

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

August 21, 2023

6:00 PM

Tomoka Christian Church
1450 Hand Avenue
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 (arrived at 6:05 p.m.)

Staff Present

Steven Spraker, Planning Director
David Allen, Planning Civil Engineer
Cara Culliver, Landscape Architect
Sarah Cushing, Senior Planner
Marcella Miller, Recording Technician
Randy Hayes, City Attorney

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 THE MINUTES

Mr. Scudiero motioned to approve the July 13, 2023 Minutes. Mr. du Moulin seconded it. Vote was called, and the motion was approved (7-0).

Chairman Thomas opened the Public Hearing.

Attorney Hayes explained the continuation of the July 13, 2023 Planning Board meeting on Tomoka Reserve and how the meeting ended at the question, answer and decision component of the meeting agenda and where it continues this evening. Attorney Hayes stated that there will be no public comments unless it is the pleasure of the Board and added that the disclosure parts continue to apply. Recent updates have been proposed from the applicants as of last week on August 16th and staff advised that they need more time and have not been able to review the full context of the proposed changes, therefore today is more a material hearing and the issue could be continued to a later date. Recommendations were made for the Chairman to let the applicant, attorney and HOA attorney talk and decide if more time is needed to analyze the new plans.

VI. PUBLIC HEARINGS

A. PRD 2022-043, Tomoka Reserve – Issuance of a Development Order – continuation of the July 13, 2023 meeting

Mr. Spraker, Planning Director, suggested that if the Board is interested in considering the new site plan that there should be a new public hearing for it, as well as advertisement of it, and for it to go through the Site Plan Review Committee (SPRC) and the public hearing. Today the Board has the ability to act on what they heard at the July 13th Planning Board meeting. Mr. Spraker concluded that the Board may want to see something else which will require resubmittal.

Applicant's Opening Remarks

Mr. Rob Merrell, Esquire, Cobb Cole Attorneys at Law, representative for the applicant, stated that he respects Mr. Spraker's wish for additional time to analyze the new plan and added that another updated plan was submitted on Friday. He advised the Board that he is interested in feedback from them and to come to a consensus at the next public hearing.

Attorney Hayes remarked that he suggests more of a summary presentation, than a full fledged question and answer discussion which is the purpose of a public hearing.

Chairman Thomas stated that he does not want to get back into a heavy discussion but more a summary of the new proposal and hear from the Homeowners' Association (HOA).

Tomoka Oaks HOA Opening Remarks

Mr. Dennis Bayer, Esquire, 109 6th Street, Flagler Beach, legal counsel of the Tomoka Oaks HOA, stated that he too respects Mr. Spraker's decision if the major or material changes require the continuation of the matter. Mr. Bayer added that he would like time to discuss the continued areas of significant disagreement that the

HOA has. He expressed his concern with the July 13th Planning Board meeting closing comment that was made that something will be built on the property but that the project was too dense, and remarked that going from 276 units to 272 units is not a material change in their eyes, and would like to be able to discuss that and other areas of concern.

Applicant's Summary of Changes

Mr. Merrell went over key issues of concern explaining that most of them have been resolved.

Key issue: lots sizes: Mr. Merrell started with the changes with the lot sizes around the perimeter of the development addressing the requested 100'- wide lots around the perimeter, with the request for them to match the existing Tomoka Oaks properties along the perimeter, the 50'- wide lots that were eliminated and now solely 60'- wide lots around the perimeter. He added that the greenspace, road alignments and stormwater ponds are staying the same. Additional 90'- wide lots and 100'- wide lots were added as well along the perimeter, where it was previously 80'- wide lots. Mr. Merrell commented that he does not think that anyone is going to see their neighbors' lot from the backyard with the buffer.

Key issue: Buffer: Mr. Merrell touched on the buffer, plantings, irrigation and maintenance and said that they agree with the number of bushes and understory trees to be planted in a type 6 buffer per staff's suggestion, but want to use a Florida-friendly type landscape that does not have to be frequently watered but more a wild landscape. Regarding a permanent irrigation system, Mr. Merrell expressed that there are other alternatives. He added that they are in agreement to offer a two-year bond if it needs to be replaced.

Key issue: Dimensional standards: Mr. Merrell continued that they are agreeing with staff's requested setbacks and dimensional standards.

Key issue: PD6 note on lot separation: Mr. Merrell continued that they are agreeing with staff's requested note modification on lot separation.

Key issue: Traffic: Mr. Merrell stated that staff requested that the diamond be reconfigured to a circle shape, and the applicants are suggesting a similar shape with rounded edges, allowing better flow as well as adding landscaping in the island. Regarding the proportionate share, it has been decided that the applicants are taking care of it 100 percent on their own. Mr. Merrell added that it was agreed to add sidewalks on both sides of the street. He further explained that it has been agreed to add a provision that says that the applicant will make application for permits for the signal within 30 days of the subdivision approval and such permits will be issued prior to the issuance of the subdivision construction permit, to be sure that the light is put in before anyone is traveling there on the road. Mr. Merrell referenced the architectural design requests and stated that the architectural standard language has been reworked. He continued and spoke on the request for a potential vehicular cut-through at the amenity area and it has since been reconfigured.

Key issues: Neighborhood meeting at preliminary plat: Mr. Merrell stated that the applicants agree to conduct a neighborhood meeting.

Key issues: architectural standards: Mr. Merrell stated that the architectural standards have been updated.

Key issues: amenity space parking lot: Mr. Merrell stated that the site design was amended based on the concern of cut through traffic.

Tomoka Oaks HOA Summary

Mr. Bayer commented that he does not think that the golf course remaining a golf course is near a determination yet and added that if there is a party that feels that the property has to stay a golf course it will be up to the courts to decide and not an issue for him or Mr. Merrell. He continued that the HOA set up a Board that continues to try and negotiate with developers to make the project more compatible, with significant areas of disagreement still existing.

Mr. Bayer brought up an aforementioned comment from the last meeting that this development is having significant impact on the quality of life for the existing tax-paying property owners which is fueling the comments that were made. He referenced the density, and the history of the site, mentioning that the last project proposed and approved by the City of Ormond Beach on this property was 100+ homes and significant open space in 2006, when the recession hit and projects did not get developed. Mr. Bayer added that the site is not urban infill and is a development of open recreational greenspace that has been developed around by homeowners that expect it to remain an open space. He continued that their decision is that the perimeter lots should be 100'- wide and asked staff if it is 100'- wide on the front of the lot and rear of the lot, or just 100'- wide on the rear of the lot and not the front. Mr. Bayer expressed concern with what is being said about the homeowners not even seeing the project because of the buffer and commented that they will be able to see them as secondary impacts, which includes the traffic.

Mr. Bayer touched on the traffic concerns and stated that the traffic study looks at the delays in traffic intersections and does not consider the fact that Nova Road is about to lose lanes under the Department of Transportation (DOT) proposal, or the possible fuel tank storage project. He was pleased with the agreement to the two sidewalks and stated that he hopes that the proposed updated rounded diamond area helps, and looks forward to having third party traffic consultants review it.

Mr. Bayer mentioned the architectural concerns and stated that Mr. Harowski, Certified Planner and Tomoka Oaks resident, worked on language so that they are not cookie-cutter, where every other house looks the same. Mr. Bayer elaborated on the HOA proposal that the same house model may not be used more than three times within a single lot phase and to have more diverse housing, and requests that the architectural plan be enhanced over and above what it is currently.

Mr. Bayer referenced the proposed buffer and explained that in his history in practicing law he has seen where neighbors complain that other neighbors are cutting down the buffer and seek Code Enforcement action and wants to see enforcement action that the property owners abutting the golf course would have the ability to do.

He asked for language pertaining to what happens after the two year bond, as well as the wild versus manicured buffer, and whether the HOA or developers will be responsible for it. Mr. Bayer concluded that with multiple sets of plans that there are still several concerns necessary to make the project more compatible with the interest of the current property owners.

Board Discussion

Chairman Thomas brought the discussion up to the Board. He reviewed the choices before the Board. Chairman Thomas disclosed that he received a phone call from Mr. Barshay. Chairman Thomas stated to Mr. Barshay that they should discuss the project with the homeowners and the HOA. Chairman Thomas commented on the new material with the change of lots, and staff's suggestions and advised the Board that it needed to be decided if it was going to be reviewed as new material or accept the submittal that was discussed on July 13, 2023 and continue on with a recommendation.

Mr. du Moulin stated that he accepts it as new material and should go back to SPRC for review.

Mr. Galloway agreed that it is new material and stated that he talked to people from both sides and hates to prolong it but that staff needs more time and thinks it will be fair to all parties.

Mr. Jorczak concurred with Mr. Galloway and commented that there are still questions to be raised. The overall density and lot sizes need more review. He added that it is an enclave within an enclave and has concerns with the architectural standards.

Mr. Scudiero reviewed the three options of voting it up, vote it down based on the July 13, 2023 meeting only, or continue the meeting and let the new presentation be formally made and legally advertised. He stated that he is not comfortable voting on the previous rendition with another rendition coming. He added that it is probably going to go to court and asked what the attorneys want to do.

Attorney Hayes explained the process and the Planning Boards role in it. The function of the Planning Board is to review the application and determine if the changes are not new material or act on the proposal that was submitted on July 13, 2023, and vote up or down. The new changes, once folded into the application go to City Commission but they lose the benefit of the experience of the Planning Board. Another option suggested is to continue with another meeting date with more discussion before it goes to City Commission.

Mr. Railsback apologized for missing the first Tomoka Reserve meeting and commented that he supports the position of the full benefit of the City Commission being a recommendation for a final plan and encouraged another meeting, incorporating as much of a concession and fine-tuning to benefit the community as well as property owners so that the process is not repeated again. He expressed interest in reducing density with the 100'- wide lots and putting a roundabout design in rather than a diamond.

Ms. Shull concurred with the Board and commented that the project has evolved. She disclosed that she met with Mr. Carl Velie and Mr. Ray Barshay on July 3, 2023 following the first set of plans and now the plans are different. Ms. Shull wants to make sure that all comments are addressed and added that it is not a typical neighborhood and that there needs to be time to address everything. She concluded that the property is infill but not derelict land and is a beautiful property.

Mr. Galloway expressed the importance on whatever decision is made.

Chairman Thomas concurred with Ms. Shull and added that he is glad it is being considered as new material and questioned that if there are changes now, what changes might arise between this meeting and when it goes to City Commission. He suggested making the best attempt and to consider the new material and move forward, giving the applicants a reaction to their recent summation for guidance.

Attorney Hayes stated that it should be general sound advice only and not getting into too much detail.

Ms. Shull stated that there is still too much density and would like to see bigger lots, even with the 60' – wide lots and commented on the congestion. She added that there are too many cars in the area creating congestion. Ms. Shull remarked that something still needs to be worked out with the irrigation for the buffer and added that she agrees that the architectural designs should be different.

Mr. Railsback commented that he has concerns with the density and squeezing a lot of property in and wants to see a more conforming development. He expressed his concerns with the buffer becoming a problem in the future and that there needs to be a requirement for whose responsibility it is to maintain it. Mr. Railsback added that he hopes the irrigation saves on water as well. He added that the architectural design should be controlled, and suggested that they should not be all the same color scheme in the same vicinity. He suggested that the diamond area should be a one-way traffic roundabout.

Mr. Scudiero stated that the changes discussed tonight are a step in the right direction. Mr. Scudiero referenced the density and stated that the compromise between 0 and 276 is not 272 and expressed his hopes that they keep working, commenting that there is not much change.

Mr. du Moulin questioned if it is legally right to build on this land. Mr. du Moulin referenced the past agreements stating the land would be a golf course. Mr. du Moulin stated additional work needs to be done and he wants to ensure that the land is not built on if there are restrictions that only allow a golf course.

Mr. Jorczak expressed that he still has concerns with the enclave within an enclave and suggested that whatever is developed blend in more efficiently with what is already there as far as lot sizes and the density perspective and not inconvenience the surrounding community. He commented on the minimal land left in the City of Ormond Beach. There are over 53 facilities in the community that are funded by the taxpayer, including open spaces and sports areas. Mr. Jorczak added that what is put

into a specialized area with the rest of the community and be an asset to the City of Ormond Beach is going to take all the input they can get from city staff from a technical standpoint and give it a hard look at the economics from the developers standpoint on how the property can be used. Mr. Jorczak concluded that there is more work to do on the proposal.

Mr. Galloway referenced the last Board meeting where 475 homes were approved in Plantation Oaks and explained the difference between the two projects where that land was designed to hold 475 homes. He continued that he is interested in seeing a spreadsheet on how the proposed homes inside of the existing homes will affect those homes' resale value. He added that he is concerned with the buffer and who will be responsible for the maintenance. Further expressing his concern with the buffer, he referenced a swamp area on Clyde Morris Boulevard where the brush behind the homes caught fire approximately six months ago. The number of lots are questionable as well he said. He spoke on development and reiterated that something will go in there and that the question is in the number of homes. Mr. Galloway concluded that it is a possibility that a few key people could go in and offer the developer a price and someone purchase it and then it will be seen what they want to do.

Chairman Thomas elaborated on recent experiences, one relative to the concern of the lot sizes in seeing homes as close as 10' from one another in Jacksonville, Florida. It was discussed and determined that depending on the area, there is 5' to 20' between homes in a subdivision on a 60'- wide lot typically. He continued that he and his wife noticed that traffic was congested going into the Trails from Interstate 40 on Sunday at 1:35 p.m., with eight cars going into the neighborhood and then four of the cars going though to Tomoka Oaks, expressing his concern with the traffic. Chairman Thomas commented that Tomoka Oaks is a traditional neighborhood where you have to search hard and far to find two homes alike and does not like the idea of dropping cookie-cutter homes into a well-established, traditional neighborhood. He added his concern with the density and that he hopes that there are a lot of changes before meeting again.

Attorney Hayes reviewed the available dates to hold the next Tomoka Reserve continuation Planning Board meeting, Tuesday, September 26 or Thursday, September 28, 2023.

Mr. Spraker stated that as part of the motion it is requested to hold a time-certain date before the new plan is submitted to the SPRC, which is requested by staff to be September 6, 2023.

Board discussion ensued and September 26, 2023 was decided upon as the next Planning Board meeting date.

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 Tuesday, September 26, 2023 at 6:00 p.m. at Calvary Christian Center. Chairman Thomas asked the residents to keep the

comments to new questions or comments in reference to tonight's meeting and limit speaking time to 1 ½ - 2 minutes.

Chairman Thomas entertained a motion for the continuation date.

Mr. Galloway motioned for a continuation of the meeting on September 26, 2023 at 6:00 p.m., and for all the plans to be submitted to the Planning Department on or before September 6, 2023. Ms. Shull seconded it. Vote was called, and the motion was approved (7-0).

VII. OTHER BUSINESS

No other business was discussed.

VIII. MEMBER COMMENTS

Mr. Jorczak recommended that citizens of Ormond Beach attend the upcoming fuel farm County meeting for the safety of the community.

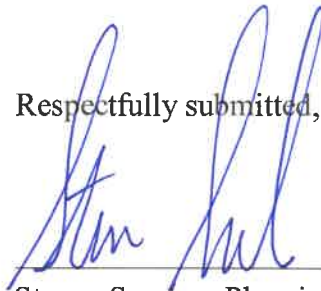
The Board thanked the staff and thanked everyone for attending.

Chairman Thomas requested for the applicant to choose different colors on the updated project plans.

IX. ADJOURNMENT

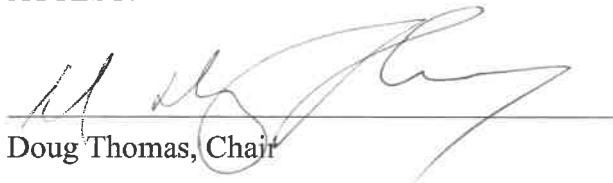
The meeting was adjourned at 7:13 p.m.

Respectfully submitted,



Steven Spraker, Planning Director

ATTEST:



Doug Thomas, Chair

Minutes transcribed by Marcella Miller.