

M I N U T E S
ORMOND BEACH PLANNING BOARD
Regular Meeting

July 13, 2023

6:00 PM

Calvary Christian Center
1687 West Granada Boulevard
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present

Angie Shull, Vice Chair
G.G. Galloway
Al Jorczak
Mike Scudiero
Barry du Moulin
Troy Railsback (Absent)
Doug Thomas, Chair

Staff Present

Claire Whitley, Assistant City Manager
Steven Spraker, Planning Director
Becky Weedo, Senior Planner
David Allen, Planning Civil Engineer
Cara Culliver, Landscape Architect
Robin Gawel, Senior Planner
Sarah Cushing, Senior Planner
Marcella Miller, Recording Technician
Randy Hayes, City Attorney

II. INVOCATION

Chairman Thomas led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

Mr. Randy Hayes, City Attorney, explained the process for the public hearing. Attorney Hayes recommended that those individuals who sought to give testimony on the application be sworn in by the Board Secretary and to affirm if they took the Oath when they speak.

Attorney Hayes reviewed an outline of procedural and evidentiary matters regarding Quasi-Judicial proceedings regarding the roles of the City Attorney, Planning Board and explanation of a Quasi-Judicial hearing, competent substantial evidence, Burden of Proof, witness testimonies, and the decision making process of the Planning Board. He added that there are two stipulations that the Planning Board members must vote on to: (1) agree to stipulate that the professionals who will testify on behalf of the parties are qualified to do so, and (2) allow Tomoka Oaks HOA to participate in the proceeding as a “party-intervenor”.

Attorney Hayes advised the Board that once moving into the public hearing they must vote on the two stipulations aforementioned.

Chairman Thomas stated that the Planning Board members are their neighbors and are volunteers. He continued that the Board tries to do what is best for them and the City of Ormond Beach, and have no special interest.

Chairman Thomas opened the Public Hearing.

V. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order

Chairman Thomas asked Ms. Miller, Recording Technician, to read the Oath. Ms. Miller read the Oath:

“Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth?”

Mr. Galloway motioned to approve of and accept the following stipulations: (1) the parties agree to stipulate that the professionals who will testify on behalf of the parties are qualified to do so; and (2) allow Tomoka Oaks HOA to participate in the proceeding as a “party-intervenor”. Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).

Mr. Steven Spraker, Planning Director, explained the application for the issuance of a development order for the Tomoka Reserve subdivision. The application seeks to allow the issuance of a development order for 276 single-family lots on approximately 147.94 acres under certain conditions and associated subdivision improvements. The subject property is currently zoned as Planned Residential Development (PRD), and is located at 20 Tomoka Oaks Boulevard.

Mr. Spraker stated that the property has an existing land use of “Low Density Residential” (LDR) which allows a density of up to 4.3 units per acre. He continued that the purpose of the land use is to protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of

such neighborhoods. Mr. Spraker added that institutional uses may be permitted in accordance with the maximum floor area ratio.

Mr. Spraker continued with the explanation of the existing zoning of Planned Residential Development (PRD). In 2006, there was a zoning map amendment that went from R-2, Single-Family Low Density to PRD, Planned Residential Development. A site specific development order was approved for 122 residential units and the reconfiguration of the golf course. Mr. Spraker stated that one of the conditions of approval was to provide the covenant and restrictions on the golf course because in 2006 it was determined that there was no covenant and restrictions. The development order expired. He explained the process for the issuance of a development order began with a neighborhood meeting, in which the property went through two, then Site Plan Review Committee (SPRC), Planning Board and City Commission. Mr. Spraker explained that the development order is a zoning document that provides the number of lots, landscape buffer, and recreational areas. If approved, the next step is the construction plans as preliminary plat, with detailed engineering, landscape buffers, and roadways, which also goes through the process with the SPRC, neighborhood meeting, back to the Planning Board and then on to the City Commission.

Mr. Spraker reviewed the Tomoka Reserve Site Plan. He continued that the project is approximately 148 acres, with 276 proposed units and a density of 1.87 units per acre. He stated that the project seeks to allow a gated vehicular access while allowing pedestrians to still access the project through sidewalks. Mr. Spraker stated that there is an emergency access easement noted on the plan. The project is not in a designated floodplain, and there are no wetlands on the property. He added that an environmental assessment was provided with the project. Mr. Spraker remarked that the site plan is preserving 34 acres and an additional 9 acres for recreation. A key issue expressed through the process is size of the lots, with the proposal of 80' lots in width, 60' lots in width, and 50' lots in width. He continued that there is a proposed 50' buffer around the perimeter of the site (3.3 miles). The project stormwater areas use berms around exiting vegetation which is a low impact development technique. He added that the historic trees on the property are being sought to be preserved and that they provided the required school concurrency and a Traffic Impact Analysis.

Mr. Spraker reviewed key issues included in the staff report, starting with issue 1, the development ability of the former golf course. Mr. Spraker stated the Planning Board packet included an analysis from Ms. Davis, including a letter from Mr. Brent Spain Esquire. Also included in the packet was an analysis from the City Attorney's office and from the applicant's law firm, Cobb Cole. Mr. Spraker explained the position of the city staff that there is no covenant and restrictions that would prevent the site from being used for residential purposes.

Mr. Spraker reviewed issue 2, the lot size compatibility. Mr. Spraker described the R-2 zoning district which was the original zoning on the property and the surrounding area. The R2 zoning district requires a 100'-wide lot with a 10,000 square-foot lot area size. He explained that part of the applicant's Planned Residential Development request is to provide additional buffers, recreation and open space in order to negotiate lot size. They are not increasing the overall density but reconfiguring it in order to provide additional natural preservation and additional buffer and recreation,

according to Mr. Spraker. Staff discussed its similarity to what happened with an area of west Ormond, where there were applications for subdivisions less than 80' in width. These applications were denied and the subdivisions were made to comply with the 80'-wide lots.

Mr. Spraker discussed issue 3, planting of the 50' natural buffer. The applicant is seeking to use the existing vegetation along the perimeter buffer and in the areas that do not have vegetation, they are seeking to do seven trees and 30 shrubs and grasses, per 100 linear feet, clustered in 20' spacing. The irrigation is proposed to be provided by a truck with a water tank and no permanent irrigation. Mr. Spraker continued that the position of the Site Plan Review Committee (SPRC) is that the type 6 buffer which requires seven trees, 70 shrubs and 70 ground covers per 100' linear feet with staggered planting, should be adopted by the Board as it has worked well in other applications. SPRC staff strongly objects to the use of non-permanent irrigation and believes that this will lead to future land use issues and the Homeowners' Association (HOA) would be tasked with doing the irrigation. Mr. Spraker stated the buffer should not be clustered in a 20-foot buffer depth but rather staggered over the 50-foot buffer area in order to allow for proper tree growth and spacing.

Mr. Spraker discussed issue 4, the setback plan. Mr. Spraker stated that the applicant proposed a setback plan and staff provided an analysis in the staff report. Mr. Spraker reviewed the setbacks proposed by the applicant and the recommendations of the SPRC. Staff does support the front porch setbacks, as they have been successful in Chelsea Place.

Mr. Spraker discussed issue 5, Sheet PD6 note on the lot separation. Mr. Spraker explained that the note allowed variation on the buffer width. Staff recommends that the note be amended to state that the 50' buffer abutting the Tomoka Oaks existing residential lots and areas called out as natural preservation shown on the site plan. The natural preservation area shall not be modified and shall always be vegetative areas (Option 24 in the staff report). Mr. Spraker stated the language within the development order becomes a contract and when they go to construction that is what needs to be presented in the preliminary plat.

Mr. Spraker discussed issue 6, the traffic. The applicant performed a detailed Traffic Impact Analysis (TIA). City staff had the TIA reviewed by the traffic consultants, Traffic Engineering Data Solutions (TEDS) employed by the city. After requests from citizens at the February neighborhood meeting, the applicant updated the TIA traffic counts to get current counts. The TIA concluded that 96 percent of the project trips used Tomoka Oaks Boulevard and 4 percent used Iroquois Trail for external access. He added that the traffic study found that a traffic signal is warranted at Tomoka Oaks Boulevard and Nova Road. Mr. Spraker stated that the TIA concluded that all local intersections operate at a Level of Service "A" or "B", where the adopted Level of Service is a "D". A proportionate fair share calculation was drafted, which is where state law allows them to contribute their fair share for whatever traffic impacts they have. Mr. Spraker referenced another traffic issue that is part of the SPRC review, the intersection of St. Andrews Drive and Tomoka Oaks Boulevard. The intersection is awkward and does not function well. Mr. Spraker stated staff believed that the applicant should bear some responsibility in the reconfiguration, perhaps through a joint partnership through the impact fee credits.

Mr. Spraker stated that comments were received from residents in that they desire sidewalks on both sides of Tomoka Oaks Boulevard, where the applicant only proposed a sidewalk on one side.

Mr. Spraker discussed issue 7, recreation areas. The development order seeks to provide all outdoor recreational areas with no indoor recreation provided. The project has proposed 9 acres of recreational areas, with final details to occur with the preliminary plat.

Mr. Spraker discussed issue 8, environmental analysis. Mr. Spraker states Ayden Environmental submitted site assessment reports and a Soils Management Plan to the Florida Department of Environmental Protection (FDEP), where all work will be managed by them with the oversight of the FDEP. The FDEP approved the site assessment reports and Soils Management Plan in a letter dated November 16, 2022. Mr. Spraker stated that there are no wetlands on the site and it is not in a designated floodplain, and added that any gopher tortoises onsite will be reviewed at the preliminary plat.

Mr. Spraker stated that the applicant has applied for a R-2 Zoning Map application, separate of the PRD, with the intent that if the PRD is not approved, it would be necessary to ensure that they have zoning. He reiterated that the R-2 zoning allows 100' wide lots with a 10,000 square-foot lot area minimum. The setbacks are 30' in the front yard, with the building coverage at 35 percent. Mr. Spraker stated Planned Developments have additional requirements on the natural preservation, requiring 20 percent whereas the Land Development Code (LDC) requires 15 percent. Mr. Spraker continued that the applicant is proposing a 50' buffer within the Planned Development, when only 6' is required under the R-2 zoning guidelines. Mr. Spraker detailed that the R-2 zoning district does not require a perimeter setback, where the Planned Development requires a 40' perimeter setback. The Planned Development site plan includes 9 acres of recreational area and there is no recreation requirement in R-2 zoning.

Mr. Spraker reviewed the correspondence received throughout the proposed project and advised that a city webpage is maintained that shows each project submittal site plan, in which the information and documents were also enclosed in the Planning Board packet. He explained that concerns received included the topics of lot sizes, lot compatibility, stormwater, buffer widths, impacts to the existing wildlife, and traffic. The correspondence received were included in the packet.

Mr. Spraker explained that when reviewing the PRD criteria, the Planning Board should take into consideration: (1) the application submittal, (2) staff report and SPRC comments, (3) written correspondence provided, (4) criteria of the LDC contained within the staff report, and (5) testimony provided at the Planning Board public hearing. He stated that staff recommends denial of the proposed site plan for the issuance of a development order. He continued that there are items that the applicant can do that would change the recommendation including larger lot sizes, adjusting the buffer in terms of the plantings and irrigation, revisions to the setback plan, participation in the diamond intersection with a diamond reconfiguration

requirement at the construction (preliminary plat) phase of the development, and sidewalk additions be on both sides of Tomoka Oaks Boulevard.

Mr. Spraker concluded with thanking Calvary Christian Center with allowing use of their facility for the public hearing, and reminded everyone that there were comment cards in the back for those wishing to speak on the item.

Board Discussion and Questions

Mr. Jorczak asked for clarification of the statement in the Board packet, specifying that denial of the application may lead to the movement of the R-2 Single-Family Low-Density Zoning Map Amendment to provide the property a zoning designation. Mr. Spraker replied that the property is required by state law to have a zoning. If unable to work through the Planned Residential Development (PRD) process, the property is required to have a zoning designation. Mr. Spraker states the applicant has submitted an application to amend to R-2 which allows single-family lots as an allowed use. Under the R-2 zoning, as long as the application meets the criteria in the LDC, there is nothing that the SPRC can do to deny the application. Mr. Spraker continued that they would be required to have 100' wide lots and 10,000 square foot lot sizes, and have to have stormwater and utilities, and 15 percent natural preservation.

Mr. Scudiero asked Mr. Spraker for clarification based on the 147 acres, what the number of single-family homes would be to fall under the second scenario. Mr. Spraker answered that a site plan is required to calculate the number. It has not been submitted to city staff.

Ms. Shull inquired about the 100' wide lots and if that would be throughout the entire proposed property under the R-2 zoning. Mr. Spraker confirmed yes, but commented that there are certain things that staff cannot require such as increased buffers and recreation. The entire basis of the application is the trade of the increased buffers and the natural area for smaller lots in size.

Chairman Thomas disclosed that he met with the attorney for the applicants, Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, at City Hall on July 12, 2023 to discuss the item.

Applicant's Presentation

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, 2049 S. Ridgewood Avenue, Daytona Beach, and Representative of the developers, thanked the Planning Board and staff for their time. He reiterated the choices that are before the Board, adding the possibility of a custom choice option, if they so desire. He delivered a summary of the project and overview of the rezoning criteria in a PowerPoint presentation, including explanation of the experts testifying about the project and their qualifications.

Mr. Merrell stated that the applicants purchased the property approximately three years ago. Two neighborhood meetings were held as well as other smaller meetings with the HOA and others. He concluded that several revisions have been made to the plan in which Mr. Dwight Durant, Zev Cohen & Associates, will detail.

Mr. Dwight Durant, Zev Cohen & Associates, 300 Interchange Boulevard, stated that the overall plan is for 276 units on 147 acres, where the holding capacity density analysis allows 800 units. He reviewed the site plan and open space plan and explained the benefits of the design, including the water distribution system, versus the golf course fertilizer effects. Mr. Durant continued with details on emergency access. He added that the minimum size lot, surrounding the perimeter of the site is 80' wide by 120' long, which allows additional space between the homes. He continued with information on the lot range widths from 50' to 80', the maintenance plan for the 50' buffer, and the proposed density of 1.87 units per acre. Mr. Durant explained that the open space plan exceeds the LDC standards on preservation areas and that 53 percent of the site is dedicated to landscape buffers, open space, stormwater management systems, and recreation areas. Mr. Durant added that he took the Oath.

Mr. Merrell continued with his presentation and added that he did not take the Oath. He explained the architectural standards of the proposed project, commenting that the neighbors want quality and diversity, similar to what Tomoka Oaks currently has, and that is what is being proposed with the variety of architectural plans.

Mr. Jake Stehr, Zev Cohen & Associates, 300 Interchange Boulevard, began with advising the Board that he took the Oath. He stated that the proposed property 50' landscape buffer is approximately three miles in length. In reference to the buffers, he described the proposed landscape and irrigation plan and remarked that the project requires a six (6') foot landscape buffer which requires two shade trees, 20 shrubs and 20 ground cover per 100 linear feet, and the applicants are proposing seven (7) trees, 30 shrubs and 30 ground cover per 100 linear feet.

Mr. Donald Spence, President and Owner, Native Florida Landscapes, LLC, stated that he is also a Board Certified Master Arborist and Ph.D. of Plant Pathology, University of Florida. Dr. Spence explained that he assisted with performing the tree survey and with the proposed buffer layout design, keeping it as similar to the existing buffer as possible. The layout is designed for a native, drought-tolerant species, that will not need irrigation after establishment.

Mr. Durant reviewed the criteria met in the LDC standards and the compliance of them.

Mr. Mark Karet, Director of Planning and Landscape Architecture, Zev Cohen & Associates, 300 Interchange Boulevard, stated that he took the Oath. He added that he has 35 years of experience in both the public and private sectors, has his Master's Degree in Urban and Regional Planning from the University of Florida, and is also a member of the American Institute of Certified Planners (AICP). Mr. Karet spoke on the project's conformance with the LDC standards and consistency with the Comprehensive Plan. He commented that LDC, Section 2-35(b), deals with more intense uses, such as townhomes and apartment districts, versus what is being presented in the application. He referenced the concern of 'crowding' and noted that the density is less than one half of what is permitted under the Future Land Use designation. The open space and buffers create slight crowding, although more than 50 percent of the site is open space. Mr. Karet added that the property falls in the "Low Density Residential" Future Land Use designation and the proposal aligns with

the land use and LDC, and the application aligns with the goals, policies of the city, supports infill development, and adheres to the intended use of the property.

Mr. Durant explained that the last criteria is on trees and that Mr. Bill Ray, AICP, and Mr. Jeff Flairty, P.E., Environmental and Planning Consultant and Presidents, Ray and Associates, are in attendance for any questions. He concluded that there are no wetlands onsite, and that an Environmental Analysis was performed.

Mr. Michael Hotaling, MAI, Managing Partner, Moody Williams Appraisal Group, 1300 Riverplace Boulevard, Suite 640, Jacksonville, stated that he took the Oath. He continued that he was asked to analyze the home sales as to whether the golf course lots sold for more than the non-golf course lots. Mr. Hotaling advised that he looked through two sets of data from 2021 to current and 2016-2018, and found the only substantial price difference was in the size of the homes. Golf course fronting lots tend to have larger homes, according to Mr. Hotaling, and he found that the gross sales price tends to be higher, but the price per square foot turns out to be lower. He advised that he also analyzed the potential impact of the Planned Development on the existing homes and explained that there has been a paradigm shift in how subdivisions are developed in regulation and the local demand. Smaller lots are being sought after, with smaller yards to mow. The same size house is wanted but with less yard to maintain. More compact neighborhoods with walkability, underground utilities and community amenities are desired. Mr. Hotaling continued that essentially with golf courses, there is a stigma associated, and people pay less for the homes on the golf course because the golf course is closed.

Mr. Sans Lassiter, P.E., President, LTG Engineering and Planning, 1450 West Granada Boulevard, stated that he took the Oath. He stated that he has his Master's Degree in Transportation of Engineering from the University of Florida, and has 45 years of experience. Mr. Lassiter delivered explanation of the traffic analysis, including the warrant for a traffic signal at Tomoka Oaks Boulevard and Nova Road. The development will be going through the proportionate fair share process, with the stacking information and traffic access improvements presented.

Mr. Merrell continued with describing the 9th criteria regarding material and architectural features and standards, which is part of the negotiating process as part of the custom zoning, Planned Residential Development (PRD). He explained the difference from 'by the book' straight zoning. Mr. Merrell commented that the final, 10th criteria is happening now with the expert-testimonies.

Tomoka Oaks HOA Presentation

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, introduced himself with 35 years of experience in land use and zoning and resides in Ormond-by-the-Sea. He added that he has worked on golf course conversion cases. He stated that buffers, location of lot sizes, and compatibility with lot sizes requires flexibility. Mr. Bayer stated that he has met with the developers, consultants, and staff, and expressed his concerns with size of the significantly smaller lots, traffic and infrastructure. He commented that the HOA supports staff's recommendation.

Mr. Thomas Harowski, Certified Planner and Tomoka Oaks resident, 97 N. St. Andrews Drive, stated that he did take the Oath, and has a Master's Degree in City and Regional Planning, and is a member of the American Institute of Certified Planners (AICP), with 50 years' experience in the field. Mr. Harowski continued that he submitted an analysis of the proposed plan and spoke on compatibility between the proposed project and the neighborhood, traffic concerns, and residential design standards. He suggested the proposed project would be the first thing that people see when they go into the community and will be a defining element to the extent that the new homes will give a different impression of the neighborhood which will change Tomoka Oaks and the existing community. He reiterated the plan for bigger houses on smaller lots. The new houses will be more massive in appearance than the most exceptional in size in Tomoka Oaks now. Mr. Harowski expressed his concerns with the design of the proposed houses on the 50'-wide lot homes with the garages all protruding forward. He added that when going down the entrance street, you will see a continuous row of garages on both sides. He continued with 50'-wide lots on the project, they should be consistent. He explained that he has prepared quality alternative designs. Mr. Harowski noted that diversified design is the final element in the characteristic of Tomoka Oaks, and currently they have wood, brick, stucco and stone and the proposed neighborhood presents a more monolithic look, inconsistent with the current neighborhood. He commented on the design of the homes being repeated throughout the proposed development with 16 models throughout. Mr. Harowski referenced the traffic study and expressed his concern as well with the traffic that would come with the project, and stated that all agree a traffic signal is needed at Nova Road and Tomoka Oaks Boulevard, with an excess of 2,700 additional trips per day. He suggested that the applicant should be required to modify the study to reflect the upcoming changes to Nova Road proposed by the Florida Department of Transportation and an updated diamond intersection with an adequate turning radius. Mr. Harowski concluded with his concern about the sidewalks, with one sidewalk being proposed on only one side, commenting that there should be sidewalks for safety on both sides.

Mr. Spraker provided a reminder that anyone interested in speaking to the Planning Board would need to complete a comment card.

Chairman Thomas opened the public comments.

VI. PUBLIC COMMENTS

Each speaker is allowed three (3) minutes to address the Planning Board.

Audience Comments

Ms. Carolyn Davis, 46 Oakmont Circle, introduced herself as a resident of Tomoka Oaks and confirmed that she took the Oath. She commented that her name may be familiar from the staff report. She advised that she writes the Tomoka Oaks Times newsletter. Ms. Davis hired Attorney Brent Spain, Theriaque & Spain Law Firm, who submitted a letter of opinion citing case law, that a golf course property cannot be developed into residential homes. Ms Davis explained Mr. Spain's legal authority in that he received his J.D. from Florida State University (FSU), where he ranked #7 in his class of 214. She continued that his relevant areas of practice include land use and zoning law, land use litigation, and appellate advocacy. Ms. Davis clarified that her

prevention efforts are independent of the volunteer HOA mitigation efforts and expressed that she respects their efforts. She thanked *Jim, Dennis and Tom* for their presentations. Ms. Davis explained that she felt compelled to take a different path, based upon historical and legal records that would prevent development. She added that she noticed that the developers included their resumes and pictures, of ten professionals to lend credibility to their flawed application. She stated that it is important to let the Planning Board know that she has her own list of credible, seasoned professionals, a number higher than ten, it is the homeowners of Tomoka Oaks and the surrounding neighborhoods that purchased homes believing the golf course would always remain a green area within our neighborhood. She asked the homeowners to raise their hands until her speech was over. She stated that she wanted the Board to see the faces of her credible professionals. Ms. Davis advised that she will provide the City Commission hundreds of resumes and signed and return post cards of public opposition. She stated that Tomoka Oaks residents went to her house today as she was writing this speech to personally deliver their post cards. A realtor, Kathy, asked Ms. Davis to tell the Board that even she does not want the proposed project. Ms. Davis concluded that she agrees with the decision of the city staff and Mr. Spain that the Planning Board should recommend denial. Mr. Spain's opinion will continue to have significant relevance for the denying the R-2 application as well.

Ms. Stephanie A. Cox, 1526 Agatha Drive, Deltona, stated that she did not take the Oath but solemnly swears. She continued that she is a resident of Volusia County and is a licensed real estate broker for over 33 years. She explained that she plans to move to Ormond Beach to be closer to her 4-registered voting children. Ms. Cox expressed that she is tired of the growth, traffic, problems with the schools and infrastructure in the city, as well as the traffic that will come if this development is approved.

Mr. Len Gaspary, 7 Oakmont Circle, stated that he lives on the Tomoka Oaks golf course. He elaborated on his career as a home builder in Volusia County, including homes in Tomoka Oaks. He built four houses on the golf course, as well as four to five houses off of the golf course in Tomoka Oaks. Mr. Gaspary commented that when he was new to the neighborhood, the golf course lots were substantially more expensive than off of the golf course lots, and he chose to live at his home based on the fact that it was on the golf course. He added that 36 years ago, he paid a premium for the lot. Mr. Gaspary continued that at one time you had to get your home plans approved by an architectural review board and had to be administered by the people who developed the Trails subdivision to ensure it would fit in with the community. Mr. Gaspary expressed his feelings about if the golf course is closed, it will impact the value of the homes and lots. He feels that there must be a way to mitigate the loss and value of his house, as it changes the complete character of the community by adding 276 lots, which will add almost 800 people when all is said and done. He confirmed that he took the Oath.

Mr. Jeff Boyle, 614 N. Halifax Drive, stated that he is duly sworn and commented on the proposal having consistency issues. Comprehensive Land Use Planning, Goal 2, says that the development must be compatible with nearby homes, lot sizes and density. Policy 1.1.3. - prohibits altering the neighborhood character by squeezing a new subdivision inside an existing subdivision. Policy 2.1.1. - this project allows unsafe traffic flow, with more than 2,700 daily trips. Policy 2.4.6 - protects the environment from excessive tree removals, too much impervious surface and

stormwater that overflows into the Tomoka River. Policy 1.6.4. - states, preserve natural open space in urban areas, do not eliminate 148 acres of that open space. He continued, in the Land Development Code, Section 1-15, prohibits depreciation of adjacent property values and undue crowding. Section 2-35, requires a PRD to provide an indoor recreation amenity that is missing and substantial community benefits that justify code waivers and exemptions sought by the applicant. Mr. Boyle added that legal questions cloud this golf course conversion, early Tomoka Oaks documents promised a golf course “in perpetuity”.

Mr. Boyle stated on October 3, 2006, the City Commission granted a 122-unit Tomoka development order with the condition to preserve the golf course. Everyone was unanimous on the decision, including the City Commission, including the current Mayor and two preceding Mayors, the Planning Board, the Planning Director, city staff, and the applicant’s attorney all recognized that it implied unwritten golf course protection existed. He continued that in 2014, the United States Court of Appeals, 11th judicial circuit, upheld unwritten implied golf course protections. It does not have to be in writing. Mr. Boyle advised Chairman Thomas, in case law precedent and in city land use codes, we believe that the Board has solid legal grounds to deny this proposed rezoning.

Ms. Denise White, 9 Fox Run Trail, advised that she lives in the Trails subdivision and thanked the Board for their time and efforts and listening to the residents. She expressed her concern with the development is health and safety of everybody. She understands developers rights and knows why they purchased the land, but explained that thousands are impacted by the development by 450’ single-road for residents to get in and out of the neighborhood, and takes issues with the traffic analysis stating that only four percent of residents will be going through the Trails. Ms. White stated that the Trails has small two-lane narrow roads that are laden with medians and that she walks the wider roads on Tomoka Oaks Boulevard. She continued that last year the question was raised by Trails residents about overflow traffic. She commented that it will affect all of them. She asked when looking at the map, at the 450’ road, how it is reasonable to expect that it is not affecting everybody’s lives and health and safety.

Ms. Ashley Dufrene, 118 N. St. Andrews Drive, stated that in Section 1-15, Article II, Administration Enforcement of the Ormond Beach Land Development Code, it is the Planning Board and City Commissioners’ duty to ensure that the proposed use will not substantially or permanently depreciate the values of the surrounding property; create a nuisance; or deprive the adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood on the adjoining properties. Ms. Dufrene advised the Board that the current plan in front of them does everything that a proposed use should not. She said that her and her husband purchased their home in 2015 with the vision of raising their family there as generations did before them. They were looking for peace and tranquility being that they lived in major cities (Orlando, Miami, Atlanta and Washington D.C.) prior to settling in Ormond Beach. Ms. Dufrene continued that they were done with big-city-living and fell in love with Tomoka Oaks as they drove down the road and complete strangers would wave ‘hello’. She explained that she felt that they were ‘home’. She described that as they walked into the open house they were greeted with windows aligning the back of the home to see what they imagined ‘old Florida’ looked like with beautiful live oak trees lining what was the second fairway of the Tomoka Oaks

Golf Course. It was beauty that they had not seen in so many years living in congested neighborhoods and concrete jungles for all of their lives. They chose to buy the house even at the top of their price-range. Ms. Dufrene stated that they looked at a house on Rio Pinar that was \$50,000 less but knew that the Tomoka Oaks home's view of the golf course was worth the extra expense. She added that eight years later, what was once their peace and tranquility as they are expecting their first child, will be destroyed by a wall of homes lining the back of their house, fifty feet from the edge of their pool. She elaborated that the new homes will block their sunrise-view and be replaced with concrete walls that are everywhere you turn nowadays. The wall of homes will not be finalized for years to come, and for the next 5+ years there will be a construction zone surrounding the beautiful land including their sleeping baby. She commented that hammering, pounding, and dust will circulate as they try to enjoy their haven of peace and privacy. Ms. Dufrene concluded that the proposed use must "not create a nuisance; or deprive adjoining properties of adequate light and air; create excess noise, odor, glare, or visual impacts on the neighborhood and adjoining properties." She closed in saying that she hopes that she illustrated that the plan will do everything that it should not. Ms. Dufrene confirmed that she took the oath.

Ms. Michelle C. Zirkelbach, 328 River Bluff Drive, expressed that she cares deeply and passionately about the home as her and her husband built the home and raised their children there. She added that she cares about her neighbors and neighborhood and cares about the City of Ormond Beach. She continued that the proposed development affects everybody as every resident travels on one of the major thoroughfares in the city. Ms. Zirkelbach stated that Ormond has grown extensively since she moved here in 1989 and she realized that a guiding force in the development is the Comprehensive Plan. She continued that the Comprehensive Plan establishes a community's policies and priorities regarding future development while aiming to preserve the environmental features and community character. She remarked that community character is something that Tomoka Oaks has in spades. The compatibility with existing character is something the developer wants the residents to believe is true. She continued that compatibility is just a buzzword to her at this point. Ms. Zirkelbach stated that the neighborhood is full of individual architectural design an abundance of majestic trees and established homes. She continued expressing her confusion with the applicants' claims that the proposed 50' wide, 60' wide and the 80' wide lots were compatible with the existing 100'+ lots they currently enjoy throughout Tomoka Oaks. Ms. Zirkelbach stated that her and the other residents are confused about the traffic studies. She apprised the Board that she was a former math teacher and is aware that people can make numbers say whatever they want them to, resulting in all Ormond Beach residents suffering the consequences of the traffic. Ms. Zirkelbach commented that she has been reading and studying a lot about the matter at hand and is reminded of when she studied contracts when getting her real estate license in 2004. She remarked that she never had a buyer ask her to find them a house on a 50', 60' or 80'-wide lot. She continued that they are being faced with the developers maximizing profits per acre. Ms. Zirkelbach concluded that all of the residents that raised their hands signed a contract to buy a home in a golf course community or on a golf course. She expressed lack of care about the expert that said that the home values will go up, if her quality of life goes down.

Ms. Ellen L. Cook, 1 Tomoka Oaks Boulevard, Escondido Condominiums, expressed her concern with the traffic, with her condominium building facing Nova Road. She

stated that the only thing that will not prevent anything is if the proposed development will not be built. She elaborated on the traffic that is seen stacked up and said that it is due to the railroad. She said that it does not matter how many cars are coming or going, that everyone has to stop at the railroad track. Ms. Cook remarked that putting up another traffic signal on Tomoka Oaks Boulevard is not going to matter if the railroad is closed and nobody can pass and turn left onto Nova Road or from Nova Road on to Tomoka Oaks Boulevard as everything comes to a halt. A railroad signal will not be in sync with the traffic signal, she said, and added that there will be accidents. Ms. Cook concluded that only the residents in Escondido and Tomoka Oaks know what goes on there and suggested that they pay attention because it is going to be a big issue.

Ms. Adele Shaw, 1 Tomoka Oaks Boulevard, stated that she took the Oath and lives in the Escondido Condominiums and is also concerned about the traffic. She continued that when she sees the word Reserve in the words Tomoka Reserve, she thinks of nature. Ms. Shaw that the city could have purchased the former golf course. Ms. Shaw expressed her dissatisfaction with the project and lack of natural preservation and recreation in it.

Mr. Tom Fitzgibbon, 51 S. St. Andrews Drive, stated that he lives in Tomoka Oaks and is a member of their HOA Board. Mr. Fitzgibbon confirmed he took the Oath. He expressed his concern with the traffic, stating that the new houses will add 600 vehicles or more and more than 2,700 daily trips at a minimum. The development traffic will block Escondido going in. He continued that turning left from Tomoka Oaks Boulevard onto Nova Road is already dangerous, and commented that there will be twice the amount of cars and trucks will make it worse. Mr. Fitzgibbon remarked that the traffic light may take up to two years to install. He continued that the Granada Boulevard, Main Trail-intersection, where LTG is predicting that after the development is built there, that only 18 more cars in the AM peak hour will exit onto Granada Boulevard, and referenced the part of the report that detailed that there will be 600 more vehicles where many will exit through the Trails to Granada Boulevard to Walmart, Lowes and other locations. Taking the Trails route versus Nova Road is about the same travel time. Mr. Fitzgibbon stated that he takes the route through the Trails as it is a nicer route. He expressed his concern with the data and methodology of LTG traffic study. He stated that residents could not hire a traffic expert because no local traffic agencies approved of the development. Mr. Fitzgibbon explained that none of the narrow roads have sidewalks and puts the residents and kids in danger. The Public Works Department has promised to put in speed tables on Tomoka Oaks Boulevard based on a speeding problem that radars, signs and patrols cannot fix. He commented that four houses down from his house, a female pedestrian was killed by a driver. He stated that he saw a city inspector also almost get hit by a speeding car as well as large delivery trucks that speed blindly around cars, clipping overhead wires and trees. Mr. Fitzgibbon asked the Planning Board and City Commissioners to finish the street work before house construction and to plan the possible development correctly to limit injuries and deaths.

Ms. Denise Corley, 51 S. St. Andrews Drive, stated that she took the Oath, opposes the development and spoke on her topics of compatibility and soil. She continued that the 100'-wide lots create spacious feel along with 13 islands. She added that the proposal looks urbanized with 50', 60', 80'-wide lots covering 50 percent of the land and is incompatible. The proposal tells the fact that centrally located smaller homes

are appropriately screened from the existing neighborhood and she continued that it points to the fact that village-homes on 50'-wide lots are less compatible. Ms. Corley continued that the center cavity is not diverse and the area in the north corridor is spacious, larger and upscale, and expressed that the plans for diversity are sketchy. She asked if there are assurances that the houses will be private homes or if it is a corporate rental housing development, and asked if it would be good for Ormond Beach. Ms. Corley remarked that calling the golf course an infill makes it sound as though it is the ghetto in an urban city. She expressed concerns about the soil and asked the Board to take a close reading of the environmental report where it points to several remediation steps that need to be performed for the soil clean up target levels to be met with standards for residential housing. She asked if it can be trusted that the steps will be followed in accordance to the law and if the soil will continue with unacceptable levels of harmful chemicals, be removed offsite or mixed with the other soil. Ms. Corley suggested that the recommendation that the soil will be transported and piled on open space in amenity areas of the proposal is of no comfort to the existing residents. She expressed her concerns with the fertilizers, poisons, animal feces, petroleum products, rubbish in the drainage ponds as well as the airborne toxins released by moving soil as discomfoting as well. She touched on the berms, and stormwater drainage ponds on the perimeter of the proposal and those abutting the 50' buffer of the Tomoka Oaks residents, and mentioned that she hopes the berm is not toxic soil piled up behind the homes. Ms. Corley continued that the swales, ditches and dry ponds proposed are known to be mosquito habitats and that Tomoka Oaks residents utilize ground stormwater pipes. She urged that the Board vote no on the proposal.

Ms. Jane Eddy, 306 River Bluff Drive, stated that she took the Oath and read a letter from another Tomoka Oaks resident, Ms. Julie Frebis, who was unable to attend. "I would like to utilize my time this evening to discuss the overall development occurring in the City of Ormond Beach and the lack of critical infrastructure our city currently has to accommodate the needs of its citizens. I recently had to take my mother to the emergency room. She was suffering with a heart condition that without timely treatment could have easily led to a stroke. We went into the ER around noon and waited five hours for a room. Once in the room, we waited another three hours before we saw a doctor. The doctor ordered medication and due to a lack of staff, she was not given the medication until I called a high-level contact at the hospital to get extra attention. Once I called my contact, she was given the medication about 45 minutes later or almost nine hours since arriving at the ER. This concerns me a great deal. What if her condition was worse and she had a stroke? What about our citizens that do not have someone to call? How many of our current citizens are suffering severe medical consequences due to the lack of critical care infrastructure? What about the families when they need care? This is not the hospital's fault. They are working at break-neck speed to expand their services. This is simply due to having too many people move to our town in too short of a time period. It is time to step on the brake pedals. I work as the employee benefits director for a large company in the area and am acutely aware of the lack of other medical providers in our community. You need to be aware that there is a critical shortage of primary care physicians in the area. Most in our community have to wait up to six months to book a new patient appointment with a primary care provider. Also to my knowledge we only have one provider in all of East Florida that serves the under privileged or maternity care. My question to you is what is more important? Additional tax revenue for the city, and

allowing developers to build to the maximum, or the well-being of the Ormond Beach current residents? The right answer is the well-being of our current residents.”

Mr. Scott Ryals, 24 Tomoka Oaks Boulevard, stated that prior to his current address he lived at 66 N. St. Andrews Drive. He stated that he had a decision to make when he saw the problems back in 2006/2008. He commented that it was a very difficult decision to put in 122 units on a golf course he played since 1970. He added that he has been in the neighborhood for 50 years. Mr. Ryals said that he knows every chemical that was put on the golf course before and got his first job there. He elaborated on his familiarity with the golf course and club house. He stated if we let a piece of our city do what’s happening, to me and my family, you won’t think to highly of Ormond Beach. Mr. Ryals stated that he still lives in Tomoka Oaks and he loves it. Mr. Ryals stated that he knows how mitigation takes place with numbers, and how individual freedoms are taken away over time. He stated that he was the one who stated if anything was done to the golf course property that it would remain a golf course. Mr. Ryals commented that he beat his head night and day on how he can do it. He said that they could only put in 122 units with the 2006 development and did not want to make \$150 million off the development. They did not want to impact the traffic. He concluded that he hopes his perspective is understood and that he enjoys Tomoka Oaks and plans on staying there. Chairman Thomas commented that Mr. Ryals had taken the Oath.

Mr. Peter Tupas, 332 River Bluff Drive, confirmed he took the Oath. He stated that he has been a resident of Tomoka Oaks for 27 years and has been a real estate broker for 30 years. He disagrees with comment made about the golf course depreciating the value of the homes on it. He added that a lot of people paid a lot of money because the houses are on the golf course. Mr. Tupas commented on the two-lane access on Nova Road and two-lane access going from Main Trail, and adding 600 cars with rush hour, people will be stacked up. Mr. Tupas stated in the real estate business, anything behind houses impacts there value. He remarked that the traffic light may assist getting people on the road but that the access through Tomoka Oaks will be jammed up getting to the traffic light.

Mr. Ned and Lauren Huhta, 30 Pine Valley Circle, introduced himself and his daughter, and stated that he took the Oath and is a second-generation resident. He explained that he lives in a custom built home and is like none other in the neighborhood. He added that he supports the city staff denial and encourages the Board to do so. Mr. Huhta commented on his support of the Tomoka Oaks residents and remarked that the high traffic levels will be a nuisance to all who travel through the area, and believes that it promotes a lower quality of life. He suggests the applicant provide all of the funding for the configuration of the entry area if approved. He requested that if reuse water for irrigation is provided to the project, then re-use water should be provided to existing Tomoka Oaks residents. Miss Huhta confirmed that they took the Oath.

Mr. Richard Goldhair, 21 Cherokee Trail, advised that he took the Oath. He stated he desired to talk about the construction traffic that will likely last three to five years, as well as weekends on Saturdays 7:00 a.m. to 7:00 p.m. He expressed his hope that the 18-wheelers will not be allowed. If they cannot use the Tomoka Oaks entrance, will there be overflow on the two Main Trail entrances, Nova Road and Granada Boulevard. Mr. Goldhair referenced traffic, including large delivery vehicles

contending with pedestrians, skateboarders and bicyclists at the choke point off of Nova Road with the public shopping center on one side and community center on the other side with the possibility of a catastrophic situation. He continued that trucks accessing Granada Boulevard that get to Rio Pinar and Iroquois to get to the new construction site, they will have to go over the Misners Branch bridge. He expressed concern if the bridge can take the excess weight of the construction trucks and increased traffic. He questioned how the proposed project will affect real estate values and insurance premiums.

Ms. Barbara Handsman Doliner, 108 S. St. Andrews Drive, stated that she took the Oath. She explained that her family has had a thumbprint in Volusia County for 83 years and she has been a resident of the Trails and Tomoka Oaks for 35 years. She added that she raised her children there and that they are all registered voters. Ms. Doliner stated that she has been a professional volunteer in the community for 35 years and expressed appreciation to the Planning Board for volunteering. She thanked the residents for working diligently to maintain the neighborhood. She commented that she does not understand why the proposed project and the people behind the project, are so resistant to what the community has to say. Ms. Doliner stated and repeated, that it does not fit the community. She suggested building it in Miami or elsewhere and not in Tomoka Oaks where they do not want 'cookie-cutter' homes. She added that they do not care if gates or sidewalks are included in the proposal, and concluded that the shoe does not fit and this Cinderella will never have the shoe fit, no matter what way it is packaged. It does not fit. Ms. Doliner reiterated the suggestion for 100'-wide lot executive homes with 120 units. At \$700,000 per home, she asked if that was enough money to make, what is the issue here. Ms. Doliner concluded that no consideration was given to increasing police, EMTs and Firefighters. She understands the shortage of doctors, the overcrowded hospitals and the going rate of over 7 hours at the emergency department. The shoe simply doesn't fit.

Mr. James Cameron, 39 Laurel Oaks Circle, stated solemnly swore that all of his comments are true in nature. He stated that he in support of the application and has worked with a local pro-business group for a number of years and has worked with the Volusia County Association for Responsible Development. He expressed the importance of all finding a happy medium that everybody can agree to and said that he talked with Planning Board members as well as with people in opposition to the issue. Mr. Cameron pointed out that he has heard a lot of people say that they have a lot of confidence in Planning staff. He concluded that he hopes a custom zoning can be agreed upon between all parties.

Mr. Renny Herrero, 111 N. St. Andrews Drive, stated that he took the Oath. He stated that he has lived in the community his entire life and is part of six generations. His grandfather was born in New Smyrna in 1918 and installed a love for surfing and golf in him. Mr. Herrero continued that he and his wife married and were excited with the expectation of being near a golf course and has played golf in Tomoka Oaks since the 1980s. He commented that he has played almost every golf course around the community and referenced the statements about 21 different golf courses within 20 miles and another questionable comment on four municipal golf courses, and remarked he did not think that it was factual information. Mr. Herrero stated that he can think of about seven golf courses within 20 miles as well as two municipal golf courses and delivered additional information on the popularity of golf courses and

educational opportunities in reviving ones that are run down. He referenced one in Atlanta where businessmen put their ideas together and put together a plan for educational opportunities for a rebuild. Mr. Herrero commented that golf is still popular and there are 60-80 people out on the LPGA Golf Course swinging a club daily even in the summer heat. He remarked that it is outside and beautiful. He added that the idea to relaunch Tomoka Oaks as a standalone 18-hole course without financial support is not financially sound. Mr. Herrero suggested considering other proposals that would keep the golf course. He concluded that the community could be behind the concept of a use that included the golf course in the redevelopment. Mr. Herrero stated to approve this plan is to settle for lack of possibilities and ideas. We can do better.

Ms. Caroline Herrero, 111 N. St. Andrews Drive, stated that she took the Oath. She stated she lived and grew up in Tomoka Oaks, and enjoyed being outside there in its beauty, ran and rode her bike there. She added that now one of her favorite parts of her daily routine is sharing it with her grandmother when they go on their evening walks. She added that they have noticed the growth of Ormond Beach and how it has changed the experience of living here. Miss Herrero continued that the Developer's Economic Impact Study states that all traffic is engineered to go Nova Road via Tomoka Oaks Boulevard with it being said that there are other alternatives and that they are longer. She clarified that if you exit the neighborhood onto Nova Road to get to Granada Boulevard where the traffic light and Main Trail connect, which is the other exit, it measures approximately two miles even and if you take the short cut through the Trails it measures 1.9 miles to get to the same intersection. She commented that it is already tricky for pedestrians and cyclists on the streets and pleaded with the Board not to approve the proposed project with this density.

8:30 p.m. Chairman Thomas announced an 8-minute break.

Mr. Adam Kipi, 52 Pine Valley Circle, stated that he took the Oath. He stated that he does environmental remediation and litigation for a living and spoke on the environmental report and asked the question of if they are going to dig 2' and then fill it in with clean fill straight over the top with the problem of going 2' just straight over the fairways because it is only affecting the fairways. He suggested that there would be other drainage issues. Mr. Kipi commented on the proposed homes and retention areas, suggesting that there will still be sloping, topography and grading issues. He touched on the traffic light and remarked that it will be an issue. He added that unless the main entrance is widened to Nova Road that they will be backed up, even with a roundabout. Mr. Kipi referenced the applicants PRD and then the addition of a part two, and added that when he moved here in 2021 he noticed on google maps still had Tomoka Oaks displaying a golf course and noticed in pictures that it had been neglected for years and had the thought that if it were to come up for sale that the residents can buy it and make it a golf course again. He suggested commercially, to take it back to a golf course and sign a Rehabilitation Completion Order. He referenced Tomoka Oaks as being a community built around a golf course and to possibly sell it to the city, stating that nobody wants the proposal or houses to be right up to the back of their fences. He suggested to go build off of Airport Road in undeveloped land. He expressed that he feels that it is going to look ridiculous and that it is going to be a nightmare.

Mr. Tyler Brown, 90 N. St. Andrews Drive, stated that he took the Oath. He expressed concern with the compatibility with Tomoka Reserve and Tomoka Oaks. He stated the applicant states the density is 1.87 units per acre for the Tomoka Reserve project and 2.09 for the Tomoka Oaks subdivision. He stated he questions these numbers. Mr. Brown stated when looking at the Volusia County Property Appraiser's (VCPA) Website, there are 547 lots in Tomoka Oaks with a land area of 282.85 acres, which he calculated at 1.93 units per acre and not 2.09 units per acre,. He commented that the number does not include roads or the islands in Tomoka Oaks and he did not have access to that specific data on the VCPA website. Mr. Brown remarked that it is the addition of 148 acres of the golf course that Tomoka Oaks was built around that was the core of the neighborhood. The number for Tomoka Oaks drops to 1.27 units per acre, lower than their proposed development, according to Mr. Brown. He then referenced the newspaper article out this morning that stated the number is closer to 1.003 units per acre at 547 homes and 545 acres. Mr. Brown commended city staff for their observation of the project and concluded that with the concerns raised by residents, the city might want to clarify the units per acre issue, and more, prior to when the Planning Board reviews any recommendation one way or another.

Ms. Missy Herrero, 111 N. St. Andrews Drive, asked if Mr. Cameron, who expressed that he was in favor of the development, was a paid witness and if so, should he have identified himself as a paid consultant?

Attorney Hayes replied that there is no evidence of Ms. Herrero's inquiry.

Chairman Thomas added that there is no proof that he was a paid witness.

Ms. Herrero stated that she has been a resident of Ormond Beach for 30 years and is a native Floridian. She commented that she is not against development and understands that they cannot fight it but we do have the power to shape it. Ms. Herrero stated that she heard from the Planning Board before that Ormond Beach residents do not want to share their sand in the sandbox with people moving to Florida. She shared her personal story about her parents illnesses with COVID in January and how she and members of her family work in the hospital, serving the community for decades. Ms. Herrero explained that they went to the hospital and both the hospital and the emergency department were full with no beds. She advised that she took her 87-year old father there for needed fluids and how they waited for eight hours in the hallway. She added that it is not the hospital or the nurses or doctors faults and that they are doing the best they can. She said that they left at midnight and that her father returned the next day by ambulance and he waited another eight hours in the hallway again. Ms. Herrero stated that they left and he continued to deteriorate, and attended an appointment via tele med and then had to return to the hospital for a third time via ambulance and was then admitted. She continued that his health deteriorated to a point that the family decided to go home on Hospice-care. Ms. Herrero reported that they did not have a Hospice nurse for five days because there was a shortage and he died three days later. Ms. Herrero explained that there is no structure for the existing residents and that this is what people are doing that are living and dying in the community today. She concluded that she hopes that the Board does not have the same experience that she did of the real life experience-data presented, and that she took the Oath and recommends denial of the plan.

Mr. Paul Hughes, 4 Lauren Court, stated that he took the Oath and expressed his concern with the missing logic, delivering history on his experience in the community in that he moved back to family here 30 years ago and bought into Tomoka Oaks Country Club and Golf Course, the greenspace, what the neighborhood offered to the kids with the opportunity to ride bikes and enjoy life. He continued that he supports all of the efforts for the greenspace and quality of life the golf course would offer by stopping the proposed development. Mr. Hughes commented that when it was up for sale he was late and offered to write a check for the 150 acres so that it would stop. He added that he thinks that there are enough people there that could come up with the money or use the city's money or other appropriate resources, including the university what would be interested in involvement to bringing it back to a greenspace, golf course, and avoid this. Mr. Hughes suggested if going through with this project design, there will be five to seven years construction with trucks that will exceed 24 tons, attempt to go over the bridge, which will limit the number of entrances into the neighborhood. He spoke on his traffic concerns, expressing his recommendation of denial, stating that there is no physical way to put 30 pounds of potatoes in a five-pound croker sac. Mr. Hughes concluded that it is too much for this community and that they bought what they bought, for the green space and what it was and have paid dearly for it.

Ms. Janice Rose, 21 Eagle Court, stated that she took the Oath and has lived on the golf course for 32 years. She asked for a provision in the Planned Development order that the Tomoka Reserve HOA is required to preserve and maintain the trees and the buffer around the development now and in the future. She continued that if they do not, the residents of Tomoka Oaks should have the right to sue. Ms. Rose commented that she may not have 30 years to see mature trees behind the property.

Ms. Leah Washington, 12 Oakmont Circle, stated that she took the Oath and that her and her family moved to Tomoka Oaks in September of 2020. She added that her husband is off serving his last tour in the military and they decided to settle down in Tomoka Oaks with their kids. She commented that they are going to call it home forever, the purpose of them not going with her husband during his last tour so that their kids can settle down and call their place 'home' in their forever home, in a place where they can grow up with kids and know the kids for longer than three years at a time. Ms. Washington stated that they live in a community that was advertised as a golf course community. She expressed that they are finding as time goes on that the peaceful community is not there anymore and is not going to exist. She explained how difficult it has been to find a pediatrician in the community going through three different pediatricians offices to get care and stay with her health insurance. She continued that specialty care for pediatrics does not exist in the community as they have had to travel to Lake Nona, Lake Mary and Orlando frequently for care. She added that they have gone through four different dental offices as well due to having to circulate insurance companies and not being able to sustain the patient load. They drop certain insurance companies in order to sustain a better count in their practices. Ms. Washington stated that all of this is happening without the development and asked what she is supposed to tell her kids when they cannot get a pediatrician or sick child appointment for three weeks, then in turn having to sit in the Emergency Room (ER) for six hours. She commented that it is negligible of the community to consider the proposed development. Ms. Washington concluded that the Florida Department of Transportation (FDOT) issued their study recently and quoted statistics that started

in 2011 that came after the area was zoned Residential in 2006. She mentioned rezoning of a particular pod of land, she thinks that changes would have had to occurred within the geographic area around the property which prevents the use of the property under its current zoning. She concluded that it seems that the community has proven that it is not possible to continue the residential zoned area and suggests denying the project all together.

Mr. Logan Pigliacampi, 31 S. St. Andrews Drive, stated that he took the Oath. He stated he lives on the golf course and attended today's meeting to witness what has been ongoing for a few years. He stated that he was born and raised here and that the golf course has been critical to his way of life. He continued that he goes to the University of Florida and feels our fundamentals of living, how we want to expand and conquer everything around us, and want to make it industrialized and improve everything, and how in part of that, the beautiful scenery is ruined. Mr. Pigliacampi mentioned that he recently took a trip across the United States and drove through approximately 23 states and noticed how the levels of air pollution and industrialized trucking and fracking contribute to asthma. He explained an experience that he had when he just cleaned his white car and then when going through Georgia, through a town that experienced something like this proposal, noticed his car was pitch black. Mr. Pigliacampi stated that these things affect him and the Tomoka Oaks residents. He concluded that he has to live the next 60-80 years with this world and issued a warning, pleading about industrializing the area. He remarked that the community needs the trees and not just the limited number of required ground cover. Mr. Pigliacampi urged the Board to vote no and said to think about long term consequences, including the lives of area residents, the wildlife, and impacts of construction.

Ms. Darla Widnall, 7 Shawnee Trail, stated that people have been trying to fight the development for two years. She commented that she heads up the people in the Trails that do not want any residential development on the golf course. She continued that the city spent \$125,000 for a two-year survey for Parks and Recreation, where they came up with 10 items, greenspace, parks, and a golf course in Ormond Beach, to name a few. Ms. Widnall commented that she is not a golfer but that the Tomoka Oaks Golf Course was a beautiful one and feels that it still could be. She attended the FDOT meeting where there were experts and she elaborated on the proposed 276 homes in the middle of Tomoka Oaks, and west of Interstate 95 on Granada Boulevard where there will be 10,000 homes. Ms. Widnall stated that she advised them to change whatever they are doing to Nova Road because by 2045 due to the possibility of the 10,000 additional homes. She concluded that she did not take the Oath but swears to tell the truth.

Ms. Debbie Gatz, 32 N. St. Andrews Drive, stated that she took the Oath. She has been in Tomoka Oaks for 27 years. She inquired about the Planned Development buffer and existing trees. She added that due to living in Florida with storms, a lot of their trees have gone down. Ms. Gatz expressed concern with her existing buffer left with all of the 80' vines taking over her landscape. She encouraged the Board to look at the Planned Development to see what is in place for their HOA to take care of those buffers that have existing trees. Ms. Gatz thanked her neighbors and elaborated on her history in the area, living in the Trails prior to Tomoka Oaks. Her family walks a lot and when walking with others, people always refer to the diversity of the homes.

Ms. Beth Rabitaille, 22 Rio Pinar Trail, stated that she has lived there for 30 years and commented that the road is busy with drivers that speed down it. She questions how accurate the traffic report is. She concluded that she did not take the Oath but swears to it.

Tomoka Oaks HOA Rebuttal/Summary

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, requested that the Planning Board reflect upon what they heard tonight. When the developers were making their initial application they described this as infill. He continued that this is not infill, but instead the filling of greenspace with a residential development. He further explained that infill is where rundown houses and rundown neighborhoods are taken out and replaced with new development. Mr. Bayer reviewed the history of the property as a golf course since 1963. He commented that it is not a golf course now and if they do not get what they want with a PRD, it will not go straight zoning. He suggested reviewing the staff report and criteria and the issues that the developer needs to answer. Mr. Bayer asked how the buffer will be maintained five years from now when the vines take over all of the trees. Mr. Bayer stated that Mr. Harowski provided design options for the smaller lots. Mr. Bayer acknowledged that the issue of medical care may not be in the Land Development Code for concurrency, but it is a factor should be considered for lower density. This development is building in the heart of the existing Tomoka Oaks subdivisions. He urged the Board to go along with the staff recommendations of denial based upon the lack of information that has been given by the developer.

Applicant's Rebuttal/Summary

Mr. Merrell stated their presentation and design professionals addressed many of the questions brought up tonight. The design professionals provided information on the lot widths and the buffer types. Mr. Merrell stated that they desire to hear from the Planning Board and provide responses as needed. What has been presented are options. At the root of this issue, this property has a residential density and land use, which is an entitlement. Mr. Merrell stated an entitlement is automatic. He continued it is not a choice between nothing and the application. It is up to the Planning Board to look at the list in the staff report and provide direction on the residential development of the property. Mr. Merrell stated that they are looking for direction on the options presented.

Chairman Thomas brought the discussion up to the Board.

Board Discussion and Questions

Ms. Shull asked for clarification about the R-2. Attorney Hayes explained the development application based on the PRD zoning before them today. The R-2 is a different issue and not before the Planning Board at this time, and should not form the basis of the Board decision based on a different issue. Attorney Hayes further explained that depending on the decision of the Board, the developer will have a decision to make whether submitting another application to rezone to R-2, come back before the Planning Board, or submit another application for a PRD development order.

Ms. Shull inquired about the irrigation on the buffer and where that water would be coming from. Mr. Spraker replied that irrigation is recommended by staff. There are two reuse ponds that they are seeking to use reuse water and suggested that a well will most likely be needed to supplement the reuse ponds. Mr. Spraker stated that the irrigation water supply would be part of the preliminary plat.

Ms. Shull asked about the self-amending mention. Mr. Spraker answered that the PD6 detailed the amendment of that language. He reiterated the lot layout language that the project can make the lots wider, for examples a 50' wide lot into a 60' wide lot. Staff has no objection to making lot widths wider and the project could not exceed the overall lot total of 276 units. Mr. Spraker commented that if the Board does not like the architectural standards or if they would like something else regarding the submittal, they can discuss and recommend to change. What has been provided is consistent with other Planned Developments.

Chairman Thomas asked for clarification about irrigation and if staff is seeking in ground irrigation. Mr. Spraker explained that in the landscape proposal it is to establish a natural vegetation that after a certain point, no longer requires water. A truck with water would be used to establish the landscaped areas temporarily. Mr. Spraker commented that the concern is if there is a drought, and the buffer dies, it puts the obligation on the HOA. Staff has never seen a buffer of this size utilizing temporary irrigation.

Mr. Scudiero stated that several speakers referenced putting in a traffic signal and asked for confirmation on if it has been approved. Mr. Spraker replied that the response comments stated that it was presented to the Department of Transportation (DOT) and it was verbally approved and Mr. Lassiter may have additional information.

Mr. du Moulin thanked the Tomoka Oaks HOA. He asked if there is a possibility of a win-win type situation, referencing greenspace solar panel farming that everyone can benefit from. It would be for something other than houses. He asked if housing does go in, if they can go in with increased lot size, such as the Broadwater subdivision for million dollar homes instead. Mr. du Moulin stated he is seeking a solution where everyone wins.

Mr. Galloway disclosed that he has friends on both sides of the equation and has spoken with a few Tomoka Oaks residents, as well as Mr. Durant and Mr. Merrell. He asked for the difference between the 80' wide lot from the proposed 100' wide lots. Mr. Durant explained that with the market of what people want to buy, they are interested in the smaller lot widths. Mr. Durant added that the greenspace is the same for both. Mr. Durant stated that they want this project to be successful He continued to be blunt, our future residents don't want to look into the back of the Tomoka Oaks houses. They desire for the buffer to be successful and believe that the proposed plan will be successful. Mr. DuRant stated there is an existing, non-irrigated buffer out on the property today that we are seeking to replicate. He suggested allowing them to put the buffer in as proposed and that if it does not work out, they will try something else. He reiterated that they do not want to irrigate or fertilize and do not want to have run-off. The project is seeking to replicate what the existing buffer is and if there is a need for security, the project can bond the improvements.

Mr. Galloway asked for additional information on the proposed plans inconsistency with the Comprehensive Plan. Mr. Spraker replied that in the staff report it is not one of the reasons why staff recommended denial. It was not said that the proposed plan is inconsistent with the Comprehensive plan. He clarified that the reason for recommending denial were criteria 1 and 4, consistency with the Land Development Code (LDC), as in section 2-35 is permissive and specifies that, 'you may' do something. He further explained that the issuance of the development order is a negotiated zoning. The area surrounding the property has 100' wide lots. Mr. Spraker continued that it is understood, the design of the project is to provide the buffer in exchange for smaller lots, which would be fine in the interior of the project, but the perimeter should stay at 100'. He also referred to Mr. Durant's comment on the setbacks at 7.5' for a side yard setback, which is smaller than a typical lot. Mr. Spraker concluded that staff did not recommend denial based upon consistency with the Comprehensive Plan.

Attorney Hayes specified that the staff report identifies the criteria that the proposal before them today should be evaluated.

Mr. Mark Karet, referenced the question as to if the plans are consistent with the Comprehensive Plan. He stated that Ormond Beach has land use categories that clearly would have not allowed residential development on the former golf course property, such as the "Recreation & Open Space" land use designation. Mr. Karet continued that the "Low Density Residential" land use allows residential development. Mr. Karet stated that the staff report indicates a policy that could be used to deny the application based on inconsistency with the Comprehensive Plan. Mr. Karet stated, as detailed earlier, the cited policy cannot be used as a reason for denial. He remarked that in order to deny the use, one would need to determine that the residential use is inconsistent and read words which are not in the policy.

Mr. Galloway stated or require 100' wide lots? Mr. Karet replied that the policy only refers to use and does not address lot sizes. Single-family lots next to single-family lots, regardless of lot size, is the same land use.

Mr. Karet stated in the application of Section 2-35 of the Land Development Code, staff is reading words in the language. He stated that what is being said tonight is that compatibility means that it has to be the same thing and that is not what the modern practice of planning says. Mr. Karet commented that compatibility has to be sensitive to the character of the community. He reiterated that it is infill development which is encouraged throughout the Comprehensive Plan. Mr. Karet states that there are many communities that are eliminating single-family only zoning.

Mr. Galloway stated he understands what Mr. Karet is stating, but there are many individuals tonight and notes that state that either they do not want the project or they want 100' wide lots. Mr. Galloway stated that the application is asking for smaller lot sizes and there are questions about compatibility. Mr. Karet stated that staff is seeking 100' wide lots next to the Tomoka Oaks existing 100' wide lots. Additionally, staff is seeking a type 6 landscape buffer of a 50' width with certain plantings that is typically required with industrial development next to low density residential uses. Mr. Karet re-emphasized that city staff is asking for both the 100' lot width and an industrial size landscape planting plan. Mr. Karet stated as a professional planner, that does not stand up.

Mr. Jorczak spoke on the diversity of the housing in the existing Tomoka Oaks community from the size and type, describing them as impressive in comparison with the newer developments out there or a cookie cutter approach. He commented that the existing community has issues with some of the people that service the neighborhood, such as the landscapers and mail carriers, and does not feel is the safest to get through with the amount of traffic there and the vehicles parked on the street. Mr. Jorczak remarked that it is a phenomenal area that we should be looking for excellence in how the piece of property is developed. He suggested that it needs to be something that blends with the existing area that has a character and a flavor and is not going to be an enclave. Mr. Jorczak commended Mr. Harowski on his research for his presentation and suggested doing a little more in researching if the proposed development should or should not go in. He remarked that he appreciates the time, efforts and money spent on creating the Board packet and all that city staff has done to point out what can be done as far as development options.

Chairman Scudiero made a motion to hold a time-certain vote, no later than 10:55 p.m. Chairman Thomas explained that he does not want to put a time-constraint on this and that it is of his top-5 most important issues ever heard in all his years of being on the Board.

Mr. Merrell stated that they appreciate the comments and expressed that the applicants are taking notes and listening to all Board suggestions. Mr. Merrell stated they are okay with a time certain continuance of the application.

Mr. Galloway stated that he has more questions and cannot vote on the issue tonight. Mr. Merrell stated that the applicant team is not seeking to rush the item and are noting all the comments.

Mr. Galloway asked if the staff recommendation of increasing lots to 100' wide around the perimeter were implemented, what would be the density (the number of units) that would be applying. Mr. Merrell replied that the project has been reviewed for a design using the straight zoning classification with 100'-wide lots, R-2. He stated that the design yielded about the same number of units. Mr. Merrell stated getting rid of the 50' buffer, you gain a lot of real estate, but the product would not be as good. Mr. Merrell stated if the project is required to provide 100' wide lots and a 50' industrial type buffer, it is just not a fair trade. Mr. Galloway stated that the project is developing in the middle of an existing neighborhood and those concerns need to be addressed. Mr. Galloway pondered why the abutting property owners did not purchase the former golf course as a community development district.

Mr. Scudiero asked the applicant, if the Board agrees to adopt all of staff and SPRC's recommendations, what the number of houses would look like. Mr. Merrell stated that they have not done this exercise.

Chairman Thomas referenced the presentation of Mr. Harowski. He asked for the design plan for the 50' wide lots and if they included an alley. Mr. Karet replied that there is room for back loaded alley ways. Chairman Thomas replied that would be the only way that he would vote for 50' lots.

Chairman Thomas asked about the open space and recreation planned for the project. Mr. Stehr answered that there would be a sports field, pavilions, pickle-ball courts,

two playgrounds, pocket parks, and added that the plan has not yet been finalized and additional open space and recreation can be added or modified.

Chairman Thomas referenced the traffic direction in between the fields and the parking lot between the areas and expressed his concern for the children's safety. Mr. Stehr advised that they would take it into consideration.

Ms. Shull inquired about the gates. Mr. Stehr stated that they are requesting electronic access gates for vehicular access only. Pedestrians are able to go through on the proposed sidewalks.

Ms. Shull asked about the lot size and density. She stated that the Tomoka Reserve project appeared to have more homes than the Tomoka Oaks subdivisions. Mr. Stehr referenced the density breakdown based on the LDC that was included in the staff report. Ms. Shull said that she agrees with the 100' wide lots around the perimeter but is unsure about the 50' and 60' wide lots in the interior. Mr. Stehr stated that there are condos and apartments abutting the existing subdivision. Chairman Thomas questioned if these were in the neighborhood. Ms. Shull stated the project is a neighborhood inside of a neighborhood. She stated her goal was to be consistent with what is in the existing neighborhood.

Ms. Shull stated she did not believe that the 50' wide lots are consistent with the neighborhood. Mr. Stehr asked if the multifamily was consistent. Ms. Shull stated that she is providing her feedback on the project.

Ms. Shull discussed the setbacks and stated from her experience, they allow for short driveways, which means cars are parked out in the street. Mr. Stehr replied that it is a 25' setback allowing for two cars in the driveway, and two in the garage. Ms. Shull commented that it is too much house on the lot.

Mr. Durant stated that the existing Tomoka Oaks lots are suffering with not enough room in their backyard, therefore they are trying to give flexibility to be able to sacrifice some of the front. He continued that the setbacks would provide additional distances between subdivisions.

Ms. Shull asked if fencing would be allowed inside of the neighborhood, even for those houses backed up to the buffer. Mr. Stehr confirmed that they are.

Ms. Shull asked why it was mentioned prior that 100' wide lots would not work, but that 80' wide lots can. Mr. Merrell replied that 100' wide lots could work, but they are not as good for the developer, and the 80' wide lots work better for the project. There is a concern that there is not a market for 100' wide lots.

Ms. Shull stated, as a realtor, she believes that 100' wide lots would be very desirable.

Chairman Thomas commented that the 100' wide lots in Tomoka Oaks do not stay on the market very long.

Mr. Carl Velie, property owner, for the proposed Tomoka Reserve development, stated that the value of property that is based on building and the land. The land is 20 to 25 percent of the property value, depending on how urbanized that it is. He remarked the bigger the lot width, the higher the cost of the house will be, based on

the house size. Most of the houses in Tomoka Oaks are selling for \$400,000 to \$500,000 range, and are 40 to 50 years old. Mr. Velie, stated if the project built a new home on the same sized lots then it would likely be an \$800,000 home. Mr. Velie added that proposed houses on a 100' lot with 10,000 square feet in lot size will be substantially higher than the typical house in Tomoka Oaks. He stated that they are trying to match the same value on a smaller lot width with similar lot square footage.

Mr. Velie continued that they think they can sell a few 100' lots but he is not sure if they can sell two hundred of them as quick, and may have to wait 15 years. That is not what the developer wants to do. Mr. Velie stated that he does not think people want to buy million-dollar houses unless they are on the river or ocean. He said the project seeks to create a product that will sell quickly, or as good or better than what is in the neighborhood. He stated that there is a difference compatible and comparable. This project will be compatible with a residential use abutting a residential use. Comparable is going different because these will be new homes with new amenities. Mr. Velie stated that the new construction will result in better built and stronger houses. He expressed concern with have a 100' wide house with a value of \$800,000 next to a 60' wide house with a value of \$500,000. Mr. Velie stated if they thought that they could sell 100' wide lots, they would be all for it. But they do not think that the project can sell 100' wide lots.

Mr. du Moulin stated that if it is designed correctly it could work. Mr. Velie detailed the constraints of the existing property layout. Mr. Velie suggested that there be a quadrant area or pod where the lots are smaller at 50' or 60' lots. He remarked that the studies the applicants have done show that there is not enough demand for the million dollar homes.

Ms. Shull asked why Mr. Velie believes that they cannot sell 100' wide lots. Mr. Velie responded that the study the project has done there is not enough demand for the million-dollar homes. The concern is that there are not 200 or 250 buyers who can purchase the million dollar homes. Ms. Shull commented that they will go a lot farther with the neighbors if there is a higher quality product in the area. Mr. Velie replied that the proposed homes are planned to sell higher than any in the area, other than the riverfront properties that are in Tomoka Oaks. Mr. Velie stated that the cost per square foot is \$250 to \$300. For a 2,000 square foot house, that would be \$600,000. For a 3,000 square foot house, it will be a million dollars and we do not see that demand in the market. Mr. Velie explained his experience in the area and stated that he moved to Florida in 1954 and moved to Ormond Beach in 1964. He was an appraiser for 40 years and learned the life cycle of a neighborhood. Mr. Velie concluded that it is to their advantage to sell the most expensive house that they can sell. Mr. Velie stated that this development will be new and modern. The newer, more expensive homes would enhance the values in Tomoka Oaks.

Chairman Thomas restated that the public participation is closed.

Chairman Thomas inquired about the 80' wide lots and the comment people do not want to have homes next to smaller homes. He stated on the proposed site plan, there are 80' wide lots across the street from 50' and 60' wide lots. Mr. Velie responded that area is the main road. Mr. Stehr answered that after numerous meetings with the neighborhood, the applicants went back to 80' wide lots by 125', matching the R-2

square footage. The 80' wide lots allow relocation of the garage to the side or to the rear.

Mr. Sheldon Rubin, property owner, added that the setback on the 80' wide lot is 25 percent. He remarked that the 10,000 square foot lots with 80' wide lots on the perimeters plus the 50' and the open space, is quite accommodating. Mr. Rubin questioned that he is not sure why everyone is stuck on the 100' wide lot. Mr. Rubin stated that they will be modern, high-priced housing with benefits and a bigger buffer, in which they agreed to the plantings for. He expressed concern for the disconnect. Mr. Rubin stated through the process there has been a desire to lock down this site plan and show exactly what is desired. He reiterated that we did not have any flexibility with the rules. So, on the inside lots we show 50' wide lots. Mr. Rubin added that if they have to put an alley on some of the 50' wide lots, that they will do so if given the opportunity. There needs to be flexibility in the design. He concluded that it is a superb site plan.

Mr. Jorczak stated that increasing lot widths would decrease the lot total and also reduce the traffic impacts. He asked if there were a catastrophic event and in an emergency evacuation for the entire area, how long would it take to get the residents out with the current road situation, with a huge number of people in a short period of time with limited road structure to do it.

Mr. Lassiter replied that they did not analyze a mass evacuation situation. He confirmed that they did a standard peak hour evaluation. He continued that without a traffic signal it will take a long time. Mr. Lassiter replied that when doing beachside analysis they do have to look at hurricane evacuation times. He continued that there is plenty of advance warning. He confirmed that the traffic analysis showed that the proposed plan works. Mr. Lassiter referenced the traffic signal and advised that what they did to the traffic signal study, and that the Department of Transportation (DOT) approved it with the following two items, (1) peak hour analysis to show that it will not work with a two-way stop; and (2) intersection control evaluation.

Mr. Jorczak expressed concern with overall traffic impacts that the city has experienced. He stated that the options to address traffic are limited based on transportation costs and funding. Mr. Jorczak stated that the Hand Avenue extension has been discussed for many years to alleviate traffic on SR40 and there is no plan to anything soon. Mr. Jorczak stated he hoped that in the planning process some of the citywide traffic problems can be addressed.

Mr. Lassiter stated that beachside developments required to perform a hurricane evacuation analysis. He stated when the PM peak hour analysis shows that it is working well, this is criteria in the hurricane evacuation analysis. Mr. Lassiter stated that the project works in the PM peak hour. Mr. Lassiter referred back to the question on the traffic signal. He stated that a signal warrant analysis was performed and FDOT verbally agreed with the analysis and are requesting the peak hour analysis and an intersection control analysis.

Mr. Jorczak asked if the warrant analysis coordinated with the railroad. Mr. Lassiter stated that is required as part of the study. Mr. Lassiter detailed how traffic signals work with emergency vehicles and train horns.

Chairman Thomas asked Mr. Lassiter if a study was done of the Trails intersection on Route 40. Mr. Lassiter replied that a statement was made earlier that the distance is close but he stated the traffic time was not. The main entrance to Tomoka Reserve is very close to Nova Road and the travel speeds to get out the Main Trail going out to State Road 40 is much slower. Mr. Lassiter stated the distribution is based on the travel time.

Chairman Thomas expressed his concern with the project traffic when going to Tomoka Elementary School at the intersection of the Trails subdivision and SR40. Chairman Thomas detailed the route from the Tomoka Reserve project onto Nova Road and West Granada Boulevard. He stated the left hand turns onto Old Tomoka Road are problematic and do not have long stacking lanes.

Chairman Thomas detailed the issue with the intersection of Main Trail and SR40 and a single lane to go straight or make turning movements. He expressed concern about the increased traffic at this intersection. Chairman Thomas added that the only solution he sees is if the city to make a right-hand turn lane out of the Main Trail onto Granada Boulevard, a southbound right turn (west onto SR40).

Mr. Scudiero accepted that a majority of the traffic from Tomoka Reserve will go to Nova Road based on its proximity. One question has arisen is what would that do to the existing Tomoka Oaks population that now does not want to deal with the backup in the morning onto Nova Road. Would residents on South St. Andrews and Rio Pinar, go out through the Trails to avoid the Nova Road backup. Mr. Lassiter explained that because of how the existing homes are built, around the two relative access points, whether Main Trail or Nova Road, 64 percent of all existing traffic that has access to Main Trail and Tomoka Oaks, use Main Trail and 36 percent use Nova Road access. Mr. Lassiter added that because of the location of the proposed project, its primary impact is going to be on Nova Road, a state road, and less impact on Main Trail to SR40.

Chairman Thomas stated that there are approximately 1,000 homes that are in the Trails, 500+ homes in Tomoka Oaks, and now proposing to add 276 more lots, totaling approximately 1,800 homes. Chairman Thomas stated that there would be approximately 1,800 homes with approximately 3,600 vehicles going out three exits through Tomoka Oaks and the Trails.

Mr. Lassiter stated that we counted them all. Mr. Lassiter explained that the traffic analysis process has gone through several rounds of review by the Department of Transportation (DOT), by the City and the City's consultant, as well as the County. He stated that they all agreed we came to the right conclusion based on how traffic studies are conducted.

Chairman Thomas stated he believed that the traffic counting is flawed. Mr. Lassiter stated that traffic counting now uses video which is not flawed and is more accurate.

Ms. Shull asked if the count was done during school times. Mr. Lassiter replied yes. Ms. Shull expressed uncertainty about how the traffic analysis is performed and stated in the manner in which people drive and at the speeds they drive, she does not feel comfortable about adding additional traffic and backups to the Tomoka Oaks and Trails neighborhood areas.

Chairman Thomas inquired about the current City of Ormond Beach population. Mr. Spraker answered approximately 44,000. Mr. Spraker added that the time was approaching to conclude this meeting.

Chairman Thomas asked the Board to share additional closing comments for the applicants.

Mr. Galloway stated what he is hearing are concerns with density. He referenced it as trying to put five pounds of sugar in a one-pound bag. He continued that unless the HOA is willing to come up with a Community Development Fund to buy the property from the property owners, that something will be built there. Mr. Galloway stated that he just does not feel like 276 units is what needs to be put in that donut hole. He stated that there are 500 homes that exist and they bought with the expectation of a golf course. He spoke on the American Dream, the ability to own a home, no matter how large or how much it costs. Mr. Galloway stated that there has to be a happy medium here. The homeowners have to realize that something will be built there or there needs to be a purchase of the property from the HOA and/or residents. Mr. Galloway stated that it should not be my tax dollars paying for a park. Mr. Galloway stated that he hoped that the applicant team is listening tonight.

Mr. Velie replied that when he and the other property owners first started the process, they originally had a different engineering firm that drew up a plan for units and they declined that route as they wanted something consistent with the subdivision. He explained that he took a 1.85 mile circle on Google Earth around the neighborhood over the Trails, from Misners Branch East, Tomoka Oaks Condo North, Escondido, Tahlequah, Tomoka Meadows and Harbor Oaks. He added that he took every plat and platted it out, and found that they have less density than the Trails residential section, not including the Villas, at 1.91 units per acre and Tomoka Oaks is 2.09 units per acre. He further detailed that Mallard's Reach is 2.23 units per acre and Tahlequah is 3.06 units per acre, and considering the entire Trails subdivision is 3.4 units per acre. Mr. Velie concluded that any other subdivision in the city has higher density than what is being proposed with Tomoka Reserve.

Mr. Galloway commented that he values Mr. Spraker and thinks the City of Ormond Beach has the best city Planning Director and believes that the applicants need to reassess and come back. He added that he has faith that something will increase the value of the homes there.

Mr. Jorczak agrees with the city's comments on the issues were appropriate. On some issues, he stated he may have gone further. He continued with remarks on the influx of people moving to the area, and how things are not going to get better with the hospitals or traffic. He commented that Ormond Beach considers themselves to be a jewel on the east coast and is a special community, therefore should not be augmenting what has been done in other major cities, but should be looking for excellence. Mr. Jorczak concluded that he would like to see a better mix on the lot sizes. He stated the wider lot widths would reduce density and ensure a higher value of houses.

Mr. du Moulin concurred with Mr. Jorczak and stated he would like to see an increase in the lot sizes.

Ms. Shull concurred with Mr. Jorczak as well on the density and lot sizes. She remarked that the homeowners are compromising and know something is going to be built there, and advised the developers to compromise as well and work with them symbiotically. Ms. Shull concluded suggesting for the developers to take into consideration the unique piece of property that it is as well as the interconnected density and traffic.

Mr. Scudiero commented that he would like to see the golf course reopened, but that compromise between the applicants and the homeowners are necessary. He concluded for the applicants to find ways to make it more palatable for everyone. Mr. Scudiero stated a compromise is needed.

Chairman Thomas referenced earlier remarks on the irrigation for the plants and stated that if the applicants cannot abide by staff's suggestions, to at least do a bond so that the homeowners are not stuck with not having the vegetation buffer as promised. He spoke on the 50'-wide lot sizes, and said that he is opposed, but that if the Board agrees with them, he will support if there is an alley and a garage in the back. Chairman Thomas stated that in Venetian Bay, there is a section that is set off by itself and where they do not have garages in the front of the houses. He added that he would love to see 100'-wide lots. He commented that both the developers and the landowners have rights. Chairman Thomas stated that the residents also have rights. Chairman Thomas remarked that whatever goes in is going to be impacting the resident's lives. Chairman Thomas agreed with Mr. Galloway that something will be built and there needs to be compromise. He stated that he understood there are residents who are seeking no development, but he believes that something He concluded that when he moved to the city 50 years ago, the population was approximately 30,000. There has been a growth of 14,000 people, and commented that the traffic reflects more than that.

VII. OTHER BUSINESS

It was discussed that the item requires a continuation for the applicants to bring other ideas and options back for another public hearing in front of the Planning Board and for the Planning Board to have more time for the support decision-making process. It was determined, taking the availability of the Planning Board, staff, and applicants, that the continuation meeting will be held on Monday, August 21, 2023 at 6:00 p.m. (location is to be determined). Mr. Spraker explained that the Planning Board is scheduled to meet on August 10, 2023 for the monthly Planning Board meeting as planned as well.

City Attorney Hayes stated that when the Board resumes this meeting, the item would be where it is now with Board member comments and discussion. The applicant and HOA attorney should be provided an opportunity to provide any updates. City Attorney Hayes stated a motion and a second would be needed for the continuation.

Chairman Thomas entertained a motion for the continuation date.

Mr. Galloway motioned for a continuation of the meeting on August 21, 2023 at 6:00 p.m. with a location to be determined. Ms. Shull seconded it. Vote was called, and the motion was approved (6-0).

VIII. MEMBER COMMENTS

Mr. Jorzak thanked the citizens of Ormond Beach for their input and expressing their opinions.

Ms. Shull thanked the audience members and staff for their input.

Chairman Thomas commented that he is interested in the City of Ormond Beach having another hospital. He added if the zoning could be amended where a hospital could be built taller than seven stories. Mr. Spraker replied that it would be a charter amendment.

IX. ADJOURNMENT

The meeting was adjourned at 10:57 p.m.

Respectfully submitted,

Steven Spraker, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Marcella Miller.