

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

August 10, 2023

6:00 PM

**City Commission Chambers**

22 South Beach Street  
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  
Doug Thomas, Chair (Excused)

Staff Present

Steven Spraker, Planning Director  
Randy Hayes, City Attorney  
Marcella Miller, Recording Technician

**II. INVOCATION**

Mr. Railsback 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).

## V. APPROVAL OF MINUTES

**June 08, 2023**

**Mr. Galloway moved to approve the June 08, 2023 Minutes. Mr. Jorczak seconded the motion. Vote was called, and the motion was approved (6-0).**

## VI. PLANNING DIRECTOR'S REPORT

Mr. Spraker, Planning Director, updated the Board on the August 21, 2023 continuation of the Tomoka Reserve meeting. Additional correspondence e-mails were received and included in the provided Board packets as well as the July 13, 2023 Planning Board meeting minutes. If any additional correspondence is received, it will be provided to the Board. The meeting will be held at Tomoka Christian Church, 1450 Hand Avenue.

Mr. Spraker advised the Board that Item F on today's agenda is being pulled per request from staff and will be presented at a future date.

## VII. PUBLIC HEARINGS

### A. **PP 2023-042, Bradford Lakes, Preliminary Plat**

Mr. Steven Spraker, Planning Director, stated that PP 2023-042 is a request from Ridge Land Holdings, LLC for a preliminary plat for the Bradford Lakes subdivision (a portion of Phase 4 of the Plantation Oaks Planned Residential Development) consisting of 80 single-family lots on 53.12 acres. The Bradford Lakes subdivision is located on the west side of Plantation Oaks Boulevard, north of the unopened Pennsylvania Avenue right-of-way (ROW). Mr. Spraker continued that the outparcels are being designed around. There is infrastructure for future development of the outparcels if those properties choose. He displayed overhead where the offsite lift station is located that will serve proposed Bradford Lakes and proposed Bradford Park.

Mr. Spraker explained the three-step platting process which begins with the zoning in the Planned Residential Development (PRD) where it gave the details of how the project was to be developed. The next step is the preliminary plat and construction level plans so that when they go to construction it will then go to a final plat, the legal document that allows the subdivision of land. He informed the Board that this is the middle of the process. Mr. Spraker concluded that the Site Plan Review Committee (SPRC) is recommending approval.

Vice Chair Shull opened it up to the Board for questions.

### **Board Discussion and Questions**

Ms. Jorczak asked if there is a change in density. Mr. Spraker answered that there is not and it is consistent with the zoning development order.

Attorney Hayes explained the scope of the Board's review in that when the plats come before the Board, the criteria are whether they are consistent with the development order that was approved by the Planning Board and City Commission. It comes with

recommendation from the staff and comes before the Board for input. Attorney Hayes referenced Item F, which will be back before the Board at a later date, stating that there are revisions to the platting process and the Land Development Code (LDC) which will need to be amended first by bringing options back to the Board on it.

Ms. Shull asked what happens with the unresolved items. Mr. Spraker replied that it is part of the Site Plan Review Committee (SPRC) review. The comments stay in place and applicant would resubmit, addressing any unresolved comments before going to construction. The outstanding comments would not change the proposed site plan.

Mr. du Moulin asked to see the responses. Mr. Spraker advised him that staff could provide as responses are provided.

Ms. Shull inquired about the process after the tentative approval of this item. Mr. Spraker replied that the Preliminary Plat will go to City Commission for one reading, from there the applicant will seek to resolve the SPRC comments. The applicant will obtain a site engineering permit, for construction of the subdivision improvements. The project would come back before the Planning Board and then to the City Commission for the final plat.

#### **Applicant's Presentation**

Mr. Parker Mynchenberg, Parker Mynchenberg and Associates, 1729 Ridgewood Avenue, stated that this project should be under construction in two months and then the infrastructure will be put in. He explained that halfway through the infrastructure, prior to paving the road, a performance bond will be posted for the rest of the subdivision improvements. The plat will then be recorded at 100 percent completion. He confirmed that the site plans are in good shape for this project.

#### **Board questions**

Mr. Jorczak asked Mr. Spraker about the adopted level of service for concurrency standards for the school. He referenced a recent article in the Observer noting that the city is supposedly over capacity at most schools and how they are moving kids around. He asked how this development and the balance of the buildout impact the matter. His questions pertained to how the entire project has been approved for the existing school operation, and asked about any new schools being built to handle the over-capacity situation.

Mr. Spraker answered that at Ormond Beach Middle School they are 84 percent out of 115 percent capacity in the middle schools, which is not an issue. He further explained that Pine Trail Elementary is at 102 percent out of 115 percent adopted level of service and Seabreeze High School is at 107 percent. Mr. Spraker explained the history of the project, starting with it being a Planned Residential Development (PRD), and a Development of Regional Impact (DRI), and mitigation for schools was done then. This project site was a school site and the school decided that they did not want the site so the developer of the PRD gave them a school site in Daytona Beach. They already mitigated for their school impact. Mr. Spraker continued and explained that additionally there was to be a reduction in school impact fees and it was pulled back. Every lot will pay the full school impact fee.

Mr. Spraker stated it is required for the city to provide the schools with each and every residential development over 10 units and the schools responsibility is the concurrency and how they are going to plan it through the Interlocal Service Boundary Agreement (ISBA). Any issues with the capacity call for mitigation through land, money, improvement, or building a school or an expansion. Mr. Spraker added that since January 1, 2023, 10 single-family houses have been permitted in the City of Ormond Beach. He remarked that growth has not been significant in Ormond Beach proper, but on the periphery. He concluded that this project was planned and mitigated for.

Mr. du Moulin expressed his concern with the schools staffing storage and being stopped down the road that there is a major problem. Mr. Spraker replied that concurrency does not deal with operation but with public facilities, buildings and capacity. Their impact fee will be for public facilities; a school, new classroom, something increasing the capacity of a school. According to all growth management laws and city agreements with the school board it is to do this concurrency and for them to pay impact fees and ensure that they have mitigation requirements. The operational and staffing issues cannot be solved with a preliminary plat.

Mr. Mynchenberg added that whether Flagler County or Volusia County, whenever a residential development is in the works, at the rezoning stage there is a look at capacity before something is rezoned with a Capacity Availability Letter. Once it is time for the plat, or at a final site plan for an apartment, the process is to apply to the Volusia County School Board for a Concurrency Certificate. Mr. Mynchenberg stated that he has never heard Volusia County say that there is not enough capacity, although it has happened in Flagler County. He referenced the timing of the process in that right now is the preliminary plat and construction plan phase, then 8 to 9 months of infrastructure improvements phase, and then three to five months to get houses up, and then up to 15 months before the first school kid is in the first lot (all 80 lots are not sold in one day). Mr. Mynchenberg stated that Plantation Oaks was originally age-restricted in total and now the 427 lots in the manufactured home community, that he owns, agreed to pay \$1,100.00 towards school impact fees per lot when doing the rezoning. He explained that credit will be received for the school site that now is Bradford Lakes. He and his partner, Mr. Bledsoe owned a piece of property next to Westside Elementary on Jimmy Ann Drive in Daytona Beach and since the school wanted that, they expanded Westside Elementary and he and Mr. Bledsoe paid \$500,000.00 and got the school site back in, and how he was able to do the 80 lots. Mr. Mynchenberg reiterated Mr. Spraker's comment about this being part of a DRI and unlike other subdivisions that do not have one, and how it has been in agreement to give a school site in which they were to get credit against the \$1,100.00 per lot impact fee. It was age-restricted, therefore there are no school kids and were exempt, but going through the rezoning process, was directed by Mr. Bruno to help the school kids out in which they did and have gone beyond what was required for the school concurrency.

Mr. Jorzak inquired if they would be able to come back and ask for more. Mr. Mynchenberg replied no, they are getting every building permit before they get a Certificate of Occupancy (CO) and have to pay the School Impact Fee in which Volusia County increased. It is a significant amount and when multiplying times, the number of units, it is a lot of money towards building another school.

Mr. Scudiero stated that he has yet to see a letter from the school district that did not say that they can accommodate in Volusia County and recently noticed in this Board that there have been multiple times where it states at the bottom that even though it is over 100 percent that they are going to be rezoning the school map, alleviating what looks like overcrowding at 105 to 107 percent.

Mr. Mynchenberg commented that he worked on a project at Spirit Elementary in Deltona approximately four years ago and how the school had a decline in the number of students. It is up to the school board.

Mr. Galloway remarked that a reason that they keep it at 115 percent is because the school district is at an all-time-high of home-schooling. He continued that a private school is being built on Granada Boulevard and two to three others private schools have major enrollments and are growing. When it is said that it is at-capacity, the 115 percent it is due to not being able to use the number of children in your community because they are not all enrolled in public school and some are being home-schooled. Mr. Galloway commented that this developer has paid their dues many years ago on this project.

Attorney Hayes refocused the meeting from the discussion on topics at hand. The purpose of the item is to determine if the preliminary plat is consistent with the zoning and the development order that was approved.

Ms. Shull asked about the setback from Interstate 95. Mr. Mynchenberg replied 60' and it is in place now. He reviewed the landscaping requirements and added that they leave a natural heavily-wooded buffer. The city can still direct them to plant additional material in any gaps as well.

Mr. du Moulin asked if there will be drainage problems. Mr. Mynchenberg answered that Plantation Oaks is in Zone X, outside of the 100-year floodplain, and does not have flooding problems.

#### **Audience Comments/Input**

There were no individuals who spoke on this item.

#### **Board Recommendation**

Vice Chair Shull opened it up to the Board for a motion.

**Mr. Galloway motioned to approve PP 2023-042, Bradford Lakes, Preliminary Plat. Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).**

#### **B. FP 2023-047, Archer's Mill Phase 1, Final Plat**

Mr. Steven Spraker, Planning Director, stated that FP 2023-047 is a request from Forestar USA Real Estate Group, Inc., for a final plat for a 94-lot single-family subdivision on approximately 42.38 acres. The Archer's Mill Phase 1 subdivision is part of Phase 3 of the Plantation Oaks Planned Residential Development (PRD), located on the east side of Plantation Oaks Boulevard.

Mr. Spraker stated that the final plat is the last step of the process and construction is ongoing today and is at approximately 50 percent complete. He added that there is a RV and boat parking area, clubhouse and amenities as part of the project. This will go on to City Commission for two readings. Mr. Spraker concluded that staff recommends approval.

Vice Chair Shull opened it up to the Board for questions.

**Audience Comments/Input**

There were no individuals who spoke on this item.

**Board Recommendation**

Vice Chair Shull opened it up to the Board for a motion.

**Mr. Scudiero motioned to approve FP 2023-047, Archer's Mill Phase 1, Final Plat. Mr. Railsback seconded it. Vote was called, and the motion was approved (6-0).**

**C. PP 2023-059, Archer's Mill Phase 4, Preliminary Plat**

Mr. Steven Spraker, Planning Director, stated that 2023-059 is a request from Forestar USA Real Estate Group, Inc., for a preliminary plat for the Archer's Mill Phase 4 subdivision (a portion of Phase 3 of the Plantation Oaks Planned Residential Development) consisting of 111 single-family lots on 51.56 acres. The Archer's Mill Phase 4 subdivision is located on the east side of Plantation Oaks Boulevard. Mr. Spraker added that the streets are private, with portions abutting the Village of Pine Run along the south and east portion. There is a public access through Archer's Mill, Phase 3, and a public lift station in the development. Eventually it will come back before the Board with a final plat. Mr. Spraker concluded that staff recommends approval.

**Audience Comments/Input**

There were no individuals who spoke on this item.

Vice Chair Shull opened it up to the Board for questions.

**Board Recommendation**

Vice Chair Shull opened it up to the Board for a motion.

**Mr. Jorzak motioned to approve PP 2023-059, Archer's Mill Phase 4, Preliminary Plat. Mr. Scudiero seconded it. Vote was called, and the motion was approved (6-0).**

**D. PP 2023-060, Archer's Mill Phase 5, Preliminary Plat**

Mr. Steven Spraker, Planning Director, stated that PP 2023-060 is a request from Forestar USA Real Estate Group, Inc. for a preliminary plat for the Archer's Mill Phase 5 subdivision (a portion of Phase 3 of the Plantation Oaks Planned Residential Development) consisting of 114 single-family lots on 92.71 acres. The Archer's Mill Phase 5 subdivision is located on the east side of Plantation Oaks Boulevard. He continued that the eastern portion of the project abuts the state park and will stay natural. Access is provided through Archer's Mill, Phases 2 and 3. Mr. Spraker added that there is an Ordinance showing their overall approval for Plantation Oaks. He concluded that staff recommends approval.

**Board questions**

Vice Chair Shull opened it up to the Board for questions.

Vice Chair Shull asked where the property is that the County purchased. Mr. Spraker replied that it is the approximate 36 acre-area between the FPL easement and Old Dixie Highway and that now a trail now goes through there. Ms. Shull asked if the greenery and the buffer in Phase 5 is natural. Mr. Spraker confirmed that it is natural and transitions into the state park.

Mr. Mynchenberg added that the property was originally owned by National Gardens (DRI). They donated over 2,000 acres. 500+ acres next to Halifax Plantation that they also owned was sold to the State. He explained that it connects Tomoka State Park to the Bulow State Park, now a continuous 10,000-acre park.

Mr. du Moulin referenced a flooding problem from 2018 with Pine Trails and inquired about the drainage. Mr. Mynchenberg replied that they dug an outfall canal that provides drainage from Interstate 95 to a ditch and then discharges to the outfall points in the Strickland Canal and Bulow Creek. He commented that flooding is not the problem that some of the areas are. Mr. Mychenberg concluded that he lives at the end of Pine Tree Drive and enjoys living next to a wetland but during high tide and the right moon, the road to Tomoka State Park is under water and occasionally Pine Tree will get water over it, but that Plantation Oaks Boulevard is always open.

**Audience Comments/Input**

There were no individuals who spoke on this item.

**Board Recommendation**

Vice Chair Shull opened it up to the Board for a motion.

**Mr. Scudiero motioned to approve PP 2023-060, Archer's Mill Phase 5, Preliminary Plat. Mr. Railsback seconded it. Vote was called, and the motion was approved (6-0).**

**E. PP 2023-061, Archer’s Mill Phase 6, Preliminary Plat**

Mr. Steven Spraker, Planning Director, stated that PP 2023-061 is a request from Forestar USA Real Estate Group, Inc., for a preliminary plat for the Archer’s Mill Phase 6 subdivision (a portion of Phase 3 of the Plantation Oaks Planned Residential Development) consisting of 78 single-family lots on 46.54 acres. The Archer’s Mill Phase 6 subdivision is located on the east side of Plantation Oaks Boulevard. Mr. Spraker continued that the streets are private and the property abuts the state park on the eastern boundary. The project has an approved development order for the zoning per Ordinance 22-16. A final plat will be the next step in this projects process. Mr. Spraker concluded that staff recommends approval.

Vice Chair Shull opened it up to the Board for questions.

**Audience Comments/Input**

There were no individuals who spoke on this item.

**Board Recommendation**

Vice Chair Shull opened it up to the Board for a motion.

**Mr. Railsback motioned to approve PP 2023-061, Archer’s Mill Phase 6, Preliminary Plat. Mr. Jorzak seconded it. Vote was called, and the motion was approved (6-0).**

**F. LDC 2023-075, Preliminary and Final Plats, Land Development Code amendments – This item was pulled by city staff and not heard by the Planning Board.**

**G. LDC 2023-050, Certificate of Use, Land Development Code amendment**

Mr. Steven Spraker, Planning Director, stated that LDC 2023-050 is an administrative request for amendments to Chapter 1, General Administration, Article II, Administration and Enforcement, Section 1-14, Development Orders to establish requirements for a Certificate of Use process. He added that this was presented before the Board May 2023 with the majority of the information going into the Code of Ordinances. Following discussion with the City Attorney’s Office there was a decision to put most of the information from the Code of Ordinances into the Land Development Code (LDC), which is the reason it is before the Board again today. Mr. Spraker explained it is the same information and clarifies and creates a Business Tax Receipt, Certificate of Occupancy, and a Certificate of Use, and will help the business registration process and will flow into the new permitting system that will go live October 30, 2023. Mr. Spraker concluded that staff recommends approval.

Vice Chair Shull opened it up to the Board for questions.

**Audience Comments/Input**

There were no individuals who spoke on this item.



### **Board Recommendation**

Vice Chair Shull opened it up to the Board for a motion.

**Mr. Jorczak motioned to approve LDC 2023-050, Certificate of Use, Land Development Code amendment. Mr. Railsback seconded it. Vote was called, and the motion was approved (6-0).**

### **VIII. PUBLIC COMMENTS**

The opportunity was announced and it was determined that there was no one in attendance that wished to deliver any public comments.

### **IX. OTHER BUSINESS**

None.

### **X. MEMBER COMMENTS**

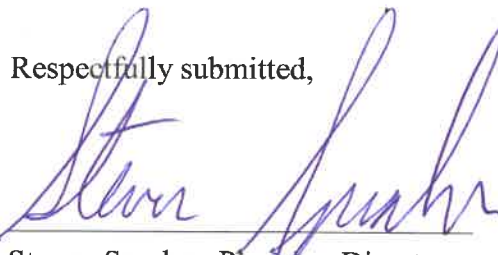
Mr. Galloway remarked that 477 homes were just approved over a two to three-year period and added that the community is in dire need of homes. There is not much land within the community. He continued that the city has only grown 1 percent per year.

Mr. Jorczak asked for the status on Nova Road. Mr. Galloway stated that he attended a meeting and heard that they are looking at two models and will be taking the 'suicide lane' out. Mr. Spraker added that the City Commission is seeking a workshop with the Department of Transportation (DOT) to discuss Nova Road and he will update on the information and timeline of the project.

Ms. Shull asked for an update on the apartments on U.S. Highway 1. Mr. Spraker replied that they were reviewed and approved on August 1, 2023, second reading, and there was discussion at City Commission about the roadways. No one from the public came for or against it and or the roads. No residents have contacted city staff. The next step would be a community meeting if there is interest from the residents.

### **XI. ADJOURNMENT**

The meeting was adjourned at 6:41 p.m.

Respectfully submitted,  
  
Steven Spraker, Planning Director

ATTEST:



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Angeline Shull, Vice Chair

*Minutes transcribed by Marcella Miller.*