGS OF 500 FEET.

AT ALL WATER MAIN TEES AND CROSSES, VALVES SHALL BE INSTALLED ON ALL LEGS EXCEPT ONE.

APPROVED WATER VALVE TYPES ARE THE FOLLOWING:

A. STANDARD GATE VALVES LESS THAN 24" DIAMETER RESILIENT SEAT GATE VALVES (AWWA C-509).
B. TAPPING VALVES AND MECHANICAL TAPPING SLEEVE SHALL BE STAINLESS STEEL. (AWWA C - 509)

ALL WATER VALVE BOXES SHALL BE ADJUSTED TO FINISH GRADE AND THE LIDS PAINTED BLUE TO MAKE THEM PLAINLY VISIBLE.

WATER VALVES SHALL BE COMPLETELY OPENED BY THE CONTRACTOR UPON FINAL ACCEPTANCE OF NEW WATER SYSTEMS IN THE PRESENCE OF UTILITY DEPARTMENT PERSONNEL.

ALL FIRE HYDRANTS SHALL BE CONSTRUCTED TO MAKE THEM EASILY ACCESSIBLE TO FIRE PERSONNEL IN CASE OF FIRE. THE MAIN NOZZLE CONNECTION SHOULD ALWAYS FACE THE STREET AND BE 18-18" ABOVE GRADE.

AS STANDARD PRACTICE, WATER MAINS SHALL BE INSTALLED 4 FEET OFF THE BACK OF CURB OR AS APPROVED BY THE CITY.

ALL WATER MAINS SHALL BE NSF-APPROVED FOR POTABLE WATER USE, AND SHALL HAVE A MINIMUM COVER OF 36 INCHES. IN SPECIAL CASES WHERE IT IS IMPOSSIBLE OR INAPPROPRIATE TO PROVIDE ADEQUATE COVER, DUCTILE IRON CLASS 350 OR CONCRETE ENCASEMENT MAY BE USED AS APPROVED BY THE CITY.

ALL PROPOSED WATER MAINS SHALL BE FLUSHED, DISINFECTED AND BACTERIOLOGICALLY CLEARED FOR SERVICE IN ACCORDANCE WITH LATEST AWWA STANDARDS AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS.

WATER MAINS SHALL BE AWWA C-900 CL 150 OR D.I.P. CLASS 350 STANDARD CEMENT LINED.

UPON CONSTRUCTION COMPLETION AND ACCEPTANCE OF THE SYSTEM, IT SHALL BE THE DESIGN ENGINEER'S RESPONSIBILITY TO ENSURE THAT THE SYSTEM IS PROPERLY CERTIFIED AND ACCEPTED BY THE HEALTH DEPARTMENT, AND THAT CERTIFIED AS-BUILT DRAWINGS ARE PROVIDED TO THE CITY PRIOR TO PAVING AND ANY USE OF THE SYSTEM. PROVIDE THREE (3) BLUELINE COPIES AND ONE (1) MYLAR OF AS-BUILT DRAWINGS.

MEGALUG OR EQUIVALENT, RESTRAINED JOINT SYSTEM MAY BE USED ON ALL RESTRAINED FITTINGS, VALVES, ETC. MINIMUM DEPTH OF BURY ON PIPES NOT MEETING REQUIRED COVER REQUIREMENTS SHALL FOLLOW THE MOST RECENT DIPRA THRUST RESTRAINT DESIGN GUIDELINES.

WATER SYSTEMS SHALL BE PRESSURE TESTED AT 150 PSI STATIC PRESSURE FOR A PERIOD OF 2 HOURS PER AWWA STANDARDS. TESTS SHALL BE CONDUCTED BEFORE FINAL PAVING AND IN THE PRESENCE OF THE CITY'S INSPECTOR.

ALL WATER SERVICES SHALL BE MARKED WITH A "A" SAWCUT INTO THE CURB OR BY METAL TABS SET INTO THE PAVEMENT.

ALL WATER VALVES AND BLOW-OFFS SHALL BE MARKED WITH AN "X" SAWCUT INTO THE CURB OR BY METAL TABS SET INTO THE PAVEMENT. LOCATION OF METAL TABS IN INCHES FROM EDGE OF PAVEMENT SHALL EQUAL DISTANCE IN FEET FROM EDGE OF PAVEMENT TO VALVE.

WATER SERVICES SHALL NORMALLY BE DOUBLE 1 1/2" SERVICES LOCATED AT SIDE LOT LINES. IN INSTANCES WHERE SERVICES NEED TO BE OFFSET, 1" SINGLE SERVICES SHALL BE SPECIFIED. THESE SERVICES MAY BE OFFSET A MAXIMUM OF 5.0'.

UNIFLANGE 1300 SERIES PIPE RESTRAINTS AS MANUFACTURED BY FORD OR APPROVED EQUAL MAY BE USED AS APPROPRIATE FOR RESTRAINING IN-LINE PRESSURE PIPE EACH SIDE OF PIPE JOINT, AS REQUIRED BY RESTRAINT TABLE.

TRACING WIRE SHALL BE INSTALLED IN ACCORDANCE WITH UTILITY PIPE LOCATION MATERIALS DETAIL.

NO GALVANIZED PIPE, FITTINGS, ETC. ARE ACCEPTED.

ALL WATER METERS SHALL BE INSTALLED AT THE RIGHT OF WAY LINE ONLY REGARDLESS OF SIZE.

ROADWAY CONSTRUCTION NOTES

ALL RIGHT OF WAY OTHER THAN ROADWAY AREAS SHALL BE SEEDED AND MULCHED OR SODDED. THE CITY RESERVES THE RIGHT TO REQUIRE SODDING IN SPECIAL AREAS WHERE EROSION IS A CONCERN.

THE FOLLOWING WILL BE THE STANDARD PROTECTION FOR DITCHES UNLESS DRAINAGE CALCULATIONS INDICATE OTHERWISE:

SWALE PROFILE GRADES	PROTECTION REQUIRED
0.2% - 1.0%	SEEDING AND MULCHING
1.0% - 4.0%	SODDING
4.0% AND GREATER	DITCH PAVING

ALL FRANCHISE UTILITY CROSSINGS, INCLUDING BUT NOT LIMITED TO FPL, BELLSOUTH AND CABLE SHALL BE INSTALLED PRIOR TO INSTALLATION AND COMPACTION OF THE ROAD SUB BASE. ANY CROSSINGS AFTER INSTALLATION OF THE SUB BASE SHALL BE BY DIRECTIONAL BORE.

THE LIMITS OF STABILIZED SUB BASE SHALL EXTEND TO A DEPTH OF SIX INCHES (6") BELOW THE BOTTOM OF THE BASE AND OUTWARD TO TWELVE INCHES (12") BEYOND THE CURB.

THE STABILIZING MATERIAL, IF REQUIRED, SHOULD BE A HIGH BEARING VALUE SOIL, SAND-CLAY, LIMEROCK, RECYCLED CONCRETE, SHELL OR OTHER MATERIAL AS APPROVED BY THE CITY AND A LICENSED SOILS ENGINEER.

THE SUB BASE SHALL BE STABILIZED NOT LESS THAN FORTY (40) POUNDS LIMEROCK BEARING RATIO (LBR). A COMPACTION OF NO LESS THAN NINETY-EIGHT (98%) PERCENT DENSITY BASED ON AASHTO T-180 SHALL BE REQUIRED.

TESTS FOR SUB BASE BEARING CAPACITY AND COMPACTION SHALL BE DONE AT A MINIMUM OF EVERY 300 FEET AND SHALL BE STAGGERED TO THE LEFT, RIGHT AND AT CENTER LINE OF THE ROADWAY.

BASES FOR ALL STREETS SHALL HAVE A MINIMUM SIX INCH (6") DEPTH. PRIMING AND SANDING SHALL BE REQUIRED AS SOON AS BEARING CAPACITY AND COMPACTION HAS BEEN ACHIEVED.

RECYCLED CONCRETE OR LIMEROCK BASES SHALL BE COMPACTED TO (98 %) MAXIMUM DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST.

RECYCLED CONCRETE MIX DESIGNS SHALL BE SUBMITTED TO THE CITY FOR APPROVAL PRIOR TO START OF SUB BASE PREPARATION.

CEMENT DELIVERY TICKETS SHALL BE PROVIDED TO THE CITY AT THE TIME OF PLACEMENT.

TESTING OF THE IN-PLACE BASE SHALL BE DONE AT INTERVALS EQUIVALENT TO SUB BASE TESTING AND SHALL CONSIST OF, AS A MINIMUM, MOISTURE CONTENT AND COMPACTION TEST.

DESIGN MIXES SHALL BE SUBMITTED TO THE CITY FOR THEIR APPROVAL NO LESS THAN THREE (3) WORKING DAYS PRIOR TO ANY ROADWAY CONSTRUCTION.

ASPHALT SPECIFICATIONS SHALL BE SUBMITTED BY THE DESIGN ENGINEER WITH FINAL PLANS TO THE CITY. FLORIDA STATE CERTIFIED BATCH PLANTS MUST THEN CERTIFY THAT THESE APPROVED SPECIFICATIONS HAVE BEEN MET.

EXTRACTION AND GRADATION TESTS ON ASPHALT MIXES SHALL BE PROVIDED TO THE CITY TO INSURE THAT DESIGN MIXES MEET THE CITY STANDARD SPECIFICATIONS.

THE ROADWAY CROWN SHALL HAVE A STANDARD ONE QUARTER INCH (1/4") PER FOOT SLOPE.

ALL ROADWAYS WITH CURB AND GUTTER SECTIONS SHALL HAVE AS A STANDARD A MINIMUM LONGITUDINAL SLOPE OF 0.30

THE FINISHED PAVEMENT EDGE SHALL BE WITHIN ONE QUARTER INCH (1/4") OF THE ADJACENT CONCRETE CURB.

CONCRETE CURBS SHALL BE PROVIDED ON BOTH SIDES OF ALL STREETS AND CONSTRUCTED WITH 2500 PSI CONCRETE AT 28 DAYS.

CONCRETE CURBS SHALL BE SAW CUT TO A DEPTH EQUAL TO 1/4 OF CURB THICKNESS AT INTERVALS OF TEN FEET (10') WITH EXPANSION JOINTS AT STREET INTERSECTIONS, STRUCTURES AND ALONG CURVES AT SIXTY FEET (60') INTERVALS. ALL EXPANSION JOINT MATERIAL IS REQUIRED TO BE INSTALLED THROUGH THE ENTIRE DEPTH OF THE CONCRETE CURB.

AN "X" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF WATER DISTRIBUTION SYSTEM VALVE.

AN "T" SHALL BE CUT INTO THE CURB TO MARK THE LOCATION OF ALL VALVES OTHER THAN WATER DISTRIBUTION VALVES.

A "V" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL SEWER SERVICES.

A "R" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL RECLAIMED WATER SERVICES.

A "A" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL WATER SERVICES.

THREE (3) CONCRETE CYLINDERS SHALL BE TAKEN AND TESTED FOR EVERY THREE HUNDRED (300) FEET OF ROADWAY CONSTRUCTED. TEST RESULTS SHALL THEN BE PROVIDED TO THE CITY AS THEY BECOME AVAILABLE.

THE DEVELOPER SHALL PROVIDE ALL REQUIRED PAVEMENT MARKINGS ON ALL ROADWAYS PER CITY, COUNTY AND STATE REQUIREMENTS. CENTERLINE STRIPES SHALL BE PROVIDED ON EXTENSIONS OF CITY COLLECTOR OR ARTERIAL ROADS, COUNTY ROADS AND STATE HIGHWAYS ONLY.

STOP BARS SHALL BE PLACED AT ALL SUBDIVISION ENTRANCES AND INTERSECTIONS CONTAINING CITY COLLECTOR AND ARTERIAL ROADS, COUNTY ROADS AND STATE HIGHWAYS.

ALL TRAFFIC CONTROL DEVICES PLACED AT INTERSECTIONS, PRIVATE STREETS, PUBLIC STREETS, COUNTY ROADS AND STATE HIGHWAYS WITHIN THE CITY LIMITS SHALL BE INSTALLED ACCORDING TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

THE DEVELOPER IS RESPONSIBLE FOR PAYING FEES FOR ALL STREET LIGHTS PRIOR TO ACCEPTANCE OF THE PROJECT BY THE CITY.

STANDARD TURNING RADII FOR INTERSECTIONS:

2-LANE ACCESS OR FEEDER	35'
LOCAL TO COLLECTOR	35'
LOCAL OR COLLECTOR TO ARTERIAL	40'
ARTERIAL TO ARTERIAL	50'

CITY INSPECTOR SHALL BE PRESENT DURING PAVING OF ALL PUBLIC AND PRIVATE ROADS. PAVING SHALL BE PERFORMED DURING NORMAL BUSINESS HOURS, MONDAY THROUGH FRIDAY. PAVING DURING WEEKENDS IS NOT PERMITTED.

CONSTRUCTION METHODS AND DESIGN FOR CONCRETE PAVEMENT SHALL CONFORM TO FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.

ALL CONTRACTORS THAT ARE PERFORMING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS (WATER MAIN, SANITARY SEWER MAIN, RECLAIMED WATER MAIN, STORM WATER PIPES AND INLETS AND ALSO CONSTRUCTION OF ROADWAYS) SHALL BE CERTIFIED WITH THE FLORIDA STATE DEPARTMENT OF PROFESSIONAL REGULATIONS (DPR) FOR THE TYPE OF WORK THAT THEY PERFORM. A COPY OF THE VALID LICENSE IS REQUIRED AT PRE CONSTRUCTION MEETING.

UTILITY DEPTH:

- HIGH VOLTAGE UTILITIES SUCH AS POWER (FEEDER, SERVICE AND DROPS) SHALL BE BURIED A MINIMUM OF 30 INCHES IN DEPTH.
- LOW VOLTAGE UTILITIES SUCH AS PHONE AND CABLE TV SHALL BE BURIED A MINIMUM OF 12 INCHES IN DEPTH FOR FEEDER AND SERVICES. SERVICE DROPS SHALL BE BURIED A MINIMUM OF 8 INCHES IN DEPTH.
- HIGH VOLTAGE UTILITIES INSTALLED PARALLEL TO PRESSURE MAINS SHALL MAINTAIN A MINIMUM FIVE FOOT SEPARATION.

GEOTECHNICAL TESTING REPORTS SIGNED AND SEALED BY A PROFESSIONAL ENGINEER SHALL BE SUBMITTED TO THE CITY OF ORMOND BEACH PRIOR TO FINAL SIGN OFF. REPORTS SHALL CLEARLY LABEL PROJECT NAME AND PHASE.

No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK
2			
3			
4			

No	Date	Revision	Approved
5			
6			
7			
8			

Designed by: S.H. 6/05
Drawn by: B.B. 6/05
Checked by: T.H.H. 6/05
Approved by: J.B.M. 6/05
Scale: N.T.S.
Date: June, 2005
Job No. 15701
File: 15701dist.dwg
Certificate of Authorization No. 5215

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

JASON K. KELLOGG P.E. #65-0 56993

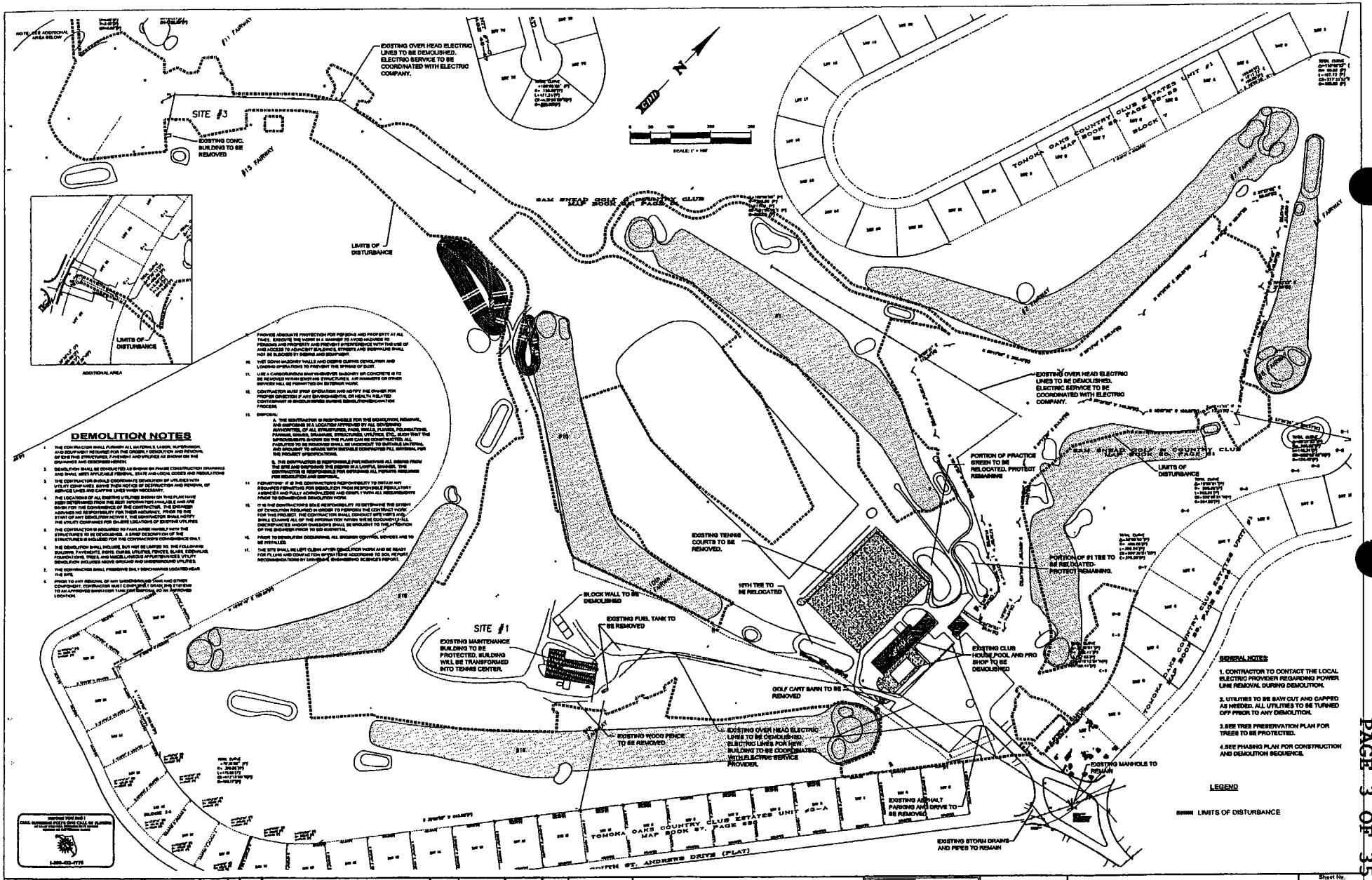
GENERAL NOTES

Sheet No. G2
2-92

EXHIBIT "B"
PAGE 2 OF 35

Page 2681 of 3522

Instrument# 2006-273445 # 13
Book: 5944
Page: 2195



No	Date	Revision	Approved	No	Date	Revision	Approved	Designed by:	S.H.	6/03	Scale: 1"=100'
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2								Checked by:	T.H.H.	6/03	Date: June, 2003
3								Approved by:	J.B.M.	6/05	Job No. 13701
4								Certificate of Authorization No. 3219			File: c3761demo.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

gph

JASON E. KELLOGG P.E.
REG. # 56958

DEMOLITION PLAN

Sheet No. C4

EXHIBIT "B"
PAGE 3 OF 35

Instrument# 2006-273445 # 14
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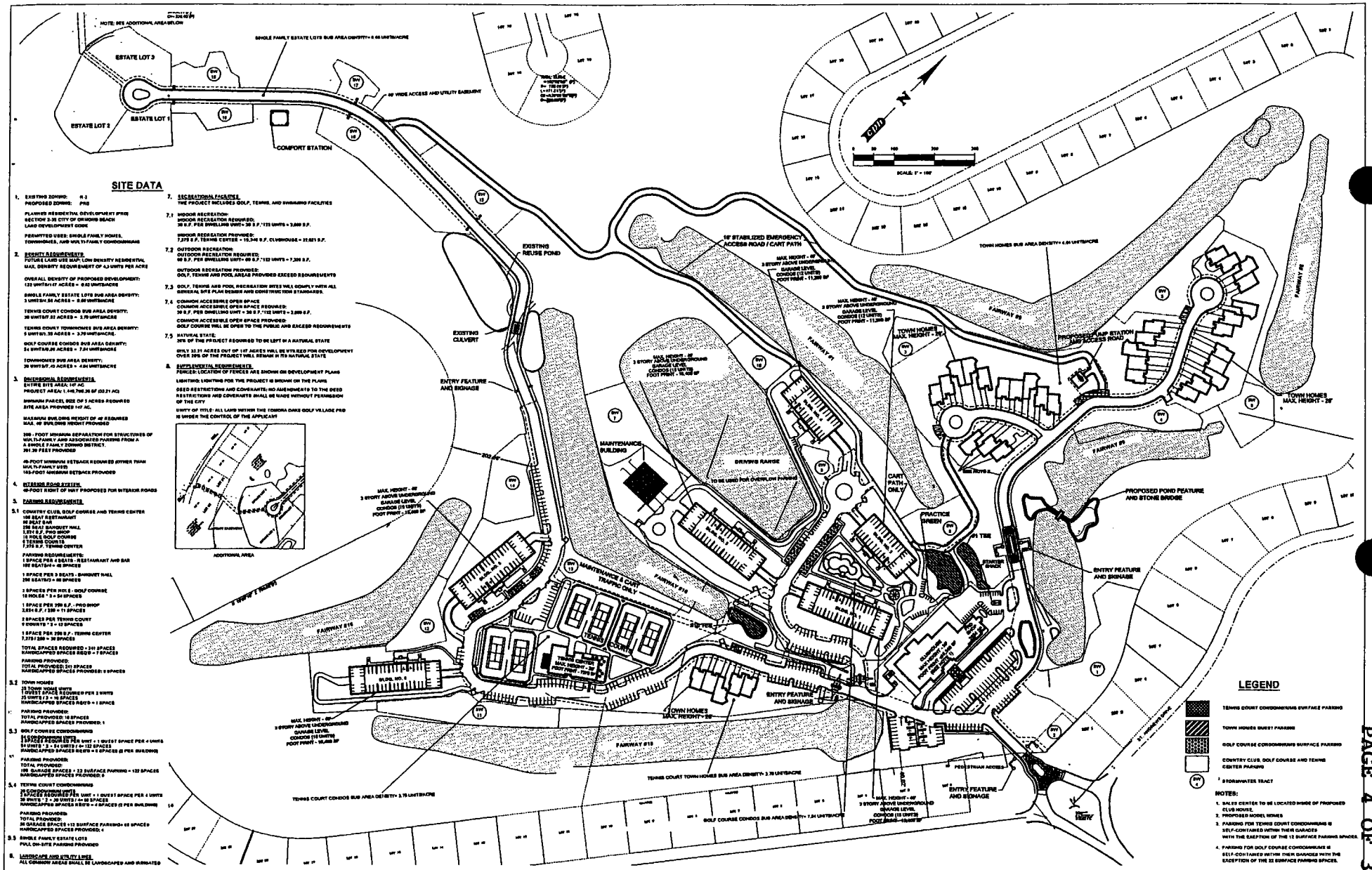
Page: 2196



No	Date	Revision	Approved
1	9/03	REVISED PER CITY COMMENTS	JRK
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No	Date	Revision	Approved
1			
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Designed by: S.H. 8/03
Drawn by: S.S. 8/03
Checked by: T.H.K. 8/03
Approved by: J.R.M. 8/03
Certificate of Authorization No. 3319

Scale: 1"=100'
Date: June, 2003
Job No. 15701
File: I5701sop.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

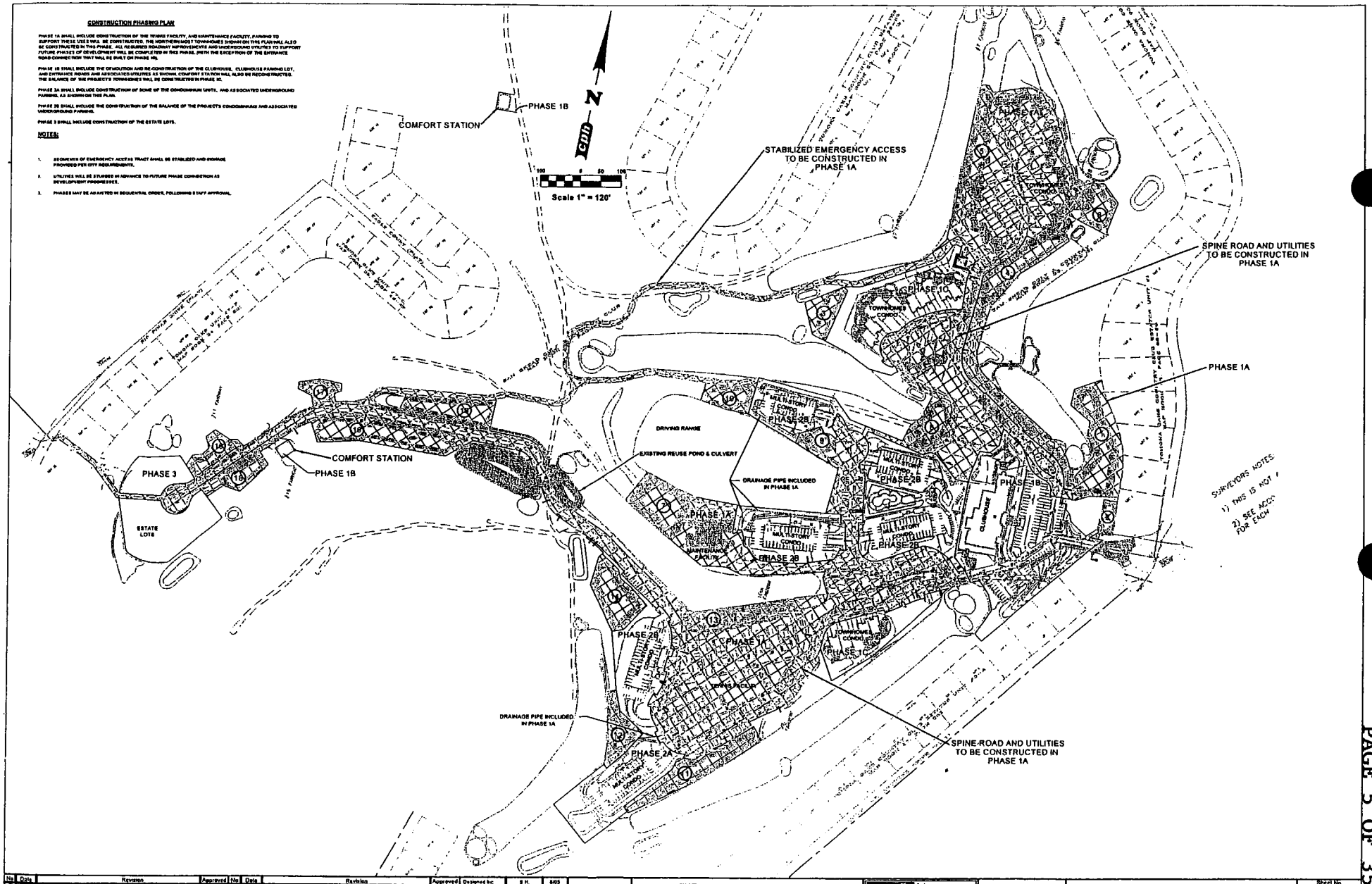
JASON E. KELLCOG, P.E.
REG. # 59152

OVERALL SITE PLAN

Sheet No. C5

EXHIBIT "B"
PAGE 4 OF 35

Instrument# 2006-273445 # 15
Book: 5944
Page: 2197



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Designed by: B.H. 6/05
Drawn by: B.B. 6/05
Checked by: T.H.H 6/05
Approved by: J.R.M 6/05
Certificate of Authorization No. 2318
Scale: 1"=120'
Date: June, 2005
Job No. 13701
File: 13701CPP.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

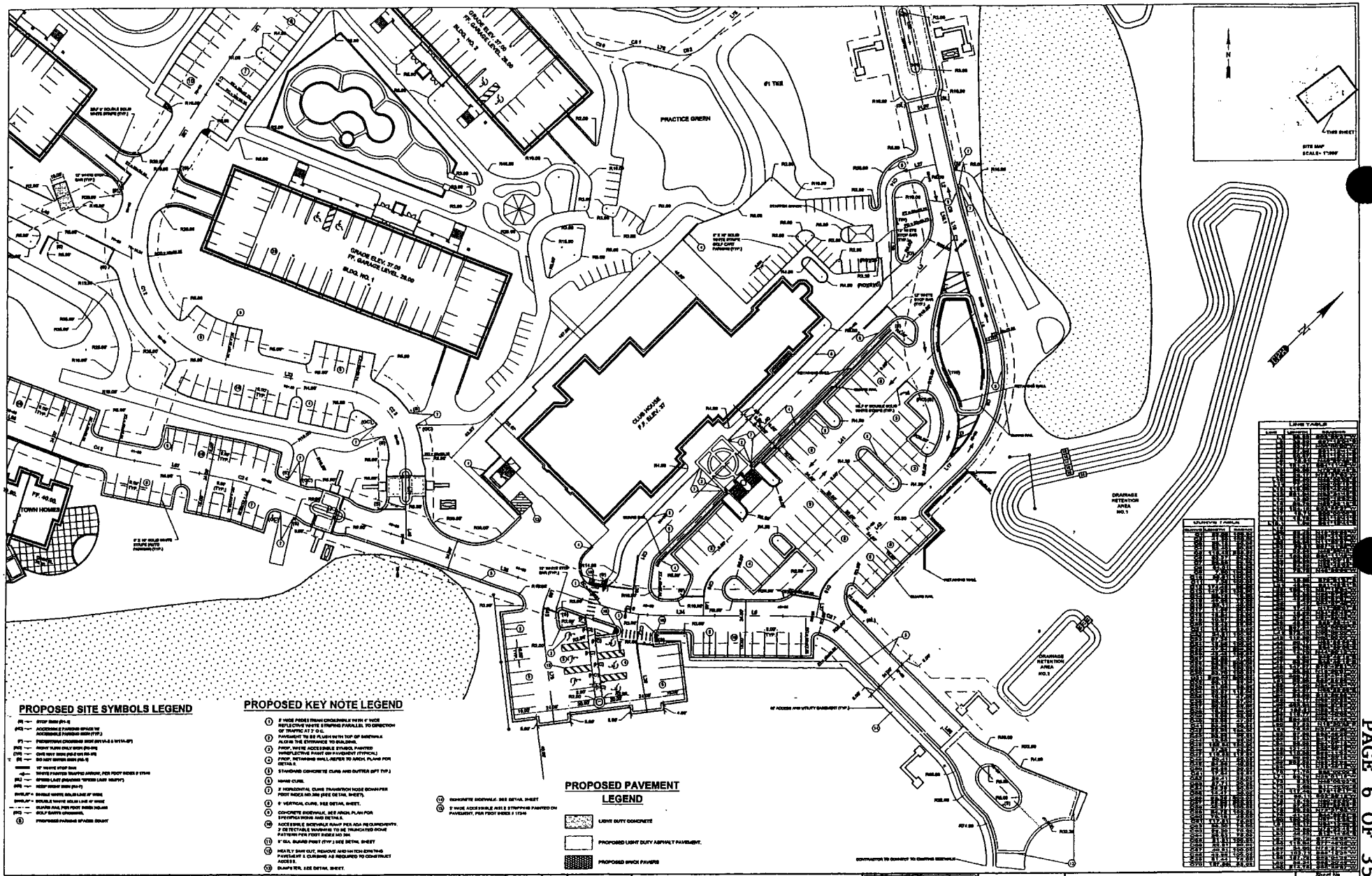
cph

CONSTRUCTION PHASING PLAN

Sheet No. C6

EXHIBIT "B"
PAGE 5 OF 35

Instrument# 2006-273445 # 16
Book: 5944
Page: 2198



No	Date	Revision	Approved
3	9/05	REVISED PER CITY COMMENTS	JRK

Designed by:	S.H.	6/05
Drawn by:	S.S.	6/05
Checked by:	T.H.H.	6/05
Approved by:	J.B.M.	6/05

Scale: 1"=30'
Date: June, 2005
Job No. T5701
File: T5701SDP1.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

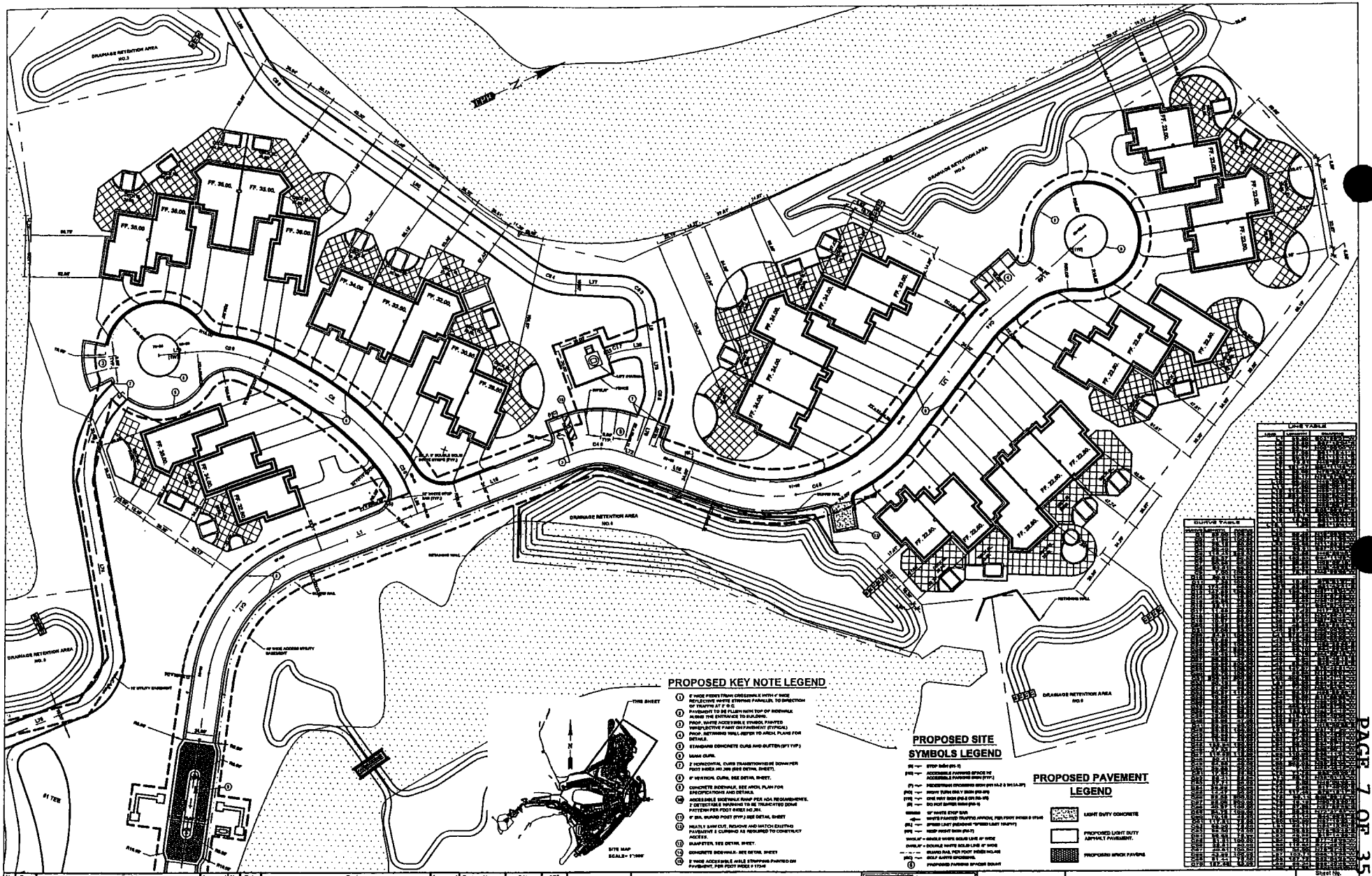
JASON R. KELLOGG, P.E.
REG.# 56653

SITE DIMENSION PLAN

Sheet No. C7

EXHIBIT "B"
PAGE 6 OF 35

Instrument# 2006-273445 # 17
Book: 5944
Page: 2199



No	Date	Revision	Approved	No	Date	Revision	Approved
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Designed by:	T.H.	6/05
Drawn by:	S.B.	6/05
Checked by:	T.H.H.	6/05
Approved by:	J.R.M.	6/05

Certificate of Authorization No. 2219

Scale: 1"=30'
Date: June, 2005
Job No. 15701
File: 15701SDP1.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

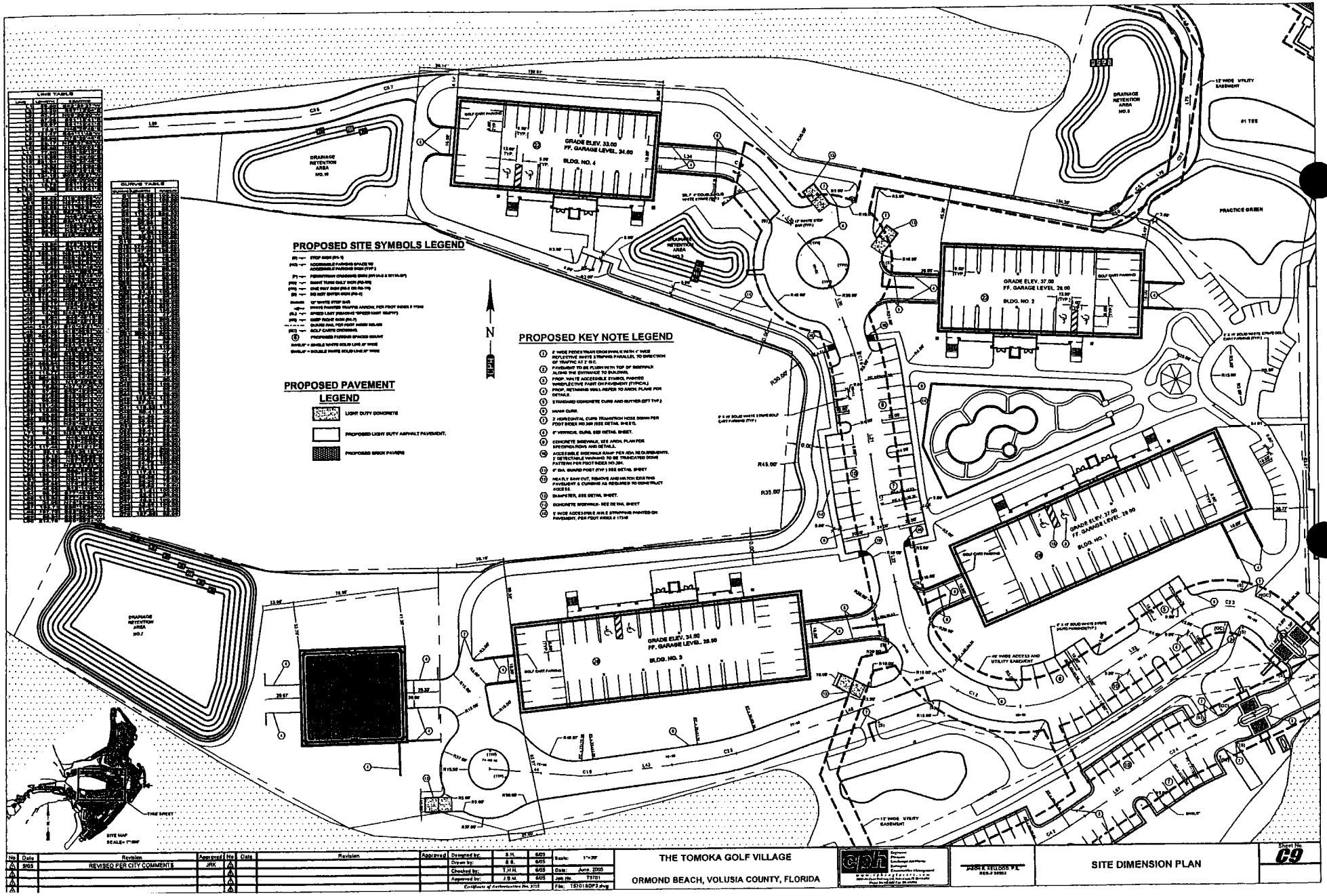
cph

JASON R. KELLOGG, P.E.
REG.# 54932

SITE DIMENSION PLAN

Sheet No. C8

EXHIBIT "B"
PAGE 7 OF 35



No	Date	Revision	Approved	No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK				

Designed by:	S.H.	6/05	Scale: 1"=30'
Drawn by:	B.S.	6/05	
Checked by:	T.H.H.	6/05	Date: June, 2005
Approved by:	J.B.M.	6/05	Job No. 75701
Certificate of Authorization No. 3135			File: 75701SDP3.dwg

THE TOMOKA GOLF VILLAGE

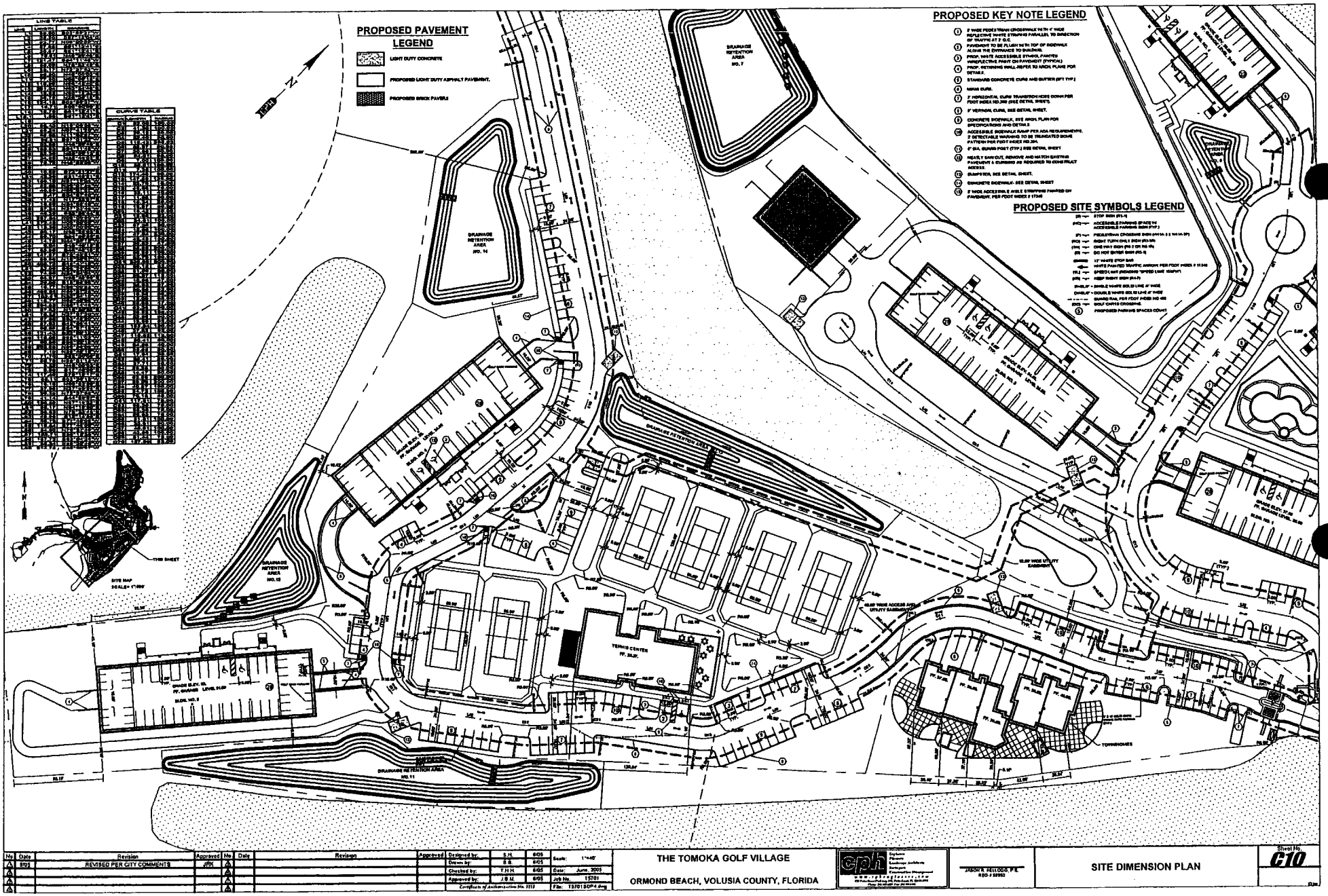
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

JASON R. KELLOGG, P.E.
REG.# 50953

SITE DIMENSION PLAN

Sheet No. C9

HIBIT "B" PAGE 8 OF 35



No	Date	Revision	Approved	No	Date	Revision	Approved
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Designed by:	S.H.	6/05	Scale: 1"=40'
Drawn by:	B.B.	6/05	
Checked by:	T.H.H.	6/05	Date: June, 2005
Approved by:	J.B.M.	6/05	Job No. 15701
Certificate of Authorization No. 3215			File: 15701SDP4.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

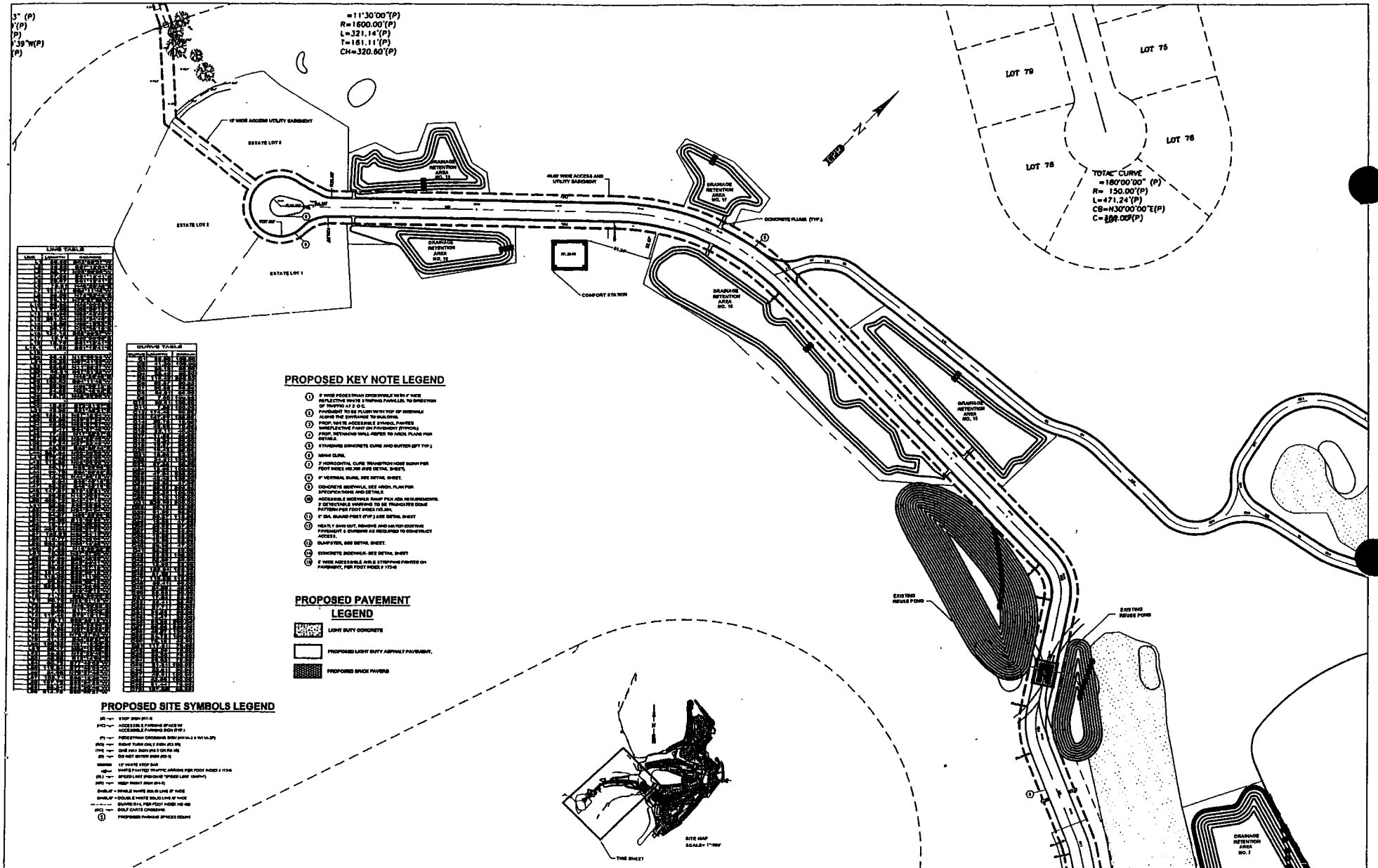
JASON R. FELLOGG, P.E.
REG. # 58952

SITE DIMENSION PLAN

Sheet No. C10

EXHIBIT "B" PAGE 9 OF 35

Instrument# 2006-273449 # 20
Book: 5944
Page: 2202



No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK
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No	Date	Revision	Approved
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Designed by:	T.H.	5/05
Drawn by:	B.B.	5/05
Checked by:	T.H.K.	5/05
Approved by:	J.R.K.	5/05

Certificate of Authorization No. 2315

Scale: 1" = 60'
Date: June, 2005
Job No. 13701
File: T3701SDP3.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

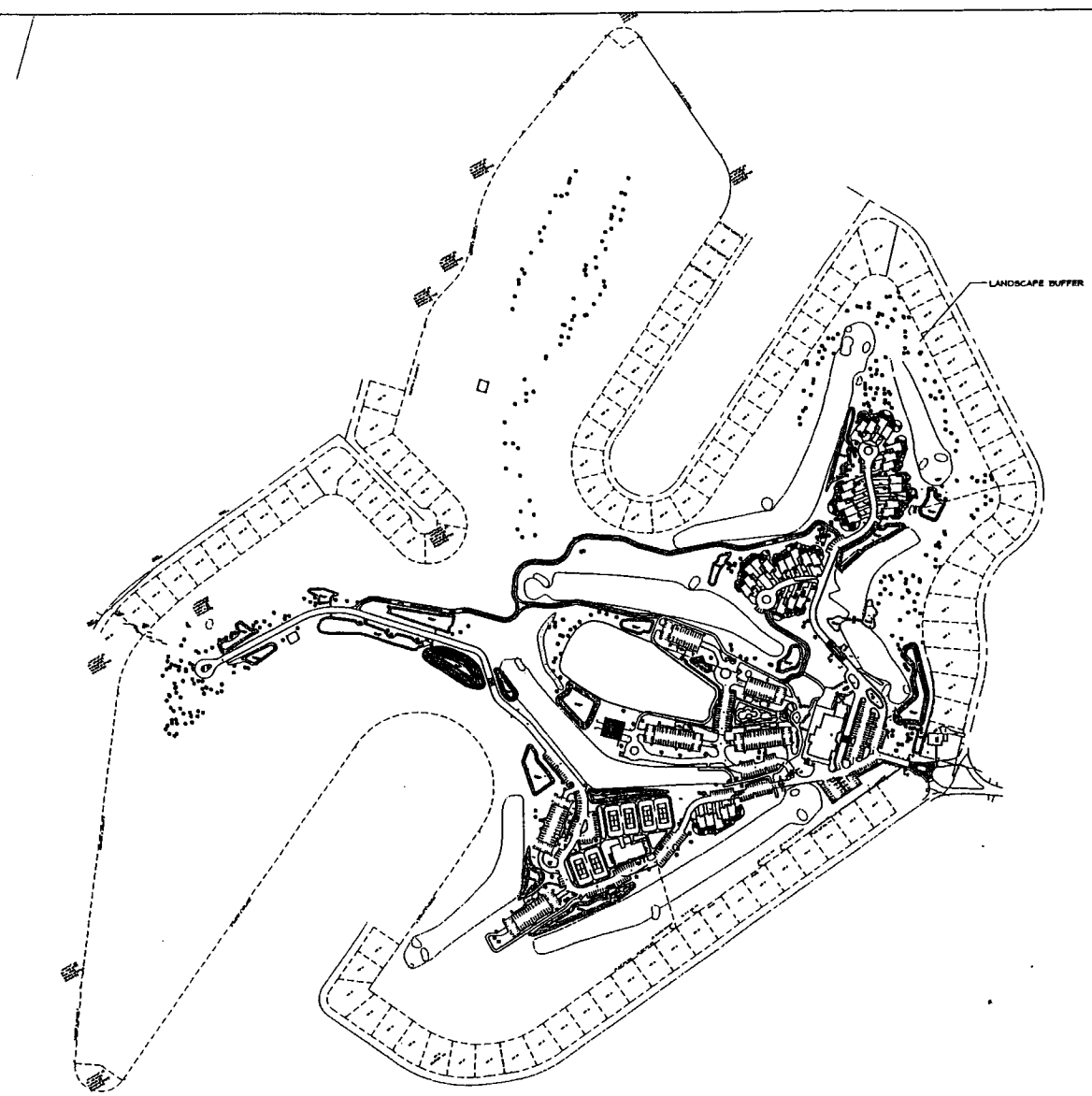
cph

JASON R. KELLOGG, P.E.
REG # 56662

SITE DIMENSION PLAN

Sheet No. C11

EXHIBIT "B" PAGE 10 OF 35



LANDSCAPE BUFFER INFORMATION:

BUFFER WIDTH:	20'
MIN. NO. OF TREES /100 LINEAR FEET:	4
MIN. NO. OF SHRUBS /100 LINEAR FEET:	40
MIN. NO. OF GROUNDCOVER /100 LINEAR FEET:	40

0 100 200 400
SCALE: 1"= 200'

No	Date	Revision	Approved	No.	Date	Revision	Approved

Designed by:	GJP	6/05	Scale: 1" = 200'
Drawn by:	RES	6/05	
Checked by:	GJP	6/05	Date: June, 2005
Approved by:	GJP	6/05	Job No. TS701
Certificate of Authorization No. 3275			File: LSP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

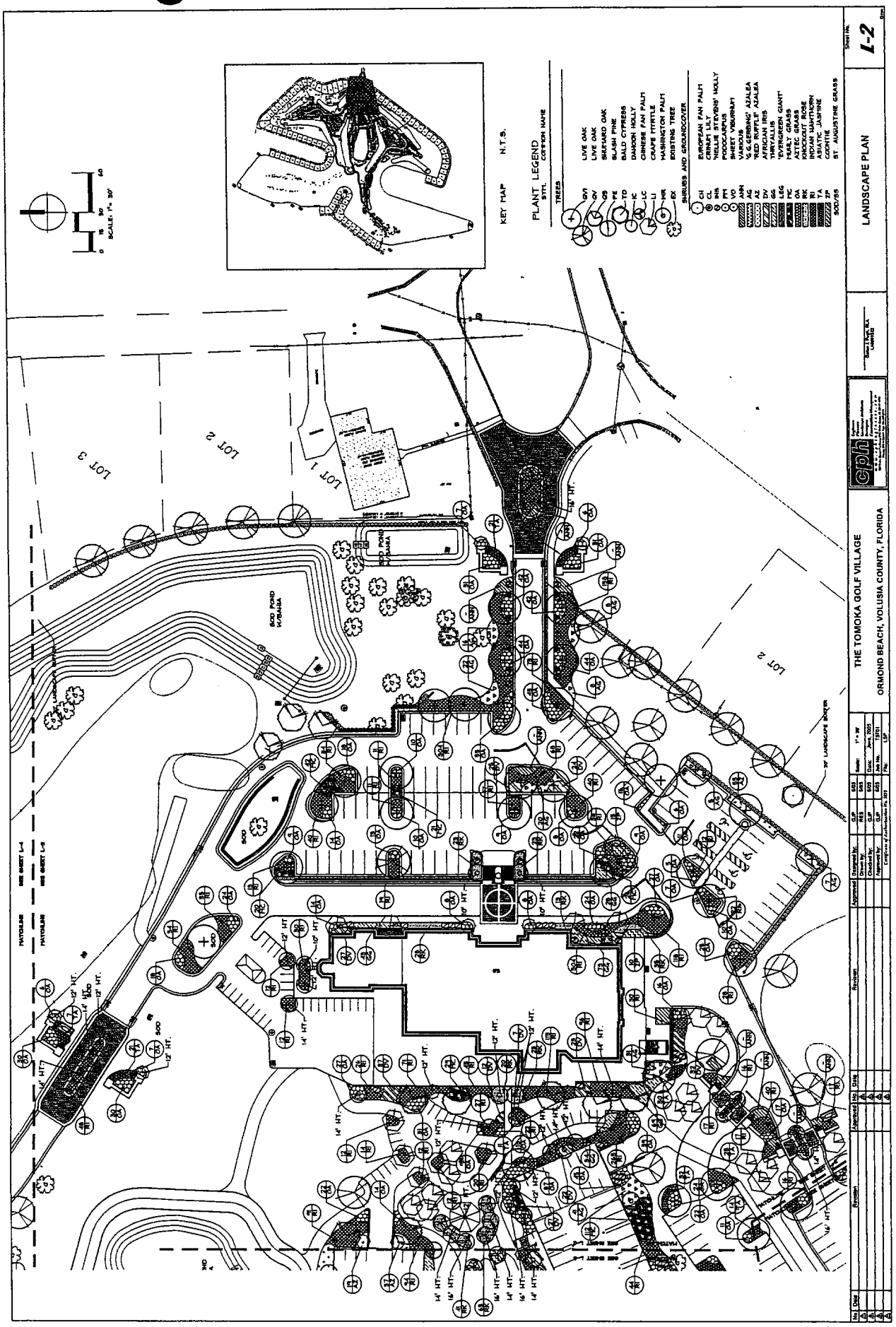
Galen J. Pugh, RLA

OVERALL LANDSCAPE PLAN

Sheet No. L-1

EXHIBIT "B"
PAGE 11 OF 35

Instrument# 2006-213445 # 77
Book: 5944
Page: 2204



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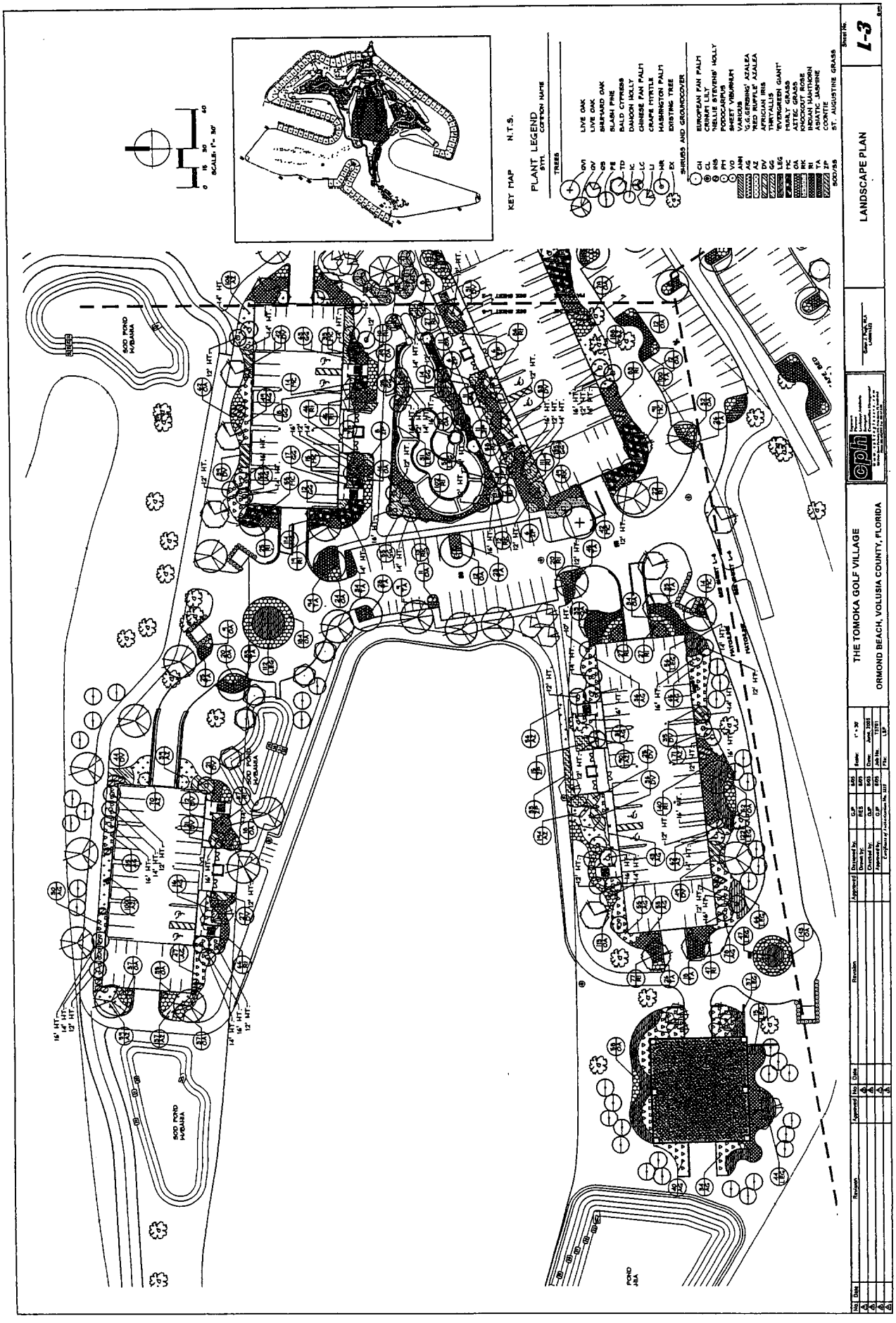
Page: 2205



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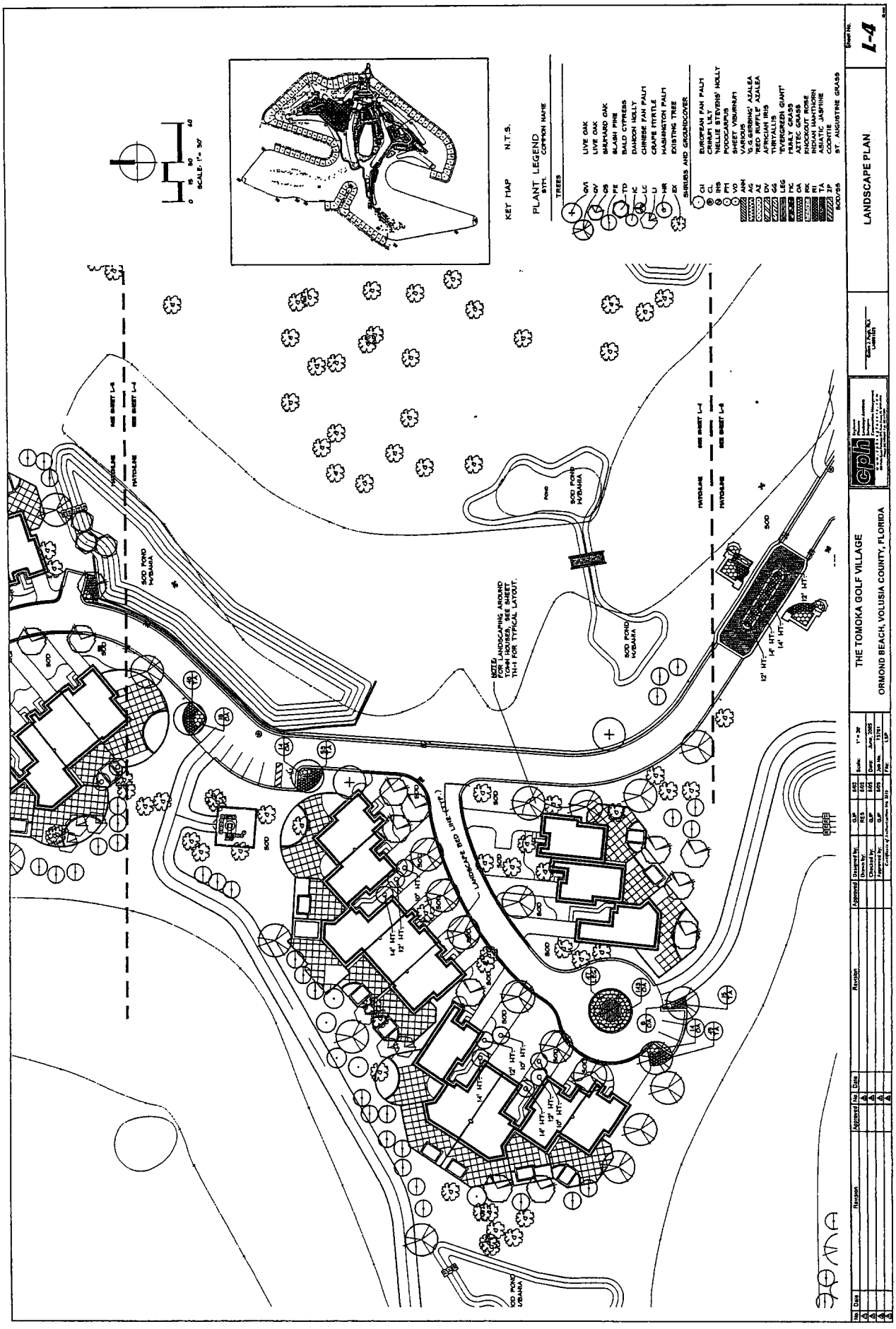
Book: 5944
Page: 2206



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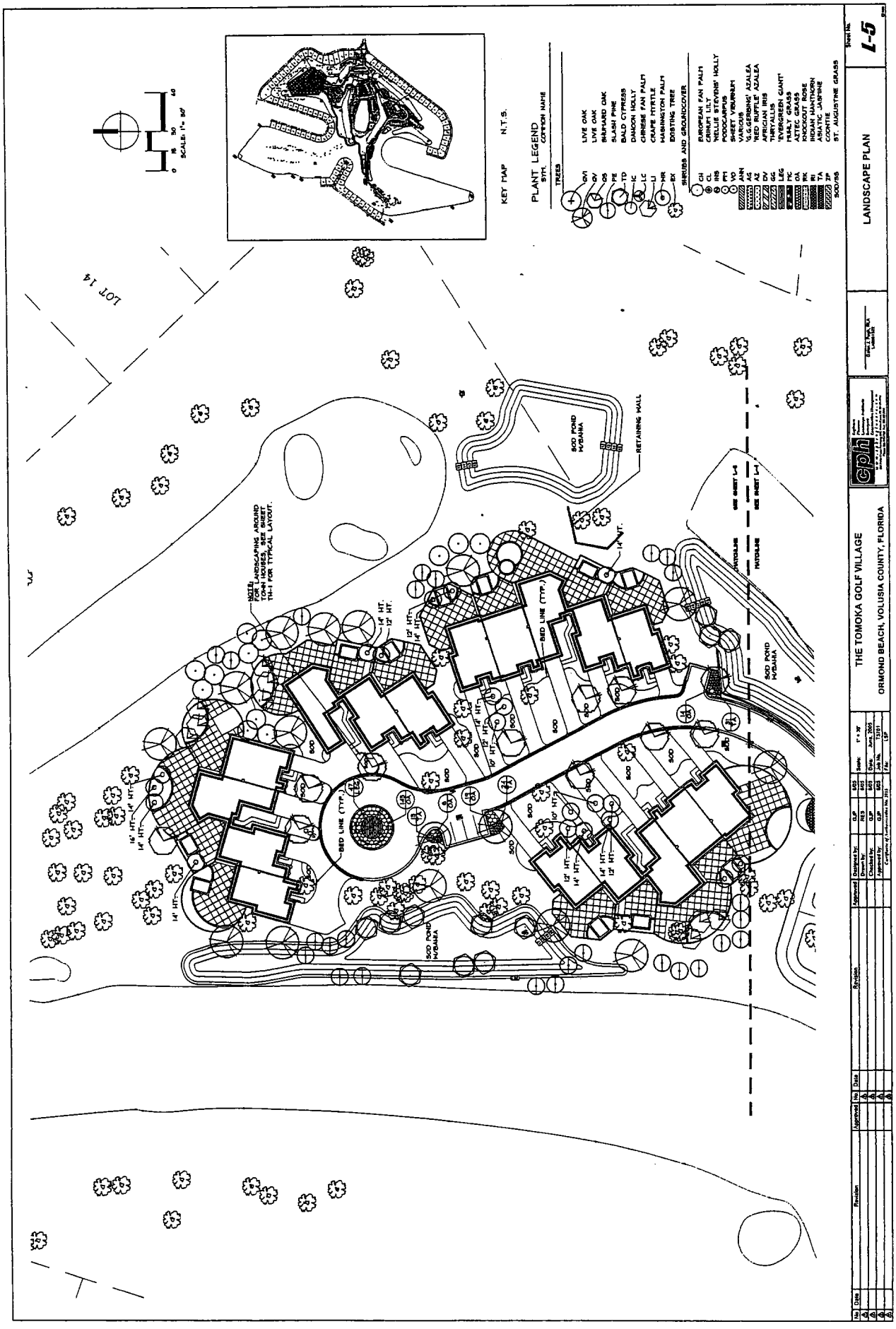

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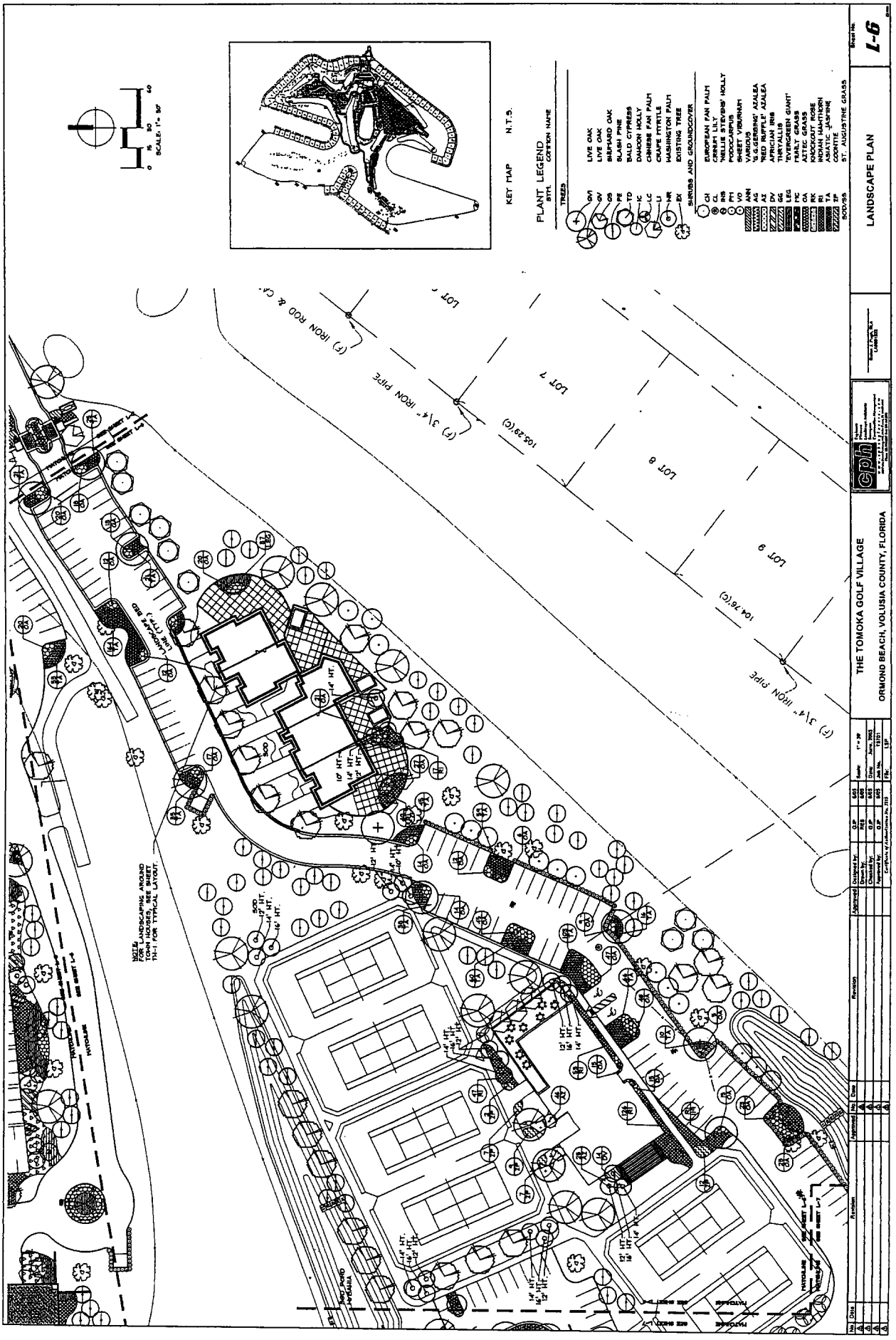
Book: 5944
Page: 2208



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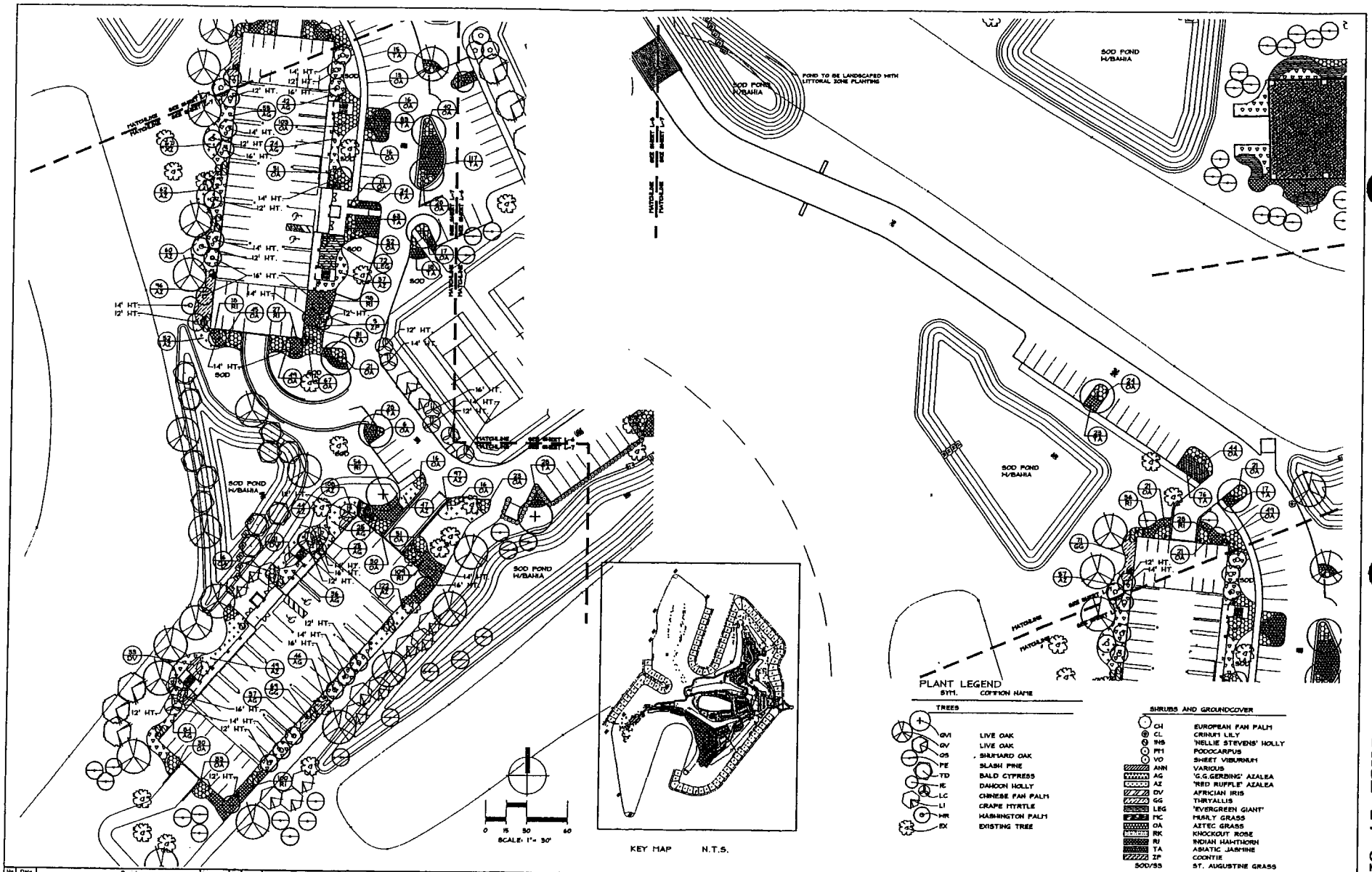

No	Date	Revision	Approved
1			
2			
3			
4			
5			

Designed by:	GJP
Drawn by:	RES
Checked by:	GJP
Approved by:	GJP
Scale:	1" = 30'
Date:	June, 2005
Job No.	13701
File:	LSP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

LANDSCAPE PLAN

Sheet No. L-7

EXHIBIT "B"
PAGE 17 OF 35

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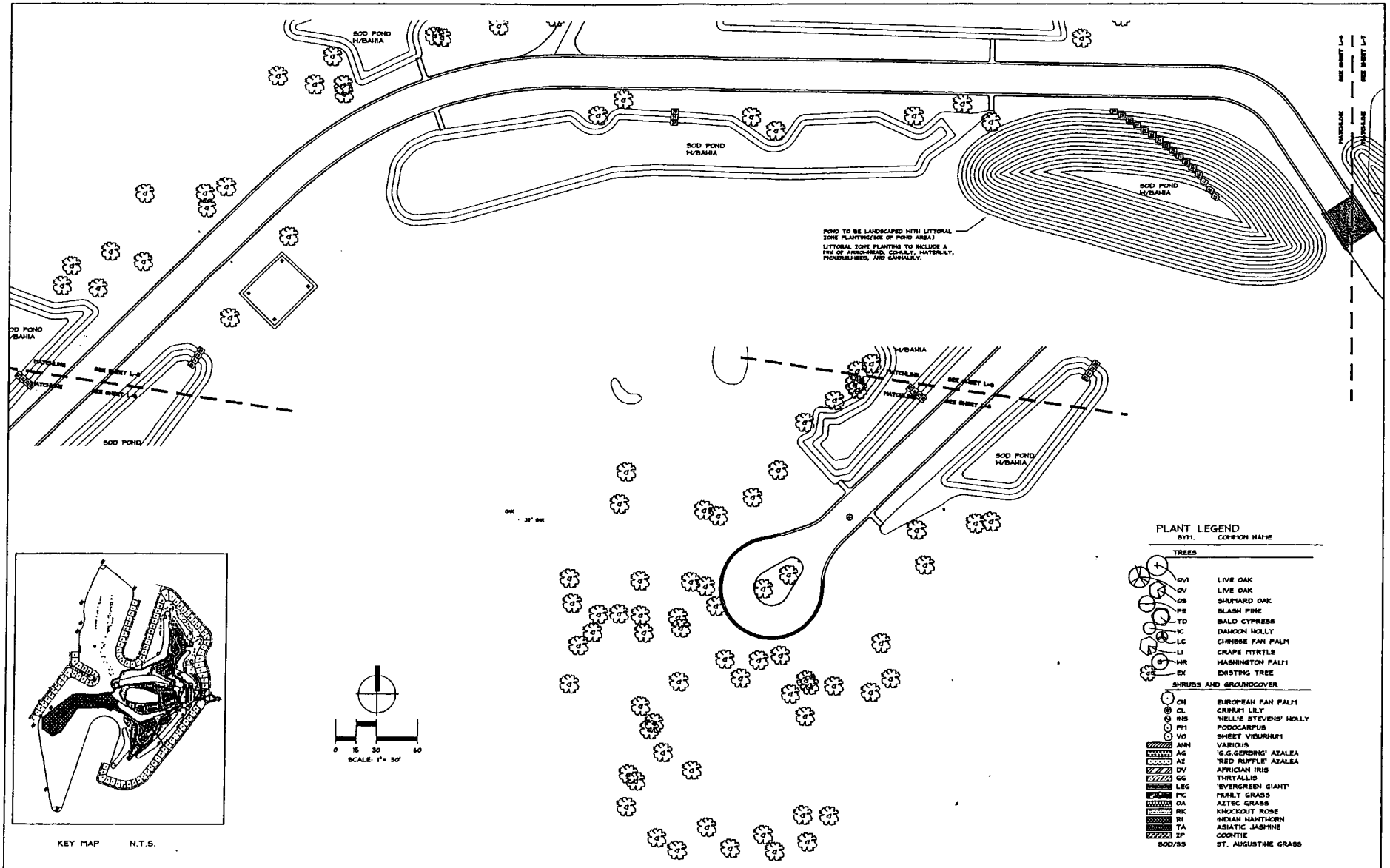

No.	Date	Revision	Approved	No.	Date	Revision	Approved
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2				5			
3				6			

Designed by: GJP 8/05
Drawn by: RES 8/05
Checked by: GJP 8/05
Approved by: GJP 8/05
Certificate of Authorization No. 3123
Scale: 1" = 30'
Date: June, 2005
Job No. 15791
File: LSP

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

Glenn J. Pope, RLA
License #

LANDSCAPE PLAN

Sheet No. L-8

EXHIBIT "B"
PAGE 18 OF 35

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Book: 5944
Page: 2211

LANDSCAPE NOTES:

1. The Landscape Contractor shall be responsible for all materials and all work as called for on the Landscape Plans and in the Landscape Specifications. In the event of variation between quantities shown on plant list and the plans, the plans shall control. The Landscape Contractor shall verify all quantities and report any discrepancies at the time of bidding.
2. The Landscape Contractor shall review architectural/engineering plans and become thoroughly familiar with surface and subsurface utilities.
3. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. The Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of negligence in the execution of the work.
4. The work shall be coordinated with other trades to prevent conflicts. Coordinate the planting with the irrigation work to assure availability and proper location of irrigation flows and plants.
5. All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.
6. All plant material shall be graded Florida No. 1 or better as defined under Grades and Standards for Nursery Plants, Part I and II, published by the Florida Department of Agriculture and Consumer Services or to the standards as given in the latest "American Standard for Nursery Stock," American National Standards Institute.
7. The Landscape Architect or Owner shall have the right, at any stage of the operations, to reject any and all work and materials which, in his opinion, do not meet with the requirements of these specifications.
8. Except as otherwise specified, the Landscape Contractor's work shall conform to accepted horticultural practices as used in the trade.
9. The minimum acceptable size of all plants, measured after pruning, with branches in normal positions, shall conform to the measurements specified on the plant list or as indicated on the landscape drawings. Height and spread dimensions refer to main body of the plant, and not extreme branch tip to tip. The caliper of tree trunks is to be taken one foot above the ground level.
10. Plants shall be protected upon arrival at the site, by being thoroughly watered and properly maintained until planted.
11. All tree pits shall be excavated to size and depth in accordance with the USDA Standard for Nursery Stock 260.1, unless shown otherwise on the drawings, and backfilled with the specified planting soil. The Landscape Contractor shall test fill all tree pits with water before planting to assure proper drainage percolation is available.
12. The Landscape Contractor shall be responsible for proper watering of all plants. All plants shall be thoroughly watered at time of planting and kept adequately watered until time of acceptance. It shall be the Landscape Contractor's responsibility to assure that plants are not over watered.
13. It shall be the Landscape Contractor's responsibility to prevent plants from falling or being blown over, to restraighten and replant all plants which lean or fall and to maintain all plants which are damaged due to lack of proper guying or staking. The Landscape Contractor shall be legally liable for any damage caused by forfeitability of any plant material.
14. All trees and all palms shall be guyed or staked or braced. The Landscape Contractor shall determine which small or multi-trunk trees need to be guyed and staked to maintain plumb. Staking of trees and shrubs, if required, shall be done after planting and guying detail prepared by the Landscape Architect. It shall be the responsibility of the Landscape Contractor to remove guys and stakes from the trees and job site after a period of 90 days.
15. Plants blown over by high winds, within the guaranteed period, shall not be cause for additional expense to the Owner, but shall be the responsibility of the Landscape Contractor. Damaged plants shall be replaced by the Landscape Contractor at no additional cost to the Owner.
16. Sod shall be certified to be free of the imported fire ant. Sod shall have a dense growth of acceptable grass, reasonably free of weeds with not less than 1 1/2" of soil firmly adhering to roots. It shall be the responsibility of the Landscape Contractor to maintain and determine the exact ground required. This amount shall be verified with the Owner or Landscape Architect before installation.
17. The Landscape Contractor shall insure adequate vertical drainage in all plant beds, planters, and sod areas. Vertical drilling through any compacted fill to native soil shall be accomplished to insure drainage. If soil around pit is compacted to assure positive drainage, this hole shall be brought up by the Landscape Contractor at time of bidding.
18. The Landscape Contractor shall insure that his work does not interrupt established or projected drainage patterns.
19. The Landscape Contractor shall prune, shape and remove dead foliage/limbs from existing plant material to remain. Confirm with the Landscape Architect or Owner the extent of work required at time of bidding.
20. Mulch - All plant beds shall be top dressed with 3" shredded hardwood mulch (or approved equal).
21. Transplanted Material - The Landscape Contractor shall be responsible for determining and evaluating which plant materials are suitable for transplanting and shall verify this with the Landscape Architect or Owner. The Landscape Contractor shall take all reasonable, horticulturally acceptable measures to assure the successful transplanting of determined plant materials. The Landscape Contractor shall be responsible for replacing any relocated plant materials which die or whose insurance are not taken, as determined by the Landscape Architect or Owner. Replacement plants shall be of identical species and size if required.
22. MAINTENANCE PRIOR TO FINAL INSPECTION AND ACCEPTANCE:

    Maintenance shall commence after each plant is planted and the maintenance period shall continue until the job or specific phase of the job is accepted by the Landscape Architect or Owner. Before work shall be taken to instruct the Owner or his representatives in general maintenance procedures.

    Plant maintenance shall include watering, pruning, weeding, cultivating, mulching, tightening and repairing of guys, replacement of rots or dead plants, resetting plants to proper grades or upright positions and restoration of the planting manner and all other work needed for proper growth of the plants.

    During the maintenance period and up to the date of final acceptance, the Landscape Contractor shall do all required spraying and/or dusting of trees and shrubs. Upon completion of all planting, an inspection for acceptance of work will be held. The Landscape Contractor shall notify the Landscape Architect or Owner for scheduling of the inspection 10 days prior to the anticipated date.

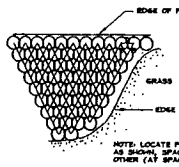
    At the time of the inspection, if all of the materials are acceptable, a written notice will be given by the Landscape Architect or Owner to the Landscape Contractor stating the date when the Maintenance Period ends.

    GUARANTEE AND REPLACEMENT:

    All plant materials shall be guaranteed for one (1) year from the time of final inspection and interim acceptance shall be alive and in satisfactory growth for each specific kind of plant at the end of the guaranteed period.

    At the end of the guarantee period, any plant required under this contract that is dead or not in satisfactory growth, as determined by the Owner or the Landscape Architect, shall be removed and replaced. Replacement plants shall have an extended guarantee, as noted above, from time of replacement.

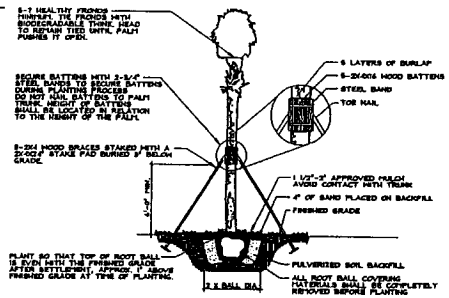
    All replacements shall be planted of the same kind and size as specified on the plant list. They shall be the responsibility of the Landscape Contractor.



NOTE: LOCATE PLANTS IN A TRIANGULAR PATTERN AS SHOWN, SPACED EQUIDISTANT FROM EACH OTHER (AT SPACING SPECIFIED IN THE PLANT LIST).

SHRUB/GROUNDCOVER SPACING PLAN

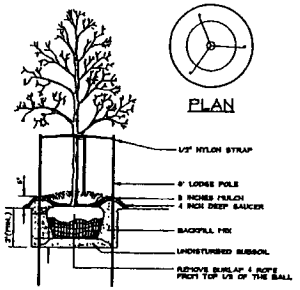
N.T.S.



PLANT SO THAT TOP OF ROOT BALL IS EVEN WITH THE FINISHED GRADE AFTER SETTLEMENT. APPROX. 1" ABOVE FINISHED GRADE AT TIME OF PLANTING.

PALM STAKING DETAIL

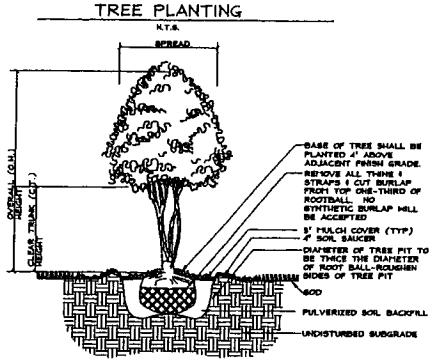
N.T.S.



NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.

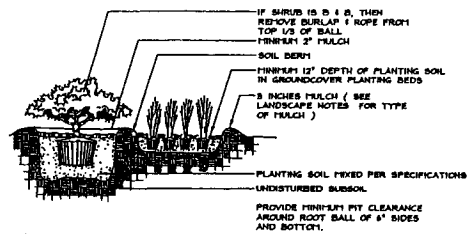
TREE PLANTING

N.T.S.



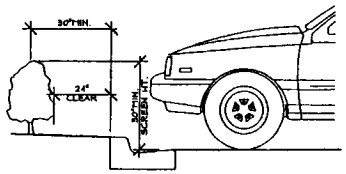
MULTI TRUNK TREE PLANTING DETAIL

NTS



SHRUB AND GROUNDCOVER PLANTING DETAIL

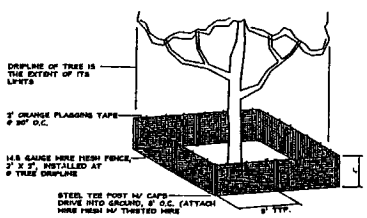
NTS



NOTES:
INSTALL HEDGE ALONG PARKING BAYS A MINIMUM OF 30" BEHIND BACK OF CURB TO ALLOW FOR 24" VEHICULAR OVERHANG. AT TIME OF INSTALLATION, HEDGE SHALL SCREEN A MINIMUM OF 30" ABOVE FINISH GRADE OF PARKING STALLS.

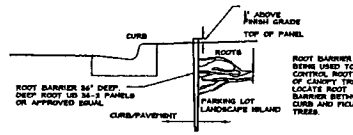
TYPICAL SECTION - HEDGE INSTALLATION

N.T.S.



TREE PROTECTION DETAIL

N.T.S.



ROOT BARRIER DETAIL

N.T.S.

(TO BE USED IN ALL PARKING LOT ISLANDS)

PLANT LIST

SYM.	QTY.	BOTANICAL NAME	COMMON NAME	DESCRIPTION
TREES				
QVI	57 *	QUERCUS VIRGINIANA	LIVE OAK	4 1/2" CAL., 16' HT MIN
QV	119 *	QUERCUS VIRGINIANA	LIVE OAK	2 1/2" CAL, 10' HT MIN, 4' SPRD
QS	67 *	QUERCUS SHUMARDII	SHUMARD OAK	2 1/2" CAL, 10' HT MIN, 4' SPRD
PE	168 *	PINUS ELLIOTTI	SLASH PINE	30 GAL, 7'-8' HT MIN
TD	37	TAXODIUM DISTICHUM	BALD CYPRESS	2 1/2" CAL, 10' HT MIN
IC	55 *	ILEX CASSINE	DAHOON HOLLY	2" CAL, 10' HT MIN
LC	42 *	LIVISTONA CHINENSIS	CHINESE FAN PALM	10'-16' O.A., AS SHOWN
LI	83 *	LAGERSTROEMIA INDICA	CRAPE MYRTLE	30 GAL, 5-8 STEM, 7' HT MIN
WR	175 *	WASHINGTONIA ROBUSTA	WASHINGTON PALM	10'-16' CT, AS SHOWN
EX	492	EXISTING TREE	VARIOUS	-
SHRUBS AND GROUNDCOVER				
CH	45 *	CHAMAEROPS HUMILIS	EUROPEAN FAN PALM	7 GAL, 84" MIN HT
CL	864	CRINUM ASIATICUM	CRINUM LILY	3 GAL, 24" HT MIN., 36" O.C.
INS	101	ILEX 'NELLIE R. STEVENS'	'NELLIE STEVENS' HOLLY	7 GAL, 36" HT. MIN., 36" O.C.
PM	60	PODOCARPUS MACROPHYLLUS	PODOCARPUS	8 GAL., 24" HT MIN., 36" O.C.
VO	612	VIBURNUM ODORATISSIMUM	SWEET VIBURNUM	9 GAL., 80" HT MIN., 36" O.C.
ANN	-	ANNUALS	VARIOUS	--
AG	1339	RHODODENDRON 'MRS. G.G.GERBING'	'G.G.GERBING' AZALEA	3 GAL., 12" HT., FULL, 36" O.C.
AZ	2182	RHODODENDRON 'RED RUFFLE'	'RED RUFFLE' AZALEA	3 GAL., 12" HT., FULL, 24" O.C.
DV	754 *	DIETES VEGETA	AFRICIAN IRIS	1 GAL., FULL., 24" O.C.
GG	726	GALPHIMIA GRACILIS	THRYALLIS	3 GAL., 12" HT., FULL, 24" O.C.
LEG	1067 *	LIRIOPE 'EVERGREEN GIANT'	'EVERGREEN GIANT'	3 GAL., 10" HT.; 6"-8" PPP., 30" O.C.
MC	628 *	MUHLENBERGIA CAPILLARIS	MUHLY GRASS	3 GAL., 10" HT., FULL, 30" O.C.
OA	4050 *	ORTHOPOGON 'ARGENTEOMARGINATUS'	AZTEC GRASS	1 GAL., FULL, 6-8 PPP, 24" O.C.
RI	4647	RHAPHIOLEPIS INDICA	INDIAN HAWTHORN	3 GAL., 12"-15" HT MIN., 30" O.C.
RK	535	ROSA 'KNOCKOUT'	KNOCKOUT ROSE	3 GAL., 24" HT MIN., 30" O.C.
TA	2158 *	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE	1 GAL., FULL, 6-8 PPP, 24" O.C.
ZP	185 *	ZAMIA PUMILA	COONTIE	3 GAL., 18" HT MIN., 36" O.C.
SOD/SS	BY CONTR.	STENOTAPHRUM SECUNDATUM	ST. AUGUSTINE GRASS	SOLID SOD, CONTRACTOR TO VERIFY QTY.

* - INDICATES PLANTS THAT ARE DROUGHT TOLERANT PER "WATERWISE" FLORIDA LANDSCAPE MANUAL PUBLISHED BY FLORIDA'S WATER MANAGEMENT DISTRICT APRIL 2004 ISSUE.

NOTE:

PLANT DESCRIPTIONS ARE FOR MINIMUM ACCEPTABLE SPECIFICATIONS. ALL CRITERIA LISTED FOR CONTAINER SIZE, CALIPER, HEIGHT, SPREAD, ETC. MUST BE MET FOR PLANT MATERIAL ACCEPTANCE. FOR EXAMPLE, IF A THREE GALLON SHRUB DOES NOT MEET THE HEIGHT OR SPREAD SPECIFICATION, IT WILL NOT BE ACCEPTED.

IF SPECIFIED PLANTS ARE UNAVAILABLE AT TIME OF CONSTRUCTION, CONTRACTOR MAY REPLACE SPECIFIED PLANTS WITH PLANTS APPROVED BY LANDSCAPE ARCHITECT AND CITY STAFF.

ALL OPEN SPACE OR DISTURBED AREAS WITHIN THE CONSTRUCTION LIMITS SHALL BE SODDED UNLESS PAVED, SEEDED AND MULCHED OR PLANTED WITH SHRUBS AND GROUND COVER.

No.	Date	Revision	Approved
1			
2			
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7			
8			

Designed by: GJP 6/05
Drawn by: RES 6/05
Checked by: GJP 6/05
Approved by: GJP 6/05
Certificate of Authorization No. 2111

Scale: N/A
Date: June, 2005
Job No. 13761
File: LSP

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph
Civil Engineers
Surveyors
Landscape Architects
Land Planners
Environmental Consultants
Planning Consultants
Project Management
Suite 200, 1211 Carnegie Avenue, Daytona Beach, FL 32114-2529
Phone 386-255-8171 Fax 386-255-8173

Robert J. Pagni, R.L.A.
LA0001322

LANDSCAPE NOTES AND DETAILS

Sheet No.
L-9



No	Date	Revision	Approved	No	Date	Revision	Approved

Designed by:	GJP	6/05	Scale: 1" = 200'
Drawn by:	RES	6/05	
Checked by:	GJP	6/05	Date: June, 2005
Approved by:	GJP	6/05	Job No. T5701
Certificate of Authorization No. 7115			File: TRP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

Gabriel J. Pugh, RLA
LA0001523

OVERALL TREE RETENTION PLAN

Sheet No.
TR-1

EXHIBIT "B"
PAGE 20 OF 35

Instrument# 2006-273445 # 31
Book: 5944
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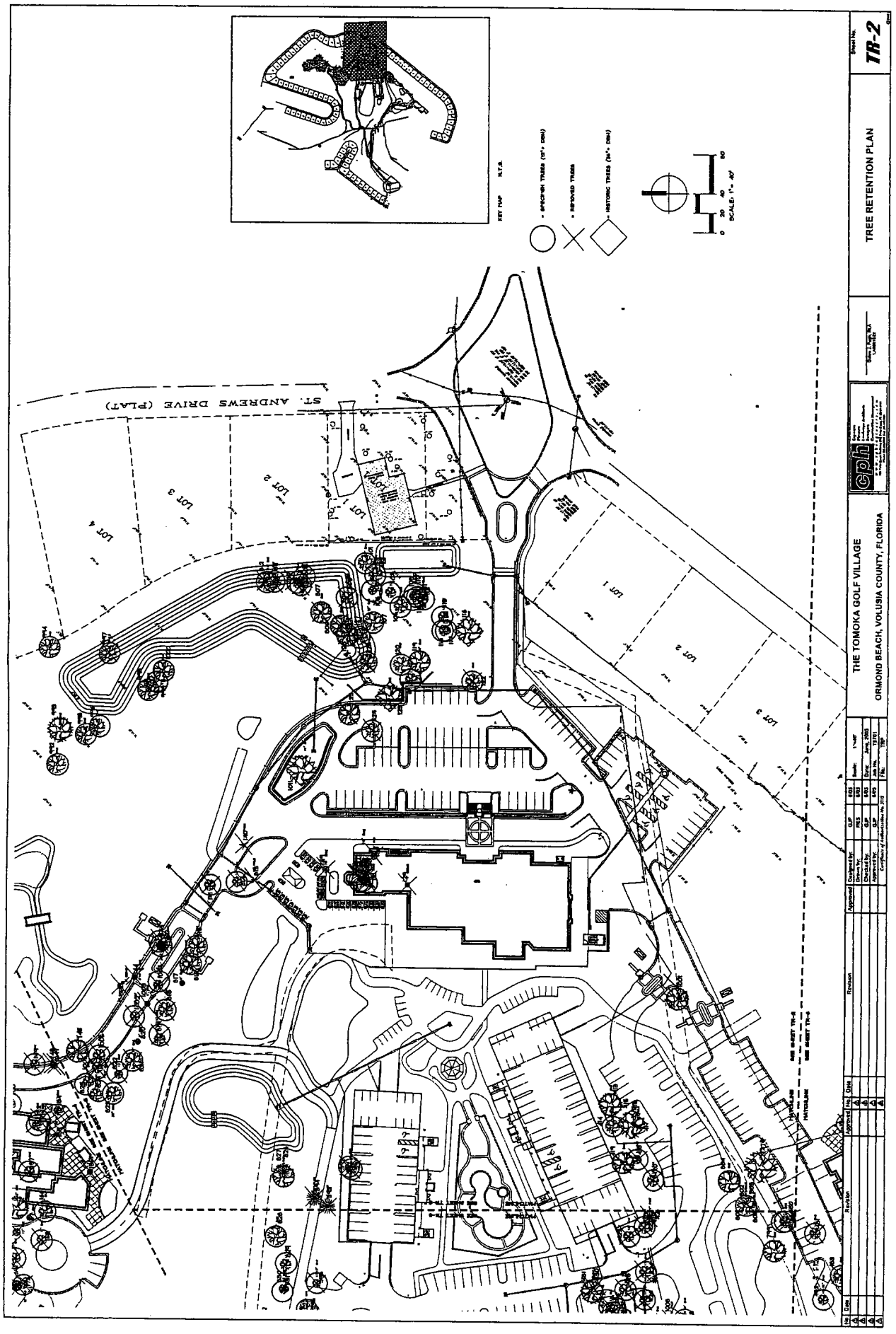
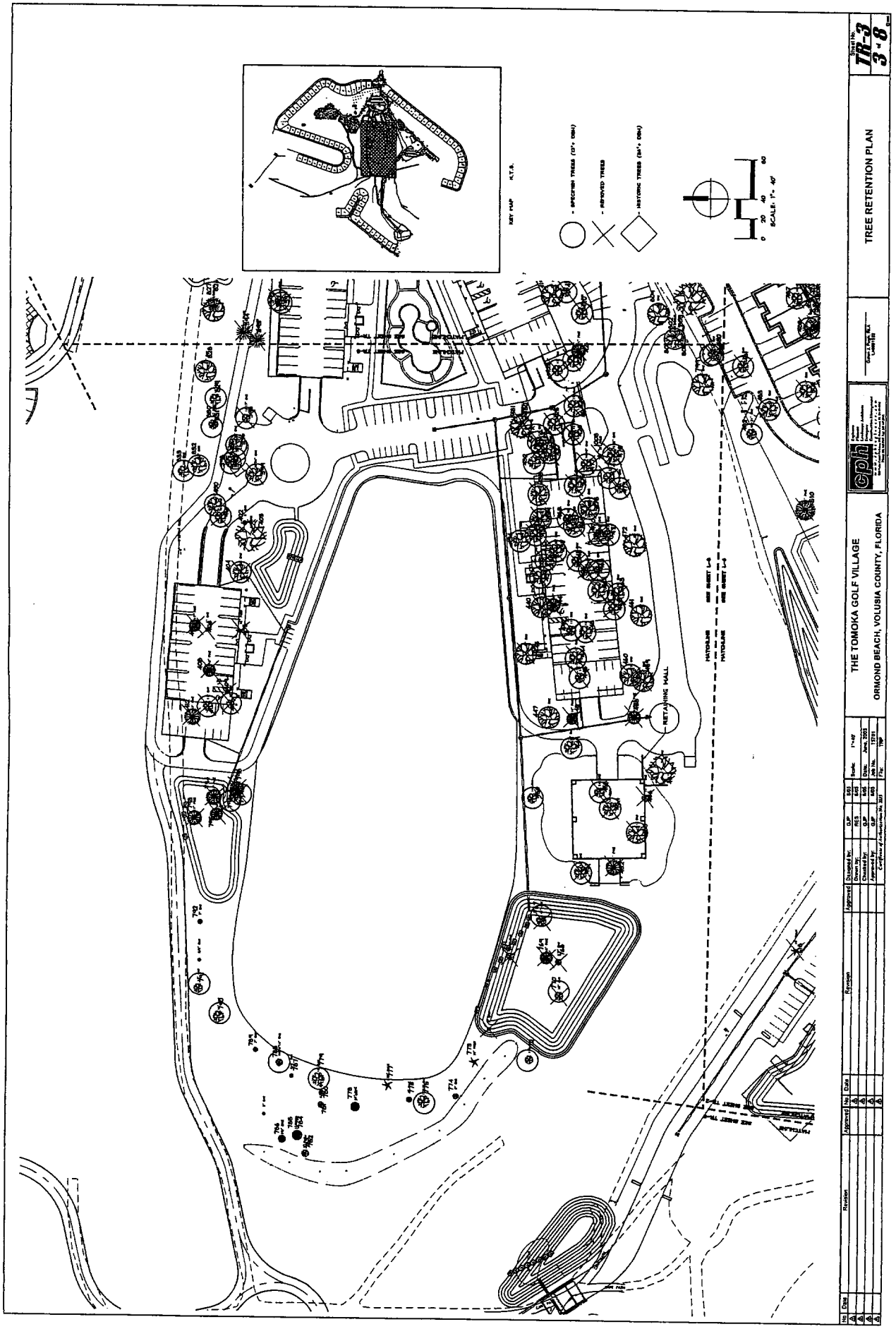


Instrument# 2006-273445 # 32
Book: 5944
Page: 2214



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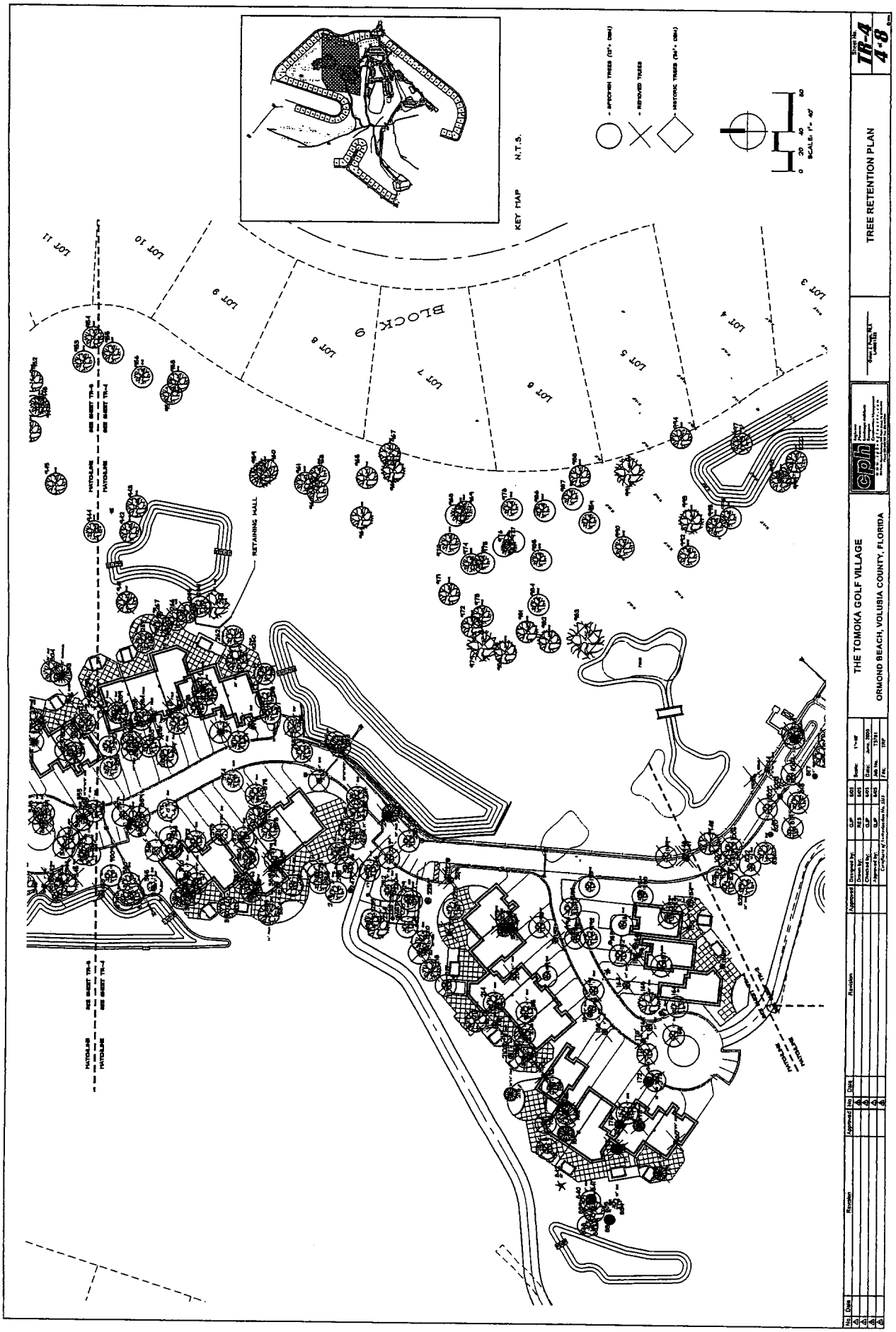
Book: 5944
Page: 2215



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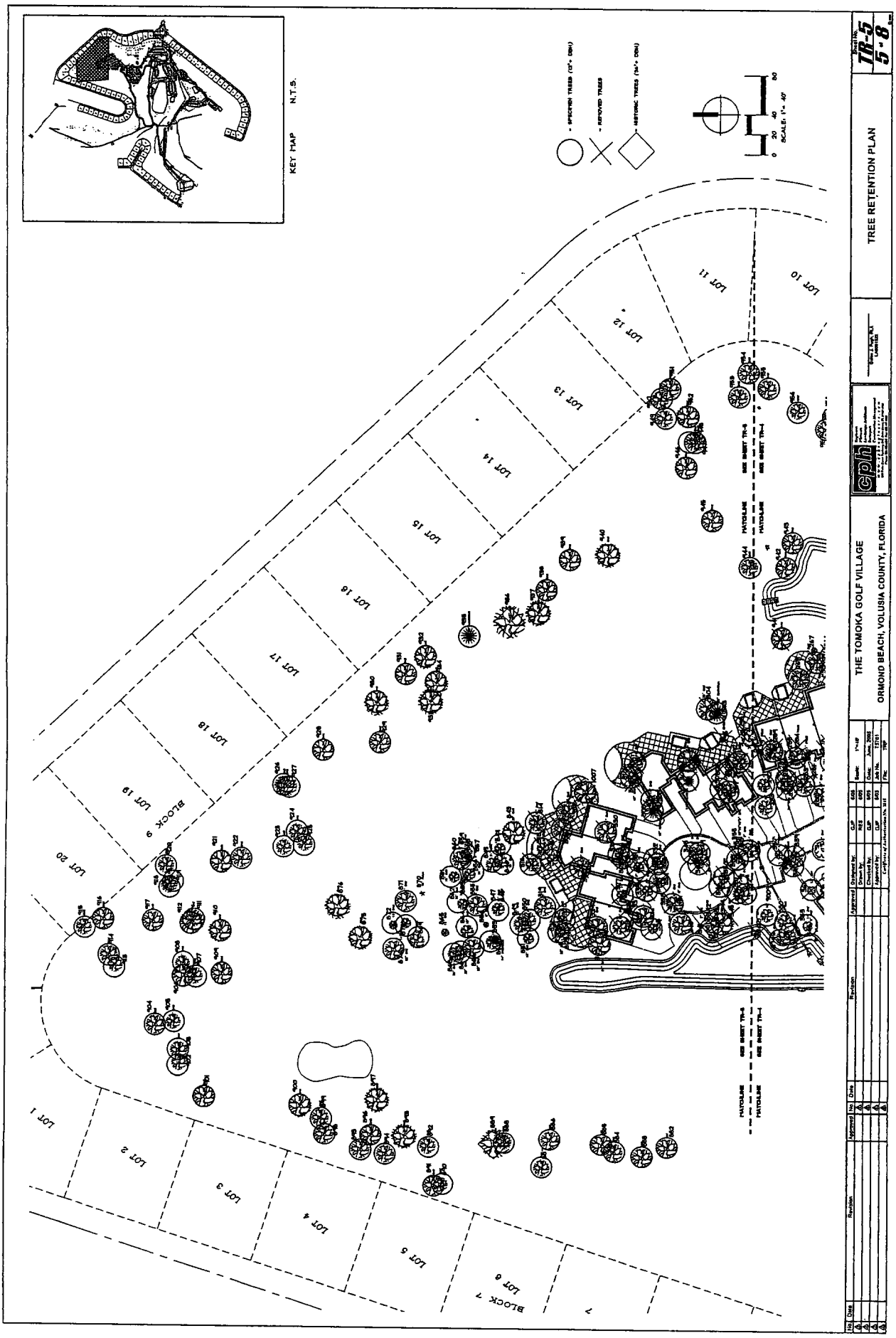
Page: 2216



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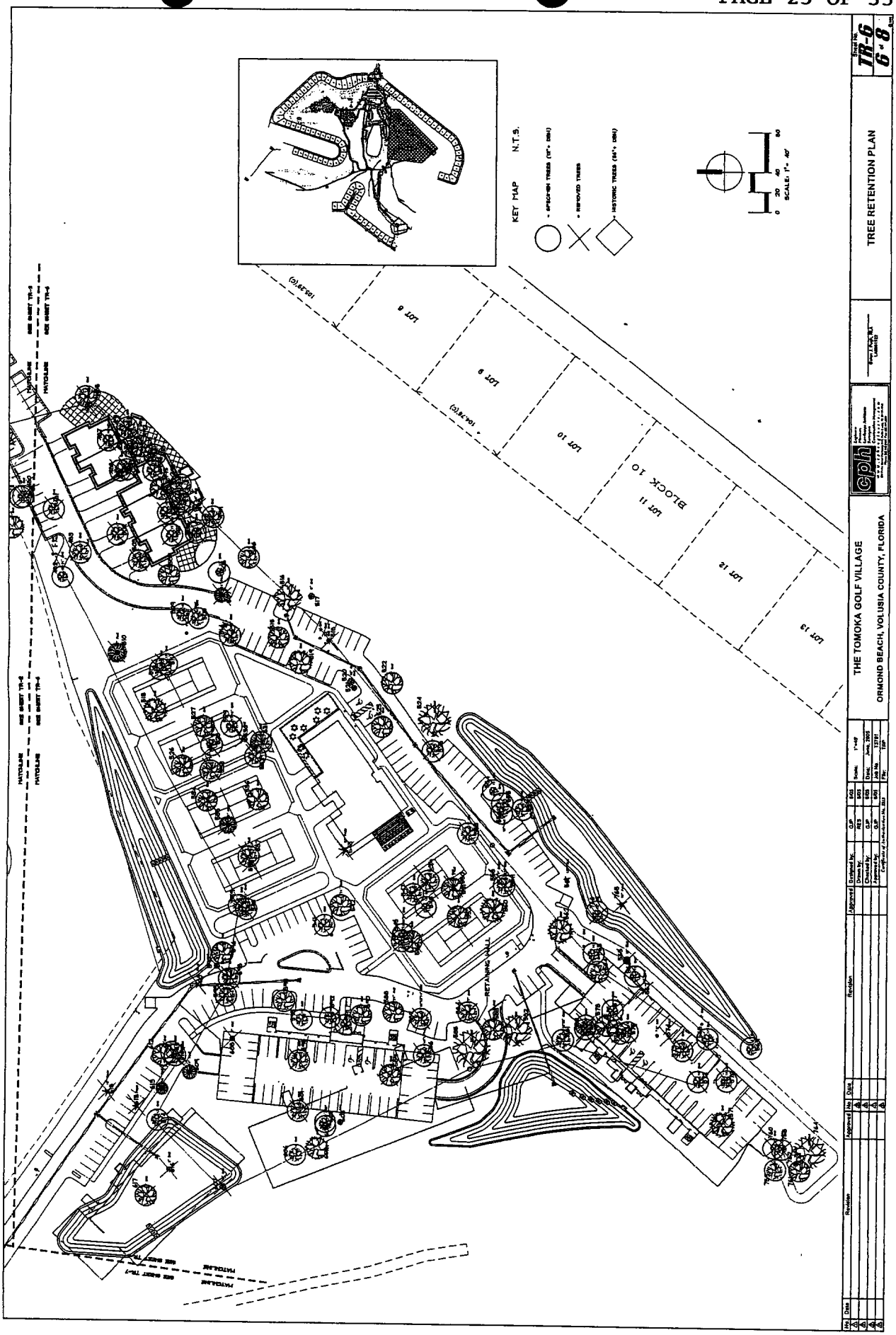

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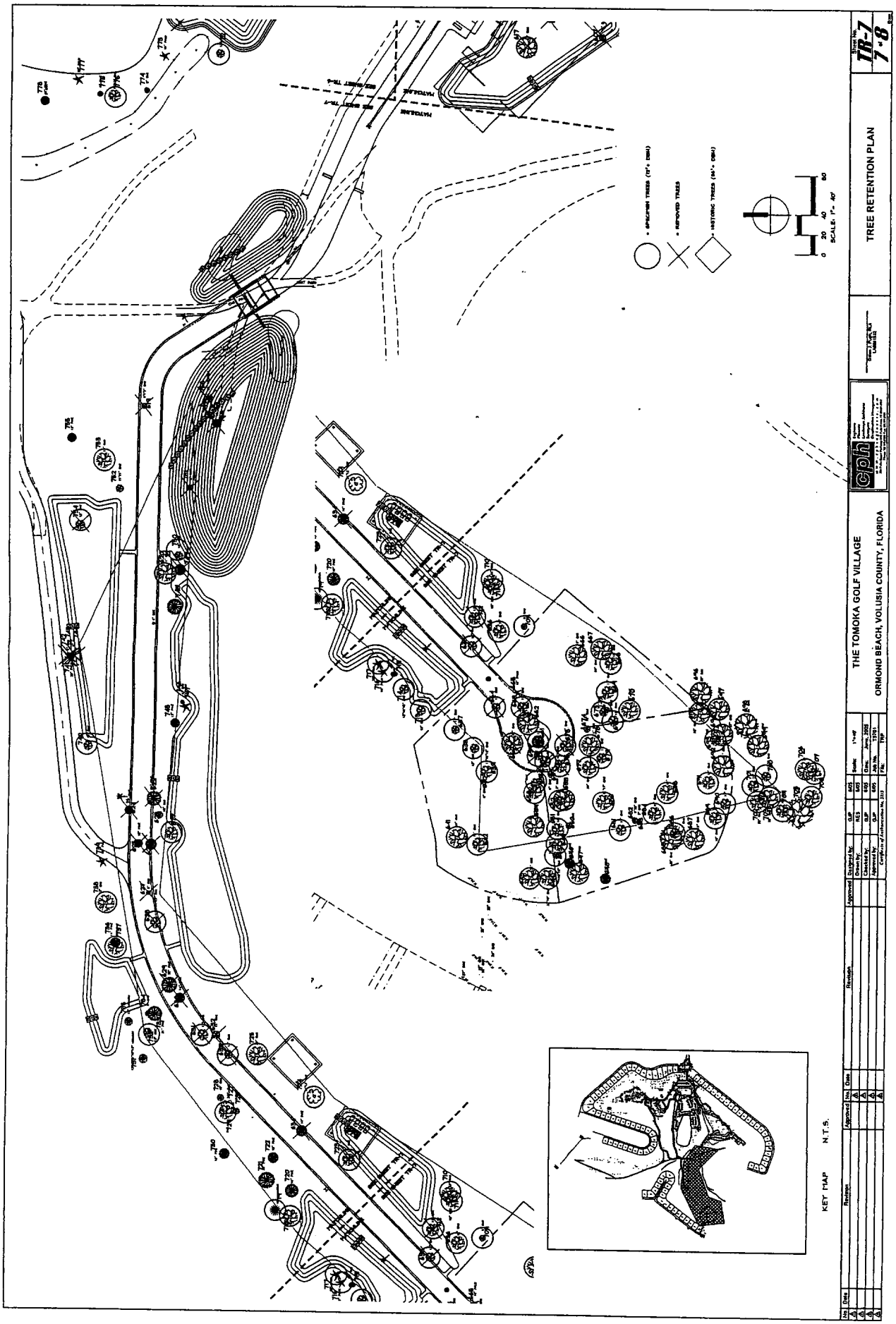


INSTRUMENT# 2006-273445 # 37
Book: 5944
Page: 2219

TREE LIST

X = REMOVED TREE

TREE NUMBER	INCHES (DBH)	SPECIES
1	20	OAK
2	20	OAK
3	24	OAK
4	24	OAK
5	24	OAK
6	24	OAK
7	24	OAK

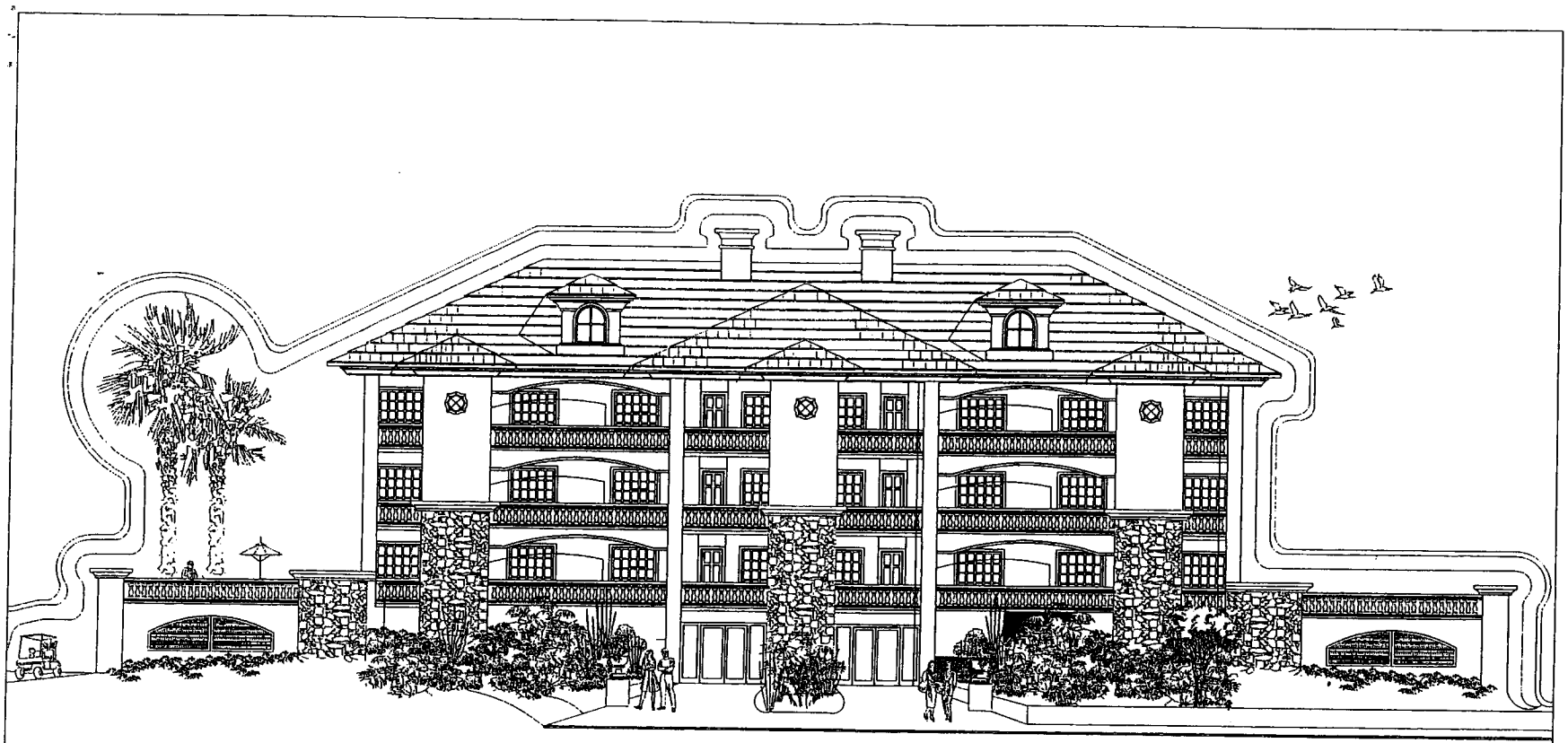


TYPICAL END VIEW

STANLEY P. HOELLE
ARCHITECT
386 672.2261

EXHIBIT "B"
PAGE 28 OF 35

Instrument# 2006-273445 # 39
Book: 5944
Page: 2221



THREE STORY GOLF VILLAS
POOL SIDE ELEVATION

STANLEY P. HOELLE
ARCHITECT
386 672.2261

EXHIBIT "B"
PAGE 29 OF 35

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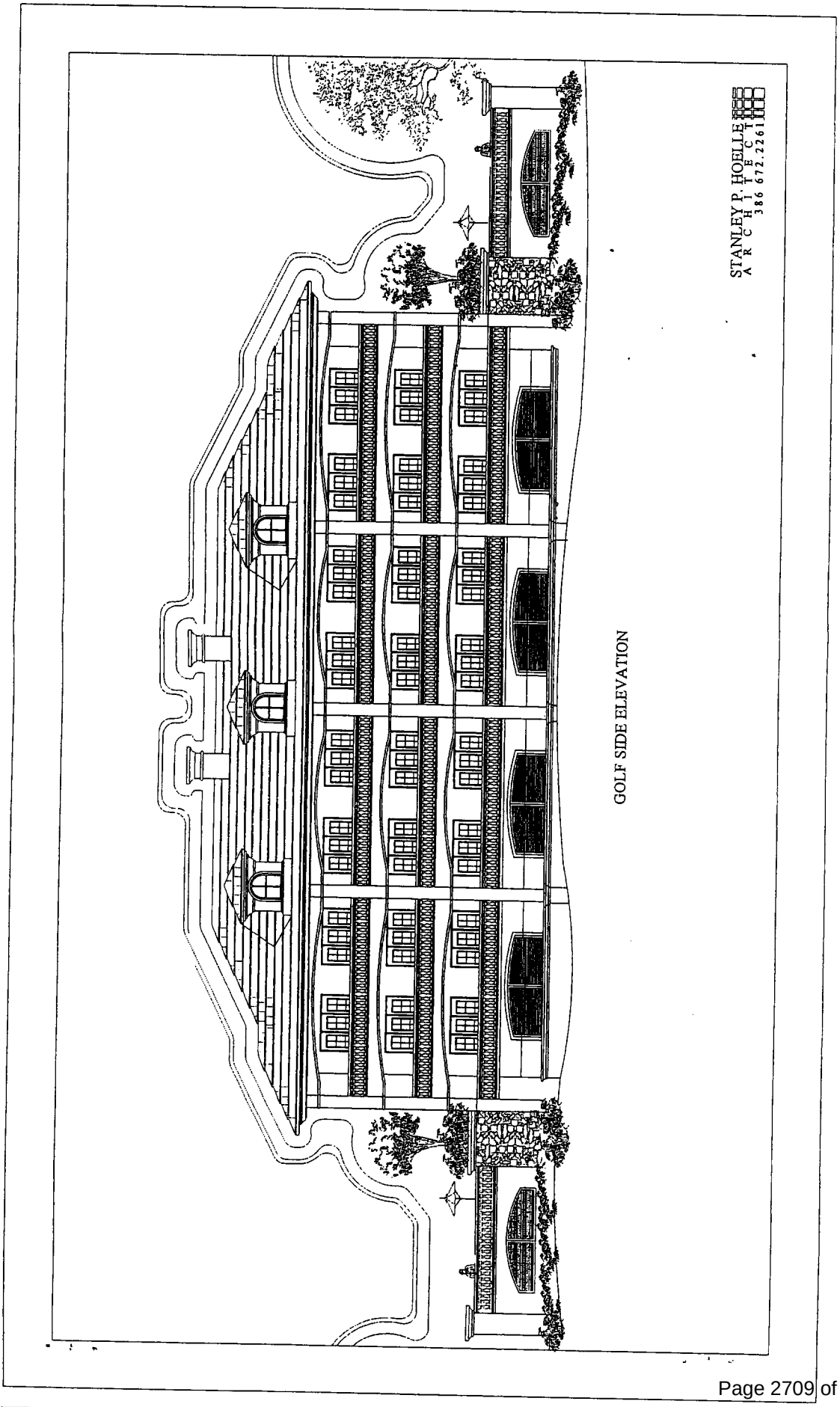
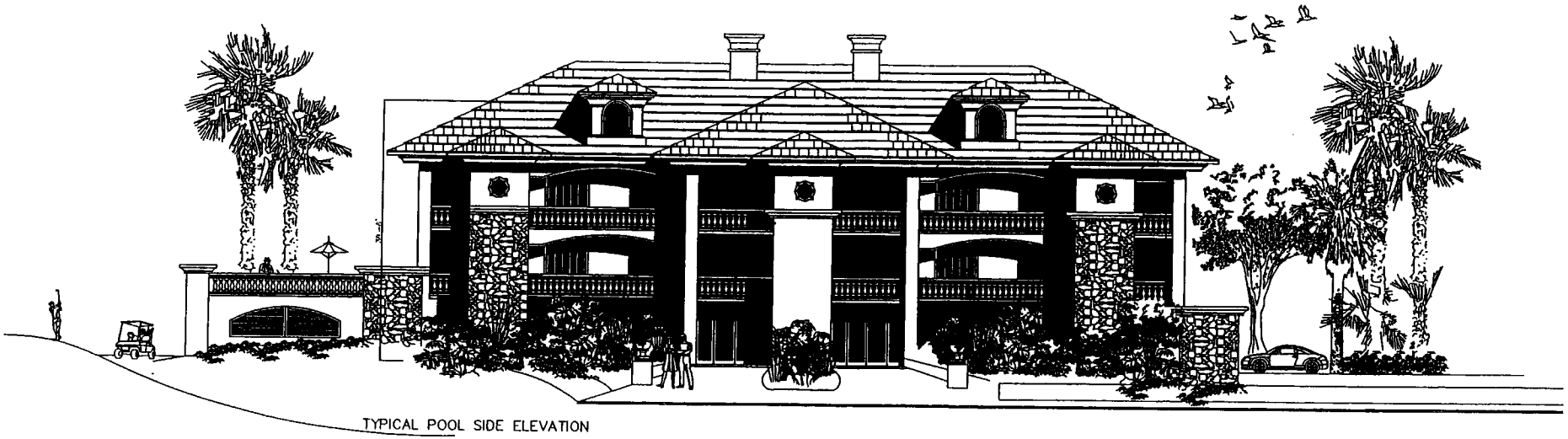
Book: 5944
Page: 2222

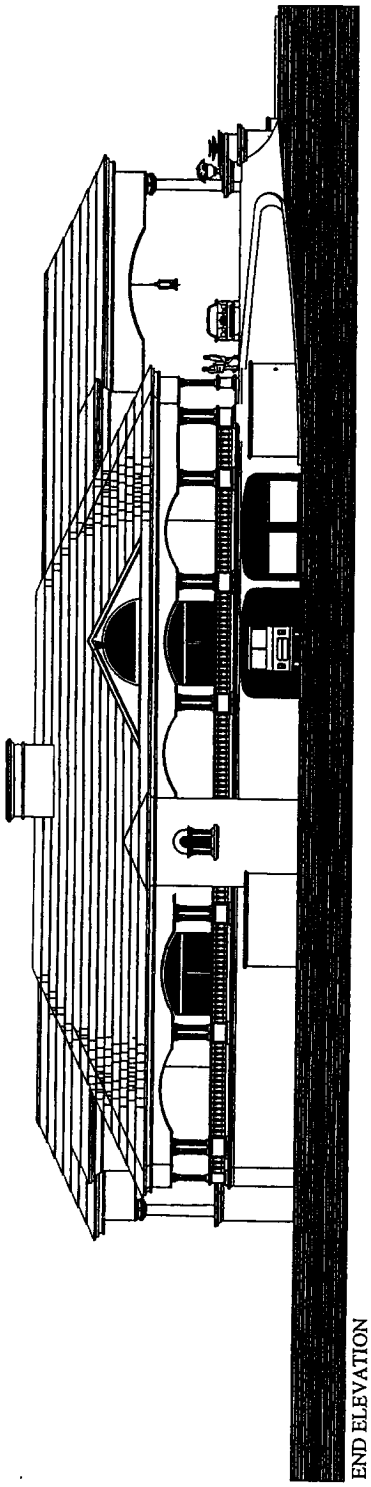




TYPICAL POOL SIDE ELEVATION

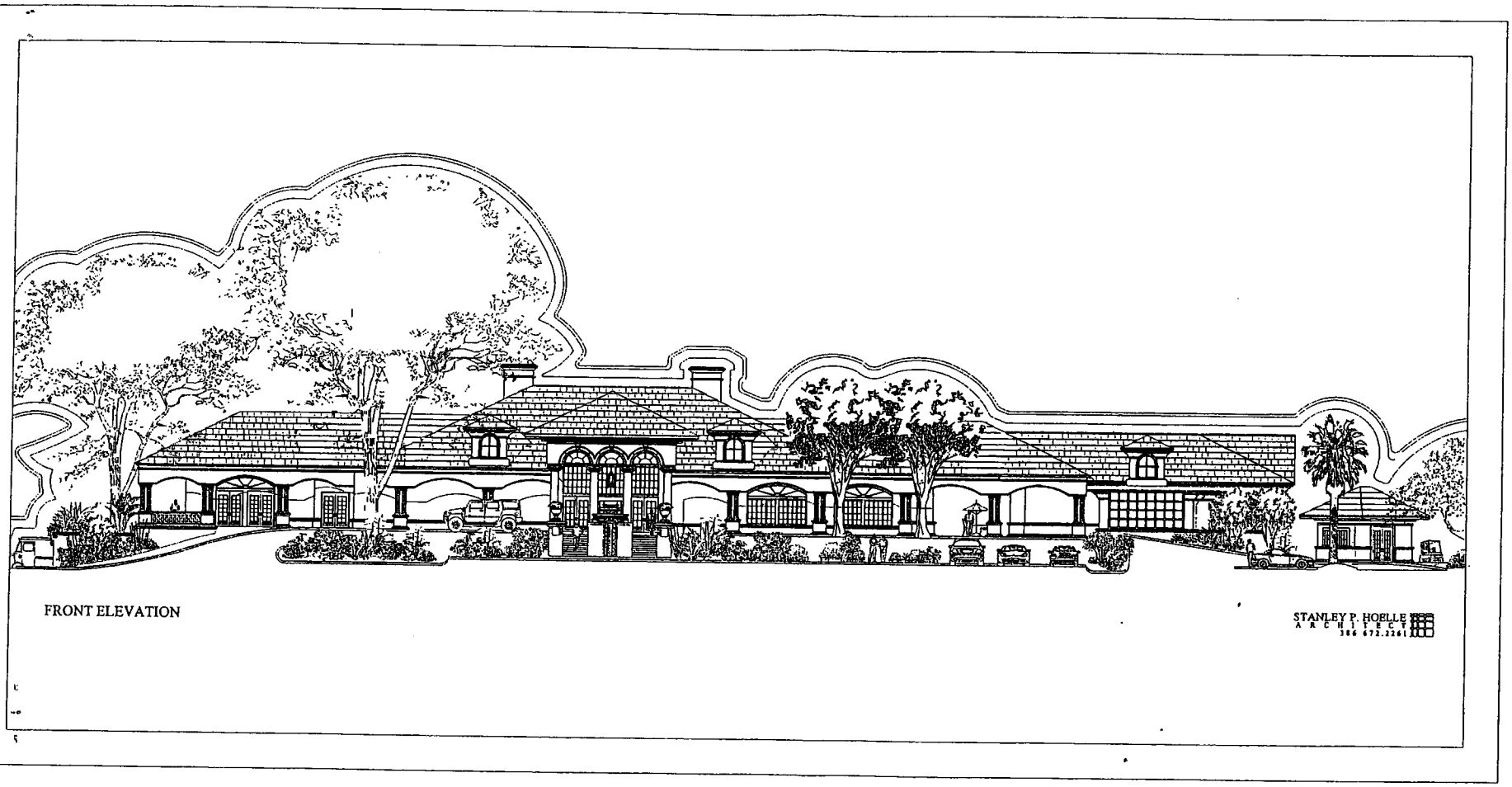
TYPE A GOLF VILLAS

Instrument# 2006-213445 # 42
Book: 5944
Page: 2224



END ELEVATION

Instrument# 2006-273445 # 43
Book: 5944
Page: 2225



FRONT ELEVATION

STANLEY P. HOELLE
ARCHITECT
386 672.2261

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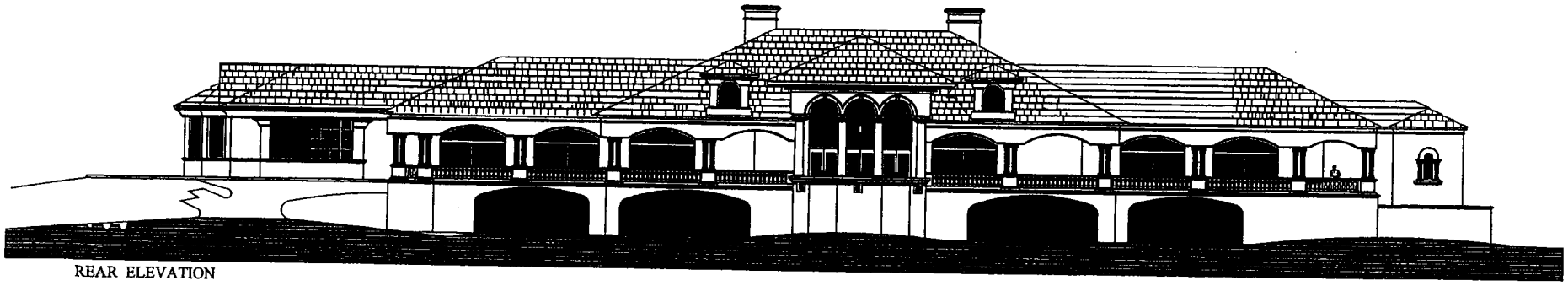
PAGE 33 OF 35

Instrument# 2006-273445 # 44
Book: 5944
Page: 2226



REAR ELEVATION

Instrument# 2006-273445 # 45
Book: 5944
Page: 2227
Diane M. Matousek
Volusia County, Clerk of Court





EXHIBIT "B"
PAGE 35 OF 35

CITY OF ORMOND BEACH

P.O. Box 277 • 22 South Beach Street • Ormond Beach, FL 32175-0277
(386) 677-0311 • Fax (386) 676-3330

October 19, 2006

Robert A. Merrell, Esquire
Cobb & Cole
Post Office Box 2491
Daytona Beach, FL 32115-2491

RE: Tomoka Oaks Golf Villas
Development Order
Ordinance No. 2006-17

Dear Mr. Merrell:

At its October 16, 2006, meeting, the City Commission of Ormond Beach approved Ordinance No. 2006-17 authorizing a Development Order for the Tomoka Oaks Golf Villas and rezoning from R-2 (Single Family Low Density) to PRD (Planned Residential Development). A copy of the ordinance and development order is enclosed for your information. Please be aware this development order contains expiration dates.

The ordinance and development order have been sent to the Clerk of the Court for recording, and a recorded copy will be forwarded to you when it has been received from the Clerk. In the meantime, should you have any questions regarding the development order, please contact Mr. Clay Ervin, Planning Director, at 676-3238.

Sincerely,

Veronica Patterson, CMC
City Clerk

Enclosure

cc: Clay Ervin, Planning Director
Randal A. Hayes, Esquire, City Attorney

CITY OF ORMOND BEACH

P.O. Box 277 • 22 South Beach Street • Ormond Beach, FL 32175-0277
(386) 677-0311 • Fax (386) 676-3330

October 19, 2006

Diane Matousek
Clerk of the Circuit Court
Post Office Box 6043
DeLand, Florida 32720

RE: Ordinance No. 2006-17
Tomoka Oaks Golf Villas
Development Order

Dear Ms. Matousek:

Enclosed herewith is a certified copy of Ordinance No. 2006-17 together with the original Development Order for a 147-acre parcel located at the Tomoka Oaks Subdivision in Ormond Beach, Florida.

Kindly return the recorded documents in the enclosed, self-addressed envelope and bill the City for the costs incurred.

Sincerely,

Veronica Patterson, CMC
City Clerk

Enclosure

CITY OF ORMOND BEACH

P.O. Box 277 • 22 South Beach Street • Ormond Beach, FL 32175-0277
(386) 677-0311 • Fax (386) 676-3330

October 19, 2006

Morgan B. Gilreath
Volusia County Property Appraiser
123 West Indiana Avenue
DeLand, FL 32720-4270

Dear Mr. Gilreath:

Pursuant to Rule 12D-1.011(1), *Florida Administrative Code*, enclosed is a certified copy of Ordinance No. 2006-17 which was adopted by the City of Ormond Beach City Commission on October 16, 2006, relative to 147-acre parcel of real property which has been rezoned from R-2 (Single Family Low Density) to PRD (Planned Residential Development). The property is located at Tomoka Oaks Subdivision in the City of Ormond Beach.

Please contact me at 676-3340 should you have any questions.

Sincerely,

Veronica Patterson, CMC
City Clerk

Enclosure

CITY OF ORMOND BEACH

Support Services • P.O. Box 277 • 22 South Beach Street • Ormond Beach, FL 32175-0277
(386) 677-0311 • Fax (386) 676-3330

November 11, 2006

Mr. Robert A. Merrell, Esquire
Cobb & Cole
P. O. Box 2491
Daytona Beach, FL 32115-2491

RE: The Tomoka Oaks Golf Village
Ordinance No. 2006-17
Development Order

Dear Mr. Burkett:

Enclosed is a recorded copy of Ordinance No. 2006-17 together with the Development Order approving a development order for "The Tomoka Oaks Golf Village" Planned Residential Development.

Also enclosed is an invoice in the amount of $419.50 for the cost of recording these documents.

If you have any questions, please call me at 676-3340.

Sincerely,

Veronica Patterson, CMC
City Clerk

Enclosures

cc: Randal A. Hayes, City Attorney
Judy Sloane, Public Works Director
Clay Ervin, Planning Director
Mike Garrett, Chief Building Official

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Application of RTH, Inc.
PRD-06-32
"Tomoka Oaks Golf Village" Planned Residential Development
within the limits of the existing Tomoka Oaks Golf Course

DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on October 3, 2006 and October 17, 2006, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18(D)(3) of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

(1) The land use conforms to the standards and requirements of this *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PRD, Planned Residential zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The land use is consistent with the *Comprehensive Plan*;

(3) The land use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

(5) Public facilities, such as roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds will not be unduly burdened and are adequate to serve the land use;

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

(7) The land use is functional in the use of space and aesthetically acceptable;

(8) The land use provides for the safety of occupants and visitors;

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

(10) The testimony provided at public hearings.

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of RTH, Inc., a Florida corporation, for the "Tomoka Oaks Golf Village" a planned residential development to allow the construction of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel within the limits of the existing Tomoka Oaks Golf Course, in the R-2 Single Family Low Density zoning district, on that real property described and depicted on Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-35, Planned Residential Development, of the City of Ormond Beach *Land Development Code*, except as otherwise specifically modified hereby, shall at all times be strictly complied with;

2. That the following recommendations of the Planning Board shall be resolved and strictly complied with at all times:

a. The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.

b. The owner shall provide a note on the plat for the property indicating to future property owners the proximity of the airport and the flight pattern of the traffic from the airport.

c. The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with trees and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.

3. That the following comments of the Site Plan Review Committee shall be resolved and strictly complied with at all times:

CITY LANDSCAPE ARCHITECT COMMENTS:

a. Wheel stops must be provided. Vehicle bumpers will not overhang the planting beds.

b. Applicant must provide a littoral planting detail and specifically show where they are to be planted on the pond banks in all applicable ponds; applicant must provide calculation for each pond; clarify if ponds are wet or dry; if dry then littoral planting is not required.

c. Applicant must provide a note on the plans that any tree needed to be removed during construction will require a one for one replacement penalty; protected trees will require one 2.5" caliper variety and specimen trees will require one 4.5" caliper variety to suit its planting location; replacement trees need to be Florida #1 at a minimum height of ten feet (10'). CPH will make the determination as to what is best suited for each replacement.

d. Remove the asterisk note on page TR-8.

CIVIL ENGINEER COMMENTS:

e. Applicant must provide legend to clarify phasing.

f. Sheet C6 – Include Temporary Construction Entrance in Phase 1A.

g. Sheet C2 – Provide As Built Requirements for Water and Sewer; relocate the As Built Requirements for Roadway Construction from sheet C36.

h. Sheet C22 –Removing the fire hydrant from the pond.

i. Sheets C45-C47 – Estimated Wet Season Water Table Elevation and Design Pond High Water Elevation to each section.

j. Applicant must locate easements for utilities and lift station on the plat.

CHIEF BUILDING OFFICIAL COMMENTS:

k. Applicant must provide additional fire hydrants to townhouse and condo locations.

l. Applicant must provide location of fire department connections.

m. The location of handicap spaces for the clubhouse is unacceptable; accessible parking spaces shall not cross the roadway and shall be as close to the building as possible.

FIRE DEPARTMENT COMMENTS:

n. Fire hydrants shall be installed at intervals not to exceed 500 feet; provide location of additional hydrants on plans.

PUBLIC UTILITIES COMMENTS:

o. Manhole #44 on page C18 of the plans needs to be lined.

p. Applicant must update fire hydrant assembly detail.

q. Show how reuse will be connected to existing reuse line or the proposed reuse line to be constructed to the reuse storage pond by Tomoka Oaks.

r. Reuse meter to be provided by owner of make and model approved by the City. A reuse agreement will need to be executed by the owner and the City.

s. Applicant must confirm if water master meter shall be needed or if units will be individually metered.

t. Applicant must provide match lines on composite utility sheets.

u. All water and sewer lines to be owned and maintained by City must be in public rights of way or 40 foot access and utility easement; an easement or deed is also needed for the lift station.

POLICE DEPARTMENT COMMENTS:

v. Parking lot lighting, pole heights must not exceed 20 feet and maximum wattage shall be 250 watts (see Land Development Code Chapter 3, Article 5 Architectural Design Standards, Chapter 3 Page 10). This will impact lighting calculations currently submitted.

4. The subdivision is approved to have a total of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings with the following dimensions as shown on the attached plans. The townhomes and condominiums shall be developed in accordance with the conceptual plans approved for the proposed PRD and the requirements established in Chapter 2, Article IV, Section 2-57 M. Multi-Family Dwellings:

Land Use	Min. Lot Area	Min. Lot Width	Front Setback	Side Corner	Side Setback	Rear Setback
Single-family	10,000-square feet	100- feet	30-feet	20-feet	8-feet total 20-feet	25-feet

5. As a stand alone zoning district the following permitted uses and dimensional criteria for this Planned Residential Development are hereby established as follows:

1. **Permitted Principal Uses and Structures.**

   a. Single-family Detached units

   b. Townhouse Units, as located on the conceptual development plan prepared by Conklin Porter and Homes, CPH project number T7501, dated June 2005.

   c. **Multifamily Condominium units** as located on the

conceptual development plan prepared by Conklin Porter and Homes, project number T7501, dated June 2005.

2. Permitted Accessory Uses and Structures

a. Single Family detached dwellings and all accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article III.

b. Home Occupations, Type "A", subject to the regulations set forth in Chapter 2, Article III.

6. The project shall be phased over a 5-year period and shall consist of 6 phases; a new phase shall not be initiated until the improvements and enhancements identified in the previous phase have been initiated and are substantially completed. This condition shall not prevent the owner from completing multiple phases concurrently. The following summarizes the phasing of the project:

Phase	Description
1A	Construction of the tennis facility, maintenance area, parking, spine road and associated stormwater improvements. The "Golf Townhomes" at the northern most portion of the development (9th and 10th fairway) will be constructed
1B	Demolition and reconstruction of the clubhouse and parking lot.
1C	Completion of all of the townhomes in the golf and tennis areas.
2A	Development of condominiums at tennis facility.
2B	Development of condominiums at the driving range and clubhouse areas.
3	Development of 3-single family homes on the estate lots.

B. The final plans for the development project shall be consistent with the provisions of this Development Order and the plans depicted in Exhibit "B" hereto; provided, however, that the said plans shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plan for the development project without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Development Order.

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

E. If the final plan approval lapses under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be re-established, a new PRD Development Order shall be considered by the City Commission.

F. In the event the use of the land approved by this PRD Development Order is abandoned for a period of two (2) years or there has been no construction activity during that period, the permit shall be void and a Notice of Final Plan Revocation filed under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be reestablished, a new PRD Development Order shall be considered by the City Commission.

G. Semi-annually, the Neighborhood Improvement Officer shall prepare a report indicating which planned developments are not in compliance with Section 1-14, or the conditions stipulated in the Development Order, in the event a Neighborhood Improvement Officer subsequently determines there to be any violation, such Officer shall promptly present such determination to the Special Master for hearing.

H. Pursuant to Chapter 1, Article II, Section 1-14(C) (2), of the *Land Development Code*, the first phase of this Special Exception shall automatically expire and become void, without further action by the City Commission, 24 months (October 17, 2008) from the date of City commission approval, unless a site plan or building permit has been issued prior to that date; and a use building permit is so issued, this Special Exception shall remain in full force and effect unless and until subsequently amended by the City Commission.

I. The expiration date of the sixth and final phase of the project to be constructed shall be five (5) years in the future, or to October 17, 20011, and shall automatically expire and become void, without further action by the City Commission, unless a building permit

is issued for the second and final phase of the project prior to that date; and if a building permit is so issued, the Development Order shall remain in full force and effect unless and until subsequently amended by the City Commission

J. This Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of RTH, Inc., a Florida corporation, and shall be binding upon RTH, Inc., a Florida corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No. 3242-07-00-0010)

ORDERED this 17th day of October, 2006.

CITY COMMISSION
CITY OF ORMOND BEACH, a Florida municipal corporation

By: Fred Costello
FRED COSTELLO
Mayor

(CITY SEAL)

Attest: Isaac D. Turner
ISAAC D. TURNER
City Manager

CITY MANAGER
MEMORANDUM

TO: Honorable Mayor Costello and City Commissioners

FROM: Isaac D. Turner, City Manager

DATE: September 28, 2006

SUBJECT: Tomoka Oaks Golf Villas-Rezoning to Planned Residential Development

Introduction: This is a request by Robert A. Merrell, Esquire, representing RTH, Incorporated, to rezone a 147-acre parcel from R-2 (Single Family Low Density) to PRD (Planned Residential Development). The subject property is known as the Tomoka Oaks Golf Course.

Background: The subject property is currently being used for a golf course and country club. The owners of the property are seeking to maintain the current uses and add 122 residential units on the site. The property has a land use designation of "Low Density Residential" on the adopted Future Land Use Map and is classified as R-2 (Single-Family Low Density) on the Official Zoning Map. Accordingly, the property could be redeveloped for single-family dwelling units at a maximum density of 4.3 units per acre with lots that meet the minimum dimensional standard for the R-2 zoning district (minimum lot area of 10,000 square feet; minimum lot width 100-feet; minimum lot depth 100 feet).

In 2005, the applicant contacted the City of Ormond Beach to review options for renovating the golf and country club that included residential elements such as townhomes, condominiums and single-family homes. Staff researched the land use and zoning of the property and discovered that there were development rights for single-family homes. Staff was concerned with these critical issues:

1. **Are there any existing restrictions on the use of the property for any other use than a golf course?** The staff's main concern is that there are private restrictions that supersede the land use and zoning that would prohibit any kind of uses except for the golf and country club. A title opinion from the property owner indicates that there are no such restrictions and that the use of the property is only subject to the City of Ormond Beach Comprehensive Plan and Land Development Code (LDC).

2. **Integration of residential land uses cannot have a negative impact on the adjoining residential property owners; specifically, any new residential development could not be located directly adjoining to existing residential lots within the Tomoka Oaks subdivision.** The applicant agreed that views from the abutting residential properties had to be protected and that the location and orientation of the residential development could not negatively impact the existing homes.

3. **The remaining portion of the golf course will be restricted that it cannot be used for residential development so that adjoining neighbors are confident that the use of the property for a golf course and recreational open space is protected.** The applicant has agreed to provide that surety through an easement over the remaining portion of the golf course that will ensure that the property will remain as open space/recreational use.

Through a series of meetings to discuss how the property could be redeveloped and the staff's concerns with the impacts on the adjoining single-family homes, it was decided that the owners could seek approval of a planned development that included the clustering of the residential development allowed on the property. The planned development process allows for the concentration of the residential units in a manner with minimal impacts to the existing land owners and would still maintain the golf course as it is currently laid out. The staff emphasized that the application would need to reflect attention to the impacts on the adjoining property owners and emphasized the location, spacing and appearance of the proposed buildings. Staff further required that the applicant look at the traffic impacts and how to orient access to the new residential development so that there are no disruptions or impacts to the existing residences. The staff indicated that the remainder of the golf course had to be restricted so that the future of redeveloping it for additional residential uses was not possible. Lastly, staff indicated that the phasing of the development could not load all of the amenities (clubhouse, tennis facility, driving range) until the last phase and that these improvements had to be developed concurrently with the residential aspects of the project.

The project consists of a multiple phased development whereby the existing clubhouse, tennis, swimming pool and driving range facilities will be demolished and replaced. The "golf course" development consisting of 30 townhomes and 54 condominium units will be developed on the northeast area of the course by the 9th and 10th fairways. The "tennis complex" will have 5 townhome units and 30 condominium units. The townhomes are two-story structures with an average height of 22 feet. The condominiums are three-story buildings with an average height of 39 feet. There are three single-family detached lots proposed for the northwest portion of the site. These lots will comply with the dimensional standards established for the R-2 zoning district. The project will be phased over a 5-year period and will consist of six (6) phases.

Discussion: The proposed rezoning to PRD was heard at the August 10, 2006, meeting of the Planning Board. There was considerable comment from the residents of the Tomoka Oaks subdivision regarding the development. The primary concerns pertained to the traffic impacts, impacts to the utilities (water pressure), visual impacts onto the existing residential homes, lack of maintenance of the existing golf course, notification of future owners of the flight pattern and proximity to the airport, and certainty that the remainder of the golf course would remain. The Planning Board recommended approval of the proposed rezoning to PRD subject to the following ten conditions.

1. The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.
2. The owner shall provide a note on the plat for the property indicating to future property owners of the proximity of the airport and the flight pattern of the traffic from the airport.
3. The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with tress and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.
4. The applicant is to research and develop a plan to improve the traffic flow and safety at the entrance to Tomoka Oaks.
5. The City and the owner shall research the amount of landscaping to be placed on the site and see where there are opportunities to provide larger trees within the buffers (increase size from 2 ½ inch caliper to 4 inch caliper).
6. The City staff will investigate the opportunity to provide reuse water to the Tomoka Oaks residences as well as the golf course.
7. The owner and City shall research and develop minimum maintenance standards to be included as part of the PRD Development Order.
8. The City shall research and remedy, in cooperation with the applicant, any problems to water pressure within the system serving the Tomoka Oaks development.
9. Staff is to verify that an environmental study for the project had been completed and was technically correct.
10. There is a provision in the Development Order for the PRD that a new phase could not be initiated until the improvements and enhancements identified in the previous phase had been initiated and where substantially completed. This condition would not prevent the owner from completing multiple phases concurrently.

Staff met with the property owners since the Planning Board and reviewed the 10 conditions. All of the conditions have been addressed. The applicant and the City staff could not find specific maintenance standards, but have agreed that there will be a minimum standard established prior to commencement of construction. The traffic engineer has provided background information regarding the single warrant study and improvements in traffic safety at Tomoka Oaks Boulevard.

Recommendation: It is recommended that the City Commission **APPROVE** the proposed Tomoka Golf Village Planned Residential Development (PRD), thereby allowing the redevelopment of the site for 119 multifamily units (townhomes and condominiums) and 3 single family dwellings, subject to the recommendations of the Planning Board and the outstanding comments of the Site Pan Review Committee.

Prepared by: Clay Ervin, AICP, Planning Director

STAFF REPORT

City of Ormond Beach
Department of Planning

DATE: September 26, 2006

SUBJECT: Tomoka Golf Village Planned Residential Development

APPLICANT: Robert A. Merrell, representing RTH Inc.

NUMBER: PRD-06-32

PROJECT PLANNER: Teri Holleran, Senior Planner/ Clay Ervin, AICP, Planning Director

INTRODUCTION: This is a request by Robert A. Merrell, Esquire, representing RTH, Incorporated, to rezone a 147 acre parcel from R-2 (Single family low density) to PRD (Planned Residential Development). The subject property is known as the Tomoka Oaks Golf Course.

BACKGROUND: The subject property is currently being used for a golf course and country club. The owners of the property are seeking to maintain the current uses and add 122-residential units on the site. The property has a land use designation of "Low Density Residential" on the adopted Future Land Use Map and is classified as R-2 (Single-family low density) on the Official Zoning Map. Accordingly, the property could be redeveloped for single-family dwelling units at a maximum density of 4.3-units per acre, with lots that meet the minimum dimensional standard for the R-2 zoning district (minimum lot area of 10,000 square feet; minimum lot width 100-feet; minimum lot depth 100 feet).

In 2005, the applicant contacted the City of Ormond Beach to review options for renovating the golf and country club that included residential elements such as townhomes, condominiums and single-family homes. Staff researched the land use and zoning of the property and discovered that there were development rights for single-family homes. Staff was concerned with these critical issues:

1. **Are there any existing restrictions on the use of the property for any other use than a golf course?** The staff's main concern is that there are private restrictions that supersede the land use and zoning that would prohibit any kind of uses except for the golf and country club. A title opinion from the property owner indicates that there are no such restrictions and that the use of the property is only subject to the City of Ormond Beach Comprehensive Plan and Land Development Code (LDC).

2. **Integration of residential land uses cannot have a negative impact on the adjoining residential property owners; specifically, any new residential development could not be located directly adjoining to existing residential lots within the Tomoka Oaks subdivision.** The applicant agreed that views from the abutting residential properties had to be protected and that the location and orientation of the residential development could not negatively impact the existing homes.

3. **The remaining portion of the golf course will be restricted that it cannot be used for residential development so that adjoining neighbors are confident that the use of the property for a golf course and recreational open space is protected.** The applicant has agreed to provide that surety through an easement over the remaining portion of the golf course that will ensure that the property will remain as open space/recreational use.

Through a series of meetings to discuss how the property could be redeveloped and the staff's concerns with the impacts on the adjoining single-family homes, it was decided that the owners could seek approval of a planned development that included the clustering of the residential development allowed on the property. The planned development process allows for the concentration of the residential units in a manner with minimal impacts to the existing land owners and still would maintain the golf course as it is currently laid-out. The staff emphasized that the application would need to reflect attention to the impacts on the adjoining property owners and emphasized the location, spacing and appearance of the proposed buildings. Staff further required that the applicant look at the traffic impacts and how to orient access to the new residential development so that there are no disruptions or impacts to the existing residences. The staff indicated that the remainder of the golf course had to be restricted so that the future of redeveloping it for additional residential uses was not possible. Lastly, staff indicated that the phasing of the development could not load all of the amenities (clubhouse, tennis facility, driving range) until the last phase and that these improvements had to be developed concurrently with the residential aspects of the project.

Project Description: The project consists of a multiple phased development whereby the existing clubhouse, tennis, swimming pool and driving range facilities will be demolished and replaced. The "golf course" development consisting of 30 townhomes and 54 condominium units will be developed on the northeast area of the course by the 9th and 10th fairways. The "tennis complex" will have 5 townhome units and 30 condominium units. The townhomes are two-story structures with an average height of 22-feet. The condominiums are three-story buildings with an average height of 39-feet. There are three single-family detached lots proposed for the northwest portion of the site. These lots will comply with the dimensional standards established for the R-2 zoning district.

The project will be phased over a 5-year period and will consist of 6 phases. The following summarizes the phasing of the project. Please refer to the plans for details and specifics of the phasing plan.

Phase	Description
1A	Construction of the tennis facility, maintenance area, parking, spine road and associated stormwater improvements. The "Golf Townhomes" at the northern most portion of the development (9th and 10th fairway) will be constructed
1B	Demolition and reconstruction of the clubhouse and parking lot.
1C	Completion of all of the townhomes in the golf and tennis areas.
2A	Development of condominiums at tennis facility.
2B	Development of condominiums at the driving range and clubhouse areas.
3	Development of 3-single family homes on the estate lots.

The primary focus is to preserve the existing golf course, locate the new buildings so that they do not impact the existing homes and enhance the landscaping to minimize the impacts of the new development.

The applicant has requested a rezoning to Planned Residential Development (PRD). The purpose of a Planned Development is to:

1. Achieve innovative and creative design and a high level of amenities within residential and non-residential developments;
2. Promote efficient use of land by facilitating more cost effective and environmentally sensitive site planning, including the arrangement of buildings, circulation systems, land use and facilities;
3. Stimulate opportunities for varied housing types and diversified economic opportunities;
4. Conserve and protect the natural environment including wetlands, natural habitat, drainage corridors, flood prone lands, and other environmentally sensitive lands;
5. Provide for more useable and suitably located open space and recreation facilities and other common facilities than would otherwise be provided under conventional land development procedures; and
6. Achieve harmonious building and site designs.

Although Planned Developments provide opportunities for unique concepts, Planned Developments shall comply with the community character as promoted by the City Commission and shall be designed to limit impacts of the development internally within the confines of the Planned Development through compliance with the regulations established in the Comprehensive Plan and as stipulated in the Land Development Code.

ANALYSIS:

Planned Residential Development: Section 2-35, Chapter 2, Article II of the Land Development Code details the following requirements for a Planned Residential Development:

A. General: The proposed development is consistent with the purpose and intent of the Planned Residential Development.

B. Permitted and other uses: The proposed development complies with this section of the code. The permitted uses consist of single-family, townhome and multi-family residential developments. Other uses consist of golf course, tennis facilities and associated club house facilities.

C. Density: The proposed development is consistent with this criterion. The area encompassed by the PRD is 147-acres. The adopted Future Land Use Map designates the property as "Low Density Residential" which allows up to 4.3 units per acre. This means that the theoretical maximum development on the site would be 632 units.

D. Dimensional requirements: The proposed development is in compliance with this requirement.

E. Interior road system: The proposed development is in compliance with this requirement.

F. Off-street parking: The proposed development meets or exceeds the standards established in the LDC.

G. Landscaping and utility lines: The proposed development meets or exceeds the standards established in the LDC.

H. Recreational facilities: The project meets and exceeds all of the minimum recreational requirements established for PRDs.

I. Supplemental Requirements: The proposed development complies with the requirements for supplemental requirements.

Comprehensive Plan and Zoning: The site is designated "Low Density Residential" (LDR) on the City's Future Land Use Map and is zoned R-2 (single-

family low density). The following table shows the surrounding land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Tomoka Oaks subdivision	Low Density Residential	R-2 (Single family low density)
South	Tomoka Oaks subdivision	Low Density Residential	R-2 (Single family low density)
East	Tomoka Oaks subdivision	Low Density Residential	R-2 (Single family low density)
West	Tomoka Oaks subdivision	Low Density Residential	R-2 (Single family low density)

Site Characteristics and Services:

Soils: According to the Soil Survey of Volusia County, the underlying soil type is Soils Group No. 54-Quartzipsamments, gently sloping. A map and description of these soil types are included in Appendix A. The development potential of this soil type is "very high" according to the Soil Survey of Volusia County.

Wetlands/Flood Zone: The proposed development does not impact any wetlands nor is the development located within a designated flood zone.

Vegetation: The site has been impacted by the development of the golf course. The vegetation consists predominately of recreational grasses and ground cover, with areas of oaks, magnolia and pine interspersed.

Water and Sewer: The proposed development will require the extension of existing water and sewer lines serving the Tomoka Oaks subdivision. The proposed development of 122 residential units will generate an additional demand of 13,664 gallons per day for potable water and 12,298 gallons of wastewater per day. There is sufficient capacity with the water and wastewater treatment facilities for this development. This development will not result in a negative impact to water pressure and fire flows to the area.

Transportation: A traffic impact assessment report was prepared in support of the proposed rezoning to PRD. The analysis reflected the impacts of the new uses consisting of 119 multifamily dwelling units and 3 single-family dwelling units. The amount of trips generated by the new uses are projected to be 772 average daily trips and 72 PM peak-hour trips, based on the ITE Trip Generation Manual, 7th edition. It is assumed that the project will be completed by 2008.

The distribution and assignment of traffic is based on the adopted Central Florida Regional Planning Model II (CFRPM II). The result is that a majority of the traffic

is projected to Tomoka Oaks Boulevard as the primary route to enter and exit the project (88% of the traffic) with the remaining 12% of the traffic using other routes, such as Rio Pinar. The majority of the traffic exiting/entering Tomoka Oaks is projected to impact the segment of Nova Road between SR 40 and Granada Boulevard. The attached spreadsheet summarizes the road segments and the traffic impacts resulting from the project at the built-out condition in 2008.

In summary, the proposed development will not negatively impact the level of service on the impacted roadways and does not require any additional traffic mitigation efforts.

Parking: Parking for the residential and non-residential uses will comply with the requirements of Chapter 3, Article III of the LDC.

Stormwater Management: The applicant is required to obtain approval of the master stormwater plan from the City and the St. John's Water Management District. The preliminary design indicates that the project will comply with the requirements established in the LDC. The proposed development plan reflects that the stormwater plan consisting of several basins where the stormwater is collected from sheet flow across the site and is directed either directly into swales or pipes where it is transferred to on-site retention ponds for treatment prior to being discharged. Please be aware that the drainage on this site will not be an issue given the high permeability rate of the underlying soils.

Solid Waste: The site will be served by City sanitation services. There is sufficient capacity in the City system to meet projected demand.

Other Services: The site is located within an approximate 5-7 minute response time from police and fire stations. The nearest fire station is Station #92 on Nova Road, south of Granada Boulevard. There is sufficient response time from both Police and Fire services to the site.

Roadway	Segment		Adopted LOS	Daily Capacity at Adopted LOS	Existing Daily Traffic	Projected 2008 Background Traffic	Vested Trips	Project Trips from Tomoka Golf Villas	2008 Projected Total Daily Traffic	Future LOS
US 1	Airport Road	Nova Road	D	61,800	24,000	24,960	959	108	26,027	B
	Nova Road	West Granada Boulevard	D	61,800	20,000	20,800	172	54	21,026	B
Nova Road	US 1	Tomoka Oaks Blvd.	D	35,700	10,600	11,024	163	162	11,350	B
	Tomoka Oaks Blvd.	Wilmette Avenue	D	35,700	10,600	11,024	163	516	11,705	B
	Wilmette Avenue	West Granada Boulevard	D	53,500	21,500	22,360	369	464	23,193	B
	West Granada Boulevard	Hand Avenue	D	53,500	19,000	19,760	955	255	20,970	B
West Granada Blvd.	Clyde Morris Boulevard	Nova Road	D	42,300	35,000	36,400	3,505	170	40,075	C
	Nova Road	US 1	D	35,700	29,500	31,117	1,212	70	32,398	C
Wilmette Avenue	Nova Road	US 1	E	15,600	8,000	8,320	0	54	8,374	C

CRITERIA FOR APPROVAL: In considering an application for a PRD, the City Commission may recommend approval, approval with conditions, or denial on the extent to which the development offers site amenities above that normally found for permitted uses in the district with regard to the following:

a) Innovative site design.

b) Coordinated architectural design.

c) Open space, recreation, common areas.

d) Coordinated streetscape elements.

The proposed development utilizes superior architectural design, well-laced landscaping and the existing golf course to introduce new residential units in a manner that minimize impacts on the adjoining residential development. The integration of new golf and tennis facilities improve the overall aesthetics of the area and provide for a needed upgrade to the existing facilities. The development utilizes landscaping, lighting and access points to minimize impact on the adjoining properties, but still maintain an efficient and attractive internal road system. In summary, it is staff's opinion that the proposed development complies with the previous criteria.

The following are standard criteria to be used by the Planning Board and City Commission in its review of the proposed rezoning to PRD. In its review of each application for amendment, the Planning Board and City Commission shall consider:

1. **The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**
   The subject property has a land use classification that allows up to 632-homes to be developed on the site. There could be approximately 300 homes developed on the golf course site, based on the R-2 zoning. This type of development would eliminate the entire golf course. The applicant has requested a rezoning to PRD to cluster the development to minimize impacts to the golf course. The resulting development plan of 122 units results in a density of .82 units per acre. Given the development potential and the proposed development, the application complies with this review criterion.

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

   The proposed development plan is consistent with the adopted Future Land Use Element and Future Land Use Map; specifically:

Goal 1. Land use distribution

Future development and redevelopment activities should be directed in appropriate areas as depicted on the future land use map to meet the land use needs of the anticipated population, in a manner consistent with sound planning principles, the goals, objectives and policies contained in the plan, and the desired community character.

Overall, the land use plan should limit commercial expansion, promote industrial use, maintain current residential densities in the core area while establishing lower densities in the perimeter areas, and provide for a continued high level of open space. Specific goals and policies are listed below for each type of land use.

Objective 1.1. Residential land use
Ensure that adequate lands are available to meet the residential land use needs of the community.

Policy 1.1.1.
Continue to promote sound planning for the location and design of new residential developments including on-site common open space and recreation facilities.

Policy 1.1.4.
Encourage innovative design measures for new residential developments and ensure that adequate provision is made for neighborhood facilities suitable to the type of development proposed.

Policy 1.1.5.
Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments that will meet the varied needs of the citizens of Ormond Beach.

Policy 1.1.17.
Encourage the development of infill residential areas in the central core and older sections of the City.

Future Land Use Map: The subject property is designated as "Low Density Residential", which allows for a maximum density of 4.3 units per acre. The proposed project has a gross density of .83 units per acre.

3. **The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife**

habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.

The proposed development does not impact any identified wetlands or protected species of plant or animal. The project is not located near any wellfield or other area of special concern.

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

The proposed project involves significant upgrades to the existing golf course and tennis facilities. Additionally, the value of similar development has maintained or increased over the past 5-years. The proposed development will not have a substantial or permanent negative impact on the adjoining properties.

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

The City of Ormond Beach has adequate capacity in its facilities to serve the proposed 122-dwelling units.

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

The proposed development plans include a traffic study prepared by an engineer licensed to practice transportation engineering in the State of Florida. The analysis uses accepted methodologies and indicates that the proposed development complies with the concurrency management requirements of the Comprehensive Plan and LDC.

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

The proposed development utilizes the existing golf course in a manner that maintains the open areas adjacent to the existing residential homes and concentrates the development in the center of the property. The combination of landscaping, architectural treatment of the buildings and locations of the structures provides both aesthetical and functional use of the site.

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

The proposed development incorporates site and building improvements to ensure that occupants and visitors to the site are safe to use the grounds and buildings.

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

This is a critical issue and the applicant agreed to provide upgraded architectural treatment for all of the structures being developed on the site. This will ensure compatibility and enhancement to the surrounding neighborhood.

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

The proposed rezoning to PRD was heard at the August 10, 2006, meeting of the Planning Board. There was considerable comment from the resident of the Tomoka Oaks subdivision regarding the development. The primary concerns pertained to the traffic impacts; impacts to the utilities (water pressure); visual impacts onto the existing residential homes; lack of maintenance of the existing golf course; notification of future owners of the flight pattern and proximity to the airport; and certainty that the remainder of the golf course would remain. The Planning Board recommended approval of the proposed rezoning to PRD subject to the following ten conditions.

- The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.
- The owner shall provide a note on the plat for the property indicating to future property owners of the proximity of the airport and the flight pattern of the traffic from the airport.
- The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with tress and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.
- The applicant to research and develop a plan to improve the traffic flow and safety at the entrance to Tomoka Oaks.
- The City and the owner shall research the amount of landscaping to be placed on the site and see where there are opportunities to provide larger trees within the buffers (increase size from 2 ½ inch caliper to 4 inch caliper).
- The provision in the Development Order for the PRD that a new phase could not be initiated until the improvements and enhancements identified

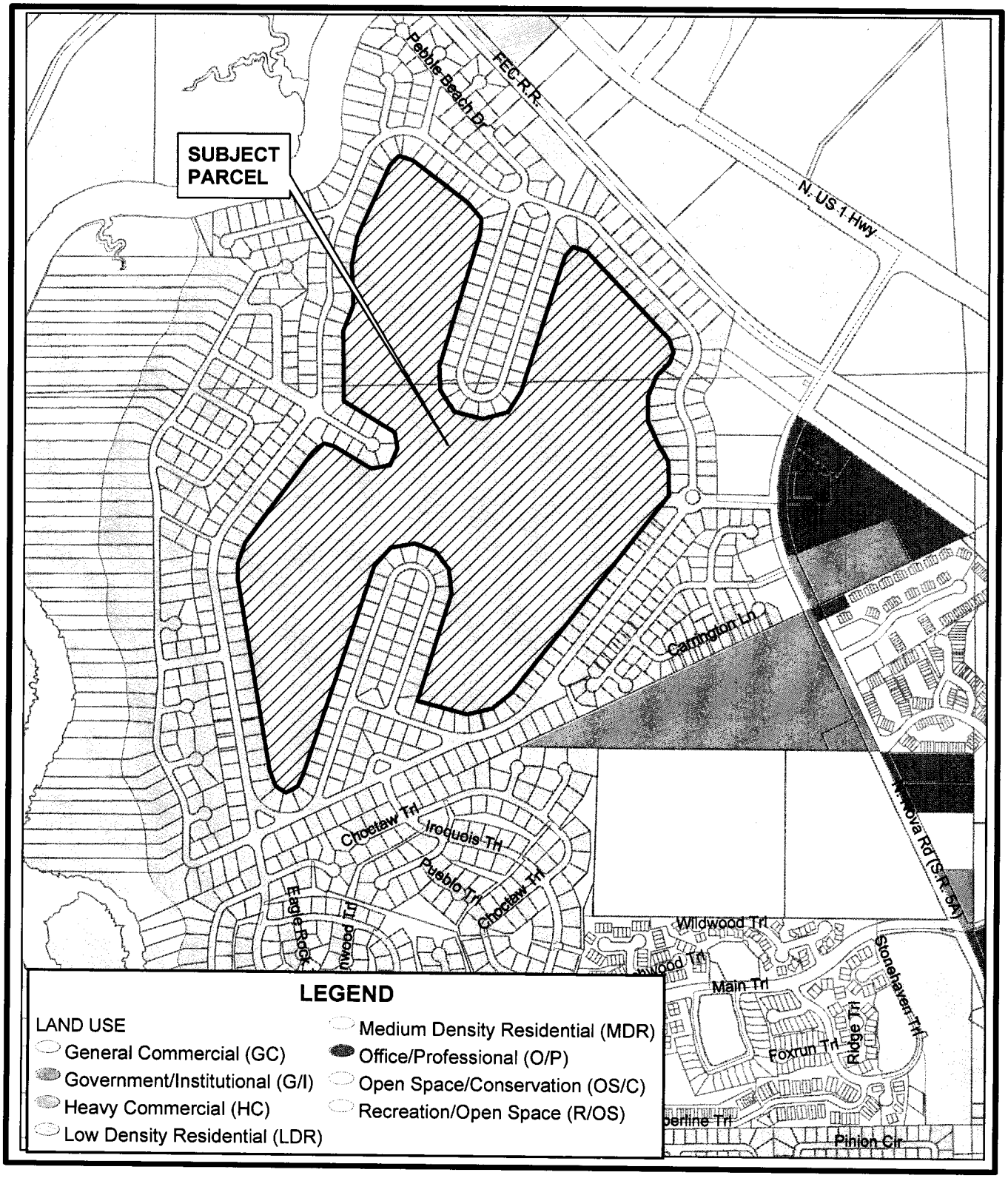
in the previous phase had been initiated and where substantially completed. This condition would not prevent the owner from completing multiple phases concurrently.

- The City staff will investigate the opportunity to provide reuse water to the Tomoka Oaks residences as well as the golf course.
- The owner and City shall research and develop minimum maintenance standards to be included as part of the PRD Development Order.
- The City shall research and remedy, in cooperation with the applicant, any problems to water pressure within the system serving the Tomoka Oaks development.
- Staff to verify that an environmental study for the project had been completed and was technically correct.

Recommendation: It is recommended that the City Commission **APPROVE** the proposed Tomoka Golf Village Planned Residential Development (PRD), thereby allowing the redevelopment of the site for 119-multifamily units (townhomes and condominiums) and 3-single family dwellings, subject to the recommendations of the Planning Board and the outstanding comments of the Site Pan Review Committee, which consist of:

1. It is recommended to include wheel stops. Vehicle bumpers will overhang the planting beds without wheel stops.
2. The newly proposed buffer planting to the rear of the lot number one (1) is inside the pond. Planting is only allowed on the back slopes of ponds.
3. Please provide a littoral planting detail and specifically show where they are to be planted on the pond banks in all applicable ponds. Provide calculation for each pond. Please clarify if ponds are wet or dry. If dry then littoral planting is not required.
4. Provide a note that any tree needed to be removed during construction will require a one for one replacement penalty. Protected trees will require one 2.5" caliper variety and specimen trees will require one 4.5" caliper variety to suit its planting location. Replacement trees need to be Florida #1 at a minimum height of ten feet (10'). CPH will make the determination as to what is best suited for each replacement.
5. There is a floating note on page C6.
6. What is the intent of the utility/access easement near the estate lots? Residents are questioning the intent of this easement.
7. Please remove the asterisk note on page TR-8.
8. General comment: Provide legend to clarify phasing.
9. Sheet C6 – Please include Temporary Construction Entrance in Phase 1A.
10. Sheet C2 – Please provide As Built Requirements for Water and Sewer. It may be prudent to also relocate the As Built Requirements for Roadway Construction from sheet C36. It will probably get missed.
11. Sheet C22 – Consider removing the fire hydrant from the pond.
12. Sheets C45-C47 – Provide Estimated Wet Season Water Table Elevation and Design Pond High Water Elevation to each section.

13. Please confirm through the plat that there will be easements for utilities and lift station.
14. Provide additional fire hydrants to townhouse and condo locations.
15. Provide location of fire department connections.
16. The location of handicap spaces for the clubhouse is unacceptable. Accessible parking spaces shall not cross the roadway and shall be as close to the building as possible.
17. Additional comments pending.
18. Fire hydrants shall be installed at intervals not to exceed 500 feet. Provide location of additional hydrants.
19. Manhole #44 on page C18 need to be lined.
20. Need to update fire hydrant assembly detail.
21. Show how reuse will be connected to existing reuse line or the proposed reuse line to be constructed to the reuse storage pond by Tomoka Oaks.
22. Reuse meter to be provided by owner of make and model approved by the City. A reuse agreement will need to be executed by the owner and the City.
23. Will water master meter be needed or will units be individually metered?
24. It would be helpful to provide match lines on composite utility sheets.
25. All water and sewer lines to be owned and maintained by City to be in public rights of way or 40 foot access and utility easement. An easement or deed is also needed for the lift station.
26. Parking lot lighting, pole heights not exceed 20 feet and maximum wattage should be 250 watts (see Land Development Code Chapter 3, Article 5 Architectural Design Standards, Chapter 3 Page 10). This will impact lighting calculations currently submitted.



CITY OF ORMOND BEACH ★ FLORIDA ★

FUTURE LAND USE MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

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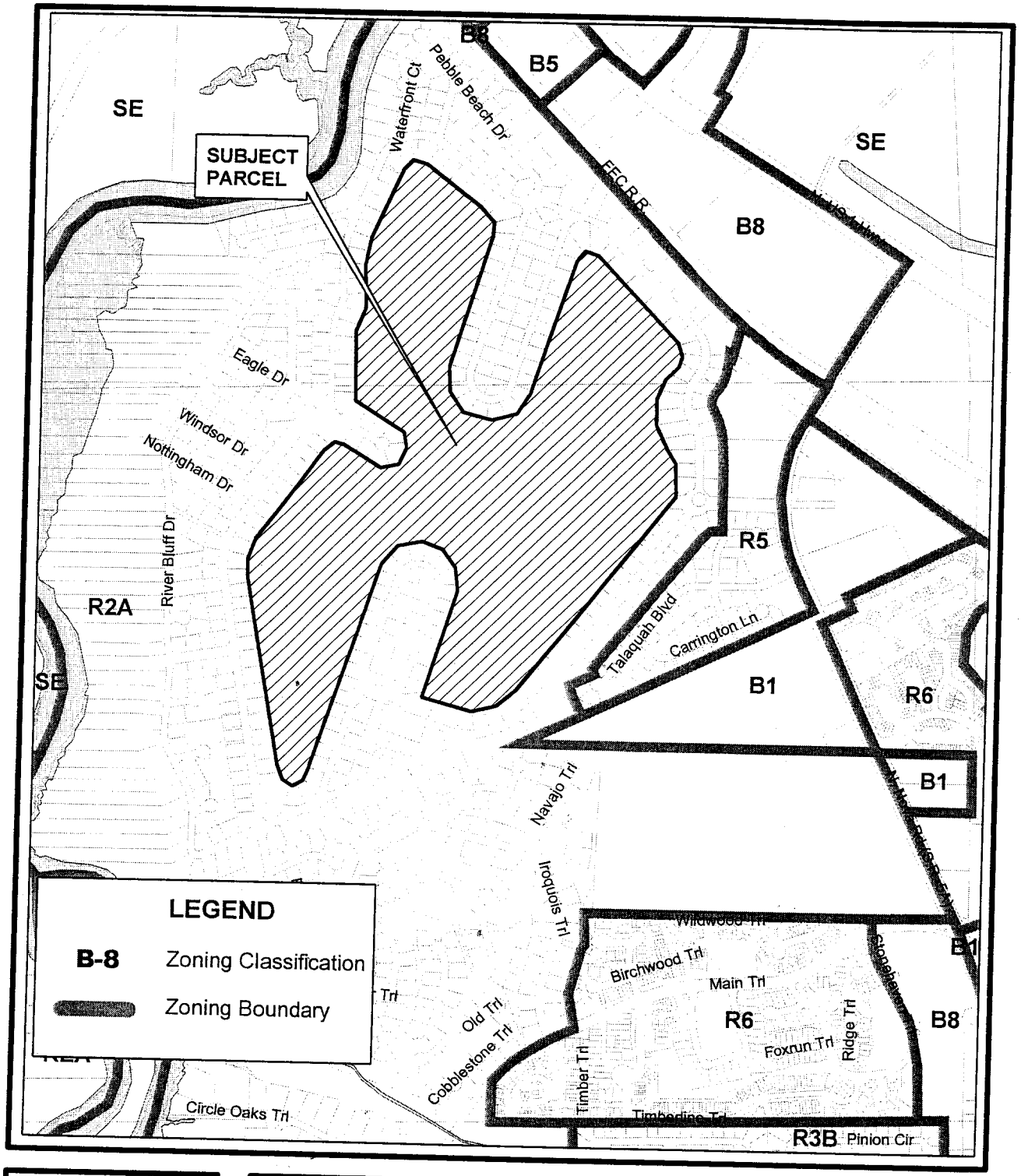

CITY OF ORMOND BEACH FLORIDA

ZONING MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

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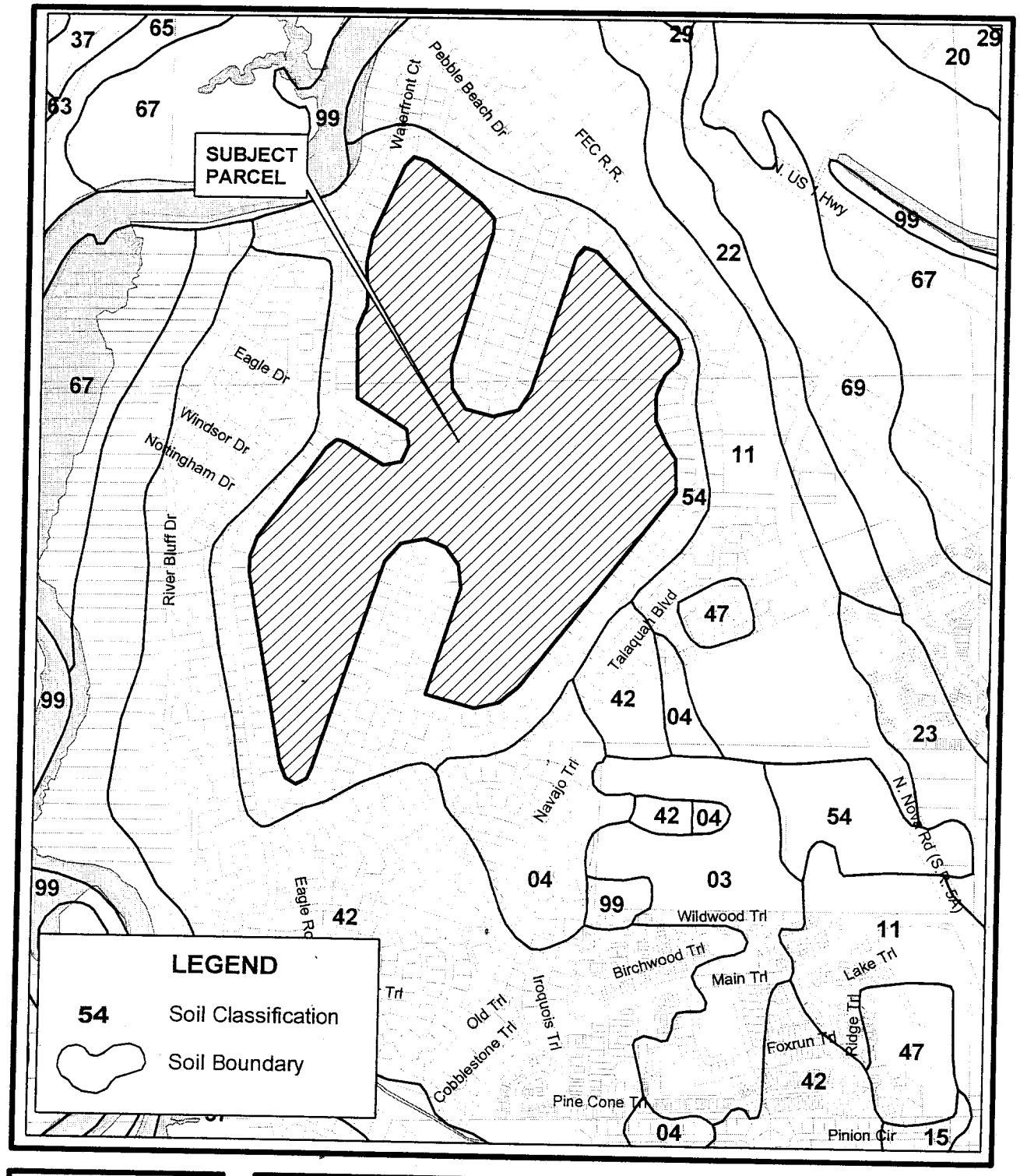

SOILS MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

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Tomoka Oaks Golf Village
Ormond Beach, Florida

Traffic Impact Study

Prepared for Tomoka Oaks Golf Village, LLC
By Lassiter Transportation Group, Inc.
June 2005

Lassiter Transportation Group, Inc.
Engineering and Planning

1

INTRODUCTION

Lassiter Transportation Group, Inc. (LTG) was retained by Tomoka Oaks Golf Village, LLC to prepare a traffic impact study for a proposed 122-unit planned residential development (PRD) to be located within the existing Tomoka Oaks Golf and Country Club. The development will be located on the west side of Nova Road (SR 5A), south of US 1. The project, which consists of 35 townhouses, 84 condominiums, and three single-family dwellings, is expected to be completed and fully occupied by the year 2008. Figure 1 graphically depicts the location of the proposed development.

The existing Tomoka Oaks Golf and Country Club is accessible via Nova Road and Main Trail, with primary access by way of Nova Road. The proposed development will use the existing site drives currently serving Tomoka Oaks Golf and Country Club.

Study Area

The City of Ormond Beach planning department was contacted to determine the project study area. Subsequently, a traffic impact analysis proposed methodology letter was submitted to the City of Ormond Beach on June 6, 2005. The methodology letter is included as Appendix A .The agreed upon intersections and roadways are listed below:

Intersections:
- US 1 at Nova Road
- Nova Road at Tomoka Oaks Boulevard
- Nova Road at Wilmette Avenue/Main Trail
- W. Granada Boulevard at Nova Road

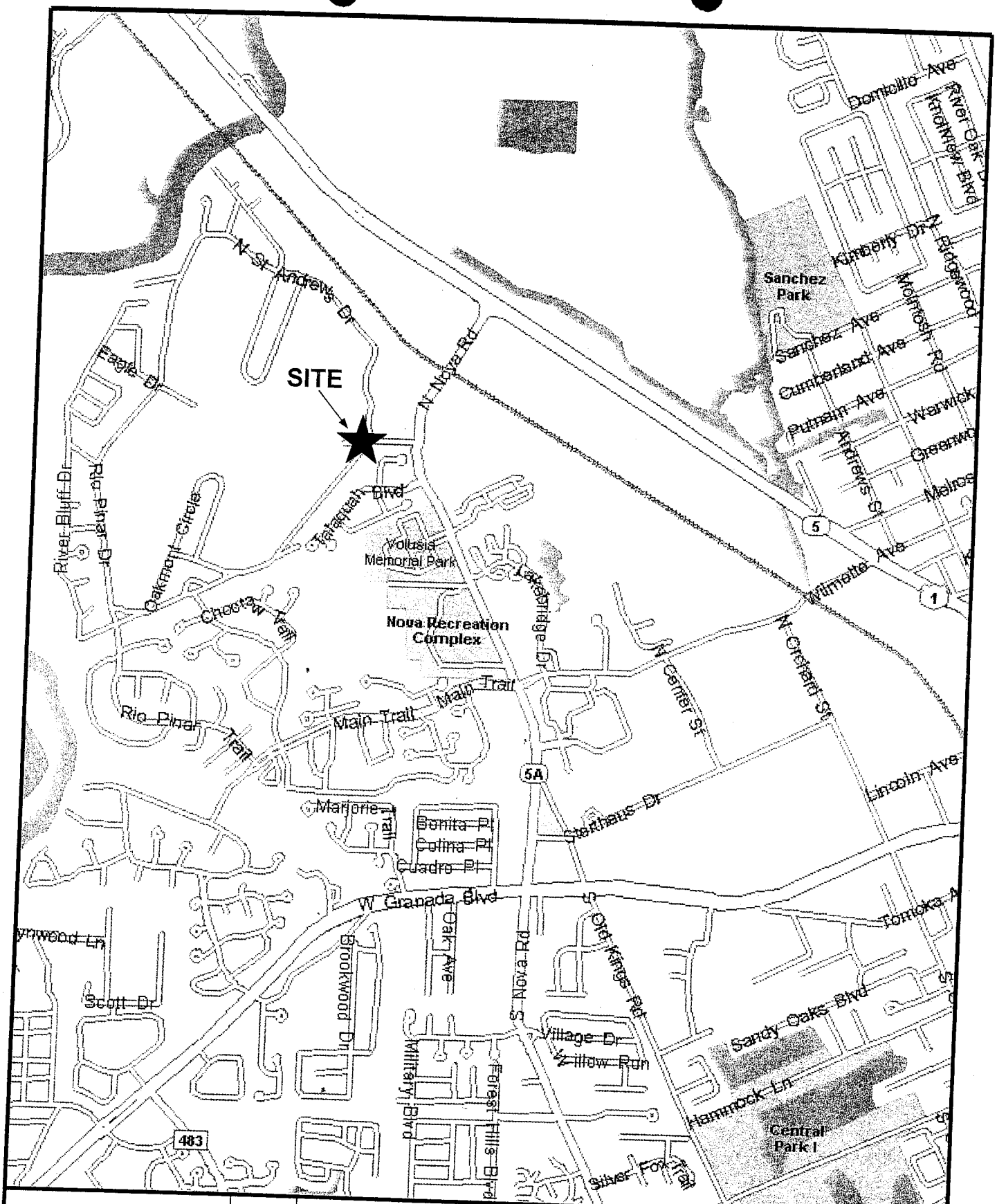
Roadways:
- US 1 from Airport Road to W. Granada Boulevard
- Nova Road from US 1 to Hand Avenue
- W. Granada Boulevard from Clyde Morris Boulevard to US 1
- Wilmette Avenue from Nova Road to US 1

Study Procedures

Standard engineering and planning procedures were used to determine the impacts of the proposed project. Reference data was obtained from the City of Ormond Beach, the Volusia County Engineering Department, the Volusia County Metropolitan Planning Organization (MPO), the Institute of Transportation Engineers (ITE), and the Florida Department of Transportation (FDOT).

Planned Roadway Improvements

The Volusia County Public Works Department and FDOT were contacted to determine if there are any planned roadway improvements in the area. Neither agency has any capacity enhancing improvements scheduled to occur within the next five years in the project study area.



Tomoka Oaks Golf Village	N NTS	**Site Location Map**	*Lassiter Transportation Group, Inc.* *Engineering and Planning*	
		Project No.: 3308.01	Figure 1	536 N. Halifax Ave., Suite 101 – Daytona Beach, Florida 32118 Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

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FUTURE TRAFFIC CONDITIONS

The next step in the analysis was to determine the future traffic conditions on the study area roadways at the time of project completion. The following documents the procedures used to determine the future traffic.

Background Traffic

Traffic on the roadway network will continue to grow due to local development approvals. Traffic growth projections from historic Average Annual Daily Traffic (AADT) counts, as provided by the Volusia County Traffic Engineering Department and FDOT, were used to determine the growth rates for the study area roadways. Using FDOT's *Traffic Trends* software, the average annual growth rates for the study area roadways were determined. The results of the Traffic Trends analyses are listed in Table 5. The *Traffic Trends* analysis worksheets are contained in Appendix E. As a general rule, if a roadway segment experienced an average of less than one percent of growth per year, one percent was the applied growth rate.

Table 5
Average Annual Growth Rates
Tomoka Oaks Golf Village

Roadway	Segment		Average Annual Growth Rate
	From	To	
US 1	Airport Rd.	Nova Rd.	-0.96%
	Nova Rd.	W. Granada Blvd.	-0.90%
Nova Rd.	US 1	Wilmette Ave.	-1.47%
	Wilmette Ave.	W. Granada Blvd.	-1.11%
	W. Granada Blvd.	Hand Ave.	-6.11%
W. Granada Blvd.	Clyde Morris Blvd.	Nova Rd.	-0.14%
	Nova Rd.	US 1	-0.81%
Wilmette Ave.	Nova Rd.	Center St.	1.37%
		Average:	**-1.38%**

Trip Generation

The trip generation for this residential development was determined using the trip generation rates and procedures published by the Institute of Transportation Engineers (ITE) in the document Trip Generation, 7th Edition. The total daily and p.m. peak-hour trip generation for the proposed development is shown in Table 6.

Table 6
Total Trip Generation
Tomoka Oaks Golf Village

Time Period	ITE Code	Trip Rate Equation	Units	Total Trips	Percent Enter	Percent Exit	Trips Enter	Trips Exit
Daily	230	Ln(T) = 0.85 Ln(X) + 2.55	119 MFDU	744	50%	50%	372	372
	210	T = 9.57 (X)	3 SFDU	29	50%	50%	14	14
			Totals:	**773**			**386**	**386**
P.M. Peak-Hour	230	Ln(T) = 0.82 Ln(X) + 0.32	119 MFDU	69	67%	33%	46	23
	210	T = 1.01 (X)	3 SFDU	3	63%	37%	2	1
			Totals:	**72**			**48**	**24**

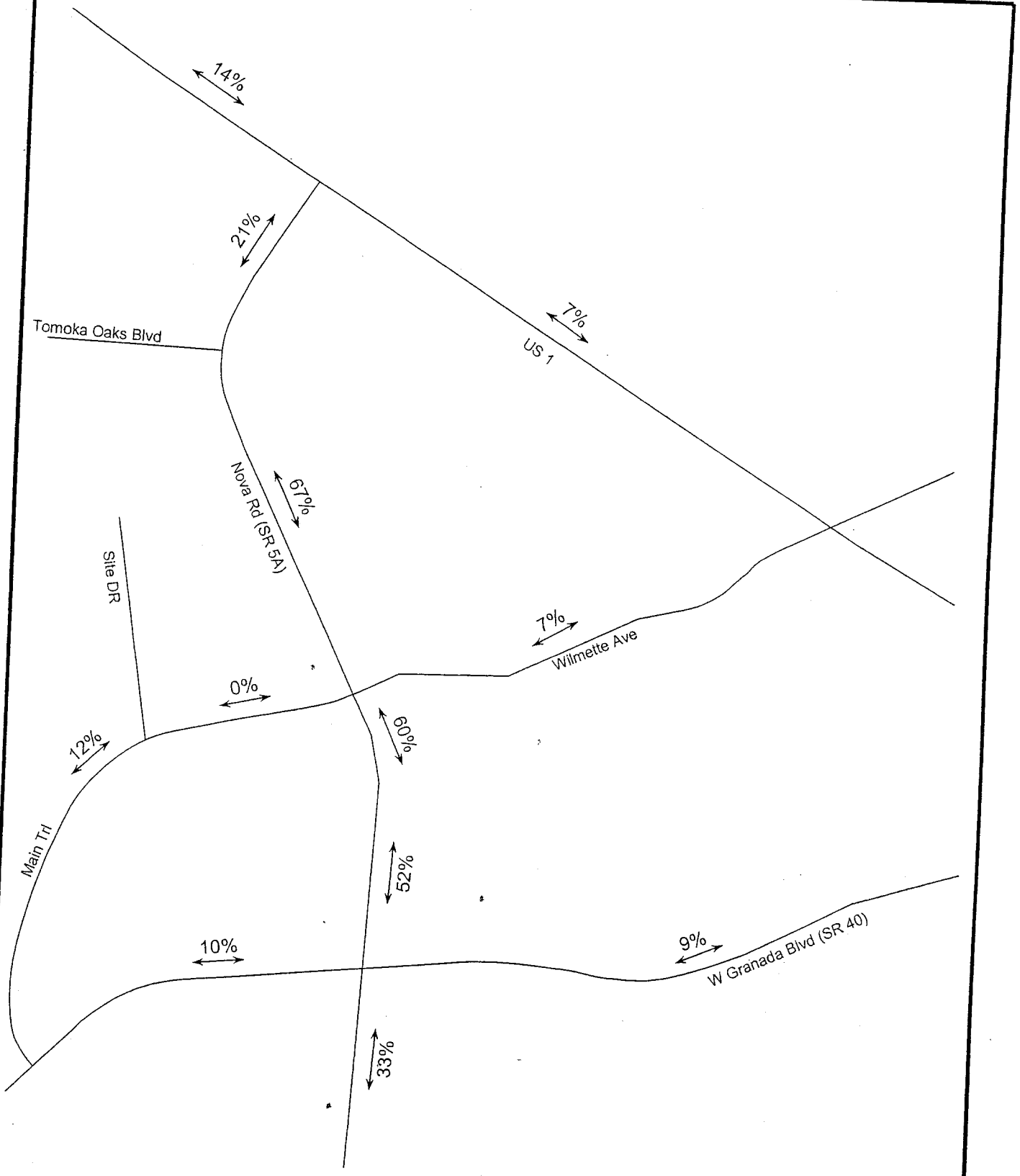
Source: ITE, Trip Generation, 7th Edition, LUC 230, Townhouse/Condominium, LUC 210, Single-Family Dwelling

Trip Distribution

The process of determining the directional flow of traffic associated with a new development is called trip distribution. The Central Florida Regional Planning Model II (CFRPM II), as modified and adopted by the City of Ormond Beach, was used to determine the trip distribution for this project. The process required editing the network to add a traffic analysis zone (TAZ) to represent the location of the project and its general orientation to the adjacent road network. The next step involved converting the land use data for the project to socio-economic (S/E) data which the model uses in trip generation and distribution. The model structure was then run which resulted in producing trip productions and attractions (trip generation) which were then matched with complementary attractions and productions according to statistically determined trip lengths by trip purpose. The model distribution is attached in Appendix F. Figure 3 shows the project trip distribution which was modified to reflect travel characteristics on local roads not included in the model.

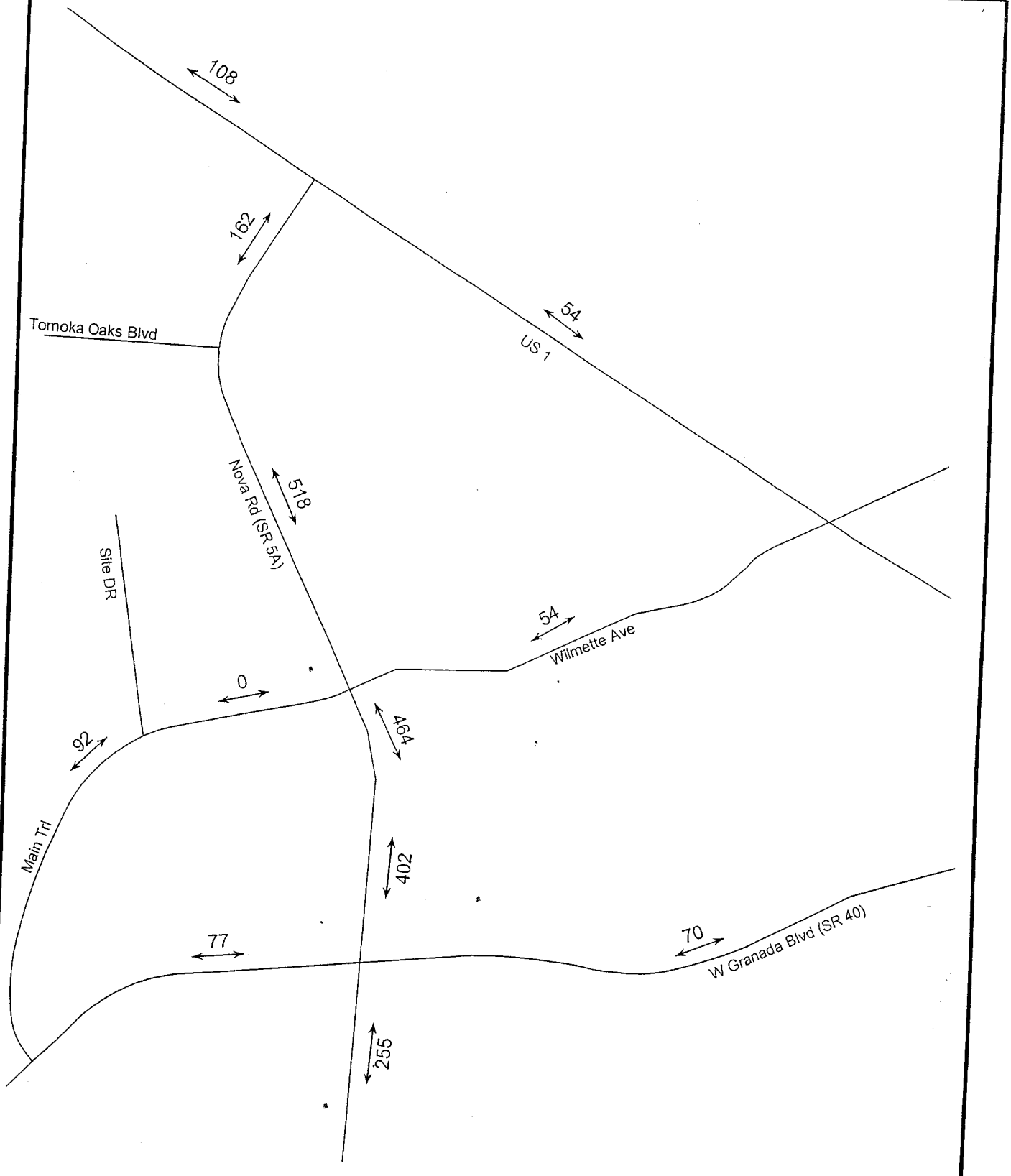
Trip Assignment

The final step in the analysis is to assign the external project traffic to the road network. Figure 4 graphically depicts the external daily project trip assignment. Figure 5 graphically depicts the external p.m. peak-hour project trip assignment.

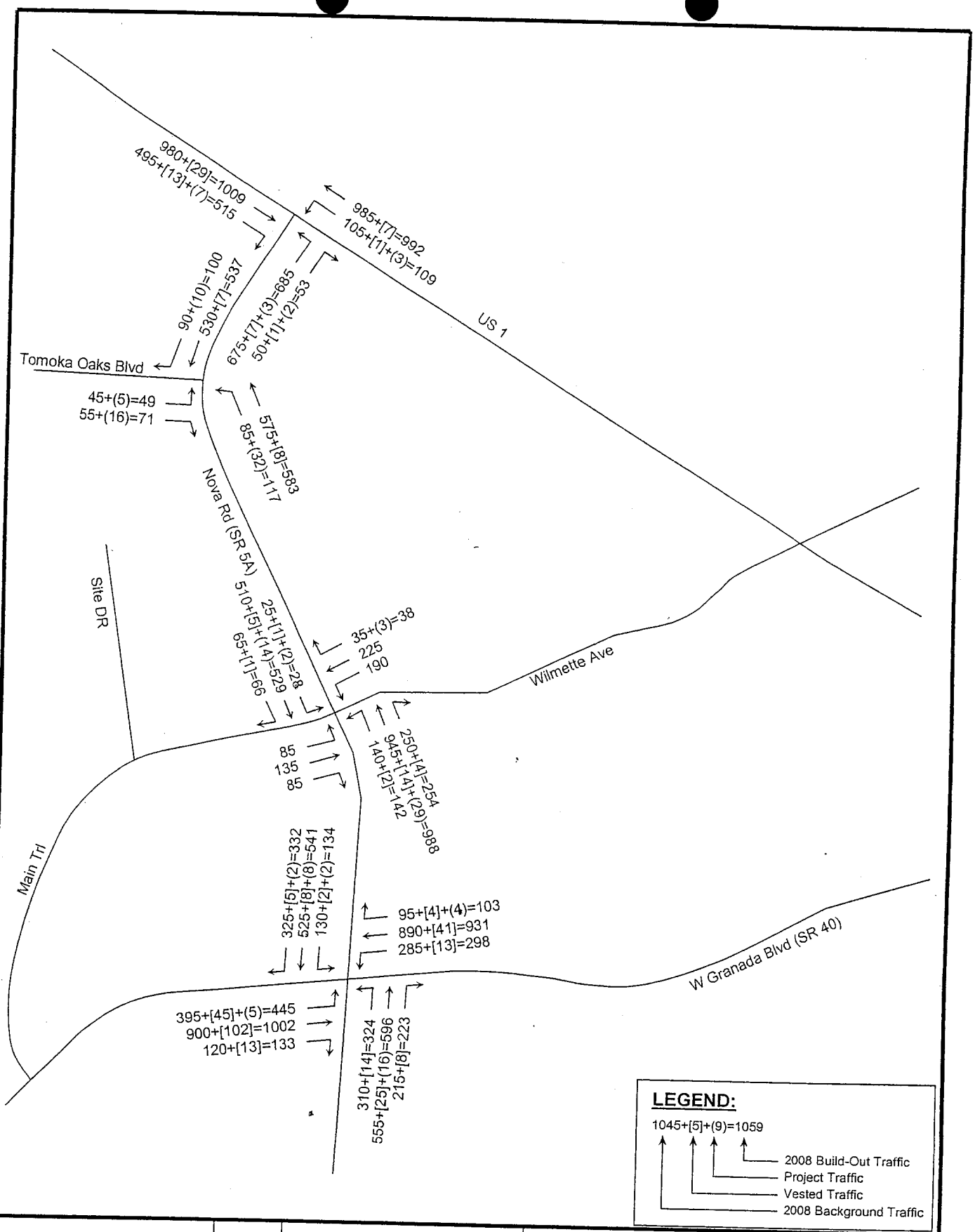


Tomoka Oaks Golf Village	N NTS	**Project Trip Distribution**	Project No.: 3308.01	Figure 3

Lassiter Transportation Group, Inc.
Engineering and Planning
536 N. Halifax Ave., Suite 101 – Daytona Beach, Florida 32118
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227



Tomoka Oaks Golf Village	N NTS	**Project Trip Assignment**		*Lassiter Transportation Group, Inc.* *Engineering and Planning*
		Project No.: 3308.01	Figure 4	536 N. Halifax Ave., Suite 101 – Daytona Beach, Florida 32118 Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227



Tomoka Oaks Golf Village	N NTS	2008 Build-Out Traffic P.M. Peak-Hour	Lassiter Transportation Group, Inc. Engineering and Planning
		Project No.: 3308.01 Figure 5	536 N. Halifax Ave., Suite 101 – Daytona Beach, Florida 32118 Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

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FUTURE ROADWAY ANALYSIS

The critical intersections and road segments were analyzed based on the future roadway conditions to determine potential impacts and to investigate mitigation requirements.

The average annual growth rate was applied to the existing traffic to project the 2008 base traffic. The City of Ormond Beach's daily vested traffic was obtained from the City's current Traffic Concurrency Analysis spreadsheet. The daily vested traffic was converted to p.m. peak-hour turning movements based on a 0.095 K-Factor and the existing turning movement percentages to establish the 2008 background traffic. The 2008 build-out traffic volumes were established by combining the 2008 background traffic and project traffic. Refer to Figure 5 for the 2008 build-out traffic volumes at the study area intersections.

Unsignalized Intersection Analysis

The unsignalized intersection was analyzed to determine the operational LOS at the time of build-out. Table 7 shows the projected LOS for the unsignalized intersection. The HCS summary sheet is contained in Appendix G. As indicated in the table, the Nova Road/Tomoka Oaks Boulevard intersection is expected to operate within the adopted level of service under 2008 build-out conditions.

Table 7
2008 Build-Out P.M. Peak-Hour Level of Service – Unsignalized Intersection
Tomoka Oaks Golf Village

Intersection	P.M. Peak-Hour			
	Adopted LOS	Critical Approach	Delay (sec.)	LOS
Nova Rd. at Tomoka Oaks Blvd.	E	EB	14.8	B

Signalized Intersection Analysis

The signalized intersections were analyzed to determine the operational LOS at the time of build-out. Table 8 shows the projected LOS for the signalized intersections. As indicated in the table, the signalized intersections are expected to operate within the adopted LOS under 2008 build-out conditions. The HCS summary sheets are contained in Appendix H.

Table 8
2008 Build-Out P.M. Peak-Hour Level of Service – Signalized Intersections
Tomoka Oaks Golf Village

Intersection	P.M. Peak-Hour		
	Adopted LOS	Delay (sec.)	LOS
US 1 at Nova Rd.	D	49.3	D
Nova Rd. at Wilmette Ave.	D	45.8	D
W. Granada Blvd. at Nova Rd.	D	53.6	D

Roadway Segment Analysis

The traffic analysis for the road segment involves the comparison of the future daily volumes to available capacity. Table 9 presents the results of the daily road segment analysis for the study area roadways under 2008 build-out conditions. As indicated in Table 9, all study area roadway segments are expected to operate within the adopted LOS under 2008 build-out conditions.

Table 10 presents the results of the p.m. peak-hour directional road segment analysis for the study area roadways under 2008 build-out conditions. As indicated in Table 10, all study area roadway segments are expected to operate within the adopted LOS.

Table 9
2008 Build-Out Daily Level of Service – Roadway Segments
Tomoka Oaks Golf Village

Roadway	Segment		Lanes	Adopted LOS	Daily Cap. at Adopted LOS	Existing Daily Traffic	Average Annual Growth Rate	2008 Daily Base Traffic	Ormond Beach Vested Traffic	Project Trip Distribution	Daily Project Traffic	2008 Total Daily Traffic	LOS
	From	To											
US 1	Airport Rd.	Nova Rd.	4	D	61,800	24,000	-0.96%	24,960	959	14%	108	26,027	B
	Nova Rd.	W. Granada Blvd.	4	D	61,800	20,000	-0.90%	20,800	172	7%	54	21,026	B
Nova Rd.	US 1	Tomoka Oaks Blvd.	4	D	35,700	10,600	-1.47%	11,024	163	21%	162	11,350	B
	Tomoka Oaks Blvd.	Wilmette Ave.	4	D	35,700	10,600	-1.11%	11,024	163	67%	518	11,705	B
	Wilmette Ave.	W. Granada Blvd.	6	D	53,500	21,500	-6.11%	22,360	369	60%	464	23,193	B
	W. Granada Blvd.	Hand Ave.	6	D	53,500	19,000	-0.14%	19,760	955	33%	255	20,970	B
W. Granada Blvd.	Clyde Morris Blvd.	Nova Rd.	4	D	42,300	35,000	-0.81%	36,400	3,505	22%	170	40,075	C
	Nova Rd.	US 1	4	D	35,700	29,500	1.37%	31,117	1,212	9%	70	32,398	C
Wilmette Ave.	Nova Rd.	US 1	2	E	15,600	8,000	-1.38%	8,320	0	7%	54	8,374	C

Table 10
2008 Build-Out P.M. Peak-Hour Directional Level of Service – Roadway Segments
Tomoka Oaks Golf Village

Roadway	Segment		Lanes	Adopted LOS	Peak-Hour Directional Cap. at Adopted LOS	NB/EB Direction				SB/WB Direction			
	From	To				2008 P.M. Peak-Hour Directional Background Traffic	Project Traffic	Total 2008 P.M. Peak-Hour Directional Traffic	LOS	2008 P.M. Peak-Hour Directional Background Traffic	Project Traffic	Total 2008 P.M. Peak-Hour Directional Traffic	LOS
US 1	Airport Rd.	Nova Rd.	4	D	3,230	1,674	3	1,677	B	1,517	7	1,524	B
	Nova Rd.	W. Granada Blvd.	4	D	3,230	1,098	3	1,101	B	1,060	2	1,062	B
Nova Rd.	US 1	Tomoka Oaks Blvd.	4	D	1,860	733	5	738	B	621	10	631	B
	Tomoka Oaks Blvd.	Wilmette Ave.	6	D	2,570	874	32	906	B	600	16	616	B
	Wilmette Ave.	W. Granada Blvd.	6	D	2,570	1,237	29	1,266	B	893	14	907	B
	W. Granada Blvd.	Hand Ave.	4	D	1,980	1,127	16	1,143	B	964	8	972	B
W. Granada Blvd.	Clyde Morris Blvd.	Nova Rd.	4	D	1,860	1,575	11	1,586	B	1,585	5	1,590	B
	Nova Rd.	US 1	2	E	810	1,357	2	1,359	B	1,328	4	1,332	B
Wilmette Ave.	Nova Rd.	US 1				415	2	417	C	450	3	453	C

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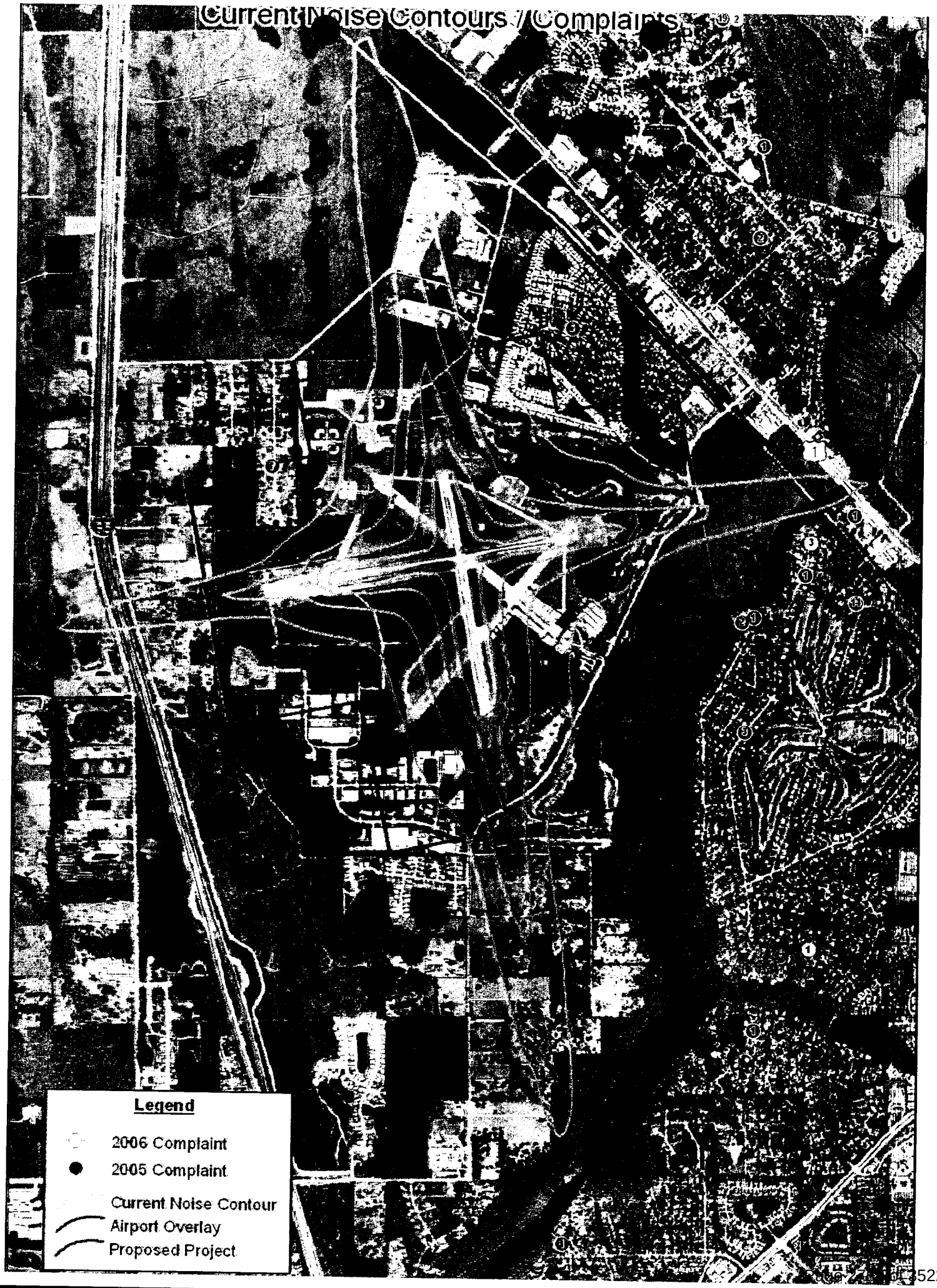
CONCLUSIONS

This study was conducted to evaluate the impact the proposed Tomoka Oaks Golf Village PRD will have in the City of Ormond Beach. The results of the study are summarized below:

- The proposed development consisting of 35 townhouses, 84 condominiums, and three single-family dwellings, will generate a total of 773 daily trips with 72 trips occurring in the p.m. peak-hour.
- The Nova Road/Tomoka Oaks Boulevard unsignalized intersection currently operates within the adopted level of service and will continue to do so under 2008 build-out conditions.
- All of the signalized intersections currently operate within the adopted LOS and will continue to do so under 2008 build-out conditions.
- All of the study area roadway segments currently operate within the adopted LOS under daily conditions and will continue to do so under 2008 build-out conditions.
- All of the study area roadway segments currently operate within the adopted LOS under p.m. peak-hour conditions and will continue to do so under 2008 build-out conditions.


Current Noise Contours / Complaints
Legend
2006 Complaint
2005 Complaint
Current Noise Contour
Airport Overlay
Proposed Project

A. **PRD 06-32: Tomoka Golf Village Planned Residential Development Rezoning**

Mr. Ervin said that the application was to rezone 147 acres (the existing Tomoka Oaks Golf Course), which was surrounded by the existing Tomoka Oaks subdivision. He advised that the Land Use designation was Low-density Residential, which allowed a density of up to 4.3 units per acre (4.3 u/ac) and had a current zoning of R-2 (Single-family Low Density), which required lots with a minimum of 10,000 square feet and minimum dimensions of 100' x 100'. He said that the zoning was consistent with the existing homes in Tomoka Oaks and in neighboring developments such as The Trails.

Mr. Ervin recalled that in 2005, the property owners (RTH, Inc., represented by Dr. and Scott Ryals) met with staff and identified their desire to redevelop the golf course so that they could 1) maintain the golf course and 2) generate additional revenue. He said that staff had been surprised to note that the land use and zoning were something other than Open Space/Recreation, typical for such properties, and that the owners had the right to develop the property.

Mr. Ervin acknowledged some confusion expressed by residents of the area and explained that based on the land area, the owners could theoretically develop up to 632 single-family homes; however, because of the size and shape of the property, and the incorporation of roads, stormwater and open area, the number of homes that could be accommodated would realistically be reduced to about 300.

Mr. Ervin said that the applicants had been advised of the concerns of adjoining property owners, noting that the subdivision was one of Ormond's nicer communities and one of the few areas in which homes backed onto a golf course. He said they had relied upon the golf course and bought their properties believing that the golf course would always be there. He said that because the owners had development rights established by the existing land use and zoning, Staff had identified the concepts of clustering the homes and orienting the units to have the least amount of visual impact.

Mr. Ervin said that staff was also concerned with the possibility of leaving room for future development of the remaining portion of the golf course by clustering the homes; therefore, while the staff recommended approval of the proposal, staff also recommended that the development order blanket the remaining golf course property with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

Mr. Ervin informed the board that the project had been in review with the City for about a year and that the staff focused on ensuring that the development not create negative impacts for the existing neighborhood. He said that they determined that by shifting the existing driving range towards the northwest and concentrating the condominiums around a relocated and revamped clubhouse, the new construction would not be close to the existing homes along the 18th, 9th and 10th holes. He said the project also proposed to locate 35 townhomes towards the northeast portion of the site with access by an entrance road off of Tomoka Oaks Boulevard and to locate two condominium buildings near the updated tennis center.

Mr. Ervin reported that staff had spoken with many residents of the area and noted that for the record, the Board had been provided with a copy of an e-mail from Ms. Linda Lewis, who had expressed concern with the buffering of the three estate lots proposed for the northwest area of the golf course. He said that Ms. Lewis had enjoyed an open space behind her home and was afraid that the location of the easement for a sanitary sewer line would result in the removal of the existing trees. He reported that the City's engineers and applicant had confirmed that they would consider utilizing a directional dig; therefore, there would be no open-earth excavation of the land and the existing trees could be preserved and protected. He said that the applicant would be required to follow through with that requirement.

Mr. Ervin said that the existing residents were concerned with the number of trees that could be impacted by the project; he stated that the applicant met or exceeded the City's tree mitigation standards because of the additional plantings around the buildings that would be utilized as visual buffers. He said that the plans included the tree mitigation calculations that showed number of trees to be removed and the number of trees to be replanted.

Mr. Ervin pointed out that the City required all multi-family buildings to maintain a minimum of 200' from any single-family home and said that the cart paths had been designed for emergency access; they provided an alternative access route to the properties if the spine roads were damaged or otherwise inaccessible. He said that the design also called for decorative pavement leading into the main drive, the townhomes, tennis center, and updated/relocated clubhouse.

Mr. Ervin displayed the plan layout and typical elevations and noted that staff had also required the architecture to be consistent with the existing development in Tomoka Oaks. He showed renderings of the 3-story golf villas and pointed out that there would be underground parking facilities to minimize the amount of impervious surface. He noted that sub-surface parking was possible because the site was very well-drained, with a low water table.

Mr. Ervin acknowledged that Board Member Jorczak and Mr. Larry Stout of the Airport Advisory Board had questioned whether the additional density and intensity proposed might violate the City's Airport Overlay Zone. He explained that Airport Overlay District comprised areas for which there were concerns regarding noise impacts that would result from the airport. He recalled the overlay issues presented to the Planning Board in the past and said that they had not been able to use the 60 DNL (day and night noise level contour), shown as a star-shaped zone, because it did not meet certain statutory and federal requirements. He said the City instead utilized the "iron cross" contour (a legally defensible method of establishing the noise levels) and stated that the project was located outside both the 60 DNL line and the City's adopted "iron cross" contours.

Mr. Ervin said that per Mr. Jorczak's request, staff looked at source of the noise complaints. He said that such complaints had been documented when the City was embattled with the decision as to whether or not to expand Runway 17-35; he pointed out on the map that the complaints had been identified as closer to the airport than the project location. He said that Mr. Jorczak and Mr. Stout had also questioned if there was a way to ensure that future purchasers of property in the area were aware that they were buying near the municipal airport, i.e. a kind of due diligence warning.

Mr. Ervin said that the staff report included technical analysis to show how the project complied with the city's concurrency requirements (water, sewer, stormwater and roads), identified zoning and land use issues, and summarized why the City staff recommended approval of the project. He reiterated that a number of Tomoka Oaks residents were unhappy with the project because they felt the golf course had not been properly maintained and worried that the project would just increase the problems they faced.

Mr. Ervin explained that Staff had to look at the proposal from a technical perspective in regard to land use and zoning and said that the proposed plan was considerably less intense than what could be developed there. He reiterated that Staff had made the applicant aware of the concerns, made sure that the development was compatible with the neighborhood, had no negative impacts on the existing residents and preserved the golf course. He agreed that it would be wonderful to retain the property as open space, but reminded everyone present that they had to respect the property rights of the property owner, who already had development rights on the property, given the land use and zoning. He

emphasized that the proposal de-intensified the project, concentrated the development and ensured that the impacts would be minimal.

Mr. Jorczak asked if there was a mechanism that the City could employ to notify potential purchasers of the proximity to the airport.

Mr. Ervin replied that there was nothing in the City codes to mandate such notification. He said that the Board could identify that as a concern and as a condition for their approval. He said that the applicant could decide to accept the condition; if they chose not to accept it, the City would then have to decide whether to impose the condition as a part of the rezoning request.

Mr. Thomas questioned why there were fewer noise complaints in 2006, than in 2005.

Mr. Robert Hernandez, Ormond Airport Manager, said that voluntary airport procedures and traffic patterns established prior to his tenure tried to limit the air traffic to the north and west sides of the airport as much as possible. He said most of the current complaints were being generated from the area east of the airport, where much of the training was conducted, and that there were a number of homes on that departure corridor. He explained that air traffic expanded and contracted in all directions and that although he would not say that there would be no aircraft over the proposed community, he felt the Tomoka Oaks residents were getting the benefit of the established voluntary procedures for noise control.

Chairwoman Press clarified with Mr. Ervin that the applicants had the right under the current zoning to remove the golf course and develop the entire area with houses, but that the proposed PRD (Planned Residential Development) would limit the residential development to 122 units and would require a conservation easement over the remaining portion of the golf course to prevent future development of that land. She asked if the development order, as proposed, would preclude the applicants from building any more than the 122 approved residential units on that property.

Mr. Ervin concurred.

Chairwoman Press stated for the record that she had requested an on-site review of the proposal and had toured the property with the owners. She said that she had learned that many of the roads would not be paved and asked who would be responsible for maintaining those roads.

Mr. Ervin responded that the maintenance of the roads would be the responsibility of the developer at first, but that the homeowners' association that would be created would ultimately be responsible for the maintenance of all grounds on the project.

Chairwoman Press asked if the roads met City standards.

Mr. Ervin said that the City required roads to be constructed with a 6" sub-base, 6" base and 1.25" of asphalt; he said that roads were generally designed for a 15 to 25-year life. He assured the Chairwoman that those standards applied to the subject roads. He pointed out that the emergency access/cart path type of roads might not be topped with asphalt, but would be stabilized and had to meet minimum standards established by the Code for emergency access areas. He said it was a common practice and had been utilized in other projects, such as Broadwater, Breakaway Trails, Aberdeen, etc. He noted that breakaway fences were utilized in emergency access areas.

Chairwoman Press asked if the order of the project phases could change.

Mr. Ervin responded that the development order would identify the project phases and that the applicants would have to adhere to the phases, as stated. He acknowledged that the residents of Tomoka Oaks were concerned that the applicants would build the residential units without completing the other improvements and said that was the reason for the phasing. He reported that Phase 1 would involve the relocation and construction of a new tennis facility, Phase 1B would include demolition of the existing parking lot and clubhouse, Phase 1C would be the completion of the townhomes, golf and tennis areas, and the clubhouse would be completed in Phase 2B. He noted that the amenities would correlate with the new homes being developed. He also acknowledged that the applicants were being required to upgrade the appearance of the golf course.

Mr. Thomas disclosed that he also toured the facilities and met with the applicant.

Mr. Robert A. Merrell, 150 Magnolia Avenue, Daytona Beach, representing the applicant, stated that he was also a resident of Ormond Beach. He thanked City staff for their very thorough report, particularly with regard to comprehensive plan consistency and code compliance. He stated that the project had evolved into a better product during the year-long process of working with City staff.

Mr. Merrell said that the project was the "poster child" for Smart Growth principles. He explained that the concept of smart growth was predicated upon the belief that the population would continue to grow and that people would continue to move into the area. He said that smart growth addressed the issues of where people would live and work, the redevelopment of urban areas, clustering development in areas where services were already available (fire stations, police stations, utilities) and clustering to preserve open space and recreation areas.

Mr. Merrell presented slides of the property, some with the proposal super-imposed over the existing development. He pointed out that the development would include demolition and rebuild of the clubhouse and pool area and the tennis center. He explained that the new three-level clubhouse facility would house partial underground golf cart storage; dining areas, kitchen and banquet facilities, a lounge area, pro shop, locker rooms, and surrounding covered porch on the middle level; offices, executive offices, and a sky lounge on the upper level. He added that there would be a tiki bar overlooking the new pool area.

Mr. Merrell pointed out the proposed condominiums and maintenance facility to be located near the tennis center and said that the redevelopment of the golf course would include bridges and new lakes that would store reuse water from the City's effluent plant. He mentioned that there would be fountains and that comfort stations would be constructed for the golfers and would include under-cover golf cart parking and vending machines.

Mr. Merrell explained that 30 two-story townhomes would be constructed at the northeast corner of the property, access to be by way of the road from the main entrance by the clubhouse. He showed the floor plans of both the townhomes, as well as the three-story condominiums with substantial balconies. He added that the three single-family estate lots would be located near Holes 11 and 16.

Mr. Merrell repeated Mr. Ervin's statement that the proposed project was consistent with the comprehensive plan and met all the criteria in the Land Development Code (LDC) for the PRD rezoning. He stated that the existing R-3 residential zoning (Staff note: actual zoning is R-2) and the future land use classification allowed development at up to 4.3 units per acre over the entire 147 acres. He agreed that it was unusual for a golf course to have a residential zoning, saying that they were typically zoned for

Recreation/Open Space, with the surrounding homes zoned for residential. He speculated that the original developer wanted to have an exit strategy in case the project did not succeed.

Mr. Merrell thought that the proposal would make the community proud, given the cluster of the residential units and the dramatic improvement of the amenities. He said that the golf course had suffered in the last couple of years because of the 2004 hurricanes, September 11th and the construction of Nova Road. He said that the purpose of the proposal was to reverse that trend. He said many times there were issues that were not raised until the first public hearing; he hoped the residents would be receptive to the plans.

Mr. Thomas stated that he wanted to discuss the traffic study, since the residents of Tomoka Oaks were very concerned about the traffic.

Mr. Merrell agreed that traffic issues were a concern with any new development and restated that they would be adding 122 residential units, even though the property was entitled to far more homes. He said that a traffic analysis completed for the project had considered the anticipated increase in trips, all of the intersections that could be affected and all of the road segments that could be affected. He said that the model used was one that was accepted by the City and the County; that study had indicated that there were no level of service problems. He recognized that there were traffic issues with some projects in the city at present, but that the widening of, and intersection improvements along, Nova Road had helped the traffic situation in the area of the subject. He reiterated that the project would not cause a level of service problem on any of the intersections or affected roads.

Mr. Thomas asked if the residences would be primarily occupied by full-time residents or whether the applicant anticipated residents for whom the units would be second homes.

Mr. Merrell stated that they felt there would be some part-time residents, but that the traffic analysis was predicated upon full-time residents. He added that even increasing trips at the peak hours did not produce traffic problems.

Mr. Thomas noted that he was trying to ask questions on behalf of the audience, since they had not had an opportunity to look at the traffic study, as had the board members. He asked what the traffic counts could be estimated to be if the property was instead developed with 300 single-family homes.

Mr. Sans Lassiter, President of Lassiter Transportation Group, 123 Live Oak Avenue, Daytona Beach, and resident of Ormond Beach, said that the study was based on a trip generation rate of 119 multi-family dwelling units and three single-family dwelling units. He explained that multi-family, as proposed, was a lower trip generator (about 6-7 trips per unit per day); therefore, the estimated number of daily trips generated by the proposed development was approximately 773. He further explained that 350 single-family residences (about 10 trips per day) could be expected to generate 3,500 daily trips. He concluded that the proposal represented a significant reduction over what could be done otherwise.

Mr. Lassiter agreed with Mr. McCoy that the trips in the study shown as vested were those trips for the development in Tomoka Oaks that had already been approved and for which the consultant had to account.

Mr. Merrell stated for the record that the applicant had agreed to install the utilities in such a way as to not damage the existing trees. He also mentioned that by approving the rezoning to Planned Residential Development, the resulting agreement (development order) would restrict the open space and golf course

area in perpetuity; he said that the applicant had agreed to a deed covenant (conservation easement and reciprocal covenant among all of the owners on the property) that would assure that the property would forever remain recreation/open space.

Chairwoman Press questioned the distance from 23 Pine Valley Circle (the home from which one of the photos was taken) to the golf village townhomes.

Mr. Ervin said that the closest point between any single-family residence and a multi-story building would be 225'. He said that the distance was 300' at the location in question, since the dimension was tied to the fairway (225', plus the fairway). He reiterated that the primary focus was to keep the buildings inside the fairways and away from the existing homes.

Mr. Jorczak asked if there would be any mechanism in place that would preclude the subsequent homeowners' association from turning the development into a private operation to exclude the public.

Mr. Merrell said that the Covenants and Restrictions and the condominium association Declaration would prevent that.

Mr. Thomas asked if there was any conceivable way that it could happen.

City Attorney Hayes said that although nothing was 100% guaranteed, he felt there were enough layers of protection that future development should not be a serious concern in the future.

Mr. Merrell said the applicants would agree to include whatever language that the city attorney deemed appropriate and necessary to assure that outcome.

Mr. Thomas understood and said that his concern was because the board and the residents had all heard the word "never" in the past.

Mr. Merrell elaborated on the city attorney's comments, saying that the discourse was in the public record and that coupled with the binding documents, would provide the City with an enforcement mechanism. He said the restriction was as fool-proof as they could make it.

City Attorney Hayes said that the City would make sure that the development order was drafted to make it as difficult as possible to undo.

Dr. Grissom inquired as to who would be responsible for the maintenance of the golf facilities.

Mr. Merrell said that maintenance would continue to be the responsibility of the owners of the golf course. He noted that only the residential units would be sold.

Dr. Grissom asked if the owners, as the condominium association or homeowners association, could have the prerogative to change the Covenants and Restrictions or Declarations of Condominium or any of the parameters include therein.

City Attorney Hayes replied that he did not think they could because it would be a condition of the development order, and would in fact be a violation of the development order, which had perpetual existence. He thought it would also be in violation of the recorded covenants and restrictions. He said that in reality, he did not think it could occur.

Mr. Merrell voiced his opinion that it would arguably require the City to agree to lift the deed covenant.

City Attorney Hayes reiterated his belief that there were enough layers to provide a sufficient safety net.

Mr. Jorczak thanked Mr. Ervin for his efforts to answer the questions regarding the airport issue on short notice. He thought that the applicants might find it beneficial when marketing the properties to promote the airport as an easy way to access their second homes. He remarked that municipal airports everywhere were under assault and felt it was very important that potential purchasers be notified that there was an airport nearby. He mentioned that the airport was a vital tool in shifting the City's tax base away from solely residential properties toward some industrial uses, what the City was hoping to achieve with the proposed Ormond Crossings development and which he felt was important. He said that there would always be noise associated with the airports and said that he anticipated an increase in use of the airport by the new very light jets, since they were more economical for businesses to purchase for both private use and for air taxi services .

Mr. Lewis Slaughter, 53 North St. Andrews Drive, thought that there would need to be a traffic light at the intersection of Tomoka Oaks Boulevard with Nova Road.

Mr. Mark Tolle, 54 Oakmont Circle, asked if there had been an environmental impact study conducted for the property. He reported that the property was currently home to a large breeding population of raptors, including great bard owls, screech owls, scissor-tail kites, swallow-tail kites (a species of special concern for the state of Florida) four species of pileated woodpeckers, and was a migratory stop for painted grosbeaks, American gold finches, etc.

Mr. Ervin said that because the site had already been impacted by development and was surrounded by existing homes, the property did not meet the City's criteria for requiring an environmental assessment report. He said that staff was aware that the area was home to migratory birds and that they had checked with Florida Fish & Wildlife to see whether or not nesting bald eagles or other endangered species had been identified there. He said that unless they had such documentation, a study could not be required; he said staff would seek verification as to whether or not the property was home to the variety of different species identified and whether or not there was a need for additional protections prior to scheduling the item for presentation to the City Commission.

Mr. Tolle referred to Dr. Grissom's comment regarding the ongoing maintenance of the property and said he did not believe that the golf course property was currently being maintained by a professional golf course management company. He opined that the course was in deplorable condition, far beyond simply lack of irrigation; he questioned the ability of RTH to maintain the golf course in an acceptable manner and cited the maintenance equipment and level of maintenance, saying that the course was not very playable and the reason why it was an inexpensive to play there.

Mr. Todd Hendricks, CPH Engineers, 520 Palm Coast Parkway, Palm Coast, said that the firm was the civil engineer for the project. He advised that Mr. Joe Young of Biological Consulting Services had performed an environmental assessment on the project and found no concerns that would prohibit the project from moving forward.

Longtime resident Ms. Susan Reynolds, 17 Oakmont Circle, agreed that the condition of the course was deplorable and likened it to living on a horse pasture in Ocala. She pointed out that any CADD technician could make the renderings of the proposed project look beautiful and noted that the project would require the developers to remove the bulk of the trees. She stated that the existing trees were not maintained and

thought that from a safety standpoint they should be required to remove those that had died. She thought that provisions for maintenance of the trees should also be written into the development order. She disagreed that the condition of the course was due to hurricanes, September 11th, or the Nova Road construction.

Ms. Reynolds thought that the proposal was better than allowing 300 homes to be built, but thought that the existing vegetation would also be allowed to die, because the buildings would be constructed over the root systems, which were already stressed.

Mr. Paul Momberger, 100 North St. Andrews Drive, stated that he lived on the 3rd Hole and that he felt the plan included buffers that would negate any impact on the adjacent residents. He noted that part of the reason that the grass did not grow was because there were so many trees. He stated that the infusion of new money for development would bring new life to the golf course and hopefully, help with the maintenance issues. He agreed that it needed to be improved and felt that the proposal was part of the solution. He added that the redevelopment of the clubhouse would also provide social benefits for the community. Mr. Momberger said that he supported the project.

Mr. Adelaide Mathew, 54 South St. Andrews, another longtime resident agreed and said that the 2004 hurricanes had left dead trees that had yet to be taken down. He questioned the proposed underground parking.

Mr. Ervin explained that not all of the parking spaces would be underground. He said that portions of the required condominium parking would be underground and townhome parking would be in garages and on the driveways (above grade).

Mr. Frank Bullard, 115 Rio Pinar Drive, questioned the effect of the new development on the water pressure in the area, which he said often fluctuated by about 30 pounds, depending upon the time of day. He asked if the current residents would be able to utilize the upgraded utilities that would be a part of the new development.

Mr. Ervin said that the development would utilize the existing water mains serving Tomoka Oaks and would have a loop system to maintain the water pressure. He said he had not been aware of a water pressure problem in the area, but assured Mr. Bullard that his comments would be forwarded to the Utilities staff and addressed prior to any City Commission meeting. He mentioned that the City's Fire Department periodically reviewed the water pressure to ensure that there was adequate fire flow pressure throughout the city.

Chairwoman Press again mentioned that the hearing at the advisory board level was a way for the public to ask questions and raise concerns; she encouraged the residents to attend the City Commission meeting, at which time the final decision would be made.

Ms. Sharon Kist, 68 Oakmont Circle, confirmed that there was a water problem in Tomoka Oaks and asked if the new amenities would be available for use by the current residents or whether they would be restricted to use by the owners of the condominiums.

Chairwoman Press said it was her understanding that there would be six tennis courts and assumed that they could be used by the residents.

Ms. Kist asked City staff to check on the water pressure in that area. She remembered that she had once been told that it was a problem at her house, rather the pressure.

Chairwoman Press said she thought that there was a problem with the water pressure throughout the city.

Ms. Christine Goudreau, 115 North St. Andrews Drive, asked about the hours of operation of the courts; she also questioned the light and sound that would emanate from the facility area.

Mr. Ervin said that the hours of operation had been identified by staff, as had the height of the lighting. He said that there were some conflicting requirements, because the police wanted the lighting to be higher and brighter, while staff wanted to keep the lighting lower and less bright. He said that the goal was to prevent spillover lighting onto the properties of the existing residents by utilizing lower lighting, trees and limited hours of operation to prevent the lighting impact.

In response to Mr. McCoy's request, Mr. Ervin advised that whether or not the amenities would be open for use by the residents was a decision to be made by the applicants.

Mr. Jorczak asked if there was a national standard for golf course maintenance and if so, whether it could be applied to the Tomoka Oaks course.

Mr. Ervin said he did not know, but would check into it.

Mr. David Ponitz, 90 North St. Andrews Drive, stated that both Mr. Ervin and Mr. Merrell had done a good job representing the development. He said he was pleased that none of the townhomes or condominium units were directly behind any abutting properties and asked if the development order could include a statement that specified the acreage to remain open space. He thought that perhaps that acreage could be zoned to ensure that it would remain open space.

Mr. Merrell explained that the planned development zoning did differentiate between the residential and recreational components, i.e., it was essentially a custom zoning for the property for which the development order dictated what could or could not be done as a result of the rezoning process. Every individual use (golf course, tennis courts, etc.) would be identified on the plans, which would become a part of that development order.

Mr. Ponitz said that in exchange for special development orders such as that being sought by the applicant, the City had an opportunity to ask for things above beyond what was generally required by the Land Development Code regulations. He asked if the City could ask the applicants to increase the size of the replacement trees.

Chairwoman Press asked the planning director to address the tree mitigation.

Mr. Ervin explained that Mr. Ponitz referred to the City's specific prohibitions regarding tree removal. He said that trees that were removed had to be mitigated; i.e., they had to be replaced. He said that the number of replacement trees was based on the size (diameter) of the tree being removed, not necessarily on a 1:1 basis. He said that protected trees were those 6"-12" in diameter as measured at four feet (4') above grade; replacement trees had to be a minimum 2.5". Specimen trees were those between 12" and 36" in diameter; replacement trees had to be larger, with a fuller canopy. He added that removal of trees over 36" in diameter required City Commission approval. He said because of the size of the project and

the existing trees on site and given the proposed landscaping plans, Staff felt it was appropriate to require them to adhere to the City's regular standards as they would for any development.

Mr. Ervin concurred with Mr. Ponitz that the PRD was a discretionary zoning for which the Planning Board and City Commission had the right to ask for mitigation above and beyond what was required by Code. He mentioned that the City's minimum requirements were also specific in regard to native and xeric landscaping, i.e., plantings that could survive in periods of drought. He said that the applicants utilized many different species, such as oaks, pines and magnolias, as well as decorative elements such as crape myrtles, etc., to accentuate the perimeter of the property. He said that some plants would be used in close proximity to the buildings to enhance the architecture being used. He further detailed the proposed landscaping and advised the board that it was within their purview to require an increase in the size of replacement trees if they felt it was justified.

Mr. Lewis Slaughter, 53 North St. Andrews, stated that he was in favor of the project and thought it would be a major asset to the city. He was pleased with the two new lakes that had been dug and said that the reuse water would help the look of the course tremendously. He asked if there could be a light installed at the intersection of Tymber Creek Road and Nova Road.

Mr. Sans Lassiter, Lassiter Transportation Group, said that whether or not a traffic signal would be warranted was the first thing that they had considered, but that they had not been able to show that intersection as warranting a traffic signal. He explained that Nova Road was a State Road and that the DOT (Department of Transportation) had very strict standards for when they would or would not allow a traffic signal; he said that the intersection did not come close to the threshold, mainly because the primary trips to and from the project area were from the south on Nova Road.

Mr. Slaughter stressed his support for the project and said that by their ability to attract more members, they would be in a better position financially to maintain the golf course. He asked if there would be an opportunity, in conjunction with the redevelopment of the golf course, for the adjacent homeowners to connect to the City's reuse system to reduce the need for private groundwater wells in the area.

Mr. Ervin commented to Mr. Ponitz that Mr. Hendrix wanted to discuss the request for upsizing the landscape mitigation.

Mr. Ervin also responded to Mr. Slaughter that the provision of reuse water to the residents adjacent to the golf course would be an expensive City of Ormond Beach public improvement project that would require the expenditure of capital improvement dollars. He said the City Commission had identified the South Peninsula area as the No. 1 priority and said there were other improvements that had been identified for completion in the next 5 -10 years. He said that the extension of the reuse water had not been identified as a capital improvement that could be funded in the next 5-10 years. He said that the City could consider it for future funding and that there might be an opportunity to utilize grants from the Water Management District, but reiterated that it was not currently identified as a priority.

Ms. Zella Wilen, 48 Oakmont Circle, said she was also a long-time resident. She objected to the rezoning request, as well as the request to construct streets across privately-owned business property. She did not want Tomoka Oaks Boulevard to be approved for extension or connection to any planned street. She also objected to the increased traffic that would be created by the new development.

Ms. Wilen referred the Board to the City archives (September and November, 1970); she said that there had been a rezoning issue raised and the homeowners had retained an attorney to argue against the zoning

change to R-5. She said that the homeowners had prevailed. She thought that if the proposal proceeded [to the City Commission], the Tomoka Oaks HOA Board of Directors should alert and notify every one of the homeowners in Tomoka Oaks of the rezoning request, not just those within the 300' radius of the project. She said she equated the request for the PRD to the prior request to rezone the property to R-5.

Chairwoman Press pointed out that the meeting would be advertised in the newspaper.

Mr. McCoy noted that the advertisement was countywide.

Dr. Gerald Gibb, 69 North St. Andrews Drive, stated that the traffic report was based on data, [not experience]. He said that the reason that most of the traffic turned southbound on Nova Road because it was too dangerous to turn northbound. He also stated that the construction would occur over a period of time and that construction workers would come and go at the same time as the residents, exacerbating the traffic in the area. He questioned if there was to be a traffic management plan during the construction of the project.

Mr. Lassiter agreed that for the "Existing Condition", the consultants could only count the traffic that did turn, not the traffic that might want to turn but did not. He felt it important that they understand that their Future Conditions analysis used the Urban Area Model, which distributed traffic without regard to congestion. He explained that the model looked at the major distribution points north and south on Nova Road up to US1 and in other parts of the city to determine the more likely direction traffic would go if there were no congestion. He felt that their analysis was absolutely correct.

Mr. Lassiter also liked the idea of a construction traffic management plan and said that they would recommend identifying routes for the resulting traffic. He reminded the Board that that the 770-trip per day increase was for the buildout of the development, not the construction traffic.

Ms. Leslie Nixon, 36 North St. Andrews Drive, expressed concern with additional traffic trying to negotiate the Tomoka Oaks Boulevard circle near the entrance to the subdivision.

Mr. Lassiter explained that the 770 trips was the number of estimated trips on a daily basis; he said there were 74 in the peak hour. He further explained that typically, the impact study deducted the existing traffic from the traffic proposed for the new development, but instead, the subject analysis assumed the existing traffic would remain. He said that meant that their analysis was overly conservative (predicted too much traffic), but that they wanted to be as conservative as possible. He stated that their analysis also assumed 100% occupancy year-round, which they also knew to be unlikely, but which would also produce conservative numbers.

Ms. Nixon asked for the percent of increase in trips. She wanted to make sure that Staff recognized that the ongoing development along the North US1 corridor would mean additional traffic for Nova Road, making left turns out of the subdivision even more difficult.

Ms. Nixon also asked if the Board could recommend fewer homes, rather than 120 proposed. She thought that the applicants could improve the clubhouse, the golf course and the tennis courts, but scale down the residential portion of the project.

Mr. Ray Sanchez, 12 Pine Valley Circle, stated that the traffic circle was dangerous and confusing, particularly since it was two-way traffic. He questioned the sales prices of the residential units.

Mr. Lassiter responded that because a traffic signal at the intersection with Nova Road was not warranted, the stop sign control was deemed to be adequate. He said that the same was true for traffic internal to the site, which would be less than at Nova Road. He answered that the consultants had not provided a percent of increase resulting from the project, but pointed out that they did not take a deduction either; they simply added the anticipated traffic to it (an over-estimate).

Mr. Jorczak asked if they had given any thought to how the circle could be improved.

Mr. Lassiter said that the circle was analyzed in the current condition. He said they could certainly do so by studying if it would be warranted by the level of delay, would reduce the level of delay, or would make the circle safer.

Mr. Jorczak said that the safety element seemed to warrant that study, regardless of the additional traffic that would be generated from the proposed 122 units. He remarked that the junction might require a different kind of layout.

Mr. Lassiter said that as a traffic engineer, his primary focus was safety. He stated that round-abouts and traffic circles, although becoming more popular, were particularly pedestrian-hostile. He pointed out that cars did not have to stop, gaps in traffic did not occur, and visibility was lessened because of the lack of time to look left and right. He said that because traffic came from the left, people did not always look to the right for pedestrians. He reiterated that pedestrian safety was one of his major concerns.

Mr. Thomas, a resident of Tomoka Oaks, thought that striping or arrows on the pavement might help drivers negotiate the circle. He thought that there were some simple things that could be done to improve the situation.

Mr. Lassiter said that it was something at which they could look.

Chairwoman Press thought that Mr. Lassiter could work on those things before the item reached the City Commission, since it was a concern to many of the residents.

Dr. Grissom questioned the nature and location of common areas for the new owners.

Mr. Merrell said that would be detailed in the plat, another process they were going through. He said that he did not have exhibits available for the item before the board, but that the common areas would be fully identified in the plat documents.

Dr. Grissom asked if the applicant wanted to respond to the residents' comments regarding the "deplorable condition" of the golf course.

Mr. Merrell said that they intended to address that conditions at the golf course were less than perfect. He said that they also wanted to point out that the golf course was being redeveloped to retrofit reuse water lines throughout the entire irrigation system at a cost of hundreds of thousands of dollars. He said that reshaping the course would also be a huge improvement. He said that together with the residences, the golf club and the tennis facility, it would be a much better place. He thought that the residents would be happy with it.

Mr. Merrell agreed that a CADD drawing could make anything look good, but pointed out that the pictures would be the zoning map for the property. He said that if they wanted to change anything, they

would have to reappear before the Board for another advertised public hearing. He said that the reason Staff liked the Planned Residential Development was that they had the ability to negotiate the zoning and had done so to the benefit of the City and pointed out that those things were binding.

Dr. Grissom asked Mr. Merrell if he and the applicant had previously discussed the possibility of increasing the size of the replacement trees used for mitigation.

Mr. Merrell said that their landscape architect, Galen Pugh, had been in dozens of meetings with the City staff and that many changes had been made to the plan to avoid impacting important trees. He said it was a given that the trees would be thinned and that the dead trees would be removed; he said the plan also exceeded the City's Code requirements for landscaping, typical of planned development rezoning negotiations. He reiterated that there had been a great deal of focus by City staff with regard to the trees.

Dr. Grissom stated that she was sensitive to the tree mitigation concerns and recalled her shock when she discovered that the beautiful, healthy trees in Breakaway Trails had been removed and replaced with what amounted to twigs. She thought that they should exceed the current excession, if possible.

Mr. Merrell thought that the issue was avoiding the removal of the trees, rather than with what to replace the existing trees. He noted that a tree survey had enabled them to identify all the important trees and that saving certain trees had required them to redraw the plans several times.

Dr. Grissom said she recognized that the applicants had presented a project that was beautiful. She questioned whether the Board could mandate that the development be sustained in the best possible condition at all times, i.e., in perpetuity.

Mr. Thomas recalled that Hurricanes Charley and Frances had caused the removal of a lot of old, dying and diseased trees, but not before tremendous damage had been done to the homes of the residents. He advised that his daughter, a resident of Ormond Lakes, had been required to save some magnificent oaks on her property, but less than a year later one of those same oaks was costing her $2,000 to remove because it had been diseased and had fallen on her fence. He stated that although he felt mitigation was a good thing in the long run and that he was not in favor of taking out a lot of trees, there were a lot of rotten, dead, sick and diseased trees throughout the city that should be removed.

City Attorney Hayes advised the Chair that he included a provision in all of the development orders that conferred to code enforcement the power to enforce the terms of the development order, as with any other ordinance. He said that the City therefore had the power to keep all projects from falling into disrepair.

Chairperson Press pointed out that it was 9:00 pm and asked that subsequent speakers limit their comments to things that had not already been expressed to the board.

Ms. Linda Larsen Lewis, 231 Rio Pinar, expressed her concern that her property line would be 100 feet from one of the three estate lots behind her property. She said that the trees were the only thing that would visibly buffer her home from her new neighbor and asked for assurance that the trees would remain.

Mr. Ervin reported that he had met with Ms. Lewis the day before and stated that her concerns were the City's concerns. He pointed out the location of the three estate lots and said that those lots would have the minimum lot size, width and setbacks that applied to the existing subdivision. He also pointed out

Mrs. Lewis' lot and said that although the distance from the lot line to the proposed lot line was 100', the distance between homes would be 160'. He said that the trees in that area would be preserved by the developer, but cautioned that once sold, the homeowner could take out some of the trees if they met the mitigation requirements. He said that the City had not required a minimum buffer because of distance between the lot and the buildings and the existing landscaping along the perimeter of the Lewis lot line but advised that it was within the purview of the Board to do so if they felt the trees should be protected.

Mr. Jorczak questioned the size of the existing trees.

Mr. Ervin replied that the trees ranged from small saplings to a 40" oak; he noted that there were several historic trees, the majority of which were specimen trees. He said that the tree survey showed only the trees over 6" in diameter (protected trees).

Mr. Jorczak asked if taking those trees would require a separate action from the City.

Mr. Ervin explained that once the three residential lots were sold, the homeowners could request the removal of any tree on their property, the same as any homeowner in the city of Ormond Beach. He said the number of trees that would have to be replaced would depend on the size of the tree to be removed. He said there was currently nothing in the City's Code or in the project documents that would require minimum tree line buffering on the residential lots.

Mr. Jorczak remarked that he understood, but thought it unlikely that someone buying an estate lot and erecting a big house would then want to take down the trees.

Mr. Ervin replied that it had happened in the past. He recalled Ms. Lewis' question as to whether or not a buffer was to be conserved that could not be touched and stated that the reality was that when the property was transferred, the owners could conceivably remove the trees.

Mr. Jorczak advised Ms. Lewis that taking down a specimen tree in Ormond Beach was a big deal.

Mr. Thomas agreed.

Mr. Ervin pointed out that historic trees were different than specimen trees. He stated that the developer was being required to do a directional dig for the extension to the sanitary sewer so that it a 40" historic oak would not be impacted. He said that there were also 25 – 28" oaks that had been identified for preservation, but wanted it on the public record that they were located within the property to be subdivided; therefore, if the subsequent owners met the mitigation requirements, removal of the trees would be justified.

Dr. Grissom asked how the deed restriction would work.

Mr. Ervin said that if the Board wanted to require a minimum buffer, they could identify, e.g., a 10' perimeter buffer with a tree every so many feet as part of the development order.

Ms. Lewis stated that people did take trees down so that they could have view of the golf course. She acknowledged that tracking 1,100 trees was an overwhelming job, but stated that she had noted a healthy pine and two smaller pines on the property that were not shown on the survey.

Ms. Reynolds asked what protections were in place to prevent the project from going bankrupt either because of mismanagement or because of market conditions. She said that she had seen it happen in far better situations and did not want a situation in which new owners would be allowed to do whatever they wanted just because they were finishing a stalled project. She expressed concern because of the scope of the project and because the owners had not demonstrated the ability to maintain the golf course.

City Attorney Hayes advised the Chair that development orders ran with the land; therefore, the owner of the land (or a subsequent owner) was subject to the requirements of the development order. He said there was no way to know whether or not any particular project would be built out or flounder. He said that the best the City could do was to create a safety net in the development order and ensure that the development occurred in accordance with the requirements of the approval.

City Attorney Hayes confirmed for Ms. Reynolds that the proposal was for a phased project and that the developer would have to complete one phase before starting another.

Long-time resident Ms. Susan Juckett, 311 Rio Pinar Trail, said that her view, which had gone from "lovely" to a lot of dead trees, and would now be of a comfort station (golf course bathroom).

City Attorney Hayes assured Ms. Juckett that any new owners in the future would also be required to preserve the golf course.

Ms. Juckett questioned the time line for all phases to the anticipated completion of the project. She stated that she was concerned with construction noise, dust, etc.

Mr. Ervin said that the construction timeframe identified in the PRD development order would be valid for five (5) years. He said that if Phase I had not been completed in that timeframe, the order would lapse. He said that the conditions would remain in place, but any redevelopment would require that it be brought back for another hearing and, with the existing conditions as minimum standards, any kind of upgrades would have to be to current Code.

Ms. Juckett asked if it would be to Phase I completion or completion of the project.

Mr. Ervin responded that it would be to completion of the project.

Ms. Juckett asked if the tree mitigation would be on-site. She also questioned the impact of new residents on Tomoka Elementary School, shopping facilities, the hospital, as well as the effect they could be expected to have on the water pressure in the area, already low.

Chairperson Press pointed out that the City staff was not aware of the problem and would address it.

Ms. Juckett stated that the problem would get worse before it got better. She found it hard to believe that the developer did not know the price for which they expected to market the units.

Mr. John Randall, 70 Oakmont Circle, recalled that he and his father had cleared their lot by hand and that subsequent generations would be occupying the residence. He questioned what mechanism would ensure that the integrity of the project would be maintained and that the homeowners' association would be able to collect their dues in order to pay the cost of maintaining the things for which they would be responsible. He asked who would be responsible for the property covered by the conservation easements

and questioned what would happen if the golf course went belly-up. He also expressed concern with the wildlife habitat that would be lost.

Mr. Randall commended the developer on a great idea, but sought assurance that the dream continued to be a reality in 20 years.

Dr. Grissom said she liked the idea of a deed restriction to protect the property.

Mr. Ervin responded to Mr. Randall's question that the City would have the ability, as with any easement, to access the property for maintenance and then charge the homeowners' association; he likened it to a sort of lien on the property. He said the City had the guarantee that someone would maintain the property and that the HOA would ultimately be financially responsible per code enforcement provisions in the easement documents.

Mr. Ervin said that the conservation/open space easements over the golf course meant that the owner continued to own the golf course property, but restricted the use of the property to a golf course and open space purpose. He said it would be an easement to the City; therefore, the easement could not be released without the approval of the City. He said that the easement would be described around the golf course itself, and that based on the testimony, RTH Corporation would maintain ownership of the golf course; he said that the areas around the townhomes and condominiums would be identified as common areas for those particular projects. He said that the common areas being used by the condominiums would be owned, maintained and operated by that association, whereas the golf course would be owned, maintained and operated by the RTH, Inc. He said that the City would require that the conservation easement on the golf course be recorded prior to any development. He pointed out that the easement was being created in association with the subdivision plat.

Mr. Jorczak asked if the City had ever required surety bonds to ensure completion of a project.

Mr. Ervin explained that they allowed surety bonds only for subdivision improvements, not for commercial developments. He agreed with the resident who had stated that developers sometimes failed to complete projects and said that in a market-driven economy the market sometimes had to rebound before someone else finished a development. He said that was the reason that the city attorney required recording of a very specific development plan that provided very specific guidelines as to what could be developed on a certain property; a subsequent developer would know exactly what could and could not be done. He explained that traditional zoning allowed for a great deal of options, whereas the PRD was a very specific recorded document of covenant and restrictions that traveled with the land, not the owner. He said it gave the residents of Tomoka Oaks much better protection for future conditions.

City Attorney Hayes said that from a legal standpoint, surety bonds sounded good, but were not practical. He pointed out that the City would not want to have to finish a project in default; it would create a nightmare scenario for the City.

City Attorney Hayes recommended that the Board members voice their comments on the proposal in an effort to solicit a motion. He offered to assist them with any conditions that they might wish to impose with their recommendation.

Mr. Ervin stated that he had summarized for clarification the ten (10) issues that had been brought up by the board members:

1) The City's engineering staff reported no environmental impacts.
   - Determine whether or not an environmental impact or assessment report has been done.
   - Forward a copy to the resident who requested it and include a copy in the City Commission's agenda packet.

2) Traffic conditions:
   - Analyze improvements at the circle that would make it safer (striping, signage, etc.).
   - Ask the applicant to look at other improvements that might be made.
   - Provide signal warrant study background information, i.e., why a signal is not warranted at the intersection of Tomoka Oaks Boulevard and Nova Road

3) Request to upsize the minimum size of the trees for mitigation. *(Mr. Ponitz)*

4) Question the possibility of providing reuse water for lots adjoining the golf course (noted that it was not identified in the City's Capital Improvements Program) - *Mr. Ponitz*

5) Address water pressure issues in Tomoka Oaks and include in the information forwarded to the City Commission.

6) Identify if minimum golf course maintenance standards are available from either a local or national organization. *(Mr. Jorczak)*

7) Clarify the role of the City in establishing the Covenants and Restrictions and the Development Order to ensure that the golf course is protected in perpetuity.

8) Possibility of notice to future purchasers of property in the subdivision of potential for airport impacts. *(Mr. Jorczak)*

9) Address concern regarding the buffering of the estate lots. *(Ms. Lewis)*

10) Documentation to ensure that each phase of the project is completed prior to beginning the next phase; ensure that the complete project will be built out in five years.

Chairwoman Press opened the floor to board comments.

Mr. McCoy pointed out that Mr. Momberger, one of the speakers, was a registered landscape architect and that he had not seemed particularly concerned with the issue of tree mitigation. He also pointed out that Mr. Ponitz, one of the other speakers, was the Utilities Engineer for the City of Daytona Beach. He said that the gentlemen were good at their jobs; therefore, he felt reasonably assured that the landscaping mitigation was well within or surpassed the City codes. He suggested that the many of trees about which the residents were concerned were probably in poor condition and had most likely reached the end of their useful life.

Mr. Thomas said he was also a long-time resident who favored the project. He said that he had sat on the Planning Board for many years and could recognize when the alternative was worse than the plan. He said he did not want 300-400 homes added, when the proposal was for only 122 homes of what he

believed would be part-time residents. He felt it was a beautiful plan and that the project would be a great asset to Ormond Beach.

Mr. Thomas referred to the concern expressed by a resident that the survey had missed a large sand pine, and explained that the State did not recognize sand pines as significant trees; therefore, it had not been marked. With regard to the concerns about the project not being completed, he stated that the three best real estate values were: a view, water and a golf course; he thought there would be buyers simply because the property was on a golf course. He restated that the City was tough on the issue of tree removal and reiterated his support for the project with the conditions discussed.

Mr. Jorczak echoed Mr. Thomas' comments and said that he thought it was an upscale project with a lower density than what would otherwise be allowed. He thought it would upgrade the neighborhood and would generate dollars that would help improve the golf course and surrounding amenities. He said that he hoped that the City would consider the concerns raised at meeting and said that he would recommend approval.

Dr. Grissom said she also supported the project and any motion to approve would include any amendments necessary to address the concerns raised. She thought that deed restrictions should be required for the three estate lots to require that they maintain the tree buffer in order to protect the privacy of abutting property owners.

Chairwoman Press opined that no one would buy the properties unless the golf course was upgraded and felt that the proposal would force those improvements to occur. She said for that reason she believed the project would be good for the area and was an example of Smart Growth.

Mr. Thomas recommended approval of PRD 06-32, with the recommendations by staff. He added that his motion was amendment friendly and clarified that he was including the ten items as listed by the planning director.

Mr. McCoy seconded the motion.

City Attorney Hayes responded to questions by Mr. Jorczak and Mr. McCoy that the [tree] buffer mandated by deed restriction would apply only to the three estate lots. He said that the board could make that a condition of their recommendation.

Mr. Ervin replied to Mr. Thomas that the list of ten items included addressing the traffic circle. He also pointed out that the applicants had already agreed to provide for a minimum 10-foot wide buffer at the rear of the lots, in which there would be a minimum planting of one tree every 30 linear feet with continuous hedge material between the trees. He explained that the buffer for those homes would be required as a part of the development order, either as a private restriction on the individual lots or by mandating that the buffer be placed on the golf course outside those lots. He said that the applicants could make that decision.

Mr. Merrell said that he understood the resident's concern, but said that having buffers between two houses was not typical and that houses backed up to each other in subdivisions all over the city. He said that the applicants were willing to do what Mr. Ervin was proposing, but that it was routinely done as a matter of zoning. He thought that having a provision in the development order was the better way to handle the issue, i.e., the developer would establish the buffer and it would then transfer with the land;

subsequent property owners would be responsible for maintaining it. He said that the provision could be enforced through the code enforcement mechanism.

City Attorney Hayes agreed that it would be better to put the onus on the developer as opposed to the property owner.

Mr. Merrell said that the suggested method would require only a code enforcement action rather than a court hearing, should there be a problem with the buffer in the future.

Mr. Thomas agreed to add acceptance of the applicants' voluntary inclusion of the buffer to his motion.

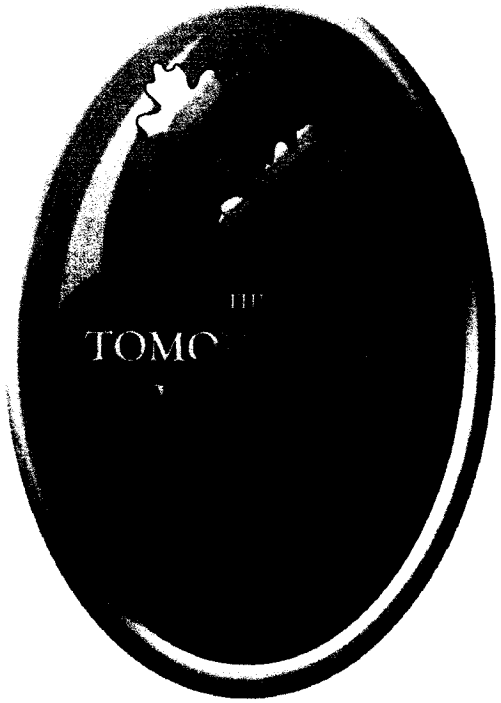
Mr. McCoy reiterated his second.

Ms. Bates called the question, which was approved by unanimous vote.

Mr. Thomas thanked everyone for attending the meeting, participating in the democratic process and helping the board to make their decision.

Mr. Ervin announced that the proposal was tentatively scheduled for the October 3rd City Commission meeting. He advised the residents that they would again be noticed and that an advertisement would again run in the newspaper.

The board voted to close the public hearing.



Tomoka Golf Village

Presented to : Ormond Beach Planning Board
August 10, 2006

Tomoka Oaks Golf Village
Aerial Reference Map

- (A) Tomoka Golf Village Main Entrance
- (B) Country Club
- (C) Pool and Tiki Bar
- (D) Tennis Club
- (E) View across #18 from 39 S. St. Andrews
- (F) Maintenance Facility
- (G) Lakes at #10 and #15 Greens
- (H) Lake on #9
- (I) Comfort Stations
- (J) Town Homes
- (K) View across #7 from 23 Pine Valley Circle
- (L) Country Club Condos
- (M) Tennis Club Condos
- (N) View across #16 from 29 Oakmont Circle
- (O) Estate Lots



Site Statistical Data

DENSITY

Golf Course Area (Proposed)	122 Units	147.7 Acres	.83 Units/Acre
Allowable Density (Golf Course Area)	632 Units	147.7 Acres	4.28 Units/Acre

PROPOSED GOLF COURSE BUILDINGS

Clubhouse	+/- 17,165 Sq Ft.
Pro Shop	+/- 2,300 Sq Ft.
Tennis Center	+/- 7,275 Sq Ft.
Tennis Courts	Total of 6

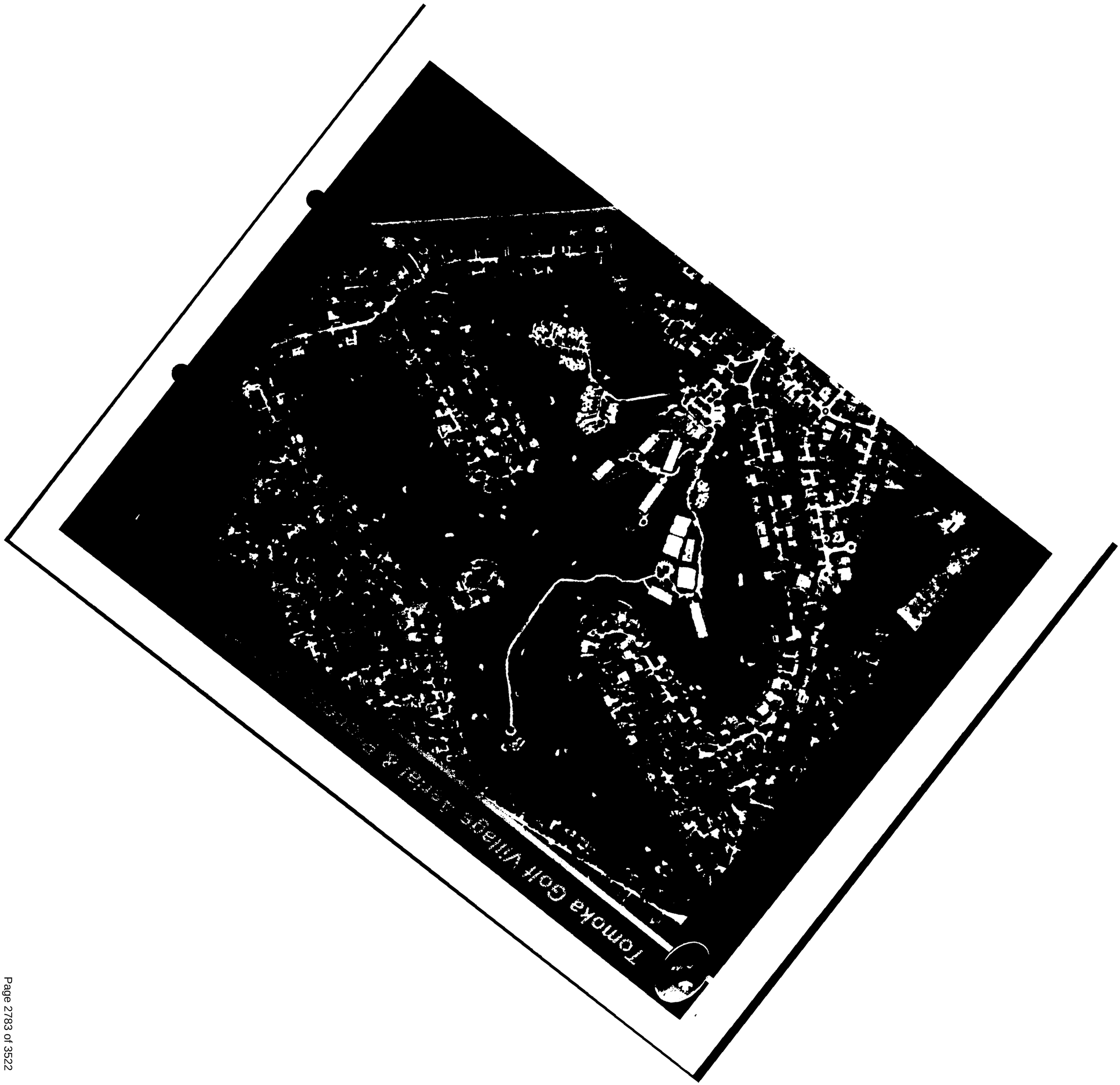
PROPOSED RESIDENTIAL UNITS (122 Proposed)

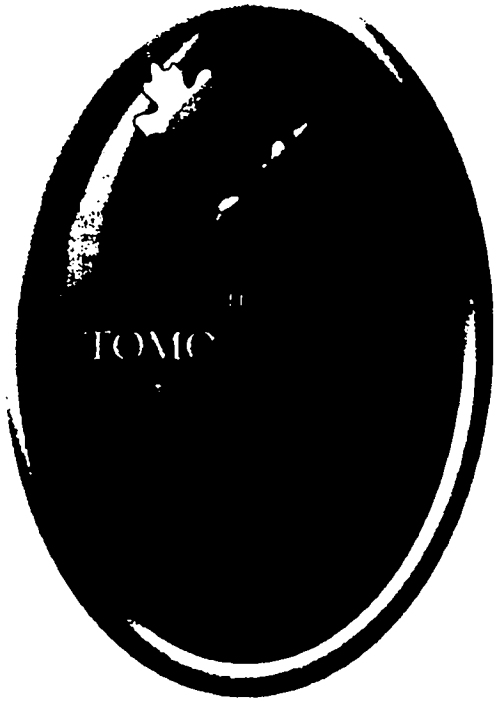
Town Houses	9 Buildings	35 Total Units	
Condos	6 Buildings	2 – 12 Unit Buildings (3 Story) 4 – 15 Unit Buildings (3 Story)	84 Total Units

Approximate square footage of each unit: 1800-2400 Sq Ft.

Estates Lots 3 Units

Current Site Aerial

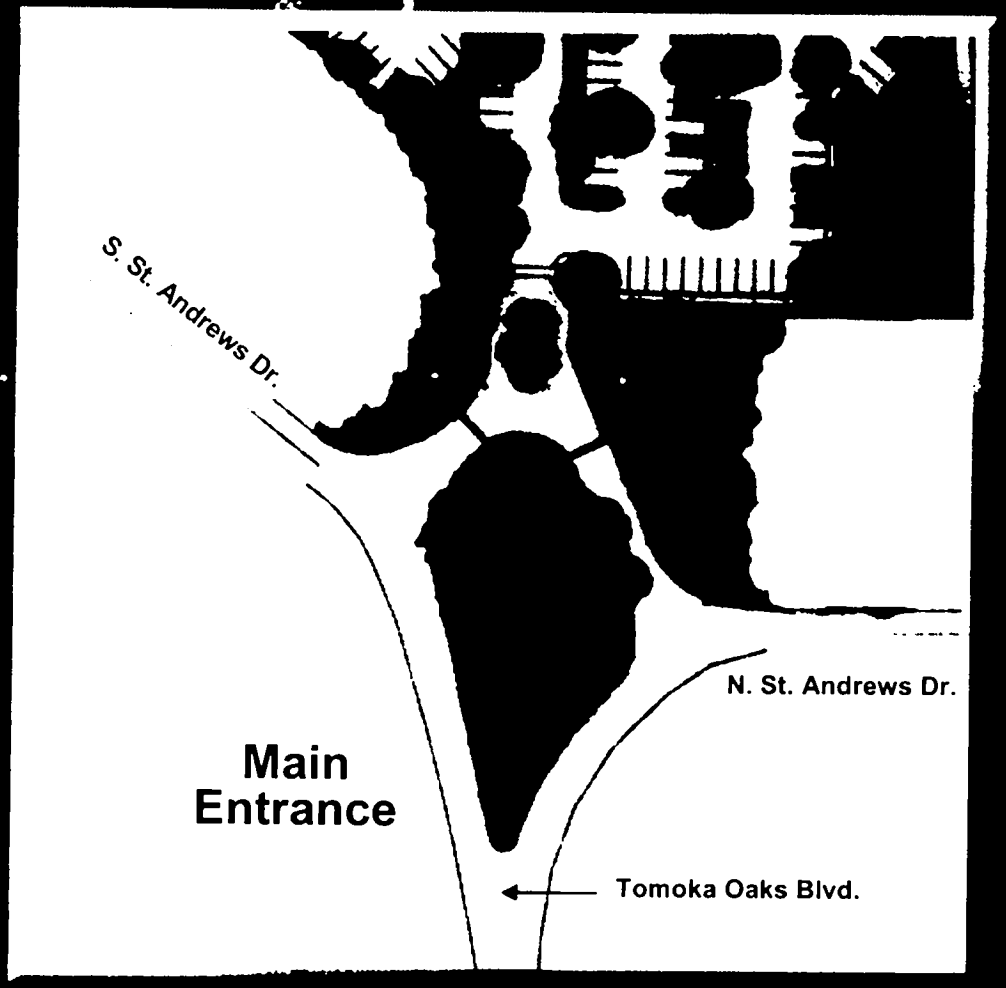

Tomoka Golf Village Aerial Photo



Tomoka Golf Village

Highlights

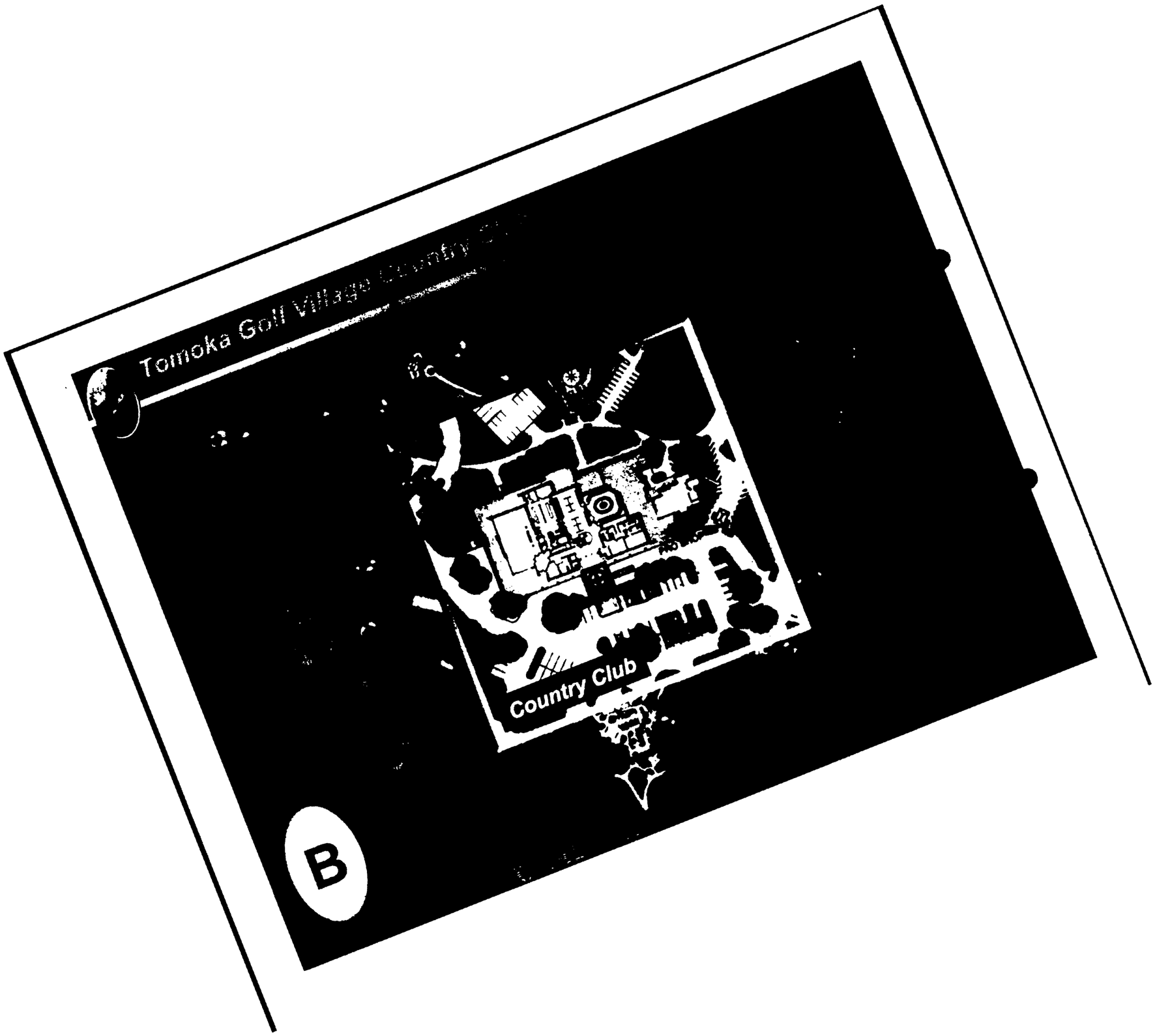
Tomoka Golf Village Main Entrance



A



As seen with the Clubhouse

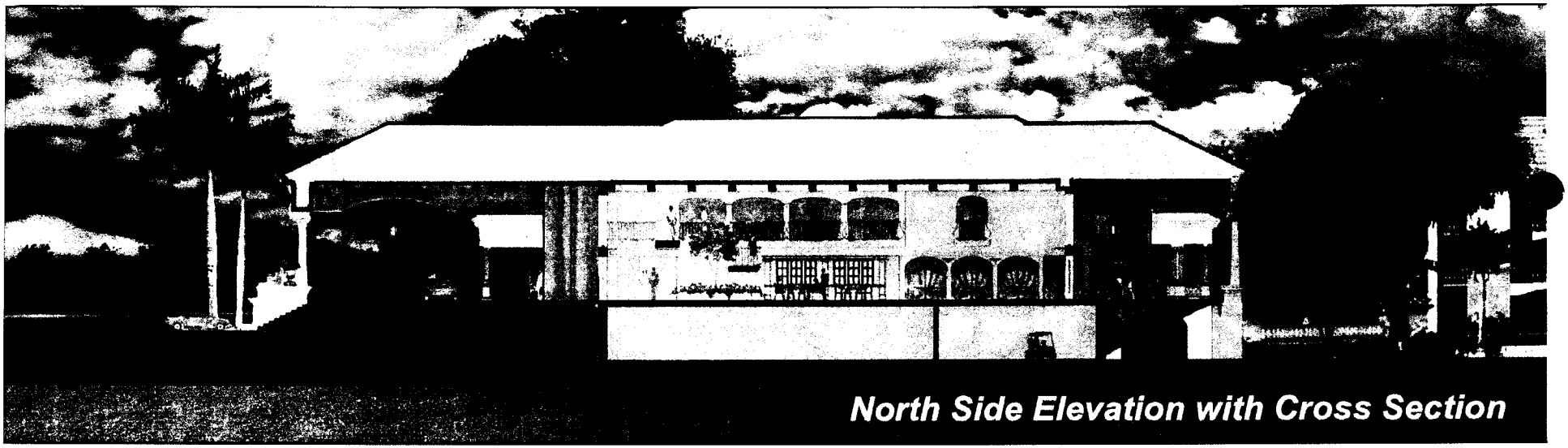

Tomoka Golf Village Country
Country Club
B

Tomoka Golf Village Country Club



Front Elevation

Tomoka Golf Village Country Club



North Side Elevation with Cross Section



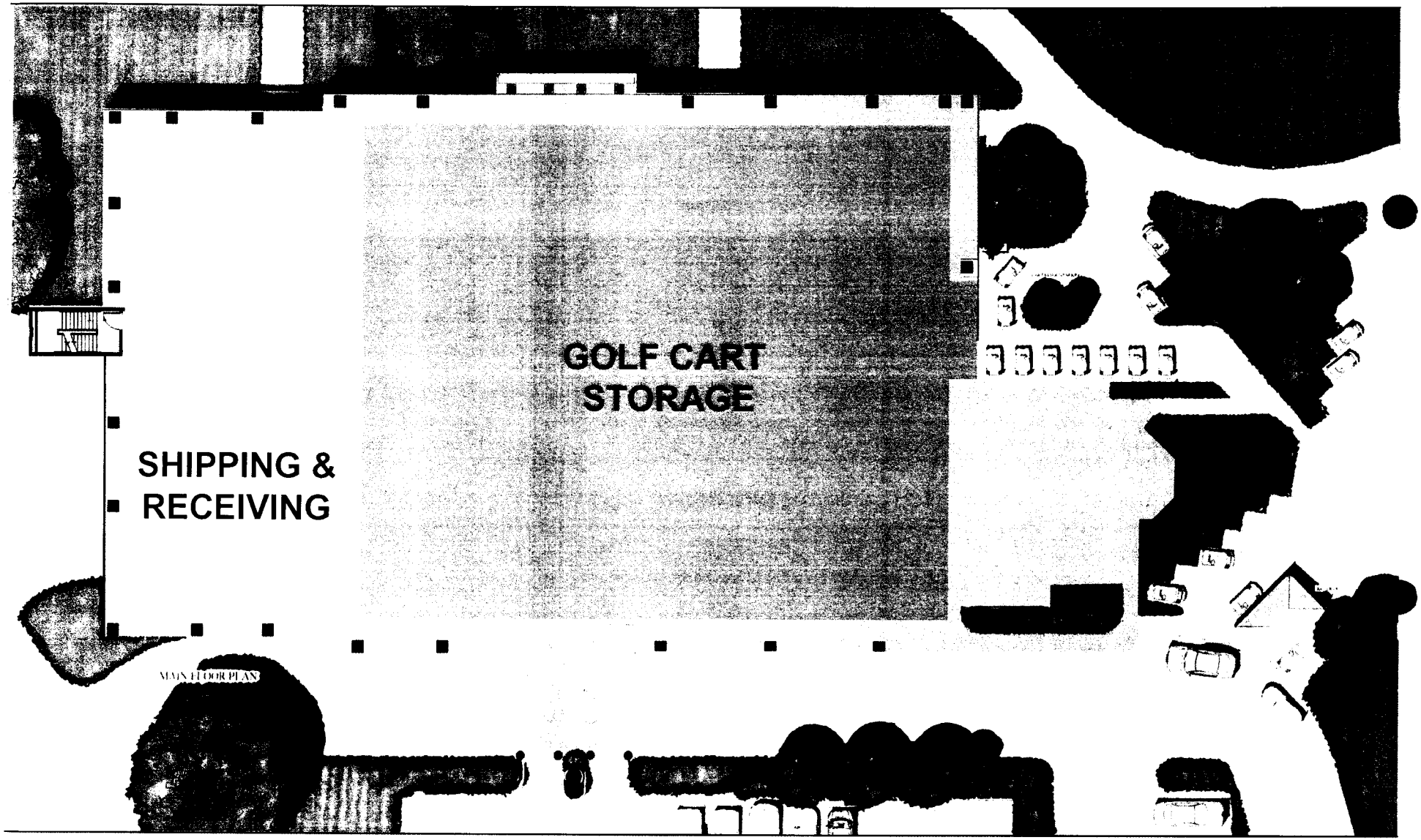
South Side Elevation

Tomoka Golf Village Country Club



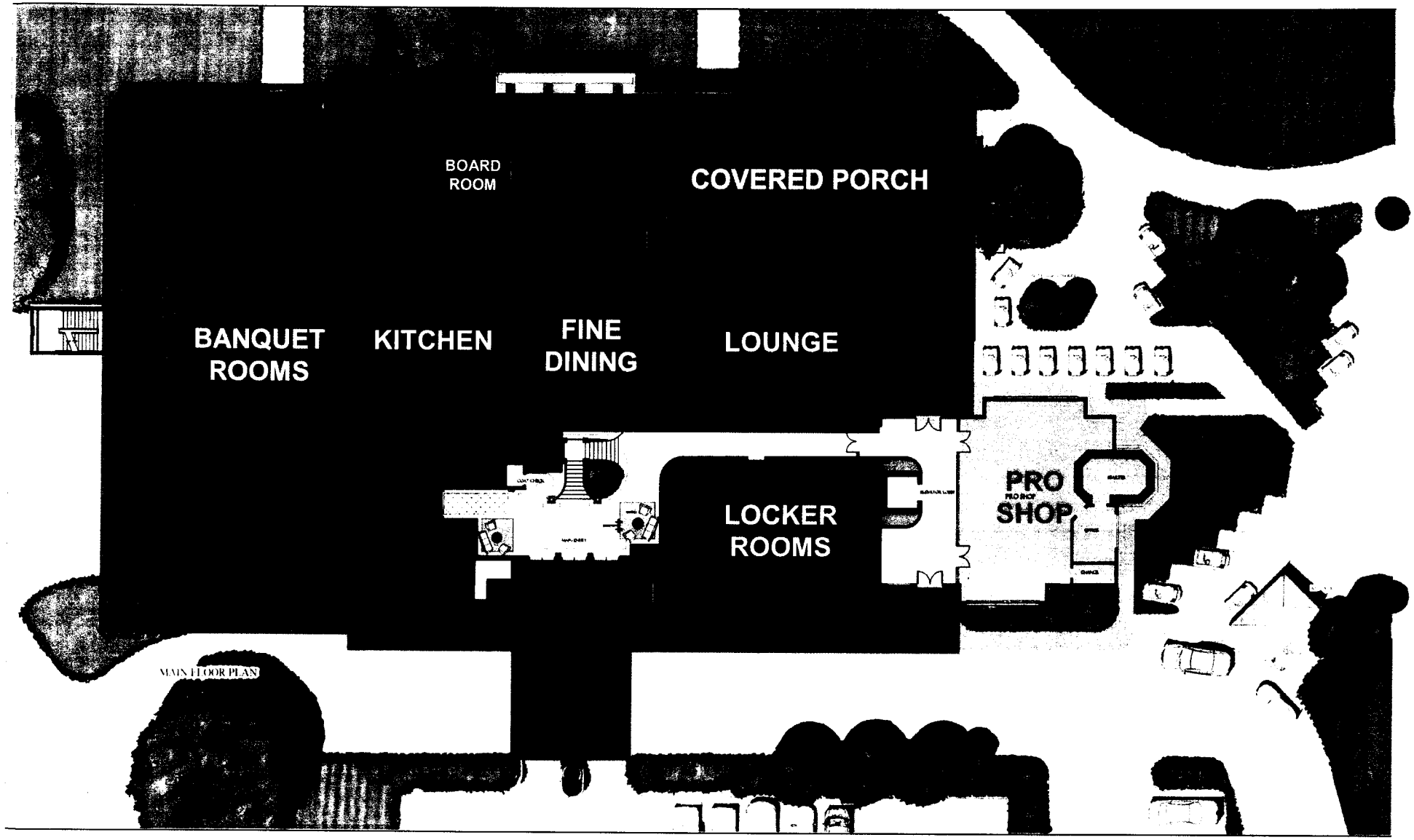
Rear Elevation

Tomoka Golf Village Country Club Floor Plan



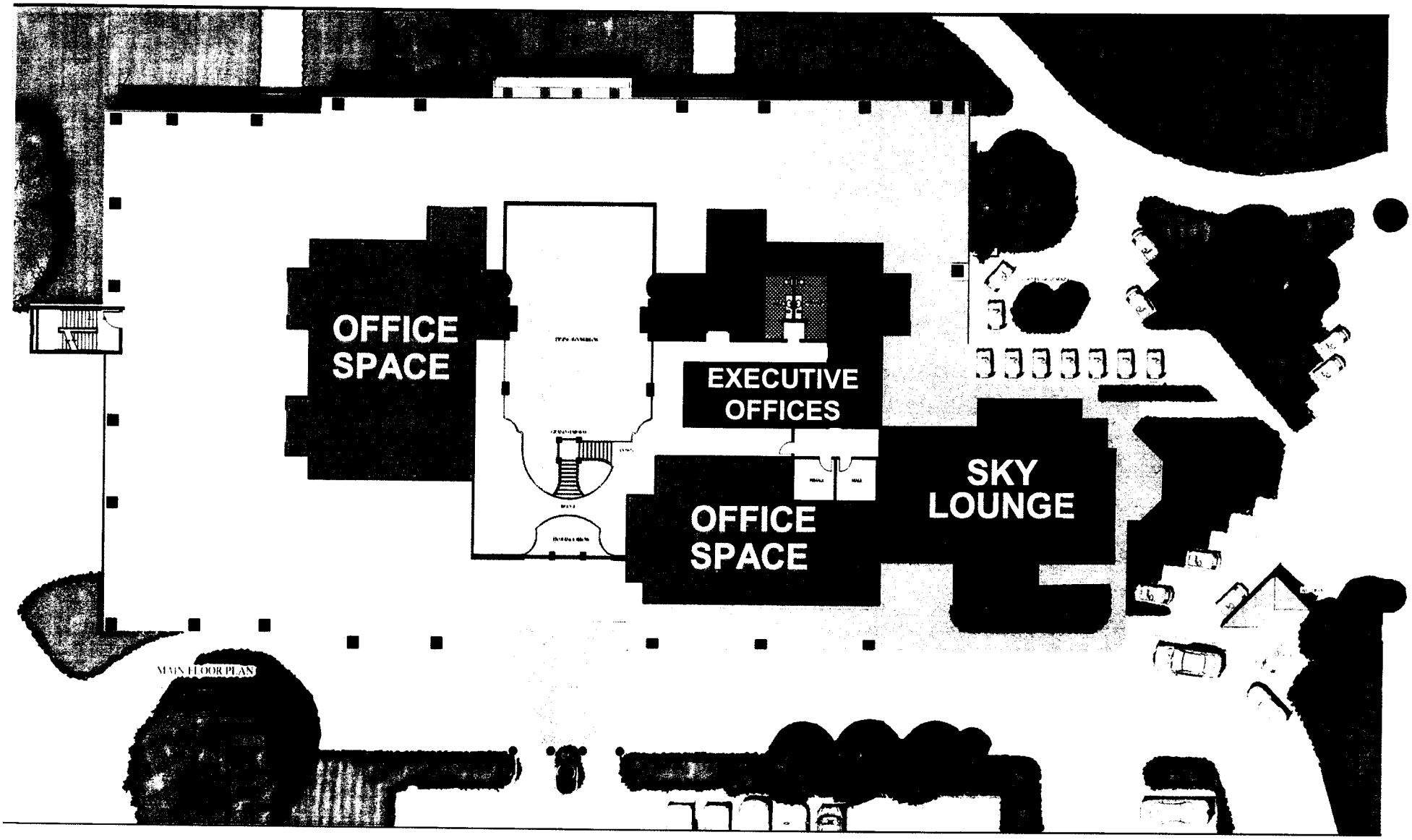
Ground Level – Floor Plan

Tomoka Golf Village Country Club Floor Plan



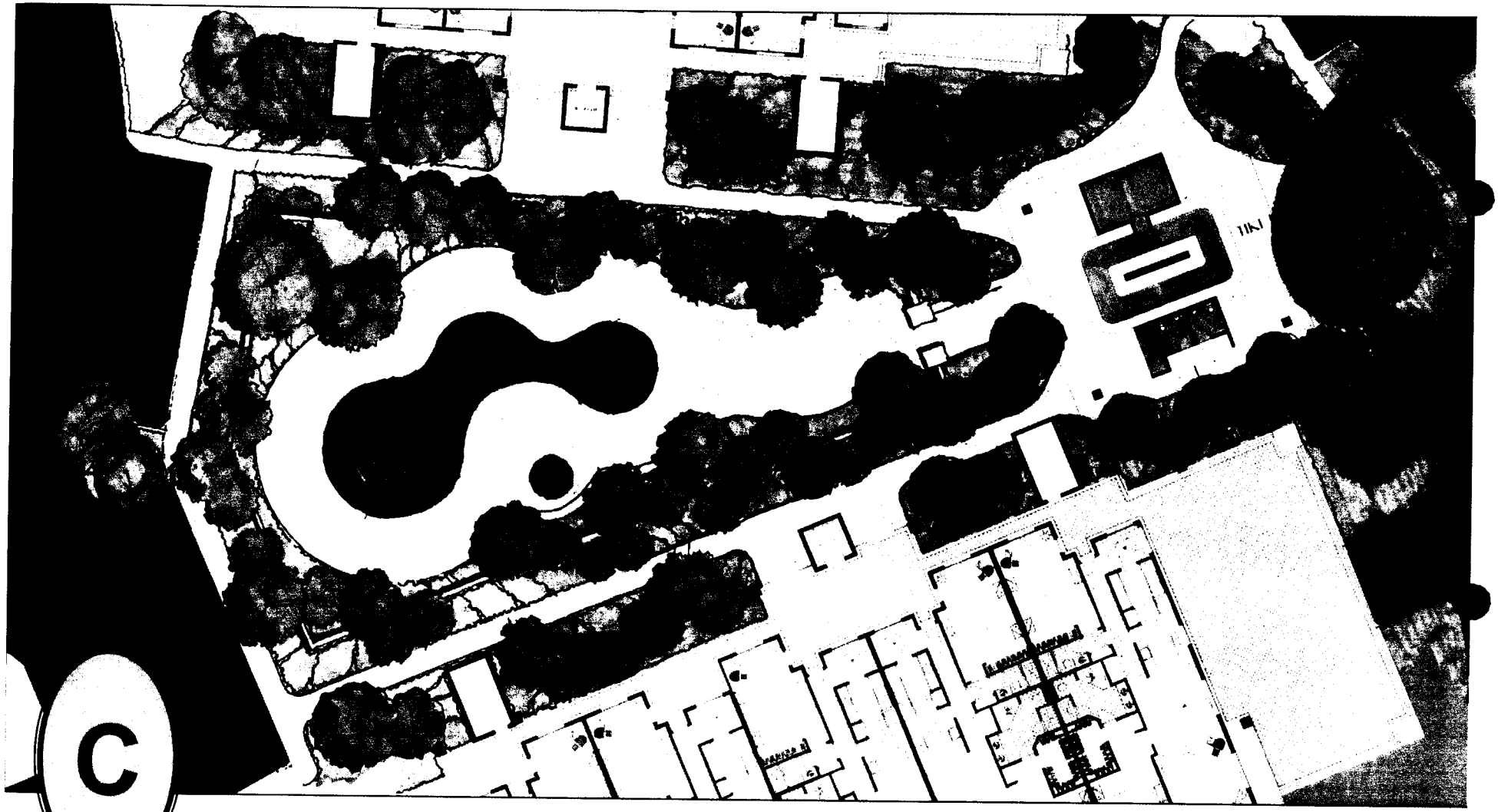
Main Level – Floor Plan

Tomoka Golf Village Country Club Floor Plan



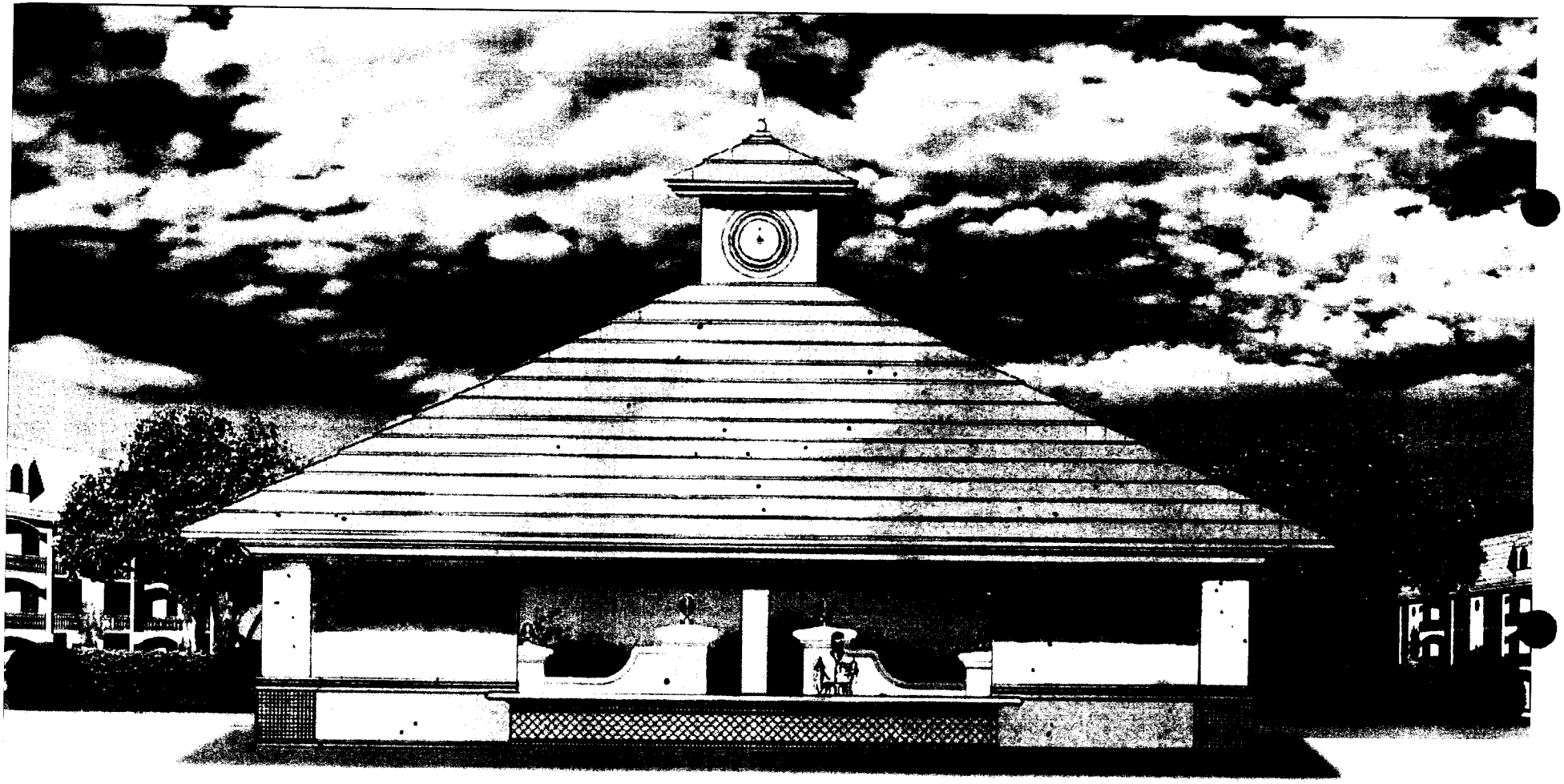
Second Level – Floor Plan

Tomoka Golf Village Pool Area and Tiki Bar



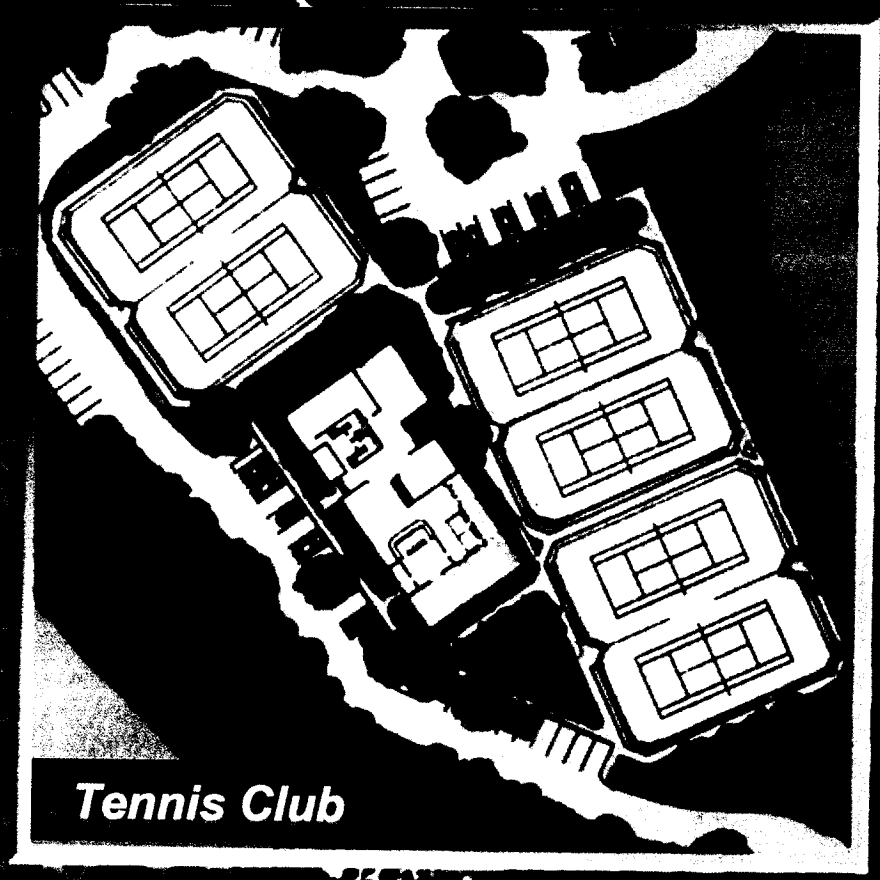
Pool Deck and Tiki Bar

Tomoka Golf Village Pool Area and Tiki Bar



Tiki Bar – looking towards the Pool (behind)

Tomoka Golf Village Tennis Club



D

Tomoka Golf Village Tennis Club



View from the #10 Fairway

Tomoka Golf Village Tennis Club



View from the #10 Tee

Tomoka Golf Village Tennis Club



Elevation – From the 18th Fairway

Tomoka Golf Village Tennis Club



View from 39 South St. Andrews Drive - the 18th Fairway

E

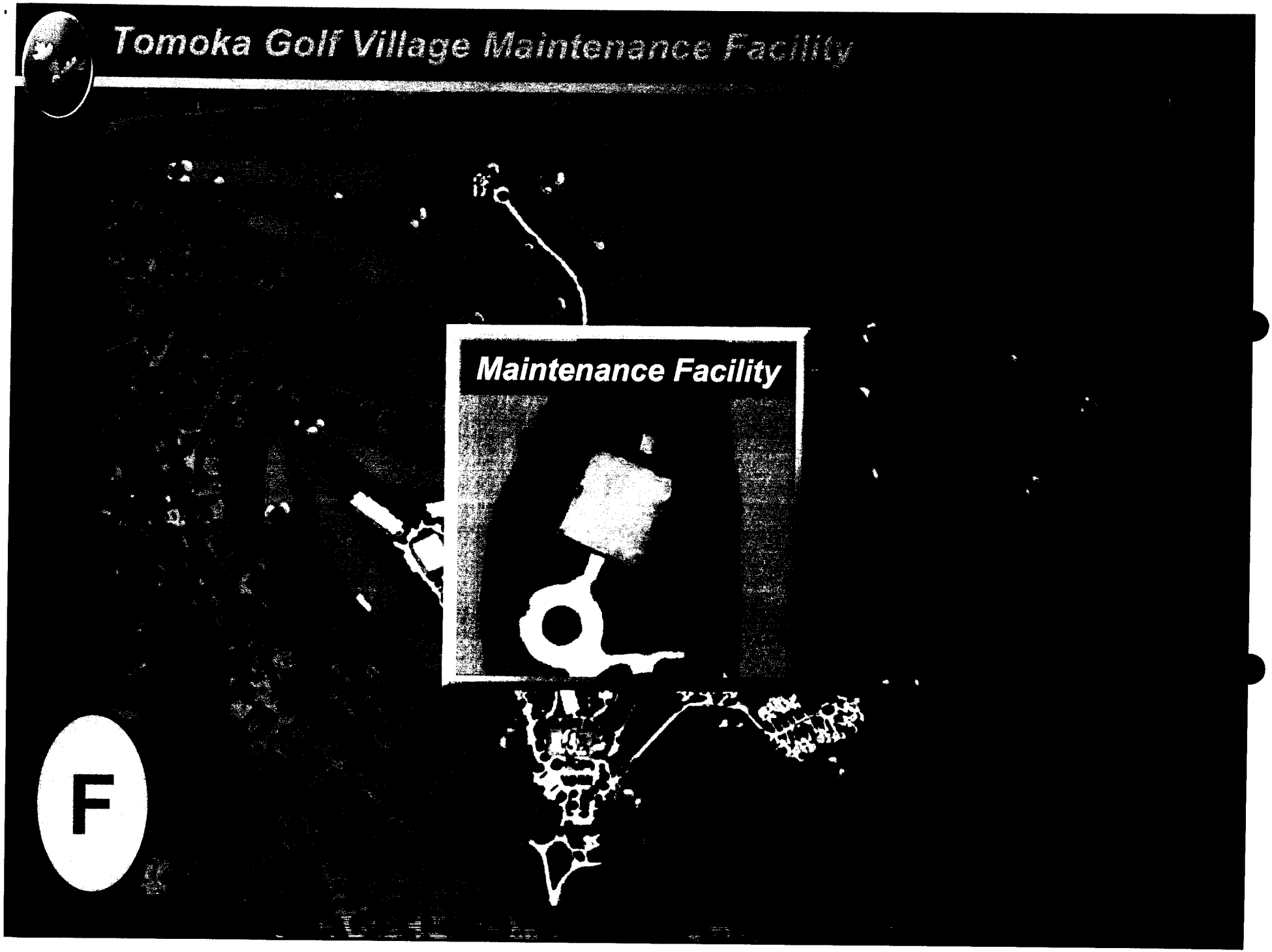
Tomoka Golf Village Tennis Club



View from 39 South St. Andrews Drive - the 18th Fairway

5 Year Time Progression

Tomoka Golf Village Maintenance Facility



Tomoka Golf Village Maintenance Facility



Tomoka Golf Village Lakes and Bridges



New Lakes and Bridges

Tomoka Golf Village Lakes and Bridges



Bridge Design

Tomoka Golf Village Lakes and Bridges



G

Lake at #10 and #15 Greens

Tomoka Golf Village Lakes and Bridges



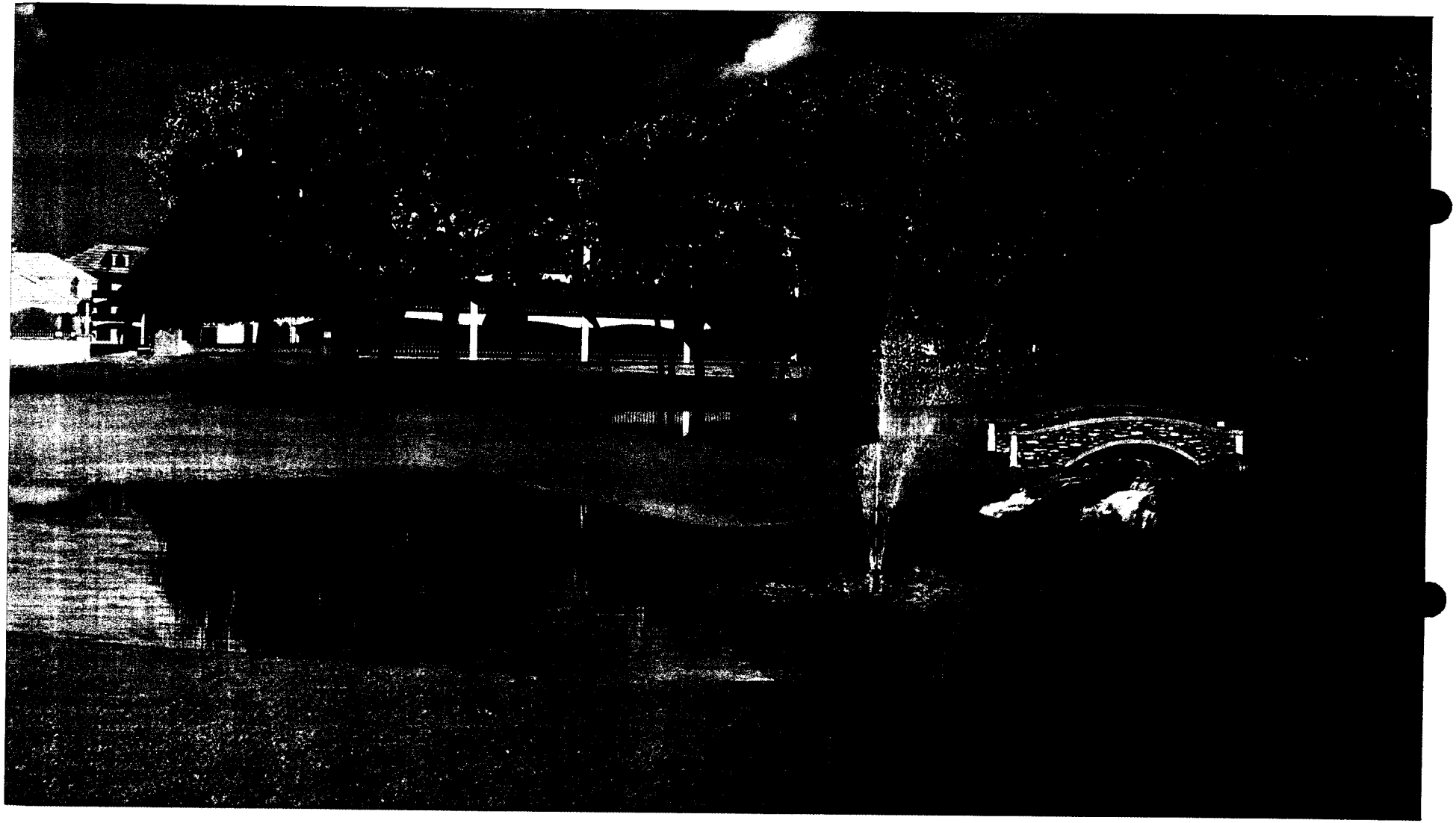
Lake at #10 and #15 Greens

Tomoka Golf Village Lakes and Bridges



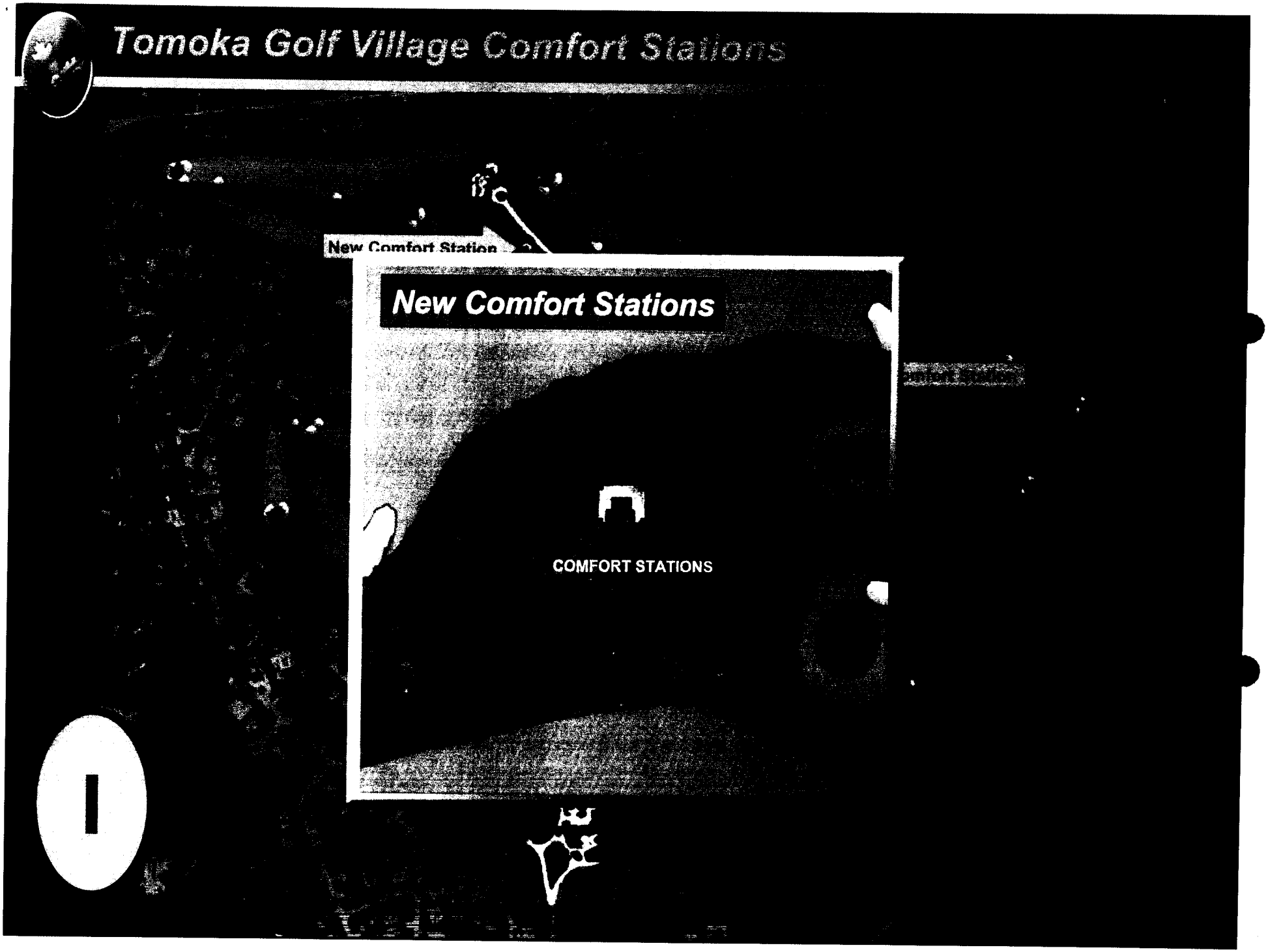
Lake at #9

Tomoka Golf Village Lakes and Bridges



Lake at #9

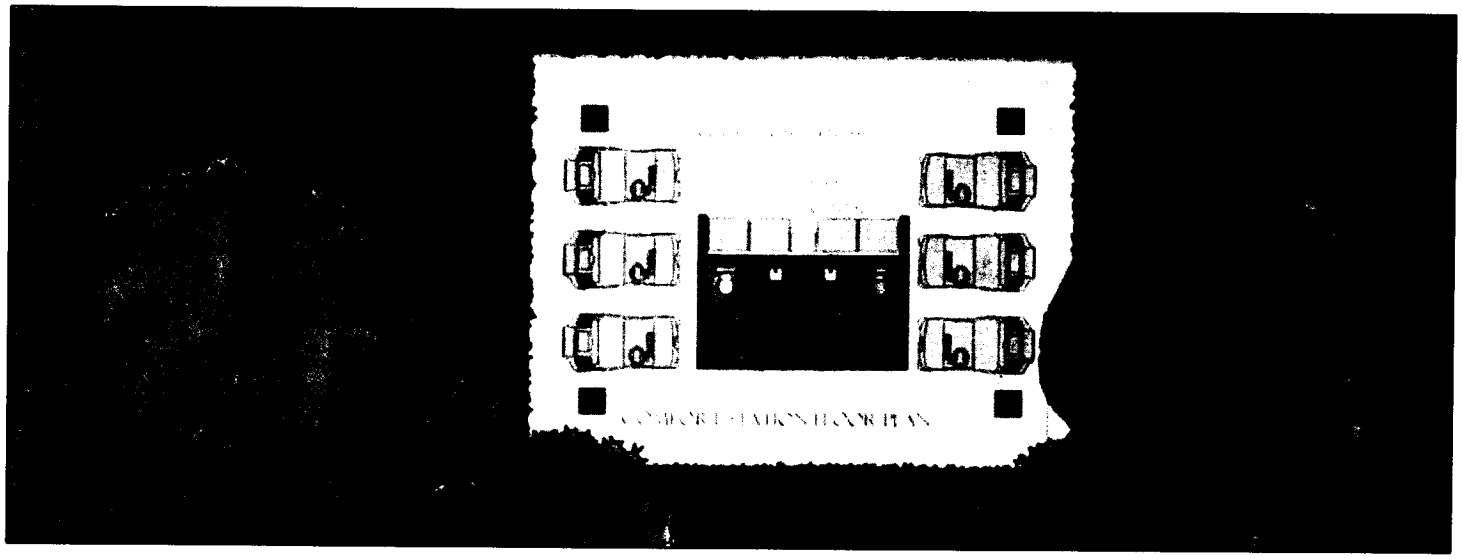
Tomoka Golf Village Comfort Stations



Tomoka Golf Village Comfort Station



Front Elevation



Floor Plan

Tomoka Golf Village Town Homes

J

Tomoka Golf Village Town Homes



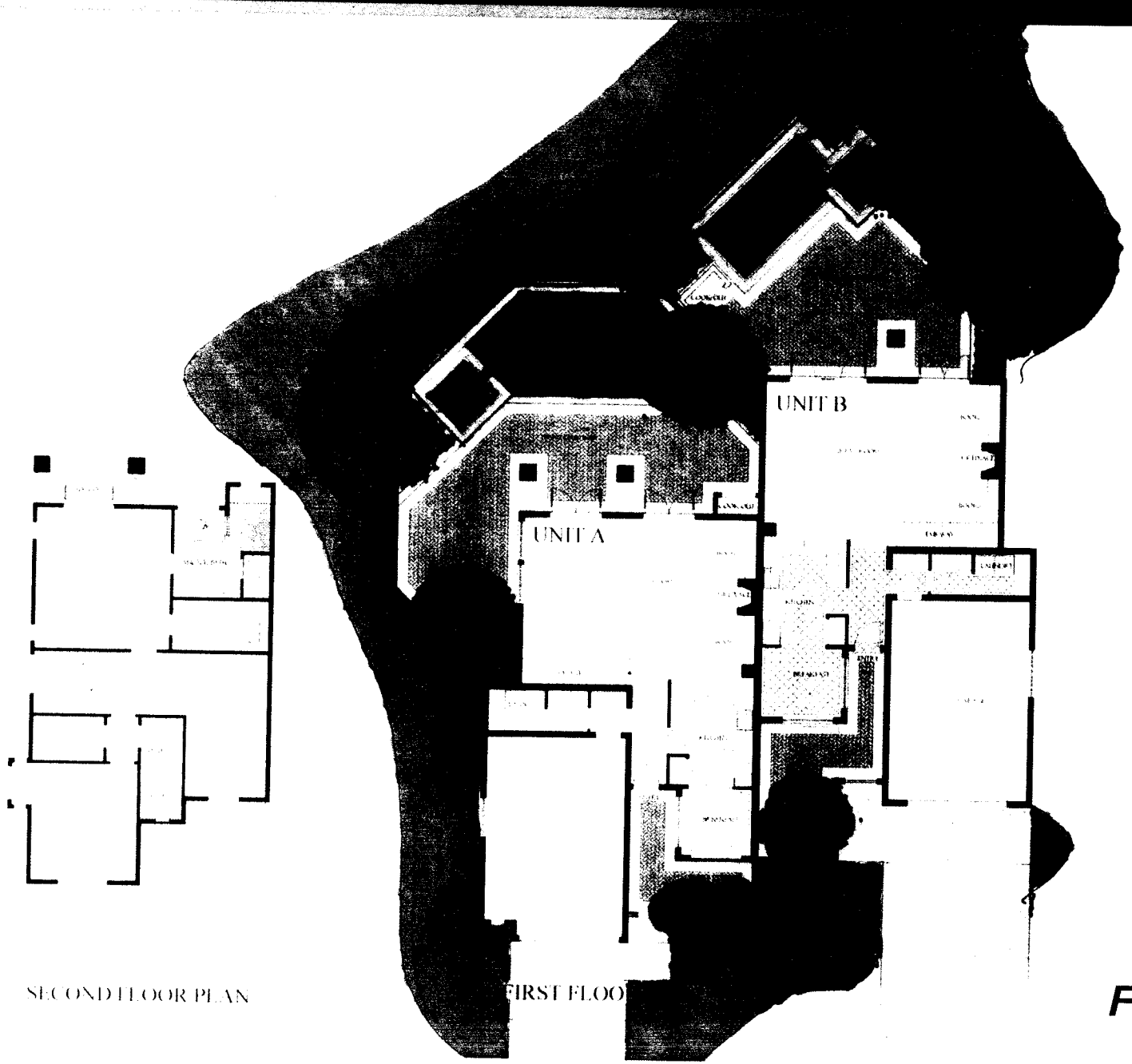
Street Side Elevation

Tomoka Golf Village Town Homes



Course Side Elevation

Tomoka Golf Village Town Homes



Floor Plans

Tomoka Golf Village Town Homes



K

View from 23 Pine Valley Circle - the 7th Fairway

Tomoka Golf Village Town Homes



K

View from 23 Pine Valley Circle - the 7th Fairway

Tomoka Golf Village Club Condos – 3 Story



L

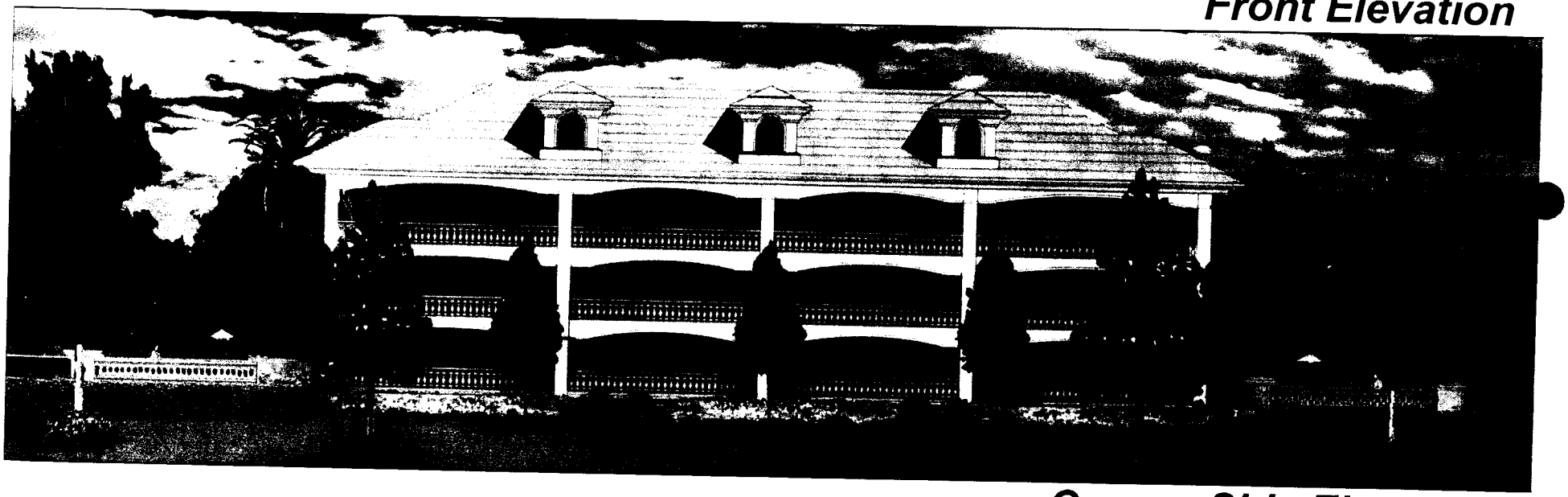
Club Villas – 3 Story

V

Tomoka Golf Village Club Condos - 3 Story



Front Elevation



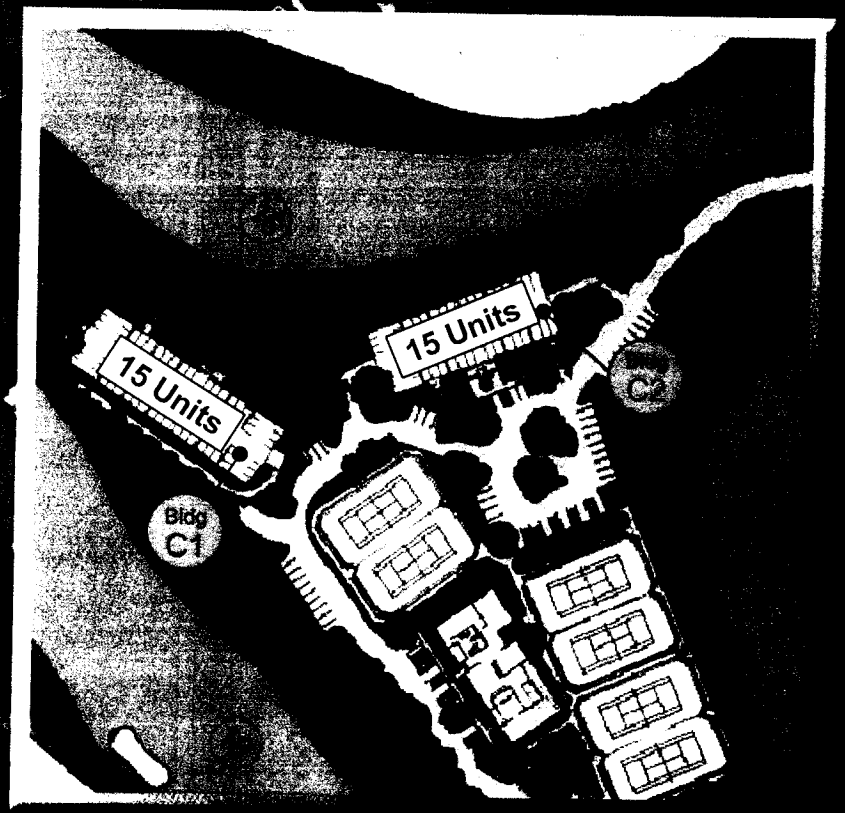
Course Side Elevation

Tomoka Golf Village Club Condos – 3 Story



Side Elevation

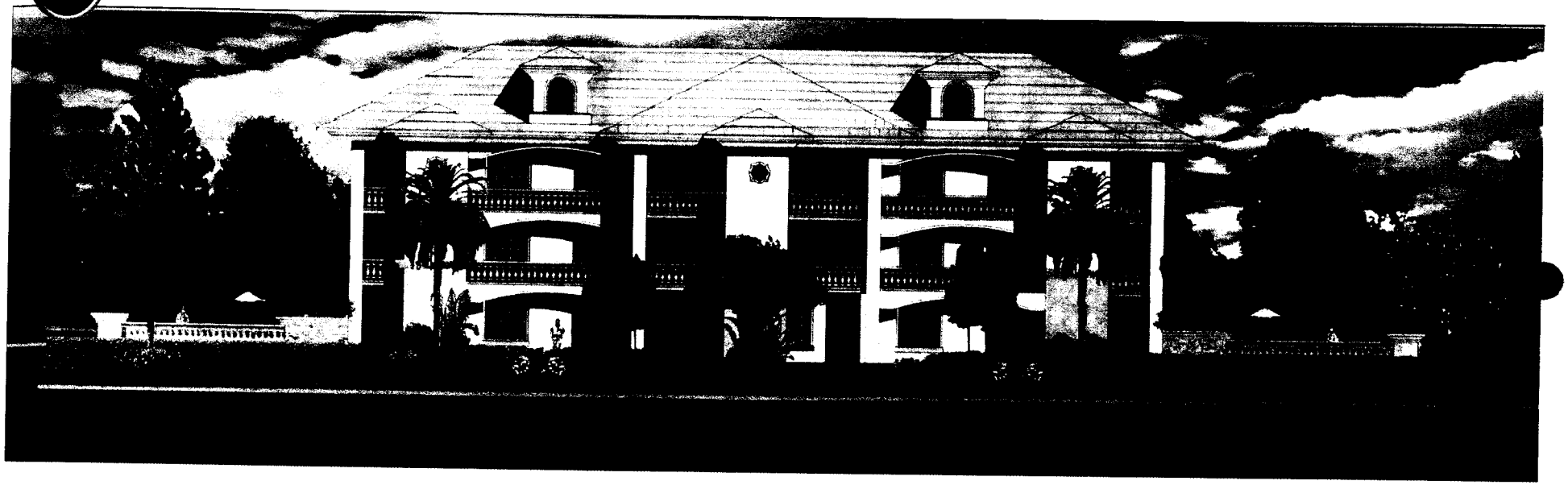
Tomoka Golf Village Tennis Condos – 3 Story



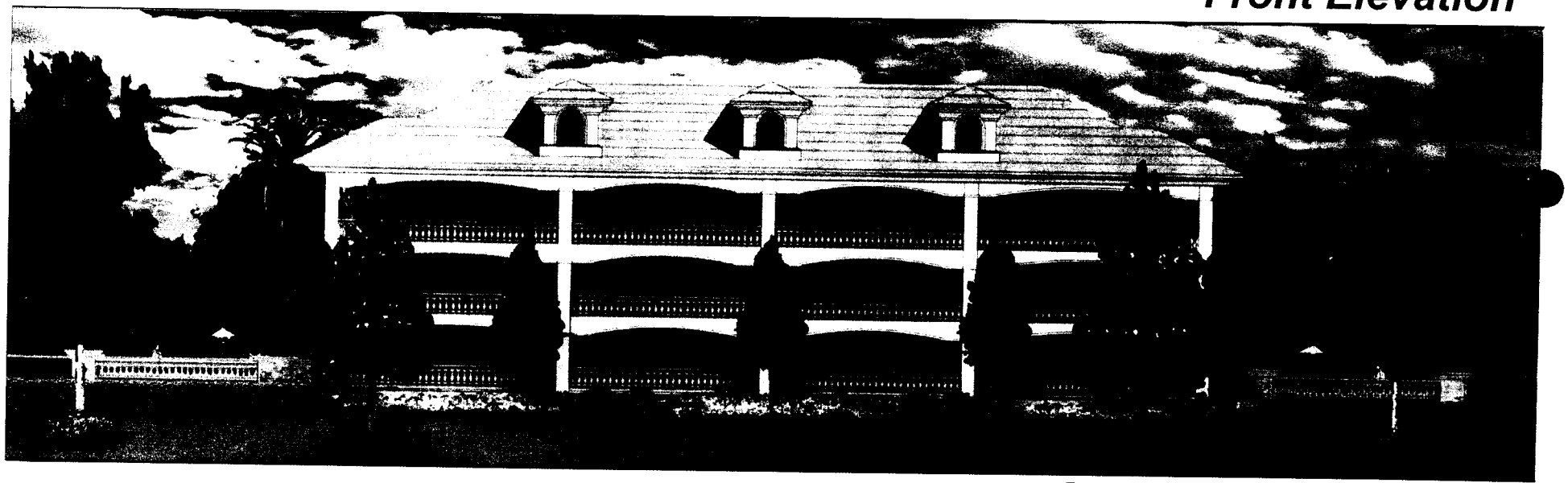
M

Tennis Villas – 3 Story

Tomoka Golf Village Club Condos



Front Elevation



Course Side Elevation

Tomoka Golf Village Club Condos – 1 Story



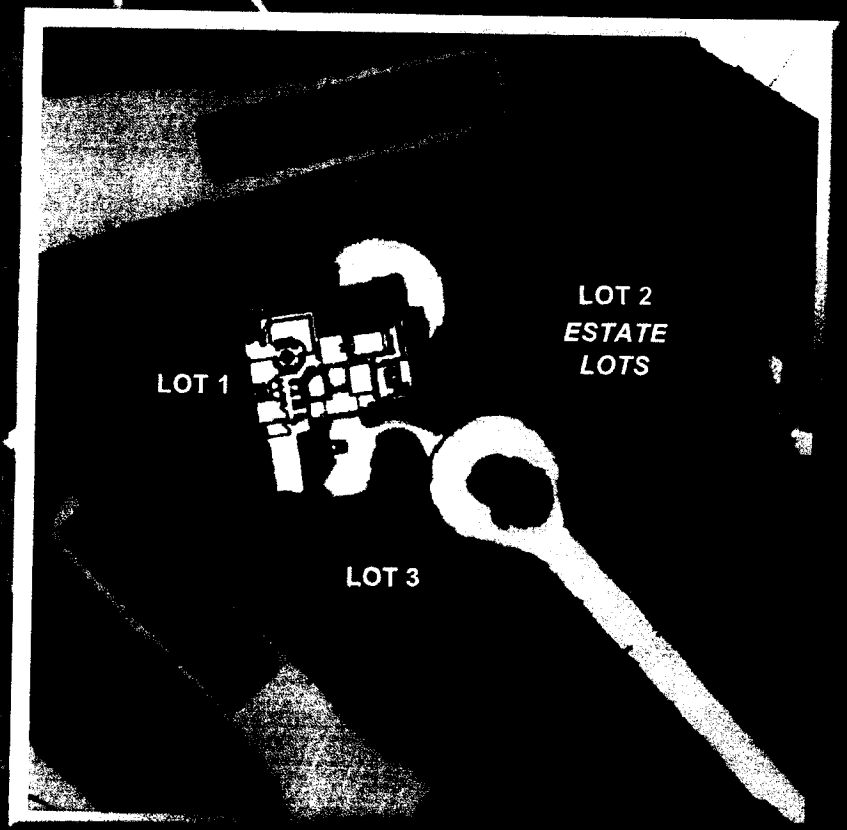
Side Elevation

Tomoka Golf Village Tennis Condos – 3 Story

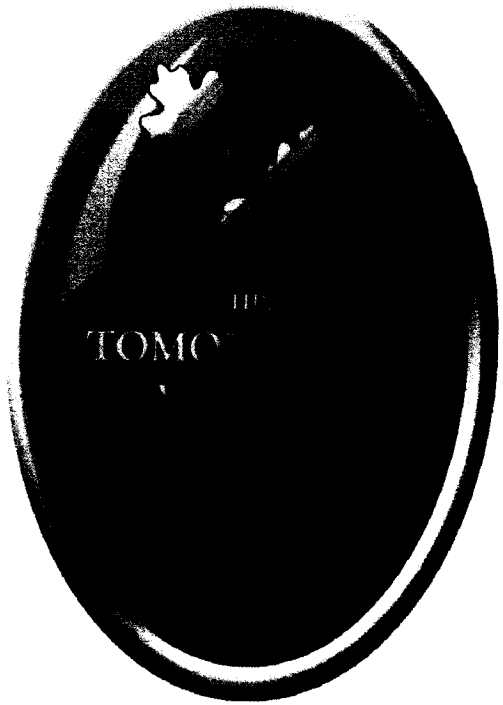


View from 29 Oakmont Circle Residence

Tomoka Golf Village Estates



Estate Lots



Tomoka Golf Village

Mayor Costello stated whatever name was attached, be it a ditch or tributary, what was important was that this project can not stop water flowing onto the land. He asked if the height of the fence would be at a low point compared to the road.

Mr. Ervin stated the maximum height of the fence would be six feet along the property line. He explained the industrial parcel closest to US1 would have an extensive amount of fill and would be four feet higher at a finished floor elevation than the homes in Ormond Lakes, and the project would have a six foot wall at that location along with landscaping with the finished grade approximately two to three feet below the top of the wall. Mr. Ervin recommended a condition be added to correlate the fencing to the elevation of the roadway.

Mayor Costello advised it was very dark in front of the McDonalds west of I-95 where the lights were shielded, but was very bright after passing the screening which proved the screening does work well.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-222, approving the Special Exception to include the indoor pool as presented and the wall height to extend six feet above the elevation of a road entering or surrounding the property.

Call Vote:

Commissioner Kelley	yes
Commissioner Partington	yes
Commissioner Gillooly	yes
Commissioner Kent	yes
Mayor Costello	yes

Carried.

Mayor Costello called for a short break at 9:30 p.m. and he reconvened the meeting at 9:37 p.m.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(E).

Item #9(F) - "Ormond Beach Commercial Complex"

RESOLUTION NO. 2006-223

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR "ORMOND BEACH COMMERCIAL COMPLEX" SPECIAL EXCEPTION ON A SITE LOCATED AT 500 WEST GRANADA BOULEVARD WITHIN THE B-9 (BOULEVARD) ZONING DISTRICT; BY AUTHORIZING A WAIVER OF THE MASONRY BUFFER WALL REQUIREMENTS ALONG THE REAR PROPERTY LINE, BY ALLOWING THE USE OF AN EXISTING SIX FOOT HIGH WOOD FENCE IN LIEU THEREOF; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-223, as read by title only.

Call Vote:

Commissioner Partington	yes
Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(F).

Item #9(G) – "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 1, ARTICLE II, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL

PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was a rezoning for a 147 acre parcel from R-2 to Planned Residential Development (PRD). He noted there was a revised development order on the dais that identified the three items from the Planning Board recommendation that could be incorporated into the final development order. Mr. Ervin pointed out many comments from the Planning Board were recommendations for staff to check certain items such as water pressure and landscaping; therefore, they could not be identified in the development order; but the City Attorney culled through those comments to come up with specific requirements that could be incorporated into the development order, and they were addressed by staff. He stated the reuse availability, which was a major capital undertaking, was not feasible at this time. Mr. Ervin reported the landscaping plan was reviewed, and many of the trees being planted were already above and beyond the minimum requirement. He stated traffic improvements would be incorporated into site plan, and the applicant had agreed to those improvements. Mr. Ervin noted these improvements would include striping, signage, and cautionary signage. He advised staff contacted the Utilities Department regarding water presser concerns at least three times to verify whether or not water pressure problems were being experienced in the Tomoka Oaks area; but the pressures were meeting minimum requirements, and no specific problems were identified. Mr. Ervin stated there would not be any dead-end systems and would actually loop back into the existing system; therefore, water pressure should be maintained.

Mr. Ervin advised the development order would include notification to purchasers by a note on the plat that they were within proximity of the airport and within the flight plan of the airport. He stated the golf course shall remain a golf course and would not be able to be converted to any other use without approval by the City Commission. Mr. Ervin reiterated this property was Low Density Residential with an R-2 zoning; therefore, a developer could, in theory, develop the entire golf course for 600 homes, but considering the contours 300 single-family homes would be more realistic. He explained the proposal was for multi-family homes consisting of three and four story condominiums, town homes, and three single-family homes.

Mr. Rob Merrell, 1638 John Anderson Drive, representing the applicant, provided a visual presentation of the project. He reported he would rely on Mr. Ervin's conclusions in his staff report concerning Comprehensive Plan consistency, compliance with all of the City's Land Development Code requirements, and other issues. Mr. Merrell pointed out the Planning Board recommended unanimous approval with conditions that they have accepted. He stated there were issues everyone agreed on regarding some Smart Growth principles, and this project represented some of those principles such as the concept of urban renewal, proximity to services, clustering development, and the preservation of open space. Mr. Merrell explained this project was for 122 residential units, a new club house, pro shop, tennis center, tennis courts, and many amenities. He stated the property owner made a concession to cluster a lower number of units that would allow a great deal of open space. Mr. Merrell reported there would be a total of 84 condominium units, 35 townhouse units, and three residential units. He presented a computer rendering of the development proposed superimposed on the aerial photograph and pointed out the various elements of the proposed plan along with renderings of the buildings and landscaping. Mr. Merrell reported there would be considerable improvements to the lake system and the green for the golf course as a result of retrofitting the golf course for reuse water. He advised this request was for a planned redevelopment rezoning.

Mr. Harry Wendelstedt, 88 South St. Andrews, stated he has been a resident of Tomoka Oaks for 35 years, which was one of the finest residential developments in Volusia County. He stated he believed this would adversely affect the residents who live along the golf course. Mr. Wendelstedt reported people were told when purchasing their property that this golf course would remain for 99 years. He expressed a concern regarding property values; however, he has been informed that should not be a concern. Mr. Wendelstedt stated Tomoka Boulevard was two lanes, and he expressed concern regarding what would happen should another natural disaster occur such as the fires of 1998. He recommended placing a traffic light at the end of Tomoka Boulevard and Nova Road. Mr. Wendelstedt noted residents may have had a different view if the renderings and information were made available to the people earlier than this evening. He stated he opposed the development because the homeowners would loose the site of the rolling green fairways.

Ms. Joan Deemer, 86 South St. Andrews Drive, stated she lived in Tomoka Oaks for 28 years and opposed the recommended changes. She expressed concern that this would adversely affect the area with too many people and too many cars taking away the charm of Tomoka Oaks.

Ms. Zella Wilen, 48 Oakmont Circle, stated in the Fall of 1970 a request to rezone this property to R-5 was rejected at the Planning Board and in October 6, 1970, the Land Use Map was adopted by the Commission and that map showed Tomoka Oaks, including the golf course and undeveloped wooded areas, to be Single-family Residential Low Density zoned R-2, making Tomoka Oaks some of the largest lots in Ormond Beach. She reported that at the recent Planning Board meeting she objected to the entire rezoning change, stating Tomoka Oaks Boulevard should not be approved for an extension or a connection to any planned or named street within this area. Ms. Wilen voiced an objection to any overnight lodging should that be considered. She stated she opposed the increased traffic through Tomoka Oaks to the South St. Andrews area and noted this would add additional traffic to the Trails as well. Ms. Wilen reported the City Attorney in 1970 talked about spot zoning, cautioning the Planning Board that the golf course was a conditional use and would be able to request certain updating and remodeling, and that statement was relevant today. She noted restrooms were a problem due to vandalism, but were needed. Ms. Wilen pointed out the club house and garage areas could have been upgraded at any time in the past 36 years. She reported this change would impact the entire Tomoka Oaks area, not only those living on the golf course or within the 300 foot notification area. Ms. Wilen equated the 1970 R-5 request to this PRD request and opposed the change. She advised part of the selling point for homes in this area was that this would remain a golf course for 99 years, and she urged the zoning remain the same and the project be stopped.

Mr. Rob Merrell stated the property owner made a commitment to maintain the open space of the golf course in perpetuity. He pointed out the entire property was currently zoned for home sites; however, the development order under this proposal would indicate that the golf course would remain open space, and the City would then be able to enforce that as an element of the development order. Mr. Merrell reported speakers mentioned a 99-year provision, but there was no such covenant; however, this proposal would include a commitment to cluster 122 units in areas designed to be the least intrusive along with a recorded covenant to keep the golf course.

Mr. Hayes concurred that there was no covenant of record regarding the golf course; therefore, the applicant had a right to request this redevelopment of the Commission. He noted the City could now go back to try to do what some of the homeowners believed they already had for some 30 years.

Mr. Merrell advised the Commission received a complete traffic report in their information packet, and no failures in the transportation network were found, but several improvements were being proposed. He reported he met with as many people as possible prior to this meeting. Mr. Merrell advised that many people saw the pictures in advance of the Planning Board meeting, and there was a full-house at the Planning Board meeting. He noted many of those people did not come to make an objection tonight because they went away from the meeting satisfied that their questions and concerns were answered. He reported a DOT warrant would be needed for a traffic light, but the requirements for a light would not nearly be met. Mr. Merrell stated this was very different from what occurred in the 1970s because what was being shown now was what would occur if approved by the Commission, and it could not be changed.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on first reading, as read by title only.

Commissioner Kent reported he met with the developers a year ago, and the plans had not changed a great deal. He expressed concern regarding buffering for the current residents; however, the presentation showed this was addressed, and he could support this proposal.

Commissioner Gillooly stated the concept had merit, but she questioned what protection the people who purchased a home on a golf course would have. She noted people needed to be aware when purchasing a home what could occur to the property surrounding their home. Commissioner Gillooly pointed out nothing was uncovered that would protect the people to have this remain a golf course. She stated Tomoka Oaks was and remains a premier community in the City, but the golf course had not keep up to that premier status. Commissioner Gillooly suggested this development would bring in new residents, but at a greatly reduced rate than was permitted. She noted the design was thoughtful in that it kept the buffer, and the improvements may help bring the premier status back to the homes, increasing the value of the

existing homes. Commissioner Gillooly informed Mr. Merrell that she would like to assure the residents this would be the last residential plan for the Tomoka Oaks community. She advised she also told Mr. Merrell that she noted the developer planned the project with surrounding green space and improvements to the golf course, but she needed additional assurances that this would remain intact. Commissioner Gillooly reported the reply she received was an iron clad commitment. She stated the developer had a right to develop this property in a residential manner, and all of the above-noted improvements would to be made, which would make the overall project better.

Commissioner Partington advised he met with the developer last year and would vote for this for some of the same reasons as Commissioner Kent and Commissioner Gillooly previously mentioned. He noted this project would improve the entire subdivision, and this development set the standard for developments in other areas. Commissioner Partington reported he was comfortable this developer would make this project as high a quality, if not a higher quality, than he had done previously.

Commissioner Kelley reported he also met with the developer and saw a presentation last year. He stated this answered many questions; and while it would not answer the questions of those who want the land to stay exactly as it was, it did answer the question of whether there would be residential buildings constructed directly behind someone who now had a golf course view. Commissioner Kelley advised the placement of the development would not adversely impact the visual effect. He pointed out this would provide assurance that this would never come back to an R-2, R-3, or R-4 and would be dedicated. Commissioner Kelley reported the owner had prospective buyers come to him years ago to develop the property, but chose not to sell because he wanted to keep the golf course. He advised the proposal would only improve the value of all of the property in the area. Commissioner Kelley stated he shared a concern relative to the traffic, but was convinced the people would not come through the Trails because it would be faster to go to Nova Road and turn west to Clyde Morris Boulevard. He noted the only difficulty he could envision was the time it would take to exit on to Nova Road, particularly eastbound. Commissioner Kelley reported this project would be an improvement to the entire neighborhood, and it would assure the golf course would remain.

Mayor Costello reported he met with the developer a year ago, and the reality of the situation was that this was a residential piece of land that could hold 600 units and could realistically only hold 300 units without a golf course, but this proposal was for 122 homes with a golf course. He stated the choice was that in order to keep the golf course, the owner would have to make some money. Mayor Costello explained the alternative was, because the land was poorly permitted years ago, a developer had the right to construct 300 single-family homes and remove the golf course. He pointed out that in this development order the only thing permissible was the golf course open space. Mayor Costello recommended the developer set aside the finances for a traffic light even if it was not warranted at this point in that he believed traffic to be a valid concern. He asked if DOT would permit a light if the money was available.

Mr. Sans Lassiter, Traffic Engineer, replied if a traffic light was installed that does not meet the DOT warrants and an accident was caused by the fact the signal was installed, it would make the one installing the light liable. He explained traffic lights are a major liability issue because they increase rear end accidents and are meant to avoid right angle accidents which are more severe. Mr. Lassiter advised that due to this particular entrance on this particular road, most of the turns from Nova Road would be northbound left turns entering the parcel and most exiting from this project would be eastbound or outbound right turns, and those movements do not conflict with each other; therefore, this would not meet DOT's requirement for a traffic signal, and they would not allow it to be installed without a significant change in development such as a build-out of area. He reported the count at the peak hours did not meet the warrant, and the requirement was to meet eight hours to warrant a signal.

Mayor Costello stated the City had hired Mr. Lassiter on numerous occasions, and he was known to be honorable and would not state anything that could later be refuted. He assured Ms. Wilen the plan did not include any hotel/motel type proposal.

Call Vote:

Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Commissioner Partington	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(G).

businesses along A1A were permitted to have pole signs. He pointed out this was an older building with an architectural design that was somewhat limiting to allow for horizontal signs at or below 20 feet, and staff was trying to follow what was done previously at the other two sites referenced.

Commissioner Gillooly stated Commissioner Partington received an e-mail today questioning the fairness on how the Commission judged special exceptions. She requested Mr. Ervin explain what constituted a special exception.

Mr. Ervin stated the Land Development Code was specifically amended for this particular situation. He explained in the mid 1990s there was a prohibition of all signs over 20 feet, and Peninsula Hospital indicated they could not get a 20-foot sign, but it was imperative to have a sign. Mr. Ervin reported that rather than going through a variance procedure, the Planning Board recommendation was to make a special exception for applicants to go through a public hearing process at the Development Review Board and at the City Commission level. He pointed out that the concept behind a special exception was what was being requested may not work everywhere in the district but may be appropriate in certain locations. Mr. Ervin reported this was regulatory relief granted toward existing structures built along the beachfront and in the hospital zoning districts because it would deal with more institutional buildings that would typically be taller and did not have the architecture to support typical signage.

Mayor Costello asked why the parrot had to be removed from the hotel but this could stay.

Mr. Ervin stated this would meet the sign area requirements while the parrot exceeded the size limitation, and the parrot was considered a graphic representation used for commercial free speech; therefore, interpreted as a sign. He noted there was also a prohibition against murals.

Mayor Costello reported he worked hard to keep the parrot, and he did not understand why this was recommended for approval while the parrot had to be removed.

Commissioner Partington stated he also appreciated the pole sign on A1A. He summarized that Mr. Ervin was indicating that in order to be consistent with what was previously approved staff was recommending this be approved. Commissioner Partington noted he considered that to be an important factor.

Commissioner Kelley stated there was a very clear difference that the Development Review Board considered and assessed incorrectly which was that a special exception was granted to B-7 for a Planned Business Development (PBD). He pointed out the hospital had no place for a sign, but this applicant did have a place for a sign. Commissioner Kelley reported the sign would not be obtrusive, but the exception granted was meant to apply in those situations where there was no place for a sign, which was not the case in this instance; therefore, he would vote against this request.

Call Vote:

Commissioner Partington	yes
Commissioner Gillooly	no
Commissioner Kent	no
Commissioner Kelley	no
Mayor Costello	no

Failed.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(A).

Item #9(B) - "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 2, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL

INCONSISTENT ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on second reading, as read by title only.

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Hearing no objection, Mayor Costello closed the public hearing on Item #9(B).

Item #10 - Collection, Removal, and Disposal Of Debris Upon Private Roads and within Private Gated Communities During a Declared State of Emergency

ORDINANCE NO. 2006-18

AN ORDINANCE AMENDING CHAPTER 10, WASTE, YARD WASTE AND RECYCLABLES*, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-1, DEFINITIONS; AND BY AMENDING SECTION 10-18, RESERVED, TO PROVIDE FOR THE COLLECTION, REMOVAL, AND DISPOSAL OF DEBRIS UPON PRIVATE ROADS AND WITHIN PRIVATE GATED COMMUNITIES DURING A DECLARED STATE OF EMERGENCY; PROVIDING FOR SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2006-18, on second reading, as read by title only.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #11(A) - Signage for Professional Office Uses in the Greenbelt Overlay District

ORDINANCE NO. 2006-19

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE CRITERIA, ARTICLE IV, SIGN REGULATIONS, SECTION 3-48, SPECIALIZED SIGN STANDARDS, OF THE *LAND DEVELOPMENT CODE* BY ALLOWING FOR ADDITIONAL SIGNAGE FOR PROFESSIONAL OFFICE USES IN THE GREENBELT OVERLAY DISTRICT, SUBJECT TO MINIMUM CRITERIA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was an administratively initiated amendment to the Land Development Code to address a concern identified to the Commission from a local land developer. He reported there was a concern that the current land development regulations do not provide enough sign flexibility for larger office complexes located along the major thoroughfares of Granada Boulevard, Clyde Morris Boulevard, Williamson Boulevard and Hand Avenue. Mr. Ervin noted staff had been in discussion with this developer to determine what options were available in that there were no sign variances for new construction, so developers have two options: rezone their property to PBD where they would have some flexibility or to go forward with straight zoning and comply with the minimum established standards. He explained the current minimum standards call for monument signage, and the size of the sign would be based on the frontage of the property with a maximum number of six tenant panels in addition to the name of the facility. Mr. Ervin reported the applicant was concerned this was not meeting the needs of today's real estate market and identified that the purchasers need additional signage. He noted staff had some concerns relative to applying the regulations City-wide. Mr. Ervin pointed out staff was not indicating the proposal was unattractive, and the applicant did point out

Ordinance Adoption
Business Impact Estimate

Proposed ordinance's number and legal title:

2024-03

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE ONE PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 147.94 ACRES LOCATED AT 20 TOMOKA OAKS BOULEVARD, VOLUSIA COUNTY PROPERTY APPRAISER PARCEL IDENTIFICATION NUMBER: 3242-07-00-0010 FROM PRD, PLANNED RESIDENTIAL DEVELOPMENT TO R-2, SINGLE-FAMILY LOW DENSITY; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City.

   This is an application submitted by Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC, for a zoning map amendment to rezone the Tomoka Oaks golf course land consisting of approximately 147.94 acres, from PRD, Planned Residential Development to R-2, Single-Family Low Density. The subject property is currently zoned as PRD, Planned Residential Development, and is located at 20 Tomoka Oaks Boulevard.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, including the following, if any:

   a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;

      None. This is a request for the issuance of a development order for a residential subdivision. No compliance costs are anticipated.

   b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

      None. This is a request for the issuance of a development order for a residential subdivision. There are no charges or fees proposed.

   c. An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

      None. This is a request for a zoning map amendment.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

   None. This is a request for a zoning map amendment.

4. Any additional information the City determines may be useful.

   (This section may include: methodology or data used to prepare the Business Impact Estimate, e.g., City staff solicited comments from businesses as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail/email, posting on the City's website, public workshop, etc.; efforts made to reduce the potential fiscal impact on businesses; and state the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals or businesses) and, therefore, the proposed ordinance does not affect only businesses.)

   No business impacts proposed. The item was advertised by U.S. mail to abutting property owners and newspaper advertisements. Information on the application is also on the city's website.

RESOLUTION NO. 2024-64

A RESOLUTION OF THE CITY OF ORMOND BEACH, FLORIDA, APPROVING AN ORDER OF DENIAL, DENYING A REQUEST BY TRIUMPH OAKS OF ORMOND BEACH I, LLC, TO REZONE 147.94 ACRES GENERALLY LOCATED AT 20 TOMOKA OAKS BOULEVARD FROM PLANNED RESIDENTIAL DEVELOPMENT ("PRD") TO SINGLE-FAMILY LOW DENSITY RESIDENTIAL (R-2); AND SETTING FORTH AN EFFECTIVE DATE.

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

SECTION ONE. The City Commission of the City of Ormond Beach hereby approves an Order of Denial denying a request by Triumph Oaks of Ormond Beach I, LLC, to rezone 147.94 acres generally located at 20 Tomoka Oaks Boulevard, Ormond Beach, Florida (Volusia County Property Appraiser parcel identification number: 3242-07-00-0010) from Planned Residential Development ("PRD") to Single-Family Low Density Residential (R-2). A copy of the Order of Denial is attached hereto and incorporated herein by reference.

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

[Remainder of page intentionally left blank]

APPROVED AND AUTHENTICATED, this 16th day of April, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

IN RE:

Property:	Tomoka Oaks Golf and Country Club (a/k/a Sam Sneed Golf and Country Club)
Address:	20 Tomoka Oaks Boulevard, Ormond Beach
Size:	Approximately 147.94 acres
Applicant:	Triumph Oaks of Ormond Beach I, LLC
Application:	Zoning map amendment from Planned Residential Development (PRD) to Single-Family Low Density Residential
Project No.:	ZMA 2023-054
Project:	Tomoka Reserve

ORDER OF DENIAL

This matter was considered by the City Commission of the City of Ormond Beach at a public hearing that was held on April 16, 2024 in the city hall commission chambers at 22 South Beach Street, Ormond Beach, Florida. The City Commission considered the testimony of witnesses and documentary evidence, including but not limited to the exhibits described in the attached Exhibit List and all material submitted for the meeting agenda, and material submitted at the meeting, if any. Based upon the credible, relevant, competent and substantial evidence, the City Commission hereby makes the following findings, conclusions, and determinations:

Findings

Applications filed by the Applicant

1. Triumph Oaks of Ormond Beach I, LLC, a Florida limited liability company ("Property Owner" or "Applicant") is the fee simple owner of approximately 147.94 acres generally located at 20 Tomoka Oaks Boulevard, Ormond Beach, Florida (Parcel Identification No. 3242-07-00-0010) ("Property"). The Applicant acquired the Property by Warranty Deed on

or about April 23, 2021. The Property is legally described and depicted in **Exhibit "A"** attached hereto and incorporated herein.

2. On April 12, 2022, the Applicant filed an application to develop 276 single-family residential lots under the existing planned residential development (PRD) zoning for the Property **(Exhibit "B").**

3. The stated intention of the Applicant is to develop 276 single-family residential units on the Property either under the existing PRD zoning, or alternatively to rezone the Property from PRD to R-2 for that same purpose **(Exhibits "B", "C", "D", "E", "F", "G" and "J").**

4. On May 4, 2023, the Applicant filed an application to rezone the Property from PRD to R-2 **(Exhibit "C")**

5. The City Commission also considered the historical use of the single family residential Property; the impacts that a rezoning and development would have on the single family surrounding neighborhoods and streets; the intent and purpose of rezoning the Property in 2006 to PRD at the request of the prior owner; the purpose for which the Applicant's present rezoning application was filed; the purpose of the Applicant's withdrawal of its April 12, 2022 PRD development application, while the PRD development matter was on *remand* to the Planning board; and the Applicant's stated intention to develop 276 single-family residential units on the Property for economic reasons **(Exhibit "G").**

Exhibits

6. The exhibits described in the attached Exhibit List are particularly relevant to the decision by the City Commission and are part of the credible and competent substantial evidence presented to the Commission to support this Order of Denial.

Public Notice

7. Notice of the public hearing regarding the Applicant's application to rezone the Property from PRD to R-2 was published in accordance with section 166.041, Florida Statutes and section 1-18 of the city's Land Development Code. **The Applicant had actual notice and attended the hearing and was afforded the opportunity to participate freely.**

8. The Property is more than ten contiguous acres.

9. The Planning Board held a public hearing in accordance with the requirements of the *Land Development Code* and applicable law State law.

10. The City Commission also held a public hearing regarding this matter in accordance with the requirements of the *Land Development Code* and applicable State law.

11. The applicant appeared at all meetings and was represented by counsel.

Quasi-Judicial Proceeding

12. The public hearing regarding the re-zoning application was conducted as a quasi-judicial proceeding. Formal evidentiary rules were not applied. The City Commission conducted the public hearing in an open, fair and reasonable manner, affording all interested persons, including the Property Owner/Applicant and its counsel, Party-Intervenor, residents and members of the public who claimed that their interests would be substantially or materially affected, an

opportunity to provide testimonial and documentary evidence in accordance with the adopted rules of the City Commission and applicable law.

Burden of Proof; Evidentiary Standard

13. The Applicant has the initial burden to provide competent substantial evidence that the rezoning application should be granted under the city's comprehensive land use plan and land development regulations. If the Applicant meets its burden, the burden then shifts to those in opposition to the rezoning application to produce competent substantial evidence as to why the rezoning application should not be granted.

Party-Intervenor Petition

14. The Tomoka Oaks Homeowner's Association (TOHOA) filed a timely petition to participate in this proceeding as party-intervenor in accordance with section 2-210 of the city's Code of Ordinances and Rule 7 of the City Commission's adopted rules of procedure **(Exhibit "H").**

15. The Applicant stipulated to allow TOHOA's party-intervenor status at the proceedings on the Applicant's PRD development application that were heard by the Planning Board on July, 13, 2023, August 21, 2023, and September 26, 2023; and that was heard by the City Commission on November 7, 2023. The Applicant objected to TOHOA's party-intervenor status in this proceeding **(Exhibit "I").** The City Commission formally considered the TOHOA's petition under section 2-210 of the city's Code of Ordinances and Rule 7 of the City Commission's adopted rules of procedure.

16. After considering the testimony and evidence regarding TOHOA's petition for party-intervenor status, the City Commission determined that TOHOA demonstrated a right to participate in this proceeding.

History of Zoning and Use

17. The Property is known, historically and through common use, as the Sam Sneed Golf and Country Club, and later as the Tomoka Oaks Golf and Country Club. The development of the Sam Sneed Golf and Country Club began in approximately 63 years ago in 1961 and it opened for play in approximately 1962 as an 18-hole golf course and related uses including a clubhouse, cart barn, and maintenance barn.

18. The city's official zoning map, certified by the city clerk on March 7, 1967, based on a 1956 zoning ordinance (Ordinance 56-29) shows low-density single-family homes around the perimeter of the golf course. The residential lots and golf course were in an R-2-A zoning district. The zoning map shows a road system around the perimeter of the golf course that includes Tomoka Oaks Boulevard, which extended from State Road 5A (Nova Road) to the traffic circle/diamond; and the traffic circle/diamond that provided connecting roadway links to St. Andrews Drive, Oakmont Drive, Tomoka View Drive, and the golf course itself. **(Exhibit "L")** The traffic circle/diamond and road system served a limited number of residents who lived in Tomoka Oaks subdivision, and others who enjoyed the golf course amenity. The configuration of the traffic circle today is the same as shown on the zoning map 63 years ago.

19. In 1963, Tomoka Oaks, Inc., conveyed the Sam Sneed Golf and Country Club by Warranty Deed to Ralph R. Frederick. The Warranty Deed included a restrictive covenant requiring the Sam Sneed Golf and Country Club to be used exclusively and in perpetuity as a

golf and country club; a right of first refusal in favor of Tomoka Oaks, Inc., to repurchase the property; and a reverter clause in favor of Tomoka Oaks, Inc., in the event the Sam Sneed Golf and Country Club ceased to be used as a golf and country club.

20. The records indicate that Tomoka Oaks, Inc., intended to liquidate and dissolve as a corporate entity, and in 1970 its board of directors approved a resolution releasing Tomoka Oaks, Inc., from its right of first refusal and releasing its interest under the reverter clause (effective December 13, 1973).

21. The Sam Sneed Golf and Country Club a/k/a Tomoka Oaks Golf and Country Club was continuously and exclusively used for nearly 60 years by residents of Tomoka Oaks subdivision and the general public as a golf course and open space amenity.

22. In 2006, the prior owner of the property, RTH, Inc., filed through its counsel, who now represents this applicant, an application to rezone the property from single-family low density (R-2) to Planned Residential Development (PRD).

22. Representatives of RTH, Inc., including its counsel, represented and stated to the City in 2006 that rezoning the Property from R-2 to PRD and developing the Property under PRD zoning was "the poster child for "Smart Growth" principles"; that it was unusual for a golf course to have residential zoning; that open space/recreation is the typical zoning; and that rezoning the Property from R-2 to PRD was consistent with the city's comprehensive land use plan and land development regulations **(Exhibit "M").** Representations were made to the City Commission that the Property would be developed under PRD zoning with green space protections and that the Property would not be rezoned from PRD to R-2, R-3 or R-4 **(Exhibit "N").**

23. Based on the credible and competent substantial evidence presented, the City Commission unanimously approved in 2006, Ordinance 2006-17 rezoning the Property from R-2 to PRD and approving a development order allowing the smart-growth construction of a planned residential development consisting of 119 multi-family townhomes and condominiums, three single-family residences, a golf course with green space, clubhouse and parking lot, tennis facility and other amenities that would be available to residents of Tomoka Oaks subdivision to use and enjoy. **(Exhibit "O")**

24. The approved development order preserved the character of the neighborhood, did not congest the neighborhood streets, or otherwise detrimentally alter the character of the residential community.

25. The 2006 development order expired and the Property has been zoned PRD for over 17 years. The Applicant acquired the Property zoned PRD on or about April 23, 2021. The Applicant filed an application to develop the Property under PRD zoning, and also filed an application to rezone the property for PRD to R-2 on April 12, 2022 and May 4, 2023, respectively. The stated intention of the Applicant is to construct 276 single-family residential units on the Property under PRD or R-2 zoning.

Application for Development under PRD Zoning

26. The Applicant's application to develop the Property under PRD zoning was considered by the Planning Board on July 13, 2023, August 21, 2023, and September 26, 2023. The Planning Board recommended by unanimous vote that the application to develop the proposed project consisting of approximately 276 residents be denied. The board considered the number and density of lots, lot size, size of the buffer, traffic, and street system. The board

analyzed the appropriateness of the existing PRD zoning for the Property and compared the proposed zoning change to the 2006 PRD development approval. Based on the credible and competent evidence, the Planning Board unanimously voted to recommend to the City Commission that the Applicant's application be denied **(Exhibits "D", "E", and "F")**.

27. The City Commission considered the Applicant's application for development under PRD zoning on November 7, 2023. At that time, the Applicant sought the development of 272 residential units (a reduction of 4 units from the original application). Counsel for the Applicant reminded the City Commission that the Applicant had a pending application to rezone the Property from PRD to R-2, which would allow the number of residential units being sought. Based on the credible and competent evidence, the City Commission expressed concern about the number of lots, traffic, ingress and egress, pedestrian safety, buffer, compatibility with surrounding neighborhoods, and expressed support for development of the Property similar to that which was approved in 2006. The City Commission voted unanimously to *remand* the PRD development application to the Planning Board for the purpose of resolving the issues. **(Exhibit "G")**

28. On November 21, 2023, the city received written notice that the Applicant had decided to withdraw the application for development under the PRD zoning submitted by the Applicant on April 12, 2022; and instead, the Applicant intended to move forward with the pending application it submitted on May 4, 2023 to rezone the Property from PRD to R-2. **(Exhibit "P")**

Rezoning Application

29. The Applicant's application to rezone the Property from PRD to R-2 was considered by the Planning Board at a meeting held on January 11, 2023 **(Exhibits "J" and "K")**.

30. The Planning Board heard testimony and received evidence from the city's planning staff, residents of Tomoka Oaks subdivision, and TOHA, including written reports and recommendations from the city's planning staff, and two certified professional planners on behalf of TOHOA (Mr. Tom Harowski, a resident of Tomoka Oaks subdivision; and Mr. Max Forgey, of Forgey Planning, LLC). The written reports of Mr. Harowski and Mr. Forgey are attached as **Exhibits Q and R.** The board also heard from legal counsel for TOHA and the Applicant. The Applicant did not provide testimony or evidence at the proceeding.

31. Mr. Harowski testified that R-2 zoning is one of five zoning options in the city's land development code as being consistent with low density residential land use, and that the question is which of the five zoning options is the most compatible with the neighborhood. Mr. Harowski testified that compatibility is a condition in which land uses and conditions coexist in relative proximity to each other in a stable fashion over time, such that no use or condition is unduly negatively impacted directly or indirectly by another use. Mr. Harowski testified that Policy 1.1.3 in the city's Comprehensive Land Use Plan supports that legal principle to "preserve the character of existing neighborhoods by not allowing the intrusion of land uses that would threaten to detrimentally alter the neighborhood character." Mr. Harowski testified that even though an adjacent use might be similar, such as single-family to single-family use, it does not mean that the uses cannot be intrusive or alter the character of a neighborhood. Mr. Harowski

testified that the requirement for a compatible project demands that impacts from new development follow density and lot sizes compatible with the existing neighborhood.

32. Mr. Harowski testified before the Planning Board that the density in Tomoka Oaks subdivision is actually 1.27 units per acre, and that the proposed land use for the Property under R-2 zoning is 4.3 units per acre, 50% greater than the existing neighborhood. Mr. Harowski testified that of the five zoning options, R-1 would yield a density that is closer the developed character of the Tomoka Oaks neighborhood and would lessen the external impacts from traffic and public safety that would result from any sizeable development.

33. Mr. Forgey's written report recommends the rezoning application be denied for reasons consistent with Mr. Harowski's opinion.

34. The report and recommendation from the city's planning staff analyzed the criteria to rezone property and determined that the Applicant's application to rezone the Property from PRD to R-2 failed to meet 7 of the 9 criteria for the reasons stated in the report. The planning report concluded that the increased density from the Applicant's proposed development would strain the neighborhood road system and the traffic diamond at Saint Andrews Drive/Tomoka Oaks Boulevard, as well as Tomoka Oaks Boulevard/Nova Road, Main Trail/Granada Boulevard, and would negatively affect the subdivisions of Tomoka Oaks and The Trails. The planning report concluded that development of the Property under PRD zoning would harmonize the challenges of developing the Property in a manner that is consistent with and accomplishes the goals and objectives of the city's Comprehensive Plan and Land Development Regulations and Chapter 163.3231, Florida Statutes.

35. The Planning Board determined that the Applicant did not provide any evidence at the proceeding and failed to meet its burden as to why the application should be granted.

36. The Planning Board determined that TOHOA and the city's planning staff did provide competent substantial evidence for the denial of the application to rezone the Property.

37. Based on the credible and competent evidence, the Planning Board voted unanimously to recommend to the City Commission that the Applicant's application to rezone the Property from PRD to R-2 be denied.

38. On April 16, 2023, the City Commission held a public hearing on the Applicant's application to rezone the Property from PRD to R-2. The City Commission heard testimony and received evidence from the city's planning staff, residents of Tomoka Oaks subdivision, and TOHA, including written reports and recommendations from the city's planning staff, and two certified professional planners on behalf of TOHOA (Mr. Tom Harowski, a resident of Tomoka Oaks subdivision; and Mr. Max Forgey, of Forgey Planning, LLC). TOHOA participated as a party-intervenor. Counsel for the Applicant and the TOHOA were afforded an opportunity to address the City Commission on behalf of their clients.

39. The Applicant failed to provide credible and competent substantial evidence to rezone the Property from PRD to R-2. The City's planning staff and TOHOA presented competent substantial evidence that the application to rezone the Property should be denied, and that PRD zoning is consistent with smart-growth principles under, and will accomplish the policies and goals of, the City's Comprehensive Plan and Land Development Code and be compliant with Chapter 163.3231, Florida Statutes.

40. The City Commission considered and applied the legal principles in *Board of County Commissioners, Brevard County vs. Snyder,* 627 So.2nd 469 (Fla. 1993), a land use decision issued by the Florida Supreme Court (Exhibit "S"). The City Commission determined that the Property could be developed under PRD zoning upon a resolution of issues including the number of lots, lot sizes, buffer, and traffic impacts. The City Commission did not deny the PRD development application. It remanded the matter to the Planning Board for additional consideration and resolution of the stated issues.

41. The Applicant chose to withdraw its PRD development application; however, the PRD development options still exists and the Property can be developed consistent with the City's Comprehensive Land Use Plan and Land Development Regulations.

42. Section 163.3231, Florida Statutes requires all development to be consistent with the local government's comprehensive plan and land development regulations. Policy 1.1.3 of the City's Future Land Use Element of the Comprehensive Plan provides for the development of land in a manner that "Preserve[s] the character of existing neighborhoods by not allowing intrusion of land uses that would threaten to alter the neighborhood character." The City's planning report determined that the development of the Property could be suitable in the R-1, R-2, R-2.5, R-3 and PRD zoning categories. The City Commission determined in 2006 that the development of the Property under PRD zoning would be more consistent with the goals and policies of the City's Comprehensive Plan and Land Development Regulations.

43. The credible and competent evidence demonstrates a legitimate public purpose for maintaining the PRD zoning for the Property, and for developing the Property under PRD zoning.

44. The Applicant's application to rezone the Property from PRD to R-2 (ZMA 2023-054 re Tomoka Reserve) is hereby DENIED.

APPROVED AND AUTHENTICATED, this 16th day of April, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

Order of Denial - Exhibit List

Exhibit A: Property Legal Description

Exhibit B: April 12, 2022 PRD Development Application

Exhibit C: May 4, 2023 R-2 Rezoning Application

Exhibit D: July 13, 2023 Planning Board minutes

Exhibit E: August 21, 2023 Planning Board minutes

Exhibit F: September 26, 2023 Planning Board minutes

Exhibit G: November 7, 2023 City Commission minutes

Exhibit H: TOHOA Request for party-intervenor status

Exhibit I: Applicant's Objection to TOHOA party-intervenor status

Exhibit J: January 11, 2024 Planning Board Packet

Exhibit K: January 11, 2024 Planning Board Minutes

Exhibit L: 1956 Zoning Map

Exhibit M: August 10, 2006 Planning Board Minutes

Exhibit N: October 3, 2006 and October 17, 2006 City Commission Minutes

Exhibit O: Ordinance 2006-17

Exhibit P: Applicant's withdrawal of application for PRD Development Order

Exhibit Q: Harowski Report

Exhibit R: Forgey Report

Exhibit S: Board of County Commissioners of Brevard County v. Snyder, 627 So.2d 469 (1993)

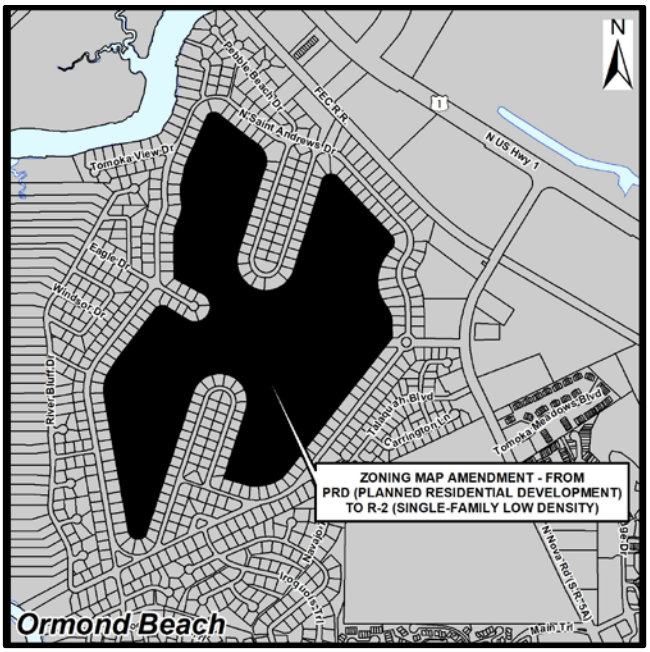
EXHIBIT "A"

LEGAL DESCRIPTION
(from Sliger & Associates, Inc. survey – survey date April 13, 2021)

PROPERTY DESCRIPTION:

SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LOCATION MAP



PARCEL ID: 3242-07-00-0010
OWNER: TRIUMPH OAKS OF ORMOND BEACH I LLC
APPLICANT: TRIUMPH OAKS OF ORMOND BEACH I LLC
ADDRESS: 20 TOMOKA OAKS BOULEVARD, ORMOND BEACH, FL 32174

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Public hearing applications require City Commission action with many types being reviewed by the Planning Board to provide a recommendation. Some public hearing items require site plan review. Please complete the application and fee worksheet. Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.

PROJECT INFORMATION

Project Type:*	Planned Residential Development *Complete fee sheet (page 3)		
Project Name:	Tomoka Reserve		
Project Address:	20 Tomoka Oaks Boulevard, Ormond Beach, FL 32174		
Volusia County parcel number(s):	3242-07-00-0010		
Description:	See Attached.		
Pre-application date:	1/5/2022	Pre-application waiver granted:	

PROJECT COORDINATOR

Name:	Cobb Cole by Robert A. Merrell III, Esquire
Address:	149 S. Ridgewood Avenue, Suite 700
City, State, Zip code:	Daytona Beach, FL 32114
Telephone:	386/323-9263
E-mail:	Rob.Merrell@CobbCole.com

APPLICANT INFORMATION

Same as project coordinator	☑	**Same as property owner**	☐
Name:	Cobb Cole by Robert A. Merrell III, Esquire		
Address:	149 S. Ridgewood Avenue, Suite 700		
City, State, Zip code:	Daytona Beach, FL 32114		
Telephone:	386/323-9263		
E-mail:	Rob.Merrell@CobbCole.com		

PROPERTY OWNER			
Same as project coordinator	☐	**Same as property owner**	☐
Name:	Triumph Oaks of Ormond Beach I, LLC by Sheldon W. Rubin, Manager		
Address:	7765 Lake Worth Road, #320		
City, State, Zip code:	Lake Worth, FL 33467		
Telephone:	386/323-9263		
E-mail:	Rob.Merrell@CobbCole.com		

VIEW ONLY ACCESS TO PROJECT DOX (Provides viewing access to project)			
Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	

CERTIFICATION

By submitting this application, I hereby certify that the information provided is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and the review process for this application. I authorize Ormond Beach staff to access the subject property during typical business hours to review the public hearing application.

Signature: _____

STATE OF FLORIDA

COUNTY OF Volusia

The forgoing instrument was acknowledged before me this 19th day of April, 2022, by Robert A. Merrell III, Esquire as Attorney for Owner (title*) for Triumph Oaks of Ormond Beach I, LLC (name of corporation*), who ( ) provided _____ as identification, or (X) who is personally known to me.

DEBORAH D. LACROIX
Commission # HH 237824
Expires April 8, 2026

_____
Notary Public, State of Florida
My Commission Expires:

* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application Fees

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Site plan submittals require the submittal of applications per Ordinance 2021-30, codified in Section 8-10, Application processing fees, of the Code of Ordinances. All applications shall calculate the fees which shall be verified by city staff. **Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.**

PUBLIC HEARING FEES (Ordinance 2021-30 - Section 8-10 of Code of Ordinances)

Check all that apply	SPRC reviews	Fee	Advertising	Total fee
☐	Annexation	No fee	No fee	No fee
☐	Annexation Agreement	No fee	No fee	No fee
☐	Comprehensive Plan, small area amendment	$2,000	$1,025	$3,025
☐	Comprehensive Plan, large-scale amendment	$2,000	$2,250	$4,250
☐	Concurrency, traffic impact analysis	$3,000 (deposit)	NA	$3,000
☐	Development of Regional Impact amendment	$600	$2,250	$2,850
☑	Planned Development	$2,500	$2,400	$4,900
☐	Planned Development, major amendment	$1,000	$2,400	$3,400
☐	Regulatory amendment, zoning map, under 10 acres	$1,500	$850	$2,350
☐	Regulatory amendment, zoning map, over 10 acres	$1,500	$1,650	$3,150
☐	Regulatory amendment, LDC amendment	$1,000	$700	$1,700
☐	Regulatory amendment, LDC amendment (zoning districts)	$1,000	$1,500	$2,500
☐	Special Exception	$850	$850	$1,700
☐	Special Exception, CRA	$400	$850	$1,250
☐	Street vacation	$500	$1,925	$2,425
☐	Subdivision, Preliminary plat	$1,500 plus $25 per lot	NA	$1,500 plus $25 per lot
☐	Subdivision, Final plat	$1,000 plus $25 per lot	$350	$1,350 plus $25 per lot
☐	Subdivision, city surveyor review	Actual costs	NA	Actual costs
☐	Subdivision, Recording of plat	Actual costs	NA	Actual costs
☐	Other:			
		TOTALS:		

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Public hearing applications require City Commission action with many types being reviewed by the Planning Board to provide a recommendation. Some public hearing items require site plan review. Please complete the application and fee worksheet. Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.

PROJECT INFORMATION

Project Type:*	R-2 Rezoning	*Complete fee sheet (page 3)	
Project Name:	Tomoka Reserve		
Project Address:	20 Tomoka Oaks Boulevard, Ormond Beach, FL 32174		
Volusia County parcel number(s):	3242-07-00-0010		
Description:	See Attached Narrative.		
Pre-application date:	1/5/2022	Pre-application waiver granted:	

PROJECT COORDINATOR

Name:	Cobb Cole by Robert A. Merrell III, Esquire and Jessica L. Gow, Esq.
Address:	149 S. Ridgewood Avenue, Suite 700
City, State, Zip code:	Daytona Beach, FL 32114
Telephone:	386/323-9263
E-mail:	Rob.Merrell@CobbCole.com

APPLICANT INFORMATION

Same as project coordinator	✔	**Same as property owner**	☐

Name:	Cobb Cole by Robert A. Merrell III, Esquire
Address:	149 S. Ridgewood Avenue, Suite 700
City, State, Zip code:	Daytona Beach, FL 32114
Telephone:	386/323-9263
E-mail:	Rob.Merrell@CobbCole.com

PROPERTY OWNER			
Same as project coordinator	☐	**Same as property owner**	☑
Name:	Triumph Oaks of Ormond Beach I, LLC by Sheldon W. Rubin, Manager		
Address:	7765 Lake Worth Road, #320		
City, State, Zip code:	Lake Worth, FL 33467		
Telephone:	386/323-9263		
E-mail:	Rob.Merrell@CobbCole.com		

VIEW ONLY ACCESS TO PROJECT DOX (Provides viewing access to project)

Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	

CERTIFICATION

By submitting this application, I hereby certify that the information provided is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and the review process for this application. I authorize Ormond Beach staff to access the subject property during typical business hours to review the public hearing application.

Signature: _____

STATE OF FLORIDA

COUNTY OF Volusia

The forgoing instrument was acknowledged before me this 4th day of May, 2023, by Jessca L. Gow, Esquire for Robert A. Merrell III, Esquire as Attorney for Owner (title*) for Triumph Oaks of Ormond Beach 1, LLC (name of corporation*), who ( ) provided _____ as identification, or (✓) who is personally known to me.

DEBORAH D. LACROIX
Commission # HH 237824
Expires April 8, 2026

_____
Notary Public, State of Florida
My Commission Expires:

* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application Fees

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

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☐	Subdivision, Recording of plat	Actual costs	NA	Actual costs
☐	Other:			
		TOTALS:		3,150.00

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

July 13, 2023 6:00 PM

Calvary Christian Center
1687 West Granada Boulevard
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Claire Whitley, Assistant City Manager
G.G. Galloway	Steven Spraker, Planning Director
Al Jorczak	Becky Weedo, Senior Planner
Mike Scudiero	David Allen, Planning Civil Engineer
Barry du Moulin	Cara Culliver, Landscape Architect
Troy Railsback (Absent)	Robin Gawel, Senior Planner
Doug Thomas, Chair	Sarah Cushing, Senior Planner
	Marcella Miller, Recording Technician
	Randy Hayes, City Attorney

II. INVOCATION

Chairman Thomas led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

Mr. Randy Hayes, City Attorney, explained the process for the public hearing. Attorney Hayes recommended that those individuals who sought to give testimony on the application be sworn in by the Board Secretary and to affirm if they took the Oath when they speak.

Attorney Hayes reviewed an outline of procedural and evidentiary matters regarding Quasi-Judicial proceedings regarding the roles of the City Attorney, Planning Board and explanation of a Quasi-Judicial hearing, competent substantial evidence, Burden of Proof, witness testimonies, and the decision making process of the Planning Board. He added that there are two stipulations that the Planning Board members must vote on to: (1) agree to stipulate that the professionals who will testify on behalf of the parties are qualified to do so, and (2) allow Tomoka Oaks HOA to participate in the proceeding as a "party-intervenor".

Attorney Hayes advised the Board that once moving into the public hearing they must vote on the two stipulations aforementioned.

Chairman Thomas stated that the Planning Board members are their neighbors and are volunteers. He continued that the Board tries to do what is best for them and the City of Ormond Beach, and have no special interest.

Chairman Thomas opened the Public Hearing.

V. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order

Chairman Thomas asked Ms. Miller, Recording Technician, to read the Oath. Ms. Miller read the Oath:

"Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth?"

Mr. Galloway motioned to approve of and accept the following stipulations: (1) the parties agree to stipulate that the professionals who will testify on behalf of the parties are qualified to do so; and (2) allow Tomoka Oaks HOA to participate in the proceeding as a "party-intervenor". Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).

Mr. Steven Spraker, Planning Director, explained the application for the issuance of a development order for the Tomoka Reserve subdivision. The application seeks to allow the issuance of a development order for 276 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The subject property is currently zoned as Planned Residential Development (PRD), and is located at 20 Tomoka Oaks Boulevard.

Mr. Spraker stated that the property has an existing land use of "Low Density Residential" (LDR) which allows a density of up to 4.3 units per acre. He continued that the purpose of the land use is to protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of

such neighborhoods. Mr. Spraker added that institutional uses may be permitted in accordance with the maximum floor area ratio.

Mr. Spraker continued with the explanation of the existing zoning of Planned Residential Development (PRD). In 2006, there was a zoning map amendment that went from R-2, Single-Family Low Density to PRD, Planned Residential Development. A site specific development order was approved for 122 residential units and the reconfiguration of the golf course. Mr. Spraker stated that one of the conditions of approval was to provide the covenant and restrictions on the golf course because in 2006 it was determined that there was no covenant and restrictions. The development order expired. He explained the process for the issuance of a development order began with a neighborhood meeting, in which the property went through two, then Site Plan Review Committee (SPRC), Planning Board and City Commission. Mr. Spraker explained that the development order is a zoning document that provides the number of lots, landscape buffer, and recreational areas. If approved, the next step is the construction plans as preliminary plat, with detailed engineering, landscape buffers, and roadways, which also goes through the process with the SPRC, neighborhood meeting, back to the Planning Board and then on to the City Commission.

Mr. Spraker reviewed the Tomoka Reserve Site Plan. He continued that the project is approximately 148 acres, with 276 proposed units and a density of 1.87 units per acre. He stated that the project seeks to allow a gated vehicular access while allowing pedestrians to still access the project through sidewalks. Mr. Spraker stated that there is an emergency access easement noted on the plan. The project is not in a designated floodplain, and there are no wetlands on the property. He added that an environmental assessment was provided with the project. Mr. Spraker remarked that the site plan is preserving 34 acres and an additional 9 acres for recreation. A key issue expressed through the process is size of the lots, with the proposal of 80' lots in width, 60' lots in width, and 50' lots in width. He continued that there is a proposed 50' buffer around the perimeter of the site (3.3 miles). The project stormwater areas use berms around exiting vegetation which is a low impact development technique. He added that the historic trees on the property are being sought to be preserved and that they provided the required school concurrency and a Traffic Impact Analysis.

Mr. Spraker reviewed key issues included in the staff report, starting with issue 1, the development ability of the former golf course. Mr. Spraker stated the Planning Board packet included an analysis from Ms. Davis, including a letter from Mr. Brent Spain Esquire. Also included in the packet was an analysis from the City Attorney's office and from the applicant's law firm, Cobb Cole. Mr. Spraker explained the position of the city staff that there is no covenant and restrictions that would prevent the site from being used for residential purposes.

Mr. Spraker reviewed issue 2, the lot size compatibility. Mr. Spraker described the R-2 zoning district which was the original zoning on the property and the surrounding area. The R2 zoning district requires a 100'-wide lot width a 10,000 square-foot lot area size. He explained that part of the applicant's Planned Residential Development request is to provide additional buffers, recreation and open space in order to negotiate lot size. They are not increasing the overall density but reconfiguring it in order to provide additional natural preservation and additional buffer and recreation,

according to Mr. Spraker. Staff discussed its similarity to what happened with an area of west Ormond, where there were applications for subdivisions less than 80' in width. These applications were denied and the subdivisions were made to comply with the 80'-wide lots.

Mr. Spraker discussed issue 3, planting of the 50' natural buffer. The applicant is seeking to use the existing vegetation along the perimeter buffer and in the areas that do not have vegetation, they are seeking to do seven trees and 30 shrubs and grasses, per 100 linear feet, clustered in 20' spacing. The irrigation is proposed to be provided by a truck with a water tank and no permanent irrigation. Mr. Spraker continued that the position of the Site Plan Review Committee (SPRC) is that the type 6 buffer which requires seven trees, 70 shrubs and 70 ground covers per 100' linear feet with staggered planting, should be adopted by the Board as it has worked well in other applications. SPRC staff strongly objects to the use of non-permanent irrigation and believes that this will lead to future land use issues and the Homeowners' Association (HOA) would be tasked with doing the irrigation. Mr. Spraker stated the buffer should not be clustered in a 20-foot buffer depth but rather staggered over the 50-foot buffer area in order to allow for proper tree growth and spacing.

Mr. Spraker discussed issue 4, the setback plan. Mr. Spraker stated that the applicant proposed a setback plan and staff provided an analysis in the staff report. Mr. Spraker reviewed the setbacks proposed by the applicant and the recommendations of the SPRC. Staff does support the front porch setbacks, as they have been successful in Chelsea Place.

Mr. Spraker discussed issue 5, Sheet PD6 note on the lot separation. Mr. Spraker explained that the note allowed variation on the buffer width. Staff recommends that the note be amended to state that the 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shown on the site plan. The natural preservation area shall not be modified and shall always be vegetative areas (Option 24 in the staff report). Mr. Spraker stated the language within the development order becomes a contract and when they go to construction that is what needs to be presented in the preliminary plat.

Mr. Spraker discussed issue 6, the traffic. The applicant performed a detailed Traffic Impact Analysis (TIA). City staff had the TIA reviewed by the traffic consultants, Traffic Engineering Data Solutions (TEDS) employed by the city. After requests from citizens at the February neighborhood meeting, the applicant updated the TIA traffic counts to get current counts. The TIA concluded that 96 percent of the project trips used Tomoka Oaks Boulevard and 4 percent used Iroquois Trail for external access. He added that the traffic study found that a traffic signal is warranted at Tomoka Oaks Boulevard and Nova Road. Mr. Spraker stated that the TIA concluded that all local intersections operate at a Level of Service "A" or "B", where the adopted Level of Service is a "D". A proportionate fair share calculation was drafted, which is where state law allows them to contribute their fair share for whatever traffic impacts they have. Mr. Spraker referenced another traffic issue that is part of the SPRC review, the intersection of St. Andrews Drive and Tomoka Oaks Boulevard. The intersection is awkward and does not function well. Mr. Spraker stated staff believed that the applicant should bear some responsibility in the reconfiguration, perhaps through a joint partnership through the impact fee credits.

Mr. Spraker stated that comments were received from residents in that they desire sidewalks on both sides of Tomoka Oaks Boulevard, where the applicant only proposed a sidewalk on one side.

Mr. Spraker discussed issue 7, recreation areas. The development order seeks to provide all outdoor recreational areas with no indoor recreation provided. The project has proposed 9 acres of recreational areas, with final details to occur with the preliminary plat.

Mr. Spraker discussed issue 8, environmental analysis. Mr. Spraker states Ayden Environmental submitted site assessment reports and a Soils Management Plan to the Florida Department of Environmental Protection (FDEP), where all work will be managed by them with the oversight of the FDEP. The FDEP approved the site assessment reports and Soils Management Plan in a letter dated November 16, 2022. Mr. Spraker stated that there are no wetlands on the site and it is not in a designated floodplain, and added that any gopher tortoises onsite will be reviewed at the preliminary plat.

Mr. Spraker stated that the applicant has applied for a R-2 Zoning Map application, separate of the PRD, with the intent that if the PRD is not approved, it would be necessary to ensure that they have zoning. He reiterated that the R-2 zoning allows 100' wide lots with a 10,000 square-foot lot area minimum. The setbacks are 30' in the front yard, with the building coverage at 35 percent. Mr. Spraker stated Planned Developments have additional requirements on the natural preservation, requiring 20 percent whereas the Land Development Code (LDC) requires 15 percent. Mr. Spraker continued that the applicant is proposing a 50' buffer within the Planned Development, when only 6' is required under the R-2 zoning guidelines. Mr. Spraker detailed that the R-2 zoning district does not require a perimeter setback, where the Planned Development requires a 40' perimeter setback. The Planned Development site plan includes 9 acres of recreational area and there is no recreation requirement in R-2 zoning.

Mr. Spraker reviewed the correspondence received throughout the proposed project and advised that a city webpage is maintained that shows each project submittal site plan, in which the information and documents were also enclosed in the Planning Board packet. He explained that concerns received included the topics of lot sizes, lot compatibility, stormwater, buffer widths, impacts to the existing wildlife, and traffic. The correspondence received were included in the packet.

Mr. Spraker explained that when reviewing the PRD criteria, the Planning Board should take into consideration: (1) the application submittal, (2) staff report and SPRC comments, (3) written correspondence provided, (4) criteria of the LDC contained within the staff report, and (5) testimony provided at the Planning Board public hearing. He stated that staff recommends denial of the proposed site plan for the issuance of a development order. He continued that there are items that the applicant can do that would change the recommendation including larger lot sizes, adjusting the buffer in terms of the plantings and irrigation, revisions to the setback plan, participation in the diamond intersection with a diamond reconfiguration

requirement at the construction (preliminary plat) phase of the development, and sidewalk additions be on both sides of Tomoka Oaks Boulevard.

Mr. Spraker concluded with thanking Calvary Christian Center with allowing use of their facility for the public hearing, and reminded everyone that there were comment cards in the back for those wishing to speak on the item.

Board Discussion and Questions

Mr. Jorczak asked for clarification of the statement in the Board packet, specifying that denial of the application may lead to the movement of the R-2 Single-Family Low-Density Zoning Map Amendment to provide the property a zoning designation. Mr. Spraker replied that the property is required by state law to have a zoning. If unable to work through the Planned Residential Development (PRD) process, the property is required to have a zoning designation. Mr. Spraker states the applicant has submitted an application to amend to R-2 which allows single-family lots as an allowed use. Under the R-2 zoning, as long as the application meets the criteria in the LDC, there is nothing that the SPRC can do to deny the application. Mr. Spraker continued that they would be required to have 100' wide lots and 10,000 square feet lot sizes, and have to have stormwater and utilities, and 15 percent natural preservation.

Mr. Scudiero asked Mr. Spraker for clarification based on the 147 acres, what the number of single-family homes would be to fall under the second scenario. Mr. Spraker answered that a site plan is required to calculate the number. It has not been submitted to city staff.

Ms. Shull inquired about the 100' wide lots and if that would be throughout the entire proposed property under the R-2 zoning. Mr. Spraker confirmed yes, but commented that there are certain things that staff cannot require such as increased buffers and recreation. The entire basis of the application is the trade of the increased buffers and the natural area for smaller lots in size.

Chairman Thomas disclosed that he met with the attorney for the applicants, Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, at City Hall on July 12, 2023 to discuss the item.

Applicant's Presentation

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, 2049 S. Ridgewood Avenue, Daytona Beach, and Representative of the developers, thanked the Planning Board and staff for their time. He reiterated the choices that are before the Board, adding the possibility of a custom choice option, if they so desire. He delivered a summary of the project and overview of the rezoning criteria in a PowerPoint presentation, including explanation of the experts testifying about the project and their qualifications.

Mr. Merrell stated that the applicants purchased the property approximately three years ago. Two neighborhood meetings were held as well as other smaller meetings with the HOA and others. He concluded that several revisions have been made to the plan in which Mr. Dwight Durant, Zev Cohen & Associates, will detail.

Mr. Dwight Durant, Zev Cohen & Associates, 300 Interchange Boulevard, stated that the overall plan is for 276 units on 147 acres, where the holding capacity density analysis allows 800 units. He reviewed the site plan and open space plan and explained the benefits of the design, including the water distribution system, versus the golf course fertilizer effects. Mr. Durant continued with details on emergency access. He added that the minimum size lot, surrounding the perimeter of the site is 80' wide by 120' long, which allows additional space between the homes. He continued with information on the lot range widths from 50' to 80', the maintenance plan for the 50' buffer, and the proposed density of 1.87 units per acre. Mr. Durant explained that the open space plan exceeds the LDC standards on preservation areas and that 53 percent of the site is dedicated to landscape buffers, open space, stormwater management systems, and recreation areas. Mr. Durant added that he took the Oath.

Mr. Merrell continued with his presentation and added that he did not take the Oath. He explained the architectural standards of the proposed project, commenting that the neighbors want quality and diversity, similar to what Tomoka Oaks currently has, and that is what is being proposed with the variety of architectural plans.

Mr. Jake Stehr, Zev Cohen & Associates, 300 Interchange Boulevard, began with advising the Board that he took the Oath. He stated that the proposed property 50' landscape buffer is approximately three miles in length. In reference to the buffers, he described the proposed landscape and irrigation plan and remarked that the project requires a six (6') foot landscape buffer which requires two shade trees, 20 shrubs and 20 ground cover per 100 linear feet, and the applicants are proposing seven (7) trees, 30 shrubs and 30 ground cover per 100 linear feet.

Mr. Donald Spence, President and Owner, Native Florida Landscapes, LLC, stated that he is also a Board Certified Master Arborist and Ph.D. of Plant Pathology, University of Florida. Dr. Spence explained that he assisted with performing the tree survey and with the proposed buffer layout design, keeping it as similar to the existing buffer as possible. The layout is designed for a native, drought-tolerant species, that will not need irrigation after establishment.

Mr. Durant reviewed the criteria met in the LDC standards and the compliance of them.

Mr. Mark Karet, Director of Planning and Landscape Architecture, Zev Cohen & Associates, 300 Interchange Boulevard, stated that he took the Oath. He added that he has 35 years of experience in both the public and private sectors, has his Master's Degree in Urban and Regional Planning from the University of Florida, and is also a member of the American Institute of Certified Planners (AICP). Mr. Karet spoke on the project's conformance with the LDC standards and consistency with the Comprehensive Plan. He commented that LDC, Section 2-35(b), deals with more intense uses, such as townhomes and apartment districts, versus what is being presented in the application. He referenced the concern of 'crowding' and noted that the density is less than one half of what is permitted under the Future Land Use designation. The open space and buffers create slight crowding, although more than 50 percent of the site is open space. Mr. Karet added that the property falls in the "Low Density Residential" Future Land Use designation and the proposal aligns with

the land use and LDC, and the application aligns with the goals, policies of the city, supports infill development, and adheres to the intended use of the property.

Mr. Durant explained that the last criteria is on trees and that Mr. Bill Ray, AICP, and Mr. Jeff Flairty, P.E., Environmental and Planning Consultant and Presidents, Ray and Associates, are in attendance for any questions. He concluded that there are no wetlands onsite, and that an Environmental Analysis was performed.

Mr. Michael Hotaling, MAI, Managing Partner, Moody Williams Appraisal Group, 1300 Riverplace Boulevard, Suite 640, Jacksonville, stated that he took the Oath. He continued that he was asked to analyze the home sales as to whether the golf course lots sold for more than the non-golf course lots. Mr. Hotaling advised that he looked through two sets of data from 2021 to current and 2016-2018, and found the only substantial price difference was in the size of the homes. Golf course fronting lots tend to have larger homes, according to Mr. Hotaling, and he found that the gross sales price tends to be higher, but the price per square foot turns out to be lower. He advised that he also analyzed the potential impact of the Planned Development on the existing homes and explained that there has been a paradigm shift in how subdivisions are developed in regulation and the local demand. Smaller lots are being sought after, with smaller yards to mow. The same size house is wanted but with less yard to maintain. More compact neighborhoods with walkability, underground utilities and community amenities are desired. Mr. Hotaling continued that essentially with golf courses, there is a stigma associated, and people pay less for the homes on the golf course because the golf course is closed.

Mr. Sans Lassiter, P.E., President, LTG Engineering and Planning, 1450 West Granada Boulevard, stated that he took the Oath. He stated that he has his Master's Degree in Transportation of Engineering from the University of Florida, and has 45 years of experience. Mr. Lassiter delivered explanation of the traffic analysis, including the warrant for a traffic signal at Tomoka Oaks Boulevard and Nova Road. The development will be going through the proportionate fair share process, with the stacking information and traffic access improvements presented.

Mr. Merrell continued with describing the 9th criteria regarding material and architectural features and standards, which is part of the negotiating process as part of the custom zoning, Planned Residential Development (PRD). He explained the difference from 'by the book' straight zoning. Mr. Merrell commented that the final, 10th criteria is happening now with the expert-testimonies.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, introduced himself with 35 years of experience in land use and zoning and resides in Ormond-by-the-Sea. He added that he has worked on golf course conversion cases. He stated that buffers, location of lot sizes, and compatibility with lot sizes requires flexibility. Mr. Bayer stated that he has met with the developers, consultants, and staff, and expressed his concerns with size of the significantly smaller lots, traffic and infrastructure. He commented that the HOA supports staff's recommendation.

Mr. Thomas Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, stated that he did take the Oath, and has a Master's Degree in City and Regional Planning, and is a member of the American Institute of Certified Planners (AICP), with 50 years' experience in the field. Mr. Harowski continued that he submitted an analysis of the proposed plan and spoke on compatibility between the proposed project and the neighborhood, traffic concerns, and residential design standards. He suggested the proposed project would be the first thing that people see when they go into the community and will be a defining element to the extent that the new homes will give a different impression of the neighborhood which will change Tomoka Oaks and the existing community. He reiterated the plan for bigger houses on smaller lots. The new houses will be more massive in appearance than the most exceptional in size in Tomoka Oaks now. Mr. Harowski expressed his concerns with the design of the proposed houses on the 50'-wide lot homes with the garages all protruding forward. He added that when going down the entrance street, you will see a continuous row of garages on both sides. He continued with 50'-wide lots on the project, they should be consistent. He explained that he has prepared quality alternative designs. Mr. Harowski noted that diversified design is the final element in the characteristic of Tomoka Oaks, and currently they have wood, brick, stucco and stone and the proposed neighborhood presents a more monolithic look, inconsistent with the current neighborhood. He commented on the design of the homes being repeated throughout the proposed development with 16 models throughout. Mr. Harowski referenced the traffic study and expressed his concern as well with the traffic that would come with the project, and stated that all agree a traffic signal is needed at Nova Road and Tomoka Oaks Boulevard, with an excess of 2,700 additional trips per day. He suggested that the applicant should be required to modify the study to reflect the upcoming changes to Nova Road proposed by the Florida Department of Transportation and an updated diamond intersection with an adequate turning radius. Mr. Harowski concluded with his concern about the sidewalks, with one sidewalk being proposed on only one side, commenting that there should be sidewalks for safety on both sides.

Mr. Spraker provided a reminder that anyone interested in speaking to the Planning Board would need to complete a comment card.

Chairman Thomas opened the public comments.

VI. PUBLIC COMMENTS

Each speaker is allowed three (3) minutes to address the Planning Board.

Audience Comments

Ms. Carolyn Davis, 46 Oakmont Circle, introduced herself as a resident of Tomoka Oaks and confirmed that she took the Oath. She commented that her name may be familiar from the staff report. She advised that she writes the Tomoka Oaks Times newsletter. Ms. Davis hired Attorney Brent Spain, Theriaque & Spain Law Firm, who submitted a letter of opinion citing case law, that a golf course property cannot be developed into residential homes. Ms Davis explained Mr. Spain's legal authority in that he received his J.D. from Florida State University (FSU), where he ranked #7 in his class of 214. She continued that his relevant areas of practice include land use and zoning law, land use litigation, and appellate advocacy. Ms. Davis clarified that her

prevention efforts are independent of the volunteer HOA mitigation efforts and expressed that she respects their efforts. She thanked *Jim, Dennis and Tom* for their presentations. Ms. Davis explained that she felt compelled to take a different path, based upon historical and legal records that would prevent development. She added that she noticed that the developers included their resumes and pictures, of ten professionals to lend credibility to their flawed application. She stated that it is important to let the Planning Board know that she has her own list of credible, seasoned professionals, a number higher than ten, it is the homeowners of Tomoka Oaks and the surrounding neighborhoods that purchased homes believing the golf course would always remain a green area within our neighborhood. She asked the homeowners to raise their hands until her speech was over. She stated that she wanted the Board to see the faces of her credible professionals. Ms. Davis advised that she will provide the City Commission hundreds of resumes and signed and return post cards of public opposition. She stated that Tomoka Oaks residents went to her house today as she was writing this speech to personally deliver their post cards. A realtor, Kathy, asked Ms. Davis to tell the Board that even she does not want the proposed project. Ms. Davis concluded that she agrees with the decision of the city staff and Mr. Spain that the Planning Board should recommend denial. Mr. Spain's opinion will continue to have significant relevance for the denying the R-2 application as well.

Ms. Stephanie A. Cox, 1526 Agatha Drive, Deltona, stated that she did not take the Oath but solemnly swears. She continued that she is a resident of Volusia County and is a licensed real estate broker for over 33 years. She explained that she plans to move to Ormond Beach to be closer to her 4-registered voting children. Ms. Cox expressed that she is tired of the growth, traffic, problems with the schools and infrastructure in the city, as well as the traffic that will come if this development is approved.

Mr. Len Gaspary, 7 Oakmont Circle, stated that he lives on the Tomoka Oaks golf course. He elaborated on his career as a home builder in Volusia County, including homes in Tomoka Oaks. He built four houses on the golf course, as well as four to five houses off of the golf course in Tomoka Oaks. Mr. Gaspary commented that when he was new to the neighborhood, the golf course lots were substantially more expensive then off of the golf course lots, and he chose to live at his home based on the fact that it was on the golf course. He added that 36 years ago, he paid a premium for the lot. Mr. Gaspary continued that at one time you had to get your home plans approved by an architectural review board and had to be administered by the people who developed the Trails subdivision to ensure it would fit in with the community. Mr. Gaspary expressed his feelings about if the golf course is closed, it will impact the value of the homes and lots. He feels that there must be a way to mitigate the loss and value of his house, as it changes the complete character of the community by adding 276 lots, which will add almost 800 people when all is said and done. He confirmed that he took the Oath.

Mr. Jeff Boyle, 614 N. Halifax Drive, stated that he is duly sworn and commented on the proposal having consistency issues. Comprehensive Land Use Planning, Goal 2, says that the development must be compatible with nearby homes, lot sizes and density. Policy 1.1.3. - prohibits altering the neighborhood character by squeezing a new subdivision inside an existing subdivision. Policy 2.1.1. - this project allows unsafe traffic flow, with more than 2,700 daily trips. Policy 2.4.6 - protects the environment from excessive tree removals, too much impervious surface and

stormwater that overflows into the Tomoka River. Policy 1.6.4. - states, preserve natural open space in urban areas, do not eliminate 148 acres of that open space. He continued, in the Land Development Code, Section 1-15, prohibits depreciation of adjacent property values and undue crowding. Section 2-35, requires a PRD to provide an indoor recreation amenity that is missing and substantial community benefits that justify code waivers and exemptions sought by the applicant. Mr. Boyle added that legal questions cloud this golf course conversion, early Tomoka Oaks documents promised a golf course "in perpetuity".

Mr. Boyle stated on October 3, 2006, the City Commission granted a 122-unit Tomoka development order with the condition to preserve the golf course. Everyone was unanimous on the decision, including the City Commission, including the current Mayor and two preceding Mayors, the Planning Board, the Planning Director, city staff, and the applicant's attorney all recognized that it implied unwritten golf course protection existed. He continued that in 2014, the United States Court of Appeals, 11th judicial circuit, upheld unwritten implied golf course protections. It does not have to be in writing. Mr. Boyle advised Chairman Thomas, in case law precedent and in city land use codes, we believe that the Board has solid legal grounds to deny this proposed rezoning.

Ms. Denise White, 9 Fox Run Trail, advised that she lives in the Trails subdivision and thanked the Board for their time and efforts and listening to the residents. She expressed her concern with the development is health and safety of everybody. She understands developers rights and knows why they purchased the land, but explained that thousands are impacted by the development by 450' single-road for residents to get in and out of the neighborhood, and takes issues with the traffic analysis stating that only four percent of residents will be going through the Trails. Ms. White stated that the Trails has small two-lane narrow roads that are laden with medians and that she walks the wider roads on Tomoka Oaks Boulevard. She continued that last year the question was raised by Trails residents about overflow traffic. She commented that it will affect all of them. She asked when looking at the map, at the 450' road, how it is reasonable to expect that it is not affecting everybody's lives and health and safety.

Ms. Ashley Dufrene, 118 N. St. Andrews Drive, stated that in Section 1-15, Article II, Administration Enforcement of the Ormond Beach Land Development Code, it is the Planning Board and City Commissioners' duty to ensure that the proposed use will not substantially or permanently depreciate the values of the surrounding property; create a nuisance; or deprive the adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood on the adjoining properties. Ms. Dufrene advised the Board that the current plan in front of them does everything that a proposed use should not. She said that her and her husband purchased their home in 2015 with the vision of raising their family there as generations did before them. They were looking for peace and tranquility being that they lived in major cities (Orlando, Miami, Atlanta and Washington D.C.) prior to settling in Ormond Beach. Ms. Dufrene continued that they were done with big-city-living and fell in love with Tomoka Oaks as they drove down the road and complete strangers would wave 'hello'. She explained that she felt that they were 'home'. She described that as they walked into the open house they were greeted with windows aligning the back of the home to see what they imagined 'old Florida' looked like with beautiful live oak trees lining what was the second fairway of the Tomoka Oaks

Golf Course. It was beauty that they had not seen in so many years living in congested neighborhoods and concrete jungles for all of their lives. They chose to buy the house even at the top of their price-range. Ms. Dufrene stated that they looked at a house on Rio Pinar that was $50,000 less but knew that the Tomoka Oaks home's view of the golf course was worth the extra expense. She added that eight years later, what was once their peace and tranquility as they are expecting their first child, will be destroyed by a wall of homes lining the back of their house, fifty feet from the edge of their pool. She elaborated that the new homes will block their sunrise-view and be replaced with concrete walls that are everywhere you turn nowadays. The wall of homes will not be finalized for years to come, and for the next 5+ years there will be a construction zone surrounding the beautiful land including their sleeping baby. She commented that hammering, pounding, and dust will circulate as they try to enjoy their haven of peace and privacy. Ms. Dufrene concluded that the proposed use must "not create a nuisance; or deprive adjoining properties of adequate light and air; create excess noise, odor, glare, or visual impacts on the neighborhood and adjoining properties." She closed in saying that she hopes that she illustrated that the plan will do everything that it should not. Ms. Dufrene confirmed that she took the oath.

Ms. Michelle C. Zirkelbach, 328 River Bluff Drive, expressed that she cares deeply and passionately about the home as her and her husband built the home and raised their children there. She added that she cares about her neighbors and neighborhood and cares about the City of Ormond Beach. She continued that the proposed development affects everybody as every resident travels on one of the major thoroughfares in the city. Ms. Zirkelbach stated that Ormond has grown extensively since she moved here in 1989 and she realized that a guiding force in the development is the Comprehensive Plan. She continued that the Comprehensive Plan establishes a community's policies and priorities regarding future development while aiming to preserve the environmental features and community character. She remarked that community character is something that Tomoka Oaks has in spades. The compatibility with existing character is something the developer wants the residents to believe is true. She continued that combability is just a buzzword to her at this point. Ms. Zirkelbach stated that the neighborhood is full of individual architectural design an abundance of majestic trees and established homes. She continued expressing her confusion with the applicants' claims that the proposed 50' wide, 60' wide and the 80' wide lots were compatible with the existing 100'+ lots they currently enjoy throughout Tomoka Oaks. Ms. Zirkelbach stated that her and the other residents are confused about the traffic studies. She apprised the Board that she was a former math teacher and is aware that people can make numbers say whatever they want them to, resulting in all Ormond Beach residents suffering the consequences of the traffic. Ms. Zirkelbach commented that she has been reading and studying a lot about the matter at hand and is reminded of when she studied contracts when getting her real estate license in 2004. She remarked that she never had a buyer ask her to find them a house on a 50', 60' or 80'-wide lot. She continued that they are being faced with the developers maximizing profits per acre. Ms. Zirkelbach concluded that all of the residents that raised their hands signed a contract to buy a home in a golf course community or on a golf course. She expressed lack of care about the expert that said that the home values will go up, if her quality of life goes down.

Ms. Ellen L. Cook, 1 Tomoka Oaks Boulevard, Escondido Condominiums, expressed her concern with the traffic, with her condominium building facing Nova Road. She

stated that the only thing that will not prevent anything is if the proposed development will not be built. She elaborated on the traffic that is seen stacked up and said that it is due to the railroad. She said that it does not matter how many cars are coming or going, that everyone has to stop at the railroad track. Ms. Cook remarked that putting up another traffic signal on Tomoka Oaks Boulevard is not going to matter if the railroad is closed and nobody can pass and turn left onto Nova Road or from Nova Road on to Tomoka Oaks Boulevard as everything comes to a halt. A railroad signal will not be in sync with the traffic signal, she said, and added that there will be accidents. Ms. Cook concluded that only the residents in Escondido and Tomoka Oaks know what goes on there and suggested that they pay attention because it is going to be a big issue.

Ms. Adele Shaw, 1 Tomoka Oaks Boulevard, stated that she took the Oath and lives in the Escondido Condominiums and is also concerned about the traffic. She continued that when she sees the word Reserve in the words Tomoka Reserve, she thinks of nature. Ms. Shaw that the city could have purchased the former golf course. Ms. Shaw expressed her dissatisfaction with the project and lack of natural preservation and recreation in it.

Mr. Tom Fitzgibbon, 51 S. St. Andrews Drive, stated that he lives in Tomoka Oaks and is a member of their HOA Board. Mr. Fitzgibbon confirmed he took the Oath. He expressed his concern with the traffic, stating that the new houses will add 600 vehicles or more and more than 2,700 daily trips at a minimum. The development traffic will block Escondido going in. He continued that turning left from Tomoka Oaks Boulevard onto Nova Road is already dangerous, and commented that there will be twice the amount of cars and trucks will make it worse. Mr. Fitzgibbon remarked that the traffic light may take up to two years to install. He continued that the Granada Boulevard, Main Trail-intersection, where LTG is predicting that after the development is built there, that only 18 more cars in the AM peak hour will exit onto Granada Boulevard, and referenced the part of the report that detailed that there will be 600 more vehicles where many will exit through the Trails to Granada Boulevard to Walmart, Lowes and other locations. Taking the Trails route versus Nova Road is about the same travel time. Mr. Fitzgibbon stated that he takes the route through the Trails as it is a nicer route. He expressed his concern with the data and methodology of LTG traffic study. He stated that residents could not hire a traffic expert because no local traffic agencies approved of the development. Mr. Fitzgibbon explained that none of the narrow roads have sidewalks and puts the residents and kids in danger. The Public Works Department has promised to put in speed tables on Tomoka Oaks Boulevard based on a speeding problem that radars, signs and patrols cannot fix. He commented that four houses down from his house, a female pedestrian was killed by a driver. He stated that he saw a city inspector also almost get hit by a speeding car as well as large delivery trucks that speed blindly around cars, clipping overhead wires and trees. Mr. Fitzgibbon asked the Planning Board and City Commissioners to finish the street work before house construction and to plan the possible development correctly to limit injuries and deaths.

Ms. Denise Corley, 51 S. St. Andrews Drive, stated that she took the Oath, opposes the development and spoke on her topics of compatibility and soil. She continued that the 100'-wide lots create spacious feel along with 13 islands. She added that the proposal looks urbanized with 50', 60', 80'-wide lots covering 50 percent of the land and is incompatible. The proposal tells the fact that centrally located smaller homes

are appropriately screened from the existing neighborhood and she continued that it points to the fact that village-homes on 50'-wide lots are less compatible. Ms. Corley continued that the center cavity is not diverse and the area in the north corridor is spacious, larger and upscale, and expressed that the plans for diversity are sketchy. She asked if there are assurances that the houses will be private homes or if it is a corporate rental housing development, and asked if it would be good for Ormond Beach. Ms. Corley remarked that calling the golf course an infill makes it sound as though it is the ghetto in an urban city. She expressed concerns about the soil and asked the Board to take a close reading of the environmental report where it points to several remediation steps that need to be performed for the soil clean up target levels to be met with standards for residential housing. She asked if it can be trusted that the steps will be followed in accordance to the law and if the soil will continue with unacceptable levels of harmful chemicals, be removed offsite or mixed with the other soil. Ms. Corley suggested that the recommendation that the soil will be transported and piled on open space in amenity areas of the proposal is of no comfort to the existing residents. She expressed her concerns with the fertilizers, poisons, animal feces, petroleum products, rubbish in the drainage ponds as well as the airborne toxins released by moving soil as discomforting as well. She touched on the berms, and stormwater drainage ponds on the perimeter of the proposal and those abutting the 50' buffer of the Tomoka Oaks residents, and mentioned that she hopes the berm is not toxic soil piled up behind the homes. Ms. Corley continued that the swales, ditches and dry ponds proposed are known to be mosquito habitats and that Tomoka Oaks residents utilize ground stormwater pipes. She urged that the Board vote no on the proposal.

Ms. Jane Eddy, 306 River Bluff Drive, stated that she took the Oath and read a letter from another Tomoka Oaks resident, Ms. Julie Frebis, who was unable to attend. "I would like to utilize my time this evening to discuss the overall development occurring in the City of Ormond Beach and the lack of critical infrastructure our city currently has to accommodate the needs of its citizens. I recently had to take my mother to the emergency room. She was suffering with a heart condition that without timely treatment could have easily led to a stroke. We went into the ER around noon and waited five hours for a room. Once in the room, we waited another three hours before we saw a doctor. The doctor ordered medication and due to a lack of staff, she was not given the medication until I called a high-level contact at the hospital to get extra attention. Once I called my contact, she was given the medication about 45 minutes later or almost nine hours since arriving at the ER. This concerns me a great deal. What if her condition was worse and she had a stroke? What about our citizens that do not have someone to call? How many of our current citizens are suffering severe medical consequences due to the lack of critical care infrastructure? What about the families when they need care? This is not the hospital's fault. They are working at break-neck speed to expand their services. This is simply due to having too many people move to our town in too short of a time period. It is time to step on the brake pedals. I work as the employee benefits director for a large company in the area and am acutely aware of the lack of other medical providers in our community. You need to be aware that there is a critical shortage of primary care physicians in the area. Most in our community have to wait up to six months to book a new patient appointment with a primary care provider. Also to my knowledge we only have one provider in all of East Florida that serves the under privileged or maternity care. My question to you is what is more important? Additional tax revenue for the city, and

allowing developers to build to the maximum, or the well-being of the Ormond Beach current residents? The right answer is the well-being of our current residents."

Mr. Scott Ryals, 24 Tomoka Oaks Boulevard, stated that prior to his current address he lived at 66 N. St. Andrews Drive. He stated that he had a decision to make when he saw the problems back in 2006/2008. He commented that it was a very difficult decision to put in 122 units on a golf course he played since 1970. He added that he has been in the neighborhood for 50 years. Mr. Ryals said that he knows every chemical that was put on the golf course before and got his first job there. He elaborated on his familiarity with the golf course and club house. He stated if we let a piece of our city do what's happening, to me and my family, you won't think to highly of Ormond Beach. Mr. Ryals stated that he still lives in Tomoka Oaks and he loves it. Mr. Ryals stated that he knows how mitigation takes place with numbers, and how individual freedoms are taken away over time. He stated that he was the one who stated if anything was done to the golf course property that it would remain a golf course. Mr. Ryals commented that he beat his head night and day on how he can do it. He said that they could only put in 122 units with the 2006 development and did not want to make $150 million off the development. They did not want to impact the traffic. He concluded that he hopes his perspective is understood and that he enjoys Tomoka Oaks and plans on staying there. Chairman Thomas commented that Mr. Ryals had taken the Oath.

Mr. Peter Tupas, 332 River Bluff Drive, confirmed he took the Oath. He stated that he has been a resident of Tomoka Oaks for 27 years and has been a real estate broker for 30 years. He disagrees with comment made about the golf course depreciating the value of the homes on it. He added that a lot of people paid a lot of money because the houses are on the golf course. Mr. Tupas commented on the two-lane access on Nova Road and two-lane access going from Main Trail, and adding 600 cars with rush hour, people will be stacked up. Mr. Tupas stated in the real estate business, anything behind houses impacts there value. He remarked that the traffic light may assist getting people on the road but that the access through Tomoka Oaks will be jammed up getting to the traffic light.

Mr. Ned and Lauren Huhta, 30 Pine Valley Circle, introduced himself and his daughter, and stated that he took the Oath and is a second-generation resident. He explained that he lives in a custom built home and is like none other in the neighborhood. He added that he supports the city staff denial and encourages the Board to do so. Mr. Huhta commented on his support of the Tomoka Oaks residents and remarked that the high traffic levels will be a nuisance to all who travel through the area, and believes that it promotes a lower quality of life. He suggests the applicant provide all of the funding for the configuration of the entry area if approved. He requested that if reuse water for irrigation is provided to the project, then re-use water should be provided to existing Tomoka Oaks residents. Miss Huhta confirmed that they took the Oath.

Mr. Richard Goldhair, 21 Cherokee Trail, advised that he took the Oath. He stated he desired to talk about the construction traffic that will likely last three to five years, as well as weekends on Saturdays 7:00 a.m. to 7:00 p.m. He expressed his hope that the 18-wheelers will not be allowed. If they cannot use the Tomoka Oaks entrance, will there be overflow on the two Main Trail entrances, Nova Road and Granada Boulevard. Mr. Goldhair referenced traffic, including large delivery vehicles

contending with pedestrians, skateboarders and bicyclists at the choke point off of Nova Road with the public shopping center on one side and community center on the other side with the possibility of a catastrophic situation. He continued that trucks accessing Granada Boulevard that get to Rio Pinar and Iroquois to get to the new construction site, they will have to go over the Misners Branch bridge. He expressed concern if the bridge can take the excess weight of the construction trucks and increased traffic. He questioned how the proposed project will affect real estate values and insurance premiums.

Ms. Barbara Handsman Doliner, 108 S. St. Andrews Drive, stated that she took the Oath. She explained that her family has had a thumbprint in Volusia County for 83 years and she has been a resident of the Trails and Tomoka Oaks for 35 years. She added that she raised her children there and that they are all registered voters. Ms. Doliner stated that she has been a professional volunteer in the community for 35 years and expressed appreciation to the Planning Board for volunteering. She thanked the residents for working diligently to maintain the neighborhood. She commented that she does not understand why the proposed project and the people behind the project, are so resistant to what the community has to say. Ms. Doliner stated and repeated, that it does not fit the community. She suggested building it in Miami or elsewhere and not in Tomoka Oaks where they do not want 'cookie-cutter' homes. She added that they do not care if gates or sidewalks are included in the proposal, and concluded that the shoe does not fit and this Cinderella will never have the shoe fit, no matter what way it is packaged. It does not fit. Ms. Doliner reiterated the suggestion for 100'-wide lot executive homes with 120 units. At $700,000 per home, she asked if that was enough money to make, what is the issue here. Ms. Doliner concluded that no consideration was given to increasing police, EMTs and Firefighters. She understands the shortage of doctors, the overcrowded hospitals and the going rate of over 7 hours at the emergency department. The shoe simply doesn't fit.

Mr. James Cameron, 39 Laurel Oaks Circle, stated solemnly swore that all of his comments are true in nature. He stated that he in support of the application and has worked with a local pro-business group for a number of years and has worked with the Volusia County Association for Responsible Development. He expressed the importance of all finding a happy medium that everybody can agree to and said that he talked with Planning Board members as well as with people in opposition to the issue. Mr. Cameron pointed out that he has heard a lot of people say that they have a lot of confidence in Planning staff. He concluded that he hopes a custom zoning can be agreed upon between all parties.

Mr. Renny Herrero, 111 N. St. Andrews Drive, stated that he took the Oath. He stated that he has lived in the community his entire life and is part of six generations. His grandfather was born in New Smyrna in 1918 and installed a love for surfing and golf in him. Mr. Herrero continued that he and his wife married and were excited with the expectation of being near a golf course and has played golf in Tomoka Oaks since the 1980s. He commented that he has played almost every golf course around the community and referenced the statements about 21 different golf courses within 20 miles and another questionable comment on four municipal golf courses, and remarked he did not think that it was factual information. Mr. Herrero stated that he can think of about seven golf courses within 20 miles as well as two municipal golf courses and delivered additional information on the popularity of golf courses and

educational opportunities in reviving ones that are run down. He referenced one in Atlanta where businessmen put their ideas together and put together a plan for educational opportunities for a rebuild. Mr. Herrero commented that golf is still popular and there are 60-80 people out on the LPGA Golf Course swinging a club daily even in the summer heat. He remarked that it is outside and beautiful. He added that the idea to relaunch Tomoka Oaks as a standalone 18-hole course without financial support is not financially sound. Mr. Herrero suggested considering other proposals that would keep the golf course. He concluded that the community could be behind the concept of a use that included the golf course in the redevelopment. Mr. Herrero stated to approve this plan is to settle for lack of possibilities and ideas. We can do better.

Ms. Caroline Herrero, 111 N. St. Andrews Drive, stated that she took the Oath. She stated she lived and grew up in Tomoka Oaks, and enjoyed being outside there in its beauty, ran and rode her bike there. She added that now one of her favorite parts of her daily routine is sharing it with her grandmother when they go on their evening walks. She added that they have noticed the growth of Ormond Beach and how it has changed the experience of living here. Miss Herrero continued that the Developer's Economic Impact Study states that all traffic is engineered to go Nova Road via Tomoka Oaks Boulevard with it being said that there are other alternatives and that they are longer. She clarified that if you exit the neighborhood onto Nova Road to get to Granada Boulevard where the traffic light and Main Trail connect, which is the other exit, it measures approximately two miles even and if you take the short cut through the Trails it measures 1.9 miles to get to the same intersection. She commented that it is already tricky for pedestrians and cyclists on the streets and pleaded with the Board not to approve the proposed project with this density.

8:30 p.m. Chairman Thomas announced an 8-minute break.

Mr. Adam Kipi, 52 Pine Valley Circle, stated that he took the Oath. He stated that he does environmental remediation and litigation for a living and spoke on the environmental report and asked the question of if they are going to dig 2' and then fill it in with clean fill straight over the top with the problem of going 2' just straight over the fairways because it is only affecting the fairways. He suggested that there would be other drainage issues. Mr. Kipi commented on the proposed homes and retention areas, suggesting that there will still be sloping, topography and grading issues. He touched on the traffic light and remarked that it will be an issue. He added that unless the main entrance is widened to Nova Road that they will be backed up, even with a roundabout. Mr. Kipi referenced the applicants PRD and then the addition of a part two, and added that when he moved here in 2021 he noticed on google maps still had Tomoka Oaks displaying a golf course and noticed in pictures that it had been neglected for years and had the thought that if it were to come up for sale that the residents can buy it and make it a golf course again. He suggested commercially, to take it back to a golf course and sign a Rehabilitation Completion Order. He referenced Tomoka Oaks as being a community built around a golf course and to possibly sell it to the city, stating that nobody wants the proposal or houses to be right up to the back of their fences. He suggested to go build off of Airport Road in undeveloped land. He expressed that he feels that it is going to look ridiculous and that it is going to be a nightmare.

Mr. Tyler Brown, 90 N. St. Andrews Drive, stated that he took the Oath. He expressed concern with the compatibility with Tomoka Reserve and Tomoka Oaks. He stated the applicant states the density is 1.87 units per acre for the Tomoka Reserve project and 2.09 for the Tomoka Oaks subdivision. He stated he questions these numbers. Mr. Brown stated when looking at the Volusia County Property Appraiser's (VCPA) Website, there are 547 lots in Tomoka Oaks with a land area of 282.85 acres, which he calculated at 1.93 units per acre and not 2.09 units per acre,. He commented that the number does not include roads or the islands in Tomoka Oaks and he did not have access to that specific data on the VCPA website. Mr. Brown remarked that it is the addition of 148 acres of the golf course that Tomoka Oaks was built around that was the core of the neighborhood. The number for Tomoka Oaks drops to 1.27 units per acre, lower than their proposed development, according to Mr. Brown. He then referenced the newspaper article out this morning that stated the number is closer to 1.003 units per acre at 547 homes and 545 acres. Mr. Brown commended city staff for their observation of the project and concluded that with the concerns raised by residents, the city might want to clarify the units per acre issue, and more, prior to when the Planning Board reviews any recommendation one way or another.

Ms. Missy Herrero, 111 N. St. Andrews Drive, asked if Mr. Cameron, who expressed that he was in favor of the development, was a paid witness and if so, should he have identified himself as a paid consultant?

Attorney Hayes replied that there is no evidence of Ms. Herrero's inquiry.

Chairman Thomas added that there is no proof that he was a paid witness.

Ms. Herrero stated that she has been a resident of Ormond Beach for 30 years and is a native Floridian. She commented that she is not against development and understands that they cannot fight it but we do have the power to shape it. Ms. Herrero stated that she heard from the Planning Board before that Ormond Beach residents do not want to share their sand in the sandbox with people moving to Florida. She shared her personal story about her parents illnesses with COVID in January and how she and members of her family work in the hospital, serving the community for decades. Ms. Herrero explained that they went to the hospital and both the hospital and the emergency department were full with no beds. She advised that she took her 87-year old father there for needed fluids and how they waited for eight hours in the hallway. She added that it is not the hospital or the nurses or doctors faults and that they are doing the best they can. She said that they left at midnight and that her father returned the next day by ambulance and he waited another eight hours in the hallway again. Ms. Herrero stated that they left and he continued to deteriorate, and attended an appointment via tele med and then had to return to the hospital for a third time via ambulance and was then admitted. She continued that his health deteriorated to a point that the family decided to go home on Hospice-care. Ms. Herrero reported that they did not have a Hospice nurse for five days because there was a shortage and he died three days later. Ms. Herrero explained that there is no structure for the existing residents and that this is what people are doing that are living and dying in the community today. She concluded that she hopes that the Board does not have the same experience that she did of the real life experience-data presented, and that she took the Oath and recommends denial of the plan.

Mr. Paul Hughes, 4 Lauren Court, stated that he took the Oath and expressed his concern with the missing logic, delivering history on his experience in the community in that he moved back to family here 30 years ago and bought into Tomoka Oaks Country Club and Golf Course, the greenspace, what the neighborhood offered to the kids with the opportunity to ride bikes and enjoy life. He continued that he supports all of the efforts for the greenspace and quality of life the golf course would offer by stopping the proposed development. Mr. Hughes commented that when it was up for sale he was late and offered to write a check for the 150 acres so that it would stop. He added that he thinks that there are enough people there that could come up with the money or use the city's money or other appropriate resources, including the university what would be interested in involvement to bringing it back to a greenspace, golf course, and avoid this. Mr. Hughes suggested if going through with this project design, there will be five to seven years construction with trucks that will exceed 24 tons, attempt to go over the bridge, which will limit the number of entrances into the neighborhood. He spoke on his traffic concerns, expressing his recommendation of denial, stating that there is no physical way to put 30 pounds of potatoes in a five-pound croker sac. Mr. Hughes concluded that it is too much for this community and that they bought what they bought, for the green space and what it was and have paid dearly for it.

Ms. Janice Rose, 21 Eagle Court, stated that she took the Oath and has lived on the golf course for 32 years. She asked for a provision in the Planned Development order that the Tomoka Reserve HOA is required to preserve and maintain the trees and the buffer around the development now and in the future. She continued that if they do not, the residents of Tomoka Oaks should have the right to sue. Ms. Rose commented that she may not have 30 years to see mature trees behind the property.

Ms. Leah Washington, 12 Oakmont Circle, stated that she took the Oath and that her and her family moved to Tomoka Oaks in September of 2020. She added that her husband is off serving his last tour in the military and they decided to settle down in Tomoka Oaks with their kids. She commented that they are going to call it home forever, the purpose of them not going with her husband during his last tour so that their kids can settle down and call their place 'home' in their forever home, in a place where they can grow up with kids and know the kids for longer than three years at a time. Ms. Washington stated that they live in a community that was advertised as a golf course community. She expressed that they are finding as time goes on that the peaceful community is not there anymore and is not going to exist. She explained how difficult it has been to find a pediatrician in the community going through three different pediatricians offices to get care and stay with her health insurance. She continued that specialty care for pediatrics does not exist in the community as they have had to travel to Lake Nona, Lake Mary and Orlando frequently for care. She added that they have gone through four different dental offices as well due to having to circulate insurance companies and not being able to sustain the patient load. They drop certain insurance companies in order to sustain a better count in their practices. Ms. Washington stated that all of this is happening without the development and asked what she is supposed to tell her kids when they cannot get a pediatrician or sick child appointment for three weeks, then in turn having to sit in the Emergency Room (ER) for six hours. She commented that it is negligible of the community to consider the proposed development. Ms. Washington concluded that the Florida Department of Transportation (FDOT) issued their study recently and quoted statistics that started

in 2011 that came after the area was zoned Residential in 2006. She mentioned rezoning of a particular pod of land, she thinks that changes would have had to occurred within the geographic area around the property which prevents the use of the property under its current zoning. She concluded that it seems that the community has proven that it is not possible to continue the residential zoned area and suggests denying the project all together.

Mr. Logan Pigliacampi, 31 S. St. Andrews Drive, stated that he took the Oath. He stated he lives on the golf course and attended today's meeting to witness what has been ongoing for a few years. He stated that he was born and raised here and that the golf course has been critical to his way of life. He continued that he goes to the University of Florida and feels our fundamentals of living, how we want to expand and conquer everything around us, and want to make it industrialized and improve everything, and how in part of that, the beautiful scenery is ruined. Mr. Pigliacampi mentioned that he recently took a trip across the United States and drove through approximately 23 states and noticed how the levels of air pollution and industrialized trucking and fracking contribute to asthma. He explained an experience that he had when he just cleaned his white car and then when going through Georgia, through a town that experienced something like this proposal, noticed his car was pitch black. Mr. Pigliacampi stated that these things affect him and the Tomoka Oaks residents. He concluded that he has to live the next 60-80 years with this world and issued a warning, pleading about industrializing the area. He remarked that the community needs the trees and not just the limited number of required ground cover. Mr. Pigliacampi urged the Board to vote no and said to think about long term consequences, including the lives of area residents, the wildlife, and impacts of construction.

Ms. Darla Widnall, 7 Shawnee Trail, stated that people have been trying to fight the development for two years. She commented that she heads up the people in the Trails that do not want any residential development on the golf course. She continued that the city spent $125,000 for a two-year survey for Parks and Recreation, where they came up with 10 items, greenspace, parks, and a golf course in Ormond Beach, to name a few. Ms. Widnall commented that she is not a golfer but that the Tomoka Oaks Golf Course was a beautiful one and feels that it still could be. She attended the FDOT meeting where there were experts and she elaborated on the proposed 276 homes in the middle of Tomoka Oaks, and west of Interstate 95 on Granada Boulevard where there will be 10,000 homes. Ms. Widnall stated that she advised them to change whatever they are doing to Nova Road because by 2045 due to the possibility of the 10,000 additional homes. She concluded that she did not take the Oath but swears to tell the truth.

Ms. Debbie Gatz, 32 N. St. Andrews Drive, stated that she took the Oath. She has been in Tomoka Oaks for 27 years. She inquired about the Planned Development buffer and existing trees. She added that due to living in Florida with storms, a lot of their trees have gone down. Ms. Gatz expressed concern with her existing buffer left with all of the 80' vines taking over her landscape. She encouraged the Board to look at the Planned Development to see what is in place for their HOA to take care of those buffers that have existing trees. Ms. Gatz thanked her neighbors and elaborated on her history in the area, living in the Trails prior to Tomoka Oaks. Her family walks a lot and when walking with others, people always refer to the diversity of the homes.

Ms. Beth Rabitaille, 22 Rio Pinar Trail, stated that she has lived there for 30 years and commented that the road is busy with drivers that speed down it. She questions how accurate the traffic report is. She concluded that she did not take the Oath but swears to it.

Tomoka Oaks HOA Rebuttal/Summary

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, requested that the Planning Board reflect upon what they heard tonight. When the developers were making their initial application they described this as infill. He continued that this is not infill, but instead the filling of greenspace with a residential development. He further explained that infill is where rundown houses and rundown neighborhoods are taken out and replaced with new development. Mr. Bayer reviewed the history of the property as a golf course since 1963. He commented that it is not a golf course now and it they do not get what they want with a PRD, it will not go straight zoning. He suggested reviewing the staff report and criteria and the issues that the developer needs to answer. Mr. Bayer asked how the buffer will be maintained five years from now when the vines take over all of the trees. Mr. Bayer stated that Mr. Harowski provided design options for the smaller lots. Mr. Bayer acknowledged that the issue of medical care may not be in the Land Development Code for concurrency, but it is a factor should be considered for lower density. This development is building in the heart of the existing Tomoka Oaks subdivisions. He urged the Board to go along with the staff recommendations of denial based upon the lack of information that has been given by the developer.

Applicant's Rebuttal/Summary

Mr. Merrell stated their presentation and design professionals addressed many of the questions brought up tonight. The design professionals provided information on the lot widths and the buffer types. Mr. Merrell stated that they desire to hear from the Planning Board and provide responses as needed. What has been presented are options. At the root of this issue, this property has a residential density and land use, which is an entitlement. Mr. Merrell stated an entitlement is automatic. He continued it is not a choice between nothing and the application. It is up to the Planning Board to look at the list in the staff report and provide direction on the residential development of the property. Mr. Merrell stated that they are looking for direction on the options presented.

Chairman Thomas brought the discussion up to the Board.

Board Discussion and Questions

Ms. Shull asked for clarification about the R-2. Attorney Hayes explained the development application based on the PRD zoning before them today. The R-2 is a different issue and not before the Planning Board at this time, and should not form the basis of the Board decision based on a different issue. Attorney Hayes further explained that depending on the decision of the Board, the developer will have a decision to make whether submitting another application to rezone to R-2, come back before the Planning Board, or submit another application for a PRD development order.

Ms. Shull inquired about the irrigation on the buffer and where that water would be coming from. Mr. Spraker replied that irrigation is recommended by staff. There are two reuse ponds that they are seeking to use reuse water and suggested that a well will most likely be needed to supplement the reuse ponds. Mr. Spraker stated that the irrigation water supply would be part of the preliminary plat.

Ms. Shull asked about the self-amending mention. Mr. Spraker answered that the PD6 detailed the amendment of that language. He reiterated the lot layout language that the project can make the lots wider, for examples a 50' wide lot into a 60' wide lot. Staff has no objection to making lot widths wider and the project could not exceed the overall lot total of 276 units. Mr. Spraker commented that if the Board does not like the architectural standards or if they would like something else regarding the submittal, they can discuss and recommend to change. What has been provided is consistent with other Planned Developments.

Chairman Thomas asked for clarification about irrigation and if staff is seeking in ground irrigation. Mr. Spraker explained that in the landscape proposal it is to establish a natural vegetation that after a certain point, no longer requires water. A truck with water would be used to establish the landscaped areas temporarily. Mr. Spraker commented that the concern is if there is a drought, and the buffer dies, it puts the obligation on the HOA. Staff has never seen a buffer of this size utilizing temporary irrigation.

Mr. Scudiero stated that several speakers referenced putting in a traffic signal and asked for confirmation on if it has been approved. Mr. Spraker replied that the response comments stated that it was presented to the Department of Transportation (DOT) and it was verbally approved and Mr. Lassiter may have additional information.

Mr. du Moulin thanked the Tomoka Oaks HOA. He asked if there is a possibility of a win-win type situation, referencing greenspace solar panel farming that everyone can benefit from. It would be for something other than houses. He asked if housing does go in, if they can go in with increased lot size, such as the Broadwater subdivision for million dollar homes instead. Mr. du Moulin stated he is seeking a solution where everyone wins.

Mr. Galloway disclosed that he has friends on both sides of the equation and has spoken with a few Tomoka Oaks residents, as well as Mr. Durant and Mr. Merrell. He asked for the difference between the 80' wide lot from the proposed 100' wide lots. Mr. Durant explained that with the market of what people want to buy, they are interested in the smaller lot widths. Mr. Durant added that the greenspace is the same for both. Mr. Durant stated that they want this project to be successful He continued to be blunt, our future residents don't want to look into the back of the Tomoka Oaks houses. They desire for the buffer to be successful and believe that the proposed plan will be successful. Mr. DuRant stated there is an existing, non-irrigated buffer out on the property today that we are seeking to replicate. He suggested allowing them to put the buffer in as proposed and that if it does not work out, they will try something else. He reiterated that they do not want to irrigate or fertilize and do not want to have run-off. The project is seeking to replicate what the existing buffer is and if there is a need for security, the project can bond the improvements.

Mr. Galloway asked for additional information on the proposed plans inconsistency with the Comprehensive Plan. Mr. Spraker replied that in the staff report it is not one of the reasons why staff recommended denial. It was not said that the proposed plan is inconsistent with the Comprehensive plan. He clarified that the reason for recommending denial were criteria 1 and 4, consistency with the Land Development Code (LDC), as in section 2-35 is permissive and specifies that, *'you may'* do something. He further explained that the issuance of the development order is a negotiated zoning. The area surrounding the property has 100' wide lots. Mr. Spraker continued that it is understood, the design of the project is to provide the buffer in exchange for smaller lots, which would be fine in the interior of the project, but the perimeter should stay at 100'. He also referred to Mr. Durant's comment on the setbacks at 7.5' for a side yard setback, which is smaller than a typical lot. Mr. Spraker concluded that staff did not recommend denial based upon consistency with the Comprehensive Plan.

Attorney Hayes specified that the staff report identifies the criteria that the proposal before them today should be evaluated.

Mr. Mark Karet, referenced the question as to if the plans are consistent with the Comprehensive Plan. He stated that Ormond Beach has land use categories that clearly would have not allowed residential development on the former golf course property, such as the "Recreation & Open Space" land use designation. Mr. Karet continued that the "Low Density Residential" land use allows residential development. Mr. Karet stated that the staff report indicates a policy that could be used to deny the application based on inconsistency with the Comprehensive Plan. Mr. Karet stated, as detailed earlier, the cited policy cannot be used as a reason for denial. He remarked that in order to deny the use, one would need to determine that the residential use is inconsistent and read words which are not in the policy.

Mr. Galloway stated or require 100' wide lots? Mr. Karet replied that the policy only refers to use and does not address lot sizes. Single-family lots next to single-family lots, regardless of lot size, is the same land use.

Mr. Karet stated in the application of Section 2-35 of the Land Development Code, staff is reading words in the language. He stated that what is being said tonight is that compatibility means that it has to be the same thing and that is not what the modern practice of planning says. Mr. Karet commented that compatibility has to be sensitive to the character of the community. He reiterated that it is infill development which is encouraged throughout the Comprehensive Plan. Mr. Karet states that there are many communities that are eliminating single-family only zoning.

Mr. Galloway stated he understands what Mr. Karet is stating, but there are many individuals tonight and notes that state that either they do not want the project or they want 100' wide lots. Mr. Galloway stated that the application is asking for smaller lot sizes and there are questions about compatibility. Mr. Karet stated that staff is seeking 100' wide lots next to the Tomoka Oaks existing 100' wide lots. Additionally, staff is seeking a type 6 landscape buffer of a 50' width with certain plantings that is typically required with industrial development next to low density residential uses. Mr. Karet re-emphasized that city staff is asking for both the 100' lot width and an indusial size landscape planting plan. Mr. Karet stated as a professional planner, that does not stand up.

Mr. Jorczak spoke on the diversity of the housing in the existing Tomoka Oaks community from the size and type, describing them as impressive in comparison with the newer developments out there or a cookie cutter approach. He commented that the existing community has issues with some of the people that service the neighborhood, such as the landscapers and mail carriers, and does not feel is the safest to get through with the amount of traffic there and the vehicles parked on the street. Mr. Jorczak remarked that it is a phenomenal area that we should be looking for excellence in how the piece of property is developed. He suggested that it needs to be something that blends with the existing area that has a character and a flavor and is not going to be an enclave. Mr. Jorczak commended Mr. Harowski on his research for his presentation and suggested doing a little more in researching if the proposed development should or should not go in. He remarked that he appreciates the time, efforts and money spent on creating the Board packet and all that city staff has done to point out what can be done as far as development options.

Chairman Scudiero made a motion to hold a time-certain vote, no later than 10:55 p.m. Chairman Thomas explained that he does not want to put a time-constraint on this and that it is of his top-5 most important issues ever heard in all his years of being on the Board.

Mr. Merrell stated that they appreciate the comments and expressed that the applicants are taking notes and listening to all Board suggestions. Mr. Merrell stated they are okay with a time certain continuance of the application.

Mr. Galloway stated that he has more questions and cannot vote on the issue tonight. Mr. Merrell stated that the applicant team is not seeking to rush the item and are noting all the comments.

Mr. Galloway asked if the staff recommendation of increasing lots to 100' wide around the perimeter were implemented, what would be the density (the number of units) that would be applying. Mr. Merrell replied that the project has been reviewed for a design using the straight zoning classification with 100'-wide lots, R-2. He stated that the design yielded about the same number of units. Mr. Merrell stated getting rid of the 50' buffer, you gain a lot of real estate, but the product would not be as good. Mr. Merrell stated if the project is required to provide 100' wide lots and a 50' industrial type buffer, it is just not a fair trade. Mr. Galloway stated that the project is developing in the middle of an existing neighborhood and those concerns need to be addressed. Mr. Galloway pondered why the abutting property owners did not purchase the former golf course as a community development district.

Mr. Scudiero asked the applicant, if the Board agrees to adopt all of staff and SPRC's recommendations, what the number of houses would look like. Mr. Merrell stated that they have not done this exercise.

Chairman Thomas referenced the presentation of Mr. Harowski. He asked for the design plan for the 50' wide lots and if they included an alley. Mr. Karet replied that there is room for back loaded alley ways. Chairman Thomas replied that would be the only way that he would vote for 50' lots.

Chairman Thomas asked about the open space and recreation planned for the project. Mr. Stehr answered that there would be a sports field, pavilions, pickle-ball courts,

two playgrounds, pocket parks, and added that the plan has not yet been finalized and additional open space and recreation can be added or modified.

Chairman Thomas referenced the traffic direction in between the fields and the parking lot between the areas and expressed his concern for the children's safety. Mr. Stehr advised that they would take it into consideration.

Ms. Shull inquired about the gates. Mr. Stehr stated that they are requesting electronic access gates for vehicular access only. Pedestrians are able to go through on the proposed sidewalks.

Ms. Shull asked about the lot size and density. She stated that the Tomoka Reserve project appeared to have more homes than the Tomoka Oaks subdivisions. Mr. Stehr referenced the density breakdown based on the LDC that was included in the staff report. Ms. Shull said that she agrees with the 100' wide lots around the perimeter but is unsure about the 50' and 60' wide lots in the interior. Mr. Stehr stated that there are condos and apartments abutting the existing subdivision. Chairman Thomas questioned if these were in the neighborhood. Ms. Shull stated the project is a neighborhood inside of a neighborhood. She stated her goal was to be consistent with what is in the existing neighborhood.

Ms. Shull stated she did not believe that the 50' wide lots are consistent with the neighborhood. Mr. Stehr asked if the multifamily was consistent. Ms. Shull stated that she is providing her feedback on the project.

Ms. Shull discussed the setbacks and stated from her experience, they allow for short driveways, which means cars are parked out in the street. Mr. Stehr replied that it is a 25' setback allowing for two cars in the driveway, and two in the garage. Ms. Shull commented that it is too much house on the lot.

Mr. Durant stated that the existing Tomoka Oaks lots are suffering with not enough room in their backyard, therefore they are trying to give flexibility to be able to sacrifice some of the front. He continued that the setbacks would provide additional distances between subdivisions.

Ms. Shull asked if fencing would be allowed inside of the neighborhood, even for those houses backed up to the buffer. Mr. Stehr confirmed that they are.

Ms. Shull asked why it was mentioned prior that 100' wide lots would not work, but that 80' wide lots can. Mr. Merrell replied that 100' wide lots could work, but they are not as good for the developer, and the 80' wide lots work better for the project. There is a concern that there is not a market for 100' wide lots.

Ms. Shull stated, as a realtor, she believes that 100' wide lots would be very desirable.

Chairman Thomas commented that the 100' wide lots in Tomoka Oaks do not stay on the market very long.

Mr. Carl Velie, property owner, for the proposed Tomoka Reserve development, stated that the value of property that is based on building and the land. The land is 20 to 25 percent of the property value, depending on how urbanized that it is. He remarked the bigger the lot width, the higher the cost of the house will be, based on

the house size. Most of the houses in Tomoka Oaks are selling for $400,000 to $500,000 range, and are 40 to 50 years old. Mr. Velie, stated if the project built a new home on the same sized lots then it would likely be an $800,000 home. Mr. Velie added that proposed houses on a 100' lot with 10,000 square feet in lot size will be substantially higher than the typical house in Tomoka Oaks. He stated that they are trying to match the same value on a smaller lot width with similar lot square footage.

Mr. Velie continued that they think they can sell a few 100' lots but he is not sure if they can sell two hundred of them as quick, and may have to wait 15 years. That is not what the developer wants to do. Mr. Velie stated that he does not think people want to buy million-dollar houses unless they are on the river or ocean. He said the project seeks to create a product that will sell quickly, or as good or better than what is in the neighborhood. He stated that there is a difference compatible and comparable. This project will be compatible with a residential use abutting a residential use. Comparable is going different because these will be new homes with new amenities. Mr. Velie stated that the new construction will result in better built and stronger houses. He expressed concern with have a 100' wide house with a value of $800,000 next to a 60' wide house with a value of $500,000. Mr. Velie stated if they thought that they could sell 100' wide lots, they would be all for it. But they do not think that the project can sell 100' wide lots.

Mr. du Moulin stated that if it is designed correctly it could work. Mr. Velie detailed the constraints of the existing property layout. Mr. Velie suggested that there be a quadrant area or pod where the lots are smaller at 50' or 60' lots. He remarked that the studies the applicants have done show that there is not enough demand for the million dollar homes.

Ms. Shull asked why Mr. Velie believes that they cannot sell 100' wide lots. Mr. Velie responded that the study the project has done there is not enough demand for the million-dollar homes. The concern is that there are not 200 or 250 buyers who can purchase the million dollar homes. Ms. Shull commented that they will go a lot farther with the neighbors if there is a higher quality product in the area. Mr. Velie replied that the proposed homes are planned to sell higher than any in the area, other than the riverfront properties that are in Tomoka Oaks. Mr. Velie stated that the cost per square foot is $250 to $300. For a 2,000 square foot house, that would be $600,000. For a 3,000 square foot house, it will be a million dollars and we do not see that demand in the market. Mr. Velie explained his experience in the area and stated that he moved to Florida in 1954 and moved to Ormond Beach in 1964. He was an appraiser for 40 years and learned the life cycle of a neighborhood. Mr. Velie concluded that it is to their advantage to sell the most expensive house that they can sell. Mr. Velie stated that this development will be new and modern. The newer, more expensive homes would enhance the values in Tomoka Oaks.

Chairman Thomas restated that the public participation is closed.

Chairman Thomas inquired about the 80' wide lots and the comment people do not want to have homes next to smaller homes. He stated on the proposed site plan, there are 80' wide lots across the street from 50' and 60' wide lots. Mr. Velie responded that area is the main road. Mr. Stehr answered that after numerous meetings with the neighborhood, the applicants went back to 80'wide lots by 125', matching the R-2

square footage. The 80' wide lots allow relocation of the garage to the side or to the rear.

Mr. Sheldon Rubin, property owner, added that the setback on the 80' wide lot is 25 percent. He remarked that the 10,000 square foot lots with 80' wide lots on the perimeters plus the 50' and the open space, is quite accommodating. Mr. Rubin questioned that he is not sure why everyone is stuck on the 100' wide lot. Mr. Rubin stated that they will be modern, high-priced housing with benefits and a bigger buffer, in which they agreed to the plantings for. He expressed concern for the disconnect. Mr. Rubin stated through the process there has been a desire to lock down this site plan and show exactly what is desired. He reiterated that we did not have any flexibility with the rules. So, on the inside lots we show 50' wide lots. Mr. Rubin added that if they have to put an alley on some of the 50' wide lots, that they will do so if given the opportunity. There needs to be flexibility in the design. He concluded that it is a superb site plan.

Mr. Jorczak stated that increasing lot widths would decrease the lot total and also reduce the traffic impacts. He asked if there were a catastrophic event and in an emergency evacuation for the entire area, how long would it take to get the residents out with the current road situation, with a huge number of people in a short period of time with limited road structure to do it.

Mr. Lassiter replied that they did not analyze a mass evacuation situation. He confirmed that they did a standard peak hour evaluation. He continued that without a traffic signal it will take a long time. Mr. Lassiter replied that when doing beachside analysis they do have to look at hurricane evacuation times. He continued that there is plenty of advance warning. He confirmed that the traffic analysis showed that the proposed plan works. Mr. Lassiter referenced the traffic signal and advised that what they did to the traffic signal study, and that the Department of Transportation (DOT) approved it with the following two items, (1) peak hour analysis to show that it will not work with a two-way stop; and (2) intersection control evaluation.

Mr. Jorczak expressed concern with overall traffic impacts that the city has experienced. He stated that the options to address traffic are limited based on transportation costs and funding. Mr. Jorczak stated that the Hand Avenue extension has been discussed for many years to alleviate traffic on SR40 and there is no plan to anything soon. Mr. Jorczak stated he hoped that in the planning process some of the citywide traffic problems can be addressed.

Mr. Lassiter stated that beachside developments required to perform a hurricane evacuation analysis. He stated when the PM peak hour analysis shows that it is working well, this is criteria in the hurricane evacuation analysis. Mr. Lassiter stated that the project works in the PM peak hour. Mr. Lassiter referred back to the question on the traffic signal. He stated that a signal warrant analysis was performed and FDOT verbally agreed with the analysis and are requesting the peak hour analysis and an intersection control analysis.

Mr. Jorczak asked if the warrant analysis coordinated with the railroad. Mr. Lassiter stated that is required as part of the study. Mr. Lassiter detailed how traffic signals work with emergency vehicles and train horns.

Chairman Thomas asked Mr. Lassiter if a study was done of the Trails intersection on Route 40. Mr. Lassiter replied that a statement was made earlier that the distance is close but he stated the traffic time was not. The main entrance to Tomoka Reserve is very close to Nova Road and the travel speeds to get out the Main Trail going out to State Road 40 is much slower. Mr. Lassiter stated the distribution is based on the travel time.

Chairman Thomas expressed his concern with the project traffic when going to Tomoka Elementary School at the intersection of the Trails subdivision and SR40. Chairman Thomas detailed the route from the Tomoka Reserve project onto Nova Road and West Granada Boulevard. He stated the left hand turns onto Old Tomoka Road are problematic and do not have long stacking lanes.

Chairman Thomas detailed the issue with the intersection of Main Trail and SR40 and a single lane to go straight or make turning movements. He expressed concern about the increased traffic at this intersection. Chairman Thomas added that the only solution he sees is if the city to make a right-hand turn lane out of the Main Trail onto Granada Boulevard, a southbound right turn (west onto SR40).

Mr. Scudiero accepted that a majority of the traffic from Tomoka Reserve will go to Nova Road based on its proximity. One question has arisen is what would that do to the existing Tomoka Oaks population that now does not want to deal with the backup in the morning onto Nova Road Would residents on South St. Andrews and Rio Pinar, go out through the Trails to avoid the Nova Road backup. Mr. Lassiter explained that because of how the existing homes are built, around the two relative access points, whether Main Trail or Nova Road, 64 percent of all existing traffic that has access to Main Trail and Tomoka Oaks, use Main Trail and 36 percent use Nova Road access. Mr. Lassiter added that because of the location of the proposed project, its primary impact is going to be on Nova Road, a state road, and less impact on Main Trail to SR40.

Chairman Thomas stated that there are approximately 1,000 homes that are in the Trails, 500+ homes in Tomoka Oaks, and now proposing to add 276 more lots, totaling approximately 1,800 homes. Chairman Thomas stated that there would be approximately 1,800 homes with approximately 3,600 vehicles going out three exits through Tomoka Oaks and the Trails.

Mr. Lassiter stated that we counted them all. Mr. Lassiter explained that the traffic analysis process has gone through several rounds of review by the Department of Transportation (DOT), by the City and the City's consultant, as well as the County. He stated that they all agreed we came to the right conclusion based on how traffic studies are conducted.

Chairman Thomas stated he believed that the traffic counting is flawed. Mr. Lassiter stated that traffic counting now uses video which is not flawed and is more accurate.

Ms. Shull asked if the count was done during school times. Mr. Lassiter replied yes. Ms. Shull expressed uncertainty about how the traffic analysis is performed and stated in the manor in which people drive and at the speeds they drive, she does not feel comfortable about adding additional traffic and backups to the Tomoka Oaks and Trails neighborhood areas.

Chairman Thomas inquired about the current City of Ormond Beach population. Mr. Spraker answered approximately 44,000. Mr. Spraker added that the time was approaching to conclude this meeting.

Chairman Thomas asked the Board to share additional closing comments for the applicants.

Mr. Galloway stated what he is hearing are concerns with density. He referenced it as trying to put five pounds of sugar in a one-pound bag. He continued that unless the HOA is willing to come up with a Community Development Fund to buy the property from the property owners, that something will be built there. Mr. Galloway stated that he just does not feel like 276 units is what needs to be put in that donut hole. He stated that there are 500 homes that exist and they bought with the expectation of a golf course. He spoke on the American Dream, the ability to own a home, no matter how large or how much it costs. Mr. Galloway stated that there has to be a happy medium here. The homeowners have to realize that something will be built there or there needs to be a purchase of the property from the HOA and/or residents. Mr. Galloway stated that it should not be my tax dollars paying for a park. Mr. Galloway stated that he hoped that the applicant team is listening tonight.

Mr. Velie replied that when he and the other property owners first started the process, they originally had a different engineering firm that drew up a plan for units and they declined that route as they wanted something consistent with the subdivision. He explained that he took a 1.85 mile circle on Google Earth around the neighborhood over the Trails, from Misners Branch East, Tomoka Oaks Condo North, Escondido, Tahlequah, Tomoka Meadows and Harbor Oaks. He added that he took every plat and platted it out, and found that they have less density than the Trails residential section, not including the Villas, at 1.91 units per acre and Tomoka Oaks is 2.09 units per acre. He further detailed that Mallard's Reach is 2.23 units per acre and Tahlequah is 3.06 units per acre, and considering the entire Trails subdivision is 3.4 units per acre. Mr. Velie concluded that any other subdivision in the city has higher density than what is being proposed with Tomoka Reserve.

Mr. Galloway commented that he values Mr. Spraker and thinks the City of Ormond Beach has the best city Planning Director and believes that the applicants need to reassess and come back. He added that he has faith that something will increase the value of the homes there.

Mr. Jorczak agrees with the city's comments on the issues were appropriate. On some issues, he stated he may have gone further. He continued with remarks on the influx of people moving to the area, and how things are not going to get getter with the hospitals or traffic. He commented that Ormond Beach considers themselves to be a jewel on the east coast and is a special community, therefore should not be augmenting what has been done in other major cities, but should be looking for excellence. Mr. Jorczak concluded that he would like to see a better mix on the lot sizes. He stated the wider lot widths would reduce density and ensure a higher value of houses.

Mr. du Moulin concurred with Mr. Jorczak and stated he would like to see an increase in the lot sizes.

Ms. Shull concurred with Mr. Jorczak as well on the density and lot sizes. She remarked that the homeowners are compromising and know something is going to be built there, and advised the developers to compromise as well and work with them symbiotically. Ms. Shull concluded suggesting for the developers to take into consideration the unique piece of property that it is as well as the interconnected density and traffic.

Mr. Scudiero commented that he would like to see the golf course reopened, but that compromise between the applicants and the homeowners are necessary. He concluded for the applicants to find ways to make it more palatable for everyone. Mr. Scudiero stated a compromise is needed.

Chairman Thomas referenced earlier remarks on the irrigation for the plants and stated that if the applicants cannot abide by staff's suggestions, to at least do a bond so that the homeowners are not stuck with not having the vegetation buffer as promised. He spoke on the 50'-wide lot sizes, and said that he is opposed, but that if the Board agrees with them, he will support if there is an alley and a garage in the back. Chairman Thomas stated that in Venetian Bay, there is a section that is set off by itself and where they do not have garages in the front of the houses. He added that he would love to see 100'-wide lots. He commented that both the developers and the landowners have rights. Chairman Thomas stated that the residents also have rights. Chairman Thomas remarked that whatever goes in is going to be impacting the resident's lives. Chairman Thomas agreed with Mr. Galloway that something will be built and there needs to be compromise. He stated that he understood there are residents who are seeking no development, but he believes that something He concluded that when he moved to the city 50 years ago, the population was approximately 30,000. There has been a growth of 14,000 people, and commented that the traffic reflects more than that.

VII. OTHER BUSINESS

It was discussed that the item requires a continuation for the applicants to bring other ideas and options back for another public hearing in front of the Planning Board and for the Planning Board to have more time for the support decision-making process. It was determined, taking the availability of the Planning Board, staff, and applicants, that the continuation meeting will be held on Monday, August 21, 2023 at 6:00 p.m. (location is to be determined). Mr. Spraker explained that the Planning Board is scheduled to meet on August 10, 2023 for the monthly Planning Board meeting as planned as well.

City Attorney Hayes stated that when the Board resumes this meeting, the item would be where it is now with Board member comments and discussion. The applicant and HOA attorney should be provided an opportunity to provide any updates. City Attorney Hayes stated a motion and a second would be needed for the continuation.

Chairman Thomas entertained a motion for the continuation date.

Mr. Galloway motioned for a continuation of the meeting on August 21, 2023 at 6:00 p.m. with a location to be determined. Ms. Shull seconded it. Vote was called, and the motion was approved (6-0).

VIII. MEMBER COMMENTS

Mr. Jorczak thanked the citizens of Ormond Beach for their input and expressing their opinions.

Ms. Shull thanked the audience members and staff for their input.

Chairman Thomas commented that he is interested in the City of Ormond Beach having another hospital. He added if the zoning could be amended where a hospital could be built taller than seven stories. Mr. Spraker replied that it would be a charter amendment.

IX. ADJOURNMENT

The meeting was adjourned at 10:57 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

August 21, 2023 6:00 PM

Tomoka Christian Church
1450 Hand Avenue
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Steven Spraker, Planning Director
G.G. Galloway	David Allen, Planning Civil Engineer
Al Jorczak	Cara Culliver, Landscape Architect
Mike Scudiero	Sarah Cushing, Senior Planner
Barry du Moulin	Marcella Miller, Recording Technician
Troy Railsback	Randy Hayes, City Attorney
Doug Thomas, Chair (arrived at 6:05 p.m.)	

II. INVOCATION

Mr. Railsback led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

V. APPROVAL OF THE MINUTES

Mr. Scudiero motioned to approve the July 13, 2023 Minutes. Mr. du Moulin seconded it. Vote was called, and the motion was approved (7-0).

Chairman Thomas opened the Public Hearing.

Attorney Hayes explained the continuation of the July 13, 2023 Planning Board meeting on Tomoka Reserve and how the meeting ended at the question, answer and decision component of the meeting agenda and where it continues this evening. Attorney Hayes stated that there will be no public comments unless it is the pleasure of the Board and added that the disclosure parts continue to apply. Recent updates have been proposed from the applicants as of last week on August 16th and staff advised that they need more time and have not been able to review the full context of the proposed changes, therefore today is more a material hearing and the issue could be continued to a later date. Recommendations were made for the Chairman to let the applicant, attorney and HOA attorney talk and decide if more time is needed to analyze the new plans.

VI. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order – continuation of the July 13, 2023 meeting

Mr. Spraker, Planning Director, suggested that if the Board is interested in considering the new site plan that there should be a new public hearing for it, as well as advertisement of it, and for it to go through the Site Plan Review Committee (SPRC) and the public hearing. Today the Board has the ability to act on what they heard at the July 13th Planning Board meeting. Mr. Spraker concluded that the Board may want to see something else which will require resubmittal.

Applicant's Opening Remarks

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, representative for the applicant, stated that he respects Mr. Spraker's wish for additional time to analyze the new plan and added that another updated plan was submitted on Friday. He advised the Board that he is interested in feedback from them and to come to a consensus at the next public hearing.

Attorney Hayes remarked that he suggests more of a summary presentation, than a full fledge question and answer discussion which is the purpose of a public hearing.

Chairman Thomas stated that he does not want to get back into a heavy discussion but more a summary of the new proposal and hear from the Homeowners' Association (HOA).

Tomoka Oaks HOA Opening Remarks

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, stated that he too respects Mr. Spraker's decision if the major or material changes require the continuation of the matter. Mr. Bayer added that he would like time to discuss the continued areas of significant disagreement that the

HOA has. He expressed his concern with the July 13th Planning Board meeting closing comment that was made that something will be built on the property but that the project was too dense, and remarked that going from 276 units to 272 units is not a material change in their eyes, and would like to be able to discuss that and other areas of concern.

Applicant's Summary of Changes

Mr. Merrell went over key issues of concern explaining that most of them have been resolved.

Key issue: lots sizes: Mr. Merrell started with the changes with the lot sizes around the perimeter of the development addressing the requested 100'- wide lots around the perimeter, with the request for them to match the existing Tomoka Oaks properties along the perimeter, the 50'- wide lots that were eliminated and now solely 60'- wide lots around the perimeter. He added that the greenspace, road alignments and stormwater ponds are staying the same. Additional 90'- wide lots and 100'- wide lots were added as well along the perimeter, where it was previously 80'- wide lots. Mr. Merrell commented that he does not think that anyone is going to see their neighbors' lot from the backyard with the buffer.

Key issue: Buffer: Mr. Merrell touched on the buffer, plantings, irrigation and maintenance and said that they agree with the number of bushes and understory trees to be planted in a type 6 buffer per staff's suggestion, but want to use a Florida-friendly type landscape that does not have to be frequently watered but more a wild landscape. Regarding a permanent irrigation system, Mr. Merrell expressed that there are other alternatives. He added that they are in agreement to offer a two-year bond if it needs to be replaced.

Key issue: Dimensional standards: Mr. Merrell continued that they are agreeing with staff's requested setbacks and dimensional standards.

Key issue: PD6 note on lot separation: Mr. Merrell continued that they are agreeing with staff's requested note modification on lot separation.

Key issue: Traffic: Mr. Merrell stated that staff requested that the diamond be reconfigured to a circle shape, and the applicants are suggesting a similar shape with rounded edges, allowing better flow as well as adding landscaping in the island. Regarding the proportionate share, it has been decided that the applicants are taking care of it 100 percent on their own. Mr. Merrell added that it was agreed to add sidewalks on both sides of the street. He further explained that it has been agreed to add a provision that says that the applicant will make application for permits for the signal within 30 days of the subdivision approval and such permits will be issued prior to the issuance of the subdivision construction permit, to be sure that the light is put in before anyone is traveling there on the road. Mr. Merrell referenced the architectural design requests and stated that the architectural standard language has been reworked. He continued and spoke on the request for a potential vehicular cut-through at the amenity area and it has since been reconfigured.

Key issues: Neighborhood meeting at preliminary plat: Mr. Merrell stated that the applicants agree to conduct a neighborhood meeting.

Key issues: architectural standards: Mr. Merrell stated that the architectural standards have been updated.

Key issues: amenity space parking lot: Mr. Merrell stated that the site design was amended based on the concern of cut through traffic.

Tomoka Oaks HOA Summary

Mr. Bayer commented that he does not think that the golf course remaining a golf course is near a determination yet and added that if there is a party that feels that the property has to stay a golf course it will be up to the courts to decide and not an issue for him or Mr. Merrell. He continued that the HOA set up a Board that continues to try and negotiate with developers to make the project more compatible, with significant areas of disagreement still existing.

Mr. Bayer brought up an aforementioned comment from the last meeting that this development is having significant impact on the quality of life for the existing tax-paying property owners which is fueling the comments that were made. He referenced the density, and the history of the site, mentioning that the last project proposed and approved by the City of Ormond Beach on this property was 100+ homes and significant open space in 2006, when the recession hit and projects did not get developed. Mr. Bayer added that the site is not urban infill and is a development of open recreational greenspace that has been developed around by homeowners that expect it to remain an open space. He continued that their decision is that the perimeter lots should be 100'- wide and asked staff if it is 100'- wide on the front of the lot and rear of the lot, or just 100'- wide on the rear of the lot and not the front. Mr. Bayer expressed concern with what is being said about the homeowners not even seeing the project because of the buffer and commented that they will be able to see them as secondary impacts, which includes the traffic.

Mr. Bayer touched on the traffic concerns and stated that the traffic study looks at the delays in traffic intersections and does not consider the fact that Nova Road is about to lose lanes under the Department of Transportation (DOT) proposal, or the possible fuel tank storage project. He was pleased with the agreement to the two sidewalks and stated that he hopes that the proposed updated rounded diamond area helps, and looks forward to having third party traffic consultants review it.

Mr. Bayer mentioned the architectural concerns and stated that Mr. Harowski, Certified Planner and Tomoka Oaks resident, worked on language so that they are not cookie-cutter, where every other house looks the same. Mr. Bayer elaborated on the HOA proposal that the same house model may not be used more than three times within a single lot phase and to have more diverse housing, and requests that the architectural plan be enhanced over and above what it is currently.

Mr. Bayer referenced the proposed buffer and explained that in his history in practicing law he has seen where neighbors complain that other neighbors are cutting down the buffer and seek Code Enforcement action and wants to see enforcement action that the property owners abutting the golf course would have the ability to do.

He asked for language pertaining to what happens after the two year bond, as well as the wild versus manicured buffer, and whether the HOA or developers will be responsible for it. Mr. Bayer concluded that with multiple sets of plans that there are still several concerns necessary to make the project more compatible with the interest of the current property owners.

Board Discussion

Chairman Thomas brought the discussion up to the Board. He reviewed the choices before the Board. Chairman Thomas disclosed that he received a phone call from Mr. Barshay. Chairman Thomas stated to Mr. Barshay that they should discuss the project with the homeowners and the HOA. Chairman Thomas commented on the new material with the change of lots, and staff's suggestions and advised the Board that it needed to be decided if it was going to be reviewed as new material or accept the submittal that was discussed on July 13, 2023 and continue on with a recommendation.

Mr. du Moulin stated that he accepts it as new material and should go back to SPRC for review.

Mr. Galloway agreed that it is new material and stated that he talked to people from both sides and hates to prolong it but that staff needs more time and thinks it will be fair to all parties.

Mr. Jorczak concurred with Mr. Galloway and commented that there are still questions to be raised. The overall density and lot sizes need more review. He added that it is an enclave within an enclave and has concerns with the architectural standards.

Mr. Scudiero reviewed the three options of voting it up, vote it down based on the July 13, 2023 meeting only, or continue the meeting and let the new presentation be formally made and legally advertised. He stated that he is not comfortable voting on the previous rendition with another rendition coming. He added that it is probably going to go to court and asked what the attorneys want to do.

Attorney Hayes explained the process and the Planning Boards role in it. The function of the Planning Board is to review the application and determine if the changes are not new material or act on the proposal that was submitted on July 13, 2023, and vote up or down. The new changes, once folded into the application go to City Commission but they lose the benefit of the experience of the Planning Board. Another option suggested is to continue with another meeting date with more discussion before it goes to City Commission.

Mr. Railsback apologized for missing the first Tomoka Reserve meeting and commented that he supports the position of the full benefit of the City Commission being a recommendation for a final plan and encouraged another meeting, incorporating as much of a concession and fine-tuning to benefit the community as well as property owners so that the process is not repeated again. He expressed interest in reducing density with the 100'- wide lots and putting a roundabout design in rather than a diamond.

Ms. Shull concurred with the Board and commented that the project has evolved. She disclosed that she met with Mr. Carl Velie and Mr. Ray Barshay on July 3, 2023 following the first set of plans and now the plans are different. Ms. Shull wants to make sure that all comments are addressed and added that it is not a typical neighborhood and that there needs to be time to address everything. She concluded that the property is infill but not derelict land and is a beautiful property.

Mr. Galloway expressed the importance on whatever decision is made.

Chairman Thomas concurred with Ms. Shull and added that he is glad it is being considered as new material and questioned that if there are changes now, what changes might arise between this meeting and when it goes to City Commission. He suggested making the best attempt and to consider the new material and move forward, giving the applicants a reaction to their recent summation for guidance.

Attorney Hayes stated that it should be general sound advice only and not getting into too much detail.

Ms. Shull stated that there is still too much density and would like to see bigger lots, even with the 60' – wide lots and commented on the congestion. She added that there are too many cars in the area creating congestion. Ms. Shull remarked that something still needs to be worked out with the irrigation for the buffer and added that she agrees that the architectural designs should be different.

Mr. Railsback commented that he has concerns with the density and squeezing a lot of property in and wants to see a more conforming development. He expressed his concerns with the buffer becoming a problem in the future and that there needs to be a requirement for whose responsibility it is to maintain it. Mr. Railsback added that he hopes the irrigation saves on water as well. He added that the architectural design should be controlled, and suggested that they should not be all the same color scheme in the same vicinity. He suggested that the diamond area should be a one-way traffic roundabout.

Mr. Scudiero stated that the changes discussed tonight are a step in the right direction. Mr. Scudiero referenced the density and stated that the compromise between 0 and 276 is not 272 and expressed his hopes that they keep working, commenting that there is not much change.

Mr. du Moulin questioned if it is legally right to build on this land. Mr. du Moulin referenced the past agreements stating the land would be a golf course. Mr. du Moulin stated additional work needs to be done and he wants to ensure that the land is not built on if there are restrictions that only allow a golf course.

Mr. Jorczak expressed that he still has concerns with the enclave within an enclave and suggested that whatever is developed blend in more efficiently with what is already there as far as lot sizes and the density perspective and not inconvenience the surrounding community. He commented on the minimal land left in the City of Ormond Beach. There are over 53 facilities in the community that are funded by the taxpayer, including open spaces and sports areas. Mr. Jorczak added that what is put

into a specialized area with the rest of the community and be an asset to the City of Ormond Beach is going to take all the input they can get from city staff from a technical standpoint and give it a hard look at the economics from the developers standpoint on how the property can be used. Mr. Jorczak concluded that there is more work to do on the proposal.

Mr. Galloway referenced the last Board meeting where 475 homes were approved in Plantation Oaks and explained the difference between the two projects where that land was designed to hold 475 homes. He continued that he is interested in seeing a spreadsheet on how the proposed homes inside of the existing homes will affect those homes' resale value. He added that he is concerned with the buffer and who will be responsible for the maintenance. Further expressing his concern with the buffer, he referenced a swamp area on Clyde Morris Boulevard where the brush behind the homes caught fire approximately six months ago. The number of lots are questionable as well he said. He spoke on development and reiterated that something will go in there and that the question is in the number of homes. Mr. Galloway concluded that it is a possibility that a few key people could go in and offer the developer a price and someone purchase it and then it will be seen what they want to do.

Chairman Thomas elaborated on recent experiences, one relative to the concern of the lot sizes in seeing homes as close as 10' from one another in Jacksonville, Florida. It was discussed and determined that depending on the area, there is 5' to 20' between homes in a subdivision on a 60'- wide lot typically. He continued that he and his wife noticed that traffic was congested going into the Trails from Interstate 40 on Sunday at 1:35 p.m., with eight cars going into the neighborhood and then four of the cars going though to Tomoka Oaks, expressing his concern with the traffic. Chairman Thomas commented that Tomoka Oaks is a traditional neighborhood where you have to search hard and far to find two homes alike and does not like the idea of dropping cookie-cutter homes into a well-established, traditional neighborhood. He added his concern with the density and that he hopes that there are a lot of changes before meeting again.

Attorney Hayes reviewed the available dates to hold the next Tomoka Reserve continuation Planning Board meeting, Tuesday, September 26 or Thursday, September 28, 2023.

Mr. Spraker stated that as part of the motion it is requested to hold a time-certain date before the new plan is submitted to the SPRC, which is requested by staff to be September 6, 2023.

Board discussion ensued and September 26, 2023 was decided upon as the next Planning Board meeting date.

It was discussed that the item requires a continuation for the applicants to bring other ideas and options back for another public hearing in front of the Planning Board and for the Planning Board to have more time for the support decision-making process. It was determined, taking the availability of the Planning Board, staff, and applicants, that the continuation meeting will be held on Tuesday, September 26, 2023 at 6:00 p.m. at Calvary Christian Center. Chairman Thomas asked the residents to keep the

comments to new questions or comments in reference to tonight's meeting and limit speaking time to 1 ½ - 2 minutes.

Chairman Thomas entertained a motion for the continuation date.

Mr. Galloway motioned for a continuation of the meeting on September 26, 2023 at 6:00 p.m., and for all the plans to be submitted to the Planning Department on or before September 6, 2023. Ms. Shull seconded it. Vote was called, and the motion was approved (7-0).

VII. OTHER BUSINESS

No other business was discussed.

VIII. MEMBER COMMENTS

Mr. Jorczak recommended that citizens of Ormond Beach attend the upcoming fuel farm County meeting for the safety of the community.

The Board thanked the staff and thanked everyone for attending.

Chairman Thomas requested for the applicant to choose different colors on the updated project plans.

IX. ADJOURNMENT

The meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

September 26, 2023 6:08 PM

Calvary Christian Center
1687 West Granada Boulevard
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Claire Whitley, Assistant City Manager
G.G. Galloway	Steven Spraker, Planning Director
Al Jorczak	Cara Culliver, Landscape Architect
Mike Scudiero	Robin Gawel, Senior Planner
Barry du Moulin	Sarah Cushing, Senior Planner
Troy Railsback	David Allen, Planning Civil Engineer
Doug Thomas, Chair	Randy Hayes, City Attorney
	Marcella Miller, Recording Technician

II. INVOCATION

Chairman Thomas led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

V. APPROVAL OF THE MINUTES

Mr. Jorczak motioned to approve the August 21, 2023 Minutes. Mr. Galloway seconded it. Vote was called, and the motion was approved (7-0).

Chairman Thomas opened the Public Hearing.

Attorney Hayes explained the continuation of the August 21, 2023 Planning Board meeting on Tomoka Reserve. Recommendations were made by staff, Planning Board, and the HOA attorney to allow more time to analyze the previous set of new plans. Tonight, the Planning Board can make a recommendation to the City Commission or request additional information. Attorney Hayes added that the recent material submitted, according to the applicants, is consistent with the Comprehensive Plan and Land Development Code (LDC) regulations and staff disagrees and recommends that the application be denied. He concluded that the witnesses are not required to be re-sworn and directed for those wishing to speak to announce their name and whether or not they have been sworn in.

Chairman Thomas and the Planning Board discussed the allotted speaking time for residents and audience members and it was determined to allow three minutes per person. Chairman Thomas opened the public hearing.

VI. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order – continuation of the July 13, 2023 meeting

Staff Presentation

Mr. Spraker, Planning Director, thanked Calvary Christian Center for hosting the meeting and stated that the application is for the issuance of a development order for the Tomoka Reserve subdivision, at 20 Tomoka Oaks Boulevard. He continued that the existing land use is "Low Density Residential" and the existing zoning is Planned Residential Development (PRD). The zoning district does not have a development order associated with it any longer and has since expired, the reason for the public hearing.

Mr. Spraker continued that the project has gone through two pre-application meetings, the Site Plan Review Committee (SPRC),a neighborhood meeting, and today, the third Planning Board meeting. Mr. Spraker stated that if there is a recommendation tonight, the tentative City Commission meeting date will be November 07, 2023 at Calvary Christian Center. Mr. Spraker explained the issuance of a development order review process. A PRD is a zoning document that shows lots, landscape buffers, open areas, recreational areas, and architectural standards. A PRD does not require engineering construction plans that include stormwater and utilities, which will come later with a preliminary plat. The preliminary plat would go through a neighborhood meeting, Planning Board and City Commission.

Mr. Spraker displayed a recap of the July 13, 2023 site plan with the proposal of 276 units, a mixture of 50', 60', 80' wide lots. He explained the August submittal that was before the Planning Board, with a mixture of 60', 80', 90', and 100' wide lots, but because it was submitted after it was advertised, it required a new public hearing. He continued that the applicant agreed with some SPRC recommendations, including

the building coverage, setbacks, note for lot separation, Tomoka Oaks diamond improvements, sidewalks on both sides of Tomoka Oaks Boulevard, neighborhood meeting for the preliminary plat, the timing of the traffic signal, updated architectural design language and the removal of the cut-through of amenity space parking area.

Mr. Spraker stated that a new site plan was submitted on September 06, 2023, and the changes are primarily the mixture of lot sizes along the perimeter of the boundary of the project of 80' wide lots and interior, 60' wide lots. Other aspects of the site plan that did not change were the gated vehicular access of the subdivision, it is not in the wetlands or floodplain. Mr. Spraker added that other characteristics that did not change were the environmental assessment provided, the 34 acres of natural preservation, recreational areas, 50' buffer around the site, preservation of historic trees, the school concurrency and Traffic Impact Analysis provided.

Mr. Spraker stated that the two remaining key issues are the perimeter lot sizes and the material and irrigation of the 50' buffer. The SPRC continues to recommend 100' wide lots on the perimeter where the site plan shows 80' wide lots as the former and surrounding zoning district of R-2 are 100' wide lots.

Mr. Spraker continued that the existing conditions today with the 3.3 mile buffer in the planting plan states that there are native trees and shrubs that will provide screening between the existing homes and the proposed development. Another existing condition is the existing vegetation to be able to use and gaps of landscaping to be planted, and 70 percent of the 50' buffer with trees and shrubs for visual screening. Mr. Spraker stated that the proposed plan shows that the buffer shall be 50' wide containing five trees and 50 shrubs. No groundcover was proposed in the plan. The existing vegetation would be used for gaps of landscaping to be planted. Mr. Spraker added that watering would be provided by a large water tanker truck, not permanent irrigation. The plan offered a maintenance bond for two years and requires an 80 percent survival rate to release the bond.

Mr. Spraker delivered an overview of staff's recommendations, including the City's Landscape Architect, of a type 6 buffer of seven trees, 70 shrubs, and 70 ground cover plants. The proposed plan does not meet the visual screen requirement of the LDC. He stated that staff is supportive of the use of native/xeric plantings. He added that that the irrigation by water tanker truck does not comply with the LDC. Mr. Spraker expressed concerns with the fact that the watering plan shifts compliance to the future HOA. It can involve additional maintenance and costs, as well as the 2-year bond and 80 percent survival plant rate.

Mr. Spraker reviewed the correspondence that was received and that was also included in the meeting packet. Some of the correspondences included the compatibility with the existing Tomoka Oaks, property value concerns, loss of quality of life, traffic concerns, golf course perpetuity and related uses, the existing configuration of the diamond intersection, Tomoka Reserve HOA concerns, wildlife concerns and buffer concerns.

Mr. Spraker delivered an overview of the Planning Board review criteria consisting of the application submittal, staff report, SPRC comments, written correspondence provided, criteria of the LDC contained within the staff report, and testimony provided at the Planning Board public hearing. He stated that staff recommends denial of the proposed site plan for the issuance of a development order, based on the

perimeter lot sizes and the buffer planting plan. Mr. Spraker continued that if the Planning Board believes that it is appropriate they can recommend approval. Either recommendation of approval or denial goes to the City Commission for the final decision.

Applicant's Presentation

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, representative for the applicant, stated that Mr. Don Spence will speak again on the buffer and Mr. Michael Hoteling, on the lot widths, the two key issues. Mr. Merrell recapped on the PRD due to its custom zoning for the property. He asked the Board for suggested items in negotiation for an agreement.

Key issue: Buffer:

Mr. Don Spence, Master Arborist/Native Plant Expert, Ph.D., Native Florida Landscapes, explained that he has been working with landscaping and native design for 25 years. Three years ago he completed a tree survey for the property and beginning in January, started work on the buffer plan. Mr. Spence stated that it is based on a low density residential and a buffer planting plan that had three or four plants to fill in gaps along the shrubs. He continued that several months later, they got pushback from the City as they wanted a type 6 buffer. He explained the reasons that the team felt it was not appropriate as a type 2 buffer is outlined for low density residential. A type 2 buffer is three trees and 30 shrubs. The team proposed a bonified, meaningful type 4 buffer with five trees and 50 shrubs, to fill in the gaps to provide visual screening between the existing homes and the homes that are proposed to be built. Mr. Spence expressed his concern with the said irrigation requested, as the existing trees and trees to be planted are native and once established over the next six to seven months, will not need it, same as the existing buffer that is not being watered. He stated that the goal is to plant plants that mimic the existing trees in the buffer, claiming that if the tree dies it will be replaced per the two year bond.

Mr. Spence continued reviewing the buffer planting plan and stated that the 50' wide buffer, that would be managed by the HOA, if there are tree problems would not be able to plant across the entire buffer due to many of the homes having fences or walls. In the plan, the center 20' of the buffer would be the planting zone. He continued that trees and shrubs need full sun and cannot be planted underneath of canopies. Mr. Spence stated that space is needed for access (15' on the development side and space for neighbors on the backside). He added that access is needed behind the property lots of the homes built to manage trees and any invasive plant problems, therefore cannot plant across along the entire width of the buffer. Mr. Spence reassured that the plants will be watered and made sure of their survival at 100 percent from the initial plan of 80 percent, after two years. The site will develop in phases and the bonds will follow in phases and long-term maintenance will be driven by the legal agreement that the HOA develops. Mr. Spence reviewed a table that explains the watering phase for the trees and shrubs and stated that the plan meets and exceeds what the University of Florida recommendation is. He continued that they are not willing to dig up the buffer for ground coverings and feel it does not add to the visual screening. He pointed out that a water tanker truck is in the plan for irrigation and backed up his point with the LDC guideline specifying that if using native/xeric plants a permanent irrigation system is not required. Mr. Spence concluded that there is no standard for a type 6 buffer being applied in a residential setting and no example of an industrial buffer design against residential.

Mr. Merrell stated that the proposed buffer plan is well founded and innovative, concurring with Mr. Spence, and added that a permanent irrigation system would tear up the manicured grass.

Key issue: Lot sizes:

Mr. Michael Hoteling, MAI, Managing Partner, Moody Williams Appraisal Group, stated that he has been appraising commercial, residential, subdivision type properties for 20 years. He spoke on the appropriateness of the lot sizes and stated that most of the lots of the homes being proposed are 2,100 to 2,900 square feet and most of the lots that get sold are between 60' wide and 80' wide, with some 100' wide. Mr. Hoteling commented that this will be a nice subdivision where the homes can range from $600,000 to possibly over $1 million. He added that when pricing the homes in Tomoka Oaks three weeks ago, there were no homes for sale that exceeded $700,000, except for those along the water. Mr. Hoteling concluded that what is being proposed to be built will add value to the existing development and not detract from it.

Mr. Merrell stated that the alternative to the custom zoning is straight zoning. The subject property is low density residential in which the zoning classification does not have all of what is being offered through the proposed project. He explained the reason it was decided to go through the PRD process and propose the combination of lots is because the market does not do 'Tomoka Oaks lot sizes' at 100' by 100' anymore. Mr. Merrell added that the applicants wanted the mixture of lot sizes starting at 50' wide lots and a larger landscape buffer for separation. The minimum guidelines for the landscape buffer is required to be 50' and if adding all of the green around the outside it is an average of 129' of greenspace between both properties. Doing straight zoning at a 6' buffer requirement as opposed to the 129'. The straight zoning would have also offered only two trees and 20 shrubs as the landscaping buffer requirement. Mr. Merrell added regarding outdoor recreation, and the open space and parks, that they are a concession as part of the negotiating PRD. Mr. Merrell referenced the architectural standards and how the applicants listened to the neighbors and their dislike of cookie-cutter homes. He touched on the pedestrian connectivity being volunteered, stating that they would add sidewalks out to Nova Road. Mr. Merrell concluded that something is going to be built, whether based on custom zoning or straight zoning.

Board Questions of the Applicant

Mr. Scudiero asked what the average lot square footage is in the existing Tomoka Oaks development versus what the perimeter lots would be with the 80' wide, 90' wide, and 100' wide lot range.

Mr. Dwight Durant, Zev Cohen & Associates, stated that what is being proposed are 80' wide by 120' deep lots, approximately 10,000 square feet, and the existing typical Tomoka Oaks lot is 100' by 120', approximately 10,000 to 12,000 square feet. The inside lots are approximately 7,000 – 8,000 square feet. It was discussed that some of the proposed lots have a different rear width and can be above 10,000 square feet.

Mr. du Moulin inquired about the proposed irrigation of the buffer and if there is a specific amount of time that the water tanker truck would irrigate. Mr. Merrell replied that the detailed proposal and plan is in the board packet materials.

Chairman Thomas asked about the different proposed façades of the homes and asked for clarification on if it is every 4th house before duplicating the same façade,

expressing that he does not like every other house repeating the same design. He added that currently in Tomoka Oaks you will not see two houses within 200', 300' and 400'. Mr. Merrell replied that the same façade cannot be next to each other or across the street, and urged Chairman Thomas and the Board to be specific in what it is exactly that they would like to see. Mr. Merrell clarified that the applicant is not trying to recreate or replicate Tomoka Oaks, an older product and design, but bring forward the quality and variety that they have asked for.

Mr. Railsback referenced the elevations and colors of the homes and stated that they should be not 'cookie cutter' in design. He asked what is being done for the softening of the diamond and if it will be a roundabout instead. Mr. Merrell relied that the diamond is proposed to be reconfigured to an amoeba shape, with rounded corners, allowing better flow for vehicles, including buses, as well as adding landscaping in the island.

Mr. Jake Stehr, Zev Cohen & Associates, read the material included in the recently submitted plans that stated architectural variations in the variety of house sizes designs in the neighborhood is encouraged to facilitate it so that the two adjacent homes on the same side of the street as well as the house across the street and its two adjacent homes have to have a minimum of three different design elements of the following ten elements.

Ms. Shull asked if the plan was referencing different design elements (example brick and siding) or if the whole house is different. Mr. Stehr answered elements such as roof pitch and roof type, the skin/exterior finish material, color, garage orientation and size, porch size and location, number of stories, window sizes and shapes, window location and decorative elements. He concluded that houses cannot be mirrored across the street from one another and that options will be given to future home buyers.

Mr. Galloway asked for clarification on the buffer. Mr. Merrell explained that their idea is to leave the places that already have bushes and trees alone. The reason for not wanting to lay groundcover down is to avoid tearing the ground/landscaping up and put wild landscaping in. Mr. Merrell added that if landscaping was put in along the entire 50' buffer it would not be able to be accessed and maintained, according to Mr. Spence.

Mr. Jorczak inquired about what the average required time for the trees, based on size, that is going to be planted to be able to provide 100 percent screening in all of the areas that trees have not been supplied to fill the gaps. He commented that it will determine if it will be three, five, or ten years before the trees will provide the screening. Mr. Spence replied that different trees grow different ways and it is hard to tell. The trees are designed to provide a canopy and the shrubs will provide the visual appearance between the homes. There is not going to be 100 percent complete vegetative screening, as the code only calls for 40 percent. Mr. Spence concluded that there will be gaps for a while and in time the plants, natives and shrubs will mature and will reseed themselves in the buffer, creating a denser buffer over time.

Ms. Shull asked Mr. Spraker for explanation of the request for the 50' buffer, the irrigation, and type 6 buffer. Mr. Spraker answered that one of the key factors expressed was the buffer and the lot sizes during the pre-application neighborhood meetings and the SPRC meetings. The goal is to provide the buffer to mitigate for some of the loss of the natural buffer that is there today. Tattersall, RidgeHaven, and Tymber Creek Apartments are projects that have natural buffers. He stated that staff

is not against the native or xeric plantings, but are against taking a former golf course, developing it into residential, and leaving gaps in the buffer. He added that Ms. Culliver, Landscape Architect, is available to go through the details of the recommendation if necessary. Mr. Spraker added that staff believes that irrigation is a key source for the plantings.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, expressed his disappointment with the applicant's response to the HOA in negotiating the architectural standards, traffic impacts and buffers. A few of the architectural ideas were agreed upon, but not on having the different architectural styles close to one another. Another HOA request was for buffer enforcement once the two-year performance bond is over. No comments were received back from the applicants regarding if that language was acceptable or not. Mr. Bayer rebutted Mr. Merrell's comment and said that property is currently zoned PRD and the last development proposed that came to the Board was to convert the golf course, which was PRD with part of the property being a golf course, and part of it residential. He spoke on the PRD and R-2 zoning and referenced a Florida Supreme Court case, The Snyder Decision, a landmark land use decision that has been in place in the Florida Supreme Court since 1993. Based on it, he remarked that the City Commission can say that they do not want R-2 zoning and that they want it to stay PRD, given the unique circumstance presented by the property. Mr. Bayer continued that they agree with staffs comments on the issue with the buffer and stated that the buffer is typically required between the new residential development and the existing residential development and are typically at a much higher standard than residential next to residential, as the use is being surrounded, therefore a different buffer requirement. Mr. Bayer referenced the Matanzas Shores Golf Course conversion where they required a lot of different issues with the buffer that was much greater than the standard residential buffers, which is part of the golf course conversion process. He stated that this is not the standard development review and is very unique. Mr. Bayer concluded that the HOA agrees with staff on the 100' wide lots on the perimeter and the type 6 buffer, and the recommendation of denial to the City Commission.

Mr. Tom Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, expressed the resident's frustration with the developments with the late withdraw of the plan that they presented at the last meeting, and the lesser plan submitted. He spoke on the applicants list of concessions in response to staff comments and stated that it did not affect the project in size or layout. The addition of the sidewalks on Tomoka Oaks Boulevard and the modification of the island, he says are basic safety issues. Mr. Harowski commented that the basic issues remain the same since the beginning. He continued that the applicants refuse to apply the staff recommended 100' wide lots on the perimeter or offer reasonable solutions. The threatened alternative of R-2 standard zoning, which requires 100' wide lots throughout seem acceptable to the applicant as an alternative and should be acceptable for a portion of the project. Mr. Harowski remarked that they turned to the design guidelines but still need to include the requirement for diversity in garage door orientation and the way the driveway faces. The compatibility is not having clusters of units that are the same. He remarked that the design that they have seen does not get that point. Mr. Harowski spoke on the important factor of the traffic signal

application and how a 30-day period was mentioned previously and stated that the application should be made promptly.

Audience Comments

Ms. Flavia Cassasola, 21 N. St. Andrews Drive, asked if the proposal gets approved if a moratorium has been considered on the noise level, 24 hours a day/7 days a week, from sunrise to sunset. She mentioned that people walk and bike the neighborhood at all hours of the day and remarked that the Mac tucks can be driving through as well as jack hammers working at all hours of the day and night, including weekends and holidays. Ms. Flavia asked if the construction schedule has been considered. She added that the investors bought the property to make money and that she has been in opposition since the beginning as there has been no compromise in the 272 units. Ms. Cassasola concluded that it is going to impact Tomoka Oaks, the Trails and Talaquah as well as the traffic and recommends denial.

Ms. Ashley Dufrene, 118 N. St. Andrews Drive, said that she took the Oath and reminded the Planning Board that the City of Ormond Land Development Code (LDC), Section 1-18, states that the proposed use will not substantially or permanently create a nuisance, deprive adjoining properties of adequate light and air or create excessive noise, odor, glare or visual impacts on the neighborhood and adjoining properties. Ms. Dufrene remarked that she lives on the golf course and knows that all three of those will happen if the development takes place without the proper guidance that the City and HOA is providing.

Ms. Bonnie Kloepfer, 23 Tomoka Oaks Drive, did not take the Oath prior but does so now. She commented that she is at the mouth of the Tomoka Oaks Golf Course. She added that she has a brand new white house and it will get filthy from the trucks and dirt from construction. She continued that the issue of 1,100 cars per day going back and forth is insane and cannot imagine what the traffic will be like. Ms. Kloepfer commented on their sentiments on trying to make it easy for the residents and their claim of compromising. She expressed her discontent with proposed number of homes. Ms. Kloepfer referenced yesterday's newspaper in regards to the purchases of one million plus homes on the rise in Volusia and Flagler Counties. She concluded her comments with the expression "if you build it, they will come", and said that she would like a proposed development such as Tomoka Estates or Estates of Tomoka Reserve instead of jammed in houses.

Ms. Denise White, 9 Fox Run Trail, The Trails, stated that she took the Oath. She thanked the Board for their time and service. Ms. White added that a reduction of four homes does nothing for the safety, traffic, density or lifestyle issues and changes nothing whatsoever. She remarked that it will impact everyone's lives and safety. Ms. White spoke on the merit of the old adage, "just because you can build does not mean that you should."

Mr. Jeff Boyle, 614 N. Halifax Drive, took the Oath and stated that the data in numbers in Volusia County are causing loss of sight in the big picture. He referenced the Comprehensive Plan policies and goals and remarked that the latest site plan is not compatible with adjacent homes and added that the revisions protect the neighborhood character, and does not guarantee safe traffic flow. Mr. Boyle continued that the revisions do not preserve natural open space. He stated that the golf course should have been zoned Open Space/Recreation, and commented that it is a mystery why it was not. The zonings protect adjacent property rights. Rezonings threaten those rights. Mr. Boyle said that Tomoka Oaks defines everything that is

good about Ormond Beach with a quality environment, quality homes and quality people who have suffered this thread with heroic dignity after paying premium property taxes to the City for over 60 years. Mr. Boyle stated that the revised site plan disrespects the city, the spirit and intent of the land use codes, the residents of the Trails and other nearby communities and the people of Tomoka Oaks. He added that they deserve better. He concluded that the revised plan is not Ormond Beach and is not who they are.

Ms. Ronnie Ranieri, 216 Rio Pinar Trail, swears to the Oath, and expressed her concern with 272 houses with only one point of egress. Another concern expressed is the traffic in the mornings and the safety of the kids that are walking or riding bikes to Tomoka Elementary School and the private Temple school. She commented that it is a tragedy waiting to happen. Ms. Ranieri remarked that reducing the plan by four houses from 276 is not going to work. She added that hundreds of cars are going to be coming out of the neighborhood at rush hour in the morning. Ms. Ranieri commented that most families have two cars and with the number of houses that are proposed, is worried about the kids.

Ms. Connie Colby, 108 Robal Lane, stated that she is concerned about it being a gated community as school busses do not go into gated communities. The children in middle school can walk and ride their bikes but middle school busses will have to come in the community somewhere to pick the kids up and will have to park outside of the gate, near the roundabout which would stop traffic. Ms. Colby continued that in her neighborhood a lot of the parents drive their kids to the bus stop or pick them up in the afternoon which will lead to more people parking along the road, causing a traffic mess. Ms. Colby pointed out that according to one of the maps, and with her experience living in gated communities, there has to be an emergency exit for emergency vehicles and suggests that there be a plan for it. Ms. Colby concluded that a lot of the proposed properties are close together and expressed her concern for boat, trailer, and RV storage on the properties.

Ms. Kelsey Kipi, 52 Pine Valley Circle, vowed to take the Oath, and commented that the reduction of the four homes on the plan is nothing and explained how they made lots slightly larger at the expense of the greenspace. She added that the developers purchased the golf course and asked why it could not a golf course that goes in. Ms. Kipi stated that Tomoka Oaks Golf Course closed due to a lack of maintenance to the course and not a lack of interest in the sport. Two local golf courses, both Halifax Plantation and Riviera, both have waitlists, according to Ms. Kipi. She suggested to restore the course and the membership with follow and profit will be made, and the greenspace will remain. No more angry citizens and no more debating on lot sizes and buffer zones and no more FDEP requirements. Ms. Kipi concluded to restore the course or sell it to someone who is willing to do so.

Ms. Lauren and Mr. Ned Huhta, 30 Pine Valley Circle, stated that they took the Oath. Ms. Huhta stated that she is a third generation resident and her grandfather designed and built their home. She expressed their concern with the signage for Tomoka Reserve and asked for specifics of where the signage will be located. Mr. Huhta added that he grew up in the house. He asked if the reclaimed water is going to be used for the proposed neighborhood residents as well as those around the perimeter. He asked if an adjoining property owner has a say in what is planted in the buffer and can decide on something mutually agreeable. Mr. Huhta remarked that they do not like Magnolia trees.

Ms. Wendy Dedo Findes, 16 Oakmont Circle, stated that she did not take the Oath but does now, and has lived in Tomoka Oaks for 27 years. She asked if the Planning Board has visited the Tomoka Oaks Golf Course or driven through Tomoka Oaks. She added that it is a very quiet, residential community and when the kids are in school, people are walking around quietly. Ms. Dedo Findes stated to build the proposed development inside of the golf course area will be a catastrophe. She said that there are no sidewalks, therefore kids ride their bikes in the narrow streets due to the neighborhood initially tailored to an older community. Ms. Dedo Findes added that the Trails are going to be affected. She spoke on the light at Tomoka Oaks and Nova Road and how it will be a havoc, with only one ingress and one egress through Tomoka Reserve which will spread out through Main Trail, Iroquois, and Rio Pinar. She continued that are a lot more children in the community now, including her 6th grade son at Ormond Beach Middle School (OBMS). She expressed her concern for all of the kids. Ms. Dedo Findes stated that all of this should be of consideration, the children, quality of life, and the environment. Ms. Dedo Findes concluded that wildlife have been displaced because there is nowhere to go with all of the developments.

Mr. Tyler Travis, 888 Willow Run, stated that he rents in Tomoka Oaks, and just moved here from Virginia and elaborated on his experience in a dense, high-traffic area in Virginia and offered a contrary, counter-perspective, expressing his respect for the current residents. He continued that he likes his privacy but is also interested in smaller lot sizes to be able to afford a home. Larger lots and estates would price him out, according to Mr. Travis. He is interested in new construction, and spoke on the architectural designs and how the applicant plans to alternate styles throughout. With townhomes it was only door color or shutter color that changed. Mr. Travis commented on the traffic and said that as long as there are sidewalks and traffic crossing lights, just as he was in a dense area in Virginia and it was not an issue. The kids had to walk to the bus stops, other than the younger kids whose parents took them to school. He added that he has a young child and had no problem playing with them out in the streets in their neighborhood.

Mr. Robert Banker, 1 Tomoka Oaks, #135, Escondido, stated that when the HOA President raised the idea of 276 units going in, the residents wanted it changed. He agreed with the President that then it went down to 272 units, that he did not like it and that it was not much of a change. Mr. Banker continued that he would like to see the number 0, unsure if it will happen. He commented that the applicant stated that they were going to put in $600,000, $800,000, and possibly $1 million homes. Mr. Banker stated that the plan shows a section in the middle similar to appearance as a sardine can which he does not see them being 7', 8', 10', 15' to 20' apart. He suggests that they will not sell for more than $100 to $150,000. A $700,000 will not be next to a $150,000 and still maintain value. He referenced the infrastructure and commented that no one is considering what it will do to the Publix area. Mr. Banker stated that the President commented that something is going in, and he asks why and what is the hurry. He spoke on a unilateral amendment and how the language for it should be stricken. Mr. Banker asked how when the construction is going on with the trucks backing up at the traffic signal, how the traffic will be going in and out.

Ms. Michele Zirkelbach, 328 River Bluff Drive, stated that she swears to the Oath. She thanked the Planning Board members for their time. In reference to time, she added that Mr. Merrell started out his presentation with the remark that a lot of hours have gone into talking about of stuff, and the irony in the statement. She commented

that for every hour that Mr. Merrell has spent, it is a billable hour for him and the residents match him hour for hour times every resident in the neighborhood and have more invested in this in manpower hours and are ready to have a real negotiation. Ms. Zirkelbach stated that when Mr. Merrell sits at the mediation table when someone comes back with a less than 2 percent reduction, he takes it for what it is a slap in the face. She continued that is where they are, 276 homes, down to 272, is not a meaningful move on their part in which finds offensive. She continued, and referenced Chairman's remark on speaking directly to the plan that that represented, and said that she finds it unacceptable. She spoke on the previous proposal approved, keeping parcel greenspace golf course and having less homes and nothing has been proved in terms of traffic. Ms. Zirkelbach stated that if continuing with this back and forth, for the Planning Board or City Commission to ask the hard questions about the traffic study. She stated that when looking at the traffic study and its statement that one car is going to be going to Tomoka Elementary out through Nova Road, that they have more common sense. She concluded that she agrees that something is going to go in there and offered food for thought on the market out there not for smaller lots and commented that Kings Landing subdivision in Port Orange is being brokered by Realty Pros, Mr. Buzzy Porter and Mr. Bill Navarra, whom she esteems, but said they are one acre home sites that are selling for $250, 000, $267, 000 to $278,000. Ms. Zirkelbach stated that if the threat is R-2 zoning and all of the lots being 10,000 square feet that the whole concept should be reconsidered as one-acre lots. One-acre lots is where it is at!

Ms. Missy Herrero, 111 N. St. Andrews Drive, stated that she has lived there for over 30 years and residents have spent thousands of dollars for legal representation to defend their quality of life and safety of their community. She continued that they do not have money to gain in the war of attrition. She said that they have been meeting with different members of the development and Board for over two years. Mr. Ray Barshay was quoted in the newspaper for saying that they just have not been able to tell their story, and Ms. Herrero commented that she does not know what they have been doing for two years. He invited them to see the quality of the product that they wanted to build out at Plantation Bay, on 80' wide lots. Ms. Herrero asked before she took her time to do so, what was behind the 80' wide lots. The answer was a golf course. Ms. Herrero spoke directly to the new plan and said that it is still not compatible in the existing neighborhood. 60' and 80' wide lots does not fit. The proposed buffer is the most inexpensive approach to the buffer. She mentioned a comment brought up by their HOA Attorney, that it is not a neighborhood backed up to a neighborhood, it is a neighborhood where people invested in property and homes on a golf course for views and privacy and are losing that, so the buffer should not be treated as a regular Residential to Residential buffer. Ms. Herrero commented that Mr. Rubin is from South Florida where she grew up, and her friend sent her miles and miles of buffers, dense, diverse, and well-maintained examples, with no water trucks driving along the buffer. She suggested that if it has to be built to some extent that it needs to be done in the best, high-quality possible approach as the reality is that the environmentally-friendly innovative approach is the least expensive and the most profitable for the developer. Ms. Herrero commented that there is information on how when golf courses are developed it affects the value of homes, with experts that say the opposite, and she said that data can be provided for it. She added that they do not have millions of dollars to win on this and they do. She suggested that if someone had time to pick apart the experts, it does not all add up and urged the Board vote no.

Ms. Dale Ryals, 20 Eagle Court, stated that she was not hear at the last meeting to take the Oath. She commented that her husband was in the hospital over the last month at Advent Hospital and when transported by ambulance and admitted to the Emergency Room, where he had to stay for two days due to no available room in the hospital. She continued that the hallways were lined with patients. The hospital claimed that they are not going to improve with only two hospitals. Ms. Ryals stated that when the development order was done the neighborhood was told by the City Commission that the golf course was needed for holding and draining the water to be able to put it back into the aquifer. She added putting rows of the houses with concrete and asphalt roads will have sewer drains and it will end up in the Tomoka Basin. They were told they could not add too many chemicals to the golf course so that it would not get into the Tomoka Basin. Ms. Ryals commented on the million and a half gallon water that had to be added to the reclaimed water, in which 250 of it came from St. Johns, and 250,000 came from her husband's pocket. The mylar-rubber liners was not paid for so her husband had to pay a lot of money to put the liners in, which could be an EPA problem.

Mr. John Rhoades, 39 N. St. Andrews Drive, stated that on his property, the city sewer and water/electricity come in from Nova Road through his yard/easement. He was aware when he purchased the property. He added that the infrastructure is going to have to come in from somewhere through easements or the main road which will tear up roads and create a miserable quality of life. He continued that the traffic and noise will be horrible and wants people to be aware of it when they are coming through resident's yards. Mr. Rhoades concluded that he appreciates the Boards time and trouble.

Mr. Paul Hughes, 4 Lauren Court, stated that he has taken 30 years of Oaths with the Government as an officer and added that his Oath is his bond. He commented that Tomoka Oaks is the body and the donut hole looks more like the large intestines. He remarked that hope is not a good plan for investments and added that there is no detailed entrance, drawing or plans that have put up to the gated, private, profit-motivated, smaller lot community. Mr. Hughes stated that the Escondido neighborhood has not seen any drawings to see how their lives will be altered with all of the underground utilities, sewers, that are max capacity now will all have to be altered at an extreme cost. He spoke on the northeast section where it has been cleared already on the plans and asked how they got a land use variance to alter the neighborhood standard to demolish a house or use for a rear entrance for EMS. Mr. Hughes remarked that he sees the issue with the watering for the plants and claims it will not be water that is treated. He referenced the Misners Branch Bridge and the overweight trucks that will be going over it and asked who will pay the construction costs when it has to be closed down for maintenance. He added that the plans do not include the utilities, and concluded that a person with nothing to hide, hides nothing.

Mr. John Measel, 16 Eagle Court, spoke on not irrigating the buffer and commented that if you do not water grass, you will get nothing but weeds and sandspurs. He added his concern with the traffic diamond and the thought that it will be suitable to add another 500-600 cars daily. He stated that it is not suitable now. Mr. Measel suggested to put a traffic circle and concluded that the traffic will be horrible.

Applicant's Rebuttal

Mr. Merrell thanked the residents for being there and spoke on the number of units that were reduced and stated that it started at 300 and is at 272. He reiterated the

straight zoning concept, the alternative in negotiating the zoning. He referenced the Snyder Case law and stated that it has nothing to do with rezoning of property that is surrounded by the exact same zoning. The limit of what you can ask for was talked about and it was said that you cannot think you are going to get the limit of what the Comprehensive Plan allows. Mr. Merrell referenced Mr. Spraker's report in that the Comprehensive Plan allowance is 4.3 units per acre, 632 units, which was their starting point.

Mr. Merrell referenced Mr. Harowski and thanked him and his input and suggestions on architecture and commented that they did not do all of what was suggested and remarked if the Board wants a particular thing to let the applicants know. On the traffic signal timing, Mr. Merrell remarked that if the light was not put in based on the DOT's timing that they would put the money up to have it built when the permit was issued and Mr. Lassiter will process the FDOT request. Mr. Merrell advised the Planning Board that if they feel differently to make it part of the motion.

Mr. Merrell referenced Ms. Flavia's remarks and stated that they have proposed construction time limits, on the cover sheet of the plan, Monday – Saturday, 7am – 7pm. He advised that it will not be 24/7 and it will not take place on Sundays.

Mr. Merrell refenced Ms. Lauren and Mr. Ned Huhta's inquiries on signage and answered that the plan is to have a sign like what was exhibited at the first hearing, at the entrance to the Tomoka Reserve community, not the entrance to Tomoka Oaks. The City Utility Department will have the answer on reclaimed water. Mr. Merrell stated that they are happy to discuss the types of trees.

Mr. Merrell thanked Mr. Travis for his remarks.

Tomoka Oaks HOA Rebuttal

Mr. Bayer referenced the Board members comments over the last couple of Board meetings that the project is too dense, with no significant reduction, as well as staff's comments on why the Type 6 buffer is appropriate and why it needs to be maintained and irrigated. He remarked that he understands a natural look and does not think it is a natural area with issues. Mr. Bayer spoke on the traffic circle and how it should be a requirement. He added that there has not been any substantive change since the last meeting and based on that he agrees with staff's recommendation of denial with it being time to go to City Commission. Mr. Bayer concluded that he respects the request that it go with the recommendation of the Planning Board of no, that it is not adequate and the way the property should be developed.

Live Stream Update

Mr. Spraker stated that staff is aware the livestream cut out from one link and are not able to re-establish that link. He stated a new live link has been established that is on the city's Facebook page and the city website. He stated he is aware that audience members are getting e-mails and texts and the city Public Information Officer (PIO) is also providing the new link.

Applicant's Rebuttal

Mr. Merrell stated at the end of the day, in response to Mr. Bayer, he pretty much repeated what has been talked about all along which is what to do with the lot sizes and the buffer in terms how it is planted and maintained. Mr. Merrell stated you heard a difference of opinion and they were professional opinions, very well thought out. He stated that there were hopes that the Board listened to them and looked at the

package that was in front of them, because if they said, "yes, but.." Mr. Merrell stated that is the safe route and then the City Commission knows that the Planning Board is willing to say the proposed houses can be built, but on suggested terms. Mr. Merrell continued that if the Planning Board says no for them to say why and explain because there are things in the reasons presented to you that you could say why and that it may not be the type of evidence that is needed to say no. He asked the Board to think about those things.

Break

Chairman Thomas stated that the Board is going to take a break at 8:14 p.m. The meeting resumed at 8:27 p.m.

Board Discussion

Chairman Thomas thanked all of those who spoke and for their input. He stated it is very important that the Board gets that and hopes that they all feel that over the three meetings that they have all been treated with dignity and respect and that true feeling that the Board really does care about their thoughts, wants to hear from them, and considers their opinions. Chairman Thomas stated that he wanted to remind the audience, "we are you - we are no different than you, we are just the volunteer people who sit up here and want to do what is best for our overall community." He thanked the audience for attending and for their participation. Chairman Thomas stated they are bringing the discussion up to the Board and the Board will have the discussion among themselves. He stated that the public hearing is closed, and cannot acknowledge anybody in the audience without the Board asking for them, and commented to please not raise any hands because it is closed for the public participation.

Mr. Jorczak stated that in the staff report it was discussed for the replacement of any of the plantings that may die and the two-year bond being put up to replace those issues. He stated that he noticed in some developments where there are dead trees long after the development has been completed and wondered if the city has any information with respect to developers who are responsible for going to do replacements in a certain time period and what the evidence generally is throughout the community. Mr. Jorczak stated that there have been a lot of developments that he has not gone through after they have been built to see what the propensity is for that to happen irrespective of the information that had been presented as to what it takes for the shrubbery to mature and then survive without any irrigation. Mr. Jorczak inquired if there was any data that could be shared as to an incidence of that happening and the time period to resolve it if another development was under no compunction or no city responsibility to do that replacement.

Mr. Spraker stated that staff does not have any empirical data to answer this question. He stated that typically a subdivision is constructed by a developer with inspections of landscaping at the end of construction to ensure whatever was supposed to be built is there and then it is turned over to a Homeowners' Association (HOA) for maintenance. Mr. Spraker continued if there are complaints about gaps in buffers or dead material, Neighborhood Improvement staff will investigate and look at the approved plans and seek to come to a resolution. The city Landscape Architect is often times included in the review. Mr. Spraker stated that there is a method for enforcement. Attorney Hayes stated that there are conditions in the development order and the obligations for maintenance are with the Homeowners' Association

(HOA). Staff seeks to work with the respective parties to find a solution. Attorney Hayes continued that there are enforcement provisions that code enforcement staff can enforce.

Mr. Jorczak asked if irrigation is a typical part of a development order. Mr. Spraker referenced the example of the Pineland subdivision that used a natural area that did not require new irrigation. He stated that wherever there are landscape plantings there is a requirement for irrigation.

Ms. Shull asked about long-term irrigation for other properties and referenced the applicant's request not to use an irrigation system. Mr. Spraker stated that if it is planted then there is an irrigation system and if it is a natural area, it is already established and no additional irrigation is installed. He referenced the natural areas and wetlands within the Pineland subdivision. Mr. Spraker stated that Tomoka Reserve has areas that will not need irrigation based on the natural areas. He continued that the city Landscape Architect advised that as new landscape material is planted, irrigation is required.

Ms. Shull asked why the plan did not want to include groundcover material and asked Mr. Spraker elaborate. Mr. Spraker stated that a buffer is sought between two developments and the groundcover is a tool to accomplish the buffer. Mr. Spraker stated in staff's opinion, the type 6 is an appropriate buffer. He concluded that if there is a desire to trade groundcover material for more trees or shrubs, that it is possible through the development order process. The groundcover is one of three layers that make up a landscape buffer.

Ms. Shull asked about maintenance and vine maintenance. Mr. Spraker stated that a normal course of maintenance would include managing vines and such material. He explained that he understood that the desire of the buffer is to let it grow natural and that SPRC staff are focused on the gaps in the buffer and filling the gaps. Ms. Shull inquired if the maintenance would be taken over by the HOA. Mr. Spraker confirmed that is correct.

Mr. Scudiero remarked that this is an applicant who appears before us quite often, and the least that can be done is to provide direction. Mr. Scudiero commented that he does not love the plan and did not think that was a secret. He stated that his biggest hang-up is the density. He continued, not just density in general, because of some of the lots being larger throughout the perimeter, commenting at least you cannot always see in other neighborhoods around the city where the density is higher. Mr. Scudiero stated that his concern is the references to the donut, which is not a completely inaccurate description. He stated if you are going to fill the donut in, it has to be with the same material as the rest of the donut. Mr. Scudiero stated his concern here is that the lot sizes, not just lot widths, need to be consistent throughout. He stated that would be his biggest suggestion to the attorney.

Mr. Scudiero added that when you take a neighborhood that is 50 or 60 years old, there is no way to re-create every style of home and architecture as so much has change in that time period. Mr. Scudiero stated that the homes today, even if they are the same square footage, they are vastly different than what was built originally in Tomoka Oaks. Mr. Scudiero continued that it is owed to the surrounding residents to make the development as close as possible – make the donut as contiguous as possible. He added and as consistent as possible. Mr. Scudiero concluded explaining his heartburn is that the development plan does not get anywhere close, especially with the 60' wide lots in the center, to the existing development.

Mr. Railsback commented that he concurred with Mr. Scudiero's comments. He stated that he read the application and all of the submittals. He stated that he previously lived in the Trails and was familiar with this area, which was one of the residents' concerns. He stated that he believed the Board members have a very intimate perspective of that area of the community. Mr. Railsback added that he served on the Quality-of-Life Board and that elements such as traffic and continuity are important to his decision-making process. He stated that in his review he could not ignore the fact that there is an open question of should the property always be a golf course. Mr. Railsback compared it to someone who bought on a lake or on the river and if someone was going to develop a houseboat development behind them. He stated that would invade on their original thought process of where they wanted to live and what they decided to purchase.

Mr. Railsback stated that if something goes in there that is not a golf course, considering the conformity and compatibility discussed and whether concessions were made. He commented that from the perspective of what could go there, 632 units are allowed under the land use and there are other concurrency issues that would pair that number down. Mr. Railsback stated that he is works in the area of HOA/condo unit development and has been thinking of the issues of development and what should of or could have been done that would be better for the surrounding area. He identified parking as an issue. Mr. Railsback expressed concern with so many vehicles with short driveways and two or three cars parking in the street when you have guests. He stated that he did not want this to be an afterthought and wishes there were longer driveways.

Mr. Railsback commented that he would like much less density and how that is his major concern. He offered the estate home concept as an alternative concept that would be more compatible. He continued that it is going to take an established neighborhood with larger lots and homes that are not 7 ½ feet offset from the property line, effectively 156' apart, then something greater than that should be in place, adding that there are no homes in Tomoka Oaks that are 15' apart or that have the same building elevations. Mr. Railsback stated in order to get his support there would need to be enhanced architectural standards that separate similar building elevations and much less density. He remarked that if you have a larger home price per square foot, rather than a ton of smaller homes, you can get to the same range and get a project that is better conforming to the area. Mr. Railsback expressed concerns about the traffic flow, including the thoroughfare leading into Rio Pinar, Iroquois, and Main Trail and out to SR40. He stated it will become a racetrack at different times of the day with safety concerns. Mr. Railsback expressed his concerns with Rio Pinar and North/South St. Andrews Drive. He expressed that a higher density project would provide additional traffic impacts and does not know how that many cars would work through that area.

Mr. Railsback stated he agreed with the donut comments. He stated the new development should be the same design or better. Mr. Railsback expressed support for greater sized lots or a greater size home and the rising tide will bring everything up.

Mr. du Moulin stated he rode his bike from Winding Woods through the area and Tomoka Oaks is a unique community with the houses beautifully maintained with its own character. Mr. du Moulin expressed that he is still shaky on the legal issues on whether or not the former golf course can be built upon. He stated that if the

developers want to be good stewards to their neighbors, the community, and to Ormond Beach that they should consider a larger scope for the housing development. Mr. du Moulin recalled at the last Planning Board meeting that there was a project called the "Enclave" which had larger lots sizes, 12 homes on 26 acres. He stated that the only problem was that it had septic systems and that is not applicable here. He suggested if something was to go on the former golf course, if it legally can go in there, the developers need to expand the acreage per lot.

Mr. du Moulin continued that he was concerned with the traffic and suggests that the traffic studies are flawed. He stated that the Fishkind study was also flawed. Mr. du Moulin expressed additional concerns with the traffic patterns and expressed that the traffic studies do not cut it. He stated the project needs to consider larger lots that would reduce the overall traffic demand and suggested a rotary at Tomoka Oaks Boulevard and Saint Andrews Drive diamond.

Mr. Jorczak stated that he has spent a considerable amount of time reviewing this project and concurs that it is unique. He expressed a concern that the proposed houses would be cookie-cutter homes which is quite a bit different than the existing neighborhood surrounding the project. Mr. Jorczak stated if this project were 5 miles from the center of town, it may be appropriate, but this is dropped into an existing residential subdivision that has an atmosphere. Mr. Jorczak stated that he understood the business model that the developer is working with and what homes that they believe that they can sell. He commented that the elephant in the room for him has been the change in lot size. Mr. Jorczak stated that this property could be even better than the existing Tomoka Oaks homes. He encouraged the developer to take a look at other potential economic models with larger lot sizes. Mr. Jorczak continued that the former golf course is such a unique piece of property and how he would like to see what is already there expanded as opposed to a standard development model.

Mr. Jorczak expressed concerns about traffic from the project and traffic in general. He stated that traffic is a common issue that happens everywhere - the infrastructure does not catch up to the level of development. Mr. Jorczak continued that traffic is astounding and getting worse by the year, and it will continue to get worse. He stated these elements have to be dealt with in a fashion to minimize the effects, including the use of larger lots. He stated that both issues of traffic and density can be helped with larger lots. Mr. Jorczak commented that the land area's limited access should also be considered. He stated that there is not one project before the Planning Board that has not discussed access. He acknowledged that the property will likely be developed in some residential fashion. Mr. Jorczak stated that density, traffic/safety, diversity of building styles, and compatibility with the surrounding neighborhood are all key issues and concerns. He concluded that the comments of the other Board members are valid comments and there needs to be a better job of mitigating the impacts of this development than what is in front of them.

Mr. Galloway commented that he wanted to be clear that he has friends, professionally and long term, on both sides of this equation. Mr. Galloway stated to the resident who asked about the board members familiarity with this area, that he and his family have spent a lot of time in Tomoka Oaks and the Trails.

Mr. Galloway stated he has done research in relation to this application and lots being built in this area. The first thing is that not a single developer has been able to develop to maximum land use density allowed. He added that it seems that developers ask for the moon and we pull back the density. He stated that 60 to 70 percent of the lots that

his company pulled were between 55' and 65' in width. He continued that 30 to 40 percent were 70' to 80' in width. Mr. Galloway stated that they could not find any new subdivisions with 100' wide lots. He stated that a 50' wide lot would probably cost the builder $100,000 today. There are no more $25,000 lots. Mr. Galloway continued that a 100' wide lot, not on the water, would likely cost between $185,000 and $250,000, and then there is the cost of the house construction.

Mr. Galloway recalled he did a tape measurement prior to the meeting and the buffer would go from the stage to the curtain at the end of the seating area. The new house would have a 30' setback, plus the 50' buffer, and the Tomoka Oaks 25' setback. Mr. Galloway stated that there would 115' from house to house. He commented that he never has seen an inner-city neighborhood have that much space between the back of the houses. He expressed his concerns including the potential of neighbors to take down trees.

Mr. Galloway stated that the applicant did what he had asked of them by putting in a combination of lot sizes. He remarked that what they did not do was listen. He continued expressing that everyone has property rights – the developer has property rights and homeowners have property rights – what they did not do was listen to the neighborhood. Mr. Galloway stated that he could vote for this project if it had less density. He continued that he thought that the project would come back with 220, 230, 240 – maybe 250 lots. Mr. Galloway stated he was a little shocked and a little disappointed that the number of lots was not less. He stated he is not sure if they are still asking for the moon or if they will take what the City Commission will give.

Mr. Galloway commented that he believed that something would be built on the property. He continued that there is always an ability to buy property, at the right price, and encouraged residents to continue the purchase option. Mr. Galloway encouraged the HOA and residents to pursue a purchase through a community development bond over 30 years. He stated it would cost about $129 a month per homeowner and that they can buy it. He asked the audience how many individuals would be willing to participate in a purchase. Mr. Galloway stated if the residents bought it, they could decide what to do with the land. He continued to encourage the residents to seek to buy the property. Mr. Galloway concluded that he is for this project, but not at this density.

Mr. Jorczak asked if every single lot was 100' in width, what would that do to reduce the density in terms of the number of lots as it currently sits. Mr. Spraker stated he believes that the applicant has done an analysis and would prefer that the applicant address this question. City staff have not reviewed any plans where all lots are 100' in width. Mr. Spraker speculated that between 280 and 300 lots would be possible. Mr. Spraker stated the applicant would likely have a better answer.

Mr. Jorczak clarified that all the other parameters would be the same. Mr. Merrell questioned which perimeters and Mr. Jorczak stated all of them. Mr. Merrell replied that they have a plan adhering to the Land Development Code that allowed 300 lots. Mr. Jorczak stated that he is not talking about the code. Mr. Merrell continued that the project engineers developed a code compliant plan for the benefit of the property owner and the answer is 300.

Mr. Jorczak stated that he is looking for the 100' wide lot within the context of the PRD application, including the buffer and recreational area. Mr. Merrell stated the question mixes apples and oranges. Mr. Merrell stated a 100' wide project would utilize a different set of standards other than the PRD and the buffers and recreation

areas. Mr. Jorczak stated his fundamental question was within the PRD development plan, if the lots were all 100' in width, what the total number be. Mr. Merrell replied that they do not have the answer to that question and concluded that they mixed the lots up and brought the other things along – these all go together.

Attorney Hayes stated that the lot number question would require other site-specific analysis which is not before the Board tonight. He continued that if it is of belief that the density is too much on this project, then the Board can talk a little bit about it, but that it is a development application under a PRD zoning. Chairman Thomas sought clarification if the question was to maintain the PRD site plan layout and require a minimum lot size of 100' in width and depth. Mr. Railsback stated it would be approximately 240 lots based on the existing lot areas in the site plan. Mr. Galloway questioned if that impacted the buffer. Mr. Railsback replied with the calculated lot sizes in the site plan (60' X 125' and 80' X 125') and then divided by 10,000 square feet which came to approximately 240 lots. Mr. Galloway confirmed that there would still be a 50' buffer.

Ms. Shull reviewed the case studies provided about other golf courses provided by the applicant. She stated the studies looked good with a 9-hole course and how one golf course added estate homes. She continued that one in Boca left the part of the golf course and added a 55+ community with 120 homes. Ms. Shull stated that other things can be done with the property. She expressed that she understood the intention was not to rebuild a golf course. She stated that the other densities are not anywhere near what is being proposed. She stated that she concurred with other board members on the density. Ms. Shull expressed concern that traffic is going to be too much, concerns with children in other neighborhoods with no sidewalks, Tomoka Reserve cut through traffic. She stated that no matter what is said, that it is 600 more cars. Ms. Shull added that the stoplight is an issue and commented that the traffic signal should be in place before the homes are finished, just as the WaWa did the traffic signal first.

Ms. Shull stated that the density is a big concern and how the buffer needs to be installed as a type 6 with irrigation. Ms. Shull remarked that the HOA should not bear the burden of future buffer costs. She added that the ground cover needs to be installed.

Ms. Shull stated that she does not like the different lot sizes of 60' and 80' in width and explained that the lot widths need to be larger. She continued that the length of the driveways and having options for side entry garages are important for neighborhoods. Ms. Shull concluded that if there is not enough parking, individuals will park on the street and the community will not look good.

Chairman Thomas stated that the traffic engineer for the project does a very good job for traffic studies, but the system is so flawed that it is unreal. He continued that the studies are not reality, totally not reality. Chairman Thomas stated the density is a concern, as well as the traffic with the biggest problem coming out Main Trail to West Granada Boulevard. He stated this will be a nightmare. He stated that when the school is rebuilt and how right now coming out of the Trails where there is no bus pickup for elementary kids so they are either taken by their parents or riding bikes – most will go by car. Chairman Thomas asked the traffic engineer if they did the traffic study at school hours with the elementary school at Main Trail to West Granada Boulevard and commented that he doubted it. Chairman Thomas acknowledged the traffic engineer nodded yes, that the study was done. Chairman Thomas stated that people are not going want to wait the time they are going to have to wait because of

the way that intersection is right now you have going out to Granada. He stated that you have people wanting to turn right and you have people wanting to go straight and people wanting to turn left. He continued if somebody wants to turn left, nobody will be able to go anywhere. Chairman Thomas stated especially when school is coming out after people drop their kids off in the morning and people are still trying to get there and to the little Christian School to the west on Granada Boulevard that also has people stacked up waiting to turn right. Chairman Thomas stated that the traffic nightmare in his opinion is not going to be at Tomoka Oaks and Nova Road, but it is going to be a nightmare because people coming out of Tomoka Oaks now are going down on Rio Pinar and turning on Main Trail or on Iroquois. Chairman Thomas stated that the school will have more kids going to it because the school will be bigger. He reiterated that traffic will be a nightmare. He asked who will pay for needed improvements at the intersection and asked if the developer is going to pay for the intersection improvements.

Chairman Thomas asked the acreage of Tomoka Oaks minus the Tomoka Reserve property. He stated that there are over 500 homes in Tomoka Oaks. Mr. Spraker recalled there was a density analysis provided that showed Tomoka Oaks had a density of 2.09 units per acre. The acreage would be 547 homes divided by 2.09 units per acre.

Chairman Thomas stated that he has a problem with the density that has been discussed several times. He agreed with the applicant that there is a demand for 50 and 60' wide lots, but he did not believe that this demand is in the heart of an existing development of 100' wide lots. Chairman Thomas recalled he was on the Board in 2006 and the development plan at that time saved the golf course, allowed 117 condominiums, and three single-family lots. He stated that the 2006 approval recognized the property as a collection point of water to recharge the aquifer. Chairman Thomas stated that he understands times have changed, costs have risen, and housing types have changed. He stated that he wished the project team could come back with a plan similar to the 2006 plans because everyone got what they wanted.

Chairman Thomas added that 117 units will not work and now he can understand 220 to 230 residential units. Chairman Thomas stated that this is zoned as PRD now and it does not necessarily need to change.

Attorney Hayes asked to summarize a few points before answering the question. He stated this is a legal proceeding and there are rules that do apply and explained the Planning Board-role as a decision maker to weigh the competent and substantial evidence that was described at the July meeting. He stated the role of the Planning Board to weigh the testimony provided and determine which evidence is more credible. Attorney Hayes stated the initial burden is on the applicant to establish the application is consistent with the Comprehensive Plan and the requirements of the Land Development Code. The Planning staff's report is part of the evidence to consider. Attorney Hayes continued that application tonight is for a development within the Planned Residential Development zoning designation. The R-2 zoning district is not applicable tonight and may be a future application, but it is not before the Board tonight.

Attorney Hayes stated he wanted to point out some observations and his comments are not testimony. He continued that his role is to provide legal advice and counsel.

Attorney Hayes stated this is a unique piece of property and Tomoka Oaks was designed around this golf course and provided the following observations:

- Tomoka Oaks had an R-2 zoning designation;
- The R-2 zoning district also applied to the former golf course property for decades. The golf course operated for decades. He stated one may ask why was it not zoned separately. Attorney Hayes stated no additional zoning was in place because of restrictive covenants;
- The restrictive covenants for the former golf course were released by the HOA. The protection went away and the land continued to operate as a golf course;
- There was an application in 2005/2006 to rezone the golf course property from R-2 to PRD. This was reviewed by the Planning Board and approved by the City Commission. The approval allowed 119 multi-family units and three single-family units and certain conditions such as a covenant to restrict the use to a golf course with development;
- The 2006 development order expired with no construction. The 2006 covenant for use as a golf course was never recorded.

Attorney Hayes stated that these demonstrate the unique characteristics of this property. He continued that it is another application for development under the PRD zoning. He stated that there is probably a difference in why it is not separated out in the early years as described and how it is his speculation and it can be taken it for what it is worth. Attorney Hayes explained where the Board was and that the Board has to weigh the competent and substantial evidence and if the application is consistent with the Comprehensive Plan and the requirements of the Land Development Code. The initial burden is on the applicant and it shifts over to the HOA. Attorney Hayes stated that the Board gets to make that final determination.

Attorney Hayes stated that if the Board does not believe the application meets the criteria then the motion should be for denial. If it is believed to meet the criteria, then the motion should be for approval, and if it falls somewhere in between, a creative motion can be made, including a denial, and provide conditions. Attorney Hayes concluded that the Board has discretion, because as stated by the applicant, this a negotiated development order.

Chairman Thomas asked if there is a legal requirement if this application does not go through, does the city have to re-zone the property. Attorney Hayes stated that there is no rezoning application before the board. He continued if the Planning Board and the City Commission deny the current application, the question becomes what options does the applicant have. Attorney Hayes stated the applicant can present another PRD site plan under the PRD zoning or they can file an application to rezone the property to R-2. Attorney Hayes stated the rezoning to the R-2 is not before the board tonight.

Chairman Thomas stated he wished the applicant presented something like 2006 with some higher housing numbers. He stated at this point that he has major problems with the application.

Mr. Galloway asked Mr. Railsback what number he calculated if all were 100' wide lots. Mr. Railsback responded 240 lots. Mr. Railsback replied that it could be a little more or less based on the geometry of the property.

Mr. Galloway inquired about his interest of entertaining a motion of accepting the proposal with comments from staff for 240 homes. He stated that would give the applicant a message of where we stand and he always states that he would like to see the lot range between 220 and 240 lots. Attorney Hayes replied that the motion would require new data. Attorney Hayes commented that from what he was understanding the concern is the density. Attorney Hayes continued that a recommendation can be made for denial with details of the reasons for the denial motion so that there is a good factual basis for the recommendation. Attorney Hayes stated the detailed reasons or conditions would allow the applicant to make a decision of how they will move forward or pursue an application to R-2.

Mr. Galloway withdrew his motion.

Chairman Thomas stated his desired range was 220-225 lots. He discussed other lot range potentials and stated he would set the lot range low. He remarked that the City Commission would have some idea of what the Planning Board thought was appropriate and added at 250 lots, it is only a reduction of 22 lots.

Mr. Galloway stated he was putting a lot number out there to let the applicant know the current plan is too many lots. He commented that the City Commission will make the final determination. Chairman Thomas stated it would be in the minutes that they were looking at 220 units. Mr. Jorczak commented that if there is a denial tonight, the number is out there. Mr. Jorczak stated if the applicant wants to go to the City Commission, they can adjust the number to some extent.

Attorney Hayes stated that the Board can approve a motion with reasonable conditions. He added that the question then becomes what is reasonable based on the testimony and evidence presented. Attorney Hayes continued that it appears to that the Board does not like the density and desires something less. He stated that his recommendation is to make a motion to deny and state the reasons into the record this way the applicant has items to consider as they move forward and consider what the Board has stated.

Mr. Railsback stated that what the City Attorney and the applicant are asking the Board to do is to tell the reasons why the Board is denying the application. He provided an example that the Board denies the project because it is more than 230 units, the lack of a rotary circle, and the lots were not a minimum of 100' in width. Mr. Railsback commented that with the recommendations, the applicant could consider the revisions for the City Commission hearing.

Ms. Shull stated that she did not know that every little detail, the sprinkler system, the things that the Planning Department has said, could be put into a motion and expressed that those are the things that the Board would like taken care of. She added that that there was a lot in there that they do not know if it has been taken care of yet because the Planning Department has not had an opportunity to go over it. She continued that they have not had the opportunity to run the numbers to see how many 100' lots could go in there. Ms. Shull concluded that for them to sit there on a calculator and figure that it is around 220 is not a good way to put into a motion.

Chairman Thomas stated that this is true and he could go for no irrigation if the developer would pass the two years and maybe go to 5 or 7+ years that they would guarantee that those would last.

Ms. Shull stated that the motion is going to be three pages long. She stated that the City Commission will know what was discussed, read the notes, and know the points

of concern. Ms. Shull suggested a motion to deny and to please read the Planning Board minutes.

Chairman Thomas stated he believed that each City Commissioner or Mayor that appointed will be calling and seeking information from board members and that is totally legal. He stated that he knows that his commissioner talks to him about a lot of decisions made by the Planning Board.

Attorney Hayes reiterated what he heard and expressed that if he is wrong, for the Board to correct him. What the Board does not like as a basis for denial is:

- Density – believe that it is too much. There was talk about fuzzy numbers that the Board may be comfortable with under an appropriate plan;
- Traffic analysis is flawed based on evidence and testimony that you have heard and in the Boards own experiences;
- The traffic triangle should be a traffic circle; and
- The buffer and whether it should be a natural buffer or some other form of buffer and whether that buffer should have irrigation of some form.

Attorney Hayes asked if there were any other items.

Chairman Thomas stated a concern is the Main Trail and West Granada Boulevard intersection. He continued that is going to be a major problem. Attorney Hayes replied that would all be supported by the minutes and the record.

Attorney Hayes stated that if a motion is made with those parameters based on the evidence in the record that the application could be moved on up to the next level which would be the City Commission. He stated that the City Commission would take all the information under advisement, as they always do, and they will make their own determination after a legal proceeding just as this.

Mr. Railsback asked if the variety of elevations was included. Attorney Hayes stated that it was not, but that it could be included but not necessarily limited, because there are so many things. He reiterated that the Board's recommendation is advisory to the City Commission.

Chairman Thomas asked the Planning Director when the meeting minutes are written up and with the recommendation of the Board, if a synopsis could be included of the reasons that the vote was to deny it so that it would be in print that goes to the Mayor and City Commissioners.

Mr. Spraker explained that the way the minutes are done is more verbatim than a summary so that the entire scope of what is being said is reflected. He continued that staff always does a summary, usually brief, that hits the highlights. He concluded that yes, the minutes can reflect exactly what was said.

Mr. Scudiero stated that he would like to make a motion and if there is a second they can each give their articulated reasons both for the record and for the applicant's benefit.

Board Motion and Discussion

Mr. Scudiero motioned to deny PRD 2022-043, Tomoka Reserve – Issuance of a Development Order. Ms. Shull seconded it.

Chairman Thomas announced that the Board was going into discussion.

Mr. Scudiero stated his summary of concerns:

- Density;
- The plan that the applicant has come up with the buffers;
- An improved traffic rotary at the entrance;
- Instead of the 60, 80, 90 and maybe 100' wide lots, they want them all to be 100' in lot width, just like the rest of the neighborhood.

Mr. Railsback added the desire for a variety of house building elevations, including colors and roofing materials. He stated at least the minimum in the application and if a greater separation was given, his thought was that was another carrot for the City Commission.

Ms. Shull stated her issues are:

- The buffer, a desire to see a type 6 buffer;
- Would like to see the irrigation system to go in;
- Traffic signal to go in;
- Not sure about the diamond and roundabout. She noted that traffic study with the fire truck trying to get around that thing and it bothered her;
- Lot sizes are too much. The 60' wide lots are too crammed into that little space and it does not conform to the rest of the neighborhood that is already there;
- The gated community was a positive; and
- The main thing is the density because of the traffic.

Mr. du Moulin stated that he is concerned with the proposed lot sizes and the rotary.

Mr. Jorczak stated the elephant in the room for him has always been the density and he thought that it had been addressed. He added that he would like to see something less for the lots than what Mr. Railsback calculated in terms of how that is going to fit within the existing community. Mr. Jorczak discussed the architectural styles that the Board talked about and expressed that it would be nice if there was something better defined as to what the flexibility would be. He stated that he supported a no vote and concurs with what the city staff has recommended with respect to irrigation. Mr. Jorczak commented that he would recommend beyond what they had indicated in terms of just the perimeter lots being 100' in frontage. He continued that he believed that there is far less density of homes. He stated what the developer wants to do with respect to reducing that and seeing whether he has an economic model, is something that they will have to work with. Mr. Jorczak concluded that the way it is proposed today, he would vote for denial.

Mr. Galloway stated that he has a problem making them all 100' in width because of the lot radiuses with no way to get 100' wide lots on a curve. He added that he is okay with 100' wide on the back side of the lots. Mr. Galloway stated that he believed that there needed to be a flexibility of 80' and 100' wide lots. He concluded that you cannot get a 100' wide lot in a circle.

Mr. Jorczak stated that you can go above 100' in lot width and that he believed that the fewer number of homes would be better.

Mr. Galloway stated that he thought that it could be done with a combination of 80 and 100' wide lots. He stated that he would hate to tie-string them with 100' wide lots.

Chairman Thomas asked if Mr. Galloway was going to put a ratio on that, and said that what he looked at was that there was ten 100' wide lots and a few 80' wide lots. Mr. Galloway stated that he did not believe that a ratio was needed and that they should let the engineers analyze that. He stated that you can say that there should be more 100' wide lots, but you cannot tie somebody down to put all 100' wide lots in.

Mr. Railsback suggested making the lot deeper with a minimum of 10,000 square feet (80' X 125'). He stated that if you have to squeeze an 80' wide frontage lot, then it needs to be deeper. Mr. Galloway concurred and commented that the Board was doing the schematics and are not engineers. Chairman Thomas stated what we are is neighbors. Mr. Galloway concluded that in this type of property you cannot make all 100' wide lots.

Attorney Hayes sought to refocus the Board. He stated that there is a motion and second for denial. He continued that most of the comments are consistent and some are a little different. Attorney Hayes explained to the Board that you can incorporate the comments as part of the motion and second for supporting purposes of the motion to deny. He stated that these comments are not going to tie anything down specifically. Attorney Hayes restated that the Board's action is a recommendation. He stated if the maker of the motion and the seconder is okay incorporating those comments as a supporting basis for the motion to deny, all of that information would go up to the City Commission.

Chairman Thomas asked for a point of clarification if any member of the Board can call any City Commissioner or Mayor. Attorney Hayes confirmed that there is no Sunshine Law requirement for a member of the Planning Board communicating with a member of the City Commission. Attorney Hayes stated that Planning Board members cannot talk with each other.

Mr. Railsback stated for the minutes that he would like to see longer driveways as parking in the street is going to be an afterthought and that he would be remiss if he did not bring it up. He continued that he is okay with deeper lots and believes that two or three spots are needed plus the garage, not one car hanging into the road.

Attorney Hayes stated that he saw the maker of the motion and the seconder nod their heads to incorporate the item as a supporting basis for the motion.

Chairman Thomas asked if Attorney Hayes had his concerns on the list. Attorney Hayes responded that he did.

Chairman Thomas stated that there is a motion and a second. He stated that the Board has had discussion and asked the recording technician to call the vote. Mr. Galloway asked the motion be repeated. Chairman Thomas stated the motion was to deny the application. Attorney Hayes confirmed that the supporting basis in the Board comments are incorporated. Chairman Thomas asked the recording technician to call the vote.

Vote was called:

Mr. du Moulin: Yes, to deny.
Mr. Scudiero: Yes.
Mr. Railsback: Yes.

Mr. Galloway: Yes.
Mr. Jorczak: Yes.
Ms. Shull: Yes.
Chairman Thomas: Yes.

The motion for denial was approved (7-0).

Chairman Thomas stated that when the Planning Board first started at the first meeting, he told them that this is one of the top five decisions that he had ever been involved in at the Planning Board. He stated that it can now be moved up to the number two slot. Chairman Thomas stated that the only one that proceeded it was voting to tear down the Ormond Hotel to which he regrets to this day.

Chairman Thomas thanked the audience for their patience and courtesy. He stated that these have been the biggest meetings they have had and that they are probably one of the nicest, most respectful groups ever. He stated there has been no hollering or hooting and that he thanked the audience for that because they made the Board's job easier.

VII. OTHER BUSINESS

No other business was discussed.

VIII. MEMBER COMMENTS

No member comments.

IX. ADJOURNMENT

The meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

MINUTES
ORMOND BEACH CITY COMMISSION
HELD AT 1687 WEST GRANADA BOULEVARD

November 7, 2023	**6:00 p.m.**	**Calvary Christian Center**

Present: Mayor Bill Partington, Commissioners Lori Tolland, Travis Sargent, Susan Persis and Harold Briley, City Attorney Randy Hayes, Assistant City Manager Claire Whitley and Assistant City Clerk Taylor Lochert.

A G E N D A

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. Hometown Heroes

B. National Native American Heritage Month

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting - October 17, 2023

7. COMMUNITY REDEVELOPMENT AGENCY

A. **RESOLUTION NO. 2023-195:** A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

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

8. CONSENT AGENDA

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

A. **RESOLUTION NO. 2023-195:** A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

B. **RESOLUTION NO. 2023-196:** A RESOLUTION AUTHORIZING A WAIVER OF RESIDENTIAL GARAGE SALE PERMITS AND FEES AS PART OF THE 15TH ANNUAL SUPER SCENIC 150-MILE

GARAGE SALE ON THE BEACHSIDE FROM THE NORTH CITY LIMITS TO THE SOUTH CITY LIMITS FROM THE HALIFAX RIVER TO THE ATLANTIC OCEAN ON SATURDAY, NOVEMBER 18, 2023 FROM 8:00 A.M. TO 2:00 P.M.; AND SETTING FORTH AN EFFECTIVE DATE.

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

C. **RESOLUTION NO. 2023-197:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL REGARDING FUNDING FOR THE CITY'S VICTIM'S ADVOCATE PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

D. **RESOLUTION NO. 2023-198:** A RESOLUTION ACCEPTING THE QUOTE FROM OWENS ACCREDITATION SERVICES, LLC REGARDING ACCREDITATION SERVICES FOR THE POLICE DEPARTMENT; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Jesse Godfrey, Police Chief, (386) 676-3500*

E. **RESOLUTION NO. 2023-199:** A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF PARTS AND SERVICE FROM PARKSON CORPORATION FOR THE CITY'S AQUA GUARD SELFCLEANING BAR/FILTER SCREEN AT THE WATER RECLAMATION FACILITY; AUTHORIZING THE EXECUTION OF A CONTRACT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*

F. **RESOLUTION NO. 2023-200:** A RESOLUTION AUTHORIZING A WORK AUTHORIZATION AND ADDITIONAL FUNDING TO ANDRITZ SEPARATION, INC. FOR THE REPAIR OF THE CENTRIFUGE UNIT AT THE WATER TREATMENT PLANT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*

G. **RESOLUTION NO. 2023-201:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE INSTALLATION OF LED LIGHTING AT THE ORMOND BEACH SPORTS COMPLEX FOR THE SOFTBALL QUAD; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

H. **RESOLUTION NO. 2023-202:** A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE RENOVATION OF BASEBALL FIELDS 2-5 AT THE NOVA COMMUNITY PARK; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

I. **FEMA Flood Mitigation Assistance Program Grant Application**

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

Disposition: Approve as recommended in the City Manager staff report dated November 7, 2023.

J. **Auto Renewal - Golden Eagle (at Andy Romano Beachfront Park)**

Staff Contact: *Robert Carolin, Leisure Services Director, (386) 676-3279*

Disposition: Approve as recommended in the City Manager staff report dated November 7, 2023.

9. PUBLIC HEARINGS

A. **ORDINANCE NO. 2023-51:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF BENTON STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-08-0010, 3136-01-07-0010, AND 3136-01-01-0021, AND ALONG VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-01-0021 AND 3136-01-21-0050; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

B. **ORDINANCE NO. 2023-52:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF HAMMOND STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE AND NORTH OF PLANTATION OAKS BOULEVARD, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3125-08-00-0014, 3136-01-07-0010 AND 3136-01-01-0021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

C. **ORDINANCE NO. 2023-53:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF ROSEMARY STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-09-0001 AND 3136-01-08-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

D. **ORDINANCE NO. 2023-55:** AN ORDINANCE AUTHORIZING THE

EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE "TOMOKA RESERVE" SUBDIVISION, AUTHORIZING THE DEVELOPMENT OF 272 LOTS ON 147.94+ ACRES TO BE LOCATED AT 20 TOMOKA OAKS BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

A. **ORDINANCE NO. 2023-54:** AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2022-2023 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); PENSION CONTRIBUTION PASS THROUGH FUND (113); RECREATION FACILITY FEE FUND (115); GRANTS FUND (116); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); RENEWAL & REPLACEMENT FUND (409); SOLID WASTE FUND (460); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: *Kelly McGuire, Finance Director, (386) 676-3226*

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

M I N U T E S

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 6:10 p.m.

Item #2 – Invocation

Chaplain Sam Mercado, Advent Health, provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Hometown Heroes

Mayor Partington presented a proclamation to Deputy Fire Chief Nate Quartier and Police Captain Chris Roos in honor of the Hometown Heroes Military Appreciation Banner program and proclaimed November 2023 as a time to celebrate the Hometown Heroes.

Item #5 – Audience Remarks

Ms. Melissa Horan, 1010 Seashell Court, discussed her experience with public safety concerns in small towns and encouraged the City Commission to mitigate potential risks.

Ms. Lindsey Pate, 40 Wild Cat Lane, expressed gratitude towards Mayor Partington and City Manager, Ms. Joyce Shanahan, for their support of the residents in their opposition

of the Belvedere Fuel Farm at the Volusia County Council meeting on November 7, 2023.

Ms. Rebecca Mangali, unincorporated Volusia County, discussed misconceptions regarding the Belvedere Fuel Terminals and fuel prices.

Mr. Kason McFarren, unincorporated Volusia County, thanked the Commission for their work regarding the Belvedere Fuel Farm.

Ms. Connie Colby, 108 Roble Lane, requested the agenda items have more details on the agenda to help with transparency and discussed the potential relocation of the police station.

Volusia County Council Member Troy Kent, 130 Magnolia Drive, thanked the Commission and staff for their support of the dog friendly beach in Volusia County.

Commissioner Briley thanked Council Member Kent for his work on the dog friendly beach.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the October 17, 2023, meeting had been sent to the Commission for review and were posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated hearing no corrections, the minutes would stand approved as presented.

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of the October 17, 2023, City Commission meetings minutes.

The motion passed by voice vote.

Item #7 – Community Redevelopment Agency

Mayor Partington advised the following items were Community Redevelopment items. He explained the City Commission served as the Community Redevelopment Agency (CRA) of the city and must review the item and make a recommendation as the CRA.

Mayor Partington recessed the City Commission meeting, called the CRA meeting to order, and opened the public hearings at 6:31 p.m.

Item #7A – Granada Boulevard Streetscape Sidewalk Banding Repair Contract Modification

Assistant City Clerk Taylor Lochert read by title only:

RESOLUTION NO. 2023-195

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

Commissioner Persis moved, seconded by Commissioner Sargent, for recommendation of Resolution No. 2023-195, as read by title only.

The motion passed by voice vote.

Mayor Partington closed the public hearing, adjourned the CRA meeting, and reconvened the City Commission meeting at 6:32 p.m.

Item #8 – Consent Agenda

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

Commissioner Persis moved, seconded by Commissioner Tolland, for approval of the consent agenda.

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Comments on the Consent Agenda

Commissioner Sargent expressed his support of Items 8G and 8H regarding Volusia County ECHO grants for the Sports Complex Softball Quad LED lighting and Nova Community Park Fields restoration.

Item #9 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #9A – Partial Right-of-Way Vacation, Benton Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-51

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF BENTON STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-08-0010, 3136-01-07-0010, AND 3136-01-01-0021, AND ALONG VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-01-0021 AND 3136-01-21-0050; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Ordinance No. 2023-51, on second reading, as read by title only.

Call Vote:	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Item #9B – Partial Right-of-Way Vacation, Hammond Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-52

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF HAMMOND STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE AND NORTH OF PLANTATION OAKS BOULEVARD, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3125-08-00-0014, 3136-01-07-0010 AND 3136-01-01-0021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-52, on second reading, as read by title only.

Call Vote:	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes

Carried.	Mayor Partington	Yes

Item #9C – Partial Right-of-Way Vacation, Rosemary Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-53

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF ROSEMARY STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-09-0001 AND 3136-01-08-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-53, on second reading, as read by title only.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Mayor Partington recessed the Public Hearing at 6:37 p.m.

Item #10 – Public Hearings

Item #10A – FY 2022-23 Budget Amendments

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-54

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2022-2023 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); PENSION CONTRIBUTION PASS THROUGH FUND (113); RECREATION FACILITY FEE FUND (115); GRANTS FUND (116); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); RENEWAL & REPLACEMENT FUND (409); SOLID WASTE FUND (460); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2023-54, on second reading, as read by title only.

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Mayor Partington reconvened the Public Hearings at 6:39 p.m.

Item #9D – Tomoka Reserve, Issuance of a Development Order

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-55

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE “TOMOKA RESERVE” SUBDIVISION, AUTHORIZING THE

DEVELOPMENT OF 272 LOTS ON 147.94± ACRES TO BE LOCATED AT 20 TOMOKA OAKS BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Randy Hayes, City Attorney, provided background on the item and noted the item was for an application for a development under a Planned Residential Development (PRD) zoning district. He explained it was a quasi-judicial proceeding, and noted the Commission should review the application against the Land Development Code and Comprehensive Plan, while keeping in mind the relevant evidence. He recommended any witnesses who wished to testify take an Oath. He requested the Commission consider accepting two stipulations including the professionals who would testify on behalf of the parties were qualified to do so and to allow the Tomoka Oaks Home Owners Association (HOA) to participate in the proceeding as a party-intervenor. He reviewed the order of business including time allotment for all involved parties to speak and voting conflicts.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of the two stipulations presented by Mr. Hayes.

Call Vote:	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Commissioner Persis moved, seconded by Commissioner Tolland, to swear in all witnesses who wished to testify.

Call Vote:	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
Carried.	Mayor Partington	Yes

Mayor Partington requested Court Reporter Shilah Blakeney provide the Oath to all who wished to testify.

Ms. Blakeney provided the Oath.

Mr. Spraker reviewed the existing land use, the application process, the process of the development and at what future stages it would go back before the Commission. He discussed the characteristics of the property and proposed designs of the development. He noted the concerns of the residents and the Planning Board's recommendation of denial.

Mr. Rob Merrell, Cobb Cole Law Firm, discussed the Growth Management Act and how it relates to the project and the city's Comprehensive Plan. He discussed the meetings held by the developer and the input provided. He reviewed the developer's team expert qualifications and their reports provided. He discussed the two outstanding items from staff's recommendation including the proposed buffer. He stated there was a pending application for the R-2 zoning to match the Tomoka Oaks subdivision zoning, noting it was not preferred by the developer.

Mr. Dennis Bayer, party-intervenor, expressed appreciation to the developer for working with the residents of the community. He adamantly disagreed with the application of the R-2 application. He discussed the uniqueness of the property and the expectations of the homeowners in the Tomoka Oaks subdivision. He noted the requests the HOA made to the developer, traffic issues, Planning Board recommendation, property entitlements, zoning and potential zoning.

Mr. Tom Harowski, party-intervenor, provided his background and summarized the issues the residents had with the proposed development including compatibility, density, design standards, lot sizing, traffic, and sidewalks.

Ms. Carolyn Davis, 46 Oakmont Circle, thanked Mr. Spraker for his professionalism and assistance. She discussed the 2006 PRD hearing and the covenants and restrictions that accompanied the development order.

Mr. Kirk Thrush, 1 Tomoka Oaks Boulevard unit 106, expressed concerns regarding the covenants and restrictions, traffic, and proposed the city provide a solution involving the Riverbend Golf Course.

Ms. Denise White, 9 Fox Run Trail, voiced concerns regarding health, safety, welfare, quality of life of the surrounding residents, and traffic.

Mr. Dale Ryals, 20 Eagle Court, explained her concerns regarding lack of hospital infrastructure, density of proposed project, cohesive look, and water use.

Ms. Ashley DuFrene, 118 North Saint Andrews Drive, expressed opposition of the proposed project and voiced concerns regarding density and the R-2 application. She referred to articles within the Land Development Code and provided a photo of her unobstructed view.

Ms. Angie Shull, 110 Deer Lake Circle, discussed her background with the city and expressed concerns regarding density and traffic.

Mr. Dick Reed, 16 Stone Quarry Trail, encouraged the Commission to buy the property and make the land a public golf course.

Mr. Jim Cameron, 39 Laurel Oaks Circle, expressed support of the proposed development.

Ms. Kristin Deaton, 80 Shadowcreek Way, encouraged the Commission to listen to the residents and the Planning Board's recommendation.

Mayor Partington recessed the City Commission meeting at 8:00 p.m.

Mayor Partington reconvened the City Commission meeting at 8:10 p.m.

Mr. Jim Rose, 21 Eagle Court, stated he was the chairman of the Golf Course Committee of the Tomoka Oaks HOA, and provided his background with the project. He requested the Commission deny the developers request.

Mr. Jeff Boyle, 614 North Halifax Drive, discussed the Planning Board's recommendation. He expressed concerns regarding traffic, protected covenants and requested the Commission deny the request.

Ms. Darla Widnall, 7 Shawnee Trail, voiced concerns regarding an emergency evacuation plan and traffic. She provided a handout to the Commission.

Mr. Tyler Brown, 90 North Saint Andrews Drive explained his concerns regarding the density calculations, lot sizes, and conservation space.

Mr. Paul Hughes, 4 Lauren Court, voiced concerns regarding an evacuation route, infrastructure, traffic, and the proposed project being a gated community.

Mr. Paul Maybeck, 15 Pine Valley Circle, summarized an email he sent that was provided to the Commission which included concerns on sidewalks, traffic and removal of trees.

Mr. Rick Rickards, 1 Tomoka Oaks Boulevard, stated he was opposed to the development noting concerns of broken promises.

Mr. Tom Fitzgibbon, 51 South Saint Andrews Drive, expressed concerns regarding property values and traffic.

Ms. Denise Corley, 51 South Saint Andrews Drive, voiced concerns regarding the nature, environment, and quality of life. She encouraged the Commission to vote no on the project.

Ms. Michelle Zirkelbach, 328 River Bluff Drive, stated she provided a handout to the Commission and reviewed concerns regarding density calculations and compatibility.

Ms. Caitlyn Casey-Parker, 32 Pebble Beach Drive, expressed concerns regarding density, traffic, and wildlife impacts.

Mr. Robert Banker, 1 Tomoka Oaks Boulevard, stated he did not believe the development fit the neighborhood and expressed concerns regarding density and property values.

Ms. Jessica Vitale, 7 Eagle Drive, indicated concerns regarding project location, density, traffic, construction noise, greenspace, natural buffers, and potential title restrictions.

Ms. Barbara Doliner, 108 South Saint Andrews Drive, expressed concerns regarding the developer and the project.

Ms. Missy Herrero, 111 North Saint Andrews Drive, voiced concerns regarding the density calculations, traffic study, lot sizes, lack of compatibility, and lack of hospital infrastructure.

Mr. Tyler Travis, 888 Willow Run, expressed support of the development.

Mr. Bayer reviewed the Planning Board recommendation, noting concerns of traffic and density.

Mr. Merrell stated he had a team available for any questions. He reviewed potential options if the project was denied.

Commissioner Briley thanked the residents and Mr. Spraker for their work on the project. He questioned if the golf course was originally part of Tomoka Oaks, if the proposed development would be in Tomoka Oaks as its own development and inquired if the development would be considered a re-plat of the existing subdivision; whereby, Mr. Spraker explained the golf course was platted as its own separate parcel and not part of the Tomoka Oaks subdivision. Commissioner Briley expressed concerns regarding the subdivision's ingress and egress; whereby, Mr. Spraker stated there would need to be multiple access points and noted the proposed plan did have an emergency access identified. Commissioner Briley discussed the access points and inquired if The Trails subdivision could be gated; whereby, Mr. Spraker stated that would need to go through the site plan process, amendments to the plats, and homeowners' agreements.

Commissioner Briley asked about the distance between Nova Road and the Escondido apartments; whereby, Mr. Sans Lassiter, Lassiter Transportation Group, reviewed the traffic study and traffic light needs. Commissioner Briley expressed concerns regarding traffic in peak hours and during times the train went through the area.

Mr. Lassiter explained the traffic light would have preemption noting that would help mitigate traffic backups during the times the train went through the area. He reviewed the traffic analysis.

Commissioner Briley discussed the vehicular and pedestrian conflicts within the current subdivisions. He reviewed the weight capacity for the Misner's Trail bridge, expressed concerns for the structure of the bridge and inquired who maintained the bridge; whereby, Mr. Shawn Finley, Public Works Director, indicated the Florida Department of Transportation (FDOT) inspects the bridge annually and the city maintains it.

Commissioner Persis inquired about the time of day the traffic study was completed; whereby, Mr. Lassiter noted it was completed in the morning and afternoon. She stated she traveled to the subdivisions during peak hours and noted the current traffic concerns. She inquired if the developer was willing to significantly reduce the number of homes in the development, increase the lot sizes, and irrigate the buffers; whereby, Mr. Merrell asked what significant meant. Commissioner Persis clarified the prior Commission agreed to 122 homes in 2006; whereby, Mr. Merrell stated the 2006 plan was no longer an option and 122 homes would not work for the project.

Mr. Carl Velie, property owner, explained all the costs associated and noted they needed the number of lots to be profitable, and discussed the landscaping aspect of the buffer of the proposed project.

Commissioner Sargent inquired what the maximum height of the homes would be; whereby, Mr. Merrell stated the same as the R-2 zoning. Commissioner Sargent inquired if the sidewalks could be consistent with the other subdivisions; whereby, Mr. Merrell stated there would be sidewalks throughout the property and would be open to the

residents of the Tomoka Oak subdivision. Commissioner Sargent expressed the residents concerns of density and lot sizing.

Commissioner Tolland inquired about the calculations of the density; whereby, Mr. Spraker stated the calculations for the density of Tomoka Oaks subdivision could not include the 84 acres that had an open-space conservation zoning which did not allow for density. He reviewed the calculations for both subdivisions. She asked about the golf course; whereby, Mr. Hayes stated when the golf course was constructed it had a restrictive covenant which prohibited development, noting it did allow the HOA to release the covenant. He explained the release happened in 1976. She inquired about the natural buffer; whereby, Mr. Don Spence, on behalf of applicant, stated the buffer would take ten years for the trees to reach maturity and the shrubs would take about five years.

The entire Commission disclosed they met individually with the development team and several residents and discussed the types of meetings held.

Mr. Hayes reminded the Commission the item before them was an application for a development order under PRD zoning. He noted the Commission's decision should be based on if the development met the competent substantial evidence standard including conforming to the Land Development Code and Comprehensive Plan, the development will not adversely impact the environment, the development will not substantially or permanently depreciate the value of the surrounding property, adequate public facilities, ingress and egress traffic safety, the development is a functional use of space, provides for safety of occupants and visitors, and the proposed use of materials and architectural features will not adversely impact the neighborhood aesthetics. He reviewed potential options for the Commission.

Commissioner Persis discussed concerns regarding ingress and egress, traffic and environmental impact. She stated she would vote no on the item, and stated she would like to deny the request or send back to the Planning Board for the developers to include a substantial reduction in density, similar to the approved PRD from 2006.

Commissioner Sargent reviewed the issues he had including traffic, pedestrian safety, and density. He stated he would support sending the item back to the Planning Board in hopes of a plan similar to the 2006 approved PRD.

Commissioner Tolland expressed concerns regarding pedestrian safety, compatibility with surrounding neighborhoods, density, natural buffer, and traffic. She indicated support of a plan similar to the 2006 approved PRD.

Commissioner Briley stated concerns for the compatibility, lot sizes, and density. He agreed the item should go back before the Planning Board.

Mayor Partington supported the item being remanded to the Planning Board and expressed concerns regarding density and traffic.

Commissioner Persis moved, seconded by Commissioner Tolland, to remand the item to the Planning Board for further consideration.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Mayor Partington closed the public hearings.

Item #10 – Reports, Suggestions, Requests

Events, Compliments, and Announcements

Ms. Claire Whitley, Assistant City Manager, reviewed upcoming events including a Veterans Day celebration luncheon, HOme for the HOlidays parade, and Ormond Beach MainStreet Riverfest.

Commissioner Tolland thanked residents, staff, and the Planning Board regarding the Tomoka Reserve item, Belvedere Fuel Farm, and Hunter's Ridge.

Commissioner Sargent discussed an incident from earlier in the day involving the Ormond Beach Police Department. He thanked Mr. Spraker for his hard work.

Commissioner Persis thanked Mr. Spraker, Mr. Hayes, Ms. Whitley and City Manager Joyce Shanahan.

Commissioner Briley reviewed events he attended including the ribbon cutting for the dog section of the Volusia County beach and Hometown Heroes drive-thru lunch.

Item #11 – Adjournment

The meeting was adjourned at 10:11 p.m.

APPROVED: December 5, 2023

BY: _____
Bill Partington, Mayor

ATTEST:

_____
Susan Carroll Dauderis,
City Clerk

Dennis K. Bayer

Attorney

Dennis K. Bayer, Esq.
dennis@bayerlegal.com

109 South 6th Street, Suite 200
Flagler Beach, FL 32136
Tel: 386-439-2332
Fax: 386-439-6522

December 19, 2023

Sent via U.S. Mail and email to
Steven.Spraker@ormondbeach.org and
Randy.Hayes@ormondbeach.org

Steven Spraker, Planning Director
City of Ormond Beach
22 S. Beach St., Room 104
Ormond Beach, FL 32174

Randy Hayes, City Attorney
City of Ormond Beach
P.O. Box 277
Ormond Beach, FL 32174

Re: Tomoka Oaks Proposed Golf Course R-2 Rezoning

Gentlemen:

I am submitting the attached resolution as legal counsel for Tomoka Oaks Homeowner's Association (Association). This request relates to the current request from the developer to rezone the entire parcel as R-2. My clients are opposed to the rezoning and intend to argue that the competent substantial evidence exists to mandate that any development be done as a planned development. This is based upon the unique location and development history of the property and adjacent lands.

Many of the members reside on the existing fairways and all of the members will be impacted by the proposed development as to issues related to traffic, buffering, impacts on property values, congestion and loss of open space.

The city code, in section 2-210, provides for intervention by affected parties in quasi-judicial hearings. Consequently, the Association seeks to intervene in the planning process and subsequent quasi-judicial proceedings as an intervenor with formal standing status as allowed by

the code. I am submitting a copy to Rob Merrell, legal counsel for the applicant, in order to determine if the applicant has any objection to this petition.

Please let me know if staff has any questions or comments about this petition.

Respectfully submitted,

Dennis K. Bayer

DKB/kh
Enclosure

RESOLUTION OF BOARD OF DIRECTORS OF TOMOKA OAKS HOMEOWNER'S ASSOCIATION

WHEREFORE, the issue of the Tomoka Oaks Homeowner's Association, Inc. ("TOHA") petitioning the city of Ormond Beach ("City") to allow it to intervene in the matter of the development of residences on the now-closed Tomoka Oaks golf course ("Development") in accordance with Section 2-210 of the City codes (("Code") has come before the Board of Directors of the HOA ("Board"); and

WHEREFORE, the Board of the HOA has reviewed the matter and has agreed to request intervention from the City;

WHEREFORE the Board voted by a majority to intervene, it is

RESOLVED AS FOLLOWS:

1. The Board of the HOA formally requests from the City that the HOA be allowed to intervene in the matter relating to the Development. The HOA requests that it be granted all powers and privileges provided under the Code.
2. The HOA requests that the City will confer the HOA as having standing to fully participate in all public hearings and attendant processes associated with the proposed development.

The Resolution approved this 17th day of May, 2022.

TOMOKA OAKS HOMOWNER'S ASSOCIATION, INC.

Kathy Page
Kathy Page
Secretary

John M. Power
John M. Power
President

1102 A1A North; Suite 201
Ponte Vedra Beach, FL 32082

Karl J. Sanders
Direct: 904.868.7929
Mobile: 561.386.1216
kjsanders@kjslawpa.com

VIA E-MAIL ONLY

January 11, 2024

Mr. Randy Hayes
City Attorney
City of Ormond Beach
22 South Beach St.
Ormond Beach, FL 32174

RE: Response to Request of Tomoka Oaks HOA for Party-Intervenor Status (ZMA 2023-054)

Dear Mr. Hayes:

The purpose of this correspondence is to formally respond to the request of Mr. Dennis Bayer, Esq., per his letter dated December 19, 2023, that the City of Ormond Beach recognize his client (Tomoka Oaks Homeowner's Association, Inc.) as a "party-intervenor" in connection with the City's quasi-judicial proceedings concerning the Application for Zoning Map Amendment (ZMA 2023-054) filed by my client, Triumph Oaks of Ormond Beach, LLC ("Triumph Oaks").

First, to the extent that Mr. Bayer is simply requesting a meaningful opportunity to present any objections that his client may have regarding our pending application before a quasi-judicial board of the City, Triumph Oaks has no objection whatsoever. Indeed, as a matter of procedural due process, the law actually *requires* that the quasi-judicial officers of the City afford Mr. Bayer's client a meaningful opportunity to be heard on the application, which most certainly would require more than the standard three minutes allotted for general public comments.

For purposes of the quasi-judicial hearing before the City's Planning Board, I would suggest that the Board consider affording both myself (on behalf of Triumph Oaks) and Mr. Bayer (on behalf of his client) a total of 20 minutes each to present our respective positions. If Mr. Bayer needs more time than that, I have no objection. I would simply request that we be allotted the same amount of time, and that I also have a meaningful opportunity to present any rebuttal to the comments of Mr. Bayer or anyone else who desires to address the Board.

Second, to the extent that Mr. Bayer is requesting that the City grant his client legal standing as a party-intervenor, I would object to same. The reason for this is that legal standing is something that can only be established by evidence, not allegations. Further, and most significantly, a party's

"consent" to a request for standing is irrelevant, as standing is jurisdictional in a legal proceeding. Mere allegations, and even any purported consent of counsel, do not confer legal standing.

In closing, my assumption is that Mr. Bayer is simply requesting a meaningful opportunity to be heard, per the provisions of the City's Ordinance Code which provide the requisite procedures for requesting and establishing same. I fully support his request to be accorded the procedural due process that he is entitled to receive as a matter of law. But to the extent that he is asking my client to confirm that his client has proven legal standing (for purposes of these quasi-judicial proceedings or otherwise), my client respectfully declines to do so.

I thank you in advance for your consideration of the matters referenced herein, and we look forward to receiving the Planning Board's final vote on our application this evening. In the meantime, should you have any questions or wish to discuss this matter further, please do not hesitate to contact either me or Rob Merrell.

Very truly yours,



Karl J. Sanders

cc: Rob Merrell, Esq.
Dennis Bayer, Esq.
Steven Spraker, Planning Director

PLANNING BOARD STAFF REPORT

Tomoka Reserve, Zoning Map Amendment
Project Number: ZMA 2023-054

PLANNING BOARD DATE:	January 11, 2024
TENTATIVE CITY COMMISSION DATES:	To be determined
APPLICANT:	Robert A. Merrell III, Esquire, Cobb Cole, on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC
LOCATION:	20 Tomoka Oaks Boulevard
REQUEST:	Zoning map amendment from PRD, Planned Residential Development to R-2, Single-Family Low Density for approximately 147.94 acres
PLANNING STAFF RECOMMENDATION:	Denial of the zoning map amendment to the R-2, Single-Family Low Density zoning district
STAFF CONTACT:	Steven Spraker, AICP, Planning Director
MAP OF THE PROJECT AREA:	

SECTION 1, INTRODUCTION:

This is an application submitted by Robert A. Merrell III, Esquire, Cobb Cole on behalf of the property owner, Triumph Oaks of Ormond Beach I, LLC, for a zoning map amendment to rezone the Tomoka Oaks golf course land consisting of approximately 147.94 acres, from PRD, Planned Residential Development to R-2, Single-Family Low Density. The former Tomoka Oaks golf course land is situated within the Tomoka Oaks residential subdivision. The physical and historical connection of these two properties present unique circumstances regarding the developer's proposed development of the golf course land. Development of the golf course land under PRD, Planned Residential Development zoning, and not the R-2 Single-Family Low Density zoning district, can better satisfy the goals and objectives of the City's Comprehensive Plan and the requirements of the Land Development Code to achieve a harmonized development of the golf course land in a manner that will lessen the impacts on adjacent neighborhoods.

SECTION 2, HISTORICAL OVERVIEW:

The development of Tomoka Oaks golf course and Tomoka Oaks residential subdivision both began in approximately 1961. Historical records show a symbiotic connection between the properties from the very beginning, with uses that were intended to complement each other. The City's official zoning map, certified by the city clerk on March 7, 1967, based on a 1956 zoning ordinance (Ordinance 56-29), shows residential lots around the perimeter of the golf course. The 1967 (1956) zoning map is attached as ATTACHMENT 1. The zoning map shows a road system around the perimeter of the golf course that included Tomoka Oaks Boulevard, which extended from State Road 5A (Nova Road) to the traffic circle; and the traffic circle/diamond that provided connecting roadway links to St. Andrews Drive, Oakmont Drive, Tomoka View Drive, and the golf course itself. The configuration of the traffic circle on the 1967 (1956) zoning map is significant because it remains the same today as it did more than 60 years ago. An inference can be drawn that the road system and traffic circle were intended primarily to serve the limited development of residents who lived in Tomoka Oaks subdivision and others who enjoyed the golf course amenity.

The golf course opened for play in approximately 1962 as an 18-hole golf course and related uses that included a clubhouse, cart barn, and maintenance barn. The zoning map shows that Tomoka Oaks subdivision and the golf course were in an "R-2-A" zoning district. In 1963, Tomoka Oaks, Inc., conveyed by warranty deed to Ralph R. Frederick, trustee, all of the Sam Sneed Golf and Country Club. The warranty deed contained several conditions, including covenants that the property be used in perpetuity as a golf course and country club; providing Tomoka Oaks, Inc., a right of first refusal to purchase the property in the event Mr. Frederick intended to sell the property; and providing that in the event the property ceased to be used exclusively as a golf course and related uses, and the property was not sold to Tomoka Oaks, Inc., Tomoka Oaks Golf and Country Club, Inc., or Tomoka Oaks Homeowners Association, then the property would automatically revert back to Tomoka Oaks, Inc. The records indicate that Tomoka Oaks, Inc., intended to liquidate and dissolve as a corporate entity, and therefore, in 1970 its board of directors approved a resolution releasing Tomoka Oaks Inc.'s right of first refusal to purchase the property under the warranty deed, and further releasing (effective on December 13, 1973) its interest in the property under the reverter clause. A release was

subsequently executed in 1971. Notwithstanding the release by Tomoka Oaks, Inc., of its interests under the warranty deed in and to the golf course property, the golf course was continuously and exclusively used for nearly 60 years by residents of Tomoka Oaks subdivision and the general public as a golf course and/or open space amenity.

In 2006, attorney Rob Merrell, on behalf of a developer-client, requested the zoning for the Tomoka Oaks golf course land be changed to PRD, Planned Residential Development to allow the construction of a low impact development. A low impact development under PRD, Planned Residential Development zoning could best preserve the unique characteristics and historical connection between the golf course property and Tomoka Oaks subdivision because development of the golf course land would have a direct and immediate impact on residents of Tomoka Oaks subdivision and neighboring subdivisions. The City Commission approved the PRD rezoning request and approved a development order (by Ordinance 2006-17) authorizing the construction of 119 multi-family townhomes and condominiums, three single-family residences, a nine-hole redesigned golf course and driving range, tennis facility, maintenance area, spine road, and parking. The approval included a condition that the developer provide restrictive covenants to ensure the use of the nine-hole golf course in perpetuity; and further required the consent of the City Commission for any release of the restrictive covenant. The approval by the City Commission allowed the applicant to develop the golf course property in a manner that preserved the sense of open space that residents of Tomoka Oaks subdivision had enjoyed, and relied upon, for decades. The PRD, Planned Residential Development development order expired in 2014. The Tomoka Oaks golf course land has been zoned PRD, Planned Residential Development for over 17 years.

SECTION 3, RECENT BACKGROUND:

Triumph Oaks of Ormond Beach I, LLC acquired the Tomoka Oaks golf course land in 2021. It did so with full knowledge that the land was zoned PRD, Planned Residential Development. In 2022, Triumph Oaks of Ormond Beach I, LLC submitted to the City, through its attorney Rob Merrell, an application for a development order under the existing PRD, Planned Residential Development zoning. The applicant is seeking approval to construct 276 residential lots of various widths ranging from sixty feet (60') to eighty feet (80'). Upon considering the evidence and testimony that was presented at a public hearing held on November 7, 2023, including the recommendation of the Planning Board, the City Commission voted unanimously to remand the matter back to the Planning Board for further proceedings to address concerns regarding density, lot size, natural buffer, compatibility with surrounding neighborhoods, ingress and egress, traffic, and pedestrian safety. Subsequent to the non-final action taken by the City Commission to remand the proposed PRD development application back to the Planning Board, the applicant notified the City, through its attorney, that it would not participate in further proceedings on the remand and withdrew the PRD development application. Instead, the applicant advised the City that it would pursue an application to rezone the golf course land from PRD, Planned Residential Development to R-2, Single-Family Low Density. The applicant has indicated that if R-2, Single-Family Low Density zoning district is approved, it intends to construct single-family homes on the golf course land with essentially the same or similar density and number of lots that it has proposed with its PRD development application, and without addressing the concerns that have been identified by the City Commission that are the subject of the remand action taken by the City Commission on the applicant's

PRD development application. The actions taken by Triumph Oaks of Ormond Beach I, LLC, show an unwillingness by the applicant to address concerns that have been identified by the Planning Board, the City Commission, and the residents of Tomoka Oaks subdivision.

SECTION 4, APPLICATION FOR DEVELOPMENT UNDER PRD ZONING:

At a public hearing on July 13, 2023, the Planning Board reviewed the project application submitted under the PRD, Planned Residential Development zoning for the issuance of a development order that included 276 residential lots that included 50', 60', and 80' wide lots under certain conditions. The Tomoka Oaks HOA is a party intervenor in the proposed PRD development application that was submitted by Triumph Oaks of Ormond Beach I, LLC. The Planning Board completed portions of the public hearing and the meeting was continued until August 21, 2023.

On August 16, 2023, the applicant provided to the Planning staff a revised plan that included 60' wide lots (117), 80' wide lots (101), 90' wide lots (10), and 100' wide lots (46). City staff advised the Planning Board that the new information provided on August 16, 2023, should be considered a material change to the original application, and that it had not been reviewed by Planning staff and other interested people, nor had it been publicly advertised. At the August 21, 2023, Planning Board meeting, the Planning Board concurred with staff and continued the matter to a meeting to be held on September 26, 2023.

At the public meeting held on September 26, 2023, the Planning Board reviewed the revised site plan. The City's Planning staff determined that two primary issues remained unresolved: lot widths along the perimeter of the golf course, and the proposed 50-foot landscape buffer plantings and irrigation. In addition to the applicant's representatives, approximately twenty residents spoke at the meeting. The residents who addressed the Planning Board discussed the unique history and characteristics of the golf course property, how the proposed development would negatively impact the sense of open space they have enjoyed for over 60 years, and how the increased density would strain the neighborhood road system, including the traffic circle that was intended to serve a limited development. The Planning Board voted unanimously (7-0) to recommend to the City Commission that the applicant's proposed development application be denied, and offered the following guidance:

1. **Density**. Each board member expressed concern with the proposed number of lots. Board members indicated support of the SPRC recommendation of 100-foot wide lots on the perimeter. Additionally, some board members believed that all the lots (including interior lots) should be wider and have additional square footage. Board members discussed a wide range of allowed lots with most members in favor of a range between 220 and 240 lots.
2. **50 foot buffer**. Board members stated that there should be a type 6 buffer where gaps exist and irrigation to newly planted landscape material.
3. **Traffic**. Board members stated that the traffic analysis is flawed based upon evidence and testimony provided and their experiences. Specific discussions included:

   A. The existing diamond of Saint Andrews Drive and Tomoka Oaks Boulevard;

B. Impacts to Tomoka Oaks and the Trails subdivision;

C. Intersection impacts at Main Trail and West Granada Boulevard; and

D. Timing of the traffic signal at Nova Road and Tomoka Oaks Boulevard.

4. **Architectural design**. Board members sought a wide variety of architectural elevations. The comment of "no cookie cutter" homes was provided. The Board focused on the distance for houses that could repeat building styles.
5. **Driveways**. Board members discussed a desire to have a longer driveway in order to stack vehicles on the home lots and not have on-street parking.

The Planning Board members discussed the benefits to developing the golf course property under the PRD, Planned Residential Development zoning as a means to minimize impacts on adjacent neighborhoods, while also providing an opportunity to the applicant to harmonize the development of the golf course consistent with the historical and unique characteristics of the golf course, similar to the goals that were achieved by the 2006 PRD development order.

The City Commission considered the applicant's application for a development order under the PRD, Planned Residential Development zoning at a public hearing on November 7, 2023. After considering the evidence and testimony that was presented by the applicant, the party-intervenor, and residents, the City Commission voted unanimously (5-0) to remand the matter back to the Planning Board for further proceedings to address several issues including density, traffic, compatibility with surrounding neighborhoods, lot sizes, and the natural buffer. The City Commission took note of the fact that the golf course land (approximately 148 acres) is located in the center of an existing residential development, Tomoka Oaks subdivision; and that the development of the land posed significant challenges. The City Commission recognized that development of the golf course land under PRD, Planned Residential Development zoning provided the best opportunity to minimize negative impacts on adjacent neighborhoods, similar to the goals that were achieved by the 2006 PRD development order. The Planning Board and City Commission minutes are included in ATTACHMENT 6.

The applicant has apparently abandoned efforts to develop the golf course land under the existing PRD, Planned Residential Development zoning. The applicant has, instead, filed this application to rezone the subject property from PRD, Planned Residential Development to R-2, Single-Family Low Density zoning district. If approved, the applicant intends to develop the subject property under R-2, Single-Family Low Density zoning with the same or similar plans that have been considered by the Planning Board and City Commission under the PRD, Planned Residential Development zoning. The applicant hopes to avoid addressing the concerns that have been identified by the City Commission under the applicant's PRD, Planned Residential Development development application.

SECTION 5, APPLICATION FOR THE ZONING MAP AMENDMENT:

The process to rezone the subject property to R-2, Single-Family Low-Density zoning, is described below. The Tomoka Oaks HOA has requested to participate as a party-intervenor regarding the applicant's application to rezone the golf course land from PRD, Planned Residential Development to R-2, Single-Family Low Density.

EXHIBIT 1: Zoning map amendment process

Reviewing entity/action	Date	Required advertising
Planning Board	**January 11, 2024**	**1. Mail notice, 300' radius.** **2. Newspaper advertisement.**
City Commission	Tentatively, February 20, 2023 & March 5, 2023	1. Mail notice, 300' radius. 2. Newspaper advertisement.

In summary, the zoning map amendment seeks to change the zoning allowances for the property. Under the R-2 Single-Family Low Density zoning district single-family, detached residences are allowed as a permitted use. The permitting of a single-family subdivision would require the following steps:

1. Review of the Site Plan Review Committee;
2. Planning Board review of the Preliminary Plat;
3. City Commission action on the Preliminary Plat;
4. Construction of subdivision improvements (typically in phases);
5. Planning Board review of the Final Plat:
6. City Commission action on the Final Plat;
7. Recording of the plat; and
8. Construction of individual single-family houses.

This process requires technical administrative review by the City's Site Plan Review. The process does not allow review and approval by the Planning Board and City Commission.

SECTION 6, ANALYSIS:

The uses around the subject property are as follows:

EXHIBIT 2: Land uses and zoning abutting Tomoka Reserve

Direction	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
South	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
East	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density
West	Single-Family Residential	"Low Density Residential"	R-2, Single-Family Low Density

The subject property was platted in 1961 as the Sam Snead Golf and Country Club. The city designated land use is “Low Density Residential” and the zoning is PRD, Planned Residential Development. The existing land use allows several uses, including a golf course and single-family homes. Section 2-02, Future land use map designations and zoning districts of the Land Development Code provides the compatible zoning districts to the “Low Density Residential” land use as follows:

EXHIBIT 3: Compatible zoning districts

Comprehensive Plan Future Land Use Map Designation	Corresponding Compatible Zoning District
LDR, Low Density Residential	R-1, Residential Estate
	R-2, Single-Family Low Density
	R-2.5, Single-Family Low-Medium Density
	R-3, Single-Family Medium Density
	PRD, Planned Residential Development

Review of compatible zoning districts:

The zoning district maps and sections are included in ATTACHMENT 4 and are reviewed below:

EXHIBIT 4: R-1, Residential Estate zoning district

Section 2-12. R-1, Residential Estate	
Purpose:	The purpose of this zoning district is to provide for both existing and proposed single-family residential development characteristic of the spacious lots currently existing in various areas of the city, particularly along the Halifax River and the Atlantic Ocean, which are considered representative of the original and historic character of the city.
Density:	2.17 units per acre.
Maximum building height:	30’.
Lot requirements:	Minimum lot width = 100’, minimum lot depth = 150’, minimum lot size = 20,000 square feet.
Setbacks:	Front = 30’, Rear = 25’, Sides = 8’ total 20’, special waterbody setbacks.
Existing location of zoning district:	Along both sides of the Halifax River and Ocean Shore Boulevard abutting the Atlantic Ocean.
Staff analysis:	This district has been used along the Halifax River and the Atlantic Ocean. The total lot area requirement is 20,000 square feet. Staff would not recommend the use of this zoning district for the Tomoka Reserve property.

EXHIBIT 5: R-2, Single-Family Low Density zoning district

Section 2-13. R-2, Single-Family Low Density	
Purpose:	The purpose of the Single-Family Low Density (R-2) Zoning District is to protect and encourage the continued development of low density, single-family residential development.
Density:	4.3 units per acre.
Maximum building height:	30'.
Lot requirements:	Minimum lot width = 100', minimum lot depth = none, minimum lot size = 10,000 square feet.
Setbacks:	Front = 30', Rear = 25', Sides = 8' total 20', special waterbody setbacks.
Existing location of zoning district:	1. Beachside – along Halifax Drive and portions of SR A1A. 2. Along both sides of Beach Street. 3. Tomoka Oaks and Trails subdivisions. 4. Along Hidden Hills Drive area. 5. Portions of Tymber Creek subdivision. 6. Arroyo Parkway area.
Staff analysis:	This zoning district requires lot sizes of 100' in width and requires a lot area of 10,000 square feet. The Tomoka Reserve project was previously zoned as R-2, Single-Family Low Density prior to 2006. The residential uses around the Tomoka Reserve project have an R-2, Single-Family Low Density zoning designation. The applicant has requested that the Tomoka Reserve project be designated back to the R-2, Single-Family Low Density zoning district.

EXHIBIT 6: R-2.5, Single-Family Low-Medium Density zoning district

Section 2-14. R-2.5, Single-Family Low-Medium Density	
Purpose:	The purpose of the Single-Family Low-Medium Density (R-2.5) Zoning District is to protect and encourage the continued development of the residential single-family development that has occurred at relatively low densities.
Density:	4.98 units per acre.
Maximum building height:	30'.
Lot requirements:	Minimum lot width = 90', minimum lot depth = none, minimum lot size = 8,750 square feet.
Setbacks:	Front = 30', Rear = 20', Sides = 8' total 20', waterbody = 30'.

Section 2-14. R-2.5, Single-Family Low-Medium Density (continued)	
Existing location of zoning district:	1. Beachside north of Granada Boulevard, between Ocean shore Boulevard and North Halifax Drive. 2. Portions of Tymber Creek subdivision. 3. Arroyo Parkway area, between Santa Ana Avenue and South Center Street.
Staff analysis:	This zoning district requires a lot area of 8,750 square feet. The R-2.5, Single-Family Low-Medium Density zoning district was originally designed for the beachside area and was utilized for the annexed areas of Arroyo Parkway and the Tymber Creek subdivision. Staff would not recommend the use of this zoning district for the Tomoka Reserve property.

EXHIBIT 7: R-3, Single-Family Medium Density zoning district

Section 2-15. R-3, Single-Family Medium Density	
Purpose:	The purpose of the Single-Family Medium Density (R-3) Zoning District is to stabilize and protect the residential characteristics of existing medium density, single-family neighborhoods and to promote and encourage a suitable environment for family life.
Density:	5.05 units per acre.
Maximum building height:	30’.
Lot requirements:	Minimum lot width = 75’, minimum lot depth = 115’, minimum lot size = 8,625 square feet. Special standards allow 7,500 square foot lots.
Setbacks:	Front = 25’, Rear = 20’, Sides = 8’ total 20’, waterbody = 30’.
Existing location of zoning district	1. Beachside south of Granada Boulevard, between South Atlantic Avenue and Riverside Drive. 2. Mainland – Beach Street to US1, Central Park area, subdivisions near Granada Boulevard. 3. Breakaway Trails (planned development overlay). 4. Ormond Lakes (planned development overlay).
Staff analysis:	This zoning district requires a lot area of 8,625 square feet. The R-3 zoning district is the core single-family residential development zoning district. Staff would not recommend the use of this zoning district for the Tomoka Reserve property because of the smaller lot sizes allowed.

EXHIBIT 8: PRD, Planned Residential Development zoning district

Section 2-35. PRD, Planned Residential Development	
Purpose:	The purpose of the PRD, Planned Residential Development District classification is to provide more flexibility with regard to land use, density and dimensional standards, and other requirements of this Land Development Code, to encourage developments that incorporate innovative concepts of site planning, coordinated architectural and functional design, higher level of amenities, increased amounts of open space, recreation and landscaping, and a better living environment overall.
Density:	Site specific holding analysis required.
Maximum building height:	Specified within the development order.
Lot requirements:	Specified within the development order.
Setbacks:	Specified within the development order.
Existing location of zoning district:	1. Tomoka Reserve (vacant); 2. Pineland. 3. Southern Pines, 4. River Oaks. 5. Tattersall (vacant). 6. Chelsea Place. 7. Ormond Grande. 8. Cupola at Oceanside. 9. Cypress Trails.
Staff analysis:	The Planned Residential Development zoning district was formerly an overlay and became its own zoning district in 2004. The zoning district allows design flexibility, requires a holding capacity analysis for density, additional preservation areas, recreational areas, and common open space. The Planned Residential Development zoning district is a negotiated zoning district. This is the existing zoning on the Tomoka Reserve property.

The Land Development Code provides a list of compatible zoning districts that is discussed above. In Planning staff's opinion, the R-2.5, Single-Family Low-Medium Density and R-3, Single-Family Medium Density zoning districts are not appropriate for the Tomoka Reserve property based on smaller lot sizes and lack of consistency with the surrounding residential properties. The R-1, Residential Estate zoning district is a larger lot zoning district of 20,000 square feet that has historically been used along the Halifax River and the Atlantic Ocean. If the intent of the zoning map amendment is to require larger lots, this zoning district would allow just over two units per acre.

The Exhibit below reviews zoning development standards of the proposed zoning district (R-2, Single-Family Low Density) and the existing zoning district (PRD, Planned Residential Development).

EXHIBIT 9: Zoning standards of existing and proposed zoning districts

Standard	R-2 zoning	PRD zoning
Lot Size:	100’ lot width – 10,000 square feet lot area	R-2, Single-Family Low-Medium Density zoning district used as a basis. Can seek varying lot sizes
Setbacks:	Front yard setback of 30’, rear yard setback of 25’, side yards setbacks of a minimum of 8’ to total 20’ between both setbacks, and a side corner setback of 20’	Established within the development order
Building coverage:	35%	Established within the development order
Building height:	30’	Established within the development order
Natural preservation:	15% required	20% required
Buffer area:	6’ buffer abutting single-family residential development	Established within the development order
Perimeter setback required:	Not required	40’
Recreation facilities:	Not required	90 square feet per lot
Off-site improvements:	Not required	Can be negotiated as part of the development order
Architectural standards:	Not required	Required
Fence standards:	Not required	Required

In the public hearings regarding the applicant’s application to develop the golf course land under PRD, Planned Residential Development zoning, many speakers, including the applicant’s representatives, and members of the Planning Board and City Commission all acknowledged that the Tomoka Oaks golf course property is a one-of-a-kind property with a unique history and community characteristics. It is significant to note that, historically, there does not appear to have been a similar type of development in Ormond Beach. The proposed development of the golf course land is unique. It is one-of-a-kind, and it poses significant challenges.

A common theme at each of the public hearings for the PRD development application

was that the Planned Residential Development zoning is the most appropriate zoning under which development of the golf course land should occur. Development of the golf course land under PRD, Planned Residential Development zoning is better suited to accomplish the goals and objectives of the City's Comprehensive Plan and Land Development Code regulations. The opinion of the Planning staff is that the existing PRD, Planned Residential Development zoning is the most appropriate zoning for the Tomoka Oaks golf course property.

SECTION 7, CRITERIA FOR REZONING:

Section 1-15(d)(3) of the Land Development Code provides that nonplanned development rezonings shall be reviewed based on the development order criteria contained in subsection (e) of that section. It is important to note that many of the development order criteria envision a site plan or some type of development. A zoning map amendment does not include a site plan or development plan. A zoning map amendment in essence changes colors on the zoning map that would then allow a menu of options as conditional, and Special Exception uses, and specific dimensional standards. An analysis of the applicant's request to rezone the subject property from PRD, Planned Residential Development to R-2, Single-Family Low-Density zoning district is provided below:

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

   The applicant asserts (ATTACHMENT 3) that the development of the golf course property under R-2 zoning would result in density of the development that is identical to adjacent properties. The existing Planned Residential Development zoning provides an opportunity to harmonize the development standards and impacts from the development of this unique piece of land in a manner that will lessen adverse impacts on other properties. It should be noted that a specific site development plan is not included as part of the applicant's rezoning application (and one is not required), notwithstanding the applicant's stated intention to develop the golf course land in accordance with the proposed development plan that was submitted under the PRD, Planned Residential Development zoning. It should be noted that upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission expressed concern regarding negative impacts from the proposed development. The PRD, Planned Residential Development zoning best satisfies this condition.

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

   The property is designated "Low Density Residential" on the City's Future Land Use Map. The Future Land Use Element of the Comprehensive Plan states:

   Low Density Residential (LDR)

   Purpose: To protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: up to 4.3 units per acre

Maximum FAR: 0.2

The following is a list of the Comprehensive Plan Objectives and Policies pertaining to the proposed residential development:

Future Land Use Element

GOAL 1. LAND USE DISTRIBUTION

FUTURE DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHOULD BE DIRECTED IN APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP TO MEET THE LAND USE NEEDS OF THE ANTICIPATED POPULATION, IN A MANNER CONSISTENT WITH SOUND PLANNING PRINCIPLES, THE GOALS, OBJECTIVES AND POLICIES CONTAINED HEREIN, AND THE DESIRED COMMUNITY CHARACTER.

THE FUTURE LAND USE ELEMENT SHOULD ALLOW LIMITED COMMERCIAL EXPANSION, PROMOTE INDUSTRIAL USE, AND MAINTAIN CURRENT RESIDENTIAL DENSITIES IN THE CORE AREA WHILE ESTABLISHING LOWER DENSITIES IN THE PERIMETER AREAS, FOCUSING REDEVELOPMENT IN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA, US1, AND SRA1A, AND PROVIDING FOR A CONTINUED HIGH LEVEL OF OPEN SPACE. FUTURE GROWTH SHALL BE TIMED AND LOCATED TO MAXIMIZE EXISTING PUBLIC INFRASTRUCTURE.

OBJECTIVE 1.1. RESIDENTIAL LAND USE

Ensure the availability of adequate lands to meet the residential land use needs of the community.

POLICY 1.1.3.

Preserve the character of existing neighborhoods by not allowing intrusion of land uses that would threaten to alter the neighborhood character and by encouraging voluntary rehabilitation and sound maintenance programs in viable neighborhoods which are capable of self-renewal and establishing code enforcement or public redevelopment activities in areas not capable of self-renewal.

POLICY 1.1.5.

Encourage innovative design measures for new residential developments and ensure that adequate provision is made for neighborhood facilities suitable to the type of development proposed.

POLICY 1.1.6.

Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach.

POLICY 1.1.14.

Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit-oriented development, and walkable residential areas.

POLICY 2.4.7.

Encourage cluster development which promotes the efficient use of open space and reduces development costs, in areas where services and facilities exist or are planned.

Housing Element

GOAL 1. HOUSING SUPPLY

ENSURE THE AVAILABILITY OF SAFE AND ADEQUATE HOUSING UNITS OF DIFFERENT TYPES, SIZES, AND PRICE RANGES TO MEET THE NEEDS OF ALL CURRENT AND FUTURE RESIDENTS.

OBJECTIVE 1.1. HOUSING SUPPLY

The City shall continue to facilitate the private production of a housing supply, including adequate sites for mobile homes or manufactured housing and low and moderate-income housing, which will meet future community needs and offset housing deficiencies as noted in this Element.

OBJECTIVE 1.2. PROVISION OF ADEQUATE SERVICES AND FACILITIES

Each existing housing development and residential neighborhood along with all new housing development shall meet the existing adopted level of service standards.

POLICY 1.2.1.

The general residential development pattern in the city should be in accord with the community's growth strategy for residential densities, as stipulated within the Future Land Use Element.

The R-2, Single-Family Low Density, and existing PRD, Planned Residential Development zoning are consistent with the "Low Density Residential" land use. The zoning districts of R-1, R-2.5, and R-3 are also consistent. However, the goal of the zoning map amendment is to assign *the most appropriate* zoning based on the unique and special characteristics of the golf course land. It should be noted that upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission acknowledged that the PRD zoning is the most appropriate zoning for this unique, one-of-a-kind property, to mitigate negative impacts. The PRD, Planned Residential Development zoning designation best satisfies this condition.

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

The zoning map amendment does not include a site development plan and this criterion is not applicable. The subject property does not have any on-site wetlands

and is not located within floodplain “A” or “AE”. Development of the Tomoka Oaks golf course property would require an environmental analysis.

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

   The applicant asserts that:

   > “Design of the project is intended to promote a residential neighborhood featuring a variety of aesthetically pleasing home types and design, in order to promote a diverse, architecturally rich neighborhood that will complement the existing variety demonstrated in the Tomoka Oaks neighborhood.”

   Although R-2, Single-Family Low-Density zoning district *may* be consistent with abutting residential development, the existing PRD, Planned Residential Development zoning district provides an opportunity to develop a *better* overall subdivision design with standards for recreation, open space, and natural preservation.

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

   A zoning map amendment does not generally consider concurrency for public facilities, such as roads, utilities or schools. A zoning map amendment would eventually result in the applicant submitting preliminary and final plats that would include a concurrency review of all public facilities, including roads and traffic. However, it should be noted that during the public hearings on the applicant’s PRD, Planned Residential Development application, significant concern was expressed by residents regarding the ability of the existing road system, including the traffic circle, to accommodate additional traffic from the proposed development. Upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission expressed a desire that the adequacy of the existing road system within Tomoka Oaks subdivision be addressed.

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

   A zoning map amendment does not consider traffic impacts because a site plan is not required. However, it should be noted that upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission expressed concern regarding ingress and egress, traffic, traffic patterns, and pedestrian safety.

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

   A zoning map amendment does not require or include a site plan. However, it should be noted that upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission expressed concern regarding the functional use of space.

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

   A zoning map amendment does not require or include a site plan. However, it should be noted that upon remand to the Planning Board of the PRD, Planned Residential Development development application, the City Commission expressed concern regarding traffic, traffic patterns, and the safety of pedestrians.

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

   A zoning map amendment does not require or include a site plan. This criterion would not be applicable to the zoning map amendment.

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

    The testimony and evidence submitted at the public hearing may be considered.

SECTION 8, RECOMMENDATION:

Neighborhood meetings regarding the proposed Tomoka Reserve project began in the summer of 2021. The proposed development of the golf course land has undergone several public hearings before the Planning Board and City Commission for the issuance of a development order under the PRD, Planned Residential Development zoning. Members of the public, City staff, Planning Board, and City Commission have recognized the unique and special characteristics of the golf course land. After the City Commission voted to remand the matter back to the Planning Board, the applicant withdrew the PRD development application and is now seeking to amend the PRD, Planned Residential Development zoning to R-2, Single-Family Low Density. The developer intends to pursue development of the former golf course land under the R-2, Single-Family Low Density zoning district with the same or similar plans that the developer proposed under the PRD development application. The review of a development plan for the golf course under R-2, Single-Family Low Density zoning requires a technical administrative review by the City's Site Plan Review Committee and Preliminary and Final Plat reviews by the Planning Board or City Commission. Rezoning the golf course land to the R-2, Single-Family Low Density zoning district would eliminate the opportunity provided by PRD, Planned Residential Development zoning district to harmonize the challenges presented by the proposed development of the former golf course land in a manner that best satisfies the goals and objectives of the City's Comprehensive Plan and Land Development Code regulations.

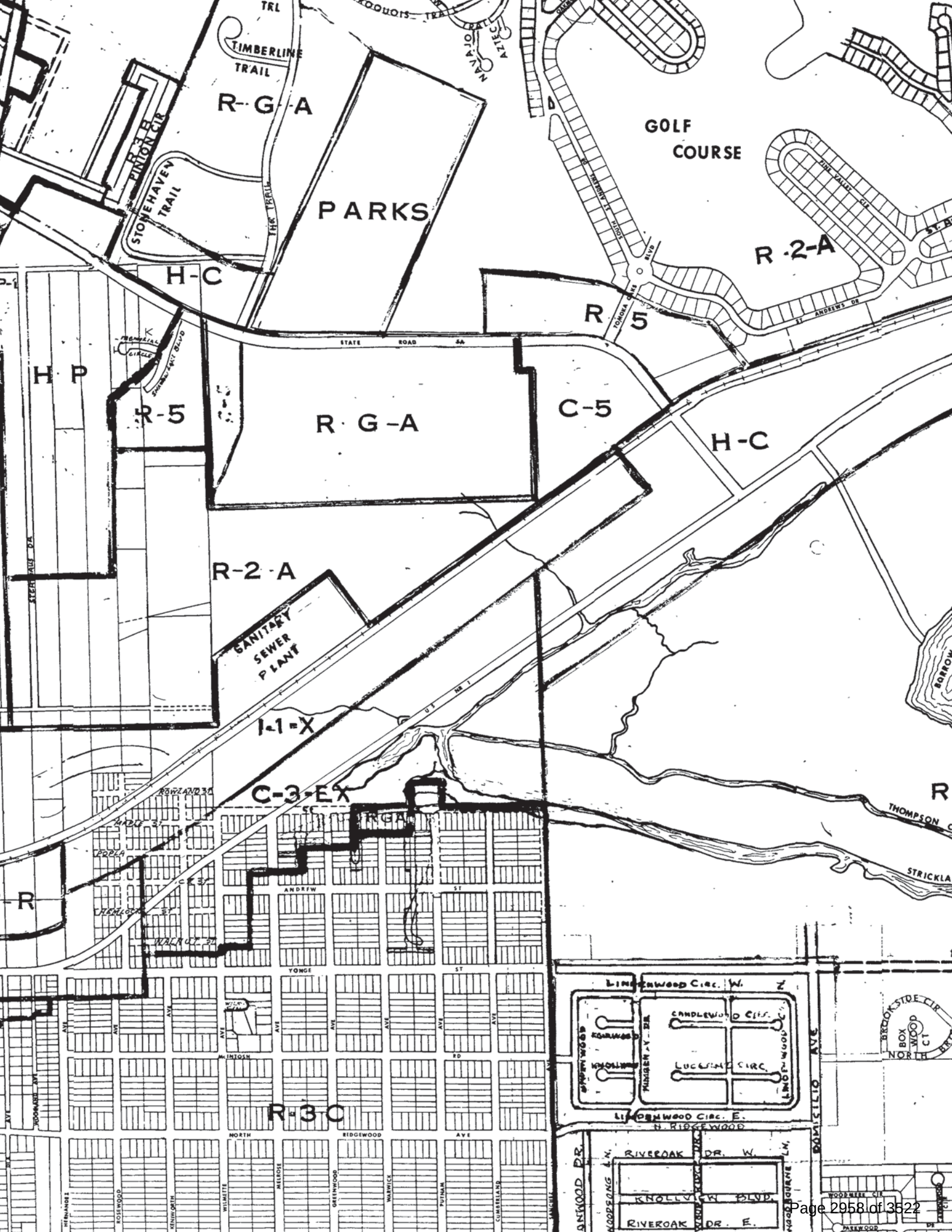
The opinion of the City's Planning staff is that the existing PRD, Planned Residential Development zoning for the former golf course property should be preserved for the reasons stated in this staff report and based upon the unique characteristics of the property, including the existing developed residential pattern around the golf course property. Planning staff's opinion and recommendation is further supported by the analysis in this report and conclusions provided in criteria 1, 2, 4, 5, 6, 7 and 8, above.

It is recommended that the Planning Board **deny** the applicant's request to rezone the property from PRD, Planned Residential Development to the R-2, Single-Family Low Density and to maintain the existing PRD, Planned Residential Development zoning for the subject property.

Attachments:
Attachment 1: 1956 zoning map
Attachment 2: Project maps
Attachment 3: Application information
Attachment 4: Zoning maps and zoning districts
Attachment 5: Correspondence received on the zoning map amendment
Attachment 6: Past minutes on the PRD application

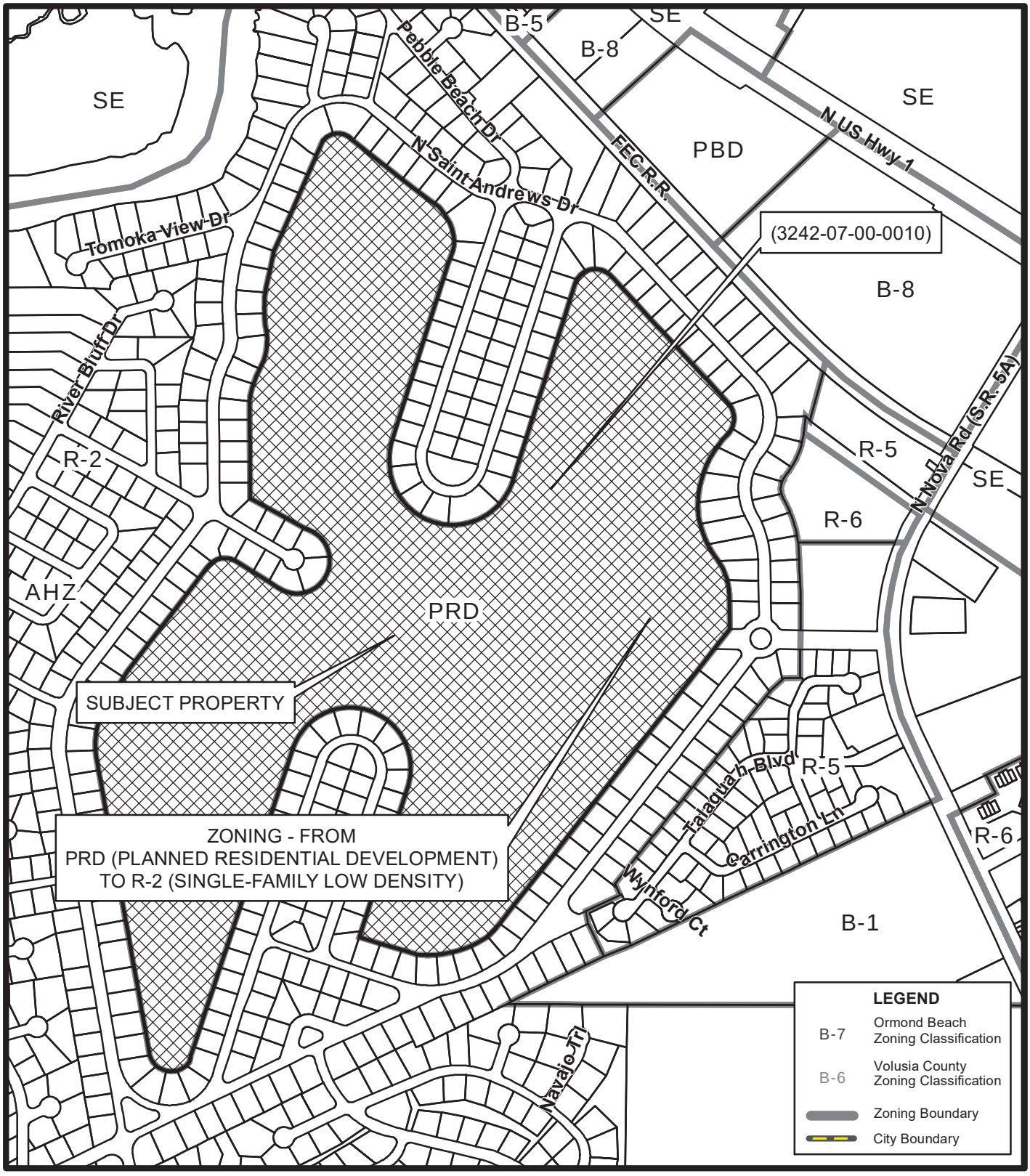
ATTACHMENT 1

1956 zoning map


TIMBERLINE TRAIL
R-G-A
PINION CIR
STONEHAVEN TRAIL
PARKS
GOLF COURSE
R-2-A
H-C
R 5
STATE ROAD 5A
H P
R-5
R G-A
C-5
H-C
R-2-A
SANITARY SEWER PLANT
I-1-X
C-3-EX
ROWLAND ST
MAPLE ST
POPLA
HEMLOCK ST
WALNUT ST
ANDREW ST
YONGE ST
McINTOSH RD
R-3-C
NORTH RIDGEWOOD AVE
LINDENWOOD CIRC. W.
CANDLEWOOD CIRC.
LUCERNE CIRC.
LINDENWOOD CIRC. E.
N. RIDGEWOOD
RIVEROAK DR. W.
KNOLLVIEW BLVD.
RIVEROAK DR. E.
DOMICILIO AVE
THOMPSON
STRICKLA
BROOKSIDE CIR
NORTH
WOODMERE CIR
PARKWOOD

ATTACHMENT 2

Project Maps



ZONING MAP
TOMOKA RESERVE
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - December 14, 2023

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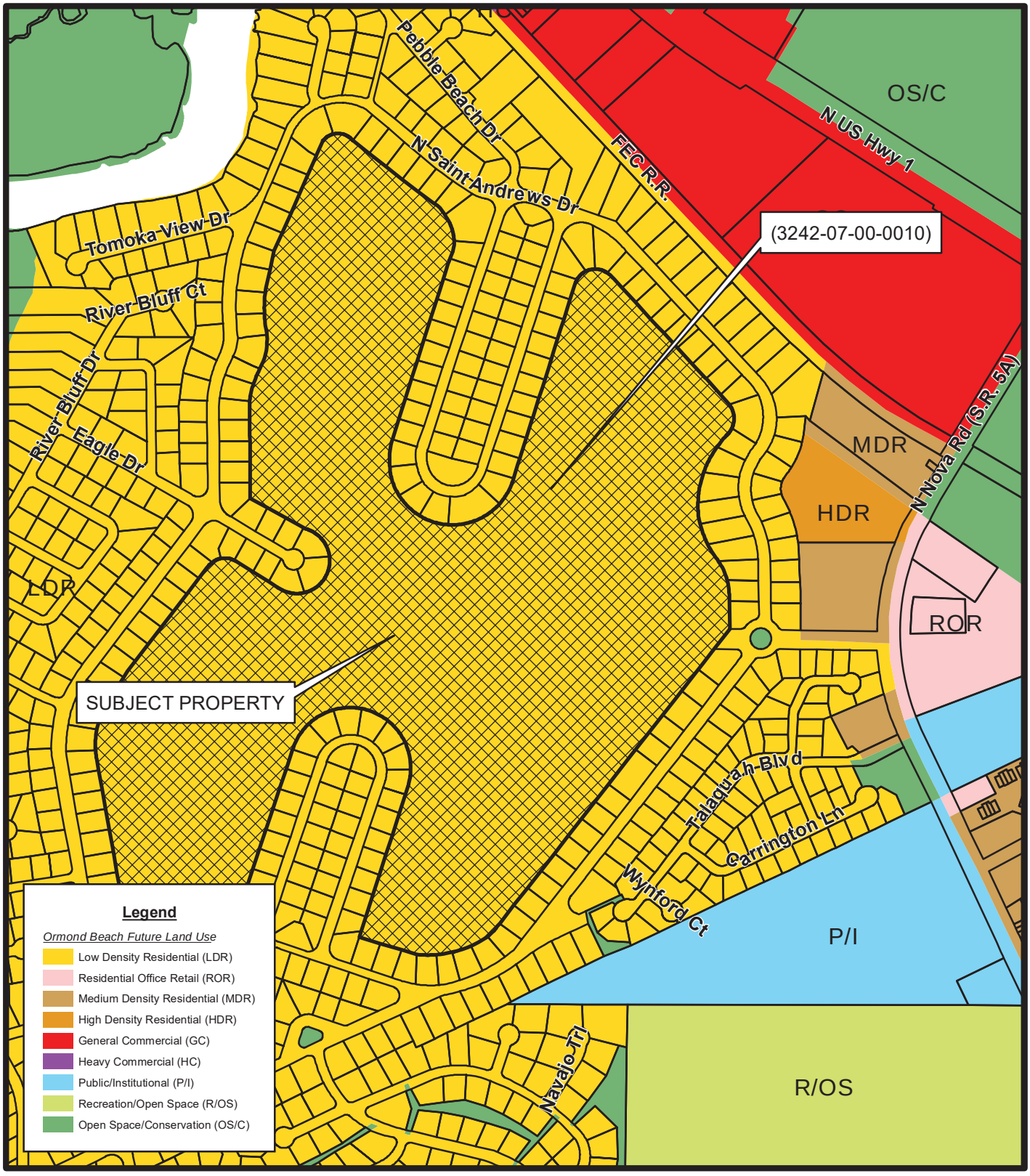

FUTURE LAND USE MAP
20 TOMOKA OAKS BLVD
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - May 4, 2023

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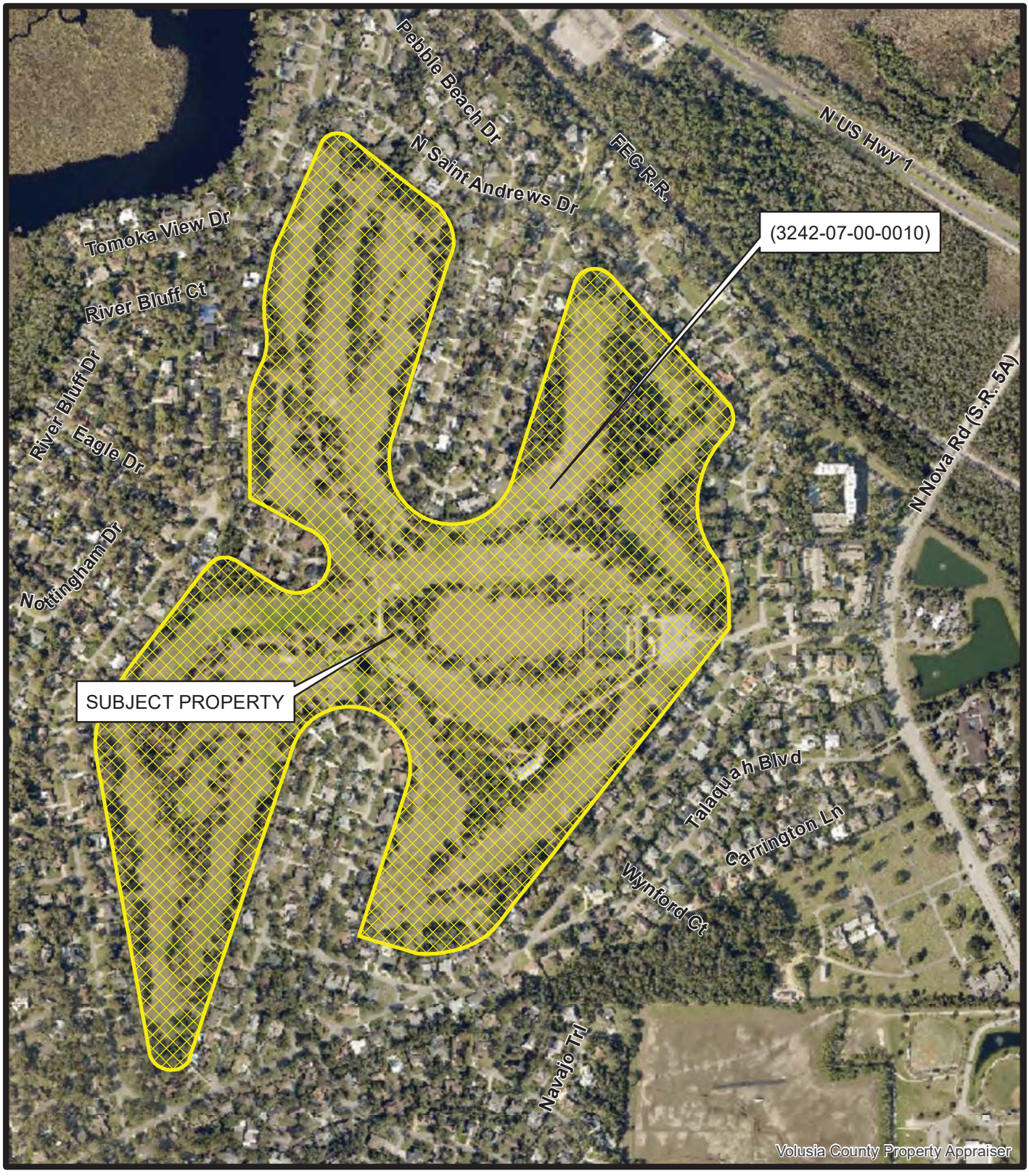

AERIAL MAP
20 TOMOKA OAKS BLVD
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - May 4, 2023

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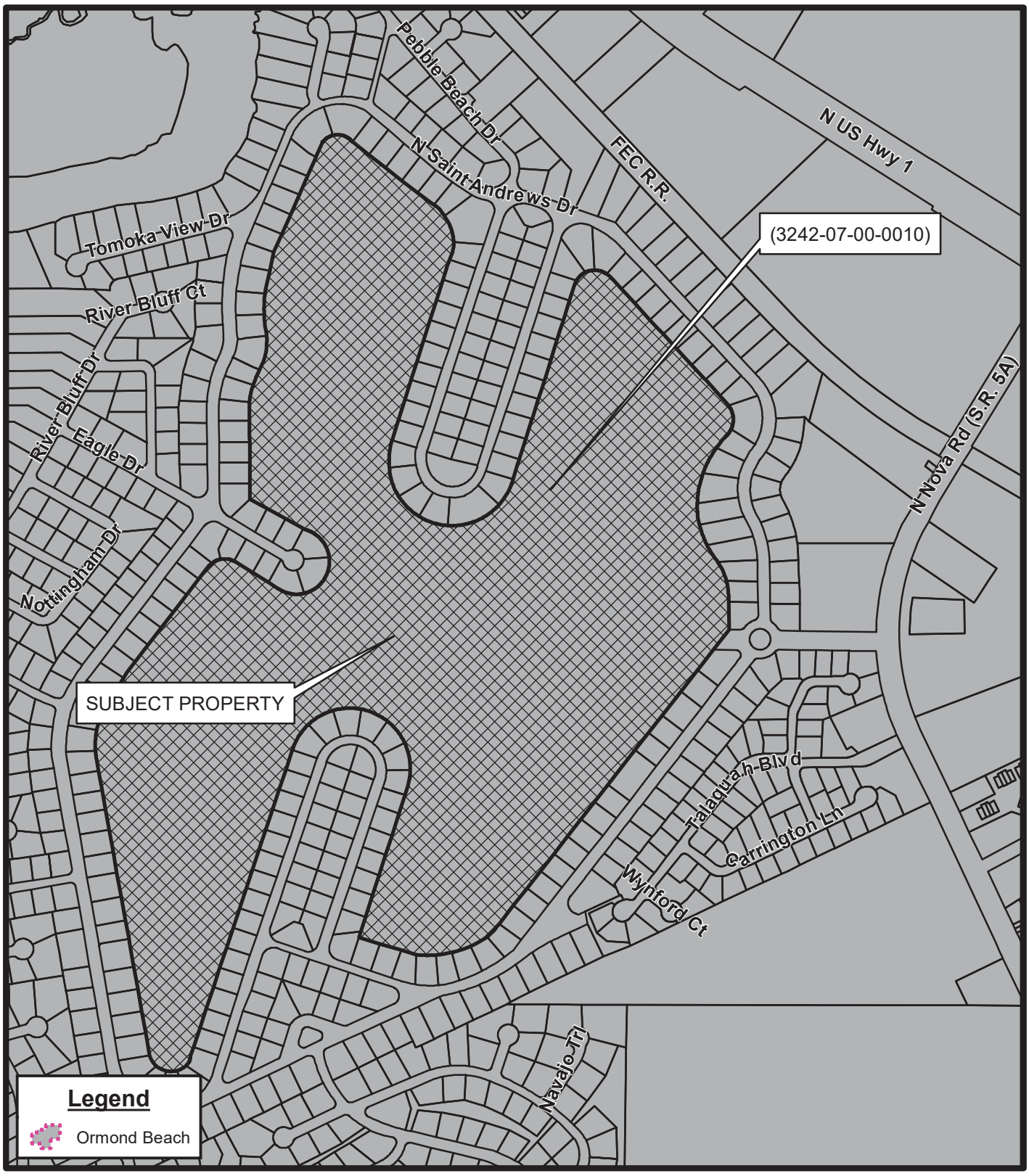

LOCATION MAP
20 TOMOKA OAKS BLVD
(3242-07-00-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - May 4, 2023

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ATTACHMENT 3

Application information

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznapstajler
Matthew S. Welch
Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
Holly W. Zitzka
Jessica L. Gow
Nika K. Hosseini
Sydney V. Cichon
Brandon T. Byers
Baylee D. Bunyard
Anne M. Kehrli
James P. Love III

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Larry D. Marsh

RETIRED
William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

May 4, 2023

VIA HAND DELIVERY & ELECTRONIC UPLOAD

Steven Spraker
Planning Director
City of Ormond Beach
22 S. Beach Street
Ormond Beach, FL 32174

Re: Triumph Oaks of Ormond Beach I, LLC
R-2 Rezoning – Tomoka Reserve
20 Tomoka Oaks Boulevard, Ormond Beach, FL

Dear Steven:

It is this Firm's pleasure to represent Triumph Oaks of Ormond Beach I, LLC (Owner) in connection with their request for R-2 Rezoning of the property located at 20 Tomoka Oaks Boulevard. Applicant intends to develop the 147+/- acre property as a residential development project, as further detailed in the project narrative statement included herein.

In connection with our SPRC Pre-Application meeting held on January 5, 2022, please find enclosed the following:

1. Project Narrative Statement;
2. Public Hearing Application;
3. Application fee in the amount of $3,150.00;
4. Notarized Authorization of Owner;
5. Sunbiz Information;
6. Property Appraiser Information Card;

7. Copy of Deed; and

8. Survey/Legal Description.

* * * * *

If you have any questions regarding this request, please don't hesitate to contact me. We look forward to working with you and your staff on this project. We look forward to receiving staff comments as they are available.

Sincerely,

Robert A. Merrell III
Direct Dial (386) 323-9263
Email Rob.Merrell@CobbCole.com
Fax (386) 323-9206

RAM:JLG/ddl
Enclosures
cc: Triumph Oaks of Ormond Beach I, LLC
Zev Cohen & Associates, Inc.

Prepared by
Jennifer Wittorff, an employee of
First American Title Insurance Company
1540 International Pkwy, Suite 1020
Lake Mary, Florida 32746
(407)362-2105

Return to: Grantee

File No.: 12671-2664415

WARRANTY DEED

THIS INDENTURE, executed on **April 23, 2021**, between

EJTS HOLDING, LLC, a Florida limited liability company

whose mailing address is: P.O. Box 1263, Longwood, FL 23752,
hereinafter called the "grantor", and

Triumph Oaks of Ormond Beach I, LLC, a Florida limited liability company

whose mailing address is: 7765 Lake Worth Road #320, Lake Worth, FL 33467,
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

WITNESSETH: The grantor, for and in consideration of the sum of $10.00 and other good and valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, release, convey and confirms unto the grantee, their heirs and assigns, all that certain land situate in **Volusia** County, **FL**, to-wit:

SAM SNEAD GOLF AND COUNTRY CLUB, A PART OF THE THOMAS FITCH GRANT, LYING WESTERLY OF THE FLORIDA EAST COAST RAILWAY, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 25, PAGE 61, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Parcel Identification Number: **3242-07-00-0010**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all

persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2020.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

EJTS HOLDING, LLC, a Florida limited liability company

By:_____
Name: Edward Meixsell
Title: Managing Member

Signed, sealed and delivered in our presence:

_____
Witness Signature
Jennifer S. Wittorff
Print Name

_____
Witness Signature
Julissa Holm
Print Name

State of FLORIDA
County of SEMINOLE

The Foregoing Instrument Was Acknowledged before me by means of ☒ physical presence or ☐ online notarization, on 4/23/2021, by **Edward Meixsell, as Managing Member, on behalf of EJTS HOLDING, LLC, a Florida limited liability company**, existing under the laws of the State of **Florida.**

_____
Notary Public

_____
(Printed Name)

JENNIFER S. WITTORFF
Notary Public - State of Florida
Commission # GG 219763
My Comm. Expires May 20, 2022
Bonded through National Notary Assn.

My Commission expires: _____

{Notarial Seal}

Personally Known ☐ OR Produced Identification ☒
Type of Identification Produced a valid driver's license

NOTARIZED AUTHORIZATION OF OWNER

I/WE, TRIUMPH OAKS OF ORMOND BEACH I, LLC as the sole fee simple title holder of the property described as the following Tax Parcel ID Number, 3242-07-00-0010, authorize Cobb Cole Law Firm and/or their consultants, including engineering and design professionals, to act as our agent to seek a Rezoning and/or all regulatory approvals in connection therewith.

TRIUMPH OAKS OF ORMOND BEACH I, LLC, a Florida Limited Liability Company

By: _____ Mgr
Sheldon W. Rubin
Its Manager

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 3 day of May, 2023, by **SHELDON W. RUBIN**, as Manager of **TRIUMPH OAKS OF ORMOND BEACH I, LLC** who is personally known to me or who has produced FL DL (type of ID) as identification and who did not take an oath.

NICHOLLE YARBROUGH
MY COMMISSION # GG 921629
EXPIRES: February 8, 2024
Bonded Thru Notary Public Underwriters

_____
NOTARY PUBLIC – STATE OF Florida

Nicholle Yarbrough
NAME OF NOTARY – TYPED OR PRINTED

COMMISSION NO: _____

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 2998504 **Parcel ID: 324207000010**
TRIUMPH OAKS OF ORMOND BEACH I LLC20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Parcel Summary

Alternate Key:	2998504
Parcel ID:	324207000010
Township-Range-Section:	13 - 32 - 42
Subdivision-Block-Lot:	07 - 00 - 0010
Owner(s):	TRIUMPH OAKS OF ORMOND BEACH I LLC - FS - Fee Simple - 10
Mailing Address On File:	7765 LAKE WORTH RD #320 LAKE WORTH FL 33467
Physical Address:	20 TOMOKA OAKS BLVD, ORMOND BEACH 32174
Property Use:	9900 - NON AG
Tax District:	201-ORMOND BEACH
2022 Final Millage Rate:	16.3855
Neighborhood:	2679
Business Name:	TOMOKA OAKS GOLF CLUB
Subdivision Name:	SNEAD GOLF & COUNTRY CLUB
Homestead Property:	No

AltKey: 2998504 **Parcel ID: 324207000010**

TRIUMPH OAKS OF ORMOND BEACH I LLC 20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$2,201,855	$2,201,855	$0	$2,201,855	1.5000	$3,302.78
0012	DISCRETIONARY	$2,201,855	$2,201,855	$0	$2,201,855	0.7480	$1,646.99
0011	REQ LOCAL EFFORT	$2,201,855	$2,201,855	$0	$2,201,855	3.2340	$7,120.80
0050	GENERAL FUND	$2,201,855	$2,201,855	$0	$2,201,855	4.8499	$10,678.78
0055	LIBRARY	$2,201,855	$2,201,855	$0	$2,201,855	0.4635	$1,020.56
0520	MOSQUITO CONTROL	$2,201,855	$2,201,855	$0	$2,201,855	0.1781	$392.15
0530	PONCE INLET PORT AUTHORITY	$2,201,855	$2,201,855	$0	$2,201,855	0.0760	$167.34
0058	VOLUSIA ECHO	$2,201,855	$2,201,855	$0	$2,201,855	0.2000	$440.37
0057	VOLUSIA FOREVER	$2,201,855	$2,201,855	$0	$2,201,855	0.2000	$440.37
0065	FLORIDA INLAND NAVIGATION DISTRICT	$2,201,855	$2,201,855	$0	$2,201,855	0.0320	$70.46
0100	HALIFAX HOSPITAL AUTHORITY	$2,201,855	$2,201,855	$0	$2,201,855	0.8606	$1,894.92
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$2,201,855	$2,201,855	$0	$2,201,855	0.1974	$434.65
0180	ORMOND BEACH	$2,201,855	$2,201,855	$0	$2,201,855	3.7610	$8,281.18
0182	ORMOND BEACH I&S 2003	$2,201,855	$2,201,855	$0	$2,201,855	0.0050	$11.01
0184	ORMOND BEACH I&S 2010	$2,201,855	$2,201,855	$0	$2,201,855	0.0800	$176.15
						16.3855	$36,078.50

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$36,078.50
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$36,078.50**
Estimated Tax Amount without SOH:	$36,078.50

AltKey: 2998504 **Parcel ID: 324207000010**

TRIUMPH OAKS OF ORMOND BEACH I LLC 20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2022	$2,201,855	$6,713	$2,208,568	$2,208,568	$0	$2,208,568	$0
2021	$358,000	$697,529	$1,055,529	$1,055,529	$0	$1,055,529	$0
2020	$358,000	$740,177	$1,098,177	$1,098,177	$0	$1,098,177	$0
2019	$358,000	$735,565	$1,093,565	$1,093,565	$0	$1,093,565	$0
2018	$358,000	$747,944	$1,105,944	$1,105,944	$0	$1,105,944	$0
2017	$358,000	$728,914	$1,086,914	$1,086,914	$0	$1,086,914	$0
2016	$358,000	$703,800	$1,061,800	$1,061,800	$0	$1,061,800	$0
2015	$358,000	$692,087	$1,050,087	$1,050,087	$0	$1,050,087	$0
2014	$358,000	$679,021	$1,037,021	$1,037,021	$0	$1,037,021	$0

AltKey: 2998504 **Parcel ID: 324207000010**

TRIUMPH OAKS OF ORMOND BEACH I LLC 20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Land Data

#	Land Use	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
2	9910-OVER 100 AC	A-ACRE		146.06				15075	$2,201,855

Total Land Value: $2,201,855

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description and/or recorded and indexed with the Clerk of the Court. Follow this link to search all documents by owner's name.

Book/Page	Inst #	Sale Date	Deed Type	Q/U	V/I	Sale Price
8036 / 3448	2021096353	04/23/2021	WD-WARRANTY DEED	QUALIFIED	Improved	$2,600,000
6659 / 1525	2011208739	11/22/2011	WD-WARRANTY DEED	QUALIFIED	Improved	$1,500,000
6496 / 4634	2010130574	07/20/2010	WD-WARRANTY DEED	UNQUALIFIED	Improved	$1,800,000
2052 / 1019		02/15/1979	WD-WARRANTY DEED	UNQUALIFIED	Improved	$1,323,000
1768 / 1798		02/15/1975	WD-WARRANTY DEED	UNQUALIFIED	Improved	$730,000

AltKey: 2998504 **Parcel ID: 324207000010**

TRIUMPH OAKS OF ORMOND BEACH I LLC 20 TOMOKA OAKS BLVD, ORMOND BEACH, FL

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

39-14-32 ALL SNEAD GOLF & COUNTRY CLUB THOMAS FITCH GRANT MB 25 PG 61 PER OR 2052 PG 1019 PER OR 6496 PG 4634 PER OR 6659 PG 1525 PER OR 8036 PG 3448

Permit List

Permit Date	Permit #	Description	Contractor	Amount
08/11/2022	22-6259	DEMOLITION PERMITDEMOLITION OF BUILDINGS, TEN	DOHERTY CONSTRUCTION	$105,000
09/28/2017	17-8085	ELECTRICAL	TOM WINN ELECTRICAL	$2,000
12/01/2010	11-00000962	RE ROOF	COLLIS ROOFING	$29,000
05/12/2006	06-3437		GOLF COURSE SOLUTION	$0
05/11/1993	9302143	ADDITIONS/ALTERATION	NIDY COMPANY	$46,000
10/13/1992	93-0068	ELEC UPGRD/REP/MISC	OWNER	$0
12/06/1991	24261	ADDITIONS/ALTERATION	JERRY JUSTICE	$4,000
08/21/1991	23517	ADDITIONS/ALTERATION	MASTERCRAFT	$1,500
08/08/1991	23416	ADDITIONS/ALTERATION	ALL AIR	$4,500
07/19/1991	23289	ADDITIONS/ALTERATION	JOHN R RYALS	$14,500

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Public hearing applications require City Commission action with many types being reviewed by the Planning Board to provide a recommendation. Some public hearing items require site plan review. Please complete the application and fee worksheet. Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.

PROJECT INFORMATION

Project Type:*	R-2 Rezoning *Complete fee sheet (page 3)		
Project Name:	Tomoka Reserve		
Project Address:	20 Tomoka Oaks Boulevard, Ormond Beach, FL 32174		
Volusia County parcel number(s):	3242-07-00-0010		
Description:	See Attached Narrative.		
Pre-application date:	1/5/2022	Pre-application waiver granted:	

PROJECT COORDINATOR

Name:	Cobb Cole by Robert A. Merrell III, Esquire and Jessica L. Gow, Esq.
Address:	149 S. Ridgewood Avenue, Suite 700
City, State, Zip code:	Daytona Beach, FL 32114
Telephone:	386/323-9263
E-mail:	Rob.Merrell@CobbCole.com

APPLICANT INFORMATION

Same as project coordinator	✔	**Same as property owner**	☐

Name:	Cobb Cole by Robert A. Merrell III, Esquire
Address:	149 S. Ridgewood Avenue, Suite 700
City, State, Zip code:	Daytona Beach, FL 32114
Telephone:	386/323-9263
E-mail:	Rob.Merrell@CobbCole.com

PROPERTY OWNER			
Same as project coordinator	☐	**Same as property owner**	☑
Name:	Triumph Oaks of Ormond Beach I, LLC by Sheldon W. Rubin, Manager		
Address:	7765 Lake Worth Road, #320		
City, State, Zip code:	Lake Worth, FL 33467		
Telephone:	386/323-9263		
E-mail:	Rob.Merrell@CobbCole.com		

VIEW ONLY ACCESS TO PROJECT DOX (Provides viewing access to project)

Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	
Name:		E-mail:	

CERTIFICATION

By submitting this application, I hereby certify that the information provided is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and the review process for this application. I authorize Ormond Beach staff to access the subject property during typical business hours to review the public hearing application.

Signature: _____

STATE OF FLORIDA

COUNTY OF Volusia

The forgoing instrument was acknowledged before me this 4th day of May, 2023, by Jessca L. Gow, Esquire for Robert A. Merrell III, Esquire as Attorney for Owner (title*) for Triumph Oaks of Ormond Beach 1, LLC (name of corporation*), who ( ) provided _____ as identification, or (✓) who is personally known to me.

DEBORAH D. LACROIX
Commission # HH 237824
Expires April 8, 2026

_____
Notary Public, State of Florida
My Commission Expires:

* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application Fees

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Site plan submittals require the submittal of applications per Ordinance 2021-30, codified in Section 8-10, Application processing fees, of the Code of Ordinances. All applications shall calculate the fees which shall be verified by city staff. **Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.**

PUBLIC HEARING FEES (Ordinance 2021-30 - Section 8-10 of Code of Ordinances)

Check all that apply	SPRC reviews	Fee	Advertising	Total fee
☐	Annexation	No fee	No fee	No fee
☐	Annexation Agreement	No fee	No fee	No fee
☐	Comprehensive Plan, small area amendment	$2,000	$1,025	$3,025
☐	Comprehensive Plan, large-scale amendment	$2,000	$2,250	$4,250
☐	Concurrency, traffic impact analysis	$3,000 (deposit)	NA	$3,000
☐	Development of Regional Impact amendment	$600	$2,250	$2,850
☐	Planned Development	$2,500	$2,400	$4,900
☐	Planned Development, major amendment	$1,000	$2,400	$3,400
☐	Regulatory amendment, zoning map, under 10 acres	$1,500	$850	$2,350
✔	Regulatory amendment, zoning map, over 10 acres	$1,500	$1,650	$3,150
☐	Regulatory amendment, LDC amendment	$1,000	$700	$1,700
☐	Regulatory amendment, LDC amendment (zoning districts)	$1,000	$1,500	$2,500
☐	Special Exception	$850	$850	$1,700
☐	Special Exception, CRA	$400	$850	$1,250
☐	Street vacation	$500	$1,925	$2,425
☐	Subdivision, Preliminary plat	$1,500 plus $25 per lot	NA	$1,500 plus $25 per lot
☐	Subdivision, Final plat	$1,000 plus $25 per lot	$350	$1,350 plus $25 per lot
☐	Subdivision, city surveyor review	Actual costs	NA	Actual costs
☐	Subdivision, Recording of plat	Actual costs	NA	Actual costs
☐	Other:			
		TOTALS:		3,150.00

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

1. *The proposed rezoning requests a density of development that is identical to directly adjacent properties. The existing Tomoka Oaks neighborhood is comprised of 584 single family residential units under the R-2 zoning designation. The proposed rezoning is consistent with the density set forth in the City's Comprehensive Plan for Low Density Residential land uses, which provides for up to 4.3 units/acre.*

   The proposed rezoning does not create undue crowding - the proposed development revitalizes a piece of property formerly used as a failed golf course and provides residential development compatible with surrounding properties.

b. The proposed development is consistent with the comprehensive plan.

1. *The property is located within the Low Density Residential (LDR) Future Land Use Classification. The intent of the LDR classification is to "To protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods." (emphasis added). The category allows a maximum density of up to 4.3 units per acre. The property is targeted for residential development under the Comprehensive Plan. The project will encourage the continued provision of single-family residential areas in areas where urban services exist to support the planned growth.*

2. *In addition to the compatibility with the existing future land use category, the proposed development is consistent with the following goals, objectives, and policies of the City's Comprehensive Plan:*

   POLICY 1.1.6. Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach.
   Response: The proposed development is an infill project designed to create additional housing opportunities for residents in an area where urban services are readily available. The conceptual development would promote compatibility with surrounding home sites on the exterior of the property and allow for additional housing opportunities.

   POLICY 1.1.7. Continuously review and modify development and building regulations to provide for sound residential communities and quality housing.
   Response: The proposed development will be designed and constructed in accordance with the latest development and building regulations at the local and state level, to ensure that the development is comprised of residential homes of a quality and character that will promote a long-lasting, aesthetically pleasing residential neighborhood in one of the City's

core areas, with a community association that will ensure continued protection of the values and aesthetics of the existing and proposed homes.

POLICY 1.1.14. Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit oriented development and walkable residential areas.
Response: The proposed residential development is a residential infill project that repurposes a former golf course property into a walkable, compatible residential neighborhood that complements surrounding single family homes.

POLICY 2.2.1. The City shall limit urban sprawl by directing urban growth to those areas where public facilities and services are available.
Response: As noted herein, the proposed project is located in an area where existing services are in place to support the development.

POLICY 2.2.5. In order to protect natural resources, new development and redevelopment shall be encouraged to infill existing developed areas
Response: The proposed residential development is a residential infill project that repurposes a former golf course property into a walkable, compatible residential neighborhood that complements surrounding single family homes.

POLICY 2.4.10. Direct development towards existing residential communities and planned growth areas already served by infrastructure, to utilize resources that existing neighborhoods offer, thereby conserving open space and natural resources on the urban fringe.
Response: The proposed residential development is a residential infill project that repurposes a former golf course property into a walkable, compatible residential neighborhood that complements surrounding single family homes.

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

The property does not contain any wetland systems, and will be benefitted through the addition of stormwater treatment features, as outlined herein. Development of the property includes the design and use of modern stormwater treatment systems, which will facilitate the removal of phosphorus and nitrogen travelling into the Tomoka River, which is an impaired water body. Redeveloping the site through the use of dry ponds with existing vegetation will help promote the intake and filtration of stormwater and runoff from the property by retaining the water for treatment prior to its outflow into the river. Redevelopment of the site for residential uses will also remediate environmental impacts from the property's former use as a golf course, which can result in impacts to soil from the abundant application of pesticides and fertilizers. Redevelopment of the site will be in

accordance with a Soil Management Plan reviewed and approved by the Florida Department of Environmental Protection.

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

   Design of the project is intended to promote a residential neighborhood featuring a variety of aesthetically pleasing home types and designs, in order to promote a diverse, architecturally rich neighborhood that will complement the existing variety demonstrated in the Tomoka Oaks neighborhood.

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

   Adequate public services exist to support the proposed development.

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

   A traffic impact analysis has been submitted for the proposed development that addresses the transportation needs associated with this development.

g. The proposed development is functional in the use of space and aesthetically acceptable.
h. The proposed development provides for the safety of occupants and visitors.
i. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

   g-i. The rezoning will require compliance with all City requirements for site design and layout under the R-2 zoning designation.

j. The testimony provided at public hearings – *To be determined at time of hearing.*



Detail by Entity Name

Florida Limited Liability Company
TRIUMPH OAKS OF ORMOND BEACH I, LLC

Filing Information

Document Number	L21000120943
FEI/EIN Number	APPLIED FOR
Date Filed	03/23/2021
Effective Date	03/17/2021
State	FL
Status	ACTIVE
Last Event	LC DISSOCIATION MEM
Event Date Filed	04/21/2021
Event Effective Date	NONE

Principal Address

7765 LAKE WORTH ROAD
#320
LAKE WORTH, FL 33467

Mailing Address

7765 LAKE WORTH ROAD
#320
LAKE WORTH, FL 33467

Registered Agent Name & Address

RUBIN, SHELDON W
7765 LAKE WORTH ROAD
#320
LAKE WORTH, FL 33467

Authorized Person(s) Detail

Name & Address

Title MGR

RUBIN, SHELDON W
7765 LAKE WORTH ROAD, #320
LAKE WORTH, FL 33467

Annual Reports

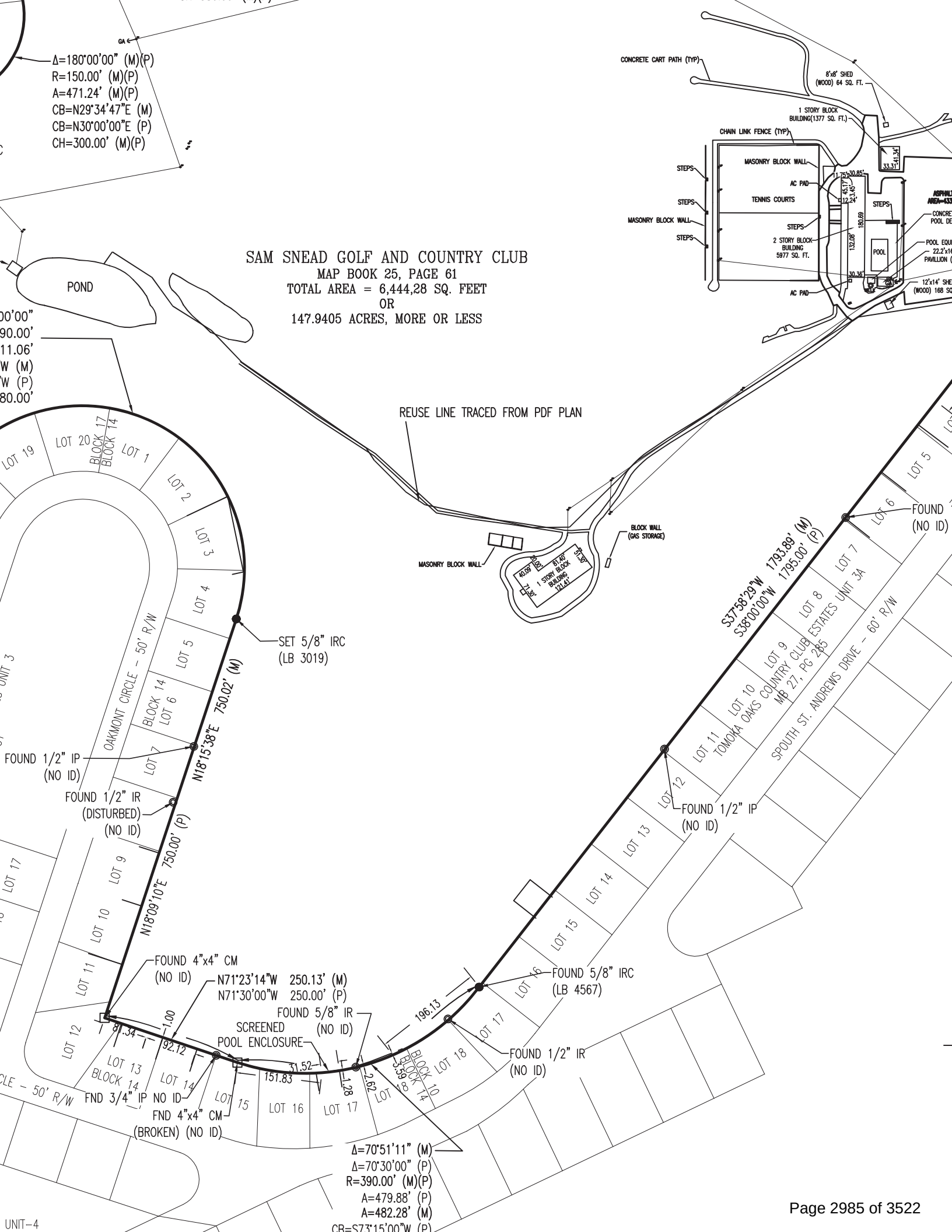
Report Year	Filed Date

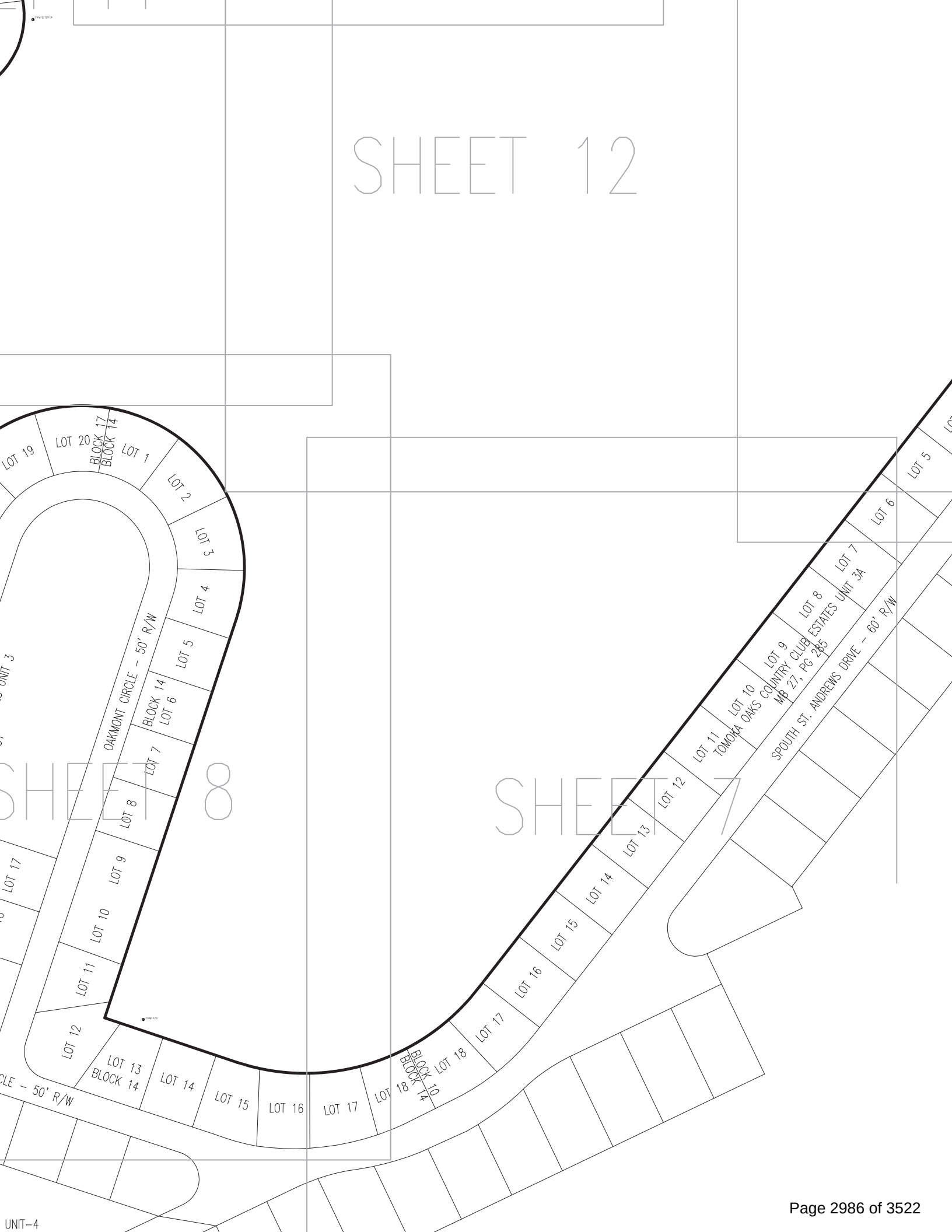
2022 01/25/2022

Document Images

01/25/2022 -- ANNUAL REPORT	View image in PDF format
04/21/2021 -- CORLCDSMEM	View image in PDF format
04/21/2021 -- CORLCDSMEM	View image in PDF format
03/23/2021 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations


SAM SNEAD GOLF AND COUNTRY CLUB
MAP BOOK 25, PAGE 61
TOTAL AREA = 6,444,28 SQ. FEET
OR
147.9405 ACRES, MORE OR LESS
Δ=180°00'00" (M)(P)
R=150.00' (M)(P)
A=471.24' (M)(P)
CB=N29°34'47"E (M)
CB=N30°00'00"E (P)
CH=300.00' (M)(P)
POND
CONCRETE CART PATH (TYP)
8'x8' SHED (WOOD) 64 SQ. FT.
1 STORY BLOCK BUILDING(1377 SQ. FT.)
CHAIN LINK FENCE (TYP)
MASONRY BLOCK WALL
AC PAD
TENNIS COURTS
STEPS
2 STORY BLOCK BUILDING 5977 SQ. FT.
POOL
REUSE LINE TRACED FROM PDF PLAN
BLOCK WALL (GAS STORAGE)
1 STORY BLOCK BUILDING 121.41'
OAKMONT CIRCLE - 50' R/W
BLOCK 17
BLOCK 14
LOT 19
LOT 20
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
BLOCK 10
SET 5/8" IRC (LB 3019)
FOUND 1/2" IP (NO ID)
FOUND 1/2" IR (DISTURBED) (NO ID)
N18°15'38"E 750.02' (M)
N18°09'10"E 750.00' (P)
S37°58'29"W 1793.89' (M)
S38°00'00"W 1795.00' (P)
TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3A MB 27, PG 285
SPOUTH ST. ANDREWS DRIVE - 60' R/W
FOUND 1/2" IP (NO ID)
FOUND 4"x4" CM (NO ID)
N71°23'14"W 250.13' (M)
N71°30'00"W 250.00' (P)
FOUND 5/8" IR (NO ID)
SCREENED POOL ENCLOSURE
FOUND 5/8" IRC (LB 4567)
FOUND 1/2" IR (NO ID)
FND 3/4" IP NO ID
FND 4"x4" CM (BROKEN) (NO ID)
Δ=70°51'11" (M)
Δ=70°30'00" (P)
R=390.00' (M)(P)
A=479.88' (P)
A=482.28' (M)
UNIT-4


SHEET 12
SHEET 8
SHEET 7
LOT 19
LOT 20
BLOCK 17
BLOCK 14
LOT 1
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LOT 3
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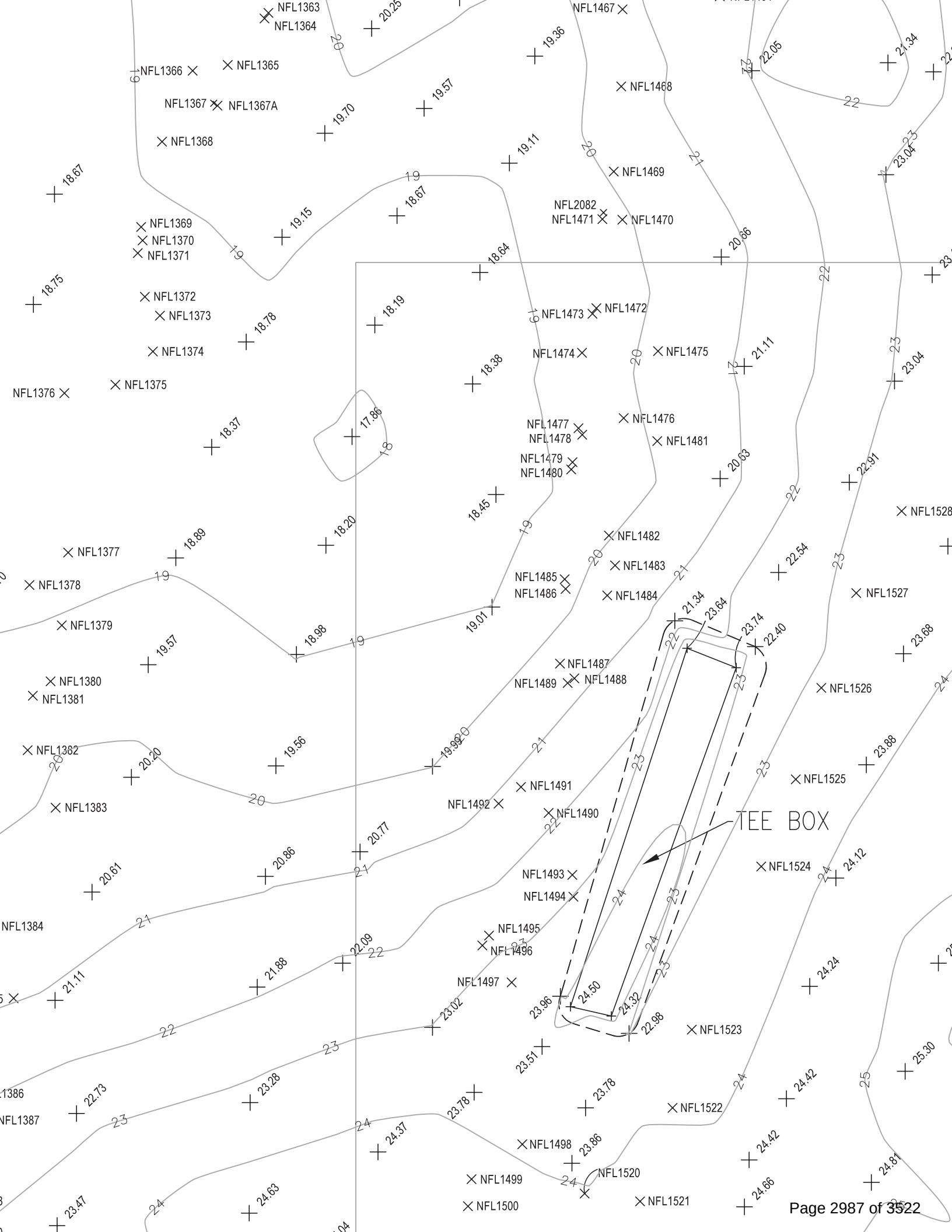
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
BLOCK 14
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
BLOCK 10
BLOCK 14
OAKMONT CIRCLE – 50' R/W
SPOUTH ST. ANDREWS DRIVE – 60' R/W
TOMOKA OAKS COUNTRY CLUB ESTATES UNIT 3A
MB 27, PG 285
UNIT 3
UNIT-4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NFL1373
NFL1374
NFL1375
NFL1376
NFL1377
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NFL1470
NFL1473
NFL1472
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NFL1500
NFL1520
NFL1521
NFL1522
NFL1523
NFL1524
NFL1525
NFL1526
NFL1527
NFL1528
TEE BOX

LOT 21

PINE VALLEY CIRCLE

TOMOKA OAKS COUNTRY CLUB ESTATES
MB.25, PG 57-58

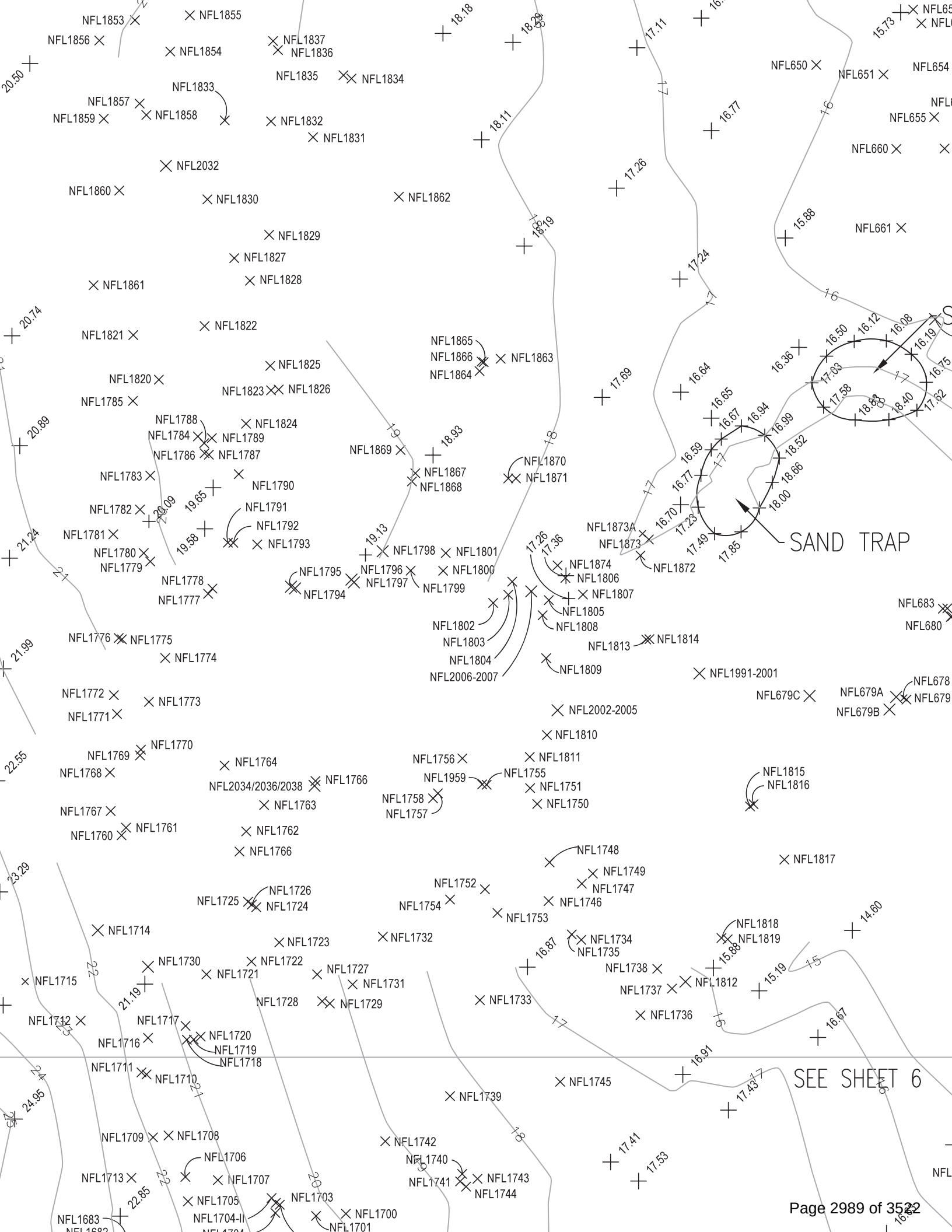
LOT 20

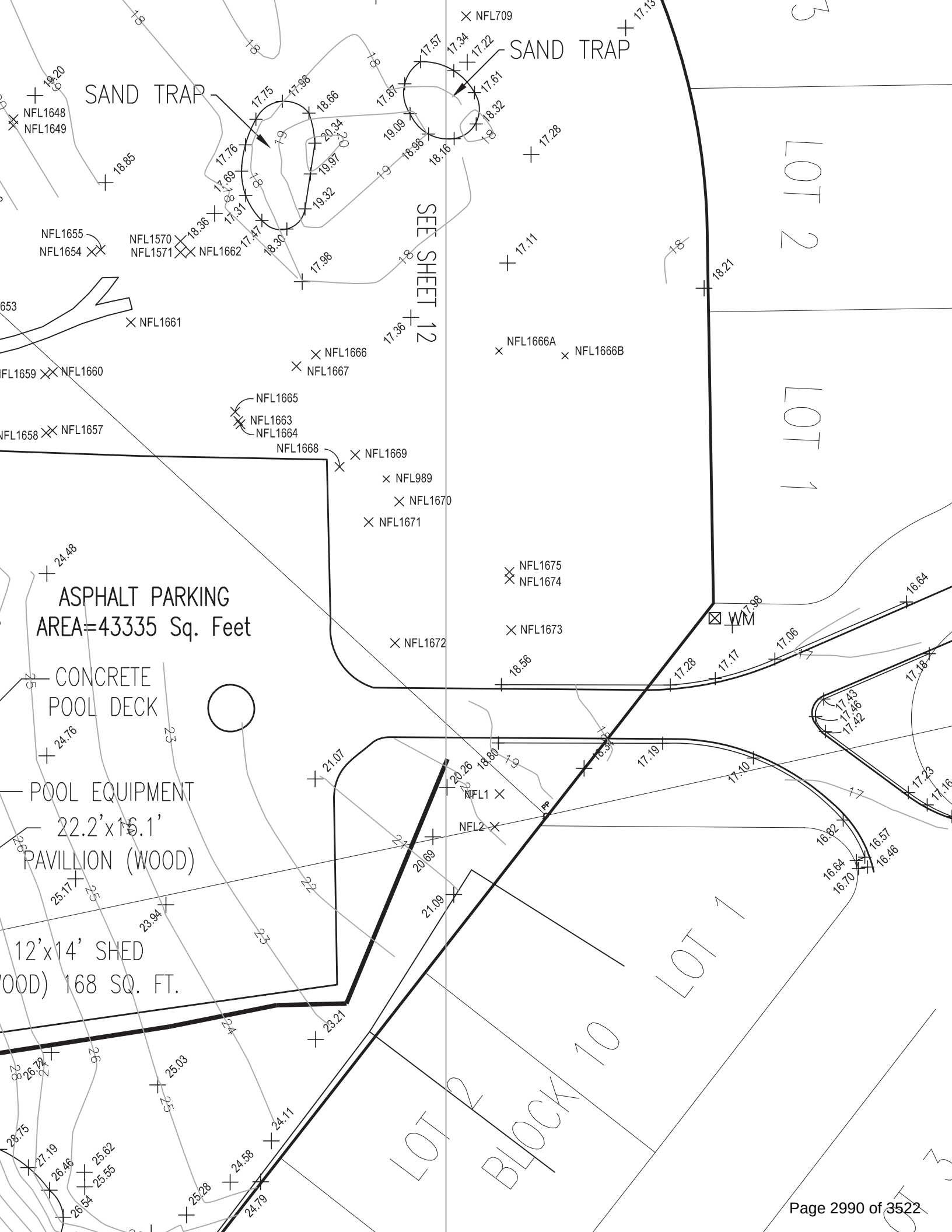
E SHEET 11

SEE SHEET 11

LOT 11

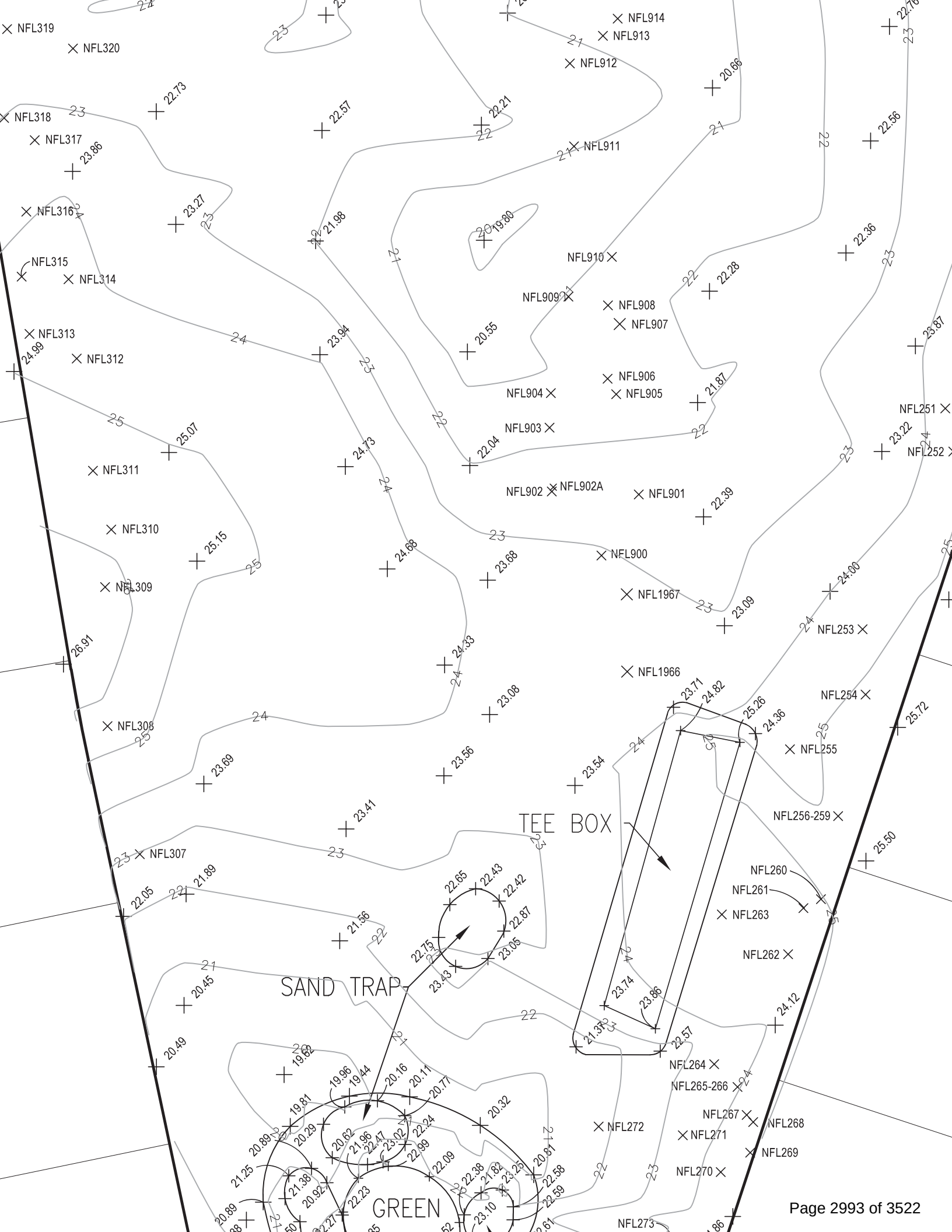
LOT 12


SAND TRAP
SEE SHEET 6


SAND TRAP
SAND TRAP
SEE SHEET 12
ASPHALT PARKING
AREA=43335 Sq. Feet
CONCRETE
POOL DECK
POOL EQUIPMENT
22.2'x16.1'
PAVILLION (WOOD)
12'x14' SHED
OOD) 168 SQ. FT.
LOT 2
LOT 1
LOT 1
BLOCK 10
LOT 1
WM
PP
NFL709
NFL1648
NFL1649
NFL1655
NFL1654
NFL1570
NFL1571
NFL1662
NFL1661
NFL1659
NFL1660
NFL1658
NFL1657
NFL1666
NFL1667
NFL1665
NFL1663
NFL1664
NFL1668
NFL1669
NFL989
NFL1670
NFL1671
NFL1672
NFL1673
NFL1675
NFL1674
NFL1666A
NFL1666B
NFL1
NFL2


LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
NFL39
NFL40
NFL41
NFL42
NFL43
NFL44
NFL45
NFL46
NFL47
NFL48/49
NFL50
NFL50A
NFL51
NFL52
NFL53
NFL54
NFL55/56
NFL57
NFL58
NFL59
NFL60
NFL61
NFL62
NFL63
NFL65
30.85
31.39
30.39
30.95
29.96
29.61
29.71
30.06
30.35
30.13
30.24
31.16
34.73


OAKMONT CIRCLE
BLOCK 14
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 17
LOT 18
GREEN
SAND TRAP
NFL150
NFL149
NFL148
NFL147
NFL 146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NFL307
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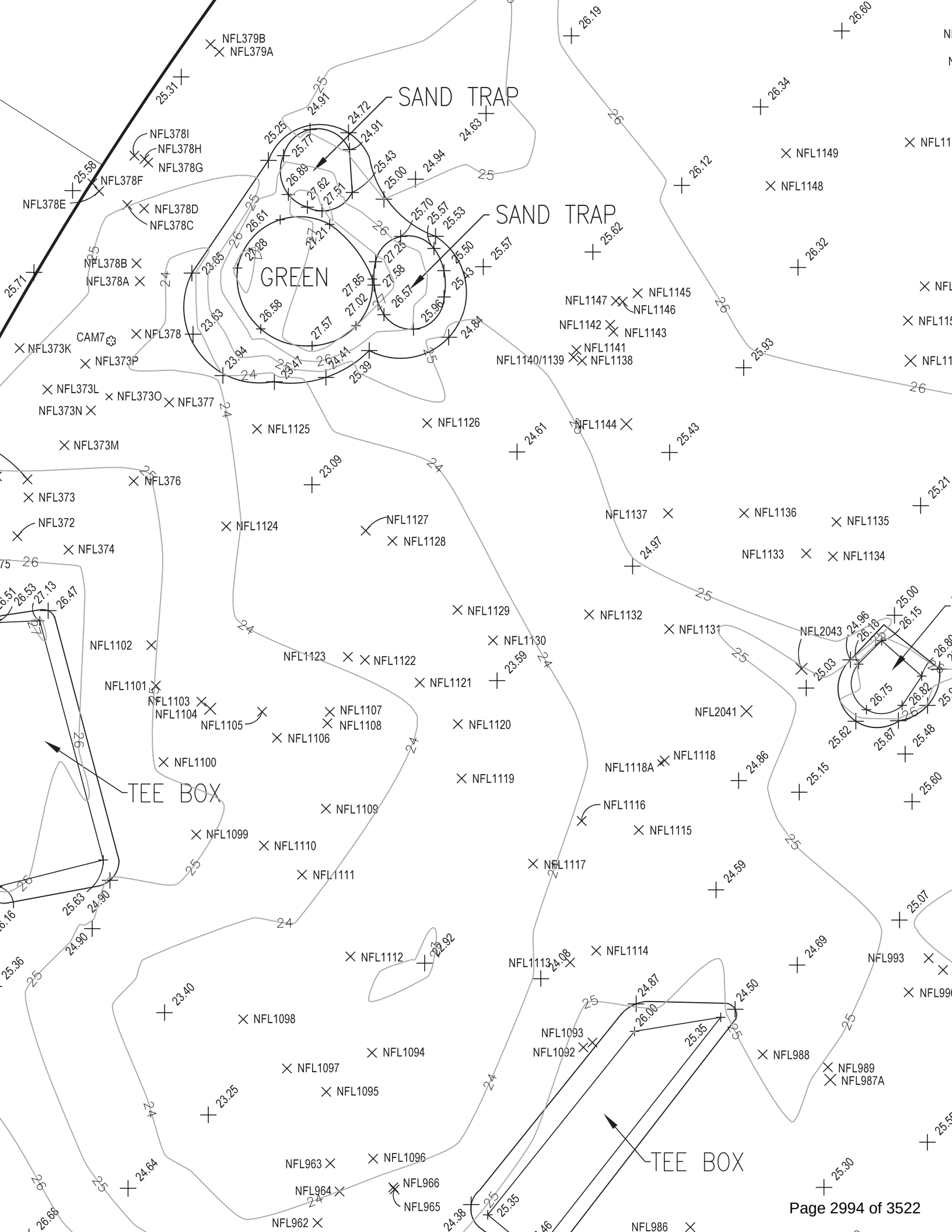
NFL905
NFL904
NFL903
NFL902
NFL902A
NFL901
NFL900
NFL1967
NFL1966
NFL251
NFL252
NFL253
NFL254
NFL255
NFL256-259
NFL260
NFL261
NFL263
NFL262
NFL264
NFL265-266
NFL267
NFL268
NFL269
NFL270
NFL271
NFL272
NFL273
TEE BOX
SAND TRAP
GREEN


SAND TRAP
SAND TRAP
GREEN
TEE BOX
TEE BOX
NFL379B
NFL379A
NFL378I
NFL378H
NFL378G
NFL378F
NFL378E
NFL378D
NFL378C
NFL378B
NFL378A
NFL378
CAM7
NFL373K
NFL373P
NFL373L
NFL373O
NFL373N
NFL377
NFL373M
NFL376
NFL373
NFL372
NFL374
NFL1125
NFL1126
NFL1124
NFL1127
NFL1128
NFL1129
NFL1130
NFL1123
NFL1122
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NFL1111
NFL1112
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NFL1131
NFL2043
NFL2041
NFL1118
NFL1118A
NFL1116
NFL1115
NFL1117
NFL1113
NFL1114
NFL1093
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NFL988
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NFL1147
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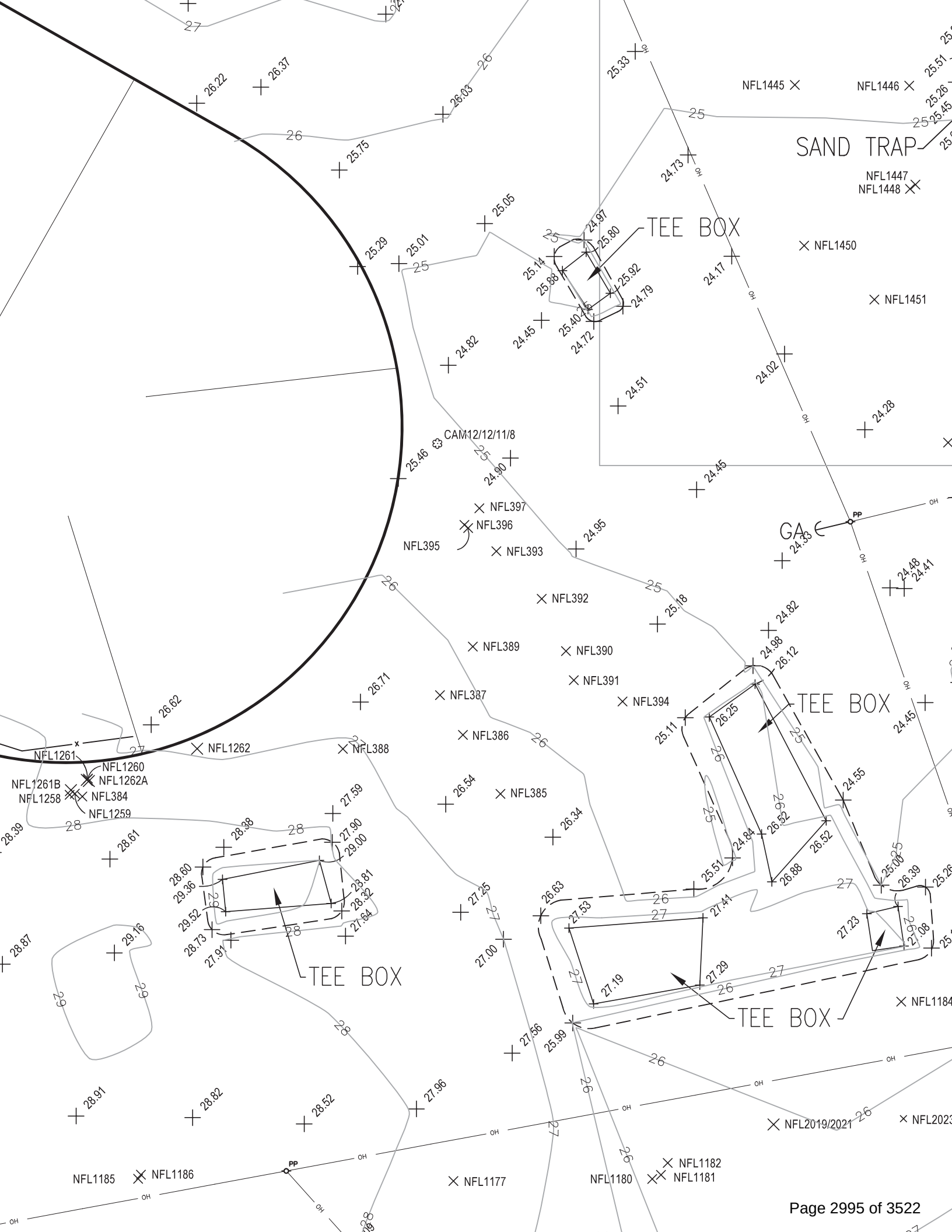
NFL1148
NFL986


SAND TRAP
TEE BOX
TEE BOX
TEE BOX
TEE BOX
CAM12/12/11/8
NFL1445
NFL1446
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NFL1450
NFL1451
NFL397
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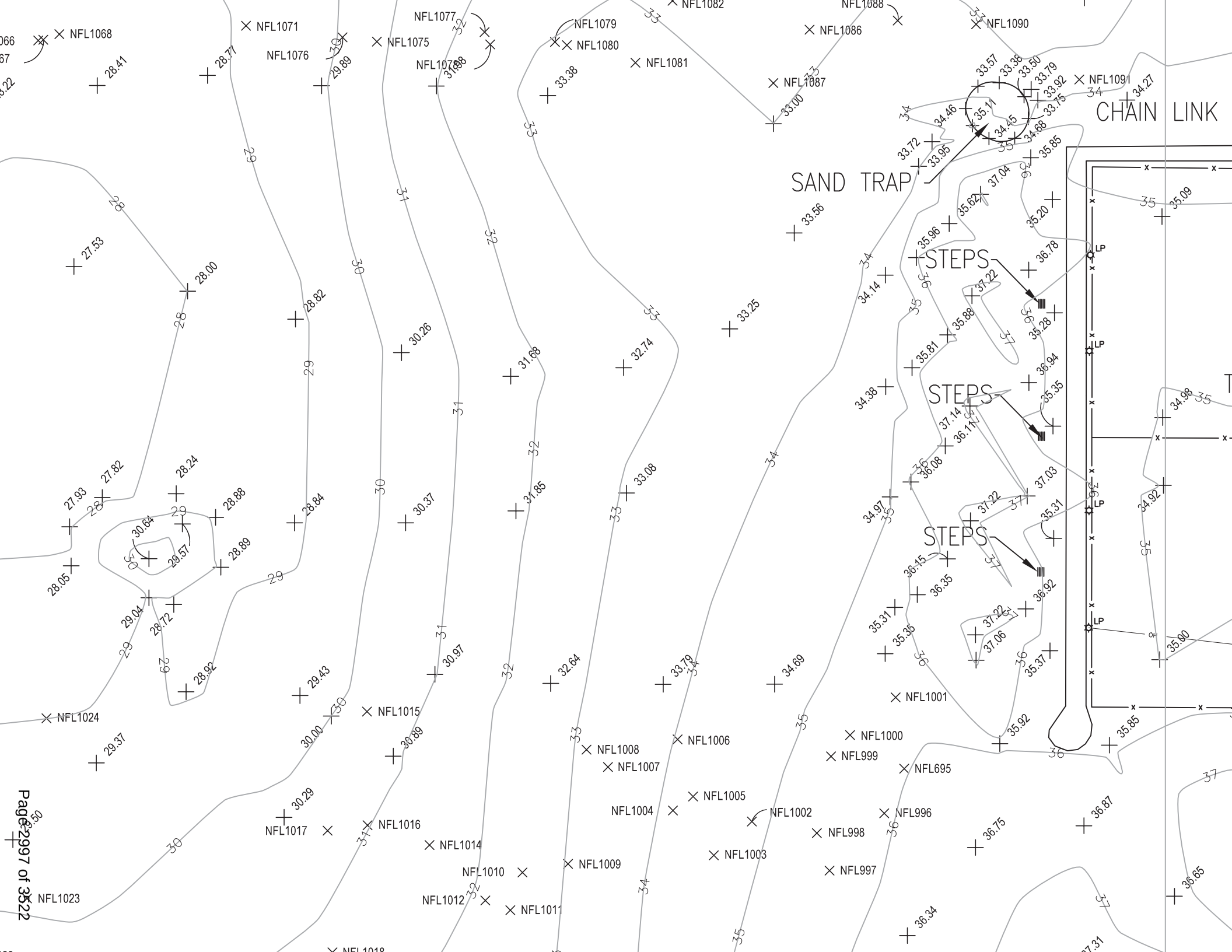
NFL387
NFL386
NFL388
NFL1262
NFL1261
NFL1260
NFL1262A
NFL1261B
NFL1258
NFL384
NFL1259
NFL385
NFL1184
NFL2019/2021
NFL2023
NFL1185
NFL1186
NFL1177
NFL1180
NFL1182
NFL1181
GA
PP
OH

cus laurifolia	Laurel Oak	15	165.13	Good	
l palmetto	Cabbage Palm	15	176.71	Good	
us caroliniana	Cherry Laurel	14	153.93	Good	
us americana	American Elm	23	397.60	Good	
us americana	American Elm	21	346.35	Fair	
cus virginiana	Live oak	19	268.79	Good	
cus laurifolia	Laurel Oak	12	109.36	Good	
cus laurifolia	Laurel Oak	30	706.84	Good	
cus laurifolia	Laurel Oak	19	277.58	Good	
cus virginiana	Live oak	16	188.69	Good	
cus laurifolia	Laurel Oak	28	629.00	Fair	
cus laurifolia	Laurel Oak	17	216.42	Fair	
cus laurifolia	Laurel Oak	12	105.68	Poor	
cus laurifolia	Laurel Oak	16	196.06	Fair	
cus laurifolia	Laurel Oak	18	248.84	Good	
l palmetto	Cabbage Palm	20	314.15	Good	
olia grandiflora	Southern Magnolia	21	336.53	Good	
cus virginiana	Live oak	25	470.15	Good	
cus laurifolia	Laurel Oak	22	380.12	Good	
cus virginiana	Live oak	26	530.91	Fair	
cus virginiana	Live oak	23	415.46	Good	
cus austrina	Bastard white oak	14	160.60	Fair	
cus virginiana	Live oak	27	572.54	Good	
cus virginiana	Live oak	24	463.76	Good	
cus virginiana	Live oak	17	226.97	Good	
cus austrina	Bastard white oak	14	162.86	Fair	
cus virginiana	Live oak	14	160.60	Fair	
cus laurifolia	Laurel Oak	24	444.87	Good	
cus virginiana	Live oak	18	248.84	Poor	
cus virginiana	Live oak	28	593.94	Good	
cus virginiana	Live oak	19	292.54	Good	
cus laurifolia	Laurel Oak	37	1075.18	Good	
cus virginiana	Live oak	19	292.54	Fair	
cus virginiana	Live oak	20	314.15	Fair	
cus myrtifolia	Myrtle Oak	12	113.09	Poor	
ka holly	Ilex x attenuata	14	149.57	Poor	
cus virginiana	Live oak	23	397.60	Fair	
cus laurifolia	Laurel Oak	18	254.46	Fair	
cus virginiana	Live oak	30	683.47	Fair	
cus laurifolia	Laurel Oak	29	660.50	Poor	
cus laurifolia	Laurel Oak	15	176.71	Fair	
cus laurifolia	Laurel Oak	33	829.55	Fair	
cus laurifolia	Laurel Oak	33	834.67	Fair	
cus virginiana	Live oak	29	660.50	Good	
us caroliniana	Cherry Laurel	14	149.57	Good	
cus laurifolia	Laurel Oak	37	1075.18	Poor	
cus laurifolia	Laurel Oak	36	1017.85	Poor	
cus virginiana	Live oak	30	706.84	Fair	
cus austrina	Bastard white oak	12	116.90	Fair	
cus austrina	Bastard white oak	9	63.62	Good	
cus austrina	Bastard white oak	11	100.28	Good	
cus virginiana	Live oak	23	415.46	Good	
cus laurifolia	Laurel Oak	24	437.42	Good	
cus austrina	Bastard white oak	13	136.84	Fair	
cus laurifolia	Laurel Oak	21	359.67	Fair	
cus laurifolia	Laurel Oak	20	314.15	Fair	
cus laurifolia	Laurel Oak	27	551.53	Fair	
cus austrina	Bastard white oak	13	132.73	Good	
cus virginiana	Live oak	14	158.36	Good	
cus virginiana	Live oak	16	188.69	Good	
olia grandiflora	Southern Magnolia	14	153.93	Good	
l palmetto	Cabbage Palm	16	201.06	Good	
cus virginiana	Live oak	15	181.45	Good	
cus austrina	Bastard white oak	16	188.69	Poor	
cus virginiana	Live oak	27	572.54	Fair	
cus virginiana	Live oak	18	254.46	Fair	
cus virginiana	Live oak	24	452.38	Good	
cus virginiana	Live oak	29	660.50	Fair	
cus virginiana	Live oak	19	283.52	Fair	
cus virginiana	Live oak	33	839.79	Good	
cus virginiana	Live oak	27	572.54	Good	
cus virginiana	Live oak	27	551.53	Good	
cus virginiana	Live oak	21	352.98	Good	
l palmetto	Cabbage Palm	16	188.69	Good	
cus virginiana	Live oak	33	855.27	Good	
cus virginiana	Live oak	34	907.89	Good	
cus austrina	Bastard white oak	18	254.46	Fair	
cus virginiana	Live oak	18	260.15	Good	
cus virginiana	Live oak	29	660.50	Good	
s elliottii	Slash Pine	19	283.52	Good	
cus virginiana	Live oak	33	834.67	Good	
cus laurifolia	Laurel Oak	27	572.54	Fair	
s laevigata	Hackberry	15	172.03	Good	
cus virginiana	Live oak	25	502.71	Good	
cus virginiana	Live oak	27	555.70	Poor	Dead, diseased, or dying
cus virginiana	Live oak	27	572.54	Poor	Dead, diseased, or dying
cus laurifolia	Laurel Oak	17	226.97	Fair	
cus laurifolia	Laurel Oak	18	254.46	Fair	
cus virginiana	Live oak	31	754.75	Good	
cus laurifolia	Laurel Oak	30	725.81	Fair	
l palmetto	Cabbage Palm	12	113.09	Good	
l palmetto	Cabbage Palm	10	78.54	Good	
cus laurifolia	Laurel Oak	24	452.38	Poor	
l palmetto	Cabbage Palm	12	113.09	Good	
cus laurifolia	Laurel Oak	35	962.08	Poor	
l palmetto	Cabbage Palm	12	113.09	Good	
cus laurifolia	Laurel Oak	22	380.12	Poor	
cus laurifolia	Laurel Oak	29	660.50	Poor	
l palmetto	Cabbage Palm	12	113.09	Good	
m glabra	Hickory	32	804.22	Fair	
us serotina	Black Cherry	7	38.48	Good	
cus laurifolia	Laurel Oak	26	530.91	Good	
cus laurifolia	Laurel Oak	24	452.38	Good	
s borbonia	Red bay	10	70.88	Good	
s laevigata	Hackberry	11	95.03	Good	
cus virginiana	Live oak	30	706.84	Poor	Dead, diseased, or dying
l palmetto	Cabbage Palm	15	176.71	Good	
cus virginiana	Live oak	26	530.91	Poor	
cus virginiana	Live oak	24	452.38	Poor	
cus virginiana	Live oak	26	514.70	Fair	
cus laurifolia	Laurel Oak	32	804.22	Fair	
cus laurifolia	Laurel Oak	32	804.22	DOD	Dead, diseased, or dying
cus virginiana	Live oak	27	572.54	Poor	Dead, diseased, or dying
cus virginiana	Live oak	28	615.73	Poor	Dead, diseased, or dying
l palmetto	Cabbage Palm	17	226.97	Good	
cus virginiana	Live oak	21	346.35	Fair	
cus virginiana	Live oak	18	240.52	Poor	Dead, diseased, or dying
us caroliniana	Cherry Laurel	10	78.54	Good	
cus virginiana	Live oak	26	530.91	Fair	
l palmetto	Cabbage Palm	17	226.97	Fair	
cus virginiana	Live oak	12	113.09	Good	
cus virginiana	Live oak	33	855.27	Fair	
cus virginiana	Live oak	32	804.22	Poor	
s laevigata	Hackberry	11	95.03	Good	
s laevigata	Hackberry	10	78.54	Good	
l palmetto	Cabbage Palm	12	113.09	Good	
us caroliniana	Cherry Laurel	6	28.27	Good	
us caroliniana	Cherry Laurel	6	28.27	Good	
us caroliniana	Cherry Laurel	6	28.27	Good	
l palmetto	Cabbage Palm	10	78.54	Good	
l palmetto	Cabbage Palm	17	226.97	Good	
l palmetto	Cabbage Palm	12	113.09	Good	
olia grandiflora	Southern Magnolia	7	38.48	Good	
olia grandiflora	Southern Magnolia	7	41.85	Good	
us caroliniana	Cherry Laurel	10	78.54	Good	
innamomum camphora	Camphor Tree		0.00		Mistakenly counted, invasive exotic, does not count
olia grandiflora	Southern Magnolia	14	160.60	Good	
l palmetto	Cabbage Palm	16	201.06	Good	
innamomum camphora	Camphor Tree		0.00		Mistakenly counted, invasive exotic, does not count
cus laurifolia	Laurel Oak	40	1256.60	Poor	
cus virginiana	Live oak	19	268.79	Poor	
cus laurifolia	Laurel Oak	21	346.35	Poor	
l palmetto	Cabbage Palm	20	314.15	Good	
us caroliniana	Cherry Laurel	8	50.26	Good	
cus virginiana	Live oak	44	1520.40	Good	Historic Tree
cus virginiana	Live oak	32	804.22	Good	
l palmetto	Cabbage Palm	14	158.36	Good	
l palmetto	Cabbage Palm	15	172.03	Good	
l palmetto	Cabbage Palm	15	186.26	Good	
l palmetto	Cabbage Palm	18	265.90	Good	
us caroliniana	Cherry Laurel	14	153.93	Good	
us serotina	Black Cherry	12	118.82	Good	
l palmetto	Cabbage Palm	11	88.24	Fair	
cus virginiana	Live oak	16	188.69	Good	
s laevigata	Hackberry	16	206.11	Good	
l palmetto	Cabbage Palm	13	132.73	Good	
us serotina	Black Cherry	10	70.88	Good	
us serotina	Black Cherry	12	114.99	Fair	
us rubra	Red Mulberry	11	95.03	Good	
cus austrina	Bastard white oak	12	118.82	Poor	Dead, diseased, or dying

711	Quercus laurifolia	Laurel Oak	19	268.79	Fair
712	Quercus laurifolia	Laurel Oak	18	254.46	Fair
713	Quercus laurifolia	Laurel Oak	23	415.46	Fair
714	Quercus laurifolia	Laurel Oak	29	660.50	Poor
715	Quercus laurifolia	Laurel Oak	22	394.07	Fair
716	Quercus virginiana	Live oak	24	456.15	Good
717	Quercus laurifolia	Laurel Oak	36	1017.85	Fair
718	Quercus laurifolia	Laurel Oak	16	206.11	Fair
719	Quercus laurifolia	Laurel Oak	23	401.14	Poor
720	Quercus virginiana	Live oak	29	660.50	Good
721	Quercus virginiana	Live oak	34	881.39	Fair
722	Sabal palmetto	Cabbage Palm	17	226.97	Fair
723	Quercus virginiana	Live oak	26	530.91	Fair
724	Sabal palmetto	Cabbage Palm	19	268.79	Fair
725	Sabal palmetto	Cabbage Palm	21	346.35	Fair
726	Sabal palmetto	Cabbage Palm	25	490.86	Fair
727	Quercus virginiana	Live oak	20	314.15	Fair
728	Quercus laurifolia	Laurel Oak	21	346.35	Good
729	Quercus laurifolia	Laurel Oak	24	444.87	Good
730	Quercus spp.	Oak	27	572.54	Fair
731	Quercus laurifolia	Laurel Oak	23	426.37	Fair
732	Quercus laurifolia	Laurel Oak	26	530.91	Poor
733	Quercus laurifolia	Laurel Oak	26	510.69	Fair
734	Quercus laurifolia	Laurel Oak	19	283.52	Fair
735	Quercus laurifolia	Laurel Oak	34	907.89	Fair
736	Quercus laurifolia	Laurel Oak	20	323.65	Poor
737	Quercus laurifolia	Laurel Oak	11	86.59	Fair
738	Quercus laurifolia	Laurel Oak	23	401.14	Good
739	Quercus virginiana	Live oak	28	620.14	Poor	Dead, diseased, or dying
740	Quercus laurifolia	Laurel Oak	25	494.79	Fair
741	Ilex opaca	American Holly	7	36.32	Good
742	Ilex opaca	American Holly	7	39.59	Good
743	Quercus laurifolia	Laurel Oak	36	989.77	Poor
744	Quercus laurifolia	Laurel Oak	23	397.60	Poor
745	Sabal palmetto	Cabbage Palm	17	226.97	Fair
746	Quercus laurifolia	Laurel Oak	21	346.35	Poor
747	Quercus virginiana	Live oak	30	725.81	Fair
748	Quercus virginiana	Live oak	27	551.53	Fair
749	Sabal palmetto	Cabbage Palm	16	201.06	Good
750	Quercus virginiana	Live oak	23	430.04	Fair
751	Quercus laurifolia	Laurel Oak	20	314.15	Fair
752	Quercus laurifolia	Laurel Oak	17	235.69	Fair
753	Quercus laurifolia	Laurel Oak	24	463.76	Fair
754	Quercus laurifolia	Laurel Oak	32	784.24	Fair
755	Quercus austrina	Bastard white oak	14	153.93	Fair
756	Quercus laurifolia	Laurel Oak	32	778.29	Poor	Dead, diseased, or dying
757	Quercus virginiana	Live oak	23	426.37	Fair
758	Quercus virginiana	Live oak	22	363.04	Fair
759	Quercus laurifolia	Laurel Oak	42	1385.40	Fair
760	Quercus laurifolia	Laurel Oak	23	415.46	Good
761	Prunus serotina	Black Cherry	8	52.81	Poor
762	Prunus serotina	Black Cherry	9	63.62	Poor
763	Prunus serotina	Black Cherry	8	47.78	Fair
764	Quercus virginiana	Live oak	20	314.15	Fair
765	Quercus laurifolia	Laurel Oak	24	452.38	Poor
766	Quercus laurifolia	Laurel Oak	58	2642.00	Fair
767	Celtis laevigata	Hackberry	21	346.35	Good
768	Sabal palmetto	Cabbage Palm	14	153.93	Good
769	Celtis laevigata	Hackberry	7	33.18	Good
770	Quercus laurifolia	Laurel Oak	9	56.74	Fair
771	Quercus laurifolia	Laurel Oak	9	56.74	Fair
772	Quercus laurifolia	Laurel Oak	10	78.54	Fair
772	Quercus laurifolia	Laurel Oak	13	132.73	Good
774	Quercus laurifolia	Laurel Oak	17	213.82	Good
775	Quercus virginiana	Live oak	23	419.08	Good
776	Quercus virginiana	Live oak	21	330.05	Good
777	Quercus austrina	Bastard white oak	29	660.50	Good
778	Quercus virginiana	Live oak	38	1134.08	Good	Historic Tree
779	Quercus virginiana	Live oak	25	490.86	Good
780	Celtis laevigata	Hackberry	8	51.53	Good
780A	Quercus virginiana	Live oak	14	153.93	Good
781	Sabal palmetto	Cabbage Palm	12	113.09	Fair
782	Quercus virginiana	Live oak	21	359.67	Fair
783	Sabal palmetto	Cabbage Palm	14	153.93	Fair
784	Quercus laurifolia	Laurel Oak	22	387.06	Poor
785	Quercus laurifolia	Laurel Oak	11	86.59	Good
786	Sabal palmetto	Cabbage Palm	14	151.74	Good
787	Quercus laurifolia	Laurel Oak	9	65.66	Good
788	Quercus laurifolia	Laurel Oak	9	63.62	Good
789	Ilex opaca	American Holly	18	240.52	Good
790	Quercus laurifolia	Laurel Oak	11	91.61	Fair
791	Quercus virginiana	Live oak	20	314.15	Good
792	Quercus virginiana	Live oak	27	572.54	Fair
793	Prunus serotina	Black Cherry	10	191.13	Fair
794	Quercus virginiana	Live oak	10	70.88	Good
795	Quercus laurifolia	Laurel Oak	11	95.03	Fair
796	Quercus laurifolia	Laurel Oak	28	593.94	Fair
797	Prunus serotina	Black Cherry	11	148.24	Fair
798	Quercus virginiana	Live oak	40	1275.52	Good	Historic Tree
799	Quercus austrina	Bastard white oak	16	201.06	Fair
800	Quercus laurifolia	Laurel Oak	24	467.58	Fair
801	Quercus virginiana	Live oak	13	132.73	Good
802	Quercus austrina	Bastard white oak	15	176.71	Good
803	Quercus virginiana	Live oak	32	804.22	Good
804	Quercus laurifolia	Laurel oak	31	754.75	Fair
805	Quercus virginiana	Live oak	20	298.64	Fair
806	Quercus virginiana	Live oak	19	277.58	Good
807	Quercus austrina	Bastard white oak	12	113.09	Fair
807A	Sabal palmetto	Cabbage Palm	14	153.93	Good
807B	Sabal palmetto	Cabbage Palm	14	153.93	Good
808	Quercus virginiana	Live oak	24	452.38	Poor	Dead, diseased, or dying
809	Quercus laurifolia	Laurel oak	24	452.38	Poor	Dead, diseased, or dying
810	Celtis laevigata	Hackberry	12	109.36	Fair
811	Quercus virginiana	Live oak	15	165.13	Fair
812	Quercus virginiana	Live oak	34	907.89	Poor
813	Quercus virginiana	Live oak	12	113.09	Fair
814	Quercus virginiana	Live oak	17	226.97	Poor
815	Sabal palmetto	Cabbage Palm	16	201.06	Fair
816	Quercus virginiana	Live oak	23	415.46	Poor
817	Quercus laurifolia	Laurel oak	26	522.78	Poor
818	Quercus virginiana	Live oak	24	452.38	Fair
819	Quercus laurifolia	Laurel oak	28	615.73	Fair
820	Sabal palmetto	Cabbage Palm	12	113.09	Good
821	Quercus laurifolia	Laurel oak	22	380.12	Good
822	Quercus virginiana	Live oak	26	539.11	Good
823	Quercus laurifolia	Laurel Oak	11	86.59	Good
824	Quercus laurifolia	Laurel Oak	13	128.68	Good
825	Quercus virginiana	Live	31	745.04	Good
826	Quercus virginiana	Live oak	28	615.73	Poor
827	Quercus virginiana	Live oak	26	530.91	Fair
828	Sabal palmetto	Cabbage Palm	16	201.06	Fair
829	Quercus laurifolia	Laurel Oak	31	754.75	Good
830	Quercus laurifolia	Laurel Oak	30	706.84	Fair
831	Quercus laurifolia	Laurel Oak	30	692.77	Fair
832	Quercus laurifolia	Laurel Oak	31	740.21	Poor
833	Quercus virginiana	Live oak	19	274.64	Fair
834	Quercus virginiana	Live oak	24	452.38	Good
835	Quercus laurifolia	Laurel Oak	39	1194.56	Good
836	Quercus virginiana	Live oak	34	907.89	Fair
837	Quercus virginiana	Live oak	16	188.69	Poor
838	Quercus virginiana	Live	20	314.15	Good
839	Quercus laurifolia	Laurel Oak	32	804.22	Good/fair
840	Sabal palmetto	Cabbage Palm	15	165.13	Good
841	Sabal palmetto	Cabbage Palm	21	346.35	Fair
842	Quercus laurifolia	Laurel Oak	34	923.99	Fair
843	Quercus laurifolia	Laurel Oak	14	162.86	Good
844	Quercus laurifolia	Laurel Oak	20	314.15	Poor
845	Quercus laurifolia	Laurel Oak	15	176.71	Poor
846	Quercus laurifolia	Laurel Oak	22	380.12	Good
847	Quercus laurifolia	Laurel Oak	31	754.75	Good
848	Quercus laurifolia	Laurel	19	289.52	Good
849	Quercus virginiana	Live oak	24	452.38	Good
850	Sabal palmetto	Cabbage Palm	15	176.71	Poor
851	Quercus virginiana	Live oak	18	254.46	Good
852	Quercus laurifolia	Laurel Oak	19	283.52	Good
852A	Sabal palmetto	Cabbage Palm	14	153.93	Good
852B	Sabal palmetto	Cabbage Palm	14	153.93	Good
852C	Sabal palmetto	Cabbage Palm	14	153.93	Good
853	Quercus virginiana	Live oak	19	283.52	Fair
853A	Quercus virginiana	Live oak	15	176.71	Good
854	Quercus austrina	Bastard white oak	17	229.65	Fair
855	Quercus laurifolia	Laurel Oak	20	298.64	Good
856	Quercus laurifolia	Laurel Oak	12	107.51	Good
857	Quercus virginiana	Live oak	16	193.59	Good
858	Quercus virginiana	Live oak	21	346.35	Fair
859	Quercus laurifolia	Laurel Oak	14	156.14	Good
860	Quercus laurifolia	Laurel Oak	11	96.77	Good
861	Quercus austrina	Bastard white oak	15	165.13	Poor
862	Quercus laurifolia	Laurel Oak	6	31.17	Poor
863	Ilex sp.	Cypresses = Ivy/holi	12	113.09	Fair	not native
864	Quercus myrtifolia	Myrtle oak	7	39.59	Good
865	Quercus virginiana	Live oak	23	415.46	Good

1051	Quercus virginiana
1052	Quercus virginiana
1053	Quercus virginiana
1054	Quercus virginiana
1055	Sabal palmetto
1056	Quercus virginiana
1057	Quercus virginiana
1058	Quercus laurifolia
1058A	Quercus laurifolia
1059	Quercus laurifolia
1060	Quercus myrtifolia
1061	Quercus virginiana
1062	Quercus laurifolia
1062A	Quercus laurifolia
1062B	Quercus laurifolia
1063	Quercus laurifolia
1064	Quercus laurifolia
1065	Quercus laurifolia
1066	Quercus virginiana
1067	Quercus virginiana
1068	Pinus elliottii
1069	Quercus laurifolia
1070	Quercus laurifolia
1071	Quercus laurifolia
1072	Quercus austrina
1073	Quercus laurifolia
1074	Quercus laurifolia
1075	Quercus laurifolia
1076	Quercus laurifolia
1077	Sabal palmetto
1078	Sabal palmetto
1079	Quercus laurifolia
1080	Sabal palmetto
1081	Quercus laurifolia
1082	Quercus laurifolia
1083	Quercus laurifolia
1084	Quercus laurifolia
1084A	Quercus laurifolia
1084B	Quercus laurifolia
1085	Quercus laurifolia
1086	Quercus laurifolia
1087	Quercus laurifolia
1088	Sabal palmetto
1089	Prunus serotina
1090	Sabal palmetto
1091	Sabal palmetto
1092	Sabal palmetto
1093	Sabal palmetto
1094	Quercus laurifolia
1095	Quercus virginiana
1096	Quercus laurifolia
1097	Quercus laurifolia
1098	Quercus laurifolia
1099	Quercus virginiana
1100	Quercus laurifolia
1100A	Quercus laurifolia
1101	Quercus laurifolia
1102	Quercus laurifolia
1103	Quercus laurifolia
1104	Quercus laurifolia
1105	Quercus laurifolia
1106	Quercus laurifolia
1107	Quercus laurifolia
1108	Quercus laurifolia
1109	Quercus laurifolia
1110	Quercus laurifolia
1111	Quercus laurifolia
1112	Quercus laurifolia
1113	Sabal palmetto
1114	Prunus serotina
1115	Quercus laurifolia
1116	Quercus laurifolia
1117	Quercus laurifolia
1117A	Quercus laurifolia
1119	Quercus laurifolia
1120	Quercus laurifolia
1120A	Quercus laurifolia
1121	Quercus laurifolia
1122	Quercus austrina
1123	Quercus laurifolia
1124	Quercus laurifolia
1125	Sabal palmetto
1126	Quercus laurifolia
1127	Quercus austrina
1128	Quercus laurifolia
1128A	Quercus laurifolia
1128B	Quercus laurifolia
1129	Quercus laurifolia
1130	Quercus laurifolia
1131	Quercus laurifolia
1132	Quercus laurifolia
1133	Quercus virginiana
1134	Quercus virginiana
1135	Quercus virginiana
1136	Quercus virginiana
1137	Prunus serotina
1138	Quercus austrina
1139	Quercus austrina
1140	Quercus austrina
1141	Sabal palmetto
1142	Pinus serotina
1143	Prunus serotina
1144	Quercus laurifolia
1145	Sabal palmetto
1146	Sabal palmetto
1147	Sabal palmetto
1148	Quercus virginiana
1149	Magnolia grandiflora
1150	Pinus serotina
1151	Pinus serotina
1152	Quercus virginiana
1153	Pinus serotina
1154	Magnolia grandiflora
1154A	Magnolia grandiflora
1155	Quercus virginiana
1156	Quercus laurifolia
1157	Magnolia grandiflora
1158	Magnolia grandiflora
1159	Quercus myrtifolia
1160	Quercus laurifolia
1161	Quercus austrina
1162	Quercus myrtifolia
1163	Quercus virginiana
1164	Quercus virginiana
1165	Quercus austrina
1166	Quercus austrina
1166A	Quercus austrina
1167	Quercus virginiana
1168	Quercus laurifolia
1169	Quercus laurifolia
1169A	Quercus laurifolia
1170	Quercus laurifolia
1171	Quercus laurifolia
1172	Quercus laurifolia
1173	Quercus laurifolia
1174	Pinus clausa
1175	Quercus laurifolia
1176	Quercus virginiana
1177	Quercus austrina
1178	Quercus laurifolia
1179	Quercus virginiana
1180	Quercus virginiana
1181	Quercus virginiana
1182	Quercus virginiana
1183	Quercus laurifolia
1184	Juniperus virginiana
1185	Quercus virginiana
1186	Quercus virginiana
1187	Quercus laurifolia
1188	Quercus laurifolia
1189	Quercus laurifolia
1190	Quercus laurifolia
1191	Magnolia grandiflora
1192	Quercus laurifolia
1193	Ilex cassine
1194	Quercus laurifolia
1195	Quercus laurifolia
1196	Quercus laurifolia
1197	Quercus laurifolia
1198	Quercus laurifolia
1199	Quercus virginiana
1200	Quercus laurifolia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NFL1087
CHAIN LINK
SAND TRAP
STEPS
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NFL1017
NFL1023
NFL1024

ATTACHMENT 4

Zoning maps and zoning districts


1. Knollwood Cir
2. Fairwood Cir
HALIFAX RIVER
ATLANTIC O
Amsden Rd
Golfview Ln
Club Dr
Nicholas Dr
Nicholas Ct
Colonial Cir
Putting Green Ln
County
Idlewood Dr
Triton Rd
Atwood Ln
Pinecrest Ln
Riverwood Dr
Wildwood Ave
Neptune Ave
Ocean Shore Blvd (S.R. A1A)
Sundance Trl
Driftwood Ave
Oak Dr
Hillsdale Ave
Treasure Ln
Royal Palm Ave
Windward Ln
Windward Cir
Oak Grove St
N. Halifax Dr (C.R. 2803)
John Anderson Dr
Tartlewood Cir
Landmark Cir
Orchard Ln
Hotel Ln
Wittham St
E. Granada Blvd (S.R. 40)
Vining Ct
Coquina Ct
Coquina Ave
Boyard Dr
Florence St
Lucky Dr
Wye Dr
Bosarvey Dr
Seton Dr
Casement Dr
Bosarvey Cir
Willis Dr
Riverside Cir
Riverside Dr
S. Halifax Dr
Osceola Ave
Oleeta St
Carib Dr
Seminole Ave
Ormond Pkwy
Valencia Dr
Orlen Way
Magnolia Dr
Arlington Way
Byron Ellinor Dr
Cedar Rd
Cypress Cir
Bayberry Ct
Mulberry Dr
Grandview Ave
Wild Olive Ave
Cedar St
Hollywood St
Pinewood St
Magnolia St
Rockefeller Dr
Elwhart Dr
Pine Rd
River Beach Dr
Ormond Shores Dr
Abby Way
Florida Ave
Northshore Dr
Oriole Cir
Robin Rd
Pleasant Dr
Flamingo Dr
Cardinal Dr
Benjamin Dr
Palmetto Ave
De Leon Dr
Ponce
Wilmette Ave
Kenilworth Ave
Rosewood Ave
Hernandez Ave
Dix Ave
Lincoln Ave
Charlesn Terl
Britain Ave
Highland Ave
N. Washington St
New St (US 1)
anada Blvd (S.R. 40)
S. Beach St (C.R. 4011)
1. Lewis St
Corbin Ave
Tomoka Ave
Live Oak Ave
Eileen Butts St
Grove St
Myra Blvd
Central Ave
Mound Ave
Fairview Ave
Division Ave
Ellsworth Ave
Arbor Drive North
Arbor Drive South
2.
N. Capri Dr
S. Capri Dr
3.
Rogers Park Dr
Sylvania Pl
McAlister Dr
Riverview Dr
Salvador Pl
Elormond Ave
Bostrom Ln
S. Yonge St (US 1)
S. Washington St
S. Ridgewood Ave
Roosevelt Dr
Midway Ave
Laws Ln
Jefferson St
Oleander Pl
Willow Pl
Palm Pl
Washington Pl
Railroad St
FEC R.R.
Coolidge Ave
Andalusia Ave
Parque
Tropical Ln
Fred Gamble Way
1. E. Ridgewood Ave
2. Grove St
3. Capri Cir
INTRACOAS
CREEK
Page 2099 of 3522

as of the city, particularly along the Halifax River and the Atlantic Ocean, which are considered representative of the original and historic charac

3	4	5.	6.	7.	8.	9.			
Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Perimeter	Setbacks			
						a. Front	b. Rear	c. Side	d. Street Side/Co
35%	75%	20,000 SF	100'	150'	None	30' (see Additional Front Yard Setbacks listed below)	25'	8' total 20'	20'

back shall be the average building setback of all existing single-family dwelling units within 300' of each side lot line of the lot on which s proposed to be located, minus 10', provided that in no event shall the front yard setback be less than thirty 30'. It shall include arated from the lot in question by any side streets. In the event no single-family dwelling units are located within three hundred feet d front yard shall be thirty feet (30'). For the purpose of this requirement, the three hundred feet (300') shall be measured along a t-of-way line, beginning at the corner of the lot nearest the direction being measured (e.g., for three hundred feet (300') north, begin ding any street rights-of-way within the three hundred-foot (300') distance.

han one principal structure, as defined in Chapter 1, Article III, Section 1-22, located on any adjacent lot within the 300', only the re nearest the front property line will be used to calculate the applicable setback. Principal structure means any structure that is defined in this Land Development Code.

s 9.a.(1) and 9.a.(2) of this section, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may the same building footprint and height as the dwelling unit that it is replacing.

s 9.a.(1) through 9.a.(3) of this section, a structure may encroach into a required front yard setback provided that the new structure is um viewing angle to the right-of-way of not less than 110 degrees from the closest front corner and 130 degrees from the furthest cture on the adjacent lot, as depicted in Exhibit 9.a., and the 30' setback is met.

n 3-15, Coastal Management, shall extend beyond a line projected between the average setback of all buildings within 800' of each ch the proposed building is to be constructed or within a building setback otherwise established under Florida Statutes or Chapter 3, ent Code, whichever is greater. Such line shall run parallel with the street right-of-way line; or

tage Lots (Excluding Oceanfront):

ack from the mean or ordinary high-water line for properties abutting a waterbody shall be the average building setback of all units within 300' of each side lot line of the lot on which the single-family dwelling unit is proposed to be located, minus 5', or as orida Statutes or Chapter 3, Article II, Section 3-16 of this Land Development Code, Surface Waters and Marine Life Habitat, whichever event shall the setback be less than 30'. The rear yard setback line may meander to follow the mean high-water line.

an one principle structure, as defined in Chapter 1, Article III, Section 1-22, located on any adjacent lot within the 300', only the re nearest the mean or ordinary high-water line will be used to calculate the applicable setback. Principle structure means any principle use as defined in this Land Development Code.

a. and b. of this section, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may be built e building footprint and height as the dwelling unit that it is replacing.

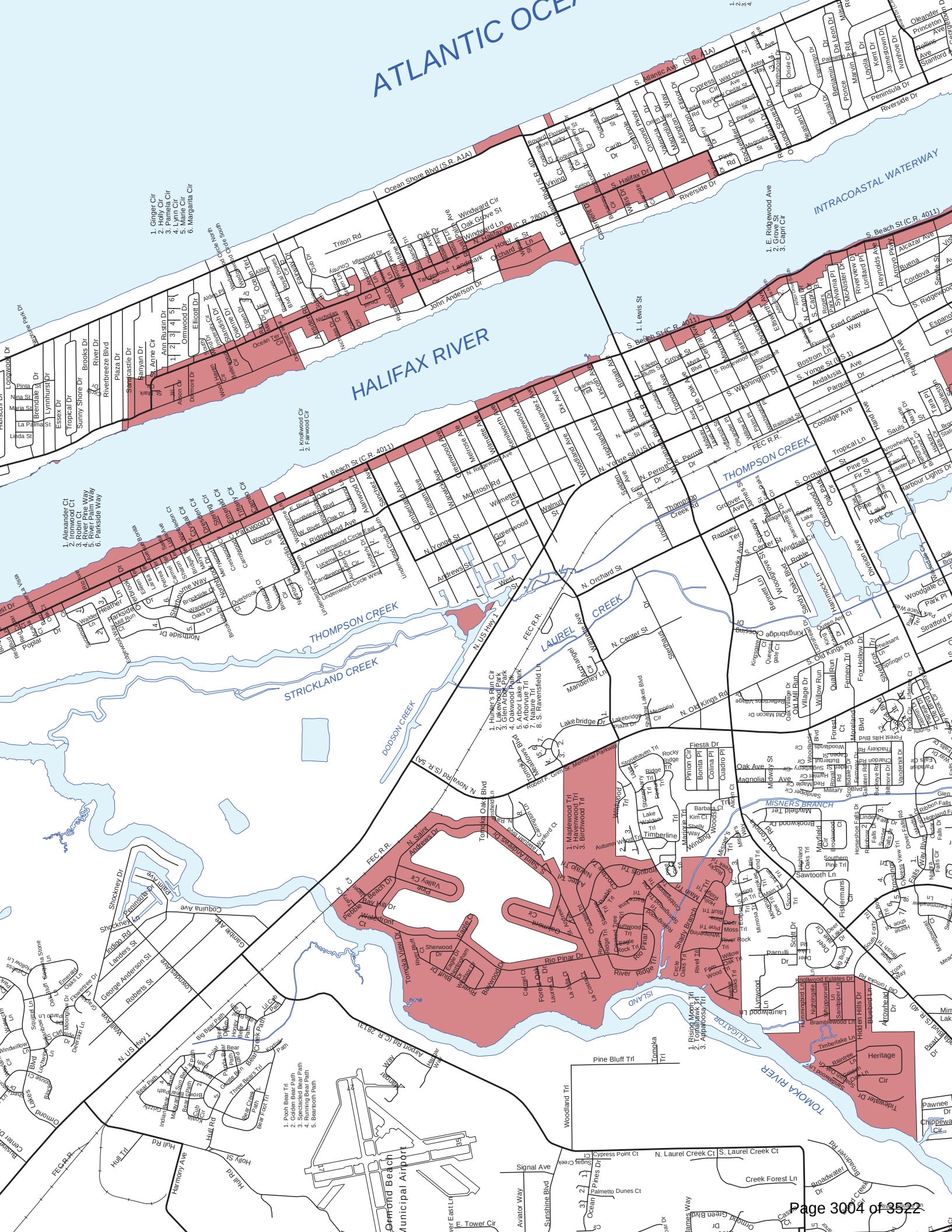
s a. through c. of this section, a structure may encroach into a required waterfront yard setback provided that the new structure is so viewing angle to the waterway of not less than 110 degrees from the closest front corner and 130 degrees from the furthest front on the adjacent lot, as depicted in Exhibit 9.e., and the 30' setback is met.

	D. CONDITIONAL USES	E. SPECIAL EXCEPTION USES	F. OTHER STANDARDS

	3. Foster Home 4. Group Home 5. Parks and Recreation Facilities, Private 6. Parks and Recreation Facilities, Public 7. Public Facilities 8. Public Utilities 9. Telecommunication Tower or Antenna, Camouflaged 10. Water Survival Instruction 11. Wind Energy System		Special corridors and bu article I).3. See condition regulations (chapter 2, units for transient lodgir protect and maintain the zoning district. 5. Single- shall have the following Type 1-Story Split Lev A 1,500 SF 1,800 SI

ES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses confor

. No. 2013-13, § 5, 2-5-2013; Ord. No. 2022-15 , § 3, 6-7-2022)


ATLANTIC OCEAN
HALIFAX RIVER
INTRACOASTAL WATERWAY
THOMPSON CREEK
STRICKLAND CREEK
DODSON CREEK
LAUREL CREEK
MISNERS BRANCH
TOMOKA RIVER
ISLAND
ALLIGATOR
Ocean Shore Blvd (S.R. A1A)
S. Atlantic Ave (S.R. A1A)
Riverside Dr
S. Halifax Dr
N. Halifax Dr (S.R. 4011)
S. Beach St (C.R. 4011)
N. Beach St (C.R. 4011)
John Anderson Dr
Ormond Beach Municipal Airport
FEC R.R.
N. US Hwy 1
N. Nova Rd (S.R. 5A)
Granada Blvd (S.R. 40)
Broadway
Pine Bluff Trl
Tomoka Trl
Woodland Trl
Signal Ave
Aviator Way
Sunshine Blvd
Cypress Point Ct
N. Laurel Creek Ct
S. Laurel Creek Ct
Creek Forest Ln
Palmetto Dunes Ct
Ocean Trace Ct
Ormond Green Blvd
Cascade Ct
Pawnee Dr
Chippewa Cir
Heritage Cir
Tidewater Dr
Timberlake Ln
Raintree Ln
Bramblewood Ln
Hidden Hills Dr
Arrowhead Dr
Bluebird Ln
Hollywood Estates Dr
Hummingbird Ln
Nightingale Ln
Whippoorwill Ln
Sandpiper Ln
Laurelwood Ln
Rising Moon Trl
Tomahawk Trl
Appaloosa Trl
Rio Pinar Dr
Rio Pinar Trl
Riverside Dr
Tomoka Oaks Blvd
Lakebridge Dr
Lakebridge Plaza Dr
Shadow Lakes Blvd
Memorial Cir
Fiesta Dr
Oak Ave
Magnolia Ave
Midway Dr
Pinion Cir
Bonita Pl
Colina Pl
Cuadro Pl
Stonehaven Trl
Rocky Ridge Trl
Ridge Trl
Lake Walden Trl
Timberline Trl
Maderia Trl
Barbara Ct
Kim Ct
Shelly Way
Winding Woods Trl
Misner's Trl
Autumn Wood Trl
Whitewood Trl
Maplewood Trl
Havenwood Trl
Birchwood Trl
Robert F. Grim Sr. Memorial Parkway
Tomoka Oaks Blvd
Lakeside Ln
Tomoka Oaks Cir
Saint Andrews Dr
Saint Andrews Ct
Saint Andrews Blvd
Bay Hill Dr
Bay Hill Ct
Pebble Beach Dr
Pebble Beach Ct
Waterfront Ct
Valley Ct
Pine Valley Ct
Pine Valley Dr
Fairway Ct
Fairway Dr
Fairway Trl
Fairway Ln
Golf Ln
Golf Trl
Golf Ct
Golf Dr
Golf Cir
Golf Path
Golf Way
Golf Terrace
Golf Crossing
Golf Club Dr
Golf Club Ln
Golf Club Trl
Golf Club Cir
Golf Club Path
Golf Club Way
Golf Club Terrace
Golf Club Crossing
Golf Club Drive
Golf Club Lane
Golf Club Court
Golf Club Circle
Golf Club Place
Golf Club Road
Golf Club Street
Golf Club Avenue
Golf Club Boulevard
Golf Club Parkway
Golf Club Highway
Golf Club Freeway
Golf Club Turnpike
Golf Club Tollway
Golf Club Expressway
Golf Club Interstate
Golf Club Route
Golf Club Alternate
Golf Club Business
Golf Club Spur
Golf Club Loop
Golf Club Connector
Golf Club Bypass
Golf Club Beltway
Golf Club Ring
Golf Club Circle
Golf Club Square
Golf Club Plaza
Golf Club Park
Golf Club Garden
Golf Club Grove
Golf Club Hill
Golf Club Mountain
Golf Club Valley
Golf Club River
Golf Club Creek
Golf Club Lake
Golf Club Pond
Golf Club Bay
Golf Club Harbor
Golf Club Port
Golf Club Dock
Golf Club Pier
Golf Club Wharf
Golf Club Marina
Golf Club Boat
Golf Club Ship
Golf Club Sail
Golf Club Anchor
Golf Club Rudder
Golf Club Helm
Golf Club Mast
Golf Club Deck
Golf Club Hull
Golf Club Keel
Golf Club Bow
Golf Club Stern
Golf Club Port
Golf Club Starboard
Golf Club Aft
Golf Club Fore
Golf Club Amidships
Golf Club Abeam
Golf Club Astern
Golf Club Ahead
Golf Club Behind
Golf Club Above
Golf Club Below
Golf Club Under
Golf Club Over
Golf Club Through
Golf Club Around
Golf Club Between
Golf Club Among
Golf Club Within
Golf Club Without
Golf Club Inside
Golf Club Outside
Golf Club Upon
Golf Club Onto
Golf Club Into
Golf Club Out
Golf Club Off
Golf Club On
Golf Club In
Golf Club Up
Golf Club Down
Golf Club Left
Golf Club Right
Golf Club Straight
Golf Club Curve
Golf Club Turn
Golf Club Bend
Golf Club Fork
Golf Club Split
Golf Club Merge
Golf Club Join
Golf Club Cross
Golf Club Intersect
Golf Club Meet
Golf Club Part
Golf Club Separate
Golf Club Connect
Golf Club Disconnect
Golf Club Reconnect
Golf Club Detour
Golf Club Bypass
Golf Club Shortcut
Golf Club Alternate
Golf Club Business
Golf Club Spur
Golf Club Loop
Golf Club Connector
Golf Club Beltway
Golf Club Ring
Golf Club Circle
Golf Club Square
Golf Club Plaza
Golf Club Park
Golf Club Garden
Golf Club Grove
Golf Club Hill
Golf Club Mountain
Golf Club Valley
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Golf Club Bay
Golf Club Harbor
Golf Club Port
Golf Club Dock
Golf Club Pier
Golf Club Wharf
Golf Club Marina
Golf Club Boat
Golf Club Ship
Golf Club Sail
Golf Club Anchor
Golf Club Rudder
Golf Club Helm
Golf Club Mast
Golf Club Deck
Golf Club Hull
Golf Club Keel
Golf Club Bow
Golf Club Stern
Golf Club Port
Golf Club Starboard
Golf Club Aft
Golf Club Fore
Golf Club Amidships
Golf Club Abeam
Golf Club Astern
Golf Club Ahead
Golf Club Behind
Golf Club Above
Golf Club Below
Golf Club Under
Golf Club Over
Golf Club Through
Golf Club Around
Golf Club Between
Golf Club Among
Golf Club Within
Golf Club Without
Golf Club Inside
Golf Club Outside
Golf Club Upon
Golf Club Onto
Golf Club Into
Golf Club Out
Golf Club Off
Golf Club On
Golf Club In
Golf Club Up
Golf Club Down
Golf Club Left
Golf Club Right
Golf Club Straight
Golf Club Curve
Golf Club Turn
Golf Club Bend
Golf Club Fork
Golf Club Split
Golf Club Merge
Golf Club Join
Golf Club Cross
Golf Club Intersect
Golf Club Meet
Golf Club Part
Golf Club Separate
Golf Club Connect
Golf Club Disconnect
Golf Club Reconnect
Golf Club Detour
Golf Club Bypass
Golf Club Shortcut

3	4	5.	6.	7.	8.	9.			
Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Perimeter	Setbacks			
						a. Front	b. Rear	c. Side	d. Street Side/Co
35%	75%	10,000 SF	100'	None	None	30' (see Additional Front Yard Setbacks listed below)	25'	8' total 20'	20'

of Sanchez Avenue and north of the centerline of Lorillard Place.

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backs for any lot of record as of October 3, 1989, and to which these regulations apply, shall not be less than the average building setback of all units within three hundred feet (300') of each side lot line of the lot on which the single-family dwelling unit is proposed to be located provided etback be less than thirty feet (30'). It shall include single-family dwelling units separated from the lot in question by any side streets. In the even located within three hundred feet (300') of both sides, the required front yard shall be thirty feet (30'). For the purpose of this requirement, the easured along a line parallel with the street right-of-way line, beginning at the corner of the lot nearest the direction being measured (e.g., for th at northeast corner), and including any street rights-of-way within the three hundred-foot (300') distance.

han one principle structure, as defined in Chapter 1, Article III, Section 1-22, located on any adjacent lot within the 300', only the setback of the front property line will be used to calculate the applicable setback. Principle structure means any structure that is occupied by a principle use a ent Code.

s 9.a.(1) and 9.a.(2) of this section, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may be built to ding footprint and height as the dwelling unit that it is replacing.

s 9.a.(1) and 9.a.(2) of this section, a structure may encroach into a required front yard setback provided that the new structure is so located as e to the right-of-way of not less than 110 degrees from the closest front corner and 130 degrees from the furthest front corner of the closest st d in Exhibit 9.a., and the 30' setback is met.

Management, shall extend beyond a line projected between the average setback of all buildings within 800' of each side lot line of the lot upon constructed or within a building setback otherwise established under Florida Statutes or Chapter 3, Article II of this Land Development Code, shall run parallel with the street right-of-way line; or

tage Lots (Excluding Oceanfront):

ack from the mean or ordinary high-water line for properties abutting a waterbody shall be the average building setback of all existing single-fa ch side lot line of the lot on which the single-family dwelling unit is proposed to be located, minus 5', or as otherwise established under Florida Section 3-16 of this Land Development Code, Surface Waters and Marine Life Habitat, whichever is greater, provided that in no event shall the ear yard setback line may meander to follow the mean high-water line.

an one principle structure, as defined in Chapter 1, Article III, Section 1-22, located on any adjacent lot within the 300', only the setback of the mean or ordinary high-water line will be used to calculate the applicable setback. Principle structure means any structure that is occupied by a Land Development Code.

s a. and b. of this section, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may be built to the sam ootprint and height as the dwelling unit that it is replacing.

s a. through c. of this section, a structure may encroach into a required waterfront yard setback provided that the new structure is so located a e to the waterway of not less than 110 degrees from the closest front corner and 130 degrees from the furthest front corner of the closest stru d in Exhibit 9.e., and the 30' setback is met.

	D. CONDITIONAL USES	E. SPECIAL EXCEPTION USES	F. OTHER STANDARDS

	3. Foster Home 4. Group Home 5. Parks and Recreation Facilities, Private 6. Parks and Recreation Facilities, Public 7. Public Facilities 8. Public Utilities 9. Telecommunication Tower or Antenna, Camouflaged 10. Water Survival Instruction 11. Wind Energy System	3. Historic Preservation Mixed Use 4. House of Worship	Special corridors and bu article I).3. See condition regulations (chapter 2, units for transient lodgi protect and maintain th zoning district. 5. Sing shall have the following

Type	1-Story
A	1,500 SF
B	1,350 SF

ES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses confo

d. No. 2022-15 , § 4, 6-7-2022)


HALIFAX RIVER
THOMPSON CREEK
LAUREL CREEK
STRICKLAND CREEK
DODSON CREEK
MISNERS BRANCH
ISLAND
ALLIGATOR
TOMOKA RIVER
Ormond Beach Municipal Airport
S. Beach St (C.R. 4011)
N. Beach St (C.R. 4011)
N. Nova Rd (S.R. 5A)
S. Nova Rd (S.R. 5A)
N. US Hwy 1
FEC R.R.
Robert F. Grim Sr. Memorial Parkway
John Anderson Dr
Triton Rd
Oak Dr
Windward Ln
N. Halifax Dr (C.R. 2894)
Ocean Tel
Ocean Trace
Ocean Palm Villas
Ocean Palm Villas South
Ocean Palm Villas North
Ocean Palm Villas Clubhouse
Ocean Palm Villas Clubhouse South
Ocean Palm Villas Clubhouse North
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relatively low densities.

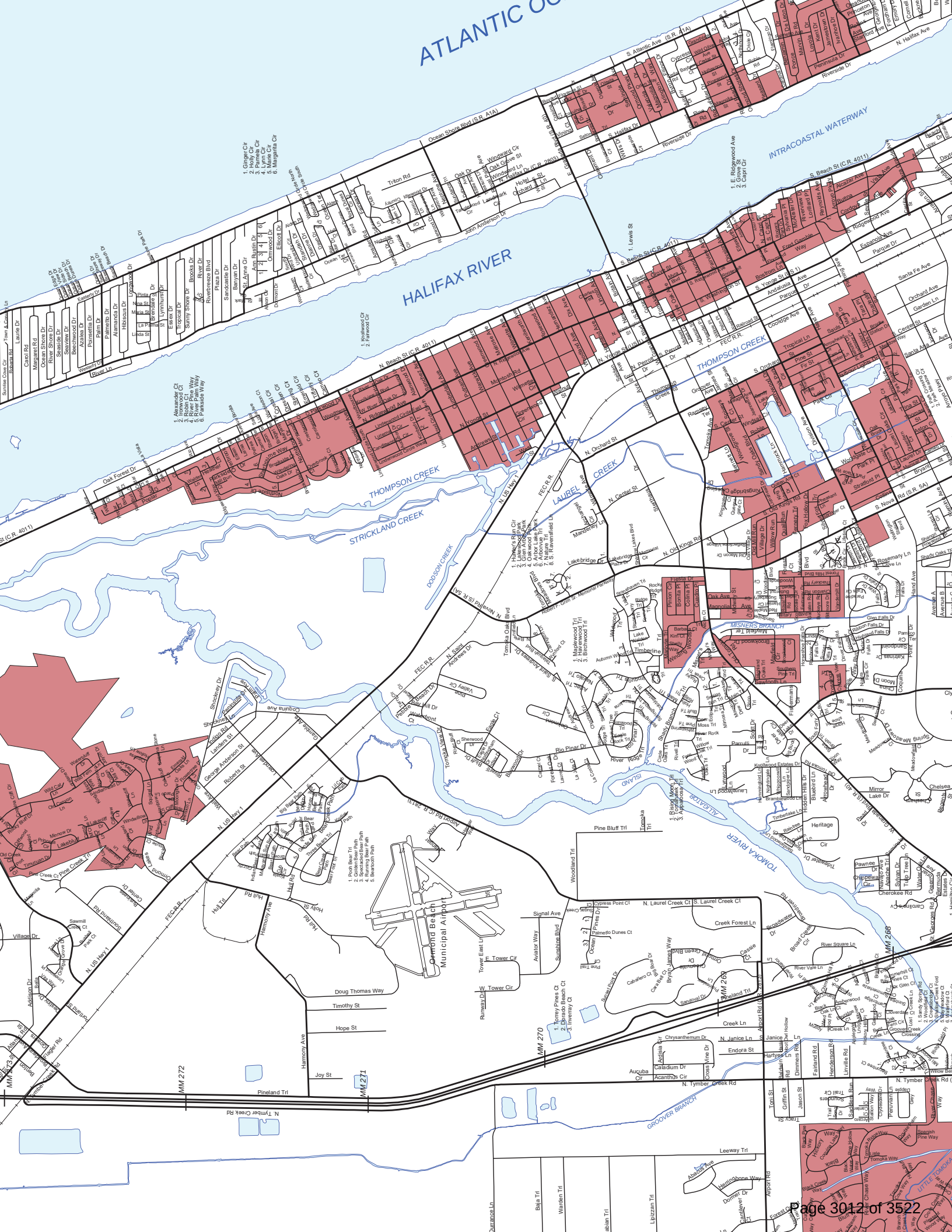
	3	4	5.	6.	7.	8.	9.			
	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Perimeter	Setbacks			
							a. Front	b. Rear	c. Side	d. Stre Side
	35%	75%	8,750 SF	90'	None	None	30'	20'	8' total 20'	20'
		D. CONDITIONAL USES				E. SPECIAL EXCEPTION USES			F. OTHER STAND	

	3. Foster Home 4. Group Home 5. Parks and Recreation Facilities, Private 6. Parks and Recreation Facilities, Public 7. Public Facilities 8. Public Utilities 9. Telecommunication Tower or Antenna, Camouflaged 10. Water Survival Instruction 11. Wind Energy System	3. Historic Preservation Mixed Use 4. House of Worship 5. School, Private	ii).2. Special con (chapter 3, arti special exceptio article IV).4. Use lodging is proh maintain the r zoning district. 5 buildings shall ha floor area:

Type	1
A	1,
B	1,
C	1,

ES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses confor

. No. 2013-13, § 7, 2-5-2013)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HALIFAX RIVER
INTRACOASTAL WATERWAY
THOMPSON CREEK
STRICKLAND CREEK
DODSON CREEK
LAUREL CREEK
MISNERS BRANCH
TOMOKA RIVER
ISLAND
GROOVER BRANCH
LITTLE TOMOKA
S. Atlantic Ave (S.R. A1A)
Ocean Shore Blvd (S.R. A1A)
N. Halifax Ave
Riverside Dr
S. Halifax Dr
John Anderson Dr
N. Beach St (C.R. 4011)
S. Beach St (C.R. 4011)
S. Ridgewood Ave
S. Yonge St (U.S. 1)
N. US Hwy 1
N. Nova Rd (S.R. 5A)
S. Nova Rd (S.R. 5A)
FEC R.R.
N. Orchard St
S. Orchard St
N. Old Kings Rd
S. Old Kings Rd
N. Center St
S. Center St
Cooldge Ave
Thompson Creek Blvd
Oak Forest Dr
Triton Rd
Ocean Shore Blvd
Riverbreeze Blvd
Plaza Dr
Sandcastle Dr
Banyan Dr
Brooks Dr
River Dr
Seaside Dr
Seaview Dr
Beechwood Dr
Azalea Dr
Poinsettia Dr
Palm Dr
Palmetto Dr
Alamanda Dr
Hibiscus Dr
Oleander Dr
Tropical Dr
Sunny Shore Dr
Lynnhurst Dr
Essex Dr
Caspi Rd
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Margaret Rd
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Tropical Dr
Sunny Shore Dr
Lynnhurst Dr
Essex Dr
Riverbreeze Blvd
River Dr
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Banyan Dr
St. Anne Cir
Brooks Dr
Pinta Dr
Nina St
Maria St
Bordeaux Dr
La Paloma St
Linda St
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Westerly Dr
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Sunrise Cove Cir
Roberts Rd
Town & Country Ln
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Caspi Rd
Margaret Rd
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River Shore Dr
Seaside Dr
Seaview Dr
Beechwood Dr
Azalea Dr
Poinsettia Dr
Palm Dr
Palmetto Dr
Alamanda Dr
Hibiscus Dr
Oleander Dr
Tropical Dr
Sunny Shore Dr
Lynnhurst Dr
Essex Dr
Riverbreeze Blvd
River Dr
Plaza Dr
Sandcastle Dr
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Easterly Dr
Westerly Dr
River Ln
Sunrise Cove Cir
Roberts Rd
Town & Country Ln
1. Ginger Cir
2. Holly Cir
3. Pamela Cir
4. Lynn Cir
5. Mona Cir
6. Margarita Cir
1. Knollwood Cir
2. Fairwood Cir
1. Alexander Ct
2. Ironwood Ct
3. Rolling Pine Way
4. River Pine Way
5. Pine Tree Way
6. Parkside Way
1. E. Ridgewood Ave
2. E. Grove St
3. Capri Cir
1. Hone's Run Cir
2. Lake Woods Park
3. Glen Abbey Park
4. Arbor Lake Park
5. Arborvue Trl
6. Arborvue Cir
7. Arborvue Ct
8. S. Ravensfield Ln
1. Maplewood Trl
2. Maplewood Trl
3. Birchwood Trl
1. Pooh Bear Trl
2. Golden Bear Path
3. Spectacled Bear Path
4. Asiatic Black Bear Path
5. Bearadin Path
1. Ridge Wood Trl
2. Ridge Wood Trl
3. Appaloosa Trl
1. Dorrey Pines Ct
2. Dorrey Pines Cir
3. Inverray Ct
1. Sandy Spring Rd
2. Woodland Ct
3. Shallow Creek Ford
4. Bayshadow Ct
5. Bayshadow Ln
Ormond Beach Municipal Airport
Doug Thomas Way
Timothy St
Hope St
Joy St
Pineland Trl
Creek Ln
N. Janice Ln
S. Janice Ln
Endora St
Caladium Dr
Acanthus Cir
Aucuba Cir
Chrysanthemum Dr
N. Tymber Creek Rd
Leeway Trl
Airport Rd
Harmony Ave
Hull Rd
Holly St
Sawmill Creek Ct
Village Dr
Addison Dr
Pine Creek Ct
Pine Creek Trl
Old Creek Ct
Old Creek Trl
Timucan Dr
Wild Cat Dr
Old Carson Ln
Wildwood Ln
Waterside Ln
Rocky Bluff Ln
Minnow Dr
Lakeview Dr
Windview

ote and encourage a suitable environment for family life.

	3	4	5.	6.	7.	8.	9.			
	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Perimeter	Setbacks			
							a. Front	b. Rear	c. Side	d. Stre Side
	35%	75%	8,625 SF	75'	115'	None	25'	20'	8' total 20'	20'
		D. CONDITIONAL USES			E. SPECIAL EXCEPTION USES			F. OTHER STANDARDS		

	3. Cemetery 4. Family Day Care Home 5. Foster Home 6. Group Home 7. Parks and Recreation Facilities, Private 8. Parks and Recreation Facilities, Public 9. Public Facilities 10. Public Utilities 11. Telecommunication Tower or Antenna, Camouflaged 12. Water Survival Instruction 13. Wind Energy System	3. Child Care Facilities 4. Historic Preservation Mixed Use 5. House of Worship 6. Nursing Home 7. School, Private	buffer requirements (chapter and special exception regulat Use of dwelling units for tran order to protect and maint the zoning district. 5. Single-f shall have the following mini

Type	1-Story
A	1,500 SF
B	1,350 SF
C	1,150 SF

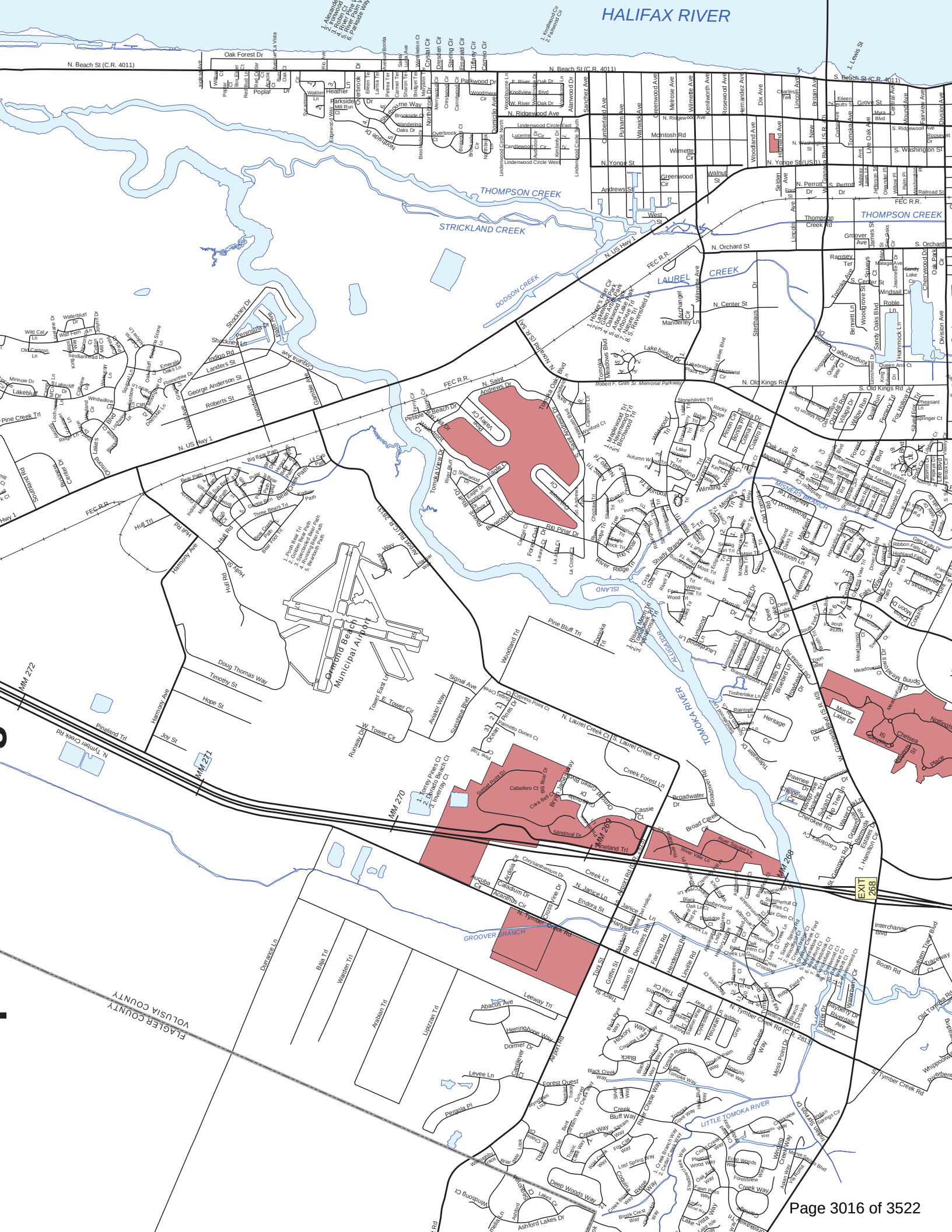
The required minimum build
residential structures with a '
the official zoning map), may
chief building official finds th
be occupied by residents whi
low- to medium-income as de
Department of Housing and U

ES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses confor

y residential lots located within this district and having a minimum lot area of 7,500 square feet, a minimum width of 75', and are located in area
rations are generally consistent with the 75'/7,500 square foot standard, shall be deemed to be conforming lots, subject to the setback and buffe
ber 31, 1991. Parcels within such districts may be divided into lots having minimum lot areas of 7,500 square feet and minimum widths of 75', p
er requirements of Ordinance No. 78-35. However, where the recorded plat or covenants indicate front yards in excess of current city standards
properly amended prior to the issuance of a building permit.

are less restrictive than the standards listed above are acceptable, provided that they are either shown on the approved plat or a less restrictive
lat.

. No. 2013-13, § 8, 2-5-2013)


HALIFAX RIVER
THOMPSON CREEK
STRICKLAND CREEK
DODSON CREEK
LAUREL CREEK
MISNER'S BRANCH
TOMOKA RIVER
GROOVER BRANCH
LITTLE TOMOKA RIVER
ISLAND
ALLIGATOR
N. Beach St (C.R. 4011)
S. Beach St (C.R. 4011)
Oak Forest Dr
Poplar Dr
Heather Ln
Parkwood Dr
Parkside Dr
Parkshore Way
N. Ridgewood Ave
S. Ridgewood Ave
Montosh Rd
Wilmette Cir
N. Yonge St
N. Yonge St (US 1)
S. Yonge St
Greenwood Cir
Walnut St
Andrews St
West St
N. Perrott Dr
S. Perrott Dr
FEC R.R.
Thompson Creek Rd
Grover Ave
N. Orchard St
S. Orchard St
N. US Hwy 1
Ramsey Ter
S. Center St
N. Center St
Manderley Ln
Windsail Cir
Roble Ln
Sandy Oaks Blvd
Hammock Ln
Lake Bridge Ct
Tomoka Meadows Blvd
Lakebridge Plaza Dr
Memorial Cir
N. Old Kings Rd
S. Old Kings Rd
Robert F. Grim Sr. Memorial Parkway
N. Nova Rd (SR 5A)
N. Saint Andrews Dr
Pebble Beach Dr
Heathcrest Ln
Tomoka Oaks Blvd
Stonehaven Trl
Rocky Ridge
Fiesta Dr
Rhyan Ct
Bonita Pl
Colina Pl
Cladon Pl
Oak Ave
Magnolia Ave
Mayfair Ln
Forest Blvd
Woodland Blvd
Timberline Trl
Autumn Wind Trl
Rio Pinar Dr
Rio Pinar Trl
Shady Brook Trl
River Ridge Trl
Misner Trl
Misty Brook Trl
Misty Meadow Trl
Misty Oaks Trl
Misty Dew Trl
Misty Creek Trl
Misty Mist Trl
Misty Rain Trl
Misty Glen Trl
Misty Falls Trl
Misty Ridge Trl
Misty Run

Sec. 2-35. - PRD, Planned Residential Development District.

(a) *In general.* The purpose of the PRD, Planned Residential Development District classification is to provide more flexibility with regard to land use, density and dimensional standards, and other requirements of this Land Development Code, to encourage developments that incorporate innovative concepts of site planning, coordinated architectural and functional design, higher level of amenities, increased amounts of open space, recreation and landscaping, and a better living environment overall.

(b) *Permitted uses.*

(1) *Residential uses.*

a. Permitted uses within PRD districts include all permitted uses listed under the particular zoning district regulations of the district in which the planned development is located.

b. More intense uses (e.g., townhouses in a single-family district, or apartments in a townhouse district) may be allowed, provided that their visual and functional impact on neighboring districts is minimized by providing adequate buffering and screening, and all the requirements of this section are met.

c. Multifamily structures may also be allowed in PRD districts that are in single-family districts, provided that the multifamily structures and associated parking areas are not within two hundred feet (200') of any single-family district adjoining the planned development.

d. For those developments proposed within the SR district, the requirements of that district must also be met.

(2) *Other uses.* The following uses may be allowed in a PRD district, provided that the requirements of article IV of this chapter, conditional uses and special exceptions, and this section are complied with:

a. Clubs and recreation facilities to serve the residents of the project.

b. Daily needs retail and services.

c. Houses of worship.

d. Public schools and parks.

e. Public uses.

Compatible neighborhood commercial facilities and office uses may be permitted within PRDs having a minimum size of thirty (30) acres; however, no more than twenty percent (20%) of the gross area shall be devoted to these uses, including parking. For the purpose of planned development review, the determination of compatible commercial shall be based on the architectural and spatial design of the proposed facility compared to that of the total development and the relationship of the proposed facility to the retail needs of the planned development

residents. Such commercial uses are limited to those listed as principal permitted uses in the B-2, Neighborhood Commercial District. For those developments encompassing land already zoned commercial, a wider range of interpretation will be granted to permit and encourage compatible development. In addition to having adequate access to the thoroughfare system, such commercial area shall, when possible, have internal access to serve the residents of the planned development.

(c) *Density.*

(1) *Allowable densities.* The maximum allowed gross density level of a planned residential development shall vary according to the land use classification assigned to the property on the city's adopted future land use map, subject to the provisions of this section. Where more than one (1) land use classification is included in the project, the least-dense classification shall apply.

(2) *Density bonus.* Except within the SR district, any planned development may qualify for a density increase of up to twenty percent (20%) over the allowed density, as based on the adopted future land use map, provided that the increase will not create the following adverse situations:

a. Adverse impact on neighboring sites or subject site;

b. Traffic congestion in the streets which adjoin the development; or

c. An excessive burden on sewerage, water supply, parks, recreational areas or other facilities which are proposed to serve the development.

(3) *Density and project phasing.* Where a PRD is proposed to be constructed in phases, at no point in the development of the project shall constructed density exceed the overall density per acre approved for the entire project.

(4) *Holding capacity; density.* Density determined in subsection (c)(1) of this section is for gross density purposes only. A more refined methodology for determining the holding capacity of a particular site proposed for development is derived from a three-tiered system based on soil characteristics related to the high seasonal groundwater tables (as derived from the SCS soil classification study); flooding potential as noted on the FEMA, FIRM maps; and the availability of central water and/or central sewer facilities. Table 2 illustrates the relationship between environmental constraints and water and sewer availability when calculating density. This table lists the coefficients for determining density in a matrix.

The procedure for determining holding capacity is as follows:

Step 1: Applicant prepares environmental constraints map for the parcel proposed for development;

Step 2: Calculate the acreage of property within each particular environmental constraints category;

Step 3: Multiply the acreage in each category by a coefficient determined by site-specific environmental constraints and availability of water and sewer as noted in table 2.

Step 4: Sum the totals for each category to achieve the holding capacity for the parcel in terms of maximum potential density.

Once the holding capacity is determined, the developer must prepare plans that are consistent with the holding capacity and environmental constraints of the subject property.

Five (5) distinct environmental constraint categories have been identified and are described below, together with their density allocations.

a. *Very Low.* Areas that lie within the 100-year floodplain and where the seasonal high water table is at or above the surface or areas outside of the 100-year floodplain where the seasonal high water table is six inches (6") or more above the surface. Here, the constraints are seen as being severe, with associated environmental impacts too damaging for community development. Areas in this category are, for the most part, the riverine wetlands and cypress swamps interspersed among the pine flatwoods. Representative soils include the various mucks associated with the wetlands and more established cypress systems. A nominal standard of 0.2 units to the acre (one (1) unit per five (5) acres) is assigned as the maximum achievable density for this category, regardless of the availability of central utilities (facilities are not planned for these areas). In some cases, it is conceivable that a single development site could be located within a five-acre parcel classified entirely as "very low." However, a more likely scenario, particularly for larger parcels, would be the transfer of the density allocation to the more buildable areas of the site.

b. *Low.* Includes soil types with a seasonally high water table that, at times, will reach and exceed the surface. This category includes land that falls within designated 100-year floodprone areas and has a seasonal high water table that does not reach the surface and is not greater than six inches (6") below the surface, or lands where the water table will occasionally be at or above the surface (zero (0) to six inches (6") above) but, for various reasons, is not designated as a 100-year floodprone area. The low category encompasses the more subtle depressional features among the flatwoods. The pine/cypress vegetative community and the depressional variety of the Pomona, Immokalee, and Myakka soil series commonly occur in this category. These lands can tolerate a certain amount of mitigated modification without irreversible environmental damage. The maximum density value for this category is 0.5 units per acre (one (1) unit per two (2) acres) regardless of the availability of utilities. As with the very low category, these levels of development can be achieved only under the ideal circumstances consistent with the criteria for protection of

wetlands that typically occur within this soil category. Therefore, development is not likely to occur at assigned densities within these areas but will probably be transferred to other more suitable on-site uplands.

c. *Medium Low.* These are areas that are within the 100-year floodplain and the seasonal high water table is greater than six inches (6") to twenty-four inches (24") below the surface or those areas that are outside of the floodplain and the seasonal high water table does not reach the surface and is not greater than six inches (6") below the surface. Density ranges in this category are one (1) unit per two (2) acres without infrastructure; one (1) unit per acre with central water only; and three (3) units per acre with both central water and sewer. Depending upon actual vegetative system conditions, these areas may be suitable for limited development or for open space uses with on-site density transfer to more suitable areas.

d. *Medium.* The criteria for designating lands in the medium category is the seasonal high water table greater than six inches (6") below the surface to twenty-four inches (24") below and outside of floodprone areas or is twenty-four inches (24") or greater below surface if in floodprone area. Extensive areas in the western and southern portion of the Pamlico Terrace are in this category. Due to the nearly level terrain in those areas within the floodplain, the water table hovers near the surface for two (2) to three (3) months a year. However, with proper drainage design and adequate infrastructure, development potential can reach up to four (4) units per acre with central water and sewer; one (1) unit per two (2) acres with no central utilities; and two (2) units per acre with central water only. Planned unit developments, with net densities in excess of one (1) unit per acre utilizing either well or septic or one (1) unit per two (2) acres utilizing well and septic may be allowed provided that minimum lot size requirements are not reduced, to achieve maximum potential density. Instead, transfer of density to a portion of the site serviced by a central system will be allowed, provided the proposed development is consistent with the zoning district requirements, level-of-service standards, and compatible with the natural resources.

e. *High.* This category includes lands that are not within a floodprone area and have a water table deeper than twenty-four inches (24") below the surface. These lands generally consist of deep sandy soils and are the most suited for community development. They are in relatively short supply due to the prevailing high water tables and floodprone conditions in the undeveloped perimeter areas of the city and the early development of the deep, sandy ridge areas. Representative soils of this category include the Tavares, Daytona, and DeLand series. Up to six (6) units to the acre (roughly the equivalent of duplex or zero-lot-line development on five thousand (5,000) square foot lots) is achievable with central utilities. With central water only, the maximum density would be

three (3) units per acre if that could be achieved under health department septic standards. The location of package plants is acceptable in the medium and high categories for planned unit developments at the higher densities (e.g., greater than one (1) unit per acre) on an interim basis only where it is not economically feasible (due to and/or sewer service at the time of development. In these cases, the development shall be dry-lined and impact fees paid in advance or bonded for. Without central sewer or water, the maximum density is one (1) unit per two (2) acres (project size in relation to line extension distances) to connect to central water.

Table 1. Density Determinations

Development Potential	None	Water Only*	Water and Sewer
Very Low	0.2	0.2	0.2
Low	0.5	0.5	0.5
Medium Low	0.5	1.0	3.0
Medium	0.5	1.0	4.0
High	0.5	1.0	6.0

* For purposes of computing maximum potential density only; a minimum lot size of 1 acre is required for any development utilizing septic tanks. Connection to central sewer will be required whenever line extensions and appurtenances thereto are deemed economically feasible.

Table 2. Characteristics of Environmental Constraint Categories

Environmental Constraints	100-Year Floodplain	Seasonal High Water Table
Very Low	N/A	At or above the surface
Low	IN	0.1" to 6" below surface

Medium Low	IN	6" to 24" below surface
	OUT	0.01" to 6" below surface
Medium	IN	24"+ below surface
	OUT	6" to 24" below surface
High	OUT	24" + below surface

(d) *Dimensional requirements.*

(1) *Minimum parcel size.*

a. Five acres: SR, R-1, R-2, R-2.5, R-3.

b. One acre: R-4, R-5, R-6.

(2) *Maximum building height.* The maximum building height for a proposed PRD district shall be based on the existing zoning district regulations in which the residential development is located, except that one (1) additional story may be allowed for structures located at least one hundred feet (100') from any development perimeter boundary line abutting a district having a lower height limit. In no case shall any building height exceed seventy-five feet (75') when measured from the average median lot elevation to the highest point of any structure and/or attached services.

(3) *Setbacks.* All structures shall be set back a minimum of forty feet (40') from the project's perimeter boundaries unless natural or manmade features, such as lakes, creeks, wooded or conservation areas are present. Where a project abuts a collector or arterial street, the setback requirement may be increased if an effective buffering treatment cannot be provided between the street and residential use.

(4) *Minimum building spacing.* Building setbacks shall comply with the individual district requirements. Given the possibilities of innovative architectural design, the city commission may alter the minimum for specific designs, provided that the original intent of the spacing requirements is maintained.

(e) *Interior road system.*

(1) All single-family attached and detached dwelling units on individually platted lots shall have access to a street meeting all street standards; provided, however, that up to three (3) dwelling units may utilize a common driveway as long as spatial requirements for parking in chapter 3, article III of this Land Development Code are met.

(2) All streets shall meet all street standards for construction and size, including a commonly-owned easement that meets the normal right-of-way requirements for a street. Some of these requirements may be waived or the right-of-way width may be reduced to forty feet (40') if the streets are proposed as private streets, or if the traffic volume in those streets is two hundred average daily trips (200 ADT) or less.

(3) When a planned development proposes a street which would be a logical extension of the city's collector or arterial street system, the city may require an increase in the right-of-way and/or pavement width and increased construction standards, as necessary.

(f) *Off-street parking.* The off-street parking requirements of chapter 3, article IV of this Land Development Code shall be complied with except as follows:

(1) *Single-family dwelling.*

a. The width of the driveway for an individual dwelling unit may be tapered to below the required width if it is clearly shown on the plan that each automobile may be easily maneuvered for ingress and egress without requiring the relocation of the other vehicle.

b. Up to three (3) single-family cluster-type dwelling units with two-car (2) garages may utilize a common access driveway, provided that the dwelling units shall meet the general parking requirements, and the common utilized portions of the driveway shall not be less than twenty feet (20') wide.

c. For each single-family dwelling located on a forty-foot (40') right-of-way street with a two-car (2) garage, one (1) guest parking space per four (4) dwellings shall be provided. For single-family dwellings with less than a two-car (2) garage, one (1) guest parking space per two (2) dwelling units shall be provided.

d. Guest parking shall be distributed throughout the development to adequately serve all dwelling units.

(2) *Multifamily dwelling.*

a. If garages are provided, the requirements of this section for single-family dwellings shall apply.

b. One (1) guest parking space shall be provided for each two (2) dwelling units, provided, however, if the deed restrictions and covenants prevent the assignment of more than one (1) parking space to each dwelling unit, one (1) guest parking space shall be provided for each four (4) dwelling units.

c. Common parking areas are only allowed in conjunction with multifamily structures or other developments under single or condominium ownership. The land for the common parking area shall not be subdivided from the land which contains the structures it serves. All common parking lots shall be built to the construction standards utilized for streets.

(3)

Offices.

a. One (1) parking space for each of the following:
    1. Two hundred (200) square feet of gross floor area on the first floor;
    2. Two hundred fifty (250) square feet of gross floor area on the second story; and
    3. Three hundred (300) square feet of gross floor area on additional stories; or

b. Vehicle parking deferral. To avoid requiring more parking spaces than is actually needed to serve a development, the city may defer the provision of some portion of the off-street parking spaces required by this Land Development Code if previous experience within the city for such a case or information supplied by the developer suggests that the required number of parking spaces may not be necessary. In such a case, the developer shall provide a deferred parking plan in accordance with the following criteria:
    1. Shall be designed to contain sufficient space to meet the full parking requirements of this Land Development Code, shall illustrate the layout for the full number of parking spaces, and shall designate which are to be deferred.
    2. Shall not assign deferred spaces to areas required for landscaping, transition zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Land Development Code.
    3. Shall describe how the area of deferred parking plan would remain and be maintained in its natural state, and shall include a landscaping plan for the deferred parking area.
    4. Shall include a written agreement with the city that the deferred spaces will be converted to parking spaces that conform to this Land Development Code at the developer's expense should the city determine from experience that the additional parking spaces are needed.
    5. Shall include a written agreement that the developer shall incur the expense of a traffic study to be undertaken by a registered transportation engineer to determine the advisability of providing the full parking requirement should the city determine from experience that the additional parking spaces are needed.

When presented with evidence that the parking is inadequate, the city shall request a study to determine the need of providing the full parking requirement to satisfy the proven demand for parking as discussed in subsection (f)(3)b.5 of this section. Based upon the study and the recommendations of the transportation engineer, the director of planning, the planning board, and the city commission shall determine if the deferred spaces by the developer or retained as deferred parking area. The developer may, at any time, request that the city approve a revised development plan to allow converting the deferred spaces to operable parking spaces.

(g) *Landscaping and utility lines.*

(1) All common open space, parking lot islands, and all land not otherwise developed shall be landscaped in a manner that enhances the appearance of the project.

(2) An underground irrigation system shall be installed in all landscaped areas of the planned development. After installation, the system shall be regularly used and maintained. Landscaped buffer areas shall be provided as required in chapter 3, article I of this Land Development Code, if applicable.

(h) *Recreational facilities.* Areas for passive and active recreation shall be provided. Such areas shall be designed and improved to serve their intended use and shall reflect the recreational needs of the residents of the development. Recreational areas shall meet the following minimum requirements:

(1) They shall be located and designed with adequate access to encourage use by the residents;

(2) Active indoor or outdoor recreation areas, such as swimming pools or community buildings, shall be designed to serve a maximum of three hundred (300) dwelling units;

(3) Thirty (30) square feet of indoor recreation floor area, including exercise rooms, all-purpose space, dining areas and similar uses shall be provided for each dwelling unit, unless waived by the city commission and replaced at a minimum as follows:

a. Subdivisions of two hundred (200) dwelling units or less may provide, at a minimum, an additional thirty (30) square feet per unit of outdoor active recreation space in compliance with this section in lieu of the indoor recreation floor area requirement;

b. Subdivisions that do not provide indoor recreational facilities are not eligible for park and recreation impact fee credits;

c. The open space and/or additional outdoor facilities must be compatible with adjacent properties and the recreational facilities must be consistent with the needs of the project;

d. The planning board and city commission determine, after reviewing the proposed development plan, that the preservation of natural resources and/or provision of additional recreation facilities is appropriate and that indoor recreational facilities can be waived;

(4) Sixty (60) square feet of outdoor active recreation space (exclusive of parking, landscaping, retention/detention ponds and other site features), including pools, pool decks, shuffleboard courts, tennis courts and fishing piers and similar uses, shall be provided for each dwelling unit. Impact fee credits for any specific outdoor recreation site shall be limited to three hundred (300) dwelling units;

(5) Recreation sites which include indoor and outdoor activities shall comply with all general site plan design and construction standards with regard to buffer areas, landscaping, interior landscaping, parking arrangement, lighting, signing, and drainage. Up to fifty percent (50%) of

the required parking may be designed as overflow spaces;

(6) The minimum parcel size of any single active recreational area shall be eight thousand (8,000) square feet in area and no less than eighty feet (80') in its smallest dimension. No designated active recreation area shall be closer than thirty feet (30') to a dwelling unit within the development at its closest point and shall be adequately buffered to reduce noise, glare and visual impacts on adjoining homesites. Active recreation facilities shall not be located in any required buffer area;

(7) Thirty (30) square feet of common accessible, open space shall be provided for each dwelling unit as follows:

a. Common open space shall be available to all the residents of the development. At the option of the developer, subject to the approval of the city commission, common open space may be dedicated to the use of the general;

b. Common open space must be adequately landscaped and irrigated;

c. Natural features worthy of preservation shall be left in a natural state;

d. Water bodies may be utilized to meet twenty-five percent (25%) of the available open space requirement, provided significant recreational use of the waterbody can be demonstrated. Water retention and wetlands areas may not be included in this calculation;

(8) Twenty percent (20%) of the project shall be left in a natural state. This may include designated conservation areas within lots or common areas, but shall not include classified wetlands and required upland buffers;

(9) One (1) on-site parking space shall be provided for each two hundred fifty (250) square feet of indoor recreation area and one (1) such space for each four hundred (400) square feet of active outdoor recreation area. If both types of recreation areas are located on the same site, only the indoor requirement must be met. Applicants requesting a waiver of indoor recreation facilities may request approval of an alternative parking plan as part of the planned residential development application. Alternative parking plans shall be reviewed for consistency with the city's comprehensive plan, this Land Development Code, the Americans with Disabilities Act (ADA) and other applicable regulations.

(i) *Supplemental requirements.*

(1) *Fences.*

a. If fences are not prohibited in the deed restrictions and covenants of the project, a schematic fencing plan shall be incorporated in the development plan.

b. The fencing plans shall clearly illustrate the types of fencing to be allowed and the locations of gates to provide access for safety personnel.

c. Provisions to ensure adequate maintenance of fencing shall be incorporated into the homeowners' association documents.

(2) *Lighting.* Where necessary, additional lighting may be required to supplement street lighting. Where required, such lighting shall be shown on the development plan.

(3) *Deed restrictions and covenants.* No amendment to the deed restrictions and covenants which would alter the design or use of the property and structures shall be made without the written permission of the city.

(4) *Unity of title.* All land included within a PRD shall be under the control of the applicant, whether that applicant is an individual, partnership, or corporation, or group of individuals, partnerships or corporations. Applicants shall present evidence, at the time of application, of unified control of the entire area within the proposed development. The applicant shall provide:

a. An agreement to proceed with the proposed development according to all of the provisions of these regulations;

b. Agreements, contracts, deed restrictions and sureties acceptable to the city commission for completion of the development, or each approved phase of the development, according to the approved plans;

c. Agreements, through the establishment of a homeowners' association, for the continuing operation and maintenance of all such areas, functions, and facilities which are not to be provided, operated or maintained at expense, acceptable to the city commission;

d. An agreement to notify the city, at the same time the development owners are notified, of any proposed amendments to the homeowners' association; and

e. Assurance that binds the applicant's successors in title to any commitments made under subsections (i)(4)b, c and d of this section.

All such agreements and evidence of unified control shall be examined by the city attorney and no approval shall be granted without a certificate by the city attorney that such agreements and evidence of unified control meet the requirements of this section.

(j) *Application and review.*

(1) A written application, consistent with the requirements of article IV of this chapter for PRD shall be made to the planning department, using the application form provided by the city. The application shall be processed as required in chapter 1, article II, administration and enforcement.

(2) Applications shall include the following:

a.

Complete site plan submittal per chapter 4, article I of this Land Development Code, except that final engineering and construction drawings may be withheld pending the issuance of a development order by the city commission.

b. Documentation, including written explanations, drawings and illustrations, demonstrating conformance with subsection (j)(4) of this section.

c. Special studies including, but not limited to, traffic impact study, environmental assessment report, and holding capacity analysis as required by this Land Development Code.

(3) Following approval of rezoning to PRD and issuance of development order, the applicant may submit final site plan drawings or make application for preliminary plat approval in accordance with chapter 4, article II of this Land Development Code.

(4) In considering an application for a PRD, the planning board may recommend approval, approval with conditions, or disapproval and the city commission may base its conditions of approval or denial of the issuance of a development order on the extent to which the development offers site amenities above that normally found for permitted uses in the district with regard to the following:

a. Innovative site design.

b. Coordinated architectural design.

c. Open space, recreation, common areas.

d. Coordinated streetscape elements.

(k) *Adoption/amendments/expiration.* The PRD development order shall be adopted by the city commission in accordance with the provisions of chapter 1, article II of this Land Development Code.

(l) *Exceptions.* A PRD application involving land in the R-4, R-5 and R-6 zoning districts shall be subject to the following in lieu of the standards contained in this section:

(1) *Recreational standard.* None.

(2) *Parking standard.* In lieu of the general parking standards and subsection (f) of this section, the number of dwellings is limited by the requirement of one and one-half (1½) spaces per unit. If located on a transit route, the parking standard may be reduced to one (1) space per unit.

(3) *Setback standard.* Shall be based upon the underlying zoning district.

(Ord. No. 2015-46, § 1, 11-2-2015)

ATTACHMENT 5

Correspondence received on the zoning map amendment

Dennis K. Bayer

Attorney

Dennis K. Bayer, Esq.
dennis@bayerlegal.com

109 South 6th Street, Suite 200
Flagler Beach, FL 32136
Tel: 386-439-2332
Fax: 386-439-6522

December 19, 2023

Sent via U.S. Mail and email to
Steven.Spraker@ormondbeach.org and
Randy.Hayes@ormondbeach.org

Steven Spraker, Planning Director
City of Ormond Beach
22 S. Beach St., Room 104
Ormond Beach, FL 32174

Randy Hayes, City Attorney
City of Ormond Beach
P.O. Box 277
Ormond Beach, FL 32174

Re: Tomoka Oaks Proposed Golf Course R-2 Rezoning

Gentlemen:

I am submitting the attached resolution as legal counsel for Tomoka Oaks Homeowner's Association (Association). This request relates to the current request from the developer to rezone the entire parcel as R-2. My clients are opposed to the rezoning and intend to argue that the competent substantial evidence exists to mandate that any development be done as a planned development. This is based upon the unique location and development history of the property and adjacent lands.

Many of the members reside on the existing fairways and all of the members will be impacted by the proposed development as to issues related to traffic, buffering, impacts on property values, congestion and loss of open space.

The city code, in section 2-210, provides for intervention by affected parties in quasi-judicial hearings. Consequently, the Association seeks to intervene in the planning process and subsequent quasi-judicial proceedings as an intervenor with formal standing status as allowed by

the code. I am submitting a copy to Rob Merrell, legal counsel for the applicant, in order to determine if the applicant has any objection to this petition.

Please let me know if staff has any questions or comments about this petition.

Respectfully submitted,

Dennis K. Bayer

DKB/kh
Enclosure

RESOLUTION OF BOARD OF DIRECTORS OF TOMOKA OAKS HOMEOWNER'S ASSOCIATION

WHEREFORE, the issue of the Tomoka Oaks Homeowner's Association, Inc. ("TOHA") petitioning the city of Ormond Beach ("City") to allow it to intervene in the matter of the development of residences on the now-closed Tomoka Oaks golf course ("Development") in accordance with Section 2-210 of the City codes (("Code") has come before the Board of Directors of the HOA ("Board"); and

WHEREFORE, the Board of the HOA has reviewed the matter and has agreed to request intervention from the City;

WHEREFORE the Board voted by a majority to intervene, it is

RESOLVED AS FOLLOWS:

1. The Board of the HOA formally requests from the City that the HOA be allowed to intervene in the matter relating to the Development. The HOA requests that it be granted all powers and privileges provided under the Code.
2. The HOA requests that the City will confer the HOA as having standing to fully participate in all public hearings and attendant processes associated with the proposed development.

The Resolution approved this 17th day of May, 2022.

TOMOKA OAKS HOMOWNER'S ASSOCIATION, INC.

Kathy Page
Kathy Page
Secretary

John M. Power
John M. Power
President

From:	Denise Corley
To:	Spraker, Steven; bill.parrington@ormondbeach.org; Persis, Susan; Kent, Troy; Tolland, Lori; Sargent, Travis; Briley, Harold; troyrailsback@yahoo.com; mikescud@yahoo.com; doug@weatherguardshutters.com; barry_dumoulin@msn.com; alanjorczak@cfl.rr.com; angieshull1@gmail.com; ggalloway@cbcbenchmark.com
Subject:	Reject Zone Change of Tomoka Oaks Golf Course
Date:	Friday, December 22, 2023 4:31:47 PM

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Dear Steven Spraker, Planning Board Members, City Commissioners and Mr. Mayor,

My name is Denise Corley. I have spoken at planning board meetings and at the Commissioners meeting in regards to the conversion of the open space of the Tomoka Oaks Golf course into a 272 lot gated community PDR.

Instead of substantially lowering the number of lots for the PDR, the developer has submitted a plan that is a direct refusal to listen to the community and elected officials.

Sec. 1-03. - Legislative purpose and intent.

The purpose of the city's Land Development Code is to provide land development regulations that implement the city's comprehensive plan. The comprehensive plan and this Land Development Code are tools that the leaders of the city shall use to protect and maintain a high quality of life for the citizenry of the city. Specifically, this Land Development Code is required to be consistent with the comprehensive plan's goals, objectives and policies concerned with land use; transportation; housing; recreation and open space; conservation; coastal management; public facilities including sanitary sewers, solid waste, drainage, potable water, as well as ground water recharge; intergovernmental coordination; and capital improvements. If any provision of this Land Development Code is found inconsistent with the comprehensive plan, the comprehensive plan shall prevail.

Is the golf course a "ground water recharging area"? How does the St. Johns Water Authority determine this? Is there a case to be made that the land has been Open Space for 60 years and because it is completely surrounded by homes it should remain Open Space and a ground water recharging zone and not hard surfaces as 317 homes would amount to.

I see the developer has hired a speciality lawyer, Karl J. Sanders now to cite city and state development land use laws against the city of Ormond Beach.
How someone who spent 2.6 million (not very much for 147 acres) can disrupt an entire community is what Land Use Codes are written for.

Not all development is good development.

What costs more: a lawsuit or all the expensive infrastructure problems that are going to come from allowing this Zone Change and plan to be approved.

Does Volusia County require wider roads to accommodate specific numbers of lots/houses using those roads as safe entrance and exits and evacuation routes?

#1. The number one issue is too many houses which equals too much traffic, overloading of all community facilities - hospitals, fire departments,police departments and schools.
Keep in mind this is not the only development to be built. Ormond Beach is going to be overwhelmed as soon as all these developments get built and especially what Daytona Beach is doing. Avalon development of 10,000 units!

#2. No evacuation route except through the existing neighbor also using the same exits for evacuation. There must be a way to reject an R-2 zoning on the basis of the lack of a proprietary entrance/exit.

#3. The land is toxic and needs remediation to be safe- this developer moved land in the demolition without any thought to the remediation. Below is the recommended remediation process for the soil on the golf course recommended by the Environmental Report. Who will over see that the remediation is done properly?

2. Soil Management Plan (SMP):
    a. Additional soil assessment within the former course greens is proposed to further define organochlorine pesticide (OCP) impacts. The submittal proposes stockpiling the upper two feet of unsaturated soil from each green into 1,000 cubic yard (cy) stockpiles. Each stockpile will be sampled for total and synthetic precipitation leaching procedure (SPLP) dieldrin and toxaphene analyses, and for total arsenic analyses at a frequency of 5 soil samples per 1,000 cy.
        i. Soil with dieldrin and/or toxaphene residential SCTL exceedances will be disposed of at a licensed landfill facility.
        ii. Soil with concentrations of dieldrin and/or toxaphene above the leachability SCTL but below the residential SCTL will be mixed with clean onsite soil and resampled. Once reuse sample results meet the leachability SCTL the soil will be managed based on corresponding arsenic concentrations.
        iii. Soil with concentrations of dieldrin or toxaphene below residential and leachability SCTLs will be placed within appropriate future land uses based on corresponding arsenic concentrations.

Now is the time to start questioning the legality of changing the 99 year inpurpetuty clause, sold to homeowners for years. Once a PRD always a PRD?
You changed the zoning of heavy industrial zoning. Can you challenge changing the zoning of the Tomoka Oaks Golf Course to Open Space /Recreational?

I am a homeowner and I am responding to the Developers Arguments for an R-2 Zoning code change.

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

1). The proposed development may conform on paper to the LDC but NOT in the Spirit of the Code. It will have negative impacts on the public health, safety, welfare and quality of life for all the neighborhoods that will be affected- Tomoka Oaks, Escondido Condominiums, The Trails and Talaqua.
The proposed zoning change overwhelms the adjacent properties by taking away the major Open Space/ Recreational golf course that those properties have enjoyed for 60 years. The proposed rezoning creates overcrowding on narrow roads and entrance/exits not designed for this amount of traffic.

B. The proposed development is consistent with the comprehensive plan.

1). The Low Density Residential (LDR) Future Land Use Classification, " To protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods". Tomoka Oaks is a desired stable neighborhood and its character will be disastrously affected by the loss of the open space of the golf course and the overcrowding of its roads and one entrance/exit. The property is NOT targeted for residential development under the Comprehensive Plan. The project will overcrowd an area that is seeing too much expansion of residential growth, over running the existing services.
2). Don't forget the existing goals of the City's Comprehensive Plan is to provide open space and recreation which voters continue to cite as a number one priority.

POLICY 1.1.6. Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multifamily) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach. Response: The proposed development is an infill project designed to create additional housing opportunities for residents in an area where urban services are readily available. The conceptual development would promote compatibility with surrounding home sites on the exterior of the property and allow for additional housing opportunities.

1). POLICY 1.1.6 was not intended to remove open space/ recreational areas from existing neighborhoods. In this case the development and zone change will cause undue traffic on narrow roads with no sidewalks the roads of an enclosed neighborhood.

POLICY 1.1.7. Continuously review and modify development and building regulations to provide for sound residential communities and quality housing.

1.) The zoning for the Tomoka Oaks Golf Course should have always been Open Space/ Recreational since homes were sold under the premise of "Golf Course Views".
2). The issue of this development is it is being shoehorned into the center of an existing neighborhood that has enjoyed the Open Space/ Recreational Amenity of trees and non-urbanization for 60 years. The values and aesthetics of the existing neighborhood rests on the open space of the golf course and will be forever diminished by a zone change to R-2.

POLICY 1.1.14. Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit oriented development and walkable residential areas.

Response: 1. The enhanced livability of the Tomoka Oaks neighborhood is equated with the Open Space view of the historic and native trees and abundant wildlife that inhabit the golf course land.
2. The golf course was designed to be the central feature of the Tomoka Oaks neighborhood, 178 homes enjoy these views.
3. I would argue that the "older section" clause in this policy would refer to areas closer to the municipal section of Ormond Beach not the Nova Rd area of Tomoka Oaks and The Trails, which are not urban infill or walkable to the Library for example.

POLICY 2.2.1. The City shall limit urban sprawl by directing urban growth to those areas where public facilities and services are available.

1). It is important the city prioritizes what is in the best interest determining what constitutes urban sprawl and what constitutes overcrowding and urbanization. The answer is NOT to ruin healthy communities.

POLICY 2.2.5. In order to protect natural resources, new development and redevelopment shall be encouraged to infill existing developed areas.

1). Open Space / Recreational land should not be considered infill. Open Space is vital to a healthy community.

POLICY 2.4.10. Direct development towards existing residential communities and planned growth areas already served by infrastructure, to utilize resources that existing neighborhoods offer, thereby conserving open space and natural resources on the urban fringe.

1. When policy 2.4.10 talks about "infrastructure already existing" this presumes current, infrastructureis sufficient for a large development. It is not.

a) The development proposes to use the very access roads of the existing neighborhood NOT designed of 317 more home access.
b) The scant infrastructure on the golf course after all is 147 acres of Open Space; there are no roads, no sidewalks, no sewers, no lighting, no drain pipes, no retention ponds, no water pumps.
c) Instead of complementing the existing neighborhood it will produce urbanization and overcrowding.

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

1) Every hard surface is an affront to the environment, especially here in Florida. As stated "the Tomoka River is already an impaired water body". No matter what dry pond system utilized by 317 homes it will NOT be beneficial to the environment. In fact, the soil management has been ignored when the buildings were removed before the Florida Department of Environmental Protection made its recommendations for remediation. Already toxic soil has been strewn over the land and in the air.
2) The golf course is the high ground in Tomoka Oaks, known to be well draining open space. The existing neighborhood sits below it. Controlling drainage, run-off and toxins is guess work. Perhaps the best remediation for the land is to let it rest for 99 years like the former dump now Nova Creational Center. Who would want their child playing in the dirt where known carcinogens have been used? The remediation process will require just two soil samples for every lot (10,000 sq ft).

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

1) There is nothing more valuable than Open Space or water views in real estate. We bought our property and paid a premium because of the view of the Open Space of the golf course and the beautiful trees.
2)So, YES our property values will be substantially depreciated for the years of construction and then permanently.
3) The whole project will be a nuisance, creating excessive noise, odor and visual impacts to the surrounding neighborhoods.
4) Tomoka Oaks is already complete and the Open Space/ Recreational land provided by the golf course completes the community and there is no need to crowd the community.

E. There are adequate public facilities to serve the development, including, but not limited to, roads, sidewalks,

bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools and playgrounds.

1) There are not adequate facilities now in Ormond Beach.

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

1)Testimony by citizens of Tomoka Oaks, The Trails, Escondido Condominiums, speaks to the reality of the traffic safety in the neighborhood now and adding an estimated 2,700 more trips through the neighborhood from this development will overrun the roads and cause a public hazard and quality of life loss.
2) have you ever gotten a Traffic Report paid for by a Developer that claimed the Developers Project would NOT be allowable?
3) The roads of the existing neighborhood were not designed for 317 more homes. The entrances/exits are too narrow, all the roads will have to be widened essentially turning a quiet neighborhood into a throughway. Does a Developer's project deserve that Taxpayer support?

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

This development overcrowds existing neighborhoods, by putting undue traffic on the neighborhood roads that have no sidewalks and are not designed for more traffic and inadequate entrance and exit and evacuation routes because the entire proposal is inside another subdivision.

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

This statement is unknowable.

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

This is a Zone Change request. No plans related to materials or architectural features have been submitted.

G-I. The rezoning will require compliance with all City requirements for site design and layout under the R-2 zoning designation.

Rezoning of land that has been used as Open Space/Recreational zone for 60 years should be Grandfathered into Open Space/ Recreational especially considering it is surrounded contiguously by existing homes and has only one entrance through the Tomoka Oaks Subdivision.

Please reject this Zoning change and in fact change the zoning to Open Space/Recreational- the developers bought a golf course, if they don't want it, they should sell it.

Thank you
Denise Corley

From: Leah Washington
To: Spraker, Steven
Subject: For Planning Board
Date: Tuesday, December 26, 2023 5:25:56 PM

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Good evening,

I'm shocked and appalled by the actions of the Tomoka Reserve developers. The tantrum they are throwing over not getting their way leads those in our quiet neighborhood of Tomoka Oaks to conclude that they will not be neighborly, and that should be echoed with the planning board as well. We were already concerned about the entrance to our neighborhood as well as the impact to traffic, public works, roadways, utilities, schools, medical services, and more. Now they are intent on making a larger impact on our community out of spite and using threats to get their way. The planning board should make a stand that tantrums don't prove fruitful in this community. They may be used to pushing people around in bigger cities, but pulling these antics here should not be tolerated.

They've said a ton of things so far that we can all see right through. Traffic already backs up past the Escondido entrance even without Tomoka Reserve. The light that is going in at Nova and Tomoka Oaks Blvd is going to prevent construction vehicles from entering there which proves their statements of less than 10% of traffic through the Trails as completely false. Construction equipment utilizing Misner Branch bridge should require a study because a portion of that bridge is already having significant issues with normal use. This could potentially mean that all construction equipment would use the Main Trail and Nova intersection to enter, then over to Iroquois or Rio Pinar to S St Andrews. Their impact to the Trails neighborhood has been vastly misrepresented. This then opens the conversation of what else they have misrepresented in their presentations thus far because we can all see they are gaslighting.

I'm trying to remain hopeful that the planning board will protect our community. Over the last couple of years we have come to know this as home and now that my husband retired from the service, he wants to call it home too. However, our children's safety and wellbeing are our primary concern. If Tomoka Reserve moves forward we know Tomoka Oaks will no longer be the neighborhood we fell in love with and bought into. We already struggle with massive speeding on St Andrews, but the influx of traffic, inaccessibility to the neighborhood, impact on our already struggling ability to access medical services, not to mention how unbelievably difficult the construction will make habitability of our home with my husbands PTSD (literally why we chose an established neighborhood)....I can't stand the thought of leaving our forever home, but it's a reality we are faced with. Please save our neighborhood from Tomoka Reserve.

Thank you,

Leah Washington

From: Darla widnall
To: Spraker, Steven
Subject: Re: Letter to the Observer - please put in Planning Board Packets
Date: Tuesday, January 2, 2024 10:27:22 AM

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Letter to The Observer:

It is interesting to try to follow the reasoning of the developers who bought the Tomoka Oaks golf course property of 147 acres almost three years ago.

Now, instead of 272 homes which the Planning Board and the Commissioners thought were too many, they would like to build 317 homes.

What will the Planning Board say when they receive this latest request from the developers to "increase" the number of homes?

Did something change? Will the one and only 450-foot road leading in and out of Tomoka Oaks "and" the proposed development change to be a wider and longer road? Will the imposition of added traffic and devaluation of the homes in the Tomoka Oaks development and all the affected surrounding developments change?

Will the two-lane roads in Tomoka Oaks and The Trails suddenly become four lanes and sidewalks appear where there are none? Will the homeowners change their minds about missing the beauty of the open space and the golf course that was promised to them in a written, spoken and/or implied agreement?

Will the threatened and protected gopher tortoises relocate to a safer place along with their burrow guests of up to 350 different species who hunker down with them in their burrows? By the way, this is one of the reasons the tortoises are protected, because they provide a home to these grateful guests.

Will this 147 acres on one of the highest elevations in East Volusia with impervious newly constructed houses and streets and sidewalks suddenly soak up water during a storm when the retention ponds fail? Will the Trails welcome the added traffic in their development that was not designed for that volume of traffic? Will the Escondido Condo residents find a way to get out of their one and only driveway?

Will the developers suddenly propose an emergency evacuation plan that will show that we can all get out in a safe and timely manner? It has been almost three years and our concern for the safety of walkers and bicyclists in addition to this missing evacuation plan does not even seem to be on their radar.

It will be interesting to see what has changed.

- Darla Widnall, 7 Shawnee Trail, Ormond Beach

On Tue, Jan 2, 2024 at 7:16 AM Spraker, Steven <Steven.Spraker@ormondbeach.org> wrote:

> Good morning,
>
> Thank you for the e-mail. I cannot open the attachment. Can you please provide in a pdf or

word document? Thank you

Steven

Steven Spraker, AICP

Planning Director

Planning Department

22 South Beach Street, Room 104

Ormond Beach, FL 32174

Direct Line: 386.676.3341

Department: 386.676.3238

Cell: 386.366.1590

Fax: 386.676.3361

E-mail: Steven.Spraker@ormondbeach.org

From: Darla widnall <darlawidnall@gmail.com>
Sent: Saturday, December 30, 2023 3:41 PM
To: Spraker, Steven <Steven.Spraker@ormondbeach.org>
Subject: Letter to the Observer - please put in Planning Board Packets

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opening attachments or clicking links, especially from unknown senders.

Hi Steven,

Please put my letter to The Observer in everyone's packet. Thank you so much.

- Darla Widnall

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TMH CONSULTING, INC.
Community Planning Services

Tom@TMHConsultingInc.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: Ormond Beach Planning Board
CC: S. Spraker, AICP, Planning Director
FROM: Thomas Harowski, AICP, President
SUBJECT: Tomoka Reserve Zoning Application
DATE: December 29, 2023

The developers of the proposed Tomoka Reserve development have abandoned their application for a planned residential development and are seeking standard zoning for the tract requesting R-2 Single Family zoning be applied. The existing Tomoka Oaks Subdivision is zoned R-2, but it is not automatic that rezoning the subject parcel to R-2 is mandatory or even the most appropriate action by the city. This report is being offered to explore other options for consideration. Let's begin with a few statements of fact.

- The subject property is designated as low density residential by the City's comprehensive plan.
- Low density residential allows development up to 4.3 units per acre, but there is no guarantee or firm entitlement that every low-density residential parcel can be developed to the maximum level allowed by the land use classification.
- The current zoning of the subject property is Planned Residential Development (PRD), but there is no active development agreement supporting the zoning designation.
- The eventual zoning assigned to the subject property needs to be consistent with the future land use designation and compatible with the surrounding community.
- The original design of the Tomoka Oaks neighborhood included a residential subdivision and an 18-hole golf course and country club that was integral to the local community and functioned, in part, as community open space.
- For most of its existence the Tomoka Oaks Golf and Country Club included swimming and tennis as well as community space and a restaurant in the clubhouse. Club members and the general public could use the restaurant and many Tomoka Oaks residents enrolled children in the summer camp programs. Neighborhood association meetings were held at the clubhouse, so the facility

was integrated into the neighborhood as a social center as well as being community open space.

- The actual development density of the Tomoka Oaks subdivision is about 1.27 units per acre when the subject property is properly recognized as neighborhood open space per the original subdivision design.

- Regardless of a traffic study finding that the proposed development would meet level of service standards, the Tomoka Oaks neighborhood will still be impacted by a significant level of traffic which will reduce traffic safety and increase hazards for pedestrians and cyclists.

Analysis

The Community Planning Act (F.S. 163.3164 (9)) defines compatibility as:

> "… a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or."

The City of Ormond Beach comprehensive plan supports the state definition with Future Land Use Element Policy 1.1.3 which in part reads "Preserve the character of existing neighborhoods by not allowing the intrusion of land uses that would threaten to alter the neighborhood character…." The fact that a land use type may be the same, say single-family adjacent to single-family, does not mean that the new land use cannot be intrusive if it alters the neighborhood character.

As discussed extensively during the hearings on the applicant's request for PRD approval, the planned construction of new housing on the subject property is a clear intrusion into the Tomoka Oaks neighborhood. The only place where the proposed development does not abut existing houses is literally where the driveway into the former clubhouse is located. This is the "hole in the donut" concept that was extensively discussed and accepted by both the Planning Board and the City Commission as a clear element of impact by the proposed development on the existing neighborhood. Ample evidence of this finding is available in the minutes of the September 26, 2023, meeting. Because of the intrusive nature of the proposed development on the existing neighborhood the requirement for a compatible development demands that impacts from the new development follow a density and lot size compatible with the existing neighborhood and that the project compensate Tomoka Oaks for the loss of community open space.

A zoning designation assigned to a property must be consistent with the comprehensive plan as well as being compatible with the area surrounding the proposed development. Section 2-02 of the City's land development code includes Table 2-2 Future Land Use Map Designations and Compatible Zoning Districts. For low density residential land uses, the table lists the following classifications:

R-1 Residential Estates
R-2 Single Family Low Density
R-2.5 Single-Family Low-Medum Density
R-3 Single Family Medium Density
Planned Residential Development

The following table provides some basic information about each of the classifications that are consistent with the low-density land use and may be compatible with existing developments.

Zoning District	Units/ Acre	Lot Size	Lot Width	Lot Depth	Lot Coverage
R-1	2.17	20,000	100	150	75%
R-2	4.30	10,000	100	NA	75%
R-2.5	4.98	8,750	90	NA	75%
R-3	5.05	8,625	75	NA	75%
PRD	Negotiated				

The current zoning of the property is planned residential development (PRD) which needs to be completed with a development agreement specifying the provisions governing the use and development of the property. While the applicants sought a PRD agreement that was not recommended by the Planning Board, the City Commission did not deny the application, but referred the proposal to the Planning Board for additional refinement. The City Commission has no obligation to abandon the PRD zoning until it is fully demonstrated that no development agreement under the PRD can be approved. Since the proposed project never proceeded to a final vote, there is no affirmative evidence that the submitted proposal or a modified proposal cannot receive approval.

Given the clear disparity between the developed character of Tomoka Oaks and the minimum dimensional standards of the R-2 zoning district, it is clear that the PRD zoning offers the best opportunity to maximize compatibility between the proposed project and the existing neighborhood development. It is clear from the Planning Board public hearings that there is a plan that they would consider acceptable. Note the comments of Mr. Galloway on page 18 of the September 26, 2023, meeting minutes; the comments of Mr. Thomas on page 20; the comments of Mr. Galloway and Mr. Thomas on page 22; and Mr. Galloway again on page 24. These comments suggest a project size of 220 to 250 units would receive serious consideration, and that a range of lot sizes would be acceptable so long as the perimeter lots were predominantly the same size as the R-2 lot minimums.

While rezoning to R-2 would seem to be an easy choice for the subject parcel and would be consistent with the low-density land use, development of the project at minimum R-2 standards is inconsistent and incompatible with the existing Tomoka Oaks neighborhood. The developed density of the neighborhood is 1.27 units per acre; about 25% of the allowable maximum density and about 50% of the proposed project density. Given the direct impact of the proposed development on a significant number of units in

Tomoka Oaks and indirect impacts on the entire neighborhood resulting from increased traffic and lessened safety for pedestrians and cyclists, R-2 is not the best zoning choice.

If density comparison between the current neighborhood and the proposed development is to be the key criterion for compatibility, the table above suggests that R-1 zoning is in fact the most appropriate standard zoning. This choice recognizes that Tomoka Oaks is developed well above the minimum R-2 standards, and that a project that approaches the minimum requirements for R-2 zoning is in fact not compatible with the current neighborhood.

Findings

It is indisputable that PRD zoning offers the best opportunity to maximize compatibility with the current neighborhood while remaining consistent with the comprehensive plan and future land use. The City Commission did not reject the PRD proposal. They expressed concerns about the plan and referred the request to the Planning Board to work on refinements. The applicants elected to abandon the process without the project ever coming to a final vote. It is clear from the Planning Board hearings that there is a path to an acceptable plan under PRD zoning that can be supported for City Commission review. The current zoning is PRD and there is no reason to approve any zoning other than PRD at this point in time.

If standard zoning is to be applied, R-1 density is more consistent with the developed nature of Tomoka Oaks. The resultant project under R-1 would yield a project density closer to the developed character of the neighborhood and it would lessen external impacts from traffic and from reduced public safety.

Commentary on the Application

As part of the application for rezoning, the applicants provided a project narrative that responds to questions posed in the application form and they cite compliance with several comprehensive plan policies. Some of their conclusions and statements in the narrative are debatable. The following comments offer a contrasting perspective given the positions laid out in the preceding analysis.

> *The proposed development conforms to the standards and requirements of this Land Development Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. (From City Application)*

- The applicants align crowding with the maximum density allowed by the future land use classification. The proposed project does fall within the allowable range set by the comprehensive plan, but the proposed project as presented would be about twice as dense as the existing neighborhood. The statement that the proposed development is a reuse of a failed golf course has no impact on the criteria identified in part of the application.

- Keep in mind that the nature of the former golf course property has much more coterminous property with the existing neighborhood than would a more typical new subdivision adjacent to an existing neighborhood.

The proposed development is consistent with the comprehensive plan. (From City application.)

- The requested R-2 zoning is consistent with the comprehensive plan, but it is not the only zoning category that meets the consistency test. The findings of this analysis are that PRD is the best option followed by R-1 Single-family and then R-2 Single Family.

- The applicant's response cites Policy 1.1.6, but the response really misses a key point of the policy. The policy is intended to promote a variety of housing types with duplex, townhouse, and multi-family specifically cited as varied housing types. The proposed development with R-2 single-family does not really respond to this point.

- The applicant's response cites Policy 1.1.7 regarding sound residential communities and quality housing, but the standard zoning option provides no assurance that "the development is comprised of residential homes of a quality and character that will promote a long-lasting, aesthetically pleasing residential neighborhood…" as they claim. Outside of the PRD format there is no vehicle to provide for an affirmative commitment to design and other community enhancements.

- The applicant's narrative repeatedly claims the project as an infill development. This is true in the sense that the project is located within the more developed core area of the city rather than at the outer periphery. However, it has been well established during the many public hearing on this project during the PRD review, that Tomoka Oaks and the former golf course is a unique condition in that the proposed development in entirely consumed within the existing neighborhood and is deserving of a more fine-grained treatment of the border between the two projects to provide at least a minimal level of compatibility.

January 2, 2024

Dear Planning Board Members,

Did you know:

- Tomoka Reserves' zoning map amendment to rezone the Sam Snead Golf and Country Club plat from a PRD to R-2 is in direct conflict with the city's Comprehensive Plan?

- R-2 zoning of this plat violates the major goal of the city's Future Land Use Element?

- And R-2 zoning of the 147 acres is not consistent with Low Density Residential development policies?

Here's why:

In 2006, the Sam Snead Golf and Country Club acreage was zoned PRD to specifically protect Tomoka Oaks residents from R-2 development of the golf course land.

Minutes of the Planning Board meeting from August 10, 2006 (attached) detail just why **PRD 06-32** for the Tomoka Golf Village Planned Residential Development Rezoning received unanimous approval of the city commission, city attorney, applicant attorney, planning board members and city staff. *Meeting highlights demonstrate:*

- The PRD development order would:
    - Locate 119 units in the center of the development thus preventing negative impacts on Tomoka Oaks residents.
    - Reconstruct a portion of the 18-hole golf course and blanket the remaining 18-holes with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

- The project was touted by the 2006 applicant's attorney Rob Merrell as the "poster child" for Smart Growth principles; i.e., clustering condo and townhome units to preserve open space and recreation areas.

- Mr. Merrell stated that by approving the rezoning to PRD, the resulting development order would restrict the open space and golf course area in perpetuity.

- And City Attorney Randy Hayes felt there were enough layers of protection that future development should not be a serious concern. Development Orders ran with the land and protected the project should it be sold or go bankrupt due to market conditions or mismanagement.

The subsequent Development Order dated 10/31/2006 and recorded in Volusia County Book 5944 Page 2183 states:

- The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use.
- The development order was binding upon future owners and ran with the real property.

Although the development order expired on 10/17/2014, the city implicitly recognized the land's perpetuity use to remain a golf course or open recreational area. As stated in item F, page 7 of the development order, if the permit was voided, a new PRD development order shall be considered by the City. There was no automatic rezoning to R-2.

I understand that on 1/11/24 the Planning Board is to review the "appropriateness" of the zoning designation consistent with the "Low Density Residential" land use category. I request the Planning Board recommend denial, and cite the Comprehensive Plan's Future Land Use code as justification.

> https://www.ormondbeach.org/DocumentCenter/View/456/Future-Land-Use---122023-w-map?bidId=
>
> *The major goal of the Future Land Use Element is to achieve the highest quality of life for all the residents of the City, its visitors and businesses by managing growth in a manner that is consistent with sound social, economic, fiscal, and environmental principles. The element reflects existing urban service capacities and constraints, and it also establishes locations where future service improvements will follow.* (page 5)
>
> *The purpose of Low Density Residential is to protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods.* (page 7)

The Sam Snead Golf and Country Club plat is not typical of single-family residential areas. R-2 zoning will violate:

- Policy 1.1.2: Requires the zoning to continue to promote sound planning for the location and design of new residential development in relation to the existing Tomoka Oaks neighborhood. The R-2 application for approximately 317 homes is in direct conflict with the City Commission's request for sound planning demonstrated when the commission remanded the (now withdrawn) PRD for 272 homes back to the Planning Board to decrease the density. Increasing density via R-2 does not represent sound planning.

- Policy 1.1.3 which requires the preservation of the character of the existing Tomoka Oaks neighborhood by not allowing intrusion of land uses that would threaten to alter the

neighborhood character. The R-2 zoning creates a landlocked neighborhood within the center of Tomoka Oaks thus permanently altering Tomoka Oak's character.

Please recommend that the PRD zoning remain in place for the reasons outlined in the approved 2006 PRD: 119 maximum units located in the core with perpetual, protected retention of the 18-hole golf course green space.

Carolyn Davis
Tomoka Oaks

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

August 10, 2006 7:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present

Dr. Beverly Grissom
Al Jorczak
Lynn McCoy
Doug Thomas
Rita Press

Staff Present

Brenda Bates, Recording Technician
Betty Ruger, Minutes Technician
Clay Ervin, AICP, Planning Director
Randy Hayes, City Attorney

Members Excused

Brian Daly

II. INVOCATION

Mrs. Press led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7). A

V. APPROVAL OF MINUTES

The minutes of the June 8, 2006 meeting of the Planning Board were approved as presented.

VI. PLANNING DIRECTOR'S REPORT

Mr. Ervin stated that:

- The list of upcoming meetings provided to the Board included the information regarding the August 17th workshop in DeLand that dealt with the Volusia County's 10-Year Work Program. He said that traffic congestion was a critical issue and one that the board members would have to deal with in their review of development and redevelopment projects. He said the County's Work Program was one element of many that would hopefully be used to improve the local roadway systems. He noted that that meeting was a time-certain item (2:00 pm) on the County Council's agenda.
- Department of Transportation Secretary Denver Stutler would speak at the VCARD (Volusia County Association for Responsible Development) luncheon; he would discuss statewide traffic issues, present and future.

VII. PUBLIC HEARINGS

Chairwoman Press explained to the public that the Planning Board was advisory, and that their decisions, unlike those of the City Commission were not binding. She said that the purpose of board hearing was to hear from the applicant, the City staff and the residents and that the official record of that meeting would then be presented to the City Commission, who would vote on the proposal in two public hearings.

Chairwoman Press explained the meeting process to the public and asked that any speakers identify themselves and limit their comments to five minutes.

A. PRD 06-32: Tomoka Golf Village Planned Residential Development Rezoning

Mr. Ervin said that the application was to rezone 147 acres (the existing Tomoka Oaks Golf Course), which was surrounded by the existing Tomoka Oaks subdivision. He advised that the Land Use designation was Low-density Residential, which allowed a density of up to 4.3 units per acre (4.3 u/ac) and had a current zoning of R-2 (Single-family Low Density), which required lots with a minimum of 10,000 square feet and minimum dimensions of 100' x 100'. He said that the zoning was consistent with the existing homes in Tomoka Oaks and in neighboring developments such as The Trails.

Mr. Ervin recalled that in 2005, the property owners (RTH, Inc., represented by Dr. and Scott Ryals) met with staff and identified their desire to redevelop the golf course so that they could 1) maintain the golf course and 2) generate additional revenue. He said that staff had been surprised to note that the land use and zoning were something other than Open Space/Recreation, typical for such properties, and that the owners had the right to develop the property.

Mr. Ervin acknowledged some confusion expressed by residents of the area and explained that based on the land area, the owners could theoretically develop up to 632 single-family homes; however, because of the size and shape of the property, and the incorporation of roads, stormwater and open area, the number of homes that could be accommodated would realistically be reduced to about 300.

Mr. Ervin said that the applicants had been advised of the concerns of adjoining property owners, noting that the subdivision was one of Ormond's nicer communities and one of the few areas in which homes backed onto a golf course. He said they had relied upon the golf course and bought their properties

believing that the golf course would always be there. He said that because the owners had development rights established by the existing land use and zoning, Staff had identified the concepts of clustering the homes and orienting the units to have the least amount of visual impact.

Mr. Ervin said that staff was also concerned with the possibility of leaving room for future development of the remaining portion of the golf course by clustering the homes; therefore, while the staff recommended approval of the proposal, staff also recommended that the development order blanket the remaining golf course property with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

Mr. Ervin informed the board that the project had been in review with the City for about a year and that the staff focused on ensuring that the development not create negative impacts for the existing neighborhood. He said that they determined that by shifting the existing driving range towards the northwest and concentrating the condominiums around a relocated and revamped clubhouse, the new construction would not be close to the existing homes along the 18th, 9th and 10th holes. He said the project also proposed to locate 35 townhomes towards the northeast portion of the site with access by an entrance road off of Tomoka Oaks Boulevard and to locate two condominium buildings near the updated tennis center.

Mr. Ervin reported that staff had spoken with many residents of the area and noted that for the record, the Board had been provided with a copy of an e-mail from Ms. Linda Lewis, who had expressed concern with the buffering of the three estate lots proposed for the northwest area of the golf course. He said that Ms. Lewis had enjoyed an open space behind her home and was afraid that the location of the easement for a sanitary sewer line would result in the removal of the existing trees. He reported that the City's engineers and applicant had confirmed that they would consider utilizing a directional dig; therefore, there would be no open-earth excavation of the land and the existing trees could be preserved and protected. He said that the applicant would be required to follow through with that requirement.

Mr. Ervin said that the existing residents were concerned with the number of trees that could be impacted by the project; he stated that the applicant met or exceeded the City's tree mitigation standards because of the additional plantings around the buildings that would be utilized as visual buffers. He said that the plans included the tree mitigation calculations that showed number of trees to be removed and the number of trees to be replanted.

Mr. Ervin pointed out that the City required all multi-family buildings to maintain a minimum of 200' from any single-family home and said that the cart paths had been designed for emergency access; they provided an alternative access route to the properties if the spine roads were damaged or otherwise inaccessible. He said that the design also called for decorative pavement leading into the main drive, the townhomes, tennis center, and updated/relocated clubhouse.

Mr. Ervin displayed the plan layout and typical elevations and noted that staff had also required the architecture to be consistent with the existing development in Tomoka Oaks. He showed renderings of the 3-story golf villas and pointed out that there would be underground parking facilities to minimize the amount of impervious surface. He noted that sub-surface parking was possible because the site was very well-drained, with a low water table.

Mr. Ervin acknowledged that Board Member Jorczak and Mr. Larry Stout of the Airport Advisory Board had questioned whether the additional density and intensity proposed might violate the City's Airport Overlay Zone. He explained that Airport Overlay District comprised areas for which there were concerns

regarding noise impacts that would result from the airport. He recalled the overlay issues presented to the Planning Board in the past and said that they had not been able to use the 60 DNL (day and night noise level contour), shown as a star-shaped zone, because it did not meet certain statutory and federal requirements. He said the City instead utilized the "iron cross" contour (a legally defensible method of establishing the noise levels) and stated that the project was located outside both the 60 DNL line and the City's adopted "iron cross" contours.

Mr. Ervin said that per Mr. Jorczak's request, staff looked at source of the noise complaints. He said that such complaints had been documented when the City was embattled with the decision as to whether or not to expand Runway 17-35; he pointed out on the map that the complaints had been identified as closer to the airport than the project location. He said that Mr. Jorczak and Mr. Stout had also questioned if there was a way to ensure that future purchasers of property in the area were aware that they were buying near the municipal airport, i.e. a kind of due diligence warning.

Mr. Ervin said that the staff report included technical analysis to show how the project complied with the city's concurrency requirements (water, sewer, stormwater and roads), identified zoning and land use issues, and summarized why the City staff recommended approval of the project. He reiterated that a number of Tomoka Oaks residents were unhappy with the project because they felt the golf course had not been properly maintained and worried that the project would just increase the problems they faced.

Mr. Ervin explained that Staff had to look at the proposal from a technical perspective in regard to land use and zoning and said that the proposed plan was considerably less intense than what could be developed there. He reiterated that Staff had made the applicant aware of the concerns, made sure that the development was compatible with the neighborhood, had no negative impacts on the existing residents and preserved the golf course. He agreed that it would be wonderful to retain the property as open space, but reminded everyone present that they had to respect the property rights of the property owner, who already had development rights on the property, given the land use and zoning. He emphasized that the proposal de-intensified the project, concentrated the development and ensured that the impacts would be minimal.

Mr. Jorczak asked if there was a mechanism that the City could employ to notify potential purchasers of the proximity to the airport.

Mr. Ervin replied that there was nothing in the City codes to mandate such notification. He said that the Board could identify that as a concern and as a condition for their approval. He said that the applicant could decide to accept the condition; if they chose not to accept it, the City would then have to decide whether to impose the condition as a part of the rezoning request.

Mr. Thomas questioned why there were fewer noise complaints in 2006, than in 2005.

Mr. Robert Hernandez, Ormond Airport Manager, said that voluntary airport procedures and traffic patterns established prior to his tenure tried to limit the air traffic to the north and west sides of the airport as much as possible. He said most of the current complaints were being generated from the area east of the airport, where much of the training was conducted, and that there were a number of homes on that departure corridor. He explained that air traffic expanded and contracted in all directions and that although he would not say that there would be no aircraft over the proposed community, he felt the Tomoka Oaks residents were getting the benefit of the established voluntary procedures for noise control.

Chairwoman Press clarified with Mr. Ervin that the applicants had the right under the current zoning to remove the golf course and develop the entire area with houses, but that the proposed PRD (Planned Residential Development) would limit the residential development to 122 units and would require a conservation easement over the remaining portion of the golf course to prevent future development of that land. She asked if the development order, as proposed, would preclude the applicants from building any more than the 122 approved residential units on that property.

Mr. Ervin concurred.

Chairwoman Press stated for the record that she had requested an on-site review of the proposal and had toured the property with the owners. She said that she had learned that many of the roads would not be paved and asked who would be responsible for maintaining those roads.

Mr. Ervin responded that the maintenance of the roads would be the responsibility of the developer at first, but that the homeowners' association that would be created would ultimately be responsible for the maintenance of all grounds on the project.

Chairwoman Press asked if the roads met City standards.

Mr. Ervin said that the City required roads to be constructed with a 6" sub-base, 6" base and 1.25" of asphalt; he said that roads were generally designed for a 15 to 25-year life. He assured the Chairwoman that those standards applied to the subject roads. He pointed out that the emergency access/cart path type of roads might not be topped with asphalt, but would be stabilized and had to meet minimum standards established by the Code for emergency access areas. He said it was a common practice and had been utilized in other projects, such as Broadwater, Breakaway Trails, Aberdeen, etc. He noted that breakaway fences were utilized in emergency access areas.

Chairwoman Press asked if the order of the project phases could change.

Mr. Ervin responded that the development order would identify the project phases and that the applicants would have to adhere to the phases, as stated. He acknowledged that the residents of Tomoka Oaks were concerned that the applicants would build the residential units without completing the other improvements and said that was the reason for the phasing. He reported that Phase 1 would involve the relocation and construction of a new tennis facility, Phase 1B would include demolition of the existing parking lot and clubhouse, Phase 1C would be the completion of the townhomes, golf and tennis areas, and the clubhouse would be completed in Phase 2B. He noted that the amenities would correlate with the new homes being developed. He also acknowledged that the applicants were being required to upgrade the appearance of the golf course.

Mr. Thomas disclosed that he also toured the facilities and met with the applicant.

Mr. Robert A. Merrell, 150 Magnolia Avenue, Daytona Beach, representing the applicant, stated that he was also a resident of Ormond Beach. He thanked City staff for their very thorough report, particularly with regard to comprehensive plan consistency and code compliance. He stated that the project had evolved into a better product during the year-long process of working with City staff.

Mr. Merrell said that the project was the "poster child" for Smart Growth principles. He explained that the concept of smart growth was predicated upon the belief that the population would continue to grow and that people would continue to move into the area. He said that smart growth addressed the issues of

where people would live and work, the redevelopment of urban areas, clustering development in areas where services were already available (fire stations, police stations, utilities) and clustering to preserve open space and recreation areas.

Mr. Merrell presented slides of the property, some with the proposal super-imposed over the existing development. He pointed out that the development would include demolition and rebuild of the clubhouse and pool area and the tennis center. He explained that the new three-level clubhouse facility would house partial underground golf cart storage; dining areas, kitchen and banquet facilities, a lounge area, pro shop, locker rooms, and surrounding covered porch on the middle level; offices, executive offices, and a sky lounge on the upper level. He added that there would be a tiki bar overlooking the new pool area.

Mr. Merrell pointed out the proposed condominiums and maintenance facility to be located near the tennis center and said that the redevelopment of the golf course would include bridges and new lakes that would store reuse water from the City's effluent plant. He mentioned that there would be fountains and that comfort stations would be constructed for the golfers and would include under-cover golf cart parking and vending machines.

Mr. Merrell explained that 30 two-story townhomes would be constructed at the northeast corner of the property, access to be by way of the road from the main entrance by the clubhouse. He showed the floor plans of both the townhomes, as well as the three-story condominiums with substantial balconies. He added that the three single-family estate lots would be located near Holes 11 and 16.

Mr. Merrell repeated Mr. Ervin's statement that the proposed project was consistent with the comprehensive plan and met all the criteria in the Land Development Code (LDC) for the PRD rezoning. He stated that the existing R-3 residential zoning (Staff note: actual zoning is R-2) and the future land use classification allowed development at up to 4.3 units per acre over the entire 147 acres. He agreed that it was unusual for a golf course to have a residential zoning, saying that they were typically zoned for Recreation/Open Space, with the surrounding homes zoned for residential. He speculated that the original developer wanted to have an exit strategy in case the project did not succeed.

Mr. Merrell thought that the proposal would make the community proud, given the cluster of the residential units and the dramatic improvement of the amenities. He said that the golf course had suffered in the last couple of years because of the 2004 hurricanes, September 11th and the construction of Nova Road. He said that the purpose of the proposal was to reverse that trend. He said many times there were issues that were not raised until the first public hearing; he hoped the residents would be receptive to the plans.

Mr. Thomas stated that he wanted to discuss the traffic study, since the residents of Tomoka Oaks were very concerned about the traffic.

Mr. Merrell agreed that traffic issues were a concern with any new development and restated that they would be adding 122 residential units, even though the property was entitled to far more homes. He said that a traffic analysis completed for the project had considered the anticipated increase in trips, all of the intersections that could be affected and all of the road segments that could be affected. He said that the model used was one that was accepted by the City and the County; that study had indicated that there were no level of service problems. He recognized that there were traffic issues with some projects in the city at present, but that the widening of, and intersection improvements along, Nova Road had helped the

traffic situation in the area of the subject. He reiterated that the project would not cause a level of service problem on any of the intersections or affected roads.

Mr. Thomas asked if the residences would be primarily occupied by full-time residents or whether the applicant anticipated residents for whom the units would be second homes.

Mr. Merrell stated that they felt there would be some part-time residents, but that the traffic analysis was predicated upon full-time residents. He added that even increasing trips at the peak hours did not produce traffic problems.

Mr. Thomas noted that he was trying to ask questions on behalf of the audience, since they had not had an opportunity to look at the traffic study, as had the board members. He asked what the traffic counts could be estimated to be if the property was instead developed with 300 single-family homes.

Mr. Sans Lassiter, President of Lassiter Transportation Group, 123 Live Oak Avenue, Daytona Beach, and resident of Ormond Beach, said that the study was based on a trip generation rate of 119 multi-family dwelling units and three single-family dwelling units. He explained that multi-family, as proposed, was a lower trip generator (about 6-7 trips per unit per day); therefore, the estimated number of daily trips generated by the proposed development was approximately 773. He further explained that 350 single-family residences (about 10 trips per day) could be expected to generate 3,500 daily trips. He concluded that the proposal represented a significant reduction over what could be done otherwise.

Mr. Lassiter agreed with Mr. McCoy that the trips in the study shown as vested were those trips for the development in Tomoka Oaks that had already been approved and for which the consultant had to account.

Mr. Merrell stated for the record that the applicant had agreed to install the utilities in such a way as to not damage the existing trees. He also mentioned that by approving the rezoning to Planned Residential Development, the resulting agreement (development order) would restrict the open space and golf course area in perpetuity; he said that the applicant had agreed to a deed covenant (conservation easement and reciprocal covenant among all of the owners on the property) that would assure that the property would forever remain recreation/open space.

Chairwoman Press questioned the distance from 23 Pine Valley Circle (the home from which one of the photos was taken) to the golf village townhomes.

Mr. Ervin said that the closest point between any single-family residence and a multi-story building would be 225'. He said that the distance was 300' at the location in question, since the dimension was tied to the fairway (225', plus the fairway). He reiterated that the primary focus was to keep the buildings inside the fairways and away from the existing homes.

Mr. Jorczak asked if there would be any mechanism in place that would preclude the subsequent homeowners' association from turning the development into a private operation to exclude the public.

Mr. Merrell said that the Covenants and Restrictions and the condominium association Declaration would prevent that.

Mr. Thomas asked if there was any conceivable way that it could happen.

City Attorney Hayes said that although nothing was 100% guaranteed, he felt there were enough layers of protection that future development should not be a serious concern in the future.

Mr. Merrell said the applicants would agree to include whatever language that the city attorney deemed appropriate and necessary to assure that outcome.

Mr. Thomas understood and said that his concern was because the board and the residents had all heard the word "never" in the past.

Mr. Merrell elaborated on the city attorney's comments, saying that the discourse was in the public record and that coupled with the binding documents, would provide the City with an enforcement mechanism. He said the restriction was as fool-proof as they could make it.

City Attorney Hayes said that the City would make sure that the development order was drafted to make it as difficult as possible to undo.

Dr. Grissom inquired as to who would be responsible for the maintenance of the golf facilities.

Mr. Merrell said that maintenance would continue to be the responsibility of the owners of the golf course. He noted that only the residential units would be sold.

Dr. Grissom asked if the owners, as the condominium association or homeowners association, could have the prerogative to change the Covenants and Restrictions or Declarations of Condominium or any of the parameters include therein.

City Attorney Hayes replied that he did not think they could because it would be a condition of the development order, and would in fact be a violation of the development order, which had perpetual existence. He thought it would also be in violation of the recorded covenants and restrictions. He said that in reality, he did not think it could occur.

Mr. Merrell voiced his opinion that it would arguably require the City to agree to lift the deed covenant.

City Attorney Hayes reiterated his belief that there were enough layers to provide a sufficient safety net.

Mr. Jorczak thanked Mr. Ervin for his efforts to answer the questions regarding the airport issue on short notice. He thought that the applicants might find it beneficial when marketing the properties to promote the airport as an easy way to access their second homes. He remarked that municipal airports everywhere were under assault and felt it was very important that potential purchasers be notified that there was an airport nearby. He mentioned that the airport was a vital tool in shifting the City's tax base away from solely residential properties toward some industrial uses, what the City was hoping to achieve with the proposed Ormond Crossings development and which he felt was important. He said that there would always be noise associated with the airports and said that he anticipated an increase in use of the airport by the new very light jets, since they were more economical for businesses to purchase for both private use and for air taxi services .

Mr. Lewis Slaughter, 53 North St. Andrews Drive, thought that there would need to be a traffic light at the intersection of Tomoka Oaks Boulevard with Nova Road.

Mr. Mark Tolle, 54 Oakmont Circle, asked if there had been an environmental impact study conducted for the property. He reported that the property was currently home to a large breeding population of raptors, including great bard owls, screech owls, scissor-tail kites, swallow-tail kites (a species of special concern for the state of Florida) four species of pileated woodpeckers, and was a migratory stop for painted grosbeaks, American gold finches, etc.

Mr. Ervin said that because the site had already been impacted by development and was surrounded by existing homes, the property did not meet the City's criteria for requiring an environmental assessment report. He said that staff was aware that the area was home to migratory birds and that they had checked with Florida Fish & Wildlife to see whether or not nesting bald eagles or other endangered species had been identified there. He said that unless they had such documentation, a study could not be required; he said staff would seek verification as to whether or not the property was home to the variety of different species identified and whether or not there was a need for additional protections prior to scheduling the item for presentation to the City Commission.

Mr. Tolle referred to Dr. Grissom's comment regarding the ongoing maintenance of the property and said he did not believe that the golf course property was currently being maintained by a professional golf course management company. He opined that the course was in deplorable condition, far beyond simply lack of irrigation; he questioned the ability of RTH to maintain the golf course in an acceptable manner and cited the maintenance equipment and level of maintenance, saying that the course was not very playable and the reason why it was an inexpensive to play there.

Mr. Todd Hendricks, CPH Engineers, 520 Palm Coast Parkway, Palm Coast, said that the firm was the civil engineer for the project. He advised that Mr. Joe Young of Biological Consulting Services had performed an environmental assessment on the project and found no concerns that would prohibit the project from moving forward.

Longtime resident Ms. Susan Reynolds, 17 Oakmont Circle, agreed that the condition of the course was deplorable and likened it to living on a horse pasture in Ocala. She pointed out that any CADD technician could make the renderings of the proposed project look beautiful and noted that the project would require the developers to remove the bulk of the trees. She stated that the existing trees were not maintained and thought that from a safety standpoint they should be required to remove those that had died. She thought that provisions for maintenance of the trees should also be written into the development order. She disagreed that the condition of the course was due to hurricanes, September 11th, or the Nova Road construction.

Ms. Reynolds thought that the proposal was better than allowing 300 homes to be built, but thought that the existing vegetation would also be allowed to die, because the buildings would be constructed over the root systems, which were already stressed.

Mr. Paul Momberger, 100 North St. Andrews Drive, stated that he lived on the 3rd Hole and that he felt the plan included buffers that would negate any impact on the adjacent residents. He noted that part of the reason that the grass did not grow was because there were so many trees. He stated that the infusion of new money for development would bring new life to the golf course and hopefully, help with the maintenance issues. He agreed that it needed to be improved and felt that the proposal was part of the solution. He added that the redevelopment of the clubhouse would also provide social benefits for the community. Mr. Momberger said that he supported the project.

Mr. Adelaide Mathew, 54 South St. Andrews, another longtime resident agreed and said that the 2004 hurricanes had left dead trees that had yet to be taken down. He questioned the proposed underground parking.

Mr. Ervin explained that not all of the parking spaces would be underground. He said that portions of the required condominium parking would be underground and townhome parking would be in garages and on the driveways (above grade).

Mr. Frank Bullard, 115 Rio Pinar Drive, questioned the effect of the new development on the water pressure in the area, which he said often fluctuated by about 30 pounds, depending upon the time of day. He asked if the current residents would be able to utilize the upgraded utilities that would be a part of the new development.

Mr. Ervin said that the development would utilize the existing water mains serving Tomoka Oaks and would have a loop system to maintain the water pressure. He said he had not been aware of a water pressure problem in the area, but assured Mr. Bullard that his comments would be forwarded to the Utilities staff and addressed prior to any City Commission meeting. He mentioned that the City's Fire Department periodically reviewed the water pressure to ensure that there was adequate fire flow pressure throughout the city.

Chairwoman Press again mentioned that the hearing at the advisory board level was a way for the public to ask questions and raise concerns; she encouraged the residents to attend the City Commission meeting, at which time the final decision would be made.

Ms. Sharon Kist, 68 Oakmont Circle, confirmed that there was a water problem in Tomoka Oaks and asked if the new amenities would be available for use by the current residents or whether they would be restricted to use by the owners of the condominiums.

Chairwoman Press said it was her understanding that there would be six tennis courts and assumed that they could be used by the residents.

Ms. Kist asked City staff to check on the water pressure in that area. She remembered that she had once been told that it was a problem at her house, rather the pressure.

Chairwoman Press said she thought that there was a problem with the water pressure throughout the city.

Ms. Christine Goudreau, 115 North St. Andrews Drive, asked about the hours of operation of the courts; she also questioned the light and sound that would emanate from the facility area.

Mr. Ervin said that the hours of operation had been identified by staff, as had the height of the lighting. He said that there were some conflicting requirements, because the police wanted the lighting to be higher and brighter, while staff wanted to keep the lighting lower and less bright. He said that the goal was to prevent spillover lighting onto the properties of the existing residents by utilizing lower lighting, trees and limited hours of operation to prevent the lighting impact.

In response to Mr. McCoy's request, Mr. Ervin advised that whether or not the amenities would be open for use by the residents was a decision to be made by the applicants.

Mr. Jorczak asked if there was a national standard for golf course maintenance and if so, whether it could be applied to the Tomoka Oaks course.

Mr. Ervin said he did not know, but would check into it.

Mr. David Ponitz, 90 North St. Andrews Drive, stated that both Mr. Ervin and Mr. Merrell had done a good job representing the development. He said he was pleased that none of the townhomes or condominium units were directly behind any abutting properties and asked if the development order could include a statement that specified the acreage to remain open space. He thought that perhaps that acreage could be zoned to ensure that it would remain open space.

Mr. Merrell explained that the planned development zoning did differentiate between the residential and recreational components, i.e., it was essentially a custom zoning for the property for which the development order dictated what could or could not be done as a result of the rezoning process. Every individual use (golf course, tennis courts, etc.) would be identified on the plans, which would become a part of that development order.

Mr. Ponitz said that in exchange for special development orders such as that being sought by the applicant, the City had an opportunity to ask for things above beyond what was generally required by the Land Development Code regulations. He asked if the City could ask the applicants to increase the size of the replacement trees.

Chairwoman Press asked the planning director to address the tree mitigation.

Mr. Ervin explained that Mr. Ponitz referred to the City's specific prohibitions regarding tree removal. He said that trees that were removed had to be mitigated; i.e., they had to be replaced. He said that the number of replacement trees was based on the size (diameter) of the tree being removed, not necessarily on a 1:1 basis. He said that protected trees were those 6"-12" in diameter as measured at four feet (4') above grade; replacement trees had to be a minimum 2.5". Specimen trees were those between 12" and 36" in diameter; replacement trees had to be larger, with a fuller canopy. He added that removal of trees over 36" in diameter required City Commission approval. He said because of the size of the project and the existing trees on site and given the proposed landscaping plans, Staff felt it was appropriate to require them to adhere to the City's regular standards as they would for any development.

Mr. Ervin concurred with Mr. Ponitz that the PRD was a discretionary zoning for which the Planning Board and City Commission had the right to ask for mitigation above and beyond what was required by Code. He mentioned that the City's minimum requirements were also specific in regard to native and xeric landscaping, i.e., plantings that could survive in periods of drought. He said that the applicants utilized many different species, such as oaks, pines and magnolias, as well as decorative elements such as crape myrtles, etc., to accentuate the perimeter of the property. He said that some plants would be used in close proximity to the buildings to enhance the architecture being used. He further detailed the proposed landscaping and advised the board that it was within their purview to require an increase in the size of replacement trees if they felt it was justified.

Mr. Lewis Slaughter, 53 North St. Andrews, stated that he was in favor of the project and thought it would be a major asset to the city. He was pleased with the two new lakes that had been dug and said that the reuse water would help the look of the course tremendously. He asked if there could be a light installed at the intersection of Tymber Creek Road and Nova Road.

Mr. Sans Lassiter, Lassiter Transportation Group, said that whether or not a traffic signal would be warranted was the first thing that they had considered, but that they had not been able to show that intersection as warranting a traffic signal. He explained that Nova Road was a State Road and that the DOT (Department of Transportation) had very strict standards for when they would or would not allow a traffic signal; he said that the intersection did not come close to the threshold, mainly because the primary trips to and from the project area were from the south on Nova Road.

Mr. Slaughter stressed his support for the project and said that by their ability to attract more members, they would be in a better position financially to maintain the golf course. He asked if there would be an opportunity, in conjunction with the redevelopment of the golf course, for the adjacent homeowners to connect to the City's reuse system to reduce the need for private groundwater wells in the area.

Mr. Ervin commented to Mr. Ponitz that Mr. Hendrix wanted to discuss the request for upsizing the landscape mitigation.

Mr. Ervin also responded to Mr. Slaughter that the provision of reuse water to the residents adjacent to the golf course would be an expensive City of Ormond Beach public improvement project that would require the expenditure of capital improvement dollars. He said the City Commission had identified the South Peninsula area as the No. 1 priority and said there were other improvements that had been identified for completion in the next 5 -10 years. He said that the extension of the reuse water had not been identified as a capital improvement that could be funded in the next 5-10 years. He said that the City could consider it for future funding and that there might be an opportunity to utilize grants from the Water Management District, but reiterated that it was not currently identified as a priority.

Ms. Zella Wilen, 48 Oakmont Circle, said she was also a long-time resident. She objected to the rezoning request, as well as the request to construct streets across privately-owned business property. She did not want Tomoka Oaks Boulevard to be approved for extension or connection to any planned street. She also objected to the increased traffic that would be created by the new development.

Ms. Wilen referred the Board to the City archives (September and November, 1970); she said that there had been a rezoning issue raised and the homeowners had retained an attorney to argue against the zoning change to R-5. She said that the homeowners had prevailed. She thought that if the proposal proceeded [to the City Commission], the Tomoka Oaks HOA Board of Directors should alert and notify every one of the homeowners in Tomoka Oaks of the rezoning request, not just those within the 300' radius of the project. She said she equated the request for the PRD to the prior request to rezone the property to R-5.

Chairwoman Press pointed out that the meeting would be advertised in the newspaper.

Mr. McCoy noted that the advertisement was countywide.

Dr. Gerald Gibb, 69 North St. Andrews Drive, stated that the traffic report was based on data, [not experience]. He said that the reason that most of the traffic turned southbound on Nova Road because it was too dangerous to turn northbound. He also stated that the construction would occur over a period of time and that construction workers would come and go at the same time as the residents, exacerbating the traffic in the area. He questioned if there was to be a traffic management plan during the construction of the project.

Mr. Lassiter agreed that for the "Existing Condition", the consultants could only count the traffic that did turn, not the traffic that might want to turn but did not. He felt it important that they understand that their

Future Conditions analysis used the Urban Area Model, which distributed traffic without regard to congestion. He explained that the model looked at the major distribution points north and south on Nova Road up to US1 and in other parts of the city to determine the more likely direction traffic would go if there were no congestion. He felt that their analysis was absolutely correct.

Mr. Lassiter also liked the idea of a construction traffic management plan and said that they would recommend identifying routes for the resulting traffic. He reminded the Board that that the 770-trip per day increase was for the buildout of the development, not the construction traffic.

Ms. Leslie Nixon, 36 North St. Andrews Drive, expressed concern with additional traffic trying to negotiate the Tomoka Oaks Boulevard circle near the entrance to the subdivision.

Mr. Lassiter explained that the 770 trips was the number of estimated trips on a daily basis; he said there were 74 in the peak hour. He further explained that typically, the impact study deducted the existing traffic from the traffic proposed for the new development, but instead, the subject analysis assumed the existing traffic would remain. He said that meant that their analysis was overly conservative (predicted too much traffic), but that they wanted to be as conservative as possible. He stated that their analysis also assumed 100% occupancy year-round, which they also knew to be unlikely, but which would also produce conservative numbers.

Ms. Nixon asked for the percent of increase in trips. She wanted to make sure that Staff recognized that the ongoing development along the North US1 corridor would mean additional traffic for Nova Road, making left turns out of the subdivision even more difficult.

Ms. Nixon also asked if the Board could recommend fewer homes, rather than 120 proposed. She thought that the applicants could improve the clubhouse, the golf course and the tennis courts, but scale down the residential portion of the project.

Mr. Ray Sanchez, 12 Pine Valley Circle, stated that the traffic circle was dangerous and confusing, particularly since it was two-way traffic. He questioned the sales prices of the residential units.

Mr. Lassiter responded that because a traffic signal at the intersection with Nova Road was not warranted, the stop sign control was deemed to be adequate. He said that the same was true for traffic internal to the site, which would be less than at Nova Road. He answered that the consultants had not provided a percent of increase resulting from the project, but pointed out that they did not take a deduction either; they simply added the anticipated traffic to it (an over-estimate).

Mr. Jorczak asked if they had given any thought to how the circle could be improved.

Mr. Lassiter said that the circle was analyzed in the current condition. He said they could certainly do so by studying if it would be warranted by the level of delay, would reduce the level of delay, or would make the circle safer.

Mr. Jorczak said that the safety element seemed to warrant that study, regardless of the additional traffic that would be generated from the proposed 122 units. He remarked that the junction might require a different kind of layout.

Mr. Lassiter said that as a traffic engineer, his primary focus was safety. He stated that round-abouts and traffic circles, although becoming more popular, were particularly pedestrian-hostile. He pointed out that

cars did not have to stop, gaps in traffic did not occur, and visibility was lessened because of the lack of time to look left and right. He said that because traffic came from the left, people did not always look to the right for pedestrians. He reiterated that pedestrian safety was one of his major concerns.

Mr. Thomas, a resident of Tomoka Oaks, thought that striping or arrows on the pavement might help drivers negotiate the circle. He thought that there were some simple things that could be done to improve the situation.

Mr. Lassiter said that it was something at which they could look.

Chairwoman Press thought that Mr. Lassiter could work on those things before the item reached the City Commission, since it was a concern to many of the residents.

Dr. Grissom questioned the nature and location of common areas for the new owners.

Mr. Merrell said that would be detailed in the plat, another process they were going through. He said that he did not have exhibits available for the item before the board, but that the common areas would be fully identified in the plat documents.

Dr. Grissom asked if the applicant wanted to respond to the residents' comments regarding the "deplorable condition" of the golf course.

Mr. Merrell said that they intended to address that conditions at the golf course were less than perfect. He said that they also wanted to point out that the golf course was being redeveloped to retrofit reuse water lines throughout the entire irrigation system at a cost of hundreds of thousands of dollars. He said that reshaping the course would also be a huge improvement. He said that together with the residences, the golf club and the tennis facility, it would be a much better place. He thought that the residents would be happy with it.

Mr. Merrell agreed that a CADD drawing could make anything look good, but pointed out that the pictures would be the zoning map for the property. He said that if they wanted to change anything, they would have to reappear before the Board for another advertised public hearing. He said that the reason Staff liked the Planned Residential Development was that they had the ability to negotiate the zoning and had done so to the benefit of the City and pointed out that those things were binding.

Dr. Grissom asked Mr. Merrell if he and the applicant had previously discussed the possibility of increasing the size of the replacement trees used for mitigation.

Mr. Merrell said that their landscape architect, Galen Pugh, had been in dozens of meetings with the City staff and that many changes had been made to the plan to avoid impacting important trees. He said it was a given that the trees would be thinned and that the dead trees would be removed; he said the plan also exceeded the City's Code requirements for landscaping, typical of planned development rezoning negotiations. He reiterated that there had been a great deal of focus by City staff with regard to the trees.

Dr. Grissom stated that she was sensitive to the tree mitigation concerns and recalled her shock when she discovered that the beautiful, healthy trees in Breakaway Trails had been removed and replaced with what amounted to twigs. She thought that they should exceed the current excession, if possible.

Mr. Merrell thought that the issue was avoiding the removal of the trees, rather than with what to replace the existing trees. He noted that a tree survey had enabled them to identify all the important trees and that saving certain trees had required them to redraw the plans several times.

Dr. Grissom said she recognized that the applicants had presented a project that was beautiful. She questioned whether the Board could mandate that the development be sustained in the best possible condition at all times, i.e., in perpetuity.

Mr. Thomas recalled that Hurricanes Charley and Frances had caused the removal of a lot of old, dying and diseased trees, but not before tremendous damage had been done to the homes of the residents. He advised that his daughter, a resident of Ormond Lakes, had been required to save some magnificent oaks on her property, but less than a year later one of those same oaks was costing her $2,000 to remove because it had been diseased and had fallen on her fence. He stated that although he felt mitigation was a good thing in the long run and that he was not in favor of taking out a lot of trees, there were a lot of rotten, dead, sick and diseased trees throughout the city that should be removed.

City Attorney Hayes advised the Chair that he included a provision in all of the development orders that conferred to code enforcement the power to enforce the terms of the development order, as with any other ordinance. He said that the City therefore had the power to keep all projects from falling into disrepair.

Chairperson Press pointed out that it was 9:00 pm and asked that subsequent speakers limit their comments to things that had not already been expressed to the board.

Ms. Linda Larsen Lewis, 231 Rio Pinar, expressed her concern that her property line would be 100 feet from one of the three estate lots behind her property. She said that the trees were the only thing that would visibly buffer her home from her new neighbor and asked for assurance that the trees would remain.

Mr. Ervin reported that he had met with Ms. Lewis the day before and stated that her concerns were the City's concerns. He pointed out the location of the three estate lots and said that those lots would have the minimum lot size, width and setbacks that applied to the existing subdivision. He also pointed out Mrs. Lewis' lot and said that although the distance from the lot line to the proposed lot line was 100', the distance between homes would be 160'. He said that the trees in that area would be preserved by the developer, but cautioned that once sold, the homeowner could take out some of the trees if they met the mitigation requirements. He said that the City had not required a minimum buffer because of distance between the lot and the buildings and the existing landscaping along the perimeter of the Lewis lot line but advised that it was within the purview of the Board to do so if they felt the trees should be protected.

Mr. Jorczak questioned the size of the existing trees.

Mr. Ervin replied that the trees ranged from small saplings to a 40" oak; he noted that there were several historic trees, the majority of which were specimen trees. He said that the tree survey showed only the trees over 6" in diameter (protected trees).

Mr. Jorczak asked if taking those trees would require a separate action from the City.

Mr. Ervin explained that once the three residential lots were sold, the homeowners could request the removal of any tree on their property, the same as any homeowner in the city of Ormond Beach. He said

the number of trees that would have to be replaced would depend on the size of the tree to be removed. He said there was currently nothing in the City's Code or in the project documents that would require minimum tree line buffering on the residential lots.

Mr. Jorczak remarked that he understood, but thought it unlikely that someone buying an estate lot and erecting a big house would then want to take down the trees.

Mr. Ervin replied that it had happened in the past. He recalled Ms. Lewis' question as to whether or not a buffer was to be conserved that could not be touched and stated that the reality was that when the property was transferred, the owners could conceivably remove the trees.

Mr. Jorczak advised Ms. Lewis that taking down a specimen tree in Ormond Beach was a big deal.

Mr. Thomas agreed.

Mr. Ervin pointed out that historic trees were different than specimen trees. He stated that the developer was being required to do a directional dig for the extension to the sanitary sewer so that it a 40" historic oak would not be impacted. He said that there were also 25 – 28" oaks that had been identified for preservation, but wanted it on the public record that they were located within the property to be subdivided; therefore, if the subsequent owners met the mitigation requirements, removal of the trees would be justified.

Dr. Grissom asked how the deed restriction would work.

Mr. Ervin said that if the Board wanted to require a minimum buffer, they could identify, e.g., a 10' perimeter buffer with a tree every so many feet as part of the development order.

Ms. Lewis stated that people did take trees down so that they could have view of the golf course. She acknowledged that tracking 1,100 trees was an overwhelming job, but stated that she had noted a healthy pine and two smaller pines on the property that were not shown on the survey.

Ms. Reynolds asked what protections were in place to prevent the project from going bankrupt either because of mismanagement or because of market conditions. She said that she had seen it happen in far better situations and did not want a situation in which new owners would be allowed to do whatever they wanted just because they were finishing a stalled project. She expressed concern because of the scope of the project and because the owners had not demonstrated the ability to maintain the golf course.

City Attorney Hayes advised the Chair that development orders ran with the land; therefore, the owner of the land (or a subsequent owner) was subject to the requirements of the development order. He said there was no way to know whether or not any particular project would be built out or flounder. He said that the best the City could do was to create a safety net in the development order and ensure that the development occurred in accordance with the requirements of the approval.

City Attorney Hayes confirmed for Ms. Reynolds that the proposal was for a phased project and that the developer would have to complete one phase before starting another.

Long-time resident Ms. Susan Juckett, 311 Rio Pinar Trail, said that her view, which had gone from "lovely" to a lot of dead trees, and would now be of a comfort station (golf course bathroom).

City Attorney Hayes assured Ms. Juckett that any new owners in the future would also be required to preserve the golf course.

Ms. Juckett questioned the time line for all phases to the anticipated completion of the project. She stated that she was concerned with construction noise, dust, etc.

Mr. Ervin said that the construction timeframe identified in the PRD development order would be valid for five (5) years. He said that if Phase I had not been completed in that timeframe, the order would lapse. He said that the conditions would remain in place, but any redevelopment would require that it be brought back for another hearing and, with the existing conditions as minimum standards, any kind of upgrades would have to be to current Code.

Ms. Juckett asked if it would be to Phase I completion or completion of the project.

Mr. Ervin responded that it would be to completion of the project.

Ms. Juckett asked if the tree mitigation would be on-site. She also questioned the impact of new residents on Tomoka Elementary School, shopping facilities, the hospital, as well as the effect they could be expected to have on the water pressure in the area, already low.

Chairperson Press pointed out that the City staff was not aware of the problem and would address it.

Ms. Juckett stated that the problem would get worse before it got better. She found it hard to believe that the developer did not know the price for which they expected to market the units.

Mr. John Randall, 70 Oakmont Circle, recalled that he and his father had cleared their lot by hand and that subsequent generations would be occupying the residence. He questioned what mechanism would ensure that the integrity of the project would be maintained and that the homeowners' association would be able to collect their dues in order to pay the cost of maintaining the things for which they would be responsible. He asked who would be responsible for the property covered by the conservation easements and questioned what would happen if the golf course went belly-up. He also expressed concern with the wildlife habitat that would be lost.

Mr. Randall commended the developer on a great idea, but sought assurance that the dream continued to be a reality in 20 years.

Dr. Grissom said she liked the idea of a deed restriction to protect the property.

Mr. Ervin responded to Mr. Randall's question that the City would have the ability, as with any easement, to access the property for maintenance and then charge the homeowners' association; he likened it to a sort of lien on the property. He said the City had the guarantee that someone would maintain the property and that the HOA would ultimately be financially responsible per code enforcement provisions in the easement documents.

Mr. Ervin said that the conservation/open space easements over the golf course meant that the owner continued to own the golf course property, but restricted the use of the property to a golf course and open space purpose. He said it would be an easement to the City; therefore, the easement could not be released without the approval of the City. He said that the easement would be described around the golf course itself, and that based on the testimony, RTH Corporation would maintain ownership of the golf

course; he said that the areas around the townhomes and condominiums would be identified as common areas for those particular projects. He said that the common areas being used by the condominiums would be owned, maintained and operated by that association, whereas the golf course would be owned, maintained and operated by the RTH, Inc. He said that the City would require that the conservation easement on the golf course be recorded prior to any development. He pointed out that the easement was being created in association with the subdivision plat.

Mr. Jorczak asked if the City had ever required surety bonds to ensure completion of a project.

Mr. Ervin explained that they allowed surety bonds only for subdivision improvements, not for commercial developments. He agreed with the resident who had stated that developers sometimes failed to complete projects and said that in a market-driven economy the market sometimes had to rebound before someone else finished a development. He said that was the reason that the city attorney required recording of a very specific development plan that provided very specific guidelines as to what could be developed on a certain property; a subsequent developer would know exactly what could and could not be done. He explained that traditional zoning allowed for a great deal of options, whereas the PRD was a very specific recorded document of covenant and restrictions that traveled with the land, not the owner. He said it gave the residents of Tomoka Oaks much better protection for future conditions.

City Attorney Hayes said that from a legal standpoint, surety bonds sounded good, but were not practical. He pointed out that the City would not want to have to finish a project in default; it would create a nightmare scenario for the City.

City Attorney Hayes recommended that the Board members voice their comments on the proposal in an effort to solicit a motion. He offered to assist them with any conditions that they might wish to impose with their recommendation.

Mr. Ervin stated that he had summarized for clarification the ten (10) issues that had been brought up by the board members:

1) The City's engineering staff reported no environmental impacts.
   - Determine whether or not an environmental impact or assessment report has been done.
   - Forward a copy to the resident who requested it and include a copy in the City Commission's agenda packet.

2) Traffic conditions:
   - Analyze improvements at the circle that would make it safer (striping, signage, etc.).
   - Ask the applicant to look at other improvements that might be made.
   - Provide signal warrant study background information, i.e., why a signal is not warranted at the intersection of Tomoka Oaks Boulevard and Nova Road

3) Request to upsize the minimum size of the trees for mitigation. *(Mr. Ponitz)*

4) Question the possibility of providing reuse water for lots adjoining the golf course (noted that it was not identified in the City's Capital Improvements Program) - *Mr. Ponitz*

5) Address water pressure issues in Tomoka Oaks and include in the information forwarded to the City Commission.

6) Identify if minimum golf course maintenance standards are available from either a local or national organization. *(Mr. Jorczak)*

7) Clarify the role of the City in establishing the Covenants and Restrictions and the Development Order to ensure that the golf course is protected in perpetuity.

8) Possibility of notice to future purchasers of property in the subdivision of potential for airport impacts. *(Mr. Jorczak)*

9) Address concern regarding the buffering of the estate lots. *(Ms. Lewis)*

10) Documentation to ensure that each phase of the project is completed prior to beginning the next phase; ensure that the complete project will be built out in five years.

Chairwoman Press opened the floor to board comments.

Mr. McCoy pointed out that Mr. Momberger, one of the speakers, was a registered landscape architect and that he had not seemed particularly concerned with the issue of tree mitigation. He also pointed out that Mr. Ponitz, one of the other speakers, was the Utilities Engineer for the City of Daytona Beach. He said that the gentlemen were good at their jobs; therefore, he felt reasonably assured that the landscaping mitigation was well within or surpassed the City codes. He suggested that the many of trees about which the residents were concerned were probably in poor condition and had most likely reached the end of their useful life.

Mr. Thomas said he was also a long-time resident who favored the project. He said that he had sat on the Planning Board for many years and could recognize when the alternative was worse than the plan. He said he did not want 300-400 homes added, when the proposal was for only 122 homes of what he believed would be part-time residents. He felt it was a beautiful plan and that the project would be a great asset to Ormond Beach.

Mr. Thomas referred to the concern expressed by a resident that the survey had missed a large sand pine, and explained that the State did not recognize sand pines as significant trees; therefore, it had not been marked. With regard to the concerns about the project not being completed, he stated that the three best real estate values were: a view, water and a golf course; he thought there would be buyers simply because the property was on a golf course. He restated that the City was tough on the issue of tree removal and reiterated his support for the project with the conditions discussed.

Mr. Jorczak echoed Mr. Thomas' comments and said that he thought it was an upscale project with a lower density than what would otherwise be allowed. He thought it would upgrade the neighborhood and would generate dollars that would help improve the golf course and surrounding amenities. He said that he hoped that the City would consider the concerns raised at meeting and said that he would recommend approval.

Dr. Grissom said she also supported the project and any motion to approve would include any amendments necessary to address the concerns raised. She thought that deed restrictions should be

required for the three estate lots to require that they maintain the tree buffer in order to protect the privacy of abutting property owners.

Chairwoman Press opined that no one would buy the properties unless the golf course was upgraded and felt that the proposal would force those improvements to occur. She said for that reason she believed the project would be good for the area and was an example of Smart Growth.

Mr. Thomas recommended approval of PRD 06-32, with the recommendations by staff. He added that his motion was amendment friendly and clarified that he was including the ten items as listed by the planning director.

Mr. McCoy seconded the motion.

City Attorney Hayes responded to questions by Mr. Jorczak and Mr. McCoy that the [tree] buffer mandated by deed restriction would apply only to the three estate lots. He said that the board could make that a condition of their recommendation.

Mr. Ervin replied to Mr. Thomas that the list of ten items included addressing the traffic circle. He also pointed out that the applicants had already agreed to provide for a minimum 10-foot wide buffer at the rear of the lots, in which there would be a minimum planting of one tree every 30 linear feet with continuous hedge material between the trees. He explained that the buffer for those homes would be required as a part of the development order, either as a private restriction on the individual lots or by mandating that the buffer be placed on the golf course outside those lots. He said that the applicants could make that decision.

Mr. Merrell said that he understood the resident's concern, but said that having buffers between two houses was not typical and that houses backed up to each other in subdivisions all over the city. He said that the applicants were willing to do what Mr. Ervin was proposing, but that it was routinely done as a matter of zoning. He thought that having a provision in the development order was the better way to handle the issue, i.e., the developer would establish the buffer and it would then transfer with the land; subsequent property owners would be responsible for maintaining it. He said that the provision could be enforced through the code enforcement mechanism.

City Attorney Hayes agreed that it would be better to put the onus on the developer as opposed to the property owner.

Mr. Merrell said that the suggested method would require only a code enforcement action rather than a court hearing, should there be a problem with the buffer in the future.

Mr. Thomas agreed to add acceptance of the applicants' voluntary inclusion of the buffer to his motion.

Mr. McCoy reiterated his second.

Ms. Bates called the question, which was approved by unanimous vote.

Mr. Thomas thanked everyone for attending the meeting, participating in the democratic process and helping the board to make their decision.

Mr. Ervin announced that the proposal was tentatively scheduled for the October 3rd City Commission meeting. He advised the residents that they would again be noticed and that an advertisement would again run in the newspaper.

The board voted to close the public hearing.

VIII. MEMBER COMMENTS

There were no member comments.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Clay Ervin, AICP, Planning Director

ATTEST:

Mrs. Rita Press, Chairperson

Minutes transcribed by Betty Ruger.

ATTACHMENT 6

Past minutes on the PRD application

- July 13, 2023, Planning Board
- August 21, 2023, Planning Board
- September 26, 2023, Planning Board
- November 7, 2023, City Commission

ATTACHMENT 6

Past Minutes

Section A

July 13, 2023, Planning Board

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

July 13, 2023 6:00 PM

Calvary Christian Center
1687 West Granada Boulevard
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Claire Whitley, Assistant City Manager
G.G. Galloway	Steven Spraker, Planning Director
Al Jorczak	Becky Weedo, Senior Planner
Mike Scudiero	David Allen, Planning Civil Engineer
Barry du Moulin	Cara Culliver, Landscape Architect
Troy Railsback (Absent)	Robin Gawel, Senior Planner
Doug Thomas, Chair	Sarah Cushing, Senior Planner
	Marcella Miller, Recording Technician
	Randy Hayes, City Attorney

II. INVOCATION

Chairman Thomas led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

Mr. Randy Hayes, City Attorney, explained the process for the public hearing. Attorney Hayes recommended that those individuals who sought to give testimony on the application be sworn in by the Board Secretary and to affirm if they took the Oath when they speak.

Attorney Hayes reviewed an outline of procedural and evidentiary matters regarding Quasi-Judicial proceedings regarding the roles of the City Attorney, Planning Board and explanation of a Quasi-Judicial hearing, competent substantial evidence, Burden of Proof, witness testimonies, and the decision making process of the Planning Board. He added that there are two stipulations that the Planning Board members must vote on to: (1) agree to stipulate that the professionals who will testify on behalf of the parties are qualified to do so, and (2) allow Tomoka Oaks HOA to participate in the proceeding as a "party-intervenor".

Attorney Hayes advised the Board that once moving into the public hearing they must vote on the two stipulations aforementioned.

Chairman Thomas stated that the Planning Board members are their neighbors and are volunteers. He continued that the Board tries to do what is best for them and the City of Ormond Beach, and have no special interest.

Chairman Thomas opened the Public Hearing.

V. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order

Chairman Thomas asked Ms. Miller, Recording Technician, to read the Oath. Ms. Miller read the Oath:

"Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth?"

Mr. Galloway motioned to approve of and accept the following stipulations: (1) the parties agree to stipulate that the professionals who will testify on behalf of the parties are qualified to do so; and (2) allow Tomoka Oaks HOA to participate in the proceeding as a "party-intervenor". Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).

Mr. Steven Spraker, Planning Director, explained the application for the issuance of a development order for the Tomoka Reserve subdivision. The application seeks to allow the issuance of a development order for 276 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The subject property is currently zoned as Planned Residential Development (PRD), and is located at 20 Tomoka Oaks Boulevard.

Mr. Spraker stated that the property has an existing land use of "Low Density Residential" (LDR) which allows a density of up to 4.3 units per acre. He continued that the purpose of the land use is to protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of

such neighborhoods. Mr. Spraker added that institutional uses may be permitted in accordance with the maximum floor area ratio.

Mr. Spraker continued with the explanation of the existing zoning of Planned Residential Development (PRD). In 2006, there was a zoning map amendment that went from R-2, Single-Family Low Density to PRD, Planned Residential Development. A site specific development order was approved for 122 residential units and the reconfiguration of the golf course. Mr. Spraker stated that one of the conditions of approval was to provide the covenant and restrictions on the golf course because in 2006 it was determined that there was no covenant and restrictions. The development order expired. He explained the process for the issuance of a development order began with a neighborhood meeting, in which the property went through two, then Site Plan Review Committee (SPRC), Planning Board and City Commission. Mr. Spraker explained that the development order is a zoning document that provides the number of lots, landscape buffer, and recreational areas. If approved, the next step is the construction plans as preliminary plat, with detailed engineering, landscape buffers, and roadways, which also goes through the process with the SPRC, neighborhood meeting, back to the Planning Board and then on to the City Commission.

Mr. Spraker reviewed the Tomoka Reserve Site Plan. He continued that the project is approximately 148 acres, with 276 proposed units and a density of 1.87 units per acre. He stated that the project seeks to allow a gated vehicular access while allowing pedestrians to still access the project through sidewalks. Mr. Spraker stated that there is an emergency access easement noted on the plan. The project is not in a designated floodplain, and there are no wetlands on the property. He added that an environmental assessment was provided with the project. Mr. Spraker remarked that the site plan is preserving 34 acres and an additional 9 acres for recreation. A key issue expressed through the process is size of the lots, with the proposal of 80' lots in width, 60' lots in width, and 50' lots in width. He continued that there is a proposed 50' buffer around the perimeter of the site (3.3 miles). The project stormwater areas use berms around exiting vegetation which is a low impact development technique. He added that the historic trees on the property are being sought to be preserved and that they provided the required school concurrency and a Traffic Impact Analysis.

Mr. Spraker reviewed key issues included in the staff report, starting with issue 1, the development ability of the former golf course. Mr. Spraker stated the Planning Board packet included an analysis from Ms. Davis, including a letter from Mr. Brent Spain Esquire. Also included in the packet was an analysis from the City Attorney's office and from the applicant's law firm, Cobb Cole. Mr. Spraker explained the position of the city staff that there is no covenant and restrictions that would prevent the site from being used for residential purposes.

Mr. Spraker reviewed issue 2, the lot size compatibility. Mr. Spraker described the R-2 zoning district which was the original zoning on the property and the surrounding area. The R2 zoning district requires a 100'-wide lot width a 10,000 square-foot lot area size. He explained that part of the applicant's Planned Residential Development request is to provide additional buffers, recreation and open space in order to negotiate lot size. They are not increasing the overall density but reconfiguring it in order to provide additional natural preservation and additional buffer and recreation,

according to Mr. Spraker. Staff discussed its similarity to what happened with an area of west Ormond, where there were applications for subdivisions less than 80' in width. These applications were denied and the subdivisions were made to comply with the 80'-wide lots.

Mr. Spraker discussed issue 3, planting of the 50' natural buffer. The applicant is seeking to use the existing vegetation along the perimeter buffer and in the areas that do not have vegetation, they are seeking to do seven trees and 30 shrubs and grasses, per 100 linear feet, clustered in 20' spacing. The irrigation is proposed to be provided by a truck with a water tank and no permanent irrigation. Mr. Spraker continued that the position of the Site Plan Review Committee (SPRC) is that the type 6 buffer which requires seven trees, 70 shrubs and 70 ground covers per 100' linear feet with staggered planting, should be adopted by the Board as it has worked well in other applications. SPRC staff strongly objects to the use of non-permanent irrigation and believes that this will lead to future land use issues and the Homeowners' Association (HOA) would be tasked with doing the irrigation. Mr. Spraker stated the buffer should not be clustered in a 20-foot buffer depth but rather staggered over the 50-foot buffer area in order to allow for proper tree growth and spacing.

Mr. Spraker discussed issue 4, the setback plan. Mr. Spraker stated that the applicant proposed a setback plan and staff provided an analysis in the staff report. Mr. Spraker reviewed the setbacks proposed by the applicant and the recommendations of the SPRC. Staff does support the front porch setbacks, as they have been successful in Chelsea Place.

Mr. Spraker discussed issue 5, Sheet PD6 note on the lot separation. Mr. Spraker explained that the note allowed variation on the buffer width. Staff recommends that the note be amended to state that the 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shown on the site plan. The natural preservation area shall not be modified and shall always be vegetative areas (Option 24 in the staff report). Mr. Spraker stated the language within the development order becomes a contract and when they go to construction that is what needs to be presented in the preliminary plat.

Mr. Spraker discussed issue 6, the traffic. The applicant performed a detailed Traffic Impact Analysis (TIA). City staff had the TIA reviewed by the traffic consultants, Traffic Engineering Data Solutions (TEDS) employed by the city. After requests from citizens at the February neighborhood meeting, the applicant updated the TIA traffic counts to get current counts. The TIA concluded that 96 percent of the project trips used Tomoka Oaks Boulevard and 4 percent used Iroquois Trail for external access. He added that the traffic study found that a traffic signal is warranted at Tomoka Oaks Boulevard and Nova Road. Mr. Spraker stated that the TIA concluded that all local intersections operate at a Level of Service "A" or "B", where the adopted Level of Service is a "D". A proportionate fair share calculation was drafted, which is where state law allows them to contribute their fair share for whatever traffic impacts they have. Mr. Spraker referenced another traffic issue that is part of the SPRC review, the intersection of St. Andrews Drive and Tomoka Oaks Boulevard. The intersection is awkward and does not function well. Mr. Spraker stated staff believed that the applicant should bear some responsibility in the reconfiguration, perhaps through a joint partnership through the impact fee credits.

Mr. Spraker stated that comments were received from residents in that they desire sidewalks on both sides of Tomoka Oaks Boulevard, where the applicant only proposed a sidewalk on one side.

Mr. Spraker discussed issue 7, recreation areas. The development order seeks to provide all outdoor recreational areas with no indoor recreation provided. The project has proposed 9 acres of recreational areas, with final details to occur with the preliminary plat.

Mr. Spraker discussed issue 8, environmental analysis. Mr. Spraker states Ayden Environmental submitted site assessment reports and a Soils Management Plan to the Florida Department of Environmental Protection (FDEP), where all work will be managed by them with the oversight of the FDEP. The FDEP approved the site assessment reports and Soils Management Plan in a letter dated November 16, 2022. Mr. Spraker stated that there are no wetlands on the site and it is not in a designated floodplain, and added that any gopher tortoises onsite will be reviewed at the preliminary plat.

Mr. Spraker stated that the applicant has applied for a R-2 Zoning Map application, separate of the PRD, with the intent that if the PRD is not approved, it would be necessary to ensure that they have zoning. He reiterated that the R-2 zoning allows 100' wide lots with a 10,000 square-foot lot area minimum. The setbacks are 30' in the front yard, with the building coverage at 35 percent. Mr. Spraker stated Planned Developments have additional requirements on the natural preservation, requiring 20 percent whereas the Land Development Code (LDC) requires 15 percent. Mr. Spraker continued that the applicant is proposing a 50' buffer within the Planned Development, when only 6' is required under the R-2 zoning guidelines. Mr. Spraker detailed that the R-2 zoning district does not require a perimeter setback, where the Planned Development requires a 40' perimeter setback. The Planned Development site plan includes 9 acres of recreational area and there is no recreation requirement in R-2 zoning.

Mr. Spraker reviewed the correspondence received throughout the proposed project and advised that a city webpage is maintained that shows each project submittal site plan, in which the information and documents were also enclosed in the Planning Board packet. He explained that concerns received included the topics of lot sizes, lot compatibility, stormwater, buffer widths, impacts to the existing wildlife, and traffic. The correspondence received were included in the packet.

Mr. Spraker explained that when reviewing the PRD criteria, the Planning Board should take into consideration: (1) the application submittal, (2) staff report and SPRC comments, (3) written correspondence provided, (4) criteria of the LDC contained within the staff report, and (5) testimony provided at the Planning Board public hearing. He stated that staff recommends denial of the proposed site plan for the issuance of a development order. He continued that there are items that the applicant can do that would change the recommendation including larger lot sizes, adjusting the buffer in terms of the plantings and irrigation, revisions to the setback plan, participation in the diamond intersection with a diamond reconfiguration

requirement at the construction (preliminary plat) phase of the development, and sidewalk additions be on both sides of Tomoka Oaks Boulevard.

Mr. Spraker concluded with thanking Calvary Christian Center with allowing use of their facility for the public hearing, and reminded everyone that there were comment cards in the back for those wishing to speak on the item.

Board Discussion and Questions

Mr. Jorczak asked for clarification of the statement in the Board packet, specifying that denial of the application may lead to the movement of the R-2 Single-Family Low-Density Zoning Map Amendment to provide the property a zoning designation. Mr. Spraker replied that the property is required by state law to have a zoning. If unable to work through the Planned Residential Development (PRD) process, the property is required to have a zoning designation. Mr. Spraker states the applicant has submitted an application to amend to R-2 which allows single-family lots as an allowed use. Under the R-2 zoning, as long as the application meets the criteria in the LDC, there is nothing that the SPRC can do to deny the application. Mr. Spraker continued that they would be required to have 100' wide lots and 10,000 square feet lot sizes, and have to have stormwater and utilities, and 15 percent natural preservation.

Mr. Scudiero asked Mr. Spraker for clarification based on the 147 acres, what the number of single-family homes would be to fall under the second scenario. Mr. Spraker answered that a site plan is required to calculate the number. It has not been submitted to city staff.

Ms. Shull inquired about the 100' wide lots and if that would be throughout the entire proposed property under the R-2 zoning. Mr. Spraker confirmed yes, but commented that there are certain things that staff cannot require such as increased buffers and recreation. The entire basis of the application is the trade of the increased buffers and the natural area for smaller lots in size.

Chairman Thomas disclosed that he met with the attorney for the applicants, Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, at City Hall on July 12, 2023 to discuss the item.

Applicant's Presentation

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, 2049 S. Ridgewood Avenue, Daytona Beach, and Representative of the developers, thanked the Planning Board and staff for their time. He reiterated the choices that are before the Board, adding the possibility of a custom choice option, if they so desire. He delivered a summary of the project and overview of the rezoning criteria in a PowerPoint presentation, including explanation of the experts testifying about the project and their qualifications.

Mr. Merrell stated that the applicants purchased the property approximately three years ago. Two neighborhood meetings were held as well as other smaller meetings with the HOA and others. He concluded that several revisions have been made to the plan in which Mr. Dwight Durant, Zev Cohen & Associates, will detail.

Mr. Dwight Durant, Zev Cohen & Associates, 300 Interchange Boulevard, stated that the overall plan is for 276 units on 147 acres, where the holding capacity density analysis allows 800 units. He reviewed the site plan and open space plan and explained the benefits of the design, including the water distribution system, versus the golf course fertilizer effects. Mr. Durant continued with details on emergency access. He added that the minimum size lot, surrounding the perimeter of the site is 80' wide by 120' long, which allows additional space between the homes. He continued with information on the lot range widths from 50' to 80', the maintenance plan for the 50' buffer, and the proposed density of 1.87 units per acre. Mr. Durant explained that the open space plan exceeds the LDC standards on preservation areas and that 53 percent of the site is dedicated to landscape buffers, open space, stormwater management systems, and recreation areas. Mr. Durant added that he took the Oath.

Mr. Merrell continued with his presentation and added that he did not take the Oath. He explained the architectural standards of the proposed project, commenting that the neighbors want quality and diversity, similar to what Tomoka Oaks currently has, and that is what is being proposed with the variety of architectural plans.

Mr. Jake Stehr, Zev Cohen & Associates, 300 Interchange Boulevard, began with advising the Board that he took the Oath. He stated that the proposed property 50' landscape buffer is approximately three miles in length. In reference to the buffers, he described the proposed landscape and irrigation plan and remarked that the project requires a six (6') foot landscape buffer which requires two shade trees, 20 shrubs and 20 ground cover per 100 linear feet, and the applicants are proposing seven (7) trees, 30 shrubs and 30 ground cover per 100 linear feet.

Mr. Donald Spence, President and Owner, Native Florida Landscapes, LLC, stated that he is also a Board Certified Master Arborist and Ph.D. of Plant Pathology, University of Florida. Dr. Spence explained that he assisted with performing the tree survey and with the proposed buffer layout design, keeping it as similar to the existing buffer as possible. The layout is designed for a native, drought-tolerant species, that will not need irrigation after establishment.

Mr. Durant reviewed the criteria met in the LDC standards and the compliance of them.

Mr. Mark Karet, Director of Planning and Landscape Architecture, Zev Cohen & Associates, 300 Interchange Boulevard, stated that he took the Oath. He added that he has 35 years of experience in both the public and private sectors, has his Master's Degree in Urban and Regional Planning from the University of Florida, and is also a member of the American Institute of Certified Planners (AICP). Mr. Karet spoke on the project's conformance with the LDC standards and consistency with the Comprehensive Plan. He commented that LDC, Section 2-35(b), deals with more intense uses, such as townhomes and apartment districts, versus what is being presented in the application. He referenced the concern of 'crowding' and noted that the density is less than one half of what is permitted under the Future Land Use designation. The open space and buffers create slight crowding, although more than 50 percent of the site is open space. Mr. Karet added that the property falls in the "Low Density Residential" Future Land Use designation and the proposal aligns with

the land use and LDC, and the application aligns with the goals, policies of the city, supports infill development, and adheres to the intended use of the property.

Mr. Durant explained that the last criteria is on trees and that Mr. Bill Ray, AICP, and Mr. Jeff Flairty, P.E., Environmental and Planning Consultant and Presidents, Ray and Associates, are in attendance for any questions. He concluded that there are no wetlands onsite, and that an Environmental Analysis was performed.

Mr. Michael Hotaling, MAI, Managing Partner, Moody Williams Appraisal Group, 1300 Riverplace Boulevard, Suite 640, Jacksonville, stated that he took the Oath. He continued that he was asked to analyze the home sales as to whether the golf course lots sold for more than the non-golf course lots. Mr. Hotaling advised that he looked through two sets of data from 2021 to current and 2016-2018, and found the only substantial price difference was in the size of the homes. Golf course fronting lots tend to have larger homes, according to Mr. Hotaling, and he found that the gross sales price tends to be higher, but the price per square foot turns out to be lower. He advised that he also analyzed the potential impact of the Planned Development on the existing homes and explained that there has been a paradigm shift in how subdivisions are developed in regulation and the local demand. Smaller lots are being sought after, with smaller yards to mow. The same size house is wanted but with less yard to maintain. More compact neighborhoods with walkability, underground utilities and community amenities are desired. Mr. Hotaling continued that essentially with golf courses, there is a stigma associated, and people pay less for the homes on the golf course because the golf course is closed.

Mr. Sans Lassiter, P.E., President, LTG Engineering and Planning, 1450 West Granada Boulevard, stated that he took the Oath. He stated that he has his Master's Degree in Transportation of Engineering from the University of Florida, and has 45 years of experience. Mr. Lassiter delivered explanation of the traffic analysis, including the warrant for a traffic signal at Tomoka Oaks Boulevard and Nova Road. The development will be going through the proportionate fair share process, with the stacking information and traffic access improvements presented.

Mr. Merrell continued with describing the 9th criteria regarding material and architectural features and standards, which is part of the negotiating process as part of the custom zoning, Planned Residential Development (PRD). He explained the difference from 'by the book' straight zoning. Mr. Merrell commented that the final, 10th criteria is happening now with the expert-testimonies.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, introduced himself with 35 years of experience in land use and zoning and resides in Ormond-by-the-Sea. He added that he has worked on golf course conversion cases. He stated that buffers, location of lot sizes, and compatibility with lot sizes requires flexibility. Mr. Bayer stated that he has met with the developers, consultants, and staff, and expressed his concerns with size of the significantly smaller lots, traffic and infrastructure. He commented that the HOA supports staff's recommendation.

Mr. Thomas Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, stated that he did take the Oath, and has a Master's Degree in City and Regional Planning, and is a member of the American Institute of Certified Planners (AICP), with 50 years' experience in the field. Mr. Harowski continued that he submitted an analysis of the proposed plan and spoke on compatibility between the proposed project and the neighborhood, traffic concerns, and residential design standards. He suggested the proposed project would be the first thing that people see when they go into the community and will be a defining element to the extent that the new homes will give a different impression of the neighborhood which will change Tomoka Oaks and the existing community. He reiterated the plan for bigger houses on smaller lots. The new houses will be more massive in appearance than the most exceptional in size in Tomoka Oaks now. Mr. Harowski expressed his concerns with the design of the proposed houses on the 50'-wide lot homes with the garages all protruding forward. He added that when going down the entrance street, you will see a continuous row of garages on both sides. He continued with 50'-wide lots on the project, they should be consistent. He explained that he has prepared quality alternative designs. Mr. Harowski noted that diversified design is the final element in the characteristic of Tomoka Oaks, and currently they have wood, brick, stucco and stone and the proposed neighborhood presents a more monolithic look, inconsistent with the current neighborhood. He commented on the design of the homes being repeated throughout the proposed development with 16 models throughout. Mr. Harowski referenced the traffic study and expressed his concern as well with the traffic that would come with the project, and stated that all agree a traffic signal is needed at Nova Road and Tomoka Oaks Boulevard, with an excess of 2,700 additional trips per day. He suggested that the applicant should be required to modify the study to reflect the upcoming changes to Nova Road proposed by the Florida Department of Transportation and an updated diamond intersection with an adequate turning radius. Mr. Harowski concluded with his concern about the sidewalks, with one sidewalk being proposed on only one side, commenting that there should be sidewalks for safety on both sides.

Mr. Spraker provided a reminder that anyone interested in speaking to the Planning Board would need to complete a comment card.

Chairman Thomas opened the public comments.

VI. PUBLIC COMMENTS

Each speaker is allowed three (3) minutes to address the Planning Board.

Audience Comments

Ms. Carolyn Davis, 46 Oakmont Circle, introduced herself as a resident of Tomoka Oaks and confirmed that she took the Oath. She commented that her name may be familiar from the staff report. She advised that she writes the Tomoka Oaks Times newsletter. Ms. Davis hired Attorney Brent Spain, Theriaque & Spain Law Firm, who submitted a letter of opinion citing case law, that a golf course property cannot be developed into residential homes. Ms Davis explained Mr. Spain's legal authority in that he received his J.D. from Florida State University (FSU), where he ranked #7 in his class of 214. She continued that his relevant areas of practice include land use and zoning law, land use litigation, and appellate advocacy. Ms. Davis clarified that her

prevention efforts are independent of the volunteer HOA mitigation efforts and expressed that she respects their efforts. She thanked *Jim, Dennis and Tom* for their presentations. Ms. Davis explained that she felt compelled to take a different path, based upon historical and legal records that would prevent development. She added that she noticed that the developers included their resumes and pictures, of ten professionals to lend credibility to their flawed application. She stated that it is important to let the Planning Board know that she has her own list of credible, seasoned professionals, a number higher than ten, it is the homeowners of Tomoka Oaks and the surrounding neighborhoods that purchased homes believing the golf course would always remain a green area within our neighborhood. She asked the homeowners to raise their hands until her speech was over. She stated that she wanted the Board to see the faces of her credible professionals. Ms. Davis advised that she will provide the City Commission hundreds of resumes and signed and return post cards of public opposition. She stated that Tomoka Oaks residents went to her house today as she was writing this speech to personally deliver their post cards. A realtor, Kathy, asked Ms. Davis to tell the Board that even she does not want the proposed project. Ms. Davis concluded that she agrees with the decision of the city staff and Mr. Spain that the Planning Board should recommend denial. Mr. Spain's opinion will continue to have significant relevance for the denying the R-2 application as well.

Ms. Stephanie A. Cox, 1526 Agatha Drive, Deltona, stated that she did not take the Oath but solemnly swears. She continued that she is a resident of Volusia County and is a licensed real estate broker for over 33 years. She explained that she plans to move to Ormond Beach to be closer to her 4-registered voting children. Ms. Cox expressed that she is tired of the growth, traffic, problems with the schools and infrastructure in the city, as well as the traffic that will come if this development is approved.

Mr. Len Gaspary, 7 Oakmont Circle, stated that he lives on the Tomoka Oaks golf course. He elaborated on his career as a home builder in Volusia County, including homes in Tomoka Oaks. He built four houses on the golf course, as well as four to five houses off of the golf course in Tomoka Oaks. Mr. Gaspary commented that when he was new to the neighborhood, the golf course lots were substantially more expensive then off of the golf course lots, and he chose to live at his home based on the fact that it was on the golf course. He added that 36 years ago, he paid a premium for the lot. Mr. Gaspary continued that at one time you had to get your home plans approved by an architectural review board and had to be administered by the people who developed the Trails subdivision to ensure it would fit in with the community. Mr. Gaspary expressed his feelings about if the golf course is closed, it will impact the value of the homes and lots. He feels that there must be a way to mitigate the loss and value of his house, as it changes the complete character of the community by adding 276 lots, which will add almost 800 people when all is said and done. He confirmed that he took the Oath.

Mr. Jeff Boyle, 614 N. Halifax Drive, stated that he is duly sworn and commented on the proposal having consistency issues. Comprehensive Land Use Planning, Goal 2, says that the development must be compatible with nearby homes, lot sizes and density. Policy 1.1.3. - prohibits altering the neighborhood character by squeezing a new subdivision inside an existing subdivision. Policy 2.1.1. - this project allows unsafe traffic flow, with more than 2,700 daily trips. Policy 2.4.6 - protects the environment from excessive tree removals, too much impervious surface and

stormwater that overflows into the Tomoka River. Policy 1.6.4. - states, preserve natural open space in urban areas, do not eliminate 148 acres of that open space. He continued, in the Land Development Code, Section 1-15, prohibits depreciation of adjacent property values and undue crowding. Section 2-35, requires a PRD to provide an indoor recreation amenity that is missing and substantial community benefits that justify code waivers and exemptions sought by the applicant. Mr. Boyle added that legal questions cloud this golf course conversion, early Tomoka Oaks documents promised a golf course "in perpetuity".

Mr. Boyle stated on October 3, 2006, the City Commission granted a 122-unit Tomoka development order with the condition to preserve the golf course. Everyone was unanimous on the decision, including the City Commission, including the current Mayor and two preceding Mayors, the Planning Board, the Planning Director, city staff, and the applicant's attorney all recognized that it implied unwritten golf course protection existed. He continued that in 2014, the United States Court of Appeals, 11th judicial circuit, upheld unwritten implied golf course protections. It does not have to be in writing. Mr. Boyle advised Chairman Thomas, in case law precedent and in city land use codes, we believe that the Board has solid legal grounds to deny this proposed rezoning.

Ms. Denise White, 9 Fox Run Trail, advised that she lives in the Trails subdivision and thanked the Board for their time and efforts and listening to the residents. She expressed her concern with the development is health and safety of everybody. She understands developers rights and knows why they purchased the land, but explained that thousands are impacted by the development by 450' single-road for residents to get in and out of the neighborhood, and takes issues with the traffic analysis stating that only four percent of residents will be going through the Trails. Ms. White stated that the Trails has small two-lane narrow roads that are laden with medians and that she walks the wider roads on Tomoka Oaks Boulevard. She continued that last year the question was raised by Trails residents about overflow traffic. She commented that it will affect all of them. She asked when looking at the map, at the 450' road, how it is reasonable to expect that it is not affecting everybody's lives and health and safety.

Ms. Ashley Dufrene, 118 N. St. Andrews Drive, stated that in Section 1-15, Article II, Administration Enforcement of the Ormond Beach Land Development Code, it is the Planning Board and City Commissioners' duty to ensure that the proposed use will not substantially or permanently depreciate the values of the surrounding property; create a nuisance; or deprive the adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood on the adjoining properties. Ms. Dufrene advised the Board that the current plan in front of them does everything that a proposed use should not. She said that her and her husband purchased their home in 2015 with the vision of raising their family there as generations did before them. They were looking for peace and tranquility being that they lived in major cities (Orlando, Miami, Atlanta and Washington D.C.) prior to settling in Ormond Beach. Ms. Dufrene continued that they were done with big-city-living and fell in love with Tomoka Oaks as they drove down the road and complete strangers would wave 'hello'. She explained that she felt that they were 'home'. She described that as they walked into the open house they were greeted with windows aligning the back of the home to see what they imagined 'old Florida' looked like with beautiful live oak trees lining what was the second fairway of the Tomoka Oaks

Golf Course. It was beauty that they had not seen in so many years living in congested neighborhoods and concrete jungles for all of their lives. They chose to buy the house even at the top of their price-range. Ms. Dufrene stated that they looked at a house on Rio Pinar that was $50,000 less but knew that the Tomoka Oaks home's view of the golf course was worth the extra expense. She added that eight years later, what was once their peace and tranquility as they are expecting their first child, will be destroyed by a wall of homes lining the back of their house, fifty feet from the edge of their pool. She elaborated that the new homes will block their sunrise-view and be replaced with concrete walls that are everywhere you turn nowadays. The wall of homes will not be finalized for years to come, and for the next 5+ years there will be a construction zone surrounding the beautiful land including their sleeping baby. She commented that hammering, pounding, and dust will circulate as they try to enjoy their haven of peace and privacy. Ms. Dufrene concluded that the proposed use must "not create a nuisance; or deprive adjoining properties of adequate light and air; create excess noise, odor, glare, or visual impacts on the neighborhood and adjoining properties." She closed in saying that she hopes that she illustrated that the plan will do everything that it should not. Ms. Dufrene confirmed that she took the oath.

Ms. Michelle C. Zirkelbach, 328 River Bluff Drive, expressed that she cares deeply and passionately about the home as her and her husband built the home and raised their children there. She added that she cares about her neighbors and neighborhood and cares about the City of Ormond Beach. She continued that the proposed development affects everybody as every resident travels on one of the major thoroughfares in the city. Ms. Zirkelbach stated that Ormond has grown extensively since she moved here in 1989 and she realized that a guiding force in the development is the Comprehensive Plan. She continued that the Comprehensive Plan establishes a community's policies and priorities regarding future development while aiming to preserve the environmental features and community character. She remarked that community character is something that Tomoka Oaks has in spades. The compatibility with existing character is something the developer wants the residents to believe is true. She continued that combability is just a buzzword to her at this point. Ms. Zirkelbach stated that the neighborhood is full of individual architectural design an abundance of majestic trees and established homes. She continued expressing her confusion with the applicants' claims that the proposed 50' wide, 60' wide and the 80' wide lots were compatible with the existing 100'+ lots they currently enjoy throughout Tomoka Oaks. Ms. Zirkelbach stated that her and the other residents are confused about the traffic studies. She apprised the Board that she was a former math teacher and is aware that people can make numbers say whatever they want them to, resulting in all Ormond Beach residents suffering the consequences of the traffic. Ms. Zirkelbach commented that she has been reading and studying a lot about the matter at hand and is reminded of when she studied contracts when getting her real estate license in 2004. She remarked that she never had a buyer ask her to find them a house on a 50', 60' or 80'-wide lot. She continued that they are being faced with the developers maximizing profits per acre. Ms. Zirkelbach concluded that all of the residents that raised their hands signed a contract to buy a home in a golf course community or on a golf course. She expressed lack of care about the expert that said that the home values will go up, if her quality of life goes down.

Ms. Ellen L. Cook, 1 Tomoka Oaks Boulevard, Escondido Condominiums, expressed her concern with the traffic, with her condominium building facing Nova Road. She

stated that the only thing that will not prevent anything is if the proposed development will not be built. She elaborated on the traffic that is seen stacked up and said that it is due to the railroad. She said that it does not matter how many cars are coming or going, that everyone has to stop at the railroad track. Ms. Cook remarked that putting up another traffic signal on Tomoka Oaks Boulevard is not going to matter if the railroad is closed and nobody can pass and turn left onto Nova Road or from Nova Road on to Tomoka Oaks Boulevard as everything comes to a halt. A railroad signal will not be in sync with the traffic signal, she said, and added that there will be accidents. Ms. Cook concluded that only the residents in Escondido and Tomoka Oaks know what goes on there and suggested that they pay attention because it is going to be a big issue.

Ms. Adele Shaw, 1 Tomoka Oaks Boulevard, stated that she took the Oath and lives in the Escondido Condominiums and is also concerned about the traffic. She continued that when she sees the word Reserve in the words Tomoka Reserve, she thinks of nature. Ms. Shaw that the city could have purchased the former golf course. Ms. Shaw expressed her dissatisfaction with the project and lack of natural preservation and recreation in it.

Mr. Tom Fitzgibbon, 51 S. St. Andrews Drive, stated that he lives in Tomoka Oaks and is a member of their HOA Board. Mr. Fitzgibbon confirmed he took the Oath. He expressed his concern with the traffic, stating that the new houses will add 600 vehicles or more and more than 2,700 daily trips at a minimum. The development traffic will block Escondido going in. He continued that turning left from Tomoka Oaks Boulevard onto Nova Road is already dangerous, and commented that there will be twice the amount of cars and trucks will make it worse. Mr. Fitzgibbon remarked that the traffic light may take up to two years to install. He continued that the Granada Boulevard, Main Trail-intersection, where LTG is predicting that after the development is built there, that only 18 more cars in the AM peak hour will exit onto Granada Boulevard, and referenced the part of the report that detailed that there will be 600 more vehicles where many will exit through the Trails to Granada Boulevard to Walmart, Lowes and other locations. Taking the Trails route versus Nova Road is about the same travel time. Mr. Fitzgibbon stated that he takes the route through the Trails as it is a nicer route. He expressed his concern with the data and methodology of LTG traffic study. He stated that residents could not hire a traffic expert because no local traffic agencies approved of the development. Mr. Fitzgibbon explained that none of the narrow roads have sidewalks and puts the residents and kids in danger. The Public Works Department has promised to put in speed tables on Tomoka Oaks Boulevard based on a speeding problem that radars, signs and patrols cannot fix. He commented that four houses down from his house, a female pedestrian was killed by a driver. He stated that he saw a city inspector also almost get hit by a speeding car as well as large delivery trucks that speed blindly around cars, clipping overhead wires and trees. Mr. Fitzgibbon asked the Planning Board and City Commissioners to finish the street work before house construction and to plan the possible development correctly to limit injuries and deaths.

Ms. Denise Corley, 51 S. St. Andrews Drive, stated that she took the Oath, opposes the development and spoke on her topics of compatibility and soil. She continued that the 100'-wide lots create spacious feel along with 13 islands. She added that the proposal looks urbanized with 50', 60', 80'-wide lots covering 50 percent of the land and is incompatible. The proposal tells the fact that centrally located smaller homes

are appropriately screened from the existing neighborhood and she continued that it points to the fact that village-homes on 50'-wide lots are less compatible. Ms. Corley continued that the center cavity is not diverse and the area in the north corridor is spacious, larger and upscale, and expressed that the plans for diversity are sketchy. She asked if there are assurances that the houses will be private homes or if it is a corporate rental housing development, and asked if it would be good for Ormond Beach. Ms. Corley remarked that calling the golf course an infill makes it sound as though it is the ghetto in an urban city. She expressed concerns about the soil and asked the Board to take a close reading of the environmental report where it points to several remediation steps that need to be performed for the soil clean up target levels to be met with standards for residential housing. She asked if it can be trusted that the steps will be followed in accordance to the law and if the soil will continue with unacceptable levels of harmful chemicals, be removed offsite or mixed with the other soil. Ms. Corley suggested that the recommendation that the soil will be transported and piled on open space in amenity areas of the proposal is of no comfort to the existing residents. She expressed her concerns with the fertilizers, poisons, animal feces, petroleum products, rubbish in the drainage ponds as well as the airborne toxins released by moving soil as discomforting as well. She touched on the berms, and stormwater drainage ponds on the perimeter of the proposal and those abutting the 50' buffer of the Tomoka Oaks residents, and mentioned that she hopes the berm is not toxic soil piled up behind the homes. Ms. Corley continued that the swales, ditches and dry ponds proposed are known to be mosquito habitats and that Tomoka Oaks residents utilize ground stormwater pipes. She urged that the Board vote no on the proposal.

Ms. Jane Eddy, 306 River Bluff Drive, stated that she took the Oath and read a letter from another Tomoka Oaks resident, Ms. Julie Frebis, who was unable to attend. "I would like to utilize my time this evening to discuss the overall development occurring in the City of Ormond Beach and the lack of critical infrastructure our city currently has to accommodate the needs of its citizens. I recently had to take my mother to the emergency room. She was suffering with a heart condition that without timely treatment could have easily led to a stroke. We went into the ER around noon and waited five hours for a room. Once in the room, we waited another three hours before we saw a doctor. The doctor ordered medication and due to a lack of staff, she was not given the medication until I called a high-level contact at the hospital to get extra attention. Once I called my contact, she was given the medication about 45 minutes later or almost nine hours since arriving at the ER. This concerns me a great deal. What if her condition was worse and she had a stroke? What about our citizens that do not have someone to call? How many of our current citizens are suffering severe medical consequences due to the lack of critical care infrastructure? What about the families when they need care? This is not the hospital's fault. They are working at break-neck speed to expand their services. This is simply due to having too many people move to our town in too short of a time period. It is time to step on the brake pedals. I work as the employee benefits director for a large company in the area and am acutely aware of the lack of other medical providers in our community. You need to be aware that there is a critical shortage of primary care physicians in the area. Most in our community have to wait up to six months to book a new patient appointment with a primary care provider. Also to my knowledge we only have one provider in all of East Florida that serves the under privileged or maternity care. My question to you is what is more important? Additional tax revenue for the city, and

allowing developers to build to the maximum, or the well-being of the Ormond Beach current residents? The right answer is the well-being of our current residents."

Mr. Scott Ryals, 24 Tomoka Oaks Boulevard, stated that prior to his current address he lived at 66 N. St. Andrews Drive. He stated that he had a decision to make when he saw the problems back in 2006/2008. He commented that it was a very difficult decision to put in 122 units on a golf course he played since 1970. He added that he has been in the neighborhood for 50 years. Mr. Ryals said that he knows every chemical that was put on the golf course before and got his first job there. He elaborated on his familiarity with the golf course and club house. He stated if we let a piece of our city do what's happening, to me and my family, you won't think to highly of Ormond Beach. Mr. Ryals stated that he still lives in Tomoka Oaks and he loves it. Mr. Ryals stated that he knows how mitigation takes place with numbers, and how individual freedoms are taken away over time. He stated that he was the one who stated if anything was done to the golf course property that it would remain a golf course. Mr. Ryals commented that he beat his head night and day on how he can do it. He said that they could only put in 122 units with the 2006 development and did not want to make $150 million off the development. They did not want to impact the traffic. He concluded that he hopes his perspective is understood and that he enjoys Tomoka Oaks and plans on staying there. Chairman Thomas commented that Mr. Ryals had taken the Oath.

Mr. Peter Tupas, 332 River Bluff Drive, confirmed he took the Oath. He stated that he has been a resident of Tomoka Oaks for 27 years and has been a real estate broker for 30 years. He disagrees with comment made about the golf course depreciating the value of the homes on it. He added that a lot of people paid a lot of money because the houses are on the golf course. Mr. Tupas commented on the two-lane access on Nova Road and two-lane access going from Main Trail, and adding 600 cars with rush hour, people will be stacked up. Mr. Tupas stated in the real estate business, anything behind houses impacts there value. He remarked that the traffic light may assist getting people on the road but that the access through Tomoka Oaks will be jammed up getting to the traffic light.

Mr. Ned and Lauren Huhta, 30 Pine Valley Circle, introduced himself and his daughter, and stated that he took the Oath and is a second-generation resident. He explained that he lives in a custom built home and is like none other in the neighborhood. He added that he supports the city staff denial and encourages the Board to do so. Mr. Huhta commented on his support of the Tomoka Oaks residents and remarked that the high traffic levels will be a nuisance to all who travel through the area, and believes that it promotes a lower quality of life. He suggests the applicant provide all of the funding for the configuration of the entry area if approved. He requested that if reuse water for irrigation is provided to the project, then re-use water should be provided to existing Tomoka Oaks residents. Miss Huhta confirmed that they took the Oath.

Mr. Richard Goldhair, 21 Cherokee Trail, advised that he took the Oath. He stated he desired to talk about the construction traffic that will likely last three to five years, as well as weekends on Saturdays 7:00 a.m. to 7:00 p.m. He expressed his hope that the 18-wheelers will not be allowed. If they cannot use the Tomoka Oaks entrance, will there be overflow on the two Main Trail entrances, Nova Road and Granada Boulevard. Mr. Goldhair referenced traffic, including large delivery vehicles

contending with pedestrians, skateboarders and bicyclists at the choke point off of Nova Road with the public shopping center on one side and community center on the other side with the possibility of a catastrophic situation. He continued that trucks accessing Granada Boulevard that get to Rio Pinar and Iroquois to get to the new construction site, they will have to go over the Misners Branch bridge. He expressed concern if the bridge can take the excess weight of the construction trucks and increased traffic. He questioned how the proposed project will affect real estate values and insurance premiums.

Ms. Barbara Handsman Doliner, 108 S. St. Andrews Drive, stated that she took the Oath. She explained that her family has had a thumbprint in Volusia County for 83 years and she has been a resident of the Trails and Tomoka Oaks for 35 years. She added that she raised her children there and that they are all registered voters. Ms. Doliner stated that she has been a professional volunteer in the community for 35 years and expressed appreciation to the Planning Board for volunteering. She thanked the residents for working diligently to maintain the neighborhood. She commented that she does not understand why the proposed project and the people behind the project, are so resistant to what the community has to say. Ms. Doliner stated and repeated, that it does not fit the community. She suggested building it in Miami or elsewhere and not in Tomoka Oaks where they do not want 'cookie-cutter' homes. She added that they do not care if gates or sidewalks are included in the proposal, and concluded that the shoe does not fit and this Cinderella will never have the shoe fit, no matter what way it is packaged. It does not fit. Ms. Doliner reiterated the suggestion for 100'-wide lot executive homes with 120 units. At $700,000 per home, she asked if that was enough money to make, what is the issue here. Ms. Doliner concluded that no consideration was given to increasing police, EMTs and Firefighters. She understands the shortage of doctors, the overcrowded hospitals and the going rate of over 7 hours at the emergency department. The shoe simply doesn't fit.

Mr. James Cameron, 39 Laurel Oaks Circle, stated solemnly swore that all of his comments are true in nature. He stated that he in support of the application and has worked with a local pro-business group for a number of years and has worked with the Volusia County Association for Responsible Development. He expressed the importance of all finding a happy medium that everybody can agree to and said that he talked with Planning Board members as well as with people in opposition to the issue. Mr. Cameron pointed out that he has heard a lot of people say that they have a lot of confidence in Planning staff. He concluded that he hopes a custom zoning can be agreed upon between all parties.

Mr. Renny Herrero, 111 N. St. Andrews Drive, stated that he took the Oath. He stated that he has lived in the community his entire life and is part of six generations. His grandfather was born in New Smyrna in 1918 and installed a love for surfing and golf in him. Mr. Herrero continued that he and his wife married and were excited with the expectation of being near a golf course and has played golf in Tomoka Oaks since the 1980s. He commented that he has played almost every golf course around the community and referenced the statements about 21 different golf courses within 20 miles and another questionable comment on four municipal golf courses, and remarked he did not think that it was factual information. Mr. Herrero stated that he can think of about seven golf courses within 20 miles as well as two municipal golf courses and delivered additional information on the popularity of golf courses and

educational opportunities in reviving ones that are run down. He referenced one in Atlanta where businessmen put their ideas together and put together a plan for educational opportunities for a rebuild. Mr. Herrero commented that golf is still popular and there are 60-80 people out on the LPGA Golf Course swinging a club daily even in the summer heat. He remarked that it is outside and beautiful. He added that the idea to relaunch Tomoka Oaks as a standalone 18-hole course without financial support is not financially sound. Mr. Herrero suggested considering other proposals that would keep the golf course. He concluded that the community could be behind the concept of a use that included the golf course in the redevelopment. Mr. Herrero stated to approve this plan is to settle for lack of possibilities and ideas. We can do better.

Ms. Caroline Herrero, 111 N. St. Andrews Drive, stated that she took the Oath. She stated she lived and grew up in Tomoka Oaks, and enjoyed being outside there in its beauty, ran and rode her bike there. She added that now one of her favorite parts of her daily routine is sharing it with her grandmother when they go on their evening walks. She added that they have noticed the growth of Ormond Beach and how it has changed the experience of living here. Miss Herrero continued that the Developer's Economic Impact Study states that all traffic is engineered to go Nova Road via Tomoka Oaks Boulevard with it being said that there are other alternatives and that they are longer. She clarified that if you exit the neighborhood onto Nova Road to get to Granada Boulevard where the traffic light and Main Trail connect, which is the other exit, it measures approximately two miles even and if you take the short cut through the Trails it measures 1.9 miles to get to the same intersection. She commented that it is already tricky for pedestrians and cyclists on the streets and pleaded with the Board not to approve the proposed project with this density.

8:30 p.m. Chairman Thomas announced an 8-minute break.

Mr. Adam Kipi, 52 Pine Valley Circle, stated that he took the Oath. He stated that he does environmental remediation and litigation for a living and spoke on the environmental report and asked the question of if they are going to dig 2' and then fill it in with clean fill straight over the top with the problem of going 2' just straight over the fairways because it is only affecting the fairways. He suggested that there would be other drainage issues. Mr. Kipi commented on the proposed homes and retention areas, suggesting that there will still be sloping, topography and grading issues. He touched on the traffic light and remarked that it will be an issue. He added that unless the main entrance is widened to Nova Road that they will be backed up, even with a roundabout. Mr. Kipi referenced the applicants PRD and then the addition of a part two, and added that when he moved here in 2021 he noticed on google maps still had Tomoka Oaks displaying a golf course and noticed in pictures that it had been neglected for years and had the thought that if it were to come up for sale that the residents can buy it and make it a golf course again. He suggested commercially, to take it back to a golf course and sign a Rehabilitation Completion Order. He referenced Tomoka Oaks as being a community built around a golf course and to possibly sell it to the city, stating that nobody wants the proposal or houses to be right up to the back of their fences. He suggested to go build off of Airport Road in undeveloped land. He expressed that he feels that it is going to look ridiculous and that it is going to be a nightmare.

Mr. Tyler Brown, 90 N. St. Andrews Drive, stated that he took the Oath. He expressed concern with the compatibility with Tomoka Reserve and Tomoka Oaks. He stated the applicant states the density is 1.87 units per acre for the Tomoka Reserve project and 2.09 for the Tomoka Oaks subdivision. He stated he questions these numbers. Mr. Brown stated when looking at the Volusia County Property Appraiser's (VCPA) Website, there are 547 lots in Tomoka Oaks with a land area of 282.85 acres, which he calculated at 1.93 units per acre and not 2.09 units per acre,. He commented that the number does not include roads or the islands in Tomoka Oaks and he did not have access to that specific data on the VCPA website. Mr. Brown remarked that it is the addition of 148 acres of the golf course that Tomoka Oaks was built around that was the core of the neighborhood. The number for Tomoka Oaks drops to 1.27 units per acre, lower than their proposed development, according to Mr. Brown. He then referenced the newspaper article out this morning that stated the number is closer to 1.003 units per acre at 547 homes and 545 acres. Mr. Brown commended city staff for their observation of the project and concluded that with the concerns raised by residents, the city might want to clarify the units per acre issue, and more, prior to when the Planning Board reviews any recommendation one way or another.

Ms. Missy Herrero, 111 N. St. Andrews Drive, asked if Mr. Cameron, who expressed that he was in favor of the development, was a paid witness and if so, should he have identified himself as a paid consultant?

Attorney Hayes replied that there is no evidence of Ms. Herrero's inquiry.

Chairman Thomas added that there is no proof that he was a paid witness.

Ms. Herrero stated that she has been a resident of Ormond Beach for 30 years and is a native Floridian. She commented that she is not against development and understands that they cannot fight it but we do have the power to shape it. Ms. Herrero stated that she heard from the Planning Board before that Ormond Beach residents do not want to share their sand in the sandbox with people moving to Florida. She shared her personal story about her parents illnesses with COVID in January and how she and members of her family work in the hospital, serving the community for decades. Ms. Herrero explained that they went to the hospital and both the hospital and the emergency department were full with no beds. She advised that she took her 87-year old father there for needed fluids and how they waited for eight hours in the hallway. She added that it is not the hospital or the nurses or doctors faults and that they are doing the best they can. She said that they left at midnight and that her father returned the next day by ambulance and he waited another eight hours in the hallway again. Ms. Herrero stated that they left and he continued to deteriorate, and attended an appointment via tele med and then had to return to the hospital for a third time via ambulance and was then admitted. She continued that his health deteriorated to a point that the family decided to go home on Hospice-care. Ms. Herrero reported that they did not have a Hospice nurse for five days because there was a shortage and he died three days later. Ms. Herrero explained that there is no structure for the existing residents and that this is what people are doing that are living and dying in the community today. She concluded that she hopes that the Board does not have the same experience that she did of the real life experience-data presented, and that she took the Oath and recommends denial of the plan.

Mr. Paul Hughes, 4 Lauren Court, stated that he took the Oath and expressed his concern with the missing logic, delivering history on his experience in the community in that he moved back to family here 30 years ago and bought into Tomoka Oaks Country Club and Golf Course, the greenspace, what the neighborhood offered to the kids with the opportunity to ride bikes and enjoy life. He continued that he supports all of the efforts for the greenspace and quality of life the golf course would offer by stopping the proposed development. Mr. Hughes commented that when it was up for sale he was late and offered to write a check for the 150 acres so that it would stop. He added that he thinks that there are enough people there that could come up with the money or use the city's money or other appropriate resources, including the university what would be interested in involvement to bringing it back to a greenspace, golf course, and avoid this. Mr. Hughes suggested if going through with this project design, there will be five to seven years construction with trucks that will exceed 24 tons, attempt to go over the bridge, which will limit the number of entrances into the neighborhood. He spoke on his traffic concerns, expressing his recommendation of denial, stating that there is no physical way to put 30 pounds of potatoes in a five-pound croker sac. Mr. Hughes concluded that it is too much for this community and that they bought what they bought, for the green space and what it was and have paid dearly for it.

Ms. Janice Rose, 21 Eagle Court, stated that she took the Oath and has lived on the golf course for 32 years. She asked for a provision in the Planned Development order that the Tomoka Reserve HOA is required to preserve and maintain the trees and the buffer around the development now and in the future. She continued that if they do not, the residents of Tomoka Oaks should have the right to sue. Ms. Rose commented that she may not have 30 years to see mature trees behind the property.

Ms. Leah Washington, 12 Oakmont Circle, stated that she took the Oath and that her and her family moved to Tomoka Oaks in September of 2020. She added that her husband is off serving his last tour in the military and they decided to settle down in Tomoka Oaks with their kids. She commented that they are going to call it home forever, the purpose of them not going with her husband during his last tour so that their kids can settle down and call their place 'home' in their forever home, in a place where they can grow up with kids and know the kids for longer than three years at a time. Ms. Washington stated that they live in a community that was advertised as a golf course community. She expressed that they are finding as time goes on that the peaceful community is not there anymore and is not going to exist. She explained how difficult it has been to find a pediatrician in the community going through three different pediatricians offices to get care and stay with her health insurance. She continued that specialty care for pediatrics does not exist in the community as they have had to travel to Lake Nona, Lake Mary and Orlando frequently for care. She added that they have gone through four different dental offices as well due to having to circulate insurance companies and not being able to sustain the patient load. They drop certain insurance companies in order to sustain a better count in their practices. Ms. Washington stated that all of this is happening without the development and asked what she is supposed to tell her kids when they cannot get a pediatrician or sick child appointment for three weeks, then in turn having to sit in the Emergency Room (ER) for six hours. She commented that it is negligible of the community to consider the proposed development. Ms. Washington concluded that the Florida Department of Transportation (FDOT) issued their study recently and quoted statistics that started

in 2011 that came after the area was zoned Residential in 2006. She mentioned rezoning of a particular pod of land, she thinks that changes would have had to occurred within the geographic area around the property which prevents the use of the property under its current zoning. She concluded that it seems that the community has proven that it is not possible to continue the residential zoned area and suggests denying the project all together.

Mr. Logan Pigliacampi, 31 S. St. Andrews Drive, stated that he took the Oath. He stated he lives on the golf course and attended today's meeting to witness what has been ongoing for a few years. He stated that he was born and raised here and that the golf course has been critical to his way of life. He continued that he goes to the University of Florida and feels our fundamentals of living, how we want to expand and conquer everything around us, and want to make it industrialized and improve everything, and how in part of that, the beautiful scenery is ruined. Mr. Pigliacampi mentioned that he recently took a trip across the United States and drove through approximately 23 states and noticed how the levels of air pollution and industrialized trucking and fracking contribute to asthma. He explained an experience that he had when he just cleaned his white car and then when going through Georgia, through a town that experienced something like this proposal, noticed his car was pitch black. Mr. Pigliacampi stated that these things affect him and the Tomoka Oaks residents. He concluded that he has to live the next 60-80 years with this world and issued a warning, pleading about industrializing the area. He remarked that the community needs the trees and not just the limited number of required ground cover. Mr. Pigliacampi urged the Board to vote no and said to think about long term consequences, including the lives of area residents, the wildlife, and impacts of construction.

Ms. Darla Widnall, 7 Shawnee Trail, stated that people have been trying to fight the development for two years. She commented that she heads up the people in the Trails that do not want any residential development on the golf course. She continued that the city spent $125,000 for a two-year survey for Parks and Recreation, where they came up with 10 items, greenspace, parks, and a golf course in Ormond Beach, to name a few. Ms. Widnall commented that she is not a golfer but that the Tomoka Oaks Golf Course was a beautiful one and feels that it still could be. She attended the FDOT meeting where there were experts and she elaborated on the proposed 276 homes in the middle of Tomoka Oaks, and west of Interstate 95 on Granada Boulevard where there will be 10,000 homes. Ms. Widnall stated that she advised them to change whatever they are doing to Nova Road because by 2045 due to the possibility of the 10,000 additional homes. She concluded that she did not take the Oath but swears to tell the truth.

Ms. Debbie Gatz, 32 N. St. Andrews Drive, stated that she took the Oath. She has been in Tomoka Oaks for 27 years. She inquired about the Planned Development buffer and existing trees. She added that due to living in Florida with storms, a lot of their trees have gone down. Ms. Gatz expressed concern with her existing buffer left with all of the 80' vines taking over her landscape. She encouraged the Board to look at the Planned Development to see what is in place for their HOA to take care of those buffers that have existing trees. Ms. Gatz thanked her neighbors and elaborated on her history in the area, living in the Trails prior to Tomoka Oaks. Her family walks a lot and when walking with others, people always refer to the diversity of the homes.

Ms. Beth Rabitaille, 22 Rio Pinar Trail, stated that she has lived there for 30 years and commented that the road is busy with drivers that speed down it. She questions how accurate the traffic report is. She concluded that she did not take the Oath but swears to it.

Tomoka Oaks HOA Rebuttal/Summary

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, requested that the Planning Board reflect upon what they heard tonight. When the developers were making their initial application they described this as infill. He continued that this is not infill, but instead the filling of greenspace with a residential development. He further explained that infill is where rundown houses and rundown neighborhoods are taken out and replaced with new development. Mr. Bayer reviewed the history of the property as a golf course since 1963. He commented that it is not a golf course now and it they do not get what they want with a PRD, it will not go straight zoning. He suggested reviewing the staff report and criteria and the issues that the developer needs to answer. Mr. Bayer asked how the buffer will be maintained five years from now when the vines take over all of the trees. Mr. Bayer stated that Mr. Harowski provided design options for the smaller lots. Mr. Bayer acknowledged that the issue of medical care may not be in the Land Development Code for concurrency, but it is a factor should be considered for lower density. This development is building in the heart of the existing Tomoka Oaks subdivisions. He urged the Board to go along with the staff recommendations of denial based upon the lack of information that has been given by the developer.

Applicant's Rebuttal/Summary

Mr. Merrell stated their presentation and design professionals addressed many of the questions brought up tonight. The design professionals provided information on the lot widths and the buffer types. Mr. Merrell stated that they desire to hear from the Planning Board and provide responses as needed. What has been presented are options. At the root of this issue, this property has a residential density and land use, which is an entitlement. Mr. Merrell stated an entitlement is automatic. He continued it is not a choice between nothing and the application. It is up to the Planning Board to look at the list in the staff report and provide direction on the residential development of the property. Mr. Merrell stated that they are looking for direction on the options presented.

Chairman Thomas brought the discussion up to the Board.

Board Discussion and Questions

Ms. Shull asked for clarification about the R-2. Attorney Hayes explained the development application based on the PRD zoning before them today. The R-2 is a different issue and not before the Planning Board at this time, and should not form the basis of the Board decision based on a different issue. Attorney Hayes further explained that depending on the decision of the Board, the developer will have a decision to make whether submitting another application to rezone to R-2, come back before the Planning Board, or submit another application for a PRD development order.

Ms. Shull inquired about the irrigation on the buffer and where that water would be coming from. Mr. Spraker replied that irrigation is recommended by staff. There are two reuse ponds that they are seeking to use reuse water and suggested that a well will most likely be needed to supplement the reuse ponds. Mr. Spraker stated that the irrigation water supply would be part of the preliminary plat.

Ms. Shull asked about the self-amending mention. Mr. Spraker answered that the PD6 detailed the amendment of that language. He reiterated the lot layout language that the project can make the lots wider, for examples a 50' wide lot into a 60' wide lot. Staff has no objection to making lot widths wider and the project could not exceed the overall lot total of 276 units. Mr. Spraker commented that if the Board does not like the architectural standards or if they would like something else regarding the submittal, they can discuss and recommend to change. What has been provided is consistent with other Planned Developments.

Chairman Thomas asked for clarification about irrigation and if staff is seeking in ground irrigation. Mr. Spraker explained that in the landscape proposal it is to establish a natural vegetation that after a certain point, no longer requires water. A truck with water would be used to establish the landscaped areas temporarily. Mr. Spraker commented that the concern is if there is a drought, and the buffer dies, it puts the obligation on the HOA. Staff has never seen a buffer of this size utilizing temporary irrigation.

Mr. Scudiero stated that several speakers referenced putting in a traffic signal and asked for confirmation on if it has been approved. Mr. Spraker replied that the response comments stated that it was presented to the Department of Transportation (DOT) and it was verbally approved and Mr. Lassiter may have additional information.

Mr. du Moulin thanked the Tomoka Oaks HOA. He asked if there is a possibility of a win-win type situation, referencing greenspace solar panel farming that everyone can benefit from. It would be for something other than houses. He asked if housing does go in, if they can go in with increased lot size, such as the Broadwater subdivision for million dollar homes instead. Mr. du Moulin stated he is seeking a solution where everyone wins.

Mr. Galloway disclosed that he has friends on both sides of the equation and has spoken with a few Tomoka Oaks residents, as well as Mr. Durant and Mr. Merrell. He asked for the difference between the 80' wide lot from the proposed 100' wide lots. Mr. Durant explained that with the market of what people want to buy, they are interested in the smaller lot widths. Mr. Durant added that the greenspace is the same for both. Mr. Durant stated that they want this project to be successful He continued to be blunt, our future residents don't want to look into the back of the Tomoka Oaks houses. They desire for the buffer to be successful and believe that the proposed plan will be successful. Mr. DuRant stated there is an existing, non-irrigated buffer out on the property today that we are seeking to replicate. He suggested allowing them to put the buffer in as proposed and that if it does not work out, they will try something else. He reiterated that they do not want to irrigate or fertilize and do not want to have run-off. The project is seeking to replicate what the existing buffer is and if there is a need for security, the project can bond the improvements.

Mr. Galloway asked for additional information on the proposed plans inconsistency with the Comprehensive Plan. Mr. Spraker replied that in the staff report it is not one of the reasons why staff recommended denial. It was not said that the proposed plan is inconsistent with the Comprehensive plan. He clarified that the reason for recommending denial were criteria 1 and 4, consistency with the Land Development Code (LDC), as in section 2-35 is permissive and specifies that, *'you may'* do something. He further explained that the issuance of the development order is a negotiated zoning. The area surrounding the property has 100' wide lots. Mr. Spraker continued that it is understood, the design of the project is to provide the buffer in exchange for smaller lots, which would be fine in the interior of the project, but the perimeter should stay at 100'. He also referred to Mr. Durant's comment on the setbacks at 7.5' for a side yard setback, which is smaller than a typical lot. Mr. Spraker concluded that staff did not recommend denial based upon consistency with the Comprehensive Plan.

Attorney Hayes specified that the staff report identifies the criteria that the proposal before them today should be evaluated.

Mr. Mark Karet, referenced the question as to if the plans are consistent with the Comprehensive Plan. He stated that Ormond Beach has land use categories that clearly would have not allowed residential development on the former golf course property, such as the "Recreation & Open Space" land use designation. Mr. Karet continued that the "Low Density Residential" land use allows residential development. Mr. Karet stated that the staff report indicates a policy that could be used to deny the application based on inconsistency with the Comprehensive Plan. Mr. Karet stated, as detailed earlier, the cited policy cannot be used as a reason for denial. He remarked that in order to deny the use, one would need to determine that the residential use is inconsistent and read words which are not in the policy.

Mr. Galloway stated or require 100' wide lots? Mr. Karet replied that the policy only refers to use and does not address lot sizes. Single-family lots next to single-family lots, regardless of lot size, is the same land use.

Mr. Karet stated in the application of Section 2-35 of the Land Development Code, staff is reading words in the language. He stated that what is being said tonight is that compatibility means that it has to be the same thing and that is not what the modern practice of planning says. Mr. Karet commented that compatibility has to be sensitive to the character of the community. He reiterated that it is infill development which is encouraged throughout the Comprehensive Plan. Mr. Karet states that there are many communities that are eliminating single-family only zoning.

Mr. Galloway stated he understands what Mr. Karet is stating, but there are many individuals tonight and notes that state that either they do not want the project or they want 100' wide lots. Mr. Galloway stated that the application is asking for smaller lot sizes and there are questions about compatibility. Mr. Karet stated that staff is seeking 100' wide lots next to the Tomoka Oaks existing 100' wide lots. Additionally, staff is seeking a type 6 landscape buffer of a 50' width with certain plantings that is typically required with industrial development next to low density residential uses. Mr. Karet re-emphasized that city staff is asking for both the 100' lot width and an indusial size landscape planting plan. Mr. Karet stated as a professional planner, that does not stand up.

Mr. Jorczak spoke on the diversity of the housing in the existing Tomoka Oaks community from the size and type, describing them as impressive in comparison with the newer developments out there or a cookie cutter approach. He commented that the existing community has issues with some of the people that service the neighborhood, such as the landscapers and mail carriers, and does not feel is the safest to get through with the amount of traffic there and the vehicles parked on the street. Mr. Jorczak remarked that it is a phenomenal area that we should be looking for excellence in how the piece of property is developed. He suggested that it needs to be something that blends with the existing area that has a character and a flavor and is not going to be an enclave. Mr. Jorczak commended Mr. Harowski on his research for his presentation and suggested doing a little more in researching if the proposed development should or should not go in. He remarked that he appreciates the time, efforts and money spent on creating the Board packet and all that city staff has done to point out what can be done as far as development options.

Chairman Scudiero made a motion to hold a time-certain vote, no later than 10:55 p.m. Chairman Thomas explained that he does not want to put a time-constraint on this and that it is of his top-5 most important issues ever heard in all his years of being on the Board.

Mr. Merrell stated that they appreciate the comments and expressed that the applicants are taking notes and listening to all Board suggestions. Mr. Merrell stated they are okay with a time certain continuance of the application.

Mr. Galloway stated that he has more questions and cannot vote on the issue tonight. Mr. Merrell stated that the applicant team is not seeking to rush the item and are noting all the comments.

Mr. Galloway asked if the staff recommendation of increasing lots to 100' wide around the perimeter were implemented, what would be the density (the number of units) that would be applying. Mr. Merrell replied that the project has been reviewed for a design using the straight zoning classification with 100'-wide lots, R-2. He stated that the design yielded about the same number of units. Mr. Merrell stated getting rid of the 50' buffer, you gain a lot of real estate, but the product would not be as good. Mr. Merrell stated if the project is required to provide 100' wide lots and a 50' industrial type buffer, it is just not a fair trade. Mr. Galloway stated that the project is developing in the middle of an existing neighborhood and those concerns need to be addressed. Mr. Galloway pondered why the abutting property owners did not purchase the former golf course as a community development district.

Mr. Scudiero asked the applicant, if the Board agrees to adopt all of staff and SPRC's recommendations, what the number of houses would look like. Mr. Merrell stated that they have not done this exercise.

Chairman Thomas referenced the presentation of Mr. Harowski. He asked for the design plan for the 50' wide lots and if they included an alley. Mr. Karet replied that there is room for back loaded alley ways. Chairman Thomas replied that would be the only way that he would vote for 50' lots.

Chairman Thomas asked about the open space and recreation planned for the project. Mr. Stehr answered that there would be a sports field, pavilions, pickle-ball courts,

two playgrounds, pocket parks, and added that the plan has not yet been finalized and additional open space and recreation can be added or modified.

Chairman Thomas referenced the traffic direction in between the fields and the parking lot between the areas and expressed his concern for the children's safety. Mr. Stehr advised that they would take it into consideration.

Ms. Shull inquired about the gates. Mr. Stehr stated that they are requesting electronic access gates for vehicular access only. Pedestrians are able to go through on the proposed sidewalks.

Ms. Shull asked about the lot size and density. She stated that the Tomoka Reserve project appeared to have more homes than the Tomoka Oaks subdivisions. Mr. Stehr referenced the density breakdown based on the LDC that was included in the staff report. Ms. Shull said that she agrees with the 100' wide lots around the perimeter but is unsure about the 50' and 60' wide lots in the interior. Mr. Stehr stated that there are condos and apartments abutting the existing subdivision. Chairman Thomas questioned if these were in the neighborhood. Ms. Shull stated the project is a neighborhood inside of a neighborhood. She stated her goal was to be consistent with what is in the existing neighborhood.

Ms. Shull stated she did not believe that the 50' wide lots are consistent with the neighborhood. Mr. Stehr asked if the multifamily was consistent. Ms. Shull stated that she is providing her feedback on the project.

Ms. Shull discussed the setbacks and stated from her experience, they allow for short driveways, which means cars are parked out in the street. Mr. Stehr replied that it is a 25' setback allowing for two cars in the driveway, and two in the garage. Ms. Shull commented that it is too much house on the lot.

Mr. Durant stated that the existing Tomoka Oaks lots are suffering with not enough room in their backyard, therefore they are trying to give flexibility to be able to sacrifice some of the front. He continued that the setbacks would provide additional distances between subdivisions.

Ms. Shull asked if fencing would be allowed inside of the neighborhood, even for those houses backed up to the buffer. Mr. Stehr confirmed that they are.

Ms. Shull asked why it was mentioned prior that 100' wide lots would not work, but that 80' wide lots can. Mr. Merrell replied that 100' wide lots could work, but they are not as good for the developer, and the 80' wide lots work better for the project. There is a concern that there is not a market for 100' wide lots.

Ms. Shull stated, as a realtor, she believes that 100' wide lots would be very desirable.

Chairman Thomas commented that the 100' wide lots in Tomoka Oaks do not stay on the market very long.

Mr. Carl Velie, property owner, for the proposed Tomoka Reserve development, stated that the value of property that is based on building and the land. The land is 20 to 25 percent of the property value, depending on how urbanized that it is. He remarked the bigger the lot width, the higher the cost of the house will be, based on

the house size. Most of the houses in Tomoka Oaks are selling for $400,000 to $500,000 range, and are 40 to 50 years old. Mr. Velie, stated if the project built a new home on the same sized lots then it would likely be an $800,000 home. Mr. Velie added that proposed houses on a 100' lot with 10,000 square feet in lot size will be substantially higher than the typical house in Tomoka Oaks. He stated that they are trying to match the same value on a smaller lot width with similar lot square footage.

Mr. Velie continued that they think they can sell a few 100' lots but he is not sure if they can sell two hundred of them as quick, and may have to wait 15 years. That is not what the developer wants to do. Mr. Velie stated that he does not think people want to buy million-dollar houses unless they are on the river or ocean. He said the project seeks to create a product that will sell quickly, or as good or better than what is in the neighborhood. He stated that there is a difference compatible and comparable. This project will be compatible with a residential use abutting a residential use. Comparable is going different because these will be new homes with new amenities. Mr. Velie stated that the new construction will result in better built and stronger houses. He expressed concern with have a 100' wide house with a value of $800,000 next to a 60' wide house with a value of $500,000. Mr. Velie stated if they thought that they could sell 100' wide lots, they would be all for it. But they do not think that the project can sell 100' wide lots.

Mr. du Moulin stated that if it is designed correctly it could work. Mr. Velie detailed the constraints of the existing property layout. Mr. Velie suggested that there be a quadrant area or pod where the lots are smaller at 50' or 60' lots. He remarked that the studies the applicants have done show that there is not enough demand for the million dollar homes.

Ms. Shull asked why Mr. Velie believes that they cannot sell 100' wide lots. Mr. Velie responded that the study the project has done there is not enough demand for the million-dollar homes. The concern is that there are not 200 or 250 buyers who can purchase the million dollar homes. Ms. Shull commented that they will go a lot farther with the neighbors if there is a higher quality product in the area. Mr. Velie replied that the proposed homes are planned to sell higher than any in the area, other than the riverfront properties that are in Tomoka Oaks. Mr. Velie stated that the cost per square foot is $250 to $300. For a 2,000 square foot house, that would be $600,000. For a 3,000 square foot house, it will be a million dollars and we do not see that demand in the market. Mr. Velie explained his experience in the area and stated that he moved to Florida in 1954 and moved to Ormond Beach in 1964. He was an appraiser for 40 years and learned the life cycle of a neighborhood. Mr. Velie concluded that it is to their advantage to sell the most expensive house that they can sell. Mr. Velie stated that this development will be new and modern. The newer, more expensive homes would enhance the values in Tomoka Oaks.

Chairman Thomas restated that the public participation is closed.

Chairman Thomas inquired about the 80' wide lots and the comment people do not want to have homes next to smaller homes. He stated on the proposed site plan, there are 80' wide lots across the street from 50' and 60' wide lots. Mr. Velie responded that area is the main road. Mr. Stehr answered that after numerous meetings with the neighborhood, the applicants went back to 80'wide lots by 125', matching the R-2

square footage. The 80' wide lots allow relocation of the garage to the side or to the rear.

Mr. Sheldon Rubin, property owner, added that the setback on the 80' wide lot is 25 percent. He remarked that the 10,000 square foot lots with 80' wide lots on the perimeters plus the 50' and the open space, is quite accommodating. Mr. Rubin questioned that he is not sure why everyone is stuck on the 100' wide lot. Mr. Rubin stated that they will be modern, high-priced housing with benefits and a bigger buffer, in which they agreed to the plantings for. He expressed concern for the disconnect. Mr. Rubin stated through the process there has been a desire to lock down this site plan and show exactly what is desired. He reiterated that we did not have any flexibility with the rules. So, on the inside lots we show 50' wide lots. Mr. Rubin added that if they have to put an alley on some of the 50' wide lots, that they will do so if given the opportunity. There needs to be flexibility in the design. He concluded that it is a superb site plan.

Mr. Jorczak stated that increasing lot widths would decrease the lot total and also reduce the traffic impacts. He asked if there were a catastrophic event and in an emergency evacuation for the entire area, how long would it take to get the residents out with the current road situation, with a huge number of people in a short period of time with limited road structure to do it.

Mr. Lassiter replied that they did not analyze a mass evacuation situation. He confirmed that they did a standard peak hour evaluation. He continued that without a traffic signal it will take a long time. Mr. Lassiter replied that when doing beachside analysis they do have to look at hurricane evacuation times. He continued that there is plenty of advance warning. He confirmed that the traffic analysis showed that the proposed plan works. Mr. Lassiter referenced the traffic signal and advised that what they did to the traffic signal study, and that the Department of Transportation (DOT) approved it with the following two items, (1) peak hour analysis to show that it will not work with a two-way stop; and (2) intersection control evaluation.

Mr. Jorczak expressed concern with overall traffic impacts that the city has experienced. He stated that the options to address traffic are limited based on transportation costs and funding. Mr. Jorczak stated that the Hand Avenue extension has been discussed for many years to alleviate traffic on SR40 and there is no plan to anything soon. Mr. Jorczak stated he hoped that in the planning process some of the citywide traffic problems can be addressed.

Mr. Lassiter stated that beachside developments required to perform a hurricane evacuation analysis. He stated when the PM peak hour analysis shows that it is working well, this is criteria in the hurricane evacuation analysis. Mr. Lassiter stated that the project works in the PM peak hour. Mr. Lassiter referred back to the question on the traffic signal. He stated that a signal warrant analysis was performed and FDOT verbally agreed with the analysis and are requesting the peak hour analysis and an intersection control analysis.

Mr. Jorczak asked if the warrant analysis coordinated with the railroad. Mr. Lassiter stated that is required as part of the study. Mr. Lassiter detailed how traffic signals work with emergency vehicles and train horns.

Chairman Thomas asked Mr. Lassiter if a study was done of the Trails intersection on Route 40. Mr. Lassiter replied that a statement was made earlier that the distance is close but he stated the traffic time was not. The main entrance to Tomoka Reserve is very close to Nova Road and the travel speeds to get out the Main Trail going out to State Road 40 is much slower. Mr. Lassiter stated the distribution is based on the travel time.

Chairman Thomas expressed his concern with the project traffic when going to Tomoka Elementary School at the intersection of the Trails subdivision and SR40. Chairman Thomas detailed the route from the Tomoka Reserve project onto Nova Road and West Granada Boulevard. He stated the left hand turns onto Old Tomoka Road are problematic and do not have long stacking lanes.

Chairman Thomas detailed the issue with the intersection of Main Trail and SR40 and a single lane to go straight or make turning movements. He expressed concern about the increased traffic at this intersection. Chairman Thomas added that the only solution he sees is if the city to make a right-hand turn lane out of the Main Trail onto Granada Boulevard, a southbound right turn (west onto SR40).

Mr. Scudiero accepted that a majority of the traffic from Tomoka Reserve will go to Nova Road based on its proximity. One question has arisen is what would that do to the existing Tomoka Oaks population that now does not want to deal with the backup in the morning onto Nova Road Would residents on South St. Andrews and Rio Pinar, go out through the Trails to avoid the Nova Road backup. Mr. Lassiter explained that because of how the existing homes are built, around the two relative access points, whether Main Trail or Nova Road, 64 percent of all existing traffic that has access to Main Trail and Tomoka Oaks, use Main Trail and 36 percent use Nova Road access. Mr. Lassiter added that because of the location of the proposed project, its primary impact is going to be on Nova Road, a state road, and less impact on Main Trail to SR40.

Chairman Thomas stated that there are approximately 1,000 homes that are in the Trails, 500+ homes in Tomoka Oaks, and now proposing to add 276 more lots, totaling approximately 1,800 homes. Chairman Thomas stated that there would be approximately 1,800 homes with approximately 3,600 vehicles going out three exits through Tomoka Oaks and the Trails.

Mr. Lassiter stated that we counted them all. Mr. Lassiter explained that the traffic analysis process has gone through several rounds of review by the Department of Transportation (DOT), by the City and the City's consultant, as well as the County. He stated that they all agreed we came to the right conclusion based on how traffic studies are conducted.

Chairman Thomas stated he believed that the traffic counting is flawed. Mr. Lassiter stated that traffic counting now uses video which is not flawed and is more accurate.

Ms. Shull asked if the count was done during school times. Mr. Lassiter replied yes. Ms. Shull expressed uncertainty about how the traffic analysis is performed and stated in the manor in which people drive and at the speeds they drive, she does not feel comfortable about adding additional traffic and backups to the Tomoka Oaks and Trails neighborhood areas.

Chairman Thomas inquired about the current City of Ormond Beach population. Mr. Spraker answered approximately 44,000. Mr. Spraker added that the time was approaching to conclude this meeting.

Chairman Thomas asked the Board to share additional closing comments for the applicants.

Mr. Galloway stated what he is hearing are concerns with density. He referenced it as trying to put five pounds of sugar in a one-pound bag. He continued that unless the HOA is willing to come up with a Community Development Fund to buy the property from the property owners, that something will be built there. Mr. Galloway stated that he just does not feel like 276 units is what needs to be put in that donut hole. He stated that there are 500 homes that exist and they bought with the expectation of a golf course. He spoke on the American Dream, the ability to own a home, no matter how large or how much it costs. Mr. Galloway stated that there has to be a happy medium here. The homeowners have to realize that something will be built there or there needs to be a purchase of the property from the HOA and/or residents. Mr. Galloway stated that it should not be my tax dollars paying for a park. Mr. Galloway stated that he hoped that the applicant team is listening tonight.

Mr. Velie replied that when he and the other property owners first started the process, they originally had a different engineering firm that drew up a plan for units and they declined that route as they wanted something consistent with the subdivision. He explained that he took a 1.85 mile circle on Google Earth around the neighborhood over the Trails, from Misners Branch East, Tomoka Oaks Condo North, Escondido, Tahlequah, Tomoka Meadows and Harbor Oaks. He added that he took every plat and platted it out, and found that they have less density than the Trails residential section, not including the Villas, at 1.91 units per acre and Tomoka Oaks is 2.09 units per acre. He further detailed that Mallard's Reach is 2.23 units per acre and Tahlequah is 3.06 units per acre, and considering the entire Trails subdivision is 3.4 units per acre. Mr. Velie concluded that any other subdivision in the city has higher density than what is being proposed with Tomoka Reserve.

Mr. Galloway commented that he values Mr. Spraker and thinks the City of Ormond Beach has the best city Planning Director and believes that the applicants need to reassess and come back. He added that he has faith that something will increase the value of the homes there.

Mr. Jorczak agrees with the city's comments on the issues were appropriate. On some issues, he stated he may have gone further. He continued with remarks on the influx of people moving to the area, and how things are not going to get getter with the hospitals or traffic. He commented that Ormond Beach considers themselves to be a jewel on the east coast and is a special community, therefore should not be augmenting what has been done in other major cities, but should be looking for excellence. Mr. Jorczak concluded that he would like to see a better mix on the lot sizes. He stated the wider lot widths would reduce density and ensure a higher value of houses.

Mr. du Moulin concurred with Mr. Jorczak and stated he would like to see an increase in the lot sizes.

Ms. Shull concurred with Mr. Jorczak as well on the density and lot sizes. She remarked that the homeowners are compromising and know something is going to be built there, and advised the developers to compromise as well and work with them symbiotically. Ms. Shull concluded suggesting for the developers to take into consideration the unique piece of property that it is as well as the interconnected density and traffic.

Mr. Scudiero commented that he would like to see the golf course reopened, but that compromise between the applicants and the homeowners are necessary. He concluded for the applicants to find ways to make it more palatable for everyone. Mr. Scudiero stated a compromise is needed.

Chairman Thomas referenced earlier remarks on the irrigation for the plants and stated that if the applicants cannot abide by staff's suggestions, to at least do a bond so that the homeowners are not stuck with not having the vegetation buffer as promised. He spoke on the 50'-wide lot sizes, and said that he is opposed, but that if the Board agrees with them, he will support if there is an alley and a garage in the back. Chairman Thomas stated that in Venetian Bay, there is a section that is set off by itself and where they do not have garages in the front of the houses. He added that he would love to see 100'-wide lots. He commented that both the developers and the landowners have rights. Chairman Thomas stated that the residents also have rights. Chairman Thomas remarked that whatever goes in is going to be impacting the resident's lives. Chairman Thomas agreed with Mr. Galloway that something will be built and there needs to be compromise. He stated that he understood there are residents who are seeking no development, but he believes that something He concluded that when he moved to the city 50 years ago, the population was approximately 30,000. There has been a growth of 14,000 people, and commented that the traffic reflects more than that.

VII. OTHER BUSINESS

It was discussed that the item requires a continuation for the applicants to bring other ideas and options back for another public hearing in front of the Planning Board and for the Planning Board to have more time for the support decision-making process. It was determined, taking the availability of the Planning Board, staff, and applicants, that the continuation meeting will be held on Monday, August 21, 2023 at 6:00 p.m. (location is to be determined). Mr. Spraker explained that the Planning Board is scheduled to meet on August 10, 2023 for the monthly Planning Board meeting as planned as well.

City Attorney Hayes stated that when the Board resumes this meeting, the item would be where it is now with Board member comments and discussion. The applicant and HOA attorney should be provided an opportunity to provide any updates. City Attorney Hayes stated a motion and a second would be needed for the continuation.

Chairman Thomas entertained a motion for the continuation date.

Mr. Galloway motioned for a continuation of the meeting on August 21, 2023 at 6:00 p.m. with a location to be determined. Ms. Shull seconded it. Vote was called, and the motion was approved (6-0).

VIII. MEMBER COMMENTS

Mr. Jorczak thanked the citizens of Ormond Beach for their input and expressing their opinions.

Ms. Shull thanked the audience members and staff for their input.

Chairman Thomas commented that he is interested in the City of Ormond Beach having another hospital. He added if the zoning could be amended where a hospital could be built taller than seven stories. Mr. Spraker replied that it would be a charter amendment.

IX. ADJOURNMENT

The meeting was adjourned at 10:57 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

ATTACHMENT 6

Past Minutes

Section B

August 21, 2023, Planning Board

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

August 21, 2023 6:00 PM

Tomoka Christian Church
1450 Hand Avenue
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Steven Spraker, Planning Director
G.G. Galloway	David Allen, Planning Civil Engineer
Al Jorczak	Cara Culliver, Landscape Architect
Mike Scudiero	Sarah Cushing, Senior Planner
Barry du Moulin	Marcella Miller, Recording Technician
Troy Railsback	Randy Hayes, City Attorney
Doug Thomas, Chair (arrived at 6:05 p.m.)	

II. INVOCATION

Mr. Railsback led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

V. APPROVAL OF THE MINUTES

Mr. Scudiero motioned to approve the July 13, 2023 Minutes. Mr. du Moulin seconded it. Vote was called, and the motion was approved (7-0).

Chairman Thomas opened the Public Hearing.

Attorney Hayes explained the continuation of the July 13, 2023 Planning Board meeting on Tomoka Reserve and how the meeting ended at the question, answer and decision component of the meeting agenda and where it continues this evening. Attorney Hayes stated that there will be no public comments unless it is the pleasure of the Board and added that the disclosure parts continue to apply. Recent updates have been proposed from the applicants as of last week on August 16th and staff advised that they need more time and have not been able to review the full context of the proposed changes, therefore today is more a material hearing and the issue could be continued to a later date. Recommendations were made for the Chairman to let the applicant, attorney and HOA attorney talk and decide if more time is needed to analyze the new plans.

VI. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order – continuation of the July 13, 2023 meeting

Mr. Spraker, Planning Director, suggested that if the Board is interested in considering the new site plan that there should be a new public hearing for it, as well as advertisement of it, and for it to go through the Site Plan Review Committee (SPRC) and the public hearing. Today the Board has the ability to act on what they heard at the July 13th Planning Board meeting. Mr. Spraker concluded that the Board may want to see something else which will require resubmittal.

Applicant's Opening Remarks

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, representative for the applicant, stated that he respects Mr. Spraker's wish for additional time to analyze the new plan and added that another updated plan was submitted on Friday. He advised the Board that he is interested in feedback from them and to come to a consensus at the next public hearing.

Attorney Hayes remarked that he suggests more of a summary presentation, than a full fledge question and answer discussion which is the purpose of a public hearing.

Chairman Thomas stated that he does not want to get back into a heavy discussion but more a summary of the new proposal and hear from the Homeowners' Association (HOA).

Tomoka Oaks HOA Opening Remarks

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, stated that he too respects Mr. Spraker's decision if the major or material changes require the continuation of the matter. Mr. Bayer added that he would like time to discuss the continued areas of significant disagreement that the

HOA has. He expressed his concern with the July 13th Planning Board meeting closing comment that was made that something will be built on the property but that the project was too dense, and remarked that going from 276 units to 272 units is not a material change in their eyes, and would like to be able to discuss that and other areas of concern.

Applicant's Summary of Changes

Mr. Merrell went over key issues of concern explaining that most of them have been resolved.

Key issue: lots sizes: Mr. Merrell started with the changes with the lot sizes around the perimeter of the development addressing the requested 100'- wide lots around the perimeter, with the request for them to match the existing Tomoka Oaks properties along the perimeter, the 50'- wide lots that were eliminated and now solely 60'- wide lots around the perimeter. He added that the greenspace, road alignments and stormwater ponds are staying the same. Additional 90'- wide lots and 100'- wide lots were added as well along the perimeter, where it was previously 80'- wide lots. Mr. Merrell commented that he does not think that anyone is going to see their neighbors' lot from the backyard with the buffer.

Key issue: Buffer: Mr. Merrell touched on the buffer, plantings, irrigation and maintenance and said that they agree with the number of bushes and understory trees to be planted in a type 6 buffer per staff's suggestion, but want to use a Florida-friendly type landscape that does not have to be frequently watered but more a wild landscape. Regarding a permanent irrigation system, Mr. Merrell expressed that there are other alternatives. He added that they are in agreement to offer a two-year bond if it needs to be replaced.

Key issue: Dimensional standards: Mr. Merrell continued that they are agreeing with staff's requested setbacks and dimensional standards.

Key issue: PD6 note on lot separation: Mr. Merrell continued that they are agreeing with staff's requested note modification on lot separation.

Key issue: Traffic: Mr. Merrell stated that staff requested that the diamond be reconfigured to a circle shape, and the applicants are suggesting a similar shape with rounded edges, allowing better flow as well as adding landscaping in the island. Regarding the proportionate share, it has been decided that the applicants are taking care of it 100 percent on their own. Mr. Merrell added that it was agreed to add sidewalks on both sides of the street. He further explained that it has been agreed to add a provision that says that the applicant will make application for permits for the signal within 30 days of the subdivision approval and such permits will be issued prior to the issuance of the subdivision construction permit, to be sure that the light is put in before anyone is traveling there on the road. Mr. Merrell referenced the architectural design requests and stated that the architectural standard language has been reworked. He continued and spoke on the request for a potential vehicular cut-through at the amenity area and it has since been reconfigured.

Key issues: Neighborhood meeting at preliminary plat: Mr. Merrell stated that the applicants agree to conduct a neighborhood meeting.

Key issues: architectural standards: Mr. Merrell stated that the architectural standards have been updated.

Key issues: amenity space parking lot: Mr. Merrell stated that the site design was amended based on the concern of cut through traffic.

Tomoka Oaks HOA Summary

Mr. Bayer commented that he does not think that the golf course remaining a golf course is near a determination yet and added that if there is a party that feels that the property has to stay a golf course it will be up to the courts to decide and not an issue for him or Mr. Merrell. He continued that the HOA set up a Board that continues to try and negotiate with developers to make the project more compatible, with significant areas of disagreement still existing.

Mr. Bayer brought up an aforementioned comment from the last meeting that this development is having significant impact on the quality of life for the existing tax-paying property owners which is fueling the comments that were made. He referenced the density, and the history of the site, mentioning that the last project proposed and approved by the City of Ormond Beach on this property was 100+ homes and significant open space in 2006, when the recession hit and projects did not get developed. Mr. Bayer added that the site is not urban infill and is a development of open recreational greenspace that has been developed around by homeowners that expect it to remain an open space. He continued that their decision is that the perimeter lots should be 100'- wide and asked staff if it is 100'- wide on the front of the lot and rear of the lot, or just 100'- wide on the rear of the lot and not the front. Mr. Bayer expressed concern with what is being said about the homeowners not even seeing the project because of the buffer and commented that they will be able to see them as secondary impacts, which includes the traffic.

Mr. Bayer touched on the traffic concerns and stated that the traffic study looks at the delays in traffic intersections and does not consider the fact that Nova Road is about to lose lanes under the Department of Transportation (DOT) proposal, or the possible fuel tank storage project. He was pleased with the agreement to the two sidewalks and stated that he hopes that the proposed updated rounded diamond area helps, and looks forward to having third party traffic consultants review it.

Mr. Bayer mentioned the architectural concerns and stated that Mr. Harowski, Certified Planner and Tomoka Oaks resident, worked on language so that they are not cookie-cutter, where every other house looks the same. Mr. Bayer elaborated on the HOA proposal that the same house model may not be used more than three times within a single lot phase and to have more diverse housing, and requests that the architectural plan be enhanced over and above what it is currently.

Mr. Bayer referenced the proposed buffer and explained that in his history in practicing law he has seen where neighbors complain that other neighbors are cutting down the buffer and seek Code Enforcement action and wants to see enforcement action that the property owners abutting the golf course would have the ability to do.

He asked for language pertaining to what happens after the two year bond, as well as the wild versus manicured buffer, and whether the HOA or developers will be responsible for it. Mr. Bayer concluded that with multiple sets of plans that there are still several concerns necessary to make the project more compatible with the interest of the current property owners.

Board Discussion

Chairman Thomas brought the discussion up to the Board. He reviewed the choices before the Board. Chairman Thomas disclosed that he received a phone call from Mr. Barshay. Chairman Thomas stated to Mr. Barshay that they should discuss the project with the homeowners and the HOA. Chairman Thomas commented on the new material with the change of lots, and staff's suggestions and advised the Board that it needed to be decided if it was going to be reviewed as new material or accept the submittal that was discussed on July 13, 2023 and continue on with a recommendation.

Mr. du Moulin stated that he accepts it as new material and should go back to SPRC for review.

Mr. Galloway agreed that it is new material and stated that he talked to people from both sides and hates to prolong it but that staff needs more time and thinks it will be fair to all parties.

Mr. Jorczak concurred with Mr. Galloway and commented that there are still questions to be raised. The overall density and lot sizes need more review. He added that it is an enclave within an enclave and has concerns with the architectural standards.

Mr. Scudiero reviewed the three options of voting it up, vote it down based on the July 13, 2023 meeting only, or continue the meeting and let the new presentation be formally made and legally advertised. He stated that he is not comfortable voting on the previous rendition with another rendition coming. He added that it is probably going to go to court and asked what the attorneys want to do.

Attorney Hayes explained the process and the Planning Boards role in it. The function of the Planning Board is to review the application and determine if the changes are not new material or act on the proposal that was submitted on July 13, 2023, and vote up or down. The new changes, once folded into the application go to City Commission but they lose the benefit of the experience of the Planning Board. Another option suggested is to continue with another meeting date with more discussion before it goes to City Commission.

Mr. Railsback apologized for missing the first Tomoka Reserve meeting and commented that he supports the position of the full benefit of the City Commission being a recommendation for a final plan and encouraged another meeting, incorporating as much of a concession and fine-tuning to benefit the community as well as property owners so that the process is not repeated again. He expressed interest in reducing density with the 100'- wide lots and putting a roundabout design in rather than a diamond.

Ms. Shull concurred with the Board and commented that the project has evolved. She disclosed that she met with Mr. Carl Velie and Mr. Ray Barshay on July 3, 2023 following the first set of plans and now the plans are different. Ms. Shull wants to make sure that all comments are addressed and added that it is not a typical neighborhood and that there needs to be time to address everything. She concluded that the property is infill but not derelict land and is a beautiful property.

Mr. Galloway expressed the importance on whatever decision is made.

Chairman Thomas concurred with Ms. Shull and added that he is glad it is being considered as new material and questioned that if there are changes now, what changes might arise between this meeting and when it goes to City Commission. He suggested making the best attempt and to consider the new material and move forward, giving the applicants a reaction to their recent summation for guidance.

Attorney Hayes stated that it should be general sound advice only and not getting into too much detail.

Ms. Shull stated that there is still too much density and would like to see bigger lots, even with the 60' – wide lots and commented on the congestion. She added that there are too many cars in the area creating congestion. Ms. Shull remarked that something still needs to be worked out with the irrigation for the buffer and added that she agrees that the architectural designs should be different.

Mr. Railsback commented that he has concerns with the density and squeezing a lot of property in and wants to see a more conforming development. He expressed his concerns with the buffer becoming a problem in the future and that there needs to be a requirement for whose responsibility it is to maintain it. Mr. Railsback added that he hopes the irrigation saves on water as well. He added that the architectural design should be controlled, and suggested that they should not be all the same color scheme in the same vicinity. He suggested that the diamond area should be a one-way traffic roundabout.

Mr. Scudiero stated that the changes discussed tonight are a step in the right direction. Mr. Scudiero referenced the density and stated that the compromise between 0 and 276 is not 272 and expressed his hopes that they keep working, commenting that there is not much change.

Mr. du Moulin questioned if it is legally right to build on this land. Mr. du Moulin referenced the past agreements stating the land would be a golf course. Mr. du Moulin stated additional work needs to be done and he wants to ensure that the land is not built on if there are restrictions that only allow a golf course.

Mr. Jorczak expressed that he still has concerns with the enclave within an enclave and suggested that whatever is developed blend in more efficiently with what is already there as far as lot sizes and the density perspective and not inconvenience the surrounding community. He commented on the minimal land left in the City of Ormond Beach. There are over 53 facilities in the community that are funded by the taxpayer, including open spaces and sports areas. Mr. Jorczak added that what is put

into a specialized area with the rest of the community and be an asset to the City of Ormond Beach is going to take all the input they can get from city staff from a technical standpoint and give it a hard look at the economics from the developers standpoint on how the property can be used. Mr. Jorczak concluded that there is more work to do on the proposal.

Mr. Galloway referenced the last Board meeting where 475 homes were approved in Plantation Oaks and explained the difference between the two projects where that land was designed to hold 475 homes. He continued that he is interested in seeing a spreadsheet on how the proposed homes inside of the existing homes will affect those homes' resale value. He added that he is concerned with the buffer and who will be responsible for the maintenance. Further expressing his concern with the buffer, he referenced a swamp area on Clyde Morris Boulevard where the brush behind the homes caught fire approximately six months ago. The number of lots are questionable as well he said. He spoke on development and reiterated that something will go in there and that the question is in the number of homes. Mr. Galloway concluded that it is a possibility that a few key people could go in and offer the developer a price and someone purchase it and then it will be seen what they want to do.

Chairman Thomas elaborated on recent experiences, one relative to the concern of the lot sizes in seeing homes as close as 10' from one another in Jacksonville, Florida. It was discussed and determined that depending on the area, there is 5' to 20' between homes in a subdivision on a 60'- wide lot typically. He continued that he and his wife noticed that traffic was congested going into the Trails from Interstate 40 on Sunday at 1:35 p.m., with eight cars going into the neighborhood and then four of the cars going though to Tomoka Oaks, expressing his concern with the traffic. Chairman Thomas commented that Tomoka Oaks is a traditional neighborhood where you have to search hard and far to find two homes alike and does not like the idea of dropping cookie-cutter homes into a well-established, traditional neighborhood. He added his concern with the density and that he hopes that there are a lot of changes before meeting again.

Attorney Hayes reviewed the available dates to hold the next Tomoka Reserve continuation Planning Board meeting, Tuesday, September 26 or Thursday, September 28, 2023.

Mr. Spraker stated that as part of the motion it is requested to hold a time-certain date before the new plan is submitted to the SPRC, which is requested by staff to be September 6, 2023.

Board discussion ensued and September 26, 2023 was decided upon as the next Planning Board meeting date.

It was discussed that the item requires a continuation for the applicants to bring other ideas and options back for another public hearing in front of the Planning Board and for the Planning Board to have more time for the support decision-making process. It was determined, taking the availability of the Planning Board, staff, and applicants, that the continuation meeting will be held on Tuesday, September 26, 2023 at 6:00 p.m. at Calvary Christian Center. Chairman Thomas asked the residents to keep the

comments to new questions or comments in reference to tonight's meeting and limit speaking time to 1 ½ - 2 minutes.

Chairman Thomas entertained a motion for the continuation date.

Mr. Galloway motioned for a continuation of the meeting on September 26, 2023 at 6:00 p.m., and for all the plans to be submitted to the Planning Department on or before September 6, 2023. Ms. Shull seconded it. Vote was called, and the motion was approved (7-0).

VII. OTHER BUSINESS

No other business was discussed.

VIII. MEMBER COMMENTS

Mr. Jorczak recommended that citizens of Ormond Beach attend the upcoming fuel farm County meeting for the safety of the community.

The Board thanked the staff and thanked everyone for attending.

Chairman Thomas requested for the applicant to choose different colors on the updated project plans.

IX. ADJOURNMENT

The meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

ATTACHMENT 6

Past Minutes

Section C

September 26, 2023, Planning Board

M I N U T E S

ORMOND BEACH PLANNING BOARD

Regular Meeting

September 26, 2023 6:08 PM

Calvary Christian Center
1687 West Granada Boulevard
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present	Staff Present
Angie Shull, Vice Chair	Claire Whitley, Assistant City Manager
G.G. Galloway	Steven Spraker, Planning Director
Al Jorczak	Cara Culliver, Landscape Architect
Mike Scudiero	Robin Gawel, Senior Planner
Barry du Moulin	Sarah Cushing, Senior Planner
Troy Railsback	David Allen, Planning Civil Engineer
Doug Thomas, Chair	Randy Hayes, City Attorney
	Marcella Miller, Recording Technician

II. INVOCATION

Chairman Thomas led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

V. APPROVAL OF THE MINUTES

Mr. Jorczak motioned to approve the August 21, 2023 Minutes. Mr. Galloway seconded it. Vote was called, and the motion was approved (7-0).

Chairman Thomas opened the Public Hearing.

Attorney Hayes explained the continuation of the August 21, 2023 Planning Board meeting on Tomoka Reserve. Recommendations were made by staff, Planning Board, and the HOA attorney to allow more time to analyze the previous set of new plans. Tonight, the Planning Board can make a recommendation to the City Commission or request additional information. Attorney Hayes added that the recent material submitted, according to the applicants, is consistent with the Comprehensive Plan and Land Development Code (LDC) regulations and staff disagrees and recommends that the application be denied. He concluded that the witnesses are not required to be re-sworn and directed for those wishing to speak to announce their name and whether or not they have been sworn in.

Chairman Thomas and the Planning Board discussed the allotted speaking time for residents and audience members and it was determined to allow three minutes per person. Chairman Thomas opened the public hearing.

VI. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order – continuation of the July 13, 2023 meeting

Staff Presentation

Mr. Spraker, Planning Director, thanked Calvary Christian Center for hosting the meeting and stated that the application is for the issuance of a development order for the Tomoka Reserve subdivision, at 20 Tomoka Oaks Boulevard. He continued that the existing land use is "Low Density Residential" and the existing zoning is Planned Residential Development (PRD). The zoning district does not have a development order associated with it any longer and has since expired, the reason for the public hearing.

Mr. Spraker continued that the project has gone through two pre-application meetings, the Site Plan Review Committee (SPRC),a neighborhood meeting, and today, the third Planning Board meeting. Mr. Spraker stated that if there is a recommendation tonight, the tentative City Commission meeting date will be November 07, 2023 at Calvary Christian Center. Mr. Spraker explained the issuance of a development order review process. A PRD is a zoning document that shows lots, landscape buffers, open areas, recreational areas, and architectural standards. A PRD does not require engineering construction plans that include stormwater and utilities, which will come later with a preliminary plat. The preliminary plat would go through a neighborhood meeting, Planning Board and City Commission.

Mr. Spraker displayed a recap of the July 13, 2023 site plan with the proposal of 276 units, a mixture of 50', 60', 80' wide lots. He explained the August submittal that was before the Planning Board, with a mixture of 60', 80', 90', and 100' wide lots, but because it was submitted after it was advertised, it required a new public hearing. He continued that the applicant agreed with some SPRC recommendations, including

the building coverage, setbacks, note for lot separation, Tomoka Oaks diamond improvements, sidewalks on both sides of Tomoka Oaks Boulevard, neighborhood meeting for the preliminary plat, the timing of the traffic signal, updated architectural design language and the removal of the cut-through of amenity space parking area.

Mr. Spraker stated that a new site plan was submitted on September 06, 2023, and the changes are primarily the mixture of lot sizes along the perimeter of the boundary of the project of 80' wide lots and interior, 60' wide lots. Other aspects of the site plan that did not change were the gated vehicular access of the subdivision, it is not in the wetlands or floodplain. Mr. Spraker added that other characteristics that did not change were the environmental assessment provided, the 34 acres of natural preservation, recreational areas, 50' buffer around the site, preservation of historic trees, the school concurrency and Traffic Impact Analysis provided.

Mr. Spraker stated that the two remaining key issues are the perimeter lot sizes and the material and irrigation of the 50' buffer. The SPRC continues to recommend 100' wide lots on the perimeter where the site plan shows 80' wide lots as the former and surrounding zoning district of R-2 are 100' wide lots.

Mr. Spraker continued that the existing conditions today with the 3.3 mile buffer in the planting plan states that there are native trees and shrubs that will provide screening between the existing homes and the proposed development. Another existing condition is the existing vegetation to be able to use and gaps of landscaping to be planted, and 70 percent of the 50' buffer with trees and shrubs for visual screening. Mr. Spraker stated that the proposed plan shows that the buffer shall be 50' wide containing five trees and 50 shrubs. No groundcover was proposed in the plan. The existing vegetation would be used for gaps of landscaping to be planted. Mr. Spraker added that watering would be provided by a large water tanker truck, not permanent irrigation. The plan offered a maintenance bond for two years and requires an 80 percent survival rate to release the bond.

Mr. Spraker delivered an overview of staff's recommendations, including the City's Landscape Architect, of a type 6 buffer of seven trees, 70 shrubs, and 70 ground cover plants. The proposed plan does not meet the visual screen requirement of the LDC. He stated that staff is supportive of the use of native/xeric plantings. He added that that the irrigation by water tanker truck does not comply with the LDC. Mr. Spraker expressed concerns with the fact that the watering plan shifts compliance to the future HOA. It can involve additional maintenance and costs, as well as the 2-year bond and 80 percent survival plant rate.

Mr. Spraker reviewed the correspondence that was received and that was also included in the meeting packet. Some of the correspondences included the compatibility with the existing Tomoka Oaks, property value concerns, loss of quality of life, traffic concerns, golf course perpetuity and related uses, the existing configuration of the diamond intersection, Tomoka Reserve HOA concerns, wildlife concerns and buffer concerns.

Mr. Spraker delivered an overview of the Planning Board review criteria consisting of the application submittal, staff report, SPRC comments, written correspondence provided, criteria of the LDC contained within the staff report, and testimony provided at the Planning Board public hearing. He stated that staff recommends denial of the proposed site plan for the issuance of a development order, based on the

perimeter lot sizes and the buffer planting plan. Mr. Spraker continued that if the Planning Board believes that it is appropriate they can recommend approval. Either recommendation of approval or denial goes to the City Commission for the final decision.

Applicant's Presentation

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, representative for the applicant, stated that Mr. Don Spence will speak again on the buffer and Mr. Michael Hoteling, on the lot widths, the two key issues. Mr. Merrell recapped on the PRD due to its custom zoning for the property. He asked the Board for suggested items in negotiation for an agreement.

Key issue: Buffer:

Mr. Don Spence, Master Arborist/Native Plant Expert, Ph.D., Native Florida Landscapes, explained that he has been working with landscaping and native design for 25 years. Three years ago he completed a tree survey for the property and beginning in January, started work on the buffer plan. Mr. Spence stated that it is based on a low density residential and a buffer planting plan that had three or four plants to fill in gaps along the shrubs. He continued that several months later, they got pushback from the City as they wanted a type 6 buffer. He explained the reasons that the team felt it was not appropriate as a type 2 buffer is outlined for low density residential. A type 2 buffer is three trees and 30 shrubs. The team proposed a bonified, meaningful type 4 buffer with five trees and 50 shrubs, to fill in the gaps to provide visual screening between the existing homes and the homes that are proposed to be built. Mr. Spence expressed his concern with the said irrigation requested, as the existing trees and trees to be planted are native and once established over the next six to seven months, will not need it, same as the existing buffer that is not being watered. He stated that the goal is to plant plants that mimic the existing trees in the buffer, claiming that if the tree dies it will be replaced per the two year bond.

Mr. Spence continued reviewing the buffer planting plan and stated that the 50' wide buffer, that would be managed by the HOA, if there are tree problems would not be able to plant across the entire buffer due to many of the homes having fences or walls. In the plan, the center 20' of the buffer would be the planting zone. He continued that trees and shrubs need full sun and cannot be planted underneath of canopies. Mr. Spence stated that space is needed for access (15' on the development side and space for neighbors on the backside). He added that access is needed behind the property lots of the homes built to manage trees and any invasive plant problems, therefore cannot plant across along the entire width of the buffer. Mr. Spence reassured that the plants will be watered and made sure of their survival at 100 percent from the initial plan of 80 percent, after two years. The site will develop in phases and the bonds will follow in phases and long-term maintenance will be driven by the legal agreement that the HOA develops. Mr. Spence reviewed a table that explains the watering phase for the trees and shrubs and stated that the plan meets and exceeds what the University of Florida recommendation is. He continued that they are not willing to dig up the buffer for ground coverings and feel it does not add to the visual screening. He pointed out that a water tanker truck is in the plan for irrigation and backed up his point with the LDC guideline specifying that if using native/xeric plants a permanent irrigation system is not required. Mr. Spence concluded that there is no standard for a type 6 buffer being applied in a residential setting and no example of an industrial buffer design against residential.

Mr. Merrell stated that the proposed buffer plan is well founded and innovative, concurring with Mr. Spence, and added that a permanent irrigation system would tear up the manicured grass.

Key issue: Lot sizes:

Mr. Michael Hoteling, MAI, Managing Partner, Moody Williams Appraisal Group, stated that he has been appraising commercial, residential, subdivision type properties for 20 years. He spoke on the appropriateness of the lot sizes and stated that most of the lots of the homes being proposed are 2,100 to 2,900 square feet and most of the lots that get sold are between 60' wide and 80' wide, with some 100' wide. Mr. Hoteling commented that this will be a nice subdivision where the homes can range from $600,000 to possibly over $1 million. He added that when pricing the homes in Tomoka Oaks three weeks ago, there were no homes for sale that exceeded $700,000, except for those along the water. Mr. Hoteling concluded that what is being proposed to be built will add value to the existing development and not detract from it.

Mr. Merrell stated that the alternative to the custom zoning is straight zoning. The subject property is low density residential in which the zoning classification does not have all of what is being offered through the proposed project. He explained the reason it was decided to go through the PRD process and propose the combination of lots is because the market does not do 'Tomoka Oaks lot sizes' at 100' by 100' anymore. Mr. Merrell added that the applicants wanted the mixture of lot sizes starting at 50' wide lots and a larger landscape buffer for separation. The minimum guidelines for the landscape buffer is required to be 50' and if adding all of the green around the outside it is an average of 129' of greenspace between both properties. Doing straight zoning at a 6' buffer requirement as opposed to the 129'. The straight zoning would have also offered only two trees and 20 shrubs as the landscaping buffer requirement. Mr. Merrell added regarding outdoor recreation, and the open space and parks, that they are a concession as part of the negotiating PRD. Mr. Merrell referenced the architectural standards and how the applicants listened to the neighbors and their dislike of cookie-cutter homes. He touched on the pedestrian connectivity being volunteered, stating that they would add sidewalks out to Nova Road. Mr. Merrell concluded that something is going to be built, whether based on custom zoning or straight zoning.

Board Questions of the Applicant

Mr. Scudiero asked what the average lot square footage is in the existing Tomoka Oaks development versus what the perimeter lots would be with the 80' wide, 90' wide, and 100' wide lot range.

Mr. Dwight Durant, Zev Cohen & Associates, stated that what is being proposed are 80' wide by 120' deep lots, approximately 10,000 square feet, and the existing typical Tomoka Oaks lot is 100' by 120', approximately 10,000 to 12,000 square feet. The inside lots are approximately 7,000 – 8,000 square feet. It was discussed that some of the proposed lots have a different rear width and can be above 10,000 square feet.

Mr. du Moulin inquired about the proposed irrigation of the buffer and if there is a specific amount of time that the water tanker truck would irrigate. Mr. Merrell replied that the detailed proposal and plan is in the board packet materials.

Chairman Thomas asked about the different proposed façades of the homes and asked for clarification on if it is every 4th house before duplicating the same façade,

expressing that he does not like every other house repeating the same design. He added that currently in Tomoka Oaks you will not see two houses within 200', 300' and 400'. Mr. Merrell replied that the same façade cannot be next to each other or across the street, and urged Chairman Thomas and the Board to be specific in what it is exactly that they would like to see. Mr. Merrell clarified that the applicant is not trying to recreate or replicate Tomoka Oaks, an older product and design, but bring forward the quality and variety that they have asked for.

Mr. Railsback referenced the elevations and colors of the homes and stated that they should be not 'cookie cutter' in design. He asked what is being done for the softening of the diamond and if it will be a roundabout instead. Mr. Merrell relied that the diamond is proposed to be reconfigured to an amoeba shape, with rounded corners, allowing better flow for vehicles, including buses, as well as adding landscaping in the island.

Mr. Jake Stehr, Zev Cohen & Associates, read the material included in the recently submitted plans that stated architectural variations in the variety of house sizes designs in the neighborhood is encouraged to facilitate it so that the two adjacent homes on the same side of the street as well as the house across the street and its two adjacent homes have to have a minimum of three different design elements of the following ten elements.

Ms. Shull asked if the plan was referencing different design elements (example brick and siding) or if the whole house is different. Mr. Stehr answered elements such as roof pitch and roof type, the skin/exterior finish material, color, garage orientation and size, porch size and location, number of stories, window sizes and shapes, window location and decorative elements. He concluded that houses cannot be mirrored across the street from one another and that options will be given to future home buyers.

Mr. Galloway asked for clarification on the buffer. Mr. Merrell explained that their idea is to leave the places that already have bushes and trees alone. The reason for not wanting to lay groundcover down is to avoid tearing the ground/landscaping up and put wild landscaping in. Mr. Merrell added that if landscaping was put in along the entire 50' buffer it would not be able to be accessed and maintained, according to Mr. Spence.

Mr. Jorczak inquired about what the average required time for the trees, based on size, that is going to be planted to be able to provide 100 percent screening in all of the areas that trees have not been supplied to fill the gaps. He commented that it will determine if it will be three, five, or ten years before the trees will provide the screening. Mr. Spence replied that different trees grow different ways and it is hard to tell. The trees are designed to provide a canopy and the shrubs will provide the visual appearance between the homes. There is not going to be 100 percent complete vegetative screening, as the code only calls for 40 percent. Mr. Spence concluded that there will be gaps for a while and in time the plants, natives and shrubs will mature and will reseed themselves in the buffer, creating a denser buffer over time.

Ms. Shull asked Mr. Spraker for explanation of the request for the 50' buffer, the irrigation, and type 6 buffer. Mr. Spraker answered that one of the key factors expressed was the buffer and the lot sizes during the pre-application neighborhood meetings and the SPRC meetings. The goal is to provide the buffer to mitigate for some of the loss of the natural buffer that is there today. Tattersall, RidgeHaven, and Tymber Creek Apartments are projects that have natural buffers. He stated that staff

is not against the native or xeric plantings, but are against taking a former golf course, developing it into residential, and leaving gaps in the buffer. He added that Ms. Culliver, Landscape Architect, is available to go through the details of the recommendation if necessary. Mr. Spraker added that staff believes that irrigation is a key source for the plantings.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, expressed his disappointment with the applicant's response to the HOA in negotiating the architectural standards, traffic impacts and buffers. A few of the architectural ideas were agreed upon, but not on having the different architectural styles close to one another. Another HOA request was for buffer enforcement once the two-year performance bond is over. No comments were received back from the applicants regarding if that language was acceptable or not. Mr. Bayer rebutted Mr. Merrell's comment and said that property is currently zoned PRD and the last development proposed that came to the Board was to convert the golf course, which was PRD with part of the property being a golf course, and part of it residential. He spoke on the PRD and R-2 zoning and referenced a Florida Supreme Court case, The Snyder Decision, a landmark land use decision that has been in place in the Florida Supreme Court since 1993. Based on it, he remarked that the City Commission can say that they do not want R-2 zoning and that they want it to stay PRD, given the unique circumstance presented by the property. Mr. Bayer continued that they agree with staffs comments on the issue with the buffer and stated that the buffer is typically required between the new residential development and the existing residential development and are typically at a much higher standard than residential next to residential, as the use is being surrounded, therefore a different buffer requirement. Mr. Bayer referenced the Matanzas Shores Golf Course conversion where they required a lot of different issues with the buffer that was much greater than the standard residential buffers, which is part of the golf course conversion process. He stated that this is not the standard development review and is very unique. Mr. Bayer concluded that the HOA agrees with staff on the 100' wide lots on the perimeter and the type 6 buffer, and the recommendation of denial to the City Commission.

Mr. Tom Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, expressed the resident's frustration with the developments with the late withdraw of the plan that they presented at the last meeting, and the lesser plan submitted. He spoke on the applicants list of concessions in response to staff comments and stated that it did not affect the project in size or layout. The addition of the sidewalks on Tomoka Oaks Boulevard and the modification of the island, he says are basic safety issues. Mr. Harowski commented that the basic issues remain the same since the beginning. He continued that the applicants refuse to apply the staff recommended 100' wide lots on the perimeter or offer reasonable solutions. The threatened alternative of R-2 standard zoning, which requires 100' wide lots throughout seem acceptable to the applicant as an alternative and should be acceptable for a portion of the project. Mr. Harowski remarked that they turned to the design guidelines but still need to include the requirement for diversity in garage door orientation and the way the driveway faces. The compatibility is not having clusters of units that are the same. He remarked that the design that they have seen does not get that point. Mr. Harowski spoke on the important factor of the traffic signal

application and how a 30-day period was mentioned previously and stated that the application should be made promptly.

Audience Comments

Ms. Flavia Cassasola, 21 N. St. Andrews Drive, asked if the proposal gets approved if a moratorium has been considered on the noise level, 24 hours a day/7 days a week, from sunrise to sunset. She mentioned that people walk and bike the neighborhood at all hours of the day and remarked that the Mac tucks can be driving through as well as jack hammers working at all hours of the day and night, including weekends and holidays. Ms. Flavia asked if the construction schedule has been considered. She added that the investors bought the property to make money and that she has been in opposition since the beginning as there has been no compromise in the 272 units. Ms. Cassasola concluded that it is going to impact Tomoka Oaks, the Trails and Talaquah as well as the traffic and recommends denial.

Ms. Ashley Dufrene, 118 N. St. Andrews Drive, said that she took the Oath and reminded the Planning Board that the City of Ormond Land Development Code (LDC), Section 1-18, states that the proposed use will not substantially or permanently create a nuisance, deprive adjoining properties of adequate light and air or create excessive noise, odor, glare or visual impacts on the neighborhood and adjoining properties. Ms. Dufrene remarked that she lives on the golf course and knows that all three of those will happen if the development takes place without the proper guidance that the City and HOA is providing.

Ms. Bonnie Kloepfer, 23 Tomoka Oaks Drive, did not take the Oath prior but does so now. She commented that she is at the mouth of the Tomoka Oaks Golf Course. She added that she has a brand new white house and it will get filthy from the trucks and dirt from construction. She continued that the issue of 1,100 cars per day going back and forth is insane and cannot imagine what the traffic will be like. Ms. Kloepfer commented on their sentiments on trying to make it easy for the residents and their claim of compromising. She expressed her discontent with proposed number of homes. Ms. Kloepfer referenced yesterday's newspaper in regards to the purchases of one million plus homes on the rise in Volusia and Flagler Counties. She concluded her comments with the expression "if you build it, they will come", and said that she would like a proposed development such as Tomoka Estates or Estates of Tomoka Reserve instead of jammed in houses.

Ms. Denise White, 9 Fox Run Trail, The Trails, stated that she took the Oath. She thanked the Board for their time and service. Ms. White added that a reduction of four homes does nothing for the safety, traffic, density or lifestyle issues and changes nothing whatsoever. She remarked that it will impact everyone's lives and safety. Ms. White spoke on the merit of the old adage, "just because you can build does not mean that you should."

Mr. Jeff Boyle, 614 N. Halifax Drive, took the Oath and stated that the data in numbers in Volusia County are causing loss of sight in the big picture. He referenced the Comprehensive Plan policies and goals and remarked that the latest site plan is not compatible with adjacent homes and added that the revisions protect the neighborhood character, and does not guarantee safe traffic flow. Mr. Boyle continued that the revisions do not preserve natural open space. He stated that the golf course should have been zoned Open Space/Recreation, and commented that it is a mystery why it was not. The zonings protect adjacent property rights. Rezonings threaten those rights. Mr. Boyle said that Tomoka Oaks defines everything that is

good about Ormond Beach with a quality environment, quality homes and quality people who have suffered this thread with heroic dignity after paying premium property taxes to the City for over 60 years. Mr. Boyle stated that the revised site plan disrespects the city, the spirit and intent of the land use codes, the residents of the Trails and other nearby communities and the people of Tomoka Oaks. He added that they deserve better. He concluded that the revised plan is not Ormond Beach and is not who they are.

Ms. Ronnie Ranieri, 216 Rio Pinar Trail, swears to the Oath, and expressed her concern with 272 houses with only one point of egress. Another concern expressed is the traffic in the mornings and the safety of the kids that are walking or riding bikes to Tomoka Elementary School and the private Temple school. She commented that it is a tragedy waiting to happen. Ms. Ranieri remarked that reducing the plan by four houses from 276 is not going to work. She added that hundreds of cars are going to be coming out of the neighborhood at rush hour in the morning. Ms. Ranieri commented that most families have two cars and with the number of houses that are proposed, is worried about the kids.

Ms. Connie Colby, 108 Robal Lane, stated that she is concerned about it being a gated community as school busses do not go into gated communities. The children in middle school can walk and ride their bikes but middle school busses will have to come in the community somewhere to pick the kids up and will have to park outside of the gate, near the roundabout which would stop traffic. Ms. Colby continued that in her neighborhood a lot of the parents drive their kids to the bus stop or pick them up in the afternoon which will lead to more people parking along the road, causing a traffic mess. Ms. Colby pointed out that according to one of the maps, and with her experience living in gated communities, there has to be an emergency exit for emergency vehicles and suggests that there be a plan for it. Ms. Colby concluded that a lot of the proposed properties are close together and expressed her concern for boat, trailer, and RV storage on the properties.

Ms. Kelsey Kipi, 52 Pine Valley Circle, vowed to take the Oath, and commented that the reduction of the four homes on the plan is nothing and explained how they made lots slightly larger at the expense of the greenspace. She added that the developers purchased the golf course and asked why it could not a golf course that goes in. Ms. Kipi stated that Tomoka Oaks Golf Course closed due to a lack of maintenance to the course and not a lack of interest in the sport. Two local golf courses, both Halifax Plantation and Riviera, both have waitlists, according to Ms. Kipi. She suggested to restore the course and the membership with follow and profit will be made, and the greenspace will remain. No more angry citizens and no more debating on lot sizes and buffer zones and no more FDEP requirements. Ms. Kipi concluded to restore the course or sell it to someone who is willing to do so.

Ms. Lauren and Mr. Ned Huhta, 30 Pine Valley Circle, stated that they took the Oath. Ms. Huhta stated that she is a third generation resident and her grandfather designed and built their home. She expressed their concern with the signage for Tomoka Reserve and asked for specifics of where the signage will be located. Mr. Huhta added that he grew up in the house. He asked if the reclaimed water is going to be used for the proposed neighborhood residents as well as those around the perimeter. He asked if an adjoining property owner has a say in what is planted in the buffer and can decide on something mutually agreeable. Mr. Huhta remarked that they do not like Magnolia trees.

Ms. Wendy Dedo Findes, 16 Oakmont Circle, stated that she did not take the Oath but does now, and has lived in Tomoka Oaks for 27 years. She asked if the Planning Board has visited the Tomoka Oaks Golf Course or driven through Tomoka Oaks. She added that it is a very quiet, residential community and when the kids are in school, people are walking around quietly. Ms. Dedo Findes stated to build the proposed development inside of the golf course area will be a catastrophe. She said that there are no sidewalks, therefore kids ride their bikes in the narrow streets due to the neighborhood initially tailored to an older community. Ms. Dedo Findes added that the Trails are going to be affected. She spoke on the light at Tomoka Oaks and Nova Road and how it will be a havoc, with only one ingress and one egress through Tomoka Reserve which will spread out through Main Trail, Iroquois, and Rio Pinar. She continued that are a lot more children in the community now, including her 6th grade son at Ormond Beach Middle School (OBMS). She expressed her concern for all of the kids. Ms. Dedo Findes stated that all of this should be of consideration, the children, quality of life, and the environment. Ms. Dedo Findes concluded that wildlife have been displaced because there is nowhere to go with all of the developments.

Mr. Tyler Travis, 888 Willow Run, stated that he rents in Tomoka Oaks, and just moved here from Virginia and elaborated on his experience in a dense, high-traffic area in Virginia and offered a contrary, counter-perspective, expressing his respect for the current residents. He continued that he likes his privacy but is also interested in smaller lot sizes to be able to afford a home. Larger lots and estates would price him out, according to Mr. Travis. He is interested in new construction, and spoke on the architectural designs and how the applicant plans to alternate styles throughout. With townhomes it was only door color or shutter color that changed. Mr. Travis commented on the traffic and said that as long as there are sidewalks and traffic crossing lights, just as he was in a dense area in Virginia and it was not an issue. The kids had to walk to the bus stops, other than the younger kids whose parents took them to school. He added that he has a young child and had no problem playing with them out in the streets in their neighborhood.

Mr. Robert Banker, 1 Tomoka Oaks, #135, Escondido, stated that when the HOA President raised the idea of 276 units going in, the residents wanted it changed. He agreed with the President that then it went down to 272 units, that he did not like it and that it was not much of a change. Mr. Banker continued that he would like to see the number 0, unsure if it will happen. He commented that the applicant stated that they were going to put in $600,000, $800,000, and possibly $1 million homes. Mr. Banker stated that the plan shows a section in the middle similar to appearance as a sardine can which he does not see them being 7', 8', 10', 15' to 20' apart. He suggests that they will not sell for more than $100 to $150,000. A $700,000 will not be next to a $150,000 and still maintain value. He referenced the infrastructure and commented that no one is considering what it will do to the Publix area. Mr. Banker stated that the President commented that something is going in, and he asks why and what is the hurry. He spoke on a unilateral amendment and how the language for it should be stricken. Mr. Banker asked how when the construction is going on with the trucks backing up at the traffic signal, how the traffic will be going in and out.

Ms. Michele Zirkelbach, 328 River Bluff Drive, stated that she swears to the Oath. She thanked the Planning Board members for their time. In reference to time, she added that Mr. Merrell started out his presentation with the remark that a lot of hours have gone into talking about of stuff, and the irony in the statement. She commented

that for every hour that Mr. Merrell has spent, it is a billable hour for him and the residents match him hour for hour times every resident in the neighborhood and have more invested in this in manpower hours and are ready to have a real negotiation. Ms. Zirkelbach stated that when Mr. Merrell sits at the mediation table when someone comes back with a less than 2 percent reduction, he takes it for what it is a slap in the face. She continued that is where they are, 276 homes, down to 272, is not a meaningful move on their part in which finds offensive. She continued, and referenced Chairman's remark on speaking directly to the plan that that represented, and said that she finds it unacceptable. She spoke on the previous proposal approved, keeping parcel greenspace golf course and having less homes and nothing has been proved in terms of traffic. Ms. Zirkelbach stated that if continuing with this back and forth, for the Planning Board or City Commission to ask the hard questions about the traffic study. She stated that when looking at the traffic study and its statement that one car is going to be going to Tomoka Elementary out through Nova Road, that they have more common sense. She concluded that she agrees that something is going to go in there and offered food for thought on the market out there not for smaller lots and commented that Kings Landing subdivision in Port Orange is being brokered by Realty Pros, Mr. Buzzy Porter and Mr. Bill Navarra, whom she esteems, but said they are one acre home sites that are selling for $250, 000, $267, 000 to $278,000. Ms. Zirkelbach stated that if the threat is R-2 zoning and all of the lots being 10,000 square feet that the whole concept should be reconsidered as one-acre lots. One-acre lots is where it is at!

Ms. Missy Herrero, 111 N. St. Andrews Drive, stated that she has lived there for over 30 years and residents have spent thousands of dollars for legal representation to defend their quality of life and safety of their community. She continued that they do not have money to gain in the war of attrition. She said that they have been meeting with different members of the development and Board for over two years. Mr. Ray Barshay was quoted in the newspaper for saying that they just have not been able to tell their story, and Ms. Herrero commented that she does not know what they have been doing for two years. He invited them to see the quality of the product that they wanted to build out at Plantation Bay, on 80' wide lots. Ms. Herrero asked before she took her time to do so, what was behind the 80' wide lots. The answer was a golf course. Ms. Herrero spoke directly to the new plan and said that it is still not compatible in the existing neighborhood. 60' and 80' wide lots does not fit. The proposed buffer is the most inexpensive approach to the buffer. She mentioned a comment brought up by their HOA Attorney, that it is not a neighborhood backed up to a neighborhood, it is a neighborhood where people invested in property and homes on a golf course for views and privacy and are losing that, so the buffer should not be treated as a regular Residential to Residential buffer. Ms. Herrero commented that Mr. Rubin is from South Florida where she grew up, and her friend sent her miles and miles of buffers, dense, diverse, and well-maintained examples, with no water trucks driving along the buffer. She suggested that if it has to be built to some extent that it needs to be done in the best, high-quality possible approach as the reality is that the environmentally-friendly innovative approach is the least expensive and the most profitable for the developer. Ms. Herrero commented that there is information on how when golf courses are developed it affects the value of homes, with experts that say the opposite, and she said that data can be provided for it. She added that they do not have millions of dollars to win on this and they do. She suggested that if someone had time to pick apart the experts, it does not all add up and urged the Board vote no.

Ms. Dale Ryals, 20 Eagle Court, stated that she was not hear at the last meeting to take the Oath. She commented that her husband was in the hospital over the last month at Advent Hospital and when transported by ambulance and admitted to the Emergency Room, where he had to stay for two days due to no available room in the hospital. She continued that the hallways were lined with patients. The hospital claimed that they are not going to improve with only two hospitals. Ms. Ryals stated that when the development order was done the neighborhood was told by the City Commission that the golf course was needed for holding and draining the water to be able to put it back into the aquifer. She added putting rows of the houses with concrete and asphalt roads will have sewer drains and it will end up in the Tomoka Basin. They were told they could not add too many chemicals to the golf course so that it would not get into the Tomoka Basin. Ms. Ryals commented on the million and a half gallon water that had to be added to the reclaimed water, in which 250 of it came from St. Johns, and 250,000 came from her husband's pocket. The mylar-rubber liners was not paid for so her husband had to pay a lot of money to put the liners in, which could be an EPA problem.

Mr. John Rhoades, 39 N. St. Andrews Drive, stated that on his property, the city sewer and water/electricity come in from Nova Road through his yard/easement. He was aware when he purchased the property. He added that the infrastructure is going to have to come in from somewhere through easements or the main road which will tear up roads and create a miserable quality of life. He continued that the traffic and noise will be horrible and wants people to be aware of it when they are coming through resident's yards. Mr. Rhoades concluded that he appreciates the Boards time and trouble.

Mr. Paul Hughes, 4 Lauren Court, stated that he has taken 30 years of Oaths with the Government as an officer and added that his Oath is his bond. He commented that Tomoka Oaks is the body and the donut hole looks more like the large intestines. He remarked that hope is not a good plan for investments and added that there is no detailed entrance, drawing or plans that have put up to the gated, private, profit-motivated, smaller lot community. Mr. Hughes stated that the Escondido neighborhood has not seen any drawings to see how their lives will be altered with all of the underground utilities, sewers, that are max capacity now will all have to be altered at an extreme cost. He spoke on the northeast section where it has been cleared already on the plans and asked how they got a land use variance to alter the neighborhood standard to demolish a house or use for a rear entrance for EMS. Mr. Hughes remarked that he sees the issue with the watering for the plants and claims it will not be water that is treated. He referenced the Misners Branch Bridge and the overweight trucks that will be going over it and asked who will pay the construction costs when it has to be closed down for maintenance. He added that the plans do not include the utilities, and concluded that a person with nothing to hide, hides nothing.

Mr. John Measel, 16 Eagle Court, spoke on not irrigating the buffer and commented that if you do not water grass, you will get nothing but weeds and sandspurs. He added his concern with the traffic diamond and the thought that it will be suitable to add another 500-600 cars daily. He stated that it is not suitable now. Mr. Measel suggested to put a traffic circle and concluded that the traffic will be horrible.

Applicant's Rebuttal

Mr. Merrell thanked the residents for being there and spoke on the number of units that were reduced and stated that it started at 300 and is at 272. He reiterated the

straight zoning concept, the alternative in negotiating the zoning. He referenced the Snyder Case law and stated that it has nothing to do with rezoning of property that is surrounded by the exact same zoning. The limit of what you can ask for was talked about and it was said that you cannot think you are going to get the limit of what the Comprehensive Plan allows. Mr. Merrell referenced Mr. Spraker's report in that the Comprehensive Plan allowance is 4.3 units per acre, 632 units, which was their starting point.

Mr. Merrell referenced Mr. Harowski and thanked him and his input and suggestions on architecture and commented that they did not do all of what was suggested and remarked if the Board wants a particular thing to let the applicants know. On the traffic signal timing, Mr. Merrell remarked that if the light was not put in based on the DOT's timing that they would put the money up to have it built when the permit was issued and Mr. Lassiter will process the FDOT request. Mr. Merrell advised the Planning Board that if they feel differently to make it part of the motion.

Mr. Merrell referenced Ms. Flavia's remarks and stated that they have proposed construction time limits, on the cover sheet of the plan, Monday – Saturday, 7am – 7pm. He advised that it will not be 24/7 and it will not take place on Sundays.

Mr. Merrell refenced Ms. Lauren and Mr. Ned Huhta's inquiries on signage and answered that the plan is to have a sign like what was exhibited at the first hearing, at the entrance to the Tomoka Reserve community, not the entrance to Tomoka Oaks. The City Utility Department will have the answer on reclaimed water. Mr. Merrell stated that they are happy to discuss the types of trees.

Mr. Merrell thanked Mr. Travis for his remarks.

Tomoka Oaks HOA Rebuttal

Mr. Bayer referenced the Board members comments over the last couple of Board meetings that the project is too dense, with no significant reduction, as well as staff's comments on why the Type 6 buffer is appropriate and why it needs to be maintained and irrigated. He remarked that he understands a natural look and does not think it is a natural area with issues. Mr. Bayer spoke on the traffic circle and how it should be a requirement. He added that there has not been any substantive change since the last meeting and based on that he agrees with staff's recommendation of denial with it being time to go to City Commission. Mr. Bayer concluded that he respects the request that it go with the recommendation of the Planning Board of no, that it is not adequate and the way the property should be developed.

Live Stream Update

Mr. Spraker stated that staff is aware the livestream cut out from one link and are not able to re-establish that link. He stated a new live link has been established that is on the city's Facebook page and the city website. He stated he is aware that audience members are getting e-mails and texts and the city Public Information Officer (PIO) is also providing the new link.

Applicant's Rebuttal

Mr. Merrell stated at the end of the day, in response to Mr. Bayer, he pretty much repeated what has been talked about all along which is what to do with the lot sizes and the buffer in terms how it is planted and maintained. Mr. Merrell stated you heard a difference of opinion and they were professional opinions, very well thought out. He stated that there were hopes that the Board listened to them and looked at the

package that was in front of them, because if they said, "yes, but.." Mr. Merrell stated that is the safe route and then the City Commission knows that the Planning Board is willing to say the proposed houses can be built, but on suggested terms. Mr. Merrell continued that if the Planning Board says no for them to say why and explain because there are things in the reasons presented to you that you could say why and that it may not be the type of evidence that is needed to say no. He asked the Board to think about those things.

Break

Chairman Thomas stated that the Board is going to take a break at 8:14 p.m. The meeting resumed at 8:27 p.m.

Board Discussion

Chairman Thomas thanked all of those who spoke and for their input. He stated it is very important that the Board gets that and hopes that they all feel that over the three meetings that they have all been treated with dignity and respect and that true feeling that the Board really does care about their thoughts, wants to hear from them, and considers their opinions. Chairman Thomas stated that he wanted to remind the audience, "we are you - we are no different than you, we are just the volunteer people who sit up here and want to do what is best for our overall community." He thanked the audience for attending and for their participation. Chairman Thomas stated they are bringing the discussion up to the Board and the Board will have the discussion among themselves. He stated that the public hearing is closed, and cannot acknowledge anybody in the audience without the Board asking for them, and commented to please not raise any hands because it is closed for the public participation.

Mr. Jorczak stated that in the staff report it was discussed for the replacement of any of the plantings that may die and the two-year bond being put up to replace those issues. He stated that he noticed in some developments where there are dead trees long after the development has been completed and wondered if the city has any information with respect to developers who are responsible for going to do replacements in a certain time period and what the evidence generally is throughout the community. Mr. Jorczak stated that there have been a lot of developments that he has not gone through after they have been built to see what the propensity is for that to happen irrespective of the information that had been presented as to what it takes for the shrubbery to mature and then survive without any irrigation. Mr. Jorczak inquired if there was any data that could be shared as to an incidence of that happening and the time period to resolve it if another development was under no compunction or no city responsibility to do that replacement.

Mr. Spraker stated that staff does not have any empirical data to answer this question. He stated that typically a subdivision is constructed by a developer with inspections of landscaping at the end of construction to ensure whatever was supposed to be built is there and then it is turned over to a Homeowners' Association (HOA) for maintenance. Mr. Spraker continued if there are complaints about gaps in buffers or dead material, Neighborhood Improvement staff will investigate and look at the approved plans and seek to come to a resolution. The city Landscape Architect is often times included in the review. Mr. Spraker stated that there is a method for enforcement. Attorney Hayes stated that there are conditions in the development order and the obligations for maintenance are with the Homeowners' Association

(HOA). Staff seeks to work with the respective parties to find a solution. Attorney Hayes continued that there are enforcement provisions that code enforcement staff can enforce.

Mr. Jorczak asked if irrigation is a typical part of a development order. Mr. Spraker referenced the example of the Pineland subdivision that used a natural area that did not require new irrigation. He stated that wherever there are landscape plantings there is a requirement for irrigation.

Ms. Shull asked about long-term irrigation for other properties and referenced the applicant's request not to use an irrigation system. Mr. Spraker stated that if it is planted then there is an irrigation system and if it is a natural area, it is already established and no additional irrigation is installed. He referenced the natural areas and wetlands within the Pineland subdivision. Mr. Spraker stated that Tomoka Reserve has areas that will not need irrigation based on the natural areas. He continued that the city Landscape Architect advised that as new landscape material is planted, irrigation is required.

Ms. Shull asked why the plan did not want to include groundcover material and asked Mr. Spraker elaborate. Mr. Spraker stated that a buffer is sought between two developments and the groundcover is a tool to accomplish the buffer. Mr. Spraker stated in staff's opinion, the type 6 is an appropriate buffer. He concluded that if there is a desire to trade groundcover material for more trees or shrubs, that it is possible through the development order process. The groundcover is one of three layers that make up a landscape buffer.

Ms. Shull asked about maintenance and vine maintenance. Mr. Spraker stated that a normal course of maintenance would include managing vines and such material. He explained that he understood that the desire of the buffer is to let it grow natural and that SPRC staff are focused on the gaps in the buffer and filling the gaps. Ms. Shull inquired if the maintenance would be taken over by the HOA. Mr. Spraker confirmed that is correct.

Mr. Scudiero remarked that this is an applicant who appears before us quite often, and the least that can be done is to provide direction. Mr. Scudiero commented that he does not love the plan and did not think that was a secret. He stated that his biggest hang-up is the density. He continued, not just density in general, because of some of the lots being larger throughout the perimeter, commenting at least you cannot always see in other neighborhoods around the city where the density is higher. Mr. Scudiero stated that his concern is the references to the donut, which is not a completely inaccurate description. He stated if you are going to fill the donut in, it has to be with the same material as the rest of the donut. Mr. Scudiero stated his concern here is that the lot sizes, not just lot widths, need to be consistent throughout. He stated that would be his biggest suggestion to the attorney.

Mr. Scudiero added that when you take a neighborhood that is 50 or 60 years old, there is no way to re-create every style of home and architecture as so much has change in that time period. Mr. Scudiero stated that the homes today, even if they are the same square footage, they are vastly different than what was built originally in Tomoka Oaks. Mr. Scudiero continued that it is owed to the surrounding residents to make the development as close as possible – make the donut as contiguous as possible. He added and as consistent as possible. Mr. Scudiero concluded explaining his heartburn is that the development plan does not get anywhere close, especially with the 60' wide lots in the center, to the existing development.

Mr. Railsback commented that he concurred with Mr. Scudiero's comments. He stated that he read the application and all of the submittals. He stated that he previously lived in the Trails and was familiar with this area, which was one of the residents' concerns. He stated that he believed the Board members have a very intimate perspective of that area of the community. Mr. Railsback added that he served on the Quality-of-Life Board and that elements such as traffic and continuity are important to his decision-making process. He stated that in his review he could not ignore the fact that there is an open question of should the property always be a golf course. Mr. Railsback compared it to someone who bought on a lake or on the river and if someone was going to develop a houseboat development behind them. He stated that would invade on their original thought process of where they wanted to live and what they decided to purchase.

Mr. Railsback stated that if something goes in there that is not a golf course, considering the conformity and compatibility discussed and whether concessions were made. He commented that from the perspective of what could go there, 632 units are allowed under the land use and there are other concurrency issues that would pair that number down. Mr. Railsback stated that he is works in the area of HOA/condo unit development and has been thinking of the issues of development and what should of or could have been done that would be better for the surrounding area. He identified parking as an issue. Mr. Railsback expressed concern with so many vehicles with short driveways and two or three cars parking in the street when you have guests. He stated that he did not want this to be an afterthought and wishes there were longer driveways.

Mr. Railsback commented that he would like much less density and how that is his major concern. He offered the estate home concept as an alternative concept that would be more compatible. He continued that it is going to take an established neighborhood with larger lots and homes that are not 7 ½ feet offset from the property line, effectively 156' apart, then something greater than that should be in place, adding that there are no homes in Tomoka Oaks that are 15' apart or that have the same building elevations. Mr. Railsback stated in order to get his support there would need to be enhanced architectural standards that separate similar building elevations and much less density. He remarked that if you have a larger home price per square foot, rather than a ton of smaller homes, you can get to the same range and get a project that is better conforming to the area. Mr. Railsback expressed concerns about the traffic flow, including the thoroughfare leading into Rio Pinar, Iroquois, and Main Trail and out to SR40. He stated it will become a racetrack at different times of the day with safety concerns. Mr. Railsback expressed his concerns with Rio Pinar and North/South St. Andrews Drive. He expressed that a higher density project would provide additional traffic impacts and does not know how that many cars would work through that area.

Mr. Railsback stated he agreed with the donut comments. He stated the new development should be the same design or better. Mr. Railsback expressed support for greater sized lots or a greater size home and the rising tide will bring everything up.

Mr. du Moulin stated he rode his bike from Winding Woods through the area and Tomoka Oaks is a unique community with the houses beautifully maintained with its own character. Mr. du Moulin expressed that he is still shaky on the legal issues on whether or not the former golf course can be built upon. He stated that if the

developers want to be good stewards to their neighbors, the community, and to Ormond Beach that they should consider a larger scope for the housing development. Mr. du Moulin recalled at the last Planning Board meeting that there was a project called the "Enclave" which had larger lots sizes, 12 homes on 26 acres. He stated that the only problem was that it had septic systems and that is not applicable here. He suggested if something was to go on the former golf course, if it legally can go in there, the developers need to expand the acreage per lot.

Mr. du Moulin continued that he was concerned with the traffic and suggests that the traffic studies are flawed. He stated that the Fishkind study was also flawed. Mr. du Moulin expressed additional concerns with the traffic patterns and expressed that the traffic studies do not cut it. He stated the project needs to consider larger lots that would reduce the overall traffic demand and suggested a rotary at Tomoka Oaks Boulevard and Saint Andrews Drive diamond.

Mr. Jorczak stated that he has spent a considerable amount of time reviewing this project and concurs that it is unique. He expressed a concern that the proposed houses would be cookie-cutter homes which is quite a bit different than the existing neighborhood surrounding the project. Mr. Jorczak stated if this project were 5 miles from the center of town, it may be appropriate, but this is dropped into an existing residential subdivision that has an atmosphere. Mr. Jorczak stated that he understood the business model that the developer is working with and what homes that they believe that they can sell. He commented that the elephant in the room for him has been the change in lot size. Mr. Jorczak stated that this property could be even better than the existing Tomoka Oaks homes. He encouraged the developer to take a look at other potential economic models with larger lot sizes. Mr. Jorczak continued that the former golf course is such a unique piece of property and how he would like to see what is already there expanded as opposed to a standard development model.

Mr. Jorczak expressed concerns about traffic from the project and traffic in general. He stated that traffic is a common issue that happens everywhere - the infrastructure does not catch up to the level of development. Mr. Jorczak continued that traffic is astounding and getting worse by the year, and it will continue to get worse. He stated these elements have to be dealt with in a fashion to minimize the effects, including the use of larger lots. He stated that both issues of traffic and density can be helped with larger lots. Mr. Jorczak commented that the land area's limited access should also be considered. He stated that there is not one project before the Planning Board that has not discussed access. He acknowledged that the property will likely be developed in some residential fashion. Mr. Jorczak stated that density, traffic/safety, diversity of building styles, and compatibility with the surrounding neighborhood are all key issues and concerns. He concluded that the comments of the other Board members are valid comments and there needs to be a better job of mitigating the impacts of this development than what is in front of them.

Mr. Galloway commented that he wanted to be clear that he has friends, professionally and long term, on both sides of this equation. Mr. Galloway stated to the resident who asked about the board members familiarity with this area, that he and his family have spent a lot of time in Tomoka Oaks and the Trails.

Mr. Galloway stated he has done research in relation to this application and lots being built in this area. The first thing is that not a single developer has been able to develop to maximum land use density allowed. He added that it seems that developers ask for the moon and we pull back the density. He stated that 60 to 70 percent of the lots that

his company pulled were between 55' and 65' in width. He continued that 30 to 40 percent were 70' to 80' in width. Mr. Galloway stated that they could not find any new subdivisions with 100' wide lots. He stated that a 50' wide lot would probably cost the builder $100,000 today. There are no more $25,000 lots. Mr. Galloway continued that a 100' wide lot, not on the water, would likely cost between $185,000 and $250,000, and then there is the cost of the house construction.

Mr. Galloway recalled he did a tape measurement prior to the meeting and the buffer would go from the stage to the curtain at the end of the seating area. The new house would have a 30' setback, plus the 50' buffer, and the Tomoka Oaks 25' setback. Mr. Galloway stated that there would 115' from house to house. He commented that he never has seen an inner-city neighborhood have that much space between the back of the houses. He expressed his concerns including the potential of neighbors to take down trees.

Mr. Galloway stated that the applicant did what he had asked of them by putting in a combination of lot sizes. He remarked that what they did not do was listen. He continued expressing that everyone has property rights – the developer has property rights and homeowners have property rights – what they did not do was listen to the neighborhood. Mr. Galloway stated that he could vote for this project if it had less density. He continued that he thought that the project would come back with 220, 230, 240 – maybe 250 lots. Mr. Galloway stated he was a little shocked and a little disappointed that the number of lots was not less. He stated he is not sure if they are still asking for the moon or if they will take what the City Commission will give.

Mr. Galloway commented that he believed that something would be built on the property. He continued that there is always an ability to buy property, at the right price, and encouraged residents to continue the purchase option. Mr. Galloway encouraged the HOA and residents to pursue a purchase through a community development bond over 30 years. He stated it would cost about $129 a month per homeowner and that they can buy it. He asked the audience how many individuals would be willing to participate in a purchase. Mr. Galloway stated if the residents bought it, they could decide what to do with the land. He continued to encourage the residents to seek to buy the property. Mr. Galloway concluded that he is for this project, but not at this density.

Mr. Jorczak asked if every single lot was 100' in width, what would that do to reduce the density in terms of the number of lots as it currently sits. Mr. Spraker stated he believes that the applicant has done an analysis and would prefer that the applicant address this question. City staff have not reviewed any plans where all lots are 100' in width. Mr. Spraker speculated that between 280 and 300 lots would be possible. Mr. Spraker stated the applicant would likely have a better answer.

Mr. Jorczak clarified that all the other parameters would be the same. Mr. Merrell questioned which perimeters and Mr. Jorczak stated all of them. Mr. Merrell replied that they have a plan adhering to the Land Development Code that allowed 300 lots. Mr. Jorczak stated that he is not talking about the code. Mr. Merrell continued that the project engineers developed a code compliant plan for the benefit of the property owner and the answer is 300.

Mr. Jorczak stated that he is looking for the 100' wide lot within the context of the PRD application, including the buffer and recreational area. Mr. Merrell stated the question mixes apples and oranges. Mr. Merrell stated a 100' wide project would utilize a different set of standards other than the PRD and the buffers and recreation

areas. Mr. Jorczak stated his fundamental question was within the PRD development plan, if the lots were all 100' in width, what the total number be. Mr. Merrell replied that they do not have the answer to that question and concluded that they mixed the lots up and brought the other things along – these all go together.

Attorney Hayes stated that the lot number question would require other site-specific analysis which is not before the Board tonight. He continued that if it is of belief that the density is too much on this project, then the Board can talk a little bit about it, but that it is a development application under a PRD zoning. Chairman Thomas sought clarification if the question was to maintain the PRD site plan layout and require a minimum lot size of 100' in width and depth. Mr. Railsback stated it would be approximately 240 lots based on the existing lot areas in the site plan. Mr. Galloway questioned if that impacted the buffer. Mr. Railsback replied with the calculated lot sizes in the site plan (60' X 125' and 80' X 125') and then divided by 10,000 square feet which came to approximately 240 lots. Mr. Galloway confirmed that there would still be a 50' buffer.

Ms. Shull reviewed the case studies provided about other golf courses provided by the applicant. She stated the studies looked good with a 9-hole course and how one golf course added estate homes. She continued that one in Boca left the part of the golf course and added a 55+ community with 120 homes. Ms. Shull stated that other things can be done with the property. She expressed that she understood the intention was not to rebuild a golf course. She stated that the other densities are not anywhere near what is being proposed. She stated that she concurred with other board members on the density. Ms. Shull expressed concern that traffic is going to be too much, concerns with children in other neighborhoods with no sidewalks, Tomoka Reserve cut through traffic. She stated that no matter what is said, that it is 600 more cars. Ms. Shull added that the stoplight is an issue and commented that the traffic signal should be in place before the homes are finished, just as the WaWa did the traffic signal first.

Ms. Shull stated that the density is a big concern and how the buffer needs to be installed as a type 6 with irrigation. Ms. Shull remarked that the HOA should not bear the burden of future buffer costs. She added that the ground cover needs to be installed.

Ms. Shull stated that she does not like the different lot sizes of 60' and 80' in width and explained that the lot widths need to be larger. She continued that the length of the driveways and having options for side entry garages are important for neighborhoods. Ms. Shull concluded that if there is not enough parking, individuals will park on the street and the community will not look good.

Chairman Thomas stated that the traffic engineer for the project does a very good job for traffic studies, but the system is so flawed that it is unreal. He continued that the studies are not reality, totally not reality. Chairman Thomas stated the density is a concern, as well as the traffic with the biggest problem coming out Main Trail to West Granada Boulevard. He stated this will be a nightmare. He stated that when the school is rebuilt and how right now coming out of the Trails where there is no bus pickup for elementary kids so they are either taken by their parents or riding bikes – most will go by car. Chairman Thomas asked the traffic engineer if they did the traffic study at school hours with the elementary school at Main Trail to West Granada Boulevard and commented that he doubted it. Chairman Thomas acknowledged the traffic engineer nodded yes, that the study was done. Chairman Thomas stated that people are not going want to wait the time they are going to have to wait because of

the way that intersection is right now you have going out to Granada. He stated that you have people wanting to turn right and you have people wanting to go straight and people wanting to turn left. He continued if somebody wants to turn left, nobody will be able to go anywhere. Chairman Thomas stated especially when school is coming out after people drop their kids off in the morning and people are still trying to get there and to the little Christian School to the west on Granada Boulevard that also has people stacked up waiting to turn right. Chairman Thomas stated that the traffic nightmare in his opinion is not going to be at Tomoka Oaks and Nova Road, but it is going to be a nightmare because people coming out of Tomoka Oaks now are going down on Rio Pinar and turning on Main Trail or on Iroquois. Chairman Thomas stated that the school will have more kids going to it because the school will be bigger. He reiterated that traffic will be a nightmare. He asked who will pay for needed improvements at the intersection and asked if the developer is going to pay for the intersection improvements.

Chairman Thomas asked the acreage of Tomoka Oaks minus the Tomoka Reserve property. He stated that there are over 500 homes in Tomoka Oaks. Mr. Spraker recalled there was a density analysis provided that showed Tomoka Oaks had a density of 2.09 units per acre. The acreage would be 547 homes divided by 2.09 units per acre.

Chairman Thomas stated that he has a problem with the density that has been discussed several times. He agreed with the applicant that there is a demand for 50 and 60' wide lots, but he did not believe that this demand is in the heart of an existing development of 100' wide lots. Chairman Thomas recalled he was on the Board in 2006 and the development plan at that time saved the golf course, allowed 117 condominiums, and three single-family lots. He stated that the 2006 approval recognized the property as a collection point of water to recharge the aquifer. Chairman Thomas stated that he understands times have changed, costs have risen, and housing types have changed. He stated that he wished the project team could come back with a plan similar to the 2006 plans because everyone got what they wanted.

Chairman Thomas added that 117 units will not work and now he can understand 220 to 230 residential units. Chairman Thomas stated that this is zoned as PRD now and it does not necessarily need to change.

Attorney Hayes asked to summarize a few points before answering the question. He stated this is a legal proceeding and there are rules that do apply and explained the Planning Board-role as a decision maker to weigh the competent and substantial evidence that was described at the July meeting. He stated the role of the Planning Board to weigh the testimony provided and determine which evidence is more credible. Attorney Hayes stated the initial burden is on the applicant to establish the application is consistent with the Comprehensive Plan and the requirements of the Land Development Code. The Planning staff's report is part of the evidence to consider. Attorney Hayes continued that application tonight is for a development within the Planned Residential Development zoning designation. The R-2 zoning district is not applicable tonight and may be a future application, but it is not before the Board tonight.

Attorney Hayes stated he wanted to point out some observations and his comments are not testimony. He continued that his role is to provide legal advice and counsel.

Attorney Hayes stated this is a unique piece of property and Tomoka Oaks was designed around this golf course and provided the following observations:

- Tomoka Oaks had an R-2 zoning designation;
- The R-2 zoning district also applied to the former golf course property for decades. The golf course operated for decades. He stated one may ask why was it not zoned separately. Attorney Hayes stated no additional zoning was in place because of restrictive covenants;
- The restrictive covenants for the former golf course were released by the HOA. The protection went away and the land continued to operate as a golf course;
- There was an application in 2005/2006 to rezone the golf course property from R-2 to PRD. This was reviewed by the Planning Board and approved by the City Commission. The approval allowed 119 multi-family units and three single-family units and certain conditions such as a covenant to restrict the use to a golf course with development;
- The 2006 development order expired with no construction. The 2006 covenant for use as a golf course was never recorded.

Attorney Hayes stated that these demonstrate the unique characteristics of this property. He continued that it is another application for development under the PRD zoning. He stated that there is probably a difference in why it is not separated out in the early years as described and how it is his speculation and it can be taken it for what it is worth. Attorney Hayes explained where the Board was and that the Board has to weigh the competent and substantial evidence and if the application is consistent with the Comprehensive Plan and the requirements of the Land Development Code. The initial burden is on the applicant and it shifts over to the HOA. Attorney Hayes stated that the Board gets to make that final determination.

Attorney Hayes stated that if the Board does not believe the application meets the criteria then the motion should be for denial. If it is believed to meet the criteria, then the motion should be for approval, and if it falls somewhere in between, a creative motion can be made, including a denial, and provide conditions. Attorney Hayes concluded that the Board has discretion, because as stated by the applicant, this a negotiated development order.

Chairman Thomas asked if there is a legal requirement if this application does not go through, does the city have to re-zone the property. Attorney Hayes stated that there is no rezoning application before the board. He continued if the Planning Board and the City Commission deny the current application, the question becomes what options does the applicant have. Attorney Hayes stated the applicant can present another PRD site plan under the PRD zoning or they can file an application to rezone the property to R-2. Attorney Hayes stated the rezoning to the R-2 is not before the board tonight.

Chairman Thomas stated he wished the applicant presented something like 2006 with some higher housing numbers. He stated at this point that he has major problems with the application.

Mr. Galloway asked Mr. Railsback what number he calculated if all were 100' wide lots. Mr. Railsback responded 240 lots. Mr. Railsback replied that it could be a little more or less based on the geometry of the property.

Mr. Galloway inquired about his interest of entertaining a motion of accepting the proposal with comments from staff for 240 homes. He stated that would give the applicant a message of where we stand and he always states that he would like to see the lot range between 220 and 240 lots. Attorney Hayes replied that the motion would require new data. Attorney Hayes commented that from what he was understanding the concern is the density. Attorney Hayes continued that a recommendation can be made for denial with details of the reasons for the denial motion so that there is a good factual basis for the recommendation. Attorney Hayes stated the detailed reasons or conditions would allow the applicant to make a decision of how they will move forward or pursue an application to R-2.

Mr. Galloway withdrew his motion.

Chairman Thomas stated his desired range was 220-225 lots. He discussed other lot range potentials and stated he would set the lot range low. He remarked that the City Commission would have some idea of what the Planning Board thought was appropriate and added at 250 lots, it is only a reduction of 22 lots.

Mr. Galloway stated he was putting a lot number out there to let the applicant know the current plan is too many lots. He commented that the City Commission will make the final determination. Chairman Thomas stated it would be in the minutes that they were looking at 220 units. Mr. Jorczak commented that if there is a denial tonight, the number is out there. Mr. Jorczak stated if the applicant wants to go to the City Commission, they can adjust the number to some extent.

Attorney Hayes stated that the Board can approve a motion with reasonable conditions. He added that the question then becomes what is reasonable based on the testimony and evidence presented. Attorney Hayes continued that it appears to that the Board does not like the density and desires something less. He stated that his recommendation is to make a motion to deny and state the reasons into the record this way the applicant has items to consider as they move forward and consider what the Board has stated.

Mr. Railsback stated that what the City Attorney and the applicant are asking the Board to do is to tell the reasons why the Board is denying the application. He provided an example that the Board denies the project because it is more than 230 units, the lack of a rotary circle, and the lots were not a minimum of 100' in width. Mr. Railsback commented that with the recommendations, the applicant could consider the revisions for the City Commission hearing.

Ms. Shull stated that she did not know that every little detail, the sprinkler system, the things that the Planning Department has said, could be put into a motion and expressed that those are the things that the Board would like taken care of. She added that that there was a lot in there that they do not know if it has been taken care of yet because the Planning Department has not had an opportunity to go over it. She continued that they have not had the opportunity to run the numbers to see how many 100' lots could go in there. Ms. Shull concluded that for them to sit there on a calculator and figure that it is around 220 is not a good way to put into a motion.

Chairman Thomas stated that this is true and he could go for no irrigation if the developer would pass the two years and maybe go to 5 or 7+ years that they would guarantee that those would last.

Ms. Shull stated that the motion is going to be three pages long. She stated that the City Commission will know what was discussed, read the notes, and know the points

of concern. Ms. Shull suggested a motion to deny and to please read the Planning Board minutes.

Chairman Thomas stated he believed that each City Commissioner or Mayor that appointed will be calling and seeking information from board members and that is totally legal. He stated that he knows that his commissioner talks to him about a lot of decisions made by the Planning Board.

Attorney Hayes reiterated what he heard and expressed that if he is wrong, for the Board to correct him. What the Board does not like as a basis for denial is:

- Density – believe that it is too much. There was talk about fuzzy numbers that the Board may be comfortable with under an appropriate plan;
- Traffic analysis is flawed based on evidence and testimony that you have heard and in the Boards own experiences;
- The traffic triangle should be a traffic circle; and
- The buffer and whether it should be a natural buffer or some other form of buffer and whether that buffer should have irrigation of some form.

Attorney Hayes asked if there were any other items.

Chairman Thomas stated a concern is the Main Trail and West Granada Boulevard intersection. He continued that is going to be a major problem. Attorney Hayes replied that would all be supported by the minutes and the record.

Attorney Hayes stated that if a motion is made with those parameters based on the evidence in the record that the application could be moved on up to the next level which would be the City Commission. He stated that the City Commission would take all the information under advisement, as they always do, and they will make their own determination after a legal proceeding just as this.

Mr. Railsback asked if the variety of elevations was included. Attorney Hayes stated that it was not, but that it could be included but not necessarily limited, because there are so many things. He reiterated that the Board's recommendation is advisory to the City Commission.

Chairman Thomas asked the Planning Director when the meeting minutes are written up and with the recommendation of the Board, if a synopsis could be included of the reasons that the vote was to deny it so that it would be in print that goes to the Mayor and City Commissioners.

Mr. Spraker explained that the way the minutes are done is more verbatim than a summary so that the entire scope of what is being said is reflected. He continued that staff always does a summary, usually brief, that hits the highlights. He concluded that yes, the minutes can reflect exactly what was said.

Mr. Scudiero stated that he would like to make a motion and if there is a second they can each give their articulated reasons both for the record and for the applicant's benefit.

Board Motion and Discussion

Mr. Scudiero motioned to deny PRD 2022-043, Tomoka Reserve – Issuance of a Development Order. Ms. Shull seconded it.

Chairman Thomas announced that the Board was going into discussion.

Mr. Scudiero stated his summary of concerns:

- Density;
- The plan that the applicant has come up with the buffers;
- An improved traffic rotary at the entrance;
- Instead of the 60, 80, 90 and maybe 100' wide lots, they want them all to be 100' in lot width, just like the rest of the neighborhood.

Mr. Railsback added the desire for a variety of house building elevations, including colors and roofing materials. He stated at least the minimum in the application and if a greater separation was given, his thought was that was another carrot for the City Commission.

Ms. Shull stated her issues are:

- The buffer, a desire to see a type 6 buffer;
- Would like to see the irrigation system to go in;
- Traffic signal to go in;
- Not sure about the diamond and roundabout. She noted that traffic study with the fire truck trying to get around that thing and it bothered her;
- Lot sizes are too much. The 60' wide lots are too crammed into that little space and it does not conform to the rest of the neighborhood that is already there;
- The gated community was a positive; and
- The main thing is the density because of the traffic.

Mr. du Moulin stated that he is concerned with the proposed lot sizes and the rotary.

Mr. Jorczak stated the elephant in the room for him has always been the density and he thought that it had been addressed. He added that he would like to see something less for the lots than what Mr. Railsback calculated in terms of how that is going to fit within the existing community. Mr. Jorczak discussed the architectural styles that the Board talked about and expressed that it would be nice if there was something better defined as to what the flexibility would be. He stated that he supported a no vote and concurs with what the city staff has recommended with respect to irrigation. Mr. Jorczak commented that he would recommend beyond what they had indicated in terms of just the perimeter lots being 100' in frontage. He continued that he believed that there is far less density of homes. He stated what the developer wants to do with respect to reducing that and seeing whether he has an economic model, is something that they will have to work with. Mr. Jorczak concluded that the way it is proposed today, he would vote for denial.

Mr. Galloway stated that he has a problem making them all 100' in width because of the lot radiuses with no way to get 100' wide lots on a curve. He added that he is okay with 100' wide on the back side of the lots. Mr. Galloway stated that he believed that there needed to be a flexibility of 80' and 100' wide lots. He concluded that you cannot get a 100' wide lot in a circle.

Mr. Jorczak stated that you can go above 100' in lot width and that he believed that the fewer number of homes would be better.

Mr. Galloway stated that he thought that it could be done with a combination of 80 and 100' wide lots. He stated that he would hate to tie-string them with 100' wide lots.

Chairman Thomas asked if Mr. Galloway was going to put a ratio on that, and said that what he looked at was that there was ten 100' wide lots and a few 80' wide lots. Mr. Galloway stated that he did not believe that a ratio was needed and that they should let the engineers analyze that. He stated that you can say that there should be more 100' wide lots, but you cannot tie somebody down to put all 100' wide lots in.

Mr. Railsback suggested making the lot deeper with a minimum of 10,000 square feet (80' X 125'). He stated that if you have to squeeze an 80' wide frontage lot, then it needs to be deeper. Mr. Galloway concurred and commented that the Board was doing the schematics and are not engineers. Chairman Thomas stated what we are is neighbors. Mr. Galloway concluded that in this type of property you cannot make all 100' wide lots.

Attorney Hayes sought to refocus the Board. He stated that there is a motion and second for denial. He continued that most of the comments are consistent and some are a little different. Attorney Hayes explained to the Board that you can incorporate the comments as part of the motion and second for supporting purposes of the motion to deny. He stated that these comments are not going to tie anything down specifically. Attorney Hayes restated that the Board's action is a recommendation. He stated if the maker of the motion and the seconder is okay incorporating those comments as a supporting basis for the motion to deny, all of that information would go up to the City Commission.

Chairman Thomas asked for a point of clarification if any member of the Board can call any City Commissioner or Mayor. Attorney Hayes confirmed that there is no Sunshine Law requirement for a member of the Planning Board communicating with a member of the City Commission. Attorney Hayes stated that Planning Board members cannot talk with each other.

Mr. Railsback stated for the minutes that he would like to see longer driveways as parking in the street is going to be an afterthought and that he would be remiss if he did not bring it up. He continued that he is okay with deeper lots and believes that two or three spots are needed plus the garage, not one car hanging into the road.

Attorney Hayes stated that he saw the maker of the motion and the seconder nod their heads to incorporate the item as a supporting basis for the motion.

Chairman Thomas asked if Attorney Hayes had his concerns on the list. Attorney Hayes responded that he did.

Chairman Thomas stated that there is a motion and a second. He stated that the Board has had discussion and asked the recording technician to call the vote. Mr. Galloway asked the motion be repeated. Chairman Thomas stated the motion was to deny the application. Attorney Hayes confirmed that the supporting basis in the Board comments are incorporated. Chairman Thomas asked the recording technician to call the vote.

Vote was called:

Mr. du Moulin: Yes, to deny.
Mr. Scudiero: Yes.
Mr. Railsback: Yes.

Mr. Galloway: Yes.
Mr. Jorczak: Yes.
Ms. Shull: Yes.
Chairman Thomas: Yes.

The motion for denial was approved (7-0).

Chairman Thomas stated that when the Planning Board first started at the first meeting, he told them that this is one of the top five decisions that he had ever been involved in at the Planning Board. He stated that it can now be moved up to the number two slot. Chairman Thomas stated that the only one that proceeded it was voting to tear down the Ormond Hotel to which he regrets to this day.

Chairman Thomas thanked the audience for their patience and courtesy. He stated that these have been the biggest meetings they have had and that they are probably one of the nicest, most respectful groups ever. He stated there has been no hollering or hooting and that he thanked the audience for that because they made the Board's job easier.

VII. OTHER BUSINESS

No other business was discussed.

VIII. MEMBER COMMENTS

No member comments.

IX. ADJOURNMENT

The meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.

ATTACHMENT 6

Past Minutes

Section D

November 7, 2023, City Commission

Present: Mayor Bill Partington, Commissioners Lori Tolland, Travis Sargent, Susan Persis and Harold Briley, City Attorney Randy Hayes, Assistant City Manager Claire Whitley and Assistant City Clerk Taylor Lochert.

A G E N D A

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND PROCLAMATIONS

A. Hometown Heroes

B. National Native American Heritage Month

5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA

6. APPROVAL OF MINUTES

A. Minutes from City Commission meeting - October 17, 2023

7. COMMUNITY REDEVELOPMENT AGENCY

A. **RESOLUTION NO. 2023-195**: A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

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

8. CONSENT AGENDA

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

A. **RESOLUTION NO. 2023-195**: A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

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

B. **RESOLUTION NO. 2023-196**: A RESOLUTION AUTHORIZING A

TO THE ATLANTIC OCEAN ON SATURDAY, NOVEMBER 18, 2023 FROM 8:00 A.M. TO 2:00 P.M.; AND SETTING FORTH AN EFFECTIVE DATE.

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

C. **RESOLUTION NO. 2023-197**: A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL REGARDING FUNDING FOR THE CITY'S VICTIM'S ADVOCATE PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

D. **RESOLUTION NO. 2023-198**: A RESOLUTION ACCEPTING THE QUOTE FROM OWENS ACCREDITATION SERVICES, LLC REGARDING ACCREDITATION SERVICES FOR THE POLICE DEPARTMENT; AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Jesse Godfrey, Police Chief, (386) 676-3500*

E. **RESOLUTION NO. 2023-199**: A RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF PARTS AND SERVICE FROM PARKSON CORPORATION FOR THE CITY'S AQUA GUARD SELFCLEANING BAR/FILTER SCREEN AT THE WATER RECLAMATION FACILITY; AUTHORIZING THE EXECUTION OF A CONTRACT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*

F. **RESOLUTION NO. 2023-200**: A RESOLUTION AUTHORIZING A WORK AUTHORIZATION AND ADDITIONAL FUNDING TO ANDRITZ SEPARATION, INC. FOR THE REPAIR OF THE CENTRIFUGE UNIT AT THE WATER TREATMENT PLANT; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Bob Preis, Utilities Manager, (386) 676-3305*

G. **RESOLUTION NO. 2023-201**: A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE INSTALLATION OF LED LIGHTING AT THE ORMOND BEACH SPORTS COMPLEX FOR THE SOFTBALL QUAD; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT NECESSARY FOR THE CITY TO ACCEPT THE GRANT AWARD; AND SETTING FORTH AN EFFECTIVE DATE.

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

H. **RESOLUTION NO. 2023-202**: A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE COUNTY OF VOLUSIA UNDER THE ECHO GRANTS-IN-AID PROGRAM FOR FUNDING ASSISTANCE REGARDING THE RENOVATION OF BASEBALL FIELDS 2-5 AT THE NOVA COMMUNITY PARK; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO, INCLUDING ANY CONTRACT

I. **FEMA Flood Mitigation Assistance Program Grant Application**

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

Disposition: Approve as recommended in the City Manager staff report dated November 7, 2023.

J. **Auto Renewal - Golden Eagle (at Andy Romano Beachfront Park)**

Staff Contact: *Robert Carolin, Leisure Services Director, (386) 676-3279*

Disposition: Approve as recommended in the City Manager staff report dated November 7, 2023.

9. PUBLIC HEARINGS

A. **ORDINANCE NO. 2023-51:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF BENTON STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-08-0010, 3136-01-07-0010, AND 3136-01-01-0021, AND ALONG VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-01-0021 AND 3136-01-21-0050; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

B. **ORDINANCE NO. 2023-52:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF HAMMOND STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE AND NORTH OF PLANTATION OAKS BOULEVARD, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3125-08-00-0014, 3136-01-07-0010 AND 3136-01-01-0021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

C. **ORDINANCE NO. 2023-53:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF ROSEMARY STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-09-0001 AND 3136-01-08-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

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

RESERVE SUBDIVISION; AUTHORIZING THE DEVELOPMENT OF 272 LOTS ON 147.94+ ACRES TO BE LOCATED AT 20 TOMOKA OAKS BOULEVARD; ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

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

10. SECOND READING OF ORDINANCES

A. **ORDINANCE NO. 2023-54:** AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2022-2023 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); PENSION CONTRIBUTION PASS THROUGH FUND (113); RECREATION FACILITY FEE FUND (115); GRANTS FUND (116); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); RENEWAL & REPLACEMENT FUND (409); SOLID WASTE FUND (460); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: *Kelly McGuire, Finance Director, (386) 676-3226*

11. REPORTS, SUGGESTIONS, REQUESTS

12. ADJOURNMENT

MINUTES

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 6:10 p.m.

Item #2 – Invocation

Chaplain Sam Mercado, Advent Health, provided the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 – Presentations and Proclamations

Item #4A – Hometown Heroes

Mayor Partington presented a proclamation to Deputy Fire Chief Nate Quartier and Police Captain Chris Roos in honor of the Hometown Heroes Military Appreciation Banner program and proclaimed November 2023 as a time to celebrate the Hometown Heroes.

Item #5 – Audience Remarks

Ms. Melissa Horan, 1010 Seashell Court, discussed her experience with public safety concerns in small towns and encouraged the City Commission to mitigate potential risks.

Ms. Rebecca Mangali, unincorporated Volusia County, discussed misconceptions regarding the Belvedere Fuel Terminals and fuel prices.

Mr. Kason McFarren, unincorporated Volusia County, thanked the Commission for their work regarding the Belvedere Fuel Farm.

Ms. Connie Colby, 108 Roble Lane, requested the agenda items have more details on the agenda to help with transparency and discussed the potential relocation of the police station.

Volusia County Council Member Troy Kent, 130 Magnolia Drive, thanked the Commission and staff for their support of the dog friendly beach in Volusia County.

Commissioner Briley thanked Council Member Kent for his work on the dog friendly beach.

Item #6 – Approval of Minutes

Mayor Partington advised the minutes of the October 17, 2023, meeting had been sent to the Commission for review and were posted on the city's website for public viewing. He asked for any corrections, additions, or omissions. He stated hearing no corrections, the minutes would stand approved as presented.

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of the October 17, 2023, City Commission meetings minutes.

The motion passed by voice vote.

Item #7 – Community Redevelopment Agency

Mayor Partington advised the following items were Community Redevelopment items. He explained the City Commission served as the Community Redevelopment Agency (CRA) of the city and must review the item and make a recommendation as the CRA.

Mayor Partington recessed the City Commission meeting, called the CRA meeting to order, and opened the public hearings at 6:31 p.m.

Item #7A – Granada Boulevard Streetscape Sidewalk Banding Repair Contract Modification

Assistant City Clerk Taylor Lochert read by title only:

RESOLUTION NO. 2023-195

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AGREEMENT FOR STREETSCAPE AND BANDING REPAIR WITH P&S PAVING, INC. REGARDING THE GRANADA BLVD. STREETSCAPE BANDING REPAIR PROJECT, UNDER BID NO. 2022-19; AUTHORIZING PAYMENT THEREFOR; AND SETTING FORTH AN EFFECTIVE DATE. **(SEE ITEM 8A)**

Commissioner Persis moved, seconded by Commissioner Sargent, for recommendation of Resolution No. 2023-195, as read by title only.

The motion passed by voice vote.

Mayor Partington closed the public hearing, adjourned the CRA meeting, and reconvened the City Commission meeting at 6:32 p.m.

Item #8 – Consent Agenda

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Comments on the Consent Agenda

Commissioner Sargent expressed his support of Items 8G and 8H regarding Volusia County ECHO grants for the Sports Complex Softball Quad LED lighting and Nova Community Park Fields restoration.

Item #9 – Public Hearings

Mayor Partington opened the Public Hearings.

Item #9A – Partial Right-of-Way Vacation, Benton Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-51

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF BENTON STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-08-0010, 3136-01-07-0010, AND 3136-01-01-0021, AND ALONG VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-01-0021 AND 3136-01-21-0050; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Briley moved, seconded by Commissioner Tolland, for approval of Ordinance No. 2023-51, on second reading, as read by title only.

Call Vote:	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Item #9B – Partial Right-of-Way Vacation, Hammond Street

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-52

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF HAMMOND STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE AND NORTH OF PLANTATION OAKS BOULEVARD, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3125-08-00-0014, 3136-01-07-0010 AND 3136-01-01-0021; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-52, on second reading, as read by title only.

Call Vote:	Commissioner Persis	Yes
	Commissioner Briley	Yes

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-53

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, VACATING A PORTION OF ROSEMARY STREET, A PLATTED PUBLIC RIGHT-OF-WAY SOUTH OF PENNSYLVANIA AVENUE, LOCATED BETWEEN VOLUSIA COUNTY PARCEL IDENTIFICATION NUMBERS: 3136-01-09-0001 AND 3136-01-08-0010; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR RECORDATION AND TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Briley, for approval of Ordinance No. 2023-53, on second reading, as read by title only.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Mayor Partington recessed the Public Hearing at 6:37 p.m.

Item #10 – Public Hearings

Item #10A – FY 2022-23 Budget Amendments

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-54

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2022-2023 BY AMENDING THE GENERAL FUND (001); DOWNTOWN REDEVELOPMENT TRUST FUND (104); STORMWATER UTILITY FUND (107); AIRPORT FUND (108); LOCAL LAW ENFORCEMENT TRUST FUND (109); PENSION CONTRIBUTION PASS THROUGH FUND (113); RECREATION FACILITY FEE FUND (115); GRANTS FUND (116); 2010 BEACHFRONT PARK BOND FUND (220); CAPITAL IMPROVEMENTS FUND (301); EQUIPMENT RENEWAL & REPLACEMENT FUND (302); PUBLIC SAFETY VEHICLE & EQUIPMENT FUND (305); TRANSPORTATION IMPROVEMENTS FUND (308); FACILITIES RENEWAL & REPLACEMENT FUND (317); WATER AND WASTEWATER FUND (401); RENEWAL & REPLACEMENT FUND (409); SOLID WASTE FUND (460); AND THE GENERAL LIABILITY FUND (504); AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Commissioner Sargent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2023-54, on second reading, as read by title only.

Call Vote:	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
Carried.	Mayor Partington	Yes

Mayor Partington reconvened the Public Hearings at 6:39 p.m.

Item #9D – Tomoka Reserve, Issuance of a Development Order

Assistant City Clerk Taylor Lochert read by title only:

ORDINANCE NO. 2023-55

DATE.

Mr. Randy Hayes, City Attorney, provided background on the item and noted the item was for an application for a development under a Planned Residential Development (PRD) zoning district. He explained it was a quasi-judicial proceeding, and noted the Commission should review the application against the Land Development Code and Comprehensive Plan, while keeping in mind the relevant evidence. He recommended any witnesses who wished to testify take an Oath. He requested the Commission consider accepting two stipulations including the professionals who would testify on behalf of the parties were qualified to do so and to allow the Tomoka Oaks Home Owners Association (HOA) to participate in the proceeding as a party-intervenor. He reviewed the order of business including time allotment for all involved parties to speak and voting conflicts.

Commissioner Briley moved, seconded by Commissioner Sargent, for approval of the two stipulations presented by Mr. Hayes.

Call Vote:	Commissioner Sargent	Yes
	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
Carried.	Mayor Partington	Yes

Commissioner Persis moved, seconded by Commissioner Tolland, to swear in all witnesses who wished to testify.

Call Vote:	Commissioner Persis	Yes
	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
Carried.	Mayor Partington	Yes

Mayor Partington requested Court Reporter Shilah Blakeney provide the Oath to all who wished to testify.

Ms. Blakeney provided the Oath.

Mr. Spraker reviewed the existing land use, the application process, the process of the development and at what future stages it would go back before the Commission. He discussed the characteristics of the property and proposed designs of the development. He noted the concerns of the residents and the Planning Board's recommendation of denial.

Mr. Rob Merrell, Cobb Cole Law Firm, discussed the Growth Management Act and how it relates to the project and the city's Comprehensive Plan. He discussed the meetings held by the developer and the input provided. He reviewed the developer's team expert qualifications and their reports provided. He discussed the two outstanding items from staff's recommendation including the proposed buffer. He stated there was a pending application for the R-2 zoning to match the Tomoka Oaks subdivision zoning, noting it was not preferred by the developer.

Mr. Dennis Bayer, party-intervenor, expressed appreciation to the developer for working with the residents of the community. He adamantly disagreed with the application of the R-2 application. He discussed the uniqueness of the property and the expectations of the homeowners in the Tomoka Oaks subdivision. He noted the requests the HOA made to the developer, traffic issues, Planning Board recommendation, property entitlements, zoning and potential zoning.

Mr. Tom Harowski, party-intervenor, provided his background and summarized the issues the residents had with the proposed development including compatibility, density, design standards, lot sizing, traffic, and sidewalks.

Ms. Carolyn Davis, 46 Oakmont Circle, thanked Mr. Spraker for his professionalism and

Riverbend Golf Course.

Ms. Denise White, 9 Fox Run Trail, voiced concerns regarding health, safety, welfare, quality of life of the surrounding residents, and traffic.

Mr. Dale Ryals, 20 Eagle Court, explained her concerns regarding lack of hospital infrastructure, density of proposed project, cohesive look, and water use.

Ms. Ashley DuFrene, 118 North Saint Andrews Drive, expressed opposition of the proposed project and voiced concerns regarding density and the R-2 application. She referred to articles within the Land Development Code and provided a photo of her unobstructed view.

Ms. Angie Shull, 110 Deer Lake Circle, discussed her background with the city and expressed concerns regarding density and traffic.

Mr. Dick Reed, 16 Stone Quarry Trail, encouraged the Commission to buy the property and make the land a public golf course.

Mr. Jim Cameron, 39 Laurel Oaks Circle, expressed support of the proposed development.

Ms. Kristin Deaton, 80 Shadowcreek Way, encouraged the Commission to listen to the residents and the Planning Board's recommendation.

Mayor Partington recessed the City Commission meeting at 8:00 p.m.

Mayor Partington reconvened the City Commission meeting at 8:10 p.m.

Mr. Jim Rose, 21 Eagle Court, stated he was the chairman of the Golf Course Committee of the Tomoka Oaks HOA, and provided his background with the project. He requested the Commission deny the developers request.

Mr. Jeff Boyle, 614 North Halifax Drive, discussed the Planning Board's recommendation. He expressed concerns regarding traffic, protected covenants and requested the Commission deny the request.

Ms. Darla Widnall, 7 Shawnee Trail, voiced concerns regarding an emergency evacuation plan and traffic. She provided a handout to the Commission.

Mr. Tyler Brown, 90 North Saint Andrews Drive explained his concerns regarding the density calculations, lot sizes, and conservation space.

Mr. Paul Hughes, 4 Lauren Court, voiced concerns regarding an evacuation route, infrastructure, traffic, and the proposed project being a gated community.

Mr. Paul Maybeck, 15 Pine Valley Circle, summarized an email he sent that was provided to the Commission which included concerns on sidewalks, traffic and removal of trees.

Mr. Rick Rickards, 1 Tomoka Oaks Boulevard, stated he was opposed to the development noting concerns of broken promises.

Mr. Tom Fitzgibbon, 51 South Saint Andrews Drive, expressed concerns regarding property values and traffic.

Ms. Denise Corley, 51 South Saint Andrews Drive, voiced concerns regarding the nature, environment, and quality of life. She encouraged the Commission to vote no on the project.

Ms. Michelle Zirkelbach, 328 River Bluff Drive, stated she provided a handout to the Commission and reviewed concerns regarding density calculations and compatibility.

property values.

Ms. Jessica Vitale, 7 Eagle Drive, indicated concerns regarding project location, density, traffic, construction noise, greenspace, natural buffers, and potential title restrictions.

Ms. Barbara Doliner, 108 South Saint Andrews Drive, expressed concerns regarding the developer and the project.

Ms. Missy Herrero, 111 North Saint Andrews Drive, voiced concerns regarding the density calculations, traffic study, lot sizes, lack of compatibility, and lack of hospital infrastructure.

Mr. Tyler Travis, 888 Willow Run, expressed support of the development.

Mr. Bayer reviewed the Planning Board recommendation, noting concerns of traffic and density.

Mr. Merrell stated he had a team available for any questions. He reviewed potential options if the project was denied.

Commissioner Briley thanked the residents and Mr. Spraker for their work on the project. He questioned if the golf course was originally part of Tomoka Oaks, if the proposed development would be in Tomoka Oaks as its own development and inquired if the development would be considered a re-plat of the existing subdivision; whereby, Mr. Spraker explained the golf course was platted as its own separate parcel and not part of the Tomoka Oaks subdivision. Commissioner Briley expressed concerns regarding the subdivision's ingress and egress; whereby, Mr. Spraker stated there would need to be multiple access points and noted the proposed plan did have an emergency access identified. Commissioner Briley discussed the access points and inquired if The Trails subdivision could be gated; whereby, Mr. Spraker stated that would need to go through the site plan process, amendments to the plats, and homeowners' agreements.

Commissioner Briley asked about the distance between Nova Road and the Escondido apartments; whereby, Mr. Sans Lassiter, Lassiter Transportation Group, reviewed the traffic study and traffic light needs. Commissioner Briley expressed concerns regarding traffic in peak hours and during times the train went through the area.

Mr. Lassiter explained the traffic light would have preemption noting that would help mitigate traffic backups during the times the train went through the area. He reviewed the traffic analysis.

Commissioner Briley discussed the vehicular and pedestrian conflicts within the current subdivisions. He reviewed the weight capacity for the Misner's Trail bridge, expressed concerns for the structure of the bridge and inquired who maintained the bridge; whereby, Mr. Shawn Finley, Public Works Director, indicated the Florida Department of Transportation (FDOT) inspects the bridge annually and the city maintains it.

Commissioner Persis inquired about the time of day the traffic study was completed; whereby, Mr. Lassiter noted it was completed in the morning and afternoon. She stated she traveled to the subdivisions during peak hours and noted the current traffic concerns. She inquired if the developer was willing to significantly reduce the number of homes in the development, increase the lot sizes, and irrigate the buffers; whereby, Mr. Merrell asked what significant meant. Commissioner Persis clarified the prior Commission agreed to 122 homes in 2006; whereby, Mr. Merrell stated the 2006 plan was no longer an option and 122 homes would not work for the project.

Mr. Carl Velie, property owner, explained all the costs associated and noted they needed the number of lots to be profitable, and discussed the landscaping aspect of the buffer of the proposed project.

Commissioner Sargent inquired what the maximum height of the homes would be; whereby, Mr. Merrell stated the same as the R-2 zoning. Commissioner Sargent inquired

Commissioner Tolland inquired about the calculations of the density; whereby, Mr. Spraker stated the calculations for the density of Tomoka Oaks subdivision could not include the 84 acres that had an open-space conservation zoning which did not allow for density. He reviewed the calculations for both subdivisions. She asked about the golf course; whereby, Mr. Hayes stated when the golf course was constructed it had a restrictive covenant which prohibited development, noting it did allow the HOA to release the covenant. He explained the release happened in 1976. She inquired about the natural buffer; whereby, Mr. Don Spence, on behalf of applicant, stated the buffer would take ten years for the trees to reach maturity and the shrubs would take about five years.

The entire Commission disclosed they met individually with the development team and several residents and discussed the types of meetings held.

Mr. Hayes reminded the Commission the item before them was an application for a development order under PRD zoning. He noted the Commission's decision should be based on if the development met the competent substantial evidence standard including conforming to the Land Development Code and Comprehensive Plan, the development will not adversely impact the environment, the development will not substantially or permanently depreciate the value of the surrounding property, adequate public facilities, ingress and egress traffic safety, the development is a functional use of space, provides for safety of occupants and visitors, and the proposed use of materials and architectural features will not adversely impact the neighborhood aesthetics. He reviewed potential options for the Commission.

Commissioner Persis discussed concerns regarding ingress and egress, traffic and environmental impact. She stated she would vote no on the item, and stated she would like to deny the request or send back to the Planning Board for the developers to include a substantial reduction in density, similar to the approved PRD from 2006.

Commissioner Sargent reviewed the issues he had including traffic, pedestrian safety, and density. He stated he would support sending the item back to the Planning Board in hopes of a plan similar to the 2006 approved PRD.

Commissioner Tolland expressed concerns regarding pedestrian safety, compatibility with surrounding neighborhoods, density, natural buffer, and traffic. She indicated support of a plan similar to the 2006 approved PRD.

Commissioner Briley stated concerns for the compatibility, lot sizes, and density. He agreed the item should go back before the Planning Board.

Mayor Partington supported the item being remanded to the Planning Board and expressed concerns regarding density and traffic.

Commissioner Persis moved, seconded by Commissioner Tolland, to remand the item to the Planning Board for further consideration.

Call Vote:	Commissioner Briley	Yes
	Commissioner Tolland	Yes
	Commissioner Sargent	Yes
	Commissioner Persis	Yes
Carried.	Mayor Partington	Yes

Mayor Partington closed the public hearings.

Item #10 – Reports, Suggestions, Requests

Events, Compliments, and Announcements

Ms. Claire Whitley, Assistant City Manager, reviewed upcoming events including a Veterans Day celebration luncheon, HOme for the HOlidays parade, and Ormond Beach MainStreet Riverfest.

Commissioner Tolland thanked residents, staff, and the Planning Board regarding the

Commissioner Persis thanked Mr. Spraker, Mr. Hayes, Ms. Whitley and City Manager Joyce Shanahan.

Commissioner Briley reviewed events he attended including the ribbon cutting for the dog section of the Volusia County beach and Hometown Heroes drive-thru lunch.

Item #11 – Adjournment

The meeting was adjourned at 10:11 p.m.

APPROVED: December 5, 2023

BY: _____
Bill Partington, Mayor

ATTEST:

_____
Susan Carroll Dauderis,
City Clerk

DRAFT

Planning Board minutes from January 11, 2024

ITEM:

ZMA-2023-054

Tomoka Reserve, Zoning Map Amendment

requirements and ensure that the gopher tortoises are in place prior to relocating them and ensure it is done properly. He commented that they would not have a problem if people wanted to go out with them on the site as they have nothing to hide.

Mr. Jorczak referenced the mix of development in the community and the need of affordable housing and asked for the target range of pricing for the townhomes. Mr. Storch replied that the townhomes are estimated to be in the high $200,000s. The affordable housing looks at 30 percent of income being affordable housing and if below the medium scale of housing, then housing can be less than $45,000 per home. Mr. Storch noted to make more affordable housing would be to look at the idea of smaller housing for development. He added that at the same time people can look at things that will create affordability in other manor such as having homes located in areas closer to jobs and shopping so not to pay for the cost of transportation. He concluded that townhouses are amongst the most affordable.

Chairman Thomas opened the hearing up for any public comments. Hearing none, he opened it back up to the Board and entertained a motion.

Mr. Railsback motioned to approve PP 2023-074, Bradford Park subdivision, Preliminary Plat. Mr. Galloway seconded it. Vote was called, and the motion was approved (7-0).

C. ZMA 2023-054, Tomoka Reserve, 20 Tomoka Oaks Boulevard, Zoning Map Amendment

Attorney Hayes reviewed preliminary matters on the item, explaining that the application this time is for rezoning and the sole question is whether the property should be rezoned. He continued that the facts are the same. At prior meetings, the developer's representatives informed the Board that they can pursue an R-2 rezoning application. The Planned Residential Development (PRD) issuance of a development order matter was remanded back to the Planning Board and it was not denied. The applicant has decided to move forward with the rezoning application. Attorney Hayes referenced information from prior public hearings which was also included in the Board packet. He explained the quasi-judicial proceedings, with rules of court that apply. The decision of the Planning Board is an advisory to the City Commission. The burden of proof initially lies with the applicant to demonstrate that the application for rezoning follows the Comprehensive Plan, ordinances and laws, and if so then the burden shifts in opposition by providing competent and substantial evidence that the rezoning should not be applied.

Attorney Hayes stated that the City's code has a mechanism to allow parties who may have a substantially affected interest to intervene as a former party. The Tomoka Oaks Homeowners' Association (HOA) requested party-intervenor status and the consent was given as a stipulation for the PRD issuance of a development order. The HOA filed a request to be treated as a party intervenor in the rezoning request. Attorney Hayes added that he received a letter from the applicant's attorney. He continued that there is a provision in the city Code of Ordinances that does not specify the intervenor status. He added that he did not speak with the attorney for the applicant but did speak with the HOA attorney. He reviewed the Rules of Procedure and added that the residents receive three minutes to speak. If a party is being represented by a spokesperson, additional time may be allotted.

Attorney Hayes stated that witnesses are not required to be sworn in but they can be if the Board so chooses. He suggested that when the proceedings are open for the presentation for the application, the first inquiry should be of the Tomoka Oaks HOA and whether or not they are going to request party intervenor status. If so, it can be handled as a procedural matter and if not, then it would go directly to the Planning Director, then to the 20-minute applicant presentation, and if there is a party-intervenor, then 20 minutes, and if not, can skip right to the presentation, and then the applicant can have the last 10 minutes prior to the vote, followed by questions by the Board and deliberations and decisions by the Board. He explained that during the deliberations and decisions by the Board, several questions can be asked such as procedural matters, points of order, and parliamentary procedures can be asked to the Board but not by the audience.

Chairman Thomas brought the matter to the Board and asked to point out anything that they did not agree with. He continued that this is the fourth time dealing with the piece of property. He suggested to stick by the procedures from the previous three meetings, including the swearing-in.

Chairman Thomas expressed his dissatisfaction regarding the applicants sending a letter out so close to the public hearing with objections and conditions, and the late arrival of the items.

Chairman Thomas opened it up to the Board.

Mr. Scudiero stated that he suggested a time-certain vote so that the Planning Board will know the outcome tonight. He suggested 9:55 p.m. at the latest to be able to be out by 10:00 p.m.

There was further discussion that it may have to be continued if necessary.

Mr. Galloway referenced the late letters that he has not had the opportunity to read and commented that the Planning Board has been put under pressure by developers from out of town and people representing developers. He expressed concern with threats and bullying by them and stated that it is not the way to address the Board, demanding that they stop.

Mr. Steven Spraker, Planning Director, explained the application for a zoning map amendment from Planned Residential Development (PRD), to R-2, Single-Family Low Density, for approximately 147.94 acres located at 20 Tomoka Oaks Boulevard. Mr. Spraker reviewed the history in that the land area was platted in 1961 as a golf course, and that residential lots built around the golf course, developing a symbiotic connection between the golf course land and the residential lots. In 2006, the zoning changed from R-2 Single-Family Low Density to PRD, Planned Residential Development for 119 multi-family units, 3 single-family homes, and preservation of a golf course. In 2014, the Planned Residential Development (PRD) expired. In 2021, Triumph Oaks of Ormond Beach I purchased the golf course land area which had closed. Mr. Spraker continued that in 2023, there was a Planning Board meeting and a City Commission meeting where City Commission remanded the application back to the Planning Board to review concerns including density, traffic, compatibility with surrounding neighborhoods, lot sizes, and the natural buffer. November 21, 2023 the applicant withdrew the PRD, issuance of a Development Order and sought the zoning map amendment to the R-2 Single-Family Low Density zoning district.

Mr. Spraker explained what a zoning map amendment is, detailing how the application seeks to amend the zoning designation from PRD, Planned Residential

Development, to R-2 Single-Family Low Density. The R-2, Single-Family Low Density allows certain uses and dimensional standards. He continued that there are no site plans or other development plans associated with a zoning map amendment.

If approved, development of single-family houses would require:

(1) Review of the Site Plan Review Committee (SPRC);

(2) Preliminary Plat, review by the Planning Board and action by the City Commission;

(3) Final Plat, review by the Planning Board and action of the City Commission.

Mr. Spraker stated that Section 2-02 of the Land Development Code (LDC) provides the compatible zoning districts to the Low Density Residential (LDR) land use. There are five zoning districts by the LDC that are compatible with the LDR land use. The applicant is requesting the R-2, Single-Family Low Density zoning district based on:

(1) The zoning prior to 2006 was the R-2, Single-Family Low Density zoning district;

(2) The surrounding subdivisions are zoned R-2, Single-Family Low Density; and

(3) The R-2, Single-Family Low Density zoning district is consistent with the Low Density Residential land use.

Mr. Spraker elaborated that based on Planning Staff review and discussion, the final points of analysis were that throughout the final process of the PRD and development order, there has been recognition that the Tomoka Reserve property is unique and unusual. He continued that there are not many land areas that are entirely surrounded by 178 single-family homes, referencing the 'hole in the donut' analogy. Mr. Spraker continued, that the goal of a zoning map amendment is to assign the most appropriate zoning based on the unique and special characteristics of the golf course land. He added that within the Planned Residential Development (PRD) zoning, staff believes that the existing Planned Residential Development (PRD) zoning district would provide a better overall subdivision design with the standards for recreation, open space, and natural preservation. The City Commission acknowledged the PRD zoning intent for this unique, one-of-a-kind property, to mitigate negative impacts to those existing properties that had developed with the expectation of a buffer, natural area, next to it. Development of the golf course land under the PRD is better suited to accomplish the goals and objectives of the City's Comprehensive Plan and Land Development Code regulations.

Mr. Spraker concluded that it is recommended that the Planning Board deny the applicant's request to rezone the property from PRD, Planned Residential Development, to the R-2, Single-Family Low Density and to maintain the existing PRD, Planned Residential Development zoning for the subject property.

Applicant's Presentation

Mr. Karl Sanders, Esquire, KJS Law PA, 1102 A1A N., Ste 201, Ponte Vedra Beach, addressed the procedural issues and agreed with sticking with the same procedures in this proceeding. He suggested that his correspondence to Mr. Hayes was misunderstood and added that his communication was designed to ensure Mr. Bayer has enough time as the Board deems necessary to provide a meaningful opportunity

to present his clients objections and concerns. Mr. Sanders referenced his other correspondence and apologized for any offense, stating that they were purely legal issues and were raised to be part of the record in order to be part of any subsequent judicial proceeding and were determined to be the most efficient way to communicate the objections in writing to have in the record.

Mr. Sanders explained that the hearing tonight is on a new application for a zoning map amendment application, and is not meant to rehash the old application. It is being asked to amend the label that is on the official zoning map from PRD and reassign the historical zoning district label that has always been assigned to the property, R-2, to reflect a zoning district that provides the property owners with entitlements to use their property. Mr. Sanders stated there are no zoning entitlements for the property and nothing can be done with the property today due to the fundamental difference between a PRD zoning district and a conventional zoning district. He explained that with a conventional zoning district, the zoning code sets forth what can be done with the property, and it tells you what can be done with those uses, what the development standards are. He added that with a PRD zoning district, it is not a conventional one and is a voluntary, negotiated agreement and currently has no development standards. With a PRD development order, the document that sets forth the development standards for a specific piece of property, but that no longer exists and has since expired. Mr. Sanders remarked that they have to have the same development rights for their property as anyone else. He concluded that they do not know how the property will be ultimately developed in the future, but expressed how they are entitled to have at a minimum, 'something' as property owners.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, addressed the procedural issue on how in during the last process the developers stipulated that they would have party-intervenor status. He stated that he was aware at 4:50 p.m. tonight, that they are objecting to it. Mr. Bayer added that the issue will be raised when they go to City Commission and feels that there is sufficient evidence in his experts' reports that his clients are the "hole in the donut" that is a substantially affected neighborhood. Mr. Bayer referenced one of the experts who have worked on a number of golf courses around the state and their memorandum about how the homeowners have relied in good faith for decades on the representation of the original developer in the city, that it would remain open space and greenspace. He stated that the property taxes have been predicated upon the assumption that his clients and their successors would continue to enjoy the proximity to an outstanding golf course in a serene and attractive, natural setting. Mr. Bayer continued that those statements established at the prior proceedings, clearly establish a standing on behalf of his clients. He advised that it can be addressed further at the City Commission and expressed that he did not appreciate the late notice from Mr. Sanders.

Mr. Bayer stated that he spoke with other land use attorneys in the State of Florida in that there is no state law, no case law, or local regulations, that tell you if a PUD or a PRD expires, that it automatically reverts back to the underlying zoning. This property was zoned R-2 prior to any of the development occurring. He gave an example of a blank canvas and that if R-2 zoning is granted, they can paint the canvas however they want to as long as the R-2 zoning standards are met. There is nothing that the residents can challenge as long as they have the minimum square footage of

lots, stormwater, and other dimensional standards. The Board cannot say that they need to protect more trees or that more buffers need to be provided. If the canvas is painted under a PRD designation, the colors and confines need to be picked out just as the same process before.

Regarding entitlements, Mr. Bayer expounded on the entitlements that are there. The property was purchased in 2006 and the 2006 ordinance states that if the development order ever expired, the right to come in and apply for a new development order is an option. As long as there is a process, which is available to any property owner, when you buy a property with a designation of PRD, you are not being treated any different than any other property owner. Mr. Bayer explained that the applicants could have sought the R-2 rezoning before they took title as a condition of closing but they did not, as they took it encumbered with the PRD designation, meaning that there is no claim that they are not being treated as fairly as any other property owner in Ormond Beach or the State of Florida.

Mr. Bayer touched on the clarity of case law and expressed that he feels no property owner is automatically entitled for a rezoning. They can show that it is compatible with the Comprehensive Plan. He stated that two expert opinions say that R-2 zoning is not compatible with the existing character of the neighborhood and there will be no control over what type of housing goes into the property, adding that if it goes to straight-zoning, the city loses input to the type of construction. Speaking on previous public hearings, Mr. Bayer reminded the Board what they were told that there is no market for 100'- wide lots, and now the entire development is proposed to be 100'-wide lots. He continued that the Board was told by the developers that they wanted the Boards input and views on the development and when they were told that it was too dense, they did not want to hear it, but now came back with this application. Mr. Bayer concluded that Mr. Harowski is going to summarize his position on the issues and that the Board should deny the request for rezoning to R-2.

Mr. Tom Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, delivered an overview of his comments provided to the Board on December 29, 2023, that R-2 zoning is one of five zoning options that the city's code identifies as consistent with low density residential land use. He specified that the question is which of the five is most compatible with the neighborhood. Mr. Harowski continued that the State Statute gives the definition of compatibility, defined as a condition in which land uses and conditions coexist in relative proximity to each other in a stable fashion over time, such that no use or condition is unduly negatively impacted directly or indirectly by another use. Mr. Harowski added that Policy 1.1.3 in the Comprehensive Plan supports it, where it says, "preserve the character of existing neighborhoods by not allowing the intrusion of land uses that would threaten to alter the neighborhood character." He continued that given the fact that an adjacent land use might be similar in type, single-family to single-family, does not mean that they cannot be intrusive or alter the neighborhood character. Mr. Harowski referenced the analogy, "the hole in the donut" characteristic of the property, and elaborated that it illustrates the intrusive nature of the project as it injects into the community, and how the only place where the entire parcel does not abut a single-family house existing in Tomoka Oaks or a lot that has not been developed yet is the driveway into the old golf course property. The requirement for a compatible project demands that impacts from the new development follow density and lot sizes compatible with the existing neighborhood.

In a report Mr. Harowski provided to the Board, he says it identified the density of actual development in Tomoka Oaks at approximately 1.27 units per acre. It's been said that the land use is 4.3 and the R-2 is equivalent with the land use, but is not compatible with the existing situation. He added while in a rezoning to R-2 seems to be an easy choice, the development of the property at R-2 minimum standards, the development will occur well above the development level for the existing housing. He commented that at the minimum R-2 standards, it would be 50 percent greater than the existing neighborhood. Mr. Harowski used density as a comparison between the new and the old neighborhoods. In terms of minimizing the intrusive impacts, the table of consistent zoning classification or R-1 rather than R-2, is the most compatible choice after Planned Residential Development (PRD). Mr. Harowski concluded that the result of a project under an R-1 would be a project density closer to the developed character of the neighborhood and would lessen external impacts from traffic and from induced public safety that would be seen with any sizeable development.

Chairman Thomas asked Ms. Miller, Recording Technician, to read the Oath.

Ms. Miller read the Oath:

"Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth?"

Audience Comments

Ms. Carolyn Davis, 46 Oakmont Circle, Tomoka Oaks, stated that she took the Oath and thanked the Board for their careful review of the R-2 rezoning application. She understands that the applicant is legally offended when the city or residents refer to the property under discussion as a golf course, so instead referred to the property using the name recorded on the plat and in the applicant's warranty deed which legally describe the property as the Sam Snead Golf and Country Club. Included in the packet, she added that in her letter it states that an R-2 rezoning of the Sam Snead Golf and Country Club plat would permanently alter the character of Tomoka Oaks Country Club Estates by locating a new totally land-locked neighborhood in the center of Tomoka Oaks. Ms. Davis continued that an R-2 rezoning violates the city's future land use element detailed in the Comprehensive Plan in Policy 1.1.3, which requires preservation of any bordering neighborhoods' character. While the applicant tries to make the case that they legally have the right to a R-2 rezoning, she disagrees and sites the officially recorded 2006 Tomoka Oaks Golf Village PRD development order. On pages 7-8 of the development order it states that the development order runs with the real property and if the development order expires, the City Commission will reconsider a new PRD application. Ms. Davis commented that the property is not in limbo and nowhere does the now expired development order state that the land use will revert to R-2. She stated that if any Planning Board member desires to state an acceptable density for the Sam Snead Golf and Country Club plat that they hold themselves to the same standards as expert testimony which requires that any number be upheld by competent and substantial evidence and suggested to site the 2006 PRD which was unanimously approved by the 2006 Planning Board, City Commission, Attorney Randy Hayes, and by Mr. Rob Merrell, Esquire, who represented the 2006 applicant and now co-represents the current applicant. The prior PRD recorded 119 maximum units (condos and townhomes), not 119 lots, what she says Mr. Merrell described as the poster child for smart development and concluded that she could not agree more.

Ms. Denise White, 9 Fox Run Trail, The Trails, stated that she took the Oath. She commented that they have been through this quite a few times and agrees with everything that was discussed back in 2006 and 2023, that the development is unique, and PRD is the appropriate zoning for it. She referenced the analogy, "the donut hole in the middle", and how it goes back to the safety, the quality of life, even if not looking at any new pictures, she said that they know that what is allowed versus the PRD limiting and guiding the way forward. Ms White expressed concern with the 450' entrance, and how the PRD allows customization. Ms. White thanked the Board and staff for their time.

Ms. Debbie Brown, 90 N. St. Andrews Drive, Tomoka Oaks, remarked that she used to live in Daytona Beach and stayed out of Ormond Beach politics and elaborated that she did not understand why someone from Jacksonville or Miami is involved. She stated that she encourages the Planning Board to go with staff's recommendation to turn down the R-2 zoning and Tomoka Reserve. She added that Tomoka Oaks was always linked to be a golf course community and that 75 percent of the streets in Tomoka Oaks are named after worldwide golf courses. Ms. Brown continued that developing 317 homes instead of 272 inside an already existing development is already improper. As the owners of Tomoka Oaks have already indicated several times had the willingness to purchase the property only to be ignored and ridiculed. Ms. Brown commented that the owners have been to several meetings with Tomoka Oaks, only to be controlled by the Tomoka Reserve attorneys. In the beginning Tomoka Reserve owners were requesting to not try to overdevelop the land and were requested to have 100' – wide lots adjacent to 100' – wide lots. Ms. Brown directed her comments to Tomoka Reserve representatives and urged them to remember that they purchased a golf course, not vacant land to be developed for profit. She asked what rights she has as a property owner if she does not have any rights.

Ms. Darla Widnall, 7 Shawnee Trail, The Trails, named the roads that would be most affected by the proposed development, Tomoka Oaks Boulevard and Nova Road, and Main Trail and Nova Road, and Main Trail and Granada Boulevard. She suggested that each of the intersections would need at least an extra right turn lane which is required to be 400' in length. Ms. Widnall continued referencing the traffic study in that only one has been done with a follow up traffic study and commented that both were done by Mr. Lassiter's company who were hired by the developers. She added that the City has only hired a traffic engineer from Debary to comment on the traffic studies. The City has not done their own study. Ms. Widnall expressed that it can only be imagined the traffic study paid for by the developers being believed, when they say only 4 percent of traffic will be coming through the Trails. She urged not to be fooled that a traffic signal will help, and that the Florida Department of Transportation has not approved a traffic signal and only said that they would consider it. Ms. Widnall commented that Mr. Lassiter, the traffic engineer, has conflicting beliefs who thinks that a traffic signal is a good thing with the recent PRD application, but also said that he would not recommend a signal at that position because it would cause too many rear-end crashes in his previous analysis completed in 2006. Ms. Widnall referenced the gopher tortoises and remarked that the developers were in violation of state law when they demolished 20,000 square feet of buildings in the golf course without obtaining a gopher tortoise permit.

Mr. Paul Hughes, 4 Lauren Court, Tomoka Oaks, stated that he took the Oath. He continued that he has lived in the neighborhood for approximately 30 years. Mr. Hughes stated that there is a use for the land as-is, and explained that he offered to

buy the golf course when it was up for sale and wanted to put one home on it, but his wife was not happy about the idea. He continued that you can put a single-family home on it and could let the land revert or have a buffer or a golf course for friends, whether it be for one home or one-thousand homes. Mr. Hughes stated that there is precedent in doing so, and how he did so before with a school up in the Panhandle and bought 50 acres so they did not have to worry about the buffers. He commented on the angst in the neighborhood, and elaborated that anyone can come in and buy a piece and commented that no one has determined the value of the affect of all the gyration on the neighbors. He added that people are suffering from all of the anxiety that this is causing. Mr. Hughes stated behind the new iron gates that were installed recently, there is demolition on the property. The parking lot that was historically there had leaded cars on it for years and there are studies that have to be performed before tearing up anything that has leaded gasoline particulates on the ground and does not believe any of that has occurred. Mr. Hughes added that he does not believe that there have been studies of the aftermath of that and the dangers in it and how when the particulates go airborne, pica can be established in small children or people with autoimmune deficiencies, who would have problems with the soils and the airborne particulates that are there now because there is nothing going on. Mr. Hughes remarked that there was no reason to destroy it, but that they tore it down along with the old building and storage warehouse. He added that the soils have been in question since 2006 and there are many people who have a concern with autoimmune deficiencies and were reassured by the attorneys that this was not going to be a problem and how it seems history is repeating itself. Mr. Hughes suggests that the town consider establishing a significant buffer all the way around the golf course until this is resolved along with being properly tested, with all parties agreeing to the testing so that it is a fair decision and study.

Mr. John Measel, 16 Eagle Court, Tomoka Oaks, stated that he took the Oath. He continued that the golf course should have never been allowed to be zoned R-2 due to the density. He added that Mr. Merrell stated that the development team did not think that 317 units would ever be a good fit for this property. Mr. Measel stated that one of the biggest problems with the R-2 zoning is that the majority of houses built on the golf course were built to utilize the golf course as their backyard. You can walk around the edges of the golf course and a majority of houses are sitting at the rear yard setback. Some of the houses have their pools and pool enclosures within inches of the property. Mr. Measel expressed that there is no way that houses can be built that close and that all of the other houses are set back at the bare minimum setback without affecting their property values, even if at the previously mentioned $600,000 houses. The property was previously said to be PRD for a reason, as the streets around Tomoka Oaks were set up for the amount of housing in the area, counting the greenspaces of the golf course. Mr. Measel added that anyone driving the property knows that there is one near-miss a day on the streets with pedestrians or bicyclists getting hit.

Mr. Measel stated that the density is the main issue and added that he knows that the City cannot afford to upgrade St. Andrews North and South, Rio Pinar Trail, Main Trail, or Misners Bridge. He commented that the developer is not going to take on the project. If it insisted on getting a zoning, Mr. Measel suggests giving an R-1 zoning or maintaining a PRD.

Ms. Kristin Deaton, 80 Shadowcreek Way, Breakaway Trails, lifelong Ormond Beach resident, took the Oath and urged the Planning Board to use their conscience

when making the vote. She added that it is a project that they did not like at 272 homes, are definitely not going to like at 317 homes or any other magic number that they come up with. Ms. Deaton stated that there are more viable solutions and trusts that the Board will make the right decision.

Mr. Tom Fitzgibbon, 51 S. St. Andrews Drive, Tomoka Oaks, stated that he took the Oath. He continued that Tomoka Reserve is a pedestrian and traffic safety hazard for the current residents. In and around Tomoka Oaks, the Trails, Escondido Condos, Talaquah, Nova Road and Granada intersections, several years ago, four houses down from his house, a pedestrian was killed by a driver around a blind curve. He added that he saw a city inspector almost hit by a car, and has seen large delivery trucks speed around blind curbs and clip overhead wires and trees many times. Mr. Fitzgibbon commented that none of the Tomoka Oaks old narrow streets have sidewalks. When he walks, runs, or bikes, he said that he is in the streets surrounded by cars and trucks whizzing around him. He commented that the narrow curbing, tree and shrub-lined streets, and traffic islands obstruct views and put kids in danger. Utility trucks park in the street at all times during the day and night, further obscuring sight lines and causing drivers, pedestrians, bikers, baby carriages, and dog walkers to play a deadly form of dodgeball in the traffic. Mr. Fitzgibbon stated that predictions from LTG hired by the developer call into question their data and methodology, adding 600+ cars and 3,000+ trips daily in a two lane road, Tomoka Oaks Boulevard, and a standard stop sign intersection will cause more accidents. He continued that many people will choose to drive on S. St. Andrews Drive and Trails roads and added that their old development was never designed to support the additional traffic that Tomoka Reserve will create. Mr. Fitzgibbon asked the Planning Board and City Commissioners to significantly limit the number of houses to 122, the original 2006 PRD number, and to consider the 2006 PRD the gold standard for any new development. He continued and asked them to require the development to finish street work before house construction begins, including new sidewalks on both sides of Tomoka Oaks Boulevard, require the installation of a traffic light at Nova Road and Tomoka Oaks Boulevard before house construction begins, allow for heavy construction traffic flow, require a comprehensive new traffic study due to the changed development layout and increased number of houses, and to consider saving Tomoka Oaks Golf Course as a public course or other open space use. Once built with houses, he states that it will never be available again. Mr. Fitzgibbon added that Tomoka Reserve is a traffic safety hazard and he appreciates help in limiting the danger to the children and families living there. He concluded that the developer was negotiating the PRD because they realized that the property was unique and they did not think 272 houses was enough, dropped their PRD, and is now claiming that they have no property rights.

Mr. Jeff Boyle, 614 N. Halifax Drive, took the Oath and stated that hundreds of residents, the Planning Board, and City Commission have pleaded for a density reduction for this project. He continued that 272 units were voted down and now the applicants are back seeking a rezoning so that they can build 317 units. He stated that Attorney Sanders called any attempt to reduce that number “an exercise in futility” and has threatened legal action if the City does not approve the rezoning. Mr. Boyle commented that they asked for less development and they gave them 45 units or more and withdrew the promise of a Nova Road traffic signal. He continued that there has been six public hearings since last January, moved from City Hall to local churches to accommodate mass community turnouts and in the 12 month public outcry,

protesting density, increased traffic and impacts on adjacent neighborhood property rights. Mr. Boyle commented that the developers have ignored the citizens protests voiced at a neighborhood meeting, the three Planning Board hearings, a City Commission meeting and here at the Planning Board again tonight. The developers assert compatibility with both a letter and the spirit of the Land Development Code claiming an automatic right to a rezoning that will exempt their property and project from Planning Board and City Commission review. Mr. Boyle stated that we are here because rezonings and approvals are not automatic and require public hearings, public testimony and votes. Applicants have property rights to develop the land but local governments and advisory boards get to decide how. He continued and expressed that the project fails every test and why they had to make threats against our city. Mr. Boyle concluded for the Planning Board to weigh only the facts and reject the rezoning.

Ms. Bonnie Kloepfer, 23 Tomoka Oaks Boulevard, Tomoka Oaks, asked if anything has changed since the last meeting. She asked if 1,100 Tomoka Oaks, Trails, and Escondido residents woke up one morning and expressed that it was a great idea to have at least 1,200 additional vehicles coming in and out one route per day. She asked what the developers have come up with and seriously want to work with the residents. Ms. Kloepfer stated that they have come back with a vengeance and now want to put in their 300+ homes crammed in. She said that no one wants it, including the City Commission because it is not right. Ms. Kloepfer asked what has been fixed and asked if they are supposed to believe that a traffic light at Nova Road is fixing the additional traffic and asked if they came up with another entrance and exit, more schools, more hospitals, doctors or roads. She commented that they have come up with nothing but their "fancy so-called experts", waiving around degrees and no serious solutions to the resident's problems. Ms. Kloepfer commented on an interesting gentleman that showed up at one of the meetings who did not live in the area and thought it was a great idea to cram in all the homes. She added that the applicants have come up with nothing but lots of money and fancy lawyers and they keep trying to fit their big feet into Cinderella's slipper and it does not fit.

Ms. Michelle Zirkelbach, 328 River Bluff Drive, Tomoka Oaks, stated that took the Oath and thanked city staff, Planning Board, City Commission and a host of volunteers including Mr. Jim Rose, Ms. Mary Greenlees, Mr. Tom Fitzgibbon, Ms. Denise Corley, Ms. Carolyn Davis, Mr. Jeff Boyle, Mr. Tyler Brown, Ms. Missy Herrero, and Ms. Ashley Dufrene. Ms. Zirkelbach stated that Ms. Dufrene is not in attendance because she had a beautiful baby girl and was given the authorization to speak on her behalf in saying that she cannot make it as her hands were full. She asked Ms. Zirkelbach to share the following: "I am still opposed to this development. We too have property rights." Ms. Zirkelbach commented that she recalls being in her shoes when they moved into their dreamhouse in Tomoka Oaks with a four year old and two year old. They are in attendance now as a 27 year old and 29 year old. She added that they would say that they had the most amazing childhood. Ms. Zirkelbach stated that she wished the same for Ashley's daughter with carefree walks, bike rides to friends' houses, to be able to listen and watch for the wildlife, hear the sounds of laughter at an amazing game of Manhunt, and says that she is worried that it will not happen and is worried. Common sense tells them that the traffic study is not right and common sense tells them that their roads in Tomoka Oaks are not designed for any amount of additional traffic even remotely close to what the developer is proposing. Ms. Zirkelbach expressed that they have a lifestyle in

Tomoka Oaks and the traffic would severely impact it. She continued that earlier tonight she thought she heard the applicant's new attorney state that the PRD failed. She commented that she did not see it that way and thinks that the PRD process was working and the only thing that failed was their plan to give them what they want, which did not reflect what the residents of Tomoka Oaks or the citizens of Ormond Beach want. Ms. Zirkelbach added that Mr. Ruben has a habit of going in and asking for more after he gets what he initially wants, just as four or five units per acre becomes eight units per acre and six dwelling houses when it was supposed to be four dwelling houses. She added that the wisdom of her 27 year old asks why aren't we trying to build it better. Ms. Zirkelbach concluded that she has her daughters, 7th grade Citizens, project that says what is wanted is open land, space, and not a bunch of junk jammed into a donut hole.

Ms. Mariah Zirkelbach, 328 River Bluff Drive, Tomoka Oaks, stated that she took the Oath and that Tomoka Oaks is a place that has quality over quantity. Quality of living, quality of housing and in her case, quality of childhood. In a world where children are becoming further removed from being children, those who are looking to choose quantity need to reflect. Ms. Zirkelbach commented that her childhood was quality, not just due to her family but because of where she grew up. She explained that her imagination would fly as her and her brother came up with games to stay outside. She continued that she could easily travel house to house without her parents worrying and had the ability to get to Rainbow Park, the shopping center, and the bike trails on her own, where she said that her independence is rooted from. Ms. Zirkelbach stated that as she now looks to purchase her own home, she reflects on the freedom that she had, with the tall oak trees that never seemed to end, endless memories and friendships that ground her in who she is as an adult. She commented that shoving 317 houses where they are not required or necessary is for the purpose to line pockets of those whose pockets are already full. Ms. Zirkelbach concluded that the citizens of the town are entitled to quality of life and the well being of Ormond and sees that there is enough quantity and thinks that it is time for the developers to get back to quality.

Ms. Mary Greenlees, 94 N. St. Andrews Drive, Tomoka Oaks, stated that she took the Oath and has lived at her home for almost 25 years. She said that she strongly opposes the R-2 zoning. She expressed that she feels that it is a missed opportunity and that if they would have been informed of the 2006 PRD expiration that they would not be in the situation. In 2006, she was going through breast cancer treatments and thought 119 townhomes was a great plan, a poster child for smart growth. Then 18 years later, they are asking three times that and offering a 6' buffer. Ms. Greenlees suggested a park option, as she has done research on how a Community Development District (CDD) works and added that existing residents would need a 100 percent "yes" vote. Ms. Greenlees suggested to talk to Mr. Mori Hosseini at Intervest Construction, and added that they have created greenspace, adding value to neighborhoods, and spread the costs to the new lot owners successfully. She commented that the Planning Board recommended that the residents meet with the owners to try and come up with a resolution. She met twice with Mr. Dwight Durant, Mr. Ray Barshay, and two committee members and after five hours and two meetings, the outcome was a reduction of four lots. Ms. Greenlees stated that the project has been in the works for over three years and the Ormond Beach City Commission, Planning Board, Mayor, City Attorney, Assistant City Manager, and Planners have their backs and care about Ormond Beach and she feels that it is the

best she has seen in years. Ms. Greenlees added that there is a new development in Halifax Plantation called Windchase, where homes start at $700,000 with three-car garages built on estate lots and are selling. Tomoka Oaks, The Trails, Escondido, and numerous Ormond Beach residents are vigilant, smart and will continue to support their position. She added that there is not one Ormond Beach resident that is in favor of 317 new homes built in the middle of town. Ms. Greenlees stated to think outside of the box and suggested a mediation as the developers deserve to have a return on investment and added that the real question is how much and how long they are going to have to wait. She stated that she votes for R-1 zoning, estate homes on beautiful lots in the middle of a beautiful town that start at $700,000.

Chairman Thomas asked the applicant if there was any additional testimony to add.

Mr. Sanders stated that he does not have any additional evidence to present to the Board and is available for any questions.

Board Discussion and Questions

Mr. Scudiero commented that he listened to everything that was said and read through the Planning Board meeting packet and spoke on the zoning, rights, and entitlements on the property, and expressed how he likes to know what he is buying. The applicant bought a piece of property with no entitlements and expressed that it seems like a bad idea to then ask for considerations that are not granted within the purchase and property contract that was signed. Mr. Scudiero agrees with staff in denying the request.

Mr. Railsback stated that he shares Mr. Bayer and Mr. Scudiero's thoughts on the matter in that originally the Tomoka Oaks area contemplated what should be there and developed around it. Mr. Railsback referenced the PRD process in what is allowed to be done is working in trying to find something palatable for the community. He stated, the developer voluntarily purchased the property with those labels and entitlements or lack of entitlements. Mr. Railsback concluded that he is not in favor of moving away from the PRD at all.

Mr. du Moulin complimented the resident's logic and referenced Broadwater in that if the area went to an R-1 zoning like Broadwater it would be approximately 75 homes and feels that if these type of estates were developed on the property it would be a jewel for the developer. He added that it would be an increase on property values to the surrounding community as well as Ormond Beach to be able to say that they have another jewel in their community. Mr. du Moulin expressed concern with cramming the number of homes proposed in the area, saturating the infrastructure, as well as the number of homes in Ormond Crossings. He explained that he feels that it will create more issues and is concerned with catastrophic events. He concluded that he thinks that the developers need to take a second look and that they can make a good profit and can use this as an advertisement of a neat community where everyone is a winner. He concluded that he sides with the original PRD and not the R-2 zoning.

Mr. Jorczak stated that his position on the project has not changed. He feels that it is not consistent in character. He expressed that the density issue and what it does to the existing infrastructure and how it was not designed to handle what is being proposed bothers him. Mr. Jorczak expressed that the challenge he has had in the uniqueness of the property is if something were to be done it should be above and beyond what has been done in other communities. He stated that it may be necessary to create a special zoning district for the property that would be translatable across many

communities where golf courses have been in the center of residential developments and they no longer exist. Mr. Jorczak stated that an example may be set on what is done. He added that he cannot support the R-2 rezoning. He continued that the PRD gives the city a tremendous amount of leeway in terms of how it gets developed and is a compromise vehicle to work with the developers and economic development. Mr. Jorczak recommended going beyond a PRD, and to think more in terms about what can be done. He concluded that he cannot support the R-2 zoning designation for the property.

Mr. Galloway referenced property rights and stated that the owner had the right to sell the property and the Tomoka Oaks HOA had the right to buy the property. He mentioned that six to nine months ago there was a way was brought up for the residents to buy the land and put it in on their tax bill over 30 years. The majority did not have interest in doing so. Mr. Galloway stated that there were individuals within the community and the HOA that tried to buy the property. He continued that he is not going to tell the developer what they can and cannot do, but how to try and live within the guidelines. He referenced Mr. Harowski's comments on the units per acreage mentioned and calculated that it would be approximately 187.88 homes, adding that something is going to go in the donut hole. Mr. Galloway stated that he previously could support 222 homes but that after tonight, the most that he can support is what Mr. Harowski said at 187 homes, and not an R-2 zoning. He remarked that he has property rights too as a tax payer and does not want his tax dollars used to buy the property and turn it into a golf course. Mr. Galloway expressed that it is fine if the residents as individuals were interested in buying it and donate the land back to the city to open it up as a golf course.

Ms. Shull concurred with the Board and added that the applicants have a ton of attorneys and experts involved and should have known what they were getting into. She added that the PRD would have been the best way as a voluntary agreement between the developer and the City. Ms. Shull stated that the applicants were advised what was preferred when asked what was wanted at several meetings and four neighborhood meetings and the only change was three to four homes less. She expressed her frustration in the now request of R-2 to put more homes in when it was known that one of the concerns was with the density, and she does not support it. Ms. Shull commented that she does not appreciate the applicant's attorney and other developer threat-letters. She added that the people of the city own and run the city, and elect their City Commissioners in and have a right to say what they want to say.

Chairman Thomas remarked that anyone that knows him must realize that he has the philosophy that the property owner can do what the code says with their property. He continued that when they bought the property it was PRD and that it should remain PRD until a better solution comes up other than R-2. Chairman Thomas spoke on the material and letters that the Planning Board receive and said that they had additional letters on their dais this evening, which are all public record.

Attorney Hayes refocused the Board on the issue before them, the application to rezone the property and drew distinction between the PRD zoning in the development process and traditional zoning, and explaining that the PRD is a flexible zoning district and is intended to allow flexible uses versus a conventional zoning district. He added that the development orders are not negotiated contracts and that the applications are reviewed as any other application for a development order and how conditions for the development order or PRD are not negotiated. Attorney Hayes

stated that the issue before the Planning Board is if the property should be rezoned from PRD to R-2. The burden is on the applicant to produce competent and substantial evidence, not through attorneys' opinions, but through witnesses, testimony and experts to show and demonstrate what they believe the property should be zoned, which was not heard. Attorney Hayes reviewed what was discussed and what the Planning Boards decision should be based on at this point, including the Planning staff's professional staff report and any other competent and substantial evidence the Board believes supports their decision.

Mr. Galloway and Mr. Railsback asked for further clarification. Attorney Hayes suggested that the direction should be turned to who has the burden and if that burden was satisfied and what the evidence was that supports it.

Mr. Scudiero added that the local roads are not equipped to double the traffic that they would see from the R-2 zoning. He sided with the staff recommendation for denial.

Mr. Railsback stated that he does not think that the burden shifted, with no evidence to support R-2. He added that the other testimony that was considered further supports that the mountain for them to climb to establish the R-2 zoning is conforming or should be is not there, and that if the burden shifts, he feels comfortable with the evidence that was provided that support to oppose it.

Mr. Jorczak added that he thinks that the reason for the staff recommendation is sound and does not think that the applicant has met the requirements for the R-2 application. He concurs with the staff's recommendation to the City Commission to recommend denial of rezoning to the R-2 zoning district.

Mr. Galloway concurred with staff and the Board.

Ms. Shull concurred with the Board.

Chairman Thomas stated that this is his 34th year on the Planning Board and he has never had an applicant come back on a Board denial with a reason for the change being *because that is what it used to be*, which he remarked that he feels is not meeting the burden of proof. He concluded that he agrees with the staff reasons for denial.

Mr. Scudiero reiterated and restated his earlier comments and motion, that based on the testimony heard and the recommendation by staff, he expressed concern that the applicant has not shown any evidence to suggest that the traffic concerns are invalid, therefore he motions to follow the staff recommendation and deny the request. It was discussed in a summation that:

(1) The Board does not believe that the applicant has met their burden to provide competent and substantial evidence to show that the property should be rezoned to R-2; and

(2) Notwithstanding, the failure of the applicant to find competent and substantial evidence, it is the Boards position that the HOA opposition, through the testimony of Mr. Harowski, did provide competent and substantial evidence to show why the application should be denied; and

3) Relying on the recommendation of the city staff report.

Mr. Scudiero motioned to deny ZMA 2023-054, Tomoka Oaks Boulevard, Zoning Map Amendment to R-2. Mr. Railsback seconded it. Vote was called, and the motion for denial was unanimous (7-0).

Chairman Thomas asked the Board for any further discussion on the motion.

IX. PUBLIC COMMENTS

None

X. OTHER BUSINESS

None

XI. MEMBER COMMENTS

Mr. Galloway stated that he was in Tallahassee the last two days and expressed concern with being "buffaloed" by three developers in the state. He commented that the Board must do what they did tonight and not fold. He warned them to be prepared because he is seeing it happening all throughout the state. Mr. Galloway urged that it be stopped at the Planning Board and City Commission.

Mr. Jorczak commented that he has been following the activity with the Belvedere lawsuit and added to Mr. Galloway's comments in that the developers are becoming sophisticated in how they approach the entire legal and judicial system before the projects get down to the local level and feels they did their homework and knew the direction they wanted to go and the piece needed to put in place, initiating their local activity. Mr. Jorczak touched on governmental operation, in that governmental bodies get tied up in day-to-day things and need to look further down stream in terms of what is happening in the whole geographical area. He referenced the County and zoning districts that the Board has not looked at or kept up with as far as changes and what is going on with being involved in day-to-day activity and should look at reevaluating things that were done 20 + years ago and get in front of the game in terms of recommending changes in zoning districts and what is being permitted including special exceptions. Mr. Jorczak concluded that time should be reserved to look into the future.

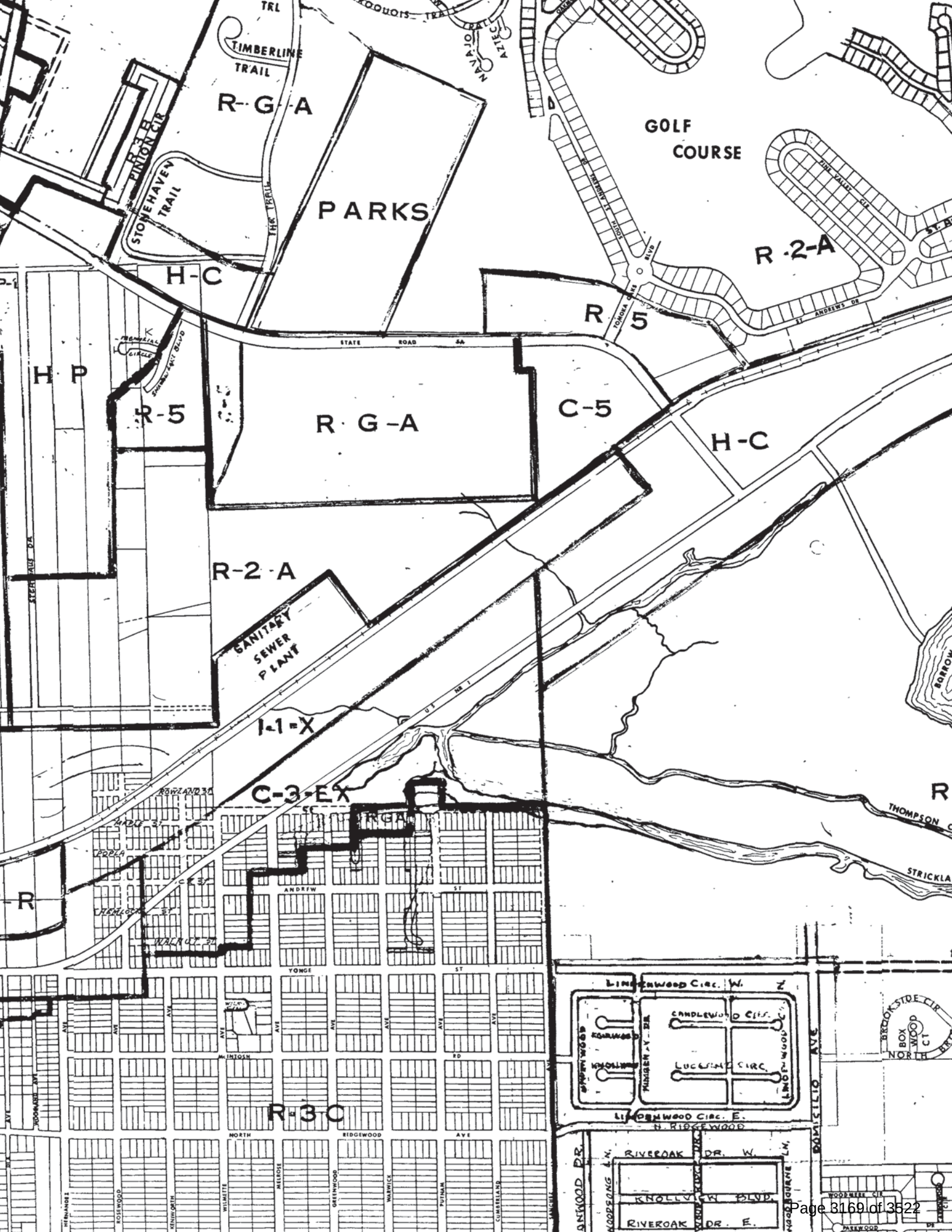
Chairman Thomas suggested that the City hire a position solely to forecast and look at trends and challenges in the cities with all of the people wanting to move to Florida. He commented on thoughts that Florida is overcrowded and how there is open space in the middle of the state due to everyone preferring to live on the coast.

Ms. Shull expressed concern with the Land Development Code (LDC) and the different zoning district histories including their changes over time, as well as changes in cities and developers and ways for the city to help maintain itself. She expressed interest in a review of trends and to look at the desire for the growth of the city and to review zoning district designs.

Mr. du Moulin suggested that the Board have a review and look at what other cities are doing and asked if they have something in place to prevent another carwash, storage facility and/or extra housing to catch it before it is too late.

Mr. Railsback thanked staff and commented that they are ahead of things and added that the review of the Tomoka Reserve meeting item and their position on it was the

Exhibit "L"
1956 zoning map


TIMBERLINE TRAIL
R-G-A
PINION CIR
STONEHAVEN TRAIL
PARKS
GOLF COURSE
R-2-A
H-C
R 5
STATE ROAD 5A
H P
R-5
R G-A
C-5
H-C
R-2-A
SANITARY SEWER PLANT
I-1-X
C-3-EX
ROWLAND ST
MAPLE ST
POPLA
HEMLOCK ST
WALNUT ST
ANDREW ST
YONGE ST
McINTOSH RD
R-3-C
NORTH RIDGEWOOD AVE
LINDENWOOD CIRC. W.
CANDLEWOOD CIRC.
LUCERNE CIRC.
LINDENWOOD CIRC. E.
N. RIDGEWOOD
RIVEROAK DR. W.
KNOLLVIEW BLVD.
RIVEROAK DR. E.
DOMICILIO AVE
THOMPSON
STRICKLA
BROOKSIDE CIR
NORTH
WOODMERE CIR
PARKWOOD

A. PRD 06-32: Tomoka Golf Village Planned Residential Development Rezoning

Mr. Ervin said that the application was to rezone 147 acres (the existing Tomoka Oaks Golf Course), which was surrounded by the existing Tomoka Oaks subdivision. He advised that the Land Use designation was Low-density Residential, which allowed a density of up to 4.3 units per acre (4.3 u/ac) and had a current zoning of R-2 (Single-family Low Density), which required lots with a minimum of 10,000 square feet and minimum dimensions of 100' x 100'. He said that the zoning was consistent with the existing homes in Tomoka Oaks and in neighboring developments such as The Trails.

Mr. Ervin recalled that in 2005, the property owners (RTH, Inc., represented by Dr. and Scott Ryals) met with staff and identified their desire to redevelop the golf course so that they could 1) maintain the golf course and 2) generate additional revenue. He said that staff had been surprised to note that the land use and zoning were something other than Open Space/Recreation, typical for such properties, and that the owners had the right to develop the property.

Mr. Ervin acknowledged some confusion expressed by residents of the area and explained that based on the land area, the owners could theoretically develop up to 632 single-family homes; however, because of the size and shape of the property, and the incorporation of roads, stormwater and open area, the number of homes that could be accommodated would realistically be reduced to about 300.

Mr. Ervin said that the applicants had been advised of the concerns of adjoining property owners, noting that the subdivision was one of Ormond's nicer communities and one of the few areas in which homes backed onto a golf course. He said they had relied upon the golf course and bought their properties believing that the golf course would always be there. He said that because the owners had development rights established by the existing land use and zoning, Staff had identified the concepts of clustering the homes and orienting the units to have the least amount of visual impact.

Mr. Ervin said that staff was also concerned with the possibility of leaving room for future development of the remaining portion of the golf course by clustering the homes; therefore, while the staff recommended approval of the proposal, staff also recommended that the development order blanket the remaining golf course property with a conservation easement so the land area could not be used for anything other than the golf course or open space purposes.

Mr. Ervin informed the board that the project had been in review with the City for about a year and that the staff focused on ensuring that the development not create negative impacts for the existing neighborhood. He said that they determined that by shifting the existing driving range towards the northwest and concentrating the condominiums around a relocated and revamped clubhouse, the new construction would not be close to the existing homes along the 18th, 9th and 10th holes. He said the project also proposed to locate 35 townhomes towards the northeast portion of the site with access by an entrance road off of Tomoka Oaks Boulevard and to locate two condominium buildings near the updated tennis center.

Mr. Ervin reported that staff had spoken with many residents of the area and noted that for the record, the Board had been provided with a copy of an e-mail from Ms. Linda Lewis, who had expressed concern with the buffering of the three estate lots proposed for the northwest area of the golf course. He said that Ms. Lewis had enjoyed an open space behind her home and was afraid that the location of the easement for a sanitary sewer line would result in the removal of the existing trees. He reported that the City's engineers and applicant had confirmed that they would consider utilizing a directional dig; therefore, there would be no open-earth excavation of the land and the existing trees could be preserved and protected. He said that the applicant would be required to follow through with that requirement.

Mr. Ervin said that the existing residents were concerned with the number of trees that could be impacted by the project; he stated that the applicant met or exceeded the City's tree mitigation standards because of the additional plantings around the buildings that would be utilized as visual buffers. He said that the plans included the tree mitigation calculations that showed number of trees to be removed and the number of trees to be replanted.

Mr. Ervin pointed out that the City required all multi-family buildings to maintain a minimum of 200' from any single-family home and said that the cart paths had been designed for emergency access; they provided an alternative access route to the properties if the spine roads were damaged or otherwise inaccessible. He said that the design also called for decorative pavement leading into the main drive, the townhomes, tennis center, and updated/relocated clubhouse.

Mr. Ervin displayed the plan layout and typical elevations and noted that staff had also required the architecture to be consistent with the existing development in Tomoka Oaks. He showed renderings of the 3-story golf villas and pointed out that there would be underground parking facilities to minimize the amount of impervious surface. He noted that sub-surface parking was possible because the site was very well-drained, with a low water table.

Mr. Ervin acknowledged that Board Member Jorczak and Mr. Larry Stout of the Airport Advisory Board had questioned whether the additional density and intensity proposed might violate the City's Airport Overlay Zone. He explained that Airport Overlay District comprised areas for which there were concerns regarding noise impacts that would result from the airport. He recalled the overlay issues presented to the Planning Board in the past and said that they had not been able to use the 60 DNL (day and night noise level contour), shown as a star-shaped zone, because it did not meet certain statutory and federal requirements. He said the City instead utilized the "iron cross" contour (a legally defensible method of establishing the noise levels) and stated that the project was located outside both the 60 DNL line and the City's adopted "iron cross" contours.

Mr. Ervin said that per Mr. Jorczak's request, staff looked at source of the noise complaints. He said that such complaints had been documented when the City was embattled with the decision as to whether or not to expand Runway 17-35; he pointed out on the map that the complaints had been identified as closer to the airport than the project location. He said that Mr. Jorczak and Mr. Stout had also questioned if there was a way to ensure that future purchasers of property in the area were aware that they were buying near the municipal airport, i.e. a kind of due diligence warning.

Mr. Ervin said that the staff report included technical analysis to show how the project complied with the city's concurrency requirements (water, sewer, stormwater and roads), identified zoning and land use issues, and summarized why the City staff recommended approval of the project. He reiterated that a number of Tomoka Oaks residents were unhappy with the project because they felt the golf course had not been properly maintained and worried that the project would just increase the problems they faced.

Mr. Ervin explained that Staff had to look at the proposal from a technical perspective in regard to land use and zoning and said that the proposed plan was considerably less intense than what could be developed there. He reiterated that Staff had made the applicant aware of the concerns, made sure that the development was compatible with the neighborhood, had no negative impacts on the existing residents and preserved the golf course. He agreed that it would be wonderful to retain the property as open space, but reminded everyone present that they had to respect the property rights of the property owner, who already had development rights on the property, given the land use and zoning. He

emphasized that the proposal de-intensified the project, concentrated the development and ensured that the impacts would be minimal.

Mr. Jorczak asked if there was a mechanism that the City could employ to notify potential purchasers of the proximity to the airport.

Mr. Ervin replied that there was nothing in the City codes to mandate such notification. He said that the Board could identify that as a concern and as a condition for their approval. He said that the applicant could decide to accept the condition; if they chose not to accept it, the City would then have to decide whether to impose the condition as a part of the rezoning request.

Mr. Thomas questioned why there were fewer noise complaints in 2006, than in 2005.

Mr. Robert Hernandez, Ormond Airport Manager, said that voluntary airport procedures and traffic patterns established prior to his tenure tried to limit the air traffic to the north and west sides of the airport as much as possible. He said most of the current complaints were being generated from the area east of the airport, where much of the training was conducted, and that there were a number of homes on that departure corridor. He explained that air traffic expanded and contracted in all directions and that although he would not say that there would be no aircraft over the proposed community, he felt the Tomoka Oaks residents were getting the benefit of the established voluntary procedures for noise control.

Chairwoman Press clarified with Mr. Ervin that the applicants had the right under the current zoning to remove the golf course and develop the entire area with houses, but that the proposed PRD (Planned Residential Development) would limit the residential development to 122 units and would require a conservation easement over the remaining portion of the golf course to prevent future development of that land. She asked if the development order, as proposed, would preclude the applicants from building any more than the 122 approved residential units on that property.

Mr. Ervin concurred.

Chairwoman Press stated for the record that she had requested an on-site review of the proposal and had toured the property with the owners. She said that she had learned that many of the roads would not be paved and asked who would be responsible for maintaining those roads.

Mr. Ervin responded that the maintenance of the roads would be the responsibility of the developer at first, but that the homeowners' association that would be created would ultimately be responsible for the maintenance of all grounds on the project.

Chairwoman Press asked if the roads met City standards.

Mr. Ervin said that the City required roads to be constructed with a 6" sub-base, 6" base and 1.25" of asphalt; he said that roads were generally designed for a 15 to 25-year life. He assured the Chairwoman that those standards applied to the subject roads. He pointed out that the emergency access/cart path type of roads might not be topped with asphalt, but would be stabilized and had to meet minimum standards established by the Code for emergency access areas. He said it was a common practice and had been utilized in other projects, such as Broadwater, Breakaway Trails, Aberdeen, etc. He noted that breakaway fences were utilized in emergency access areas.

Chairwoman Press asked if the order of the project phases could change.

Mr. Ervin responded that the development order would identify the project phases and that the applicants would have to adhere to the phases, as stated. He acknowledged that the residents of Tomoka Oaks were concerned that the applicants would build the residential units without completing the other improvements and said that was the reason for the phasing. He reported that Phase 1 would involve the relocation and construction of a new tennis facility, Phase 1B would include demolition of the existing parking lot and clubhouse, Phase 1C would be the completion of the townhomes, golf and tennis areas, and the clubhouse would be completed in Phase 2B. He noted that the amenities would correlate with the new homes being developed. He also acknowledged that the applicants were being required to upgrade the appearance of the golf course.

Mr. Thomas disclosed that he also toured the facilities and met with the applicant.

Mr. Robert A. Merrell, 150 Magnolia Avenue, Daytona Beach, representing the applicant, stated that he was also a resident of Ormond Beach. He thanked City staff for their very thorough report, particularly with regard to comprehensive plan consistency and code compliance. He stated that the project had evolved into a better product during the year-long process of working with City staff.

Mr. Merrell said that the project was the "poster child" for Smart Growth principles. He explained that the concept of smart growth was predicated upon the belief that the population would continue to grow and that people would continue to move into the area. He said that smart growth addressed the issues of where people would live and work, the redevelopment of urban areas, clustering development in areas where services were already available (fire stations, police stations, utilities) and clustering to preserve open space and recreation areas.

Mr. Merrell presented slides of the property, some with the proposal super-imposed over the existing development. He pointed out that the development would include demolition and rebuild of the clubhouse and pool area and the tennis center. He explained that the new three-level clubhouse facility would house partial underground golf cart storage; dining areas, kitchen and banquet facilities, a lounge area, pro shop, locker rooms, and surrounding covered porch on the middle level; offices, executive offices, and a sky lounge on the upper level. He added that there would be a tiki bar overlooking the new pool area.

Mr. Merrell pointed out the proposed condominiums and maintenance facility to be located near the tennis center and said that the redevelopment of the golf course would include bridges and new lakes that would store reuse water from the City's effluent plant. He mentioned that there would be fountains and that comfort stations would be constructed for the golfers and would include under-cover golf cart parking and vending machines.

Mr. Merrell explained that 30 two-story townhomes would be constructed at the northeast corner of the property, access to be by way of the road from the main entrance by the clubhouse. He showed the floor plans of both the townhomes, as well as the three-story condominiums with substantial balconies. He added that the three single-family estate lots would be located near Holes 11 and 16.

Mr. Merrell repeated Mr. Ervin's statement that the proposed project was consistent with the comprehensive plan and met all the criteria in the Land Development Code (LDC) for the PRD rezoning. He stated that the existing R-3 residential zoning (Staff note: actual zoning is R-2) and the future land use classification allowed development at up to 4.3 units per acre over the entire 147 acres. He agreed that it was unusual for a golf course to have a residential zoning, saying that they were typically zoned for

Recreation/Open Space, with the surrounding homes zoned for residential. He speculated that the original developer wanted to have an exit strategy in case the project did not succeed.

Mr. Merrell thought that the proposal would make the community proud, given the cluster of the residential units and the dramatic improvement of the amenities. He said that the golf course had suffered in the last couple of years because of the 2004 hurricanes, September 11th and the construction of Nova Road. He said that the purpose of the proposal was to reverse that trend. He said many times there were issues that were not raised until the first public hearing; he hoped the residents would be receptive to the plans.

Mr. Thomas stated that he wanted to discuss the traffic study, since the residents of Tomoka Oaks were very concerned about the traffic.

Mr. Merrell agreed that traffic issues were a concern with any new development and restated that they would be adding 122 residential units, even though the property was entitled to far more homes. He said that a traffic analysis completed for the project had considered the anticipated increase in trips, all of the intersections that could be affected and all of the road segments that could be affected. He said that the model used was one that was accepted by the City and the County; that study had indicated that there were no level of service problems. He recognized that there were traffic issues with some projects in the city at present, but that the widening of, and intersection improvements along, Nova Road had helped the traffic situation in the area of the subject. He reiterated that the project would not cause a level of service problem on any of the intersections or affected roads.

Mr. Thomas asked if the residences would be primarily occupied by full-time residents or whether the applicant anticipated residents for whom the units would be second homes.

Mr. Merrell stated that they felt there would be some part-time residents, but that the traffic analysis was predicated upon full-time residents. He added that even increasing trips at the peak hours did not produce traffic problems.

Mr. Thomas noted that he was trying to ask questions on behalf of the audience, since they had not had an opportunity to look at the traffic study, as had the board members. He asked what the traffic counts could be estimated to be if the property was instead developed with 300 single-family homes.

Mr. Sans Lassiter, President of Lassiter Transportation Group, 123 Live Oak Avenue, Daytona Beach, and resident of Ormond Beach, said that the study was based on a trip generation rate of 119 multi-family dwelling units and three single-family dwelling units. He explained that multi-family, as proposed, was a lower trip generator (about 6-7 trips per unit per day); therefore, the estimated number of daily trips generated by the proposed development was approximately 773. He further explained that 350 single-family residences (about 10 trips per day) could be expected to generate 3,500 daily trips. He concluded that the proposal represented a significant reduction over what could be done otherwise.

Mr. Lassiter agreed with Mr. McCoy that the trips in the study shown as vested were those trips for the development in Tomoka Oaks that had already been approved and for which the consultant had to account.

Mr. Merrell stated for the record that the applicant had agreed to install the utilities in such a way as to not damage the existing trees. He also mentioned that by approving the rezoning to Planned Residential Development, the resulting agreement (development order) would restrict the open space and golf course

area in perpetuity; he said that the applicant had agreed to a deed covenant (conservation easement and reciprocal covenant among all of the owners on the property) that would assure that the property would forever remain recreation/open space.

Chairwoman Press questioned the distance from 23 Pine Valley Circle (the home from which one of the photos was taken) to the golf village townhomes.

Mr. Ervin said that the closest point between any single-family residence and a multi-story building would be 225'. He said that the distance was 300' at the location in question, since the dimension was tied to the fairway (225', plus the fairway). He reiterated that the primary focus was to keep the buildings inside the fairways and away from the existing homes.

Mr. Jorczak asked if there would be any mechanism in place that would preclude the subsequent homeowners' association from turning the development into a private operation to exclude the public.

Mr. Merrell said that the Covenants and Restrictions and the condominium association Declaration would prevent that.

Mr. Thomas asked if there was any conceivable way that it could happen.

City Attorney Hayes said that although nothing was 100% guaranteed, he felt there were enough layers of protection that future development should not be a serious concern in the future.

Mr. Merrell said the applicants would agree to include whatever language that the city attorney deemed appropriate and necessary to assure that outcome.

Mr. Thomas understood and said that his concern was because the board and the residents had all heard the word "never" in the past.

Mr. Merrell elaborated on the city attorney's comments, saying that the discourse was in the public record and that coupled with the binding documents, would provide the City with an enforcement mechanism. He said the restriction was as fool-proof as they could make it.

City Attorney Hayes said that the City would make sure that the development order was drafted to make it as difficult as possible to undo.

Dr. Grissom inquired as to who would be responsible for the maintenance of the golf facilities.

Mr. Merrell said that maintenance would continue to be the responsibility of the owners of the golf course. He noted that only the residential units would be sold.

Dr. Grissom asked if the owners, as the condominium association or homeowners association, could have the prerogative to change the Covenants and Restrictions or Declarations of Condominium or any of the parameters include therein.

City Attorney Hayes replied that he did not think they could because it would be a condition of the development order, and would in fact be a violation of the development order, which had perpetual existence. He thought it would also be in violation of the recorded covenants and restrictions. He said that in reality, he did not think it could occur.

Mr. Merrell voiced his opinion that it would arguably require the City to agree to lift the deed covenant.

City Attorney Hayes reiterated his belief that there were enough layers to provide a sufficient safety net.

Mr. Jorczak thanked Mr. Ervin for his efforts to answer the questions regarding the airport issue on short notice. He thought that the applicants might find it beneficial when marketing the properties to promote the airport as an easy way to access their second homes. He remarked that municipal airports everywhere were under assault and felt it was very important that potential purchasers be notified that there was an airport nearby. He mentioned that the airport was a vital tool in shifting the City's tax base away from solely residential properties toward some industrial uses, what the City was hoping to achieve with the proposed Ormond Crossings development and which he felt was important. He said that there would always be noise associated with the airports and said that he anticipated an increase in use of the airport by the new very light jets, since they were more economical for businesses to purchase for both private use and for air taxi services .

Mr. Lewis Slaughter, 53 North St. Andrews Drive, thought that there would need to be a traffic light at the intersection of Tomoka Oaks Boulevard with Nova Road.

Mr. Mark Tolle, 54 Oakmont Circle, asked if there had been an environmental impact study conducted for the property. He reported that the property was currently home to a large breeding population of raptors, including great bard owls, screech owls, scissor-tail kites, swallow-tail kites (a species of special concern for the state of Florida) four species of pileated woodpeckers, and was a migratory stop for painted grosbeaks, American gold finches, etc.

Mr. Ervin said that because the site had already been impacted by development and was surrounded by existing homes, the property did not meet the City's criteria for requiring an environmental assessment report. He said that staff was aware that the area was home to migratory birds and that they had checked with Florida Fish & Wildlife to see whether or not nesting bald eagles or other endangered species had been identified there. He said that unless they had such documentation, a study could not be required; he said staff would seek verification as to whether or not the property was home to the variety of different species identified and whether or not there was a need for additional protections prior to scheduling the item for presentation to the City Commission.

Mr. Tolle referred to Dr. Grissom's comment regarding the ongoing maintenance of the property and said he did not believe that the golf course property was currently being maintained by a professional golf course management company. He opined that the course was in deplorable condition, far beyond simply lack of irrigation; he questioned the ability of RTH to maintain the golf course in an acceptable manner and cited the maintenance equipment and level of maintenance, saying that the course was not very playable and the reason why it was an inexpensive to play there.

Mr. Todd Hendricks, CPH Engineers, 520 Palm Coast Parkway, Palm Coast, said that the firm was the civil engineer for the project. He advised that Mr. Joe Young of Biological Consulting Services had performed an environmental assessment on the project and found no concerns that would prohibit the project from moving forward.

Longtime resident Ms. Susan Reynolds, 17 Oakmont Circle, agreed that the condition of the course was deplorable and likened it to living on a horse pasture in Ocala. She pointed out that any CADD technician could make the renderings of the proposed project look beautiful and noted that the project would require the developers to remove the bulk of the trees. She stated that the existing trees were not maintained and

thought that from a safety standpoint they should be required to remove those that had died. She thought that provisions for maintenance of the trees should also be written into the development order. She disagreed that the condition of the course was due to hurricanes, September 11th, or the Nova Road construction.

Ms. Reynolds thought that the proposal was better than allowing 300 homes to be built, but thought that the existing vegetation would also be allowed to die, because the buildings would be constructed over the root systems, which were already stressed.

Mr. Paul Momberger, 100 North St. Andrews Drive, stated that he lived on the 3rd Hole and that he felt the plan included buffers that would negate any impact on the adjacent residents. He noted that part of the reason that the grass did not grow was because there were so many trees. He stated that the infusion of new money for development would bring new life to the golf course and hopefully, help with the maintenance issues. He agreed that it needed to be improved and felt that the proposal was part of the solution. He added that the redevelopment of the clubhouse would also provide social benefits for the community. Mr. Momberger said that he supported the project.

Mr. Adelaide Mathew, 54 South St. Andrews, another longtime resident agreed and said that the 2004 hurricanes had left dead trees that had yet to be taken down. He questioned the proposed underground parking.

Mr. Ervin explained that not all of the parking spaces would be underground. He said that portions of the required condominium parking would be underground and townhome parking would be in garages and on the driveways (above grade).

Mr. Frank Bullard, 115 Rio Pinar Drive, questioned the effect of the new development on the water pressure in the area, which he said often fluctuated by about 30 pounds, depending upon the time of day. He asked if the current residents would be able to utilize the upgraded utilities that would be a part of the new development.

Mr. Ervin said that the development would utilize the existing water mains serving Tomoka Oaks and would have a loop system to maintain the water pressure. He said he had not been aware of a water pressure problem in the area, but assured Mr. Bullard that his comments would be forwarded to the Utilities staff and addressed prior to any City Commission meeting. He mentioned that the City's Fire Department periodically reviewed the water pressure to ensure that there was adequate fire flow pressure throughout the city.

Chairwoman Press again mentioned that the hearing at the advisory board level was a way for the public to ask questions and raise concerns; she encouraged the residents to attend the City Commission meeting, at which time the final decision would be made.

Ms. Sharon Kist, 68 Oakmont Circle, confirmed that there was a water problem in Tomoka Oaks and asked if the new amenities would be available for use by the current residents or whether they would be restricted to use by the owners of the condominiums.

Chairwoman Press said it was her understanding that there would be six tennis courts and assumed that they could be used by the residents.

Ms. Kist asked City staff to check on the water pressure in that area. She remembered that she had once been told that it was a problem at her house, rather the pressure.

Chairwoman Press said she thought that there was a problem with the water pressure throughout the city.

Ms. Christine Goudreau, 115 North St. Andrews Drive, asked about the hours of operation of the courts; she also questioned the light and sound that would emanate from the facility area.

Mr. Ervin said that the hours of operation had been identified by staff, as had the height of the lighting. He said that there were some conflicting requirements, because the police wanted the lighting to be higher and brighter, while staff wanted to keep the lighting lower and less bright. He said that the goal was to prevent spillover lighting onto the properties of the existing residents by utilizing lower lighting, trees and limited hours of operation to prevent the lighting impact.

In response to Mr. McCoy's request, Mr. Ervin advised that whether or not the amenities would be open for use by the residents was a decision to be made by the applicants.

Mr. Jorczak asked if there was a national standard for golf course maintenance and if so, whether it could be applied to the Tomoka Oaks course.

Mr. Ervin said he did not know, but would check into it.

Mr. David Ponitz, 90 North St. Andrews Drive, stated that both Mr. Ervin and Mr. Merrell had done a good job representing the development. He said he was pleased that none of the townhomes or condominium units were directly behind any abutting properties and asked if the development order could include a statement that specified the acreage to remain open space. He thought that perhaps that acreage could be zoned to ensure that it would remain open space.

Mr. Merrell explained that the planned development zoning did differentiate between the residential and recreational components, i.e., it was essentially a custom zoning for the property for which the development order dictated what could or could not be done as a result of the rezoning process. Every individual use (golf course, tennis courts, etc.) would be identified on the plans, which would become a part of that development order.

Mr. Ponitz said that in exchange for special development orders such as that being sought by the applicant, the City had an opportunity to ask for things above beyond what was generally required by the Land Development Code regulations. He asked if the City could ask the applicants to increase the size of the replacement trees.

Chairwoman Press asked the planning director to address the tree mitigation.

Mr. Ervin explained that Mr. Ponitz referred to the City's specific prohibitions regarding tree removal. He said that trees that were removed had to be mitigated; i.e., they had to be replaced. He said that the number of replacement trees was based on the size (diameter) of the tree being removed, not necessarily on a 1:1 basis. He said that protected trees were those 6"-12" in diameter as measured at four feet (4') above grade; replacement trees had to be a minimum 2.5". Specimen trees were those between 12" and 36" in diameter; replacement trees had to be larger, with a fuller canopy. He added that removal of trees over 36" in diameter required City Commission approval. He said because of the size of the project and

the existing trees on site and given the proposed landscaping plans, Staff felt it was appropriate to require them to adhere to the City's regular standards as they would for any development.

Mr. Ervin concurred with Mr. Ponitz that the PRD was a discretionary zoning for which the Planning Board and City Commission had the right to ask for mitigation above and beyond what was required by Code. He mentioned that the City's minimum requirements were also specific in regard to native and xeric landscaping, i.e., plantings that could survive in periods of drought. He said that the applicants utilized many different species, such as oaks, pines and magnolias, as well as decorative elements such as crape myrtles, etc., to accentuate the perimeter of the property. He said that some plants would be used in close proximity to the buildings to enhance the architecture being used. He further detailed the proposed landscaping and advised the board that it was within their purview to require an increase in the size of replacement trees if they felt it was justified.

Mr. Lewis Slaughter, 53 North St. Andrews, stated that he was in favor of the project and thought it would be a major asset to the city. He was pleased with the two new lakes that had been dug and said that the reuse water would help the look of the course tremendously. He asked if there could be a light installed at the intersection of Tymber Creek Road and Nova Road.

Mr. Sans Lassiter, Lassiter Transportation Group, said that whether or not a traffic signal would be warranted was the first thing that they had considered, but that they had not been able to show that intersection as warranting a traffic signal. He explained that Nova Road was a State Road and that the DOT (Department of Transportation) had very strict standards for when they would or would not allow a traffic signal; he said that the intersection did not come close to the threshold, mainly because the primary trips to and from the project area were from the south on Nova Road.

Mr. Slaughter stressed his support for the project and said that by their ability to attract more members, they would be in a better position financially to maintain the golf course. He asked if there would be an opportunity, in conjunction with the redevelopment of the golf course, for the adjacent homeowners to connect to the City's reuse system to reduce the need for private groundwater wells in the area.

Mr. Ervin commented to Mr. Ponitz that Mr. Hendrix wanted to discuss the request for upsizing the landscape mitigation.

Mr. Ervin also responded to Mr. Slaughter that the provision of reuse water to the residents adjacent to the golf course would be an expensive City of Ormond Beach public improvement project that would require the expenditure of capital improvement dollars. He said the City Commission had identified the South Peninsula area as the No. 1 priority and said there were other improvements that had been identified for completion in the next 5 -10 years. He said that the extension of the reuse water had not been identified as a capital improvement that could be funded in the next 5-10 years. He said that the City could consider it for future funding and that there might be an opportunity to utilize grants from the Water Management District, but reiterated that it was not currently identified as a priority.

Ms. Zella Wilen, 48 Oakmont Circle, said she was also a long-time resident. She objected to the rezoning request, as well as the request to construct streets across privately-owned business property. She did not want Tomoka Oaks Boulevard to be approved for extension or connection to any planned street. She also objected to the increased traffic that would be created by the new development.

Ms. Wilen referred the Board to the City archives (September and November, 1970); she said that there had been a rezoning issue raised and the homeowners had retained an attorney to argue against the zoning

change to R-5. She said that the homeowners had prevailed. She thought that if the proposal proceeded [to the City Commission], the Tomoka Oaks HOA Board of Directors should alert and notify every one of the homeowners in Tomoka Oaks of the rezoning request, not just those within the 300' radius of the project. She said she equated the request for the PRD to the prior request to rezone the property to R-5.

Chairwoman Press pointed out that the meeting would be advertised in the newspaper.

Mr. McCoy noted that the advertisement was countywide.

Dr. Gerald Gibb, 69 North St. Andrews Drive, stated that the traffic report was based on data, [not experience]. He said that the reason that most of the traffic turned southbound on Nova Road because it was too dangerous to turn northbound. He also stated that the construction would occur over a period of time and that construction workers would come and go at the same time as the residents, exacerbating the traffic in the area. He questioned if there was to be a traffic management plan during the construction of the project.

Mr. Lassiter agreed that for the "Existing Condition", the consultants could only count the traffic that did turn, not the traffic that might want to turn but did not. He felt it important that they understand that their Future Conditions analysis used the Urban Area Model, which distributed traffic without regard to congestion. He explained that the model looked at the major distribution points north and south on Nova Road up to US1 and in other parts of the city to determine the more likely direction traffic would go if there were no congestion. He felt that their analysis was absolutely correct.

Mr. Lassiter also liked the idea of a construction traffic management plan and said that they would recommend identifying routes for the resulting traffic. He reminded the Board that that the 770-trip per day increase was for the buildout of the development, not the construction traffic.

Ms. Leslie Nixon, 36 North St. Andrews Drive, expressed concern with additional traffic trying to negotiate the Tomoka Oaks Boulevard circle near the entrance to the subdivision.

Mr. Lassiter explained that the 770 trips was the number of estimated trips on a daily basis; he said there were 74 in the peak hour. He further explained that typically, the impact study deducted the existing traffic from the traffic proposed for the new development, but instead, the subject analysis assumed the existing traffic would remain. He said that meant that their analysis was overly conservative (predicted too much traffic), but that they wanted to be as conservative as possible. He stated that their analysis also assumed 100% occupancy year-round, which they also knew to be unlikely, but which would also produce conservative numbers.

Ms. Nixon asked for the percent of increase in trips. She wanted to make sure that Staff recognized that the ongoing development along the North US1 corridor would mean additional traffic for Nova Road, making left turns out of the subdivision even more difficult.

Ms. Nixon also asked if the Board could recommend fewer homes, rather than 120 proposed. She thought that the applicants could improve the clubhouse, the golf course and the tennis courts, but scale down the residential portion of the project.

Mr. Ray Sanchez, 12 Pine Valley Circle, stated that the traffic circle was dangerous and confusing, particularly since it was two-way traffic. He questioned the sales prices of the residential units.

Mr. Lassiter responded that because a traffic signal at the intersection with Nova Road was not warranted, the stop sign control was deemed to be adequate. He said that the same was true for traffic internal to the site, which would be less than at Nova Road. He answered that the consultants had not provided a percent of increase resulting from the project, but pointed out that they did not take a deduction either; they simply added the anticipated traffic to it (an over-estimate).

Mr. Jorczak asked if they had given any thought to how the circle could be improved.

Mr. Lassiter said that the circle was analyzed in the current condition. He said they could certainly do so by studying if it would be warranted by the level of delay, would reduce the level of delay, or would make the circle safer.

Mr. Jorczak said that the safety element seemed to warrant that study, regardless of the additional traffic that would be generated from the proposed 122 units. He remarked that the junction might require a different kind of layout.

Mr. Lassiter said that as a traffic engineer, his primary focus was safety. He stated that round-abouts and traffic circles, although becoming more popular, were particularly pedestrian-hostile. He pointed out that cars did not have to stop, gaps in traffic did not occur, and visibility was lessened because of the lack of time to look left and right. He said that because traffic came from the left, people did not always look to the right for pedestrians. He reiterated that pedestrian safety was one of his major concerns.

Mr. Thomas, a resident of Tomoka Oaks, thought that striping or arrows on the pavement might help drivers negotiate the circle. He thought that there were some simple things that could be done to improve the situation.

Mr. Lassiter said that it was something at which they could look.

Chairwoman Press thought that Mr. Lassiter could work on those things before the item reached the City Commission, since it was a concern to many of the residents.

Dr. Grissom questioned the nature and location of common areas for the new owners.

Mr. Merrell said that would be detailed in the plat, another process they were going through. He said that he did not have exhibits available for the item before the board, but that the common areas would be fully identified in the plat documents.

Dr. Grissom asked if the applicant wanted to respond to the residents' comments regarding the "deplorable condition" of the golf course.

Mr. Merrell said that they intended to address that conditions at the golf course were less than perfect. He said that they also wanted to point out that the golf course was being redeveloped to retrofit reuse water lines throughout the entire irrigation system at a cost of hundreds of thousands of dollars. He said that reshaping the course would also be a huge improvement. He said that together with the residences, the golf club and the tennis facility, it would be a much better place. He thought that the residents would be happy with it.

Mr. Merrell agreed that a CADD drawing could make anything look good, but pointed out that the pictures would be the zoning map for the property. He said that if they wanted to change anything, they

would have to reappear before the Board for another advertised public hearing. He said that the reason Staff liked the Planned Residential Development was that they had the ability to negotiate the zoning and had done so to the benefit of the City and pointed out that those things were binding.

Dr. Grissom asked Mr. Merrell if he and the applicant had previously discussed the possibility of increasing the size of the replacement trees used for mitigation.

Mr. Merrell said that their landscape architect, Galen Pugh, had been in dozens of meetings with the City staff and that many changes had been made to the plan to avoid impacting important trees. He said it was a given that the trees would be thinned and that the dead trees would be removed; he said the plan also exceeded the City's Code requirements for landscaping, typical of planned development rezoning negotiations. He reiterated that there had been a great deal of focus by City staff with regard to the trees.

Dr. Grissom stated that she was sensitive to the tree mitigation concerns and recalled her shock when she discovered that the beautiful, healthy trees in Breakaway Trails had been removed and replaced with what amounted to twigs. She thought that they should exceed the current excession, if possible.

Mr. Merrell thought that the issue was avoiding the removal of the trees, rather than with what to replace the existing trees. He noted that a tree survey had enabled them to identify all the important trees and that saving certain trees had required them to redraw the plans several times.

Dr. Grissom said she recognized that the applicants had presented a project that was beautiful. She questioned whether the Board could mandate that the development be sustained in the best possible condition at all times, i.e., in perpetuity.

Mr. Thomas recalled that Hurricanes Charley and Frances had caused the removal of a lot of old, dying and diseased trees, but not before tremendous damage had been done to the homes of the residents. He advised that his daughter, a resident of Ormond Lakes, had been required to save some magnificent oaks on her property, but less than a year later one of those same oaks was costing her $2,000 to remove because it had been diseased and had fallen on her fence. He stated that although he felt mitigation was a good thing in the long run and that he was not in favor of taking out a lot of trees, there were a lot of rotten, dead, sick and diseased trees throughout the city that should be removed.

City Attorney Hayes advised the Chair that he included a provision in all of the development orders that conferred to code enforcement the power to enforce the terms of the development order, as with any other ordinance. He said that the City therefore had the power to keep all projects from falling into disrepair.

Chairperson Press pointed out that it was 9:00 pm and asked that subsequent speakers limit their comments to things that had not already been expressed to the board.

Ms. Linda Larsen Lewis, 231 Rio Pinar, expressed her concern that her property line would be 100 feet from one of the three estate lots behind her property. She said that the trees were the only thing that would visibly buffer her home from her new neighbor and asked for assurance that the trees would remain.

Mr. Ervin reported that he had met with Ms. Lewis the day before and stated that her concerns were the City's concerns. He pointed out the location of the three estate lots and said that those lots would have the minimum lot size, width and setbacks that applied to the existing subdivision. He also pointed out

Mrs. Lewis' lot and said that although the distance from the lot line to the proposed lot line was 100', the distance between homes would be 160'. He said that the trees in that area would be preserved by the developer, but cautioned that once sold, the homeowner could take out some of the trees if they met the mitigation requirements. He said that the City had not required a minimum buffer because of distance between the lot and the buildings and the existing landscaping along the perimeter of the Lewis lot line but advised that it was within the purview of the Board to do so if they felt the trees should be protected.

Mr. Jorczak questioned the size of the existing trees.

Mr. Ervin replied that the trees ranged from small saplings to a 40" oak; he noted that there were several historic trees, the majority of which were specimen trees. He said that the tree survey showed only the trees over 6" in diameter (protected trees).

Mr. Jorczak asked if taking those trees would require a separate action from the City.

Mr. Ervin explained that once the three residential lots were sold, the homeowners could request the removal of any tree on their property, the same as any homeowner in the city of Ormond Beach. He said the number of trees that would have to be replaced would depend on the size of the tree to be removed. He said there was currently nothing in the City's Code or in the project documents that would require minimum tree line buffering on the residential lots.

Mr. Jorczak remarked that he understood, but thought it unlikely that someone buying an estate lot and erecting a big house would then want to take down the trees.

Mr. Ervin replied that it had happened in the past. He recalled Ms. Lewis' question as to whether or not a buffer was to be conserved that could not be touched and stated that the reality was that when the property was transferred, the owners could conceivably remove the trees.

Mr. Jorczak advised Ms. Lewis that taking down a specimen tree in Ormond Beach was a big deal.

Mr. Thomas agreed.

Mr. Ervin pointed out that historic trees were different than specimen trees. He stated that the developer was being required to do a directional dig for the extension to the sanitary sewer so that it a 40" historic oak would not be impacted. He said that there were also 25 – 28" oaks that had been identified for preservation, but wanted it on the public record that they were located within the property to be subdivided; therefore, if the subsequent owners met the mitigation requirements, removal of the trees would be justified.

Dr. Grissom asked how the deed restriction would work.

Mr. Ervin said that if the Board wanted to require a minimum buffer, they could identify, e.g., a 10' perimeter buffer with a tree every so many feet as part of the development order.

Ms. Lewis stated that people did take trees down so that they could have view of the golf course. She acknowledged that tracking 1,100 trees was an overwhelming job, but stated that she had noted a healthy pine and two smaller pines on the property that were not shown on the survey.

Ms. Reynolds asked what protections were in place to prevent the project from going bankrupt either because of mismanagement or because of market conditions. She said that she had seen it happen in far better situations and did not want a situation in which new owners would be allowed to do whatever they wanted just because they were finishing a stalled project. She expressed concern because of the scope of the project and because the owners had not demonstrated the ability to maintain the golf course.

City Attorney Hayes advised the Chair that development orders ran with the land; therefore, the owner of the land (or a subsequent owner) was subject to the requirements of the development order. He said there was no way to know whether or not any particular project would be built out or flounder. He said that the best the City could do was to create a safety net in the development order and ensure that the development occurred in accordance with the requirements of the approval.

City Attorney Hayes confirmed for Ms. Reynolds that the proposal was for a phased project and that the developer would have to complete one phase before starting another.

Long-time resident Ms. Susan Juckett, 311 Rio Pinar Trail, said that her view, which had gone from "lovely" to a lot of dead trees, and would now be of a comfort station (golf course bathroom).

City Attorney Hayes assured Ms. Juckett that any new owners in the future would also be required to preserve the golf course.

Ms. Juckett questioned the time line for all phases to the anticipated completion of the project. She stated that she was concerned with construction noise, dust, etc.

Mr. Ervin said that the construction timeframe identified in the PRD development order would be valid for five (5) years. He said that if Phase I had not been completed in that timeframe, the order would lapse. He said that the conditions would remain in place, but any redevelopment would require that it be brought back for another hearing and, with the existing conditions as minimum standards, any kind of upgrades would have to be to current Code.

Ms. Juckett asked if it would be to Phase I completion or completion of the project.

Mr. Ervin responded that it would be to completion of the project.

Ms. Juckett asked if the tree mitigation would be on-site. She also questioned the impact of new residents on Tomoka Elementary School, shopping facilities, the hospital, as well as the effect they could be expected to have on the water pressure in the area, already low.

Chairperson Press pointed out that the City staff was not aware of the problem and would address it.

Ms. Juckett stated that the problem would get worse before it got better. She found it hard to believe that the developer did not know the price for which they expected to market the units.

Mr. John Randall, 70 Oakmont Circle, recalled that he and his father had cleared their lot by hand and that subsequent generations would be occupying the residence. He questioned what mechanism would ensure that the integrity of the project would be maintained and that the homeowners' association would be able to collect their dues in order to pay the cost of maintaining the things for which they would be responsible. He asked who would be responsible for the property covered by the conservation easements

and questioned what would happen if the golf course went belly-up. He also expressed concern with the wildlife habitat that would be lost.

Mr. Randall commended the developer on a great idea, but sought assurance that the dream continued to be a reality in 20 years.

Dr. Grissom said she liked the idea of a deed restriction to protect the property.

Mr. Ervin responded to Mr. Randall's question that the City would have the ability, as with any easement, to access the property for maintenance and then charge the homeowners' association; he likened it to a sort of lien on the property. He said the City had the guarantee that someone would maintain the property and that the HOA would ultimately be financially responsible per code enforcement provisions in the easement documents.

Mr. Ervin said that the conservation/open space easements over the golf course meant that the owner continued to own the golf course property, but restricted the use of the property to a golf course and open space purpose. He said it would be an easement to the City; therefore, the easement could not be released without the approval of the City. He said that the easement would be described around the golf course itself, and that based on the testimony, RTH Corporation would maintain ownership of the golf course; he said that the areas around the townhomes and condominiums would be identified as common areas for those particular projects. He said that the common areas being used by the condominiums would be owned, maintained and operated by that association, whereas the golf course would be owned, maintained and operated by the RTH, Inc. He said that the City would require that the conservation easement on the golf course be recorded prior to any development. He pointed out that the easement was being created in association with the subdivision plat.

Mr. Jorczak asked if the City had ever required surety bonds to ensure completion of a project.

Mr. Ervin explained that they allowed surety bonds only for subdivision improvements, not for commercial developments. He agreed with the resident who had stated that developers sometimes failed to complete projects and said that in a market-driven economy the market sometimes had to rebound before someone else finished a development. He said that was the reason that the city attorney required recording of a very specific development plan that provided very specific guidelines as to what could be developed on a certain property; a subsequent developer would know exactly what could and could not be done. He explained that traditional zoning allowed for a great deal of options, whereas the PRD was a very specific recorded document of covenant and restrictions that traveled with the land, not the owner. He said it gave the residents of Tomoka Oaks much better protection for future conditions.

City Attorney Hayes said that from a legal standpoint, surety bonds sounded good, but were not practical. He pointed out that the City would not want to have to finish a project in default; it would create a nightmare scenario for the City.

City Attorney Hayes recommended that the Board members voice their comments on the proposal in an effort to solicit a motion. He offered to assist them with any conditions that they might wish to impose with their recommendation.

Mr. Ervin stated that he had summarized for clarification the ten (10) issues that had been brought up by the board members:

1) The City's engineering staff reported no environmental impacts.
   - Determine whether or not an environmental impact or assessment report has been done.
   - Forward a copy to the resident who requested it and include a copy in the City Commission's agenda packet.

2) Traffic conditions:
   - Analyze improvements at the circle that would make it safer (striping, signage, etc.).
   - Ask the applicant to look at other improvements that might be made.
   - Provide signal warrant study background information, i.e., why a signal is not warranted at the intersection of Tomoka Oaks Boulevard and Nova Road

3) Request to upsize the minimum size of the trees for mitigation. *(Mr. Ponitz)*

4) Question the possibility of providing reuse water for lots adjoining the golf course (noted that it was not identified in the City's Capital Improvements Program) - *Mr. Ponitz*

5) Address water pressure issues in Tomoka Oaks and include in the information forwarded to the City Commission.

6) Identify if minimum golf course maintenance standards are available from either a local or national organization. *(Mr. Jorczak)*

7) Clarify the role of the City in establishing the Covenants and Restrictions and the Development Order to ensure that the golf course is protected in perpetuity.

8) Possibility of notice to future purchasers of property in the subdivision of potential for airport impacts. *(Mr. Jorczak)*

9) Address concern regarding the buffering of the estate lots. *(Ms. Lewis)*

10) Documentation to ensure that each phase of the project is completed prior to beginning the next phase; ensure that the complete project will be built out in five years.

Chairwoman Press opened the floor to board comments.

Mr. McCoy pointed out that Mr. Momberger, one of the speakers, was a registered landscape architect and that he had not seemed particularly concerned with the issue of tree mitigation. He also pointed out that Mr. Ponitz, one of the other speakers, was the Utilities Engineer for the City of Daytona Beach. He said that the gentlemen were good at their jobs; therefore, he felt reasonably assured that the landscaping mitigation was well within or surpassed the City codes. He suggested that the many of trees about which the residents were concerned were probably in poor condition and had most likely reached the end of their useful life.

Mr. Thomas said he was also a long-time resident who favored the project. He said that he had sat on the Planning Board for many years and could recognize when the alternative was worse than the plan. He said he did not want 300-400 homes added, when the proposal was for only 122 homes of what he

believed would be part-time residents. He felt it was a beautiful plan and that the project would be a great asset to Ormond Beach.

Mr. Thomas referred to the concern expressed by a resident that the survey had missed a large sand pine, and explained that the State did not recognize sand pines as significant trees; therefore, it had not been marked. With regard to the concerns about the project not being completed, he stated that the three best real estate values were: a view, water and a golf course; he thought there would be buyers simply because the property was on a golf course. He restated that the City was tough on the issue of tree removal and reiterated his support for the project with the conditions discussed.

Mr. Jorczak echoed Mr. Thomas' comments and said that he thought it was an upscale project with a lower density than what would otherwise be allowed. He thought it would upgrade the neighborhood and would generate dollars that would help improve the golf course and surrounding amenities. He said that he hoped that the City would consider the concerns raised at meeting and said that he would recommend approval.

Dr. Grissom said she also supported the project and any motion to approve would include any amendments necessary to address the concerns raised. She thought that deed restrictions should be required for the three estate lots to require that they maintain the tree buffer in order to protect the privacy of abutting property owners.

Chairwoman Press opined that no one would buy the properties unless the golf course was upgraded and felt that the proposal would force those improvements to occur. She said for that reason she believed the project would be good for the area and was an example of Smart Growth.

Mr. Thomas recommended approval of PRD 06-32, with the recommendations by staff. He added that his motion was amendment friendly and clarified that he was including the ten items as listed by the planning director.

Mr. McCoy seconded the motion.

City Attorney Hayes responded to questions by Mr. Jorczak and Mr. McCoy that the [tree] buffer mandated by deed restriction would apply only to the three estate lots. He said that the board could make that a condition of their recommendation.

Mr. Ervin replied to Mr. Thomas that the list of ten items included addressing the traffic circle. He also pointed out that the applicants had already agreed to provide for a minimum 10-foot wide buffer at the rear of the lots, in which there would be a minimum planting of one tree every 30 linear feet with continuous hedge material between the trees. He explained that the buffer for those homes would be required as a part of the development order, either as a private restriction on the individual lots or by mandating that the buffer be placed on the golf course outside those lots. He said that the applicants could make that decision.

Mr. Merrell said that he understood the resident's concern, but said that having buffers between two houses was not typical and that houses backed up to each other in subdivisions all over the city. He said that the applicants were willing to do what Mr. Ervin was proposing, but that it was routinely done as a matter of zoning. He thought that having a provision in the development order was the better way to handle the issue, i.e., the developer would establish the buffer and it would then transfer with the land;

subsequent property owners would be responsible for maintaining it. He said that the provision could be enforced through the code enforcement mechanism.

City Attorney Hayes agreed that it would be better to put the onus on the developer as opposed to the property owner.

Mr. Merrell said that the suggested method would require only a code enforcement action rather than a court hearing, should there be a problem with the buffer in the future.

Mr. Thomas agreed to add acceptance of the applicants' voluntary inclusion of the buffer to his motion.

Mr. McCoy reiterated his second.

Ms. Bates called the question, which was approved by unanimous vote.

Mr. Thomas thanked everyone for attending the meeting, participating in the democratic process and helping the board to make their decision.

Mr. Ervin announced that the proposal was tentatively scheduled for the October 3rd City Commission meeting. He advised the residents that they would again be noticed and that an advertisement would again run in the newspaper.

The board voted to close the public hearing.

Exhibit "N"
Consisting of 6 pages

Mayor Costello stated whatever name was attached, be it a ditch or tributary, what was important was that this project can not stop water flowing onto the land. He asked if the height of the fence would be at a low point compared to the road.

Mr. Ervin stated the maximum height of the fence would be six feet along the property line. He explained the industrial parcel closest to US1 would have an extensive amount of fill and would be four feet higher at a finished floor elevation than the homes in Ormond Lakes, and the project would have a six foot wall at that location along with landscaping with the finished grade approximately two to three feet below the top of the wall. Mr. Ervin recommended a condition be added to correlate the fencing to the elevation of the roadway.

Mayor Costello advised it was very dark in front of the McDonalds west of I-95 where the lights were shielded, but was very bright after passing the screening which proved the screening does work well.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to approve Resolution No. 2006-222, approving the Special Exception to include the indoor pool as presented and the wall height to extend six feet above the elevation of a road entering or surrounding the property.

Call Vote:	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
	Commissioner Kent	yes
Carried.	Mayor Costello	yes

Mayor Costello called for a short break at 9:30 p.m. and he reconvened the meeting at 9:37 p.m.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(E).

Item #9(F) - "Ormond Beach Commercial Complex"

RESOLUTION NO. 2006-223

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR "ORMOND BEACH COMMERCIAL COMPLEX" SPECIAL EXCEPTION ON A SITE LOCATED AT 500 WEST GRANADA BOULEVARD WITHIN THE B-9 (BOULEVARD) ZONING DISTRICT; BY AUTHORIZING A WAIVER OF THE MASONRY BUFFER WALL REQUIREMENTS ALONG THE REAR PROPERTY LINE, BY ALLOWING THE USE OF AN EXISTING SIX FOOT HIGH WOOD FENCE IN LIEU THEREOF; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Resolution No. 2006-223, as read by title only.

Call Vote:	Commissioner Partington	yes
	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
Carried.	Mayor Costello	yes

Hearing no objection, Mayor Costello closed the public hearing on Item #9(F).

Item #9(G) – "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 1, ARTICLE II, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL

PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was a rezoning for a 147 acre parcel from R-2 to Planned Residential Development (PRD). He noted there was a revised development order on the dais that identified the three items from the Planning Board recommendation that could be incorporated into the final development order. Mr. Ervin pointed out many comments from the Planning Board were recommendations for staff to check certain items such as water pressure and landscaping; therefore, they could not be identified in the development order; but the City Attorney culled through those comments to come up with specific requirements that could be incorporated into the development order, and they were addressed by staff. He stated the reuse availability, which was a major capital undertaking, was not feasible at this time. Mr. Ervin reported the landscaping plan was reviewed, and many of the trees being planted were already above and beyond the minimum requirement. He stated traffic improvements would be incorporated into site plan, and the applicant had agreed to those improvements. Mr. Ervin noted these improvements would include striping, signage, and cautionary signage. He advised staff contacted the Utilities Department regarding water presser concerns at least three times to verify whether or not water pressure problems were being experienced in the Tomoka Oaks area; but the pressures were meeting minimum requirements, and no specific problems were identified. Mr. Ervin stated there would not be any dead-end systems and would actually loop back into the existing system; therefore, water pressure should be maintained.

Mr. Ervin advised the development order would include notification to purchasers by a note on the plat that they were within proximity of the airport and within the flight plan of the airport. He stated the golf course shall remain a golf course and would not be able to be converted to any other use without approval by the City Commission. Mr. Ervin reiterated this property was Low Density Residential with an R-2 zoning; therefore, a developer could, in theory, develop the entire golf course for 600 homes, but considering the contours 300 single-family homes would be more realistic. He explained the proposal was for multi-family homes consisting of three and four story condominiums, town homes, and three single-family homes.

Mr. Rob Merrell, 1638 John Anderson Drive, representing the applicant, provided a visual presentation of the project. He reported he would rely on Mr. Ervin's conclusions in his staff report concerning Comprehensive Plan consistency, compliance with all of the City's Land Development Code requirements, and other issues. Mr. Merrell pointed out the Planning Board recommended unanimous approval with conditions that they have accepted. He stated there were issues everyone agreed on regarding some Smart Growth principles, and this project represented some of those principles such as the concept of urban renewal, proximity to services, clustering development, and the preservation of open space. Mr. Merrell explained this project was for 122 residential units, a new club house, pro shop, tennis center, tennis courts, and many amenities. He stated the property owner made a concession to cluster a lower number of units that would allow a great deal of open space. Mr. Merrell reported there would be a total of 84 condominium units, 35 townhouse units, and three residential units. He presented a computer rendering of the development proposed superimposed on the aerial photograph and pointed out the various elements of the proposed plan along with renderings of the buildings and landscaping. Mr. Merrell reported there would be considerable improvements to the lake system and the green for the golf course as a result of retrofitting the golf course for reuse water. He advised this request was for a planned redevelopment rezoning.

Mr. Harry Wendelstedt, 88 South St. Andrews, stated he has been a resident of Tomoka Oaks for 35 years, which was one of the finest residential developments in Volusia County. He stated he believed this would adversely affect the residents who live along the golf course. Mr. Wendelstedt reported people were told when purchasing their property that this golf course would remain for 99 years. He expressed a concern regarding property values; however, he has been informed that should not be a concern. Mr. Wendelstedt stated Tomoka Boulevard was two lanes, and he expressed concern regarding what would happen should another natural disaster occur such as the fires of 1998. He recommended placing a traffic light at the end of Tomoka Boulevard and Nova Road. Mr. Wendelstedt noted residents may have had a different view if the renderings and information were made available to the people earlier than this evening. He stated he opposed the development because the homeowners would loose the site of the rolling green fairways.

Ms. Joan Deemer, 86 South St. Andrews Drive, stated she lived in Tomoka Oaks for 28 years and opposed the recommended changes. She expressed concern that this would adversely affect the area with too many people and too many cars taking away the charm of Tomoka Oaks.

Ms. Zella Wilen, 48 Oakmont Circle, stated in the Fall of 1970 a request to rezone this property to R-5 was rejected at the Planning Board and in October 6, 1970, the Land Use Map was adopted by the Commission and that map showed Tomoka Oaks, including the golf course and undeveloped wooded areas, to be Single-family Residential Low Density zoned R-2, making Tomoka Oaks some of the largest lots in Ormond Beach. She reported that at the recent Planning Board meeting she objected to the entire rezoning change, stating Tomoka Oaks Boulevard should not be approved for an extension or a connection to any planned or named street within this area. Ms. Wilen voiced an objection to any overnight lodging should that be considered. She stated she opposed the increased traffic through Tomoka Oaks to the South St. Andrews area and noted this would add additional traffic to the Trails as well. Ms. Wilen reported the City Attorney in 1970 talked about spot zoning, cautioning the Planning Board that the golf course was a conditional use and would be able to request certain updating and remodeling, and that statement was relevant today. She noted restrooms were a problem due to vandalism, but were needed. Ms. Wilen pointed out the club house and garage areas could have been upgraded at any time in the past 36 years. She reported this change would impact the entire Tomoka Oaks area, not only those living on the golf course or within the 300 foot notification area. Ms. Wilen equated the 1970 R-5 request to this PRD request and opposed the change. She advised part of the selling point for homes in this area was that this would remain a golf course for 99 years, and she urged the zoning remain the same and the project be stopped.

Mr. Rob Merrell stated the property owner made a commitment to maintain the open space of the golf course in perpetuity. He pointed out the entire property was currently zoned for home sites; however, the development order under this proposal would indicate that the golf course would remain open space, and the City would then be able to enforce that as an element of the development order. Mr. Merrell reported speakers mentioned a 99-year provision, but there was no such covenant; however, this proposal would include a commitment to cluster 122 units in areas designed to be the least intrusive along with a recorded covenant to keep the golf course.

Mr. Hayes concurred that there was no covenant of record regarding the golf course; therefore, the applicant had a right to request this redevelopment of the Commission. He noted the City could now go back to try to do what some of the homeowners believed they already had for some 30 years.

Mr. Merrell advised the Commission received a complete traffic report in their information packet, and no failures in the transportation network were found, but several improvements were being proposed. He reported he met with as many people as possible prior to this meeting. Mr. Merrell advised that many people saw the pictures in advance of the Planning Board meeting, and there was a full-house at the Planning Board meeting. He noted many of those people did not come to make an objection tonight because they went away from the meeting satisfied that their questions and concerns were answered. He reported a DOT warrant would be needed for a traffic light, but the requirements for a light would not nearly be met. Mr. Merrell stated this was very different from what occurred in the 1970s because what was being shown now was what would occur if approved by the Commission, and it could not be changed.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on first reading, as read by title only.

Commissioner Kent reported he met with the developers a year ago, and the plans had not changed a great deal. He expressed concern regarding buffering for the current residents; however, the presentation showed this was addressed, and he could support this proposal.

Commissioner Gillooly stated the concept had merit, but she questioned what protection the people who purchased a home on a golf course would have. She noted people needed to be aware when purchasing a home what could occur to the property surrounding their home. Commissioner Gillooly pointed out nothing was uncovered that would protect the people to have this remain a golf course. She stated Tomoka Oaks was and remains a premier community in the City, but the golf course had not keep up to that premier status. Commissioner Gillooly suggested this development would bring in new residents, but at a greatly reduced rate than was permitted. She noted the design was thoughtful in that it kept the buffer, and the improvements may help bring the premier status back to the homes, increasing the value of the

existing homes. Commissioner Gillooly informed Mr. Merrell that she would like to assure the residents this would be the last residential plan for the Tomoka Oaks community. She advised she also told Mr. Merrell that she noted the developer planned the project with surrounding green space and improvements to the golf course, but she needed additional assurances that this would remain intact. Commissioner Gillooly reported the reply she received was an iron clad commitment. She stated the developer had a right to develop this property in a residential manner, and all of the above-noted improvements would to be made, which would make the overall project better.

Commissioner Partington advised he met with the developer last year and would vote for this for some of the same reasons as Commissioner Kent and Commissioner Gillooly previously mentioned. He noted this project would improve the entire subdivision, and this development set the standard for developments in other areas. Commissioner Partington reported he was comfortable this developer would make this project as high a quality, if not a higher quality, than he had done previously.

Commissioner Kelley reported he also met with the developer and saw a presentation last year. He stated this answered many questions; and while it would not answer the questions of those who want the land to stay exactly as it was, it did answer the question of whether there would be residential buildings constructed directly behind someone who now had a golf course view. Commissioner Kelley advised the placement of the development would not adversely impact the visual effect. He pointed out this would provide assurance that this would never come back to an R-2, R-3, or R-4 and would be dedicated. Commissioner Kelley reported the owner had prospective buyers come to him years ago to develop the property, but chose not to sell because he wanted to keep the golf course. He advised the proposal would only improve the value of all of the property in the area. Commissioner Kelley stated he shared a concern relative to the traffic, but was convinced the people would not come through the Trails because it would be faster to go to Nova Road and turn west to Clyde Morris Boulevard. He noted the only difficulty he could envision was the time it would take to exit on to Nova Road, particularly eastbound. Commissioner Kelley reported this project would be an improvement to the entire neighborhood, and it would assure the golf course would remain.

Mayor Costello reported he met with the developer a year ago, and the reality of the situation was that this was a residential piece of land that could hold 600 units and could realistically only hold 300 units without a golf course, but this proposal was for 122 homes with a golf course. He stated the choice was that in order to keep the golf course, the owner would have to make some money. Mayor Costello explained the alternative was, because the land was poorly permitted years ago, a developer had the right to construct 300 single-family homes and remove the golf course. He pointed out that in this development order the only thing permissible was the golf course open space. Mayor Costello recommended the developer set aside the finances for a traffic light even if it was not warranted at this point in that he believed traffic to be a valid concern. He asked if DOT would permit a light if the money was available.

Mr. Sans Lassiter, Traffic Engineer, replied if a traffic light was installed that does not meet the DOT warrants and an accident was caused by the fact the signal was installed, it would make the one installing the light liable. He explained traffic lights are a major liability issue because they increase rear end accidents and are meant to avoid right angle accidents which are more severe. Mr. Lassiter advised that due to this particular entrance on this particular road, most of the turns from Nova Road would be northbound left turns entering the parcel and most exiting from this project would be eastbound or outbound right turns, and those movements do not conflict with each other; therefore, this would not meet DOT's requirement for a traffic signal, and they would not allow it to be installed without a significant change in development such as a build-out of area. He reported the count at the peak hours did not meet the warrant, and the requirement was to meet eight hours to warrant a signal.

Mayor Costello stated the City had hired Mr. Lassiter on numerous occasions, and he was known to be honorable and would not state anything that could later be refuted. He assured Ms. Wilen the plan did not include any hotel/motel type proposal.

Call Vote:

Commissioner Gillooly	yes
Commissioner Kent	yes
Commissioner Kelley	yes
Commissioner Partington	yes
Mayor Costello	yes

Carried.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(G).

businesses along A1A were permitted to have pole signs. He pointed out this was an older building with an architectural design that was somewhat limiting to allow for horizontal signs at or below 20 feet, and staff was trying to follow what was done previously at the other two sites referenced.

Commissioner Gillooly stated Commissioner Partington received an e-mail today questioning the fairness on how the Commission judged special exceptions. She requested Mr. Ervin explain what constituted a special exception.

Mr. Ervin stated the Land Development Code was specifically amended for this particular situation. He explained in the mid 1990s there was a prohibition of all signs over 20 feet, and Peninsula Hospital indicated they could not get a 20-foot sign, but it was imperative to have a sign. Mr. Ervin reported that rather than going through a variance procedure, the Planning Board recommendation was to make a special exception for applicants to go through a public hearing process at the Development Review Board and at the City Commission level. He pointed out that the concept behind a special exception was what was being requested may not work everywhere in the district but may be appropriate in certain locations. Mr. Ervin reported this was regulatory relief granted toward existing structures built along the beachfront and in the hospital zoning districts because it would deal with more institutional buildings that would typically be taller and did not have the architecture to support typical signage.

Mayor Costello asked why the parrot had to be removed from the hotel but this could stay.

Mr. Ervin stated this would meet the sign area requirements while the parrot exceeded the size limitation, and the parrot was considered a graphic representation used for commercial free speech; therefore, interpreted as a sign. He noted there was also a prohibition against murals.

Mayor Costello reported he worked hard to keep the parrot, and he did not understand why this was recommended for approval while the parrot had to be removed.

Commissioner Partington stated he also appreciated the pole sign on A1A. He summarized that Mr. Ervin was indicating that in order to be consistent with what was previously approved staff was recommending this be approved. Commissioner Partington noted he considered that to be an important factor.

Commissioner Kelley stated there was a very clear difference that the Development Review Board considered and assessed incorrectly which was that a special exception was granted to B-7 for a Planned Business Development (PBD). He pointed out the hospital had no place for a sign, but this applicant did have a place for a sign. Commissioner Kelley reported the sign would not be obtrusive, but the exception granted was meant to apply in those situations where there was no place for a sign, which was not the case in this instance; therefore, he would vote against this request.

Call Vote:

Commissioner Partington	yes
Commissioner Gillooly	no
Commissioner Kent	no
Commissioner Kelley	no
Mayor Costello	no

Failed.

Hearing no objection, Mayor Costello closed the public hearing on Item #9(A).

Item #9(B) - "The Tomoka Oaks Golf Village"

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 2, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE-FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE" PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL

INCONSISTENT ORDINANCES AND PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2006-17, on second reading, as read by title only.

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Hearing no objection, Mayor Costello closed the public hearing on Item #9(B).

Item #10 - Collection, Removal, and Disposal Of Debris Upon Private Roads and within Private Gated Communities During a Declared State of Emergency

ORDINANCE NO. 2006-18

AN ORDINANCE AMENDING CHAPTER 10, WASTE, YARD WASTE AND RECYCLABLES*, OF THE CODE OF ORDINANCES OF THE CITY OF ORMOND BEACH, FLORIDA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-1, DEFINITIONS; AND BY AMENDING SECTION 10-18, RESERVED, TO PROVIDE FOR THE COLLECTION, REMOVAL, AND DISPOSAL OF DEBRIS UPON PRIVATE ROADS AND WITHIN PRIVATE GATED COMMUNITIES DURING A DECLARED STATE OF EMERGENCY; PROVIDING FOR SEVERABILITY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Kelley, to approve Ordinance No. 2006-18, on second reading, as read by title only.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #11(A) - Signage for Professional Office Uses in the Greenbelt Overlay District

ORDINANCE NO. 2006-19

AN ORDINANCE AMENDING CHAPTER 3, PERFORMANCE CRITERIA, ARTICLE IV, SIGN REGULATIONS, SECTION 3-48, SPECIALIZED SIGN STANDARDS, OF THE *LAND DEVELOPMENT CODE* BY ALLOWING FOR ADDITIONAL SIGNAGE FOR PROFESSIONAL OFFICE USES IN THE GREENBELT OVERLAY DISTRICT, SUBJECT TO MINIMUM CRITERIA; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Ervin stated this was an administratively initiated amendment to the Land Development Code to address a concern identified to the Commission from a local land developer. He reported there was a concern that the current land development regulations do not provide enough sign flexibility for larger office complexes located along the major thoroughfares of Granada Boulevard, Clyde Morris Boulevard, Williamson Boulevard and Hand Avenue. Mr. Ervin noted staff had been in discussion with this developer to determine what options were available in that there were no sign variances for new construction, so developers have two options: rezone their property to PBD where they would have some flexibility or to go forward with straight zoning and comply with the minimum established standards. He explained the current minimum standards call for monument signage, and the size of the sign would be based on the frontage of the property with a maximum number of six tenant panels in addition to the name of the facility. Mr. Ervin reported the applicant was concerned this was not meeting the needs of today's real estate market and identified that the purchasers need additional signage. He noted staff had some concerns relative to applying the regulations City-wide. Mr. Ervin pointed out staff was not indicating the proposal was unattractive, and the applicant did point out

Exhibit "O"
Consisting of 49 pages

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ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING SUBSECTION A, ZONING MAP, OF SECTION 2-03, OFFICIAL ZONING MAP AND ZONING DISTRICT, OF CHAPTER 2, ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF THE LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A 147-ACRE PARCEL OF REAL PROPERTY FROM R-2 (SINGLE FAMILY LOW DENSITY) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), SAID REAL PROPERTY BEING LOCATED WITHIN THE LIMITS OF THE EXISTING TOMOKA OAKS GOLF COURSE; ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING A DEVELOPMENT ORDER FOR "THE TOMOKA OAKS GOLF VILLAGE", PLANNED RESIDENTIAL DEVELOPMENT (PRD); REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the property to be rezoned consists of approximately 147-acres located within the limits of the existing Tomoka Oaks Golf Course, and is zoned R-2 (Single Family Low Density), and

WHEREAS, RTH, Inc., a Florida corporation, has initiated this Ordinance which rezones that parcel of privately-owned real property hereinafter described, and

WHEREAS, the said parcel of real property involves more than ten (10) contiguous acres, and

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

WHEREAS, the City Commission held a public hearing regarding this matter as required by Section 166.041(3)(c)(2), *Florida Statutes*, and

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

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

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

SECTION ONE. Subsection A, Zoning Map, of Section 2-03, Official Zoning Map and Zoning District, of Chapter 2, District and General Regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, of the *Land Development Code* of the City of Ormond Beach, Florida, is hereby amended by amending the Official Zoning Map, which is part of the said *Land Development Code*, to change the real property described on Exhibit "A" attached hereto and incorporated herein by reference from R-2 (Single Family Low Density) to PRD (Planned Residential Development).

SECTION TWO. The property hereby rezoned consists of approximately 147-acres located at within the limits of the existing Tomoka Oaks Golf Course, and is zoned R-2 (Single Family Low Density).

SECTION THREE. The City Commission does hereby approve, authorize, and direct the revision of the City's Official Zoning Map to show the classification for the area as hereby rezoned.

SECTION FOUR. The City Commission does hereby approve a Development Order to allow the construction of the "The Tomoka Oaks Golf Village" Planned Residential Development, consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel, attached hereto.

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

SECTION SIX. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission this 3rd day of October, 2006.

PASSED UPON at the second and final reading of the City Commission this 17th day of October, 2006.

Fred Costello

FRED COSTELLO
Mayor

ATTEST:

Veronica Patterson

VERONICA PATTERSON
City Clerk

Instrument# 2006-273444 # 4
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Diane M. Matousek
Volusia County, Clerk of Court

CERTIFICATE

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF ORMOND BEACH

I, Veronica Patterson, as City Clerk of the City of Ormond Beach, Florida, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 2006-17 as the same appears of record at City Hall, City of Ormond Beach, Florida.

Dated this 19th day of September 2006.

VERONICA PATTERSON
City Clerk
CITY OF ORMOND BEACH, FLORIDA

SEAL

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BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Application of RTH, Inc.
PRD-06-32
"Tomoka Oaks Golf Village" Planned Residential Development
within the limits of the existing Tomoka Oaks Golf Course

DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on October 3, 2006 and October 17, 2006, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18(D)(3) of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

(1) The land use conforms to the standards and requirements of this *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PRD, Planned Residential zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The land use is consistent with the *Comprehensive Plan*;

(3) The land use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

(5) Public facilities, such as roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds will not be unduly burdened and are adequate to serve the land use;

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

(7) The land use is functional in the use of space and aesthetically acceptable;

(8) The land use provides for the safety of occupants and visitors;

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

(10) The testimony provided at public hearings.

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of RTH, Inc., a Florida corporation, for the "Tomoka Oaks Golf Village" a planned residential development to allow the construction of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings on a 147-acre parcel within the limits of the existing Tomoka Oaks Golf Course, in the R-2 Single Family Low Density zoning district, on that real property described and depicted on Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-35, Planned Residential Development, of the City of Ormond Beach *Land Development Code*, except as otherwise specifically modified hereby, shall at all times be strictly complied with;

2. That the following recommendations of the Planning Board shall be resolved and strictly complied with at all times:

a. The owner shall provide for covenants and restrictions that restrict the golf course to open space and golf course use. The City of Ormond Beach shall be involved in a manner that requires the approval of the City if the owners ever wish to remove the restriction on use.

b. The owner shall provide a note on the plat for the property indicating to future property owners the proximity of the airport and the flight pattern of the traffic from the airport.

c. The applicant shall include a landscape buffer around the 3 single-family lots that is a minimum of 10-feet in width with trees and shrubs in accordance with the minimum buffering requirements specified by the Land Development Code, Chapter 3, Article I, Section 3-06, as currently adopted.

3. That the following comments of the Site Plan Review Committee shall be resolved and strictly complied with at all times:

CITY LANDSCAPE ARCHITECT COMMENTS:

a. Wheel stops must be provided. Vehicle bumpers will not overhang the planting beds.

b. Applicant must provide a littoral planting detail and specifically show where they are to be planted on the pond banks in all applicable ponds; applicant must provide calculation for each pond; clarify if ponds are wet or dry; if dry then littoral planting is not required.

c. Applicant must provide a note on the plans that any tree needed to be removed during construction will require a one for one replacement penalty; protected trees will require one 2.5" caliper variety and specimen trees will require one 4.5" caliper variety to suit its planting location; replacement trees need to be Florida #1 at a minimum height of ten feet (10'). CPH will make the determination as to what is best suited for each replacement.

d. Remove the asterisk note on page TR-8.

CIVIL ENGINEER COMMENTS:

e. Applicant must provide legend to clarify phasing.

f. Sheet C6 – Include Temporary Construction Entrance in Phase 1A.

g. Sheet C2 – Provide As Built Requirements for Water and Sewer; relocate the As Built Requirements for Roadway Construction from sheet C36.

h. Sheet C22 –Removing the fire hydrant from the pond.

i. Sheets C45-C47 – Estimated Wet Season Water Table Elevation and Design Pond High Water Elevation to each section.

j. Applicant must locate easements for utilities and lift station on the plat.

CHIEF BUILDING OFFICIAL COMMENTS:

k. Applicant must provide additional fire hydrants to townhouse and condo locations.

l. Applicant must provide location of fire department connections.

m. The location of handicap spaces for the clubhouse is unacceptable; accessible parking spaces shall not cross the roadway and shall be as close to the building as possible.

FIRE DEPARTMENT COMMENTS:

n. Fire hydrants shall be installed at intervals not to exceed 500 feet; provide location of additional hydrants on plans.

PUBLIC UTILITIES COMMENTS:

o. Manhole #44 on page C18 of the plans needs to be lined.

p. Applicant must update fire hydrant assembly detail.

q. Show how reuse will be connected to existing reuse line or the proposed reuse line to be constructed to the reuse storage pond by Tomoka Oaks.

r. Reuse meter to be provided by owner of make and model approved by the City. A reuse agreement will need to be executed by the owner and the City.

s. Applicant must confirm if water master meter shall be needed or if units will be individually metered.

t. Applicant must provide match lines on composite utility sheets.

u. All water and sewer lines to be owned and maintained by City must be in public rights of way or 40 foot access and utility easement; an easement or deed is also needed for the lift station.

POLICE DEPARTMENT COMMENTS:

v. Parking lot lighting, pole heights must not exceed 20 feet and maximum wattage shall be 250 watts (see Land Development Code Chapter 3, Article 5 Architectural Design Standards, Chapter 3 Page 10). This will impact lighting calculations currently submitted.

4. The subdivision is approved to have a total of consisting of 119-multifamily units (townhomes and condominiums) and 3-single family dwellings with the following dimensions as shown on the attached plans. The townhomes and condominiums shall be developed in accordance with the conceptual plans approved for the proposed PRD and the requirements established in Chapter 2, Article IV, Section 2-57 M. Multi-Family Dwellings:

Land Use	Min. Lot Area	Min. Lot Width	Front Setback	Side Corner	Side Setback	Rear Setback
Single-family	10,000-square feet	100- feet	30-feet	20-feet	8-feet total 20-feet	25-feet

5. As a stand alone zoning district the following permitted uses and dimensional criteria for this Planned Residential Development are hereby established as follows:

1. **Permitted Principal Uses and Structures.**

   a. Single-family Detached units

   b. Townhouse Units, as located on the conceptual development plan prepared by Conklin Porter and Homes, CPH project number T7501, dated June 2005.

   c. **Multifamily Condominium units** as located on the

conceptual development plan prepared by Conklin Porter and Homes, project number T7501, dated June 2005.

2. Permitted Accessory Uses and Structures

a. Single Family detached dwellings and all accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article III.

b. Home Occupations, Type "A", subject to the regulations set forth in Chapter 2, Article III.

6. The project shall be phased over a 5-year period and shall consist of 6 phases; a new phase shall not be initiated until the improvements and enhancements identified in the previous phase have been initiated and are substantially completed. This condition shall not prevent the owner from completing multiple phases concurrently. The following summarizes the phasing of the project:

Phase	Description
1A	Construction of the tennis facility, maintenance area, parking, spine road and associated stormwater improvements. The "Golf Townhomes" at the northern most portion of the development (9th and 10th fairway) will be constructed
1B	Demolition and reconstruction of the clubhouse and parking lot.
1C	Completion of all of the townhomes in the golf and tennis areas.
2A	Development of condominiums at tennis facility.
2B	Development of condominiums at the driving range and clubhouse areas.
3	Development of 3-single family homes on the estate lots.

B. The final plans for the development project shall be consistent with the provisions of this Development Order and the plans depicted in Exhibit "B" hereto; provided, however, that the said plans shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plan for the development project without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Development Order.

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

E. If the final plan approval lapses under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be re-established, a new PRD Development Order shall be considered by the City Commission.

F. In the event the use of the land approved by this PRD Development Order is abandoned for a period of two (2) years or there has been no construction activity during that period, the permit shall be void and a Notice of Final Plan Revocation filed under the provisions of Section 1-14(C)(2) of the *Land Development Code*, before the planned development permit can be reestablished, a new PRD Development Order shall be considered by the City Commission.

G. Semi-annually, the Neighborhood Improvement Officer shall prepare a report indicating which planned developments are not in compliance with Section 1-14, or the conditions stipulated in the Development Order, in the event a Neighborhood Improvement Officer subsequently determines there to be any violation, such Officer shall promptly present such determination to the Special Master for hearing.

H. Pursuant to Chapter 1, Article II, Section 1-14(C) (2), of the *Land Development Code*, the first phase of this Special Exception shall automatically expire and become void, without further action by the City Commission, 24 months (October 17, 2008) from the date of City commission approval, unless a site plan or building permit has been issued prior to that date; and a use building permit is so issued, this Special Exception shall remain in full force and effect unless and until subsequently amended by the City Commission.

I. The expiration date of the sixth and final phase of the project to be constructed shall be five (5) years in the future, or to October 17, 20011, and shall automatically expire and become void, without further action by the City Commission, unless a building permit

is issued for the sixth and final phase of the project prior to that date; and if a building permit is so issued, the Development Order shall remain in full force and effect unless and until subsequently amended by the City Commission

J. This Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of RTH, Inc., a Florida corporation, and shall be binding upon RTH, Inc., a Florida corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No. 3242-07-00-0010)

ORDERED this 17th day of October, 2006.

CITY COMMISSION
CITY OF ORMOND BEACH, a Florida municipal corporation

By: _____
FRED COSTELLO
Mayor

(CITY SEAL)

Attest: _____
ISAAC D. TURNER
City Manager

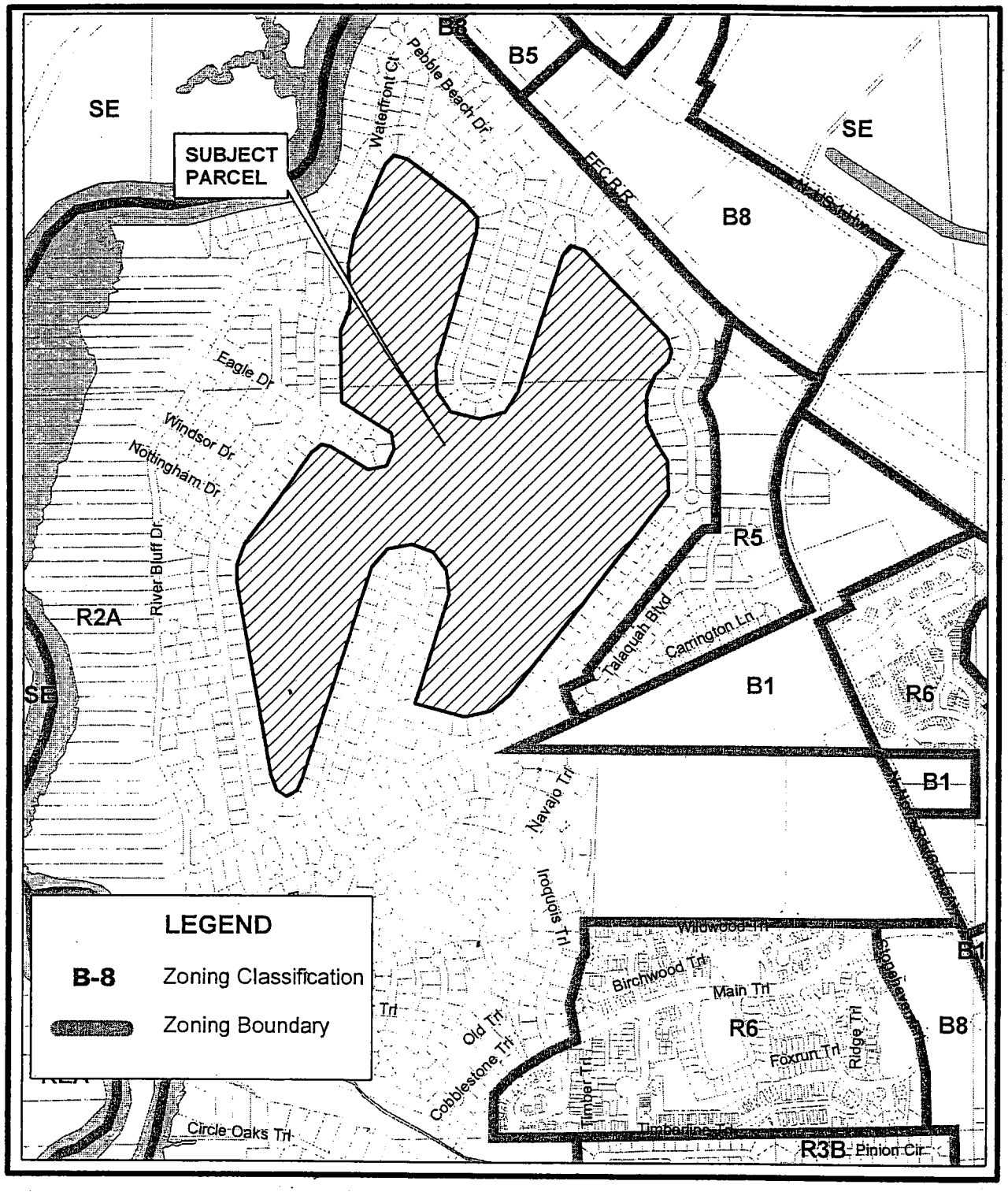
Instrument# 2006-273445 # 9
Book: 5944
Page: 2191

LEGAL DESCRIPTION

39 14 32 135 ACRES ALL SNEAD GOLF & COUNTY CLUB
MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019

PARCEL ID NO. 3242-07-00-0010

Instrument# 2006-273445 # 10
Book: 5944
Page: 2192



CITY OF ORMOND BEACH FLORIDA

ZONING MAP
TOMOKA OAKS GOLF

The City of Ormond Beach
Engineering Division
Prepared by: Steve Johnson 8/3/06

N
W E
S

Instrument# 2006-273445 # 11
Book: 5944
Page: 2193

CONSTRUCTION PLANS FOR

THE TOMOKA GOLF VILLAGE

PLANNED RESIDENTIAL DEVELOPMENT

THE CITY OF ORMOND BEACH - VOLUSIA COUNTY - FLORIDA

OWNER: The Tomoka Golf Village, LLC
20 Tomoka Boulevard
Ormond Beach, Florida 32174
John Richard Rylas
(386) 677-5931 FAX: (386) 673-5072

ENGINEER: CPH Engineers, Inc.
520 Palm Coast Parkway SW
Palm Coast, Florida 32137-4713
(386) 445-6569 Fax: (386) 447-8991
Jason R. Kellogg, P.E.

SURVEYOR: McMillen Land Surveying, Inc.
495 S. Nova Road, Suite 102
Ormond Beach, Florida 32174
(386) 677-2411 Fax: (386) 677-2325
David McMillen, P.S.M.

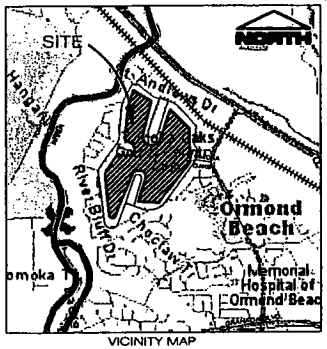
ARCHITECT and PLANNER: Stanley Paul Hoelle, Architect
3550 Rodeo Acres Drive
Ormond Beach, Florida 32174
(386) 672-2261 Fax: (386) 673-7947
Stanley Hoelle,

UTILITIES:

Water & Sewer:	City of Ormond Beach
Power Company:	Florida Power and Light
Telephone Company:	Bellsouth
Cable Television:	Brighthouse Network

TAX I.D. # 42-13-32-07-00-0010

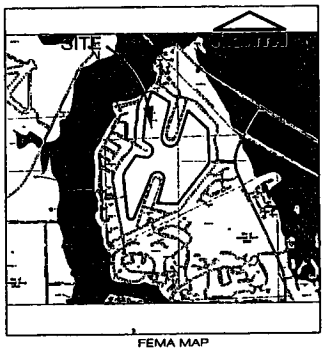
LEGAL DESCRIPTION: 39 14 32 135 ACRES ALL SNEAD GOLF & COUNTRY CLUB MB 25 PG 61 THOMAS FITCH GRANT PER OR 2052 PG 1019.



VICINITY MAP
Scale: 1"=2000'



SOILS MAP
Scale: 1"=2000'



FEMA MAP
Scale: 1"=2000'

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C12-C16	DRAINAGE AND GRADING PLAN
C17-C21	COMPOSITE UTILITY PLAN
C22-C34	PLAN AND PROFILE
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C36-C39	DETAILS
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TR1-TR8	TREE RETENTION PLAN
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A1-A21	ARCHITECTURAL PLAN

NO.	DATE	PLAN REVISION	APPROVED	NO.	DATE	PLAN REVISION	APPROVED
1	9/05	REVISED PER CITY COMMENTS	JRK				
2	3/06	REVISED PER CITY COMMENTS	JRK				
3							

cph Engineers Planners Landscape Architects Surveyors Construction Management
cphengineers.com
520 Palm Coast Parkway SW, Palm Coast, FL 32137
Phone 386 445.6569 Fax 386 447.8991

©2005

CPH Project No. T5701
File: T5701cvr.dwg
Date: JUNE, 2006

Sheet No. C1

EXHIBIT "B"
PAGE 1 OF 35

Instrument# 2006-273445 # 12
Book: 5944
Page: 2194

GENERAL NOTES:

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ORMOND BEACH'S LAND DEVELOPMENT CODE REQUIREMENTS, AND THE STANDARD CONSTRUCTION DETAILS AND CONSTRUCTION SPECIFICATIONS (SCDCS). AN ENGINEERING PERMIT AND TREE REMOVAL PERMIT IS REQUIRED PRIOR TO STARTING CONSTRUCTION.

NO LAND SHALL BE CLEARED, EXCAVATED OR FILLED AND NO STRUCTURE SHALL BE ERECTED, REPAIRED OR DEMOLISHED WITHOUT PROPER PERMIT(S) AS REQUIRED BY THE CITY OF ORMOND BEACH.

NOTIFY THE CITY OF ORMOND BEACH'S ENGINEERING DIVISION AT 676-3269 48 HOURS PRIOR TO THE START OF CONSTRUCTION.

ANY CONSTRUCTION CHANGES TO APPROVED PLANS SHALL BE SUBMITTED TO THE CITY OF ORMOND BEACH FOR APPROVAL PRIOR TO PERFORMING THE WORK.

ROAD CONSTRUCTION AND PIPE INSTALLATION COMPACTION AND DENSITY TESTING SHALL CONFORM TO THE CITY OF ORMOND BEACH'S MINIMUM REQUIREMENTS. CERTIFIED COPIES OF TEST REPORTS SHALL BE SUBMITTED TO THE CITY INSPECTOR AND THE CITY'S ENGINEERING DIVISION.

A PRE-PAVING UTILITY INSPECTION MUST BE REQUESTED AND COMPLETED PRIOR TO THE PAVING OF ALL ROADS, STREETS, AND PARKING AREAS.

A FINAL INSPECTION, TO BE CONDUCTED BY THE CITY OF ORMOND BEACH, SHALL BE PERFORMED ON ALL CONSTRUCTION. THE DESIGN ENGINEER SHALL NOTIFY THE CITY OF ORMOND BEACH'S ENGINEERING DIVISION 676-3269 WHEN REQUESTING A FINAL INSPECTION.

THREE COMPLETE SETS OF AS-BUILT DRAWINGS (5 FOR SUBDIVISIONS) ARE REQUIRED TO BE SUBMITTED TO THE CITY OF ORMOND BEACH PRIOR TO REQUESTING A FINAL INSPECTION.

THE CITY HAS A CONTRACTOR FOR ROLL OFF SERVICE. NO OTHER CONTRACTOR SHALL BE PERMITTED TO PROVIDE THIS SERVICE. VERIFY COMPANY UNDER CONTRACT WITH THE CITY.

CONSTRUCTION STANDARDS FOR ALL DRAINAGE SYSTEM COMPONENTS SHALL CONFORM TO THE LATEST EDITION OF THE FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS MANUAL.

ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE (RCP), HIGH DENSITY POLYETHYLENE (HDPE), POLYVINYL CHLORIDE (PVC) OR ALUMINUM CORRUGATED METAL PIPE (ACMP), AS SHOWN ON THE PLANS.

STORM DRAINAGE PIPES SHALL BE A MINIMUM OF FIFTEEN (15) INCH DIAMETER OR EQUIVALENT.

STORM INLETS, MANHOLES AND CATCH BASINS SHALL BE EITHER POURED IN PLACE OR PRE CAST REINFORCED CONCRETE. STRUCTURES SHALL BE REQUIRED AT EACH CHANGE OF PIPE SIZE OR CHANGE IN PIPE DIRECTION.

STORM INLETS SHALL BE SPACED IN SUCH A MANNER AS TO ACCEPT ONE HUNDRED (100) PERCENT OF THE DESIGN STORM RUNOFF.

WET DETENTION PONDS SHALL BE EIGHT (8) FEET MINIMUM TO TWELVE (12) FEET MAXIMUM DEPTH BELOW THE DESIGN LOW OR NORMAL WATER STAGE.

MAXIMUM DISTANCES BETWEEN INLETS AND/OR JUNCTION BOXES:

PIPE SIZE (INCHES)	LENGTH OF RUN (FEET)
15	150
18	300
24 OR GREATER	400

ALL SWALES, DITCHES AND DRY RETENTION POND SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (H:V) AND SHALL BE SODDED.

NORMAL ROADSIDE SWALES SHALL BE CONSTRUCTED TO A MAXIMUM DEPTH OF 18" BELOW THE OUTSIDE EDGE OF PAVEMENT OR CONCRETE CURB.

CONCRETE EROSION CONTROL MUST BE PROVIDED WHERE SWALES OF CULVERTS INTERCEPT DRAINAGE DITCHES.

A MINIMUM ONE FOOT (1') FREEBOARD ABOVE THE DESIGN HIGH WATER ELEVATION IS REQUIRED AT ALL POINTS AROUND WET DETENTION PONDS.

LAKE INFLOW AND OUTLET STRUCTURES SHALL GENERALLY BE CONSTRUCTED WITH REINFORCED CONCRETE AND SHALL BE SUBJECT TO THE APPROVAL OF THE CITY.

SOIL EROSION CONTROL MEASURES, SATISFACTORY TO THE CITY, SHALL BE EMPLOYED DURING CONSTRUCTION AND UPON COMPLETION OF THE POND.

THE CITY MAY REQUEST THAT THE DEVELOPER SUBMIT A REPORT BY A QUALIFIED HYDROLOGIST ON THE IMPACT THE POND WILL HAVE ON NEIGHBORING WATER TABLE ELEVATIONS BOTH DURING CONSTRUCTION AND AFTER POND COMPLETION. THE CITY MAY REQUIRE GROUNDWATER MONITORING DURING THE POND EXCAVATION.

ADEQUATE MAINTENANCE EASEMENTS OR RIGHTS-OF-WAY AS APPROVED BY THE CITY SHALL BE PROVIDED AROUND THE ENTIRE PERIMETER OF ALL PONDS AND ASSOCIATED OUTFALLS DISCHARGING INTO AND OUT OF PONDS. APPLICABLE CROSS SECTIONS SHALL BE INCLUDED ON ALL FINAL DEVELOPMENT PLANS.

DEVELOPMENT PLANS SHALL CONTAIN DRAINAGE CONTROL STRUCTURE (OVERFLOW) INFORMATION, BOTTOM ELEVATION, TOP ELEVATION, NORMAL WATER LEVEL AND THE 25 YR. - 24 HR. DESIGN HIGH WATER LEVELS.

IN GENERAL, ALL RETENTION/DETENTION PONDS MUST BE CONSTRUCTED PRIOR TO ANY ROAD, PARKING LOT OR BUILDING CONSTRUCTION COMMENCING OR AS CURRENT PERMIT CONDITIONS DICTATE.

THE ENGINEER OF RECORD SHALL BE RESPONSIBLE TO OBTAIN ANY AND ALL DEWATERING PERMITS THAT MAY BE REQUIRED.

CULVERTS CROSSING RIGHTS-OF-WAY SHALL EXTEND FROM RIGHT-OF-WAY LINE TO RIGHT-OF-WAY LINE UNDER THE ROADWAY.

ALL STORM WATER MANAGEMENT SYSTEMS ARE TO BE OWNED AND MAINTAINED BY EITHER THE SURROUNDING PROPERTY OWNERS OR AN ASSOCIATION OF THE SURROUNDING PROPERTY OWNERS OR SOME OTHER GROUP AS APPROVED BY THE CITY.

SANITARY SEWER CONSTRUCTION GENERAL NOTES

THE CITY'S PUBLIC UTILITY DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY SEWER CONSTRUCTION.

ALL SANITARY SEWER MAIN LINES SHALL BE A MINIMUM OF 8" IN DIAMETER. SERVICE LATERALS WITH MULTIPLE CONNECTIONS SHALL BE 6" DIAMETER OR LARGER.

ALL SANITARY SEWER LINES SHALL BE PVC SDR 35. IN PLACES WHERE A MINIMUM COVER OF 4.0' CANNOT BE MAINTAINED, C-900 GREEN PVC DR-25, CLASS 100 OR CONCRETE ENCASEMENT SHALL BE USED.

MINIMUM ALLOWABLE SANITARY SEWER SLOPES ALLOWED ARE:

8" PIPE 0.40%
10" PIPE 0.30%
12" PIPE 0.22%

SEWER LINE CONSTRUCTION SHALL BE ACCOMPLISHED BY THE USE OF A LASER INSTRUMENT UNLESS ANOTHER METHOD IS PREVIOUSLY APPROVED BY THE CITY.

THE CONTRACTOR SHALL AT ALL TIMES, DURING PIPE LAYING, DEWATER THE GROUND SUFFICIENTLY TO KEEP THE GROUNDWATER ELEVATION A MINIMUM OF 6" BELOW THE PIPE BEING LAID WITHIN THE AREA OF THE TRENCH.

ALL PIPES SHALL BE LAID ON A FIRM FOUNDATION. SOFT OR SPONGY BEDDING FOR PIPES WILL NOT BE ACCEPTED. ANY UNSUITABLE MATERIAL SHALL BE REMOVED AND REPLACED WITH A DRY, COMPACTED, GRANULAR MATERIAL SATISFACTORY TO THE CITY.

EXCAVATION AND BACKFILL: THE CONTRACTOR SHALL PROVIDE ADEQUATE SHEETING AND BRACING OF EXCAVATION WORK OR USE OF TRENCH BOX IN ORDER TO PROVIDE FOR THE SAFETY OF WORKMEN, AS WELL AS REPRESENTATIVES OF THE CITY, THE DESIGN ENGINEER, AND THE DEVELOPER.

THE CONTRACTOR SHALL INSTALL A METALLIZED FOIL LOCATER TAPE, OR SIMILAR DEVICE AS MAY BE APPROVED BY THE CITY FOR THE FULL LENGTH OF ALL PVC WATER, RECLAIMED WATER AND SEWAGE FORCE MAINS. THIS PIPE LOCATER AID SHALL BE INSTALLED (15) INCHES BELOW FINISHED GRADE OR AS DIRECTED BY THE MANUFACTURER AND IS IN ADDITION TO THE LOCATER WIRE REQUIRED IN THE UTILITY PIPE LOCATION MATERIALS DETAIL (MISCELLANEOUS DETAILS SECTION - M10).

MANHOLES SHALL BE LOCATED AT INTERVALS NOT EXCEEDING 400 FEET.

MANHOLE RIMS SHALL MATCH FLUSH WITH THE FINISH GRADE ELEVATION IN PAVED AREAS AND A MINIMUM OF 0.2 FEET ABOVE GRADE IN UNPAVED AREAS.

THE CONTRACTOR SHALL CONSTRUCT SANITARY SEWER MANHOLES IN SUCH A WAY THAT SEWER LINES DO NOT INTERSECT SEALED JOINTS BETWEEN SECTIONS OF THE MANHOLE.

RUBBER BOOTS AND STAINLESS STEEL BANDS SHALL BE UTILIZED IN THE CONNECTION OF THE SEWER MAIN TO THE MANHOLES (SEE RUBBER BOOT AND PRECAST JOINT CONNECTION DETAIL).

INDIVIDUAL SANITARY SERVICE CONNECTORS ON NEW CONSTRUCTION SHALL NOT BE CONNECTED DIRECTLY INTO MANHOLES, BUT TO SEWER MAIN LINES BY USE OF WYE CONNECTIONS.

FOR SINGLE FAMILY HOMES, SINGLE FOUR INCH SEWER SERVICES SHALL BE CONSTRUCTED AT EACH LOT OR UNIT AND LOCATED ON THE DOWNSTREAM SIDE OF THE LOT CENTER LINE. THESE SERVICES SHALL BE EXTENDED 4 FEET ABOVE GROUND AT THE PROPERTY LINE WITH A PVC RISER AND PLUG BEING EASILY VISIBLE FROM THE ROAD. RUBBER SEAL FITTINGS TO BE USED ON ALL LINES, NO GLUED JOINTS.

FOR MULTI-FAMILY AND COMMERCIAL SITES, SIX INCH MINIMUM SEWER SERVICES AND CLEANOUTS SHALL BE PROVIDED AS APPROVED BY THE CITY.

SANITARY SEWER LATERALS LONGER THAN 70 FEET, MEASURED FROM THE SEWER MAIN TO THE RIGHT-OF-WAY LINE MAY BE APPROVED ON A CASE BY CASE BASIS. SUCH LATERALS SHALL BE D.I.P. EPOXY LINED OR C-900 PVC.

SANITARY SEWER MANHOLES WHICH HAVE SEWER FORCE MAINS DISCHARGING DIRECTLY INTO THEM, OR ANY MANHOLE WITHIN 200 FEET OF A LIFT STATION, SHALL BE FIBERGLASS OR PVC LINED. RETRO-FITTING OF MANHOLES WITH LINERS SHALL BE REQUIRED WHEN NEW CONNECTIONS SUCH AS THIS ARE MADE. FIBERGLASS SHALL BE A MINIMUM 1/2" THICKNESS UNLESS APPROVED OTHERWISE BY THE CITY. LINING SHALL BE AGRU SURE-GRIP OR PRE-APPROVED EQUAL.

SEE CHART S-9C FOR PIPE SIZE AND MATERIALS.

THE CITY OF ORMOND BEACH REQUIRES THE DEVELOPER TO TELEVISE ANY AND ALL SANITARY SEWER MAIN LINES AND LATERALS PRIOR TO ANY FINAL ACCEPTANCE, AND RESERVES THE RIGHT TO REQUEST WATER AND AIR TESTING.

ALL SEWER MAINS PRIOR TO ACCEPTANCE BY THE CITY SHALL BE TELEVISED BY A REPUTABLE COMPANY THAT ENGAGES IN THIS TYPE OF WORK. THE VIDEO SHALL BE NON-STOP WITH AUDIO DESCRIBING WHAT IS BEING REVIEWED. WRITTEN LOGS DESCRIBING THE CONDITION OF THE LINES SHALL ACCOMPANY THE TAPE SUBMISSION TO THE CITY.

CONTRACTORS SHALL BE REQUIRED TO TELEVISE ALL SEWER LINES IN THE PRESENCE OF CITY PERSONNEL AND PROVIDE COPIES OF THE VIDEO TAPE TO THE PUBLIC UTILITY DEPT. ANY DEFECTS NOTED SHALL BE CORRECTED PRIOR TO ACCEPTANCE BY THE CITY.

ALL MANHOLES CONSTRUCTED IN SIDE YARDS, BACKYARDS, AND EASEMENTS OFF THE RIGHT-OF-WAY SHALL BE OUTFITTED WITH FIBERGLASS LINERS OR OTHER TYPES OF LINERS OR COATINGS APPROVED BY THE CITY. IN ADDITION THE CITY MAY REQUIRE LINERS OR COATINGS TO BE INSTALLED IN OTHER AREAS WHERE THE PUBLIC UTILITY DEPARTMENTS BELIEVE THE NEED IS JUSTIFIED.

ALL SEWER LINES WHICH ARE CONSTRUCTED OFF PUBLIC RIGHTS-OF-WAY WITHIN SIDEYARDS, BACKYARDS, AND OTHER POORLY ACCESSABLE AREAS SHALL BE CONSTRUCTED OF C-900 PVC, OR EPOXY LINED DUCTILE IRON PIPE. ABSOLUTELY NO USE OF PLASTIC STYRENE FITTINGS SHALL BE ALLOWED.

SEWER LATERAL LOCATIONS SHALL BE MARKED ALONG THE OUTSIDE OF THE CURB WITH A SAWCUT V , OR BY A METAL TAB SET INTO THE PAVEMENT.

EZ-WRAP PLASTIC, AS MANUFACTURED BY PRESS-SEAL GASKET CORPORATION OR APPROVED EQUAL, SHALL BE USED ON THE OUTSIDE OF ALL MANHOLE AND WETWELL JOINTS. APPLY ONE LAYER OF 8" WRAP CENTERED ON EACH JOINT. A CITY INSPECTOR SHALL PERSONALLY INSPECT ALL JOINT SEALS PRIOR TO BACKFILLING OPERATIONS .

M A T E R I A L S		
DIAMETER	MATERIAL	STANDARD
> 3" - 4"	PVC 1120 / SDR 21	ASTM D 2241
> 4" - 12"	PVC 1120 / CLASS 150	AWWA C 900
14" - 36" (16" - 24" DR - 18) (30" - 36" DR - 25)	PVC 1120	AWWA C 905

NOTE: -PVC PIPE COLOR SHALL BE BLUE FOR POTABLE WATER MAIN, GREEN OR WHITE FOR SEWER FORCE MAIN, AND PURPLE FOR REUSE MAIN.

WATER SYSTEM CONSTRUCTION GENERAL NOTES

THE CITY'S PUBLIC UTILITIES DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY WATER SYSTEM CONSTRUCTION.

DEWATERING SHALL BE PROVIDED TO KEEP GROUNDWATER ELEVATION A MINIMUM OF 6 INCHES BELOW WATER MAIN BEING LAID.

ALL WATER MAINS SHALL BE LAID ON A FIRM FOUNDATION WITH ALL UNSUITABLE MATERIAL (MUCK, ROCK, COQUINA, ETC.) REMOVED AND REPLACED WITH CLEAN GRANULAR MATERIAL.

TRENCHES SHALL BE BACKFILLED WITH CLEAN GRANULAR MATERIAL IN MAX. 1' LIFTS WITH A MINIMUM COMPACTION OF 98 PERCENT (AASHTO-T180) IN PAVED AREAS AND 90 PERCENT IN UNPAVED AREAS.

IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT TRENCH COMPACTION TESTS BE PROVIDED AT POINTS 1 FOOT ABOVE THE PIPE AND AT 1 FOOT VERTICAL INTERVALS TO FINISH GRADE, AT A MINIMUM SPACING OF EVERY 300 FEET, AND TO FURNISH COPIES OF TEST REPORTS PROMPTLY TO THE CITY ENGINEERING DEPARTMENT.

METALLIZED PIPE LOCATION TAPE SHALL BE LOCATED 15 INCHES BELOW FINISHED GRADE OR AS SPECIFIED BY MANUFACTURER FOR ALL PVC LINES. MARKER TAPE SHALL BE USED ON ALL DUCTILE IRON PIPE.

ALL WATER SERVICES (SINGLE 1" AND DOUBLE 1 1/2") SHALL BE POLYETHYLENE TUBING (BLUE IN COLOR) ; POLYBUTYLENE SHALL NOT BE ALLOWED.

ALL WATER SERVICE ENDINGS SHALL BE MARKED WITH 4" X 4" LUMBER (PRESSURE TREATED) EXTENDING 4 FEET ABOVE GRADE, WITH WATER SERVICES SECURED 24" ABOVE THE GROUND. WIRE TIES SHALL BE USED TO SECURE THE CURB STOPS TO SUPPORT POSTS.

WATER VALVES SHALL BE PLACED AT ALL STREET INTERSECTIONS AND AT MAXIMUM SPACINGS OF 500 FEET.

AT ALL WATER MAIN TEES AND CROSSES, VALVES SHALL BE INSTALLED ON ALL LEGS EXCEPT ONE.

APPROVED WATER VALVE TYPES ARE THE FOLLOWING:

A. STANDARD GATE VALVES LESS THAN 24" DIAMETER RESILIENT SEAT GATE VALVES (AWWA C-509).
B. TAPPING VALVES AND MECHANICAL TAPPING SLEEVE SHALL BE STAINLESS STEEL. (AWWA C - 509)

ALL WATER VALVE BOXES SHALL BE ADJUSTED TO FINISH GRADE AND THE LIDS PAINTED BLUE TO MAKE THEM PLAINLY VISIBLE.

WATER VALVES SHALL BE COMPLETELY OPENED BY THE CONTRACTOR UPON FINAL ACCEPTANCE OF NEW WATER SYSTEMS IN THE PRESENCE OF UTILITY DEPARTMENT PERSONNEL.

ALL FIRE HYDRANTS SHALL BE CONSTRUCTED TO MAKE THEM EASILY ACCESSIBLE TO FIRE PERSONNEL IN CASE OF FIRE. THE MAIN NOZZLE CONNECTION SHOULD ALWAYS FACE THE STREET AND BE 18-18" ABOVE GRADE.

AS STANDARD PRACTICE, WATER MAINS SHALL BE INSTALLED 4 FEET OFF THE BACK OF CURB OR AS APPROVED BY THE CITY.

ALL WATER MAINS SHALL BE NSF-APPROVED FOR POTABLE WATER USE, AND SHALL HAVE A MINIMUM COVER OF 36 INCHES. IN SPECIAL CASES WHERE IT IS IMPOSSIBLE OR INAPPROPRIATE TO PROVIDE ADEQUATE COVER, DUCTILE IRON CLASS 350 OR CONCRETE ENCASEMENT MAY BE USED AS APPROVED BY THE CITY.

ALL PROPOSED WATER MAINS SHALL BE FLUSHED, DISINFECTED AND BACTERIOLOGICALLY CLEARED FOR SERVICE IN ACCORDANCE WITH LATEST AWWA STANDARDS AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS.

WATER MAINS SHALL BE AWWA C-900 CL 150 OR D.I.P. CLASS 350 STANDARD CEMENT LINED.

UPON CONSTRUCTION COMPLETION AND ACCEPTANCE OF THE SYSTEM, IT SHALL BE THE DESIGN ENGINEER'S RESPONSIBILITY TO ENSURE THAT THE SYSTEM IS PROPERLY CERTIFIED AND ACCEPTED BY THE HEALTH DEPARTMENT, AND THAT CERTIFIED AS-BUILT DRAWINGS ARE PROVIDED TO THE CITY PRIOR TO PAVING AND ANY USE OF THE SYSTEM. PROVIDE THREE (3) BLUELINE COPIES AND ONE (1) MYLAR OF AS-BUILT DRAWINGS.

MEGALUG OR EQUIVALENT, RESTRAINED JOINT SYSTEM MAY BE USED ON ALL RESTRAINED FITTINGS, VALVES, ETC. MINIMUM DEPTH OF BURY ON PIPES NOT MEETING REQUIRED COVER REQUIREMENTS SHALL FOLLOW THE MOST RECENT DIPRA THRUST RESTRAINT DESIGN GUIDELINES.

WATER SYSTEMS SHALL BE PRESSURE TESTED AT 150 PSI STATIC PRESSURE FOR A PERIOD OF 2 HOURS PER AWWA STANDARDS. TESTS SHALL BE CONDUCTED BEFORE FINAL PAVING AND IN THE PRESENCE OF THE CITY'S INSPECTOR.

ALL WATER SERVICES SHALL BE MARKED WITH A "A" SAWCUT INTO THE CURB OR BY METAL TABS SET INTO THE PAVEMENT.

ALL WATER VALVES AND BLOW-OFFS SHALL BE MARKED WITH AN "X" SAWCUT INTO THE CURB OR BY METAL TABS SET INTO THE PAVEMENT. LOCATION OF METAL TABS IN INCHES FROM EDGE OF PAVEMENT SHALL EQUAL DISTANCE IN FEET FROM EDGE OF PAVEMENT TO VALVE.

WATER SERVICES SHALL NORMALLY BE DOUBLE 1 1/2" SERVICES LOCATED AT SIDE LOT LINES. IN INSTANCES WHERE SERVICES NEED TO BE OFFSET, 1" SINGLE SERVICES SHALL BE SPECIFIED. THESE SERVICES MAY BE OFFSET A MAXIMUM OF 5.0'.

UNIFLANGE 1300 SERIES PIPE RESTRAINTS AS MANUFACTURED BY FORD OR APPROVED EQUAL MAY BE USED AS APPROPRIATE FOR RESTRAINING IN-LINE PRESSURE PIPE EACH SIDE OF PIPE JOINT, AS REQUIRED BY RESTRAINT TABLE.

TRACING WIRE SHALL BE INSTALLED IN ACCORDANCE WITH UTILITY PIPE LOCATION MATERIALS DETAIL.

NO GALVANIZED PIPE, FITTINGS, ETC. ARE ACCEPTED.

ALL WATER METERS SHALL BE INSTALLED AT THE RIGHT OF WAY LINE ONLY REGARDLESS OF SIZE.

ROADWAY CONSTRUCTION NOTES

ALL RIGHT OF WAY OTHER THAN ROADWAY AREAS SHALL BE SEEDED AND MULCHED OR SODDED. THE CITY RESERVES THE RIGHT TO REQUIRE SODDING IN SPECIAL AREAS WHERE EROSION IS A CONCERN.

THE FOLLOWING WILL BE THE STANDARD PROTECTION FOR DITCHES UNLESS DRAINAGE CALCULATIONS INDICATE OTHERWISE:

SWALE PROFILE GRADES	PROTECTION REQUIRED
0.2% - 1.0%	SEEDING AND MULCHING
1.0% - 4.0%	SODDING
4.0% AND GREATER	DITCH PAVING

ALL FRANCHISE UTILITY CROSSINGS, INCLUDING BUT NOT LIMITED TO FPL, BELLSOUTH AND CABLE SHALL BE INSTALLED PRIOR TO INSTALLATION AND COMPACTION OF THE ROAD SUB BASE. ANY CROSSINGS AFTER INSTALLATION OF THE SUB BASE SHALL BE BY DIRECTIONAL BORE.

THE LIMITS OF STABILIZED SUB BASE SHALL EXTEND TO A DEPTH OF SIX INCHES (6") BELOW THE BOTTOM OF THE BASE AND OUTWARD TO TWELVE INCHES (12") BEYOND THE CURB.

THE STABILIZING MATERIAL, IF REQUIRED, SHOULD BE A HIGH BEARING VALUE SOIL, SAND-CLAY, LIMEROCK, RECYCLED CONCRETE, SHELL OR OTHER MATERIAL AS APPROVED BY THE CITY AND A LICENSED SOILS ENGINEER.

THE SUB BASE SHALL BE STABILIZED NOT LESS THAN FORTY (40) POUNDS LIMEROCK BEARING RATIO (LBR). A COMPACTION OF NO LESS THAN NINETY-EIGHT (98%) PERCENT DENSITY BASED ON AASHTO T-180 SHALL BE REQUIRED.

TESTS FOR SUB BASE BEARING CAPACITY AND COMPACTION SHALL BE DONE AT A MINIMUM OF EVERY 300 FEET AND SHALL BE STAGGERED TO THE LEFT, RIGHT AND AT CENTER LINE OF THE ROADWAY.

BASES FOR ALL STREETS SHALL HAVE A MINIMUM SIX INCH (6") DEPTH. PRIMING AND SANDING SHALL BE REQUIRED AS SOON AS BEARING CAPACITY AND COMPACTION HAS BEEN ACHIEVED.

RECYCLED CONCRETE OR LIMEROCK BASES SHALL BE COMPACTED TO (98 %) MAXIMUM DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST.

RECYCLED CONCRETE MIX DESIGNS SHALL BE SUBMITTED TO THE CITY FOR APPROVAL PRIOR TO START OF SUB BASE PREPARATION.

CEMENT DELIVERY TICKETS SHALL BE PROVIDED TO THE CITY AT THE TIME OF PLACEMENT.

TESTING OF THE IN-PLACE BASE SHALL BE DONE AT INTERVALS EQUIVALENT TO SUB BASE TESTING AND SHALL CONSIST OF, AS A MINIMUM, MOISTURE CONTENT AND COMPACTION TEST.

DESIGN MIXES SHALL BE SUBMITTED TO THE CITY FOR THEIR APPROVAL NO LESS THAN THREE (3) WORKING DAYS PRIOR TO ANY ROADWAY CONSTRUCTION.

ASPHALT SPECIFICATIONS SHALL BE SUBMITTED BY THE DESIGN ENGINEER WITH FINAL PLANS TO THE CITY. FLORIDA STATE CERTIFIED BATCH PLANTS MUST THEN CERTIFY THAT THESE APPROVED SPECIFICATIONS HAVE BEEN MET.

EXTRACTION AND GRADATION TESTS ON ASPHALT MIXES SHALL BE PROVIDED TO THE CITY TO INSURE THAT DESIGN MIXES MEET THE CITY STANDARD SPECIFICATIONS.

THE ROADWAY CROWN SHALL HAVE A STANDARD ONE QUARTER INCH (1/4") PER FOOT SLOPE.

ALL ROADWAYS WITH CURB AND GUTTER SECTIONS SHALL HAVE AS A STANDARD A MINIMUM LONGITUDINAL SLOPE OF 0.30

THE FINISHED PAVEMENT EDGE SHALL BE WITHIN ONE QUARTER INCH (1/4") OF THE ADJACENT CONCRETE CURB.

CONCRETE CURBS SHALL BE PROVIDED ON BOTH SIDES OF ALL STREETS AND CONSTRUCTED WITH 2500 PSI CONCRETE AT 28 DAYS.

CONCRETE CURBS SHALL BE SAW CUT TO A DEPTH EQUAL TO 1/4 OF CURB THICKNESS AT INTERVALS OF TEN FEET (10') WITH EXPANSION JOINTS AT STREET INTERSECTIONS, STRUCTURES AND ALONG CURVES AT SIXTY FEET (60') INTERVALS. ALL EXPANSION JOINT MATERIAL IS REQUIRED TO BE INSTALLED THROUGH THE ENTIRE DEPTH OF THE CONCRETE CURB.

AN "X" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF WATER DISTRIBUTION SYSTEM VALVE.

AN "T" SHALL BE CUT INTO THE CURB TO MARK THE LOCATION OF ALL VALVES OTHER THAN WATER DISTRIBUTION VALVES.

A "V" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL SEWER SERVICES.

A "J" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL RECLAIMED WATER SERVICES.

A "A" SHALL BE CUT IN THE CURB TO MARK THE LOCATION OF ALL WATER SERVICES.

THREE (3) CONCRETE CYLINDERS SHALL BE TAKEN AND TESTED FOR EVERY THREE HUNDRED (300) FEET OF ROADWAY CONSTRUCTED. TEST RESULTS SHALL THEN BE PROVIDED TO THE CITY AS THEY BECOME AVAILABLE.

THE DEVELOPER SHALL PROVIDE ALL REQUIRED PAVEMENT MARKINGS ON ALL ROADWAYS PER CITY, COUNTY AND STATE REQUIREMENTS. CENTERLINE STRIPES SHALL BE PROVIDED ON EXTENSIONS OF CITY COLLECTOR OR ARTERIAL ROADS, COUNTY ROADS AND STATE HIGHWAYS ONLY.

STOP BARS SHALL BE PLACED AT ALL SUBDIVISION ENTRANCES AND INTERSECTIONS CONTAINING CITY COLLECTOR AND ARTERIAL ROADS, COUNTY ROADS AND STATE HIGHWAYS.

ALL TRAFFIC CONTROL DEVICES PLACED AT INTERSECTIONS, PRIVATE STREETS, PUBLIC STREETS, COUNTY ROADS AND STATE HIGHWAYS WITHIN THE CITY LIMITS SHALL BE INSTALLED ACCORDING TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

THE DEVELOPER IS RESPONSIBLE FOR PAYING FEES FOR ALL STREET LIGHTS PRIOR TO ACCEPTANCE OF THE PROJECT BY THE CITY.

STANDARD TURNING RADII FOR INTERSECTIONS:

2-LANE ACCESS OR FEEDER	35'
LOCAL TO COLLECTOR	35'
LOCAL OR COLLECTOR TO ARTERIAL	40'
ARTERIAL TO ARTERIAL	50'

CITY INSPECTOR SHALL BE PRESENT DURING PAVING OF ALL PUBLIC AND PRIVATE ROADS. PAVING SHALL BE PERFORMED DURING NORMAL BUSINESS HOURS, MONDAY THROUGH FRIDAY. PAVING DURING WEEKENDS IS NOT PERMITTED.

CONSTRUCTION METHODS AND DESIGN FOR CONCRETE PAVEMENT SHALL CONFORM TO FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.

ALL CONTRACTORS THAT ARE PERFORMING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS (WATER MAIN, SANITARY SEWER MAIN, RECLAIMED WATER MAIN, STORM WATER PIPES AND INLETS AND ALSO CONSTRUCTION OF ROADWAYS) SHALL BE CERTIFIED WITH THE FLORIDA STATE DEPARTMENT OF PROFESSIONAL REGULATIONS (DPR) FOR THE TYPE OF WORK THAT THEY PERFORM. A COPY OF THE VALID LICENSE IS REQUIRED AT PRE CONSTRUCTION MEETING.

UTILITY DEPTH:

- HIGH VOLTAGE UTILITIES SUCH AS POWER (FEEDER, SERVICE AND DROPS) SHALL BE BURIED A MINIMUM OF 30 INCHES IN DEPTH.
- LOW VOLTAGE UTILITIES SUCH AS PHONE AND CABLE TV SHALL BE BURIED A MINIMUM OF 12 INCHES IN DEPTH FOR FEEDER AND SERVICES. SERVICE DROPS SHALL BE BURIED A MINIMUM OF 8 INCHES IN DEPTH.
- HIGH VOLTAGE UTILITIES INSTALLED PARALLEL TO PRESSURE MAINS SHALL MAINTAIN A MINIMUM FIVE FOOT SEPARATION.

GEOTECHNICAL TESTING REPORTS SIGNED AND SEALED BY A PROFESSIONAL ENGINEER SHALL BE SUBMITTED TO THE CITY OF ORMOND BEACH PRIOR TO FINAL SIGN OFF. REPORTS SHALL CLEARLY LABEL PROJECT NAME AND PHASE.

No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK
2			
3			
4			

No	Date	Revision	Approved
1			
2			
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Designed by:	S.H.	6/05	Scale: N.T.S.
Drawn by:	B.B.	6/05	
Checked by:	T.H.H.	6/05	Date: June, 2005
Approved by:	J.B.M.	6/05	Job No. 15701
Certificate of Authorization No. 3215			File: 15701dsl.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

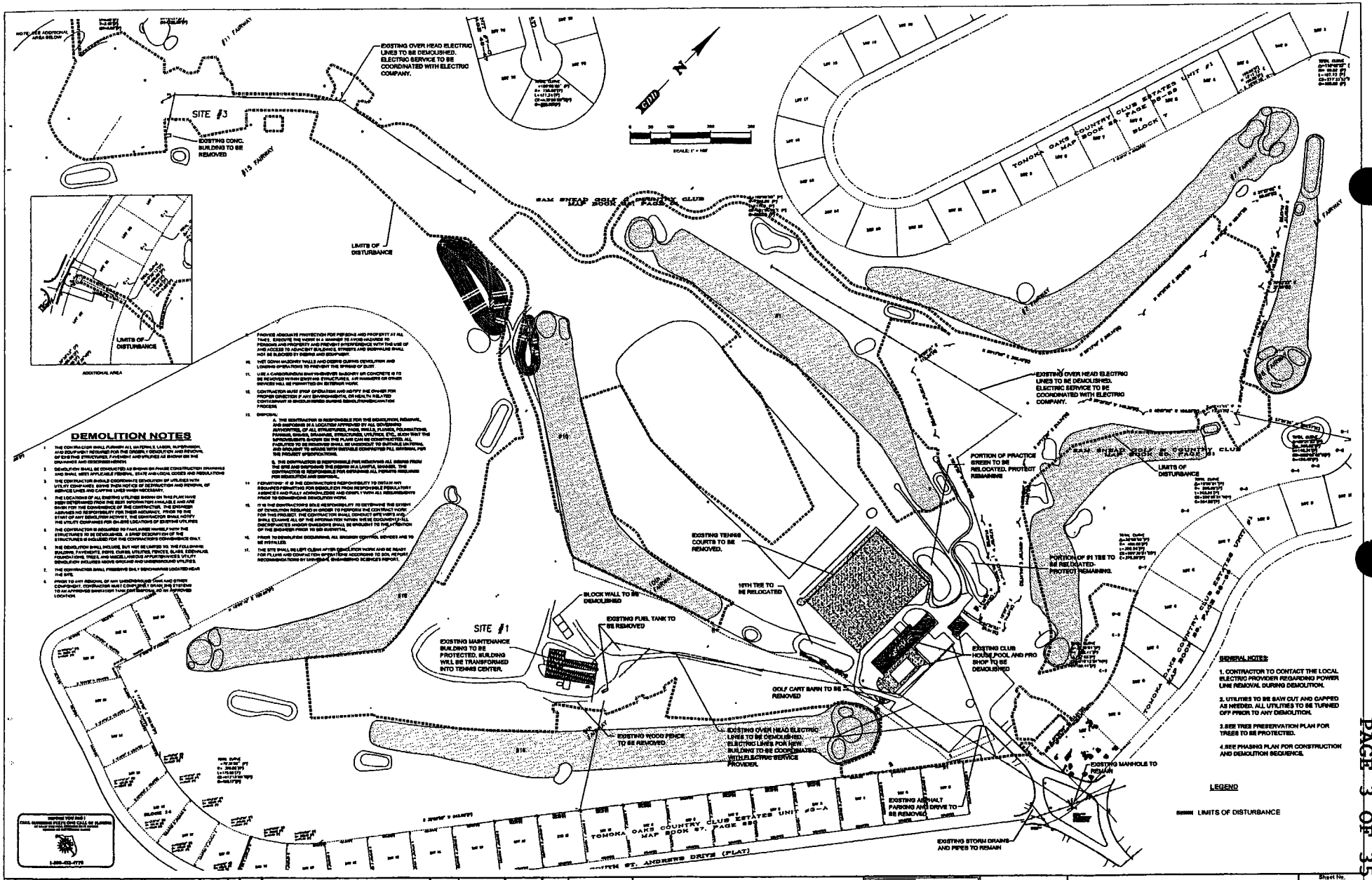
JASON K. KELLOGG P.E. #65-0 56993

GENERAL NOTES

Sheet No. G2
2-92

EXHIBIT "B"
PAGE 2 OF 35

Instrument# 2006-273445 # 13
Book: 5944
Page: 2195



No	Date	Revision	Approved	No	Date	Revision	Approved
1	8/05	REVISED PER CITY COMMENTS	JDS				
2							
3							
4							

Designed by: S.H. 8/03
Drawn by: B.B. 8/05
Checked by: T.H.H. 8/05
Approved by: J.B.M. 8/05
Certificate of Authorization No. 3219

Scale: 1"=100'
Date: June, 2003
Job No. 13701
File: c3701demo.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

gph

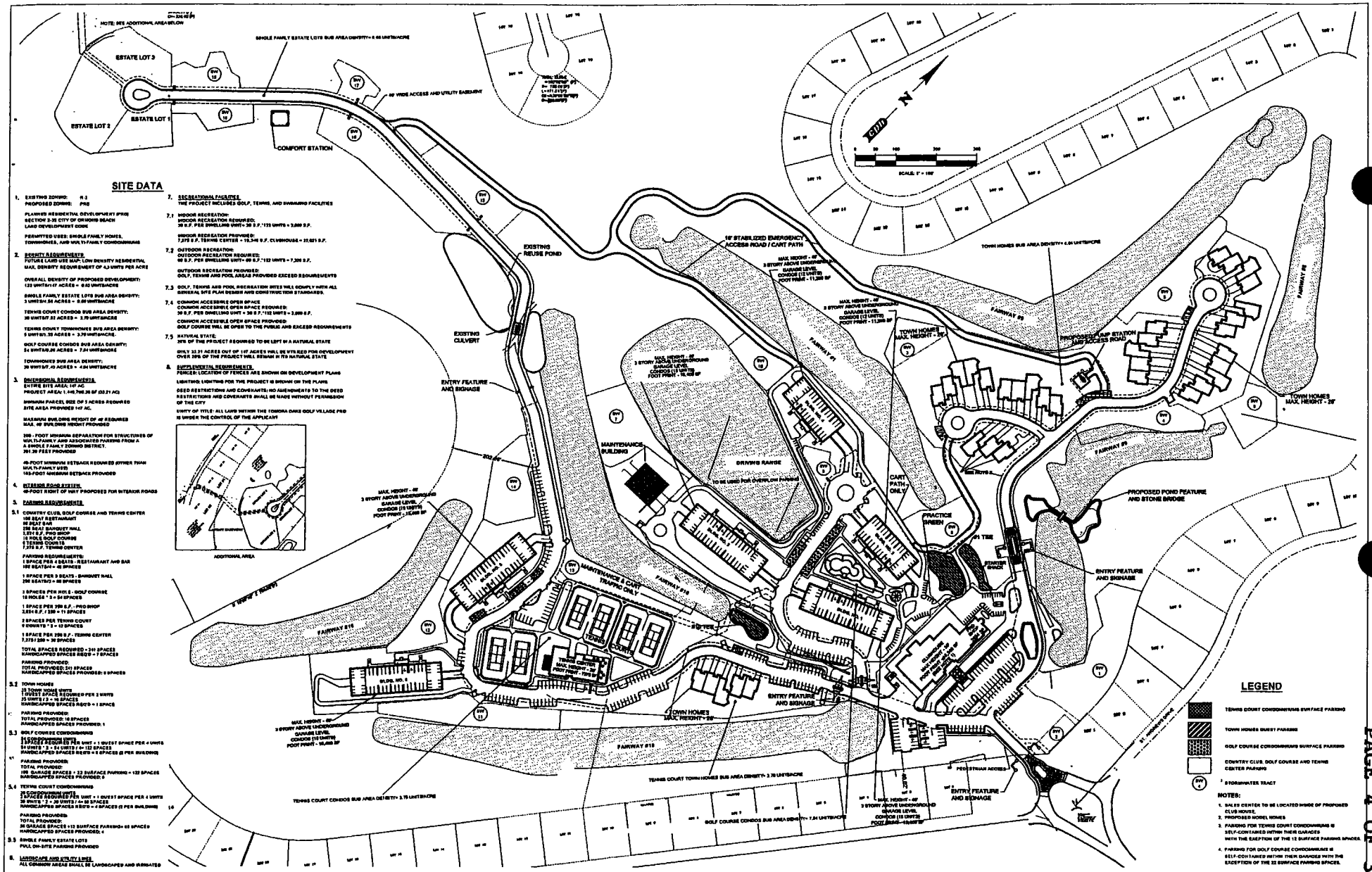
JASON E. KELLOGG P.E.
REG. # 56958

DEMOLITION PLAN

Sheet No. C4

EXHIBIT "B"
PAGE 3 OF 35

Instrument# 2006-273445 # 14
Book: 5944
Page: 2196



No	Date	Revision	Approved
1	9/03	REVISED PER CITY COMMENTS	JRK

Designed by:	S.H.	6/03
Drawn by:	S.S.	6/03
Checked by:	T.H.K.	6/03
Approved by:	J.R.K.	6/03

Certificate of Authorization No. 3319

Scale: 1"=100'
Date: June, 2003
Job No. 15701
File: I5701sop.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

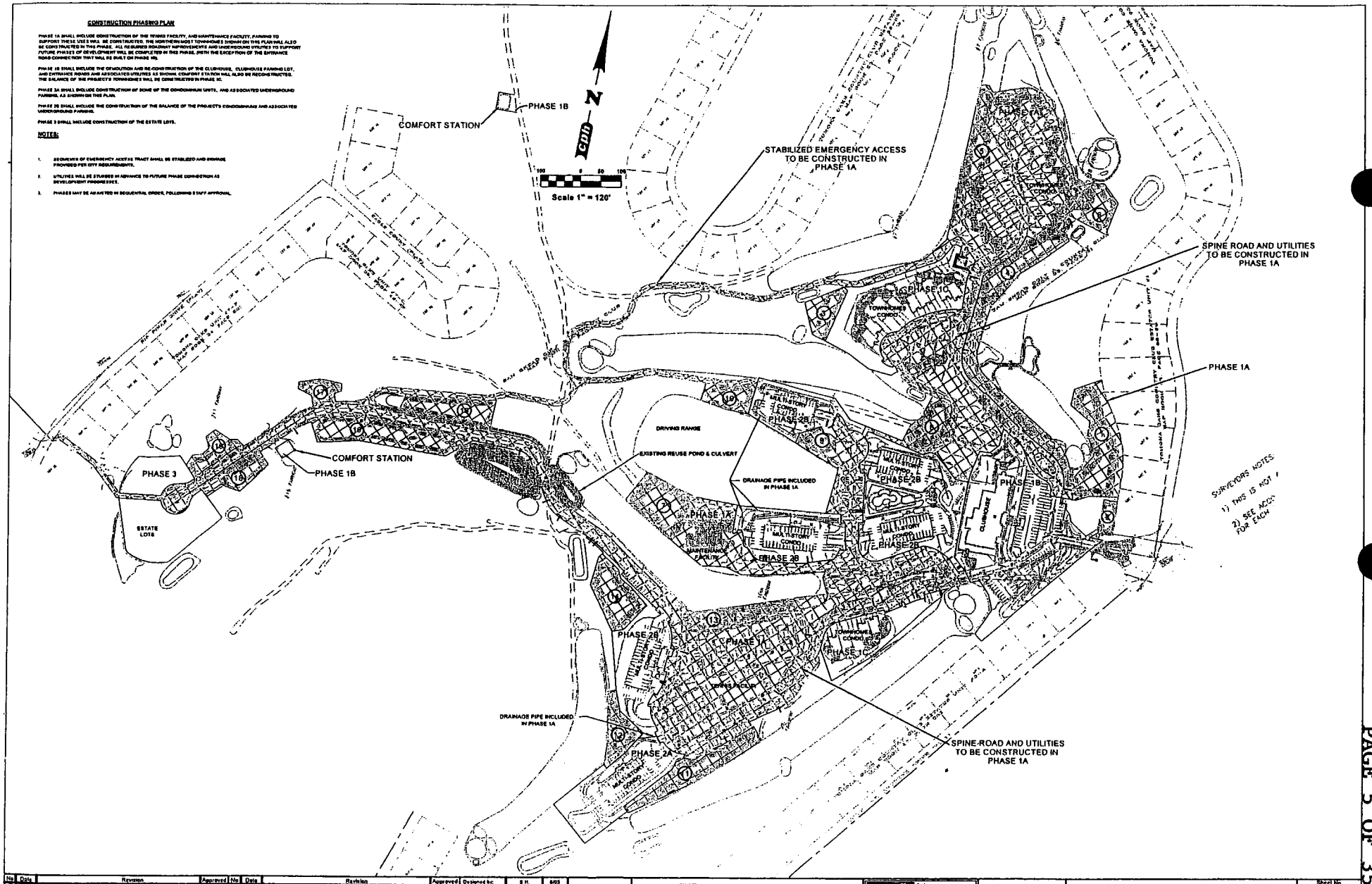
JASON R. KELLOGG, P.E.
REG. # 59152

OVERALL SITE PLAN

Sheet No. C5

EXHIBIT "B"
PAGE 4 OF 35

Instrument# 2006-273445 # 15
Book: 5944
Page: 2197



No	Date	Revision	Approved
1	9/07	REVISED PER CITY COMMENTS	JRK

No	Date	Revision	Approved

Designed by: B.H. 6/05
Drawn by: B.B. 6/05
Checked by: T.H.N 6/05
Approved by: J.R.M 6/05
Certificate of Authorization No. 2318
Scale: 1"=120'
Date: June, 2005
Job No. 13701
File: 13701CPP.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

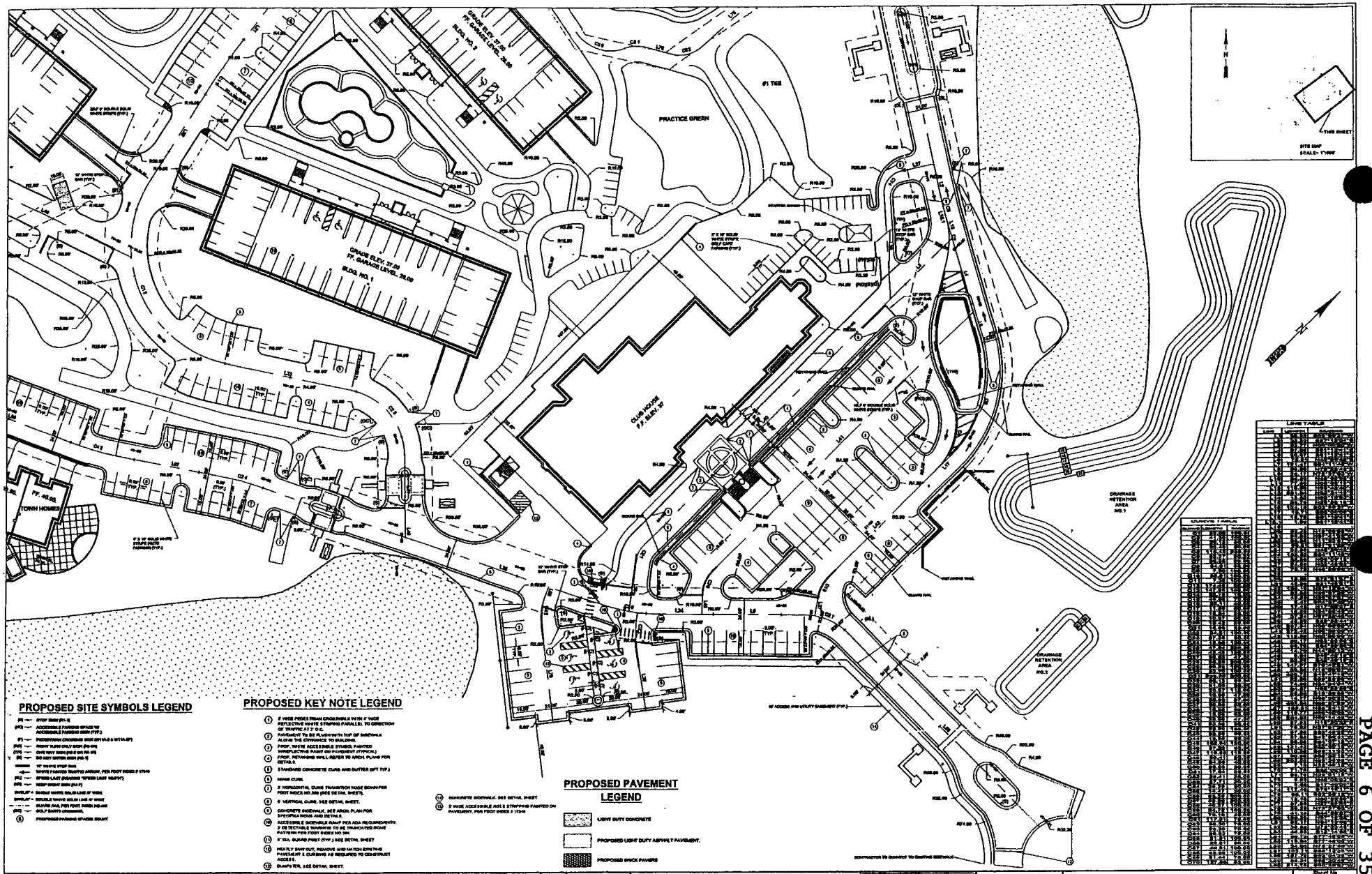
cph

CONSTRUCTION PHASING PLAN

Sheet No. C6

EXHIBIT "B"
PAGE 5 OF 35

Instrument# 2006-273445 # 16
Book: 5944
Page: 2198



No	Date	Revision	Approved	No	Date	Revision	Approved
3	9/05	REVISED PER CITY COMMENTS	JRK				

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Approved by:	J.B.M.	6/05	Job No. T5701
Certificate of Authorization No. 3313			File: T5701SDP1.dwg

THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

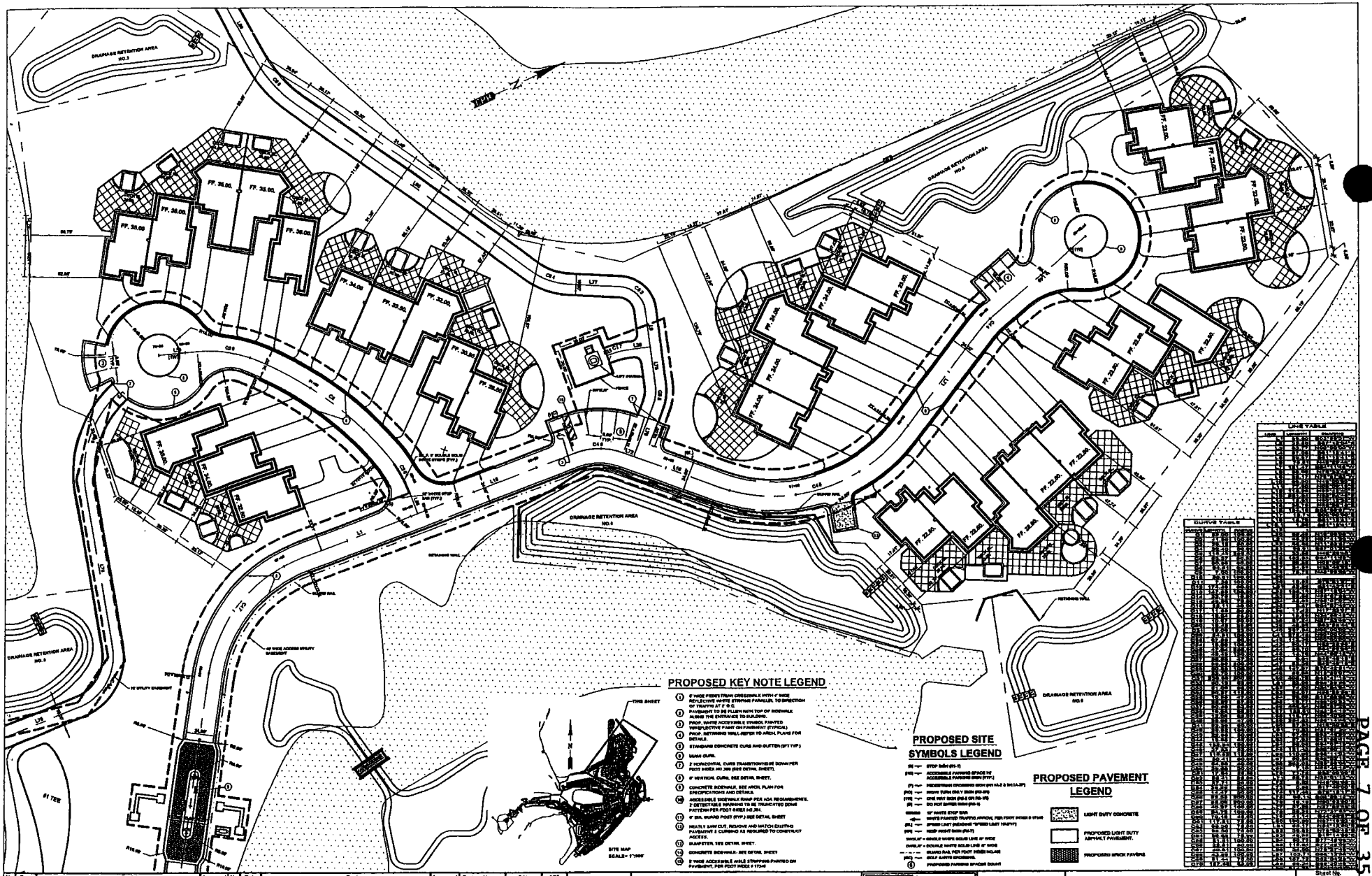
JASON R. KELLOGG, P.E.
REG.# 56653

SITE DIMENSION PLAN

Sheet No. C7

EXHIBIT "B"
PAGE 6 OF 35

Instrument# 2006-273445 # 17
Book: 5944
Page: 2199



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Designed by:	T.H.	6/05
Drawn by:	S.B.	6/05
Checked by:	T.H.H.	6/05
Approved by:	J.R.M.	6/05

Certificate of Authorization No. 2219

Scale: 1"=30'
Date: June, 2005
Job No. 15701
File: 15701SDP1.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

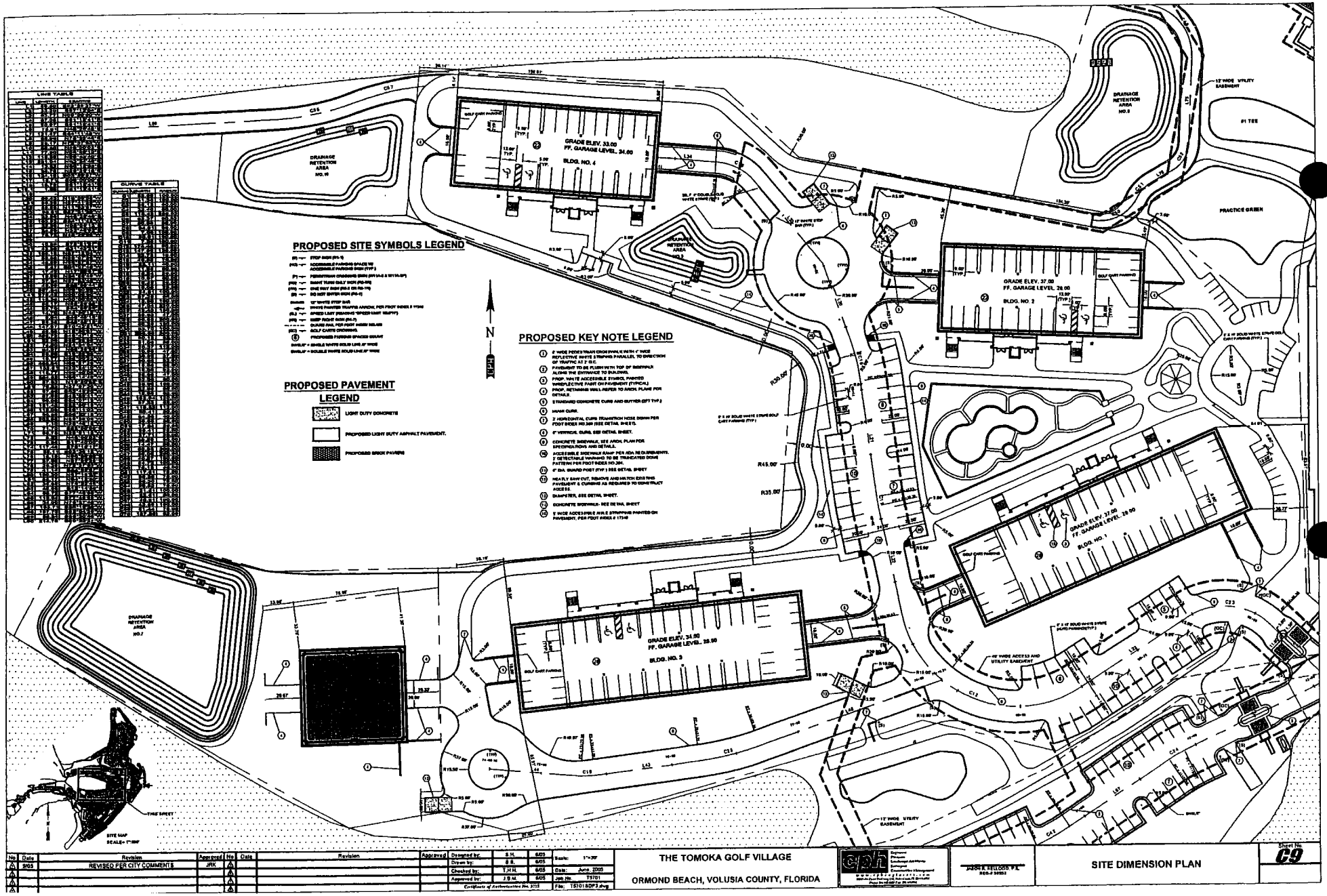
cph

JASON R. KELLOGG, P.E.
REG. # 54932

SITE DIMENSION PLAN

Sheet No. C8

EXHIBIT "B"
PAGE 7 OF 35



No	Date	Revision	Approved	No	Date	Revision	Approved
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Designed by:	S.H.	6/05	Scale: 1"=30'
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Checked by:	T.H.H.	6/05	Date: June, 2005
Approved by:	J.B.M.	6/05	Job No. 75701
Certificate of Authorization No. 3715			File: T5701SDP3.dwg

THE TOMOKA GOLF VILLAGE

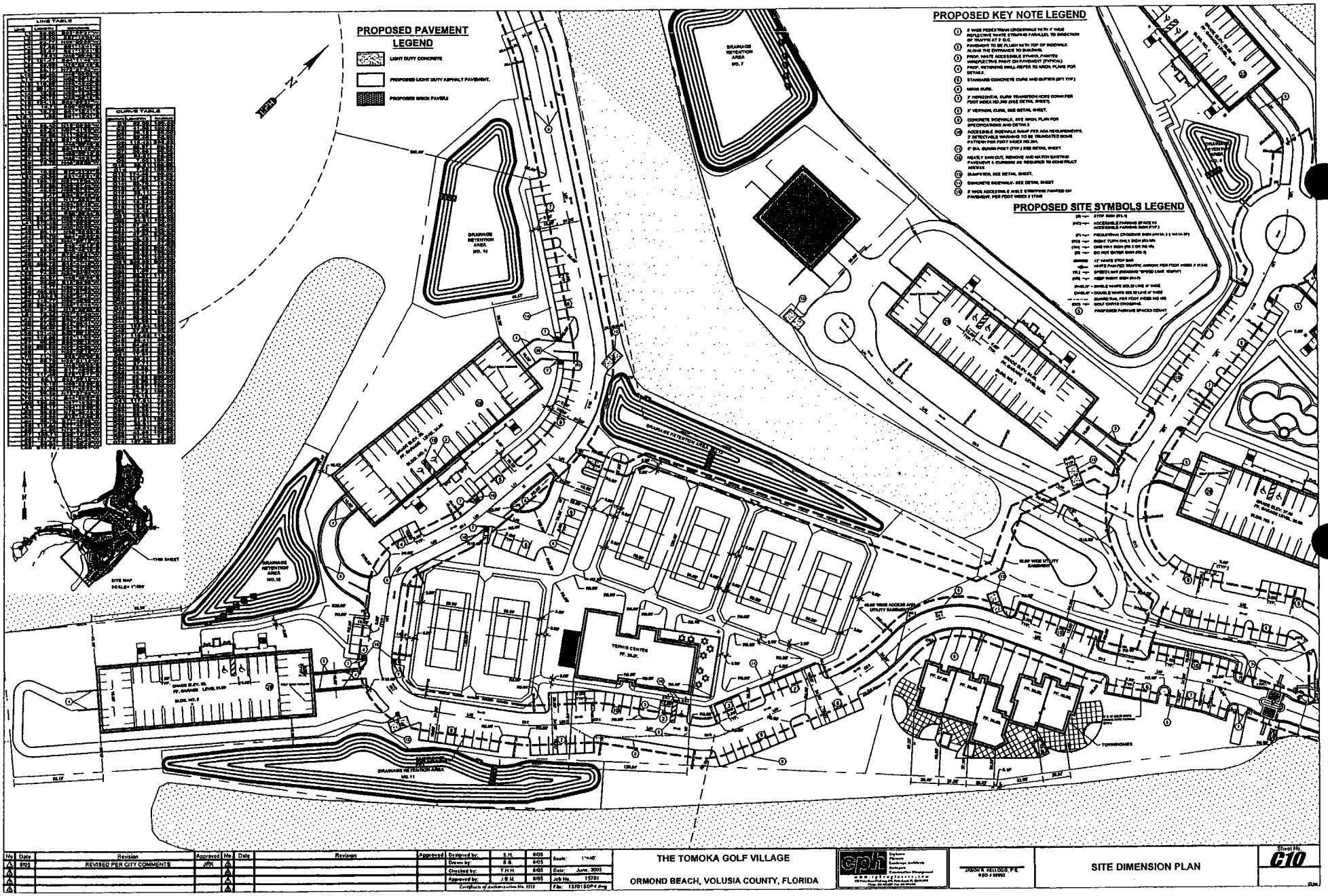
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

JASON R. KELLOGG, P.E.
REG.# 50953

SITE DIMENSION PLAN

Sheet No. C9

HIBIT "B" PAGE 8 OF 35



No	Date	Revision	Approved	No	Date	Revision	Approved
1	8/05	REVISED PER CITY COMMENTS	JRK	1			
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Designed by:	S.H.	6/05	Scale: 1"=40'
Drawn by:	B.B.	6/05	
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Approved by:	J.B.M.	6/05	Job No. 15701
Certificate of Authorization No. 3215			File: 15701SDP4.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

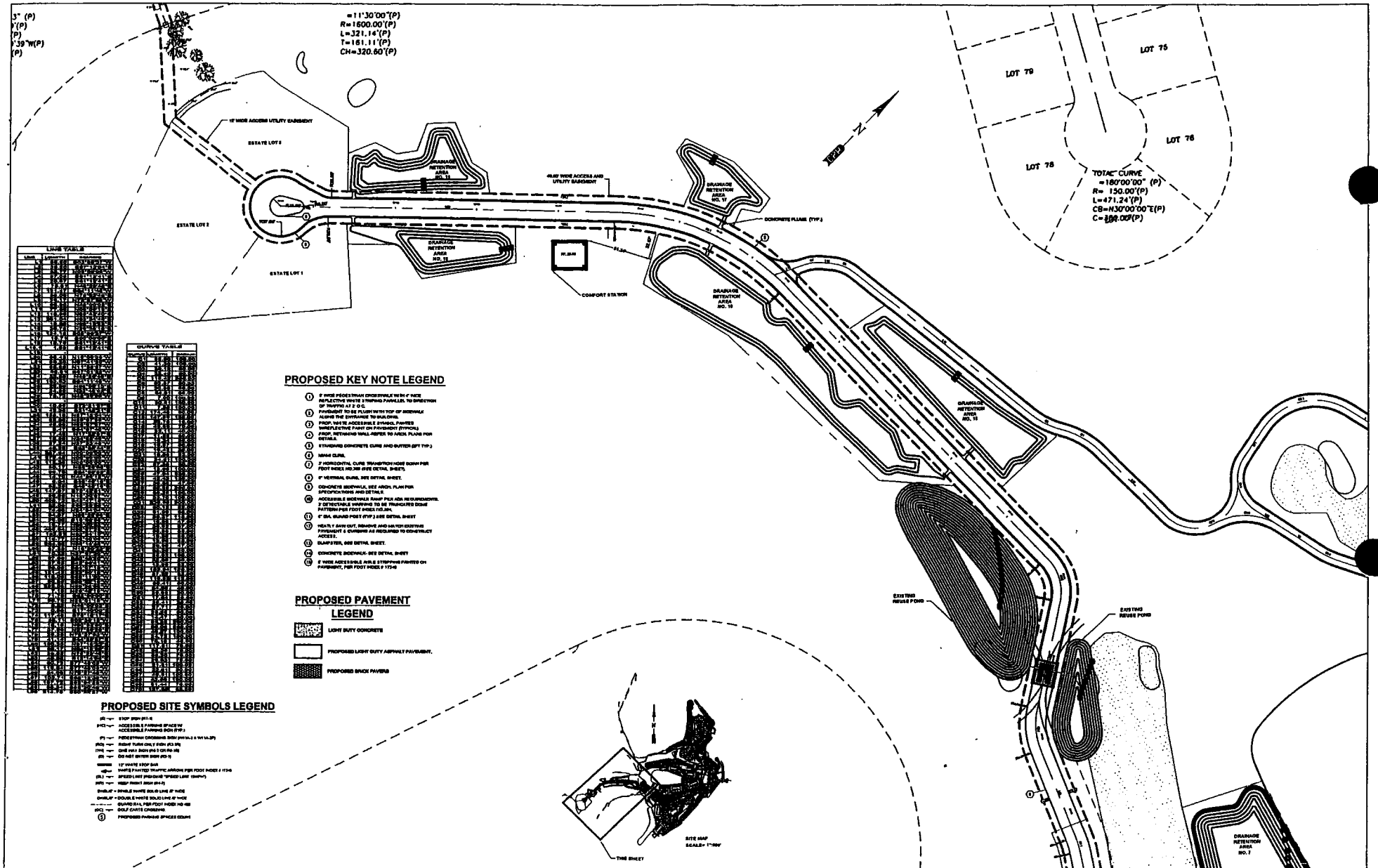
JASON R. FELLOGG, P.E.
REG # 58952

SITE DIMENSION PLAN

Sheet No. C10

EXHIBIT "B" PAGE 9 OF 35

Instrument# 2006-273449 # 20
Book: 5944
Page: 2202



No	Date	Revision	Approved
1	9/05	REVISED PER CITY COMMENTS	JRK
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No	Date	Revision	Approved
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Designed by:	T.H.	5/05
Drawn by:	B.B.	5/05
Checked by:	T.H.K.	5/05
Approved by:	J.R.K.	5/05

Certificate of Authorization No. 2315

Scale: 1" = 50'
Date: June, 2005
Job No. 13701
File: T3701SDP3.dwg

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

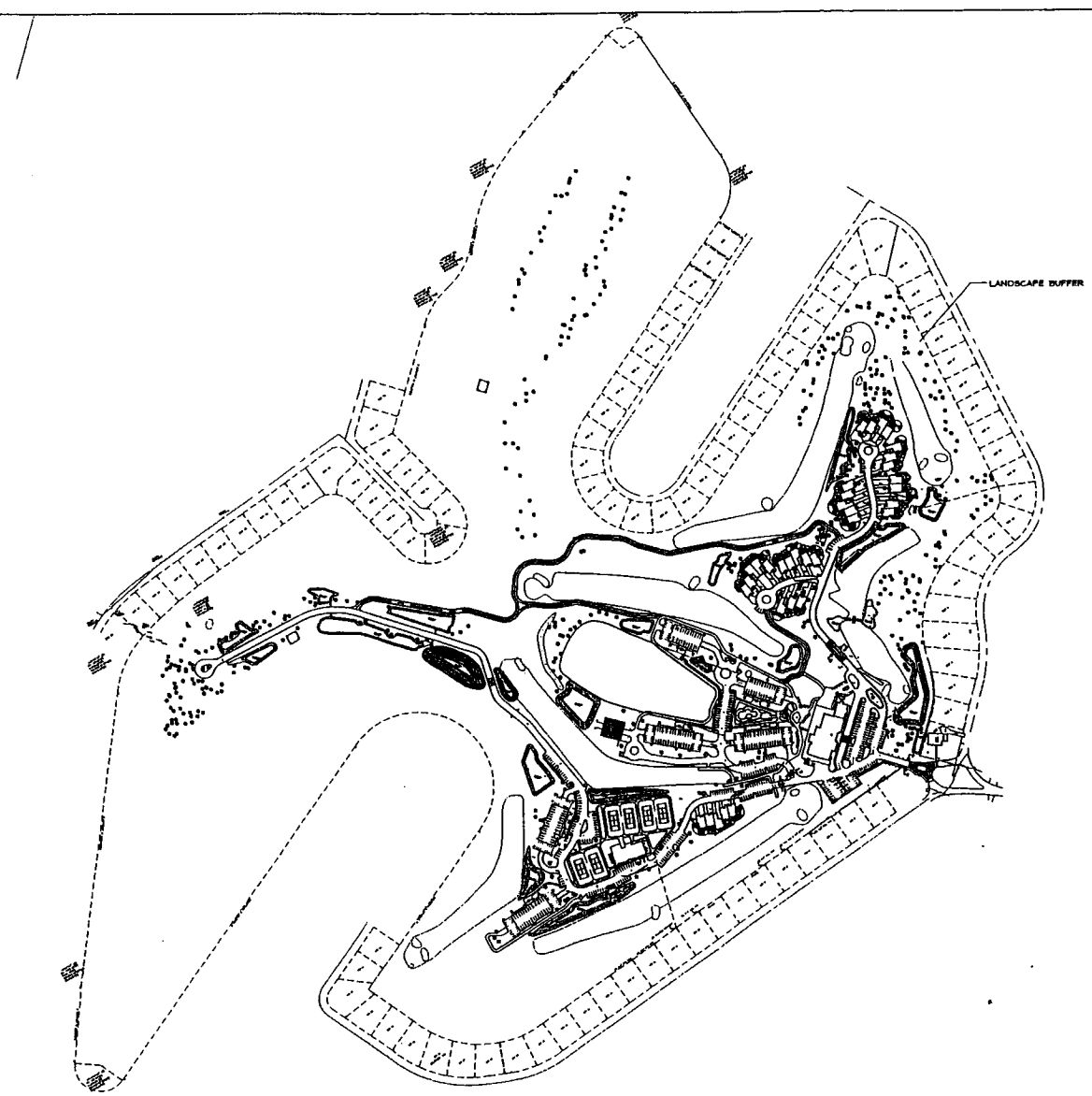
cph

JASON R. KELLOGG, P.E.
REG # 56662

SITE DIMENSION PLAN

Sheet No. C11

EXHIBIT "B" PAGE 10 OF 35



LANDSCAPE BUFFER INFORMATION:

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MIN. NO. OF SHRUBS /100 LINEAR FEET:	40
MIN. NO. OF GROUNDCOVER /100 LINEAR FEET:	40

0 100 200 400
SCALE: 1"= 200'

No	Date	Revision	Approved	No	Date	Revision	Approved

Designed by:	GJP	6/05	Scale: 1" = 200'
Drawn by:	RES	6/05	
Checked by:	GJP	6/05	Date: June, 2005
Approved by:	GJP	6/05	Job No. T5701
Certificate of Authorization No. 3275			File: LSP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

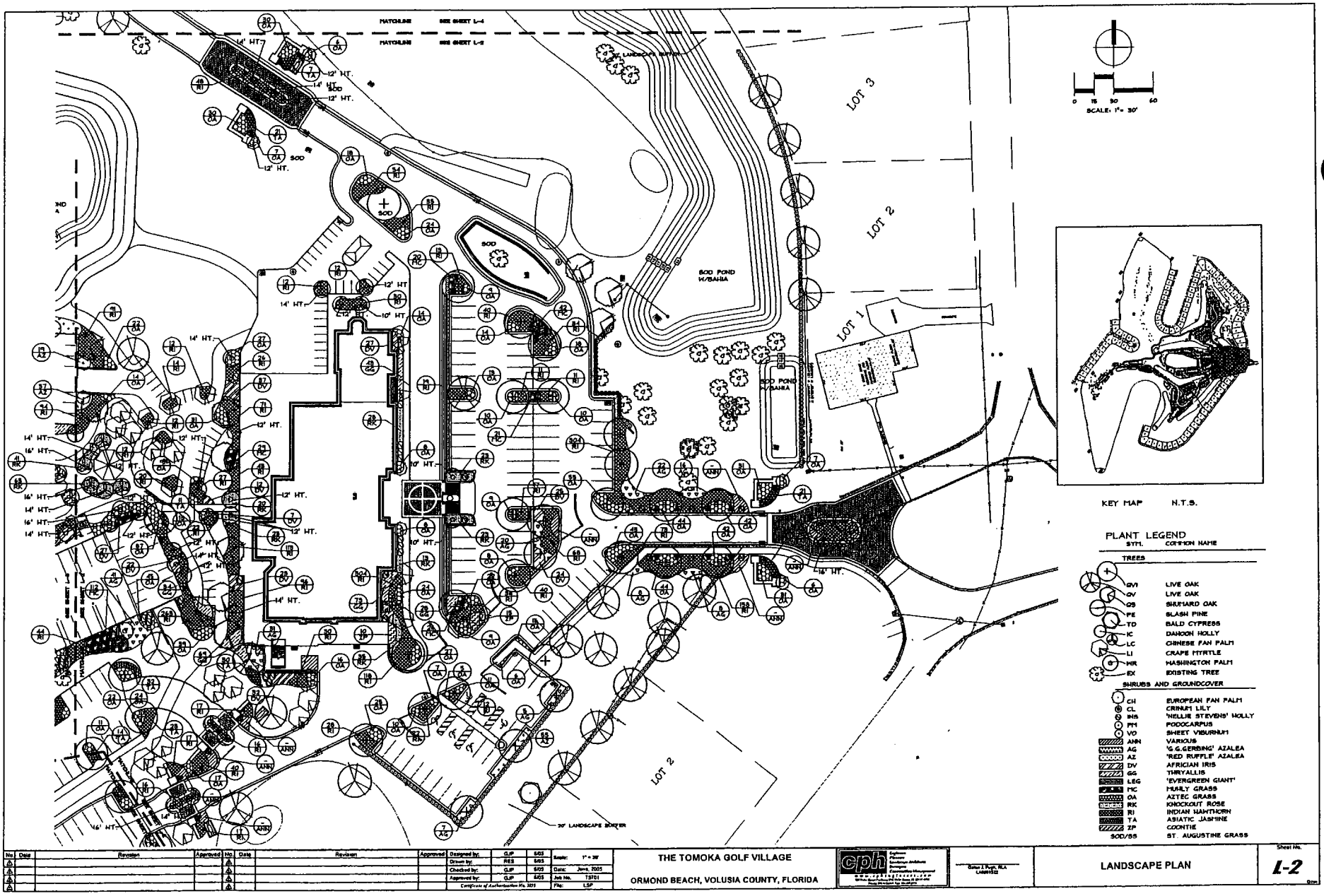
cph

Galen J. Pugh, RLA

OVERALL LANDSCAPE PLAN

Sheet No. L-1

EXHIBIT "B"
PAGE 11 OF 35



No.	Date	Revision	Approved	No.	Date	Revision	Approved

Designed by:	GJP	6/05	Scale: 1" = 30'
Drawn by:	RES	6/05	
Checked by:	GJP	6/05	Date: June, 2005
Approved by:	GJP	6/05	Job No. 75701
Certificate of Authorization No. 3025			File: LSP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

LANDSCAPE PLAN

Sheet No. L-2

EXHIBIT "B"
PAGE 12 OF 35



No.	Date	Revision	Approved	No.	Date	Revision	Approved

Designed by:	GJP	8/05	Scale:	1" = 30'
Drawn by:	RES	8/05		
Checked by:	GJP	8/05	Date:	June, 2005
Approved by:	GJP	8/05	Job No.	T5701
Certificate of Authorization No. 3225			File:	LSP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

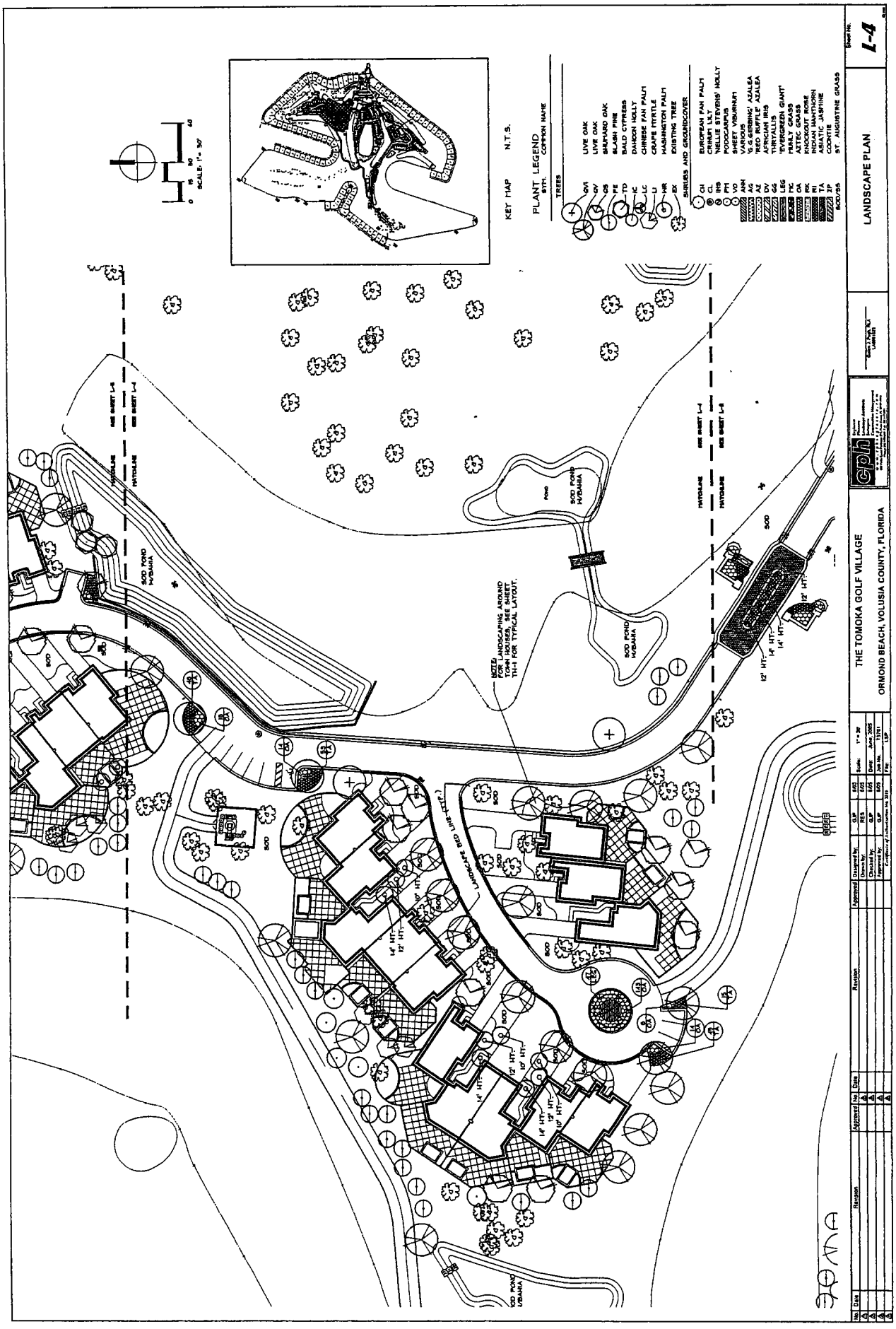
cph

LANDSCAPE PLAN

Sheet No. L-3

EXHIBIT "B"
PAGE 13 OF 35

Instrument# 2006-273445 # 24
Book: 5944
Page: 2206



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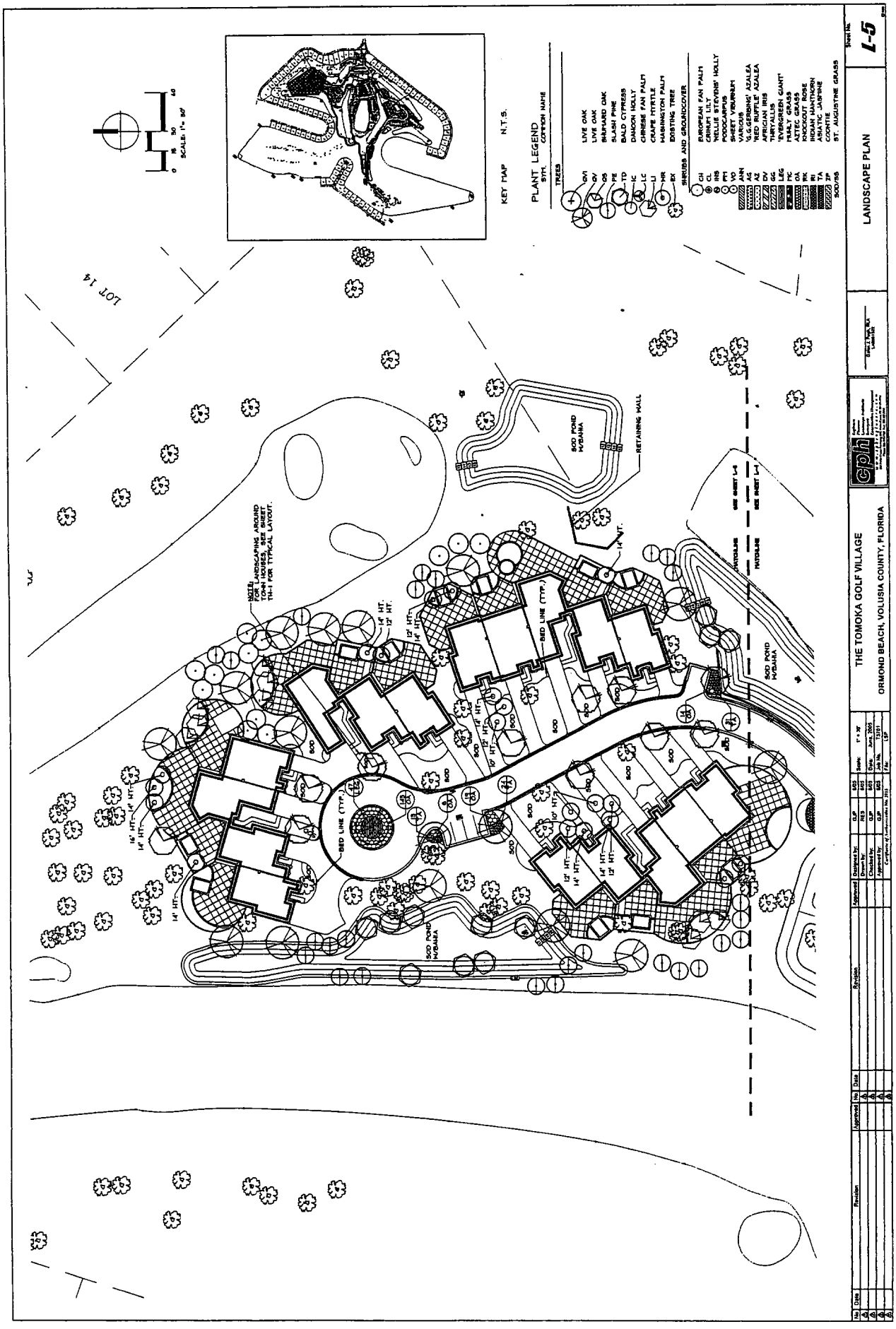

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Book: 5944
Page: 2208

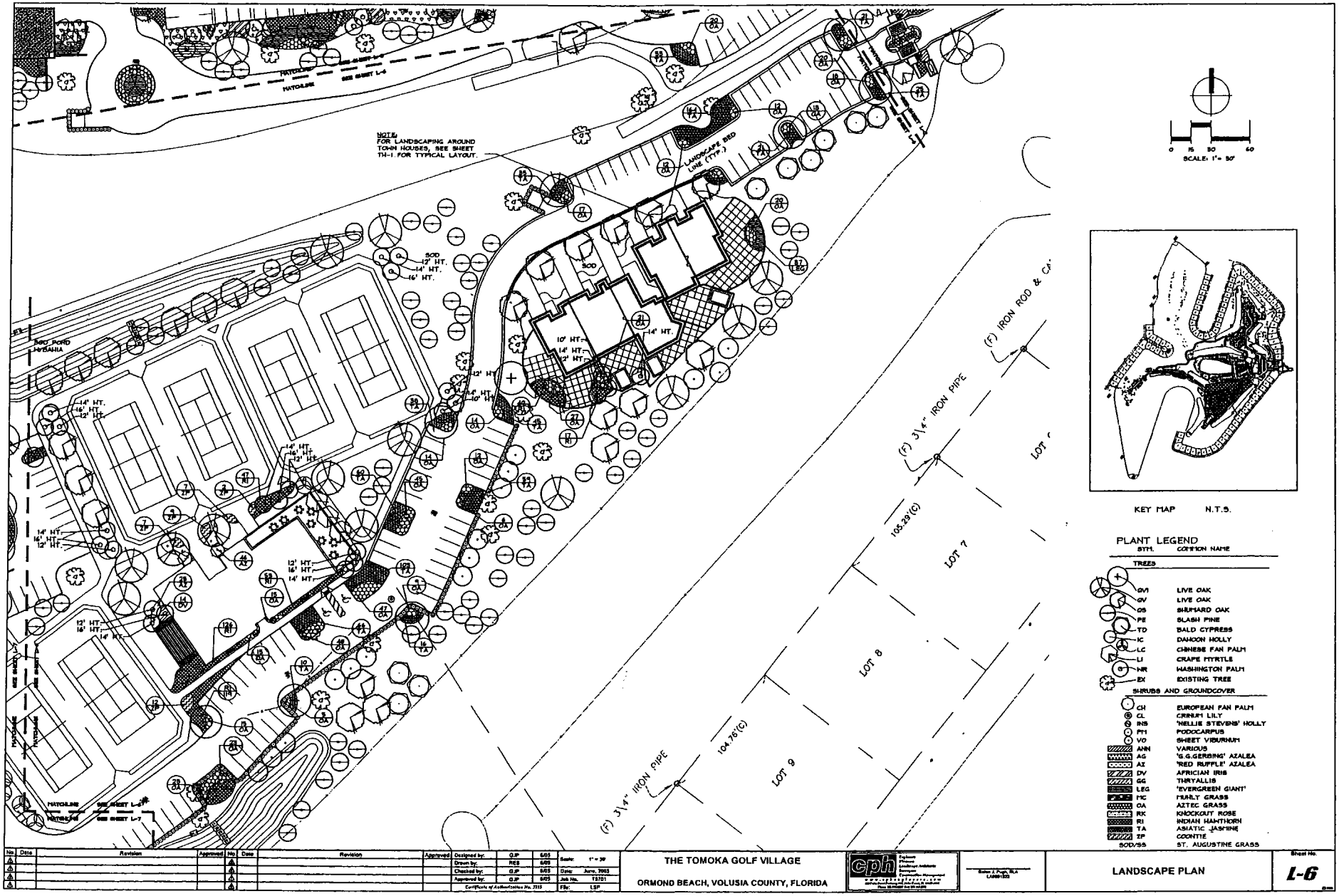
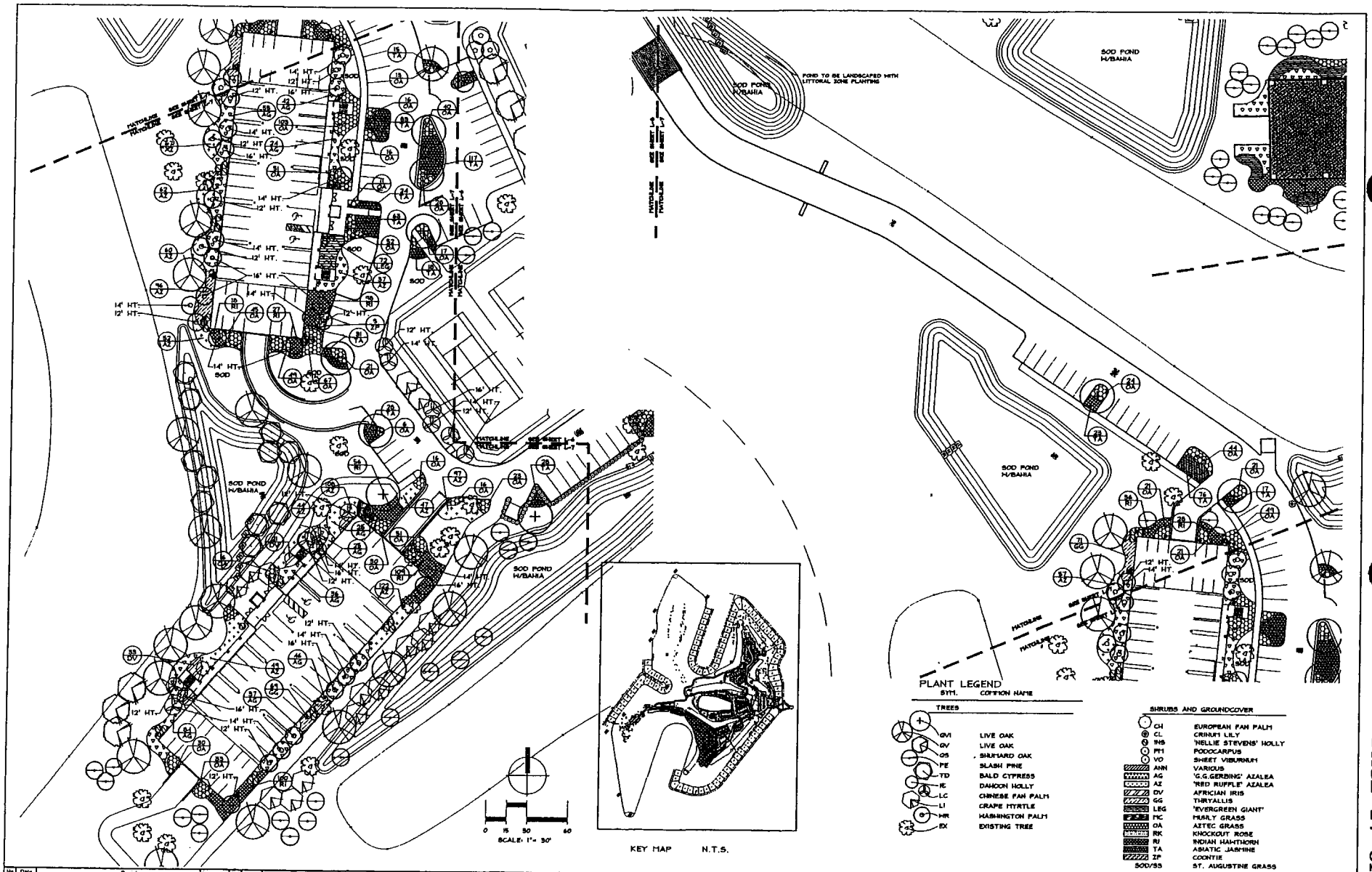


EXHIBIT "B"
PAGE 16 OF 35



No	Date	Revision	Approved	No	Date	Revision	Approved

Designed by:	GJP	6/05	Scale: 1" = 30'
Drawn by:	RES	6/05	Date: June, 2005
Checked by:	GJP	6/05	Job No. T5701
Approved by:	GJP	6/05	File: LSP

Certificate of Authorization No. 3225

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

Dalton J. Pope, RLA

LANDSCAPE PLAN

Sheet No. L-7

EXHIBIT "B"
PAGE 17 OF 35

Instrument# 2006-273445 # 28
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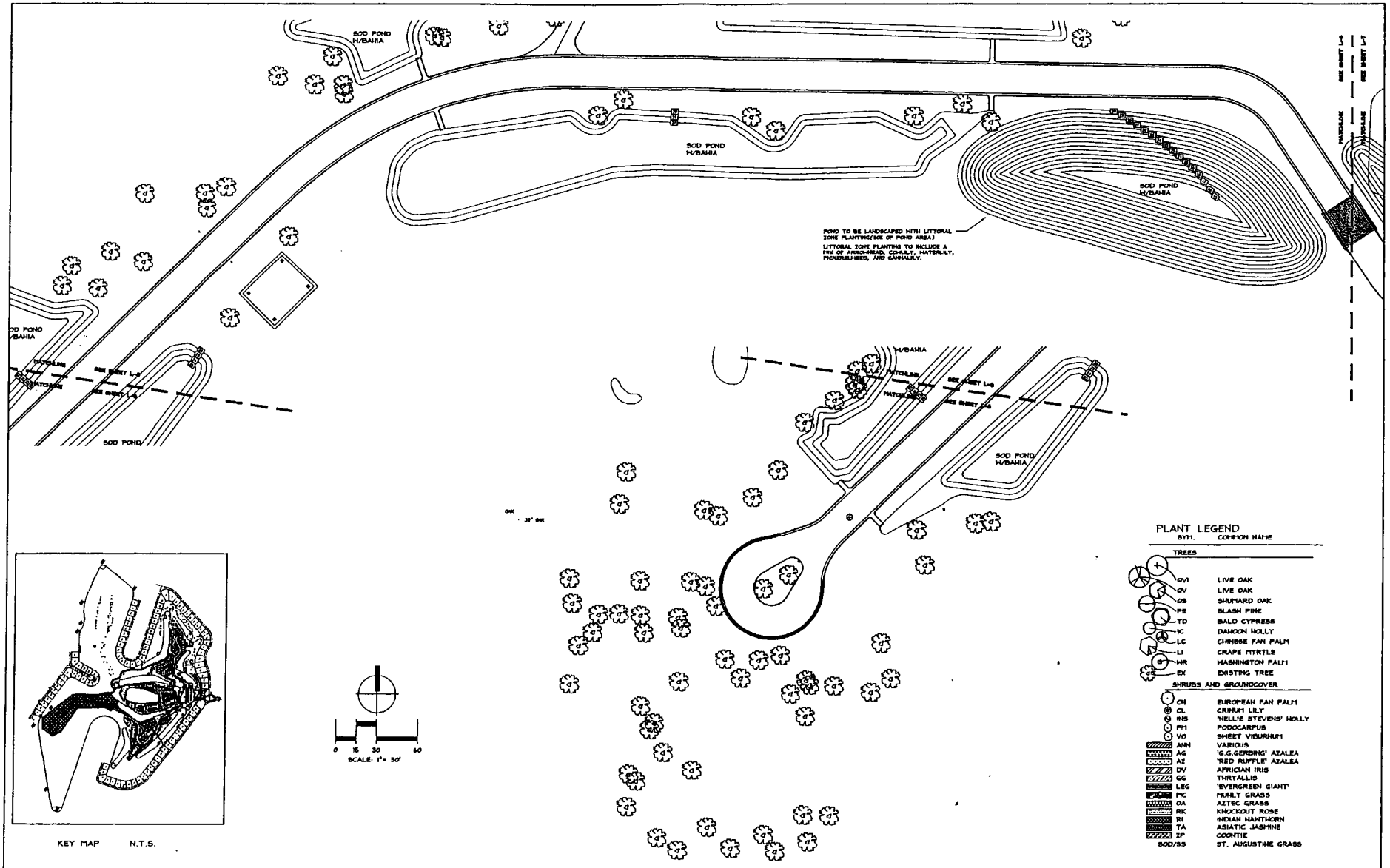
Page: 2210



KEY MAP N.T.S.

No.	Date	Revision	Approved	No.	Date	Revision	Approved	Designed by:	GJP	8/03	Scale: 1" = 30'
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Certificate of Authorization No. 3123

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

Glenn J. Pope, RLA
License #

LANDSCAPE PLAN

Sheet No. L-8

EXHIBIT "B"
PAGE 18 OF 35

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Book: 5944
Page: 2211

LANDSCAPE NOTES:

1. The Landscape Contractor shall be responsible for all materials and all work as called for on the Landscape Plans and in the Landscape Specifications. In the event of variation between quantities shown on plant list and the plans, the plans shall control. The Landscape Contractor shall verify all quantities and report any discrepancies at the time of bidding.
2. The Landscape Contractor shall review architectural/engineering plans and become thoroughly familiar with surface and subsurface utilities.
3. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. The Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of negligence in the execution of the work.
4. The work shall be coordinated with other trades to prevent conflicts. Coordinate the planting with the irrigation work to assure availability and proper location of irrigation flares and plants.
5. All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.
6. All plant material shall be graded Florida No. 1 or better as outlined under Grades and Standards for Nursery Plants, Part I and II, published by the Florida Department of Agriculture and Consumer Services or to the standards as given by the latest "American Standard for Nursery Stock," American National Standards Institute.
7. The Landscape Architect or Owner shall have the right, at any stage of the operations, to reject any and all work and materials which, in his opinion, do not meet with the requirements of these specifications.
8. Except as otherwise specified, the Landscape Contractor's work shall conform to accepted horticultural practices as used in the trade.
9. The minimum acceptable size of all plants, measured after pruning, with branches in normal positions, shall conform to the measurements specified on the plant list or as indicated on the Landscape drawing. Height and spread dimensions refer to main body of the plant, and not extreme branch tip to tip. The caliper of tree trunks is to be taken one foot above the ground level.
10. Plants shall be protected upon arrival at the site, by being thoroughly watered and properly maintained until planted.
11. All tree pits shall be excavated to size and depth in accordance with the USDA Standard for Nursery Stock 260.1, unless shown otherwise on the drawings, and backfilled with the specified planting soil. The Landscape Contractor shall test fill all tree pits with water before planting to assure proper drainage percolation is available.
12. The Landscape Contractor shall be responsible for proper watering of all plants. All plants shall be thoroughly watered at time of planting and kept adequately watered until time of acceptance. It shall be the Landscape Contractor's responsibility to assure that plants are not over watered.
13. It shall be the Landscape Contractor's responsibility to prevent plants from falling or being blown over, to restraighten and replant all plants which lean or fall and to maintain all plants which are damaged due to lack of proper guying or staking. The Landscape Contractor shall be legally liable for any damage caused by instability of any plant installed.
14. All trees and all palms shall be guyed or staked or braced. The Landscape Contractor shall determine which small or multi-trunk trees need to be guyed and staked to maintain plumb. Staking of trees and shrubs, if required, shall be done after planting and guying detail prepared by the Landscape Architect. It shall be the responsibility of the Landscape Contractor to remove guys and stakes from the trees and job site after a period of 90 days.
15. Plants blown over by high winds, within the guaranteed period, shall not be cause for additional expense to the Owner, but shall be the responsibility of the Landscape Contractor. Damaged plants shall be replaced by the Landscape Contractor at no additional cost to the Owner.
16. Sod shall be certified to be free of the imported fire ant. Sod shall have a dense growth of acceptable grass, reasonably free of weeds with not less than 1 1/2" of soil firmly adhering to roots. It shall be the responsibility of the Landscape Contractor to maintain and determine the exact ground required. This amount shall be verified with the Owner or Landscape Architect before installation.
17. The Landscape Contractor shall insure adequate vertical drainage in all plant beds, planters, and sod areas. Vertical drilling through any compacted fill to native soil shall be accomplished to insure drainage. If soil around pit is compacted to assure positive drainage, this hole shall be brought up by the Landscape Contractor at time of bidding.
18. The Landscape Contractor shall insure that his work does not interrupt established or projected drainage patterns.
19. The Landscape Contractor shall prune, shape and remove dead foliage/limbs from existing plant material to remain. Confirm with the Landscape Architect or Owner the extent of work required at time of bidding.
20. Mulch - All plant beds shall be top dressed with 3" shredded hardwood mulch (or approved equal).
21. Transplanted Material - The Landscape Contractor shall be responsible for determining and evaluating which plant materials are suitable for transplanting and shall verify this with the Landscape Architect or Owner. The Landscape Contractor shall take all reasonable, horticulturally acceptable measures to assure the successful transplanting of determined plant materials. The Landscape Contractor shall be responsible for replacing any relocated plant materials which die or whose resources are not taken, as determined by the Landscape Architect or Owner. Replacement plants shall be of identical species and size if required.
22. MAINTENANCE PRIOR TO FINAL INSPECTION AND ACCEPTANCE.

    Maintenance shall commence after each plant is planted and the maintenance period shall continue until the job or specific phase of the job is accepted by the Landscape Architect or Owner. Reference shall be taken to instruct the Owner or his representatives in general maintenance procedures.

    Plant maintenance shall include watering, pruning, weeding, cultivating, mulching, tightening and repairing of guys, replacement of rots or dead plants, resetting plants to proper grades or upright positions and restoration of the planting basins and pit after work needed for proper growth of the plants.

    During the maintenance period and up to the date of final acceptance, the Landscape Contractor shall do all required spraying and/or dusting of trees and shrubs. Upon completion of all planting, an inspection for acceptance of work will be held. The Landscape Contractor shall notify the Landscape Architect or Owner for scheduling of the inspection 10 days prior to the anticipated date.

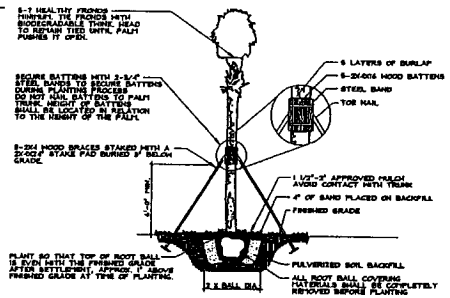
    At the time of the inspection, if all of the materials are acceptable, a written notice will be given by the Landscape Architect or Owner to the Landscape Contractor stating the date when the Maintenance Period ends.

    GUARANTEE AND REPLACEMENT:

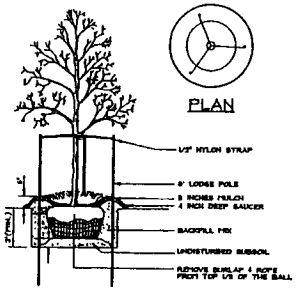
    All plant materials shall be guaranteed for one (1) year from the time of final inspection and interim acceptance shall be alive and in satisfactory growth for each specific kind of plant at the end of the guaranteed period.

    At the end of the guarantee period, any plant required under this contract that is dead or not in satisfactory growth, as determined by the Owner or the Landscape Architect, shall be removed and replaced. Replacement plants shall have an extended guarantee, as noted above, from time of replacement.

    All replacements shall be planted of the same kind and size as specified on the plant list. They shall be the responsibility of the Landscape Contractor.

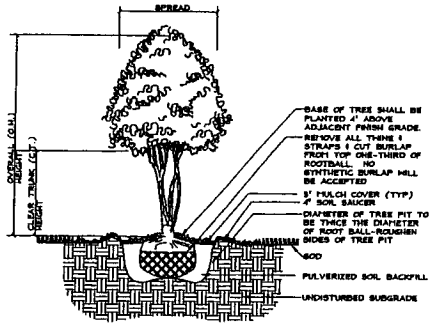


PALM STAKING DETAIL
N.T.S.

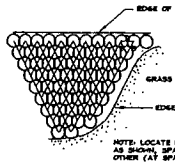


NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.

TREE PLANTING
N.T.S.

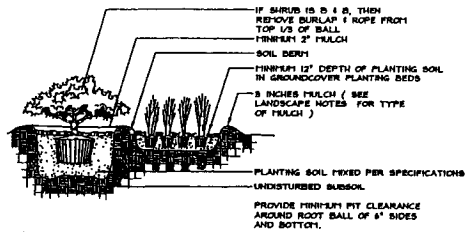


MULTI TRUNK TREE PLANTING DETAIL
NTS

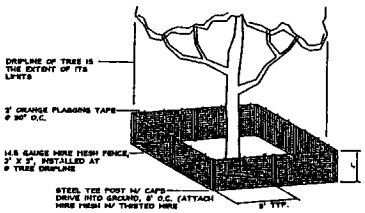


NOTE: LOCATE PLANTS IN A TRIANGULAR PATTERN AS SHOWN, SPACED EQUIDISTANT FROM EACH OTHER (AT SPACING SPECIFIED IN THE PLANT LIST).

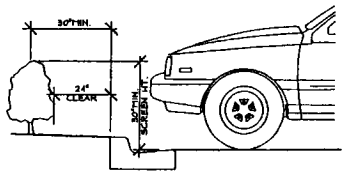
SHRUB/GROUNDCOVER SPACING PLAN
N.T.S.



SHRUB AND GROUNDCOVER PLANTING DETAIL
NTS

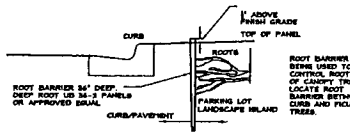


TREE PROTECTION DETAIL
N.T.S.



NOTES:
INSTALL HEDGE ALONG PARKING BAYS A MINIMUM OF 30" BEHIND BACK OF CURB TO ALLOW FOR 24" VEHICULAR OVERHANG. AT TIME OF INSTALLATION, HEDGE SHALL SCREEN A MINIMUM OF 30" ABOVE FINISH GRADE OF PARKING STALLS.

TYPICAL SECTION - HEDGE INSTALLATION
N.T.S.



ROOT BARRIER DETAIL
N.T.S.
(TO BE USED IN ALL PARKING LOT ISLANDS)

PLANT LIST

SYM.	QTY.	BOTANICAL NAME	COMMON NAME	DESCRIPTION
TREES				
QVI	57 *	QUERCUS VIRGINIANA	LIVE OAK	4 1/2" CAL., 16' HT MIN
QV	119 *	QUERCUS VIRGINIANA	LIVE OAK	2 1/2" CAL, 10' HT MIN, 4' SPRD
QS	67 *	QUERCUS SHUMARDII	SHUMARD OAK	2 1/2" CAL, 10' HT MIN, 4' SPRD
PE	168 *	PINUS ELLIOTTI	SLASH PINE	30 GAL, 7'-8' HT MIN
TD	37	TAXODIUM DISTICHUM	BALD CYPRESS	2 1/2" CAL, 10' HT MIN
IC	55 *	ILEX CASSINE	DAHOON HOLLY	2" CAL, 10' HT MIN
LC	42 *	LIVISTONA CHINENSIS	CHINESE FAN PALM	10'-16' O.A., AS SHOWN
LI	83 *	LAGERSTROEMIA INDICA	CRAPE MYRTLE	30 GAL, 5-8 STEM, 7' HT MIN
WR	175 *	WASHINGTONIA ROBUSTA	WASHINGTON PALM	10'-16' CT, AS SHOWN
EX	452	EXISTING TREE	VARIOUS	-
SHRUBS AND GROUNDCOVER				
CH	45 *	CHAMAEROPS HUMILIS	EUROPEAN FAN PALM	7 GAL, 36" MIN HT
CL	864	CRINUM ASIATICUM	CRINUM LILY	3 GAL, 24" HT MIN., 36" O.C.
INS	101	ILEX 'NELLIE R. STEVENS'	'NELLIE STEVENS' HOLLY	7 GAL, 36" HT. MIN., 36" O.C.
PM	60	PODOCARPUS MACROPHYLLUS	PODOCARPUS	8 GAL., 24" HT MIN., 36" O.C.
VO	612	VIBURNUM ODORATISSIMUM	SWEET VIBURNUM	3 GAL., 30" HT MIN., 36" O.C.
ANN	-	ANNUALS	VARIOUS	--
AG	1339	RHODODENDRON 'MRS. G.G.GERBING'	'G.G.GERBING' AZALEA	3 GAL., 12" HT., FULL, 36" O.C.
AZ	2182	RHODODENDRON 'RED RUFFLE'	'RED RUFFLE' AZALEA	3 GAL., 12" HT., FULL, 24" O.C.
DV	754 *	DIETES VEGETA	AFRICIAN IRIS	1 GAL., FULL., 24" O.C.
GG	726	GALPHIMIA GRACILIS	THRYALLIS	3 GAL., 12" HT., FULL, 24" O.C.
LEG	1067 *	LIRIOPE 'EVERGREEN GIANT'	'EVERGREEN GIANT'	3 GAL., 10" HT.; 6"-8" PPP., 30" O.C.
MC	626 *	MUHLENBERGIA CAPILLARIS	MUHLY GRASS	3 GAL., 10" HT., FULL, 30" O.C.
OA	4050 *	OPHIOPOGON 'ARGENTEOMARGINATUS'	AZTEC GRASS	1 GAL., FULL, 6-8 PPP, 24" O.C.
RI	4647	RHAPHIOLEPIS INDICA	INDIAN HAWTHORN	3 GAL., 12"-15" HT MIN., 30" O.C.
RK	595	ROSA 'KNOCKOUT'	KNOCKOUT ROSE	3 GAL., 24" HT MIN., 30" O.C.
TA	2158 *	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE	1 GAL., FULL, 6-8 PPP, 24" O.C.
ZP	185 *	ZAMIA PUMILA	COONTIE	3 GAL., 18" HT MIN., 36" O.C.
SOD/SS	BY CONTR.	STENOTAPHRUM SECUNDATUM	ST. AUGUSTINE GRASS	SOLID SOD, CONTRACTOR TO VERIFY QTY.

* - INDICATES PLANTS THAT ARE DROUGHT TOLERANT PER "WATERWISE" FLORIDA LANDSCAPE MANUAL PUBLISHED BY FLORIDA'S WATER MANAGEMENT DISTRICT APRIL 2004 ISSUE.

NOTE:
PLANT DESCRIPTIONS ARE FOR MINIMUM ACCEPTABLE SPECIFICATIONS. ALL CRITERIA LISTED FOR CONTAINER SIZE, CALIPER, HEIGHT, SPREAD, ETC. MUST BE MET FOR PLANT MATERIAL ACCEPTANCE. FOR EXAMPLE, IF A THREE GALLON SHRUB DOES NOT MEET THE HEIGHT OR SPREAD SPECIFICATION, IT WILL NOT BE ACCEPTED.

IF SPECIFIED PLANTS ARE UNAVAILABLE AT TIME OF CONSTRUCTION, CONTRACTOR MAY REPLACE SPECIFIED PLANTS WITH PLANTS APPROVED BY LANDSCAPE ARCHITECT AND CITY STAFF.

ALL OPEN SPACE OR DISTURBED AREAS WITHIN THE CONSTRUCTION LIMITS SHALL BE SODDED UNLESS PAVED, SEEDED AND MULCHED OR PLANTED WITH SHRUBS AND GROUND COVER.

No.	Date	Revision	Approved
1			
2			
3			
4			

No.	Date	Revision	Approved
1			
2			
3			
4			

Designed by: GJP 6/05
Drawn by: RES 6/05
Checked by: GJP 6/05
Approved by: GJP 6/05
Certificate of Authorization No. 2111

Scale: N/A
Date: June, 2005
Job No. 13761
File: LSP

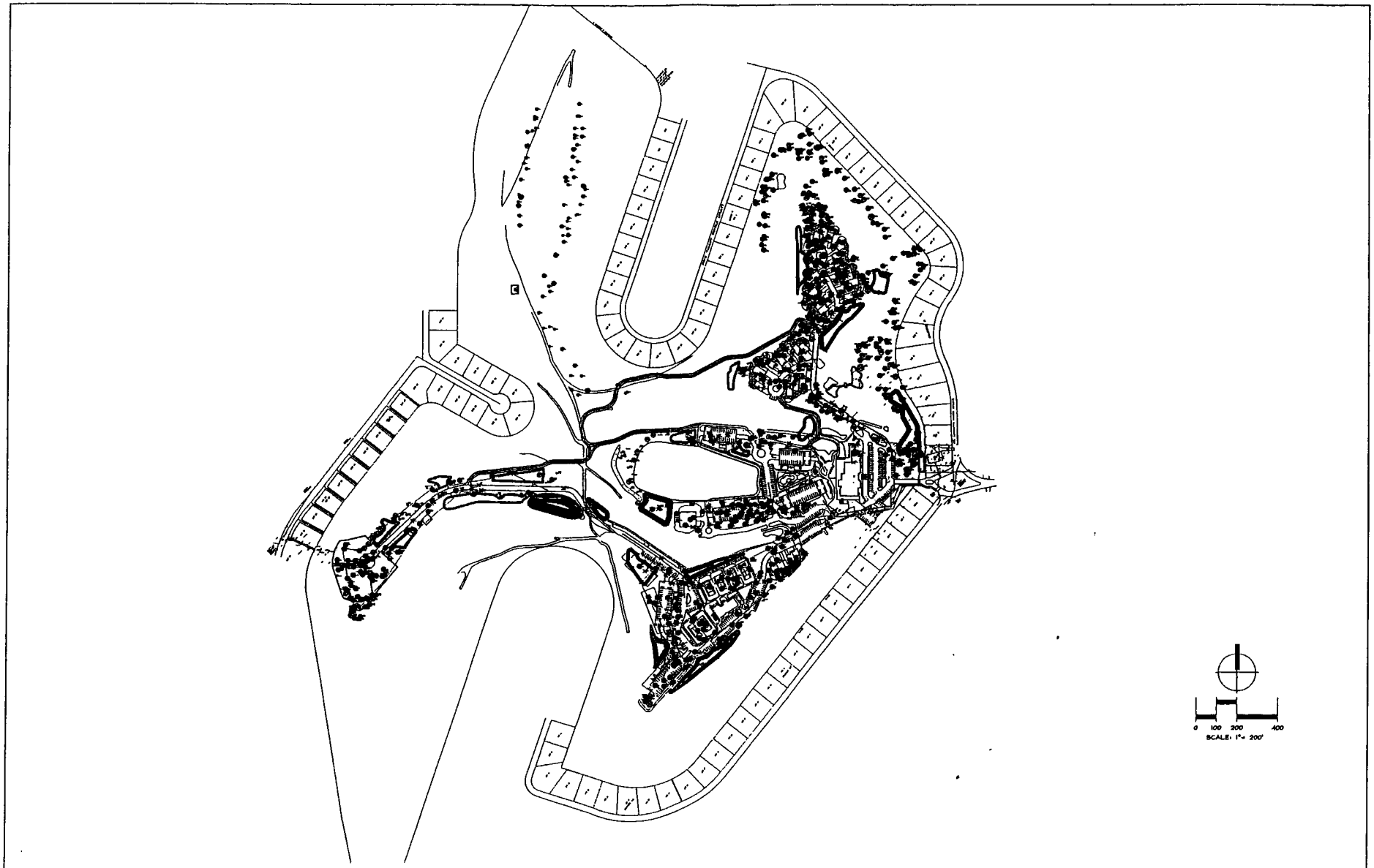
THE TOMOKA GOLF VILLAGE
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph
Civil Engineers
Surveyors
Landscape Architects
Land Planners
Environmental Consultants
Certificate of Authorization No. 2111

Robert J. Pugh, R.L.A.
LA0001322

LANDSCAPE NOTES AND DETAILS

Sheet No.
L-9



No	Date	Revision	Approved	No	Date	Revision	Approved	Designed by:	GJP	6/05	Scale: 1" = 200'	THE TOMOKA GOLF VILLAGE	cph	Robert J. Pugh, PLA LA0001520	OVERALL TREE RETENTION PLAN	Sheet No. TR-1
1				4				Drawn by:	RES	6/05						
2				5				Checked by:	GJP	6/05	Date: June, 2005					
3				6				Approved by:	GJP	6/05	Job No. 73161					
								Certificate of Authorization No. 7133			File: TPP	ORMOND BEACH, VOLUSIA COUNTY, FLORIDA				

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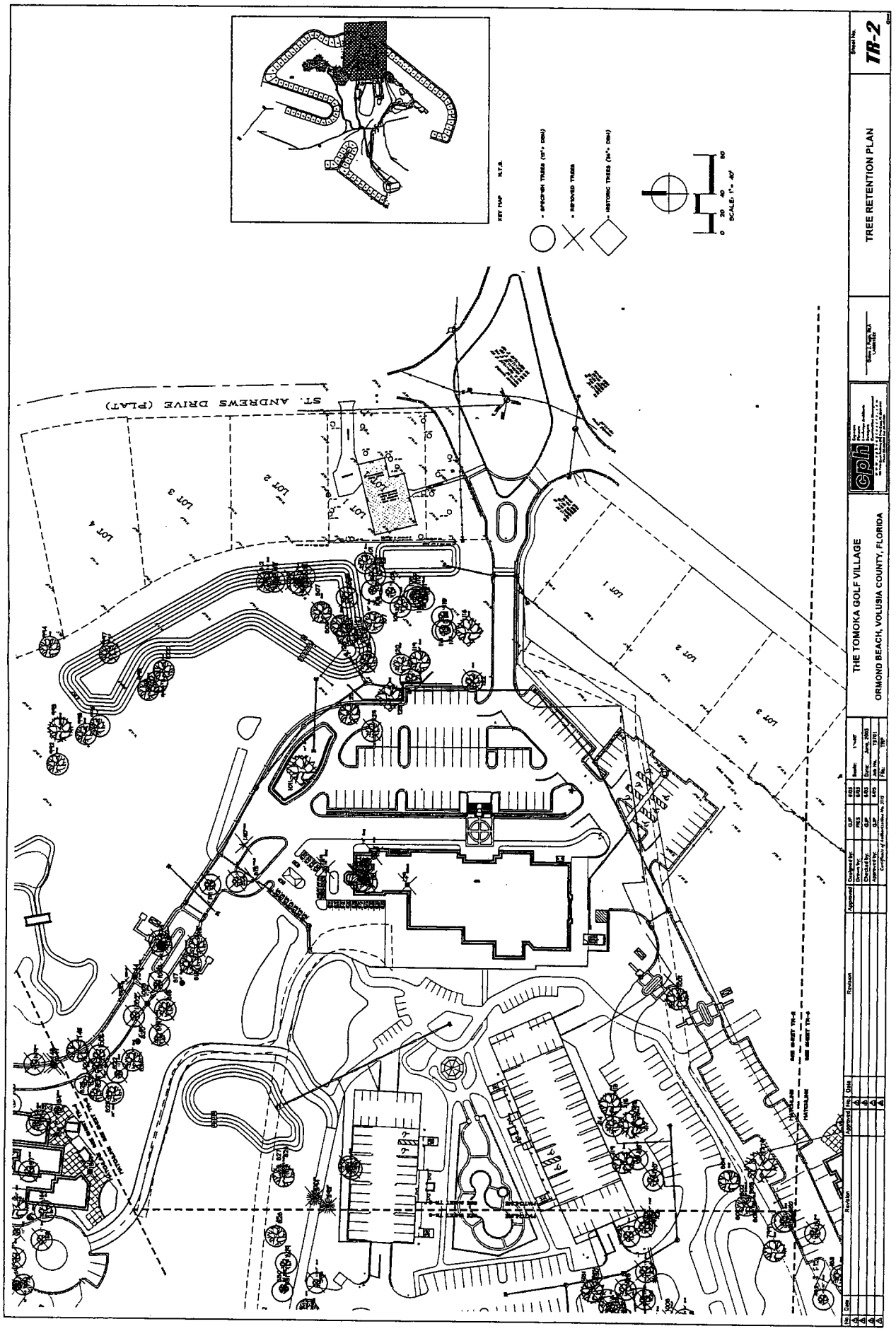

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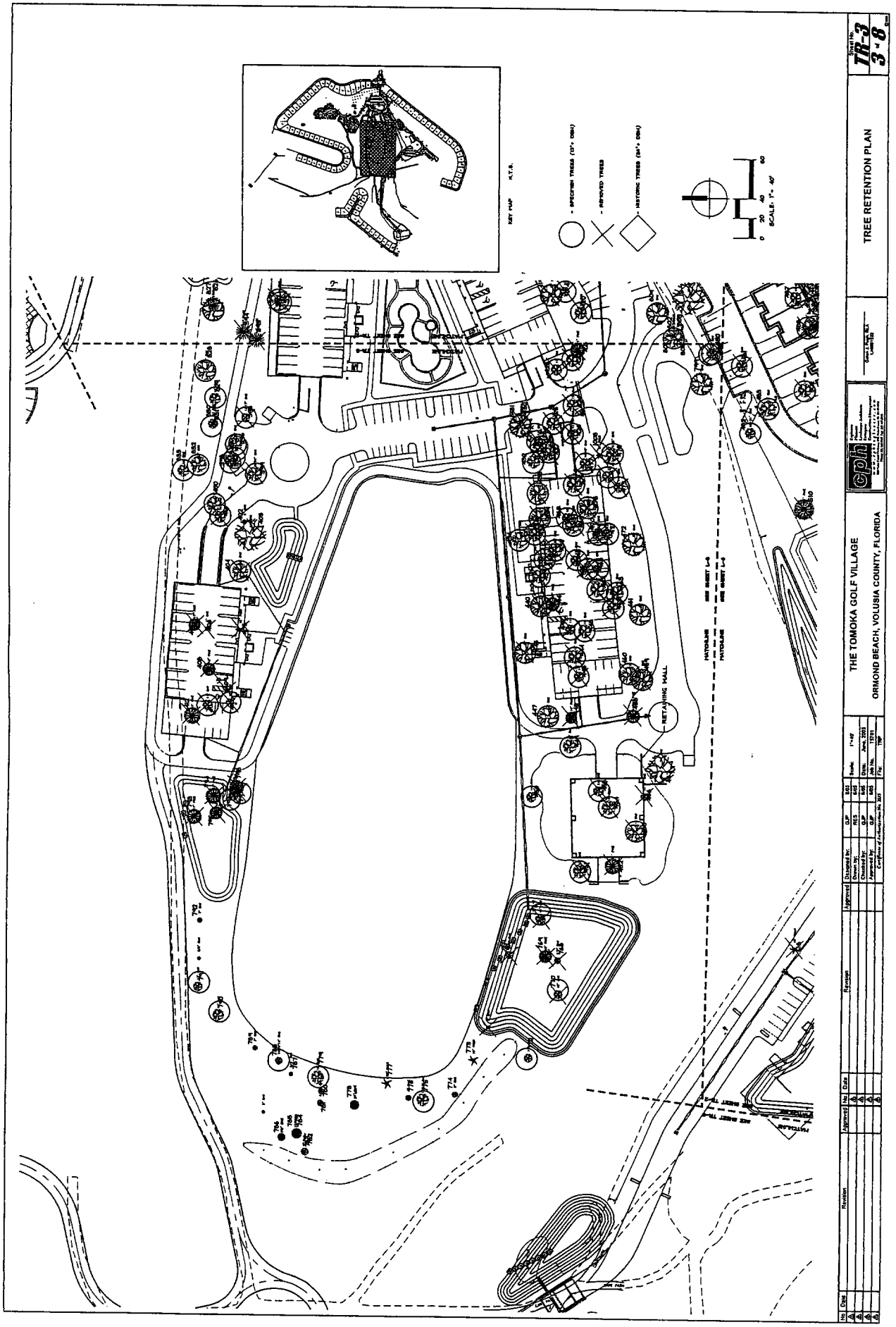
Page: 2214



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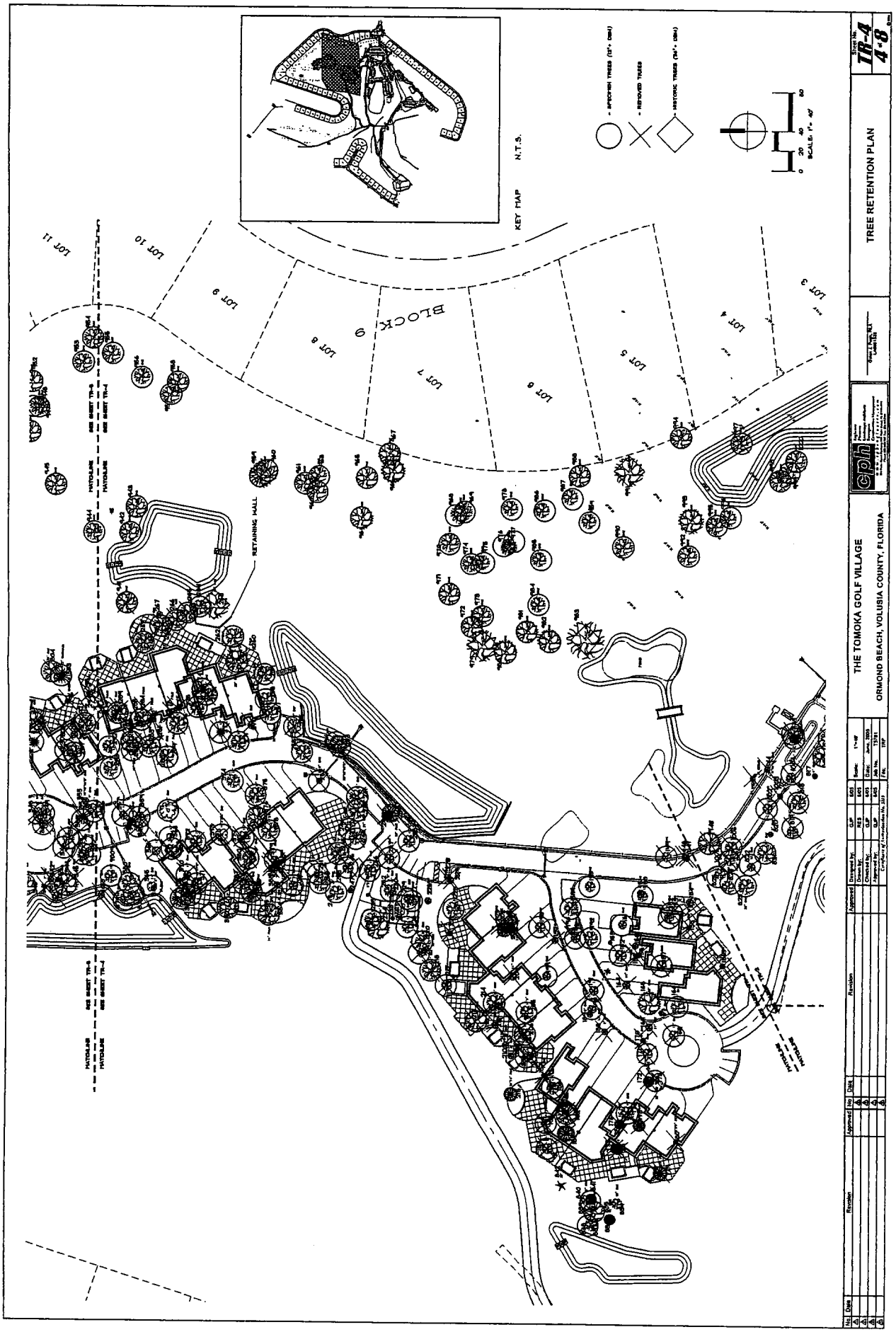
Page: 2215



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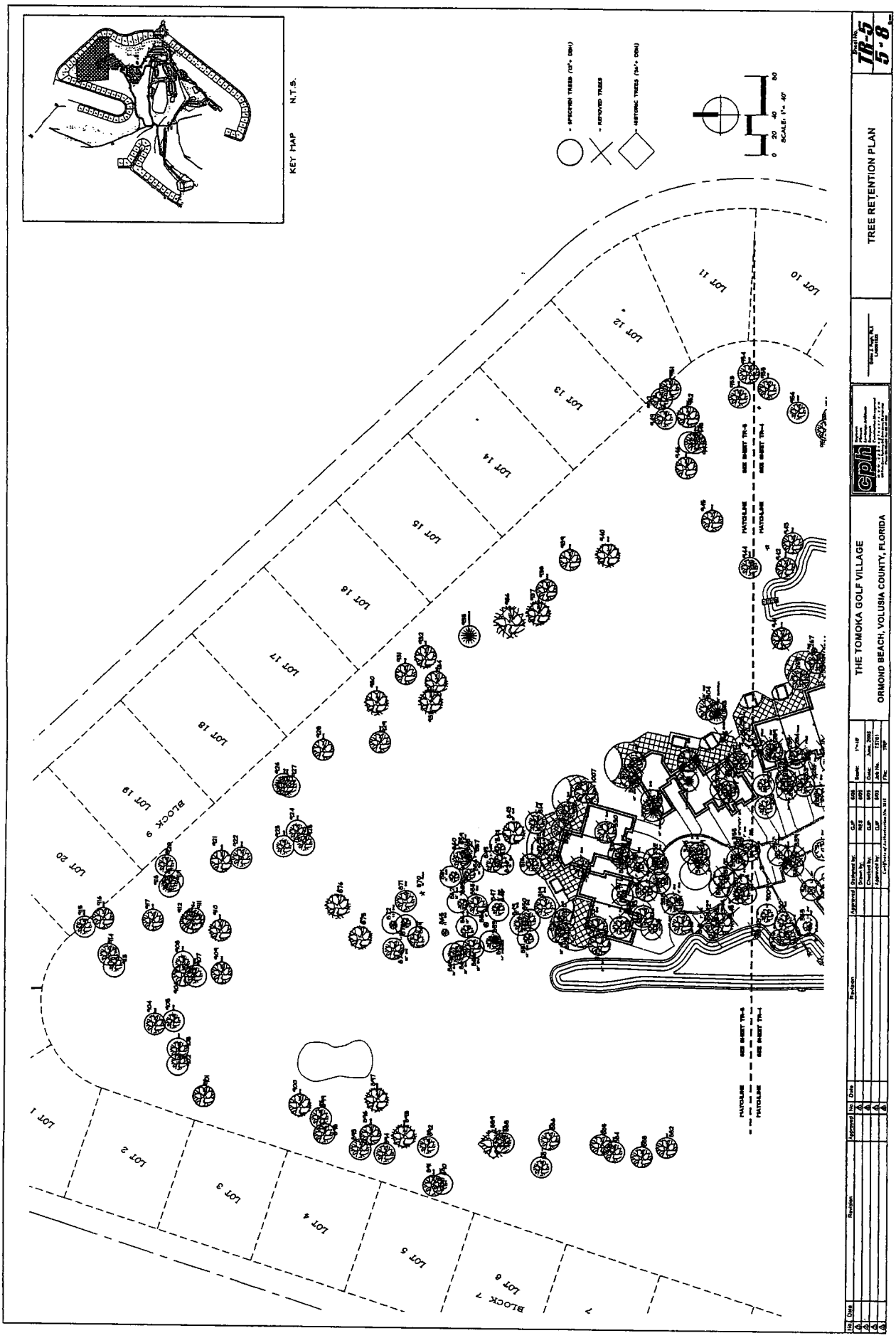
Page: 2216



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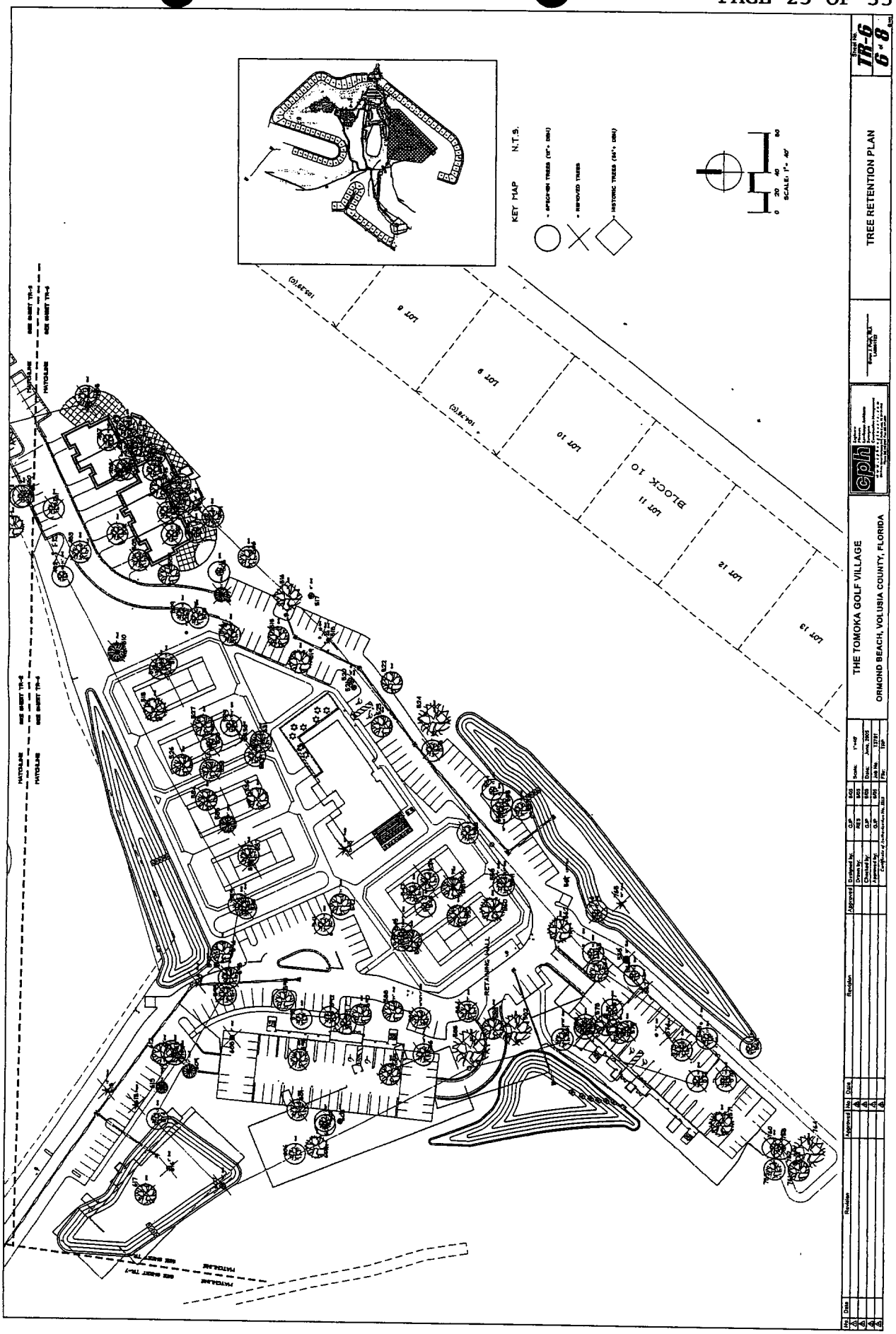

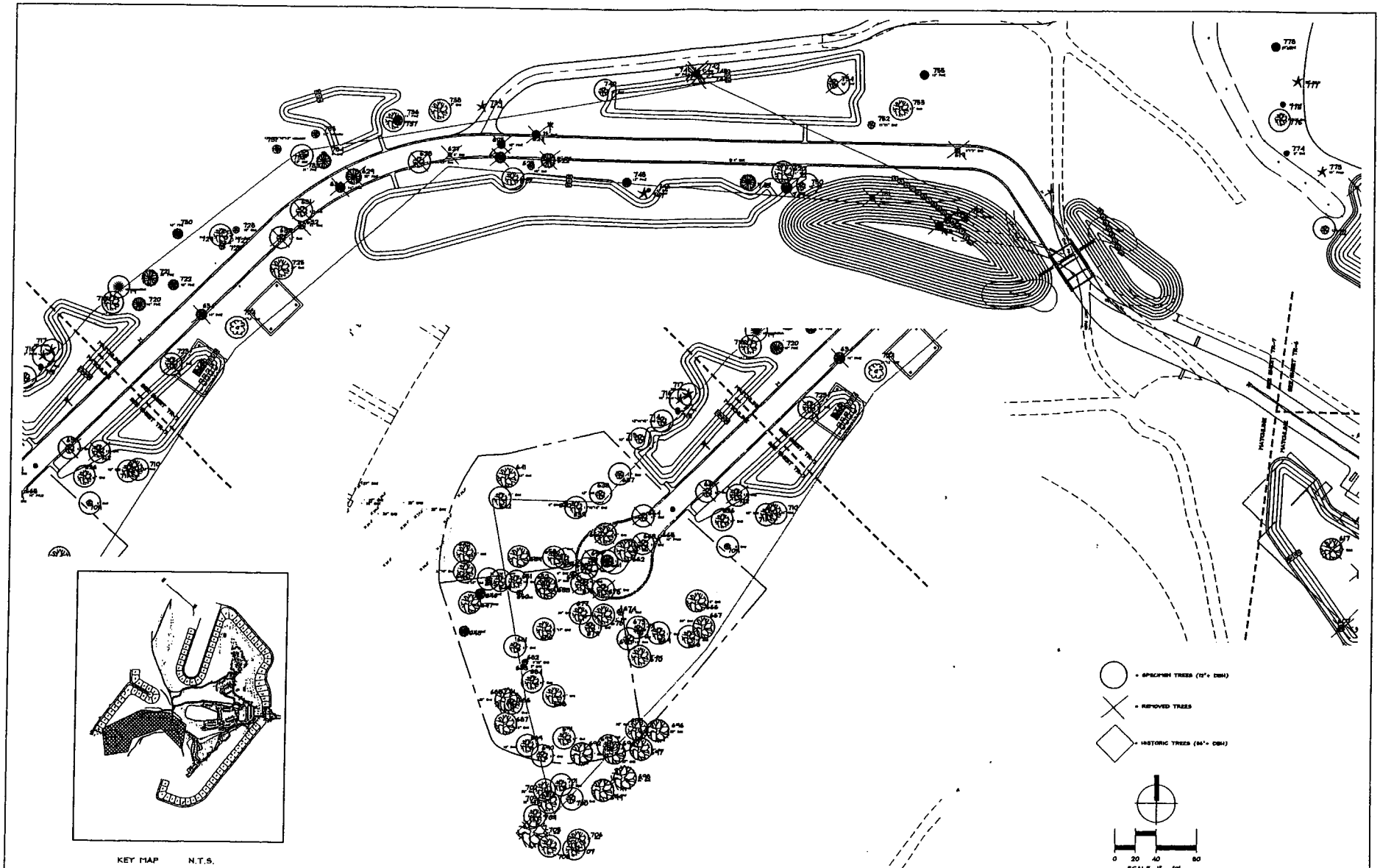

No	Date	Revision	Approved	No	Date	Revision	Approved

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Drawn by:	RES	6/05		
Checked by:	GJP	6/05	Date:	June, 2005
Approved by:	GJP	6/05	Job No.	T5701
Certificate of Authorization No. 3213			File:	TRP

THE TOMOKA GOLF VILLAGE

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

cph

Dalton J. Pugh, RLA
LA0001532

TREE RETENTION PLAN

Sheet No. TR-7 7 of 8

EXHIBIT D
PAGE 26 OF 35

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TREE LIST

X = REMOVED TREE

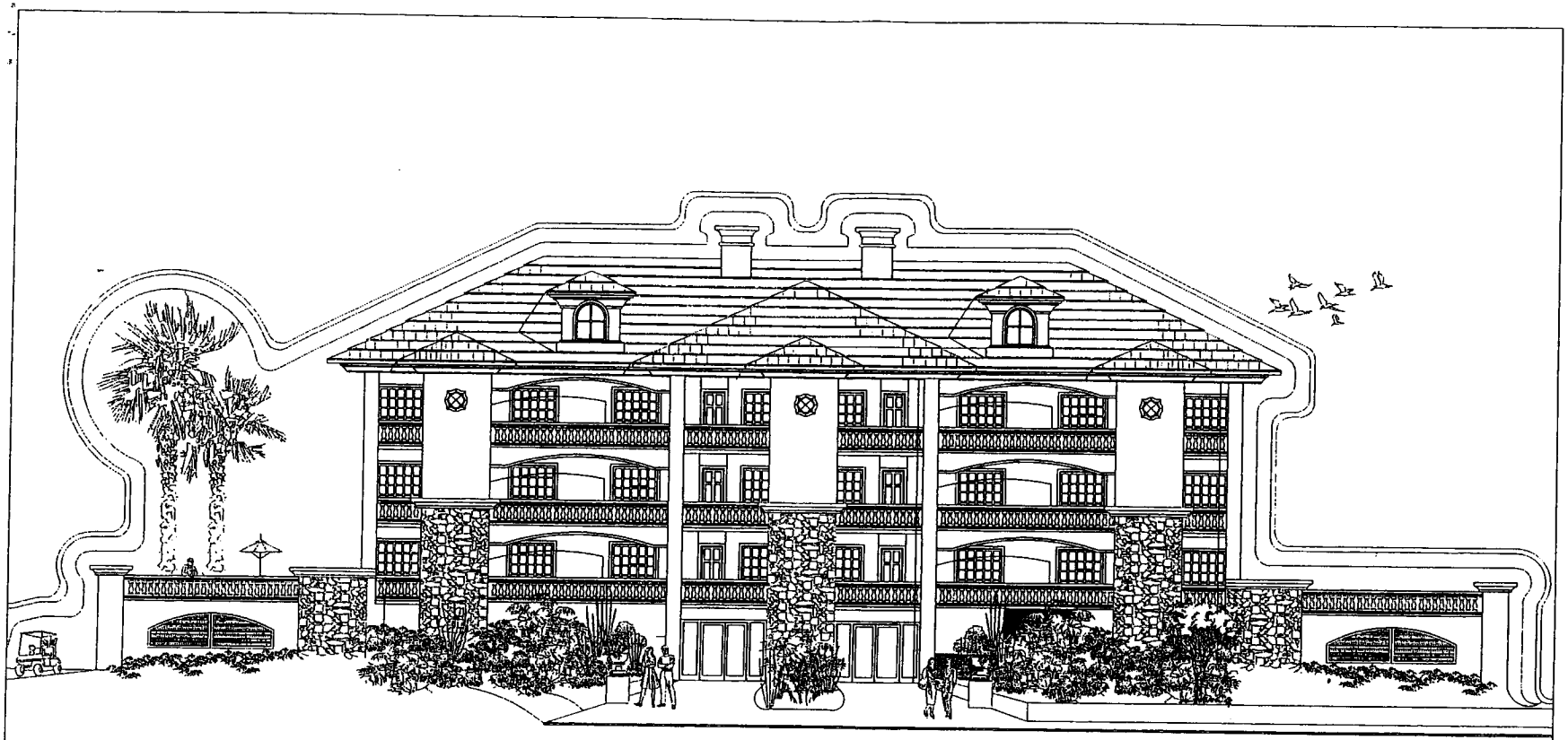
TREE NUMBER	INCHES (DBH)	SPECIES
101	25	OAK
102	30	OAK
103	24	OAK
104	24	PALM
105	24	OAK
106	24	OAK
107	24	OAK
108	24	OAK
109	24	OAK



TYPICAL END VIEW

STANLEY P. HOELLE
ARCHITECT
386 672.2261

EXHIBIT "B"
PAGE 28 OF 35



THREE STORY GOLF VILLAS
POOL SIDE ELEVATION

STANLEY P. HOELLE
ARCHITECT
386 672.2261

EXHIBIT "B"
PAGE 29 OF 35

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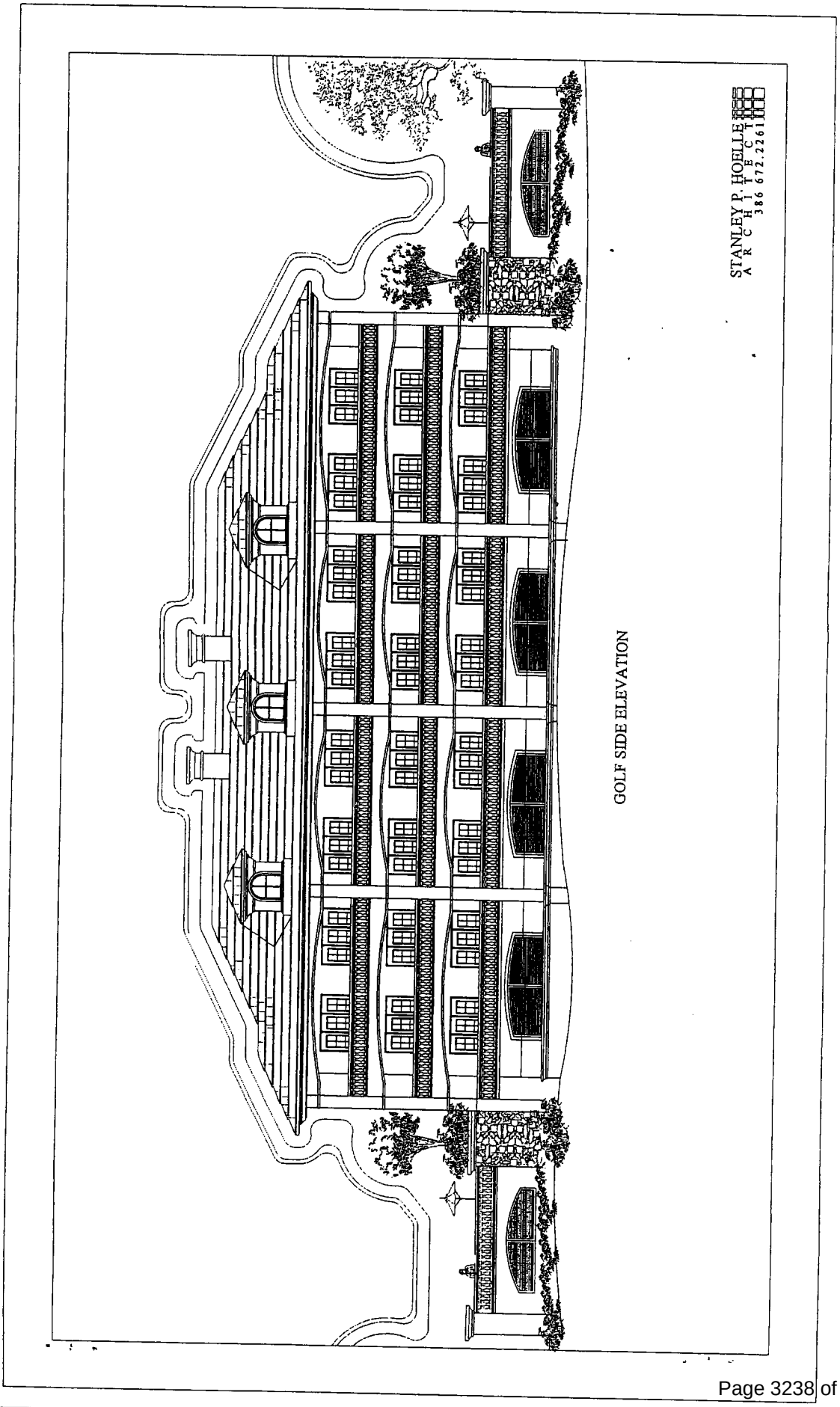
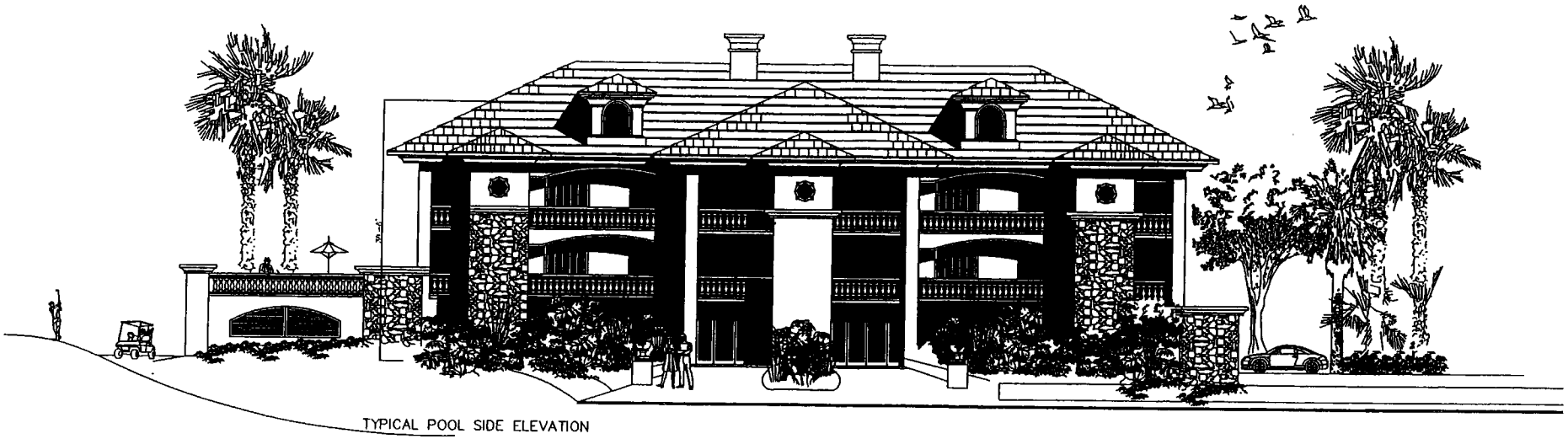
Book: 5944
Page: 2222

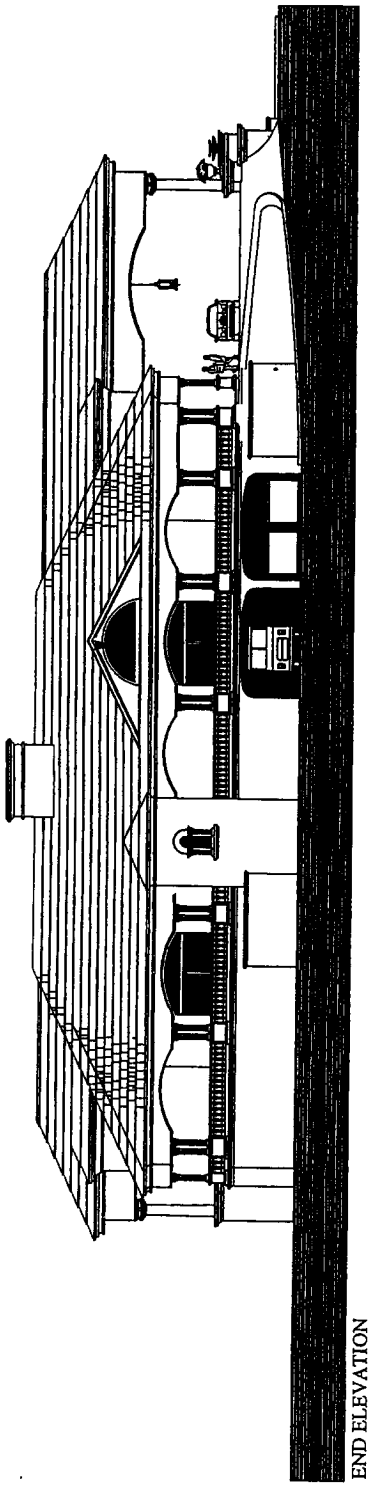




TYPICAL POOL SIDE ELEVATION

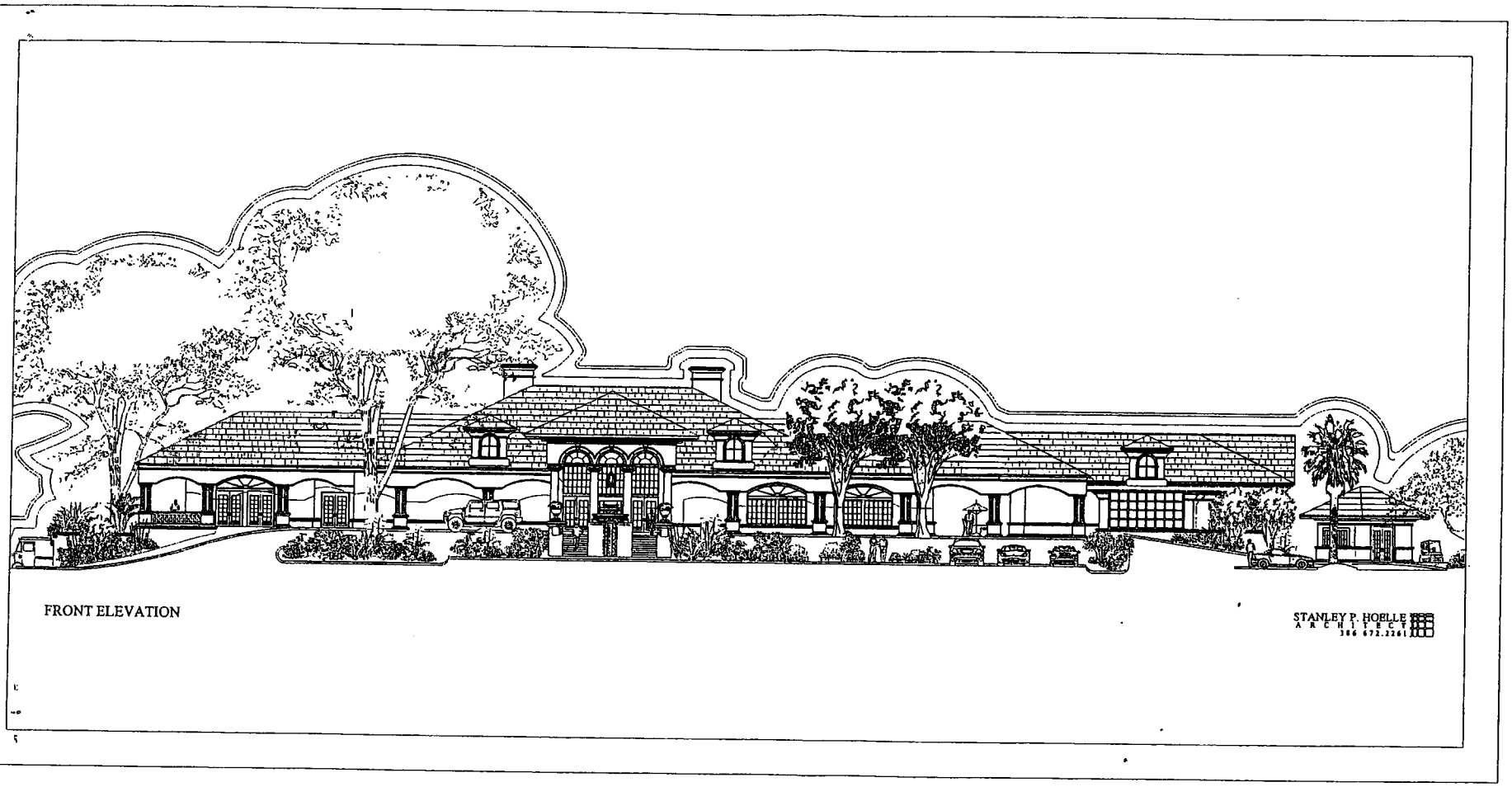
TYPE A GOLF VILLAS

Instrument# 2006-213445 # 42
Book: 5944
Page: 2224



END ELEVATION

Instrument# 2006-273445 # 43
Book: 5944
Page: 2225



FRONT ELEVATION

STANLEY P. HOELLE ARCHITECT 386 672.2261

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PAGE 33 OF 35

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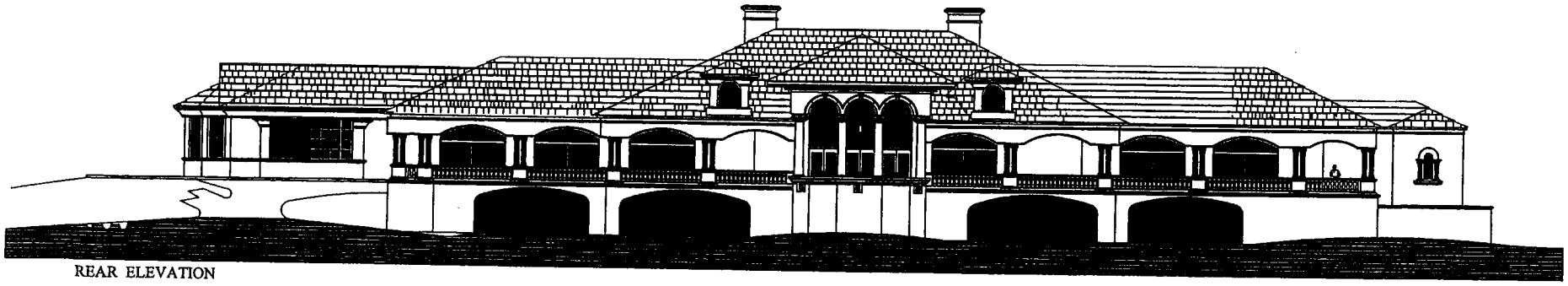
Book: 5944
Page: 2226



REAR ELEVATION

EXHIBIT "B"
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Diane M. Matousek
Volusia County, Clerk of Court





EXHIBIT "B"
PAGE 35 OF 35

1102 A1A North; Suite 201
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Karl J. Sanders
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VIA E-MAIL ONLY

November 21, 2023

Mr. Randy Hayes
City Attorney
City of Ormond Beach
22 South Beach St.
Ormond Beach, FL 32174

Email: *randy.hayes@ormondbeach.org*

RE: Withdrawal of Application for PRD Development Order
Tomoka Reserve Subdivision (PRD 2022-043)

Dear Mr. Hayes:

This Firm has been retained by Triumph Oaks of Ormond Beach, LLC ("Triumph Oaks") to serve as co-counsel (alongside Rob Merrell and the law firm of Cobb Cole) in connection with securing the requisite permits to develop its real property located at 20 Tomoka Oaks Boulevard in Ormond Beach (Parcel ID # 3242-07-00-0010).

The purpose of this correspondence is to formally advise the City of Ormond Beach that the members of Triumph Oaks (hereinafter, the "Property Owners") have decided to withdraw their application for a new PRD Development Order (PRD 2022-043). Instead, the Property Owners will be moving forward with their pending application to amend the City's current Zoning Map designation for the Property back to "R-2" – the conventional zoning district that the City originally assigned to the Property prior to City Commission's adoption of Ordinance 2006-17 (approving the former owner's request for a zoning map amendment to PRD and a now-expired Development Order for the "Tomoka Oaks Golf Village PRD").

Although the Property Owners continue to believe that their most recent changes to the PRD Development Order proposal (calling for 272 single-family lots with extensive buffering and other site enhancements) reflects a development plan which offers significant public benefits for both the neighboring property owners and the City, they also recognize their legal rights to develop the Property in accordance with the conventional zoning district regulations associated with the R-2 zoning district – the original zoning designation for the Property (and the current zoning designation for the residential neighborhoods surrounding the Property).

In light of the City Commission's comments and directives earlier this month at the public hearing on the request for approval of the proposed "Tomoka Reserve" PRD Development Order, the Property Owners have concluded that the Commission's decision to remand their application back to the Planning Board – *despite their stated objections* – for the purpose of negotiating a "significant reduction" in the number of residential lots would be an exercise in futility. Accordingly, the Property Owners will be moving forward with their pending application (ZMA Project # PZ-23-054) to re-affirm their legal right to use and develop their private property, consistent with the published development standards associated with the City's R-2 zoning district.

Per the statutory directives of the Community Planning Act, the Florida Legislature has expressly directed all local governments in this State "to recognize and respect judicially acknowledged or constitutionally protected rights." And this statutory mandate includes the obligation of local governments to apply their land development regulations "with sensitivity for private property rights" and not unduly restrict the ability of private property owners to use and/or develop their land:

> Property owners must be free from actions by others which would harm their property, or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f). Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law.
>
> § 163.3161(10), Fla. Stat. (2023).

Consistent with the statutory mandate of Section 163.3177, Florida Statutes, the City Commission of Ormond Beach has affirmatively expressed its recognition of the private property rights of its constituents by its approval of Ordinance 2021-44, wherein the City created a new "Property Rights Element" for inclusion in its Comprehensive Plan (mandating consideration of "the right of the property owner to use, maintain, develop and improve his or her property . . . subject to state law and local ordinances."). "Local ordinances" include the regulatory provisions of the City's Land Development Code. And, per the unambiguous terms of that Code, the R-2 zoning district regulations must be applied *uniformly* to *all* parcels assigned with that zoning designation. Stated differently, unlike a voluntary request for a PRD zoning district, there are no site-specific development standards for the City to consider in determining the "compatibility" of a proposed development with neighboring properties; rather, as a matter of law, any proposed development which meets the published regulations for a conventional zoning district (such as the R-2 district) is legally "compatible" and must be permitted as a matter of right.

In closing, pursuant to the mandatory directives of Section 166.033(1), Florida Statutes, I kindly request that you direct City Staff to promptly notice our pending application for a Zoning Map Amendment from PRD to R-2 (filed on May 4, 2023) for hearing before the City's Planning Board at their scheduled meeting on January 11, 2024.

We thank you in advance for your prompt attention to this matter and look forward to receiving confirmation of the January 11 hearing date before the Planning Board for its consideration of ZMA 2023-054. In the meantime, should you have any questions or wish to discuss this matter further, please do not hesitate to contact either me or Rob.

Very truly yours,



Karl J. Sanders

cc: Rob Merrell, Esq.
Dennis Bayer, Esq.
Steven Spraker

TMH CONSULTING, INC.
Community Planning Services

Tom@TMHConsultingInc.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO:	Ormond Beach Planning Board
CC:	S. Spraker, AICP, Planning Director
FROM:	Thomas Harowski, AICP, President
SUBJECT:	Tomoka Reserve Zoning Application
DATE:	December 29, 2023

The developers of the proposed Tomoka Reserve development have abandoned their application for a planned residential development and are seeking standard zoning for the tract requesting R-2 Single Family zoning be applied. The existing Tomoka Oaks Subdivision is zoned R-2, but it is not automatic that rezoning the subject parcel to R-2 is mandatory or even the most appropriate action by the city. This report is being offered to explore other options for consideration. Let's begin with a few statements of fact.

- The subject property is designated as low density residential by the City's comprehensive plan.
- Low density residential allows development up to 4.3 units per acre, but there is no guarantee or firm entitlement that every low-density residential parcel can be developed to the maximum level allowed by the land use classification.
- The current zoning of the subject property is Planned Residential Development (PRD), but there is no active development agreement supporting the zoning designation.
- The eventual zoning assigned to the subject property needs to be consistent with the future land use designation and compatible with the surrounding community.
- The original design of the Tomoka Oaks neighborhood included a residential subdivision and an 18-hole golf course and country club that was integral to the local community and functioned, in part, as community open space.
- For most of its existence the Tomoka Oaks Golf and Country Club included swimming and tennis as well as community space and a restaurant in the clubhouse. Club members and the general public could use the restaurant and many Tomoka Oaks residents enrolled children in the summer camp programs. Neighborhood association meetings were held at the clubhouse, so the facility

was integrated into the neighborhood as a social center as well as being community open space.

- The actual development density of the Tomoka Oaks subdivision is about 1.27 units per acre when the subject property is properly recognized as neighborhood open space per the original subdivision design.

- Regardless of a traffic study finding that the proposed development would meet level of service standards, the Tomoka Oaks neighborhood will still be impacted by a significant level of traffic which will reduce traffic safety and increase hazards for pedestrians and cyclists.

Analysis

The Community Planning Act (F.S. 163.3164 (9)) defines compatibility as:

> "… a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or."

The City of Ormond Beach comprehensive plan supports the state definition with Future Land Use Element Policy 1.1.3 which in part reads "Preserve the character of existing neighborhoods by not allowing the intrusion of land uses that would threaten to alter the neighborhood character…." The fact that a land use type may be the same, say single-family adjacent to single-family, does not mean that the new land use cannot be intrusive if it alters the neighborhood character.

As discussed extensively during the hearings on the applicant's request for PRD approval, the planned construction of new housing on the subject property is a clear intrusion into the Tomoka Oaks neighborhood. The only place where the proposed development does not abut existing houses is literally where the driveway into the former clubhouse is located. This is the "hole in the donut" concept that was extensively discussed and accepted by both the Planning Board and the City Commission as a clear element of impact by the proposed development on the existing neighborhood. Ample evidence of this finding is available in the minutes of the September 26, 2023, meeting. Because of the intrusive nature of the proposed development on the existing neighborhood the requirement for a compatible development demands that impacts from the new development follow a density and lot size compatible with the existing neighborhood and that the project compensate Tomoka Oaks for the loss of community open space.

A zoning designation assigned to a property must be consistent with the comprehensive plan as well as being compatible with the area surrounding the proposed development. Section 2-02 of the City's land development code includes Table 2-2 Future Land Use Map Designations and Compatible Zoning Districts. For low density residential land uses, the table lists the following classifications:

R-1 Residential Estates
R-2 Single Family Low Density
R-2.5 Single-Family Low-Medum Density
R-3 Single Family Medium Density
Planned Residential Development

The following table provides some basic information about each of the classifications that are consistent with the low-density land use and may be compatible with existing developments.

Zoning District	Units/ Acre	Lot Size	Lot Width	Lot Depth	Lot Coverage
R-1	2.17	20,000	100	150	75%
R-2	4.30	10,000	100	NA	75%
R-2.5	4.98	8,750	90	NA	75%
R-3	5.05	8,625	75	NA	75%
PRD	Negotiated				

The current zoning of the property is planned residential development (PRD) which needs to be completed with a development agreement specifying the provisions governing the use and development of the property. While the applicants sought a PRD agreement that was not recommended by the Planning Board, the City Commission did not deny the application, but referred the proposal to the Planning Board for additional refinement. The City Commission has no obligation to abandon the PRD zoning until it is fully demonstrated that no development agreement under the PRD can be approved. Since the proposed project never proceeded to a final vote, there is no affirmative evidence that the submitted proposal or a modified proposal cannot receive approval.

Given the clear disparity between the developed character of Tomoka Oaks and the minimum dimensional standards of the R-2 zoning district, it is clear that the PRD zoning offers the best opportunity to maximize compatibility between the proposed project and the existing neighborhood development. It is clear from the Planning Board public hearings that there is a plan that they would consider acceptable. Note the comments of Mr. Galloway on page 18 of the September 26, 2023, meeting minutes; the comments of Mr. Thomas on page 20; the comments of Mr. Galloway and Mr. Thomas on page 22; and Mr. Galloway again on page 24. These comments suggest a project size of 220 to 250 units would receive serious consideration, and that a range of lot sizes would be acceptable so long as the perimeter lots were predominantly the same size as the R-2 lot minimums.

While rezoning to R-2 would seem to be an easy choice for the subject parcel and would be consistent with the low-density land use, development of the project at minimum R-2 standards is inconsistent and incompatible with the existing Tomoka Oaks neighborhood. The developed density of the neighborhood is 1.27 units per acre; about 25% of the allowable maximum density and about 50% of the proposed project density. Given the direct impact of the proposed development on a significant number of units in

Tomoka Oaks and indirect impacts on the entire neighborhood resulting from increased traffic and lessened safety for pedestrians and cyclists, R-2 is not the best zoning choice.

If density comparison between the current neighborhood and the proposed development is to be the key criterion for compatibility, the table above suggests that R-1 zoning is in fact the most appropriate standard zoning. This choice recognizes that Tomoka Oaks is developed well above the minimum R-2 standards, and that a project that approaches the minimum requirements for R-2 zoning is in fact not compatible with the current neighborhood.

Findings

It is indisputable that PRD zoning offers the best opportunity to maximize compatibility with the current neighborhood while remaining consistent with the comprehensive plan and future land use. The City Commission did not reject the PRD proposal. They expressed concerns about the plan and referred the request to the Planning Board to work on refinements. The applicants elected to abandon the process without the project ever coming to a final vote. It is clear from the Planning Board hearings that there is a path to an acceptable plan under PRD zoning that can be supported for City Commission review. The current zoning is PRD and there is no reason to approve any zoning other than PRD at this point in time.

If standard zoning is to be applied, R-1 density is more consistent with the developed nature of Tomoka Oaks. The resultant project under R-1 would yield a project density closer to the developed character of the neighborhood and it would lessen external impacts from traffic and from reduced public safety.

Commentary on the Application

As part of the application for rezoning, the applicants provided a project narrative that responds to questions posed in the application form and they cite compliance with several comprehensive plan policies. Some of their conclusions and statements in the narrative are debatable. The following comments offer a contrasting perspective given the positions laid out in the preceding analysis.

> *The proposed development conforms to the standards and requirements of this Land Development Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. (From City Application)*

- The applicants align crowding with the maximum density allowed by the future land use classification. The proposed project does fall within the allowable range set by the comprehensive plan, but the proposed project as presented would be about twice as dense as the existing neighborhood. The statement that the proposed development is a reuse of a failed golf course has no impact on the criteria identified in part of the application.

- Keep in mind that the nature of the former golf course property has much more coterminous property with the existing neighborhood than would a more typical new subdivision adjacent to an existing neighborhood.

The proposed development is consistent with the comprehensive plan. (From City application.)

- The requested R-2 zoning is consistent with the comprehensive plan, but it is not the only zoning category that meets the consistency test. The findings of this analysis are that PRD is the best option followed by R-1 Single-family and then R-2 Single Family.

- The applicant's response cites Policy 1.1.6, but the response really misses a key point of the policy. The policy is intended to promote a variety of housing types with duplex, townhouse, and multi-family specifically cited as varied housing types. The proposed development with R-2 single-family does not really respond to this point.

- The applicant's response cites Policy 1.1.7 regarding sound residential communities and quality housing, but the standard zoning option provides no assurance that "the development is comprised of residential homes of a quality and character that will promote a long-lasting, aesthetically pleasing residential neighborhood…" as they claim. Outside of the PRD format there is no vehicle to provide for an affirmative commitment to design and other community enhancements.

- The applicant's narrative repeatedly claims the project as an infill development. This is true in the sense that the project is located within the more developed core area of the city rather than at the outer periphery. However, it has been well established during the many public hearing on this project during the PRD review, that Tomoka Oaks and the former golf course is a unique condition in that the proposed development in entirely consumed within the existing neighborhood and is deserving of a more fine-grained treatment of the border between the two projects to provide at least a minimal level of compatibility.

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January 11, 2024

Steven Spraker AICP
Planning Director
City of Ormond Beach
22 South Beach Street
Ormond Beach, FL 32174
Steven.Spraker@ormondbeach.org

SUBJECT: PROPOSED REZONING OF ~147.94 ACRE PROPERTY AT 20 TOMOKA OAKS BOULEVARD IN ORMOND BEACH FROM PRD TO R2 PROJECT NUMBER ZMA 2023-054 (MERRELL/ TRIUMPH OAKS OF ORMOND BEACH LLC, APPLICANT); FP CASE #2021_08_03

Dear Mr. Spraker:

I am a professional planner, AICP #051,330. I have been retained by my clients, the TOMOKA OAKS HOMEOWNERS' ASSOCIATION (TOHA), John Power, President, to provide professional land use advice and to appear on their behalf as an expert witness in future hearings concerning the conversion of this 147-acre course, which my clients advise me was designed by the late legendary Sam Snead.

My client group's members have relied in good faith for decades on the representations of the original developer and the City of Ormond Beach. The extent of this reliance is set forth in detail at page 2 of the Staff Report for this case. As stated in the Staff Report: "The former Tomoka golf course land is situated in the Tomoka Oaks residential subdivision. The physical and historical connection of these two properties present unique circumstances regarding the developer's proposed development of the golf course land." [pg. 2]

Their property tax rates have been predicated upon the assumption that they and their successors in interest would continue to enjoy their proximity to an outstanding golf course in a serene and attractive natural setting with a high-quality open space amenity, designed in coordination with their individual properties and the other design components of their subdivision.

Research performed in preparation for this letter. In preparing this letter, my clients and I have researched the history of the subject property. We have made close reading of the following reports and documents, among others:

- *Daytona Beach News Journal* May 10, 2021 article "Residents riled up over former golf course's fate" by Clayton Park.
- *Ormond Beach Observer* May 21, 2021 article "Developers host first 'pre-neighborhood' meeting for Tomoka Oaks golf course project" by Jarleene Almenas.
- *Ormond Beach Observer* July 22, 2021 article "Early concept: 318 homes on former golf course" by Brian McMillan.
- August 3, 2021 Community Meeting slide presentation.
- Memorandum dated August 30, 2021 from Tom Harowski of TMH Consulting. (Mr. Harowski is a Tomoka Oaks resident and a professional land use planner.)
- Memorandum dated June 28, 2023 by Mr. Harowski, explaining in detail the case against the proposed 278 unit development and proposing alternative development standards.
- Staff Report dated January 11, 2024.

History of the Course. According to Mr. Park's *News Journal* article, the Tomoka Oaks Golf & Country Club, with its 130-acre course was opened in 1964, and was sold by its original developers in 1979 to Dick Ryals, a local radiologist who owned and managed the course as a family business until 2010. Based upon my conversations with affected Tomoka Oaks neighbors, I concluded that they were generally satisfied with the Ryals family's management of the course. The course was subsequently acquired and managed by Oakland Raiders veteran placekicker Sebastian Janikowski and has since been acquired by an ownership group headed by Ray Barshay and Carl Veile.

Considerations not addressed by the anticipated applicant.

1. The Ormond Beach Land Development Code contains no provisions for regulating the adaptive reuse of former golf courses, and specifically their conversion to residential uses. Some local governments, including Collier County and the City of Bonita Springs in Lee County, have adopted ordinances which define a detailed process for conversion of golf courses. The Collier County ordinance was adopted after a study of the challenges of golf course conversion. Both the ordinance and the study may be of value to Ormond Beach in designing its own procedures for golf course conversion.

2. The City of Ormond Beach has the option to impose a moratorium on the conversion of golf course properties to residential uses in order to have time to study the challenge of conversion and its effects on the neighborhood.

Recommended Findings of Fact

1. The existing golf course was designed by the late Sam Snead. Since it opened in the early 1960s, the course has been a defining feature the Tomoka Oaks neighborhood, providing high quality recreation and open space amenities.

2. The golf course was a vital and irreplaceable component of the original Tomoka Oaks development project and has continued to be a vital and irreplaceable component of the neighborhood as it now exists. Tomoka Oaks would be a very different community without this golf course and in particular the open space amenity which it provides.

3. There is a distinction between a freestanding golf course, e. g. a traditional membership country club or a municipal course, and a course that was designed as an integral part of a residential development, such as Tomoka Oaks. In such cases, the golf course is an integral part of the entire development, and not a mere amenity, such as a bocce court or a card room. The golf course itself is subject to many constraints which inform the design process—soil types, elevations, species, for example. The golf course is not simply a vacant space which was not considered desirable for residences or ancillary amenities.

4. The residential portions of a golf course development are designed concurrently, and in unity with, those of the course itself, which attracts golfers and prospective lot

purchasers and residents, for whom the golf course provides both a recreational and an open space amenity. Golf courses of this sort are designed to highlight the edge that forms the frontier between the residential lots and the course thereby enhancing the premium expected over non-frontage lots.

5. Since the early 1960s, the original residents and their successors and assigns have contributed to the profitability of the original developer and have enriched the City's tax base with their remittances of fees and taxes. They were motivated by their **investment-backed expectations** that a well-managed golf course in the heart of their community would allow them to continue to enjoy Tomoka Oaks as it was originally designed.

6. The applicant has an existing entitlement on this property which was granted by the City Commission. The City has no obligation to grant any number of additional residential units to replace the golf course.

7. In granting the original development order, the City Commission approved a ratio of residential development to recreation and open space, which has remained in place for more than half a century. The conversion of the golf course, or any portion of it, to residential would increase the residential to recreational/ open space ratio accordingly.

8. To the extent that the City of Ormond Beach may consider allowing some residential development within the existing golf course footprint, it is incumbent upon the City's decisionmakers, as its highest priority, to **maintain the open space amenity** which current residents and their predecessors in interest have enjoyed and which has been maintained for them since the early 1960. This enjoyment can be maintained in part through the use of greenbelts and opaque barriers with a minimum 100 foot width.

9. Greenbelts and opaque barriers would best be maintained by a continuing reliance on the Planned Residential Development (PRD) zoning category, which is set forth in great detail in both the Harowski memorandum and in page 7 of the Staff Report: "The City Commission considered the applicant's application for a development order under the PRD, Planned Residential Development zoning at a public hearing on November 7, 2023…The City Commission recognized that development of the golf course under PRD, Planned Residential Development zoning provided the best opportunity to minimize negative impacts on adjacent neighborhoods."

10. As an equally high priority to #7 above, the City's decision-makers must assure that any future residential development within the 130-plus acre footprint of the existing golf course are **compatible** with the existing residential lots and units of the Tomoka Oaks

    subdivision as defined in Sec. 163.3164(9) of Florida Statutes.[1] To achieve this compatibility, the HOA proposes a minimum 50-foot buffer between the existing homes and the new homes. The HOA further proposes that lots at the perimeter of the project should be larger to match the lot size of the existing homes more closely.

11. As a secondary, but significant, priority in addition to findings # 7 and # 8 above, the City's decision-makers must assure that a significant portion of the 130-plus acre golf course footprint, be maintained as a **recreational amenity** to serve the needs and preferences of existing and future residents. An example of such facilities would be a par-3 (executive) golf course of 9 or 18 holes. This can be maintained in part through the use of greenbelts and opaque barriers.

12. As a tertiary, but significant, priority in addition to # 7, 8, and 9 above the City's decision-makers must assure that protected species are identified and their habitats placed under conservation easement held by a third party, preferably a not-for-profit land trust.

13. Open space can be preserved by reducing the Applicant's proposed lot depth of 120 feet was offered as a means of protecting some of the existing tree cover (based on their statement at the "reveal" meeting). Trees preserved on residential lots are at a much higher risk for removal unless some type of special protection is given such as tree protection easements. Reducing lot depth to **110 feet** would provide at least 10 additional feet that could be devoted to buffer area.

14. Existing residential units in the Tomoka Oaks neighborhood tend to exceed 2,000 square feet in conditioned floor area, and many are much larger. The minimum floor area in the 2,000 square foot range with a two-car garage and other items such as porches added to that base, is acceptable for new residential units.

15. The diversity of housing types and designs is key to the aesthetic appearance and curb appeal of Tomoka Oaks. To maintain compatibility with those existing units, the

[1] "(9) 'Compatibility' means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

following guidelines should be considered for new residences within the 130-acre footprint of the historic golf course:

- Limit the width of front facing garages to one-third of the house width unless the garage is set back from the front façade of the house by at least 10 feet. No limit would be imposed on side-entry garages to encourage this style in the neighborhood.

- Roof lines will be variable using varied roof styles, pitches, projections, gables, dormers and similar design elements so that the new units do not look like the tent designs that seem so popular in newer subdivisions.

- A limitation on how frequently a floor plan can be repeated along with limits on the exterior design repetition. The front façade should include four to six individual design elements and blank walls should be prohibited. Newer home designs frequently use blank walls or nearly blank walls on the sides of homes. A mixture of one-story and two-story product will be encouraged.

16. Given the great long term impact of the conversion of longstanding golf course land to residential use, the City's decision makers must make all reasonable efforts to assure that existing residents and property owners have an opportunity to participate in any redesign of the existing golf course property.

17. The proposed rezoning is inconsistent with the definition of the LDR future land use category and with the following Goals, Objectives and Policies of the Ormond Beach Comprehensive Plan: Future Land Use Element Goal 1, Policy 1.1.2, Policy 1.1.6, Policy 1.1.7, Policy 1.1.14, Objective 2, Policy 2.2.1, Policy 2.2.5, Policy 2.4.7, and Policy 2.4.10, and should be denied because of those inconsistencies.

18. The proposed rezoning should be denied outright based upon the competent substantial evidence identified in the Harowski memorandum, the Staff Report which recommended denial, and the testimony which will be provided by TOHA and Tomoka Oaks residents and property owners.

This concludes my presentation. Based upon the preponderance of competent substantial evidence, it is my professional opinion that this application for rezoning should be denied outright.

Sincerely,

Max Forgey AICP

Max Forgey AICP

cc: TOHA: John Power, President
Dennis Bayer Esq.
Tom Harowski, AICP

Exhibit "S"
Consisting of 8 pages

KeyCite Yellow Flag - Negative Treatment
Declined to Follow by Cabana v. Kenai Peninsula Borough, Alaska, April 27, 2001

627 So.2d 469
Supreme Court of Florida.

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, Florida, Petitioner,

v.

Jack R. SNYDER, et ux., Respondents.

No. 79720.
|
Oct. 7, 1993.
|
Rehearing Denied Dec. 23, 1993.

Synopsis
Property owners brought original action seeking writ of certiorari after county board denied their application for rezoning of property from general use to medium density multiple-family dwelling use. The District Court of Appeal, 595 So.2d 65, granted petition. On review for direct conflict of decisions, the Supreme Court, Grimes, J., held that: (1) rezoning action which entails application of general rule or policy to specific individuals, interests or activities is quasi-judicial in nature, subject to strict scrutiny on certiorari review; (2) landowner who demonstrates that proposed use of property is consistent with comprehensive plan is not presumptively entitled to such use; (3) landowner seeking to rezone property has burden of proving that proposal is consistent with comprehensive plan, and burden thereupon shifts to zoning board to demonstrate that maintaining existing zoning classification accomplishes legitimate public purpose; and (4) although board is not required to make findings of fact in denying application of rezoning, upon review by certiorari in the circuit court it must be shown there was competent substantial evidence presented to board to support its ruling.

Decision of District Court of Appeal quashed.

Shaw, J., dissented.

West Headnotes (10)

[1] **Counties** Appeals from decisions

Legislative action of county board of commissioners is subject to attack in circuit court; however, in deference to policymaking function of board when acting in a legislative capacity, its actions will be sustained as long as they are fairly debatable.

3 Cases that cite this headnote

[2] **Counties** Appeals from decisions

Rulings of county board of commissioners acting in its quasi-judicial capacity are subject to review by certiorari and will be upheld only if they are supported by substantial competent evidence.

6 Cases that cite this headnote

[3] **Counties** Appeals from decisions

It is character of hearing that determines whether or not county board action is legislative or quasi-judicial, for purposes of judicial review; generally speaking, legislative action results in formulation of a general rule of policy, whereas judicial action results in application of a general rule of policy.

17 Cases that cite this headnote

[4] **Zoning and Planning** Certiorari

Zoning and Planning Modification or amendment; rezoning

Zoning and Planning Modification or amendment; rezoning

Comprehensive rezonings affecting a large portion of the public are legislative in nature, and are subject to "fairly debatable" standard of review; however, rezoning actions which can be viewed as policy application, rather than policy setting, and which have an impact on a limited number of persons or property owners are quasi-judicial in nature and are properly reviewable by petition for certiorari; on such review they

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are subject to strict scrutiny and to substantial evidence standard.

38 Cases that cite this headnote

[5] **Zoning and Planning** Certiorari

County board's denial of landowner's application to rezone property to zoning classification which would allow construction of 15 residential units per acre was in the nature of a quasi-judicial proceeding, and was properly reviewable by petition for certiorari.

13 Cases that cite this headnote

[6] **Zoning and Planning** Right to Permission, and Discretion

Zoning and Planning Substantial evidence in general

Even where denial of a zoning application would be inconsistent with comprehensive plan, local government should have discretion to decide that maximum development density should not be allowed provided governmental body approves some development that is consistent with the plan and government's decision is supported by substantial, competent evidence.

15 Cases that cite this headnote

[7] **Zoning and Planning** Conformity of change to plan

Landowner who demonstrates that proposed use is consistent with comprehensive zoning plan is not presumptively entitled to such use if opposing governmental agency fails to prove by clear and convincing evidence that specifically stated public necessity requires a more restricted use; property owner is not necessarily entitled to relief by proving such consistency when agency action is also consistent with plan.

9 Cases that cite this headnote

[8] **Zoning and Planning** Maps, plats, and plans; subdivision regulations

Growth Management Act was not intended to preclude development but only to ensure that it proceed in an orderly manner. West's F.S.A. § 163.3161 et seq.

[9] **Zoning and Planning** Public interest and need; general welfare

Zoning and Planning Conformity of change to plan

Zoning and Planning Hearing or meeting in general

Landowner seeking to rezone property has burden of proving that proposal is consistent with comprehensive plan and complies with all procedural requirements of zoning ordinance; burden thereupon shifts to governmental board to demonstrate that maintaining existing zoning classification with respect to the property accomplishes a legitimate public purpose; board will have burden of showing refusal to rezone property is not arbitrary, discriminatory, or unreasonable; if board carries burden, application should be denied.

16 Cases that cite this headnote

[10] **Zoning and Planning** Filing, publication, and posting; minutes and findings

Zoning and Planning Modification or amendment; rezoning

Although zoning board is not required to make findings of fact in making decision on landowner's application to rezone property, it must be shown there was competent substantial evidence presented to the board to support its ruling in order to sustain its action, upon review by certiorari in circuit court.

20 Cases that cite this headnote

Attorneys and Law Firms

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David J. Russ and Karen Brodeen, Asst. Gen. Counsels, Tallahassee, amicus curiae, for FL Dept. of Community Affairs.

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Opinion

GRIMES, Justice.

We review *Snyder v. Board of County Commissioners*, 595 So.2d 65 (Fla. 5th DCA1991), because of its conflict with *Schauer v. City of Miami Beach*, 112 So.2d 838 (Fla.1959); *City of Jacksonville Beach v. Grubbs*, 461 So.2d 160 (Fla. 1st DCA1984), *review denied*, 469 So.2d 749 (Fla.1985); and *Palm Beach County v. Tinnerman*, 517 So.2d 699 (Fla. 4th DCA1987), *review denied*, ***471** 528 So.2d 1183 (Fla.1988). We have jurisdiction under article V, section 3(b)(3) of the Florida Constitution. Jack and Gail Snyder owned a one-half acre parcel of property on Merritt Island in the unincorporated area of Brevard County. The property is zoned GU (general use) which allows construction of a single-family residence. The Snyders filed an application to rezone their property to the RU-2-15 zoning classification which allows the construction of fifteen units per acre. The area is designated for residential use under the 1988 Brevard County Comprehensive Plan Future Land Use Map. Twenty-nine zoning classifications are considered potentially consistent with this land use designation, including both the GU and the RU-2-15 classifications.

After the application for rezoning was filed, the Brevard County Planning and Zoning staff reviewed the application and completed the county's standard "rezoning review worksheet." The worksheet indicated that the proposed multifamily use of the Snyders' property was consistent with all aspects of the comprehensive plan except for the fact that it was located in the one-hundred-year flood plain in which a maximum of only two units per acre was permitted. For this reason, the staff recommended that the request be denied.

At the planning and zoning board meeting, the county planning and zoning director indicated that when the property was developed the land elevation would be raised to the point where the one-hundred-year-flood plain restriction would no longer be applicable. Thus, the director stated that the staff no longer opposed the application. The planning and zoning board voted to approve the Snyders' rezoning request.

When the matter came before the board of county commissioners, Snyder stated that he intended to build only five or six units on the property. However, a number of citizens spoke in opposition to the rezoning request. Their primary concern was the increase in traffic which would be caused by the development. Ultimately, the commission voted to deny the rezoning request without stating a reason for the denial.

The Snyders filed a petition for certiorari in the circuit court. Three circuit judges, sitting en banc, reviewed the petition and

denied it by a two-to-one decision. The Snyders then filed a petition for certiorari in the Fifth District Court of Appeal.

The district court of appeal acknowledged that zoning decisions have traditionally been considered legislative in nature. Therefore, courts were required to uphold them if they could be justified as being "fairly debatable." Drawing heavily on *Fasano v. Board of County Commissioners*, 264 Or. 574, 507 P.2d 23 (1973), however, the court concluded that, unlike initial zoning enactments and comprehensive rezonings or rezonings affecting a large portion of the public, a rezoning action which entails the application of a general rule or policy to specific individuals, interests, or activities is quasi-judicial in nature. Under the latter circumstances, the court reasoned that a stricter standard of judicial review of the rezoning decision was required. The court went on to hold:

> (4) Since a property owner's right to own and use his property is constitutionally protected, review of any governmental action denying or abridging that right is subject to close judicial scrutiny. Effective judicial review, constitutional due process and other essential requirements of law, all necessitate that the governmental agency (by whatever name it may be characterized) applying legislated land use restrictions to particular parcels of privately owned lands, must state reasons for action that denies the owner the use of his land and must make findings of fact and a record of its proceedings, sufficient for judicial review of: the legal sufficiency of the evidence to support the findings of fact made, the legal sufficiency of the findings of fact supporting the reasons given and the legal adequacy, under applicable law (*i.e.*, under general comprehensive zoning ordinances, applicable state and case law and state and federal constitutional provisions) of the reasons given for the result of the action taken.
>
> (5) The initial burden is upon the landowner to demonstrate that his petition or application for use of privately owned ***472** lands, (rezoning, special exception, conditional use permit, variance, site plan approval, etc.) complies with the reasonable procedural requirements of the ordinance and that the use sought is consistent with the applicable comprehensive zoning plan. Upon such a showing the landowner is presumptively entitled to use his property in the manner he seeks unless the opposing governmental agency asserts and proves by clear and convincing evidence that a specifically stated public necessity requires a specified, more restrictive, use. After such a showing the burden shifts to the landowner to assert and prove that such specified more restrictive land use constitutes a taking of his property for public use for which he is entitled to compensation under the taking provisions of the state or federal constitutions.

Snyder v. Board of County Commissioners, 595 So.2d at 81 (footnotes omitted).

Applying these principles to the facts of the case, the court found (1) that the Snyders' petition for rezoning was consistent with the comprehensive plan; (2) that there was no assertion or evidence that a more restrictive zoning classification was necessary to protect the health, safety, morals, or welfare of the general public; and (3) that the denial of the requested zoning classification without reasons supported by facts was, as a matter of law, arbitrary and unreasonable. The court granted the petition for certiorari.

Before this Court, the county contends that the standard of review for the county's denial of the Snyders' rezoning application is whether or not the decision was fairly debatable. The county further argues that the opinion below eliminates a local government's ability to operate in a legislative context and impairs its ability to respond to public comment. The county refers to *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA1991), *review denied*, 598 So.2d 75 (Fla.1992), for the proposition that if its rezoning decision is quasi-judicial, the commissioners will be prohibited from obtaining community input by way of ex parte communications from its citizens. In addition, the county suggests that the requirement to make findings in support of its rezoning decision will place an insurmountable burden on the zoning authorities. The county also asserts that the salutary purpose of the comprehensive plan to provide controlled growth will be thwarted by the court's ruling that the maximum use permitted by the plan must be approved once the rezoning application is determined to be consistent with it.

The Snyders respond that the decision below should be upheld in all of its major premises. They argue that the rationale for the early decisions that rezonings are legislative in nature has been changed by the enactment of the Growth Management Act. Thus, in order to ensure that local governments follow the principles enunciated in their comprehensive plans, it is necessary for the courts to exercise stricter scrutiny than would be provided under the fairly debatable rule. The Snyders contend that their rezoning application was consistent with the comprehensive plan. Because there are no findings of fact or reasons given for the denial by the board of county commissioners, there is no basis upon which the denial

could be upheld. Various amici curiae have also submitted briefs in support of their several positions.

Historically, local governments have exercised the zoning power pursuant to a broad delegation of state legislative power subject only to constitutional limitations. Both federal and state courts adopted a highly deferential standard of judicial review early in the history of local zoning. In *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926), the United States Supreme Court held that "[i]f the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control." 272 U.S. at 388, 47 S.Ct. at 118. This Court expressly adopted the fairly debatable principle in *City of Miami Beach v. Ocean & Inland Co.*, 147 Fla. 480, 3 So.2d 364 (1941).

Inhibited only by the loose judicial scrutiny afforded by the fairly debatable rule, local zoning systems developed in a markedly inconsistent manner. Many land use experts and practitioners have been critical of the local zoning system. Richard Babcock deplored the effect of "neighborhoodism" and ***473** rank political influence on the local decision-making process. Richard F. Babcock, *The Zoning Game* (1966). Mandelker and Tarlock recently stated that "zoning decisions are too often ad hoc, sloppy and self-serving decisions with well-defined adverse consequences without off-setting benefits." Daniel R. Mandelker and A. Dan Tarlock, *Shifting the Presumption of Constitutionality in Land-Use Law*, 24 Urb.Law. 1, 2 (1992).

Professor Charles Harr, a leading proponent of zoning reform, was an early advocate of requiring that local land use regulation be consistent with a legally binding comprehensive plan which would serve long range goals, counteract local pressures for preferential treatment, and provide courts with a meaningful standard of review. Charles M. Harr, "*In Accordance With A Comprehensive Plan*," 68 Harv.L.Rev. 1154 (1955). In 1975, the American Law Institute adopted the Model Land Development Code, which provided for procedural and planning reforms at the local level and increased state participation in land use decision-making for developments of regional impact and areas of critical state concern.

Reacting to the increasing calls for reform, numerous states have adopted legislation to change the local land use decision-making process. As one of the leaders of this national reform, Florida adopted the Local Government Comprehensive Planning Act of 1975. Ch. 75-257, Laws of Fla. This law was substantially strengthened in 1985 by the Growth Management Act. Ch. 85-55, Laws of Fla.

Pursuant to the Growth Management Act, each county and municipality is required to prepare a comprehensive plan for approval by the Department of Community Affairs. The adopted local plan must include "principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development" of the local government's jurisdictional area. Section 163.3177(1), Fla.Stat. (1991). At the minimum, the local plan must include elements covering future land use; capital improvements generally; sanitary sewer, solid waste, drainage, potable water, and natural ground water aquifer protection specifically; conservation; recreation and open space; housing; traffic circulation; intergovernmental coordination; coastal management (for local government in the coastal zone); and mass transit (for local jurisdictions with 50,000 or more people). *Id.*, § 163.3177(6).

Of special relevance to local rezoning actions, the future land use plan element of the local plan must contain both a future land use map and goals, policies, and measurable objectives to guide future land use decisions. This plan element must designate the "proposed future general distribution, location, and extent of the uses of land" for various purposes. *Id.*, § 163.3177(6)(a). It must include standards to be utilized in the control and distribution of densities and intensities of development. In addition, the future land use plan must be based on adequate data and analysis concerning the local jurisdiction, including the projected population, the amount of land needed to accommodate the estimated population, the availability of public services and facilities, and the character of undeveloped land. *Id.*, § 163.3177(6)(a).

The local plan must be implemented through the adoption of land development regulations that are consistent with the plan. *Id.* § 163.3202. In addition, all development, both public and private, and all development orders approved by local governments must be consistent with the adopted local plan. *Id.*, § 163.3194(1)(a). Section 163.3194(3), Florida Statutes (1991), explains consistency as follows:

> (a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan

and if it meets all other criteria enumerated by the local government.

Section 163.3164, Florida Statutes (1991), reads in pertinent part:

(6) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

***474** (7) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Because an order granting or denying rezoning constitutes a development order and development orders must be consistent with the comprehensive plan, it is clear that orders on rezoning applications must be consistent with the comprehensive plan.

[1] **[2]** The first issue we must decide is whether the Board's action on Snyder's rezoning application was legislative or quasi-judicial. A board's legislative action is subject to attack in circuit court. *Hirt v. Polk County Bd. of County Comm'rs,* 578 So.2d 415 (Fla. 2d DCA1991). However, in deference to the policy-making function of a board when acting in a legislative capacity, its actions will be sustained as long as they are fairly debatable. *Nance v. Town of Indialantic,* 419 So.2d 1041 (Fla.1982). On the other hand, the rulings of a board acting in its quasi-judicial capacity are subject to review by certiorari and will be upheld only if they are supported by substantial competent evidence. *De Groot v. Sheffield,* 95 So.2d 912 (Fla.1957).

Enactments of original zoning ordinances have always been considered legislative. *Gulf & Eastern Dev. Corp. v. City of Fort Lauderdale,* 354 So.2d 57 (Fla.1978); *County of Pasco v. J. Dico, Inc.,* 343 So.2d 83 (Fla. 2d DCA1977). In *Schauer v. City of Miami Beach,* this Court held that the passage of an amending zoning ordinance was the exercise of a legislative function. 112 So.2d at 839. However, the amendment in that case was comprehensive in nature in that it effected a change in the zoning of a large area so as to permit it to be used as locations for multiple family buildings and hotels. *Id.* In *City of Jacksonville Beach v. Grubbs* and *Palm Beach County v. Tinnerman,* the district courts of appeal went further and held that board action on specific rezoning applications of individual property owners was also legislative. *Grubbs,* 461 So.2d at 163; *Tinnerman,* 517 So.2d at 700.

[3] It is the character of the hearing that determines whether or not board action is legislative or quasi-judicial. *Coral Reef Nurseries, Inc. v. Babcock Co.,* 410 So.2d 648 (Fla. 3d DCA1982). Generally speaking, legislative action results in the *formulation* of a general rule of policy, whereas judicial action results in the *application* of a general rule of policy. Carl J. Peckingpaugh, Jr., Comment, *Burden of Proof in Land Use Regulations: A Unified Approach and Application to Florida,* 8 Fla.St.U.L.Rev. 499, 504 (1980). In *West Flagler Amusement Co. v. State Racing Commission,* 122 Fla. 222, 225, 165 So. 64, 65 (1935), we explained:

A judicial or quasi-judicial act determines the rules of law applicable, and the rights affected by them, in relation to past transactions. On the other hand, a quasi-legislative or administrative order prescribes what the rule or requirement of administratively determined duty shall be with respect to transactions to be executed in the future, in order that same shall be considered lawful. But even so, quasi-legislative and quasi-executive orders, after they have already been entered, may have a quasi-judicial attribute if capable of being arrived at and provided by law to be declared by the administrative agency only after express statutory notice, hearing and consideration of evidence to be adduced as a basis for the making thereof.

[4] **[5]** Applying this criterion, it is evident that comprehensive rezonings affecting a large portion of the public are legislative in nature. However, we agree with the court below when it said:

[R]ezoning actions which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be functionally viewed as policy application, rather than policy setting, are in the nature of ... quasi-judicial action....

Snyder, 595 So.2d at 78. Therefore, the board's action on Snyder's application was in the nature of a quasi-judicial proceeding and ***475** properly reviewable by petition for certiorari.[1]

We also agree with the court below that the review is subject to strict scrutiny. In practical effect, the review by strict scrutiny in zoning cases appears to be the same as that given in the review of other quasi-judicial decisions. *See Lee County v. Sunbelt Equities, II, Ltd. Partnership,* 619 So.2d 996 (Fla. 2d DCA1993) (The term "strict scrutiny" arises

from the necessity of strict compliance with comprehensive plan.). This term as used in the review of land use decisions must be distinguished from the type of strict scrutiny review afforded in some constitutional cases. *Compare Snyder v. Board of County Comm'rs,* 595 So.2d 65, 75-76 (Fla. 5th DCA1991) (land use), *and Machado v. Musgrove,* 519 So.2d 629, 632 (Fla. 3d DCA1987), *review denied,* 529 So.2d 693 (Fla.1988), and *review denied,* 529 So.2d 694 (Fla.1988) (land use), *with In re Estate of Greenberg,* 390 So.2d 40, 42-43 (Fla.1980) (general discussion of strict scrutiny review in context of fundamental rights), *appeal dismissed,* 450 U.S. 961, 101 S.Ct. 1475, 67 L.Ed.2d 610 (1981), *Florida High Sch. Activities Ass'n v. Thomas,* 434 So.2d 306 (Fla.1983) (equal protection), *and Department of Revenue v. Magazine Publishers of America, Inc.,* 604 So.2d 459 (Fla.1992) (First Amendment).

[6] At this point, we depart from the rationale of the court below. In the first place, the opinion overlooks the premise that the comprehensive plan is intended to provide for the *future* use of land, which contemplates a gradual and ordered growth. *See City of Jacksonville Beach,* 461 So.2d at 163, in which the following statement from *Marracci v. City of Scappoose,* 552 P.2d 552, 553 (Or.Ct.App.1976), was approved:

> [A] comprehensive plan only establishes a long-range maximum limit on the possible intensity of land use; a plan does not simultaneously establish an immediate minimum limit on the possible intensity of land use. The present use of land may, by zoning ordinance, continue to be more limited than the future use contemplated by the comprehensive plan.

Even where a denial of a zoning application would be inconsistent with the plan, the local government should have the discretion to decide that the maximum development density should not be allowed provided the governmental body approves some development that is consistent with the plan and the government's decision is supported by substantial, competent evidence.

[7] Further, we cannot accept the proposition that once the landowner demonstrates that the proposed use is consistent with the comprehensive plan, he is presumptively entitled to this use unless the opposing governmental agency proves by clear and convincing evidence that specifically stated public necessity requires a more restricted use. We do not believe that a property owner is necessarily entitled to relief by proving consistency when the board action is also consistent with the plan. As noted in *Lee County v. Sunbelt Equities II, Limited Partnership:*

> [A]bsent the assertion of some enforceable property right, an application for rezoning appeals at least in part to local officials' discretion to accept or reject the applicant's argument that change is desirable. The *right* of judicial review does not *ipso facto* ease the burden on a party seeking to overturn a decision made by a local government, and certainly does not confer any property-based right upon the owner where none previously existed.
>
> ....
>
> Moreover, when it is the zoning classification that is challenged, the comprehensive plan is relevant only when the suggested use is inconsistent with that plan. Where any of several zoning classifications is consistent with the plan, the applicant seeking a change from one to the other is not entitled to judicial relief absent proof the *status quo* is no longer reasonable. It is not enough simply to be "consistent"; the proposed change cannot be *inconsistent,* and will be subject to the "strict ***476** scrutiny" of *Machado* to insure this does not happen.

619 So.2d at 1005-06.

[8] This raises a question of whether the Growth Management Act provides any comfort to the landowner when the denial of the rezoning request is consistent with the comprehensive plan. It could be argued that the only recourse is to pursue the traditional remedy of attempting to prove that the denial of the application was arbitrary, discriminatory, or unreasonable. *Burritt v. Harris,* 172 So.2d 820 (Fla.1965); *City of Naples v. Central Plaza of Naples, Inc.,* 303 So.2d 423 (Fla. 2d DCA1974). Yet, the fact that a proposed use is consistent with the plan means that the planners contemplated that that use would be acceptable at some point in the future. We do not believe the Growth Management Act was intended to preclude development but only to insure that it proceed in an orderly manner.

[9] Upon consideration, we hold that a landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance. At this point, the burden shifts to the governmental board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose. In effect, the landowners' traditional remedies will be subsumed within this rule, and the

board will now have the burden of showing that the refusal to rezone the property is not arbitrary, discriminatory, or unreasonable. If the board carries its burden, the application should be denied.

[10] While they may be useful, the board will not be required to make findings of fact. However, in order to sustain the board's action, upon review by certiorari in the circuit court it must be shown that there was competent substantial evidence presented to the board to support its ruling. Further review in the district court of appeal will continue to be governed by the principles of *City of Deerfield Beach v. Vaillant,* 419 So.2d 624 (Fla.1982).

Based on the foregoing, we quash the decision below and disapprove *City of Jacksonville Beach v. Grubbs* and *Palm Beach County v. Tinnerman,* to the extent they are inconsistent with this opinion. However, in the posture of this case, we are reluctant to preclude the Snyders from any avenue of relief. Because of the possibility that conditions have changed during the extended lapse of time since their original application was filed, we believe that justice would be best served by permitting them to file a new application for rezoning of the property. The application will be without prejudice of the result reached by this decision and will allow the process to begin anew according to the procedure outlined in our opinion.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, KOGAN and HARDING, JJ., concur.

SHAW, J., dissents.

All Citations

627 So.2d 469, 18 Fla. L. Weekly S522

Footnotes

1 One or more of the amicus briefs suggests that Snyder's remedy was to bring a de novo action in circuit court pursuant to section 163.3215, Florida Statutes (1991). However, in *Parker v. Leon County,* 627 So.2d 476 (Fla.1993), we explained that this statute only provides a remedy for third parties to challenge the consistency of development orders.

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City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 8.C

Section:	PUBLIC HEARINGS		
Item Category:	Public Hearing - Resolution	**Res./Ord. No:**	2024-59
Strategic Goal:	Transportation & Community Development - Other		
Department:	Planning & Building		
Subject:	Tomoka Christian Church, Special Exception		
Summary:	This is a request by Tomoka Christian Church, for a Special Exception amendment to allow new construction of a stand-alone, two-story building of approximately 20,000 square feet at the Tomoka Christian Church property to include a care center, thrift shop, food pantry and associated site improvements. The area for the project improvements is 1.82 acres and is located at 1450 Hand Avenue. The Tomoka Christian Church property is a total of 23.04 acres and the original Special Exception was approved by Resolution 2008-102. The property has a zoning designation of SR, Suburban Residential. On May 6, 2008, the City Commission authorized a Special Exception for a House of Worship for Tomoka Christian Church located at 1450 Hand Avenue. The Special Exception authorized a principal structure of 61,000 square feet, 801 seats and approval of a rear yard masonry wall waiver. The property has a zoning designation of SR, Suburban Residential that allows a House of Worship as a Special Exception Use. The current application seeks a new, stand-alone building that is approximately 20,000 square feet and would include a care center, thrift shop, and food pantry. These are services provided by the church now with a desire to relocate into the new building. Based upon an expansion in building square footage and the Special Exception use within the SR, Suburban Residential zoning district, the project is required to obtain a Special Exception. The Planning Board reviewed the Special Exception on March 14, 2024 and recommended approval by a 6-0 vote. There was one individual who spoke in support of the Special Exception.		
Financial Impact:	There is no financial impact associated with the Tomoka Christian Church Special Exception application.		

Citizen Impact:	The project conducted a neighborhood meeting on February 22, 2024. No citizen impact is anticipated as a result of the Special Exception application. There were no individuals who spoke against the application at the Planning Board meeting.
Recommended Action (Staff, Advisory Board and/or Other):	The Planning Board recommended **APPROVAL** by a vote of 6-0 of the Special Exception amendment to allow new construction of a stand-alone, two-story building of approximately 20,000 square feet at the Tomoka Christian Church property to include a care center, thrift shop, pick-up food pantry, offices and associated site improvements located at 1450 Hand Avenue.
Staff Contact:	Steven Spraker, Planning Director, (386) 676-3341
Attachments:	1. 24-59 TCC SE (P24-0046G) 2. First Amended SE DO - Tomoka Christian Church 3. Exhibit A, TCC Legal Description 4. Exhibit B, SPRC comments 5. Exhhibit C, Site Plans 6. 03.14.2024 TCC SE, PB Staff Report(8.5X11) 7. 03.14.2024, DRAFT Planning Board minutes, TCC
Approval:	Kelly McGuire, Finance Director 3/20/2024 Claire Whitley, Assistant City Manager 3/21/2024 Joyce Shanahan, City Manager 3/25/2024

RESOLUTION NO. 2024-59

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A FIRST AMENDED DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING "TOMOKA CHRISTIAN CHURCH", LOCATED AT 1450 HAND AVENUE WITHIN THE SR, SUBURBAN RESIDENTIAL ZONING DISTRICT, TO ALLOW THE CONSTRUCTION OF A STAND-ALONE TWO-STORY BUILDING OF APPROXIMATELY 20,000 SQUARE FEET; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Tomoka Christian Church, Inc., a Florida not for profit corporation (the "Applicant"), has applied for an amendment to their existing Special Exception Development Order to construct a stand-alone two-story building of approximately 20,000 square feet on that real property located at 1450 Hand Avenue, described and depicted on Exhibit "A" to the First Amended Special Exception Development Order ("the Property"), and

WHEREAS, by Resolution 2008-102 the City Commission approved a Development Order for a Special Exception known as "Tomoka Christian Church" and authorized the execution of a Special Exception Development Order for a house of worship with a principal structure of 61,000 square feet and a rear yard masonry wall waiver, which Resolution and Special Exception Development Order are recorded in Official Records Book 6229, Pages 2387 through 2408, inclusive, of the Public Records of Volusia County, Florida, and

WHEREAS, the said application is in compliance with the provisions of the Ormond Beach *Land Development Code* (the "*Land Development Code*") and the general laws of Florida, and

WHEREAS, the Planning Board held a public hearing on March 14, 2024, regarding this matter as required by Chapter 1, Article II, Section 1-15(d)(2), of the *Land Development Code* and provided a recommendation of approval on the application, and

WHEREAS, the City Commission has duly held a public hearing on the application and has considered the testimony and evidence presented, and

WHEREAS, the City Commission has considered the following:

(1) The report and recommendations of the Planning Board;

(2) The report and recommendations of the Site Plan Review Committee; and

(3) The comments of governmental agencies, utility corporations and individuals, as received; and

WHEREAS, based upon all of the foregoing and in consideration thereof, the City Commission finds that:

(1) The proposed development conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the SR, Suburban Residential zoning district or adversely affect the public health, safety, welfare or quality of life;

(2) The proposed development is consistent with the *Comprehensive Plan*;

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

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

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

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

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

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

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

now therefore,

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

SECTION ONE. The above recitals are true and correct and are incorporated herein by reference.

SECTION TWO. The Mayor and the City Manager are hereby authorized and directed to execute and issue the First Amended Development Order for a Special Exception to authorize the construction of a stand-alone, two-story building of approximately 20,000 square feet, for the project known as "Tomoka Christian Church" located at 1450 Hand Avenue, on that real property described and depicted on Exhibit "A" to the First Amended Special Exception Development Order, a copy of which is attached hereto and incorporated herein by reference.

SECTION THREE. Except as otherwise herein provided, all the conditions set forth with Resolution 2008-102, which Resolution and Special Exception Development Order are recorded in Official Records Book 6229, Pages 2387 through 2408, inclusive, of the Public Records of Volusia County, Florida, shall remain in effect and shall at all times be strictly complied with.

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

APPROVED AND AUTHENTICATED this 16th day of April, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE:	**Application of:**	Tomoka Christian Church, Inc., a Florida not for profit corporation
	Application No.	PZ-2024-004
	Project Name:	"Tomoka Christian Church"
	Property Address:	1450 Hand Avenue
	Parcel ID No.:	4229-00-00-0033

FIRST AMENDED SPECIAL EXCEPTION DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on April 16, 2024, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18, of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

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

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

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

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

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

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

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

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

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

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of Tomoka Christian Church, a Florida not for profit corporation, for an amendment to their existing Special Exception Development Order ("Special Exception") to authorize the construction of a stand-alone, two-story building of approximately 20,000 square feet located at 1450 Hand Avenue, on that real property described and depicted on Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of the *Land Development Code* shall be complied with at all times;

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

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

B. The final plans for this Special Exception, shall be consistent with all of the conditions listed in Paragraph A hereof, and the plans displayed in Exhibit "C" attached hereto shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plans attached as Exhibit "C" and incorporated herein by reference for this First Amended Special Exception without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Special Exception.

D. All site construction activity shall be performed in strict compliance with the terms and conditions of this First Amended Special Exception, and of the *Land Development Code*.

E. If the final plan approval lapses under the provisions of Section 1-14(3)(c) of the *Land Development Code* before the First Amended Special Exception permit can be established, a new application for a Special Exception must be submitted for consideration in accordance with the requirements of the *Land Development Code*.

F. In the event the use of the land approved by this First Amended Special Exception is abandoned for a period of two (2) years any permit issued hereunder and this First Amended Special Exception shall automatically become void, and a new application for a Special Exception must be submitted for consideration in accordance with the requirements of the *Land Development Code*.

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

H. In the event a building permit has not been issued within twenty-four (24) months, which date shall be April 16, 2026, then this First Amended Special Exception shall automatically become void and shall have no further legal effect per Chapter 1, Article II, Section 1-14(3), of the *Land Development Code*. If a building or site engineering permit is issued on or before April 16, 2026 the project shall be vested.

I. Except as otherwise herein provided, all the conditions set forth with Resolution 2008-102, which Resolution and Special Exception Development Order are recorded in Official Records Book 6229, Pages 2387 through 2408, inclusive, of the Public Records of Volusia County, Florida, shall remain in effect and shall at all times be strictly complied with.

J. This First Amended Special Exception shall be recorded in the public records of Volusia County, Florida, at the expense of Tomoka Christian Church, Inc., a Florida not for profit corporation and shall be binding upon Tomoka Christian Church, Inc., its successors and assigns, and shall run with the real property described and depicted in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No.: 4229-00-00-0033).

ORDERED this 16th day of April, 2024.

CITY COMMISSION
CITY OF ORMOND BEACH, a Florida municipal corporation

By: _____
BILL PARTINGTON
Mayor

(CITY SEAL)

Attest: _____
JOYCE A. SHANAHAN
City Manager

EXHIBIT A

LEGAL DESCRIPTION
From Sliger & Associates, Inc. Survey dated January 16, 2024
1450 Hand Avenue – Parcel ID: 4229-00-00-0033

A PORTION OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT A NAIL AND WASHER MARKED "V.C.D.P.W." MARKING THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 RUN S88°57'23"W, 868.57 FEET TO THE WEST LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE S88°57'23"W, 1851.54 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE DEPART SAID SOUTH LINE ALONG THE WEST LINE OF SAID NORTHEAST 1/4 N00°07'16"E, 552.40 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HAND AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 3655, PAGE 791, SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE S89°36'57"E, 1981.15 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535; THENCE DEPART SAID SOUTHERLY RIGHT OF WAY LINE ALONG SAID WEST LINE THE FOLLOWING CALLS: S09°22'44"W, 12.81 FEET; S14°36'36"W, 57.89 FEET; S19°16'44"W, 69.78 FEET; S26°37'01"W, 66.39 FEET; S25°32'38"W, 74.34 FEET; S16°18'09"W, 73.06 FEET; S05°18'07"W, 67.66 FEET; S02°45'58"W, 32.02 FEET TO THE NORTH LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1862, PAGE 1703, SAID PUBLIC RECORDS; THENCE ALONG THE NORTH LINE OF SAID PARCEL S88°57'23"W, 12.73 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL S01°31'21"W, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL N88°57'23"E, 12.39 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535; THENCE ALONG SAID WEST LINE S01°02'37"E, 24.99 FEET TO THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 29 AND THE POINT OF BEGINNING, CONTAINING 23.04 ACRES MORE OR LESS.

Map of Area



PARCEL ID:	4229-00-00-0033
OWNER:	TOMOKA CHRISTIAN CHURCH, A FLORIDA NOT FOR PROFIT CORPORATION
APPLICANT:	TOMOKA CHRISTIAN CHURCH, A FLORIDA NOT FOR PROFIT CORPORATION
SPECIAL EXCEPTION ADDRESS:	1450 HAND AVENUE

EXHIBIT B

Site Plan Review Committee outstanding comments

REVIEWER	MARKUP	DATE/TIME	FILE NAME	PG #
Cara Culliver	- The maximum spacing for VO is 36" o.c. & would be 7 gallon. - CA would be 10 gallon - ES & EGB would be 1 gallon - RI would be 7 gallon - DVV would be 3 gallon - MC would be 15 gallon with the size specifications noted for all of the above.	02/12/2024 11:02 pm	23061 LANDSCAPE PLANS.pdf	2
Mike	Advisory Comment: Proposed 3-inch meter valve to have a 2-inch operating nut. EOR - Please confirm 2-inch nut during the submittal review process.	02/23/2024 1:54 pm	23061 CIVIL PLANS.pdf	9
Cara Culliver	- Per civil site data the landscape area is .91 acres = 39,640 sf = 99 Trees Req.	02/23/2024 3:47 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	TREE CREDITS AS FOLLOWS: Existing Trees Include the Greenbelt = ?? Trees Proposed 2.5" caliper Trees (1 tree credit) = 34 Proposed 3.5" caliper Trees (2 tree credits) 10 x 2 = 20 Trees Proposed Multi-trunked Trees (2 tree credits) 10 x 2 = 20 (18) Palms (3:1) = 6 Trees Trees TOTAL PROVIDED TREES = ?? For Information: Mitigation Chart B shows how many 2.5" trees can be claimed for credits for installation of larger trees. The greenbelt needs native screening trees to fill in the large openings, reduce the number of Pines and plant trees in this area to address comments. Suggest Wax Myrtle, Magnolias, full to ground hollies, southern red cedar etc..	02/23/2024 3:50 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	6" combined caliper, see Section 3-05(d)(2)	02/23/2024 4:00 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	On the palms specify 10" diameter trunk so you get a nice mature palm	02/23/2024 4:03 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	- Palms are 3:1; 18/3=6 please show the math as shown	02/23/2024 4:13 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	math incorrect	02/23/2024 4:18 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	- Please show on the plan the square footage of interior areas	02/23/2024 4:19 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	- The greenbelt would be for this improvement project 406' x 36 = 14,616/200 = 73 Trees, however if trees existing 2" caliper trees are meeting the requirement O1 must be satisfied, Section 2-73(2)(o)(1). - Please show the math on this chart - 60% native requirement, revise wording	02/23/2024 4:24 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	- Please provide a native evergreen screening hedge (green line)	02/23/2024 4:32 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	27	02/23/2024 4:45 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	2	02/23/2024 4:45 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	108 Trees/1.82 Ac = 59.34 Trees Per Acre	02/23/2024 7:36 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	- Please show the complete protected tree mitigation form, number 5 is missing	02/23/2024 7:38 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	5. Total = 2 Trees	02/23/2024 7:38 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	N/A	02/23/2024 7:39 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	- Please provide an irrigation plan. - Please provide city irrigation details 14A & 14B.	02/23/2024 7:59 pm	23061 LANDSCAPE PLANS.pdf	3
David	Civil-HC Parking-Show elevations at all 4 corners of HC parking space,	02/26/2024 4:38 pm	23061 CIVIL PLANS.pdf	8
David	Civil-Does this drive require a Do Not Enter sign?	02/26/2024 4:51 pm	23061 CIVIL PLANS.pdf	7
Ken Gaines	NFPA-1, section,18.2.3.5.3.3 Fire apparatus access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire apparatus access road.	02/27/2024 8:27 pm	23061 CIVIL PLANS.pdf	7
Ken Gaines	Provide fire hydrant as a one is not available within 300' of the building or an additional hydrant.	02/27/2024 8:32 pm	23061 CIVIL PLANS.pdf	7
Ken Gaines	See NFPA-1, section 18.2.3.5.3.	02/28/2024 3:23 pm	23061 CIVIL PLANS.pdf	7

TOMOKA CHRISTIAN CARE CENTER

CITY OF ORMOND BEACH - VOLUSIA COUNTY, FLORIDA

FINAL ENGINEERING PLANS

OWNER:
TOMOKA CHRISTIAN CHURCH
1450 HAND AVENUE
ORMOND BEACH, FL 32174
PHONE NUMBER:
FAX NUMBER:
CONTACT PERSON: DOUG DIAMOND
e-mail: dougdiamond@tomoka.cc

CIVIL ENGINEER:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: MICHELLE WIDICK, P.E.
e-mail: mwidick@zevcohen.com

SURVEYOR:
SLIGER & ASSOCIATES, INC.
3921 NOVA ROAD
PORT ORANGE, FL 32127
PHONE NUMBER: (386) 761-5385
FAX NUMBER: N/A
CONTACT PERSON: JEFFREY W BARNES
e-mail: jbarnes@sligerassociates.com

GEOTECHNICAL ENGINEER:
UNIVERSAL ENGINEERING SCIENCES
911 BEVILLE ROAD, SUITE C
SOUTH DAYTONA, FL 32119
PHONE NUMBER: (386) 756-1105
FAX NUMBER: (386) 760-4067
CONTACT PERSON: BRIAN POHL, P.E.
e-mail: bpohl@universalengineering.com

LANDSCAPE ARCHITECT:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: CHERYL CAMPBELL, PLA
e-mail: ccampbell@zevcohen.com

ARCHITECT:
ROY KUSHNER ARCHITECTURE, PLLC.
200 TOMOKA AVE., SUITE D
ORMOND BEACH, FL 32174
PHONE NUMBER: (646) 246-5822
FAX NUMBER:
CONTACT PERSON: ROY KUSHNER
e-mail: rkushner@roykushner.com

PROJECT DESCRIPTION:

THIS PROJECT INCLUDES THE CONSTRUCTION OF A NEW GROSS +/- 19,590 SF 2 STORY BUILDING FOR USE AS A CARE CENTER, THRIFT SHOP & FOOD PANTRY TO INCLUDE THE ASSOCIATED INFRASTRUCTURE.

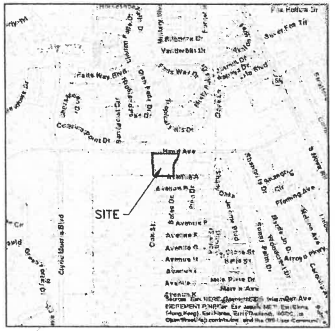
SITE INFORMATION:

SITE ADDRESS:	1450 HAND AVENUE, ORMOND BEACH FL 32174
PROJECT AREA:	1.82 AC
TAX PARCEL I.D. #:	4229000033
EXISTING ZONING:	SR (SUBURBAN RESIDENTIAL)
PROPOSED ZONING:	SR (SUBURBAN RESIDENTIAL)
EXISTING LAND USE:	HOUSE OF WORSHIP
PROPOSED LAND USE:	HOUSE OF WORSHIP
EXISTING FUTURE LAND USE:	SUBURBAN LOW DENSITY RESIDENTIAL
FLOOR AREA RATIO:	
SETBACKS:	
FRONT:	30 FT
SIDE:	10 FT (TOTAL OF 30 FT)
REAR:	30 FT
STREET/CORNER:	30 FT
REQUIRED LANDSCAPE BUFFER(S):	36 FT - ALONG HAND AVENUE
UNIT/LOT DENSITY:	1 UNIT PER 2 ACRE
MAXIMUM BUILDING LOT COVERAGE:	75%
MAXIMUM BUILDING HEIGHT	35 FT
UTILITIES:	PROVIDED BY THE CITY OF ORMOND BEACH

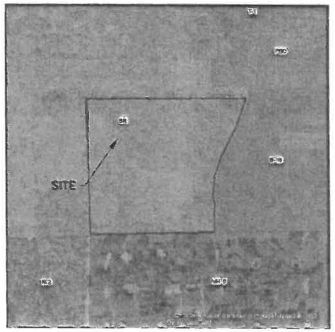
LAND USE TABLE:	ACREAGE	PERCENTAGE
EXISTING CONDITIONS:		
WETLAND AREA	0.0 AC	0.0%
UPLAND AREA	1.82 AC	100%
PROPOSED IMPROVEMENTS:		
BUILDING(S)	0.23 AC	12.64%
PAVEMENT & SIDEWALK	0.68 AC	37.36%
POND AREA(S)	0.00 AC	0.00%
LANDSCAPE/OPEN SPACE	0.91 AC	50.00%
TOTAL PERVIOUS	0.91 AC	50.00%
TOTAL IMPERVIOUS	0.91 AC	50.00%

PARKING CALCULATIONS:			
USE	PARKING REQUIREMENT	SF/UNITS	SPACES REQUIRED
OFFICE	1 SPACE PER 200 SF	7789 SF	39
NON INTENSIVE RETAIL	1 SPACE PER 250 SF	7595 SF	31
COMMON AREAS	N/A SPACE PER SF	4203 SF	0
		TOTAL =	70
PARKING SPACES PROVIDED: 37 ONSITE + 36 SHARED		73 SPACES	
HANDICAP PARKING REQUIRED:		3	
HANDICAP PARKING PROVIDED:		3	

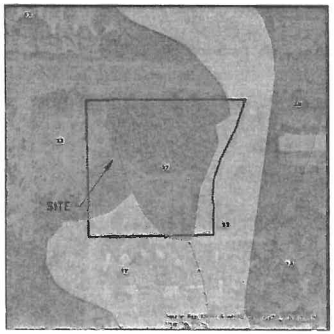
NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.



VICINITY MAP
SCALE: 1" = 1200'



ZONING MAP
SCALE: 1" = 200'
CURRENT ZONING FOR THIS SITE IS: SR



SOILS MAP
SCALE: 1" = 200'
THE SITE LIES WITHIN THE FOLLOWING VOLUSIA COUNTY SOIL CLASSIFICATIONS: 37



FLOOD ZONE MAP
SCALE: 1" = 200'
THE PROPERTY LIES IN:
FLOOD ZONE X & A PER FEMA MAPS 12127C0214J

SHEET INDEX:

C1	COVER SHEET
C2	CONSTRUCTION NOTES
C5	DEMOLITION & EROSION CONTROL PLAN
C6	OVERALL DEVELOPMENT PLAN
C7	GEOMETRY, SIGNAGE & STRIPING PLAN
C8	PAVING, GRADING & DRAINAGE PLAN
C9	UTILITY PLAN
C10-C16	CONSTRUCTION DETAILS
TP1	TREE PROTECTION PLAN & DETAILS
LA1-LA2	LANDSCAPE PLAN & DETAILS

LEGAL DESCRIPTION:

A PORTION OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT A NAIL AND WASHER MARKED "V.C.D.P.W." MARKING THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 RUN S88°57'23"W, 868.57 FEET TO THE WEST LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE S88°57'23"W, 1851.54 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE DEPART SAID SOUTH LINE ALONG THE WEST LINE OF SAID NORTHEAST 1/4 N00°07'16"E, 552.40 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HAND AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 3655, PAGE 791, SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE S89°36'57"E, 1981.15 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535; THENCE DEPART SAID SOUTHERLY RIGHT OF WAY LINE ALONG SAID WEST LINE THE FOLLOWING CALLS: S09°22'44"W, 12.81 FEET; S14°36'36"W, 57.89 FEET; S19°16'44"W, 69.78 FEET; S26°37'01"W, 66.39 FEET; S25°32'38"W, 74.34 FEET; S16°16'09"W, 73.06 FEET; S05°16'07"W, 67.66 FEET; S02°45'58"W, 32.02 FEET TO THE NORTH LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1862, PAGE 1703, SAID PUBLIC RECORDS; THENCE ALONG THE NORTH LINE OF SAID PARCEL S88°57'23"W, 12.73 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL S01°31'21"W, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL N88°57'23"E, 12.30 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535; THENCE ALONG SAID WEST LINE S01°02'37"E, 24.99 FEET TO THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 29 AND THE POINT OF BEGINNING, CONTAINING 23.04 ACRES MORE OR LESS.

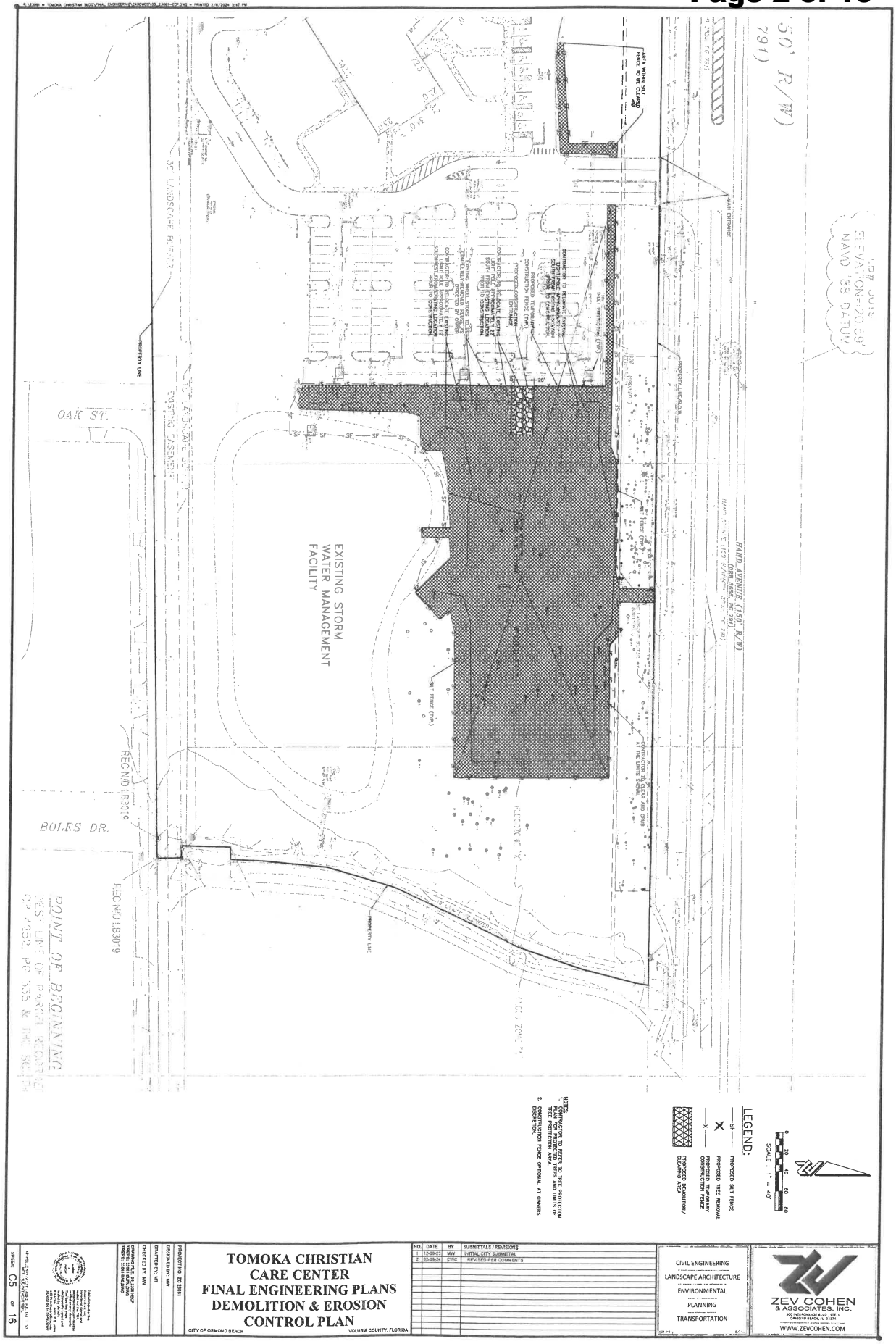
ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
WWW.ZEVCOHEN.COM

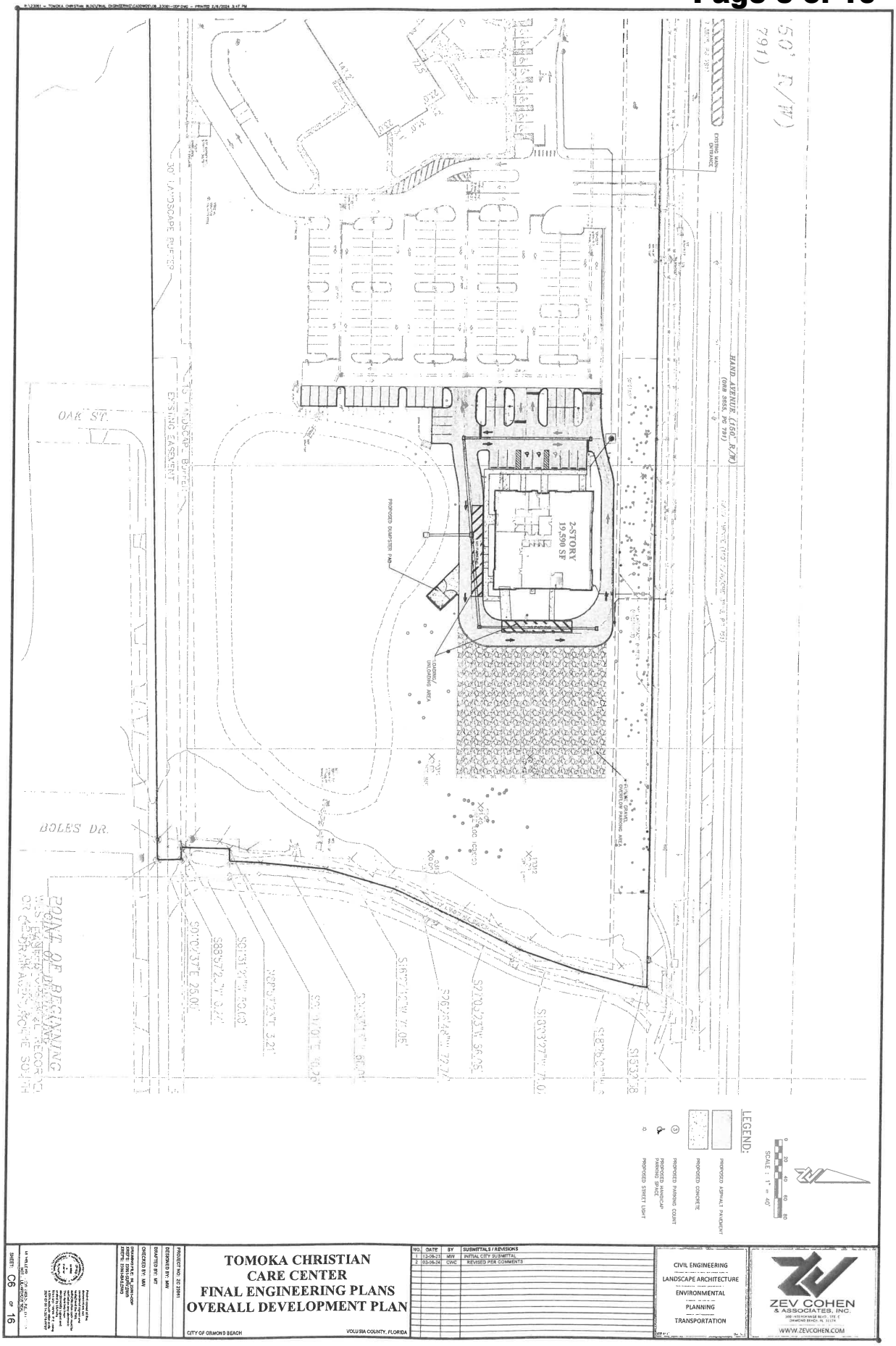
NO	DATE	BY	SUBMITTALS / REVISIONS
1	12/26/23	MW	REVISED PER COMMENTS

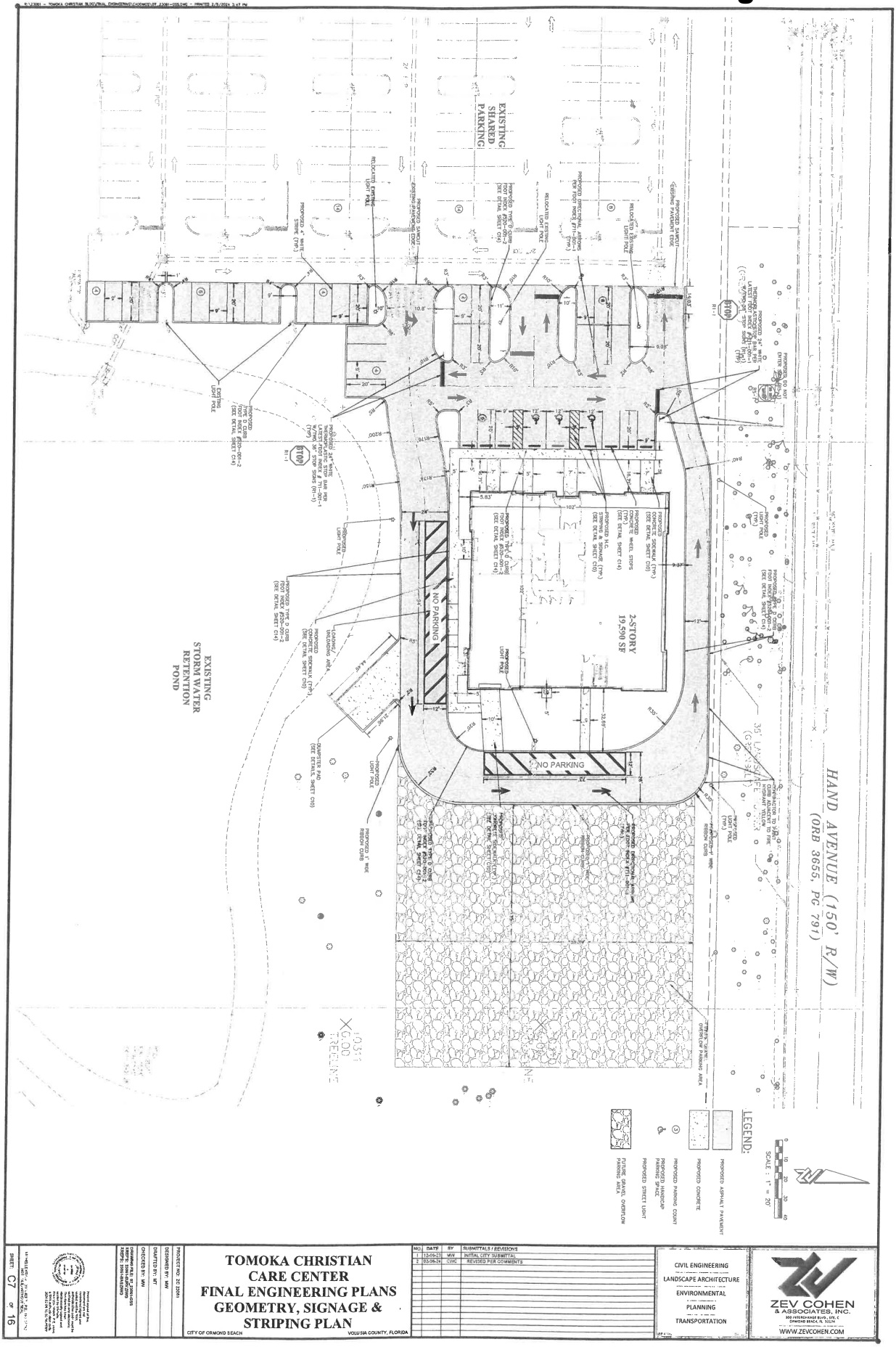
TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
COVER SHEET
VOLUSIA COUNTY, FLORIDA
CITY OF ORMOND BEACH

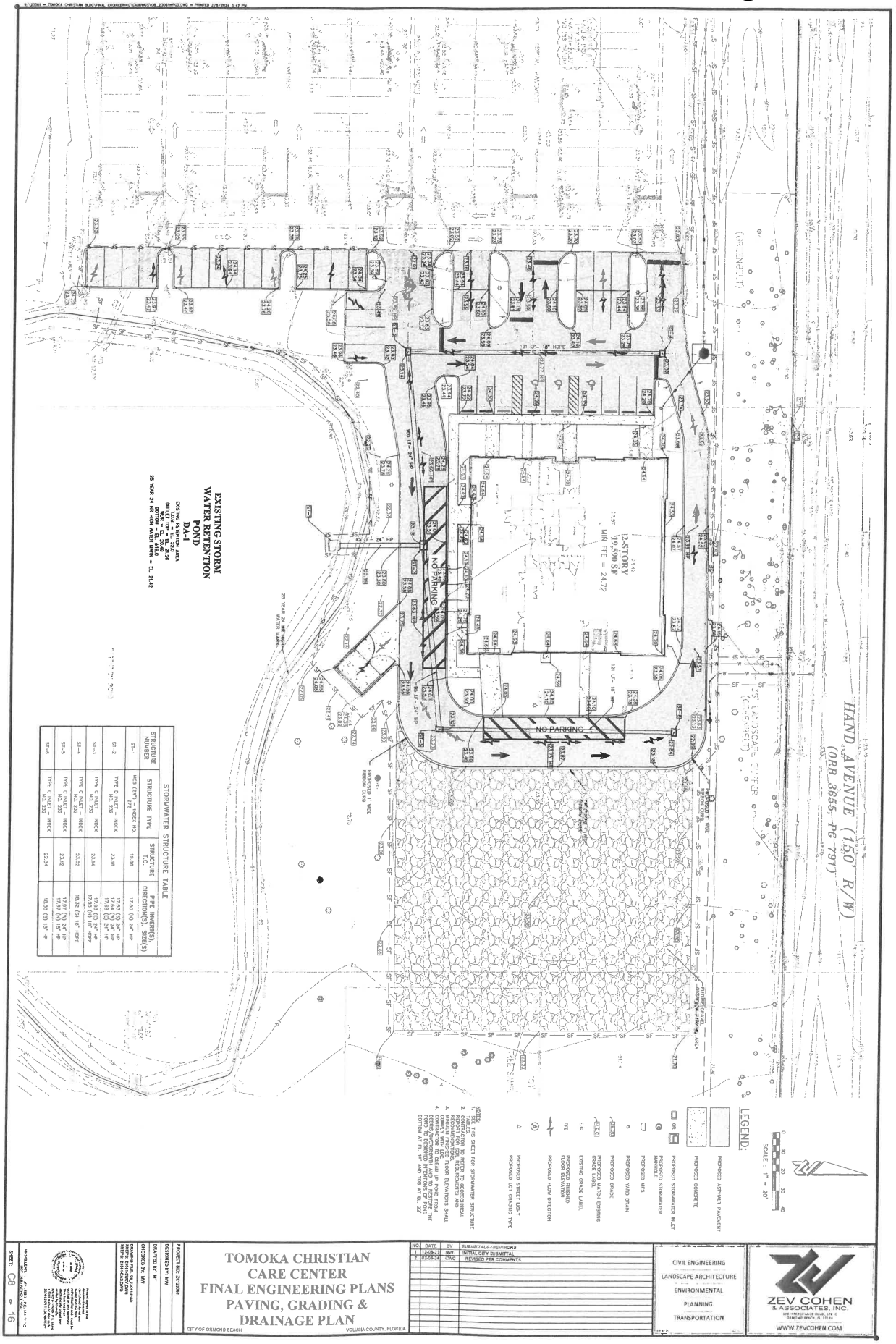
PROJECT NO: ZC 23061
DESIGNED BY: MW
DRAFTED BY: MT
CHECKED BY: MW
DRAWING FILE: 01_23061-COV

SHEET: C1 OF 16


EXISTING STORM WATER MANAGEMENT FACILITY
OAK ST.
BOLES DR.
HAND AVENUE (150' R/W)
LEGEND:
SCALE: 1" = 40'
TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
DEMOLITION & EROSION CONTROL PLAN
CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
ZEV COHEN & ASSOCIATES, INC.
WWW.ZEVCOHEN.COM
SHEET C5 OF 16


OAK ST.
BOLES DR.
HAND AVENUE (150' R/W)
(ORB 8655, PG 791)
2-STORY
19,500 SF
PROPOSED DUMPSTER PAD
LOADING/UNLOADING AREA
EXISTING MAIN ENTRANCE
EXISTING EASEMENT
30' LANDSCAPE BUFFER
POINT OF BEGINNING
LEGEND:
PROPOSED ASPHALT PAVEMENT
PROPOSED CONCRETE
PROPOSED PARKING COUNT
PROPOSED HANDICAP PARKING SPACE
PROPOSED STREET LIGHT
SCALE : 1" = 40'
TOMOKA CHRISTIAN
CARE CENTER
FINAL ENGINEERING PLANS
OVERALL DEVELOPMENT PLAN
CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA
PROJECT NO: ZC 22061
DESIGNED BY: MW
DRAFTED BY: MT
CHECKED BY: MW
SHEET: C6 OF 16
NO. DATE BY SUBMITTALS / REVISIONS
1 12-06-23 MW INITIAL CITY SUBMITTAL
2 02-06-24 CWC REVISED PER COMMENTS
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
ZEV COHEN
& ASSOCIATES, INC.
WWW.ZEVCOHEN.COM


EXISTING SHARED PARKING
EXISTING STORM WATER RETENTION POND
NO PARKING
NO PARKING
2-STORY 19,590 SF
HAND AVENUE (150' R/W)
(ORB 3655, PG 791)
LEGEND:
PROPOSED ASPHALT PAVEMENT
PROPOSED CONCRETE
PROPOSED PARKING COUNT
PROPOSED HANDICAP PARKING SPACE
PROPOSED STREET LIGHT
FUTURE GRAVEL OVERFLOW PARKING AREA
SCALE : 1" = 20'
TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
GEOMETRY, SIGNAGE & STRIPING PLAN
CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA
SHEET: C7 OF 16
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
ZEV COHEN & ASSOCIATES, INC.
WWW.ZEVCOHEN.COM



STRUCTURE NUMBER	STORMWATER STRUCTURE TABLE		
	STRUCTURE TYPE	STRUCTURE T.C.	PIPE INVERT(S), DIRECTION(S), SIZE(S)
ST-1	MES (24") — INDEX NO. 272	19.66	17.50 (N) 24" HP
ST-2	TYPE D INLET — INDEX NO. 232	23.18	17.54 (N) 24" HP 17.66 (E) 24" HP
ST-3	TYPE C INLET — INDEX NO. 232	23.14	17.63 (E) 24" HP 17.83 (W) 18" HDPE
ST-4	TYPE C INLET — INDEX NO. 232	23.07	18.32 (S) 18" HDPE
ST-5	TYPE C INLET — INDEX NO. 232	23.12	17.97 (N) 24" HP 17.97 (N) 18" HP
ST-6	TYPE C INLET — INDEX NO. 232	22.84	18.33 (S) 18" HP

NO.	DATE	BY	SUBMITTALS / REVISIONS
1	12-06-23	WW	INITIAL CITY SUBMITTAL
2	02-05-24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
PAVING, GRADING & DRAINAGE PLAN
CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

ZEV COHEN & ASSOCIATES, INC
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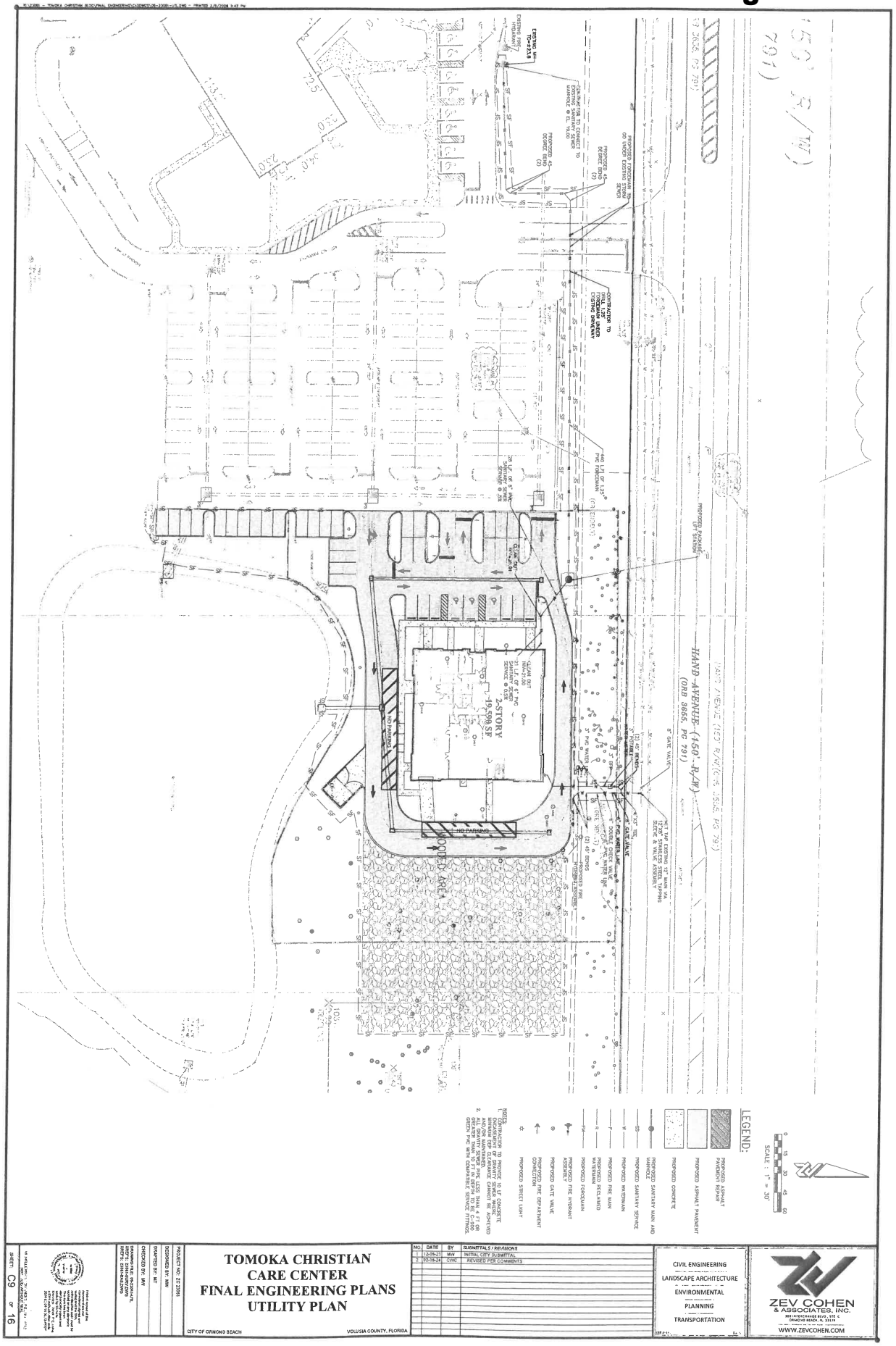
PROJECT NO: ZC 22061
DESIGNED BY: WW
DRAWN BY: MT
CHECKED BY: WW
DRAWING FILE: N:\2022\22061\CAD\ENGINEERING\SHEETS\22061-GRADING.DWG
SHEET: C8 OF 16


HAND AVENUE (150' R/W)
(ORB 3655, PG 791)
2-STORY
19,598 SF
NO PARKING
LEGEND:
SCALE: 1" = 30'
TOMOKA CHRISTIAN
CARE CENTER
FINAL ENGINEERING PLANS
UTILITY PLAN
CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
ZEV COHEN
& ASSOCIATES, INC.
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SHEET: C9 OF 16

15% NATURAL PRESERVATION

TOTAL SITE ACREAGE (OVERALL TOMOKA CHRISTIAN CHURCH)		23.04 AC.
TOTAL PRESERVATION AREA REQUIRED* (CALCULATION: 23.04 AC. x 15% = 3.46 AC.)		3.46 AC.
UNDISTURBED NATURAL PRESERVATION AREA		7.09 AC.
IMPACTED PRESERVATION AREA (CARE CENTER) = 1.82 AC. (CALCULATION: 7.09 AC. - 1.82 AC. = 5.26 AC.)		1.82 AC.
(CALCULATION: 5.26 AC. - 3.46 AC. = 1.8 AC. REMAINING)		
TOTAL PRESERVATION AREA PROVIDED		5.26 AC.

*PER INITIAL CHURCH APPROVED DRAWINGS CITY PROJECT NO. 07-1201

NO.	DATE	BY	SUBMITTALS / REVISIONS
1	12-08-23	MW	INITIAL CITY SUBMITTAL
2	01-29-24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
EXHIBIT

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

ZEV COHEN & ASSOCIATES, INC.
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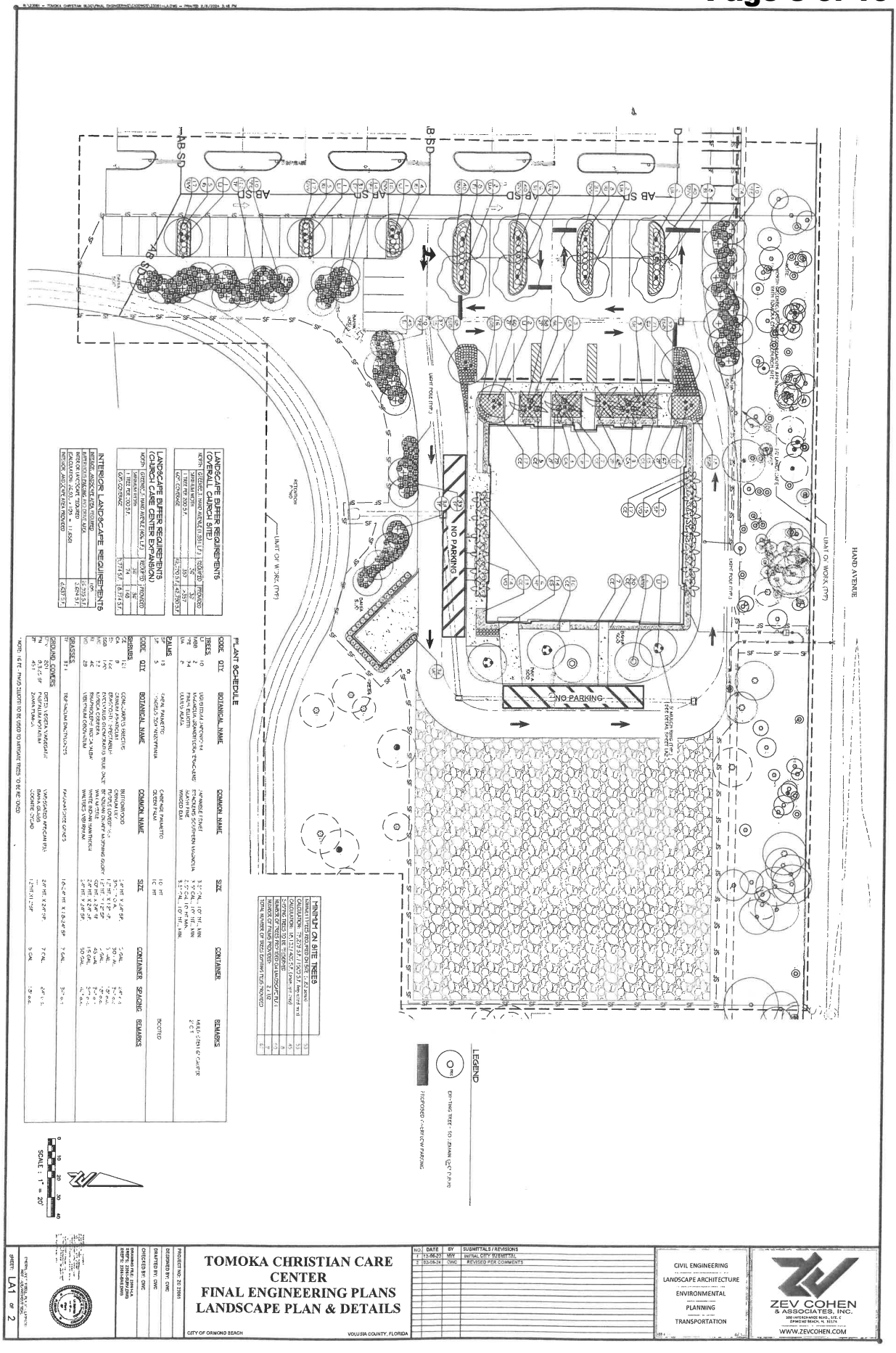
PROJECT NO.: EC 23001
DESIGNED BY: CWC
DRAFTED BY: CWC
CHECKED BY: CWC

SHEET: TP1 OF 1



LANDSCAPE BUFFER REQUIREMENTS (OVERALL CHURCH SITE)

NORTH	LENGTH (L.F.)	REQUIRED	PROVIDED
ABUTTING ROW: AVENUE L (SR 5)	1,320	10'	10'
1 TREE PER 100 S.F.		357	357
40% COVERAGE		25,703 S.F.	42,785 S.F.

LANDSCAPE BUFFER REQUIREMENTS (CHURCH CARE CENTER EXPANSION)

NORTH	LENGTH (L.F.)	REQUIRED	PROVIDED
ABUTTING ROW: AVENUE L (SR 5)	330'	10'	10'
1 TREE PER 100 S.F.	774	145	145
40% COVERAGE	3,774 S.F.	1,774 S.F.	1,774 S.F.

INTERIOR LANDSCAPE REQUIREMENTS

INTERIOR LANDSCAPE AREA REQUIRED	
ABUTTING BUILDING AND DRIVE AISLE	10'
BUILDING AREA = 21,975 + 11,650	33,625 S.F.
EXPANSION AREA = 2,929 S.F.	2,929 S.F.
INTERIOR LANDSCAPE AREA PROVIDED	2,697 S.F.

MINIMUM ON SITE TREES

EXISTING TREES RECORDED ON SITE (12" DBH+)	53
CALCULATION: 70 (233 X 1.15/3.5 = New Grand Trees)	53
EXISTING TREES TO BE REMOVED	45
EXISTING TREES TO BE PRESERVED	53
NUMBER OF TREES PROPOSED ON LANDSCAPE PLAN	45
NUMBER OF TREES PROVIDED	2,112
(DOES NOT INCLUDE OR PROJECT TREES PROVIDED)	

PLANT SCHEDULE

CODE	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
TREES						
MGB	10	MAGNOLIA GRANDIFLORA 'BRACKENS BROWN BEAUTY'	BRACKENS BROWN BEAUTY SOUTHERN MAGNOLIA	5.5" CAL., 20' HT. MIN.	MATCH EXISTING CULTIVAR	
MGA	2	MAGNOLIA GRANDIFLORA 'ST. MARY'	ST. MARY SOUTHERN MAGNOLIA	5.5" CAL., 20' HT. MIN.		
QVA	24	QUERCUS VIRGINIANA 'HIGHRISE'	HIGHRISE LIVE OAK	2.5" CAL., 16' HT. MIN.		
PALMS						
SP	5	SABAL PALMETTO	CABBAGE PALMETTO	10' HT.	BOOTED	
CODE	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	SPACING
SHRUBS						
PE	21	PODOCARPUS MACROPHYLLUS 'PRINCE OF WALES'	BUTTONWOOD	3'-4' HT. X 24" SP.	7 GAL.	3'-0" O.C.
OA	8	OSMANTHUS AMERICANUS	DEVILWOOD	3'-4' HT. X 24" SP.	7 GAL.	3'-0" O.C.
TO	15	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	12"-15" HT. X 12" SP.	3 GAL.	24" O.C.
SSD	140	SERENOA REPENS 'SILVER SELECT'	SILVER SAW PALMETTO	24" HT. X 24" SP.	3 GAL.	24" O.C.
RE	42	RAPHIOLEPIS INDICA 'ENCHANTRESS'	ENCHANTRESS INDIAN HAWTHORN	24" HT. X 24" SP.	3 GAL.	24" O.C.
VO	28	VIBURNUM ODORATISSIMUM	WHITE AWSAM HAWTHORN	24" HT. X 24" SP.	3 GAL.	24" O.C.
GRASSES						
TU	81	TRIPSACUM DACTYLOIDES	FAKAHATCHEE GRASS	1'-6"-2' HT. X 1'-6"-2' SP.	7 GAL.	3'-0" O.C.
GROUND COVERS						
PV	45	PORTULACA VERDOLATA/ GRANDIFLORA	PURSLANE	2.5" HT. X 24" SP.	3 GAL.	24" O.C.
AF	45	ASPARAGUS AFRICANUS FERN	UNPLEASED AFRICAN FERN	2.5" HT. X 24" SP.	3 GAL.	24" O.C.
ZM	45	ZAMIA FURFURACEA	COONTIE SAGO	12" HT. X 12" SP.	3 GAL.	18" O.C.

* NOTE: 45 PT. PHOTOSHOOT TO BE USED TO ILLUSTRATE TREES TO BE RE-USED

NO.	DATE	BY	SUBMITTALS / REVISIONS
1	12-06-23	MW	INITIAL CITY SUBMITTAL
2	02-06-24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
LANDSCAPE PLAN & DETAILS

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

ZEV COHEN & ASSOCIATES, INC.
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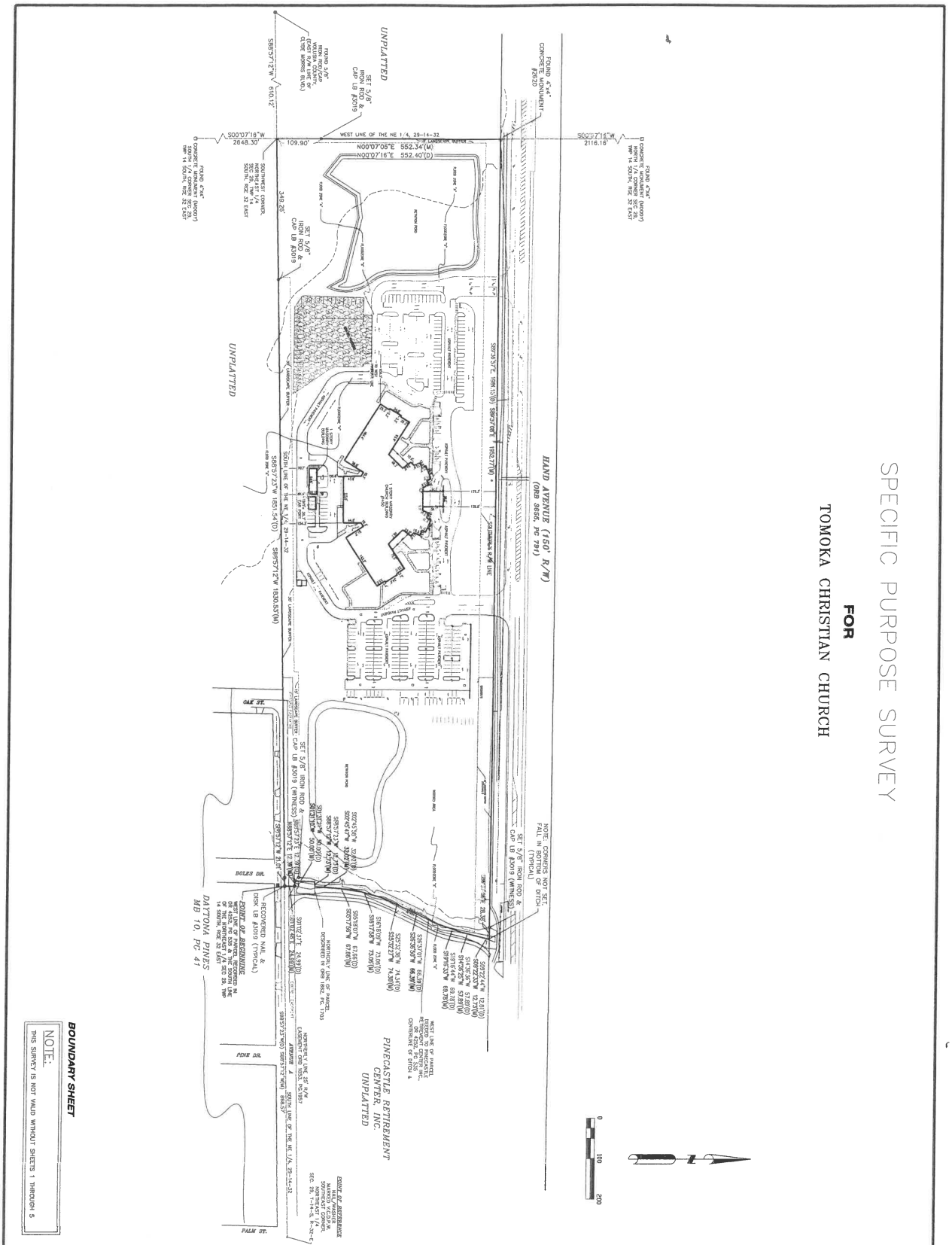
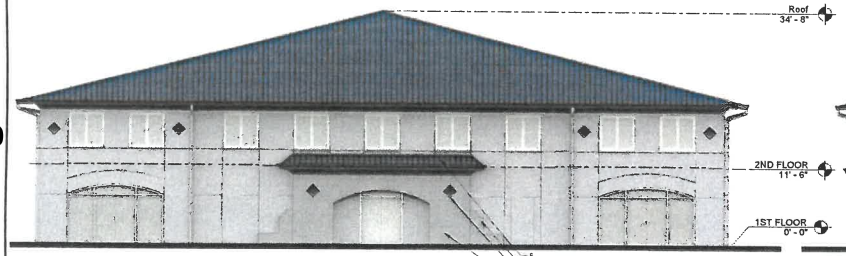
PROJECT NO: 22.2381
DESIGNED BY: CWC
DRAFTED BY: CWC
CHECKED BY: CWC
PROGRESS PRINT - 02/06/24
SHEET: LA1 OF 2

FILE: K:\24\240022 TOMOKA CHRISTIAN CHURCH 1450 HAND AVE\240022.DWG

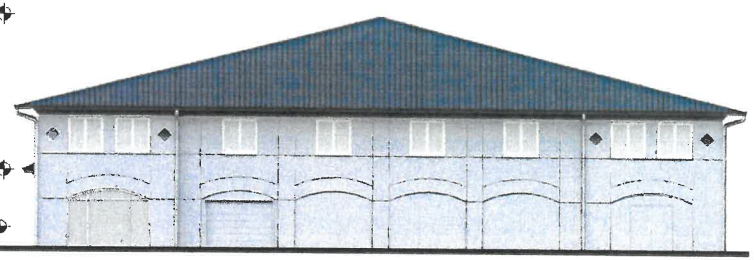


SPECIFIC PURPOSE SURVEY	FIELD DATE: JANUARY 12, 2024	FIELD BOOK: 1522	5			SLIGER & ASSOCIATES, INC.
1420 HAND AVENUE, ORMOND BEACH, FLORIDA	PARTY CHIEF: K. HELMICK	PAGE (S): 43	4			PROFESSIONAL LAND SURVEYORS
	DRAWN BY: J. MOLLER	FIELD BOOK: 1515	3			3021 NOVA ROAD
CLIENT: MGN CONTRACTING	CHECKED BY: J. HATTENDORF	PAGE (S): 58-60	2			PORT ORANGE, FL. 32127
			1			LICENSED BUSINESS CERTIFICATION NUMBER 3019
			No.	Date	Revision	www.sligerassociates.com Copyright © 2023 Sliger & Associates, Inc

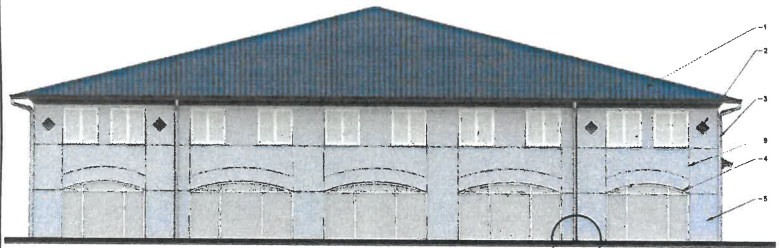
PROJECT: 08676
JOB: 24-0022
SCALE: 1" = 30'
SHEET: 3 of 5



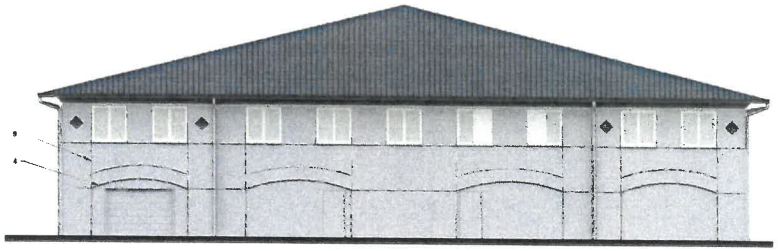
1 WEST ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



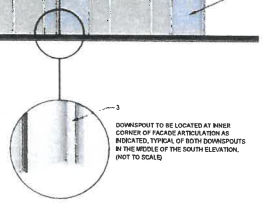
2 NORTH ELEVATION
1/8" = 1'-0"



4 EAST ELEVATION
1/8" = 1'-0"

EXTERIOR ELEVATION LEGEND

1. TERRACOTTA TILE ROOF (TO MATCH EXISTING CHURCH ROOF).
2. DIAMOND SHAPED GLAZED CERAMIC TILE ACCENT (TO MATCH EXISTING CHURCH DETAIL).
3. DOWNSPOUT, PAINTED TO MATCH STUCCO, SEE DETAIL THIS PAGE FOR DOWNSPOUT DETAIL AT SOUTH ELEVATION.
4. ARCHED STOREFRONT WINDOW AND ARCHED REVEALS IN NEO-ECLECTIC STYLE (TO MATCH EXISTING CHURCH).
5. STUCCO FACADE (COLOR TO MATCH EXISTING CHURCH).
6. EYEBROW TERRACOTTA TILE ROOF (TO MATCH SIMILAR FEATURES AT EXISTING CHURCH).
7. TRADITIONAL CURVILINEAR SPANISH WALL DETAIL IN NEO-ECLECTIC STYLE (TO MATCH EXISTING CHURCH).
8. STUCCO FACADE, ACCENT COLOR TO EMPHASIZE ENTRY DOOR AND TO ADD DEPTH AND INTEREST.
9. STUCCO REVEALS IN FACADE (TO MATCH EXISTING CHURCH).



DOWNSPOUT TO BE LOCATED AT INNER CORNER OF FACADE ARTICULATION AS INDICATED, TYPICAL OF BOTH DOWNSPOUTS IN THE MIDDLE OF THE SOUTH ELEVATION. (NOT TO SCALE)



A EXISTING CONDITIONS
NOT TO SCALE

DESIGN PHILOSOPHY

THE PROPOSED BUILDING COMPLEMENTS THE STYLE AND DETAILING OF THE EXISTING CHURCH BUILDING, WHILE ALSO INTEGRATING SELECT ELEMENTS OF THE 'NEO-ECLECTIC' STYLE. THE PROPOSED BUILDING HAS A STUCCO FACADE AND UTILIZES DIAMOND-SHAPED GLAZED CERAMIC TILE ACCENTS TO MATCH THE EXISTING BUILDING. THE PROPOSED ENTRY INCLUDES A TRADITIONAL CURVILINEAR SPANISH WALL DETAIL IN HOMAGE TO BOTH THE ARCHITECTURAL STYLE AND A SIMILAR DETAIL UTILIZED IN THE EXISTING CHURCH BUILDING.

THE PROPOSED PITCHED ROOF STYLISTICALLY INVOKES A TRADITIONAL SPANISH CLAY TILE ROOF. THE CHURCH PREFERS THIS STYLE ROOF OVER A FLAT ROOF, AS THE EXISTING CHURCH'S FLAT ROOF HAS DEVELOPED MULTIPLE LEAKS AND HAS HAD MAINTENANCE ISSUES OVER THE PAST SEVERAL YEARS.

THE DARK HORIZONTAL BRICK BAND OF THE EXISTING CHURCH VISUALLY DIVIDES THE HEIGHT OF THE EXISTING SINGLE STORY WALLS. IN THE PROPOSED BUILDING THE HEIGHT OF THE ELEVATIONS IS DIVIDED INTO TWO TRUE STORIES, WHICH ALLOWS THE SECOND STORY WINDOWS TO DIVIDE AND ARTICULATE THE WALL HEIGHT IN MUCH THE SAME WAY. THE CADENCE OF THE SECOND FLOOR WINDOWS, WITH RELATED VERTICAL ALIGNMENTS TO THE ARCHED OPENINGS BELOW, HELPS TO ARTICULATE THE FACADE OF THE BUILDING WHILE ALSO ORGANIZING THE GEOMETRY OF THE FACADES. ADDITIONAL STUCCO REVEALS WOULD ADD ADDITIONAL INTEREST TO THE FACADE IN THE SAME WAY THESE DETAILS FUNCTION IN THE EXISTING CHURCH FACADE.

ROY KUSHNER ARCHITECTURE

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ORMOND BEACH, FL 32174
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LAV ENGINEERING

LAV ENGINEERING, PLLC
200 TOMOKA AVE - SUITE D
ORMOND BEACH, FL 32174
(386) 310-7829
LAV@LAVENGFL.COM

REVISION	DESCRIPTION	DATE
1	ISSUED FOR SUBMISSION	12/5/2023
2	RESPONSE TO CITY COMMENTS	1/19/2024

SEAL / SIGNATURE:

PROJECT DESCRIPTION:
TOMOKA CHRISTIAN CHURCH

1450 HAND AVE
ORMOND BEACH, FL 32174

DRAWING DESCRIPTION:
EXTERIOR ELEVATIONS

PROJECT NUMBER	23097
DATE	1/19/2024
DRAWN BY	AN
CHECKED BY	RK

SHEET NO.
A-201

SCALE 1/8" = 1'-0"

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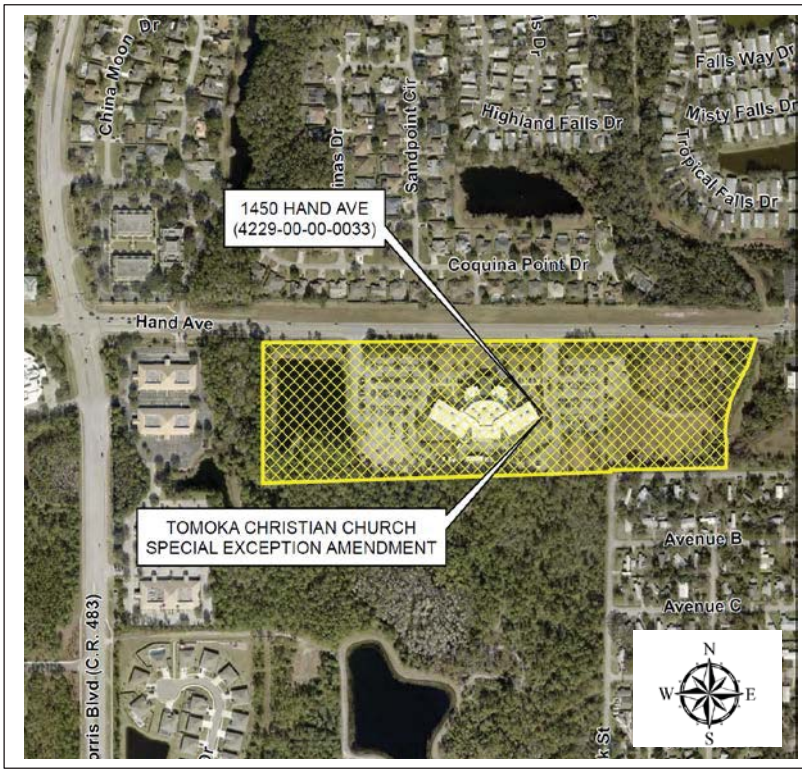
PLANNING BOARD
STAFF REPORT
Tomoka Christian Church, Special Exception
Project Number: PZ-2024-004

PLANNING BOARD DATE:	March 14, 2024
TENTATIVE CITY COMMISSION DATE:	April 16, 2024 (only one hearing)
APPLICANT:	Tomoka Christian Church, property owner
LOCATION:	1450 Hand Avenue
REQUEST:	Special Exception amendment to allow new construction of a stand-alone, two-story building of approximately 20,000 square feet at the Tomoka Christian Church property to include a care center, thrift shop, food pantry and associated site improvements
SITE PLAN REVIEW COMMITTEE RECOMMENDATION:	Approval
STAFF CONTACT:	Steven Spraker, AICP, Planning Director
MAP OF PROJECT AREA:	

SECTION 1, INTRODUCTION:

This is a request by Tomoka Christian Church, for a Special Exception amendment to allow new construction of a stand-alone, two-story building of approximately 20,000 square feet at the Tomoka Christian Church property to include a care center, thrift shop, food pantry and associated site improvements. The area for the project improvements is 1.82 acres and is located at 1450 Hand Avenue. The Tomoka Christian Church property is a total of 23.04 acres and the original Special Exception was approved with Ordinance 2008-102. The property has a zoning designation of SR, Suburban Residential.

SECTION 2, BACKGROUND:

On May 8, 2008, the City Commission authorized a Special Exception for a House of Worship for Tomoka Christian Church located at 1450 Hand Avenue. The Special Exception authorized a principal structure of 61,000 square feet, 801 seats and approval of a rear yard masonry wall waiver. The property has a zoning designation of SR, Suburban Residential that allows a House of Worship as a Special Exception Use.

The current application seeks a new, stand-alone building that is approximately 20,000 square feet and would include a care center, thrift shop, and food pantry. These are services provided by the church now with a desire to relocate into the new building. Based upon on an expansion in building square footage and the Special Exception use within the SR, Suburban Residential zoning district, the project is required to obtain a Special Exception.

The project conducted a neighborhood meeting on February 22, 2024, and the summary is provided in ATTACHMENT 4. There were approximately six attendees at the neighborhood meeting. The following items were discussed:

- Commended Tomoka Christian Church on the current outreach to the community and excited to see it expand.
- Questions regarding hours of food bank and thrift store. Church staff verified there is already a food bank in the rear of the existing church and hours will be the same. If approved, they will relocate the existing food bank to the new building.
- Church staff verified it will not be a soup kitchen.
- Question if the project would overlap the proposed Hand Avenue expansion. Zev Cohen staff verified that the Hand Avenue expansion is through Volusia County. This project would not have any impacts to Hand Avenue with no new driveway or impacts to the existing 36-foot landscape buffer.
- Questioned if there would be a walkway from building to building. Zev Cohen staff verified there would not be. The new building would be an accessory use and have its own parking area.

SECTION 3, ANALYSIS: The site is designated as "Suburban Low Density Residential" on the Future Land Use Map with an SR, Suburban Residential zoning designation. The following table shows the surrounding land uses and zoning:

EXHIBIT 1: Adjacent land uses and zoning:

Direction	Uses	Land Use designation	Zoning designation
North	Across Hand Avenue – Residential	SLDR, "Suburban Low Density Residential"	SR, Suburban Residential, Planned Residential Development
South	Volusia County	Volusia County "Urban Low Intensity"	Volusia County R-2 and Volusia County MH-5
West	Offices	ROR, "Residential, Office, Retail"	B-10, Suburban Boulevard
East	Offices	ROR, "Residential, Office, Retail"	B-10, Suburban Boulevard

Key project attributes for the Tomoka Christian Church Special Exception amendment:

1. Original Special Exception is Resolution 2008-102.
2. Total project size is 23.04 acres. The project area for the new building and associated site work is 1.82 acres.
3. The building size shown on the site plan is 19,587 square feet.
4. The project proposes 37 on-site parking spaces and to utilize 36 existing parking spaces with the existing church parking lot. The parking calculation for a House of Worship is based on the principal place of assembly and the project meets the required parking calculations.
5. There is a future gravel overflow parking area shown to the east of the proposed building area. The Land Development Code allows Houses of Worship to provide up to 50 percent of the parking requirement as unimproved parking.
6. The Greenbelt buffer of 36' along Hand Avenue would remain in place and natural.
7. The proposed building is located approximately 56' from the front property line.
8. There is a looped paved drive aisle around the building.
9. Two loading zones (south and east of the building) are proposed.
10. A dumpster pad with an enclosure is proposed.
11. The project stormwater is contained in the existing stormwater management system of the site.
12. Sheet A-201 of ATTACHMENT 4 provides the architectural elevations of the proposed building. The two-story building is designed to match the existing church buildings including terracotta tile roof, tile accents, arched storefront window and arched reveals, and will be stucco painted to match the existing building.
13. The site is required to maintain 15 percent of its site in its natural state or 3.46 acres. After development, the project natural area would be 5.26 acres.

14. Sheet LA1 of ATTACHMENT 4 provides a landscape plan. Landscape is provided around the site, including landscape islands and around the building.
15. The project is not seeking any variances or waivers.

SECTION 4, SPECIAL EXCEPTION CRITERIA:

Section 2-56 of the Land Development Code outlines the general criteria for all Special Exception approvals:

A. Off-street parking loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.

The parking requirements for Houses of Worship are based upon the principal place of assembly. This application does not alter the capacity of the principal place of assembly. The proposed building is providing 37 parking spaces in addition to the existing parking. There are sufficient parking spaces and loading areas as shown on the proposed site plan.

B. Required yards, screening or buffering, and landscaping shall be consistent with the district in general, the specific needs of the abutting land uses, Chapter 3, Article 1, and other applicable provisions of this Code.

The proposed site plan complies with all screening, buffering, and landscape requirements are determined by the Site Plan Review Committee.

C. Size, location, or number of conditional or Special Exceptions in an area shall be limited so as to maintain the overall character of the district in which said conditional or Special Exceptions are located.

There have been no other Special Exceptions in this area in the recent past and this request is solely for the new building as part of the existing church operations.

D. Hours of operation may be limited and the City may require additional information on structural design and site arrangement, to assure the compatibility of the development with existing and proposed uses in the surrounding area.

During the site plan review process, the hours of operation were identified as typical business hours of 8 a.m. to 5 p.m. If the Planning Board believes that specific hours of operation should be established, this can be added as an amendment.

E. The Special Exception shall not generate hazardous waste or require use of hazardous materials in its operation without use of City-approved mitigative techniques.

This Special Exception will not generate hazardous waste.

F. All development proposed as a Special Exception within or adjacent to a historic district shall be reviewed based on applicable criteria stated herein

for residential, commercial or mixed-use development and shall also comply with appearance and design guidelines for historic structures.

The project is not located within, or adjacent to, a historic district and this criterion does not apply to the project development.

G. Outdoor lighting shall have no spillover onto adjacent property or rights-of-way beyond the building site property line and the lumens shall not exceed two (2) foot-candles at the property line.

ATTACHMENT 4 includes a photometric lighting plan. All lighting shall comply to the Land Development Code lighting requirements.

SECTION 5, DEVELOPMENT ORDER CRITERIA:

Section 1-15(e) (Planning Board) and Section 1-18 (e)(2) (City Commission) of the Land Development Code provide development order criteria for Special Exception applications. Below is the criterion in bold with staff's responses.

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

   The proposed development conforms to the standards and requirements of the Land Development Code. The proposed use will not create undue crowding or adversely affect the public health.

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

   The site has a Future Land Use designation of "Suburban Low Density Residential", which is consistent with the proposed use. Houses of Worship are allowed as a Special Exception use.

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

   The proposed development will not adversely impact environmentally sensitive lands or natural resources and is an existing developed site.

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

   This zoning designation allows a variety of uses including a House of Worship and related uses. It is staff's determination that the proposed project is consistent with the development pattern along Hand Avenue.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment,**

drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.

Public facilities currently serve the site and adequate capacity exists to serve the proposed use.

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

   The site access is provided with the existing drive aisle that connects the Hand Avenue frontage with the primary church. The site plan has been reviewed and determined acceptable for traffic movement, including fire and solid waste trucks. Staff is aware of a pending Volusia County project to widen Hand Avenue from Shangri-La to Clyde Morris Boulevard. This project will utilize the existing driveway access points.

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

   The proposed development is functional and complies with the City architectural standards.

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

   The overall design indicates safe movement on the site for occupants and visitors.

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

   The proposed materials and architectural features will not negatively impact the neighborhood or aesthetics of the area. The proposed improvements comply with the Neo-Eclectic architectural style.

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

    This application has not been reviewed in a public forum and no testimony has been provided.

SECTION 6, RECOMMENDATION:

It is recommended that the Planning Board **APPROVE** the Special Exception amendment to allow new construction of a stand-alone, two-story building of approximately 20,000 square feet at the Tomoka Christian Church property to include a care center, thrift shop, food pantry and associated site improvements located at 1450 Hand Avenue.

Attachments:

Attachment 1: SPRC outstanding comments
Attachment 2: Project maps
Attachment 3: Resolution 2008-102
Attachment 4: Applicant submitted information

ATTACHMENT 1

Site Plan Review Committee outstanding comments

PLAN CORRECTIONS REPORT SPRC-2024-000005
FOR CITY OF ORMOND BEACH

PLAN ADDRESS: 1450 Hand Ave
Ob, FL 32174

PARCEL: 422900000033

APPLICATION DATE: 12/05/2023
EXPIRATION DATE: 06/02/2024

SQUARE FEET: 20,000.00
VALUATION: $0.00

DESCRIPTION: Proposed construction of a new ±20,000 sqft 2 story building for a thrift shop, food pantry and care center to include the associated infrastructure

CONTACTS	Name	Company	Address
Applicant	SCOTT ADAMS	Zev Cohen & Associates	300 Interchange Blvd Suite C , Suite C Ormond Beach, FL 32174
	Doug Diamond	Tomoka Christian Church, Inc	
Other Contact	SSS - Test SSS - Test		22 South Beach Street
Project Coordinator	Michelle Widick	Zev Cohen & Associates, Inc	
Property Owner	Doug Diamond	Tomoka Christian Church, Inc	

SPRC Review

REVIEW ITEM	STATUS	REVIEWER
Civil Engineer v.1 Civil Engineer	**Requires Re-submit**	**David Allen Ph: (386) 615-7047 email: David.Allen@ormondbeach.org**
Civil Engineer v.2 Civil Engineer	**Requires Re-submit**	**David Allen Ph: (386) 615-7047 email: David.Allen@ormondbeach.org**
Fire Plans Examinern v.2 Fire Plans Examiner	**Requires Re-submit**	**Ken Gaines Ph: (386) 676-3333 email: Ken.Gaines@ormondbeach.org**
Fire Plans Examinern v.1 Fire Plans Examiner	**Requires Re-submit**	**Tom Griffith Ph: (386) 676-3350 email: Tom.Griffith@ormondbeach.org**
Landscape Architect v.1 Landscape Architect	**Requires Re-submit**	**Cara Culliver Ph: (386) 676-3288 email: Cara.Culliver@ormondbeach.org**
Landscape Architect v.2 Landscape Architect	**Requires Re-submit**	**Cara Culliver Ph: (386) 676-3288 email: Cara.Culliver@ormondbeach.org**
Planner 1 v.1 Planner 1	**Not Required**	
Planner 2 v.1 Planner 2	**Requires Re-submit**	**Sarah Cushing Ph: (386)676-3345 email: Sarah.Cushing@ormondbeach.org**
Planner 2 v.2 Planner 2	**Approved**	**Sarah Cushing Ph: (386)676-3345 email: Sarah.Cushing@ormondbeach.org**
Planner 3 v.1 Planner 3	**Approved**	**Becky Weedo Ph: (386) 676-3342 email: Becky.Weedo@ormondbeach.org**
Planning Director v.1 Planning Director	**Requires Re-submit**	**Steven Spraker email: Steven.Spraker@ormondbeach.org**
Planning Director v.2 Planning Director	**Approved**	**Steven Spraker email: Steven.Spraker@ormondbeach.org**
Review Coordinator - SPRC v.1	**Approved**	
Review Coordinator - SPRC Final v.1	**Requires Re-submit**	**Steven Spraker email: Steven.Spraker@ormondbeach.org**

PLAN CORRECTIONS REPORT (SPRC-2024-000005)

Review Coordinator - SPRC Final v.2	**Requires Re-submit**	**Steven Spraker email: Steven.Spraker@ormondbeach.org**
Utility 1 v.1 Utility 1	**Requires Re-submit**	**Mike Stephenson Ph: (386) 676-3583 email: Mike.Stephenson@ormondbeach.org**
Utility 1 v.2 Utility 1	**Approved**	**Mike Stephenson Ph: (386) 676-3583 email: Mike.Stephenson@ormondbeach.org**

PLAN CORRECTIONS REPORT (SPRC-2024-000005)

eReview Session for SPRC Review v.1

FILES: 12-01-2023 - TOMOKA CHRISTIAN S1 - TGS.pdf
23061 ArchElevs Floor plans.pdf
23061 AT EXHIBITS.pdf
23061 CIVIL PLANS.pdf
23061 Deed.pdf
23061 LANDSCAPE PLANS.pdf
23061- PH 2 WATER DISTRIBUTION CALCS.pdf
23061 SitePlan App.pdf
23061 Sunbiz TCC Inc.pdf
Cover Letter.pdf
Fee Check Copy.pdf
ParkingLetterSitePlanApp.pdf
Survey.pdf
Tomoka Christian Environmental Assessment.pdf
ZC-23061 SJRWMD Minor Mod_Cover Letter.pdf

REVIEWER	MARKUP	DATE/TIME	FILE NAME	PG #
Mike	19,590 according to planset	12/08/2023 10:45 pm	23061- PH 2 WATER DISTRIBUTION CALCS.pdf	4
Mike	Revise calculated demand numbers to match the 19,590 FT^2 building as shown on the planset. Please add verbiage to the Demand section explaining how you got the 7.5 GPM peak rate. i.e. 2400 GPD = 1.7 GPM and a 3.0 peak factor was chosen because of .... industry standards, etc.	12/08/2023 10:52 pm	23061- PH 2 WATER DISTRIBUTION CALCS.pdf	4
Mike	EOR: Please confirm needed fire flow with building code. I am used to a building of this size requiring fire sprinklers, which would affect the required flow rate	12/08/2023 10:57 pm	23061- PH 2 WATER DISTRIBUTION CALCS.pdf	4
Mike	EOR: Please review fire flow requirements with applicable building codes. I am used to a building of this size having a fire sprinkler system. Typical setups I see have a fire line entering the building and then a separate line exiting the building going to a FDC.	12/08/2023 11:01 pm	23061 CIVIL PLANS.pdf	9
Mike	Advisory Comment: EOR - Typically Type C inlets are not able to accommodate 24-inch piping in the short wall side. Recommend review.	12/08/2023 11:04 pm	23061 CIVIL PLANS.pdf	8
Mike	City GIS information shows a 24-inch pipe running North-South in the middle of this driveway with an invert of 19.74 EL. This would likely cause issues with the proposed gravity routing. Please review	12/08/2023 11:08 pm	23061 CIVIL PLANS.pdf	9
Mike	Add a double detector check to the fire line	12/08/2023 11:14 pm	23061 CIVIL PLANS.pdf	9
Cara Culliver	No grading or tree removal is allowed within the greenbelt buffer. Please revise the silt fence layout.	12/14/2023 1:06 am	23061 CIVIL PLANS.pdf	5
Cara Culliver	- THE PREVIOUS APPROVED SITE PLAN FOR THIS SITE, SHOWS THIS AREA AS NATURAL PRESERVATION AREA. - HOW ARE YOU MEETING THE 15% TREE PRESERVATION REQUIREMENT, PLEASE PROVIDE AN EXHIBIT.	12/14/2023 11:33 pm	23061 CIVIL PLANS.pdf	6
Cara Culliver	NO GRADING OR TREE REMOVAL WITHIN GREENBELT AREA, PLEASE REVISE SILT FENCE	12/14/2023 11:38 pm	23061 CIVIL PLANS.pdf	8
Cara Culliver	Please consider bring in the water into the front of the building along the existing pavement edge so the greenbelt area is not disturbed. - Fire hydrant is not allowed in the greenbelt.	12/14/2023 11:43 pm	23061 CIVIL PLANS.pdf	9
Cara Culliver	Proposed water line route	12/14/2023 11:45 pm	23061 CIVIL PLANS.pdf	9
Tom Griffith	Provide the type of oonstruction and occupancy class to determine fire flow and sprinkler requirements.	12/15/2023 2:42 am	23061- PH 2 WATER DISTRIBUTION CALCS.pdf	4

Tom Griffith	Provide type of construction and occupancy class to determine fire system requirements.	12/15/2023	2:44 am	23061 ArchElevs Floor plans.pdf	4
Sarah Cushing	Per Section 4-05 of the Land Development Code: The applicants shall respond to SPRC written comments within one hundred eighty (180)calendar days of the issuance date or the project shall be considered withdrawn. All projects that do not respond within the allotted time shall be required to submit a new application and SPRC review fees. Applicants may request a maximum of two (2)ninety (90)-calendar day extensions with a written request to the planning director detailing the reason for the delay in responding to the SPRC comments.	12/15/2023	9:59 pm	Cover Letter.pdf	1
Sarah Cushing	The project requires a Special Exception (SE) and review by the Planning Board and approval by the City Commission. The SE application has been received. Once the application is ready to go before the Planning Board, the applicant is required to perform site posting in accordance with Section 1-15(f)(2)(c) of the Land Development Code. The sign posting criteria, examples of sign postings and a list of possible sign contractors has been uploaded with this project.	12/15/2023	10:01 pm	Cover Letter.pdf	1
Sarah Cushing	Please note a Neighborhood Meeting is required in accordance with Section 4-03(6) of the Land Development Code. The meeting shall be advertised by the applicant. See neighborhood meeting criteria uploaded with this project. The project can schedule a neighborhood meeting when you are ready.	12/15/2023	10:03 pm	Cover Letter.pdf	1
Sarah Cushing	May be advised to add a thin glazed ceramic tile banding or additional diamonds similar to main building, especially along the north and west elevations which will be most visible from ROW and main entrance	12/15/2023	10:13 pm	23061 ArchElevs Floor plans.pdf	1
David	Civil-The existing retention pond holds water and is overgrown to the point that the functionality is suspect. The pond should have maintenance performed prior to the final inspection for the site work.	12/18/2023	9:23 pm	23061 CIVIL PLANS.pdf	8
David	Add surface flow arrows to show the flow pattern.	12/18/2023	9:27 pm	23061 CIVIL PLANS.pdf	8
David	Civil- Show the 25 year 24 hour Design High Water on this plan.	12/18/2023	9:34 pm	23061 CIVIL PLANS.pdf	8
David	Civil-Provide the hydraulic grade line calculations and profile for the drainage system. The 25 year 24 hour peak stage is the tailwater condition with a 5 year storm added.	12/18/2023	9:36 pm	23061 CIVIL PLANS.pdf	8
David	Civil-=The length of the lateral is troubling. Please provide the hydraulic calculation of the proposed flow in a 6" lateral also provide the calculated velocity to ensure cleaning velocity within the pipe system. Based on Section 5 - Items 7,8 &9 as shown in the FDEP application 62-604-300.	12/18/2023	9:54 pm	23061 CIVIL PLANS.pdf	9
Cara Culliver	Due to no historic tree removal, please remove the reference on the legend.	12/20/2023	3:07 am	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	Please provide a tree survey prepared by a licensed land surveyor.	12/20/2023	3:09 am	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	Trees are required at the ends of terminal landscape islands.	12/20/2023	3:11 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	No reference to SR on the plant list	12/20/2023	3:12 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	Planting key pointing to sidewalk, please correct	12/20/2023	3:13 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	All landscape island trees shall be installed at 3.5" caliper min. (UA).	12/20/2023	3:14 am	23061 LANDSCAPE PLANS.pdf	2

Cara Culliver	The minimum tree chart, please note the impacted area and show the calculations 2 ways, 1 tree per 1,500 SF of impacted area and 1 tree per 400 SF of landscape area and the greater number shall apply.	12/20/2023 3:15 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	Please label existing trees showing tree type & DBH.	12/20/2023 3:17 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	Please provide container sizes for all plant materials.	12/20/2023 3:42 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	Minimum tree/palm height is 10' feet.	12/20/2023 3:43 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	All multi-stemmed trees shall be 6" combined caliper min. (LJ)	12/20/2023 3:45 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	The spacing of clumping ground covers is 18" o.c., TF & VS are 36" o.c. & DV2 is 24" o.c.	12/20/2023 3:46 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	Interior landscape requirement is 10%. Please provide chart & SF for each area.	12/20/2023 3:48 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	SP palm size is incorrect and not 2" min. DBH, please correct. Please note palms to be booted.	12/20/2023 3:50 am	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	Please use City standard landscape details.	12/20/2023 10:48 pm	23061 LANDSCAPE PLANS.pdf	3
Cara Culliver	Please provide an irrigation plan that meets Volusia Counties Waterwise Ordinance.	12/20/2023 10:49 pm	23061 LANDSCAPE PLANS.pdf	3
Cara Culliver	IB2 spacing should be 36" o.c. max.	12/20/2023 10:52 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	Please check quantities of plant materials on the plant list.	12/20/2023 10:56 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	Per site visit the 36' Greenbelt area is wide open just past the existing fire hydrant. - It must meet the 60% native and tree requirements per section 2-73(2)(a-o). - Please provide a tree survey in this area (406'; project area) and provide a chart showing the requirements and how they are being met.	12/21/2023 8:16 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	27	12/21/2023 8:27 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	4	12/21/2023 8:27 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	7/1.82ac= 3.85	12/21/2023 8:28 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	27	12/21/2023 8:28 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	14	12/21/2023 8:28 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	4	12/21/2023 8:29 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	18	12/21/2023 8:29 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	How are you mitigating for the 18 protected trees?	12/21/2023 8:29 pm	23061 LANDSCAPE PLANS.pdf	2
Steven Spraker	Is a monument sign proposed for the use? If so, please show location and square footage.	12/21/2023 11:55 pm	23061 CIVIL PLANS.pdf	6
Steven Spraker	The use requires a Special Exception. Please provide a letter describing the project for the inclusion in the public hearing packet.	12/21/2023 11:59 pm	23061 CIVIL PLANS.pdf	6
Steven Spraker	What are the hours of operation of the new building?	12/22/2023 12:01 am	23061 CIVIL PLANS.pdf	1

eReview Session for SPRC Review v.2

FILES: 23061 ArchElevs Floor plans.pdf
23061 CIVIL PLANS.pdf
23061 HGL Calculations.pdf
23061 LANDSCAPE PLANS.pdf
23061 Package Lift Station.pdf
23061- PH 2 WATER DISTRIBUTION CALCS.pdf
23061-NaturalPreservationExhibit.pdf
240022 Surveysigned.pdf
Cover Letter.pdf

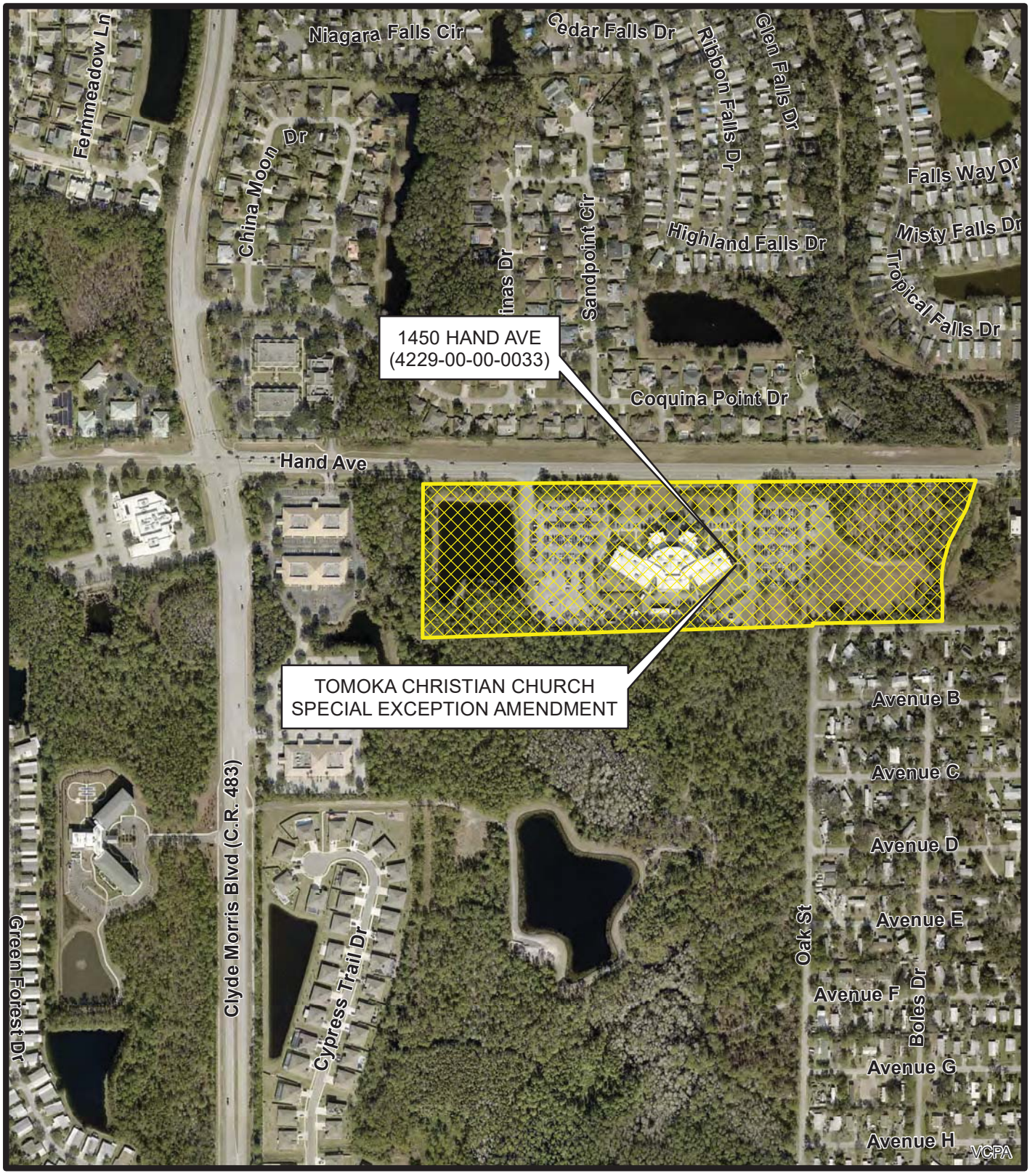
REVIEWER	MARKUP	DATE/TIME	FILE NAME	PG #
Cara Culliver	- The maximum spacing for VO is 36" o.c. & would be 7 gallon. - CA would be 10 gallon - ES & EGB would be 1 gallon - RI would be 7 gallon - DVV would be 3 gallon - MC would be 15 gallon with the size specifications noted for all of the above.	02/12/2024 11:02 pm	23061 LANDSCAPE PLANS.pdf	2

PLAN CORRECTIONS REPORT (SPRC-2024-000005)

Mike	Advisory Comment: Proposed 3-inch meter valve to have a 2-inch operating nut. EOR - Please confirm 2-inch nut during the submittal review process.	02/23/2024	1:54 pm	23061 CIVIL PLANS.pdf	9
Cara Culliver	- Per civil site data the landscape area is .91 acres = 39,640 sf = 99 Trees Req.	02/23/2024	3:47 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	TREE CREDITS AS FOLLOWS: Existing Trees Include the Greenbelt = ?? Trees Proposed 2.5" caliper Trees (1 tree credit) = 34 Proposed 3.5" caliper Trees (2 tree credits) 10 x 2 = 20 Trees Proposed Multi-trunked Trees (2 tree credits) 10 x 2 = 20 (18) Palms (3:1) = 6 Trees Trees TOTAL PROVIDED TREES = ?? For Information: Mitigation Chart B shows how many 2.5" trees can be claimed for credits for installation of larger trees. The greenbelt needs native screening trees to fill in the large openings, reduce the number of Pines and plant trees in this area to address comments. Suggest Wax Myrtle, Magnolias, full to ground hollies, southern red cedar etc..	02/23/2024	3:50 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	6" combined caliper, see Section 3-05(d)(2)	02/23/2024	4:00 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	On the palms specify 10" diameter trunk so you get a nice mature palm	02/23/2024	4:03 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	- Palms are 3:1; 18/3=6 please show the math as shown	02/23/2024	4:13 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	math incorrect	02/23/2024	4:18 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	- Please show on the plan the square footage of interior areas	02/23/2024	4:19 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	- The greenbelt would be for this improvement project 406' x 36 = 14,616/200 = 73 Trees, however if trees existing 2" caliper trees are meeting the requirement O1 must be satisfied, Section 2-73(2)(o)(1). - Please show the math on this chart - 60% native requirement, revise wording	02/23/2024	4:24 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	- Please provide a native evergreen screening hedge (green line)	02/23/2024	4:32 pm	23061 LANDSCAPE PLANS.pdf	2
Cara Culliver	27	02/23/2024	4:45 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	2	02/23/2024	4:45 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	108 Trees/1.82 Ac = 59.34 Trees Per Acre	02/23/2024	7:36 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	- Please show the complete protected tree mitigation form, number 5 is missing	02/23/2024	7:38 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	5. Total = 2 Trees	02/23/2024	7:38 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	N/A	02/23/2024	7:39 pm	23061 LANDSCAPE PLANS.pdf	1
Cara Culliver	- Please provide an irrigation plan. - Please provide city irrigation details 14A & 14B.	02/23/2024	7:59 pm	23061 LANDSCAPE PLANS.pdf	3
David	Civil-HC Parking-Show elevations at all 4 corners of HC parking space,	02/26/2024	4:38 pm	23061 CIVIL PLANS.pdf	8
David	Civil-Does this drive require a Do Not Enter sign?	02/26/2024	4:51 pm	23061 CIVIL PLANS.pdf	7
Ken Gaines	NFPA-1, section,18.2.3.5.3.3 Fire apparatus access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire apparatus access road.	02/27/2024	8:27 pm	23061 CIVIL PLANS.pdf	7
Ken Gaines	Provide fire hydrant as a one is not available within 300' of the building or an additional hydrant.	02/27/2024	8:32 pm	23061 CIVIL PLANS.pdf	7
Ken Gaines	See NFPA-1, section 18.2.3.5.3.	02/28/2024	3:23 pm	23061 CIVIL PLANS.pdf	7

ATTACHMENT 2

Project Maps



AERIAL MAP
1450 HAND AVE
(3229-00-00-0033)

Prepared By: City of Ormond Beach
G.I.S. Department - February 20, 2024

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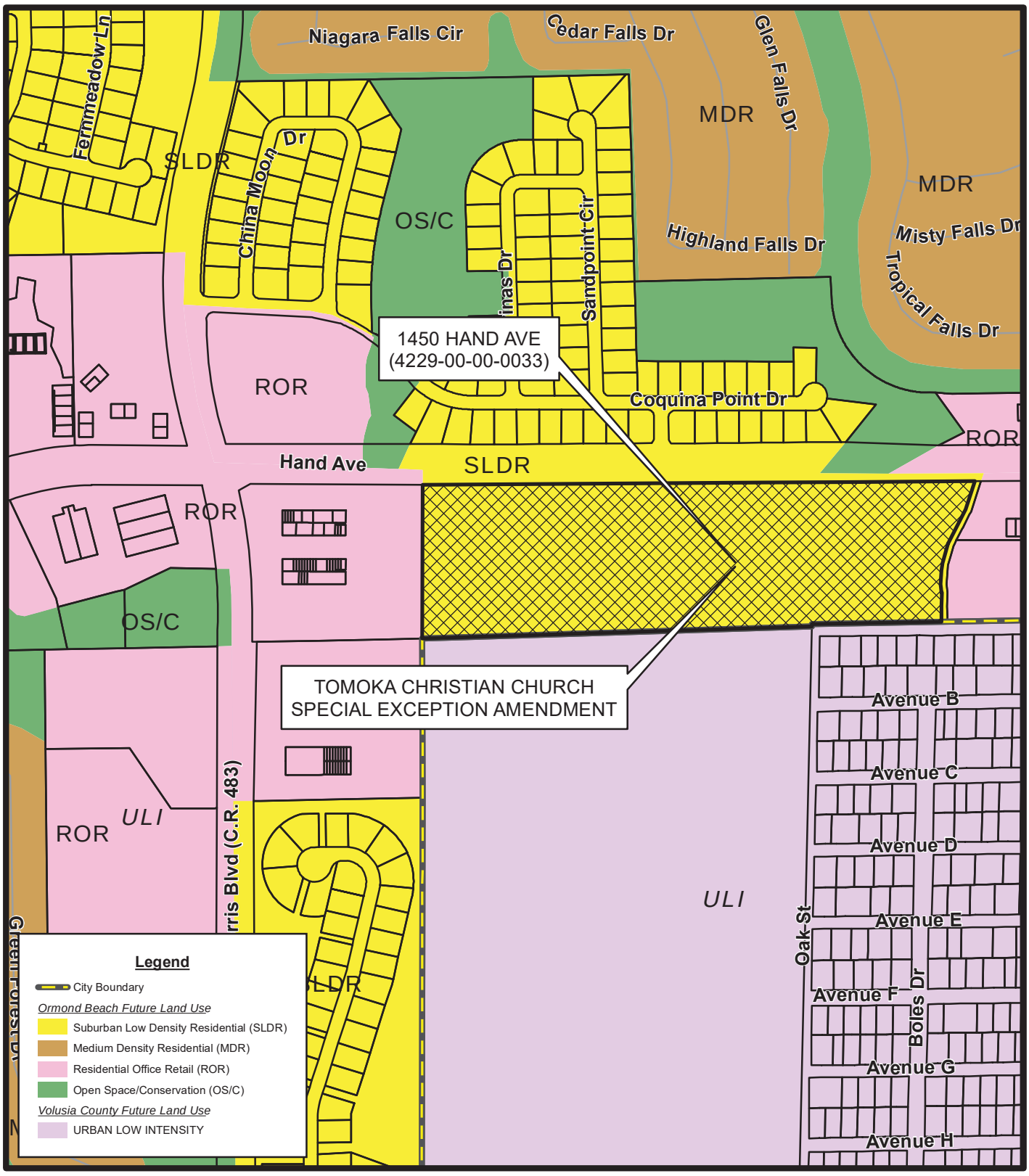

FUTURE LAND USE MAP
1450 HAND AVE
(4229-00-00-0033)

Prepared By: City of Ormond Beach
G.I.S. Department - February 20, 2024

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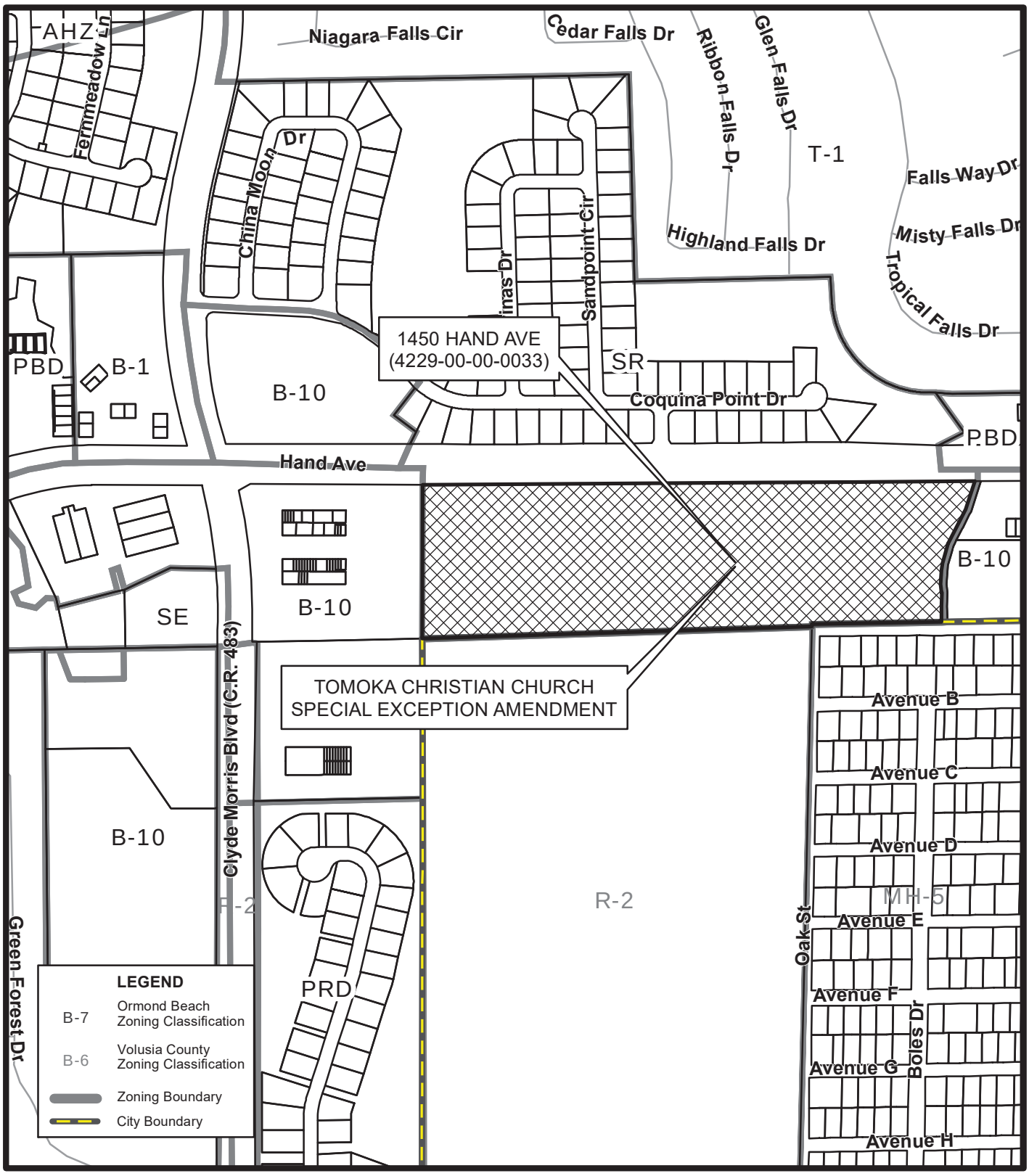

ZONING MAP
1450 HAND AVE
(4229-00-00-0033)

Prepared By: City of Ormond Beach
G.I.S. Department - February 20, 2024

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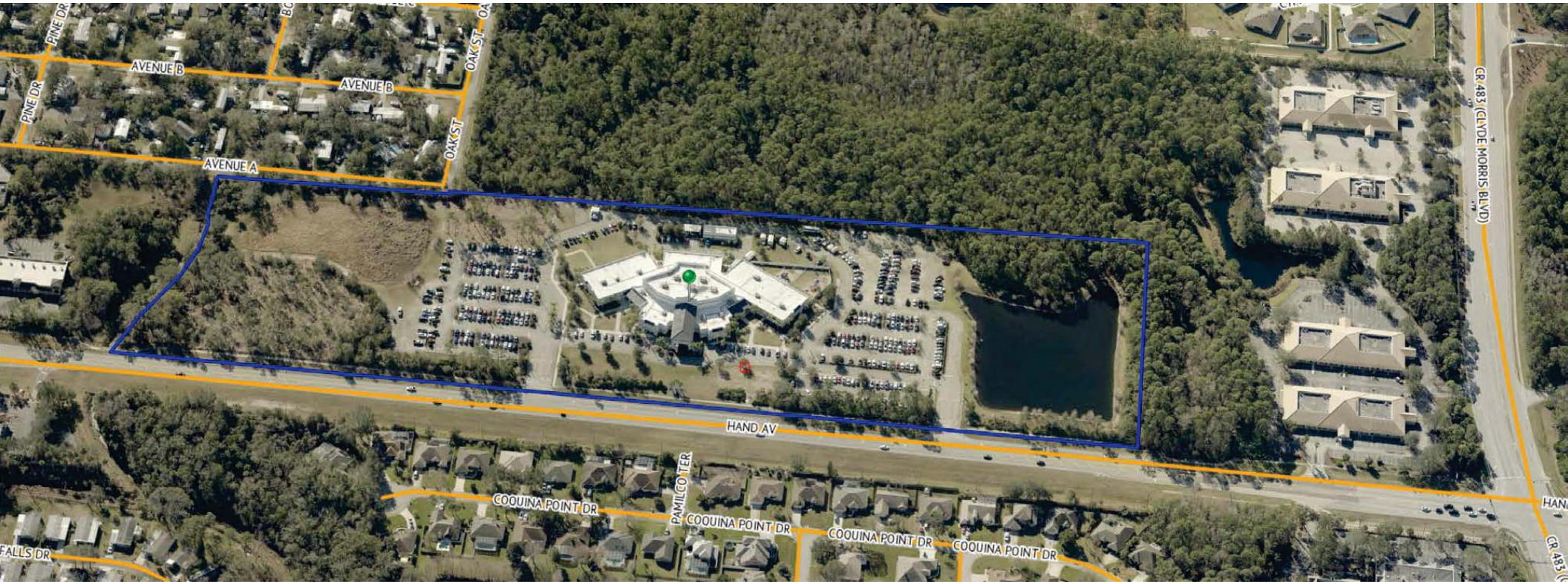
Site aerial view - Tomoka Christian



Site aerial view - Tomoka Christian Church



ATTACHMENT 3

Resolution 2008-102

05/12/2008 09:15 AM
Instrument# 2008-095567 # 1
Book: 6229
Page: 2387

RESOLUTION NO. 2008-102

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOMENT ORDER FOR A SPECIAL EXCEPTION REGARDING "TOMOKA CHRISTIAN CHURCH", ON A SITE LOCATED AT 1450 HAND AVENUE, BEING SITUATED WITHIN THE SR (SUBURBAN RESIDENTIAL) ZONING DISTRICT TO ALLOW FOR A HOUSE OF WORSHIP WITH A PRINCIPAL STRUCTURE OF OVER 10,000 SQUARE FEET, A SEATING CAPACITY OF 801 SEATS, AND APPROVING A REAR YARD MASONRY WALL WAIVER; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE

WHEREAS, Dwight DuRant, P.E. of Zev Cohen and Associates, Inc., with the authority of the property owner Tomoka Christian Church, Inc., a Florida not for profit corporation, has applied for the issuance of a Special Exception to construct a House of Worship with a principal structure of over 10,000 square feet (61,000 square feet), a seating capacity of 801 seats, and approval of a rear yard masonry wall waiver, on that real property located at 1450 Hand Avenue ("the Property"), and

WHEREAS, the said application is in compliance with all applicable provisions of the City of Ormond Beach *Land Development Code* ("the *Land Development Code*") and the general laws of Florida, and

WHEREAS, the City Commission has duly held a public hearing on the application and has considered the testimony and evidence presented, and

WHEREAS, the City Commission has considered the following:

(1) The report and recommendations of the Development Review Board;

(2) The report and recommendations of the Site Plan Review Committee; and

(3) The comments of governmental agencies, utility corporations and individuals, as received, and

WHEREAS, based upon all of the foregoing and in consideration thereof, the City Commission finds that:

(1) The proposed house of worship conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the SR (Suburban Residential) zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The proposed development is consistent with all elements of the *Comprehensive Plan*;

(3) The proposed land use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

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

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

(7) The proposed land use is functional in the use of space and aesthetically acceptable;

(8) The proposed land use provides for the safety of occupants and visitors;

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

(10) The testimony provided at public hearings,

now therefore,

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

SECTION ONE. The Mayor and the City Manager are hereby authorized and directed to execute and issue a Development Order for a Special Exception to the Applicant to allow the construction of a House of Worship to include a 61,000 square foot building with a seating capacity of 801 seats, approving a rear yard wall waiver as more particularly described in the Development Order, a copy of which is attached hereto and incorporated herein by reference.

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

APPROVED AND AUTHENTICATED this 6th day of May, 2008.

Fred Costello

FRED COSTELLO
Mayor

ATTEST:

Veronica Patterson

VERONICA PATTERSON
City Clerk

Instrument# 2008-095567 # 4
Book: 6229
Page: 2390
Diane M. Matousek
Volusia County, Clerk of Court

CERTIFICATE

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF ORMOND BEACH

I, Veronica Patterson, City Clerk of the City of Ormond Beach, Florida, do hereby certify that the foregoing is a true, correct and complete copy of Resolution No. 2008-102 as the same appears of record at City Hall, City of Ormond Beach, Florida.

Dated this 8th day of May 2008.



VERONICA PATTERSON
City Clerk
CITY OF ORMOND BEACH, FLORIDA

05/12/2008 09:15 AM
Instrument# 2008-095568 # 1
Book: 6229
Page: 2391

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Application of Tomoka Christian Church Inc.
SE 08-13
"Tomoka Christian Church"
1450 Hand Avenue
PARCEL ID: 4229-00-00-0033

SPECIAL EXCEPTION DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on May 6, 2008, and the City Commission having considered those items as required by sections 1-18 of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

1. The proposed house of worship conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the SR (Suburban Residential) zoning district, or adversely affect the public health, safety, welfare or quality of life;

2. The proposed development is consistent with all elements of the *Comprehensive Plan*;

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

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

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

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

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

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

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

10. The testimony provided at public hearings,

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of Dwight DuRant, P.E. of Zev Cohen and Associates, Inc. with the authority of the property owner Tomoka Christian Church, Inc., a Florida not for profit corporation, for a Special Exception to construct a House of Worship with a principal structure of over 10,000 square feet (61,000 square feet) with a seating capacity of 801 seats, and approval of a rear yard masonry wall waiver, located at 1450 Hand Avenue within the SR (Suburban Residential) zoning district, on that real property described and depicted in Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of the *Land Development Code* shall be complied with at all times, such provisions being incorporated herein by reference and hereby specifically made a part of this Special Exception;

2. The outstanding Site Plan Review Committee comments attached as Exhibit "B" incorporated herein by reference shall be satisfactorily addressed prior to final sign-

off by the Site Plan Review Committee and, thereafter, shall at all times be strictly complied with;

3. The rear yard masonry wall requirement is hereby waived;

B. The final plans for this Special Exception shall be consistent with all of the conditions listed in Paragraph A hereof, and the plans depicted in Exhibit "C" hereto shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plans for this Special Exception without further review by the Development Review Board and approval by the City Commission in accordance with the procedures for the approval of this Special Exception Development Order.

D. All site construction activity shall be preformed in strict compliance with the terms and conditions of this Special Exception, and of the *Land Development Code.*

E. In the event a Neighborhood Improvement Officer subsequently determines there to be any violation of this Special Exception, such Officer shall promptly present such determination to Special Master for hearing

F. Pursuant to Chapter 1, Article II, Section 1-14(C) (3), of the *Land Development Code*, this Special Exception shall, in 24 months (May 6, 2010), automatically expire and become void, without further action by the City Commission, unless a building permit has been issued prior to that date; and if a building permit is so issued, this Special Exception shall remain in full force and effect unless and until subsequently amended by the City Commission.

G. If this Special Exception is abandoned for a period of six (6) months, a zoning approval for a new use, subject to Special Exception requirements, shall mot be issued until the Site Plan review Committee determines that all of the conditions of Chapter 1, Article II, Section 1-14(C) of the *Land Development Code* have been meet.

H. This Special Exception Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of Tomoka Christian Church, Inc., a Florida not for profit corporation, and be binding upon Tomoka Christian Church, Inc., and its officers,

directors, representatives, successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference.

ORDERED this 6th day of May, 2008.

(CITY SEAL)

By: Fred Costello

FRED COSTELLO
Mayor

Attest: Isaac D. Turner

ISAAC D. TURNER
City Manager

C:\DOCUMENTS AND SETTINGS\PATTERSON\LOCAL SETTINGS\TEMPORARY INTERNET FILES\OLK98\08-102A - TOMOKA CHRISTIAN CHURCH - 1450 HAND AVENUE - HOUSE OF WORSHIP SPECIAL EXCEPTION - DO P08-0084G.DOC/5/6/2008 15:56

EXHIBIT "A"

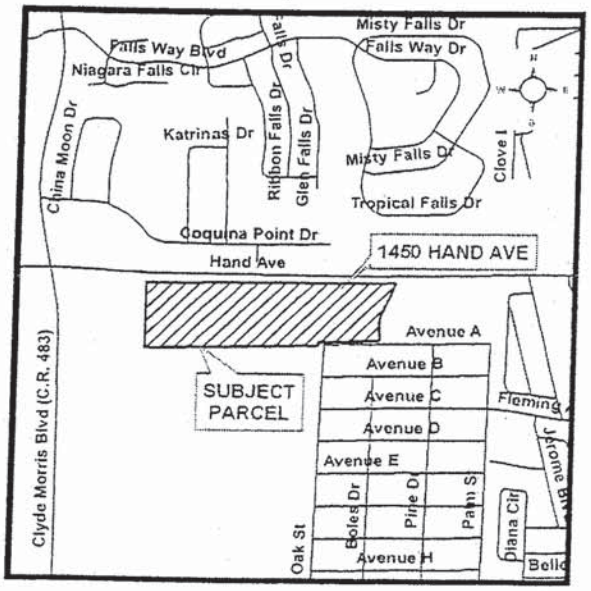
LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT A NAIL AND WASHER MARKED "V.C.D.P.W." MARKING THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 RUN S88°57'23"W, 868.57 FEET TO THE WEST LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE S88°57'23"W, 1851.54 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE DEPART SAID SOUTH LINE ALONG THE WEST LINE OF SAID NORTHEAST 1/4 N00°07'16"E, 552.40 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HAND AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 3655, PAGE 791, SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE S89°36'57"E, 1981.15 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535; THENCE DEPART SAID SOUTHERLY RIGHT OF WAY LINE ALONG SAID WEST LINE THE FOLLOWING CALLS: S09°22'44"W, 12.81 FEET; S14°36'36"W, 57.89 FEET; S19°16'44"W, 69.78 FEET; S26°37'01"W, 66.39 FEET; S25°32'38"W, 74.34 FEET; S16°18'09"W, 73.06 FEET; S05°18'07"W, 67.66 FEET; S02°45'58"W, 32.02 FEET TO THE NORTH LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1862, PAGE 1703, SAID PUBLIC RECORDS; THENCE ALONG THE NORTH LINE OF SAID PARCEL S88°57'23"W, 12.73 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL S01°31'21"W, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL N88°57'23"E, 12.39 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535; THENCE ALONG SAID WEST LINE S01°02'37"E, 24.99 FEET TO THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 29 AND THE POINT OF BEGINNING, CONTAINING 23.04 ACRES MORE OR LESS.

"Tomoka Christian Church"
1450 Hand Avenue
PARCEL ID: 4229-00-00-0033

Location Map



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Ormond Beach
Site Plan Review Committee (SPRC)
Request for Additional Information

Project Name:	**Tomoka Christian church**
Project Number:	**07-1201**
Site Address:	**1450 Hand Avenue**
Review:	**5th Review** (1st: 09/26/07, 2nd: 11.14.07, 3rd: 02/05/08, 4th: 03.04.08)
Review Date	**April 1, 2008**
Project Description:	New 61,000 square foot house of worship with 801 seats and associated site improvements.
Project Contacts:	DDurant@zevcohen.com aatkinstall@zevcohen.com ddavenport@cfl.rr.com

Please find below the Site Plan Review Committee (SPRC) comments for your project below. The SPRC meets every Wednesday, beginning at 9:00 am, with sign-up beginning at 8:00 am. There are twenty minute time slots available for discussion of projects. The sign-up process requires an individual to come to City Hall, Room 104 to sign in for a slot and staff cannot accept telephone reservations. Applicants should arrive five minutes prior to their time slot. There will be no time slots between 11:40am and 1:00pm. Once there are no individuals left on the sign-up sheet, the SPRC will adjourn. The applicant may utilize the time slot to address major issues and discuss design solutions for projects. Staff will adhere to the maximum time allowance of twenty minutes.

General Comments (no response required)

1. When responding to the SPRC comments, a response letter (one copy per each plan submitted) addressing each comment in writing is required, indicating sheet numbers where revisions were made.
2. For resubmittal, the following is required:

   a. 9 sets of all plans (1 signed and sealed, the others may be copies).

   b. 1 set (11" by 17") of all plans.

   c. 1 CD of all plan pages in a PDF Format

   For final sign-off, the above is required, with all plan sets required to be signed and sealed by the appropriate design professional.
3. When revising the plans to address the SPRC comments or if changing anything else on the project, please verify that the changes are in conformance with Land Development Code regulations and that sufficient information and details are included in order to allow a proper review of the code requirements.

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4. Outside agency permits are not required for final SPRC approval. After SPRC approval, the applicant is required to submit with the building permit packet an Engineering Permit and a Tree Removal and Clearing Permit. The Engineering Permit requires the provision of all outside agency permits prior to issuance of building permits. These forms are available at the City's website – http://www.ormondbeach.org/svc/permts-tax.htm.

Steven Spraker, Senior Planner – [redacted]

5. The sidewalk encroach was discussed with Dwight DuRant this week. Please provide a statement of why the sidewalk in the Hand Avenue ROW is not practical. Based on staff's discussion with Mr. DuRant we are open to the sidewalk in the location shown on the site plan based on existing drainage conditions and the landscape note that the City Landscape Architect can require fill-in plantings in any Greenbelt area gaps.
6. Note: City Commission hearing date is May 6, 2008.

Paul MacDonald, City Landscape Architect - [redacted]

7. Acceptable as submitted.

Ray Hudson, Civil Engineer- [redacted]

8. The Double Dumpster Enclosure still appears to be encroaching in the Landscape Buffer. A min. slab size of approx. 23'-4" x 11'-4" is required. Based on scaling the drawing and assuming extending the length to the north will put it in the driveway, only approx. 4' of depth appears to be available if the length is extended to the south. Please provide an enlarged detail with dimensions to clarify.
9. Based on Sheet C7, the bottom of the west retaining wall appears to be at El. 24.0, not 24.00 to 23.00. The plans indicate the tops of the east and west walls are 6" above top of pavement. These are not consistent with the details on Sheet C17. Revise the details to show the 6" curbs. Add a note to the details indicating that the retaining wall systems must be adequate for H20-44 wheel loads.
10. The Offsite Improvement Plans are showing a swale with about 600' @ 0% slope. This may not allow for proper drainage. We recommend providing a slope.
11. Creation of the offsite ditch appears to reduce the existing water line cover to less than 1' (See Section B-B). This is not acceptable. It will be necessary to relocate the ditch or the water line to achieve standard cover.
12. The top of culvert on Sheet C12 is approx. at grade. Min. 1' of cover is required.
13. The sidewalk note on Sheet C12 indicates max. sidewalk slope to 1:12. The City standard sidewalk slope requirement is 1:20 max. See Standard Detail Index M-2 (Sheet C13). Note also a 2% cross slope is required.

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14. The end of the sidewalk appears to be approx. the same elevation as the drainage ditch. This may cause sidewalk flooding.
15. Please provide written assurance from the County of Volusia that their canal access rights are not being violated by the discharge from DCS-2 **(Repeat Comment).**
16. It is still not clear to me how the concrete spillway detail is being utilized as an energy dissipater for the MES discharge at DCS-1 & DCS-2 where the discharge inverts are at existing grades. Provide an enlarged detail and/or section, if necessary, to clarify the intent.

Mike Garrett, Chief Building Official, [redacted]

17. No comments received.

Leigh Grosvenor, Fire Department – [redacted]

18. Accepted as submitted.

Kevin Gray, Environmental Systems Manager, [redacted]

19. Acceptable As Submitted

Michael Dunn, Utilities Engineering Manager – [redacted]

20. Change the offsite reference on Sheet C10 on the south side of Hand Avenue from Sheet C11 to Sheet C12.
21. Section B-B shows a ditch resulting in approximately 1 foot of cover over the existing 16" water main. Three feet of cover is required over the main. Revise the ditch design to provide this cover.

Lloyd Cornelius, Police Department, 676-3526

22. No further comments.

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TOMOKA CHRISTIAN CHURCH

CITY OF ORMOND BEACH - VOLUSIA COUNTY, FL

SITE PLAN

SURVEYOR: SLIGER AND ASSOCIATES, INC.
3921 NOVA ROAD
PORT ORANGE, FL 32127
(904) 761-5385
(904) 760-0619 (FAX)
CONTACT: J.E. ZAPERT, P.L.S.

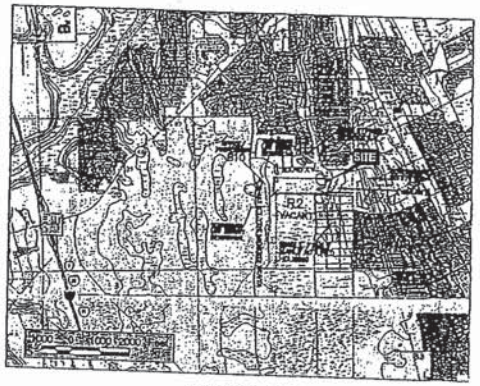
OWNER: TOMOKA CHRISTIAN CHURCH
1151 W. GRANADA BLVD.
ORMOND BEACH, FL 32174
(386) 677-6455
CONTACT: DAN DAVENPORT

ENGINEER: ZEV COHEN & ASSOCIATES, INC.
55 SETON TRAIL
ORMOND BEACH, FL 32176
(386) 677-2482
(386) 677-2505 (FAX)
CONTACT: M. DWIGHT DURANT, P.E.

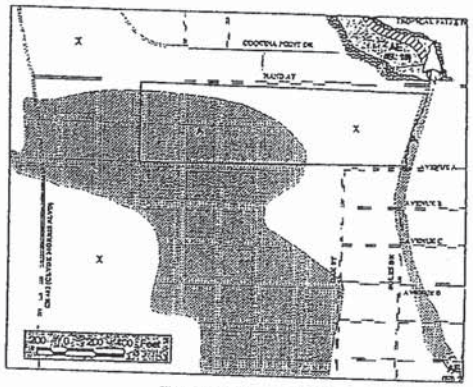
ARCHITECT: HYDE PARK ARCHITECTS
1509 WEST SWANN AVE. STE. 270
TAMPA, FL 33606
(813) 251-6909
(813) 250-1668 (FAX)
CONTACT: CHARLES F.C. JORDAN

ENVIRONMENTAL: ZEV COHEN & ASSOCIATES, INC.
55 SETON TRAIL
ORMOND BEACH, FL 32176
(386) 677-2482
(386) 677-2505 (FAX)
CONTACT: DANNY YOUNG

LANDSCAPE ARCHITECT: ZEV COHEN & ASSOCIATES, INC.
55 SETON TRAIL
ORMOND BEACH, FL 32176
(386) 677-2482
(386) 677-2505 (FAX)
CONTACT: PAUL MOMBERGER, R.L.A.



VICINITY MAP
SCALE: 1" = 2000'



FLOOD MAP
SCALE: 1" = 400'

SITE LIES WITHIN FLOOD ZONE "X" - AREA OUTSIDE 500 YEAR FLOOD PLAIN AND ZONE "A" - AREA OF 100 YEAR FLOODPLAIN NO BASE FLOOD ELEVATION DETERMINED PER FIRM COMMUNITY PANEL #12127C0214H



SOILS MAP
SCALE: 1" = 1200'

SOILS LEGEND		HYDROLOGIC GROUP
17	DAYTONA	B
29	IMMOKALEE	A/D
33	MYAKKA	A/D
37	OLDSMAR	A
51	POMONA	B/D

SITE DATA:

1. EXISTING ZONING: SR (SUBURBAN RESIDENTIAL)
2. FUTURE LAND USE DESIGNATION: SUBURBAN LOW-DENSITY RESIDENTIAL
3. EXISTING USE: VACANT
4. PROPOSED USE: HOUSE OF WORSHIP
5. PARCEL NO'S.: 4228-00-00-0035 & 4229-00-00-0034
6. BUILDING SETBACKS:
   FRONT = 50'
   REAR = 30'
   SIDE = 30'
7. LANDSCAPE BUFFERS:
   NORTH SIDE BUFFER = 36'
   SOUTH SIDE BUFFER = 30'
   EAST SIDE BUFFER = 10'
   WEST SIDE BUFFER = 10'
   AREA TO REMAIN AT NATURAL GRADE: 3.52 AC. (15%)
8. SITE DATA:
   PROJECT AREA ---------- 23.04 AC (100%)
   BUILDING COVERAGE ---------- ±1.40 AC (6.1%)
   TOTAL IMPERVIOUS AREA ---------- ±6.00 AC (26.0%)
   (INCL. BLDG.)
   TOTAL PERVIOUS AREA----------±17.04 AC (74%)
   BUILDING AREA----------61,000SF
9. PARKING REQUIREMENTS:
   PARKING REQUIRED: 267 + 1 SPACE/3 SEATS (801 SEATS)
   PARKING PROVIDED: 343 SPACES
   302 PAVED SPACES INCLUDING 16 H/C SPACES
   41 GRASSED SPACES
10. PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL #12127C0214H, SITE LIES WITHIN FLOOD ZONE "X" - AREA OUTSIDE 500 YEAR FLOOD PLAIN AND ZONE "A" - AREA OF 100 YEAR FLOODPLAIN NO BASE FLOOD ELEVATION DETERMINED
11. WETLANDS IMPACTS: NONE
12. THE PROPOSED SANCTUARY IS LOCATED IS LOCATED IN EXCESS OF 100 FEET FROM AN AUTOMATIC AMUSEMENT CENTER/ GAME ROOM PAWN SHOP, BAR OF LOUNGE PER SECTION 2-37 (H).
13. ALLOWABLE FILL IN FLOOD PLAIN: 45%
    TOTAL FILL IN FLOOD PLAIN: 45%

PROJECT ADDRESS:

1450 WOOD AVENUE
ORMOND BEACH, FL 32174

LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT A NAIL AND WASHER MARKED "V.C.O.P.W." MARKING THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 28; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 RUN S89°37'32"W, A DISTANCE OF 1,320.41 FEET TO THE WEST LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4253, PAGE 533 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE S89°37'32"W, 165.04 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 28; THENCE DEPART SAID SOUTH LINE ALONG THE WEST LINE OF SAID NORTHEAST 1/4 N00°17'04"E, 533.45 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF GRAND AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 3455, PAGE 791, SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE S89°28'37"E, 165.15 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4253, PAGE 533; THENCE DEPART SAID SOUTHERLY RIGHT OF WAY LINE ALONG SAID WEST LINE THE FOLLOWING CALLS: S00°32'44"E, 13.81 FEET; N14°36'36"W, 87.89 FEET; N19°16'44"E, 88.78 FEET; S28°37'11"E, 84.28 FEET; S25°36'28"W, 74.34 FEET; S19°16'08"E, 73.06 FEET; S08°49'07"E, 47.64 FEET; S00°42'58"W, 20.01 FEET TO THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1063, PAGE 1703, SAID PUBLIC RECORDS; THENCE ALONG THE NORTH LINE OF SAID PARCEL S89°37'32"W, 13.73 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL S01°21'21"E, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL N89°37'32"E, 13.29 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4253, PAGE 533; THENCE ALONG SAID WEST LINE S01°22'27"E, 37.69 FEET TO THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 28 AND THE POINT OF BEGINNING, CONTAINING 23.04 ACRES MORE OR LESS.

INDEX TO PLANS:

C1 COVER SHEET
C2 CONSTRUCTION NOTES
C3 CLEARING & EROSION CONTROL PLAN
C4 OVERALL DEVELOPMENT PLAN
C5 SITE LAYOUT PLAN
C6 SITE LAYOUT PLAN
C7 PAVING, GRADING, & DRAINAGE PLAN
C8 PAVING, GRADING & DRAINAGE PLAN
C9 UTILITY PLAN
C10 UTILITY PLAN
C11 OFFSITE IMPROVEMENTS PLAN
C12 OFFSITE IMPROVEMENTS PLAN
C13 CONSTRUCTION DETAILS
C14 CONSTRUCTION DETAILS
C15 CONSTRUCTION DETAILS
C16 CONSTRUCTION DETAILS
C17 CONSTRUCTION DETAILS
TP1 TREE PROTECTION PLAN & DETAILS
TP2 TREE PROTECTION PLAN & DETAILS
HA1 HARDSCAPE PLAN & DETAILS
LA1 LANDSCAPE PLAN & DETAILS
LA2 LANDSCAPE PLAN & DETAILS
LA3 LANDSCAPE PLAN & DETAILS
LA4 LANDSCAPE PLAN & DETAILS
IR1 IRRIGATION PLAN & DETAILS
IR2 IRRIGATION PLAN & DETAILS
IR3 IRRIGATION PLAN & DETAILS
IR4 IRRIGATION PLAN & DETAILS

TOMOKA CHRISTIAN CHURCH
FINAL SITE PLAN
COVER SHEET
CITY OF ORMOND BEACH

ZEV COHEN
CIVIL ENGINEERS & LAND PLANNERS
PLANNING & TRANSPORTATION
ENVIRONMENTAL

FILE LOCATION: FILE LOC

SCALE: AS NOTED
SHEET C1 OF 17

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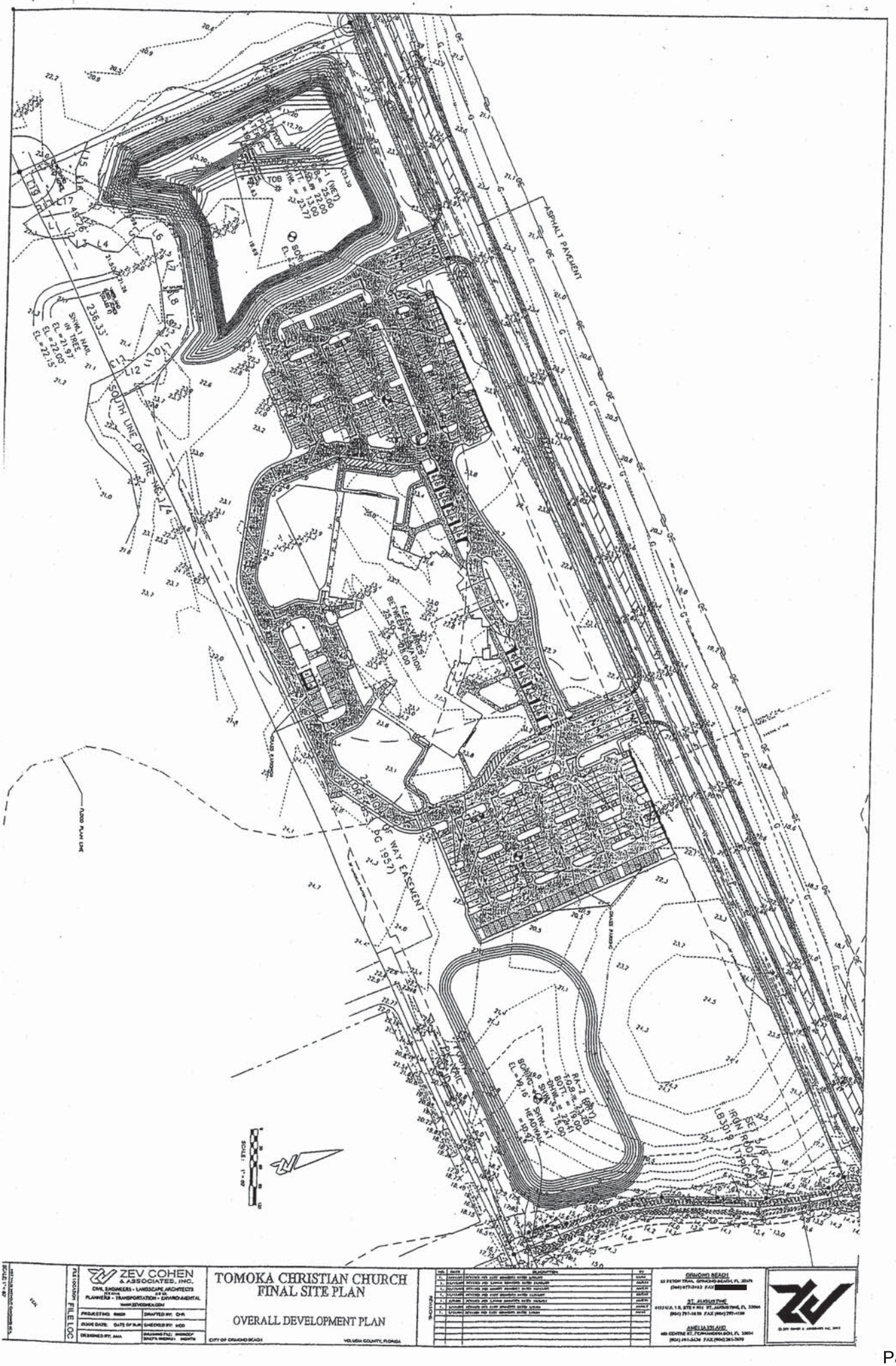
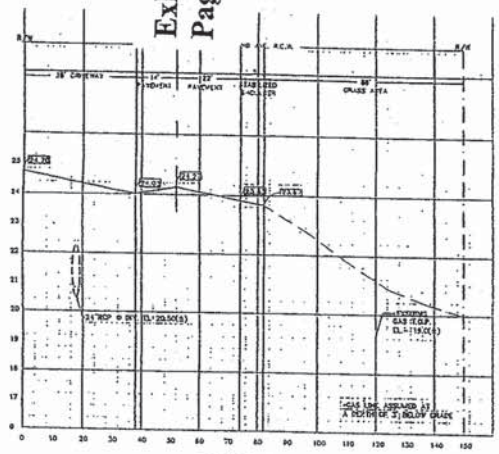
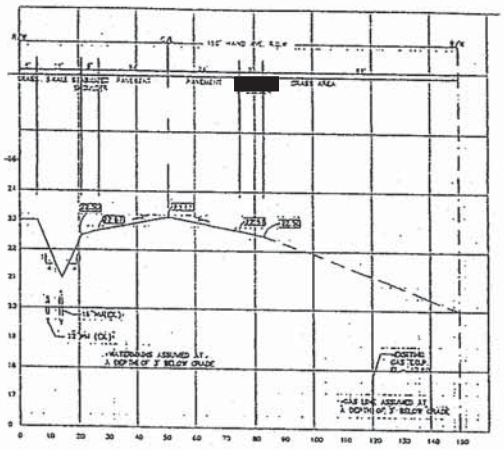




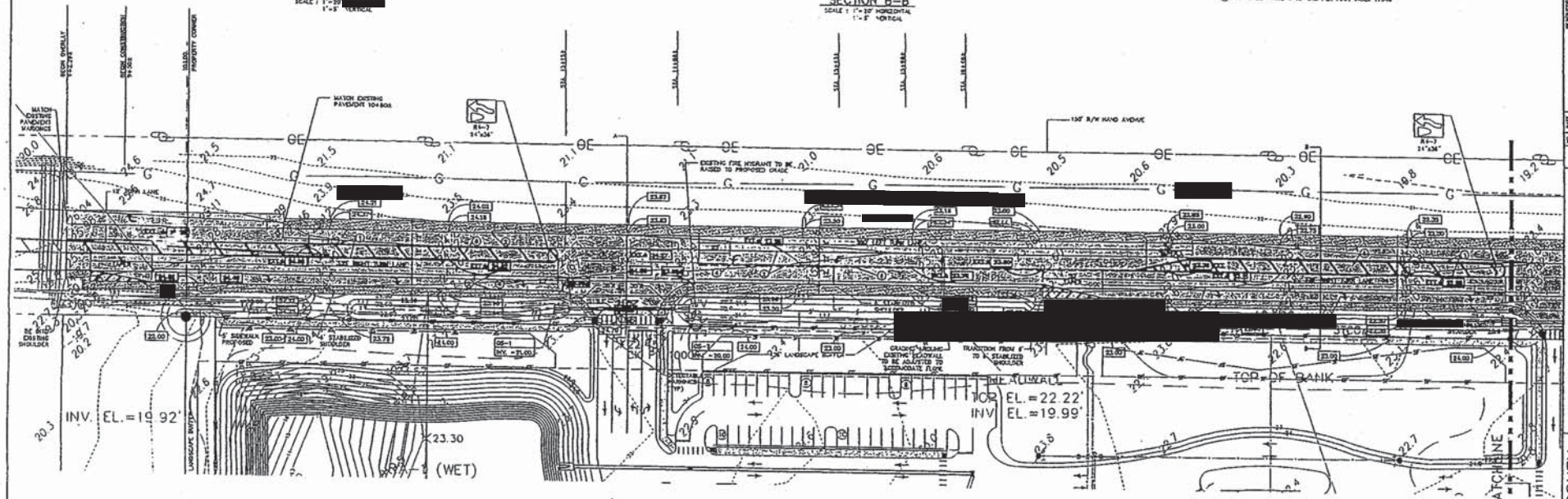
SECTION A–A

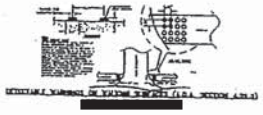


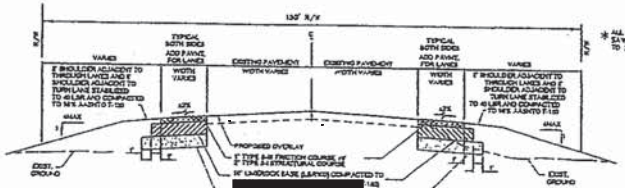
SECTION B–B

LEGEND:

PAVEMENT MARKING LEGEND:







TYPICAL OFF–SITE PAVEMENT SECTION

NOTES:

TOMOKA CHRISTIAN CHURCH
FINAL SITE PLAN
OFFSITE IMPROVEMENTS PLAN

ZEV COHEN & ASSOCIATES, INC.

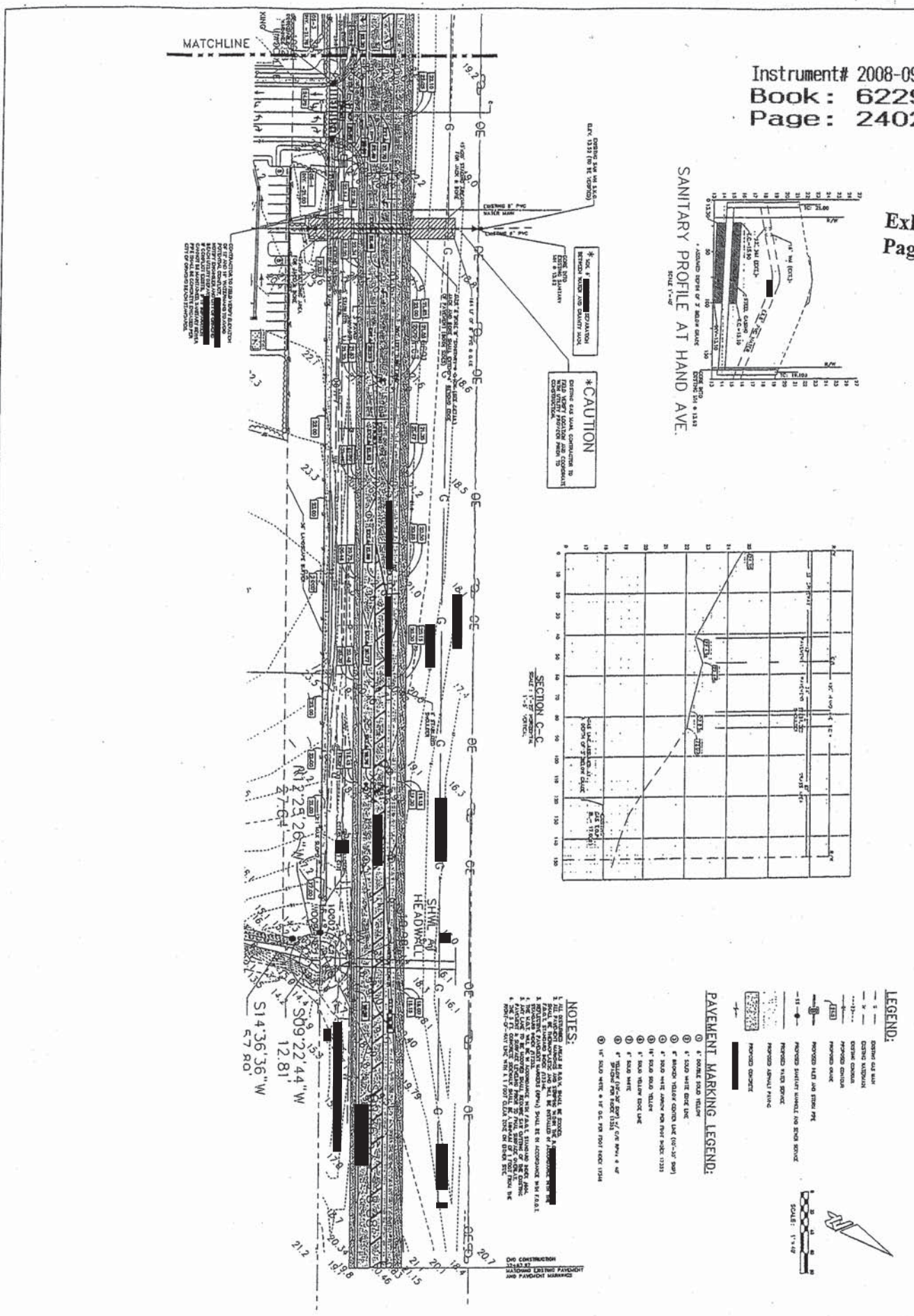
FILE LOCATION FILE LOC

SCALE: 1" = 40'

C11 of 17

Instrument# 2008-095568 # 12
Book: 6229
Page: 2402

Exhibit "C"
Page 4 of 10



ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS
PLANNERS • TRANSPORTATION • ENVIRONMENTAL

TOMOKA CHRISTIAN CHURCH
FINAL SITE PLAN

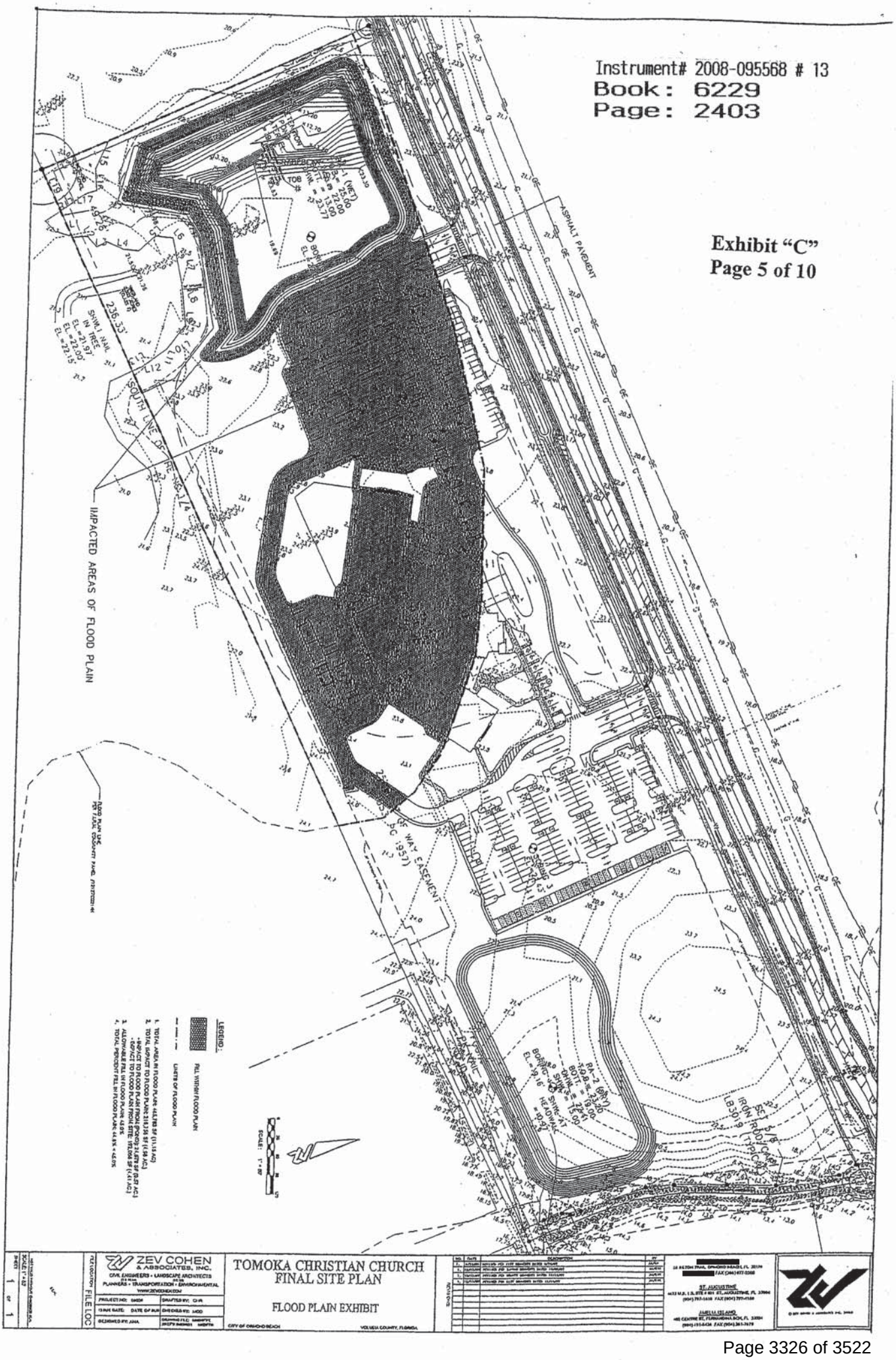
OFFSITE IMPROVEMENTS PLAN

CITY OF DAYTONA BEACH VOLUSIA COUNTY, FLORIDA

SHEET C12 OF 17

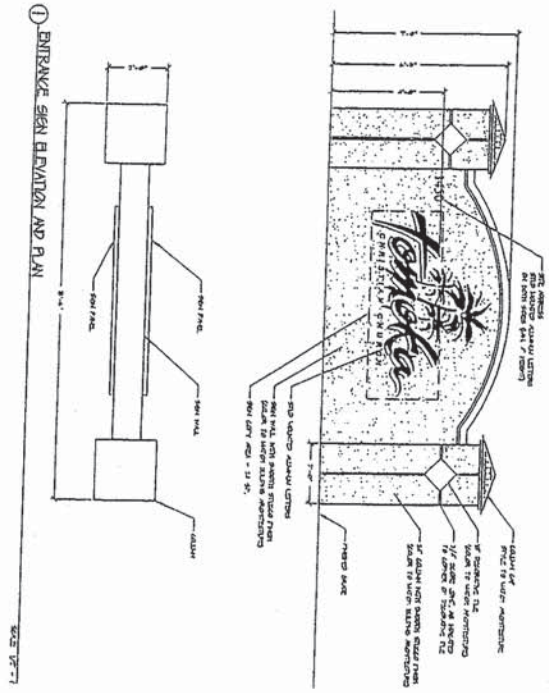
Instrument# 2008-095568 # 13
Book: 6229
Page: 2403

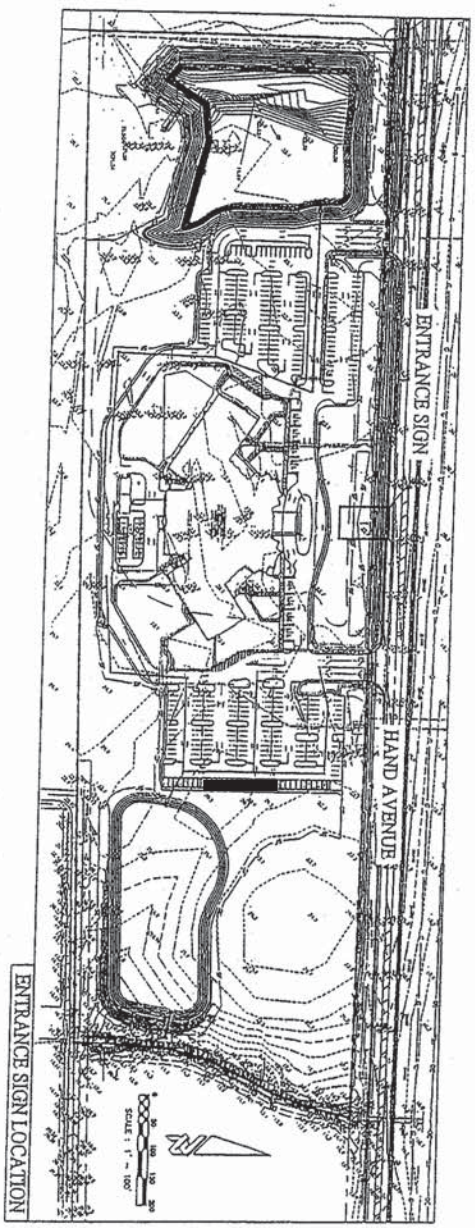
Exhibit "C"
Page 5 of 10



Instrument# 2008-095568 # 14
Book: 6229
Page: 2404

Exhibit "C"
Page 6 of 10





ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS
PLANNERS • TRANSPORTATION

TOMOKA CHRISTIAN CHURCH
FINAL SITE PLAN
HARDSCAPE PLAN & DETAILS

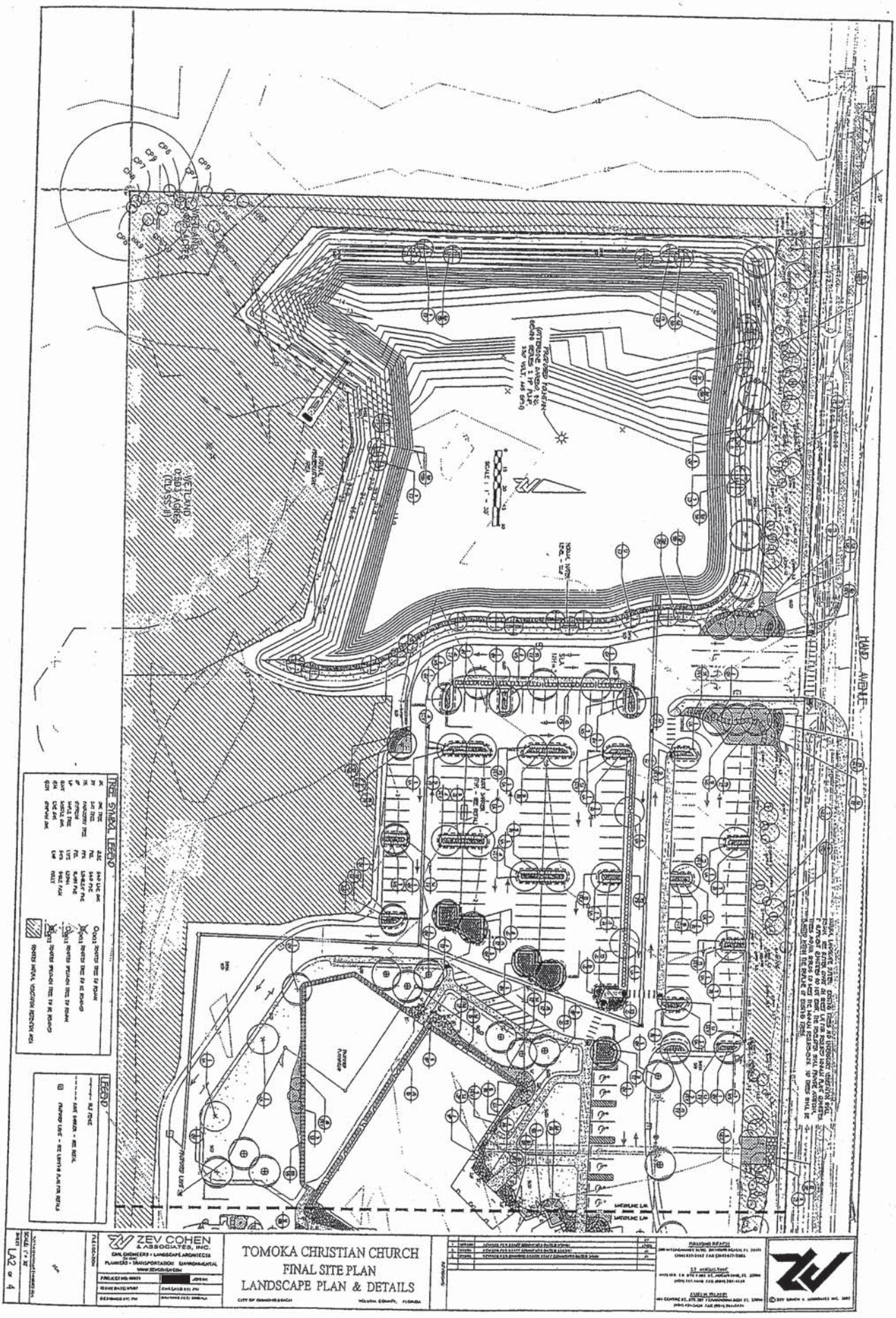
CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

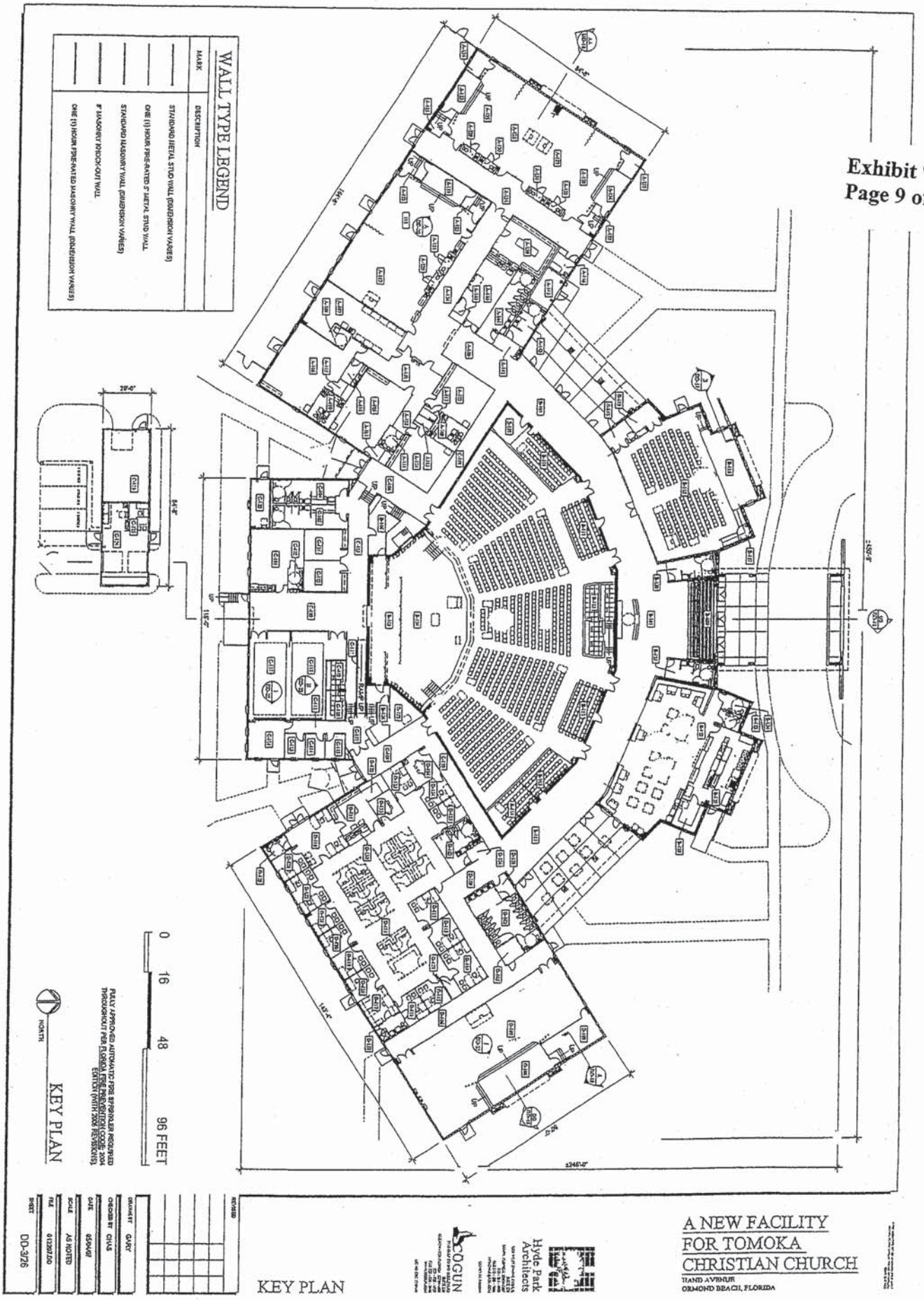
SHEET HA1 OF 1

Instrument# 2008-095568 # 15
Book: 6229
Page: 2405

Exhibit "C"
Page 7 of 10

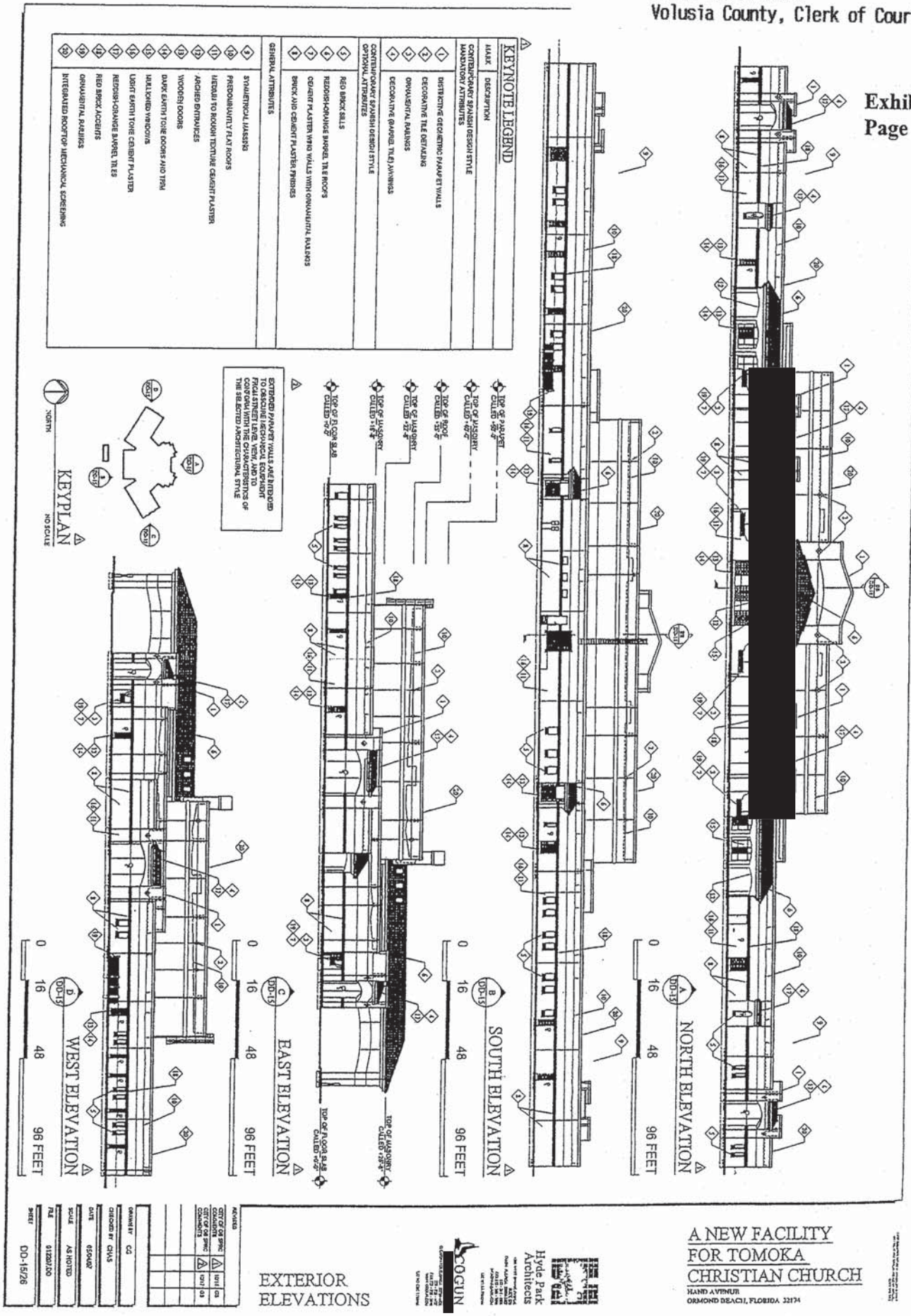
Instrument# 2008-095568 # 16
Book: 6229
Page: 2406




WALL TYPE LEGEND
MARK
DESCRIPTION
STANDARD METAL STUD WALL (SHERWIN WARES)
ONE (1) HOUR FIRE-RATED 5" METAL STUD WALL
STANDARD MASONRY WALL (SHERWIN WARES)
8" MASONRY KNOCK-OUT WALL
ONE (1) HOUR FIRE-RATED MASONRY WALL (SHERWIN WARES)
KEY PLAN
NORTH
0
16
48
96 FEET
KEY PLAN
A NEW FACILITY
FOR TOMOKA
CHRISTIAN CHURCH
HAND AVENUE
ORMOND BEACH, FLORIDA
Hyde Park
Architects
COGUN
DRAWN BY GARY
CHECKED BY CHAS
DATE 05/04/07
SCALE AS NOTED
FILE 0112007DD
SHEET DD-3/26

Instrument# 2008-095568 # 18
Book: 6229
Page: 2408
Diane M. Matousek
Volusia County, Clerk of Court

Exhibit "C"
Page 10 of 10



ATTACHMENT 4

Applicant submitted information

ZEV COHEN & ASSOCIATES INC

300 Interchange Blvd., Suite C
Ormond Beach, FL 32174
386-677-2482 • Fax: 386-677-2505
www.ZevCohen.com

February 27, 2024

Steven Spraker
Planning Director
City of Ormond Beach
22 South Beach Street
Ormond Beach, Florida 32174

RE: Tomoka Chrisitan Care Center
Special Exception Letter
ZC 23061

Dear Mr. Spraker,

Please consider this request for a Special Exception review for the Tomoka Christian Care Center building located at 1450 Hand Ave, Ormond Beach. The proposed project entails the construction of approximately 19,590 SF two-story building intended for use as a care center, thrift shop, and food pantry, along with the necessary supporting infrastructure.

It is worth noting that this property was previously approved under Resolution No. 2008-102 for the initial project of the Tomoka Christian Church. The current request for a special exception is in alignment with the conditions set forth in the initial resolution approval.

To complement this application, a Site Plan application has been submitted concurrently with this Special Exception application. Furthermore, a pre-application meeting was conducted on October 25, 2023, and a neighborhood meeting was held on February 22, 2024, to ensure transparency and community involvement in the planning process.

Should you require any additional information or have any inquiries regarding this request, please do not hesitate to contact our office.

Sincerely,
ZEV COHEN & ASSOCIATES, INC.

Michelle Widick, P.E.
Senior Project Manager

cc:FILE

TOMOKA CARE CENTER

NEIGHBORHOOD MEETING

1450 Hand Avenue, Ormond Beach, FL 32174 (meet in the chapel)

DATE	February 22, 2024	TIME	5:00 PM	FACILITATOR	Zev Cohen – Michelle Widick

ATTENDEES			
Doug Diamond (TCC Staff)	Christina Moore (TCC Staff)	Sara Cushing (City of Ormond)	Rob McLean (MGN Contracting)
Kyle Brewing	Patricia Sparks	Kelly McBurney	Gretel Ostrowski
Betty Weite	Clara H	James W	

TIME	ITEM	OWNER
5:00	Welcome	MW
5:30	Introduction of Project (see attached Agenda)	MW
5:40	Open for questions / response	MW

QUESTION	RESPONSE	OWNER
Where will the new building be located on the property?	Used the satellite image to indicate where on the site the building would be located	MW
What will the building be used for?	It will house the Food Pantry, which is already functioning on the property and is being relocated to new building. Thrift Shop, and Administrative Offices.	MW
Is the Food Panty a Soup Kitchen?	No meals are served, it acts as a grocery store where individuals and families can get groceries.	MW
What is needed to use the food pantry?	Some form of ID	CM

QUESTION	RESPONSE	OWNER
Will the widening of Hand Ave impact the plans / construction?	Our understanding is that the widening will occur mostly on the north side of Hand, also the timing of our project should allow it to be complete by the time the County begins hand avenue.	MW
When will construction begin?	Based on design and permitting, somewhere around Q4, 2024	MW
How many members does TCC have?	Tomoka use the term 'partner' so as to not give the sense of exclusivity via 'membership'. Tomoka Christian Church has roughly	DD



SHEET

SCALE

50 25 0 50 100 150 Ft

NOT VALID WITHOUT SEAL

ZEVCOHEN & ASSOCIATES INC

Civil Engineering · Landscape Architecture · Planning · Environmental Services

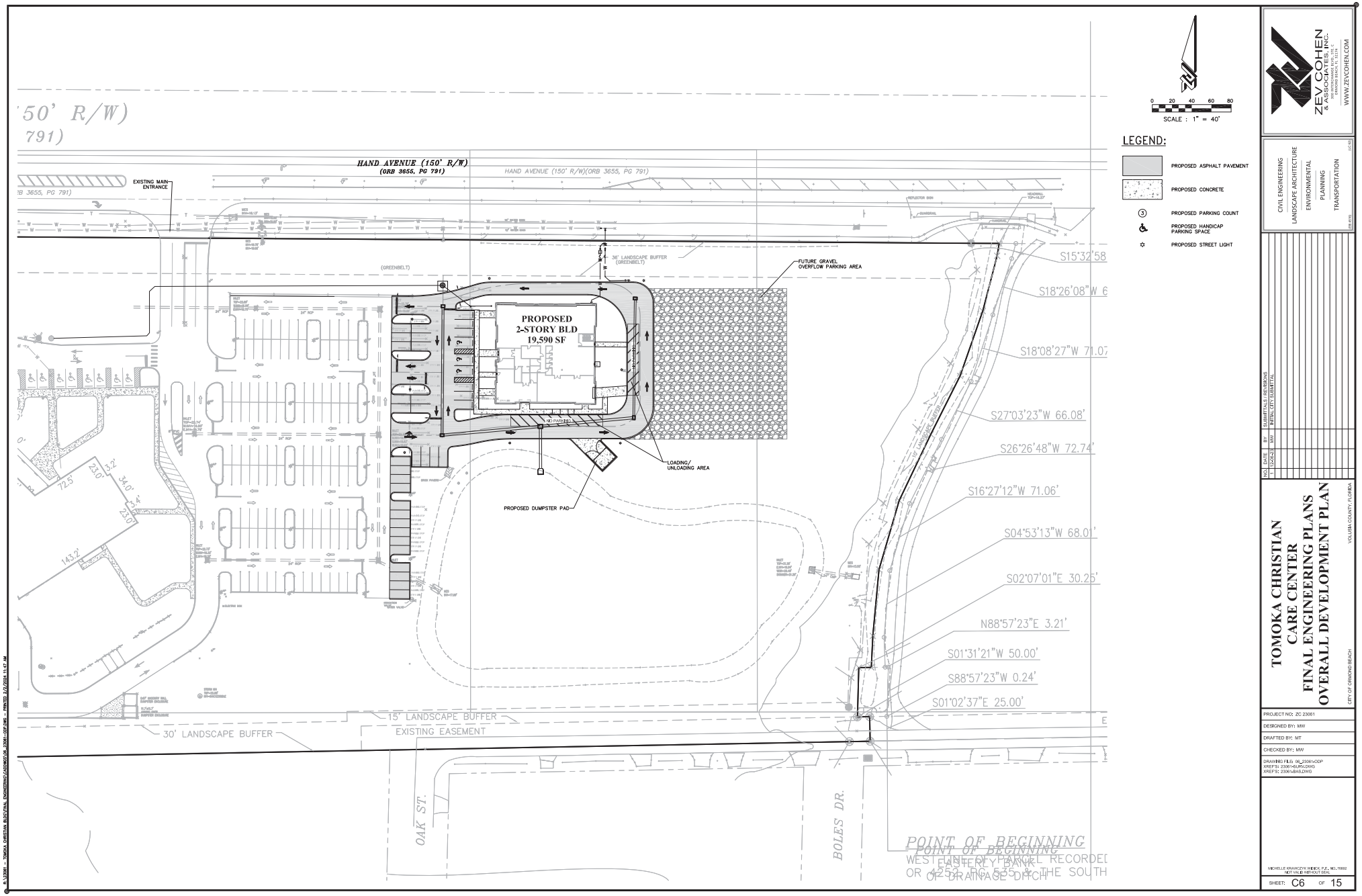
SCALE: 1:750	
CREATED BY:	ISSUED: 4:42:27 PM
DESIGNED BY:	PROJECT NO:

Aerial Map
Tomoka Christian Care Center
Ormond Beach, FL

REVISIONS:

NO		DATE		BY	

300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482



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WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS
1	12/4/24	MW	INITIAL CITY SUBMITTAL

TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
OVERALL DEVELOPMENT PLAN

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 23061
DESIGNED BY: MW
DRAFTED BY: MT
CHECKED BY: MW
DRAWING FILE: 06_23061-ODP
XREFS: 23061-SURV.DWG
XREFS: 23061-BAS.DWG

MICHELLE KRAWCZYK WIECK, P.E., NO. 76892
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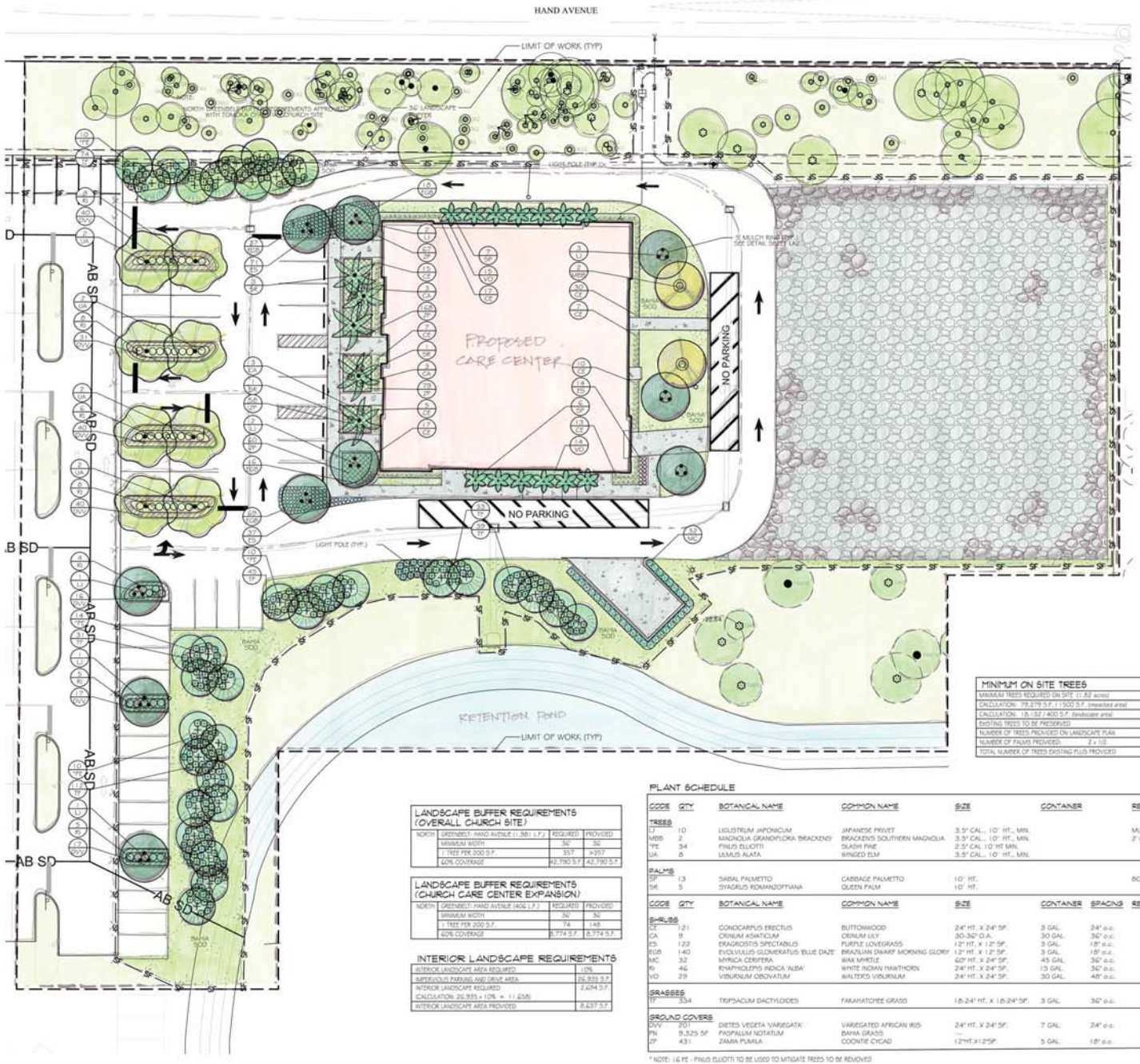
SHEET: C6 OF 15



MINIMUM ON SITE TREES	
MINIMUM TREES REQUIRED ON SITE (1.82 acres)	53
CALCULATION: 79,279 S.F. / 1,500 S.F. (impacted area)	53
CALCULATION: 18,132 / 400 S.F. (landscape area)	45
EXISTING TREES TO BE PRESERVED	6
NUMBER OF TREES PROVIDED ON LANDSCAPE PLAN	50
NUMBER OF PALMS PROVIDED: 2 x 1/2	9
TOTAL NUMBER OF TREES EXISTING PLUS PROVIDED	67

LANDSCAPE BUFFER REQUIREMENTS (OVERALL CHURCH SITE)			
NORTH	GREENBELT: HAND AVENUE (1,361 L.F.)	REQUIRED	PROVIDED
	MINIMUM WIDTH	30'	30'
	1 TREE PER 200 S.F.	357	>357
	60% COVERAGE	42,790 S.F.	42,790 S.F.

LANDSCAPE BUFFER REQUIREMENTS (CHURCH CARE CENTER EXPANSION)			
NORTH	GREENBELT: HAND AVENUE (406 L.F.)	REQUIRED	PROVIDED
	MINIMUM WIDTH	30'	30'
	1 TREE PER 200 S.F.	74	148
	60% COVERAGE	8,774 S.F.	8,774 S.F.

INTERIOR LANDSCAPE REQUIREMENTS	
INTERIOR LANDSCAPE AREA REQUIRED	10%
IMPERVIOUS PARKING AND DRIVE AREA	26,935 S.F.
INTERIOR LANDSCAPE REQUIRED: CALCULATION: 26,935 x 10% = 11,656	2,694 S.F.
INTERIOR LANDSCAPE AREA PROVIDED	8,637 S.F.

PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
TREES						
LJ	10	LIGUSTRUM JAPONICUM	JAPANESE PRIVET	3.5" CAL., 10' HT., MIN.		MULTI STEM 6" CALIPER
MGB	2	MAGNOLIA GRANDIFLORA 'BRACKENS'	BRACKEN'S SOUTHERN MAGNOLIA	3.5" CAL., 10' HT., MIN.		3" C.T.
*PE	34	PINUS ELLIOTTI	SLASH PINE	2.5" CAL. 10' HT MIN.		
UA	8	ULMUS ALATA	WINGED ELM	3.5" CAL., 10' HT., MIN.		
PALMS						
SP	13	SABAL PALMETTO	CABBAGE PALMETTO	10' HT.		BOOTED
SR	5	SYAGRUS ROMANZOFFIANA	QUEEN PALM	10' HT.		
CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	SPACING	REMARKS
SHRUBS							
CF	121	CONOCARPUS ERECTUS	BUTTONWOOD	24" HT. X 24" SP.	3 GAL.	24" o.c.	
CA	9	CRINUM ASIATICUM	CRINUM LILY	30-36" O.A.	30 GAL.	36" o.c.	
ES	123	ERAGROSTIS SPECTABILIS	PURPLE LOVEGRASS	12" HT. X 12" SP.	3 GAL.	18" o.c.	
EGB	140	EVOLVULUS GLOMERATUS 'BLUE DAZE'	BRAZILIAN DWARF MORNING GLORY	12" HT. X 12" SP.	3 GAL.	18" o.c.	
MC	32	MYRICA CERIFERA	WAX MYRTLE	60" HT. X 24" SP.	45 GAL.	36" o.c.	
RI	46	RHAPHIOLEPIS INDICA 'ALBA'	WHITE INDIAN HAWTHORN	24" HT. X 24" SP.	15 GAL.	36" o.c.	
VO	29	VIBURNUM OBOVATUM	WALTER'S VIBURNUM	24" HT. X 24" SP.	30 GAL.	48" o.c.	
GRASSES							
TF	334	TRIPSACUM DACTYLOIDES	FAKAHATCHEE GRASS	18-24" HT. X 18-24" SP.	3 GAL.	36" o.c.	
GROUND COVERS							
DVV	701	DIETES VEGETA 'VARIEGATA'	VARIEGATED AFRICAN IRIS	24" HT. X 24" SP.	7 GAL.	24" o.c.	
PN	9,325 SF	PASPALUM NOTATUM	BAHIA GRASS	---	---	---	
ZF	431	ZAMIA FURFA	COONTIE CYCAD	12"HT.X12"SP.	5 GAL.	18" o.c.	

* NOTE: 16 PE - PINUS ELLIOTTI TO BE USED TO MITIGATE TREES TO BE REMOVED

0 10 20 30 40
SCALE : 1" = 20'

ZEV COHEN & ASSOCIATES, INC.
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

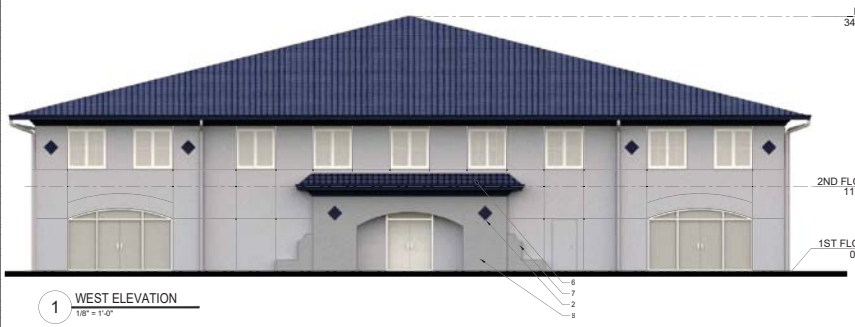
NO.	DATE	BY	SUBMITTALS / REVISIONS
1	12.06.23	KW	INITIAL CITY SUBMITTAL
2	02.06.24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
LANDSCAPE PLAN & DETAILS
VOLUSIA COUNTY, FLORIDA
CITY OF ORMOND BEACH

PROJECT NO: ZC 23081
DESIGNED BY: CWC
DRAFTED BY: CWC
CHECKED BY: CWC
DRAWING FILE: 23081-LA
XREFS: 23081-SURV.DWG
XREFS: 23081-BAS.DWG

CHERYL W CAMPBELL, PLA, NO. LA0017118
NOT VALID WITHOUT SEAL

SHEET: LA1 OF 2



1 WEST ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



2 NORTH ELEVATION
1/8" = 1'-0"



4 EAST ELEVATION
1/8" = 1'-0"

EXTERIOR ELEVATION LEGEND

1. TERRACOTTA TILE ROOF (TO MATCH EXISTING CHURCH ROOF).
2. DIAMOND SHAPED GLAZED CERAMIC TILE ACCENT (TO MATCH EXISTING CHURCH DETAIL).
3. DOWNSPOUT, PAINTED TO MATCH STUCCO. SEE DETAIL THIS PAGE FOR DOWNSPOUT DETAIL AT SOUTH ELEVATION.
4. ARCHED STOREFRONT WINDOW AND ARCHED REVEALS IN NEO-ECLECTIC STYLE (TO MATCH EXISTING CHURCH).
5. STUCCO FACADE (COLOR TO MATCH EXISTING CHURCH).
6. EYEBROW TERRACOTTA TILE ROOF (TO MATCH SIMILAR FEATURES AT EXISTING CHURCH).
7. TRADITIONAL CURVILINEAR SPANISH WALL DETAIL IN NEO-ECLECTIC STYLE (TO MATCH EXISTING CHURCH).
8. STUCCO FACADE, ACCENT COLOR TO EMPHASIZE ENTRY DOOR AND TO ADD DEPTH AND INTEREST.
9. STUCCO REVEALS IN FACADE (TO MATCH EXISTING CHURCH).



DOWNSPOUT TO BE LOCATED AT INNER CORNER OF FACADE ARTICULATION AS INDICATED. TYPICAL OF BOTH DOWNSPOUTS IN THE MIDDLE OF THE SOUTH ELEVATION. (NOT TO SCALE)









A EXISTING CONDITIONS
NOT TO SCALE

DESIGN PHILOSOPHY

THE PROPOSED BUILDING COMPLEMENTS THE STYLE AND DETAILING OF THE EXISTING CHURCH BUILDING, WHILE ALSO INTEGRATING SELECT ELEMENTS OF THE "NEO-ECLECTIC" STYLE. THE PROPOSED BUILDING HAS A STUCCO FACADE AND UTILIZES DIAMOND-SHAPED GLAZED CERAMIC TILE ACCENTS TO MATCH THE EXISTING BUILDING. THE PROPOSED ENTRY INCLUDES A TRADITIONAL CURVILINEAR SPANISH WALL DETAIL IN HOMAGE TO BOTH THE ARCHITECTURAL STYLE AND A SIMILAR DETAIL UTILIZED IN THE EXISTING CHURCH BUILDING.

THE PROPOSED PITCHED ROOF STYLISTICALLY INVOKES A TRADITIONAL SPANISH CLAY TILE ROOF. THE CHURCH PREFERS THIS STYLE ROOF OVER A FLAT ROOF, AS THE EXISTING CHURCH'S FLAT ROOF HAS DEVELOPED MULTIPLE LEAKS AND HAS HAD MAINTENANCE ISSUES OVER THE PAST SEVERAL YEARS.

THE DARK HORIZONTAL BRICK BAND OF THE EXISTING CHURCH VISUALLY DIVIDES THE HEIGHT OF THE EXISTING SINGLE STORY WALLS. IN THE PROPOSED BUILDING THE HEIGHT OF THE ELEVATIONS IS DIVIDED INTO TWO TRUE STORIES, WHICH ALLOWS THE SECOND STORY WINDOWS TO DIVIDE AND ARTICULATE THE WALL HEIGHT IN MUCH THE SAME WAY. THE CADENCE OF THE SECOND FLOOR WINDOWS, WITH RELATED VERTICAL ALIGNMENTS TO THE ARCHED OPENINGS BELOW, HELPS TO ARTICULATE THE FACADE OF THE BUILDING WHILE ALSO ORGANIZING THE GEOMETRY OF THE FACADES. ADDITIONAL STUCCO REVEALS WOULD ADD ADDITIONAL INTEREST TO THE FACADE IN THE SAME WAY THESE DETAILS FUNCTION IN THE EXISTING CHURCH FACADE.

ROY KUSHNER ARCHITECTURE

ROY KUSHNER ARCHITECTURE, PLLC
200 TOMOKA AVE - SUITE D
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(646) 246-5822
RKUSHNER@ROYKUSHNER.COM

LAV ENGINEERING

LAV ENGINEERING, PLLC
200 TOMOKA AVE - SUITE D
ORMOND BEACH, FL 32174
(386) 310-7829
LAV@LAVENGFL.COM

REVISION	DESCRIPTION	DATE
1	ISSUED FOR SUBMISSION	12/5/2023
2	RESPONSE TO CITY COMMENTS	1/19/2024

SEAL / SIGNATURE:

PROJECT DESCRIPTION:
TOMOKA CHRISTIAN CHURCH

1450 HAND AVE
ORMOND BEACH, FL 32174

DRAWING DESCRIPTION:
EXTERIOR ELEVATIONS

PROJECT NUMBER	23097
DATE	1/19/2024
DRAWN BY	AN
CHECKED BY	RK

SHEET NO.
A-201

SCALE 1/8" = 1'-0"

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TOMOKA CHRISTIAN CARE CENTER

CITY OF ORMOND BEACH – VOLUSIA COUNTY, FLORIDA

FINAL ENGINEERING PLANS

OWNER:
TOMOKA CHRISTIAN CHURCH
1450 HAND AVENUE
ORMOND BEACH, FL 32174
PHONE NUMBER:
FAX NUMBER:
CONTACT PERSON: DOUG DIAMOND
e-mail: dougdiamond@tomoka.cc

CIVIL ENGINEER:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: MICHELLE WIDICK, P.E.
e-mail: mwidick@zevcohen.com

SURVEYOR:
SLIGER & ASSOCIATES, INC.
3921 NOVA ROAD
PORT ORANGE, FL 32127
PHONE NUMBER: (386) 761-5385
FAX NUMBER: N/A
CONTACT PERSON: JEFFREY W BARNES
e-mail: jbarnes@sligerassociates.com

GEOTECHNICAL ENGINEER:
UNIVERSAL ENGINEERING SCIENCES
911 BEVILLE ROAD, SUITE C
SOUTH DAYTONA, FL 32119
PHONE NUMBER: (386) 756-1105
FAX NUMBER: (386) 760-4067
CONTACT PERSON: BRIAN POHL, P.E.
e-mail: bpohl@universalengineering.com

LANDSCAPE ARCHITECT:
ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174
PHONE NUMBER: (386) 677-2482
FAX NUMBER: (386) 677-2505
CONTACT PERSON: CHERYL CAMPBELL, PLA
e-mail: ccampbell@zevcohen.com

ARCHITECT:
ROY KUSHNER ARCHITECTURE, PLLC.
200 TOMOKA AVE., SUITE D
ORMOND BEACH, FL 32174
PHONE NUMBER: (646) 246-5822
FAX NUMBER:
CONTACT PERSON: ROY KUSHNER
e-mail: rkushner@roykushner.com

PROJECT DESCRIPTION:

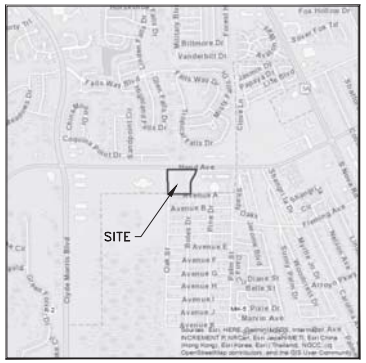
THIS PROJECT INCLUDES THE CONSTRUCTION OF A NEW GROSS +/- 19,590 SF 2 STORY BUILDING FOR USE AS A CARE CENTER, THRIFT SHOP & FOOD PANTRY TO INCLUDE THE ASSOCIATED INFRASTRUCTURE.

SITE INFORMATION:	
SITE ADDRESS:	1450 HAND AVENUE, ORMOND BEACH FL 32174
PROJECT AREA:	1.82 AC
TAX PARCEL I.D. #	42290000033
EXISTING ZONING:	SR (SUBURBAN RESIDENTIAL)
PROPOSED ZONING:	SR (SUBURBAN RESIDENTIAL)
EXISTING LAND USE:	HOUSE OF WORSHIP
PROPOSED LAND USE:	HOUSE OF WORSHIP
EXISTING FUTURE LAND USE:	SUBURBAN LOW DENSITY RESIDENTIAL
FLOOR AREA RATIO:	
SETBACKS:	
FRONT:	30 FT
SIDE:	10 FT (TOTAL OF 30 FT)
REAR:	30 FT
STREET/CORNER:	30 FT
REQUIRED LANDSCAPE BUFFER(S):	36 FT – ALONG HAND AVENUE
UNIT/LOT DENSITY:	1 UNIT PER 2 ACRE
MAXIMUM BUILDING LOT COVERAGE:	75%
MAXIMUM BUILDING HEIGHT	35 FT
UTILITIES:	PROVIDED BY THE CITY OF ORMOND BEACH

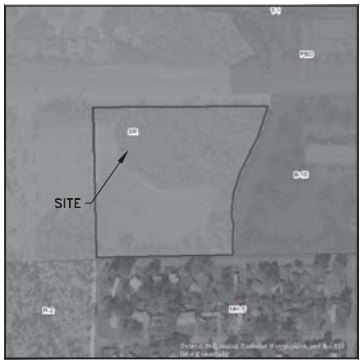
LAND USE TABLE:		
	ACREAGE	PERCENTAGE
EXISTING CONDITIONS:		
WETLAND AREA	0.0 AC	0.0%
UPLAND AREA	1.82 AC	100%
PROPOSED IMPROVEMENTS:		
BUILDING(S)	0.23 AC	12.64%
PAVEMENT & SIDEWALK	0.68 AC	37.36%
POND AREA(S)	0.00 AC	0.00%
LANDSCAPE/OPEN SPACE	0.91 AC	50.00%
TOTAL PERVIOUS	0.91 AC	50.00%
TOTAL IMPERVIOUS	0.91 AC	50.00%

PARKING CALCULATIONS:			
USE	PARKING REQUIREMENT	SF/UNITS	SPACES REQUIRED
OFFICE	1 SPACE PER 200 SF	7789 SF	39
NON INTENSIVE RETAIL	1 SPACE PER 250 SF	7595 SF	31
COMMON AREAS	N/A SPACE PER SF	4203 SF	0
		TOTAL =	70
PARKING SPACES PROVIDED: 37 ONSITE + 36 SHARED		73 SPACES	
HANDICAP PARKING REQUIRED:		3	
HANDICAP PARKING PROVIDED:		3	

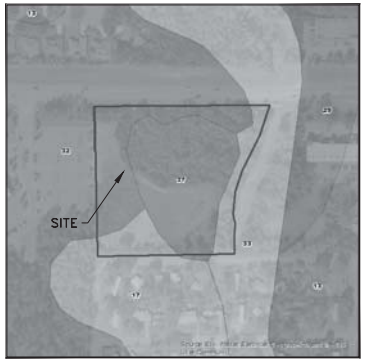
NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.



VICINITY MAP
SCALE: 1" = 1200'



ZONING MAP
SCALE: 1" = 200'
CURRENT ZONING FOR THIS SITE IS: SR



SOILS MAP
SCALE: 1" = 200'
THE SITE LIES WITHIN THE FOLLOWING VOLUSIA COUNTY SOIL CLASSIFICATIONS: 37



FLOOD ZONE MAP
SCALE: 1" = 200'
THE PROPERTY LIES IN:
FLOOD ZONE X & A PER FEMA MAPS 12127C0214J

SHEET INDEX:

C1	COVER SHEET
C2	CONSTRUCTION NOTES
C5	DEMOLITION & EROSION CONTROL PLAN
C6	OVERALL DEVELOPMENT PLAN
C7	GEOMETRY, SIGNAGE & STRIPING PLAN
C8	PAVING, GRADING & DRAINAGE PLAN
C9	UTILITY PLAN
C10–C16	CONSTRUCTION DETAILS
TP1	TREE PROTECTION PLAN & DETAILS
LA1–LA2	LANDSCAPE PLAN & DETAILS

LEGAL DESCRIPTION:

A PORTION OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT A NAIL AND WASHER MARKED "V.C.D.P.W." MARKING THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 RUN S88°57'23"W, 868.57 FEET TO THE WEST LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE S88°57'23"W, 1851.54 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE DEPART SAID SOUTH LINE ALONG THE WEST LINE OF SAID NORTHEAST 1/4 N00°07'16"E, 552.40 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HAND AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 3655, PAGE 791, SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE S89°36'57"E, 1981.15 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535; THENCE DEPART SAID SOUTHERLY RIGHT OF WAY LINE ALONG SAID WEST LINE THE FOLLOWING CALLS: S09°22'44"W, 12.81 FEET; S14°36'36"W, 57.89 FEET; S19°16'44"W, 69.78 FEET; S26°37'01"W, 66.39 FEET; S25°32'38"W, 74.34 FEET; S16°18'09"W, 73.06 FEET; S05°18'07"W, 67.66 FEET; S02°45'58"W, 32.02 FEET TO THE NORTH LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1862, PAGE 1703, SAID PUBLIC RECORDS; THENCE ALONG THE NORTH LINE OF SAID PARCEL S88°57'23"W, 12.73 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL S01°31'21"W, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL N88°57'23"E, 12.39 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535; THENCE ALONG SAID WEST LINE S01°02'37"E, 24.99 FEET TO THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 29 AND THE POINT OF BEGINNING, CONTAINING 23.04 ACRES MORE OR LESS.

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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO	DATE	BY	SUBMITTALS/REVISIONS
1	12-06-23	MW	INITIAL CITY SUBMITTAL
2	02-05-24	MW	ADDRESS COMMENTS

TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
COVER SHEET
CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 23061
DESIGNED BY: MW
DRAFTED BY: MT
CHECKED BY: MW
DRAWING FILE: 01_23061-COV

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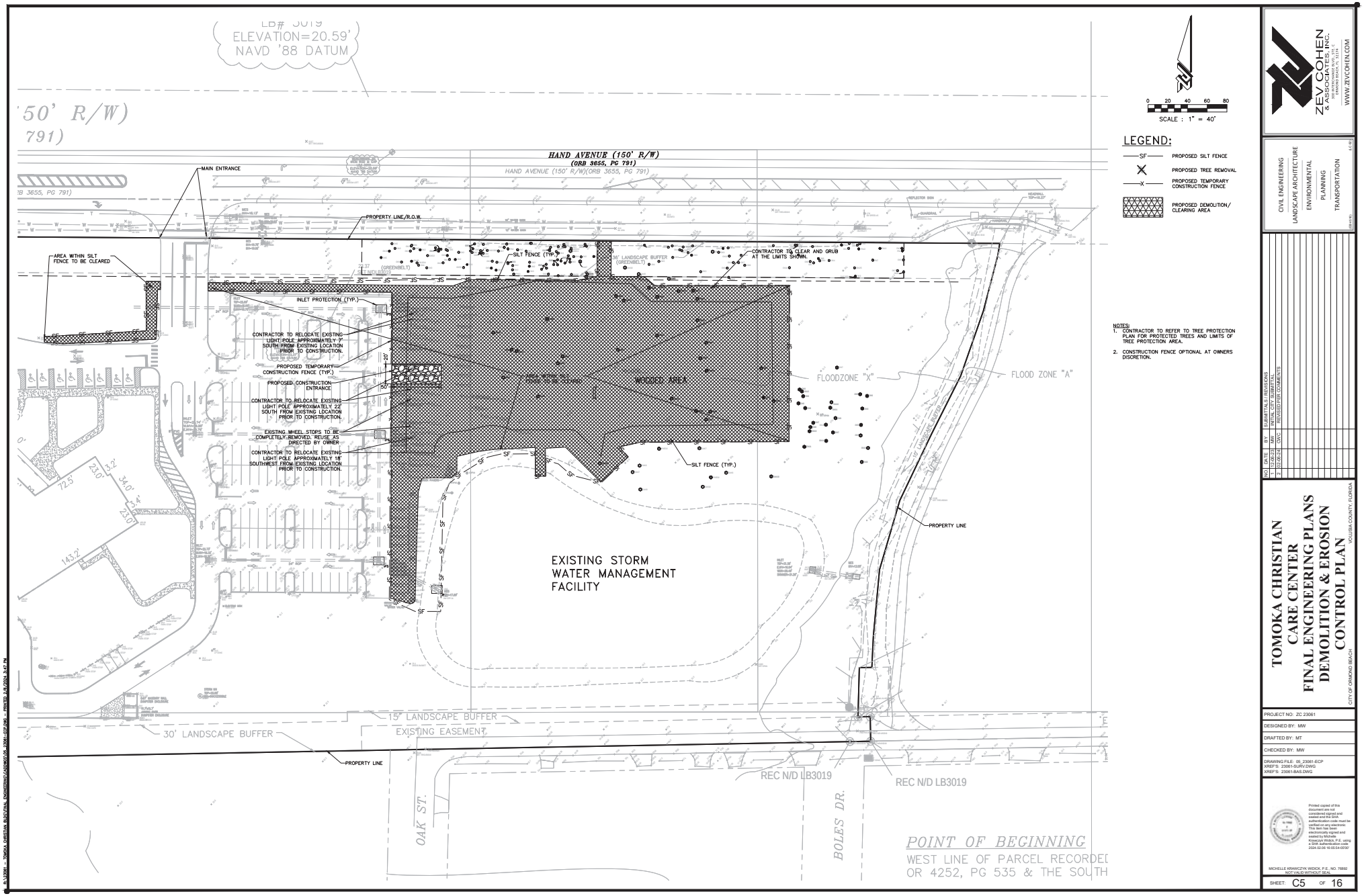
MICHELLE KRAWCZYK WIDICK, P.E. NO. 76892
NOT VALID WITHOUT SEAL

SHEET: C1 OF 16

G:\2306 - TOMOKA CHRISTIAN\ENGINEERING\CADD\PLOTS\01_23061-COV.DWG - PRINTED: 2/6/2024, 9:57 PM



LEGEND:

- SF — PROPOSED SILT FENCE
- X — PROPOSED TREE REMOVAL
- X — PROPOSED TEMPORARY CONSTRUCTION FENCE
- PROPOSED DEMOLITION/ CLEARING AREA

NOTES:
1. CONTRACTOR TO REFER TO TREE PROTECTION PLAN FOR PROTECTED TREES AND LIMITS OF TREE PROTECTION AREA.
2. CONSTRUCTION FENCE OPTIONAL AT OWNERS DISCRETION.

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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO	DATE	BY	SUBMITTALS / REVISIONS
1	12-06-23	MW	INITIAL CITY SUBMITTAL
2	02-06-24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS DEMOLITION & EROSION CONTROL PLAN

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 23061
DESIGNED BY: MW
DRAFTED BY: MT
CHECKED BY: MW
DRAWING FILE: 05_23061-ECP
XREF'S: 23061-SURV.DWG
XREF'S: 23061-BAS.DWG

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MICHELLE KRAWCZYK WIDICK, P.E., NO. 76892
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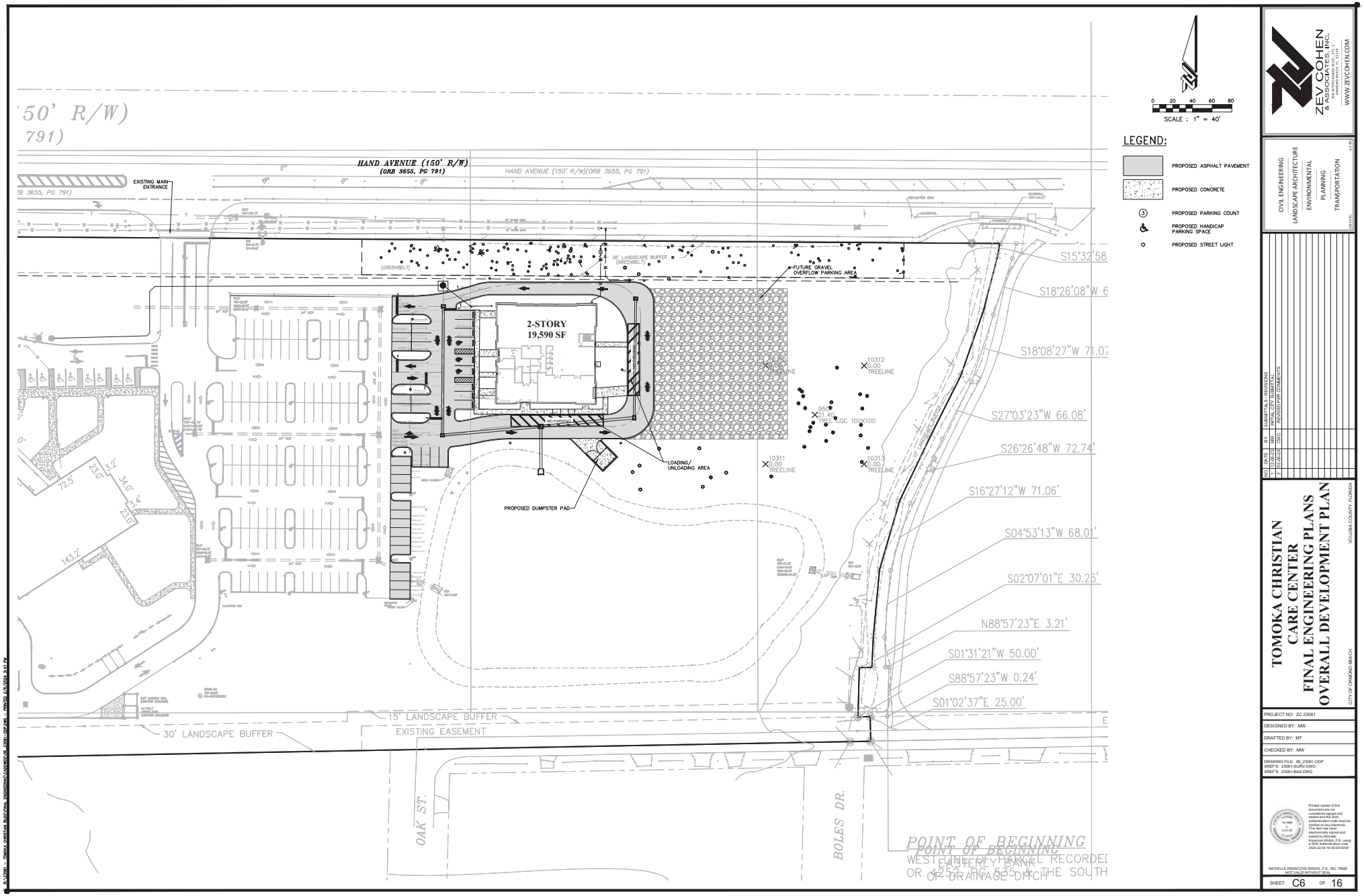
SHEET: C5 OF 16



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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO	DATE	BY	SUBMITTALS / REVISIONS
1	12-26-23	MW	INITIAL CITY SUBMITTAL
2	02-26-24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER FINAL ENGINEERING PLANS OVERALL DEVELOPMENT PLAN

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 23061
DESIGNED BY: MW
DRAFTED BY: MT
CHECKED BY: MW
DRAWING FILE: 06_23061-ODP
XREF'S: 23061-SURV.DWG
XREF'S: 23061-BAS.DWG

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MICHELLE KRAWCZYK WIDICK, P.E., NO. 76892
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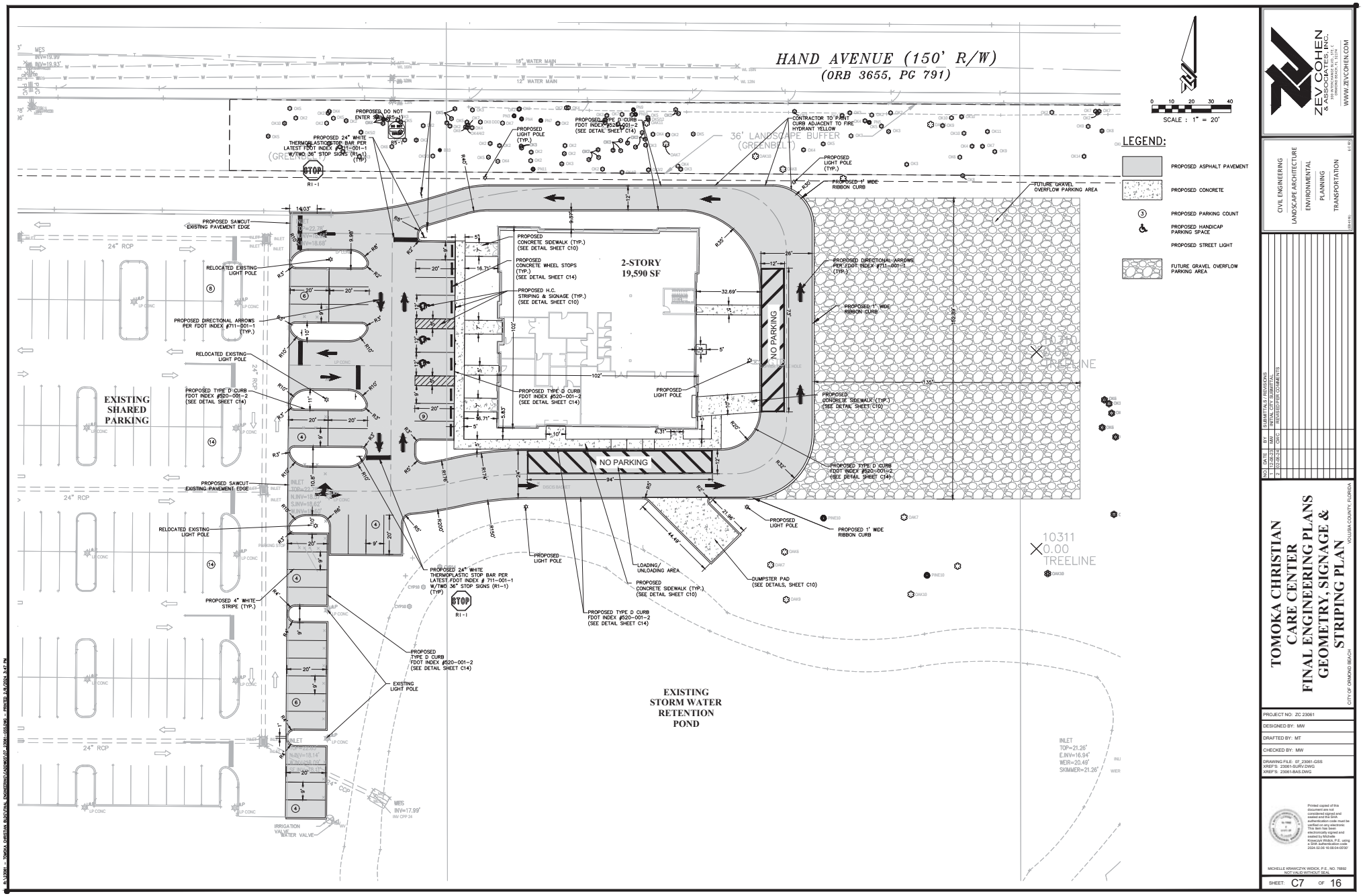
SHEET: C6 OF 16



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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO	DATE	BY	SUBMITTALS / REVISIONS
1	12-06-23	MW	INITIAL CITY SUBMITTAL
2	02-06-24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER FINAL ENGINEERING PLANS GEOMETRY, SIGNAGE & STRIPING PLAN

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 23061
DESIGNED BY: MW
DRAFTED BY: MT
CHECKED BY: MW
DRAWING FILE: 07_23061-GSS
XREF'S: 23061-SURV.DWG
XREF'S: 23061-BAS.DWG

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MICHELLE KRAWCZYK WIDICK, P.E., NO. 76892
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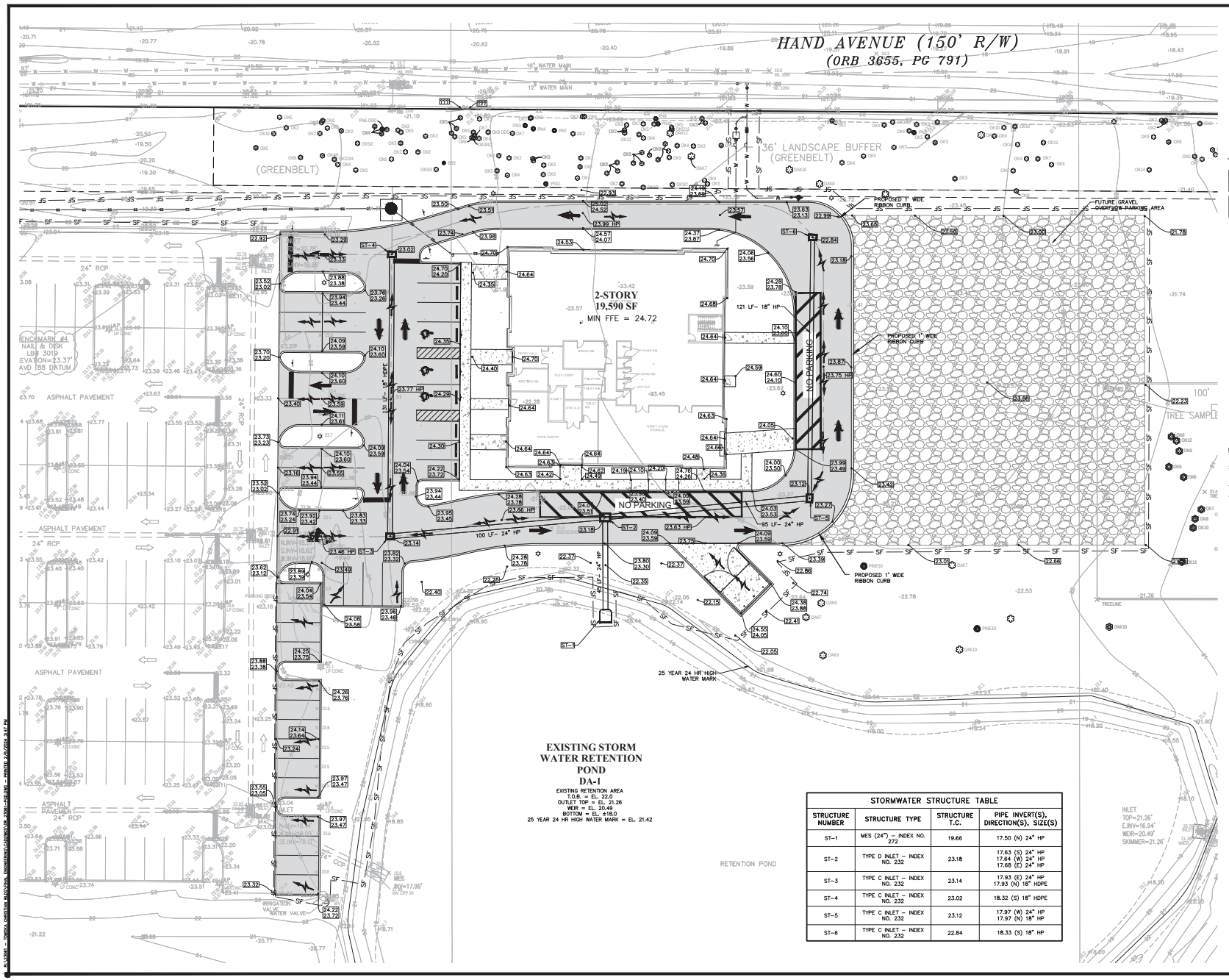
SHEET: C7 OF 16



SCALE : 1" = 20'

LEGEND:

- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE
- OR — PROPOSED STORMWATER INLET
- PROPOSED STORMWATER MANHOLE
- PROPOSED MES
- PROPOSED YARD DRAIN
- 38.20 — PROPOSED GRADE
- M.E.G. — PROPOSED MATCH EXISTING GRADE LABEL
- E.G. — EXISTING GRADE LABEL
- FFE — PROPOSED FINISHED FLOOR ELEVATION
- PROPOSED FLOW DIRECTION
- A — PROPOSED STREET LIGHT
- PROPOSED LOT GRADING TYPE

NOTES:
1. SEE THIS SHEET FOR STORMWATER STRUCTURE TABLES.
2. CONTRACTOR TO REFER TO GEOTECHNICAL REPORT FOR SOIL REQUIREMENTS AND RECOMMENDATIONS.
3. MINIMUM FINISHED FLOOR ELEVATIONS SHALL COMPLY WITH LDC.
4. CONTRACTOR TO CLEAN UP POND FROM DEBRIS/OVERGROWTH AND TO RESTORE THE POND TO DESIGNED INTENTIONS OF POND BOTTOM AT EL. 18' AND TOB AT EL. 22'

STORMWATER STRUCTURE TABLE

STRUCTURE NUMBER	STRUCTURE TYPE	STRUCTURE T.C.	PIPE INVERT(S), DIRECTION(S), SIZE(S)
ST-1	MES (24") – INDEX NO. 272	19.66	17.50 (N) 24" HP
ST-2	TYPE D INLET – INDEX NO. 232	23.18	17.63 (S) 24" HP 17.64 (W) 24" HP 17.68 (E) 24" HP
ST-3	TYPE C INLET – INDEX NO. 232	23.14	17.93 (E) 24" HP 17.93 (N) 18" HDPE
ST-4	TYPE C INLET – INDEX NO. 232	23.02	18.32 (S) 18" HDPE
ST-5	TYPE C INLET – INDEX NO. 232	23.12	17.97 (W) 24" HP 17.97 (N) 18" HP
ST-6	TYPE C INLET – INDEX NO. 232	22.84	18.33 (S) 18" HP

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LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO	DATE	BY	SUBMITTALS / REVISIONS
1	12-06-23	MW	INITIAL CITY SUBMITTAL
2	02-06-24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER FINAL ENGINEERING PLANS PAVING, GRADING & DRAINAGE PLAN

CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 23061
DESIGNED BY: MW
DRAFTED BY: MT
CHECKED BY: MW
DRAWING FILE: 08_23061-PGD
XREF'S: 23061-SURV.DWG
XREF'S: 23061-BAS.DWG

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MICHELLE KRAWCZYK WIDICK, P.E., NO. 76892
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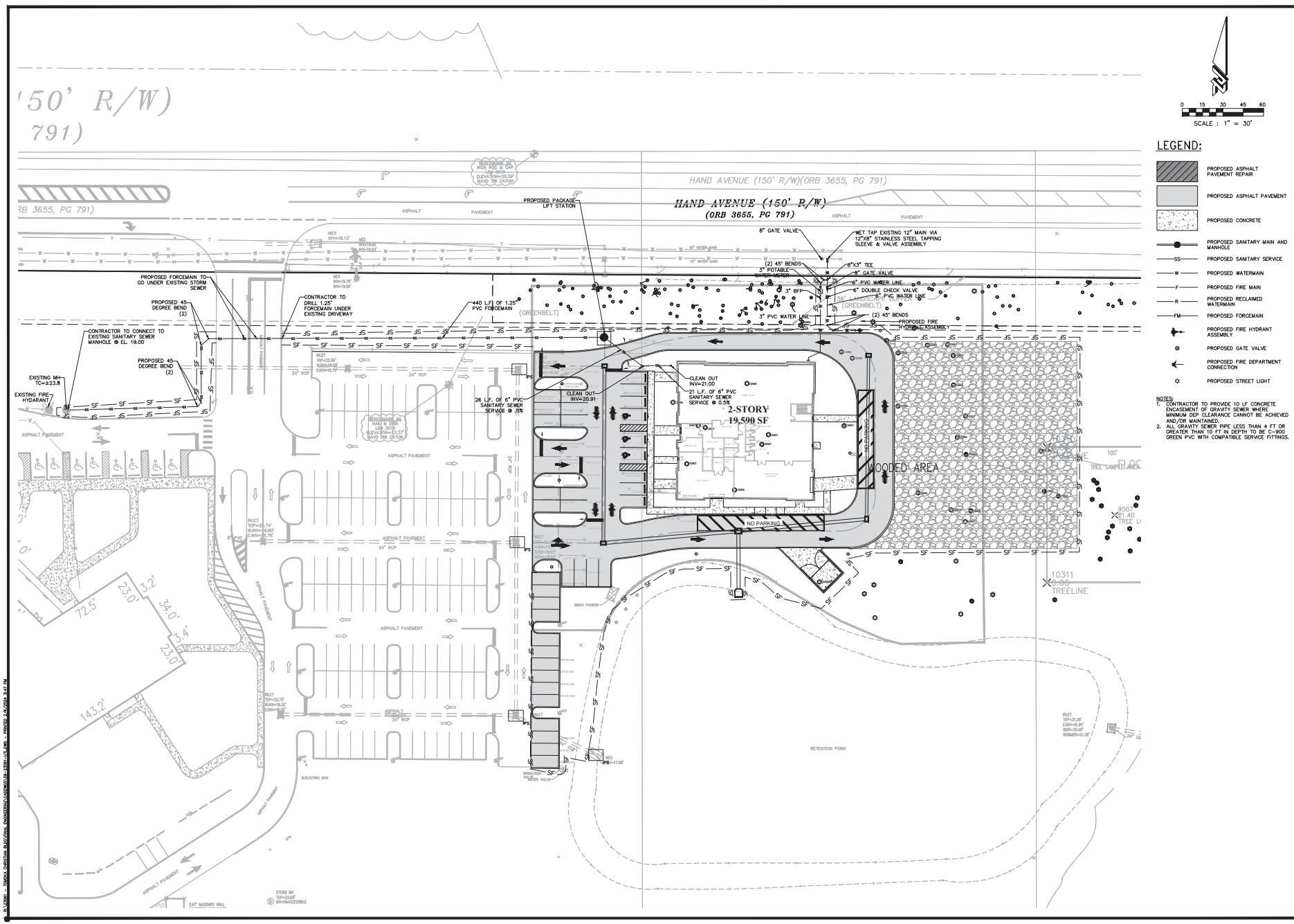
SHEET: C8 OF 16



SCALE : 1" = 30'

LEGEND:

- PROPOSED ASPHALT PAVEMENT REPAIR
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE
- PROPOSED SANITARY MAIN AND MANHOLE
- SS — PROPOSED SANITARY SERVICE
- W — PROPOSED WATERMAIN
- F — PROPOSED FIRE MAIN
- R — PROPOSED RECLAIMED WATERMAIN
- FM — PROPOSED FORCEMAIN
- PROPOSED FIRE HYDRANT ASSEMBLY
- PROPOSED GATE VALVE
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED STREET LIGHT

NOTES:
1. CONTRACTOR TO PROVIDE 10 LF CONCRETE ENCASEMENT OF GRAVITY SEWER WHERE MINIMUM DEP CLEARANCE CANNOT BE ACHIEVED AND/OR MAINTAINED.
2. ALL GRAVITY SEWER PIPE LESS THAN 4 FT OR GREATER THAN 10 FT IN DEPTH TO BE C-900 GREEN PVC WITH COMPATIBLE SERVICE FITTINGS.

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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO	DATE	BY	SUBMITTALS / REVISIONS
1	12-06-23	MW	INITIAL CITY SUBMITTAL
2	02-06-24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER FINAL ENGINEERING PLANS UTILITY PLAN

CITY OF ORMOND BEACH
VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 23061
DESIGNED BY: MW
DRAFTED BY: MT
CHECKED BY: MW
DRAWING FILE: 09-23061-UTL
XREF'S: 23061-SURV.DWG
XREF'S: 23061-BAS.DWG

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MICHELLE KRAWCZYK WIDICK, P.E., NO. 76892
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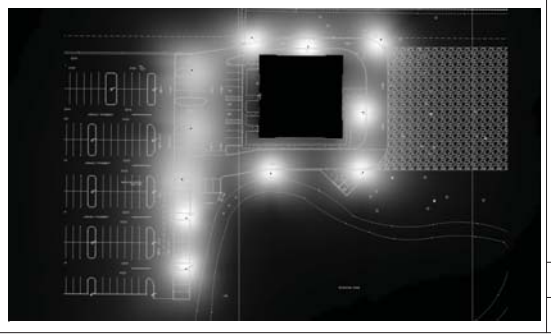
SHEET: C9 OF 16

Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Lum. Lumens	LLF	Luminaire Watts	Total Watts	Description
	8	S4	Single	12345	1.000	78.5001	628.001	ALP E2-80W-277V-4000K-Type4
	3	S5	Single	12709	1.000	78.7133	236.14	ALP E2-80W-277V-4000K-Type5

Calculation Summary								
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Grid Z
PARKING	Illuminance	Fc	1.90	6.0	0.4	4.75	15.00	0

NOTES:
- WHEN THE LLF IS NOTE .9 OR 1.0 THE WATTAGE INFORMATION WILL NOT BE CORRECT
- LUMINAIRE SYMBOLS MAGNIFIED FOR LEGIBILITY
- LUMINAIRE MOUNTING HEIGHT IS FROM GRADE TO THE BOTTOM OF THE LUMINAIRE
- PROPERTY LINE NOT CONSIDERED FOR CALCULATIONS DUE TO LACK OF INFORMATION
- LUMINAIRES WERE DEFINED AND PLACED AS SPECIFIED
- EXISTING SITE LUMINAIRES NOT INCLUDED IN CALCULATIONS DUE TO LACK OF INFORMATION MAKING VALUES TO BE CONSIDERED APPROXIMATE





PHOTOMETRY
Scale: 1 inch= 20 Ft.

SESCO LIGHTING

Disclaimer:
SESCO Lighting provides this photometric report for purposes of comparison with other SESCO Lighting products only. The information provided is based on standardized industry procedures.

This laboratory performance will always differ from that observed in the field due to a great number of variables, both known and unknown (installation tolerances, wire quality, lamping, recoverable and non-recoverable light loss factors, etc.).

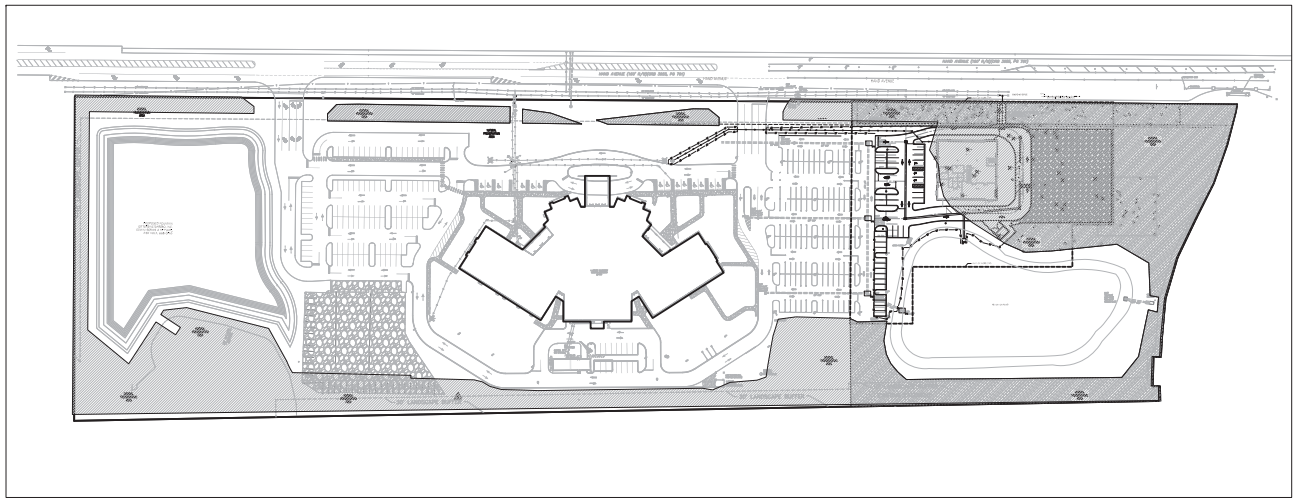
In general, SESCO Lighting considers numerical studies to be predictive in that they cannot characterize the visual performance of any luminaire, single or grouped. As such, specification decisions must be thoroughly based upon experience, consultation with the manufacturer, and, above all, common sense.

Sales Rep: JONATHAN ANDREUCCI
Office: ORLANDO
Contact No: (407) 276-4732
Processed By: JNP
Filename: 12-01-2023 - TOMOKA CHRISTIAN S1 - TGS.AGI

TOMOKA CHRISTIAN
SITE 1
TGS

Date:12/1/2023

Page 1 of 1



LEGEND

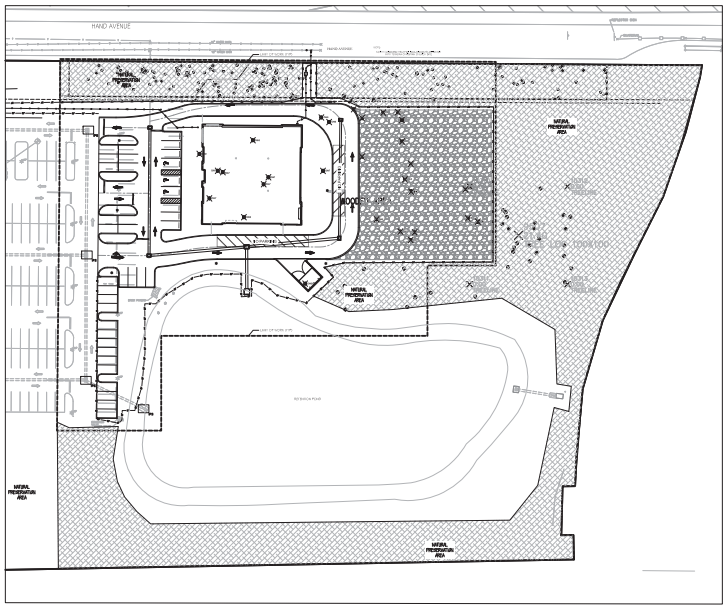
INITIAL PRESERVATION AREA

0 50 100 150 200

SCALE : 1" = 100'

SPRC-2024-000005

TOMOKA CHRISTIAN CHURCH



15% NATURAL PRESERVATION

TOTAL SITE ACREAGE (OVERALL TOMOKA CHRISTIAN CHURCH)	23.04 AC.
TOTAL PRESERVATION AREA REQUIRED* (CALCULATION: 23.04 AC. x 15% = 3.46 AC.)	3.46 AC.
UNDISTURBED NATURAL PRESERVATION AREA	7.08 AC.
IMPACTED PRESERVATION AREA (CARE CENTER) = 1.82 AC. (CALCULATION: 7.08 AC. - 1.82 AC. = 5.26 AC.) (CALCULATION: 5.26 AC. - 3.46 AC. = 1.8 AC. REMAINING)	1.82 AC.
TOTAL PRESERVATION AREA PROVIDED	5.26 AC.

*PER INITIAL CHURCH APPROVED DRAWINGS CITY PROJECT NO. 07-1201

LEGEND

IMPACTED

REMAINING

0 30 60 90 120

SCALE : 1" = 60'

TOMOKA CHRISTIAN CARE CENTER EXPANSION

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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	BY	SUBMITTALS / REVISIONS
1	12-26-23	MW	INITIAL CITY SUBMITTAL
2	01-29-24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER FINAL ENGINEERING PLANS EXHIBIT

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 23061

DESIGNED BY: CWC

DRAFTED BY: CWC

CHECKED BY: CWC

DRAWING FILE: 23061-TP
XREFS: 23061-SURV.DWG
XREFS: 23061-BAS.DWG

CHERYL W CAMPBELL, PLA, NO. LA001706
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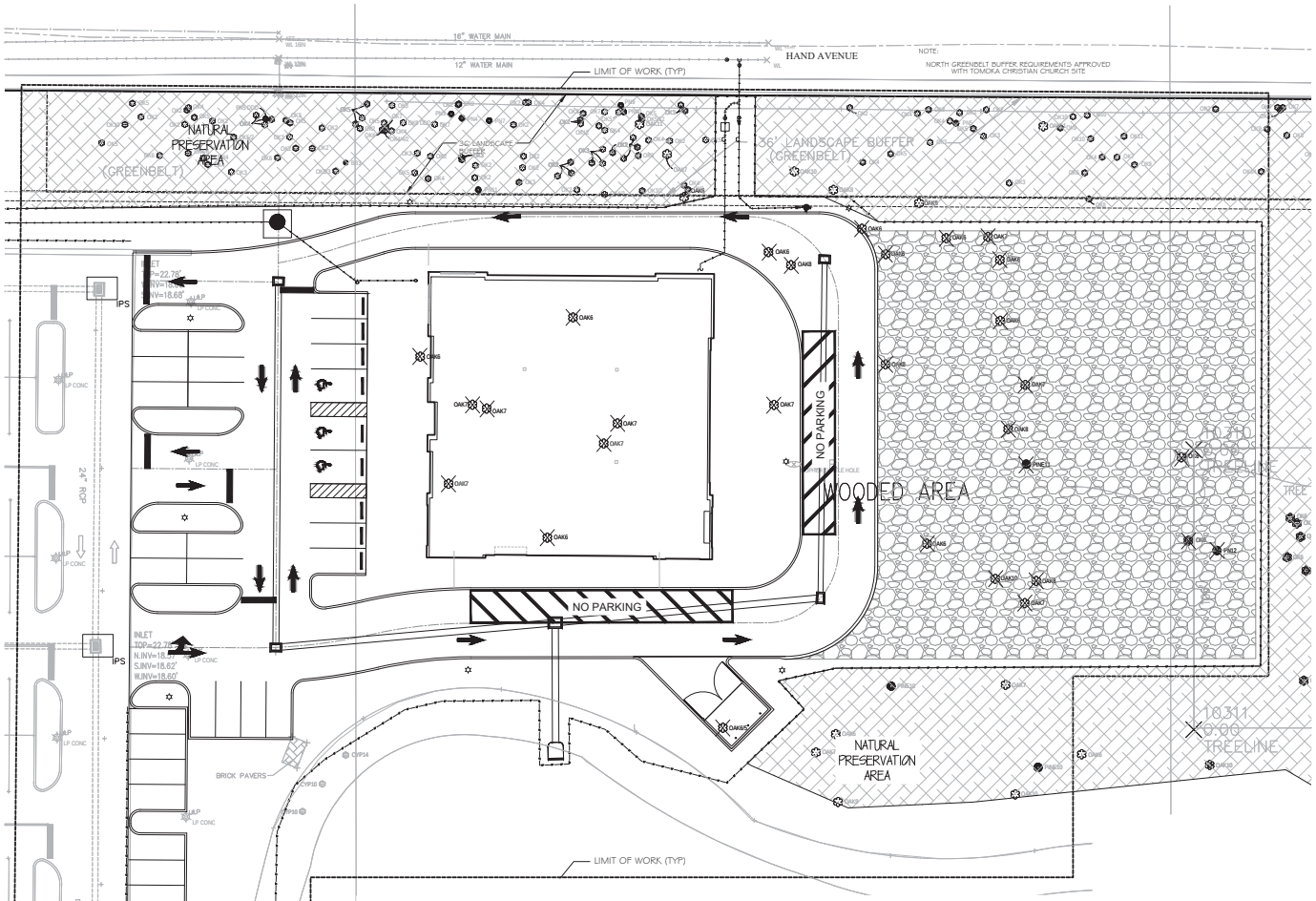
SHEET: TP1 OF 1



CITY OF ORMOND BEACH
TREE MITIGATION FORM

A. **Protected Trees:**

1. Number of **protected** trees to be **removed** due to **impervious** construction. ___31___ trees
2. Remainder of **protected** trees to be **removed** due to other construction. ___0___ trees
3. Calculate preserved tree density. Divide preserved **protected** trees by total area. 7/1.82 ac. = 3.85 trees/acre

   Tree density less than **50 trees/acre**, proceed to **#4**.
   or
   Tree density more than **50 trees/acre**, proceed to **#5**.

4. Enter number of trees from line #1: ___31___ ÷ 2 = 15.5 trees
   Enter number of trees provided in #2. + ___0___ trees
   Protected tree mitigation total (2 ½" caliper tree minimum) Total = ___16___ trees

LEGEND

	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
	EXISTING SPECIMEN TREE TO REMAIN
	EXISTING SPECIMEN TREE TO BE REMOVED
NOTE:	SEE TREE SYMBOL LEGEND FOR SPECIES AND PLAN VIEW FOR DBH.

0 10 20 30 40
SCALE : 1" = 20'

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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO	DATE	BY	SUBMITTALS / REVISIONS
1	12-26-23	MW	INITIAL CITY SUBMITTAL
2	02-06-24	CWC	REVISED PER COMMENTS

TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS TREE PROTECTION PLAN & DETAILS

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 23061
DESIGNED BY: CWC
DRAFTED BY: CWC
CHECKED BY: CWC
DRAWING FILE: 23061-TP
XREF'S: 23061-SURV.DWG
XREF'S: 23061-BAS.DWG

CHERYL W CAMPBELL, PLA, NO. LA001768
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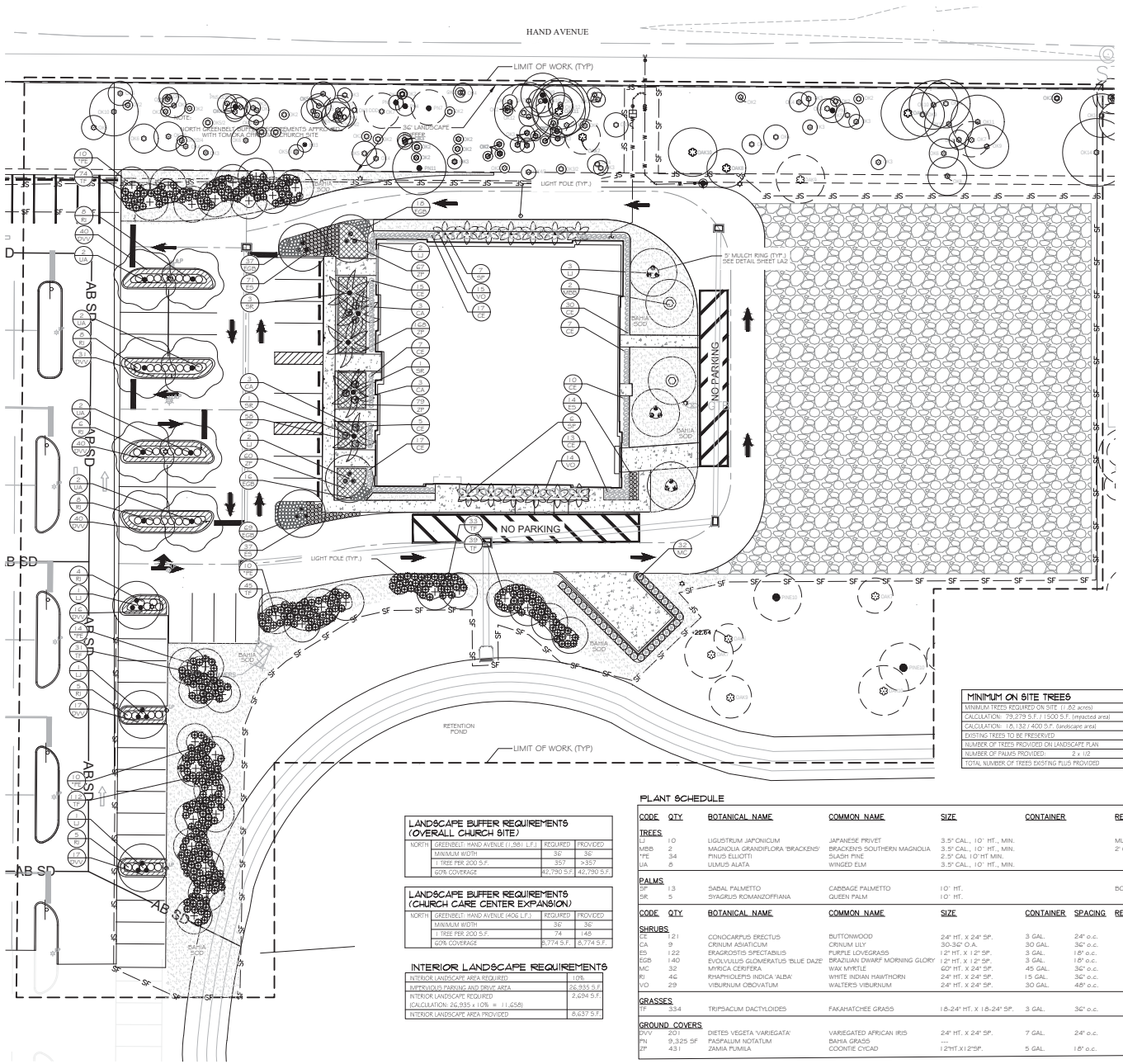
SHEET: TP1 OF 1



MINIMUM ON SITE TREES	
MINIMUM TREES REQUIRED ON SITE (1.62 acres)	53
CALCULATION: 79,279 S.F. / 1500 S.F. (impacted area)	53
CALCULATION: 105,732 / 400 S.F. (landscape area)	45
EXISTING TREES TO BE PRESERVED	8
NUMBER OF TREES PROVIDED ON LANDSCAPE PLAN	50
NUMBER OF PALMS PROVIDED: 2 x 1/2	9
TOTAL NUMBER OF TREES EXISTING PLUS PROVIDED	67

LANDSCAPE BUFFER REQUIREMENTS (OVERALL CHURCH SITE)			
NORTH	GREENBELT: HAND AVENUE (1,581 L.F.)	REQUIRED	PROVIDED
	MINIMUM WIDTH	35'	35'
	1 TREE PER 200 S.F.	357	>357
	60% COVERAGE	42,790 S.F.	42,790 S.F.

LANDSCAPE BUFFER REQUIREMENTS (CHURCH CARE CENTER EXPANSION)			
NORTH	GREENBELT: HAND AVENUE (406 L.F.)	REQUIRED	PROVIDED
	MINIMUM WIDTH	35'	35'
	1 TREE PER 200 S.F.	74	145
	60% COVERAGE	6,774 S.F.	6,774 S.F.

INTERIOR LANDSCAPE REQUIREMENTS	
INTERIOR LANDSCAPE AREA REQUIRED	10%
IMPERVIOUS PARKING AND DRIVE AREA	26,935 S.F.
INTERIOR LANDSCAPE REQUIRED (CALCULATION: 26,935 x 10% = 11,658)	2,694 S.F.
INTERIOR LANDSCAPE AREA PROVIDED	8,637 S.F.

PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
TREES						
LJ	10	LIGUSTRUM JAPONICUM	JAPANESE PRIVET	3.5" CAL., 10' HT., MIN.		MULTI STEM 6" CALIPER
MBB	2	MAGNOLIA GRANDIFLORA 'BRACKENS'	BRACKEN'S SOUTHERN MAGNOLIA	3.5" CAL., 10' HT., MIN.		2' C.T.
*PE	34	PINUS ELLIOTTI	SLASH PINE	2.5" CAL. 10' HT MIN.		
UA	8	ULMUS ALATA	WINGED ELM	3.5" CAL., 10' HT., MIN.		
PALMS						
SP	13	SABAL PALMETTO	CABBAGE PALMETTO	10' HT.		BOOTED
SR	5	SYAGRUS ROMANZOFFIANA	QUEEN PALM	10' HT.		
CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER / SPACING	REMARKS
SHRUBS						
CE	121	CONOCARPUS ERECTUS	BUTTONWOOD	24" HT. X 24" SP.	3 GAL. 24" o.c.	
CA	9	CRINUM ASIATICUM	CRINUM LILY	30-36" O.A.	30 GAL. 36" o.c.	
ES	122	ERAGROSTIS SPECTABILIS	PURPLE LOVEGRASS	12" HT. X 12" SP.	3 GAL. 18" o.c.	
EGB	140	EVOLVULUS GLOMERATUS 'BLUE DAZE'	BRAZILIAN DWARF MORNING GLORY	12" HT. X 12" SP.	3 GAL. 18" o.c.	
MC	32	MYRICA CERIFERA	WAX MYRTLE	60" HT. X 24" SP.	45 GAL. 36" o.c.	
RI	46	RHAPHIOLEPIS INDICA 'ALBA'	WHITE INDIAN HAWTHORN	24" HT. X 24" SP.	15 GAL. 36" o.c.	
VO	29	VIBURNUM OBOVATUM	WALTER'S VIBURNUM	24" HT. X 24" SP.	30 GAL. 48" o.c.	
GRASSES						
TF	334	TRIPSACUM DACTYLOIDES	FAKAHATCHEE GRASS	18-24" HT. X 18-24" SP.	3 GAL. 36" o.c.	
GROUND COVERS						
DWV	201	DIETES VEGETA 'VARIEGATA'	VARIEGATED AFRICAN IRIS	24" HT. X 24" SP.	7 GAL. 24" o.c.	
PN	9,325 SF	PASPALUM NOTATUM	BAHIA GRASS	---		
ZP	431	ZAMIA PUMILA	COONTIE CYCAD	12"HT.X12"SP.	5 GAL. 18" o.c.	

* NOTE: 16 PE - PINUS ELLIOTTI TO BE USED TO MITIGATE TREES TO BE REMOVED

0 10 20 30 40
SCALE : 1" = 20'

ZEVCOHEN & ASSOCIATES, INC.
200 PATRICIA AVE, SUITE 210
DAYTONA BEACH, FL 32114
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO	DATE	BY	SUBMITTALS/REVISIONS
1	12-06-21	MW	INITIAL CITY SUBMITTAL
2	02-04-22	CWC	ADDRESS COMMENTS

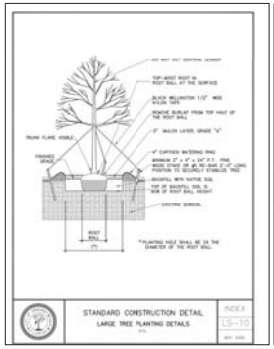
TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
LANDSCAPE PLAN & DETAILS

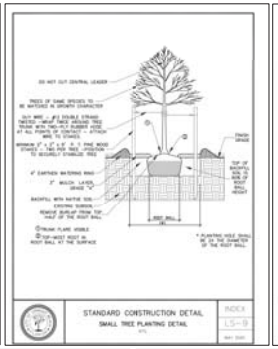
CITY OF ORMOND BEACH — VOLUSIA COUNTY, FLORIDA

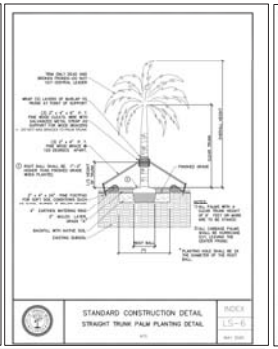
PROJECT NO: ZC 23061
DESIGNED BY: CWC
DRAFTED BY: CWC
CHECKED BY: CWC
DRAWING FILE: 23061-LA
XREF'S: 23061-SURV.DWG
XREF'S: 23061-BAS.DWG

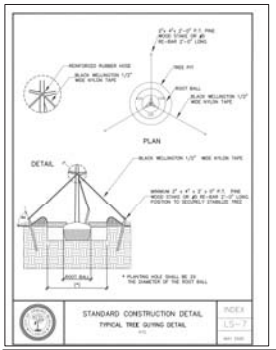
CHERYL W CAMPBELL, PLA, NO. LA0001768
NOT VALID WITHOUT SEAL

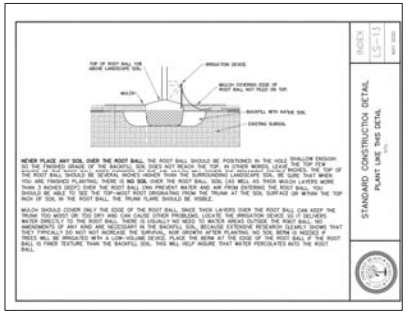
SHEET: LA1 OF 2

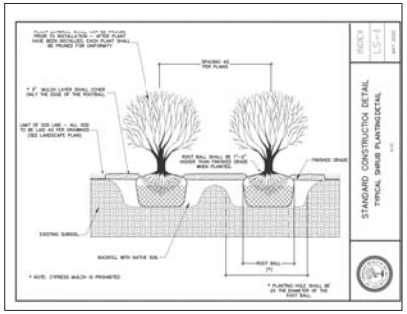


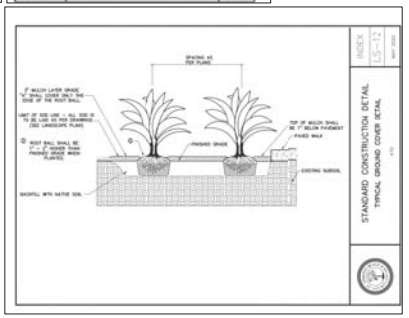


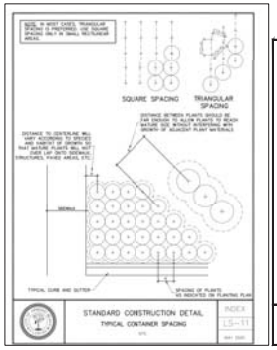


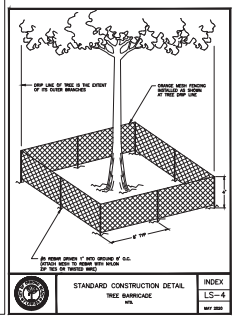


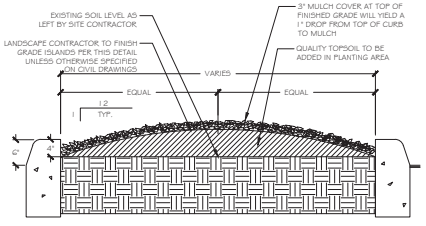




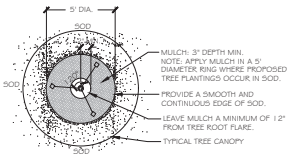




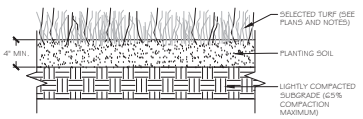




1 INTERIOR CURB ISLAND GRADING DETAIL
N.T.S. P-LA-SHR-INTE-01



2 TREE MULCHING DETAIL IN SOD AREAS
N.T.S. P-LA-MUL-TREE-01



3 TURF PLANTING DETAIL
N.T.S. P-LA-SOD-01

LANDSCAPE SPECIFICATIONS

1. FLORIDA #1: ALL PLANT MATERIAL SHALL BE FLORIDA GRADE NO. 1 OR BETTER IN QUALITY AS DESIGNATED IN THE MOST RECENT PUBLICATION OF 'GRADES AND STANDARDS FOR NURSERY PLANTS', PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
2. EXISTING PLANTS: IF EXISTING LANDSCAPING INTERFERES WITH PROPOSED PLANTINGS SHOWN ON PLAN, THE EXISTING LANDSCAPING IS TO BE REMOVED IN FAVOR OF THE NEW PLANTINGS, UNLESS OTHERWISE INDICATED. IF THE EXISTING VEGETATION IS INTENDED TO REMAIN, THE PROPOSED LANDSCAPING SHALL BE LOCATED AS CLOSE AS POSSIBLE TO ITS INTENDED LOCATION.
3. MULCH: ALL PLANTING BEDS SHALL BE TOP DRESSED WITH A MINIMUM OF 3" PINE BARK MULCH, GRADE 'B' OR APPROVED EQUAL. ALL TREES NOT IN BEDS SHALL HAVE A 5' DIAMETER MULCH RING. ALL PALMS NOT IN BEDS SHALL HAVE A 3' DIAMETER MULCH RING UNLESS OTHERWISE NOTED ON PLANS.
4. SOD: SOD SHALL BE ARGENTINE BAHIA SOD UNLESS OTHERWISE SPECIFIED ON THE PLANS AS FLORATAM ST. AUGUSTINE SOD. ALL SOD SHALL BE ROLLED UPON INSTALLATION. CONTRACTOR TO SOD ALL AREAS THAT ARE DISTURBED BY CONSTRUCTION RELATED ACTIVITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THE SOD IS FREE OF WEEDS & INSECTS UPON INSTALLATION AND FOR THE DURATION OF THE 90 DAY MAINTENANCE PERIOD. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE NO GAPS BETWEEN SOD. SOD QUANTITY TAKEOFFS ARE THE RESPONSIBILITY OF THE CONTRACTOR. ALL SOD LOCATED ALONG THE SLOPED BANKS OF THE STORMWATER PONDS SHALL BE PURCHASED FROM A SAND GROWN NURSERY.
5. QUANTITIES: IN THE EVENT OF A VARIATION BETWEEN THE QUANTITIES SHOWN ON THE PLANT LIST AND THE QUANTITIES OF PLANTS SHOWN ON THE PLAN, THE PLAN SHALL CONTROL.
6. UNFORESEEN CONFLICTS: CONTRACTOR SHALL NOT WILLFULLY INSTALL ANY PORTION OF THE LANDSCAPE PLAN AS SHOWN ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT UNFORESEEN OBSTRUCTIONS, GRADE DIFFERENCES, STANDING WATER, SOIL CONDITIONS OR OTHER CONFLICTS EXIST. SUCH UNFORESEEN CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE AND THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
7. SUBSTITUTIONS: NO SUBSTITUTIONS OR VARIATIONS OF ANY PLANT MATERIAL OR ITS INSTALLED LOCATION SHALL BE PERMITTED WITHOUT THE PRIOR CONSENT OF THE LANDSCAPE ARCHITECT.
8. CONTAINERS: IF GALLONAGE FOR PLANTS OR TREES IS SHOWN THEY SHALL BE CONTAINER GROWN AND THE SIZE SHOWN SHALL REPRESENT THE MINIMUM ALLOWABLE GALLONAGE. IN ALL CASES THE PLANT SPECIFIED SIZE SHALL GOVERN OVER THE GALLONAGE INDICATED.
9. PLANTING SOIL: CONTRACTOR SHALL VERIFY THAT SOIL CONDITIONS ARE SUITABLE TO THE PLANT SPECIES SPECIFIED. IF SOIL CONDITIONS ARE DEEMED UNSUITABLE FOR PROPER PLANT HEALTH, CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT AND PROPER SUBSTITUTIONS SHALL BE SPECIFIED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. THE CONTRACTOR SHALL REMOVE LIME ROCK, CONCRETE AND OTHER DELETERIOUS DEBRIS FROM PLANTING BEDS. IF DEBRIS IS INTEGRATED IN THE SOIL, THE SOIL MUST BE EXCAVATED AND REPLACED WITH ACCEPTABLE SOIL. ALL FILL TO BE PLACED IN LANDSCAPE AREAS MUST HAVE A pH RANGE BETWEEN 5.8 AND 7.5, BE ORGANIC IN NATURE, AND BE FREE OF ROCKS AND DEBRIS.
10. TOPSOIL: TOPSOIL MATERIAL SHALL BE FREE FROM ALL HARD CLODS, WEEDS, STONES OVER 1" IN DIAMETER, CLAY, HARD PAN, NOXIOUS OR OTHER UNDESIRABLE PLANTS, SOD, INSECTS, SEEDS, OR MATERIAL WHICH MAY BE HARMFUL FOR GROWTH.
11. WEEDS: IF PRESENT, THE CONTRACTOR SHALL BE RESPONSIBLE TO REMOVE ANY WEEDS FROM PLANTING AND SOD AREAS PRIOR TO THE INSTALLATION OF PROPOSED PLANT MATERIAL AND MULCH COVER. CONTRACTOR SHALL BE RESPONSIBLE TO KEEP BEDS AND SOD FREE OF WEEDS FOR THE DURATION OF THE 90 DAY MAINTENANCE PERIOD.
12. GRADING: UNLESS OTHERWISE STATED ON THESE PLANS, THE LANDSCAPE CONTRACTOR SHALL FINE GRADE ALL AREAS TO BE PLANTED AND SODDED IN ORDER TO ELIMINATE BUMPS AND DEPRESSIONS. FINE GRADING SHALL BE DEFINED AS THE FINAL 2" OF GRADE TO BE ACHIEVED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AND RE-GRADING WASHOUT AREAS CAUSED BY EROSION UNTIL FINAL ACCEPTANCE OF THE PROJECT.
13. STAKING: ALL TREES AND PALMS ARE TO BE STAKED ACCORDING TO THE DETAILS IN THESE PLANS. IF THE CONTRACTOR PREFERS TO USE OTHER STAKING METHODS THAN SHOWN IN THE DETAILS, HE OR SHE MUST SUBMIT PROPOSED STAKING DETAILS TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION. THE LANDSCAPE CONTRACTOR SHALL STRAIGHTEN, REPAIR, AND/OR REPLACE ANY PLANTS DAMAGED BY FAILURE TO PROPERLY STAKE OR GUY ANY TREES & PALMS ON SITE, AT THEIR OWN EXPENSE.
14. BED LINES: CONTRACTOR TO ENSURE CURVILINEAR LANDSCAPE BEDS ARE TO BE EDGED WITH SMOOTH FLOWING CURVES. STRAIGHT-LINE LANDSCAPE BEDS ARE TO BE EDGED IN A STRAIGHT LINE PARALLEL TO ADJACENT STRUCTURES UNLESS DESIGNED OTHERWISE.
15. FERTILIZER: OSMOCOTE SLOW RELEASE FERTILIZER OR EQUIVALENT SHALL BE APPLIED TO ALL TREE, SHRUB, AND GROUNDCOVER PLANTING AREAS AT THE RATE OF THREE (3) TABLESPOONS PER 2.5 F. OF PLANTING AREA.
16. DRAINAGE: THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT THIS WORK DOES NOT INTERRUPT EXISTING OR PROPOSED DRAINAGE PATTERNS AND SHALL NOTIFY THE OWNERS REPRESENTATIVE IMMEDIATELY SHALL A CONFLICT ARISE. CONTRACTOR IS RESPONSIBLE FOR ALL LANDSCAPE/SOD AREAS TO PROPERLY DRAIN AWAY FROM BUILDINGS/STRUCTURES.
17. SPECIFICATIONS: THE LANDSCAPE ARCHITECT SHALL BE PERMITTED THE RIGHT DURING INSTALLATION, TO REJECT ANY AND ALL PLANT MATERIAL AND WORKMANSHIP WHICH IN HIS OR HER OPINION DOES NOT MEET THE REQUIREMENTS OF THESE SPECIFICATIONS.
18. NATURAL AREAS: NATURALLY PRESERVED VEGETATED AREAS SHALL BE CLEANED UP, INCLUDING BUT NOT LIMITED TO THE REMOVAL OF ANY DEBRIS OR WEEDS AND PRUNING OF DEAD OR YELLOW BRANCHES AND PALM FRONDS. MULCH EDGE OF NATURAL AREA 5' FEET.
19. CLEARANCE PRUNING: ANY TREE PRUNING OF LOWER LIMBS AND CANOPY OF CONSERVED AND PROTECTED TREES THAT ARE GROWING OVER SIDEWALK, ROADWAY AND/OR ON-SITE CONSTRUCTION ACTIVITIES SHALL BE OVERSEEN AND/OR CONDUCTED BY AN I.S.A. CERTIFIED ARBORIST TO ENSURE PROPER REDUCTION CUTS AND PRUNING IS CONDUCTED TO MAINTAIN THE STRUCTURAL INTEGRITY AND HEALTH OF THE TREE. TREES SHALL BE PRUNED TO ADHERE TO A MINIMUM OF EIGHT FEET (8') CLEARANCE OVER SIDEWALKS (PEDESTRIAN ACTIVITIES) AND SIXTEEN FEET (16') CLEARANCE OVER PARKING AREAS/ROADWAYS).
20. MAINTENANCE: CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE TO BEGIN AFTER EACH PLANT HAS BEEN INSTALLED AND SHALL CONTINUE 90 DAYS AFTER FINAL WRITTEN ACCEPTANCE BY THE OWNER. MAINTENANCE SHALL INCLUDE WATERING, PRUNING, WEEDING, MULCHING, MOWING, REPLACEMENT OF SICK OR DEAD PLANTS, AND ANY OTHER CARE NECESSARY IN ORDER TO MAINTAIN PROPER PLANT HEALTH AND SOIL MOISTURE CONTENT.
21. GUARANTEE: CONTRACTOR SHALL GUARANTEE AND REPLACE ALL INSTALLED PLANT MATERIAL FOR ONE (1) CALENDAR YEAR STARTING FROM THE TURNOVER DATE FOR WORK FOUND ACCEPTABLE. ANY CORRECTED WORK SHALL HAVE A PROPORTIONAL EXTENSION OF WARRANTY ONCE APPROVED. ANY SICK OR DEAD MATERIAL SHALL BE REPLACED IMMEDIATELY. THE LANDSCAPE CONTRACTOR SHALL NOT BE RESPONSIBLE TO HONOR ANY WARRANTY FOR THE LOSS OF ANY PLANT MATERIAL CAUSED BY FLOODING, FIRE, ABNORMAL FREEZING TEMPERATURES, WINDS OVER 50 MPH, LIGHTNING, ANY OTHER NATURAL DISASTER, OR ANY LOSS/DAMAGE CAUSED BY VANDALISM OR NEGLIGENCE ON THE PART OF THE OWNER.
22. CALL BEFORE YOU DIG: CONTRACTOR SHALL NOTIFY SUNSHINE 811 AND HAVE UTILITIES LOCATED, PRIOR TO DIGGING, BY CALLING 811. CONTRACTOR SHALL NOT PLANT TREES WITHIN 3' OF AN UNDERGROUND UTILITY, EITHER AS LOCATED OR AS SHOWN ON THE PLAN, WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM OWNERS REPRESENTATIVE.
23. RECORD DRAWINGS: THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AS-BUILT REDLINED MARK-UPS OF THE LANDSCAPE AND IRRIGATION IMPROVEMENTS. THESE AS-BUILT REDLINED SHALL BE REPRESENTED ON ZEV COHEN & ASSOCIATES, INC. PLAN SHEETS AND PROVIDED TO THE LANDSCAPE ARCHITECT.

IRRIGATION NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING REDLINED MARK-UPS OF THE IRRIGATION IMPROVEMENTS TO THE LANDSCAPE ARCHITECT.
2. AN AUTOMATIC TIME CONTROLLED IRRIGATION SYSTEM WITH A RAIN SENSOR SHALL BE INSTALLED TO PROVIDE 100% HEAD TO HEAD COVERAGE OF ALL NEW PLANTINGS. IRRIGATION PLAN SHALL BE PROVIDED UPON SUBSTANTIAL SITE PLAN APPROVAL.

ZEV COHEN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTS & PLANNERS
2271 MCGREGOR BLVD., SUITE 100
FORT MYERS, FLORIDA 33901
(239) 337-3993
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO	DATE	BY	SUBMITTALS/REVISIONS
1	12-06-23	MW	INITIAL CITY SUBMITTAL
2	03-04-24	CWC	ENGINEER COMMENTS

TOMOKA CHRISTIAN CARE CENTER
FINAL ENGINEERING PLANS
LANDSCAPE PLAN & DETAILS

CITY OF ORMOND BEACH VOLUSIA COUNTY, FLORIDA

PROJECT NO: ZC 23061
DESIGNED BY: CWC
DRAFTED BY: CWC
CHECKED BY: CWC
DRAWING FILE: 23061-LA
XREF'S: 23061-SURV.DWG
XREF'S: 23061-BAS.DWG

CHERYL W CAMPBELL, PLA, NO. LA0001768
NOT VALID WITHOUT SEAL

SHEET: LA2 OF 2

G:\2306 - TOMOKA CHRISTIAN\ENGINEERING\CAD\DWG\2306-LA.DWG - PRINTED: 3/4/2024, 9:00 AM

SPECIFIC PURPOSE SURVEY

FOR

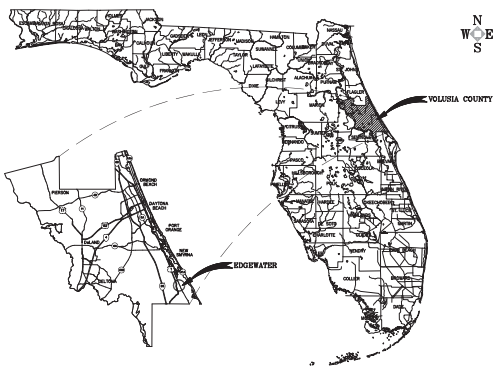
TOMOKA CHRISTIAN CHURCH

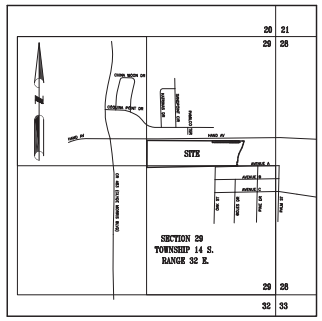
A PORTION OF

SECTION 29 – TOWNSHIP 14 SOUTH – RANGE 32 EAST
VOLUSIA COUNTY, FLORIDA

LOCATION

1450 HAND AVENUE,
ORMOND BEACH, FLORIDA





VICINITY MAP
1"=1200'

SURVEY NOTES:

1. THIS PLAT OF SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT REPORT FROM AN AUTHORIZED TITLE PROFESSIONAL, OR A TITLE OPINION ISSUED BY AN ATTORNEY LICENSED BY THE FLORIDA BAR. THEREFORE, THERE MAY BE ADDITIONAL MATTERS OF RECORD NOT SHOWN ON THIS SURVEY.

2. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT. AS ESTABLISHED FROM MULTIPLE OBSERVATIONS USING THE LENGEMANN REAL TIME KINEMATIC REFERENCE STATIONS, ALSO KNOWN AS THE L–NET (TOPNET GNSS NETWORK). DERIVING A BEARING OF S88°57'12"W, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4, OF SECTION 29, TOWNSHIP 14 SOUTH, RANGE 32 EAST.

3. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

4. UNDERGROUND FOUNDATIONS, IF ANY HAVE NOT BEEN LOCATED OR SHOWN AS A PART OF THIS SURVEY.

5. ELEVATIONS REFER TO NAVD 1988 DATUM, CITY OF DAYTONA BEACH DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION BENCHMARK RM–60, HAVING A PUBLISHED ELEVATION 24.255 FEET

7. THIS PROPERTY IS LOCATED IN FLOOD INSURANCE RATE MAP (F.I.R.M.) ZONE A & X. THIS LOCATION IS DETERMINED BY SCALING FROM F.I.R.M. MAP NO. 12127C0214 J MAP EFFECTIVE DATE: FEBRUARY 19, 2014. APPROXIMATE SCALE: 1"=500'.

UTILITY NOTE:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN–SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRENT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT A NAIL AND WASHER MARKED "V.C.D.P.W." MARKING THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 RUN S88°57'23"W, 868.57 FEET TO THE WEST LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE S88°57'23"W, 1851.54 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE DEPART SAID SOUTH LINE ALONG THE WEST LINE OF SAID NORTHEAST 1/4 N00°07'16"E, 552.40 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HAND AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 3655, PAGE 791, SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE S89°36'57"E, 1981.15 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535; THENCE DEPART SAID SOUTHERLY RIGHT OF WAY LINE ALONG SAID WEST LINE THE FOLLOWING CALLS: S09°22'44"W, 12.81 FEET; S14°36'36"W, 57.89 FEET; S19°16'44"W, 69.78 FEET; S26°37'01"W, 66.39 FEET; S25°32'38"W, 74.34 FEET; S16°18'09"W, 73.06 FEET; S05°18'07"W, 67.66 FEET; S02°45'58"W, 32.02 FEET TO THE NORTH LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1862, PAGE 1703, SAID PUBLIC RECORDS; THENCE ALONG THE NORTH LINE OF SAID PARCEL S88°57'23"W, 12.73 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL S01°31'21"W, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL N88°57'23"E, 12.39 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 4252, PAGE 535; THENCE ALONG SAID WEST LINE S01°02'37"E, 24.99 FEET TO THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 29 AND THE POINT OF BEGINNING, CONTAINING 23.04 ACRES MORE OR LESS.

REFERENCE MATERIALS:

OFFICIAL RECORDS BOOK 3655, PAGE 791

FEMA MAP NO. 12127C0214 J

SURVEYOR'S REPORT:

PURPOSE OF SURVEY:

TO PREPARE A SPECIFIC PURPOSE SURVEY TO SHOW TREE LOCATIONS WITHIN THE 36 FOOT GREENBELT AREA.

HORIZONTAL DATUM:

FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE,
1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT.

METHODOLOGY:

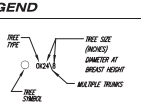
THE BEARINGS, SHOWN HEREON ARE ESTABLISHED FROM MULTIPLE OBSERVATIONS USING THE LENGEMANN REAL TIME KINEMATIC REFERENCE STATIONS, ALSO KNOWN AS THE L–NET (TOPNET GNSS NETWORK). DERIVING A BEARING OF S88°57'12"W, ALONG THE THE SOUTH LINE OF THE NORTHEAST 1/4, OF SECTION 29, TOWNSHIP 14 SOUTH, RANGE 32 EAST.
VERTICAL DATUM:

NORTH AMERICAN VERTICAL DATUM OF 1988, PER CITY OF DAYTONA BEACH BENCH MARK "RM–60", HAVING A PUBLISHED ELEVATION OF 24.255 FEET.

VERTICAL CONTROL WAS ESTABLISHED BY A 3 WIRE LEVEL LOOP THROUGH THE HORIZONTAL CONTROL ESTABLISHED HEREON. STARTING FROM DAYTONA BEACH BENCH MARK "RM–60".

ADDITIONAL ABBREVIATIONS-TREE LEGEND

CP	CAMPHOR TREE	SB	SUGARBERRY TREE
MP	MAPLE TREE	CD	CEDAR TREE
SYC	SYCAMORE TREE	EM	ELM TREE
OK	OAK TREE	CT	CITRUS TREE
SG	SWEET GUM TREE	PN	PINE TREE
HK	HICKORY TREE	PM	PALM TREE
CB	CHINABERRY TREE	HY	HOLLY
DDD	DEAD, DYING OR DISEASED	BB	BAYBERRY



TREE NOTES:

ALL TREES 2" AND GREATER LOCATED WITHIN THE 36 FOOT GREENBELT AREA WERE LOCATED FOR THIS PROJECT.

LEGEND:

●	IRON ROD WITH CAP	GV	GAS VALVE	FOCB	FIBER OPTIC CABLE BOX	SSMH	SANITARY SEWER MANHOLE
○	IRON ROD	RUV	REUSE VALE	FOCV	FIBER OPTIC CABLE VAULT	SDMH	STORM DRAIN MANHOLE
◉	IRON PIPE WITH CAP	SSV	SANITARY SEWER VALVE	ELP	ELECTRIC PANEL	GTMH	GREASE TRAP MANHOLE
○	IRON PIPE	HHE	HAND HOLE (ELECTRIC)	FOCM	FIBER OPTIC CABLE MARKER	EMH	ELECTRIC MANHOLE
○	NAIL & DISK	WM	WATER METER	TPM	TELEPHONE CABLE MARKER	UMH	UTILITY MANHOLE
⊕	FD "X"/CUT IN CONCRETE	GM	GAS METER		SIGN	CO	CLEAN OUT
□	CONCRETE MONUMENT	TB	TELEPHONE BOX	LP	LIGHT POLE	FOC	FIBER OPTIC CABLE MANHOLE
△	DENOTES PC / PT	MB	MAIL BOX	YL	YARD LIGHT	RBO	REUSE BLOWOFF ASSEMBLY
■	PERMANENT CONTROL POINT	TV	CABLE TELEVISION BOX		UTILITY POLE		WETLANDS LOCATION

FH	FIRE HYDRANT	GTB	GOPHER TORTOISE BURROW
	CHANGE OF DIRECTION		
TSB	TRAFFIC SIGNAL BOX		
WV	WATER VALVE		
GA	GUY ANCHOR		
EB	ELECTRIC SERVICE BOX		
	EXISTING CONCRETE		
0.00'	EXISTING ELEVATION		

ABBREVIATIONS:

W/	WITH	ILLEG.	ILLEGIBLE	GLM	GAS LINE MARKER	DIP	DUCTILE IRON PIE	LP	LIGHT POLE	–FO–	BURIED FIBER OPTIC CABLE
IRC	IRON ROD & CAP	MB	MAP BOOK	D	CENTRAL ANGLE	PVC	POLYVINYL CHLORIDE	PP	POWER POLE	–T–	BURIED TELEPHONE CABLE
IR	IRON ROD (NO CAP)	PG	PAGE	R	RADIUS	CONC	CONCRETE	GA	GUY ANCHOR	–W–	BURIED WATER LINE
IPC	IRON PIPE & CAP	ORB	OFFICIAL RECORDS BOOK	L	ARC LENGTH	RES	RESIDENCE	TSP	TRAFFIC SIGNAL POLE	–E–	BURIED ELECTRIC LINE
IP	IRON PIPE (NO CAP)	(P)	PLATTED DIMENSION	CB	CHORD BEARING	CO	CLEANOUT	R/W	RIGHT OF WAY	–G–	BURIED GAS LINE
CM	CONCRETE MONUMENT	(D)	DEED DIMENSION	CH	CHORD DISTANCE	ES	ELECTRIC SERVICE	DW	DRIVEWAY	–TV–	BURIED TELEVISION LINE
N&D	NAIL & DISK	(M)	MEASURED DIMENSION	SAN	SANITARY	CV	CHECK VALVE	TOB	TOP OF BANK	–FM–	BURIED FORCEMAIN
FND	FOUND	(C)	CALCULATED DIMENSION	MH	MANHOLE	IV	IRRIGATION VALVE	TOE	TOE OF SLOPE	–OH–	AERIAL UTILITY LINE
MW	MONITORING WELL	(R)	RADIAL	MES	MITERED END SECTION	WV	WATER VALVE	CLS	CENTERLINE OF SWALE	–ST–	STORM WATER LINE
ID	IDENTIFICATION	(NR)	NON RADIAL	HDPE	HIGH DENSITY POLYETHYLENE PIPE	RV	REUSE VALVE	A/C	AIR CONDITIONER	FP&L CO	FLORIDA POWER & LIGHT COMPANY
(TYP)	TYPICAL	STA	STATION	RCP	REINFORCED CONCRETE PIPE	WM	WATER METER	FNC	FENCE	NGVD	NATIONAL GEODETIC VERTICAL DATUM
SEC	SECTION	EL	ELEVATION	CMP	CORRUGATED METAL PIPE	FH	FIRE HYDRANT	EOW	EDGE OF WATER	NAVD	NORTH AMERICAN VERTICAL DATUM
TWP	TOWNSHIP	INV	INVERT	CPP	CORRUGATED PLASTIC PIPE	TC	TOP COVER	U.E.	UTILITY EASEMENT	FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
RGE	RANGE	℄	CENTERLINE	VCP	VITREOUS CLAY PIPE			A.E.	ACCESS EASEMENT	USC & GS	UNITED STATES COAST & GEODETIC SURVEY

INDEX OF SHEETS:

1	COVER SHEET (CURRENT) CERTIFICATIONS AND SIGNATURE. DESCRIPTION, AND NOTES
2	KEY SHEET
3	BOUNDARY INFORMATION SHEET
4–5	SPECIFIC PURPOSE SURVEY TO SHOW TREE LOCATION

NOT A BOUNDARY SURVEY

NOTICE:

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR A VALID ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYOR'S CERTIFICATION:

TO: TOMOKA CHRISTIAN CHURCH

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J–17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Jeffrey S Hattendorf
Digitally signed by Jeffrey S Hattendorf
Date: 2024.01.16 10:19:38 -05'00'

JEFFREY S. HATTENDORF
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 6193

NOTE:
THIS SURVEY IS NOT VALID WITHOUT SHEETS 1 THROUGH 5

SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3501 NOVA ROAD
PORT ORANGE, FLORIDA 32127
PHONE: (386) 761–5365
LICENSED BUSINESS CERTIFICATION NUMBER 3019

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No.	Date	Revision	Approved
1	1/16/24	ADDED TREE LOCATIONS	
2	2/1/24	ADDED TREE LOCATIONS	
3	2/5/24	ADDED TREE LOCATIONS	
4	2/6/24	ADDED TREE LOCATIONS	

FIELD DATE: JANUARY 12, 2024 | FIELD BOOK: 1522
PARTY CHIEF: K. HELMICK | PAGE (S): 43
DRAWN BY: J. MOLLER | FIELD BOOK: 1515
CHECKED BY: J. HATTENDORF | PAGE (S): 58–60

SPECIFIC PURPOSE SURVEY
1420 HAND AVENUE,
ORMOND BEACH, FLORIDA
CLIENT: MGN CONTRACTING

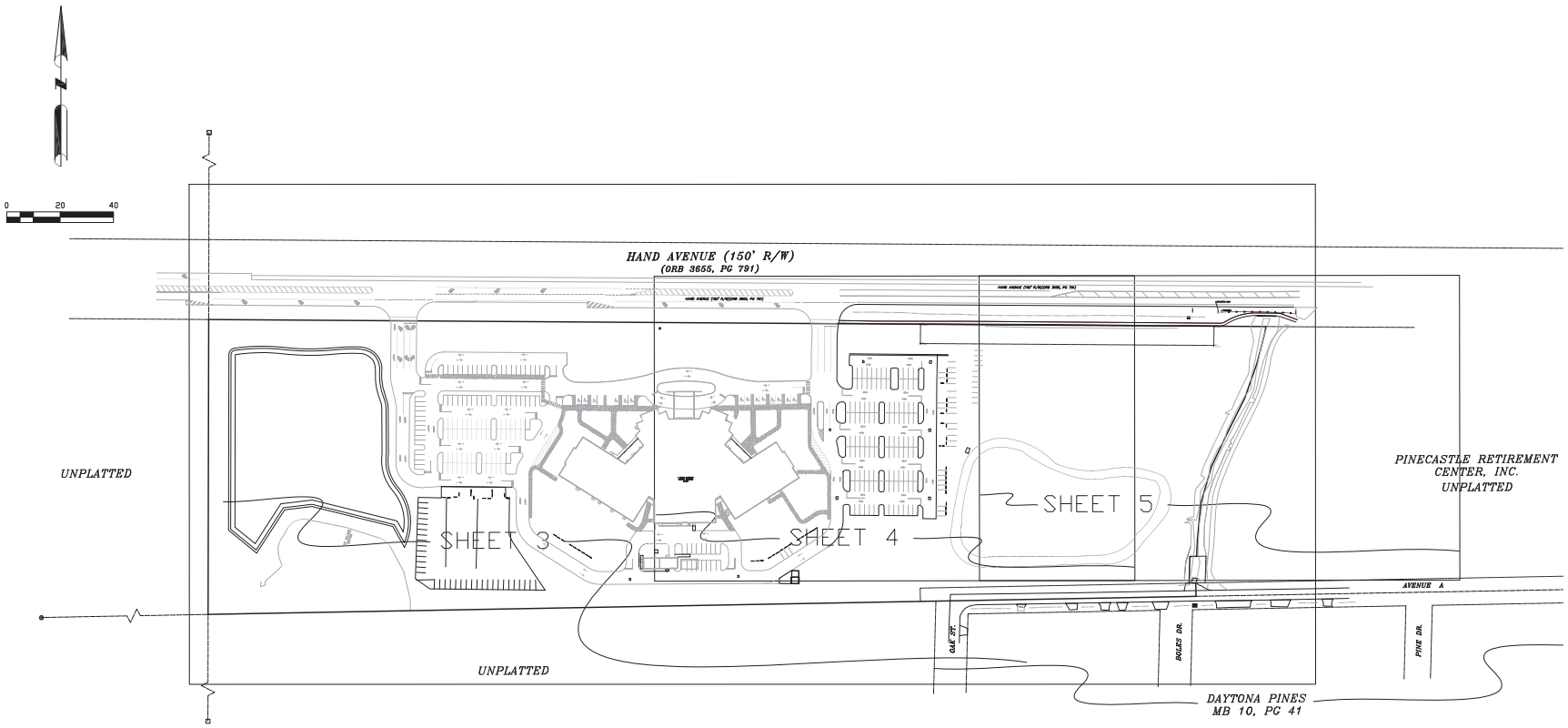
PROJECT: 08676
JOB: 24–0022
SCALE: N/A
SHEET: 1 of 5

FILE: K:\22\22143_TM BTR W FISH CAMP ALTA\22143 B–TOPO.DWG

SPECIFIC PURPOSE SURVEY

FOR

TOMOKA CHRISTIAN CHURCH



KEY SHEET

NOTE:
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No.	Date	Revision
1		
2		
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4		
5		

FIELD DATE: JANUARY 12, 2024 | FIELD BOOK: 1522
PARTY CHIEF: K. HELMICK | PAGE (S): 43
DRAWN BY: J. MOLLER | FIELD BOOK: 1515
CHECKED BY: J. HATTENDORF | PAGE (S): 58-60

SPECIFIC PURPOSE SURVEY
1420 HAND AVENUE,
ORMOND BEACH, FLORIDA
CLIENT: MGN CONTRACTING

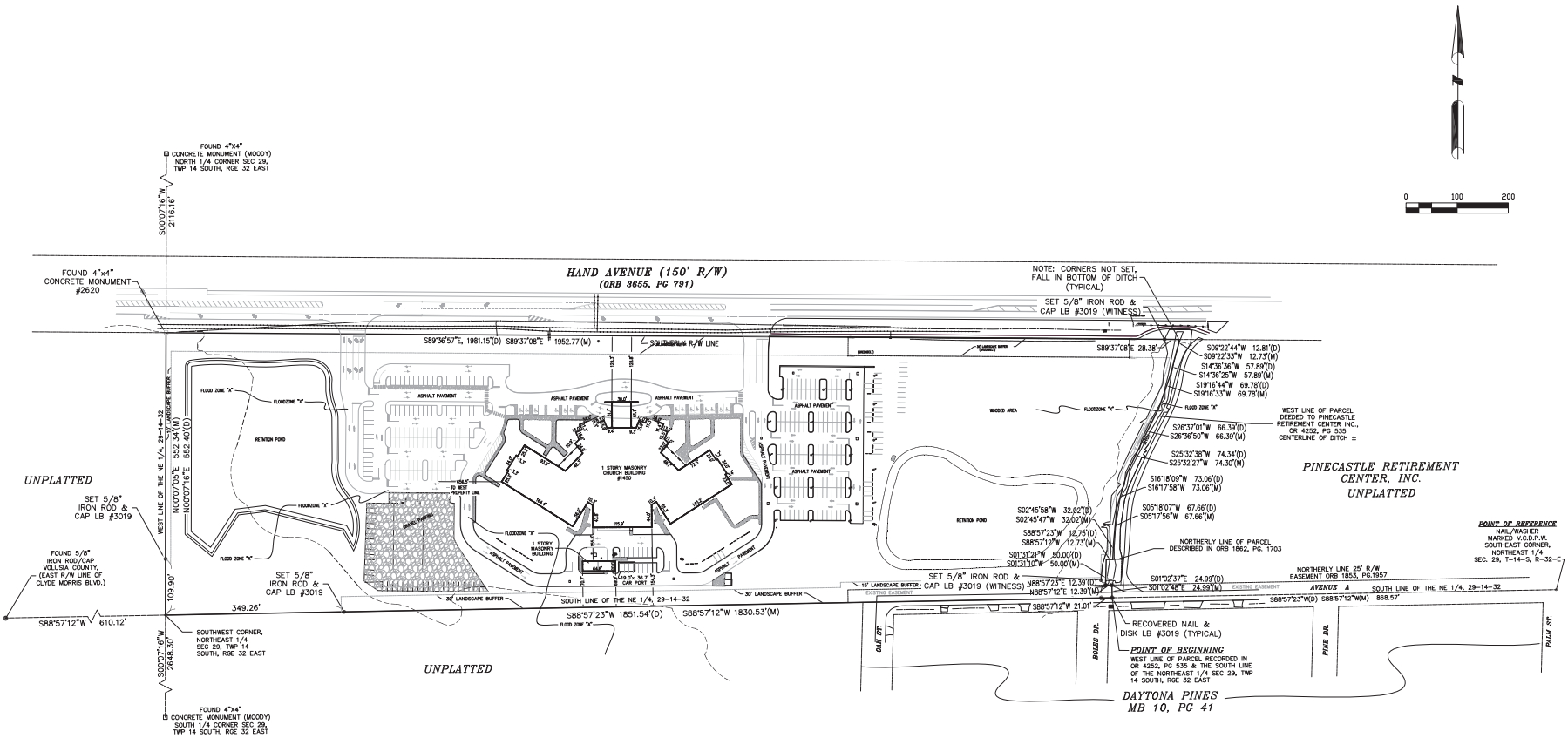
PROJECT: 08676
JOB: 24-0022
SCALE: 1" = 30'
SHEET: 2 of 5

FILE: K:\24\240022 TOMOKA CHRISTIAN CHURCH 1450 HAND AVE\240022.DWG

SPECIFIC PURPOSE SURVEY

FOR

TOMOKA CHRISTIAN CHURCH



BOUNDARY SHEET

NOTE:
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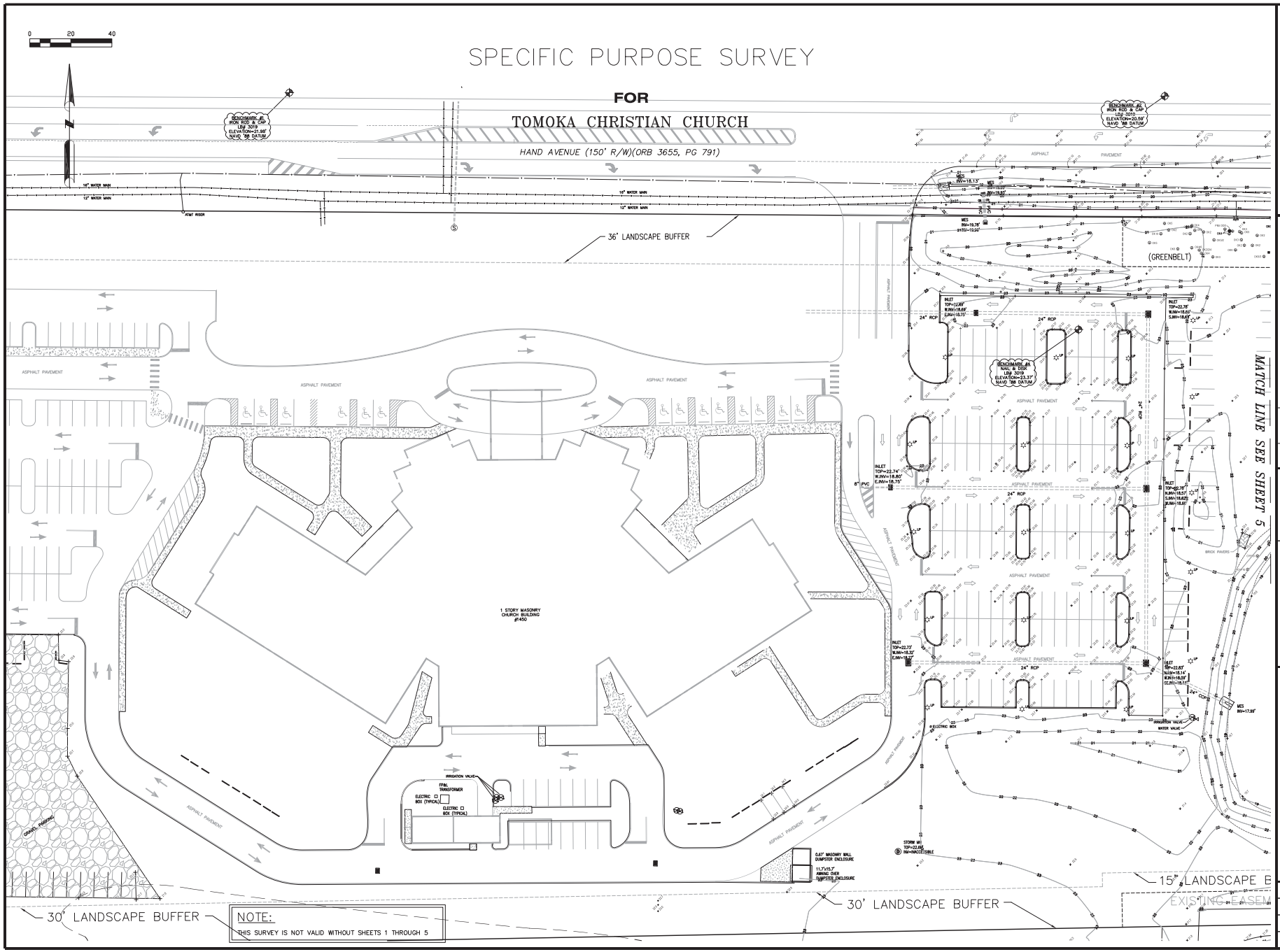
SPECIFIC PURPOSE SURVEY
1420 HAND AVENUE, ORMOND BEACH, FLORIDA
CLIENT: MGN CONTRACTING

PROJECT: 08676
JOB: 24-0022
SCALE: 1" = 30'
SHEET: 3 of 5

FILE: K:\24\240022 TOMOKA CHRISTIAN CHURCH 1450 HAND AVE\240022.DWG



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SPECIFIC PURPOSE SURVEY
1420 HAND AVENUE,
ORMOND BEACH, FLORIDA
CLIENT: MGN CONTRACTING

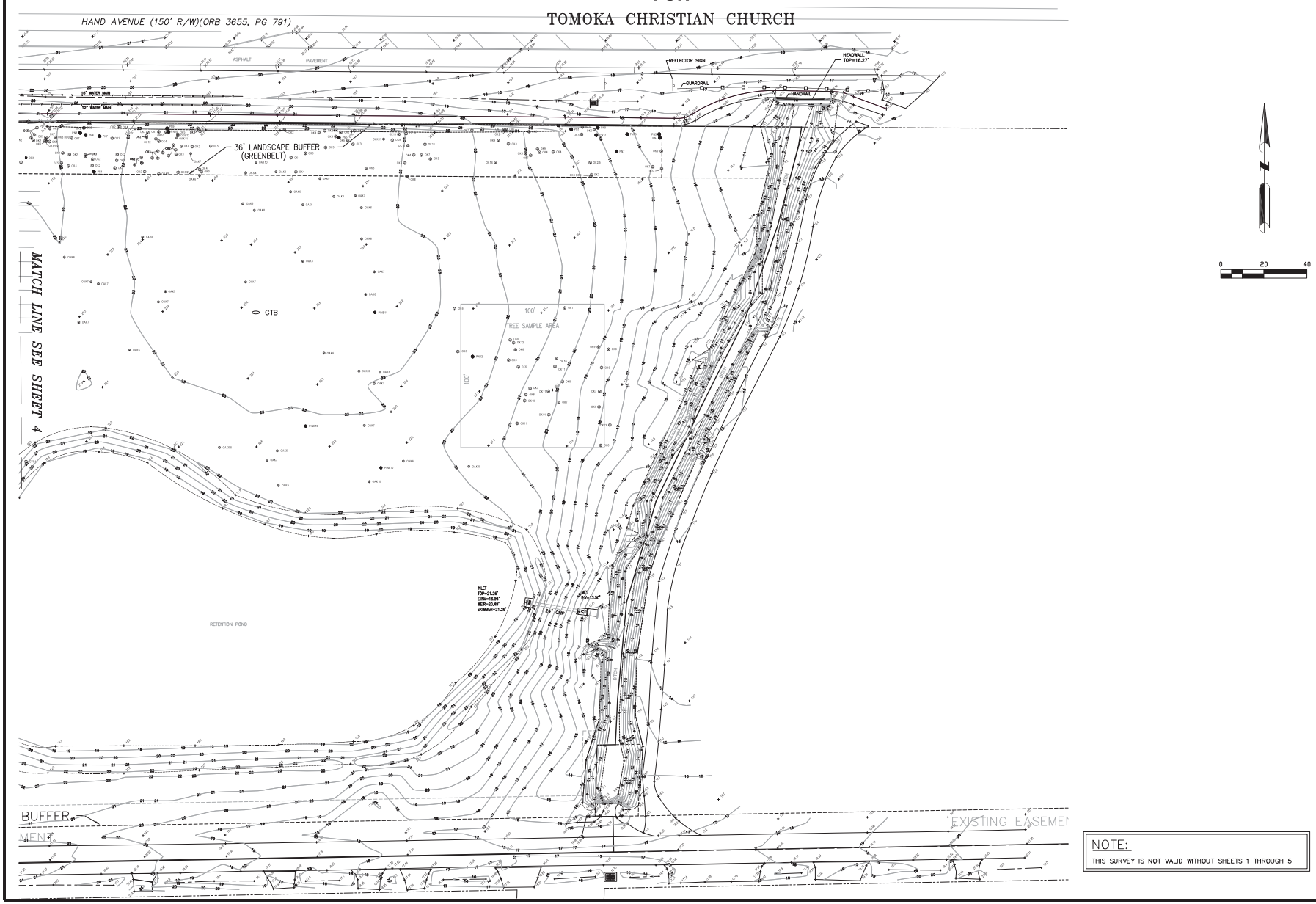
PROJECT: 08676
JOB: 24-0022
SCALE: 1" = 30'
SHEET: 4 of 5

FILE: K:\24\240022 TOMOKA CHRISTIAN CHURCH 1450 HAND AVE\240022.DWG

SPECIFIC PURPOSE SURVEY

FOR

TOMOKA CHRISTIAN CHURCH



NOTE:
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SPECIFIC PURPOSE SURVEY
1420 HAND AVENUE,
ORMOND BEACH, FLORIDA
CLIENT: MGN CONTRACTING

PROJECT: 08676
JOB: 24-0022
SCALE: 1" = 30'
SHEET: 5 of 5

FILE: K:\24\240022 TOMOKA CHRISTIAN CHURCH 1450 HAND AVE\240022.DWG

DRAFT

Planning Board minutes from March 14, 2024

ITEM:

PZ-2024-004

Tomoka Christian Church

Special Exception

February 08, 2024

Ms. Shull moved to approve the February 08, 2024 Minutes. Mr. Jorczak seconded the motion. Vote was called, and the motion was approved (6-0).

VI. PLANNING DIRECTOR'S REPORT

No report.

VII. PUBLIC HEARINGS

A. PZ 2023-062, Tides Edge at Ormond Beach Subdivision, Final Plat

Mr. Spraker, Planning Director, stated that this is a request for a final plat, for the subdivision of 3.49 acres into fifteen (15) single-family lots and associated site improvements at Tides Edge at Ormond Beach. The subject property includes a portion of 264 South Atlantic Avenue, 225 Magnolia Avenue, and 300 South Atlantic Avenue. Mr. Spraker continued that the property has an R-3 zoning designation (Single-Family Medium Density) and in 2023 the preliminary plat was approved with Resolution 2023-46 that authorized the construction of subdivision improvements and approved the preliminary plat with the layout. The project is under construction at this time. He explained that the final plat is a legal document to subdivide land (lots) after constructing improvements or posting a performance bond and added that the final plat was reviewed by the Site Plan Review Committee (SPRC), City Attorney's Office, and the City Surveyor. Mr. Spraker concluded that the SPRC recommends approval of the final plat.

Board Discussion and Questions

Chairman Thomas opened it up to the Board for questions.

Mr. du Moulin inquired about outstanding site plan comments regarding flooding on the site, but following discussion it was determined that he was referencing another agenda item. Mr. Spraker replied that there are no outstanding site plan comments for this project.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Scudiero motioned to approve PZ 2023-062, Tides Edge at Ormond Beach Subdivision, Final Plat. Mr. Galloway seconded it. Vote was called, and the motion was approved (6-0).

B. PZ 2024-004, Tomoka Christian Church, Special Exception

Mr. Spraker stated that this is a request by Tomoka Christian Church, for a Special Exception amendment to allow new construction of a stand-alone, two-story building of approximately 20,000 square feet at the Tomoka Christian Church property to include a thrift shop, a pickup food pantry, and second floor offices and associated site improvements. The project is located at 1450 Hand Avenue. Mr. Spraker reviewed the development order process that includes (1) SPRC, (2) a neighborhood meeting, (3) Planning Board review and recommendation, and (4) City Commission

action. He noted that any building expansion of a House of Worship square footage requires a Special Exception in the SR, Suburban Residential zoning district.

Mr. Spraker displayed an aerial showing the property of 23.04 acres and stated that the original Special Exception was approved with Resolution 2008-102. He displayed the proposed site plan and reviewed the proposed building location, building setbacks, greenbelt buffer, loading zones and proposed parking. Mr. Spraker reviewed the proposed building elevation and stated that it was consistent with the existing building on-site. Mr. Spraker concluded that the SPRC recommends approval of the project. The outstanding SPRC comments are required to be resolved prior to SPRC approval.

Board Discussion and Questions

Chairman Thomas opened it up to the Board for questions. Mr. du Moulin asked if the SPRC comments will be addressed. Mr. Spraker stated that any outstanding SPRC comments are required to be addressed prior to final SPRC approval.

Applicant's Presentation

Mr. Durant, P.E., of Zev Cohen and Associates, 300 Interchange Boulevard stated that the project team, including church representatives, the contractor and architect, are available to answer any questions or concerns.

Audience Comments/Input

Mr. Joseph Samaan, 1425 Hand Avenue, stated that he and his wife own property near the Tomoka Christian Church and they are he in support of the project.

Board Discussion and Questions

Mr. Jorczak stated that in the SPRC comments there were a number of comments stating re-submittal is required. He asked if these comments have been addressed. Mr. Spraker explained that the new permit software, Tyler Enterprise Permitting and Licensing (EPL) provided a report that included both the first and second round of SPRC comments. Mr. Spraker stated that many comments have been addressed and the comments remaining are technical and would not change the project layout. He concluded that all of the SPRC comments would need to be satisfied for SPRC approval if the item is approved through the Special Exception.
Mr. Jorczak asked if the project would come back to the Planning Board. Mr. Spraker stated that the purpose of the Special Exception was to review the appropriateness of the application with the criteria in the Land Development Code. Mr. Jorczak sought to verify that the project could not proceed until the outstanding comments are addressed. Mr. Spraker verified that Mr. Jorczak was correct and explained that all comments would be required to be addressed prior to SPRC final approval. Chairman Thomas stated that the role of the Planning Board is to review the Special Exception application and that the SPRC will finalize the technical review.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Scudiero motioned to approve PZ 2024-004, Tomoka Christian Church, Special Exception. Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).

C. PZ 2024-005, WaWa #5437, Electronic Changeable Copy Signage, 1670 North U.S. Highway 1, Special Exception

Ms. Sarah Cushing, Senior Planner, stated that this is a request for a Special Exception to allow two (2) electronic changeable copy monument signs for the retail prices of gasoline and alternative signage standards at the proposed WaWa convenience store. She stated the project is located at 1670 North U.S. Highway 1 and is lot 2 of the proposed Ormond Gateway commercial subdivision. Ms. Cushing reviewed the development order process for the application that included (1) staff review, (2) review and recommendation by the Planning Board, and (3) action by the City Commission.

Ms. Cushing displayed the site plan for the proposed WaWa at lot 2 of the proposed Ormond Gateway subdivision on U.S. Highway 1, near Destination Daytona. She explained that the business is exploring design options including alternative signage standards. She stated that the first signage request is for two (2) electronic changeable copy monument signs. She stated that these signs are permitted through the Special Exception process and the application meets the conditions of Section 3-47(G) of the Land Development Code (LDC). Ms. Cushing continued that the second signage request was for an additional 3.74 square feet of monument signage between both signs. She stated that the LDC allows a maximum of 96 square feet for two (2) signs and the proposal is 3.74 square feet over the requirement. Ms. Cushing stated that the third signage request is for two (2) spanner signs within the canopy totaling 12.08 square feet. She explained that spanner signs are not a defined sign type in the LDC, therefore part of the alternative signage is adding it into the request. She stated that the sign plan showed one canopy sign of 9.02 square feet. Ms. Cushing noted that based upon the canopy size, two signs totaling 144.75 square feet would be allowed.

Ms. Cushing stated that staff recommended approval of:

1. Two (2) electronic changeable copy signs for retail prices of gasoline.
2. Approximately 3.74 additional square feet for the monument signage.
3. Two (2) spanner signs at 6.04 square feet each on the gas station canopy, totaling approximately 12.08 square feet.

Board Discussion and Questions

Chairman Thomas opened it up to the Board for questions.

Mr. Jorczak inquired about the other changeable copy signs in the city and asked for clarification on if this application exceeds any of the other requests. Ms. Cushing responded that each sign request is independent, and referenced the WaWa at 600 West Granada Boulevard and how they requested additional signage in their application, in asking for not only the electronic changeable copy sign, but also spanner signs and an extra wall sign as well. She continued that where the alternative signage standards come in and have to be looked at independently is for appropriateness for the site and location.

DRAFT

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 8.D

Section:	PUBLIC HEARINGS		
Item Category:	Public Hearing - Resolution	**Res./Ord. No:**	2024-60
Strategic Goal:	Transportation & Community Development - Other		
Department:	Planning & Building		
Subject:	3 North Yonge Street, 7-Eleven, Electronic Changeable Copy Signage, Special Exception		
Summary:	This is a request by Independent Sign and Lighting, LLC, for a Special Exception to allow for 2 electronic changeable copy signs for retail prices of gasoline at the 7-Eleven Convenience store located at 3 North Yonge Street. The electronic changeable copy area would replace the copy face area on the 2 existing monument signs. There are no other site or building improvements proposed. The subject property is located on the northeast corner of West Granada Boulevard and North Yonge Street, and is within the Downtown Overlay District. The parcel was rezoned from B-4, Central Business to PBD, Planned Business Development with Ordinance 2013-22, and there is an approved development order and site plan that was established with Ordinance 2013-23. The use is an existing 7-Eleven Convenience store with fuel sales. The Land Development Code (LDC) allows electronic changeable copy of the retail prices of gasoline through the Special Exception process. The application seeks to convert the existing reader board to electronic changeable copy signs under the conditions within the LDC. The Planning Board reviewed the Special Exception application on March 14, 2024 and recommended approval by a 5-1 vote. The Board member voting against the application stated in a previous Planning Board item that they see an inconsistency in how the electronic changeable copy ordinance was written and believes other businesses should have the opportunity to utilize these types of signs. There were no individuals who spoke for or against the application.		
Financial Impact:	There is no financial impact as a result of this Special Exception application for electronic changeable copy signs.		

Citizen Impact:	The LDC allows electronic changeable copy signs through a Special Exception process. Other convenience stores with the retail prices of gasoline have been granted similar Special Exceptions with no negative citizen impacts.
Recommended Action (Staff, Advisory Board and/or Other):	The Planning Board recommended **APPROVAL** of the application to allow 2 electronic changeable copy signs for the retail prices of gasoline at the 7-Eleven convenience store located at 3 North Yonge Street.
Staff Contact:	Steven Spraker, Planning Director, (386) 676-3341
Attachments:	1. 24-60 3 N. Yonge St., ECC SE (P24-0052G) 2. 3 N. Yonge St., ECC, SE 3. Exhibit A , legal description 3 N. Yonge St., V2 4. Exhibit B, 3 North Yonge Street, ECC 5. Exhibit C, Conditions 6. 03.14.2024 3 N Yonge St. SE ECC Signage PB Staff Report 7. 03.14.2024, DRAFT Planning Board minutes, 3 North Yonge St., ECC
Approval:	Kelly McGuire, Finance Director 3/26/2024 Claire Whitley, Assistant City Manager 4/1/2024 Joyce Shanahan, City Manager 4/11/2024

RESOLUTION NO. 2024-60

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "7-ELEVEN CONVENIENCE STORE" LOCATED AT 3 NORTH YONGE STREET; TO ALLOW TWO ELECTRONIC CHANGEABLE COPY SIGNS FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Independent Sign and Lighting, LLC, a Florida Limited Liability Company, on behalf of the property owner, 7-Eleven, Inc., a Texas for-profit corporation, (the "Applicant"), has applied for the issuance of a Development Order for a Special Exception to allow electronic changeable copy signage for the retail prices of gasoline at the 7-Eleven convenience store, located at 3 North Yonge Street, within the PBD (Planned Business Development) zoning district, and

WHEREAS, the said application is in compliance with all applicable provisions of the City of Ormond Beach *Land Development Code* ("the *Land Development Code*") and the general laws of Florida, and

WHEREAS the Planning Board held a public hearing on March 14, 2024, regarding this matter as required by Chapter 1, Article II, Section 1-15(d)(2), of the *Land Development Code*, and

WHEREAS, the City Commission has duly held a public hearing on the application and has considered the testimony and evidence presented, and

WHEREAS, the City Commission has considered the following:

(1) The report and recommendations of the Planning Board;

(2) The report and recommendations of the Site Plan Review Committee; and

(3) The comments of governmental agencies, utility corporations and individuals, as received, and

WHEREAS, based upon all of the foregoing and in consideration thereof, the City Commission finds that:

(1) The proposed use conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PBD (Planned Business Development) zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The proposed use is consistent with the *Comprehensive Plan*;

(3) The proposed use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

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

(6) Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control,

and provide adequate access in case of fire or catastrophe, as proposed;

(7) The proposed use is functional in the use of space and aesthetically acceptable;

(8) The proposed use provides for the safety of occupants and visitors; and

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

now therefore,

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

SECTION ONE. The above recitals are true and correct and are incorporated by reference.

SECTION TWO. The Mayor and the City Manager are hereby authorized and directed to execute and issue a Development Order for a Special Exception to allow two (2) electronic changeable copy signs for the retail prices of gasoline at the 7-Eleven convenience store, located at 3 North Yonge Street, within the PBD (Planned Business Development) zoning district, on the real property described in the Special Exception Development Order, a copy of which is attached hereto and incorporated by reference.

SECTION THREE. A certified copy of this Resolution and the executed original Special Exception Development Order shall be recorded in the public records of Volusia County, Florida.

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

APPROVED AND AUTHENTICATED this 16th day of April, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE:	**Application of:**	Independent Sign and Lighting, LLC, a Florida Limited Liability Company, on behalf of the property owner, 7-Eleven, Inc., a Texas for-profit corporation
	Application No.	PZ-2024-016
	Project Name:	"7-Eleven convenience store" Special Exception for electronic changeable copy sigange
	Property Address:	3 North Yonge Street
	Parcel ID No.:	4215-07-07-0011

SPECIAL EXCEPTION
DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on April 16, 2024, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18 of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

1. The proposed use conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PBD (Planned Business Development) zoning district, or adversely affect the public health, safety, welfare or quality of life;

2. The proposed use is consistent with the *Comprehensive Plan*;

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

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

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

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

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

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

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

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of Independent Sign and Lighting, LLC, a Florida Limited Liability Company, on behalf of the property owner, 7-Eleven, Inc., a Texas for-profit corporation, (the "Applicant"), for a Special Exception to allow electronic changeable copy signage for the retail prices of gasoline at the 7-Eleven convenience store, located at 3 North Yonge Street, within the PBD (Planned Business Development) zoning district, on that real property described in Exhibit "A" attached hereto and incorporated by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of the *Land Development Code* shall be complied with at all times, such provisions being incorporated herein by reference and hereby specifically made a part of this Special Exception;

2. There are no outstanding Site Plan Review Committee comments;

3. Full and complete compliance with the Electronic Changeable Copy Signage Conditions described in Exhibit "C";

B. The final plans for the location of the electronic changeable copy signage for the retail prices of gasoline, shall be consistent with all of the conditions listed in Paragraph A

hereof, and the plans displayed in Exhibit "B" attached hereto shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plans for this Special Exception without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Special Exception Development Order.

D. In the event a Neighborhood Improvement Officer subsequently determines there to be any violation of this Special Exception, such Officer shall promptly present such determination to Special Magistrate for hearing.

E. If this Special Exception is abandoned for a period of six (6) months, a zoning approval for a new use, subject to Special Exception requirements, shall not be issued until the Site Plan review Committee determines that all of the conditions of Chapter I, Article II, Section 1-14(3)(c) of the *Land Development Code* have been met.

F. This Special Exception Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of 7-Eleven, Inc., a Texas for-profit corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No.: 4215-07-07-0011)

ORDERED this 16th day of April, 2024.

By: _____
BILL PARTINGTON
Mayor

(CITY SEAL)

Attest: _____
JOYCE A. SHANAHAN
City Manager

EXHIBIT "A"

LEGAL DESCRIPTION (from Special Warranty Deed Exhibit "A" – Book 7505, Page 467)

A portion of Lot 1, 2, 3 and 4, Block 7, Granada-Re-Subdivision, according to the map or plat thereof, as recorded in Map Book 5, Page 135, of the Public Records of Volusia County, Florida, being described as follows:

Beginning at an intersection of the northerly line of Grenada Avenue (a 90 foot street as not laid out and used) with the easterly line of U.S. Highway No. 1 (a 100 foot street as now laid out and used); thence North 26 degrees 34 minutes West, a distance of 149.03 feet; thence North 65 degrees East, a distance of 150 feet; thence South 26 degrees 34 minutes East, a distance of 59 feet; thence North 65 degrees East, a distance of 9.7 feet; thence South 24 degrees 43 minutes East, a distance of 90 feet to a point in the northerly line of said Granada Avenue; thence south 65 degrees West, along the northerly line of said Granada Avenue, a distance of 156.8 feet to the Point of Beginning.

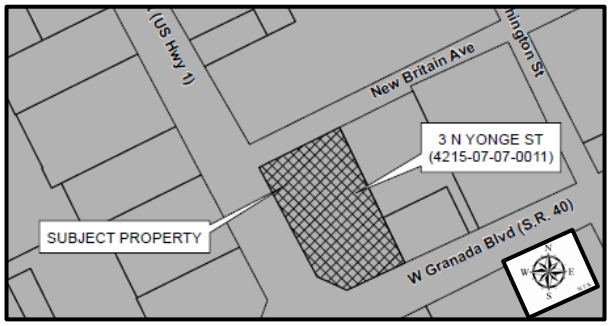
Less and excepting any part described in that certain Order of Taking recorded in Official Records Book 6229, page 1266, Public Records of Volusia County, Florida.

AND

That portion of Lots 1 through 4, inclusive, Block 7, Gardner's re-subdivision of Granada, Ormond, according to the plat of record in map book 5, page 135, Public Records of Volusia County, Florida, being more particularly described as follows:

Commence at the intersection of the south line of New Britain Avenue, being the north line of lot 1, block 7 of aforesaid Gardeners subdivision, with the easterly right of way line of U.S. Highway #1, a 100 foot right of way; thence S26°33'40"E along the east right of way line of U.S. Highway #1 a distance of 10.00 feet to the Point of Beginning thence N64°52'33"E along a line 10 feet southerly of and parallel to the south right of way of said New Britain Avenue a distance of 165.40 feet to the intersection with the east line of said Lot 4; thence S24°41'58"E along the east line of said lot 4 183.29 feet; thence 65°00'00"W a distance of 9.45 feet; thence N26°34'00"W a distance of 59.00 feet; thence S65°00'00"W a distance of 150.00 feet to the east line of said U.S. Highway #1; thence N26°33'40"W along said east right of way line of said U.S. Highway #1 a distance of 124.00 feet to the point of beginning.

LOCATION MAP



PARCEL ID:	4215-07-07-0011
OWNER:	7-ELEVEN, INC., A TEXAS FOR PROFIT CORPORATION
APPLICANT:	INDEPENDENT SIGN AND LIGHTING, LLC, A FLORIDA LIMITED LIABILITY COMPANY ON BEHALF OF THE PROPERTY OWNER, 7-ELEVEN, INC.
SPECIAL EXCEPTION ADDRESS:	3 NORTH YONGE STREET, ORMOND BEACH, FL 32174

EXHIBIT "B"

TWO IDENTICAL SIGNS ON SITE



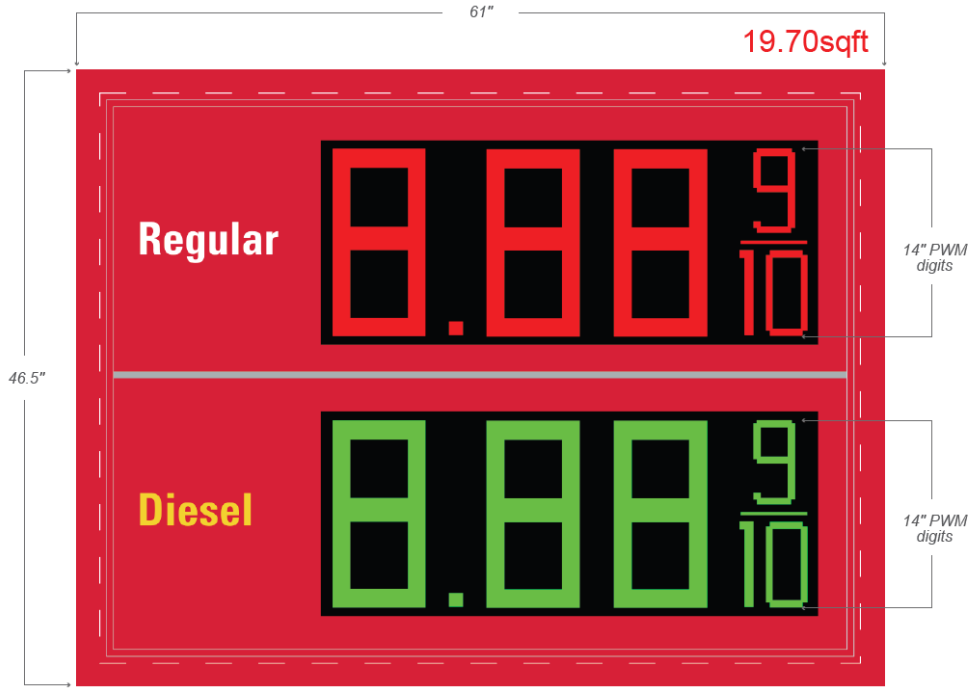


Sign 1



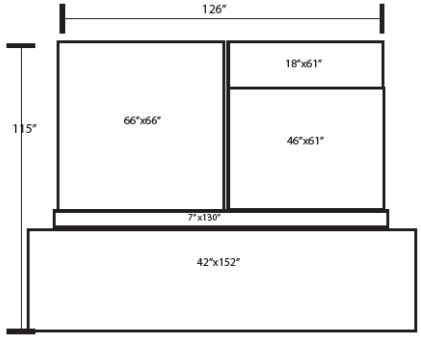


Sign 2



7-Eleven is buying the 14" PWM digits directly from PWM.
Faces only from Everbrite.

existing dimensions



Rendering
...for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to final engineering specifications and install drawings.

***NOTE:** Final dimensions to be determined by Final Engineering*

Everbrite

DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings.

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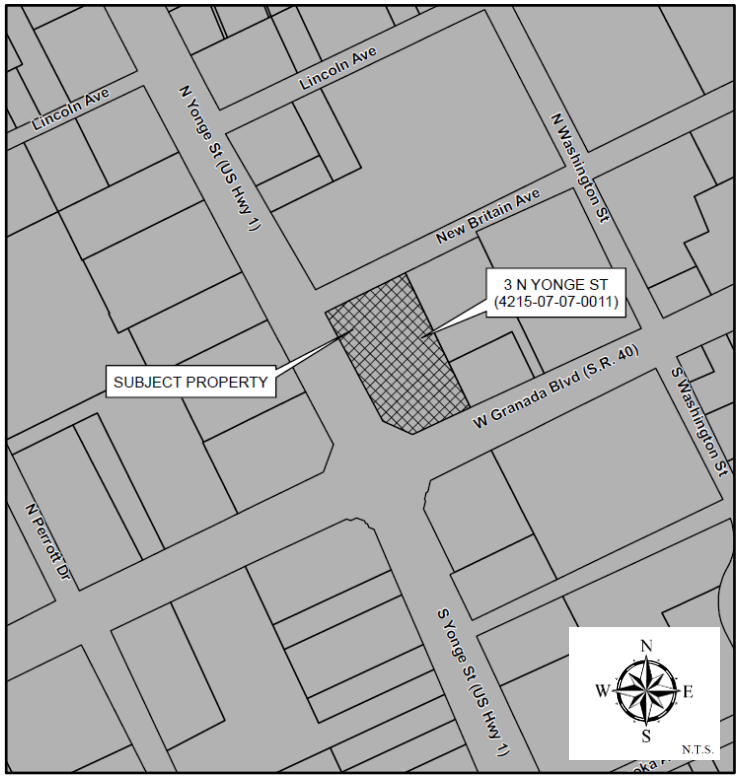
Customer: SUNOCO **Must be printed actual size for scale to apply*	Description: Sunoco Old Image — 2P14RG PWM Digits	Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.
Project No: 464024-1 A — Scale: 1" = 1'		
Date: 02/09/22 — Drawn By: T. Heesen		
Location & Site No: 3 NORTH YONGE ST, ORMOND BEACH, FL 32174 SUN40468-2	Revised: 07/11/22	CUSTOMER SIGNATURE _____ DATE _____
	Revised:	LANDLORD SIGNATURE _____ DATE _____

EXHIBIT “C”

Electronic Changeable Copy Signage Conditions

1. The electronic changeable copy signage display screen must be integral to the design of the sign structure and shall not be the dominant element. The display area for the electronic changeable copy signage shall not exceed 60% of the proposed total sign area;
2. The pixel spacing of the electronic changeable copy signage display screen shall be 20 millimeters or less;
3. The display feature of an electronic changeable copy sign shall not change more rapidly than once every minute; except that the electronic display feature for gas stations shall not change more than once in every six continuance hour period;
4. The electronic changeable copy sign display shall consist of text and static images only. The display shall not appear to flash, undulate, pulse, scroll, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board;
5. The electronic changeable copy sign display shall have a one-color background with only the message image lit in a one-color or multi-color copy;
6. All electronic changeable copy signs shall have installed ambient light monitors to automatically adjust the brightness level of the electronic changeable copy sign based on ambient light conditions;
7. Electronic changeable copy sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for display operations; and
8. Electronic changeable copy sign permit applications must also include a certificate from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with the adopted Ormond Beach Land Development Code and Code of Ordinances and that the owner or operator shall provide proof of such conformance upon request of the City.

PLANNING BOARD
STAFF REPORT
3 North Yonge Street, Special Exception
Project Number: PZ-2024-016

PLANNING BOARD DATE:	March 14, 2024
TENTATIVE CITY COMMISSION DATE:	April 16, 2024 (only one hearing)
APPLICANT:	Independent Sign and Lighting, LLC, on behalf of the property owner, 7-Eleven, Inc.
LOCATION:	3 North Yonge Street
REQUEST:	Special Exception to allow two (2) electronic changeable copy signs for the retail prices of gasoline at the existing 7-Eleven convenience store.
SITE PLAN REVIEW COMMITTEE RECOMMENDATION:	Approval
STAFF CONTACT:	Sarah Cushing, Senior Planner
MAP OF PROJECT AREA:	

SECTION 1, INTRODUCTION:

This is a request by Independent Sign and Lighting, LLC, for a Special Exception to allow for two (2) electronic changeable copy signs for retail prices of gasoline at the 7-Eleven Convenience store located at 3 North Yonge Street. The electronic changeable copy area would replace the copy face area on the two existing monument signs. There are no other site or building improvements proposed.

SECTION 2, BACKGROUND:

The subject property is located on the northeast corner of West Granada Boulevard and North Yonge Street, and is within the Downtown Overlay District. The parcel was rezoned from B-4, Central Business to PBD, Planned Business Development with Ordinance 2013-22, and there is an approved development order and site plan that was established with Ordinance 2013-23. The use is an existing 7-Eleven Convenience store with fuel sales.

SECTION 3, ANALYSIS: The subject property is designated as "General Commercial" on the City's Future Land Use Map (FLUM), and is classified as PBD (Planned Business Development) on the City's Official Zoning Map. The following table shows the surrounding land uses and zoning:

EXHIBIT 1: Adjacent land uses and zoning:

Direction	Uses	Land Use designation	Zoning designation
North	Sunrise Oasis Villas	"General Commercial"	B-4 (Central Business)
South	Mobil Convenience Store	"General Commercial" and "Public/Institutional"	B-4 (Central Business) and B-5 (Service Commercial)
East	Frida's Restaurant	"General Commercial"	B-4 (Central Business)
West	Shell Convenience Store	"General Commercial"	B-4 (Central Business)

Section 3-47(G) of the Land Development Code regulates electronic changeable copy signs and states, "an electronic changeable copy sign for the sole purpose of displaying retail prices of gasoline may be approved by special exception where such electronic display feature will be clearly visible and legible to drivers of approaching motor vehicles from a vantage point of any lane of traffic in either direction on a roadway abutting the gas station premises, consistent with section 553.79(20)(a)(2), Florida Statute." The applicant has stated in their application that the operational requirements for electronic changeable copy signage from the Land Development Code standards would be met. One of the criteria in Section 3-47(G), is that the electronic changeable display area of the sign cannot exceed 60 percent of the total sign area. EXHIBIT 2 demonstrates that the two proposed monument signs do not exceed this requirement.

EXHIBIT 2: Proposed signage totals:

Sign Details	West Granada Boulevard	North Yonge Street
Total Signage	63.84 square feet	63.84 square feet
Regular gas price	6.1 square feet	6.1 square feet
Diesel gas price	6.1 square feet	6.1 square feet
Total electronic signage	12.2 square feet	12.2 square feet
Percentage of electronic sign of overall sign	19.1 percent	19.1 percent

The Special Exception proposes to allow two (2) electronic changeable copy signage for retail prices of gasoline at the 7-Eleven convenience store. The electronic changeable copy area would replace the copy face area on the two existing monument signs. The existing site signage is shown in EXHIBIT 3 and proposed electronic changeable copy signs are shown in EXHIBIT 4 below.

EXHIBIT 3: Existing site signage:

Along Granada Boulevard:



Along North Yonge Street:



EXHIBIT 4: Proposed electronic changeable copy signage:

Along Granada Boulevard:

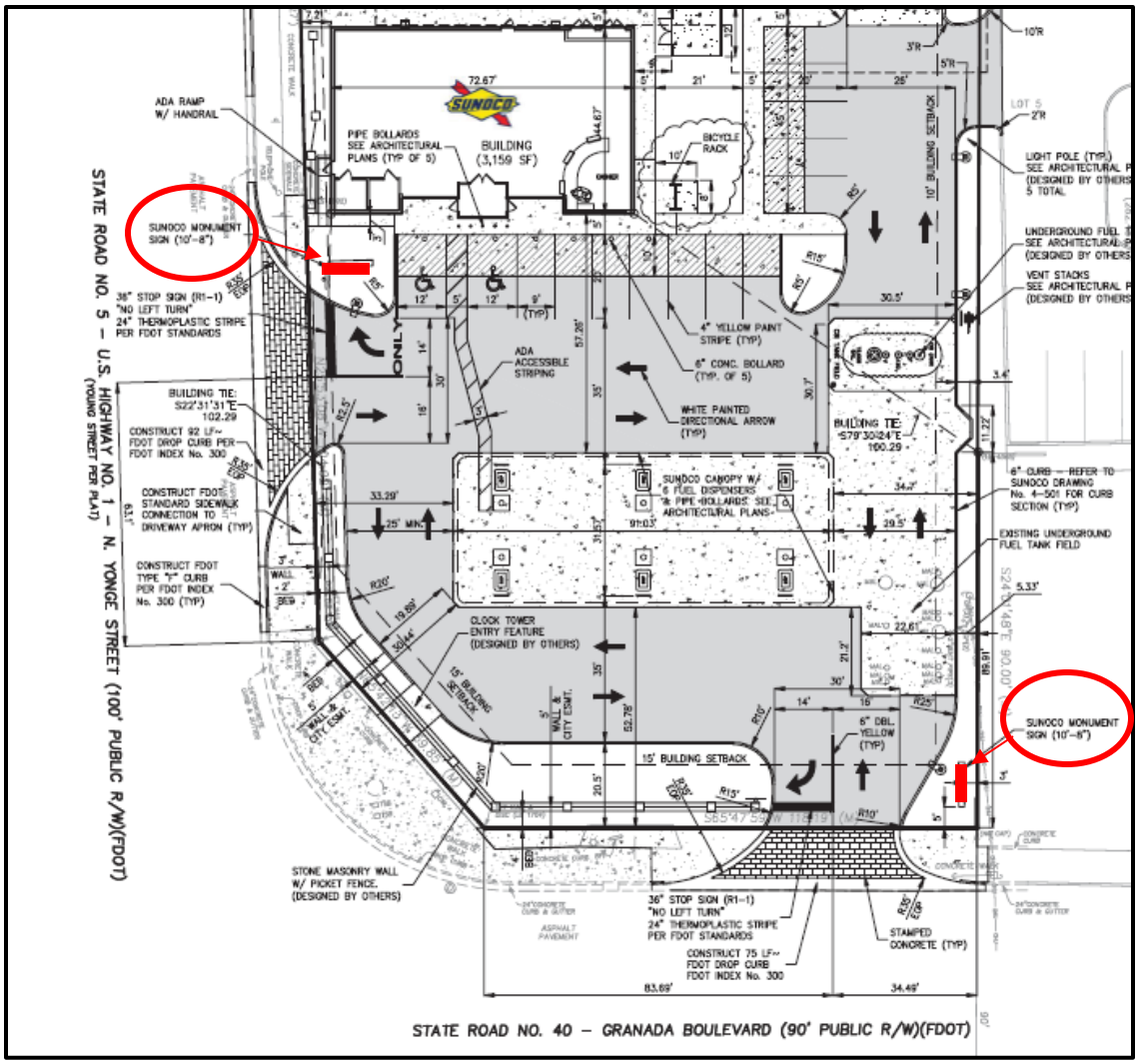


Along North Yonge Street:



Exhibit 5 shows the location of the existing signage. The application proposes to re-face the existing sign cabinets with electronic changeable copy.

Exhibit 5: Location of existing site signage:



The Special Exception request is solely for the electronic changeable copy signage for retail prices of gasoline and no other signage, site or building improvements are being proposed. The existing signage would undergo a face change for the electronic changeable copy signage and the sign frame would not be altered from their existing locations.

<u>SECTION 4, SPECIAL EXCEPTION CRITERIA</u>:

Section 2-56 of the Land Development Code outlines the general criteria for all Special Exception approvals:

A. ***Off-street parking loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.***

The project site has an approved site plan with adequate parking for the use. The proposed Special Exception would not have an impact to the overall provision of approved parking. The location of the site sign for the electronic changeable copy signage for retail prices of gasoline is within the frame of the existing signage.

B. ***Required yards, screening or buffering, and landscaping shall be consistent with the district in general, the specific needs of the abutting land uses, Chapter 3, Article 1, and other applicable provisions of this Code.***

The proposed Special Exception request shall not impact the site buffers or landscaping. The electronic changeable copy signage would have no impact on the site landscaping.

C. ***Size, location, or number of conditional or Special Exceptions in an area shall be limited so as to maintain the overall character of the district in which said conditional or Special Exceptions are located.***

This is a Special Exception to allow an electronic changeable copy signage for retail prices of gasoline. The Special Exception is based on Section 553.79(20) of the *Florida Statutes* that provides preferential treatment to certain corporate entities, specifically gasoline companies, regarding the display of communicative content in accordance with their corporate branding.

D. ***Hours of operation may be limited and the City may require additional information on structural design and site arrangement, to assure the compatibility of the development with existing and proposed uses in the surrounding area.***

The requested Special Exception would not require any hours of operation restrictions and the site is located along a commercial corridor. The purpose of the electronic changeable copy signage for retail prices of gasoline is to be clearly visible and legible to motorists.

E. ***The Special Exception shall not generate hazardous waste or require use of hazardous materials in its operation without use of City-approved mitigative techniques.***

This Special Exception will not generate hazardous waste.

F. ***All development proposed as a Special Exception within or adjacent to a historic district shall be reviewed based on applicable criteria stated herein for residential, commercial or mixed-use development and shall also comply with appearance and design guidelines for historic structures.***

The project is not located within, or adjacent to, a historic district and this criterion does not apply to the project development.

G. ***Outdoor lighting shall have no spillover onto adjacent property or rights-of-way beyond the building site property line and the lumens shall not exceed two (2) foot-candles at the property line.***

The application is solely for the electronic changeable copy signage for retail prices of gasoline and alternative signage standards. Any site lighting would be approved by the Site Plan Review Committee.

SECTION 5, DEVELOPMENT ORDER CRITERIA:

Section 1-15(e) (Planning Board) and Section 1-18 (e)(2) (City Commission) of the Land Development Code provide development order criteria for Special Exception applications. Below is the criterion in bold with staff's responses.

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

   The proposed development conforms to the standards and requirements of the Land Development Code. The proposed use will not create undue crowding or adversely affect the public health.

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

   The site has a Future Land Use designation of "General Commercial" which is consistent with the proposed use. The proposed Special Exception is consistent with the Comprehensive Plan.

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

   The proposed Special Exception application is for electronic changeable copy signage for retail prices of gasoline and will not adversely impact environmentally sensitive lands or natural resources.

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

   The proposed Special Exception application is for electronic changeable copy signage for retail prices of gasoline which will not depreciate the value of surrounding properties based on the location of abutting roadways. The site monument signs are existing. The decision that is part of the Special Exception, is to provide a determination if the electronic display portion of the signs are appropriate.

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

   Public facilities currently serve the site and there would be no impact to the existing infrastructure.

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

   The Special Exception for electronic changeable copy signage for retail prices of gasoline is sought to improve the visibility and the ability to read the gas prices as allowed under Section 553.79 (20) of the *Florida Statutes*. The proposed signs would not alter the approved traffic patterns or site access management and is part of the applicants corporate branding.

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

   There is no development proposed with the Special Exception for electronic changeable copy signage for retail prices of gasoline.

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

   There is no development proposed with the Special Exception for electronic changeable copy signage for retail prices of gasoline. The applicant states that the sign would provide increased visibility of the price of gasoline and safety to the employees.

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

   There is no development proposed with the Special Exception for electronic changeable copy signage for retail prices of gasoline.

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

    This application has not been reviewed in a public forum and no testimony has been provided.

SECTION 6, RECOMMENDATION:

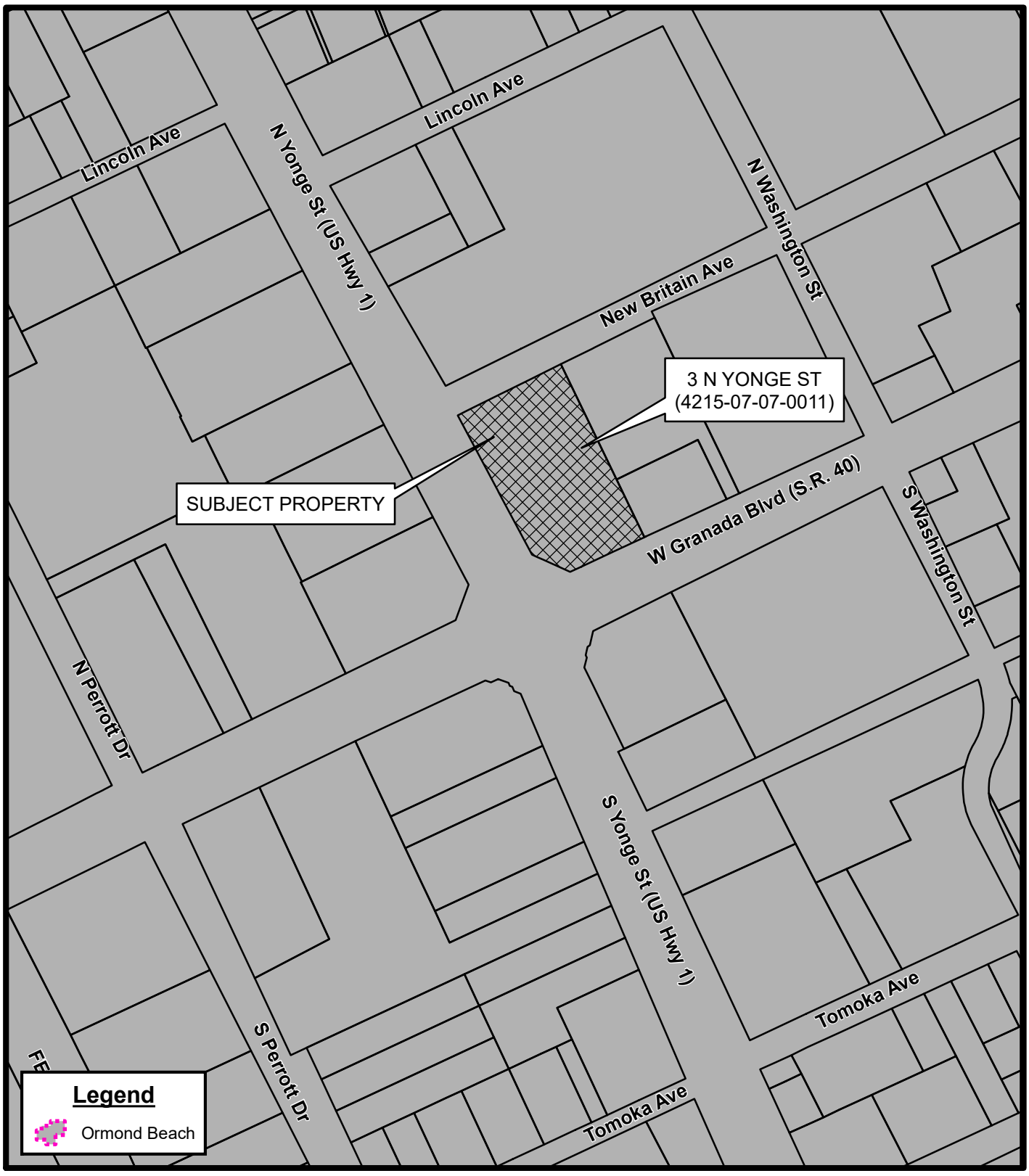
It is expected that the application will be reviewed by the City Commission on April 16, 2024. It is recommended that the Planning Board **APPROVE** the application to allow two (2) electronic changeable copy signs for the retail prices of gasoline at the 7-Eleven convenience store located at 3 North Yonge Street.

Attachments:

Attachment 1: Site maps
Attachment 2: Applicant submitted information

Attachment 1:

Site maps



LOCATION MAP
3 NORTH YONGE STREET
(4215-07-07-0011)

Prepared By: City of Ormond Beach
G.I.S. Department - February 9, 2024

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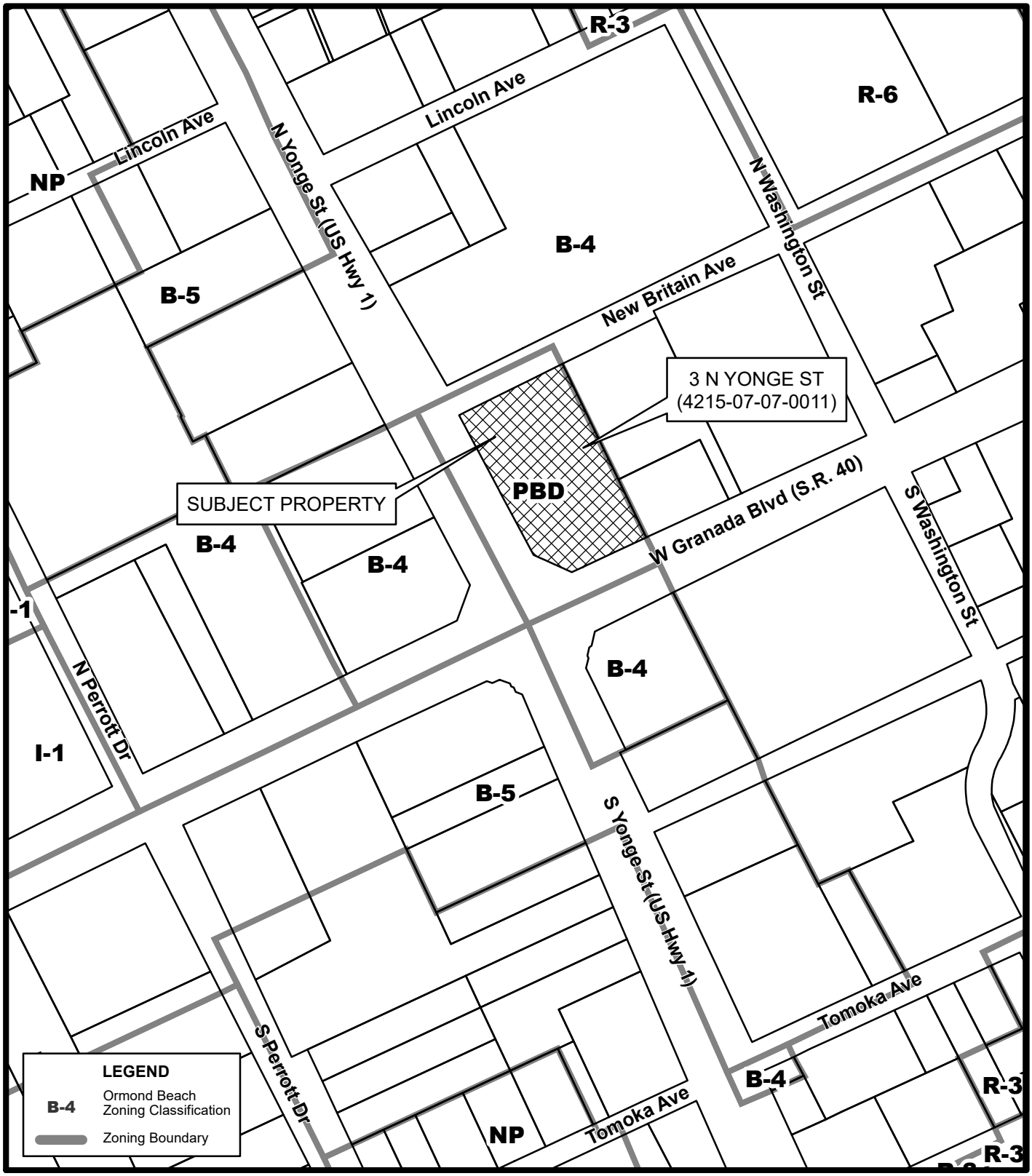

ZONING MAP
3 NORTH YONGE STREET
(4215-07-07-0011)

Prepared By: City of Ormond Beach
G.I.S. Department - February 9, 2024

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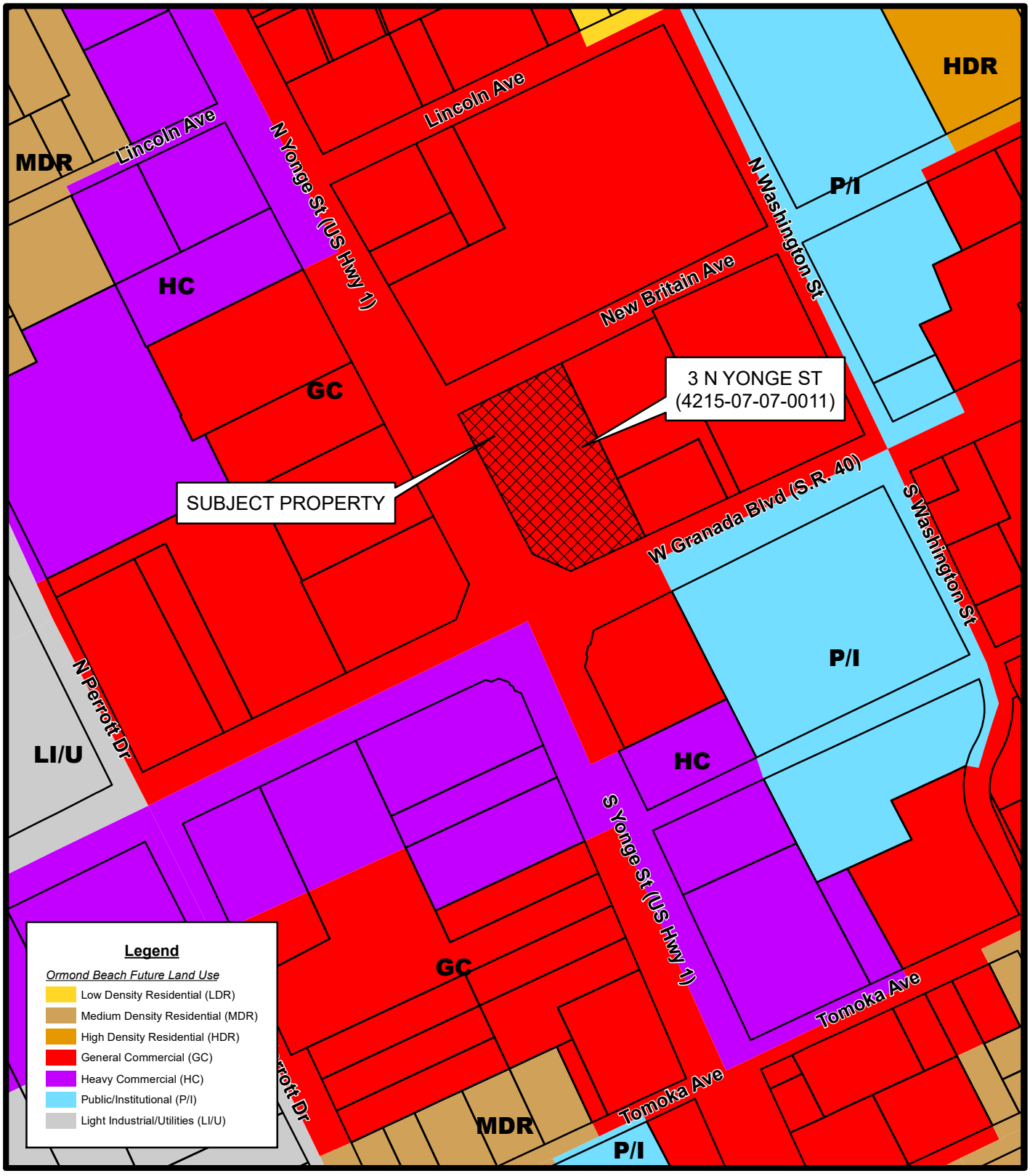

FUTURE LAND USE MAP
3 NORTH YONGE STREET
(4215-07-07-0011)

Prepared By: City of Ormond Beach
G.I.S. Department - February 9, 2024

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Attachment 2:

Applicant submitted information

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Public hearing applications require City Commission action with many types being reviewed by the Planning Board to provide a recommendation. Some public hearing items require site plan review. Please complete the application and fee worksheet. Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.

PROJECT INFORMATION

Project Type:*	Special Exception - Gas Station signage *Complete fee sheet (page 3)		
Project Name:	7 Eleven		
Project Address:	3 N YONGE ST, ORMOND BEACH 32174		
Volusia County parcel number(s):	421507070011		
Description:	Installation of electronic changeable copy, Monument		
Pre-application date:	1/23/24	Pre-application waiver granted:	

PROJECT COORDINATOR

Name:	Austin Squitieri
Address:	1725 S. Nova Rd. E8
City, State, Zip code:	South Daytona, FL 32119
Telephone:	386-748-2460
E-mail:	Austin@independentsignandlighting.com

APPLICANT INFORMATION

Same as project coordinator	☐	**Same as property owner**	☐
Name:	Andy Lepkowski		
Address:	1725 S. Nova Rd. E8		
City, State, Zip code:	South Daytona, FL 32119		
Telephone:	386-785-5877		
E-mail:	permits@independentsignandlighting.com		

PROPERTY OWNER			
Same as project coordinator	☐	**Same as property owner**	☐
Name:	7-ELEVEN INC		
Address:	2424 RIDGE RD.		
City, State, Zip code:	ROCKWALL TX 75087		
Telephone:			
E-mail:			

VIEW ONLY ACCESS TO PROJECT DOX (Provides viewing access to project)

Name:	Andrea Nabors	E-mail:	Andrea.Nabors@signresource.com
Name:	Doyle L. Seiber	E-mail:	doyle.seiber@signresource.com
Name:		E-mail:	
Name:		E-mail:	

CERTIFICATION

By submitting this application, I hereby certify that the information provided is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and the review process for this application. I authorize Ormond Beach staff to access the subject property during typical business hours to review the public hearing application.

Signature: _____

STATE OF FLORIDA

COUNTY OF _____

The forgoing instrument was acknowledged before me this _____ day of _____,

20____, by _____ as _____(title*)

for _____ (name of corporation*), who ( ) provided

_____as identification, or ( ) who is personally known to me.

_____

Notary Public, State of Florida

My Commission Expires:

* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application Fees

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Site plan submittals require the submittal of applications per Ordinance 2021-30, codified in Section 8-10, Application processing fees, of the Code of Ordinances. All applications shall calculate the fees which shall be verified by city staff. **Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.**

PUBLIC HEARING FEES (Ordinance 2021-30 - Section 8-10 of Code of Ordinances)

Check all that apply	SPRC reviews	Fee	Advertising	Total fee
☐	Annexation	No fee	No fee	No fee
☐	Annexation Agreement	No fee	No fee	No fee
☐	Comprehensive Plan, small area amendment	$2,000	$1,025	$3,025
☐	Comprehensive Plan, large-scale amendment	$2,000	$2,250	$4,250
☐	Concurrency, traffic impact analysis	$3,000 (deposit)	NA	$3,000
☐	Development of Regional Impact amendment	$600	$2,250	$2,850
☐	Planned Development	$2,500	$2,400	$4,900
☐	Planned Development, major amendment	$1,000	$2,400	$3,400
☐	Regulatory amendment, zoning map, under 10 acres	$1,500	$850	$2,350
☐	Regulatory amendment, zoning map, over 10 acres	$1,500	$1,650	$3,150
☐	Regulatory amendment, LDC amendment	$1,000	$700	$1,700
☐	Regulatory amendment, LDC amendment (zoning districts)	$1,000	$1,500	$2,500
✔	Special Exception	$850	$850	$1,700
☐	Special Exception, CRA	$400	$850	$1,250
☐	Street vacation	$500	$1,925	$2,425
☐	Subdivision, Preliminary plat	$1,500 plus $25 per lot	NA	$1,500 plus $25 per lot
☐	Subdivision, Final plat	$1,000 plus $25 per lot	$350	$1,350 plus $25 per lot
☐	Subdivision, city surveyor review	Actual costs	NA	Actual costs
☐	Subdivision, Recording of plat	Actual costs	NA	Actual costs
☐	Other:			
		TOTALS:		

INDEPENDENT SIGN & LIGHTING
1725 S Nova Rd, Suite E8, South Daytona, FL 32119
www.independentsignandlighting.com

Date: 2/6/24

To whom it may concern,

Please accept this letter as a Special Exception Request for:
3 N Yonge St in Ormond Beach, FL 32174
to replace the current manual changeable copy fuel price display with a new LED fuel price display.

The client would like to update the monument to a more efficient and modern LED pricer. Amidst ongoing theft of current changeable copy panels, it has become unsafe for employees and also cost prohibitive to maintain the current application of the existing price signs. The monument sign will remain as is - the cabinet is staying the same. We are only proposing to change the pricer portion of the sign.

The total square footage of the Monument is 57.75 sqft with an elevation of 9.58 feet. The 7 Eleven logo panel is 30.25 sqft, Sunoco panel is 7.63 sqft and the pricer panel of the monument is 19.70 sqft.

The pixel spacing of the electronic changeable copy signage display screen hall be 15 millimeters.
Independent Sign and Lighting / Client acknowledges the following:

- The sign electric changeable copy signage will not change more than one in every six-continuance hour period.
- The electronic changeable copy signage will consist of only text and static images.
- The electronic changeable copy signage shall have a one-color background with only the message image lit in a one color or multi-color copy.
- The electronic changeable copy signage shall have installed ambient light monitors.
- The permit application will include copy of the manufacturer's operating manual.
- The permit application will include a certificate from the owner or operator regarding the operation.

A sign will be posted on the property 14 days prior to the planning board meeting. The sign will be 4'x4' in size and clearly visible from the street. We will provide a photograph of the sign with a notarized affidavit to the Planning Board prior to the hearing as evidence of meeting the post requirements.

Thank you for your attention in this matter,

Austin Squitieri
Representative of Independent Sign and Lighting LLC

INDEPENDENT SIGN & LIGHTING

1725 S Nova Rd, Suite E8, South Daytona, FL 32119

***.independentsignandlighting.com

Letter of Authorization

Date: 1/4/24

To Whom It May Concern: **City of Ormond Beach**

7 Eleven 3 North Young St. Ormond Beach, FL. 32174

As owners/representatives of the above referenced property **7-Eleven Inc,** grant permission for Independent Sign and Lighting LLC and its authorized agents to install signage at the above location. Independent Sign and Lighting LLC and its authorized agents may also secure any necessary permits for the signage in the City/County that this property is located.

Sincerely,

Signed: _____ Date: 1/24/24

Printed Name: MR. McCullough

Title: Pres. Tejas Enterprises

Phone: 904 355 6775

State of Florida, County of Duval

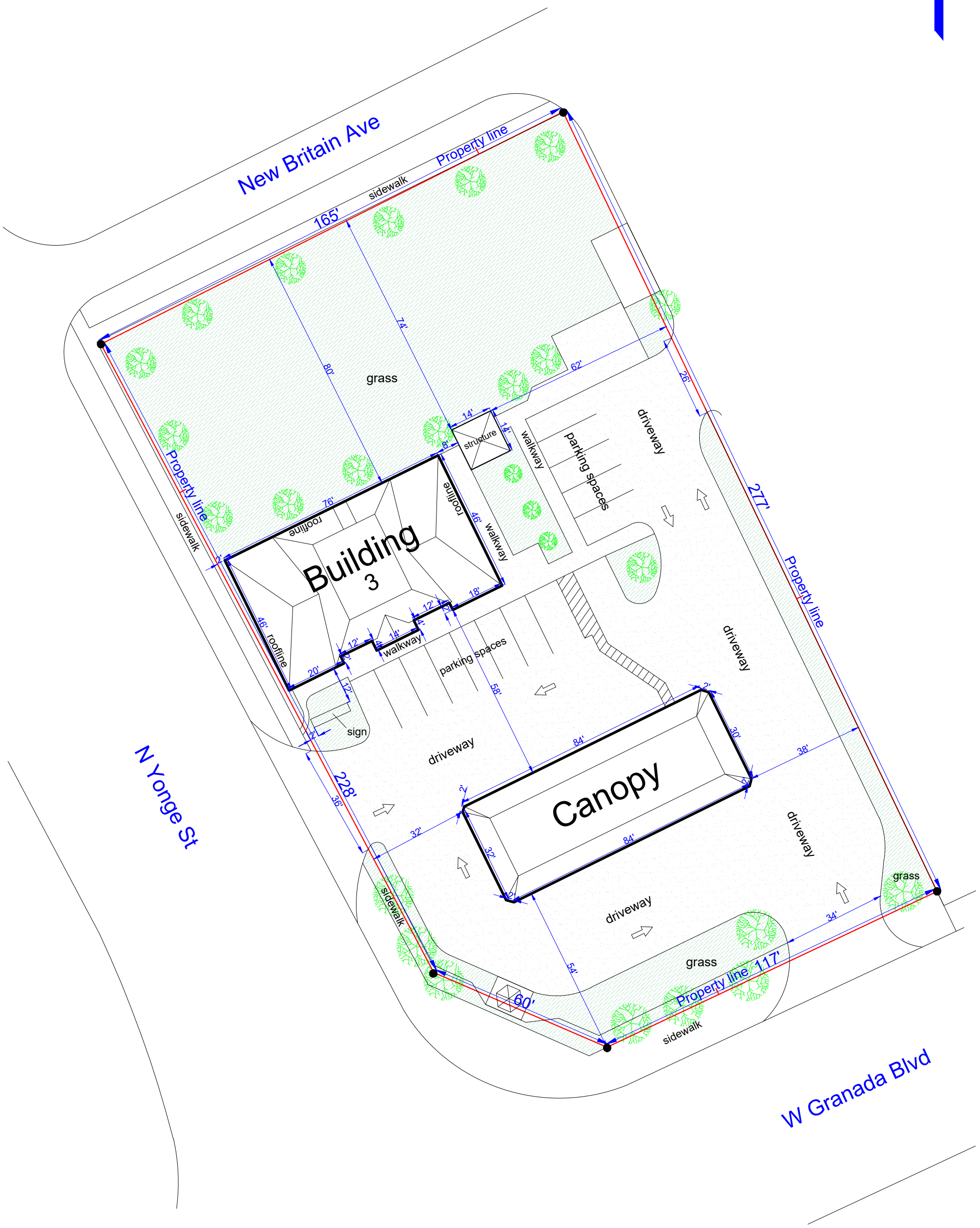
Sworn to and subscribed before me by means of (✓) Physical presence or ( ) online notarization, this 24th day of January, 2024 by Michael R McCullough, who (✓) is personally known to me or ( ) produced identification _____.

Notary Morgan Reeder

Signed _____

Stamp

Notary Public State of Florida
Morgan Reeder
My Commission HH 405558
Expires 7/24/2027



Parcel No. (APN)	4215-07-07-0011
Land Use	COMMERCIAL
	SERVICE STATION, GAS STATION
Lot Area	39,655 SF (0.99 ACRES)

ADDRESS: 3 N Yonge St
Ormond Beach, FL 32174
Scale:1"=30'

MySitePlan

0' 15' 30' 60'
Graphic Scale

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE

This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.

TWO IDENTICAL SIGNS ON SITE



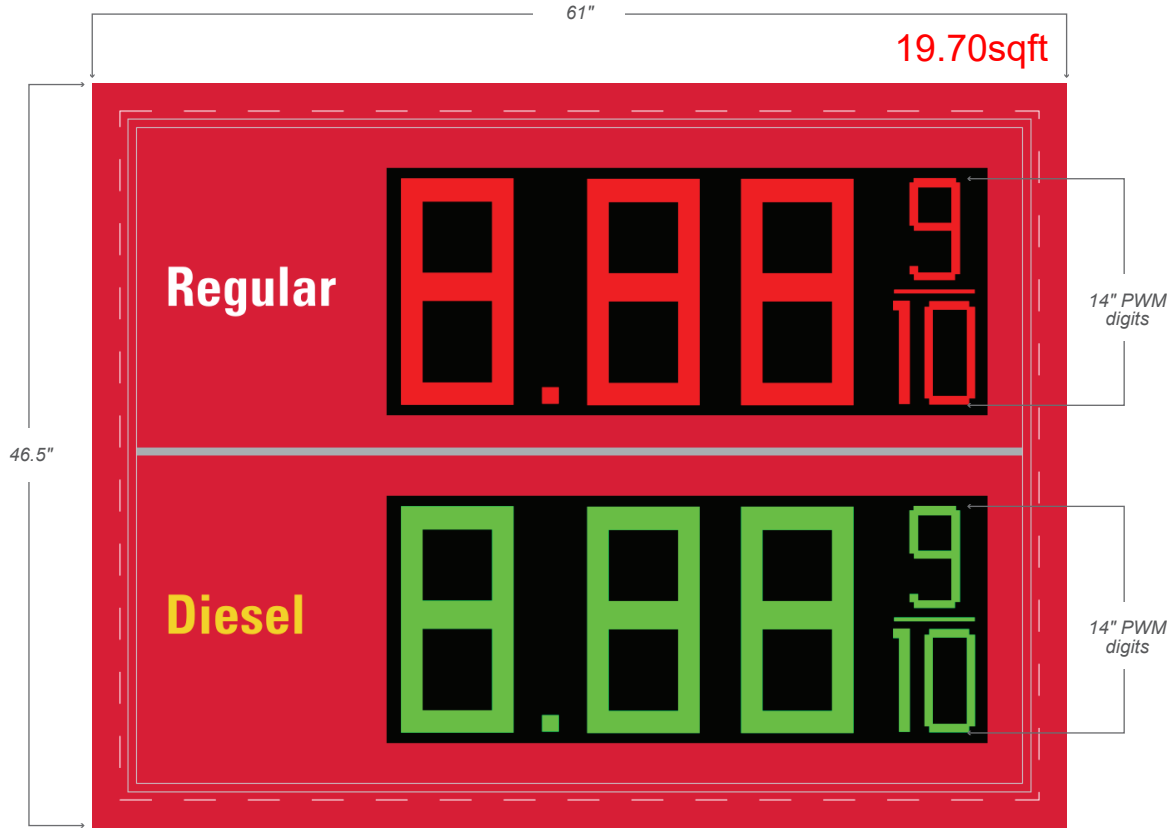


Sign 1



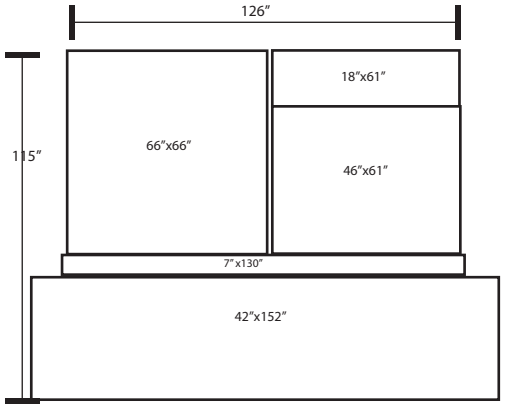


Sign 2



7-Eleven is buying the 14" PWM digits directly from PWM. Faces only from Everbrite.

existing dimensions



Rendering ...for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to final engineering specifications and install drawings.

***NOTE:** Final dimensions to be determined by Final Engineering*

Everbrite

DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings.
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Customer: SUNOCO *Must be printed actual size for scale to apply		Description: Sunoco Old Image — 2P14RG PWM Digits
Project No: 464024-1 A	Scale: 1" = 1'	
Date: 02/09/22	Drawn By: T. Heesen	
Location & Site No: 3 NORTH YONGE ST, ORMOND BEACH, FL 32174 SUN40468-2		Revised: 07/11/22
		Revised:

Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.

CUSTOMER SIGNATURE _____ DATE _____

LANDLORD SIGNATURE _____ DATE _____

DRAFT

Planning Board minutes from March 14, 2024

ITEM:

PZ-2024-016

3 North Yonge Street

Special Exception, Electronic Changeable Copy Signage for the Retail Prices of Gasoline

Ms. Shull inquired about the allowed residential density. Mr. Spraker confirmed that a hotel would be reviewed based upon the Floor Area Ratio. He stated that the residential density would apply to single-family houses, townhomes or multi-family uses. Mr. Spraker noted that the project would need a right-of-way (ROW) vacation and a zoning map amendment to Planned Business Development.

Mr. du Moulin asked if the applicant agreed to install a lift station. Mr. Spraker stated that the project is not that far yet and this is a land use map amendment. He stated the application changes colors on a map and determines the appropriateness of a use category. Mr. Spraker stated that there is no site plan with this application and speculated that the project would construct a private lift station. Mr. du Moulin questioned if the applicant would be responsible for that. Mr. Spraker confirmed that the lift station and sewer service is the responsibility of the applicant.

Mr. Galloway inquired to a parcel next to the amendment area. Mr. Spraker confirmed that this area is part of the Benton Street right-of-way.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Jorczak motioned to approve PZ 2024-015, Woodsprings Suites, Comprehensive Plan Land Use Map Amendment. Mr. Galloway seconded it. Vote was called, and the motion was approved (6-0).

G. PZ 2024-016, 7-Eleven Electronic Changeable Copy Signage, 3 North Yonge Street, Special Exception

Ms. Cushing stated that this a request submitted for a Special Exception to allow two (2) electronic changeable copy signs for the retail prices of gasoline at the 7-Eleven convenience store located at 3 North Yonge Street per Section 3-47(G). She stated that there are no other site or building improvements proposed. Ms. Cushing reviewed the development order review process for the Special Exception that included (1) Planning staff review, (2) Planning Board review and recommendation, and (3) City Commission action. She stated that this process is applied to the following two 7-Eleven applications.

Ms. Cushing stated that electronic changeable copy signage for the retail display of gasoline is allowed as a Special Exception. She stated that the application is a face change to modify the manual changeable copy to electronic changeable copy signage. Ms. Cushing stated that the application complies with Section 3-47(G) of the LDC and staff recommended approval of the application.

Board Discussion and Questions

Mr. Jorczak asked staff if the proposed signs would be increased in size.

Ms. Cushing responded that they are simply doing a face change to remove the manual changeable copy sign area to electronic changeable copy sign. She confirmed that there will be no increase in the sign size and the proposed electronic changeable copy area will meet the requirements of Section 3-47(G).

DRAFT

Applicant's Presentation

Mr. Austin Squitieri, Independent Sign and Lighting, 1725 S. Nova Road, Suite E8, South Daytona, Florida. He reiterated that the sign size would not be increased and is simply to install an electronic changeable sign. It will also help increase employee safety.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Galloway motioned to approve PZ 2024-016, 7-Eleven Electronic Changeable Copy Signage, 3 North Yonge Street, Special Exception. Mr. du Moulin seconded it. Vote was called, and the motion was approved (5-1), with Mr. Scudiero in opposition.

H. PZ 2024-017, 7-Eleven Electronic Changeable Copy Signage, 460 South Atlantic Avenue, Special Exception

Ms. Cushing stated that this is a request for a Special Exception to allow an electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store located at 460 South Atlantic Avenue. There are no other site or building improvements proposed.

Ms. Cushing stated that electronic changeable copy signage for the retail display of gasoline is allowed as a Special Exception. She stated that the application is a face change to modify the one (1) manual changeable copy to electronic changeable copy signage. Ms. Cushing stated that the application complies with Section 3-47(G) of the LDC and staff recommended approval of the application.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Jorczak motioned to approve PZ 2024-017, 7-Eleven Electronic Changeable Copy Signage, 460 South Atlantic Avenue, Special Exception. Ms. Shull seconded it. Vote was called, and the motion was approved (5-1), with Mr. Scudiero in opposition.

I. PZ 2024-018, 7-Eleven Electronic Changeable Copy Signage, 1546 West Granada Boulevard, Special Exception

Ms. Cushing stated that this is a request for a Special Exception to allow an electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store located at 1546 West Granada Boulevard. There are no other site or building improvements proposed.

Ms. Cushing stated that electronic changeable copy signage for the retail display of gasoline is allowed as a Special Exception. She stated that the application is a face change to modify the one (1) manual changeable copy to electronic changeable copy signage. Ms. Cushing stated that the application complies with Section 3-47(G) of the LDC and staff recommended approval of the application.

DRAFT

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 8.E

Section:	PUBLIC HEARINGS		
Item Category:	Public Hearing - Resolution	**Res./Ord. No:**	2024-61
Strategic Goal:	Transportation & Community Development - Other		
Department:	Planning & Building		
Subject:	460 South Atlantic Avenue, 7-Eleven, Electronic Changeable Copy Signage, Special Exception		
Summary:	This is a request by Independent Sign and Lighting, LLC, for a Special Exception to allow for 1 electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven Convenience store located at 460 South Atlantic Avenue. The electronic changeable copy area would replace the copy-face area on the existing monument sign. There are no other site or building improvements proposed. The subject property is located on the southwest corner of South Atlantic Avenue and Rockefeller Drive. The parcel was rezoned from B-7, Highway Tourist Commercial to PBD, Planned Business Development, and obtained an approved development order for a convenience station with fuel pumps through Ordinance 2013-20. The use is an existing 7-Eleven Convenience store with fuel sales. The Land Development Code (LDC) allows electronic changeable copy of the retail prices of gasoline through the Special Exception process. The application seeks to convert the existing reader board to electronic changeable copy signs under the conditions within the LDC. The Planning Board reviewed the Special Exception application on March 14, 2024 and recommended approval by a 5-1 vote. The Board member voting against the application stated in a previous Planning Board item that they see an inconsistency in how the electronic changeable copy ordinance was written and believes other businesses should have the opportunity to utilize these types of signs. There were no individuals who spoke for or against the application.		
Financial Impact:	There is no financial impact as a result of this Special Exception for electronic changeable copy sign.		

Citizen Impact:	The LDC allows electronic changeable copy signs through a Special Exception process. Other convenience stores with the retail prices of gasoline have been granted similar Special Exceptions with no negative citizen impacts.
Recommended Action (Staff, Advisory Board and/or Other):	The Planning Board recommended **APPROVAL** of the application to allow 1 electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store located at 460 South Atlantic Avenue.
Staff Contact:	Steven Spraker, Planning Director, (386) 676-3341
Attachments:	1. 24-61 460 South Atlantic Avenue, ECC, SE (P24-0053G) 2. 460 South Atlantic Avenue, ECC, SE 3. Exhibit A legal description, 460 SAA 4. Exhibit B, 460 South Atlantic Avenue, ECC 5. Exhibit C, Conditions 6. 03.14.2024 460 S. Atlantic Ave. SE ECC Signage PB Staff Report 7. 03.14.2024, DRAFT Planning Board minutes, 460 SAA, ECC
Approval:	Kelly McGuire, Finance Director 3/26/2024 Claire Whitley, Assistant City Manager 4/3/2024 Joyce Shanahan, City Manager 4/11/2024

RESOLUTION NO. 2024-61

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "7-ELEVEN CONVENIENCE STORE" LOCATED AT 460 SOUTH ATLANTIC AVENUE; TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGN FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Independent Sign and Lighting, LLC, a Florida Limited Liability Company, on behalf of the property owner, 7-Eleven, Inc., a Texas for-profit corporation, (the "Applicant"), has applied for the issuance of a Development Order for a Special Exception to allow electronic changeable copy signage for the retail prices of gasoline at the 7-Eleven convenience store, located at 460 South Atlantic Avenue, within the PBD (Planned Business Development) zoning district, and

WHEREAS, the said application is in compliance with all applicable provisions of the City of Ormond Beach *Land Development Code* ("the *Land Development Code*") and the general laws of Florida, and

WHEREAS the Planning Board held a public hearing on March 14, 2024, regarding this matter as required by Chapter 1, Article II, Section 1-15(d)(2), of the *Land Development Code*, and

WHEREAS, the City Commission has duly held a public hearing on the application and has considered the testimony and evidence presented, and

WHEREAS, the City Commission has considered the following:

(1) The report and recommendations of the Planning Board;

(2) The report and recommendations of the Site Plan Review Committee; and

(3) The comments of governmental agencies, utility corporations and individuals, as received, and

WHEREAS, based upon all of the foregoing and in consideration thereof, the City Commission finds that:

(1) The proposed use conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PBD (Planned Business Development) zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The proposed use is consistent with the *Comprehensive Plan*;

(3) The proposed use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

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

(6) Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control,

and provide adequate access in case of fire or catastrophe, as proposed;

(7) The proposed use is functional in the use of space and aesthetically acceptable;

(8) The proposed use provides for the safety of occupants and visitors; and

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

now therefore,

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

SECTION ONE. The above recitals are true and correct and are incorporated by reference.

SECTION TWO. The Mayor and the City Manager are hereby authorized and directed to execute and issue a Development Order for a Special Exception to allow an electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store, located at 460 South Atlantic Avenue, within the PBD (Planned Business Development) zoning district, on the real property described in the Special Exception Development Order, a copy of which is attached hereto and incorporated by reference.

SECTION THREE. A certified copy of this Resolution and the executed original Special Exception Development Order shall be recorded in the public records of Volusia County, Florida.

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

APPROVED AND AUTHENTICATED this 16th day of April, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE:	**Application of:**	Independent Sign and Lighting, LLC, a Florida Limited Liability Company, on behalf of the property owner, 7-Eleven, Inc., a Texas for-profit corporation
	Application No.	PZ-2024-017
	Project Name:	"7-Eleven convenience store" Special Exception for an electronic changeable copy sign
	Property Address:	460 South Atlantic Avenue
	Parcel ID No.:	4223-04-08-0010

SPECIAL EXCEPTION
DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on April 16, 2024, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18 of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

1. The proposed use conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PBD (Planned Business Development) zoning district, or adversely affect the public health, safety, welfare or quality of life;

2. The proposed use is consistent with the *Comprehensive Plan*;

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

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

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

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

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

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

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

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of Independent Sign and Lighting, LLC, a Florida Limited Liability Company, on behalf of the property owner, 7-Eleven, Inc., a Texas for-profit corporation, (the "Applicant"), for a Special Exception to allow an electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store, located at 460 South Atlantic Avenue, within the PBD (Planned Business Development) zoning district, on that real property described in Exhibit "A" attached hereto and incorporated by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of the *Land Development Code* shall be complied with at all times, such provisions being incorporated herein by reference and hereby specifically made a part of this Special Exception;

2. There are no outstanding Site Plan Review Committee comments;

3. Full and complete compliance with the Electronic Changeable Copy Signage Conditions described in Exhibit "C";

B. The final plans for the location of the electronic changeable copy signage for the retail prices of gasoline, shall be consistent with all of the conditions listed in Paragraph A

hereof, and the plans displayed in Exhibit "B" attached hereto shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plans for this Special Exception without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Special Exception Development Order.

D. In the event a Neighborhood Improvement Officer subsequently determines there to be any violation of this Special Exception, such Officer shall promptly present such determination to Special Magistrate for hearing.

E. If this Special Exception is abandoned for a period of six (6) months, a zoning approval for a new use, subject to Special Exception requirements, shall not be issued until the Site Plan review Committee determines that all of the conditions of Chapter I, Article II, Section 1-14(3)(c) of the *Land Development Code* have been met.

F. This Special Exception Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of 7-Eleven, Inc., a Texas for-profit corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No.: 4223-04-08-0010)

ORDERED this 16th day of April, 2024.

By: _____
BILL PARTINGTON
Mayor

(CITY SEAL)

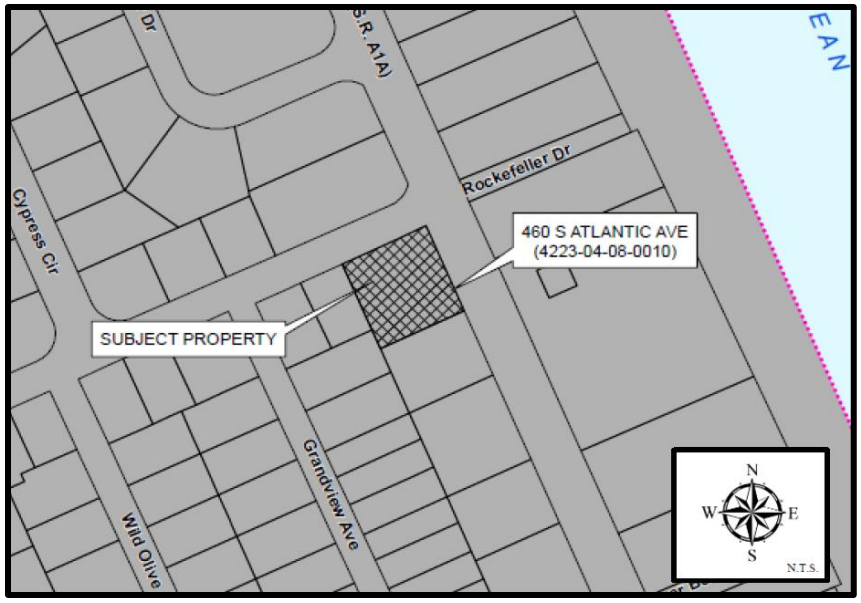
Attest: _____
JOYCE A. SHANAHAN
City Manager

EXHIBIT "A"

LEGAL DESCRIPTION (from Special Warranty Deed Exhibit "A" – Book 7505, Page 476)

All of Lots 1, 2, 3 and Lot 7 (except the south 15 feet of said Lot 7), Block H, ORMOND BEACH PARK, according to the Plat thereof, as recorded in Plat Book 6, Page 31, of the Public Records of Volusia County, Florida, excepting any part in any road right of way as now established.

LOCATION MAP

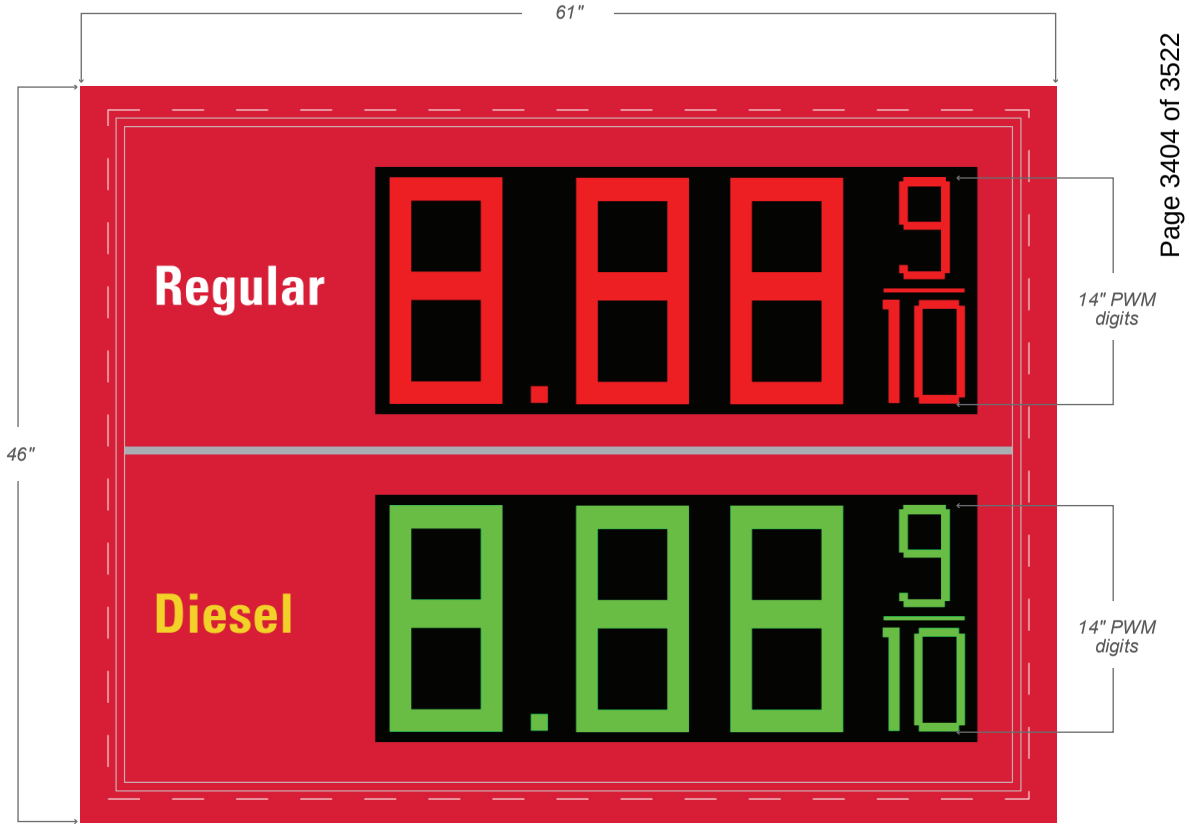


PARCEL ID:	4223-04-08-0010
OWNER:	7-ELEVEN, INC., A TEXAS FOR PROFIT CORPORATION
APPLICANT:	INDEPENDENT SIGN AND LIGHTING, LLC, A FLORIDA LIMITED LIABILITY COMPANY ON BEHALF OF THE PROPERTY OWNER, 7-ELEVEN, INC.
SPECIAL EXCEPTION ADDRESS:	460 SOUTH ATLANTIC AVENUE, ORMOND BEACH, FL 32174

EXHIBIT "B"

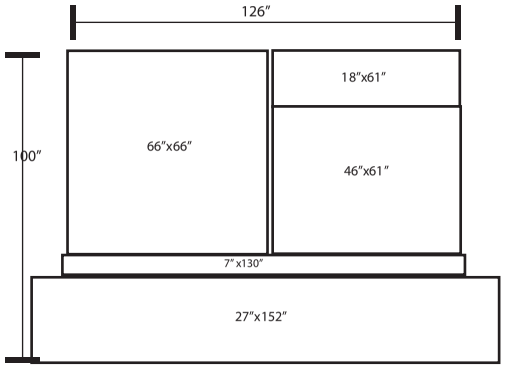






7-Eleven is buying the 14" PWM digits directly from PWM.
Faces only from Everbrite.

existing dimensions



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NOTE: *Final dimensions to be determined by Final Engineering*

Everbrite

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Customer: SUNOCO *Must be printed actual size for scale to apply		Description: Sunoco Old Image — 2P14RG PWM Digits
Project No: 464182-0 A	Scale: 1" = 1'	
Date: 02/16/22	Drawn By: T. Heesen	
Location & Site No: 460 S. ATLANTIC AVE, ORMOND BEACH, FL 32173 SUN40469-1		Revised:
		Revised:

Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.

CUSTOMER SIGNATURE _____ DATE _____

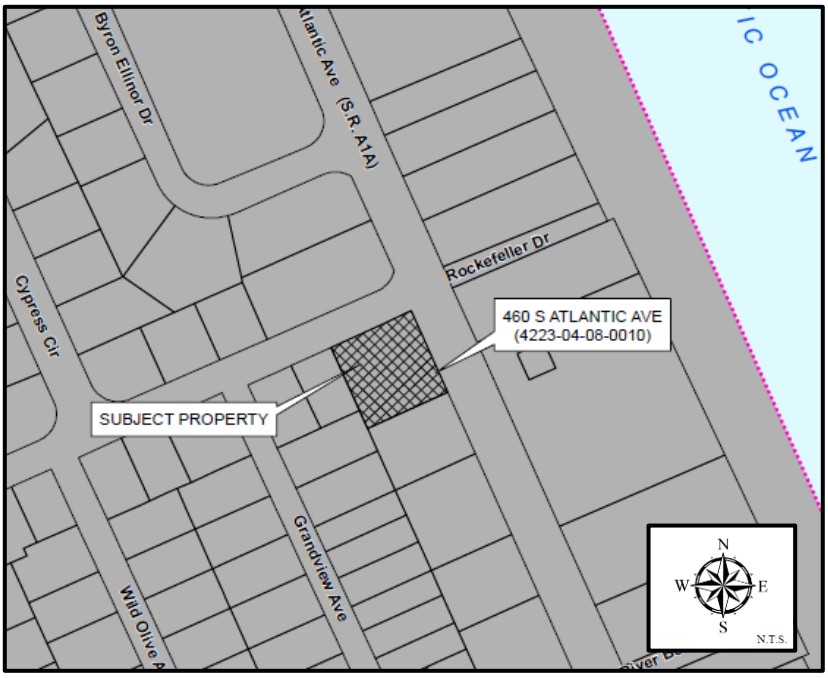
LANDLORD SIGNATURE _____ DATE _____

EXHIBIT “C”

Electronic Changeable Copy Signage Conditions

1. The electronic changeable copy signage display screen must be integral to the design of the sign structure and shall not be the dominant element. The display area for the electronic changeable copy signage shall not exceed 60% of the proposed total sign area;
2. The pixel spacing of the electronic changeable copy signage display screen shall be 20 millimeters or less;
3. The display feature of an electronic changeable copy sign shall not change more rapidly than once every minute; except that the electronic display feature for gas stations shall not change more than once in every six continuance hour period;
4. The electronic changeable copy sign display shall consist of text and static images only. The display shall not appear to flash, undulate, pulse, scroll, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board;
5. The electronic changeable copy sign display shall have a one-color background with only the message image lit in a one-color or multi-color copy;
6. All electronic changeable copy signs shall have installed ambient light monitors to automatically adjust the brightness level of the electronic changeable copy sign based on ambient light conditions;
7. Electronic changeable copy sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for display operations; and
8. Electronic changeable copy sign permit applications must also include a certificate from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with the adopted Ormond Beach Land Development Code and Code of Ordinances and that the owner or operator shall provide proof of such conformance upon request of the City.

PLANNING BOARD
STAFF REPORT
460 South Atlantic Avenue, Special Exception
Project Number: PZ-2024-017

PLANNING BOARD DATE:	March 14, 2024
TENTATIVE CITY COMMISSION DATE:	April 16, 2024 (only one hearing)
APPLICANT:	Independent Sign and Lighting, LLC, on behalf of the property owner, 7-Eleven, Inc.
LOCATION:	460 South Atlantic Avenue
REQUEST:	Special Exception to allow one (1) electronic changeable copy sign for the retail prices of gasoline at the existing 7-Eleven convenience store.
SITE PLAN REVIEW COMMITTEE RECOMMENDATION:	Approval
STAFF CONTACT:	Sarah Cushing, Senior Planner
MAP OF PROJECT AREA:	

SECTION 1, INTRODUCTION:

This is a request by Independent Sign and Lighting, LLC, for a Special Exception to allow for one (1) electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven Convenience store located at 460 South Atlantic Avenue. The electronic changeable copy area would replace the copy face area on the existing monument sign. There are no other site or building improvements proposed.

SECTION 2, BACKGROUND:

The subject property is located on the southwest corner of South Atlantic Avenue and Rockefeller Drive. The parcel was rezoned from B-7, Highway Tourist Commercial to PBD, Planned Business Development, and obtained an approved development order for a convenience station with fuel pumps through Ordinance 2013-20. The use is an existing 7-Eleven Convenience store with fuel sales.

SECTION 3, ANALYSIS: The subject property is designated as "Tourist Commercial" on the City's Future Land Use Map (FLUM), and is classified as PBD, Planned Business Development, on the City's Official Zoning Map. The following table shows the surrounding land uses and zoning:

EXHIBIT 1: Adjacent land uses and zoning:

Direction	Uses	Land Use designation	Zoning designation
North	Rockefeller Off-beach parking lot	"Tourist Commercial"	B-7 (Highway Tourist Commercial)
South	Ancillary parking lot for Maverick Hotel	"Tourist Commercial"	B-7 (Highway Tourist Commercial)
East	Symphony Beach Club	"Low Density Residential" and "Tourist Commercial"	R-2 (Single-Family Low Density) and B-6 (Oceanfront Tourist Commercial)
West	Single-Family Residential	"Medium Density Residential"	R-3 (Single-Family Medium Density)

Section 3-47(G) of the Land Development Code regulates electronic changeable copy signs and states, "an electronic changeable copy sign for the sole purpose of displaying retail prices of gasoline may be approved by special exception where such electronic display feature will be clearly visible and legible to drivers of approaching motor vehicles from a vantage point of any lane of traffic in either direction on a roadway abutting the gas station premises, consistent with section 553.79(20)(a)(2), Florida Statute." The applicant has stated in their application that the operational requirements for electronic changeable copy signage from the Land Development Code standards would be met. One of the criteria in Section 3-47(G), is that the electronic changeable display area of the sign cannot exceed 60 percent of the total sign area. EXHIBIT 2 demonstrates that the proposed monument sign does not exceed this requirement.

EXHIBIT 2: Proposed signage totals:

Sign Details	S. Atlantic Ave.
Total Signage	63.84 square feet
Regular gas price	6.1 square feet
Diesel gas price	6.1 square feet
Total electronic signage	12.2 square feet
Percentage of electronic sign of overall sign	19.1 percent

The Special Exception proposes to allow one (1) electronic changeable copy sign for retail prices of gasoline at the 7-Eleven Convenience store. The existing site signage is shown in EXHIBIT 3 and proposed electronic changeable copy signs are shown in EXHIBIT 4 below.

EXHIBIT 3: Existing site signage:

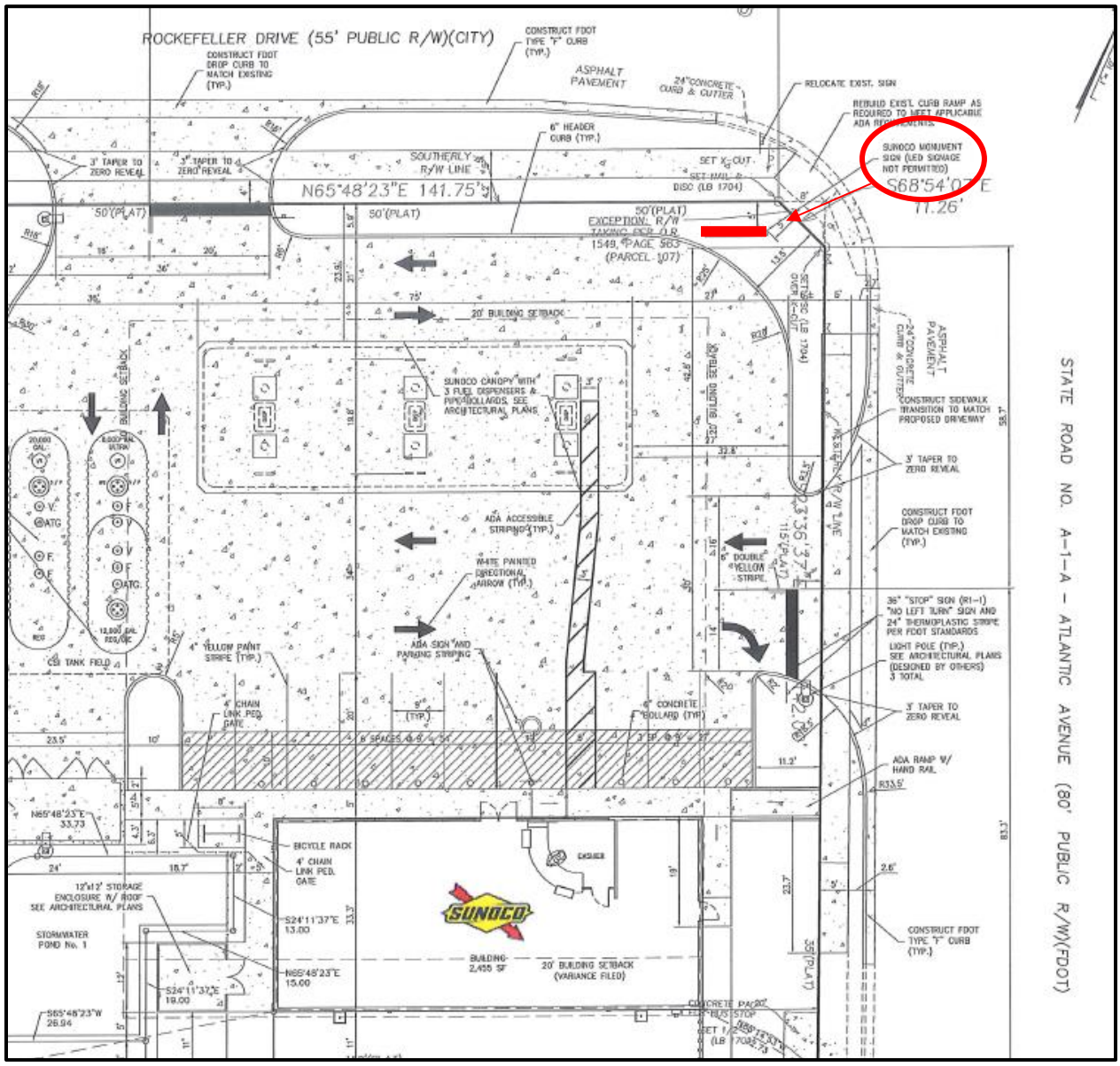


EXHIBIT 4: Proposed electronic changeable copy signage:



EXHIBIT 5 below shows the location of the existing signage. The existing signage would undergo a face change for the electronic changeable copy signage and the sign frame would not be altered from its existing locations.

EXHIBIT 5: Location of existing site signage:



The Special Exception request is solely for the electronic changeable copy signage for retail prices of gasoline and no other signage, site or building improvements are being proposed.

SECTION 4, SPECIAL EXCEPTION CRITERIA:

Section 2-56 of the Land Development Code outlines the general criteria for all Special Exception approvals:

A. ***Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.***

The project site has an approved site plan with adequate parking for the use. The proposed Special Exception would not have an impact to the overall provision of approved parking. The location of the site sign for the electronic changeable copy signage for retail prices of gasoline is within the frame of the existing sign.

B. ***Required yards, screening or buffering, and landscaping shall be consistent with the district in general, the specific needs of the abutting land uses, Chapter 3, Article 1, and other applicable provisions of this Code.***

The proposed Special Exception request shall not impact the site buffers or landscaping. The electronic changeable copy signage would have no impact on the site landscaping.

C. ***Size, location, or number of conditional or Special Exceptions in an area shall be limited so as to maintain the overall character of the district in which said conditional or Special Exceptions are located.***

This is a Special Exception to allow an electronic changeable copy signage for retail prices of gasoline. The Special Exception is based on Section 553.79(20) of the *Florida Statutes* that provides preferential treatment to certain corporate entities, specifically gasoline companies, regarding the display of communicative content in accordance with their corporate branding.

D. ***Hours of operation may be limited and the City may require additional information on structural design and site arrangement, to assure the compatibility of the development with existing and proposed uses in the surrounding area.***

The requested Special Exception would not require any hours of operation restrictions and the site is located along a commercial corridor. The purpose of the electronic changeable copy signage for retail prices of gasoline is to be clearly visible and legible to motorists.

E. ***The Special Exception shall not generate hazardous waste or require use of hazardous materials in its operation without use of City-approved mitigative techniques.***

This Special Exception will not generate hazardous waste.

F. ***All development proposed as a Special Exception within or adjacent to a historic district shall be reviewed based on applicable criteria stated herein for residential, commercial or mixed-use development and shall also comply with appearance and design guidelines for historic structures.***

The project is not located within, or adjacent to, a historic district and this criterion does not apply to the project development.

G. ***Outdoor lighting shall have no spillover onto adjacent property or rights-of-way beyond the building site property line and the lumens shall not exceed two (2) foot-candles at the property line.***

The application is solely for the electronic changeable copy signage for retail prices of gasoline and alternative signage standards. Any site lighting would be approved by the Site Plan Review Committee.

SECTION 5, DEVELOPMENT ORDER CRITERIA:

Section 1-15(e) (Planning Board) and Section 1-18 (e)(2) (City Commission) of the Land Development Code provide development order criteria for Special Exception applications. Below is the criterion in bold with staff's responses.

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

   The proposed development conforms to the standards and requirements of the Land Development Code. The proposed use will not create undue crowding or adversely affect the public health.

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

   The site has a Future Land Use designation of "Tourist Commercial", which is consistent with the proposed use. The proposed Special Exception is consistent with the Comprehensive Plan.

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

   The proposed Special Exception application is for electronic changeable copy signage for retail prices of gasoline and will not adversely impact environmentally sensitive lands or natural resources.

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

   The proposed Special Exception application is for electronic changeable copy signage for retail prices of gasoline which will not depreciate the value of surrounding properties based on the location of abutting roadways. The site's monument sign is existing. The decision that is part of the Special Exception, is to provide a determination if the electronic display portion of the sign is appropriate.

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

   Public facilities currently serve the site and there would be no impact to the existing infrastructure.

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

   The Special Exception for electronic changeable copy signage for retail prices of gasoline is sought to improve the visibility and the ability to read the gas prices as allowed under Section 553.79 (20) of the *Florida Statutes*. The proposed sign would not alter the approved traffic patterns or site access management and is part of the applicants corporate branding.

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

   There is no development proposed with the Special Exception for electronic changeable copy signage for retail prices of gasoline.

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

   There is no development proposed with the Special Exception for electronic changeable copy signage for retail prices of gasoline. The applicant states that the sign would provide increased visibility of the price of gasoline and safety to the employees.

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

   There is no development proposed with the Special Exception for electronic changeable copy signage for retail prices of gasoline.

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

    This application has not been reviewed in a public forum and no testimony has been provided.

SECTION 6, RECOMMENDATION:

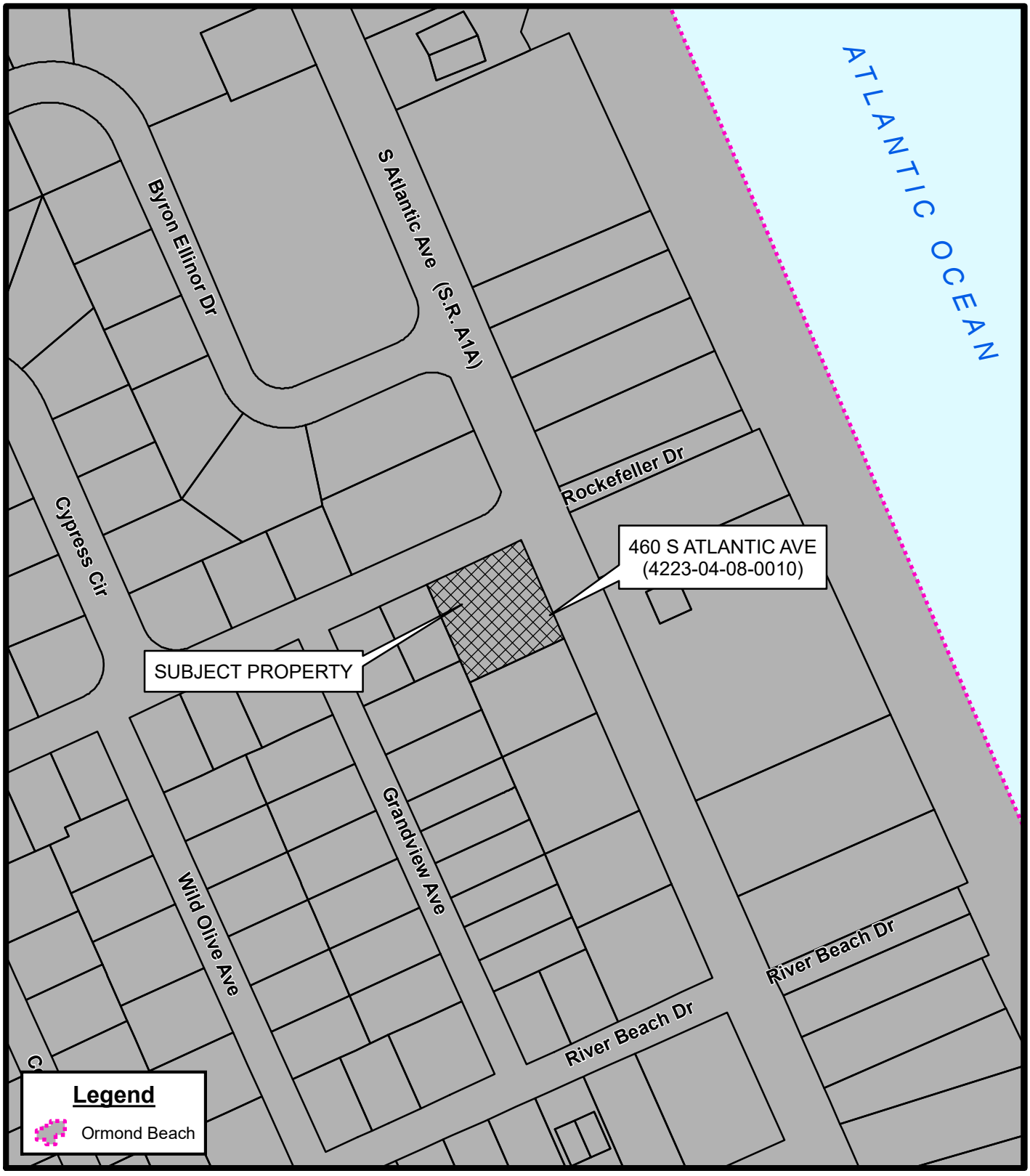
It is expected that the application will be reviewed by the City Commission on April 16, 2024. It is recommended that the Planning Board **APPROVE** the application to allow one (1) electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven Convenience store located at 460 South Atlantic Avenue.

Attachments:

Attachment 1: Site maps
Attachment 2: Applicant submitted information

Attachment 1:

Site maps



LOCATION MAP
460 SOUTH ATLANTIC AVENUE
(4223-04-08-0010)

Prepared By: City of Ormond Beach
G.I.S. Department - February 9, 2024

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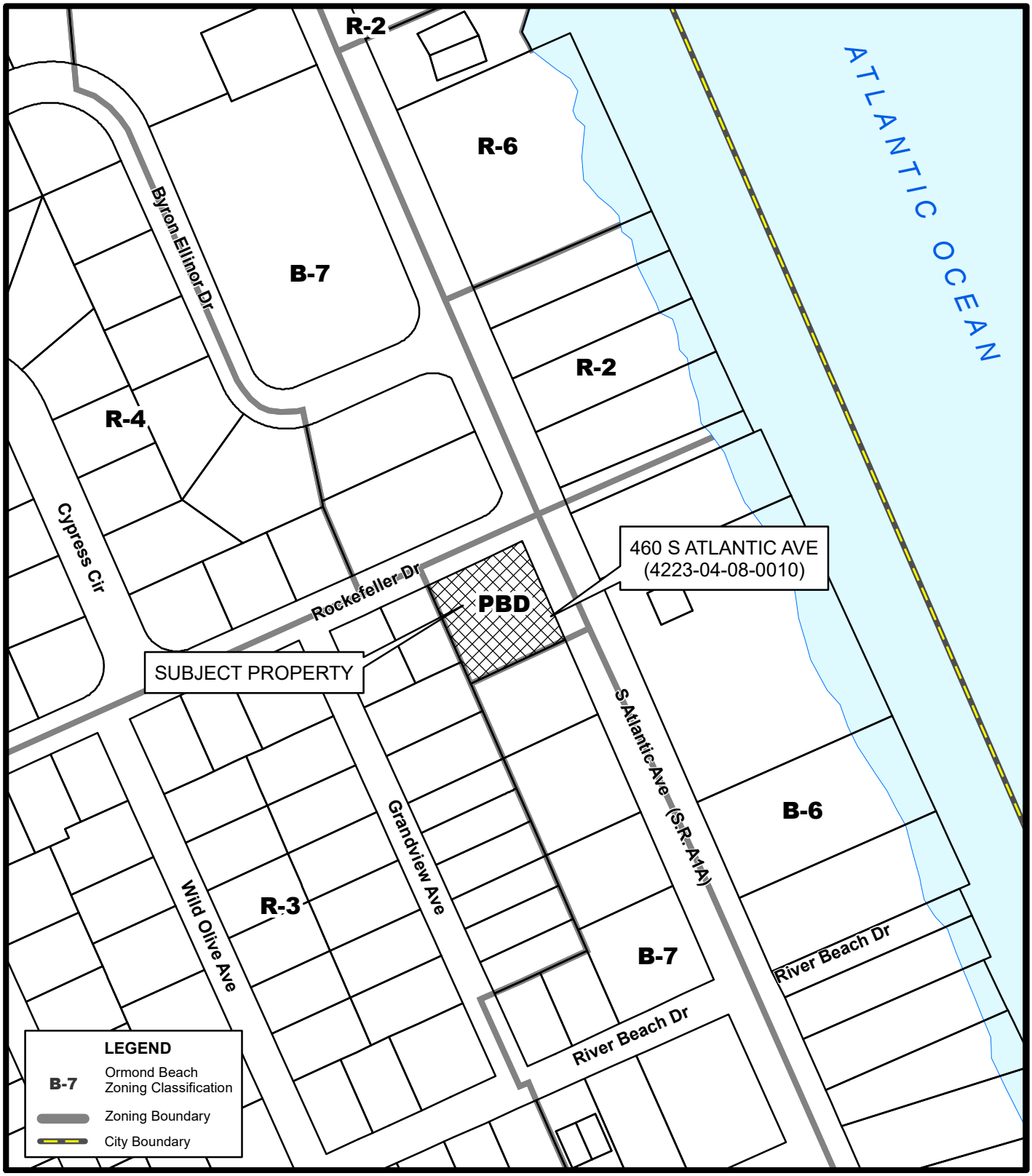

ZONING MAP
460 SOUTH ATLANTIC AVENUE
(4223-04-08-0010)

Prepared By: City of Ormond Beach
G.I.S. Department - February 9, 2024

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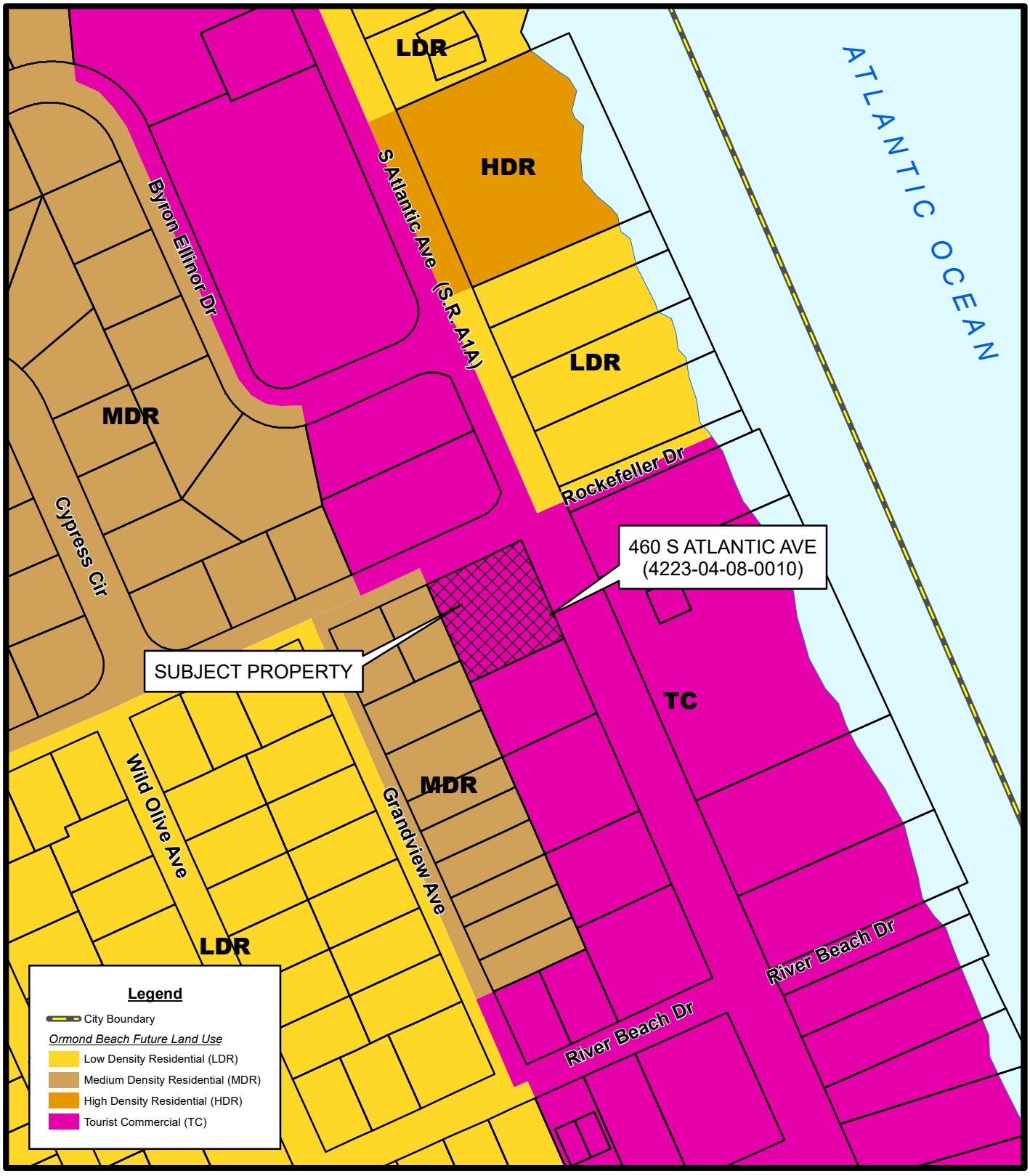

FUTURE LAND USE MAP
460 SOUTH ATLANTIC AVENUE
(4223-04-08-0010)

Prepared By: City of Ormond Beach
G.I.S. Department - February 9, 2024

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Attachment 2:

Applicant submitted information

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Public hearing applications require City Commission action with many types being reviewed by the Planning Board to provide a recommendation. Some public hearing items require site plan review. Please complete the application and fee worksheet. Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.

PROJECT INFORMATION

Project Type:*	Special Exception - Gas Station signage *Complete fee sheet (page 3)		
Project Name:	7 Eleven		
Project Address:	460 S ATLANTIC AVE, ORMOND BEACH 32176		
Volusia County parcel number(s):	422304080010		
Description:	Installation of electronic changeable copy, Monument		
Pre-application date:	1/23/24	Pre-application waiver granted:	

PROJECT COORDINATOR

Name:	Austin Squitieri
Address:	1725 S. Nova Rd. E8
City, State, Zip code:	South Daytona, FL 32119
Telephone:	386-748-2460
E-mail:	Austin@independentsignandlighting.com

APPLICANT INFORMATION

Same as project coordinator	☐	**Same as property owner**	☐
Name:	Andy Lepkowski		
Address:	1725 S. Nova Rd. E8		
City, State, Zip code:	South Daytona, FL 32119		
Telephone:	386-785-5877		
E-mail:	permits@independentsignandlighting.com		

PROPERTY OWNER			
Same as project coordinator	☐	**Same as property owner**	☑
Name:	7-ELEVEN INC		
Address:	2424 RIDGE RD		
City, State, Zip code:	ROCKWALL TX 75087		
Telephone:			
E-mail:			

VIEW ONLY ACCESS TO PROJECT DOX (Provides viewing access to project)

Name:	Andrea Nabors	E-mail:	Andrea.Nabors@signresource.com
Name:	Doyle L. Seiber	E-mail:	doyle.seiber@signresource.com
Name:		E-mail:	
Name:		E-mail:	

CERTIFICATION

By submitting this application, I hereby certify that the information provided is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and the review process for this application. I authorize Ormond Beach staff to access the subject property during typical business hours to review the public hearing application.

Signature: _____

STATE OF FLORIDA

COUNTY OF _____

The forgoing instrument was acknowledged before me this _____ day of _____,

20____, by _____ as _____(title*)

for _____ (name of corporation*), who ( ) provided

_____as identification, or ( ) who is personally known to me.

_____

Notary Public, State of Florida

My Commission Expires:

* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application Fees

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Site plan submittals require the submittal of applications per Ordinance 2021-30, codified in Section 8-10, Application processing fees, of the Code of Ordinances. All applications shall calculate the fees which shall be verified by city staff. **Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.**

PUBLIC HEARING FEES (Ordinance 2021-30 - Section 8-10 of Code of Ordinances)

Check all that apply	SPRC reviews	Fee	Advertising	Total fee
☐	Annexation	No fee	No fee	No fee
☐	Annexation Agreement	No fee	No fee	No fee
☐	Comprehensive Plan, small area amendment	$2,000	$1,025	$3,025
☐	Comprehensive Plan, large-scale amendment	$2,000	$2,250	$4,250
☐	Concurrency, traffic impact analysis	$3,000 (deposit)	NA	$3,000
☐	Development of Regional Impact amendment	$600	$2,250	$2,850
☐	Planned Development	$2,500	$2,400	$4,900
☐	Planned Development, major amendment	$1,000	$2,400	$3,400
☐	Regulatory amendment, zoning map, under 10 acres	$1,500	$850	$2,350
☐	Regulatory amendment, zoning map, over 10 acres	$1,500	$1,650	$3,150
☐	Regulatory amendment, LDC amendment	$1,000	$700	$1,700
☐	Regulatory amendment, LDC amendment (zoning districts)	$1,000	$1,500	$2,500
✔	Special Exception	$850	$850	$1,700
☐	Special Exception, CRA	$400	$850	$1,250
☐	Street vacation	$500	$1,925	$2,425
☐	Subdivision, Preliminary plat	$1,500 plus $25 per lot	NA	$1,500 plus $25 per lot
☐	Subdivision, Final plat	$1,000 plus $25 per lot	$350	$1,350 plus $25 per lot
☐	Subdivision, city surveyor review	Actual costs	NA	Actual costs
☐	Subdivision, Recording of plat	Actual costs	NA	Actual costs
☐	Other:			
		TOTALS:		

INDEPENDENT SIGN & LIGHTING
1725 S Nova Rd, Suite E8, South Daytona, FL 32119
www.independentsignandlighting.com

Date: 2/6/24

To whom it may concern,

Please accept this letter as a Special Exception Request for:
460 S. Atlantic Ave. in Ormond Beach, FL 32174
to replace the current manual changeable copy fuel price display with a new LED fuel price display.

The client would like to update the monument to a more efficient and modern LED pricer. Amidst ongoing theft of current changeable copy panels, it has become unsafe for employees and also cost prohibitive to maintain the current application of the existing price signs. The monument sign will remain as is - the cabinet is staying the same. We are only proposing to change the pricer portion of the sign.

The total square footage of the Monument is 57.75 sqft with an elevation of 8.33 feet. The 7 Eleven logo panel is 30.25 sqft, Sunoco panel is 7.63 sqft and the pricer panel of the monument is 19.49 sqft sqft.

The pixel spacing of the electronic changeable copy signage display screen hall be 15 millimeters.
Independent Sign and Lighting / Client acknowledges the following:

- The sign electric changeable copy signage will not change more than one in every six-continuance hour period.
- The electronic changeable copy signage will consist of only text and static images.
- The electronic changeable copy signage shall have a one-color background with only the message image lit in a one color or multi-color copy.
- The electronic changeable copy signage shall have installed ambient light monitors.
- The permit application will include copy of the manufacturer's operating manual.
- The permit application will include a certificate from the owner or operator regarding the operation.

A sign will be posted on the property 14 days prior to the planning board meeting. The sign will be 4'x4' in size and clearly visible from the street. We will provide a photograph of the sign with a notarized affidavit to the Planning Board prior to the hearing as evidence of meeting the post requirements.

Thank you for your attention in this matter,

Austin Squitieri
Representative of Independent Sign and Lighting LLC

INDEPENDENT SIGN & LIGHTING

1725 S Nova Rd, Suite E8, South Daytona, FL 32119

***.independentsignandlighting.com

Letter of Authorization

Date: 1/4/24

To Whom It May Concern: **City of Ormond Beach**

7 Eleven 460 S. Atlantic Ave. Ormond Beach, FL 32174

As owners/representatives of the above referenced property **7-Eleven Inc,** grant permission for Independent Sign and Lighting LLC and its authorized agents to install signage at the above location. Independent Sign and Lighting LLC and its authorized agents may also secure any necessary permits for the signage in the City/County that this property is located.

Sincerely,

Signed: _____ Date: 1/24/24

Printed Name: MR. McCULLOUGH

Title: PRES. TEXAS ENTERPRICES

Phone: 904 355 6775

State of Florida, County of Duval

Sworn to and subscribed before me by means of (✓) Physical presence or ( ) online notarization, this 24th day of January, 2024 by Michael R McCullough, who (✓) is personally known to me or ( ) produced identification _____.

Notary Morgan Reeder

Signed _____

Stamp

Notary Public State of Florida
Morgan Reeder
My Commission HH 405558
Expires 7/24/2027

7 Eleven
460 S. Atlantic Avenue
Ormond Beach, FL 32174

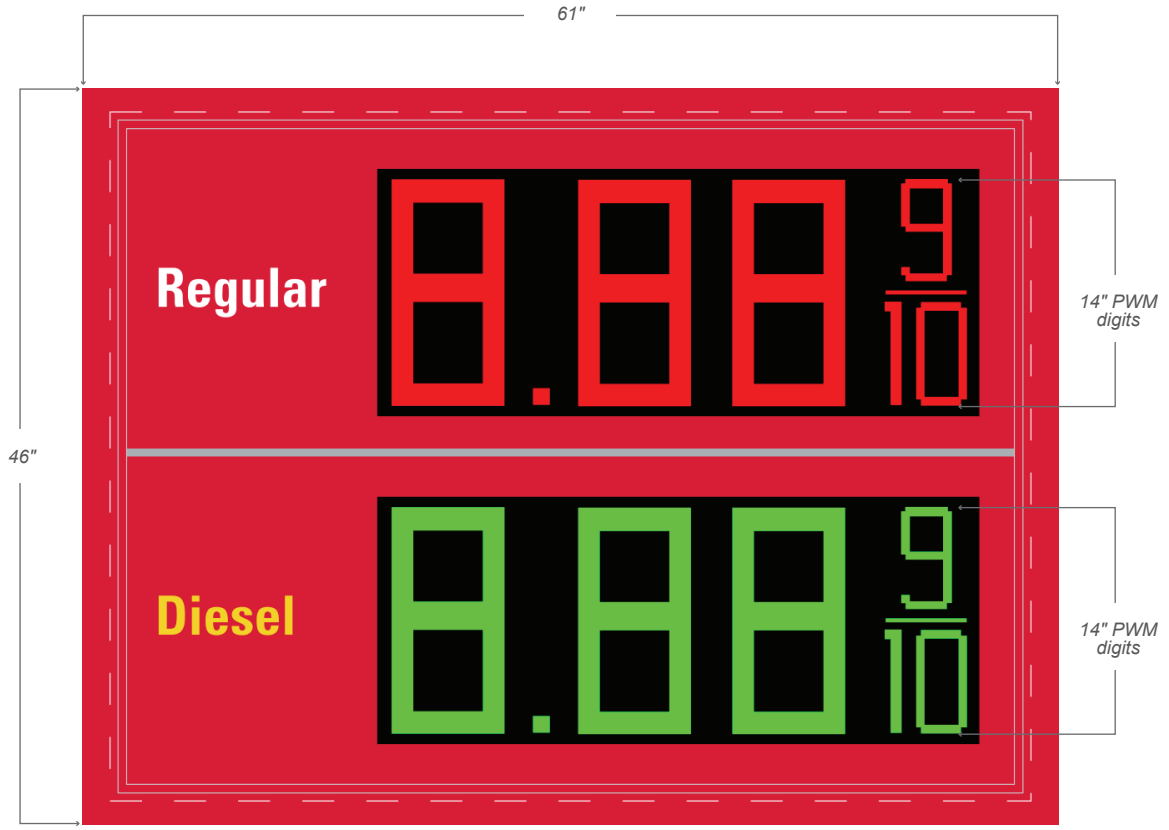
Proposed Face Change



_____FRONTAGE 160.71 sqft_____

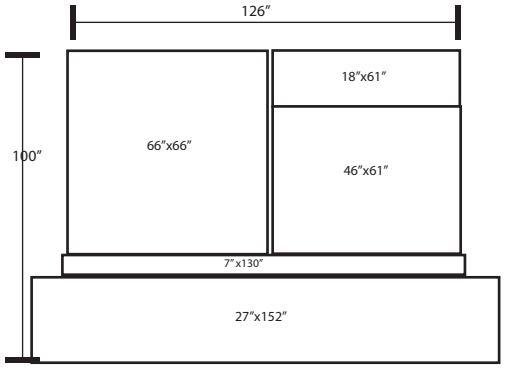






7-Eleven is buying the 14" PWM digits directly from PWM.
Faces only from Everbrite.

existing dimensions



Rendering
...for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to final engineering specifications and install drawings.

***NOTE:** Final dimensions to be determined by Final Engineering*

Everbrite

DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings.
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Customer: SUNOCO *Must be printed actual size for scale to apply		Description: Sunoco Old Image — 2P14RG PWM Digits
Project No: 464182-0 A	Scale: 1" = 1'	
Date: 02/16/22	Drawn By: T. Heesen	
Location & Site No: 460 S. ATLANTIC AVE, ORMOND BEACH, FL 32173 SUN40469-1		Revised:
		Revised:

Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.

CUSTOMER SIGNATURE _____ DATE _____

LANDLORD SIGNATURE _____ DATE _____

DRAFT

Planning Board minutes from March 14, 2024

ITEM:

PZ-2024-017

460 South Atlantic Avenue

Special Exception, Electronic Changeable Copy Signage for the Retail Prices of Gasoline

Applicant's Presentation

Mr. Austin Squitieri, Independent Sign and Lighting, 1725 S. Nova Road, Suite E8, South Daytona, Florida. He reiterated that the sign size would not be increased and is simply to install an electronic changeable sign. It will also help increase employee safety.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Galloway motioned to approve PZ 2024-016, 7-Eleven Electronic Changeable Copy Signage, 3 North Yonge Street, Special Exception. Mr. du Moulin seconded it. Vote was called, and the motion was approved (5-1), with Mr. Scudiero in opposition.

H. PZ 2024-017, 7-Eleven Electronic Changeable Copy Signage, 460 South Atlantic Avenue, Special Exception

Ms. Cushing stated that this is a request for a Special Exception to allow an electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store located at 460 South Atlantic Avenue. There are no other site or building improvements proposed.

Ms. Cushing stated that electronic changeable copy signage for the retail display of gasoline is allowed as a Special Exception. She stated that the application is a face change to modify the one (1) manual changeable copy to electronic changeable copy signage. Ms. Cushing stated that the application complies with Section 3-47(G) of the LDC and staff recommended approval of the application.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Jorczak motioned to approve PZ 2024-017, 7-Eleven Electronic Changeable Copy Signage, 460 South Atlantic Avenue, Special Exception. Ms. Shull seconded it. Vote was called, and the motion was approved (5-1), with Mr. Scudiero in opposition.

I. PZ 2024-018, 7-Eleven Electronic Changeable Copy Signage, 1546 West Granada Boulevard, Special Exception

Ms. Cushing stated that this is a request for a Special Exception to allow an electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store located at 1546 West Granada Boulevard. There are no other site or building improvements proposed.

Ms. Cushing stated that electronic changeable copy signage for the retail display of gasoline is allowed as a Special Exception. She stated that the application is a face change to modify the one (1) manual changeable copy to electronic changeable copy signage. Ms. Cushing stated that the application complies with Section 3-47(G) of the LDC and staff recommended approval of the application.

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 8.F

Section:	PUBLIC HEARINGS		
Item Category:	Public Hearing - Resolution	**Res./Ord. No:**	2024-62
Strategic Goal:	Transportation & Community Development - Other		
Department:	Planning & Building		
Subject:	1546 West Granada Boulevard, 7-Eleven, Electronic Changeable Copy Signage, Special Exception		
Summary:	This is a request by Independent Sign and Lighting, LLC, for a Special Exception to allow for 1 electronic changeable copy sign for retail prices of gasoline at the 7-Eleven Convenience store located at 1546 West Granada Boulevard. The electronic changeable copy area would replace the copy-face area on the existing monument sign. There are no other site or building improvements proposed. The subject property is located on the southeast corner of Granada Boulevard and I-95 interchange. The parcel was rezoned from B-4, Central Business to PBD, Planned Business Development with Ordinance 2013-24, and there is an approved development order that was established with Ordinance 2013-25. The use is an existing 7-Eleven Convenience store with fuel sales. The Land Development Code (LDC) allows electronic changeable copy of the retail prices of gasoline through the Special Exception process. The application seeks to convert the existing reader board to electronic changeable copy signage under the conditions within the LDC. The Planning Board reviewed the Special Exception application on March 14, 2024 and recommended approval by a 5-1 vote. The Board member voting against the application stated in a previous Planning Board item that they see an inconsistency in how the electronic changeable copy ordinance was written and believes other businesses should have the opportunity to utilize these types of signs. There were no individuals who spoke for or against the application.		
Financial Impact:	There is no financial impact as the result of the Special Exception application for an electronic changeable copy sign.		

Citizen Impact:	The LDC allows electronic changeable copy signs through a Special Exception process. Other convenience stores with the retail prices of gasoline have been granted similar special exceptions with no negative citizen impacts.
Recommended Action (Staff, Advisory Board and/or Other):	The Planning Board recommended **APPROVAL** of a Special Exception to allow for 1 electronic changeable copy sign for retail prices of gasoline at the 7-Eleven Convenience store located at 1546 West Granada Boulevard.
Staff Contact:	Steven Spraker, Planning Director, (386) 676-3341
Attachments:	1. 24-62 1546 West Granada Blvd., ECC, SE (P24-0054G) 2. 1546 West Granada Blvd., ECC, SE 3. Exhibit A legal description, 1546 WGB 4. Exhibit B, 1546 West Granada Boulevard, ECC 5. Exhibit C, Conditions 6. 03.14.2024 1546 WGB. SE ECC Signage PB Staff Report 7. 03.14.2024, DRAFT Planning Board minutes, 1546 WGB, ECC
Approval:	Kelly McGuire, Finance Director 4/3/2024 Claire Whitley, Assistant City Manager 4/3/2024 Joyce Shanahan, City Manager 4/11/2024

RESOLUTION NO. 2024-62

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REGARDING THE "7-ELEVEN CONVENIENCE STORE" LOCATED AT 1546 WEST GRANADA BOULEVARD; TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGN FOR THE RETAIL PRICES OF GASOLINE; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Independent Sign and Lighting, LLC, a Florida Limited Liability Company, on behalf of the property owner, 7-Eleven, Inc., a Texas for-profit corporation, (the "Applicant"), has applied for the issuance of a Development Order for a Special Exception to allow electronic changeable copy signage for the retail prices of gasoline at the 7-Eleven convenience store, located at 1546 West Granada Boulevard, within the PBD (Planned Business Development) zoning district, and

WHEREAS, the said application is in compliance with all applicable provisions of the City of Ormond Beach *Land Development Code* ("the *Land Development Code*") and the general laws of Florida, and

WHEREAS the Planning Board held a public hearing on March 14, 2024, regarding this matter as required by Chapter 1, Article II, Section 1-15(d)(2), of the *Land Development Code*, and

WHEREAS, the City Commission has duly held a public hearing on the application and has considered the testimony and evidence presented, and

WHEREAS, the City Commission has considered the following:

(1) The report and recommendations of the Planning Board;

(2) The report and recommendations of the Site Plan Review Committee; and

(3) The comments of governmental agencies, utility corporations and individuals, as received, and

WHEREAS, based upon all of the foregoing and in consideration thereof, the City Commission finds that:

(1) The proposed use conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PBD (Planned Business Development) zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The proposed use is consistent with the *Comprehensive Plan*;

(3) The proposed use will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

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

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

(6) Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control,

and provide adequate access in case of fire or catastrophe, as proposed;

(7) The proposed use is functional in the use of space and aesthetically acceptable;

(8) The proposed use provides for the safety of occupants and visitors; and

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

now therefore,

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

SECTION ONE. The above recitals are true and correct and are incorporated by reference.

SECTION TWO. The Mayor and the City Manager are hereby authorized and directed to execute and issue a Development Order for a Special Exception to allow an electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store, located at 1546 West Granada Boulevard, within the PBD (Planned Business Development) zoning district, on the real property described in the Special Exception Development Order, a copy of which is attached hereto and incorporated by reference.

SECTION THREE. A certified copy of this Resolution and the executed original Special Exception Development Order shall be recorded in the public records of Volusia County, Florida.

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

APPROVED AND AUTHENTICATED this 16th day of April, 2024.

_____

BILL PARTINGTON
Mayor

ATTEST:

_____

SUSAN CARROLL DAUDERIS
City Clerk

BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE:	**Application of:**	Independent Sign and Lighting, LLC, a Florida Limited Liability Company, on behalf of the property owner, 7-Eleven, Inc., a Texas for-profit corporation
	Application No.	PZ-2024-018
	Project Name:	"7-Eleven convenience store" Special Exception for electronic changeable copy signage
	Property Address:	1546 West Granada Boulevard
	Parcel ID No.:	4230-00-00-0432

SPECIAL EXCEPTION
DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on April 16, 2024, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18 of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

1. The proposed use conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PBD (Planned Business Development) zoning district, or adversely affect the public health, safety, welfare or quality of life;

2. The proposed use is consistent with the *Comprehensive Plan*;

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

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

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

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

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

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

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

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of Independent Sign and Lighting, LLC, a Florida Limited Liability Company, on behalf of the property owner, 7-Eleven, Inc., a Texas for-profit corporation, (the "Applicant"), for a Special Exception to allow an electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store, located at 1546 West Granada Boulevard, within the PBD (Planned Business Development) zoning district, on that real property described in Exhibit "A" attached hereto and incorporated by reference, is hereby granted, subject to the following conditions:

1. All applicable provisions of the *Land Development Code* shall be complied with at all times, such provisions being incorporated herein by reference and hereby specifically made a part of this Special Exception;

2. There are no outstanding Site Plan Review Committee comments;

3. Full and complete compliance with the Electronic Changeable Copy Signage Conditions described in Exhibit "C";

B. The final plans for the location of the electronic changeable copy signage for the retail prices of gasoline, shall be consistent with all of the conditions listed in Paragraph A

hereof, and the plans displayed in Exhibit "B" attached hereto shall be amended as necessary in order to achieve such consistency.

C. No material change shall be made to the final plans for this Special Exception without further review by the Planning Board and approval by the City Commission in accordance with the procedures for the approval of this Special Exception Development Order.

D. In the event a Neighborhood Improvement Officer subsequently determines there to be any violation of this Special Exception, such Officer shall promptly present such determination to Special Magistrate for hearing.

E. If this Special Exception is abandoned for a period of six (6) months, a zoning approval for a new use, subject to Special Exception requirements, shall not be issued until the Site Plan review Committee determines that all of the conditions of Chapter I, Article II, Section 1-14(3)(c) of the *Land Development Code* have been met.

F. This Special Exception Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of 7-Eleven, Inc., a Texas for-profit corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Parcel ID No.: 4230-00-00-0432)

ORDERED this 16th day of April, 2024.

By: _____
BILL PARTINGTON
Mayor

(CITY SEAL)

Attest: _____
JOYCE A. SHANAHAN
City Manager

LEGAL DESCRIPTION (from Special Warranty Deed Exhibit "A" – Book 7505, Page 513)

A portion of the Southwest one-quarter of Section 30, Township 14 South, Range 32 East, Volusia County, Florida, being more particularly described as follows: As a Point of Reference, commence at a concrete monument marking the Southwest corner of said Section 30; thence run North 89°30'22" East, along the South line of said Section 30, a distance of 811.86 feet to an intersection with the Easterly right-of-way line of the 300-foot wide Limited Access right-of-way of U.S. Highway 1-95; thence run North 16°58'25" West, along the Easterly right-of-way line of said U.S. Highway 1-95, a distance of 506.37 feet to a point therein, said point being the Northwesterly corner of that parcel of land deeded from Consolidated-Tomoka Land Co. to Richard Hall Jr., in Warranty Deed dated July 8, 1983, recorded in Official Record Book 2467, page 666, of the Public Records of Volusia County, Florida; thence continue North 16°58'25" West, along said Easterly right-of-way line of U.S. Highway 1-95, a distance of 155.00 feet; thence run North 06°46'11" West, along said Westerly right-of-way line, a distance of 508.04 feet; thence run North 16°39'25" West, along said right-of-way line, a distance of 266.63 feet to a point therein, said point being the POINT OF BEGINNING of this description; thence, continue along said limited access right-of-way North 16°50'01" West a distance of 189.53 feet; thence, continue along said limited access right-of-way, North 62°26'20" East a distance of 186.68 feet to the Northwesterly corner of that parcel of land deeded from Consolidated-Tomoka Land Co. to BP Oil Company in Warranty Deed dated December 26, 1991, recorded in Official Record Book 3716, page 4975, of the Public Records of Volusia County, Florida; thence, departing the Southerly limited access right-of-way line of said U.S. Highway 1-95 and along the Westerly line of said parcel of land, run South 16°50'31" East a distance of 200.12 feet to the Southwesterly corner thereof; thence run South 65°40'33" West a distance of 185.03 feet to the POINT OF BEGINNING of this description, said parcel containing 0.82 acres, more or less, said parcel also being subject to any easements of record.

AND

Lot 6, ORMOND INTERCHANGE COMPLEX according to the map of Plat thereof, as recorded in Plat Book 44, page 142, of the Public Records of Volusia County, Florida.

LESS AND EXCEPT that portion deeded to the State of Florida Department of Transportation in the Warranty Deed dated April 15, 2002 in Official Record Book 4851, page 3309, of the Public Records of Volusia County Florida.

TOGETHER WITH that certain Ormond Interchange Complex / State Road 40 Outparcel Declaration of Restrictions and Grant of Easements recorded July 26, 1994 in Official Record Book 3938, page 4031 of the Public Records of Volusia County, Florida.

TOGETHER WITH easements for the benefit of the fee parcel, if any, as contained in Easement Agreement by and between Steak 'N Shake Inc., and Ormond Interchange Complex Property Owners Association Inc., dated November 8, 1994, recorded March 16, 1995 in Official Record Book 3990, page 2291 of the Public Records of Volusia County, Florida.

TOGETHER WITH those easements for the benefit of the fee parcel, if any, as contained in Easement Agreement by and between Exchange Associates, and Ormond Interchange Complex Property Owners Association Inc., dated January 5, 1995, recorded March 16, 1995 in Official Record Book 3990, page 2294, of the Public Records of Volusia County, Florida.

TOGETHER WITH those easements for the benefit of the fee parcel as contained on the Plat of ORMOND INTERCHANGE COMPLEX, recorded in Plat Book 44, page 142, of the Public Records of Volusia County, Florida.

TOGETHER WITH those easements for the benefit of the fee parcel as contained on the Plat of REPLAT OF LOT #4 ORMOND INTERCHANGE COMPLEX, recorded in Plat Book 44, page 189, of the Public Records of Volusia County, Florida.

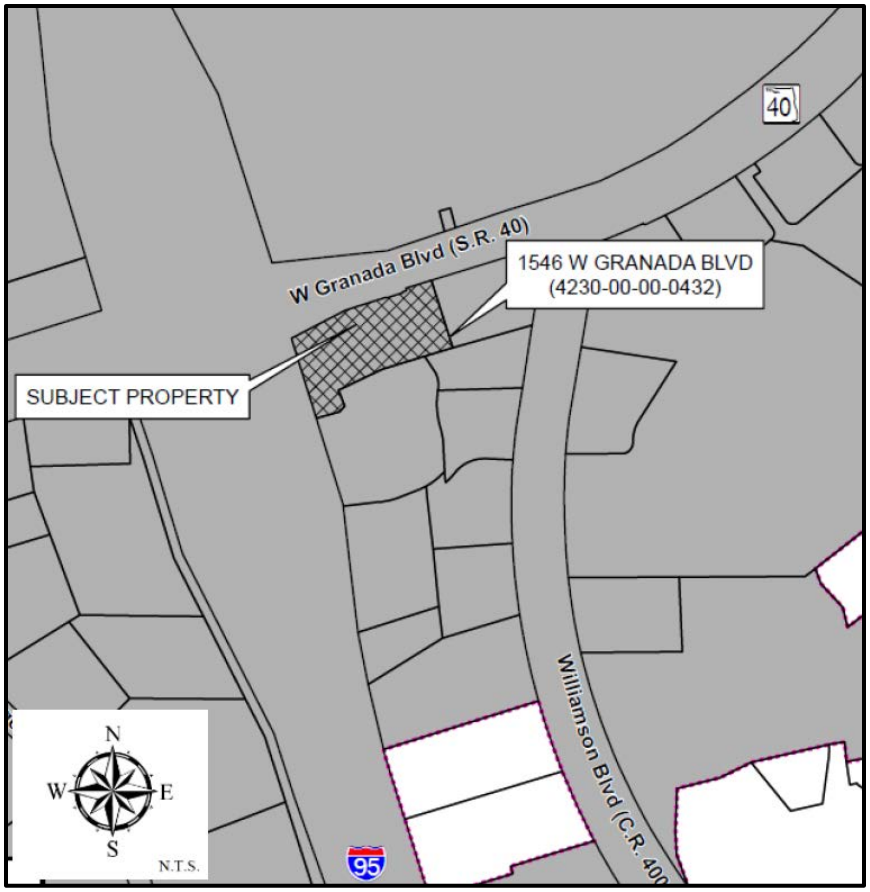
AND

A portion of the Southwest quarter of Section 30, Township 14 South, Range 32 East, Volusia County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the Southerly right-of-way line of State Road No. 40 (Tomoka Road), a variable right-of-way as presently established, with the Easterly right-of-way line of Interstate Highway No. 95, a 480 foot right-of-way as presently established; thence North 62°29'06" East, along the Southerly right-of-way line of said State Road 40,186.50 feet to the Point of Beginning.

From the Point of Beginning thus described, thence North 62°29'06" East, continuing along said Southerly right-of-way line, 76.41 feet to the Southerly line of that certain parcel conveyed to the Florida Department of Transportation and referred to as Parcel 100 recorded in Official Records Book 3698, Page 1892, of the public records of said county; thence North 73°02'40" East, along the Southerly line of said Parcel 100 and along the Southerly right-of-way line of the aforementioned State Road No. 40, as now established, a distance of 123.45 feet to a point lying in the Westerly line of lands described and recorded in Official Records Book 2775, Page 0362, of the public records of said county; thence South 16°53'26" East, departing said Southerly right-of-way line and along the Westerly line of said lands, 188.22 feet to the Southwest corner of said lands, said point also lying on the Northerly line of the lands described and recorded in Official Records Book 3295, page 1844, of said public records; thence South 65°38'22" West, along said Northerly line, 200.04 feet to the Southeast corner of the lands described and recorded in Official Records Book 3208, Page 0328 (Parcel 3A), of said public records; thence North 16°57'04" West, along the East line of said lands, 200.00 feet, returning to said Southerly right-of-way line of State Road No. 40, and the Point of Beginning.

LOCATION MAP

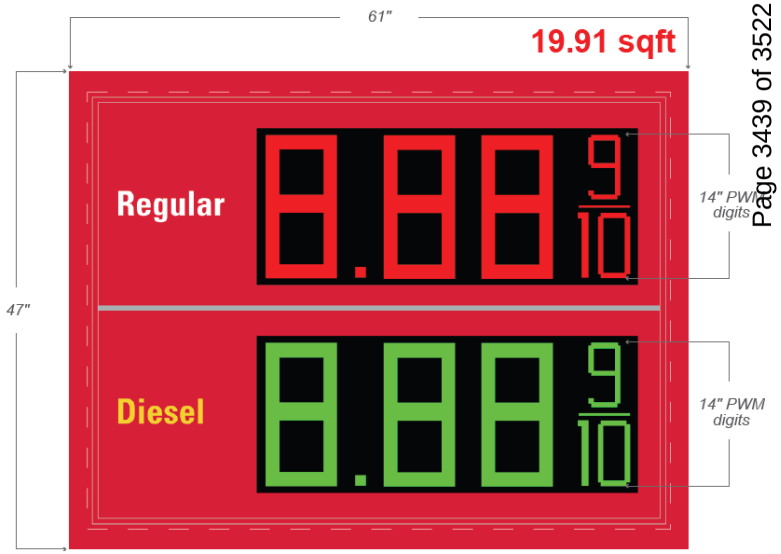


PARCEL ID:	4230-00-00-0432
OWNER:	7-ELEVEN, INC., A TEXAS FOR PROFIT CORPORATION
APPLICANT:	INDEPENDENT SIGN AND LIGHTING, LLC, A FLORIDA LIMITED LIABILITY COMPANY ON BEHALF OF THE PROPERTY OWNER, 7-ELEVEN, INC.
SPECIAL EXCEPTION ADDRESS:	1546 WEST GRANADA BOULEVARD, ORMOND BEACH, FL 32174

EXHIBIT "B"

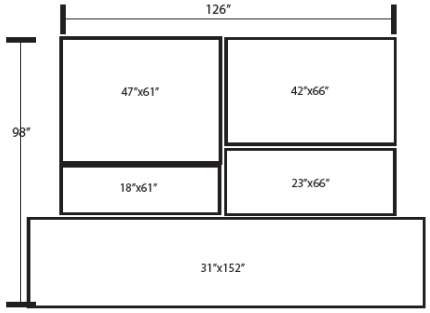






7-Eleven is buying the 14" PWM digits directly from PWM.
Faces only from Everbrite.

existing dimensions



Rendering
...for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to final engineering specifications and install drawings.

NOTE: *Final dimensions to be determined by Final Engineering*

Everbrite

DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings.
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Customer: SUNOCO *Must be printed actual size for scale to apply		Description: Sunoco Old Image — 2P14RG PWM Digits
Project No: 463994-0 A	Scale: 3/4" = 1'	
Date: 02/09/22	Drawn By: T. Heesen	
Location & Site No: 1546 W. GRANADA BLVD, ORMOND BEACH, FL 32174 SUN40466		Revised:
		Revised:

Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.

CUSTOMER SIGNATURE _____ DATE _____

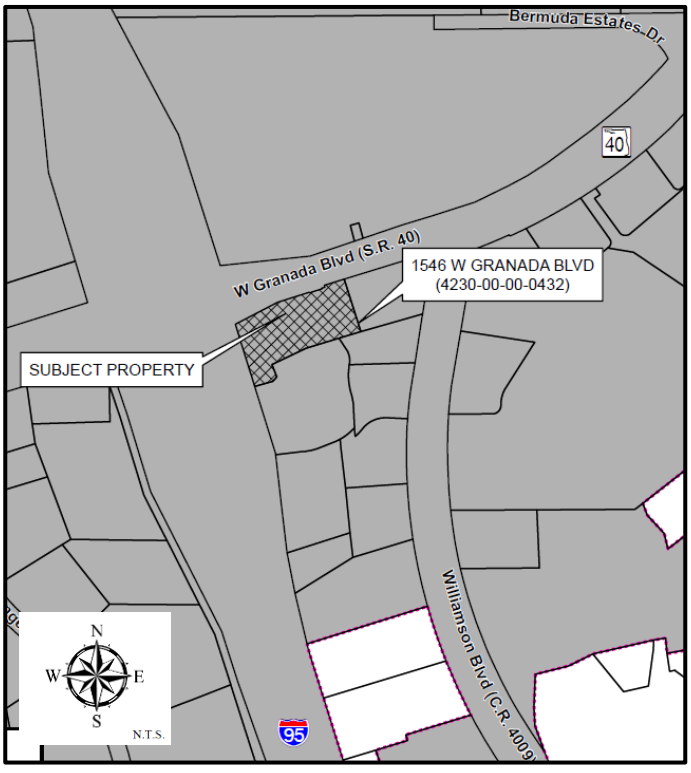
LANDLORD SIGNATURE _____ DATE _____

EXHIBIT “C”

Electronic Changeable Copy Signage Conditions

1. The electronic changeable copy signage display screen must be integral to the design of the sign structure and shall not be the dominant element. The display area for the electronic changeable copy signage shall not exceed 60% of the proposed total sign area;
2. The pixel spacing of the electronic changeable copy signage display screen shall be 20 millimeters or less;
3. The display feature of an electronic changeable copy sign shall not change more rapidly than once every minute; except that the electronic display feature for gas stations shall not change more than once in every six continuance hour period;
4. The electronic changeable copy sign display shall consist of text and static images only. The display shall not appear to flash, undulate, pulse, scroll, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board;
5. The electronic changeable copy sign display shall have a one-color background with only the message image lit in a one-color or multi-color copy;
6. All electronic changeable copy signs shall have installed ambient light monitors to automatically adjust the brightness level of the electronic changeable copy sign based on ambient light conditions;
7. Electronic changeable copy sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for display operations; and
8. Electronic changeable copy sign permit applications must also include a certificate from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with the adopted Ormond Beach Land Development Code and Code of Ordinances and that the owner or operator shall provide proof of such conformance upon request of the City.

PLANNING BOARD
STAFF REPORT
1546 W. Granada Boulevard, Special Exception
Project Number: PZ-2024-018

PLANNING BOARD DATE:	March 14, 2024
TENTATIVE CITY COMMISSION DATE:	April 16, 2024 (only one hearing)
APPLICANT:	Independent Sign and Lighting, LLC, on behalf of the property owner, 7-Eleven, Inc.
LOCATION:	1546 West Granada Boulevard
REQUEST:	Special Exception to allow two (2) electronic changeable copy signs for the retail prices of gasoline at the existing 7-Eleven Convenience store.
SITE PLAN REVIEW COMMITTEE RECOMMENDATION:	Approval
STAFF CONTACT:	Sarah Cushing, Senior Planner
MAP OF PROJECT AREA:	

SECTION 1, INTRODUCTION:

This is a request by Independent Sign and Lighting, LLC, for a Special Exception to allow for one (1) electronic changeable copy sign for retail prices of gasoline at the 7-Eleven Convenience store located at 1546 West Granada Boulevard. The electronic changeable copy area would replace the copy face area on the existing monument sign. There are no other site or building improvements proposed.

SECTION 2, BACKGROUND:

The subject property is located on the southeast corner of Granada Boulevard and I-95 interchange. The parcel was rezoned from B-4, Central Business to PBD, Planned Business Development with Ordinance 2013-24, and there is an approved development order that was established with Ordinance 2013-25. The use is an existing 7-Eleven Convenience store with fuel sales.

SECTION 3, ANALYSIS: The subject property is designated as "Tourist Commercial" on the City's Future Land Use Map (FLUM), and is classified as PBD (Planned Business Development) on the City's Official Zoning Map. The following table shows the surrounding land uses and zoning:

EXHIBIT 1: Adjacent land uses and zoning:

Direction	Uses	Land Use designation	Zoning designation
North	Walmart	"General Commercial"	PBD (Planned Business Development)
South	Taco Bell and Denny's	"Tourist Commercial"	B-7 (Highway Tourist Commercial)
East	Chase Bank	"General Commercial"	B-7 (Highway Tourist Commercial)
West	I-95 and Dunkin Donuts	"Tourist Commercial"	B-7 (Highway Tourist Commercial)

Section 3-47(G) of the Land Development Code regulates electronic changeable copy signs and states, "an electronic changeable copy sign for the sole purpose of displaying retail prices of gasoline may be approved by special exception where such electronic display features will be clearly visible and legible to drivers of approaching motor vehicles from a vantage point of any lane of traffic in either direction on a roadway abutting the gas station premises, consistent with section 553.79(20)(a)(2), Florida Statute." The applicant has stated in their application that the operational requirements for electronic changeable copy signage from the Land Development Code standards would be met. One of the criteria in Section 3-47(G), is that the electronic changeable display area of the sign cannot exceed 60 percent of the total sign area. EXHIBIT 2 demonstrates that the proposed monument sign would not exceed this requirement.

EXHIBIT 2: Proposed signage totals:

Sign Details	West Granada Boulevard
Total Signage	58.59 square feet
Regular gas price	6.1 square feet
Diesel gas price	6.1 square feet
Total electronic signage	12.2 square feet
Percentage of electronic sign of overall sign	20.82 percent

The Special Exception proposes to allow one (1) electronic changeable copy sign for retail prices of gasoline at the 7-Eleven Convenience store. The existing site signage is shown in EXHIBIT 3 and proposed electronic changeable copy signage is shown in EXHIBIT 4 below.

EXHIBIT 3: Existing site signage:

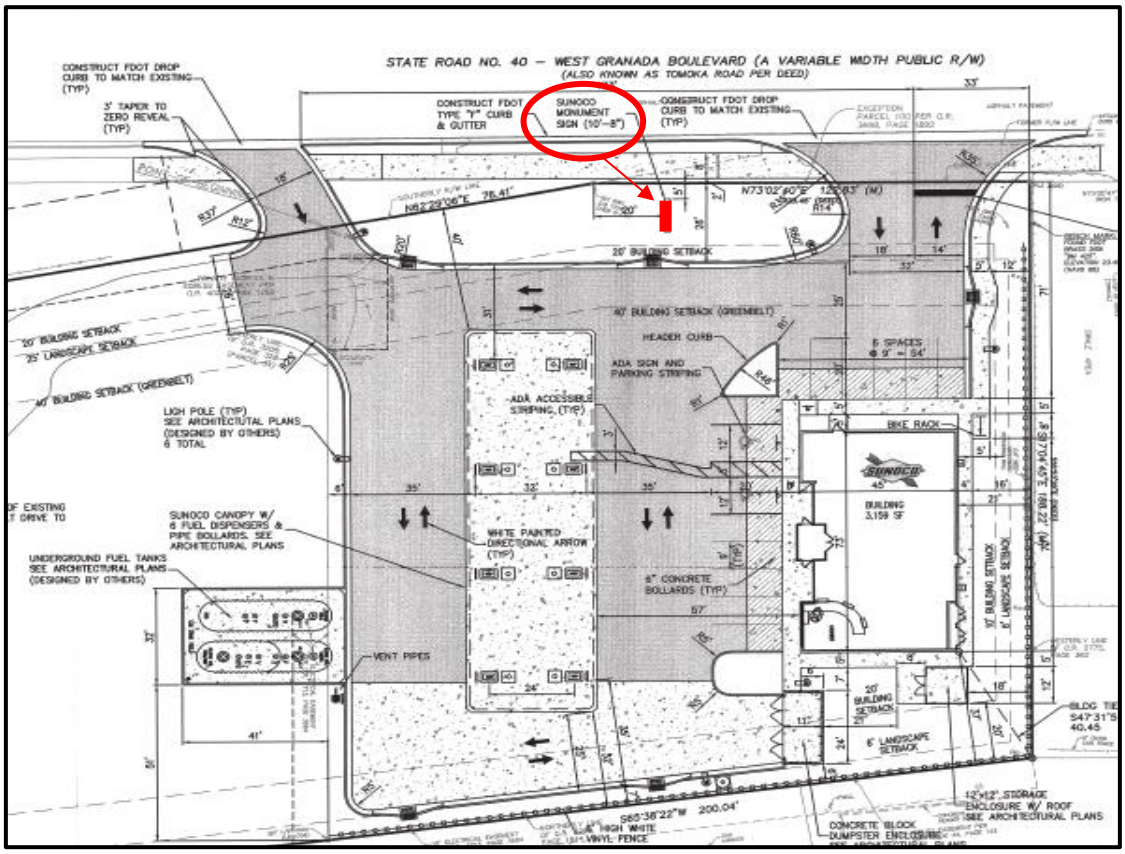


EXHIBIT 4: Proposed electronic changeable copy signage:



Exhibit 5 shows the location of the existing signage. The existing signage would undergo a face change for the electronic changeable copy signage and the signage frame would not be altered from their existing locations.

Exhibit 5: Location of existing site signage:



The Special Exception request is solely for the electronic changeable copy signage for retail prices of gasoline. No other signage, site or building improvements are being proposed.

SECTION 4, SPECIAL EXCEPTION CRITERIA:

Section 2-56 of the Land Development Code outlines the general criteria for all Special Exception approvals:

A. ***Off-street parking loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.***

The project site has an approved site plan with adequate parking for the use. The proposed Special Exception would not have an impact to the overall provision of approved parking. The location of the site sign for the electronic changeable copy signage for retail prices of gasoline is within the frame of the existing signage.

B. ***Required yards, screening or buffering, and landscaping shall be consistent with the district in general, the specific needs of the abutting land uses, Chapter 3, Article 1, and other applicable provisions of this Code.***

The proposed Special Exception request shall not impact the site buffers or landscaping. The electronic changeable copy signage would have no impact on the site landscaping.

C. ***Size, location, or number of conditional or Special Exceptions in an area shall be limited so as to maintain the overall character of the district in which said conditional or Special Exceptions are located.***

This is a Special Exception to allow an electronic changeable copy signage for retail prices of gasoline. The Special Exception is based on Section 553.79(20) of the *Florida Statutes* that provides preferential treatment to certain corporate entities, specifically gasoline companies, regarding the display of communicative content in accordance with their corporate branding.

D. ***Hours of operation may be limited and the City may require additional information on structural design and site arrangement, to assure the compatibility of the development with existing and proposed uses in the surrounding area.***

The requested Special Exception would not require any hours of operation restrictions and the site is located along a commercial corridor. The purpose of the electronic changeable copy signage for retail prices of gasoline is to be clearly visible and legible to motorists.

E. ***The Special Exception shall not generate hazardous waste or require use of hazardous materials in its operation without use of City-approved mitigative techniques.***

This Special Exception will not generate hazardous waste.

F. ***All development proposed as a Special Exception within or adjacent to a historic district shall be reviewed based on applicable criteria stated herein for residential, commercial or mixed-use development and shall also comply with appearance and design guidelines for historic structures.***

The project is not located within, or adjacent to, a historic district and this criterion does not apply to the project development.

G. ***Outdoor lighting shall have no spillover onto adjacent property or rights-of-way beyond the building site property line and the lumens shall not exceed two (2) foot-candles at the property line.***

The application is solely for the electronic changeable copy signage for retail prices of gasoline and alternative signage standards. Any site lighting would be approved by the Site Plan Review Committee.

SECTION 5, DEVELOPMENT ORDER CRITERIA:

Section 1-15(e) (Planning Board) and Section 1-18 (e)(2) (City Commission) of the Land Development Code provide development order criteria for Special Exception applications. Below is the criterion in bold with staff's responses.

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

The proposed development conforms to the standards and requirements of the Land Development Code. The proposed use will not create undue crowding or adversely affect the public health.

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

   The site has a Future Land Use designation of “Tourist Commercial”, which is consistent with the proposed use. The proposed Special Exception is consistent with the Comprehensive Plan.

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

   The proposed Special Exception application is for electronic changeable copy signage for retail prices of gasoline and will not adversely impact environmentally sensitive lands or natural resources.

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

   The proposed Special Exception application is for electronic changeable copy signage for retail prices of gasoline which will not depreciate the value of surrounding properties based on the location abutting roadways. The site’s monument sign is existing. The decision that is part of the Special Exception, is to provide a determination if the electronic display portion of the signs are appropriate.

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

   Public facilities currently serve the site and there would be no impact to the existing infrastructure.

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

   The Special Exception for electronic changeable copy signage for retail prices of gasoline is sought to improve the visibility and the ability to read the gas prices as allowed under Section 553.79 (20) of the *Florida Statutes*. The proposed sign would not alter the approved traffic patterns or site access management and is part of the applicants corporate branding.

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

   There is no development proposed with the Special Exception for electronic changeable copy signage for retail prices of gasoline.

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

   There is no development proposed with the Special Exception for electronic changeable copy signage for retail prices of gasoline. The applicant states that the sign would provide increased visibility of the price of gasoline and safety to the employees.

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

   There is no development proposed with the Special Exception for electronic changeable copy signage for retail prices of gasoline.

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

    This application has not been reviewed in a public forum and no testimony has been provided.

SECTION 6, RECOMMENDATION:

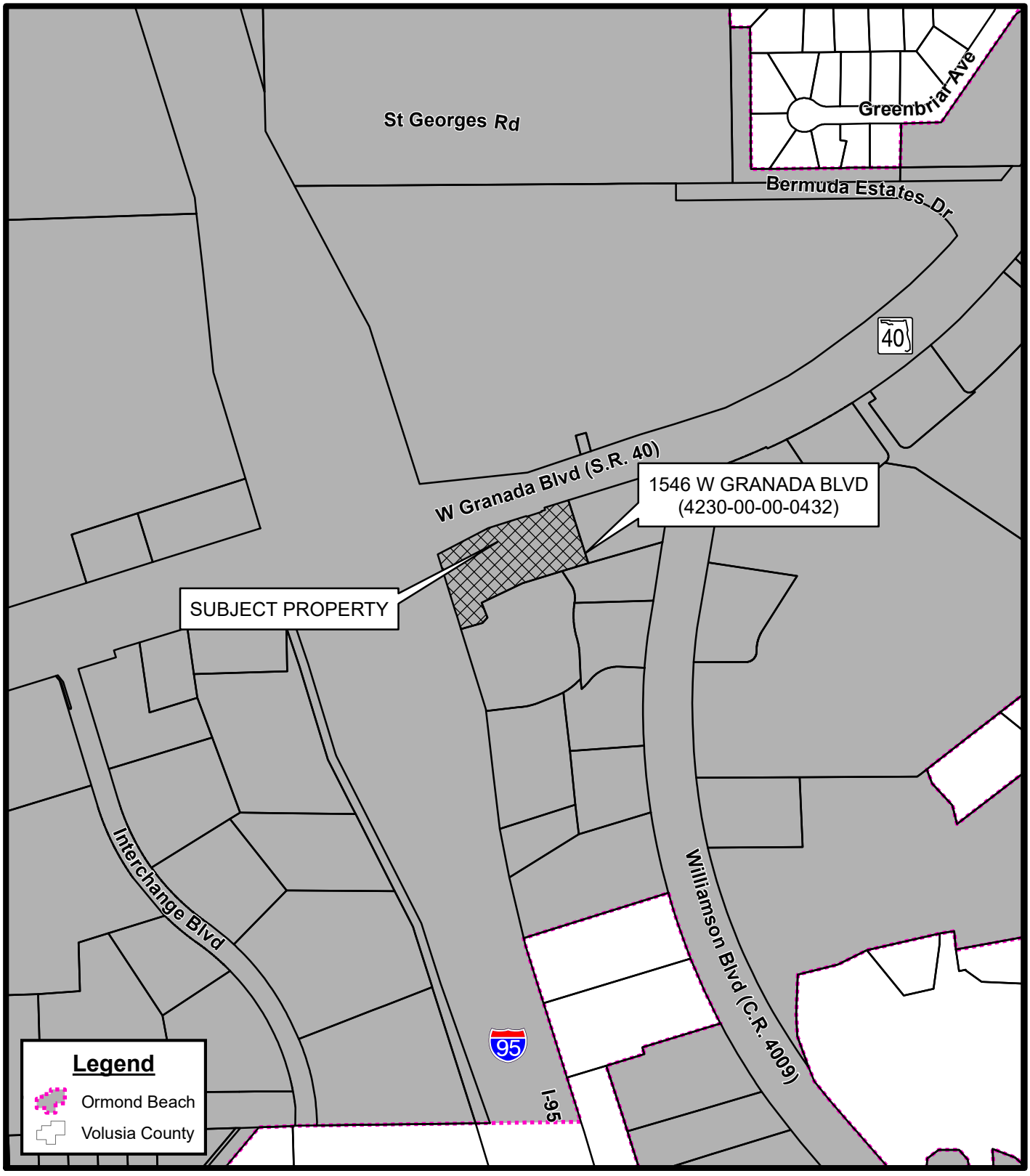
It is expected that the application will be reviewed by the City Commission on April 16, 2024. It is recommended that the Planning Board **APPROVE** the application to allow one (1) electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven Convenience store located at 1546 West Granada Boulevard.

Attachments:

Attachment 1: Site maps
Attachment 2: Applicant submitted information

Attachment 1:

Site maps



LOCATION MAP
1546 W GRANADA BLVD
(4230-00-00-0432)

Prepared By: City of Ormond Beach
G.I.S. Department - February 9, 2024

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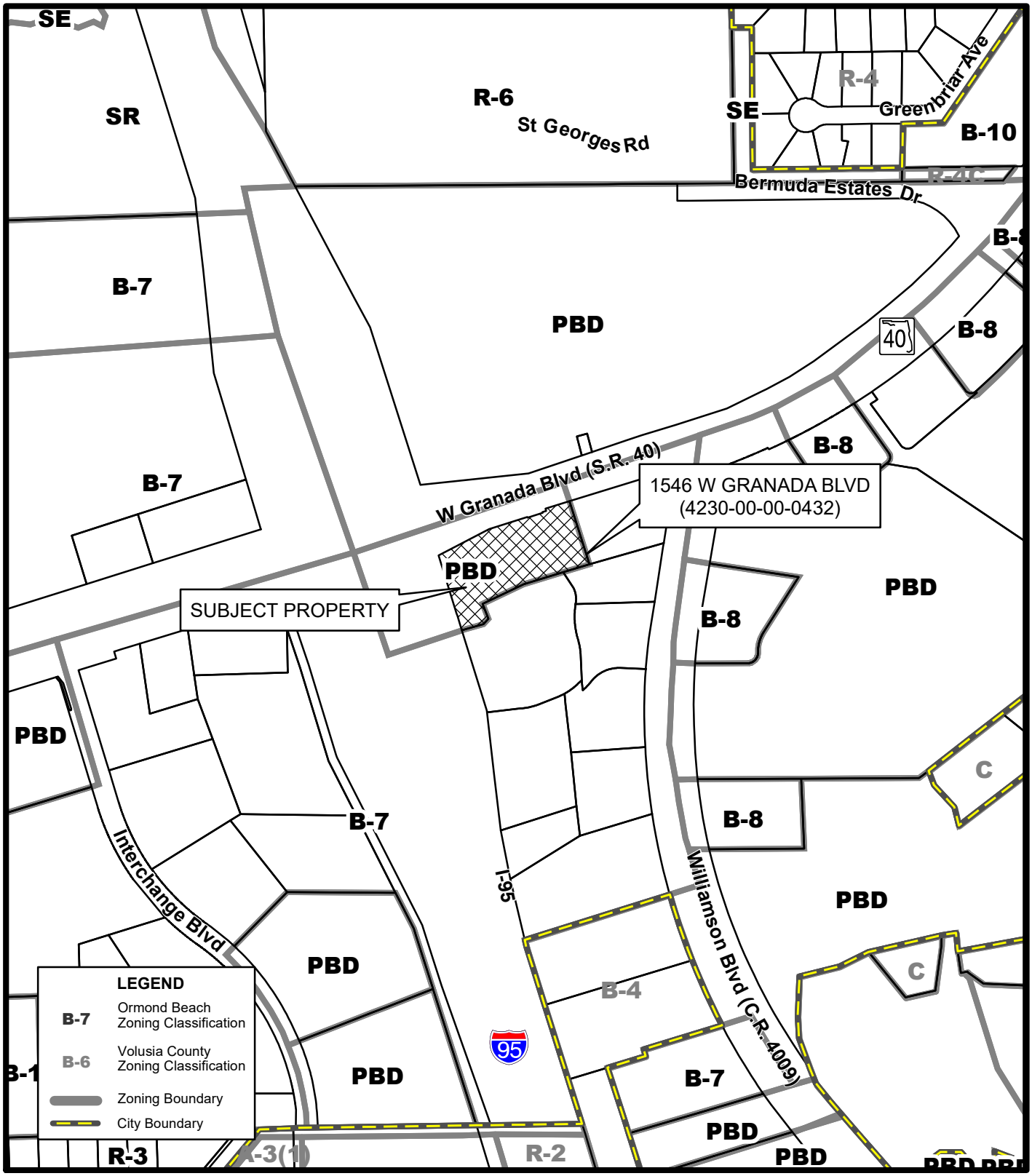

ZONING MAP
1546 W GRANADA BLVD
(4230-00-00-0432)

Prepared By: City of Ormond Beach
G.I.S. Department - February 9, 2024

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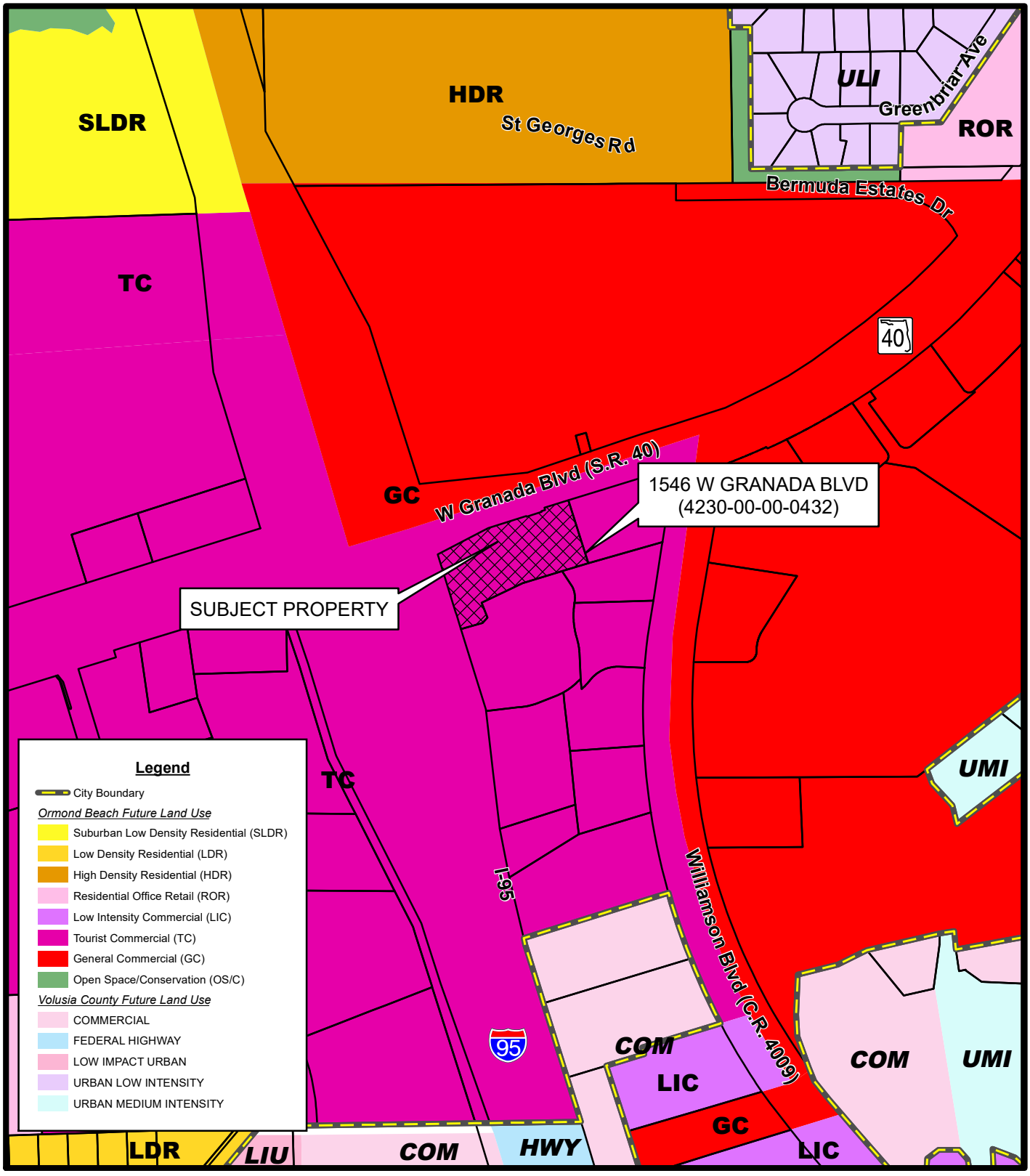

CITY OF ORMOND BEACH ★ FLORIDA ★

FUTURE LAND USE MAP
1546 W GRANADA BLVD
(4230-00-00-0432)

Prepared By: City of Ormond Beach
G.I.S. Department - February 9, 2024

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N.T.S.

Attachment 2:

Applicant submitted information

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Public hearing applications require City Commission action with many types being reviewed by the Planning Board to provide a recommendation. Some public hearing items require site plan review. Please complete the application and fee worksheet. Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.

PROJECT INFORMATION

Project Type:*	Special Exception - Gas Station signage *Complete fee sheet (page 3)		
Project Name:	7 Eleven		
Project Address:	3 N YONGE ST, ORMOND BEACH 32174		
Volusia County parcel number(s):	423000000432		
Description:	Installation of electronic changeable copy, Monument		
Pre-application date:	1/23/24	Pre-application waiver granted:	

PROJECT COORDINATOR

Name:	Austin Squitieri
Address:	1725 S. Nova Rd. E8
City, State, Zip code:	South Daytona, FL 32119
Telephone:	386-748-2460
E-mail:	Austin@independentsignandlighting.com

APPLICANT INFORMATION

Same as project coordinator	☐	**Same as property owner**	☐
Name:	Andy Lepkowski		
Address:	1725 S. Nova Rd. E8		
City, State, Zip code:	South Daytona, FL 32119		
Telephone:	386-785-5877		
E-mail:	permits@independentsignandlighting.com		

PROPERTY OWNER			
Same as project coordinator	☐	**Same as property owner**	☐
Name:	7-ELEVEN INC		
Address:	2424 RIDGE RD.		
City, State, Zip code:	ROCKWALL TX 75087		
Telephone:			
E-mail:			

VIEW ONLY ACCESS TO PROJECT DOX (Provides viewing access to project)

Name:	Andrea Nabors	E-mail:	Andrea.Nabors@signresource.com
Name:	Doyle L. Seiber	E-mail:	doyle.seiber@signresource.com
Name:		E-mail:	
Name:		E-mail:	

CERTIFICATION

By submitting this application, I hereby certify that the information provided is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and the review process for this application. I authorize Ormond Beach staff to access the subject property during typical business hours to review the public hearing application.

Signature: _____

STATE OF FLORIDA

COUNTY OF _____

The forgoing instrument was acknowledged before me this _____ day of _____,

20____, by _____ as _____(title*)

for _____ (name of corporation*), who ( ) provided

_____as identification, or ( ) who is personally known to me.

_____

Notary Public, State of Florida

My Commission Expires:

* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

Updated October 1, 2021

City of Ormond Beach
Public Hearing Application Fees

Planning Department
22 South Beach Street, Room 104, Ormond Beach, FL 32174
(386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

INSTRUCTIONS

Site plan submittals require the submittal of applications per Ordinance 2021-30, codified in Section 8-10, Application processing fees, of the Code of Ordinances. All applications shall calculate the fees which shall be verified by city staff. **Assistance is available by e-mailing comdev@ormondbeach.org or calling (386) 676-3238.**

PUBLIC HEARING FEES (Ordinance 2021-30 - Section 8-10 of Code of Ordinances)

Check all that apply	SPRC reviews	Fee	Advertising	Total fee
☐	Annexation	No fee	No fee	No fee
☐	Annexation Agreement	No fee	No fee	No fee
☐	Comprehensive Plan, small area amendment	$2,000	$1,025	$3,025
☐	Comprehensive Plan, large-scale amendment	$2,000	$2,250	$4,250
☐	Concurrency, traffic impact analysis	$3,000 (deposit)	NA	$3,000
☐	Development of Regional Impact amendment	$600	$2,250	$2,850
☐	Planned Development	$2,500	$2,400	$4,900
☐	Planned Development, major amendment	$1,000	$2,400	$3,400
☐	Regulatory amendment, zoning map, under 10 acres	$1,500	$850	$2,350
☐	Regulatory amendment, zoning map, over 10 acres	$1,500	$1,650	$3,150
☐	Regulatory amendment, LDC amendment	$1,000	$700	$1,700
☐	Regulatory amendment, LDC amendment (zoning districts)	$1,000	$1,500	$2,500
✔	Special Exception	$850	$850	$1,700
☐	Special Exception, CRA	$400	$850	$1,250
☐	Street vacation	$500	$1,925	$2,425
☐	Subdivision, Preliminary plat	$1,500 plus $25 per lot	NA	$1,500 plus $25 per lot
☐	Subdivision, Final plat	$1,000 plus $25 per lot	$350	$1,350 plus $25 per lot
☐	Subdivision, city surveyor review	Actual costs	NA	Actual costs
☐	Subdivision, Recording of plat	Actual costs	NA	Actual costs
☐	Other:			
		TOTALS:		

INDEPENDENT SIGN & LIGHTING
1725 S Nova Rd, Suite E8, South Daytona, FL 32119
www.independentsignandlighting.com

Date: 2/6/24

To whom it may concern,

Please accept this letter as a Special Exception Request for:
1546 W. Granada Blvd. in Ormond Beach, FL 32174
to replace the current manual changeable copy fuel price display with a new LED fuel price display.

The client would like to update the monument to a more efficient and modern LED pricer. Amidst ongoing theft of current changeable copy panels, it has become unsafe for employees and also cost prohibitive to maintain the current application of the existing price signs. The monument sign will remain as is - the cabinet is staying the same. We are only proposing to change the pricer portion of the sign.

The total square footage of the monument sign is 85.75 sqft with an elevation of 8.17 feet. The Sunoco logo panel is 19.25 sqft, APlus panel is 10.54 sqft, Offical fuel Nascar 7.63sqft and the pricer panel of the monument is 19.91 sqft.

The pixel spacing of the electronic changeable copy signage display screen hall be 15 millimeters.
Independent Sign and Lighting / Client acknowledges the following:

- The sign electric changeable copy signage will not change more than one in every six-continuance hour period.
- The electronic changeable copy signage will consist of only text and static images.
- The electronic changeable copy signage shall have a one-color background with only the message image lit in a one color or multi-color copy.
- The electronic changeable copy signage shall have installed ambient light monitors.
- The permit application will include copy of the manufacturer's operating manual.
- The permit application will include a certificate from the owner or operator regarding the operation.

A sign will be posted on the property 14 days prior to the planning board meeting. The sign will be 4'x4' in size and clearly visible from the street. We will provide a photograph of the sign with a notarized affidavit to the Planning Board prior to the hearing as evidence of meeting the post requirements.

Thank you for your attention in this matter,

Austin Squitieri
Representative of Independent Sign and Lighting LLC

INDEPENDENT SIGN & LIGHTING

1725 S Nova Rd, Suite E8, South Daytona, FL 32119

***.independentsignandlighting.com

Letter of Authorization

Date: 1/4/24

To Whom It May Concern: **City of Ormond Beach**

7 Eleven 1546 W. Granada Blvd. Ormond Beach, FL 32174

As owners/representatives of the above referenced property **7-Eleven Inc,** grant permission for Independent Sign and Lighting LLC and its authorized agents to install signage at the above location. Independent Sign and Lighting LLC and its authorized agents may also secure any necessary permits for the signage in the City/County that this property is located.

Sincerely,

Signed: _____ Date: 1/24/24

Printed Name: MR. McCullough

Title: Pres. Tejas Enterprises

Phone: 904 355 6775

State of Florida, County of Duval

Sworn to and subscribed before me by means of (✓) Physical presence or ( ) online notarization, this 24th day of January, 2024 by Michael R McCullough, who (✓) is personally known to me or ( ) produced identification _____.

Notary Morgan Reeder

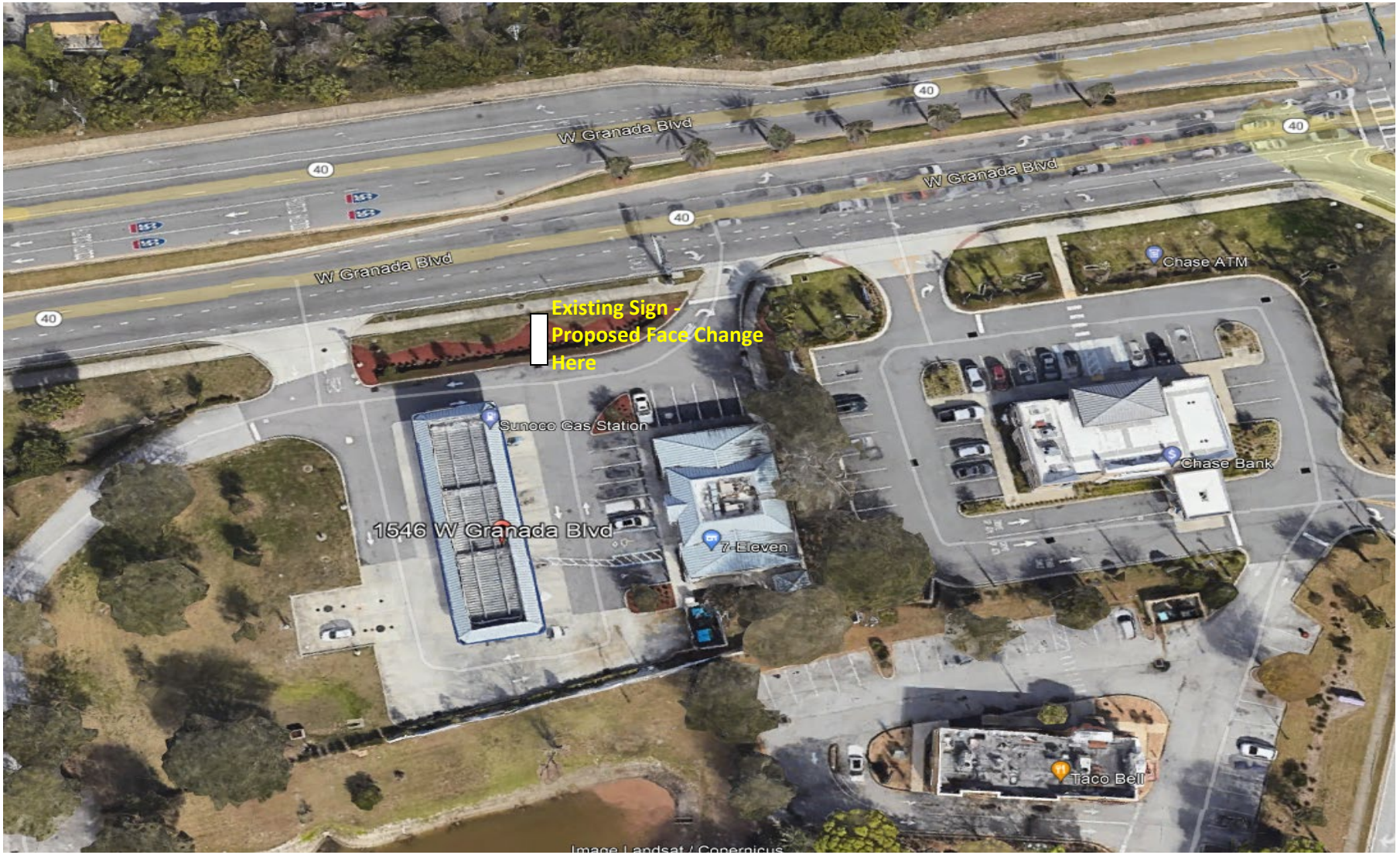
Signed _____

Stamp

Notary Public State of Florida
Morgan Reeder
My Commission HH 405558
Expires 7/24/2027

7 Eleven
1546 W. Granada Blvd.
Ormond Beach, FL 32174

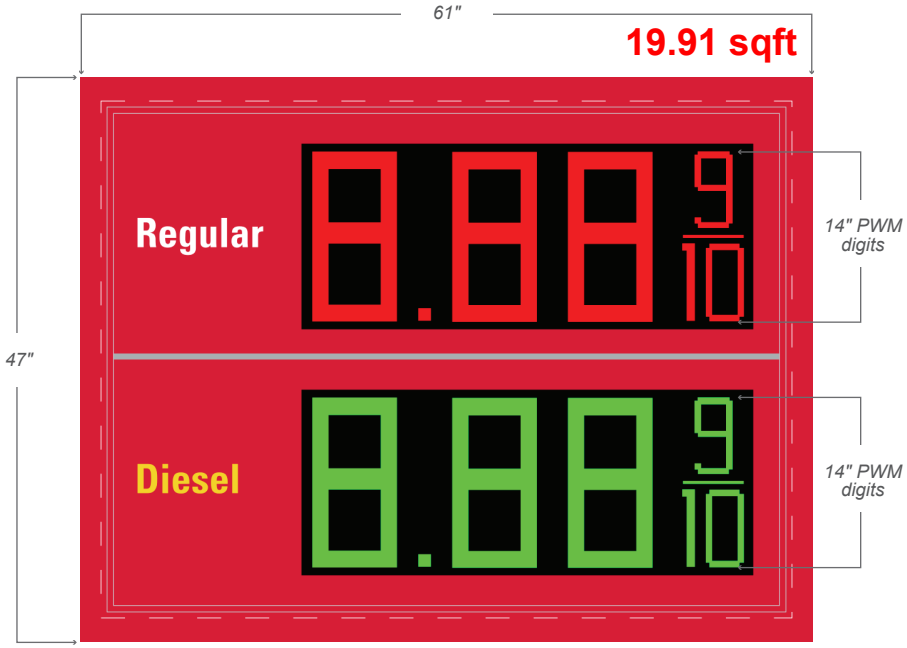
Proposed Face Change



_____FRONTAGE 227.58 sqft_____

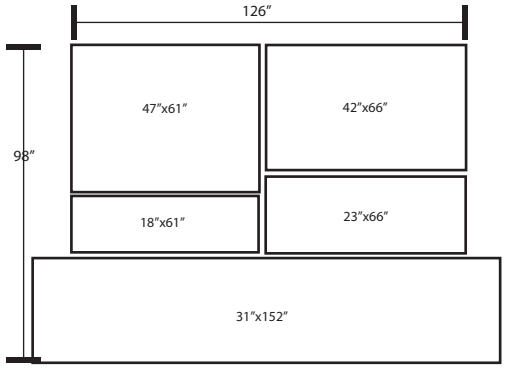






7-Eleven is buying the 14" PWM digits directly from PWM.
Faces only from Everbrite.

existing dimensions



Rendering
...for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to final engineering specifications and install drawings.

***NOTE:** Final dimensions to be determined by Final Engineering*

Everbrite

DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings.

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Customer: SUNOCO *Must be printed actual size for scale to apply		Description: Sunoco Old Image — 2P14RG PWM Digits
Project No: 463994-0 A	Scale: 3/4" = 1'	
Date: 02/09/22	Drawn By: T. Heesen	
Location & Site No: 1546 W. GRANADA BLVD, ORMOND BEACH, FL 32174 SUN40466		Revised:
		Revised:

Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.

CUSTOMER SIGNATURE _____ DATE _____

LANDLORD SIGNATURE _____ DATE _____

DRAFT

Planning Board minutes from March 14, 2024

ITEM:

PZ-2024-018

1546 West Granada Boulevard

Special Exception, Electronic Changeable Copy Signage for the Retail Prices of Gasoline

Applicant's Presentation

Mr. Austin Squitieri, Independent Sign and Lighting, 1725 S. Nova Road, Suite E8, South Daytona, Florida. He reiterated that the sign size would not be increased and is simply to install an electronic changeable sign. It will also help increase employee safety.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Galloway motioned to approve PZ 2024-016, 7-Eleven Electronic Changeable Copy Signage, 3 North Yonge Street, Special Exception. Mr. du Moulin seconded it. Vote was called, and the motion was approved (5-1), with Mr. Scudiero in opposition.

H. PZ 2024-017, 7-Eleven Electronic Changeable Copy Signage, 460 South Atlantic Avenue, Special Exception

Ms. Cushing stated that this is a request for a Special Exception to allow an electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store located at 460 South Atlantic Avenue. There are no other site or building improvements proposed.

Ms. Cushing stated that electronic changeable copy signage for the retail display of gasoline is allowed as a Special Exception. She stated that the application is a face change to modify the one (1) manual changeable copy to electronic changeable copy signage. Ms. Cushing stated that the application complies with Section 3-47(G) of the LDC and staff recommended approval of the application.

Board Recommendation

Chairman Thomas opened it up to the Board for a motion.

Mr. Jorczak motioned to approve PZ 2024-017, 7-Eleven Electronic Changeable Copy Signage, 460 South Atlantic Avenue, Special Exception. Ms. Shull seconded it. Vote was called, and the motion was approved (5-1), with Mr. Scudiero in opposition.

I. PZ 2024-018, 7-Eleven Electronic Changeable Copy Signage, 1546 West Granada Boulevard, Special Exception

Ms. Cushing stated that this is a request for a Special Exception to allow an electronic changeable copy sign for the retail prices of gasoline at the 7-Eleven convenience store located at 1546 West Granada Boulevard. There are no other site or building improvements proposed.

Ms. Cushing stated that electronic changeable copy signage for the retail display of gasoline is allowed as a Special Exception. She stated that the application is a face change to modify the one (1) manual changeable copy to electronic changeable copy signage. Ms. Cushing stated that the application complies with Section 3-47(G) of the LDC and staff recommended approval of the application.

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 8.G

Section:	PUBLIC HEARINGS		
Item Category:	Public Hearing - Resolution	**Res./Ord. No:**	2024-63
Strategic Goal:	Transportation & Community Development - Other		
Department:	Planning & Building		
Subject:	51 West Granada Boulevard, Fern & Fable, Original Artwork Mural		
Summary:	This is a request from Rayna Dunlop, Fern & Fable Books, with the authorization of the property owner, Highlander Corporation, to paint a mural at 51 West Granada Boulevard. The original artwork mural is purposed along the western facade of the building. Section 3-72 of the Land Development Code details the application process for an original artwork mural, which includes review by the Ormond Beach Arts District Board and final action by the City Commission. The Downtown Mural Program was established by Ordinance 2019-09 on April 2, 2019. The purpose of the program is to create cultural identity, preserve history, promote economic development, focus revitalization efforts, address blight, promote diversity, encourage and foster community engagement, develop an appreciation of art, and contribute to long-term community planning. The Ormond Beach Arts District Board recommended approval by a vote of 8-0 of the mural application on March 19, 2024. There were no individuals who spoke for or against the mural application.		
Financial Impact:	There is no financial impact as a result of the original artwork mural.		
Citizen Impact:	The proposed mural will enhance the overall attractiveness of the Downtown Overlay District and no negative citizen impact is expected.		
Recommended Action (Staff, Advisory Board and/or Other):	The Ormond Beach Arts District Board recommended **APPROVAL** to the City Commission with an 8-0 vote for the original artwork mural at 51 West Granada Boulevard.		

Staff Contact:	Steven Spraker, Planning Director, (386) 676-3341
Attachments:	1. 24-63 51 West Granada Blvd - Mural (P24-0055G) 2. Exhibit A - Signed Ownership Agmt 3. 03.19.2024 51 WGB Fern and Fable Mural Staff Report 4. 03.14.2024, DRAFT OBADB minutes, 51 WGB - Mural
Approval:	Kelly McGuire, Finance Director 3/26/2024 Claire Whitley, Assistant City Manager 4/3/2024 Joyce Shanahan, City Manager 4/11/2024

RESOLUTION NO. 2024-63

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A MURAL OWNERSHIP AGREEMENT TO ALLOW A MURAL TO BE INSTALLED ON THE WEST FACING WALL OF THE BUILDING LOCATED AT 51 WEST GRANADA BOULEVARD, BETWEEN THE CITY OF ORMOND BEACH; BILL JONES, HIGHLANDER CORPORATION (BUILDING OWNER); AND BETH O'CONNOR (ARTIST); AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the City Commission approved Ordinance 2019-09 establishing requirements for original murals to promote the general welfare of the community and to protect the aesthetic character of the City without regulating content; and

WHEREAS, the purpose of the mural program is to create cultural identity, preserve history, promote economic development, focus revitalization efforts, address blight, promote diversity, encourage and foster community engagement, develop an appreciation of art, and contribute to long-term community planning; and

WHEREAS, the City finds that it possesses the unique aesthetic of a diverse creative class and wishes to increase its potential by increasing the quantity and quality of art works on display, catalyze high quality arts programming, provide support for arts initiatives and artists, and to increase "arts and culture" tourism; and

WHEREAS, in accordance with Chapter 3, Article VI, Section 3-72(b) of the *Land Development Code*, the real property located at 51 West Granada Boulevard where the mural is to be

installed is located within the Downtown Overlay District and is eligible to apply for a mural permit; and

WHEREAS, the said application is in compliance, with the provisions of the City of Ormond Beach *Land Development Code* ("the *Land Development Code*") and the general laws of Florida, and

WHEREAS, the Ormond Beach Arts District Board held a public hearing on March 19, 2024, regarding this matter as required by Chapter 3, Article VI, Section 3-72 of the *Land Development Code*, and

WHEREAS, the City Commission has duly held a public hearing on the application and has considered the testimony and evidence presented, and

WHEREAS, the City Commission has considered the recommendations of the Ormond Beach Arts District Board;

WHEREAS, based upon all of the foregoing and in consideration thereof, the City Commission finds that:

(1) The mural permit application was submitted to the Planning Department for review and was deemed complete which includes the following;
(a) Site Plan;
(b) Completed Sketch of the Proposed Mural;
(c) Description of Proposed Materials and Colors;
(d) Detailed Maintenance/Conservation Plan;
(e) Artist's Resume, Portfolio and References;
(f) Owner's Application;

(g) Lessee's Application;

(h) Mural Ownership Agreement; and

(i) Waiver of Rights Pursuant to Visual Artists Rights Act.

(2) The Ormond Arts District Board has recommended approval of the proposed mural based upon the review criteria per Chapter 3, Article VI, Section 3-72(f)(2) of the *Land Development Code* as follows:

(a) The mural is durable, permanent and easily protected from vandalism and weathering.

(b) The mural does not have any unsafe features or conditions that may affect public safety.

(c) The mural does not disrupt traffic nor create any unsafe conditions or distractions to motorists or pedestrians.

(d) The mural surface is prepared with an outdoor primer to ensure good adhesion for the artwork.

(e) Clear, anti-graffiti coating is to be applied over the completed artwork.

(f) The mural does not extend more than six inches from the plane of the wall to which it is attached.

(g) The mural will enhance the aesthetic beauty of the area of its proposed location.

(h) The mural is located on only one façade of the building. The mural is not placed on the primary façade of the structure unless an exception has been reviewed by the Ormond Beach Arts Mural Committee, and approved by the City Commission, when the nature of the business is creative, artistic or some other special circumstance has been presented.

(i) The mural is compatible with the character of the surrounding area (particularly when near residential areas) in terms of its size, style, colors, materials, general appearance, and location.

(j) Any licensed, copyrighted, or trademarked characters or likenesses used on the mural has permission from the holder or owner of the license, Copyright or trademark.

(k) There are no outstanding code enforcement violations charged by the City on the property where the mural is to be located.

(3) The mural does not cover more than one single façade of the building;

(4) The mural does not violate federal, state or local law;

(5) The testimony provided at public hearings,

now therefore,

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

SECTION ONE. The above recitals are true and correct and are incorporated herein by reference.

SECTION TWO. The Mayor and the City Manager are hereby authorized and directed to execute a Mural Ownership Agreement between the City of Ormond Beach, Bill Jones, Highlander Corporation (Building Owner), and Elizabeth (Beth) O'Connor (Artist), attached hereto as "Exhibit A" and incorporated herein by reference, for the installation of a mural located on the west facing wall at 51 West Granada Boulevard, within the Downtown Overlay District.

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

APPROVED AND AUTHENTICATED this 16th day of April, 2024.

_____

BILL PARTINGTON
Mayor

ATTEST:

_____

SUSAN CARROLL DAUDERIS
City Clerk

SECTION 5
Mural Ownership Agreement

This Agreement is made this 15 day of February, 20 24, between Beth O'Connor ("Artist"), the City of Ormond Beach, Florida ("City") and Rayna Dunlop (leasee) & Bill Jones ("Building Owner") for the purpose of stipulating ownership and responsibility for all details pertaining to the installation of a mural in the Ormond Beach Downtown Mural Program. (Section 3-72, *Land Development Code*).

Artist is the creator of a mural painting currently titled: Fern & Fable Mural

Building Owner is the owner of the building on which the mural will be exhibited. The Building Owner will be responsible for surface preparation on the building for painting prior to the creation of the mural as well as preserving and maintaining the mural for the period set out below. Failure to maintain the art piece may require the owner of the wall on which the mural is located to remove it, either upon notice by the city or upon order by the Special Magistrate.

Location of Mural: 51 W Granada Blvd

LICENSING: Artist warrants and represents that the mural painting and rendering(s) assigned by this Agreement have never been published or copied and that Artist is the sole owner of all rights herein, including and not limited to, the right to prevent the making and dissemination of copies, and the right to obtain statutory copyright extending to the Artist the exclusive right to manufacture and sell copies for a fully statutory term and renewal thereof.

TERM: Building Owner hereby agrees to the mural painting being maintained in place for a minimum of two (2) years from the date of the mural completion. The owner retains the right to remove the mural or repaint the wall after this period of time.

EACH PARTY HEREBY CONSENTS TO VENUE OF VOLUSIA COUNTY AND THE MIDDLE DISTRICT OF FLORIDA.

IN WITNESS WHEREOF, the parties have executed this Agreement and Memorandum of Understanding in Ormond Beach, Florida, the day and year first written above.

ARTIST (initial each line and sign below):

B.O. I verify that the mural submitted is an original work of art and has not been previously used or seen.

B.O. I verify that the mural will be painted/installed by me, or under my supervision if done as a community mural.

B.O. I understand that the finished mural must match the submitted mural rendering/proposal. If the completed mural does not match the approved mural attached to the mural permit, I understand and agree that the CITY may require the removal of the completed mural.

B.O. I have read and agree to fully abide by the City of Ormond Beach Mural Code, Sec. 3-72, Land Development Code ("Mural Code").

B.O. I have read this Agreement and Memorandum of Understanding and understand the process and my responsibilities.

B.O. I have signed the attached waiver of VARA rights.

B.O. I may be compensated for the completion of the mural; however, I understand and agree that I may not receive compensation for the right to display the mural on the property.

B.O. I understand and agree that I will have the right to use an image of the mural as part of my artist portfolio, but I will not have the right to recreate the mural anywhere else.

B.O. I hereby give my consent to the City of Ormond Beach and the Arts District to use an image of the mural for promotional purposes, such including but not limited to promoting the City, the Downtown Overlay District, or the Mural Program.

B.O. I understand that the property owner shall own the completed mural, and as such is responsible for maintaining the condition of the mural in accordance with the Mural Code.

B.O. I understand that the mural must be maintained in accordance with the requirements provided in the Mural Code; and I hereby give my consent to the City and/or building owner to remove the mural, with ninety (90) days' notice being provided to me, if the mural is not maintained in accordance with the requirements of the Mural Code or if it becomes a safety hazard.

ARTIST:

Artist signature	**Witness signature**
Beth O'Connor	ENEA CEKY
Artist print name	**Witness print name**

Date: 2/15/24

BUILDING OWNER (initial each line and sign below):

✓ I am the property owner of the subject property.

✓ All statements in this Agreement are true and correct.

✓ I have read and agree to fully abide by the City of Ormond Beach Mural Code, Sec. 3-72, Land Development Code ("Mural Code").

✓ A copy of the proposed mural is attached.

✓ The property owner and business owner agree to allow the approved mural on the subject building.

✓ Prior to painting of the mural, the property owner must obtain a mural permit from the City. ?

✓ The completed mural must match the approved rendering attached to the permit or the mural will fail final inspection. Painting a mural different than the approved mural design is a violation of the City Code which may result in the assessment of fines and the imposition of a lien against the subject property and all property in Volusia County owned by the property owner.

✓ I hereby give my consent to the City of Ormond Beach and the Arts District to use an image of the mural for promotional purposes, such including but not limited to promoting the City, the Downtown Overlay District, or the Mural Program.

✓ I understand that I will be responsible for maintaining the condition of the mural in accordance with the Mural Code.

✓ I understand that the mural must be maintained in accordance with the requirements provided in the Mural Code; and I hereby give my consent to the City to cause the removal of the mural if it is not maintained in accordance with the requirements of the Mural Code.

BUILDING OWNER:

Building Owner signature

Witness signature

William N. Jones, JR
Building Owner print name

DORIAN BURT
Witness print name

Date: 2-12-24

CITY OF ORMOND BEACH, FLORIDA

By: _____
BILL PARTINGTON
Mayor

Date: _____

Attest: _____
JOYCE SHANAHAN
City Manager

Date: _____

SECTION 6

Waiver of Rights Pursuant to the Visual Artists Rights Act

I, Elizabeth (Beth) O'Connor, have prepared designs for the following art work:

(Specifically identify the work)

Fern & Fable Mural

The above-described work may be considered to be a "work of visual art" subject to the provisions of the federal Visual Artists Rights Act of 1990, specifically the rights of certain authors to attribution and integrity, as codified at 17 U.S.C. §106A(a). I am an author of the work(s) described herein, and am authorized to waive the rights conferred by §106A(a), in accordance with the waiver provision of 17 U.S.C. §106A(e)(1).

STATUTORY PROVISIONS

17 U.S.C. §106A - Rights of certain authors to attribution and integrity.

(a) Rights of Attribution and Integrity. -
Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art –

(1) shall have the right –
(A) to claim authorship of that work, and
(B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;

(2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and

(3) subject to the limitations set forth in section 113(d), shall have the right

(A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and

(B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

17 U.S.C. §106A(e)(1) -Transfer and waiver.

The rights conferred by subsection (a) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.

WAIVER

As author of the above-described work, I hereby permanently waive my rights pursuant to 17 U.S.C. §106A(a)(3) to prevent any distortion, mutilation, modification or destruction of that work, for whatever reason and for whatever use of the work such distortion, mutilation, modification or destruction of the work is undertaken. This waiver does not extend to the rights of attribution conferred by 17.U.S.C. §106A(a)(1) or §106A(a)(2).

Artist Signature

Elizabeth O'Connor — Artist Print Name

2/14/24 — Date

STATE OF FLORIDA
COUNTY OF Volusia

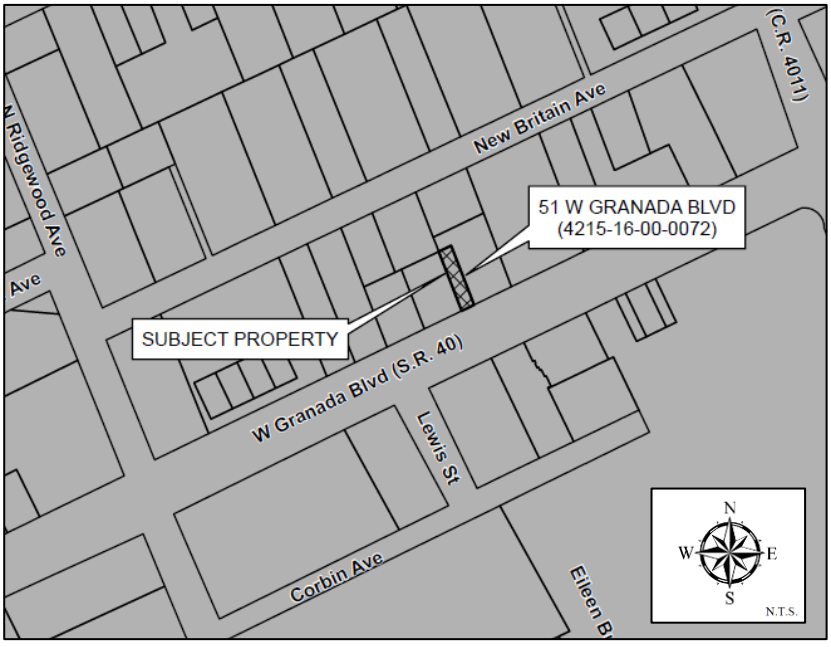
The foregoing instrument was acknowledged before me this 14 day of February, 2024 by Elizabeth O'Connor, as artist, who (_) provided Drivers License as identification, or (_) who is personally known to me.

JADE M. WEST
Notary Public
State of Florida
Comm# HH353741
Expires 1/24/2027

Notary Public, State of Florida
My Commission Expires: 1/24/27

ORMOND BEACH ARTS DISTRICT BOARD STAFF REPORT

51 West Granada Blvd., Mural Application
Project Number: PZ-2024-019

ORMOND BEACH ART DISTRICT BOARD DATE:	March 19, 2024
TENTATIVE CITY COMMISSION DATE:	April 16, 2024 (only one hearing)
APPLICANT:	Rayna Dunlop, Fern and Fable Bookstore, on behalf of the property owner, Highlander Corp.
LOCATION:	51 West Granada Boulevard
REQUEST:	Mural application for the west facing side wall located at 51 West Granada Boulevard.
SITE PLAN REVIEW COMMITTEE RECOMMENDATION:	Approval
STAFF CONTACT:	Sarah Cushing, Senior Planner
MAP OF PROJECT AREA:	

SECTION 1, INTRODUCTION:

This is a request by Rayna Dunlop, Fern and Fable Bookstore (tenant) on behalf of the property owner, Highlander Corp, for a Mural Application to allow for a mural to be painted on the west side wall at 51 West Granada Boulevard. The request would allow the execution of a mural ownership agreement between the City, Rayna Dunlop (tenant), Highlander Corp (building owner), and Elizabeth O'Connor (artist). There are no other site or building improvements proposed.

SECTION 2, BACKGROUND:

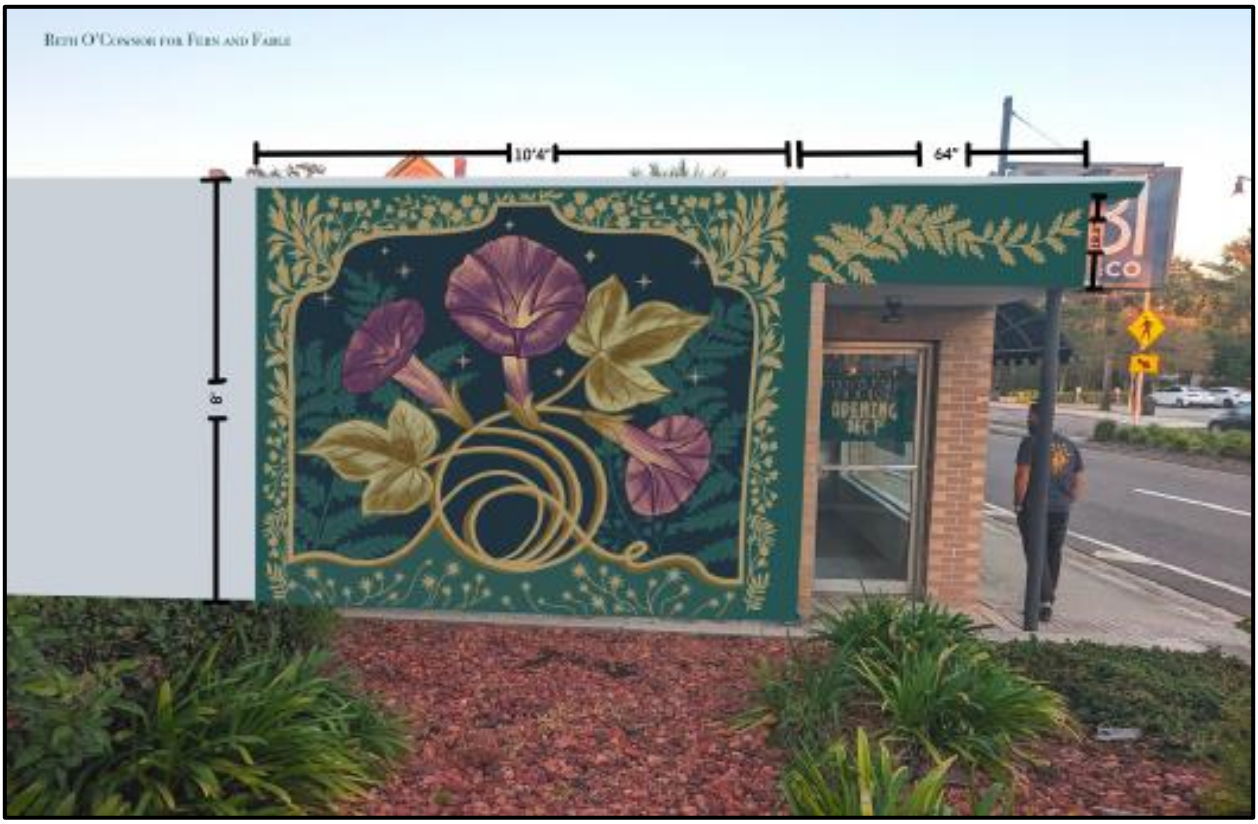
The Downtown Mural Program, established per Ordinance 2019-09, was approved on April 2, 2019, by the City Commission in coordination with the Ormond Beach Arts District Board to bring murals to the downtown area. The purpose of the mural program is to create cultural identity, preserve history, promote economic development, focus revitalization efforts, address blight, promote diversity, encourage and foster community engagement, develop an appreciation of art, and contribute to long-term community planning.

Section 3-72 of the Land Development Code was amended to provide regulations on original artwork murals and establish a permit process. Application submittal requirements are:

1. Site Plan;
2. Completed Sketch of the Proposed Mural;
3. Description of Proposed Materials and Colors;
4. Detailed Maintenance/Conservation Plan;
5. Artist's Resume, Portfolio and References;
6. Owner's Application;
7. Lessee's Application;
8. Mural Ownership Agreement; and
9. Waiver of Rights Pursuant to Visual Artists Rights Act.

EXHIBIT 1 below is the proposed sketch of the mural. The applicant has submitted a full application and is listed as Attachment 2 at the end of the staff report for review.

EXHIBIT 1: Proposed Mural Sketch



SECTION 3, ANALYSIS:

Section 3-72(f)(2) of the Land Development Code established the following review criteria for the Ormond Beach Arts District Board and the City Commission as follows:

a. The mural must be durable, permanent, and easily protected from vandalism and weathering; consideration shall be given to the structural and surface integrity and stability of the building facade, the permanence and durability of the mural, and the mural's resistance to weathering, theft, and vandalism.

The applicant has stated in the application that the mural will be painted with high quality exterior grade paint and will be coated with Master Clear Supreme UV coat. The applicant stated this is the same coating that Disney uses for its scenic painting.

b. The mural must not have any unsafe features or conditions that may affect public safety.

The proposed mural will not have any unsafe features or conditions that would affect public safety.

c. The mural must not disrupt traffic nor create any unsafe conditions or distractions to motorists or pedestrians.

The proposed mural is comprised of earth tone colors and will blend naturally to the surrounding vegetation. The mural will not disrupt traffic nor create any unsafe conditions or distractions to motorists or pedestrians.

d. The mural surface must be prepared with an outdoor primer to ensure good adhesion for the artwork.

The applicant has provided documentation that this criterion will be met. The application contains a detailed description of the proposed materials and colors including a detailed maintenance and conversation plan.

e. Clear, anti-graffiti coating must be applied over the completed artwork.

The applicant has stated in the application that the mural will be painted with high quality exterior grade paint and will be coated with Master Clear Supreme UV coat. The artist is available for any touchups or maintenance that may be needed.

f. The mural must not extend more than six inches from the plane of the wall to which it is attached.

The proposed mural will be directly on the wall and not extend more than six inches from the plane of the wall.

g. The mural should enhance the aesthetic beauty of the area of its proposed location.

The proposed mural is comprised of earth tone colors and will blend naturally to the surrounding vegetation. The applicant has provided a completed sketch of the proposed mural in the application at the end of the staff report.

h. The mural must be located on only one facade of a building. The mural may not be placed on the primary facade of the structure. Exceptions from this subsection (f)(2)h can be applied for, reviewed by the Ormond Beach Arts District Board, and approved by City Commission, when the nature of the business is creative, artistic, or some other special circumstance is presented.

The mural will not be placed on the primary facade of the structure. The proposed mural will be located on a 15 x 8-foot portion of the west side facade of the wall.

i. The mural must be compatible with the character of the surrounding area (particularly when near residential areas) in terms of its size, style, colors, materials, general appearance, and location.

The proposed mural will be compatible with the character of the surrounding area in terms of its size, style, colors, materials, general appearance, and location. The property is located in the Downtown Overlay District and the purpose of the Downtown Mural Program is to encourage and promote mural projects within the downtown area.

j. Any licensed, copyrighted, or trademarked characters or likenesses used on murals must have permission from the holder or owner of the license, copyright, or trademark.

The proposed mural is not a licensed, copyrighted, or trademarked character, and this criterion is not applicable.

k. No approval shall be issued for mural installation if there are outstanding code enforcement violations charged by the City on the property where the mural is to be located. Outstanding debts to the City must be paid in full prior to issuance of the mural permit.

Planning staff confirmed with Neighborhood Improvement Division that there is are no outstanding code enforcement violations on the subject property. This criterion is satisfied.

SECTION 4, RECOMMENDATION:

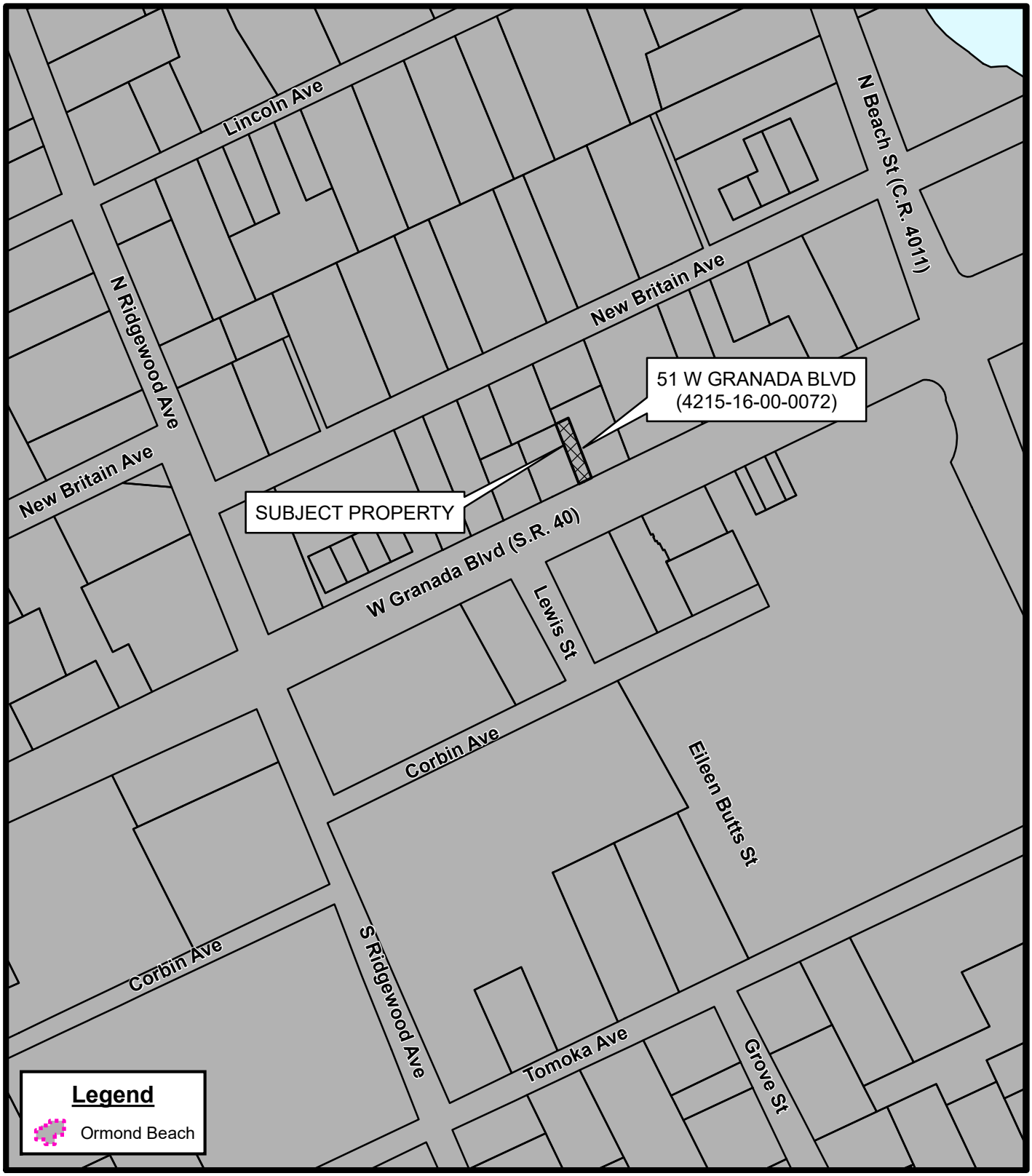
It is expected that the application will be reviewed by the City Commission on April 16, 2024. It is recommended that the Ormond Beach Arts District Board **APPROVE** the mural application for the property at 51 West Granada Boulevard, and allow for the execution of a mural ownership agreement between the City, Rayna Dunlop (tenant), Highlander Corp (building owner), and Elizabeth O'Connor (artist).

Attachments:

Attachment 1: Site maps
Attachment 2: Applicant submitted information

Attachment 1:

Site maps



LOCATION MAP
51 WEST GRANADA BOULEVARD
(4215-16-00-0072)

Prepared By: City of Ormond Beach
G.I.S. Department - February 16, 2024

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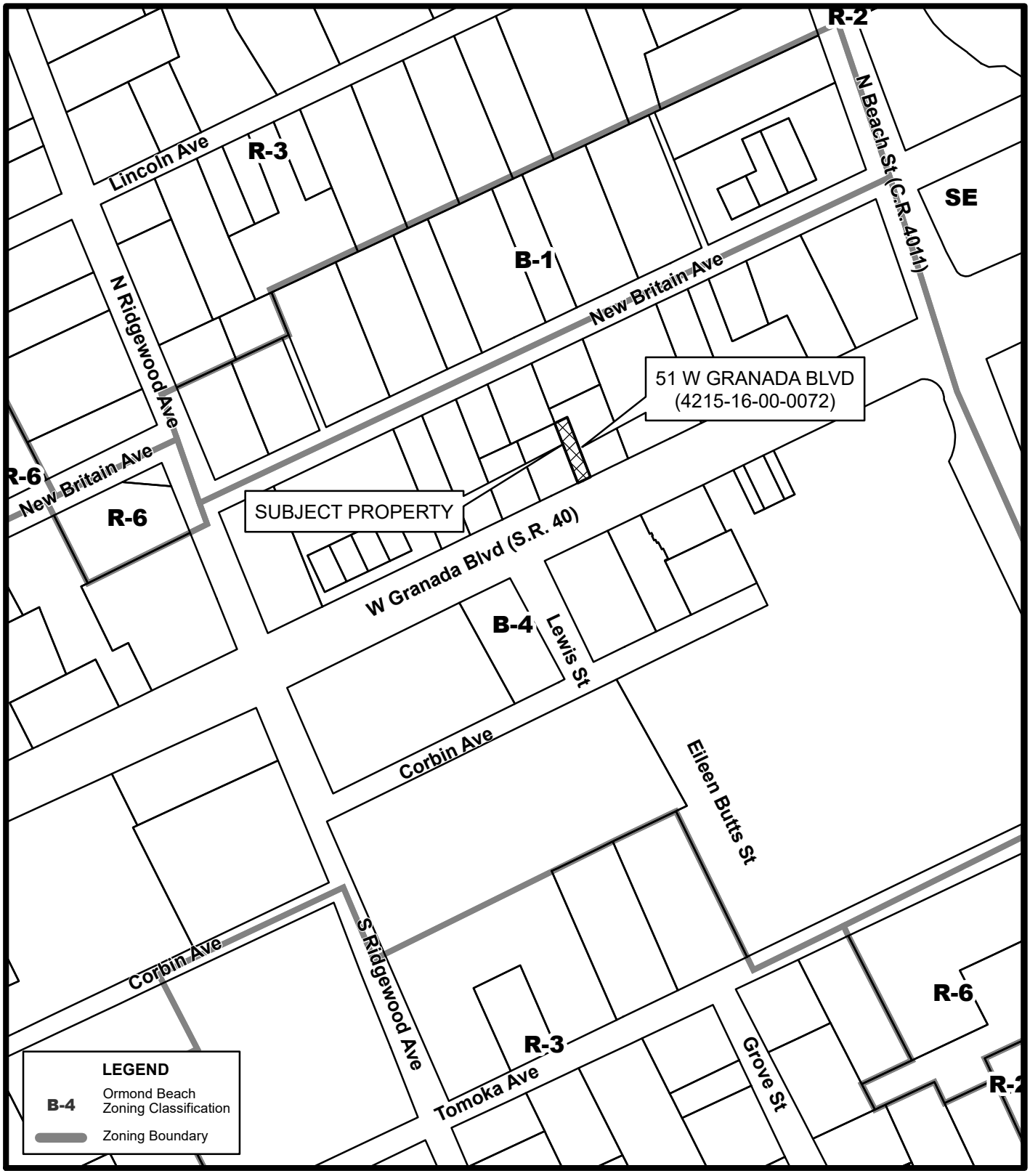

ZONING MAP
51 WEST GRANADA BOULEVARD
(4215-16-00-0072)

Prepared By: City of Ormond Beach
G.I.S. Department - February 16, 2024

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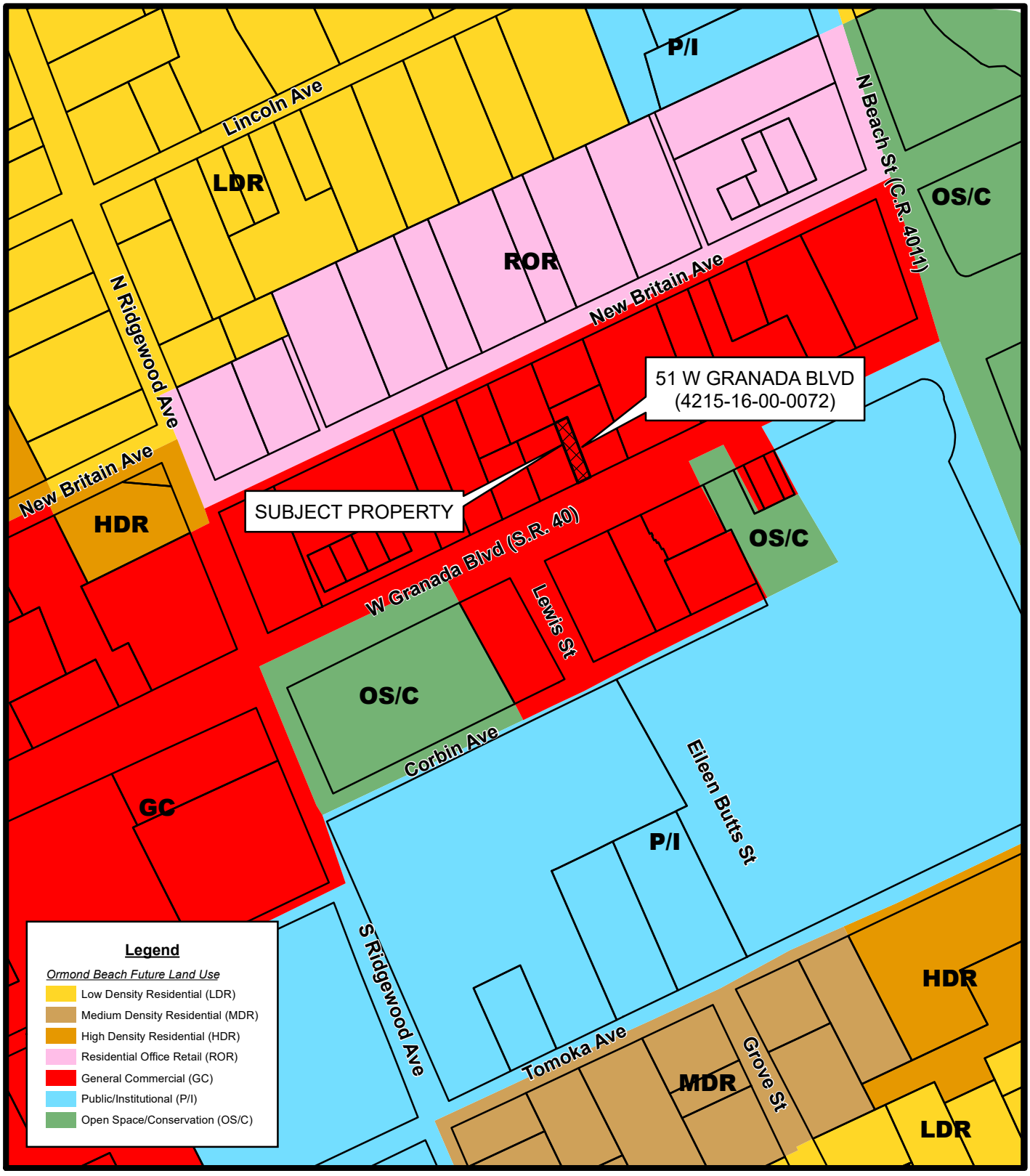

FUTURE LAND USE MAP
51 WEST GRANADA BOULEVARD
(4215-16-00-0072)

Prepared By: City of Ormond Beach
G.I.S. Department - February 16, 2024

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Attachment 2:

Applicant submitted information

Mural Permit Application
Fern & Fable

Mural Permit Application

Fern & Fable

51 W Granada Blvd

Ormond Beach, Florida

1.Letter to The Ormond Beach City Commission

2. Site Plan

3. Completed Sketch of Proposed Mural

4. Description of Proposed Materials and Colors

5. Detailed Maintenance / Conservation Plan

6. Artist's Resume, Portfolio and References

7.Owners Application

8. Lessee's Application

9. Mural Ownership Agreement

10. Waiver of Rights Pursuant to Visual Artists Rights Act.

Rayna Dunlop

Owner, Fern & Fable Books

51 W Granada Blvd Ormond Beach, FL 32174

386-882-4609

fernandfablebooks@gmail.com

February 13, 2024

Dear Mayor Partington and Ormond Beach Commissioners,

My name is Rayna Dunlop and I am the owner of Fern & Fable Books. We are currently leasing 51 W Granada Blvd from Bill Jones/Highlander Corporation. I'm writing in reference to the attached Mural Application for the west facing wall of our building.

We opened the doors of our local independent bookshop this past summer in a very small location on South Yonge Street and were met with an overwhelming amount of encouragement from our neighbors. We had the opportunity to expand and move our business to downtown Ormond Beach and opened our doors here on December 1st, 2023. It truly is a dream come true for us to own a small business in the heart of our beloved city. My husband Samuel and I are born and raised Ormond Beach locals with a fierce love for this community. Our roots run deep as many generations of our family have called Ormond Beach home. I spent every day of my childhood here, I was married on The Halifax River and feel so lucky to be raising our three children here.

A large part of moving our business to 51 W Granada was not only for the prime and busy location, but ultimately to join the incredible spirit of the downtown Arts District. We love how this area serves as a hub for locals to experience connection, art and creativity in an ever growing variety of ways. I have been so inspired by the improvements and additions my neighboring businesses and organizations have added to our central thoroughfare. My family has benefited greatly from the vibrant arts and entertainment along Granada. I am so honored and excited to now be a small part of celebrating literacy and arts in Ormond Beach.

My hope for the proposed mural is that it would be a celebration of our hometown and the naturally beautiful place we live. The Mural would bring the rich, intriguing colors of the morning glories and lush greenery mirroring local flora to our downtown. I hope it will grace our wall facing West Granada and become a bright spot in local commuters' day and add vibrancy to the blossoming arts scene downtown.

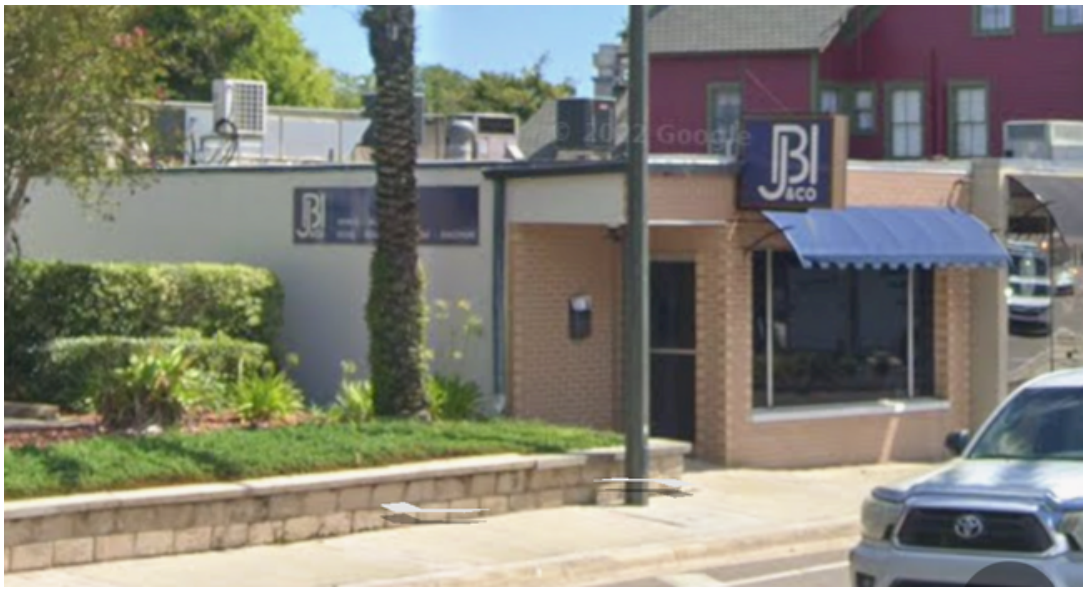
We are thrilled to be working with Beth O'connor who is such a talented local mural artist and has brought our vision to life in her renderings and plans for the mural execution.

Thank you for your time and consideration,

Rayna Dunlop

Site Plan


Beth O'Connor for Fern and Fable
10'4"
64"
8'
18.5'
Fern & Fable
BOOKS
OPENING
DEC 1st
JBI
&CO


JBI
&CO

Sketch



SW6464- Raging Sea

SW6982- African Violet

SW6381- Anjou Pear

SW6510- Loyal Blue

SW6384- Cut the Mustard

SW6380- Humble Gold

Sherwin Williams
Latitude Exterior Acrylic Latex

Topcoat with Modern Masters
Master Clear Supreme UV clear
Coat

Maintenance/ Conservation Plan

The mural will be painted with high quality exterior grade paint and will be coated with Master Clear Supreme UV Coat. This is the coating that Disney uses for it's scenic painting. The combination of durable exterior paint and extra UV coating will keep the mural vibrant for 5-10 years.
Should the mural need touching up, or a new coat of UV protection, the artist will be available to do so at the expense of Fern and Fable.

Latitude™
Exterior Acrylic Flat
K60-650 Series

CHARACTERISTICS

Latitude™ Exterior Acrylic Flat gives painters more flexibility in their schedules and extends the painting season. Latitude is formulated with ClimateFlex Technology™, providing exceptional early moisture resistance and smooth application and appearance at extreme temperatures (application at 35°F-120°F (1.7°C - 48.8°C) air, surface and material temperatures) and is resistant to early dirt pick up. Latitude provides outstanding performance on properly prepared aluminum and vinyl siding, wood siding, clapboard, shakes, shingles, plywood, masonry, and metal.

Key Attributes and Benefits:

ClimateFlex Technology™
Excellent application, flow and leveling
Great dirt pick up resistance

VinylSafe™ paint colors allow you the freedom to choose from 100 color options, including a limited selection of darker colors formulated to resist warping and buckling when applied to a sound, stable vinyl substrate.

Color: Most Colors

Coverage: 350-400 sq. ft. per gallon @ 4 mils wet, 1.4 mils dry

Drying Time, @ 50% RH:

	@35-45°F	@45°F+
Touch:	2 Hours	2 Hours
Recoat:	24-48 hours	4 Hours

Drying and recoat times are temperature, humidity, and film thickness dependent.

Finish: 0-5 units @ 85°

Tinting with CCE only:

Base:	oz. per gallon	Strength
Extra White*	0-7	SherColor
DO NOT TINT White		
Deep Base	4-12	SherColor
Ultradeep Base	10-12	SherColor
Light Yellow	0-10	SherColor
Vivid Yellow	0-10	SherColor
Real Red*	0-10	SherColor

*Extra White and Real Red bases may be used without the addition of CCE tint.

Extra White K60W00651
(may vary by color)

V.O.C.(less exempt solvents):
Less than 50 grams per litre; 0.42 lbs. per gallon
As per 40 CFR 59.406

Volume Solids:	34 ±2%
Weight Solids:	51 ±2%
Weight per Gallon:	11.25 lbs
Flash Point:	N.A.
Vehicle Type:	100% Acrylic
Shelf Life	: 36 months, unopened
WVP Perms (US)	30.84 grains/(hr ft2 in Hg)

Mildew Resistant
This coating contains agents which inhibit the growth of mildew on the surface of this coating film.

COMPLIANCE

As of 09/22/2022, Complies with :

OTC	Yes
OTC Phase II	Yes
S.C.A.Q.M.D.	Yes
CARB	Yes
CARB SCM 2007	Yes
CARB SCM 2020	Yes
Canada	Yes
LEED® v4 & v4.1 Emissions	N/A
LEED® v4 & v4.1 V.O.C.	Yes
EPD-NSF® Certified	No
MIR-Manufacturer Inventory	No
MPI®	Yes

APPLICATION

When the air temperature is at 35°F (1.7°C), substrates may be colder; prior to painting, check to be sure the air, surface, and material temperature are above 35°F (1.7°C) and at least 5°F above the dew point. Avoid using if rain or snow is expected within 30 minutes.

Do not apply at air or surface temperatures below 35°F (1.7°C) or when air or surface temperatures may drop below 35°F (1.7°C) within 48 hours.

No reduction needed.

Brush:
Use a nylon-polyester brush.

Roller:
Use a high quality 3/8-3/4 inch nap synthetic roller cover.

For specific brushes and rollers, please refer to our Brush and Roller Guide on sherwin-williams.com

Spray - Airless:
Pressure ..... 2000 p.s.i.
Tip ..... .0 15-.019 inch

APPLICATION TIPS

Make sure product is completely agitated (mechanically or manually) before use.

Thoroughly follow the recommended surface preparations. Most coating failures are due to inadequate surface preparation or application. Thorough surface preparation will help provide long term protection with Latitude coating.

SPECIFICATIONS

Latitude can be self-priming when used directly over existing coatings, or exterior bare drywall, plaster and masonry (with a cured pH of less than 9). The first coat acts like a coat of primer and the second coat provides the final appearance and performance. Please note that some specific surfaces require specialized treatment.

Use on these properly prepared surfaces:

Aluminum & Aluminum Siding[1], Galvanized Steel[1]:
2 coats Latitude Exterior Acrylic

Concrete Block, CMU, Split face Block:
1 coat Loxon Acrylic Block Surfacer
2 coats Latitude Exterior Acrylic

Brick, Stucco, Cement, Concrete:
1 coat Loxon Concrete & Masonry Primer (if needed)
or
Loxon Conditioner (if needed)
2 coats Latitude Exterior Acrylic

Cement Composition Siding/Panels:
1 coat Loxon Concrete & Masonry Primer (if needed)
or
Loxon Conditioner (if needed)
2 coats Latitude Exterior Acrylic

Plywood:
1 coat Exterior Latex Primer
2 coats Latitude Exterior Acrylic

*Vinyl Siding:
2 coats Latitude Exterior Acrylic

Wood (Cedar, Redwood):
1 coat Exterior Oil-Based Wood Primer
2 coats Latitude Exterior Acrylic

Knots and some woods, such as redwood and cedar, contain a high amount of tannin, a colored wood extract. For best results on these woods, use a coat of Exterior Oil-Based Wood Primer.

Wood Composition Board - Hardiboard:
Because of the potential for wax bleeding out of the substrate, apply 1 coat of Exterior Oil-Based Wood Primer and then topcoat.

[1] On large expanses of metal siding, the air, surface, and material temperatures must be 50°F (10°) or higher. Standard latex primers cannot be used below 50°F (10°C) or above 100°F (37.7°C). See specific primer label for that product's application limitations.

Other primers may be appropriate.

When repainting involves a drastic color change, a coat of primer will improve the hiding performance of the topcoat color.

continued on back

Latitude™

Exterior Acrylic Flat

SURFACE PREPARATION

WARNING! If you scrape, sand or remove old paint, you may release lead dust. LEAD IS TOXIC. EXPOSURE TO LEAD DUST CAN CAUSE SERIOUS ILLNESS, SUCH AS BRAIN DAMAGE, ESPECIALLY IN CHILDREN. PREGNANT WOMEN SHOULD ALSO AVOID EXPOSURE. Wear a NIOSH-approved respirator to control lead exposure. Clean up carefully with a HEPA vacuum and a wet mop. Before you start, find out how to protect yourself and your family by contacting the National Lead Information Hotline at 1-800-424-LEAD or log on to www.epa.gov/lead.

Remove all surface contamination by washing

with an appropriate cleaner, rinse thoroughly and allow to dry. Existing peeled or checked paint should be scraped and sanded to a sound surface. Glossy surfaces should be sanded dull. Stains from water, smoke, ink, pencil, grease, etc. should be sealed with the appropriate

primer-
sealer. Recognize that any surface preparation short of total removal of the old coating may compromise the service length of the system.

Aluminum and Galvanized Steel:

Wash to remove any oil, grease, or other surface contamination. All corrosion must be removed with sandpaper, wire brush, or other abrading method. On large expanses of metal siding, the air, surface, and material temperatures must be 50°F or higher.

Cement Composition Siding-Panels:
Remove all dirt, dust, grease, oil, loose particles, laitance, foreign material, and peeling or defective coatings. Allow the surface to dry thoroughly. If the surface is new, test it for pH, if the pH is higher than 9, prime with Loxon Concrete & Masonry Primer. After power washing, previously painted masonry may still have a powdery surface that should be sealed with Loxon Conditioner.

Caulking:

Gaps between windows, doors, trim, and other through-wall openings can be filled with the appropriate caulk after priming the surface.

Masonry, Concrete, Cement, Block:

All new surfaces must be cured according to the supplier's recommendations – usually about 30 days. Remove all form release and curing agents. Rough surfaces can be filled to provide a smooth surface. If painting cannot wait 30 days, allow the surface to cure 7 days and prime the surface with Loxon Concrete & Masonry Primer. Cracks, voids, and other holes should be repaired with an elastomeric patch or sealant. Concrete masonry units (CMU) - Surface should be thoroughly clean and dry. Air, material and surface temperatures must be at least 50°F (10°C) before filling. Use Loxon Acrylic Block Surfacer. The filler must be thoroughly dry before topcoating.

Previously Painted Surfaces:

Spot prime bare areas, wait 4 hours, and paint the entire surface. Some specific surfaces require specialized treatment.

SURFACE PREPARATION

Mildew:
Prior to attempting to remove mildew, it is always recommended to test any cleaner on a small, inconspicuous area prior to use. Bleach and bleaching type cleaners may damage or discolor existing paint films. Bleach alternative cleaning solutions may be advised. Mildew may be removed before painting by washing with a solution of 1 part liquid bleach and 3 parts clean water. Apply the solution and scrub the mildewed area. Allow the solution to remain on the surface for 10 minutes. Rinse thoroughly with clean water and allow the surface to dry before painting. Wear protective eyewear, waterproof gloves, and protective clothing. Quickly wash off any of the mixture that comes in contact with your skin. Do not add detergents or ammonia to the bleach-water solution.

Wood:

Sand any exposed wood to a fresh surface. Patch all holes and imperfections with a wood filler or putty and sand smooth. All patched areas must be primed.

Steel:

Rust and mill scale must be removed using sandpaper, wire brush, or other abrading method. Bare steel must be primed the same day as cleaned.

Stucco:

Remove any loose stucco, efflorescence, or laitance. Allow new stucco to cure at least 30 days before painting. If painting cannot wait 30 days, allow the surface to dry 7 days and prime with Loxon Concrete & Masonry Primer. Repair cracks, voids, and other holes with an elastomeric patch or sealant.

*Vinyl or other PVC Building Products:

Clean the surface thoroughly by scrubbing with warm, soapy water. Rinse thoroughly, if needed prime with appropriate white primer. Do not paint vinyl with any color darker than the original color or having a Light Reflective Value (LRV) of less than 56 unless VinylSafe® Colors are used. If VinylSafe colors are not used the vinyl may warp. Follow all painting guidelines of the vinyl manufacturer when painting. Only paint properly installed vinyl siding. Deviating from the manufacturer's painting guidelines may cause the warranty to be voided.

CAUTIONS

For exterior use only.
Protect from freezing.
Non-Photochemically reactive.

Before using, carefully read CAUTIONS on label

CRYSTALLINE SILICA, ZINC: Use only with adequate ventilation. To avoid overexposure, open windows and doors or use other means to ensure fresh air entry during application and drying. If you experience eye watering, headaches, or dizziness, increase fresh air, or wear respiratory protection (NIOSH approved) or leave the area. Adequate ventilation required when sanding or abrading the dried film. If adequate ventilation cannot be provided wear an approved particulate respirator (NIOSH approved). Follow respirator manufacturer's directions for respirator use. Avoid contact with eyes and skin. Wash hands after using. Keep container closed when not in use. Do not transfer contents to other containers for storage. FIRST AID: In case of eye contact, flush thoroughly with large amounts of water. Get medical attention if irritation persists. If swallowed, call Poison Control Center, hospital emergency room, or physician immediately. WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. DO
NOT TAKE INTERNALLY. KEEP OUT OF THE REACH OF CHILDREN.

HOTW 09/22/2022 K60W00651 05 39
FRC, SP

CLEANUP INFORMATION

Clean spills, spatters, hands and tools immediately after use with soap and warm clean water. After cleaning, flush spray equipment with compliant cleanup solvent to prevent rusting of the equipment. Follow manufacturer's safety recommendations when using solvents.

The information and recommendations set forth in this Product Data Sheet are based upon tests conducted by or on behalf of The Sherwin-Williams Company. Such information and recommendations set forth herein are subject to change and pertain to the product offered at the time of publication. Consult your Sherwin-Williams representative or visit www.paintdocs.com to obtain the most current version of the PDS and/or an SDS

MODERN MASTERS®

®MASTERCLEAR SUPREME CLEAR COAT

DESCRIPTION AND USES

®Modern Masters MasterClear Supreme is a water base self-crosslinking acrylic/aliphatic polyurethane protective topcoat that dries quickly to a durable clear finish. MasterClear Supreme protects interior surfaces against abrasion, scuffing, chipping, water, alcohol, household chemicals, and protects exterior surfaces from oxidation, salt air, chlorine, acid rain, mildew, etc. MasterClear Supreme has outstanding gloss retention and clarity with added UV blockers and absorbers that reduce the sun's fading effects on painted surfaces. This innovative formula has very little odor and is VOC compliant nationwide.

Protects painted surfaces, wallpaper, doors, columns, cabinetry, window sills, mantels, wainscot, wood paneling, crown molding, baseboards, chair rails, furniture and picture frames. It is a perfect clear coat for faux marble and wood grained surfaces.

UV and weather resistant, it extends the life of previously painted surfaces, and aluminum surfaces such as doors, porch surrounds and supports, decorative moldings, painted facades, murals, garage doors, anodized aluminum window casings, aluminum paneling, outdoor furniture and garden ornaments.

NOTE: MasterClear Supreme is not recommended for surfaces painted with Metallic Paint Collection™, white or light colored surfaces or for use on floors.

PRODUCT FEATURES AND BENEFITS

- Exceptional durability and weather resistance
- Self-Crosslinking technology
- Ultimate UV color and gloss protection
- VOC compliant nationwide

PRODUCTS

32 Oz.	GALLON	DESCRIPTION
MCS90132	MCS901GAL	Matte
MCS90232	MCS902GAL	Satin
MCS90332	MCS903GAL	Semi-Gloss
MCS90432	MCS904GAL	Gloss

PRODUCT APPLICATION

SURFACE PREPARATION

PAINTED SURFACES: should be fully cured prior to application, clean, dry and free from dust, rust, stains, grease, oil, mildew, wax, efflorescence and other contaminants.

ALUMINUM: should be clean, dull, dry and free of dust and other surface contaminants. Using a non abrasive cleaner is recommended.

BARE WOOD: should be prepared by first sanding the surface smooth, removing dust with a vacuum and then wiping the surface clean with an oil-free tack cloth. Moisten the wood surface with a wet towel or sponge and allow it to dry.

PRODUCT APPLICATION (cont.)

SURFACE PREPARATION (cont.)

BARE WOOD (cont.): When dry, sand the raised grain with fine sandpaper until smooth, then vacuum and wipe clean with the oil-free tack cloth. Exterior wood must be coated on all sides.

NOTE: For stained and unstained wood surfaces always test the product in a small, inconspicuous area before beginning a project.

APPLICATION

Modern Masters MasterClear Supreme can be brushed, rolled, or spray applied. Stir thoroughly before use, do not shake. For best results and maximum protection, it is recommended to apply two or more coats for interior use and three or more coats for exterior use.

Do not apply in temperatures below 55°F/13°C or above 95°F/35°C.

BRUSHING: Use a high quality synthetic bristle brush.

ROLLING: Use a high-quality short nap varnish roller.

SPRAYING: Thin with up to 10%, 12 fluid ounces/360 mL of water to one gallon/3.78 liters of MasterClear Supreme. Use an HVLP gun, conventional cup gun or airless spray system with a fine tip.

DRY TIMES: Drying times were recorded at 70°F and 50% RH. Dry-to-touch time is approximately 30 minutes. Recoat time is approximately 1-2 hours and full cure in 2-3 days.

NOTE: Lower temperature and/or higher humidity will lengthen the dry and cure times.

COVERAGE: One gallon will cover approximately 440-455 square feet. Approximately 1 mils dry film thickness per coat. For best results and maximum protection apply a minimum of two coats and on surfaces in extreme weather conditions apply three coats.

CLEAN UP: Clean brushes, rollers, tool, and equipment with soap and warm water immediately after use. Do not reuse containers and properly dispose of empty containers.

HANDLING & STORAGE: To avoid skinning, close container after each use. Keep lid tightly closed during storage. Keep away from excessive heat. Protect from freezing. If contents freeze, allow to thaw and come to room temperature before use. Stir thoroughly before use.

DISPOSAL: Dispose of unused or unwanted product in accordance with local laws regulating water-based coatings.

MODERN MASTERS®

®MASTERCLEAR SUPREME CLEAR COAT

PHYSICAL PROPERTIES

		MASTERCLEAR SUPREME CLEAR COAT
Resin Type		Water based acrylic
Weight Per Liter	Per Gallon	8.60-8.69 lbs.
		1.03-1.04 kg
Solids	By Weight	34.06-36.02%
	By Volume	32.36-33.86%
Volatile Organic Compounds		<50 g/l
Sheen Ranges @ 60°		Matte: 10-20 Satin: 25-35 Semi-Gloss:50-60 Gloss: >80
Recommended Dry Film Thickness (DFT) per Coat		1 mil
Wet Film to Achieve DFT (Unthinned material)		3 mils
Practical Coverage at Recommended DFT (assume 15% material loss)		440-455 sq. ft./gal.
Dry Times at 77°F (25°C) and 50% Relative Humidity	Touch	30 minutes
	Handle	1 hour
	Recoat	1-2 hours
	Full Cure	2-3 days
Shelf Life 5 years		
Dry Heat Resistance 200°F		
		Safety Information For additional information, see SDS

Calculated values are shown and may vary from the actual manufactured material.

The technical data and suggestions for use contained herein are correct to the best of our knowledge, and offered in good faith. The statements of this literature do not constitute a warranty, express, or implied, as to the performance of these products. As conditions and use of our materials are beyond our control, we can guarantee these products only to conform to our standards of quality, and our liability, if any, will be limited to replacement of defective materials. All technical information is subject to change without notice.

BETH O'CONNOR

MURAL ARTIST/ ILLUSTRATOR

CONTACT

386-405-1149

bethoconnorart@gmail.com

109 Colina Place Ormond Beach, FL 32174

www.bethoconnorart.com

EDUCATION

UNIVERSITY OF TENNESSEE, CHATTANOOGA

1999-2001 Assoociate in Arts Degree and Course work towards BA in Studio Arts

PROFESSIONAL EXPERIENCE

MURALIST, ILLUSTRATION AND DESIGN

2018 - Present

Beth O'Connor Murals and Custom Painting LLC

2023- Present

Mural Designer for grOH! Playrooms, Washington D.C.

2007-2018

Mural Artist for Jeanne Jesse Murals

COMMISSIONED EXTERIOR MURALS

1.Chicken Mural - Jane's Art Center, New Smyrna Beach, FL

2 .Gator Mural - Jane's Art Center, New Smyrna Beach, FL

3. Frida Kahlo Mural - Jane's Art Center, New Smyrna Beach, FL

4. Flying Fish Mural - Canal Street, New Smyrna Beach, FL

5. Peace Lotus - Yoga Lounge, New Smyrna Beach, FL

6. Bird and Flowers Mural - Port Orange, FL

7. Snapper Mural - Port Orange Bait and Tackle, Port Orange, FL

8. Fish Mural-2 Jerks Seafood, Port Orange, FL

9. Sixties Floral Mural-Casual Bird, Port Orange, FL

10. Sea Turtle- Surfside Shakes, Flagler Beach, FL

11. Florida Birds Mural- One Daytona, Daytona Beach, FL

1.


ARTCENTER

2.


Got Art?

3.



4.



5.


YOGA
LOUNGE
INTRO OFFER
30 DAYS $49
633
YOGA
PEACE

6.



7.



8.



9.



10.





11.



References

Jack White, Owner, Jack White Land Co. Daytona Beach, FL
Jack@jackwhitelandco.com (386)257-5105

Chad Macfie, Director, Marine Science Center, Ponce Inlet, FL
CMacfie@volusia.org (386)304-5545

Amm Sonprathet, Owner, Thai Erawan, Ormond Beach, FL
thaierawan@live.com (386)677-0999

Victoria Jones, Owner, Frame of Mind, Ormond Beach, FL
art@frameofmind.com (386)673-0577

SECTION 2
City of Ormond Beach
Application for Mural Project

PROJECT LOCATION:

Address:
51 W Granada Blvd Ormond Beach, FL 32174

Parcel ID:
421516000072

APPLICANT/OWNER INFORMATION:

Rayna Dunlop / Tennant	Bill Jones
Applicant Name/Title	Owner Name/Title
Fern & Fable Books	Highlander Corp
Company	Company
51 W Granada Blvd	460 Walker Street
Street Address	Street Address
Ormond Beach, FL 32174	Holly Holly, FL
City / State / Zip	City / State / Zip
386-882-4609	32117
Telephone	Telephone
fernandfablebooks@gmail.com	gemdori@aol.com
Email	Email

PROJECT TITLE: Fern & Fable Mural

PROJECT DESCRIPTION: Mural on west side wall of 51 W Granada Blvd

Estimated Start Date: _____

Estimated Completion Date: _____

ARTIST INFORMATION:

Name: Beth Oconnor

Business Name (if different) Beth O'Connor Murals & Custom Painting LLC

Address: 109 Colina Place, Ormond Beach, FL 32174

Telephone: 386.405.1149

Email: bethoconnorart@gmail.com

PLEASE SUBMIT THE FOLLOWING MATERIALS AS PART OF YOUR APPLICATION:

- ☐ **1. Site Plan** – Indicating the placement of the proposed mural at the site, including measurements and a photo of the existing structure.
- ☐ **2. Completed Sketch of Proposed Mural** – Must include dimensions, all thematic proposals, and colors and as much detail as possible. A finished version of the design must be presented during the design review process.
- ☐ **3. Description of Proposed Materials and Colors** – Including any manufacturer's specifications. Actual colors and materials must be presented during the design review process.
- ☐ **4. Detailed Maintenance/Conservation Plan** – Describe required maintenance, including frequency of maintenance and projected costs. Indicate material to be used for final protective coating.
- ☐ **5. Artist's Resume, Portfolio and References** – or a link to available online materials.
- ☐ **6. Owner's Application.**
- ☐ **7. Lessee's Application** – if applicable.
- ☐ **8. Mural Ownership Agreement.**
- ☐ **9. Waiver of Rights Pursuant to Visual Artists Rights Act.**

All materials should be submitted to: City of Ormond Beach, Planning Department, 22 South Beach Street, Room 104, Ormond Beach, FL 32174.

When the City has received all the above materials, the review committee may request additional materials prior to scheduling a final committee review.

SECTION 3
Mural Project Building Owner Application

I, William H. Jones Jr., own the building located at 51 W. Granada Blvd. and would like a mural on my property. Attached to this application is proof of ownership.

(Signature) 2-12-24 (Date)

William H. Jones, Jr. (Print name) 386 295-4610 (Preferred phone number)

Email address: Gemdoc@aol.com

OWNER HEREBY AGREES TO:

1) Finalize an application between owner/lessee, City and /artist;
2) Complete any permitting required by the City of Ormond Beach;
3) Pay any applicable fees to the City or provide proof of payment by lessee/other; and
4) Remove mural from building, if the work fails to meet City upkeep requirements.

PLEASE COMPLETE FORM AND RETURN TO:

City of Ormond Beach
Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Email: weedo@ormondbeach.org
Telephone: 386-676-3342

SECTION 4
Mural Project Building Lessee Application

I, Rayna Dunlop, am the lessee in the building located at 51 W. Granada Blvd. and would like a mural on my property. Attached to this application is proof of ownership.

Rayna Dunlop (Signature) — 2-7-24 (Date)

Rayna Dunlop (Print name) — 386-882-4609 (Preferred phone number)

Email address: Fernandfablebooks@gmail.com

BUILDING LESSEE HEREBY AGREES TO:

1) Finalize a contract between owner/lessee, City, and artist;
2) Complete any required permit from City of Ormond Beach;
3) Pay any applicable permit fee to the City or provide proof of payment by owner/other; and
4) Maintain mural to artist's and City's specifications.

PLEASE COMPLETE FORM AND RETURN TO:

City of Ormond Beach
Planning Department
22 South Beach Street, Room 104
Ormond Beach, FL 32174
Email: Email: weedo@ormondbeach.org
Telephone: 386-676-3342

SECTION 5
Mural Ownership Agreement

This Agreement is made this 15 day of February, 20 24, between Beth O'Connor **("Artist"),** the City of Ormond Beach, Florida **("City")** and Rayna Dunlop (leasee) & Bill Jones **("Building Owner")** for the purpose of stipulating ownership and responsibility for all details pertaining to the installation of a mural in the Ormond Beach Downtown Mural Program. (Section 3-72, *Land Development Code*).

Artist is the creator of a mural painting currently titled: Fern & Fable Mural

Building Owner is the owner of the building on which the mural will be exhibited. The Building Owner will be responsible for surface preparation on the building for painting prior to the creation of the mural as well as preserving and maintaining the mural for the period set out below. Failure to maintain the art piece may require the owner of the wall on which the mural is located to remove it, either upon notice by the city or upon order by the Special Magistrate.

Location of Mural: 51 W Granada Blvd

LICENSING: Artist warrants and represents that the mural painting and rendering(s) assigned by this Agreement have never been published or copied and that Artist is the sole owner of all rights herein, including and not limited to, the right to prevent the making and dissemination of copies, and the right to obtain statutory copyright extending to the Artist the exclusive right to manufacture and sell copies for a fully statutory term and renewal thereof.

TERM: Building Owner hereby agrees to the mural painting being maintained in place for a minimum of two (2) years from the date of the mural completion. The owner retains the right to remove the mural or repaint the wall after this period of time.

EACH PARTY HEREBY CONSENTS TO VENUE OF VOLUSIA COUNTY AND THE MIDDLE DISTRICT OF FLORIDA.

IN WITNESS WHEREOF, the parties have executed this Agreement and Memorandum of Understanding in Ormond Beach, Florida, the day and year first written above.

ARTIST (initial each line and sign below):

B.O. I verify that the mural submitted is an original work of art and has not been previously used or seen.

B.O. I verify that the mural will be painted/installed by me, or under my supervision if done as a community mural.

B.O. I understand that the finished mural must match the submitted mural rendering/proposal. If the completed mural does not match the approved mural attached to the mural permit, I understand and agree that the CITY may require the removal of the completed mural.

B.O. I have read and agree to fully abide by the City of Ormond Beach Mural Code, Sec. 3-72, Land Development Code ("Mural Code").

B.O. I have read this Agreement and Memorandum of Understanding and understand the process and my responsibilities.

B.O. I have signed the attached waiver of VARA rights.

B.O. I may be compensated for the completion of the mural; however, I understand and agree that I may not receive compensation for the right to display the mural on the property.

B.O. I understand and agree that I will have the right to use an image of the mural as part of my artist portfolio, but I will not have the right to recreate the mural anywhere else.

B.O. I hereby give my consent to the City of Ormond Beach and the Arts District to use an image of the mural for promotional purposes, such including but not limited to promoting the City, the Downtown Overlay District, or the Mural Program.

B.O. I understand that the property owner shall own the completed mural, and as such is responsible for maintaining the condition of the mural in accordance with the Mural Code.

B.O. I understand that the mural must be maintained in accordance with the requirements provided in the Mural Code; and I hereby give my consent to the City and/or building owner to remove the mural, with ninety (90) days' notice being provided to me, if the mural is not maintained in accordance with the requirements of the Mural Code or if it becomes a safety hazard.

ARTIST:

[signature]	[signature]
Artist signature	**Witness signature**
Beth O'Connor	ENEA CEKY
Artist print name	**Witness print name**

Date: 2/15/24

BUILDING OWNER (initial each line and sign below):

✓ I am the property owner of the subject property.

✓ All statements in this Agreement are true and correct.

✓ I have read and agree to fully abide by the City of Ormond Beach Mural Code, Sec. 3-72, Land Development Code ("Mural Code").

✓ A copy of the proposed mural is attached.

✓ The property owner and business owner agree to allow the approved mural on the subject building.

✓ Prior to painting of the mural, the property owner must obtain a mural permit from the City. ?

✓ The completed mural must match the approved rendering attached to the permit or the mural will fail final inspection. Painting a mural different than the approved mural design is a violation of the City Code which may result in the assessment of fines and the imposition of a lien against the subject property and all property in Volusia County owned by the property owner.

✓ I hereby give my consent to the City of Ormond Beach and the Arts District to use an image of the mural for promotional purposes, such including but not limited to promoting the City, the Downtown Overlay District, or the Mural Program.

✓ I understand that I will be responsible for maintaining the condition of the mural in accordance with the Mural Code.

✓ I understand that the mural must be maintained in accordance with the requirements provided in the Mural Code; and I hereby give my consent to the City to cause the removal of the mural if it is not maintained in accordance with the requirements of the Mural Code.

BUILDING OWNER:

Building Owner signature

Witness signature

William N. Jones, JR
Building Owner print name

Dorian Burt
Witness print name

Date: 2-12-24

CITY OF ORMOND BEACH, FLORIDA

By: _____
BILL PARTINGTON
Mayor

Date: _____

Attest: _____
JOYCE SHANAHAN
City Manager

Date: _____

SECTION 6

Waiver of Rights Pursuant to the Visual Artists Rights Act

I, Elizabeth (Beth) O'Connor, have prepared designs for the following art work:

(Specifically identify the work)

Fern & Fable Mural

The above-described work may be considered to be a "work of visual art" subject to the provisions of the federal Visual Artists Rights Act of 1990, specifically the rights of certain authors to attribution and integrity, as codified at 17 U.S.C. §106A(a). I am an author of the work(s) described herein, and am authorized to waive the rights conferred by §106A(a), in accordance with the waiver provision of 17 U.S.C. §106A(e)(1).

STATUTORY PROVISIONS

17 U.S.C. §106A - Rights of certain authors to attribution and integrity.

(a) Rights of Attribution and Integrity. -
Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art –

(1) shall have the right –
(A) to claim authorship of that work, and
(B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;

(2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and

(3) subject to the limitations set forth in section 113(d), shall have the right

(A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and

(B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

17 U.S.C. §106A(e)(1) -Transfer and waiver.

The rights conferred by subsection (a) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.

WAIVER

As author of the above-described work, I hereby permanently waive my rights pursuant to 17 U.S.C. §106A(a)(3) to prevent any distortion, mutilation, modification or destruction of that work, for whatever reason and for whatever use of the work such distortion, mutilation, modification or destruction of the work is undertaken. This waiver does not extend to the rights of attribution conferred by 17.U.S.C. §106A(a)(1) or §106A(a)(2).

Artist Signature

Elizabeth O'Connor — Artist Print Name

2/14/24 — Date

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 14 day of February, 2024 by Elizabeth O'Connor, as artist, who (_) provided Drivers License as identification, or (_) who is personally known to me.

JADE M. WEST
Notary Public
State of Florida
Comm# HH353741
Expires 1/24/2027

Notary Public, State of Florida
My Commission Expires: 1/24/27

DRAFT

Ormond Beach Arts District Board minutes from March 19, 2024

ITEM:

PZ-2024-019

Mural

51 West Granada Boulevard

M I N U T E S

ORMOND BEACH ARTS DISTRICT BOARD

Regular Meeting

March 19, 2024 4:00 PM

Ormond Beach City Hall
Training Conference Room
22 South Beach Street
Ormond Beach, Florida

I. CALL TO ORDER

Ms. Stein, Vice President, called the meeting to order at 4:06 p.m.

Ms. Miller called role of the members.

II. ROLL CALL

Members Present	Staff Present
Angel Lowden (not present)	Steven Spraker, Planning Director/Ex-Officio
Meg Evans (not present)	Sarah Cushing, Senior Planner
Thays Franca	Marcella Miller, Secretary
Lucy Jackman	Becky Parker, Ormond Beach Arts District Board
Theresa Lieberman (not present)	
Libby Vescovi	
Judith Stein	
Victoria Jones (not present)	
Mark Goodson	
Suzanne McCarthy	
Barbara Cristino Saunders	
Stephanie Mason-Teague, Ex-Officio	
Marc Schwartz, Ex-Officio	
Julia Truilo, President	

Guests
Beth O'Connor, Artist
Samuel and Rayna Dunlop, Business Owners

III. Approval of the Rules of Procedure for Public Art

Ms. Stein stated that the Rules of Procedures have been provided and asked if there were any questions.

Ms. Stein asked if there were any concerns with the 2024 Rules of Procedures. Hearing none, the vote was unanimous (8-0).

DRAFT

IV. APPROVAL OF THE MINUTES

Ms. Stein asked if there were any corrections to the October 25, 2023 minutes.

Ms. Jackman made a motion to recommend approval of the October 25, 2023 minutes. Ms. Franca seconded the motion. Vote was called and the motion was unanimously approved (8-0).

V. NEW BUSINESS

PZ 2024-019: 51 West Granada Boulevard Mural Application

Ms. Sarah Cushing, Senior Planner, explained the mural application for 51 West Granada Boulevard. Ms. Rayne Dunlop, Fern and Fable Bookstore (tenant) on behalf of the property owner, Highlander Corporation, to allow for a mural to be painted on the west side wall. The request would allow the execution of a mural ownership agreement between the City, Rayna Dunlop (tenant), Highlander Corporation (building owner), and Elizabeth O'Connor (artist). There are no other site or building improvements proposed.

Ms. Cushing stated in 2019, the Downtown Mural Program was established to create cultural identity, preserve history, promote economic development, focus revitalization efforts, address blight, promote diversity, encourage and foster community engagement, develop an appreciation of art, and contribute to long-term community planning. She reviewed an image of the proposed mural which will be located on a portion of the west facing wall at 51West Granada Boulevard.

Ms. Cushing stated the applicant has submitted a completed application per Section 3-72 of the Land Development Code. She continued that in staff's review the application has satisfied the Land Development Code requirements as outlined in the staff report. Ms. Cushing concluded that staff is recommending approval the mural application for the property at 51 West Granada Boulevard, and allow for the execution of a mural ownership agreement between the City, Rayna Dunlop (tenant), Highlander Corp (building owner), and Elizabeth O'Connor (artist).

Ms. Stein inquired about the foliage on-site and asked if it would impact the mural. Ms. O'Connor stated the hedge is to the side of the mural and would not block the mural.

Ms. Franca inquired why the mural did not continue north along the wall. Ms. O'Connor stated that the landscaping was within that area.

Ms. Truilo asked about a start date. Ms. Dunlop stated that they were not sure of the timeframe of the approval process and hope to start as soon as possible.

Ms. Vescovi made a motion to recommend approval of PZ 2024-019: 51 West Granada Boulevard Mural Application. Mr. Goodman seconded the motion. Vote was called and the motion was unanimously approved (8-0).

VI. OTHER BUSINESS

Ms. Stein asked if there was any other business to discuss. There was none.

VII. PUBLIC COMMENTS

There were no public comments.

VIII. ADJOURNMENT

DRAFT

City of Ormond Beach
AGENDA ITEM

April 16, 2024 - City Commission

Number: 9.A

Section:	SECOND READING OF ORDINANCES		
Item Category:	Second Reading of Ordinances	**Res./Ord. No:**	2024-1
Strategic Goal:	Governance - Other		
Department:	Support Services		
Subject:	Ordinance Calling 2024 Regular City Election (SECOND READING)		
Summary:	This is a request to adopt an ordinance calling for a regular election for the offices of Mayor and City Commissioner in all four (4) City Commission zones, if warranted a primary election for said offices, and establishing a qualifying period for the election(s). Pursuant to Section 3.03 of the City Charter, terms of office for Mayor and City Commission are 2 years, and Section 5.06 calls for a primary election to be held in the event 3 or more persons qualify as candidates for any designated seat. Additionally, July 15, 2008, the City Commission approved an ordinance allowing the City to hold elections at the same time as the state and federal elections in even-numbered years. The regular election is to be held on November 5, 2024, and primary election on August 20, 2024 if needed. Approval of this ordinance is required to meet notice requirements for the qualifying period set for Monday, June 10, 2024 noon to Friday, June 14, 2024 noon.		
Financial Impact:	None		
Citizen Impact:	Upon adoption of this ordinance, public notice will be provided for the qualifying period for the City's municipal elections.		
Recommended Action (Staff, Advisory Board and/or Other):	Staff recommends approval of the ordinance calling for a regular election and primary election if needed, and setting a qualifying period concurrent with the regularly scheduled 2024 state and Volusia County elections.		
Staff Contact:	Susan Dauderis, City Clerk, (386) 676-3340		

Attachments:	1. 24-01 Ord Calling Reg Election (P24-0011G) 2. Ordinance Business Impact Est-Calling 2024 City Election
Approval:	Kelly McGuire, Finance Director 4/3/2024 Claire Whitley, Assistant City Manager 4/3/2024 Joyce Shanahan, City Manager 4/11/2024

ORDINANCE NO. 2024-01

AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 20, 2024; PROVIDING FOR AND CALLING A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 5, 2024; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

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

SECTION ONE. This Ordinance is adopted pursuant to the *Charter* of the City of Ormond Beach, Florida, and other applicable provisions of law.

SECTION TWO. A Primary Municipal Election of the registered electors residing in the City of Ormond Beach is hereby called to be held, if necessary, on Tuesday, August 20, 2024, for the purpose of electing the following members of the City Commission of the City of Ormond Beach, Florida**:** a Commissioner from Zone 1; a Commissioner from Zone 2; a Commissioner from Zone 3; a Commissioner from Zone 4; and for the purpose of electing a Mayor by a vote of the qualified electors of the entire City at large. All registered electors residing within the City of Ormond Beach shall be entitled and permitted to vote in the Primary Election hereby called. The polls will be open at the polling places from 7:00 a.m. until 7:00 p.m. of the same day.

SECTION THREE. A Regular Election of the registered electors residing in the City of Ormond Beach is hereby called to be held on Tuesday, November 5, 2024, for the purpose of electing the following members of the City Commission of the City of Ormond Beach, Florida: a commissioner from Zone 1; a commissioner from Zone 2; a commissioner from Zone 3; a commissioner from Zone 4; and for the purpose of electing a mayor by a vote of the qualified electors of the entire City at large. All registered electors residing within the City of Ormond Beach shall be entitled and permitted to vote in the Regular Election hereby called. The polls will be open at the polling places from 7:00 a.m. until 7:00 p.m. of the same day.

SECTION FOUR. All notices of candidacy for the Primary Municipal Election and the Regular Municipal Election hereby called shall be filed with the City Clerk's office between 12:00 p.m. (noon) on Monday, June 10, 2024 and 12:00 p.m. (noon) on Friday, June 14, 2024.

SECTION FIVE. The candidate elected to serve as the successor City Commissioner for each of the respective zones and for the office of Mayor shall be sworn in by the City Clerk, shall officially take office on Tuesday, November 19, 2024, and shall serve until Tuesday, November 17, 2026.

SECTION SIX. The locations of the polling places for the Regular Election hereby called shall be as established by the Volusia County Supervisor of Elections.

SECTION SEVEN. Voting machines, or other voting devices as have been adopted by the County of Volusia, shall be used in the Primary Municipal Election, if held, and in the Regular Election hereby called, and the form of the ballot to be used shall be in accordance with the form specified by the Municipal Election Code (Chapter 13, *Code of Ordinances*) and other applicable law.

SECTION EIGHT. Paper ballots shall be used at the Primary Municipal Election, if held, and at the Regular Election hereby called for absentee voting. The form of the ballot to be used in the said Election(s) for absentee voters shall be in accordance with the municipal Election Code (Chapter 13, *Code of Ordinances*) and other applicable law.

SECTION NINE. The City Clerk is hereby authorized and directed to have printed a sufficient number of the aforesaid ballots, to be printed in English and Spanish languages, for the use of absentee electors entitled to cast ballots in the Primary Municipal Election and in the Regular Election hereby called, and shall also have printed sample ballots and deliver them to the inspectors and clerks on or before the date and time for the opening of the polls for the said Primary Municipal Election, if held, and for the Regular Election for the polling places at which voting machines, or other voting devices, are to be used; and further is authorized and directed to make appropriate arrangements for the use of such voting machines, or other voting devices, at the polling places specified herein and to have printed and delivered in accordance with law the official ballot for use in such voting machines or other voting devices.

SECTION TEN. The City Clerk is hereby authorized and directed to execute a Memorandum of Understanding between the City and the Volusia County Department of Elections for the printing of ballots, recruitment and training of poll workers, scheduling of polling places and the use of voting machines.

SECTION ELEVEN. The Primary Municipal Election, if held, and the Regular Election shall be held and conducted in the manner prescribed by law for holding general elections in the City. The inspectors and clerks at each polling place shall prepare and file returns of such Primary Municipal Election, if held, and of such Regular Election and shall deliver the same to the City Commission. Such returns shall show the total number of qualified electors who voted at

such Primary Municipal Election, if held, and at such Regular Election and the number of votes cast, respectively, for each candidate in each such Election. Returns shall be canvassed in accordance with applicable election law as soon as practicable following said Election.

SECTION TWELVE. The City of Ormond Beach shall publish notice of the Primary Municipal Election, if held, and of the Regular Election once in the fifth week and once in the third week prior to the week in which said Election is to be held, together with an appropriate caption in such form as the City Clerk shall determine, in *The News-Journal*, a newspaper published and of general circulation in the City of Ormond Beach.

SECTION THIRTEEN. (a) In the event only one (1) candidate qualifies for the office of City Commissioner in any of the respective zones, or for the office of Mayor, at large, during the period established by Section Four of this Ordinance, such candidate shall be deemed to have voted for himself/herself and shall be declared as elected.

(b) In the event two (2) or more candidates qualify for the office of City Commissioner in any of the respective zones, or for the office of Mayor, during the period established by Section Four of this Ordinance, and prior to the Primary Municipal Election or prior to the Regular Election hereby called there is a vacancy in candidacy caused by the death, withdrawal, or removal from the ballot of a qualified candidate, which leaves only one (1) candidate for the said office, such remaining candidate shall be deemed to have voted for himself/herself and shall be declared as elected.

(c) In the event more than two (2) candidates qualify for the office of City Commissioner in any of the respective zones, or for the office of Mayor, during the period established by Section Four of this Ordinance, the two (2) persons receiving the highest number of votes cast in the Primary Municipal Election for each designated seat on the city commission

or the office of mayor shall be declared candidates for each of the designated seats or office and shall be voted upon at the Regular Municipal Election, and the candidate receiving the highest number of votes cast at the Regular Municipal Election for the designated seats or office shall be declared elected; provided that if any one (1) candidate in the Primary Municipal Election receives more than fifty percent (50%) of the votes cast for a designated seat or office, such candidate shall be declared elected without the necessity of being voted upon in the Regular Municipal Election.

(d) In the event only two (2) persons qualify for the office of City Commissioner in any of the respective zones, or for the office of Mayor, those candidates shall oppose each other in the Regular Municipal Election hereby called, and the Primary Municipal Election hereby called for those city commission seats shall not be held in any such respective zone, or in the case of the mayoral election, at large.

(e) The candidate for the office of City Commissioner in any of the respective zones, or for the Mayor at large, who receives the highest number of votes cast in the Regular Election shall be declared elected to such office.

(f) In the event the candidates for the office of City Commissioner in any of the respective zones, or in the mayor election, receive an equal number of votes in the Regular Election hereby called, the outcome shall be determined by the custom of drawing lots.

SECTION FOURTEEN. The cost of the Primary Municipal Election, if held, and of the Regular Election as specified herein, shall be paid for as provided by law.

SECTION FIFTEEN. In the event any court of competent jurisdiction hereof shall hold any word, phrase, clause, sentence, or paragraph invalid, such holding shall not affect any other word, clause, phrase, sentence, or paragraph hereof.

SECTION SIXTEEN. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 2nd day of April, 2024.

PASSED UPON at the second and final reading of the City Commission, this 16th day of April, 2024.

_____
BILL PARTINGTON
Mayor

ATTEST:

_____
SUSAN CARROLL DAUDERIS
City Clerk

Ordinance Adoption
Business Impact Estimate

Proposed ordinance's number and legal title: *Ordinance Calling 2024 Regular City Election*

ORDINANCE NO. 2024-01
AN ORDINANCE REGARDING THE OFFICE OF MAYOR AND CITY COMMISSIONERS FOR ZONES 1 THROUGH 4 BY PROVIDING FOR AND CALLING A PRIMARY MUNICIPAL ELECTION OF THE REGISTERED ELECTORS OF THE CITY OF ORMOND BEACH TO BE HELD ON AUGUST 20, 2024; PROVIDING FOR AND CALLING A REGULAR MUNICIPAL ELECTION OF THE REGISTERED ELECTORS RESIDING IN THE CITY OF ORMOND BEACH TO BE HELD ON NOVEMBER 5, 2024; PROVIDING FOR QUALIFYING AND ELECTION PROCEDURES; ESTABLISHING A DATE FOR TAKING OFFICE; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR SERVICES AND MATERIALS WITH THE COUNTY OF VOLUSIA; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- [X] The proposed ordinance is required for compliance with Federal or State law or regulation;
- [ ] The proposed ordinance relates to the issuance or refinancing of debt;
- [ ] The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- [ ] The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- [ ] The proposed ordinance is an emergency ordinance;
- [ ] The ordinance relates to procurement; or
- [ ] The proposed ordinance is enacted to implement the following:
    a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
    b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
    c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
    d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City.
   N/A

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, including the following, if any:
   N/A
   a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;

   b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

   c. An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.
   N/A

4. Any additional information the City determines may be useful. *N/A*

   (This section may include: methodology or data used to prepare the Business Impact Estimate, e.g., City staff solicited comments from businesses as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail/email, posting on the City's website, public workshop, etc.; efforts made to reduce the potential fiscal impact on businesses; and state the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals or businesses) and, therefore, the proposed ordinance does not affect only businesses.)